

Tongtong Practices of Bakun Benguet: Its Historical and Political Relevance

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Abstract

Tongtong is a justice system that evolves from the customs and traditions. It is a traditional way of conflict resolution in Benguet wherein a council of elders will mediate and help settle the disputes in the community. This study explored the Tongtong practice of Sinacbat, Bakun, Benguet as an alternative dispute resolution that reflects the barangays' way of dealing with disputes within the community. Through the use of key informant interviews and focus group discussions, the researchers unveiled how the Tongtong system is being culturally practiced in barangay Sinacbat. The researchers concluded that the situations where Tongtong is being practiced in the community are on Land Disputes, Marital Problems, Family Problems, Community Disputes and Violations of the Cultural norms. The process of Tongtong usually starts when the concerned parties subject themselves to the cultural practice. It will be followed by finding out the root cause of the dispute, and then negotiation on the settlement will transpire followed by the elders giving their advice. This practice is significant to the community because it serves as a reminder to the community from their forefathers to not be misguided and commit wrongdoings. And due to its efficiency and effectiveness it is credited.

Keywords: Tongtong, Alternative Dispute Resolution, Mediation, Cultural Practice, Indigenous Peoples

Introduction

The contemporary world is faced with the reality of grappling with the inevitability of conflict. Different institutions of different states cannot manage the huge demands unleashed by everyday conflict. The complementary relationship between traditional institutions and the modern state within these circumstances becomes imperative.

In the Philippine context, the practice of mediation as an Alternative Dispute Resolution (ADR) without court intervention can be dated back to ancient times, even before the Spanish colonization in the 1500s. Zaide states that the people afforded the elders in the community high respect, and disputes were brought before the village elders (as cited in Rio, 2016). The roles of the elders in mediation are similar to the role of elders in society, which is to assist and provide wisdom to the community. Felipe Landa Jocano, a renowned anthropologist, states that the mediators or judges chosen by the people are regarded by the community with utmost respect and credibility. Their role in addressing disputes in their early stages prevents their escalation to a more violent phase. Thus, the role of traditional mediators becomes effective (as cited by Ragandang III, 2018).

In the Mindanao region, a study conducted by the Asia Foundation (2013) found out that "rido" or "blood revenge occurs in areas where government or central authority is weak and in areas where there is a perceived lack of justice and security.

The Panay-Bukidnon Tribe in the Visayan region encourages both parties in mediation to embrace the orientation of positive interdependence of goals that is founded on cultural values. In settling disputes, key personalities among the indigenous people in Central Panay are the "magu-

rangs," which comes from the word "gurang," meaning an elder. They act as mediators or arbiters. Because of their crucial role, the community accords them with respect by recognizing their wisdom and capacity to discern community concerns, including dispute settlement. People who are in need seek the aid of their recognized "magurang," whose services are not only limited to settling disputes but also include financial, security, medical, and even personal assistance to community members. The people perceive the "magurang" as "patron" because they usually have more wealth than ordinary people to help the community.

In the Cordillera Administrative Region (CAR), the different ethnic groups employ different means of conflict resolution. One of the provinces situated in CAR that embraces ADR concerning maintaining peace and order is the Kalinga province because of the presence and practice of "bodong." According to Barnes and Magdalena (as cited in Vecaldo et al., 2015), the term translates to a peace pact in English. In their study of the Effectiveness of Bodong as an ADR, Vecaldo, Clemente, and Tamangen (2015) found out that most of the Kalingas (referring to people) prefer to settle their differences through "bodong" instead of undergoing the standard legal remedies and proceedings.

Anchored on Patriarchal theory, Kinship Theory and symbolic interactionism, this study discussed the different instances where the traditional "tongtong" is being practiced in Sinacbat, Bakun, and its significance as a traditional practice to the community. Lastly, the study discussed the process of "tongtong" and how it is being practiced in the said locale of the study. Utilizing the different sociological theories in the Tongtong practice of Barangay Sinacbat; The Patriarchal Theory supports the set up in which the mediators during the Tontong process are dominated by the older males or "lalakays" compared to the number of older women who attend. They are considered wise leaders and mediators due to their old age, life experiences, knowledge about tradition, and the truth of life. Their pieces of advice, reminders, and decisions in resolving conflicts are respected and followed by the concerned parties and the community. While the Kinship Theory supports the Tongtong system as an organizing component that creates a bond that unites the people of Sinacbat in keeping the peace and harmony in the community. Moreover, the Indigenous Peoples Rights Act or R.A 8371 supports the right to self-governance and empowerment of indigenous people. It proves that the indigenous people of Sinacbat can freely use their commonly accepted justice system, conflict resolution institutions, and peace-building processes/customary laws, which is the "tongtong" system through the elders.

This study serves as an account of the Tongtong practice. It is a significant effort of uncovering existing alternative dispute resolution and understanding mediation as an effective way in resolving disputes. And most importantly this study will educate its readers on cultural practice and its significance to its people, learning and hoping to inspire peaceful negotiations for solving conflicts.

Objectives:

The study focuses on the traditional "tongtong" mediation practice of Barangay Sinacbat in Bakun Benguet. It specifically aims to answer the following questions:

1. In what situations is tongtong being practiced in Barangay Sinacbat?
2. How are the processes of tongtong being practiced?
3. What is the significance of the tongtong practice in Bakun?

Materials and Methods

This study made use of the qualitative-descriptive research method, which involves describing, recording, analyzing, and interpreting conditions or data that will be gathered. The descriptive-

qualitative research method allows the researchers to develop a comprehensive description of the practice. *Tongtong* is a cultural heritage of traditional conflict resolution. To realize the study's objectives, the researchers gathered data through key informant interviews and a focus group discussion from the participants who personally experienced the *Tongtong* process.

The researchers have also asked for the participation of the Indigenous People (IP) representative of the barangay, some barangay officials, and members of the *lalakay* or group of elders in the community who act as mediators during the *tongtong* forum. The members of the *lalakay* or group of elders are recognized and acknowledged by the community as knowledgeable about their customs and traditions and highly respected in society. Any authority does not assign them.

The key informant interviews composed of eight (8) participants who have resided in the locality for at least 10 years and who have witnessed an actual proceeding of the *Tongtong* forum. While the focus group discussions were composed of seven (7) participants, four (4) of whom are the elders or *lalakay* of the community and three (3) coming from the barangay officials. A separate interview with the IP representative of the barangay was also conducted. Upon approval of the Final paper by the University of Baguio, the researchers went to the community to conduct validation of the results.

The researchers used thematic analysis to analyze the interview and focus group discussion data. The audio recordings from the participants were then transcribed first by the researchers. The researchers then read repetitively and carefully transcribed the data to familiarize themselves before analyzing specific items. The next step was coding where lines of text or phrases, which identify important features, were highlighted. These codes were examined to identify patterns and generate themes and subthemes. The researchers double-checked themes to ensure that they accurately represented the relevant data in answering the problem statement. The themes were combined, split, or discarded, and new ones were created to make the themes accurate. The researchers then formulated a name and defined each theme with terminologies that would help to convey the data.

The researchers obtained first approval and permission from the concerned authorities. The participants were requested for their voluntary cooperation and participation. The researchers have especially respected the anonymity, confidentiality, and privacy of the participants. No name and contact details were included in the research. Participants were informed that they have the right to withdraw from the interview anytime they want if they feel uncomfortable. Taking of videos and audio recordings during the key informant interview and focus group discussion were undertaken after asking the participants' permission. The researchers have also used random names as code names for the participants in transcribing interviews.

Results and Discussions

This section centered on the situations wherein *Tongtong* is practiced in the said barangay. The information gathered from the participants who witnessed the process and shared their experience and knowledge on the process of *Tongtong* provide the necessary details of the cultural practice. Furthermore, the reasons why the *Tongtong* is still being practiced and its significance to the community of Sinacbat are explained.

Situation where Tongtong is being practiced in Barangay Sinacbat, Bakun

In Barangay Sinacbat, the *Tongtong* system is still being practiced as a form of traditional mediation wherein the case is not reported to the barangay for settlement but rather to the elders they wish to adhere to. Any dispute or misunderstanding can be settled amicably in *Tongtongan* as long as both parties are amenable to settling their differences with guidance and in front of the elders. As

much as possible, all disputes will undergo *Tongtongan* before going to the higher authority. Based on the data gathered, the Land Dispute, Marital Problems, Family and Community Dispute, and Violations on Cultural Norms are the major issues/cases where the *Tongtong* practice is being applied.

Land Dispute

Like other ethnic groups around Cordillera, Barangay Sinacbat is not new to land disputes. Especially since farming is the main livelihood of the majority of Bakun communities, they consider their vegetable terraces and farms as their green gold, and most of the residents in Barangay Sinacbat are engaged in vegetable farming. It is inevitable that conflicts about lands in the community exist and cannot be avoided in some instances.

Based on the participants' accounts, the most covered dispute in the community is the Land the Dispute. The most common issues/cases are boundary disputes, land grabbing, and land overlapping. According to the elders, cases like these are the longest problems to settle. It usually lasts from one (1) to three (3) session. The elders also further added that if the *Tongtong* session of the land dispute reached its third session and the concerned parties still did not agree on the settlement, then that is when the elders give advice to the concerned parties to either finalize their decision on the settlement or bring their case to the courts. Nonetheless, they would try to fix it, hoping to settle it before reaching the courts.

The *Tongtong* as a way of settling disputes helps ease the financial burden of the concerned parties, but it also has to be noted that the final agreement in *Tongtong* is usually in a verbal form.

Marital Problems

It is hardly surprising that problems in Marriages cannot be avoided in society or a community. According to Prill-Brett et al. (2016), divorce is a part of all the Cordillera ethno linguistic groups' customary law. There is always a difference in how it is settled as to the marital problems. Nevertheless, even with such customary law or even the national law under the Family Code of the Philippines regarding the termination of marriages, in Barangay Sinacbat, they prefer to settle problems between spouses through *Tongtongan*. If one of the parties had an extramarital relationship with other people than their spouse, either the man or the woman, the elder/s will try to settle.

According to the elders, another common and rising issue is adultery or concubinage. Instead of allowing separation/annulment, the elders would try to settle and fix it to prevent the marriage from falling apart, leading to separation. As long as both the parties are willing to subject themselves through *Tongtong*, the elders will mediate. These cases of infidelity in the community are usually settled depending on the victim's demand. In cases of adultery, the third party will be the one to pay or provide for the animal to be butchered for the cleansing and conciliation of the concerned couple. While in cases of concubinage, the man will be reprimanded for his actions, and the elders can suggest that he provide the animal to be butchered for their cleansing and conciliation as a husband and wife.

Family and Community Disputes

According to Sanz-Rojo (2002), alternative dispute resolution programs can then be an appropriate way to provide an alternative forum for family and community disputes because the main objective in these cases is not to achieve short-term solutions but to preserve the disputants' relationships. For the community of Barangay Sinacbat, they prize the *Tongtongan* system and proudly present that their cultural practice's flexibility is a testament to their elder's diplomatic skill of settling disputes. However, they cannot deny that disputes between families or community members occasionally erupt. A few examples shared by the elders, between or among families' common dis-

putes are fights over inheritance or land. Lands in the community are usually passed down through customary inheritance.

Another cause of community disputes is the "*babaros*" or young men that get drunk and resort to fighting with each other or misunderstandings or fights. These cases are also subjected to the *Tongtongan* process before escalating into a more serious problem. The elders will mediate with the same conditions as long as both the concerned parties are willing to subject themselves through *Tongtong*. The penalty will depend on the gravity of the damage or injury. If one party gets injured, the settlement is usually that the offender will pay for the injured party's hospital expenses. The offender will pay or replace the damaged property if it involves property damage. This requires the elders to ensure that the demand of the offended party will not be overpriced that the offender cannot afford to replace or pay.

Violation of Cultural Norms

A violation of cultural norms is one of the situations where *Tongtong* is being practiced. Participants revealed that cases of killings, rape and theft are being solved through *Tongtongan* practice. Nevertheless, cases of killings and rape are rarely done in the barangay due to the passage of time and the strict implementation of the law; there are some instances where the jurisdictions of the elders are limited.

In rape cases, if the concerned parties agree to settle, the elders will serve as mediators or conciliators.

In settling of theft cases, the offender will either pay or replace the stolen item for theft cases. For grave cases like killings or rape, if there is an agreement between the concerned parties, the settlement is for the offender to either pay in cash or through a land lot. Based from the responses, it can be seen that the usual recourse of settlement of *Tongtong* in the community, aside from restoring the peace between the concerned parties, is restitution.

Tongtong Practice of Sinacbat

The "*tongtong*" practice in barangay Sinacbat is an organized communal indigenous dispute settlement under the counsel of the community elders. This indigenous justice system exists with a well-organized socio-political institution managed by the elders in the community called "*pangpangoan*." The community is still practicing this complex but efficient conflict resolution, which their forefathers and great ancestors have passed. As discussed by Beta-a (2002), "The system of "*tongtong*" existed in the memory of wise, old men and women called the "*pangpangoan*," who are considered to be the best arbiters in the village." This indigenous practice is also known by many as "*ngalngalat*."

Tongtong Process

The discussion that follows presents the process of "*tongtong*" concluded from the obtained responses from both the key informant interview and the focus group discussion. It also discusses the roles and taboos being observed by the participants of "*tongtong*" during and after the gathering.

It further presents the changes in the practice of *tongtong* as determined by the informants. There are notable changes, especially with the rituals and beliefs being done during the "*tongtong*," as most of the informants have discussed.

The process of *Tongtong* starts when a dispute or a misunderstanding between two parties in the community arises. However, from the responses obtained from the informants, it does not necessarily go immediately to the community elders. In some instances, if they prefer a secretive and quiet discussion, the parents and some relatives may accompany the conflicting parties to talk and settle it among themselves.

Lucio, a participant, further revealed that if the parents are not available, any father figure in the family may partake in the said settlement. The agreement reached on the gathering will be honored by the parties, and if they cannot settle the dispute among themselves, a community elder or elders will be summoned.

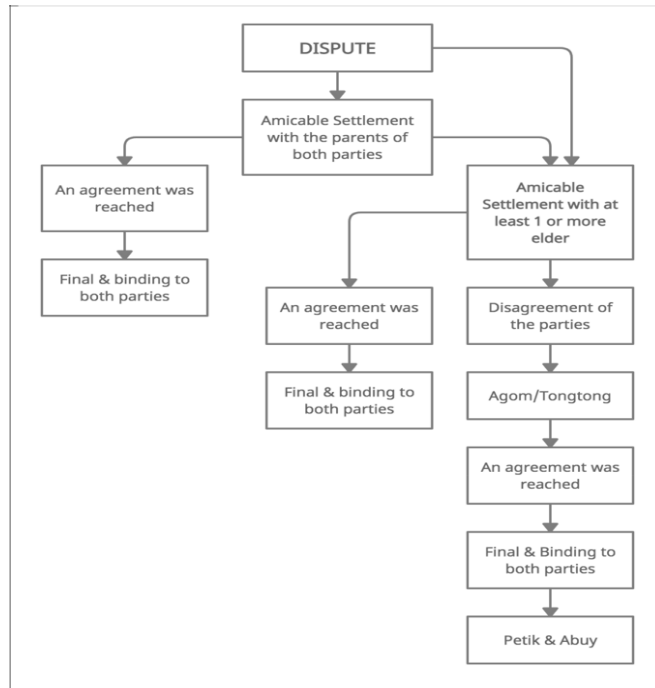


Figure 1. Tongtong Process

The conflicting parties may request the presence of the elders orally without written notice. They may ask for their guidance and advice on the matter without the presence of other people. If they see the advice as acceptable and fair, an agreement is reached, and it will be binding between them. However, *Tongtong* will take place if their advice will not be recognised and accepted by the conflicting parties. They will need to gather to gain more insights from other elders and community members. As lakay Enteng cited below, a gathering is needed when the parties do not like the advice is given by the elders on the first counseling.

In the preparation of the *tongtong*, both parties are not required to prepare anything like extravagant food. Most of the responses obtained have said that the food is upon the conscience and willingness of the concerned party to prepare. This is different in the olden times when butchering of animals was prevalent in the practice of "*tongtong*."

As to the venue of the *tongtongan*, it will depend on what the parties have agreed upon or with what the elder has suggested but according to the responses; it usually takes place in the residence of the party who requested for "*tongtongan*." They could also hold the gathering in the barangay hall or multipurpose buildings in the community, similar to the "*at-atuan*" where they held "*tongtongan*" in the past.

The party requesting "*tongtong*" is not necessarily the victim or the abused party. It could also be the person who committed wrong and is willing to reconcile with the person who committed the mistake.

The participants narrated that the concerned individual like the neighbor of the parties involved could also initiate "*tongtong*." If that individual can see that their problem will affect other people and disrupt peace in the community, he could suggest *tongtong* for the parties to settle their dispute. As stated by Lisong, their relatives, especially their parents, could initiate the gathering for the sake of their child who committed the mistake or who was abused to resolve the conflict with the opposite party. The elders also mentioned talking to the concerned parties when they see the problem.

Where it is open to all members of the tribe and not only the mediators and family members of the conflicting parties, this was also the response gathered during the interview; there is no required number of people who will participate in *tongtong*, it is open to all of those who are interested in listening. This is supported by what participant Lisong has shared that it is open, and even young adults are encouraged to listen to learn, and share this knowledge with future generations.

In violations of cultural norms, there are cases where the concerned parties do not want to disclose their issue to other people or the community due to its nature. As long as they are willing for an amicable settlement, they may just request the presence of the elder/elders and their relatives and talk among themselves without the audience of other people. Even without many witnesses, the reached agreement is deemed binding between the parties.

While *tongtongan* allows children and does not limit the participants, there are untold roles that participants need to observe before entering and during the *tongtong*. In some instances, the informants have shared that children are not allowed when the settled issue is inappropriate for their age. In the focus group discussion, the elders have also shared that weapons like bolo are not allowed, and persons under the influence of alcohol should not participate since they may cause a disturbance. Especially if the dispute is serious or sensitive, they may check for any sharp objects and weapons. This was also similar to what Buyong had stated in the following statement.

During the *tongtong* also, not everyone can speak and share their thoughts. For the elders, the audience may speak as long as it is about the issue. The elders will stop their talk if they see it as inappropriate or unrelated to the topic.

From the responses obtained during the interview, it is understood that the burden of settling the dispute is placed upon the community's elders. The elders being referred to are elders both male and female, who are generally recognized and acknowledged by the community as individuals who are knowledgeable with their customs and traditions and those who are highly respected. The informants have referred the elders who can talk.

It can be inferred that the *tongtong* forum is more of a storytelling session by the elders. This was also supported in the study of Adonis (2018), where he had discussed the concept of "*pan-iistorya*" of the indigenous people in the province of Benguet. According to his study, it is a story sharing based on life experiences, which traditionally happen during community gatherings and rituals. "*Pan-iistorya* happens in "*tongtong*" it is included as community gatherings.

After the parties have given their side of the story or after the dispute of both parties has been known, the elders will give their suggestions and advice by telling them stories similar to their case. It may be the similar cases of past *tongtongan* or observations they may have seen on the community that could be a choice for them to settle their dispute.

There are no written documents on the ways they settle disputes. The elders settle the dispute with their experiences of past *tongtong*, "*ngalngalat*," and their societal observations. They use the culture of the community as their guide and precedents. This knowledge is just orally passed down from generation to generation.

In the *tongtongan*, if both parties have accepted the suggestion or advice of the elders during the *tongtong*, the dispute is settled, and the agreement will be final and binding to both of them. However, there are instances when both parties are hesitant to settle their differences with what the elders have suggested. This will not immediately go to the barangay. In this case, the elders may give them some time to think about it and set another date for *tongtongan*. Some *tongtongan* last for hours only, but there are also cases where it can take several days for one *tongtongan* to be concluded. As disclosed by most of the informants, the longest *tongtongan* they have witnessed in the barangay takes three non-consecutive days, and it is all about land disputes. This was also supported by the response of Balong in the following statement when asked by the researcher about the longest case he has encountered.

In the last process of the *tongtongan*, rituals are being done to conclude that the dispute is already settled. After they have reached an agreement, the participants have shared that they will perform a ritual as a sign of full reconciliation and a prayer that they will not repeat. As the respondents have said on the lines cited below, they do not need a written receipt of the agreement to honor it. These rituals are also an assurance that both parties will honor their side of the bargain since it is understood that they will be scared to do it again. The ritual will also sign that both parties are now on good terms and do not grudge against each other.

Referring to the discussion from the elders, they will perform the ritual of "*pitek*" and "*abuy*" on the last part as an ending of *tongtongan*. The "*pitek*" is a ritual where the "*lalakay*" will utter prayer while offering a drop of rice wine or any kind of drink on the ground. The prayer asks the gods for guidance to end the dispute between the parties. "*Abuy*" is also a prayer just after the performance of *pitek*. It is a prayer from the *lalakay* blessing the two parties so that the dispute or problem they have solved will not be to their disadvantage, but instead, it will become a blessing to them so that they may become successful in life. After the prayer is done, the two parties will share to drink the rice, wine, or food, and they are now considered clean.

No penalty will be given to the party who will not honor the agreement. Based on the responses, the rituals are enough to ensure that both parties will follow the reached decision. This is also connected with the concept of "*inayan*" or "*egyat*" as mentioned by Lucio in his response. Not just the concept of "*egyat*," the informants have stated that there is a high regard for the elders in the community; thus, their wisdom is being followed. This is consistent with the claim of Eduardo (2018) that all groups of respondents greatly value and respect the verdicts of the council of elders and peace pact holders.

In some specific cases of *tongtongan*, there are also different rituals being done where prayers and "*pitek*" are not only rituals that seal settled agreements. Especially on heavy cases being settled by the elders, they may suggest the conflicting parties to butcher a pig or any animal as a thanksgiving that they have settled the problem. The elders also refer to it as "*pankapyaan*" or a party that shows that they have reconciled and there is no ill-feeling and grudge. These rituals are merely suggestions by the elders; it always depends upon the party involved if they are willing or have the means to perform such rituals. As further discussed in the focus group discussion, the expenses in this ritual may be provided by the party who has made the graver mistake, or they can divide it equally between the two. However, if it is a grave offense like adultery, the party who has done wrong will provide for the financial resources.

Similar with the *tongtongan* of land disputes, a ritual is discussed by the elders in the focus group called "*buyag*." It is also a ritual related to the butchering of animals where it is offered to the

Gods so that the crops planted will be fruitful. Since the land has been the subject of disagreement and fight between two individuals, the ritual is to cleanse the land.

The elders further emphasized that it is wrong to laugh at those who committed mistakes because anyone may do wrong and are susceptible to sin. As the informants have shared, there is the concept of "*maesukab*" the concerned party may have committed a mistake now, but anyone could do worse tomorrow. It is the reason why during the *tongtongan*, laughing while the concerned parties are narrating their story is very much not tolerated.

In connection with these concepts, in the ways of the elders in settling disputes, as they recognize that everyone is committing mistakes, they avoid painful words for the party who committed wrong. As the elders have claimed in the focus group discussion, they are not focused on scolding the person who created the problem but are just reprimanding them and limited to giving advice.

According to the informants, the final decision is usually a win-win solution. The elders have mentioned that "*Maga di maabak, pag lawa di kanan mi magay kanan mi si maabak* (no one loses, that is wrong we only say, we don't say that someone loses.) The elders have further emphasized that the purpose of "*tongtong*" is not to punish the complaint but to resolve the dispute.

Tongtong applies to different tribes.

Tongtong is not only practiced to settle disputes in the barangay. It could also be used to settle disputes between parties with different barangay. There are also instances where they use the system of *tongtong* to settle disputes between parties in different provinces. As shared by Balong during the interview, there was a case where the other party is from Mt. Province, and they have used the *tongtong* system to settle it.

In this case, the elders of both barangays will settle the dispute. From the response of Balong and other informants, it can be inferred that the responsibility of settling the dispute is upon the elders of both barangay and the place where the conflicting parties came from.

It is then inferred that the "*tongtong*" system applies to parties with different tribes, which practice different customs and traditions. As "*tongtong*" is also called "discussion, settling disputes through an efficient discussion if both parties are amenable to conciliation and settlement.

Changes in the Practice of "Tongtong"

Going through many influences, the respondents have determined numerous changes of *tongtong* from the olden times compared to what the barangay is practicing now. The informants have shared that some of the rituals being done before in the practice of *tongtong* have disappeared, and some have evolved to suit modern society. Many of these notable changes are due to the spread of Christianity in the region.

In the olden times, the elders claimed they would not eat until the dispute was settled or reached an agreement. They will only eat after they have concluded the *tongtongan* to identify the guilty party who will provide for the food and butcher animals to be served to the gathered people.

Learning from the statement of lakay Enteng, the parties and participants are not allowed to eat until settlements have been decided. As the elders have further shared, the concluding ritual usually requires the slaughtering and cooking of a pig or a cow. The parties and witnesses partake of a meal together, signifying the end of the dispute or hostilities.

In the past also, children were not allowed to eat foods served in *tongtong*, especially if it was a sensitive case. From the interview, Buyong has stated that they forbid children to eat the food prepared from the *tongtong* because they believe that the problem solved in the *tongtong* will be passed to them in the future.

As to the present, food can be served even if the case is not settled. The children also may eat the food prepared for the *tongtong*. According to the focus group, discussion participants, it is not strictly observed that the person who committed the problem will provide the food. The butchering of animals is also not prevalent with today's practice of *tongtong*. The rice wine being used in "*pi-tek*" can now be substituted with modern drinks like soda and San Miguel, which is usually the alcoholic drink in the community.

The responses have revealed that male elders dominate the process, although female elders are very much encouraged with today's practice. Mostly, the elders acting as counsel and mediator during the "*tongtongan*" are male. The community even refers to these elders as "*lalakay*," which roughly translates to male elders, "*nankababkes*" a local term referring to female elders, are rarely heard in the subject of "*tongtong*."

From the interviews, it was revealed that the limited participation of women in the past due to gender roles had left them the lack of confidence to participate in this practice.

At present, they may be welcomed to participate during the *tongtong*, but the authority and role of men in this practice are still embedded in the community. However, this evident patriarchy does not conclude that the female is beneath the male gender. Although one participant has stated that the way a woman thinks is different from men and that their emotions may hinder sound judgment, most participants have recognized that women help resolve cases as they have a different perspective that can solve certain cases. The participants have even stated that women can now go outside of their expected roles with today's modernization and heavy societal changes. They can go with their husbands during "*tongtong*" since gender and development have already been being accepted in the community.

Presently, youth and women participation are now being encouraged to engage in the *tongtong* process, as stated by the informants. According to the elders, they also have roles as community members to settle problems. As for the youth, it is of great importance to listen during a *tongtongan*. The elders have emphasized that the youth need to learn this practice for its preservation and the future generation.

Many rituals in the olden practice of *tongtong* have disappeared, and some have changed to suit the modern community. The informants have stated that due to Christianity, many rituals in the past are not being observed in the present.

Roles of the Community in the Tongtong Practice

Members of the community, the elders, the parents of the concerned parties, and the participants have distinctive roles in the performance of *tongtong*. Everyone has to offer collective participation and effort for this practice to be efficient and successful in dispute resolution.

Elders

The elders have the most important role in the practice of *tongtong*. They act as the mediator during the *tongtong* session. They give advice and partake of the wisdom of their ancestors in the past during the *tongtong*. Referring to the responses gathered during the interview, they do not act as judges on the *tongtongan*. They will only facilitate it to arrive at a sound and successful resolution.

Women also have a distinctive part in the *tongtong* practice. This was also shared by the *lalakay* during the interview. Male elders may dominate the *tongtong*, but older women also can participate and talk during the session.

Disputes that involve adultery and the problems of a married couple require the participation of women since they also have a different way of thinking from men that can help solve the issue. They also need to participate, especially when asked to witness the involved party.

Youth

The youth are now encouraged to listen and partake in *tongtong* gatherings. Unlike before, they are not allowed to participate in the *tongtongan*. The elders have said that as much as possible, instead of drinking alcohol and doing bad habits, those youths should also listen so that they can learn. Citing these lines from the informants "*amey kayo ta duwan yo pandenggean*" (go so that you can learn), the researchers have concluded that the elders in the community have recognized their importance in the preservation of the culture for future generations.

Community

Members of the community also have a role in the practice of *tongtong*. Especially those who participated during the *tongtong* are the witnesses of the agreement between the parties. They may act as watchdogs, and it will help ensure that both parties will honor the agreement.

The elders have also stated that as long as they have time, everyone should partake in *tongtong* to learn. This will also help in the preservation of this culture.

Purpose of Tongtong

The ultimate purpose of *tongtong* is to settle disputes and maintain peace in the community. All of the responses gathered during the interview lead to the same point that *tongtongan* is used by the community for amicable settlement of disputes between two parties. Disputes are being settled to preserve peace and harmony between the people; the informants refer to this as "*mayat ay panakini-langin*" or good interaction between the people in the community.

Not just to maintain peace, it is to provide the people with easier access to justice and lesser expenses. The elders have mentioned that it is their goal to settle the dispute at the local level and avoid cases going to court. They described this as "*panang-ayuwana*" or care to the involved party to not waste their money and resources. This was captured in the lines of Lakay Lisong during the focus group discussion.

The significance of Tongtong practice in Sinacbat Bakun

Despite the existence of the Katarungang Pambarangay Law (KPL) and other regular courts, residents of Barangay Sinacbat, Bakun still practice *Tongtongan*. Instead of bringing their problems or disputes to the barangay or hiring lawyers to defend them in court, some of the residents still prefer to ask the help of the elders to settle their disputes.

Based on the data gathered, the major reasons why the *Tongtongan* practice is significant to the community of Barangay Sinacbat are the following: to settle disputes and conflict; to maintain stability and fairness; to preserve their culture, and; to have praise or "*dayaw*".

To settle disputes and conflicts

The most common answer among the participants is that *Tongtong* is being practiced to settle or solve conflicts, differences, or disputes within the community, which aims to maintain peace and harmony.

In a community, dispute, and conflict exists. It simply cannot be avoided that someone will commit an offense. This is one of the few reasons the *Tongtong* is being practiced in Barangay Sinacbat, to settle all their disputes and conflict in the community. The practice is also still relevant today because the community cannot simply throw or remove a practice that they have been accustomed to and familiar with since time immemorial. As the community has observed and experienced, the *Tongtong* practice brings good results that benefit the community; thus, they maintain this cultural practice. This understanding is captured in the statement of our participant below.

The locals believe that *tongtongan* is part of their culture and customs, which benefits the community wherein it is passed to them from the practice of their ancestors before.

The participant reveals that every dispute and misunderstanding is being fixed and settled by the community to continue peace and harmony among the residents.

The elders considered as wise and respected in society are present to guide and assist the dispute before it reaches the court. Given this situation and from the responses obtained, the reason for this notion among the community is because as much as possible, elders want to settle all disputes through *Tongtong* to help them save time and prevent the concerned parties from the financial burdens that the dispute will bring in case it reaches the courts.

From the statement of the participants, residents prefer *tongtong* because it is free and there is no need to spend much money. Elders are not demanding fees if they are settling a dispute. In *tongtongan*, aside from helping settle the dispute, the *lalakay* or elders also share life experience, knowledge of the traditions, and truths of life. Elders can also give advice, and sometimes they reprimand the concerned parties so that they will realize their mistake. At the end of the *tongtongan*, both parties will shake hands and as a sign that they forgive each other wholeheartedly with no hatred or underlying resentment towards each other.

Gleaning from the participants' responses above, the amicable settlement in "*tongtong*" is not just for justice but for harmony restoration between the conflicting practices. In the end, there is forgiveness and peace between the conflicted parties. Furthermore, amicable settlement in "*tongtong*" is a way where disputes and conflicts are being settled by elders so that the parties need not spend their money and time in court.

To maintain stability and fairness

Disputes have to be settled as soon as possible to control and maintain peace to maintain stability in the community.

The participants believes that if disputes are not settled, it can form a gap between the conflicting parties, which can last and be passed on to the descendants or even the next generation. Also, for the stability of peace and harmony in the community to be maintained, the decision has to be settled so that the conflicted parties can bargain or meet halfway. As the elders have mentioned, they will ensure that the decisions made should benefit both the concerned parties and that there should be no left resentment between the two.

During *tongtongan*, as concluded by the researchers, the offender can bargain with the decision or penalty. If the victim demands a large amount of money and the offender cannot afford to give that demand, then the elders can interfere by talking or persuading the victim to lower his or her demand. It aims for a win-win solution to the dispute or the conflict.

From the above situation, it is inferred by the researchers that at the end of the *tongtongan* process, the decision wants to attain fairness, given that they will not also penalize an overpriced amount or not achievable demands coming from the offended party.

Preservation of Culture

Even with the lack of documentation or any written document of the *Tongtong* in Sinacbat, the community is preserving the cultural practice. The elders who settle and handle *tongtongan* pass down this culture to the next generation by conducting the *Tongtong* publicly in the community so that anyone may witness and learn from it as confirmed by Malanes (2002), who stated that *Tongtongan* is made publicly viewed as possible". The next generation will learn from the stories, experiences of the elders, and how they settled disputes, and then from their experiences as well by continuing the practice, they inherited from their forefathers."

The participant's response shows that the *tongtong* practice did not vanish in Barangay Sinacbat because the elders guide and teach the next generation or the young people about *tongtongan*.

The researchers concluded then that the elders have a big role in preserving the practice in the area. Embedded also in this practice is the culture, behaviors, and customs like "*inayan*," "*igyat*," "*da-key*," as a reminder to the community not to do something wrong or hurt other people. The concepts of (*mayat*, *lawa*), and (*inayan*, *paniyew/pijew*) as respect and discipline are not written rules that inform community life and relationships but are concepts observed in the practice of *tongtong*.

Praise/ Dayaw/ Ayowan

Lastly, the significance of *Tongtongan* is that it serves as an honor or praise for the community. There are only a few cases that reach the barangay or courts. This means that the *Tongtongan* in the community is effective. The efforts of the elders are being praised and appreciated by the community. This is highlighted in the statement of Beta-a (2002), who stated that "The low crime rate in Bakun can be credited to its amicable settlement of cases through the *tongtongan* unclog the courts of the case." Accordingly, this strengthened the belief that *Tongtong* practice is a "*dayaw*" or praise of the community. Instead of settling disputes in Barangay or regular courts, the community has this *tongtong* which is a better way to settle and maintain peace.

Furthermore, the "*tongtong*" practice is deemed "*ayowan*," or caring for the elders to the community members. As discussed during the focus group discussion, the elders want to settle disputes amicably through "*tongtong*" so that the conflicting parties will be guided in the right way according to their culture. Additionally, as presented in the previous discussion, the elders do not want the conflicting parties to spend their money and waste time while creating further hostilities.

Case Study 1: Tongtong System for Communal Stability

The following presents the different case studies that arise from the results of the data gathered. These are the *Tongtong* system for communal stability, the patriarchal perspective of the *Tongtong*, and the kinship system of Sinacbat.

The main purpose of the "*tongtong*" system, as previously discussed, is the maintenance of stability, peace, and harmony in the community as cited by one of the participants, "*Ta adida maburak ay man-ili*" (So that they will not be divided as members of the community. This connotes that its main purpose is the maintenance of stability in the community and not just focusing on attaining justice for the victim or the offended party.

The responses during the interview further revealed that the decision done during the "*tongtong*" is usually a win-win solution. The elders have mentioned that agreements should be favorable to both parties. They will not pronounce a losing party, but they instead make sure through rituals that there is no left hatred and ill-feeling from each party. The participants have even discussed that the elders will try to appease the feelings of the victim or the offended party to settle the dispute.

With these situations, the researchers have inferred that justice may not possibly be attained by the victim or the offended party in the "*tongtongan*" system. As they are focused on pacifying the situation not to disrupt peace and harmony in the community, what is due for the victim could be left aside. This is then understood as a customary practice with the vision and purpose of communal stability.

The decisions and agreements being done in the "*tongtongan*" are always aware of what is good for the whole community. All decisions, even if not favorable to the offended party, as long as it restores harmony between the conflicting and affected members, are perceived to be fair in the eyes of the community. It may not offer justice since favoring the demand of the offended party may settle the problem but could result in long-term differences between the conflicting parties, which disrupt harmony and peace in the community.

This could also be attributed to how the community perceives the definition of the word justice. Justice could be seen by the community differently from what the legal perspective signifies. Justice for them could be seen as the conciliation of both conflicting parties with forgiveness and without grudge. This could be supported by what the elders have discussed that even killings are being settled in "*tongtongan*," where they have stated that it will not help the victim's family if the killer goes to prison. It will just create more difference and disagreement between the families.

Case study 2: Patriarchal Perspective of the Tongtong System of Sinacbat

As the participants in the KII and the FGD, the responses have revealed that male elders dominate the process. However, female elders are very much encouraged with today's practice. The elders acting as counsel and mediator during the "*tongtongan*" are mostly males. The community even refers to these elders as "*lalakay*," which roughly translates to male elders, "*nankababkes*" a local term referring to female elders, are rarely heard in the subject of "*tongtong*."

Patriarchal perspective was displayed in this case as it shows male dominance. The male elders mainly dominate the "*tongtong*" system. And the authority as a council is preferentially bestowed on the male gender. It supports theories and historical accounts that most culture is intensely patriarchal. However, this evident patriarchy does not conclude that the female is seen as beneath the male gender. Although one participant has stated that the way a woman thinks is different from men and that their emotions may hinder sound judgment, most of the participants have recognized that women help resolve cases as they have a different perspective that can solve certain cases. The participants have even stated that with today's modernization and heavy societal changes, women can now go outside of their expected roles. They can go with their husbands during "*tongtong*" since gender and development have already been accepted in the community.

Although women are now being immensely encouraged to partake in the process, it is observed that there is still limited participation. According to the responses, women now participate but still hesitate to speak during the "*tongtong*" forum. The researchers have even observed that the female participants have no confidence in their knowledge of the "*tongtong*" practice. All of the eyed female participants have refused and referred to other participants like their husbands. This leads the researchers to conclude that women's participation as counsel on the "*tongtong*" system is still in the process of emerging. Accordingly, in the olden times, females are expected to care for their children, their house, and the "*uma*" or the farm; thus, they do not participate in the process of "*tongtong*."

Naturally, the limited participation results in the limited knowledge of female elders with the ways of the "*tongtongan*". Referring to the discussion that the "*tongtongan*" is storytelling where they cite cases, it is understood that the absence of participation of women before leads to their limited knowledge and experience. Thus, they do not know how to express their side during the forum, or they are used to the concept of males leading the forum.

The lack of participation may also be attributed to the idea that the community has already been accustomed to the practice where male elders usually assume leadership and decision-making roles in the "*tongtong*." It was already engraved that even though they already recognize the importance of women's participation, it is still taboo or unusual for them to witness female elders during this practice. Maybe in the future, if this practice continues, female elders will also have equal standing as males in the "*tongtong*" process.

Case study 3: Kinship System of Sinacbat

The locale of the study displays a strong kinship relationship. The kinship system refers to a structured system of relationships or ties based on blood, marriage, and even social relationships. In connection with its identification as a geographically isolated area, the "*kankanaey*" residents of ba-

rangay Sinacbat are mostly related. Revealed from the data gathered, intermarriage inside the community usually happens, which has form-interlocking ties between the community members.

In instances where the concerned parties do not want to bring their case to the elders, the dispute will not go to the community elders. The parents and some relatives inside the family can accompany the conflicted parties to talk and settle it with the other party. If the parents are not available, any "*pangpangoan*" or father figure of the party may substitute. Referring also from previous discussions, the parents or relatives themselves of the conflicting party may initiate the "*tongtongan*." This case shows the importance of family ties wherein concerned parties seek or consult their families and relatives first before taking any actions.

The "*manka-ising*" custom being done in "*tongtong*" also displays kinship. In some instances, to prevent ill-feeling and continuous grudge between the conflicting parties, the elders will suggest them to be "*manka-ising*." "*Manka-ising*" refers to the bond formed by the elders between the conflicting parties. It could mean that after the "*tongtong*," they are already considered relatives to help each other instead of hatred. In some instances, to be "*manka-ising*," they are required to have their children in an arranged marriage. This is, however, not being observed nowadays in the practice of "*tongtong*."

The kinship system is also manifested in the practice of "*tongtong*," especially in its preservation of other norms and behaviors like "*lawa*," "*igyat*," "*inayan*" which are all practices that originated from their forefathers years ago. The practice of this culture shows that the community residents have a strong blood tie to their forefathers and great ancestors whom they inherited this prevalent custom. It also shows that the effectiveness of this custom is linked with the idea that the members of the community have a good social relationship since they prefer to adhere to their disputes in this process and maintain peace and harmony among them.

Based on the findings, the researchers concluded that any situation and dispute in Barangay Sinacbat are being settled amicably through the practice of "*tongtong*," provided that both parties are willing to settle their differences. As much as possible, all conflicts must first go through the elders, and no case should be filed in court. It is also concluded that land disputes, marital problems, and family problems are usually the problems being settled by "*tongtong*."

Furthermore, it is concluded that the system of "*tongtong*" is efficient and effective in most cases. This is one of the reasons why the practice prevails in the community. The settlement does not focus only on attaining justice but also fairness, especially restoring harmony and peace between the conflicting parties and the community. Also, it prevails as it is a good heritage from the wisdom and intelligent "*pangpangoan*" or ancestors of the community and, most importantly, because of the deep sense of treasuring peace and stability.

The community should further recognize the importance of the "*tongtong*" system and its preservation. Every member of the community should partake in the practice of this system to learn this practice for the future generation.

To the elders who are the main body that conducts the settlement, it is recommended by the researchers to ensure genuine justice, especially in grave cases. The researchers want to echo the suggestion of Capulong in 2012 that customary practice should only have jurisdiction over certain offenses. The researchers believe what Capulong has highlighted is that the "process may yield forms of justice over and above, and, theoretically, even contrary to that which the state and formal legal system can provide. Furthermore, complete independence of customary courts will open the door to human rights violations in those institutions".

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