

# Changes in Indigenous Corporate Property Systems and Management of Resources of Upland and Lowland Cognatic Descent Groups in Northern Luzon

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The Cordillera Review: Journal of Philippine Culture and Society 13 (1–2): 33–68.  
<https://doi.org/10.64743/ALXG1949>

## ABSTRACT

This study explores indigenous corporate property systems and management changes in the upland Bontoc *sinpangapo's tayan* of Mountain Province and the lowland *buleg's cumon* of Manaoag, Pangasinan, using anthropological methods. Employing emergent structuralism, we examine how shifting socio-political and economic conditions affect landholding entities. New economic opportunities, technology, education, and market integration have driven shifts from subsistence farming to commercial agriculture, to increased participation in diverse economic activities, and to engagement in cash economies through urban and overseas employment. These changes bring both opportunities and conflicts, especially in land management. Traditional social structures and behaviors are challenged, creating an opportunity structure in which previously deviant behaviors gain acceptance. The growing plurality of options allows individuals and groups to adopt and institutionalize new behaviors in the social system. Therefore indigenous corporate property rights are redefined with evolving opportunity structures, enabling acceptance of behaviors once deemed unacceptable under traditional indigenous frameworks.

**Keywords:** Bontoc *tayan*, Manaoag *cumon*, indigenous corporate property, cognatic descent, emergent structuralism

## Introduction

This study investigates the property system of corporate descent groups, focusing on the upland Bontoc *tayan* in Mountain Province and the lowland *cumon* in Manaoag, Pangasinan. The research looks into the changes occurring in the indigenous corporate property landholding groups and the factors contributing to significant changes.

**The Cordillera Review** Volume XIII, Numbers 1 & 2 (March-September 2023): 33–68.

Corporate groups have been mainly identified with societies of unilineal descent, thus neglecting the investigation of the structures of the groups and entities in cognatic societies. The concentration of interest in groups of unilineal descent has cast doubt on the existence of corporate groups in cognatic societies. Earlier writers have found it challenging to consider a land tenure system that did not rely solely on kinship and descent. For example, Radcliff-Brown (1950, 42–43) argues that only unilineal reckoning makes it possible to create corporate kin groups that continue beyond the life of an individual or family. Thus, in the past decades, inquiries into some corporate groups in Philippine societies, which appeared to be corporate groups, were dismissed as operating only to a limited extent, so the multiple affiliations of particular individuals soon made the system clumsy and unworkable (Eggan 1967, 177).

More than six decades ago, Goodenough (1955), in his contribution to the theory of cognatic societies, posited that land in Proto-Malayo Polynesian (Austronesian) societies was characteristically associated with non-unilineal (cognatic) descent groups. He argued that the cognatic descent grouping is one of the simplest methods to meet the problem of land distribution under conditions of permanent tenure, limited land resources, and constant fluctuations in kin group size. Goodenough further distinguished two types of such groupings that are now a cornerstone of descent theory (see Noricks 1983, 571). These are restricted and unrestricted groups. There are no overlapping personnel in the restricted type of cognatic descent grouping, and each is a discrete unit. Goodenough states that this results from a “bilocal” (*utrolocal*) residence rule. Male or female descendants of the founding ancestor, who remained residents on the land, had the right to cultivate. Goodenough gives an example wherein the Kainga type of Gilbertese individuals retained rights when they moved away. However, their children only had rights to the land on which their parents resided. In the unrestricted type, membership was overlapping. An individual had rights to as many descent groups as distinct land-owning ancestors of whom he was a lineal descendant. The restricted and unrestricted types proposed by Goodenough exist among the upland Bontok (the people) and the Manaoag of lowland northern Philippines (Prill-Brett and Salinas-Ramos 2018).

### **Bilateral vs. Cognatic Kinship**

Both the *tayan* of Bontoc and the *buleg* of Manaoag are found in these bilateral societies that follow cognatic descent rules in relation to land management. Wiber (1993, 15) clarifies and treats the terms cognative and bilateral as separate kinship phenomena. She differentiates bilateral kinship systems where individuals trace relatives through

maternal and paternal lines. In contrast, Wiber refers to cognatic as a mode of descent-reckoning that includes all apical ancestor/ancestress descendants through any combination of male or female links (see also Prill-Brett 1987a, b). Similarly, Eggan (1967, 188) defines cognatic descent as including a single couple's descendants through the male and female lines.

Noricks (1983) further argues that the fundamental logical division between descent group types is not between those found in unilineal versus cognatic systems but between those of restricted and unrestricted systems, regardless of reckoning descent. Thus, this leads us to the concept of 'corporateness,' which is essential to study the methods of cognitive descent and is applied in this study to the Bontok and Manaoag cognatic descent systems.

The concepts of 'corporate groups' and 'corporations' are widely discussed and highly controversial among social scientists. Cochrane (1971, 1144) states that "there are two traditions of usage concerning the concept of 'corporateness'" where either a loose construction has been attributed to the terms, or authors have claimed that they were using it in its Anglo-American legal sense. Sir Henry Maine (1931) introduced the first concept of corporation and believed that English terms could not describe the property rights of primitive societies. He defined the corporation as a juristic person with rights and obligations distinct from its members (ibid., 31). Similarly, Goodenough described the corporation as a juristic person that owns rights and obligations separate from its members.

For Felix Keesing (1975, 17), corporateness is not only collective ownership of land and symbolic expressions, but he also stresses the *jural* functions of a corporate group. He defines a corporation in the tribal world, as it is in the business world, *as a group of people who together act as a single legal entity*. He further states that in the tribal world, a group usually works cooperatively on an estate or land. In addition, a corporation has a name or other symbolic expression of its acts as a legal individual, an undifferentiated unit vis-à-vis outsiders. In their status as legal individuals, corporations can be unified political forces; they can conduct litigation and make treaties, conduct feuds and wars, and enter into contracts; and they are stable since the corporation continues despite the death and replacement of individual members. The Bontok *tayan* and the Manaoag *buleg* are corporate groups with a name that identifies them. Each group owns the property as a common fund, distinct from its members, and carries out crucial decisions made by the elderly members of the group (see Prill-Brett 1975, 1993; Prill-Brett and Salinas-Ramos 2018).

A primary characteristic of corporate groups, according to Stoljar, emphasizes the possession of a *common fund*. Stoljar elaborates that to be corporate, the group must own a common fund, which stabilizes the

group around a fixed estate for the existence of this common property (Stoljar 1975, 50). Furthermore, this common fund gives the group a separate identity.

The Bontok and Manaoag corporate descent groups own a common fund that stabilizes the group around a joint property estate. Both corporate groups have a common name identified by the name of the founding ancestor/ancestress, thus "*tayan apon* + name of the founding ancestor" in Bontoc, and "*Kaaponnen* + name of the founding ancestor," in Manaoag.

### Studies on Corporate Groups in the Cordillera and Lowland Ilocos

Cognatic descent groups exist in the Bontok<sup>1</sup> culture area (see Jenks 1905; Eggan 1967; Prill-Brett 1975, 1987a, b, 1993; Botengan 1974; Drucker 1976; Toh Goda 2001; Voss 1983) and the northern Kankanaey region, particularly the municipalities of Sagada, Besao, and Bauco in Mountain Province. Wiber (1993) studied the *Bunak* irrigation corporate group of Kabayan in Benguet Province. Cognatic descent groups are absent among the Ifugao, southern Kankanaey, southern Benguet, Kalinga, Apayao, and other Cordillera ethnolinguistic groups, who did not develop this institution.

Drucker (1974, 1977) did extensive research in Sadanga, Mountain Province, addressing the issue of land pressure seen as a function of environmental limitations and economic preference, since such strategic decisions as crop mix and the alternative use of labor affect the value and scarcity of suitable land. According to Drucker, these same phenomena influence decisions, descent reckoning, and affiliation patterns. He reasons that access to appropriate land is maintained because kinship linkages are often optionally activated. However, Drucker concludes that the land under bilateral descent group ownership may be of minimal economic importance since the group may not strictly enforce exclusive ownership rights. In his insightful study on the northern Bontok village of Sadanga, he maintains that the bilateral descent group is a somewhat variable entity, operating feebly in very few contexts, and "clearly it could not serve as a system for organizing social relations" (ibid., 25).

This practice contrasts with that of Tukukan (see Prill-Brett, 1987a)<sup>2</sup> as observed from cases gathered (in the 1970s) by Prill-Brett. The cognatic descent group called *sinpangapo*, with landholding called *tayan*, has served as an efficient system for organizing social relations in land management. The corporate entity's possession of landholding as a common fund is used for the benefit or liability confronting the corporate group that stabilizes the group around this fixed estate. Drucker argues that the reckoning of descent is strategic in two ways:

first, a selective estimation of descent is a helpful way of strengthening alliances since a demonstration of kin ties tends to add significance to a social relationship that has evolved in some economic or political context; secondly, he includes the availability of certain kinds of inheritance, which would prompt individuals to reckon descent one way, on one occasion, and then a different way, upon another. He argues that descent links are generated not by operating a set of 'social rules' but by economic self-interest. Drucker's observation and example illustrate how actors manipulate the descent system, which appears to be related to the contested ownership of irrigated rice fields and may not apply to the *tayan* landholding corporate group that follows a different set of descent rules.

Although Drucker states that the Sadanga Bontok *sinpangapo* (bilateral descent group) is corporate concerning land tenure, where "something is shared," he dismisses it as "having no real basis for ongoing social relations" (ibid., 24). Drucker appears to have missed examining the *sinpangapo* corporate group's ownership of *tayan* property as a common fund stabilizing the group around a fixed estate. This common asset is used during distress situations, where the benefits or liabilities of corporate members are spread out equitably among the corporate group members.

Eggan (1969, 197), who worked in a northern Kankanaey community, describes Sagada society as having the right to cultivate certain hillsides first planted by a particular ancestor. He considers the Sagada ownership rights to land owned in common as corporate groups. However, Eggan concludes that with the increase in population resulting from the adoption of irrigated rice cultivation, the bilateral descent group presumably became less efficient than corporate groups. He further states that this less efficient situation is partly because of the more significant overlapping and the consequent difficulty of holding multiple rights, and partly because of the differential investment in constructing and maintaining the terrace system and water control. Also, Eggan did not further investigate the *saguday* (bilateral descent group) as a corporate entity that owns forest land and swidden farms in common, as described by Voss and Pogeyed below.

Joachim Voss (1983, 78) describes the role of the bilateral descent groups or 'clans'—as they are often referred to in Sagada—as having in their control of mountain forests and slash-and-burn swidden farms. Voss states that access to such resources is managed and regulated by a 'warden' called *menbantay*, who is usually a respected elder and a direct descendant of the ancestor who first claimed such lands, similar to the Bontok founding ancestor. Any member who continuously cultivates a terraced or swidden field and reforests a deforested area can become the owner of land upon which permanent improvements have been introduced.

Manuel Pogeyed (1994) also studied the Sagada *saguday* (bilateral descent group) as a culture-based pine forest management practice. Pogeyed states that this 'clan' extends to the second, third, or fourth generations of original family heads (ibid., 74). Like the Bontoc case, an estate starts as individual swidden farms, pasture land, and adjacent vacant lots unsuitable for agriculture. After a generation of inheritance, it becomes clan land. Clan elders usually delegate an administrator (also mentioned by Voss, 1983), or the clan members will select one among them to be the administrator.

Although Eggan (1967, 197) and Drucker (1974, 1977) discussed the *ator/dapay* and the bilateral descent group and identified them as corporate groups, they, however, dismissed the cognitive descent entities for operating only to a limited extent so that multiple affiliations of particular individuals soon make the system clumsy and unworkable. The Tukuran, Bontoc (see Prill-Brett 1987, 1993) study shows that the Bontok *sinpangapo* corporate descent group does not operate to a limited extent due to its overlapping affiliations with other corporate groups to which individual members have use rights.<sup>3</sup> On the contrary, this strategy allows a corporate group member to choose from other corporate landholdings to which they have membership rights. Some individuals could claim membership to as many as four to 18 *tayan* landholdings, and some could trace their lineage to five to eight generations (Prill-Brett 1987c). However, not all right-holders activate their rights to these multiple landholdings; thus, members with multiple rights can choose which property they wish to cultivate. Multiple rights holders usually select one of the corporate landholdings with fewer users. These multiple rights to resources developed to ease the pressure on arable land, particularly in areas where many right-holders actively cultivate particular *tayan* land (Prill-Brett 1993).

Literature review on lowland indigenous corporate descent landholding groups has been a neglected area of study. In parts of Ilocos Norte, Fernando Zialcita (1996, 27) mentioned the *kumon* as a bilateral descent group that owns resources such as unirrigated ricefields and tracts of woodland and identified it as held by a corporate group. He states that this practice of *kumon* may be typical only of places like Tepang-Karayan, south of Laoag, which is close to a wooded area and suffers perennially from a shortage of river water and rainfall. However, Zialcita did not investigate the social organization and management practices related to these resources. Zialcita concludes that among the Ilocanos, ownership of woodland by cognatic groups is the exception rather than the rule, thus dismissing further investigation. This uninvestigated *kumon/cumon* land tenure system in the lowlands may have been an old and widespread practice of land management among the Ilocanos, which is slowly losing its importance over time.

This sparked the researchers' interest in their first comparative study of lowland and upland corporate groups (Prill-Brett and Salinas-Ramos 2018). In this *cumon* corporate property system of Manaoag, Pangasinan, the *buleg* was compared with the upland Bontok *sinpangapo* cognatic descent group to understand their similarities and differences and to explain the differences. We have argued that upland Bontok and lowland Manaoag independently developed the cognatic descent group concept under their particular ecological, socio-cultural, and historical contexts. There are some variations in their practice where the *buleg* is a restricted corporate group of Manaoag who prefer marriage within the kin group (endogamy), whereas the Bontok *sinpangapo*, with unrestricted rights, practice exogamy. Both developed a land tenure system where corporate landholding has devolved over generations, practicing usufructuary rights. Furthermore, corporate landholding, used as a common fund, appears to be a mechanism for spreading rights and responsibilities among corporate members, where benefits and liabilities are equitably spread among corporate members (see Prill-Brett and Salinas-Ramos 2018).

### Property Systems as Both Structures and Processes

Appell (1976) argues that property relations are a universal aspect of all human societies where the social structure is primarily based on the nature of these relations. Thus, the question set dealing with property relations, as a result, explains a broader phenomenon than the question set that starts with an interest in kinship and descent. Appell argues that it is necessary to trace the creation and devolution of interests in a scarce good back to the individuals or groups concerned about using the resource. After that, we can concern ourselves with the nature of the group's recruitment, an empirical question to be described by empirical ethnographic investigation (*ibid.*).

Wiber (1993, 13) states that property systems are both structures and processes. Both are a normative set of expected behaviors and the actual behaviors about or coming out of the expectations on structure and process (Giddens 1984 and Comaroff and Roberts 1981, in Wiber 1993, 1). Wiber states that the *structure* aspect may include resources or the uses of resources and the social entities with interest in those resources, which Appell (1976) has called "right and duty-bearing units"; and rules regarding the expected relation between resources and social entities. On the other hand, the *process* aspect of property systems includes procedures, disputes, devolution, alienation, and other behavioral processes affecting the property and its uses to which social entities can and do put property. In our unpublished research study on *A Comparative Study of Indigenous Corporate Property Systems and Management of Resources of Upland and Lowland Cognatic Descent*



*Groups of Northern Luzon* (Prill-Brett and Salinas-Ramos 2018), we have followed Wiber (1993) and adopted the concepts of structure and process in coming up with a comparative study of the upland and lowland corporate groups.

The theoretical framework we have chosen to analyze the factors that account for the changes in the cognitive landholding entity of Bontoc and Manaoag is the concept of *emergent structuralism* developed by George Appell (1974). We hoped to understand the changing socio-political and economic conditions faced by the members of upland and lowland corporate groups. Thus, we have adopted the 'change' model of Appell (1974), which recognizes three levels of social organization: *social structure, opportunity structure, and emergent structure*.

Appell (1974, 1980) focuses on emergent structuralism to understand how the tension between social structure and actual behavior can create an *opportunity structure*. Within the opportunity structure, social behavior is tested for acceptance in the social structure. Members of the society can either recognize new behavior (a reflexive event that elevates new behavior to the social structure) or reject it and thus relegate it to the sphere of deviance. This reflexive event has much to do with laws, rules, and regulations surrounding and supporting the social structure (see Appell 1974, 2–4; 1976, 67–68).

### Data Gathering Methods

The following anthropological methods were used to generate data from the upland and lowland research sites:

1. *Key informant interviews*. Key informants were selected based on their knowledge of the changes in managing the landholdings of corporate descent groups in the community, especially on genealogical reckoning, ritual knowledge, and conflict cases involving common property landholdings. Informants included those involved in litigation cases brought before the *barangay* council or the municipal court, and informants who sold their properties to outsiders or witnessed claims litigated before the *barangay*.
2. *Observation and participation* in some Bontok rituals, such as when elderly members announced rights to tayan corporate property during weddings and the acquisition of new properties. This method included observing court proceedings in cases brought before the Bontoc municipal court. Observations in Manaoag included instances of allocating harvest shares and settling disputes among *cumon* members.
3. *The collection and analysis of conflict cases relevant to the study* show changing land-use patterns over time, boundary disputes, inheritance issues, fines, tax declarations of common land, land-grabbing, inter-village boundary disputes, and resource



competition, among other topics. Three Bontoc barangays furnished thirty-three land conflict cases for the upland communities. Five barangays in Manaoag, Pangasinan, and three barangays from one adjacent town (San Jacinto, which used to be part of Manaoag) furnished seven land conflict cases for the lowland communities. Some of these cases show how legal pluralism<sup>4</sup> is being used, where the national law is invoked against customary law in conflict cases brought before the court. It also shows how land is slowly being commodified. Analysis of cases also points to the value of diachronic data in understanding historical change processes.

4. *Cross-checking land tenure issues* in Bontok communities and Manaoag communities was essential to establishing the regularities in the system.
5. The research includes *archival materials*, especially on the early history of Manaoag corporate members' migration to America.

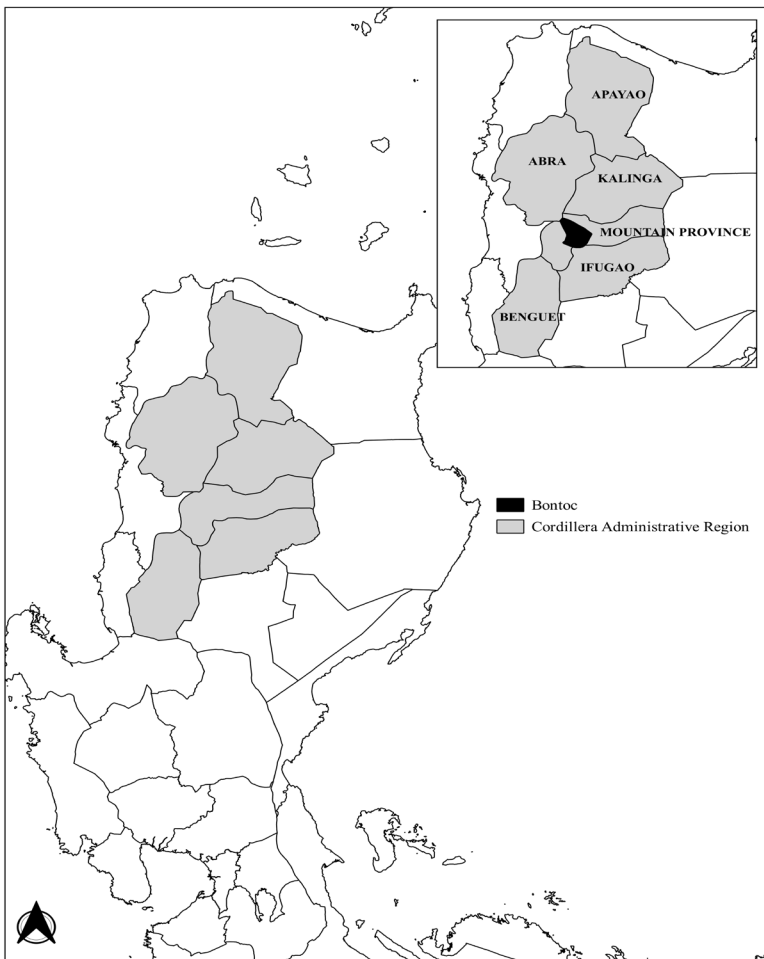
### Bontoc Research Site

The municipality of Bontoc is located in the central Cordillera and is the capital of the old Mountain Province. It was created in the early 1900s by the American colonial administration. It is the present capital of Mountain Province under the Cordillera Administrative Region (see Figure 1 and 2). Bontoc town is one hundred and sixty kilometers north of Baguio city, accessed through the Halsema Road ("Mountain Trail"). The Chico River is one of the four major river systems in the Cordillera, with headwaters originating from Mount Data, passing through Bontoc central town. The Chico River passes through several Bontoc barangays along the river toward the Kalinga region, where it merges with the Cagayan River. Bontoc is predominantly an agricultural town, with wet rice grown on irrigated terraces and root crops cultivated in swidden gardens.

The Bontoc central area of the Cordillera was virtually unknown to the Spanish colonizers until 1811. On January 14, 1831, a royal decree was issued by Governor-General Primo de Rivera, requiring all independent tribes to submit to the Spanish government in the same year. The decree wanted the "Mountaineers [to] live in the town proper." It further required that, "Whenever the natives visit the official centers, they must appear in breeches and coats" Keesing (1968, 4). This decree caused strong protests from the Bontok Igorots and the neighboring towns, who refused to comply with the *reduccion*.

Albert Jenks (1905, 35), the first overseas American anthropologist who did ethnographic fieldwork in Bontoc in 1903, informs us that 200–300 Christian Ilokano and Tagalog from Manila managed a Spanish garrison from the west coast of northern Luzon. Farther to the east was a post at Tukuran and Sakasakan, Sadanga.

Jenks mentioned that in 1898, an insurrecto Captain Angeles burned all the once voluminous historical records and data that the Spaniards prepared and kept at Bontoc. On November 7, 1894, a decree ordered the vassalage of *cedulas*, and an increased payment of 50 centavos for natives 18 and above was to be enforced. The Bontoc and Samoki chieftains started holding secret meetings to oppose this decree and threatened to attack and burn the town should the order be enforced. However, the Bontoc Commandancia Politico Militar commander, Juan Rodriguez, was informed of the plan and immediately wired the Governor-General in Manila on January 9, 1894. The immediate response followed with the suspension of the collection of vassalage *cedulas*.



**Figure 1.** Map of Northern Luzon and the Cordillera Administrative Region (Created by Jeffrey H. Javier)

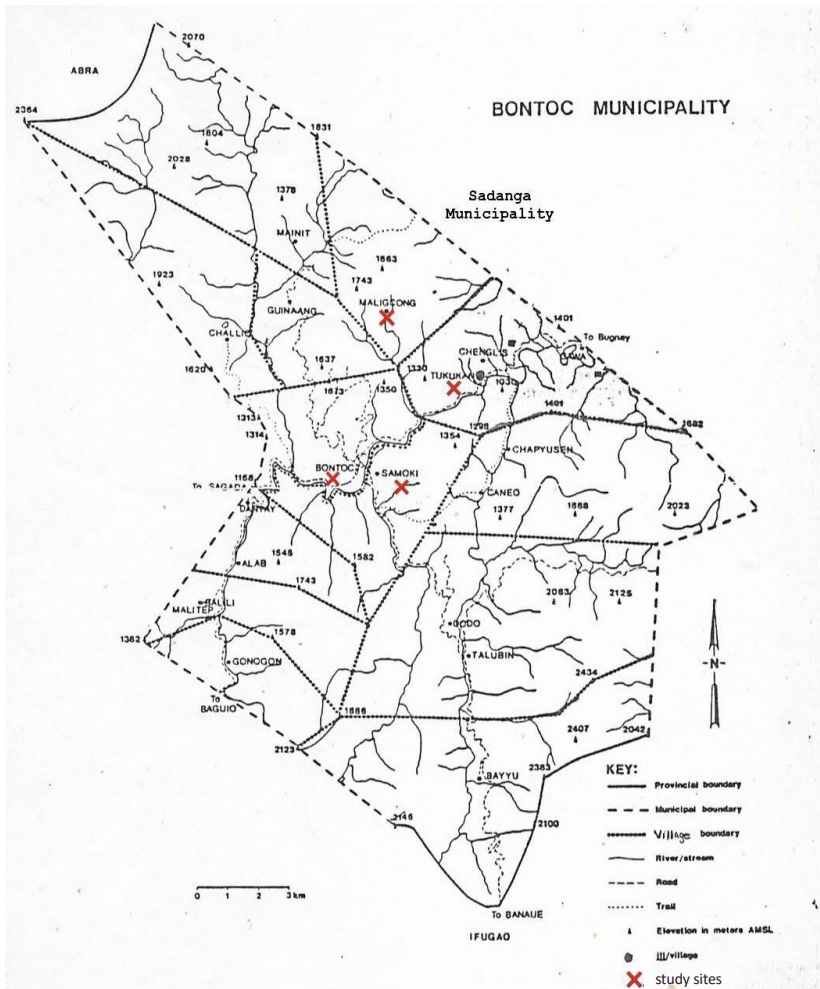


Figure 2. Map of Bontoc Municipality showing the study sites

In Jenk's (1905) assessment of the influence of Spain, he states that the 'tax' levied was scarcely like a current tax; it was more the means by which the Spaniard took to secure his necessary food. Jenks (*ibid*) states that in no way was the political life and organization of the village affected by the presence of the Spanish garrison in the area. The Bontok land tenure system remained undisturbed, including resource management. Jenks noted that the surface has scarcely been disturbed regarding religion and spiritual belief.

Under the American colonial government, a special province called the Mountain Province was created, with Bontoc as its capital. The American policy aimed to develop roads and trails to end intervillage

feuding and headhunting. The policy included the provision of widespread health and educational facilities.

The Bontoc social organization on land management and resource control, particularly lands under cognatic descent, has remained largely intact throughout the Spanish and American colonial periods. However, attempts were made to implement the government's land tenure system in Bontoc under the American colonial administration; in 1924, the Bureau of Lands ruled that it was time for the natives to show titles to their lands in the Bontoc town capital. This administrative order drew strong protests from the people, who immediately sent delegates to Manila to protest such action. The authorities granted their petition, provided they would defray the costs of a resurvey of the townsites to determine those native holdings claimed by the people (see Keesing and Keesing 1934, 169).

### **Types of Property Regimes Among the Bontok**

Land as property is a resource, and resources are not natural phenomena but are aspects of socially constructed reality. Thus, resources are a human invention and are socially defined (Rambo and Hamilton 1990, 2). The concept of property and property rights has several characteristics and is the most influential among the institutions that affect how people interact with their natural environment. Furthermore, property rights shape people's incentives for investing in and sustaining the resource base over time. The multifunctional characteristic of property is a significant factor in constituting the identity of individuals and groups, through inheritance and the continuity of the group (F. von Benda-Beckmann et al. 2006, 2). Bromley (1989, 202–3) states that property is the right(s) and not the object over which rights are associated. Thus, ownership refers to a bundle of rights and obligations concerned with such an object. Among the Bontok of Mountain Province, the most restricted inheritance type falls under the private individual rights regime, including irrigated rice fields, which are the most valued property. Irrigated ricefields invested with permanent material improvements rarely devolve to more than one individual with sole authority over rice field management decisions. Residential lots, permanent gardens, and lands that have permanent improvements may also fall under private individual rights (Prill-Brett 1993, 8). Succession rules over irrigated rice fields usually follow the primogeniture and homoparental inheritance rule (Drucker 1977; Botengan 1975; Prill-Brett 1987b, c). Only the inheritor of the rice field has the right to alienate the rice field, usually under conditions of family distress. Should properties under this regime be alienated, the priorities are to the immediate family before being offered to cousins, including distant relatives or those outside the kinship group (Prill-Brett 1993, 13).

There are several kinds of property rights to land ownership as practiced by the Bontok, which generally fall under the following regimes: communal, indigenous corporate, and individual property (Prill-Brett 1993, 1985, 1994, 2002). However, this paper will focus more on the corporate descent landholding type and the changes confronting the cognative descent landholding groups practiced in lowland Manaoag and upland Bontoc.

The indigenous corporate property regime describes ownership rights as restricted to members of a cognatic descent group in the Bontoc and Manaoag research areas. In the study of Prill-Brett (1987a), she points out that all the descendants of a founding ancestor or ancestress who first put improvements on a portion of the communal land have usufructuary rights to this type of property<sup>5</sup>. As mentioned earlier, rights are owned in common by the group of bilateral descent referred to as *sinpangapo*. Thus, the *sinpangapo* corporate group members have the right to the *tayan* land, including forest stands for swidden farming and pasture land for grazing their carabaos and cows; corporate members may harvest lumber for household structures from these wood lots. Furthermore, corporate landholdings close to the settlement may be reserved for residential expansion when needed.

The *tayan* of the *sinpangapo* is also a legal entity that owns a *common fund* for the benefit of its members (see Prill-Brett 1987a, 1993). A corporate property right is devolved to the group with undivided rights in common and may not be claimed by individual members in severalty (see Wiber 1993; Wiber and Prill-Brett 1988; Prill-Brett 1987b). Thus, a particular member who has been tilling the same plot over a period of time<sup>6</sup> may not transmit the land to their children separately since it belongs to the corporate group as common property. This kind of property, a common fund, may only be alienated when the corporate group faces distress. In such a case, the group has to raise the required penalty incurred by a member whose actions involved upholding the group's integrity. Thus, corporate landholding as a common fund is used for the benefit or liability of the group. Should the corporate entity need to perform a feast for the welfare of its members, usually involved in warfare in the past, the corporate group's landholding, or part of it, would be alienated to provide the required sacrificial animals. Thus, should the property or part of the property be alienated, the priority is to any of its members who could furnish the necessary penalty requirements incurred for violation of the provisions of customary law. Should this situation occur, the common property would be transferred to the individual who provided the requirements. In such a case, the corporate property ceases to operate as the group's common property and is segregated as private.

The development of the *tayan* property of the *sinpangapo* corporate descent group was an important institution when Bontok

communities were operating under a pure subsistence economy, where rice production on irrigated terraced land was the primary means of survival. It was continuously productive, and the produce was storable for years. The social stratification of the society was primarily based on the number of rice fields inherited by an individual, including animals and heirlooms, which established the upper-ranking *kadangyan* line. The swidden farm of the *tayan* was considered the 'partner' or 'other half' of rice fields that complemented and provided root crops, millet, and varieties of beans, corn, and bananas. No other alternatives or options were open then; thus, their worldview and religion primarily revolved around irrigated rice production on terraced land. Therefore, the corporate landholding swidden farm was a safety net (Prill-Brett 1987b). Should there be a rice crop failure due to drought or pest infestation, the food produced in the swidden garden would save them from starvation, as recounted by elderly informants. Furthermore, as discussed earlier, corporate landholding as a common fund is used to pay the fines incurred by corporate group members who are sued on behalf of the corporate entity.

### Changes in Property Rights and the Emergence of Land Conflict

Bontoc property rights are diverse and changing, considering that Bontoc is the capital of the present Mountain Province, and the center of trade, commerce, education, and industry<sup>7</sup>. As stated earlier, property rights are mainly about claims over resources and relationships between claimants, which are subject to changes due to ecological, social, economic, and political uncertainties and changes in land management. There are plural legal orders on land use and management introduced by the government, which compete with customary law.

Claims are justified in disputes and negotiations by reference to legal rules. The disputants use different normative repertoires in other contexts or forums depending on which law they believe is most likely to support their claims, a process known as forum shopping (K. von Benda-Beckmann 1984). Litigants increasingly use the national law instead of the customary law in land conflict cases, as found in this study.

During the American colonial administration and under the Philippine government, the emergence of new structures included the introduction of different laws, regulatory orders, decrees (e.g., land titling, tax declarations, forestry laws), and the like on natural resources. Furthermore, the introduction of new economic opportunities, technology, higher education, and the market system to Indigenous communities has caused changes, such as shifting from subsistence agriculture to commercial farming by some farmers, the increasing engagement of community members in non-traditional

economic activities, and the engagement in a cash economy through urban and overseas employment. These changes have brought about new opportunities and conflict, especially in the management of landholdings.

It has been observed that the *tayan* common property resources have undergone land-use changes, such as swidden gardens converted to *saad* (house lots), which become privatized after permanent improvements have been introduced. The construction of permanent structures, such as irrigated rice terraces and irrigation canals on corporate land, transforms the improved area and segregates it from the *tayan* common landholding. It becomes the constructor's individual property after the elders perform a ritual to acknowledge the transfer of rights<sup>8</sup>. Although this practice was the traditional process of corporate land transformation, some non-members currently make some improvements to corporate land and claim they own it under the national land classification of *public land*.<sup>9</sup>

Furthermore, most *tayan* landholdings are increasingly transformed into residential lots whenever the construction of *barangay* roads cuts through the land. It follows that access to the road allows the construction of concrete two-story houses occupying at least 100 to 200 square meters, which has been going on for the past ten to twenty years. In the past, it was a practice that the *uma* swidden gardens, which are close to the settlement, were farmed for decades before they transformed into residential lots. Modern house structures with several rooms have replaced the traditional one-room house with thatched roofs and lumber. Many of these houses are rented out to individual employees and students from neighboring communities, and those who are employed in the *Población*.

Over the past three decades, Bontoc town, an urbanized center, has experienced an increase in population due to the inflow of people from other Cordillera communities employed in government and non-government offices and institutions. Bontoc has become a multi-ethnic urban town. There is an increase in business operations by migrants who bought land and constructed hotels and other business establishments. The practice of land sales to non-citizens violates the customary law that does not allow outsiders to own land in the village.

The introduction of mechanized tools such as chainsaws saw an increase in tree-cutting from corporate forests by non-members, as reported by *tayan* members to the authorities. The poached timber has a ready market, sold to house contractors. This practice was not allowed under the traditional rule, where trees cut for lumber are exclusively for building structures within the village, not for commercial purposes. Furthermore, only corporate members have the exclusive right to get lumber from their *tayan* land.



Another issue faced by corporate landholders is the practice of elders allowing non-members to farm on corporate land in the past, especially when tayan members were not cultivating some of their landholdings. In violation of the members' rights, these non-members are now constructing permanent structures, such as concrete houses, and erecting fences that are difficult to take down. Several contested land rights brought before the barangay are still unsettled. Most of these current land conflict issues have not been encountered by the community elders in the past. Due to the barangay council's inability to resolve these challenges, which were not previously encountered, numerous cases are being filed before the municipal court.

Some informants have complained that rights to *tayan* are increasingly not recognized or respected by other community members. Some educated people occupy vacant areas within the village limits, especially lands near the road, where improvements are made and permanent structures are constructed. This usually follows the filing for tax declaration. Some aggressive community members saw the national tenurial law as an opportunity structure open to them. They reason that since the land has no title, it is public land owned by the government; therefore, they can go and make improvements and legally apply for tax declaration papers, followed by the application for paper titles. This land grab has been stopped by powerful *tayan* corporate groups. However, not all *tayan* members are powerful enough to challenge this issue or have the resources to take the matter to court. Conflict results from a growing disregard for tayan customs, such as the condemnation of those who take land that has been developed by another, or include land that is not theirs in their land survey. Such actions were earlier deemed *inayan* (taboo).

People may falsely claim rights to the tayan landholdings. However, cases show that these claimants are questioned by elders who require them to provide their genealogical proof of descent. Whenever litigants do not agree to decisions made by the elders based on customary law, the option is to take the case to court.

### **Factors Contributing to Changes Brought About by the Emergence of Opportunity Structures in the Social System**

The following section looks at the factors contributing to changes in the management of landholdings in the Bontoc case.

#### 1. Introduction of a Cash Economy

The Bontoc traditional economic transaction was the barter system. *Pagey/pakhey* (unhusked rice) was the primary medium of exchange

(Jenks 1905), especially for ritual requirements. The American colonial government introduced cash in the early 1900s to pay for labor, purchase food, and conduct other financial activities. Bontok men recruited into the Philippine Constabulary as soldiers were paid wages. Natives who had received an education were employed by the government as office workers and teachers, receiving pay.

The non-*kadangyan* mostly depended on their rights to swidden corporate property because they possessed limited rice fields. Because they now had access to money, the non-*kadangyan* residents of the village were able to improve their living conditions by buying food and other trade products that weren't produced locally.

Another opportunity structure open to the Bontoc men was to get employed in the Benguet corporate gold mines, where they worked for wages to support their families and enabled them to send their children to school. This opportunity encouraged villagers to temporarily migrate with their families to the Benguet mines, while those who earned degrees worked outside the traditional agricultural village. Employment in non-agricultural livelihood activities affected the labor force needed by the farming household during planting and harvesting seasons as a consequence.

The traditional reliance and dependence of the *lawa* (poor) on the *kakadangyan*, especially during food scarcity stress, has been eased by the former's access to cash to purchase food. The non-*kadangyan* who earn money could also build non-traditional houses with several rooms and zinc roofing with their cash earnings. They could also invest in business enterprises.

## 2. Infrastructures

The construction of barangay roads enabled access to *tayan* land, giving value to the land as a commodity. The construction of roads made transportation available to areas where it would take days to travel on foot. It also facilitated the interaction of people from different ethnic groups and the exchange of commodities, and intermarriages.

## 3. Population Growth

The area within the village proper is minimal (reaching its limited capacity) for expansion. The tendency is for villagers to expand into *land* areas, especially where newly constructed roads pass through *tayan* landholdings, changing land use and value. The increase in population has also encouraged migration to urban areas such as Baguio City, Pangasinan, Tabuk, Nueva Vizcaya, and overseas.

#### 4. Education

As people earn college degrees, they engage in non-traditional livelihood activities that usually take them to work outside their home village. The lure of overseas employment has been another option for the educated Bontok. Cash earned abroad enabled the family to invest in land and business and to send their children to college.

These professionals' training does not necessarily contribute to traditional agricultural activities; instead, it opens up other options. Some informants complained that schooling prevents students from working in the rice fields and encourages young people to be lazy.

#### 5. Interaction of the Community/Village with the Outside World

Regional, provincial, national, and international migration has changed views on cultural practices and values, particularly on common property and inheritance, where some family members challenge the traditional rules. Some informants from Bontoc Población argue that common property is not practical anymore since it has lost its traditional function under current conditions, and thus, corporate land should be privatized.

#### 6. Introduction of State Laws (the Effect of Legal Pluralism)

The introduction of several national laws has been affecting indigenous corporate landholding. The intervention of state policies in the management of local property regimes has resulted in the breakdown of corporate property rules governing the management of forests, agricultural lands, water, and pastureland, where the government has taken over the control of the resources, declaring them as public land (Prill-Brett 1993). For example, establishing the National Irrigation Administration (NIA) in Bontoc with the 'Communal Irrigation' program has affected the indigenous irrigation corporate group's water management by introducing a new structure. State laws are also avenues for some people to manipulate the state tenure laws to disenfranchise others of their property by applying tax declarations over common land.

#### 7. Introduction of New Technologies

New technologies have transformed land use from swidden to permanent gardens. Farmers have been increasingly adopting the introduction of cash crops, fruit trees, and high-value vegetables. Some informants argued that introducing farming technology and commercial crops by government institutions has been welcomed, such

as raising high-value cash crops and fruit-bearing trees on *tayan* land purchased from the corporate group.

With the introduction of internet technology, with easy access to mobile phones, *tayan* land, once underdeveloped due to its distance from the village, often in steep areas, has now acquired a new potential value as a site for communication towers such as the Globe cell site tower in Akangan, Tukukan, and the Globe and Smart cell sites in *sitio* Tufay in Bontoc. Some *tayan* members see this as an opportunity to convert their land rights into cash. However, this has also caused conflict among corporate group members regarding who should receive the rental.

### **Changes in Property Rights, Emergent Structure, and Legal Pluralism<sup>10</sup>**

Bontoc Poblacion and Samoki show that landholdings are being sold to non-kin and non-citizens of the village, violating the customary rule. The traditional rule states that it should be offered to family members and close relatives before being sold to non-kin members in the same community. However, most cases reported show that the sale of the property did not follow the traditional process of offering it to siblings and close relatives before selling it to non-kins. Furthermore, the buyers are not from the same village but belong to other communities, which is unacceptable under customary rules. However, informants explained that the outside buyers offered a high price that the kin group could not afford, and the seller could not refuse. For example, the conversion of the Samoki rice fields into a business area now sees many buildings constructed for commercial use, such as hotels, restaurants, and private facilities for rent.

### **The Weakening of Corporate Landholding as a Safety Net and a Common Fund**

The social structure and actual social behavior tensions have created an opportunity structure, as experienced in the Bontok case. Social behavior has been tested within the opportunity structure for acceptance in the social system. These social behaviors, considered deviant in the past, are becoming acceptable under present economic conditions. It appears that the plurality of options has provided a leeway for individual actors or interest groups to lift behaviors from the opportunity structure and reify these in the social system, as suggested by Franz von Benda-Beckmann. The following actions have weakened the once important function of the *Sinpangapo Tayan* landholding corporate descent groups.

Members who migrate elsewhere after a generation forget their membership in the *tayan* by not activating their rights. This absence

weakens the solidarity and support of the group when faced with issues confronting the property-holding group.

Some educated *tayan* members who practice their profession and abandon farming do not see the tayan common fund as essential or beneficial to their present socio-economic status and ignore their membership. In the past, a significant incentive for the solidarity of the *Sinpangapo Tayan* was the ownership right to the tayan common fund and the right to swidden land, so members who did not inherit rice fields during their own generation could avail themselves of the tayan land for food production. Between the availability of cash incomes elsewhere and working in swidden fields far from the settlement under unwelcome weather conditions, the choice becomes clear.

Furthermore, the common fund's importance, to which expenses for a *tayan* member's obligations are charged, usually related to killing during inter-village warfare, is diminishing. As mentioned earlier, as a common fund, the corporate-owned land is alienated to produce the requirements (e.g., ritual animals, payment for fines, or other material requirements demanded by the victim's side). The individual members do not need to defray the expenses individually because the common fund provides the costs by equitable distribution of the liability among the members. With the cessation of inter-village warfare and head-taking, the essential function of the common fund is losing its importance.

There is a seeming weakening of the *tayan's* jural ability to sue those who violate their rights when violators take conflict issues to the national courts, applying state laws. The increasing incidence of land-grabbing is achieved by occupying and putting permanent structures with the aid of bulldozers or backhoes, hiring laborers from other places, and employing surveyors to map the area for tax registration, and to encroach on land owned by other persons. The legitimate *tayan* owners who cannot afford to sue the land-grabber for lack of financial support could lose their landholding. A land-grabber may use national law by invoking their rights under the government's 'public' land law.

What is the future of the *Sinpangapo's tayan* corporate landholding? Given the issues confronted by the Bontok tayan, the Tukuran, Maligcong, and other outlying villages still exhibit relatively strong tayan cohesiveness despite undergoing challenges. Unlike urbanized Bontoc and Samoki, profound changes concerning landholdings tend to become commoditized. Conflict cases are increasingly brought to the national courts, which violate the traditional rules on land management conflict through the council of elders. It is argued here that when the tayan institution loses the reason for its institutionalization as a safety net for members of the cognatic descent group, and the common fund for the equitable distribution of benefits and liabilities of the corporation,

the corporation would eventually dissolve as a corporate landholding entity. Thus, the landholdings would most likely become privatized.

The following section will look at the development of the cognitive descent group in lowland Manaoag, Pangasinan, and the changes it confronted. It has a different historical landholding experience from that of Bontoc.

### The Manaoag Research Site

Manaoag, Pangasinan, is a first-class municipality with a land area of 5,716 hectares. In the early 1600s, it began as a small settlement of Cawili (now a town of San Jacinto, Pangasinan) by the banks of Baloquing Creek. Pozurrubio borders Manaoag in the north, Urdaneta City and Mapandan in the south, Laoac in the east, and San Jacinto in the west.

Manaoag is divided into 26 barangays (Babasit, Baguinay, Baritao, Bisal, Bucao, Cabanbanan, Calaocan, Inamotan, Lelemaan, Licsi, Lipit Norte, Lipit Sur, Matulong, Mermer, Nalsian, Oraan East, Oraan West, Pantal, Pao, Parian, Poblacion, Pugaro, San Ramon, Santa Ines, Sapang, and Tebuel (Philippine Statistics Authority 2025).

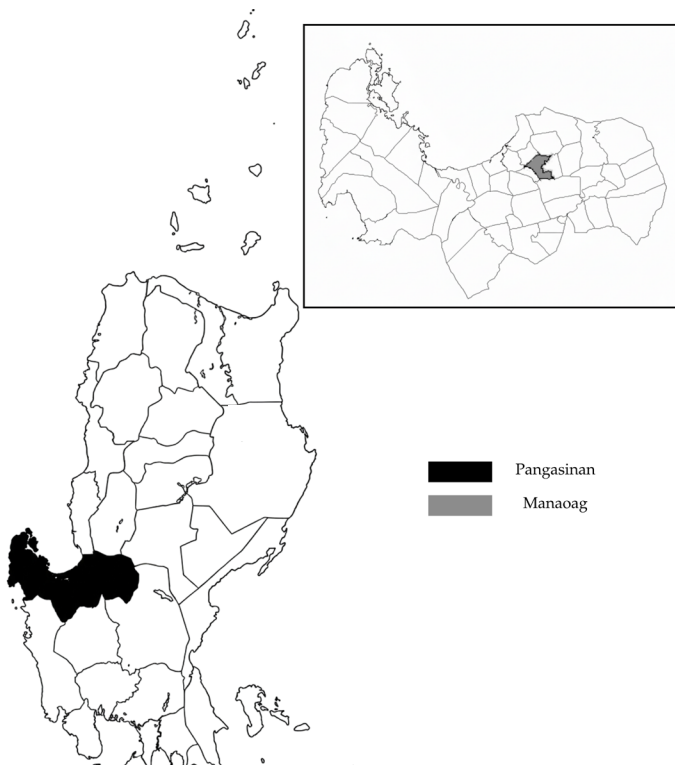


Figure 3. Map of Northern Luzon and Pangasinan.

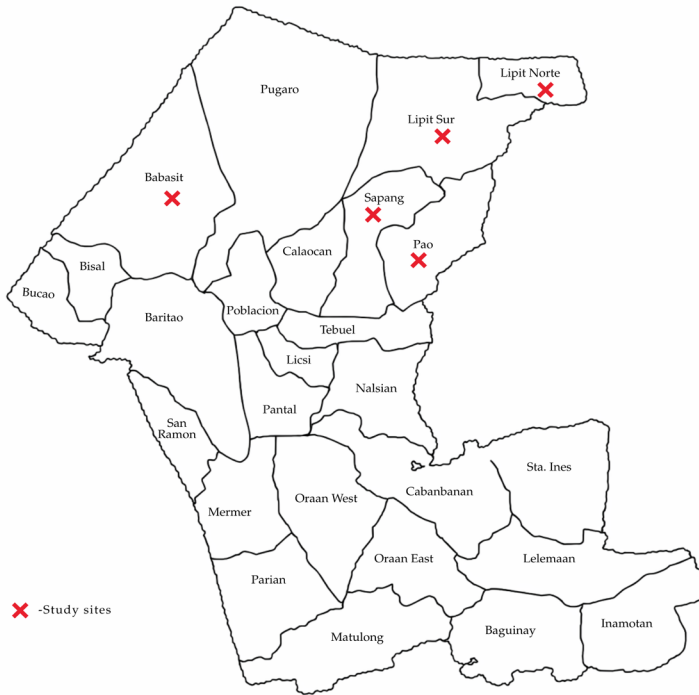


Figure 4. Map of Manaoag indicating the study sites.

It is also known as a pilgrimage site in the north, housing the 17th-century ivory statue of St. Mary, the *Nuestra Señora del Rosario de Manaoag* (Our Lady of the Rosary of Manaoag). The town got its name from the Pangasinan word “Mantaoag,” which means “to call.” Legend has it that Mary’s vision appeared to a young man, who asked him to build a shrine (Archdiocese of Lingayen-Dagupan, n.d.).

While the narratives about the *cumon* lands of the *buleg* in Manaoag collected in this research describe events and conditions during the twentieth century, there is enough evidence that the practices surrounding the *cumon* lands took root way before the American occupation of the Philippines. It appears that from the perspective of the key-informants, the *cumon* remained untouched during the Spanish conquest. With the arrival of the Americans, though, and onwards, the general story of the *cumon* is one of continuous decline. The practices and social structures surrounding it continued to disintegrate, especially after World War II. While the *cumon* still resides in people’s memories, it no longer functions as it did in the past because people no longer see it as they did before.

The following describes the *cumon* as earlier practiced among the Manaoag members of the *buleg* cognatic descent group.



## Lowland Indigenous Corporate Landholding Rights

The *cumon* is the property owned by the bilateral descendants of a founding ancestor (cognatic descent group *buleg*). The rights governing this include rights to non-irrigated agricultural land (*caumaan* or *taltalon*) used for random intercropping of rice (*pagey*), corn (*mais*), and mongo (*balatong*). At times, peanuts are also planted. This rainfed rice crop is planted only during the wet season with corn and mongo, and does not need much water. The *cumon* is also planted with fruit trees, which usually mark territorial boundaries. The *cumon* is owned by a corporate group (cognatic descent) until it is sold under specific conditions and acquired by an individual, preferably from the same *buleg* descent group, similar to the Bontok practice.

Interestingly, locals also refer to undivided residential lands, whose land title remains with their common ascendant as *cumon*. Members belonging to the same lineage (*buleg*) built their houses close to each other in the same area of *cumon* land.

While a co-right holder of the *cumon* is currently tilling the soil, no other member may interfere. The cultivator has a temporary exclusive right to use the land. Should another member of the *cumon* be interested in cultivating the land, the intention is aired, and the members of the *cumon* decide on it. The usufruct rights of the members of the *cumon* do not go beyond their lifetime since *cumon* land rights are traditionally acquired under membership in the *buleg* descent group. For personal reasons like health, a *cumon* co-owner may seek the help of other co-owners. The kin members talk and decide about the corporate property as a common fund. If they choose to alienate it, the property will be offered first to any corporate group member who can produce the required amount, similar to the Bontoc *tayan* alienation rules.

Like the Bontoc *tayan*, *cumon* lands have permanent names and are named after the founder of the common land, such as *Kaapoannen*, or 'descendants of (the name of the founding ancestor/tress)'. Individuals acquire a restricted right to a *cumon*, which is equally devolved to offsprings regardless of gender. These are passed down through the generations undivided. In this process, the cognatic descent group is formed (the *buleg*), where all descendants of the founding ancestor have equal rights to use the resource. Some *cumon* properties could be traced to eight to ten generations. The tracing (*tonton*) of the number of generations starts from the present and follows an upward direction to the founder (apical ascendant). Only the descendants who can trace descent from the common founding ancestor can use any of the resources claimed by that ancestor (Prill-Brett and Salinas-Ramos 2018).

The *cumon* is different from the *tayan* swidden since the *cumon* land is usually devoted to unirrigated rice production, where no fallow period is needed, which swidden farming requires. However, like

the *tayan*, while a co-right holder is tilling the soil, no other member may interfere with the agricultural production. The right holder has a temporary exclusive right to use the land while cultivating it. The period varies depending on how long one has exclusivity in land use. In some *cumon* lands, the exclusive use rotates every two to three years; in some, it may take as long as six years. Less fortunate kin members are given priority in using the *cumon* land since maintaining the practice is for everyone's welfare. Although the less fortunate member is usually given priority, everyone should have their turn; hence, it has been observed that although one may still be in need, they will have to wait until a co-owner waives their right on their behalf. Equity is observed, and all members must agree on who comes next and for how long. While one has an exclusive right, he should acknowledge all the other members of the *cumon* by giving each a token share of the produce at harvest time. Similarly, like the *tayan*, the usufruct rights of co-*cumon* members do not go beyond their lifetime.

*Cumon* members have rights to at least one common property holding due to different social arrangements and circumstances, unlike the Bontoc *sinpangapo*, where an individual has unrestricted rights to as many *tayan* landholdings from his four sets of ancestors. *Cumon* resources are claimed through a common grandparent who inherited the property from ascendants who trace the same line to the founding ancestor. The property is devolved through generations, but because members of the *cumon* were asked to show ownership papers, the most recent grandparent was usually named the common source. The practice of endogamy results in incestuous marriages being commonly practiced; their ascendants married their cousins, and the next generations observed the same. Because of this, there are no overlapping rights to multiple landholdings. Although the indigenous corporate group members openly admit endogamous relationships, the key informants do not remember why they preferred to marry their close relatives. It remains an assumption that incestuous behavior concerns landholdings. Marrying their kin keeps the property intact (Prill-Brett and Salinas-Ramos 2018).

The following section looks into the larger historical forces that compelled owners of the *cumon* lands to change their relationship with the *cumon* landholding. A discussion of the specific practices surrounding the *cumon* that happened due to the aforementioned historical forces follows.

### **The Rise of Alternative Livelihoods in Manaoag and the Emergence of Opportunity Structures**

At the end of the eighteenth century, the *poblaciones* in Pangasinan became fixed residential areas (Cortes 1990). Continuous development

in the town centers led to stratification in the demographics of Pangasinan towns. A new group, most of whom were elites, resided in the town centers, leaving land cultivation in favor of other occupations. The blossoming of foreign trade supported the development of this early middle class, the *caylianes* (34). Despite the rise of the townspeople in Pangasinan, families living through subsistence farming still outnumbered the *caylianes* even in the mid-nineteenth century, making the difference between the two groups unmistakable (6).

What the Americans saw in Manaoag as they entered the scene in the twentieth century was, therefore, a town already divided between poorer farmers on the one hand and wealthier townspeople on the other. Many of the most critical land management practices surrounding the *cumon* have survived the rise of the *caylianes*. After all, more families lived on their farms than those engaged in other occupations when the Americans arrived.

However, American colonial rule introduced disruptive economic and political forces that hastened the integration of the Philippines into the US and, therefore, the world economy. This led to the growth of the middle class, which, in turn, pulled individuals and entire families out of their farmlands.

A similar pattern can be observed from the narratives about the *cumon* lands in Manaoag collected through the interviews in this research. While the *cumon* land management practices in Manaoag endured the rise of the *caylianes* during the nineteenth century, the practices began to disintegrate after new economic policies and opportunities for Filipinos were introduced during the American occupation. Poor support in the non-export traditional agricultural sector discouraged families from continuing to till the land. At the same time, alternative sources of income pulled them out of subsistence farming and into new forms of occupation in town centers, big cities like Manila, and even abroad in the United States, particularly in Hawaii, Alaska, and the Pacific Coast (Baldoz 2011).

Those who stayed continued to till the land, but they had to deal with the new land laws introduced by the new colonizers. The new land laws instituted during the American period were unfavorable to *cumon* members, who were small landowners, and these laws clashed with the customary laws practiced. Furthermore, the land policies introduced by the new colonizers created problems that continue to affect *cumon* owners and farmers in Manaoag in general, to this day.

Those who left the *cumon* or were dislocated entirely from the system sought work outside agriculture. These people found non-agricultural jobs in the Manaoag *Poblacion*, nearby towns, or bigger cities like Baguio or Manila. When opportunities arrived, some left the country to work overseas in the United States.

The decision to leave the *cumon* is rooted in a general belief that farming is no longer a tool for families to achieve economic progress. American colonial rule's economic, political, and cultural forces made this widespread belief possible. Among these are the following: Americanization was inspired by the American education system and the importation of goods from the United States; the colonial government's focus on cash crops for exportation over the traditional agricultural sector; and opportunities for Filipino immigration to the United States

### **Filipino Immigration to the United States and Its Effects on the Cumon Lands in Manaoag**

American colonial rule in the Philippines allowed Filipinos to move away from the agricultural lands that the Spaniards had made them farm for 300 years. While development in the country's *poblaciones* and cities was a powerful force that moved individuals and families out of farming, nothing compared to the opportunity to immigrate to the United States and uproot entire families from their birthplaces, the lands they once farmed. Baldoz (2011) identified three opportunities for Filipinos in the first decade of the American occupation. These first clusters of options set the stage for steady traffic of Filipino immigrants to the United States in later years.

The first cluster consisted of 289 young Filipino men sent to the United States to study from 1903 to 1911 through the Pensionado Act of 1903. The colonial government claimed the initiative as part of its program to prepare Filipinos for future self-rule. Therefore, these young men came from elite backgrounds and were very different from the following clusters that immigrated to the United States (Baldoz 2011, 46).

The two preceding clusters are significant in understanding the story of the *cumon* lands in Manaoag. While the Pensionado Act allowed a few selected elites to immigrate to the United States, the following opportunities opened the gates for poor and middle-class Filipinos to do the same. While landed, the owners of the *cumon* lands in Manaoag were still poor and middle class relative to the new standards of the booming industrial economy. The following opportunities to immigrate to the United States during the first decade of American colonial rule—as recruits for the US Navy and as laborers for the sugar plantations in Hawaii—became vehicles for some members of the *cumon* lands in Manaoag to advance in the emerging economy (Baldoz 2011, 46). It also pulled them out of the *cumon* lands, thus leading to the further disintegration of this traditional land management system.

## US Navy Recruitment and Its Effect on the *Cumon*

On April 5, 1901, President McKinley issued an Executive Order that authorized the entrance of 500 Filipinos into the US Navy annually. This move was still part of the colonial government's program to Westernize and 'civilize' the natives of the Philippine islands. Baldoz (2011) said that after completing their service, these Filipino recruits to the US Navy settled in American port cities, working in naval shipyards or aboard ships as seamen on the West Coast.

From 1901 until the end of World War II in 1946, there were 25,000 Filipinos who served in the US Army, and a few more thousands stationed in the Navy shipyards in Manila. From 1925 to 1929, Bruno Lasker reported that an average of 4.8% of US Navy men were Filipinos. That number is around 4,000 every year (Lasker 1969).

Most of the Filipinos who were recruited in the US Navy were mess servants. The US Navy trained the recruits in a school in Manila. After the training, the new mess attendants served in the US Navy for four to six years, with most of them re-enlisting. Lasker reports that in 1930, Filipino mess servants earned \$67.50 a month. Some who have already served for 16 years reached a maximum of \$105 a month under higher-ranking officers (Lasker 1969, 61–62).

After rendering service in the US Navy, Filipino recruits had several options. Many chose re-enlistment in the US Navy. Because enlistment was limited only to those who had previously enlisted, the salaries were also competitively comparable to what Filipinos could earn in the private industry, so re-enlisting was an attractive option. Re-enlistment raised these Filipino men's economic and social status as Americans respected the navy uniform in their home communities (Lasker 1969, 62–63).

Those who did not re-enlist used their status as veterans to secure jobs in the private industry, mainly in hotels, clubs, houses, hospitals, and other businesses in American port cities, especially in Los Angeles. Others were employed in the Navy shipyards across the United States (Lasker 1969, 62–63).

Through the Nationality Act of 1940, aliens who could render three years of service in the US armed forces were given special privileges that eased the process of naturalization as US citizens. Filipino recruits to the US Navy could apply for naturalization even without a permanent residence in the United States. However, the Nationality Act of 1940 was repealed by the Immigration and Nationality Act of 1952. While similar to its predecessor, the new law required alien veterans to apply for naturalization to permanent residence in the United States.

The recruitment of Filipino men to join the US Navy from 1901 to 1946 is relevant to the story of the Manaoag *cumon* because (1) it led to the immigration of several members of the *cumon* to the United States

and, therefore, (2) set up the stage for future immigrations of their kin. Immigration pulled members of the *cumon* out of the locale, leaving the *cumon* in the hands of those who still found agriculture attractive. Moreover, as they went back home to their place, immigrants brought with them stories about the foreign land they came from, attracting other family members to aspire to do the same. The result was an increased disinterest of younger generations in farming and, eventually, the decline of the *cumon*.

Archival research indicates that those who were mentioned by key informants as their relatives who belonged to a *cumon* appear on the manifest of the passenger lists of 1865–1935 of the Department of Employment and Immigration fonds (Microfilm Publications T-479 to T-520, T-4689 to T-4874, T-14700 to T-14938, C-4511 to C-4542: Library and Archives Canada, n.d. RG 76-C. Department of Employment and Immigration fonds. Library and Archives Canada, Ottawa, Ontario, Canada).

Interviews with key informants reveal cases of how *cumon* land was given away to siblings by those who opted to establish a life in the United States and became economically well-off. The siblings in the Philippines shared how such lands eventually ended in land disputes. Some relatives who were not members of the *cumon* managed to get parcels of the land. When these inherited lands were given away during the first half of the twentieth century, land titling in Manaoag and the rest of the Philippines was problematic. All but the big landowners could not avail of the government's surveying services required to obtain a land title, so many owners relied on customary rights to hold a claim to their lands. This reliance on traditional rights implies that it was easier to dispose of land and transfer ownership to relatives or other people, as with some inherited lands.

Most important to note from these stories was the pull that immigration via recruitment to the US Navy exerted on Filipinos in Manaoag. They realize that a 'better' life is waiting for them on the colonizer's mainland and are inspired by what their teachers at school have taught them. These reasons made it easier for them to leave agricultural life in the Philippines.

### **Changes in Lowland Traditional Corporate Landholding**

There are currently only a few remaining *cumon* lands in Manaoag. Some of these lands have already been transformed into residential lands. Many have sold their *cumon* to outsiders, converting them into private properties.

The remaining *cumon* lands left are from those who still find farming attractive. There have been changes in the practice of the rights to these properties, which appear to be acceptable. Non-*cumon*

members are not allowed to work the land. However, there is a case where an in-law works the *cumon*. He, however, gives a share as a token to all the members of the *cumon* in recognition of their membership. This new practice, which was unacceptable in the past, appears acceptable to the corporate group now.

Education also plays a role in the decline of the *cumon*, similar to the Bontoc experience. Since children of the *cumon* members have earned academic degrees, they no longer like to work in agriculture but have opted to work for income-paying jobs that bring home regular income, which agriculture cannot provide. Key informants share that it is better to have steady pay than to rely on the uncertainties of the weather that affect crop production.

Many of the children of *cumon* members have left the Philippines in favor of greener pastures abroad. Members who migrate elsewhere after a generation tend to forget their membership due to the non-activation of their rights. Also, some of the relatives of *cumon* members who did not reside in the community have started to assert their claim to membership in the *buleg* (lineage), realizing the potential commercial value of the land. Those who forget their links to particular ascendants and default through non-activation justified their claims in disputes and negotiations by referring to legal laws.

The *cumon* is also losing its function as a safety net and a source of a common fund. The *cumon* was used traditionally to help its members financially, as the use of the land prioritized family members who were in need. Today, many economic institutions can provide funds, like cooperatives, private agencies that give loans, and income from paid jobs.

It was the resources they could extract from the land that were important to members in the past, but today, it is already the land that is the resource that has created conflict. These increases in land disputes are brought to the court, which were once settled among the *cumon* members. Codified law and the court, which are taking over the elders' functions in customary law, are now taking over. Plural legal orders on land use and management introduced by the state compete with customary law.

## Conclusion

This study of upland Bontoc and lowland Manaoag suggests that corporate property rights and management are subject to changes due to ecological, social, and political uncertainties and the plurality of laws. Cases show that legal rules in disputes and negotiations justify land claims. Some disputants use different normative repertoires in other contexts or forums, depending on which law they believe is most likely to support their claims by forum shopping (K. von Benda-Beckmann



1984), which have been illustrated by cases cited. Those challenging traditional land rights and management practices apply decisions and actions, seeking alternatives in the opportunity structure, such as in national law. Over time, the structured communities have changed: rules have been reinterpreted and redefined. What was not acceptable traditionally is becoming acceptable, as a consequence of the emergent structures.

Different behaviors and actions have weakened the once important function of the landholding corporate descent group in both Bontoc and Manaoag. These include the emergence of opportunity structures, which were not open options in the traditional agricultural communities in the past. The introduction of new economic opportunities, higher education, technology, and the market system in both upland and lowland communities has caused changes, such as the shifting from subsistence agriculture to commercial farming, the increasing engagement of community members in non-traditional economic activities, and the engagement in a cash economy through urban and overseas employment. These changes have brought about new opportunities and conflict, especially in landholding management in the upland and lowland communities. The tendency for the younger generation's preference not to engage in farming has further affected traditional agriculture's social organization and land management changes. Such is the case of Bontoc and Manaoag, where changes in land, traditionally valued as a resource for subsistence food production, have shifted to land as a commodity for its commercial value as the agricultural community becomes increasingly urbanized. In the lowland Manaoag site, the opening of opportunities such as recruitment in the U.S. Navy has primarily concerned the *cumon*, as discussed in this paper.

The social structure and actual social behavior tensions have created an opportunity structure experienced in these upland and lowland research sites. Social behavior has been tested within the opportunity structure for acceptance in the social system. These social behaviors, considered deviant, unthinkable, or unacceptable in the past, are increasingly accepted under the present socio-economic conditions. Furthermore, the plurality of options has provided leeway for individual actors or interest groups who seize behaviors from the opportunity structure and reify them in the social system. This study suggests that property rights of cognatic descent are subject to changes due to the consequence of what Appell calls emergent structuralism. This is evidenced in the dynamic interaction of ecological, social, economic, and political uncertainties and the plurality of laws as community members face new opportunities and challenges in the cultural system, as experienced by the Bontoc and Manaoag communities in this study.

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## Notes

1. Bontok, spelled with a final 'k', refers to the language, the ethnolinguistic group, the villages that belong to the culture area, and the culture that is shared by the villages belonging to this culture area. The spelling of 'Bontoc', with the final 'c', is reserved to refer to the municipality, the *población*, the capitol, and the town called Bontoc (Prill-Brett 1987d, 13).
2. Tukukan/Tocucan village is less than twenty kilometers from Sadanga; both villages (*barangay*) belong to the Bontok culture area. Cultural practices are very similar, including the socio-cultural and political institutions, which govern the rules of inheritance and property system.
3. There are multiple use rights to corporate property to choose from: maternal grandfather/grandmother, and paternal grandfather/grandmother.
4. Legal pluralism is a situation where more than one body of laws co-exists within the same space (see Pospisil 1967, 1971; Moore 1978; Merry 1988).
5. Aside from the acquisition of tayan by an individual who first puts improvements on an area of forest land, and through the performance of rituals asking permission from the supernatural

‘owners’ of the area, another way by which an area of land is awarded to an individual is when a person has performed a heroic service to the village (e.g., avenging the death of villagers, defending, and saving lives of villagers during intervillage warfare), are publicly awarded an area of the communal land by the village elders in a ceremonial feast.

6. A member of the tayan who has been tilling the land for a considerable period of time without allowing others to have their turn to use the land will be criticized by the co-members.
7. *Comprehensive Land Use Plan (CLUP) Cy 2017-2026. Local Government Unit of Bontoc (Vol. 1).*
8. This usually requires the butchering of animals by the person who is segregating the improved land from the tayan. The meat from the butchered animal/s is shared by the members of the tayan, which appears to be a symbol of consent by the corporate group, legitimizing the transfer of the improved land.
9. From cases gathered pertaining to this conflict situation.
10. Legal pluralism is a situation where more than one body of law co-exists within the same space (see Pospisil 1967, 1971; Moore 1978; Merry 1988). Thus, Legal pluralism is a condition where the individual or group selects which law would be beneficial to their interests.

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