



# Mankusjon-Traditional Ibaloi Settlement of Disputes In Aid Of The Philippine Criminal Justice System

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**Abstract :** This study aimed to have first-hand knowledge about the “**Mankusjon-Traditional Ibaloi settlement of disputes in aid of the Philippine Criminal Justice System**”. Researchers collected the data to answer the problem of this study, using ethnographical inquiry through semi- structured interview, storytelling and group discussion in obtaining the experiences of the participants from the selected Barangays of La Trinidad, Benguet. The participants were the three (3) Indigenous People Mandatory Representatives (IPMR), six (6) Council of Elders from each barangay and one (1) Municipal Indigenous People Mandatory Representative. In the statement of the problem, the findings are; mankusjon which is the prior engagement of both parties in a way of settling their contention without judicial intervention but only by means of “communication.” Results showed that there are steps in the tongtong process such as the rising of complaint, calling out of parties, setting date and venue, tongtongan proper, and decision. The rituals that are performed after settlement are peltik, sabusab, kafe and man-eddang. Based on the careful analysis of the findings, the researchers conclude that the mankusjon has a potential to be used in solving different disputes and have a big role as an Alternative Dispute Resolution. Researchers also conclude that the procedures of the tongtongan (mankusjon) practice of the Ibalois varies depending on the advice of the elders and the rituals are performed in accordance with its purpose.

## INTRODUCTION

Tongtongan is widely perceived as a cultural practice for customary dispute resolution of the tribal communities, providing factors that may improve the efficient and speedy administration of justice to ensure peace, harmony, and stability in the community. Granted that the formation of these tribal communities would greatly improve the economic, social and cultural being of the indigenous communities. It is also considered as a catalyst of interaction and exchange of ideas that paves way to socio-economic and human resources development. Also, there is an evolution of traditional cultures and practices generally observe in some degree of continuous modernization or by the influence of other cultures (Beta-a, 2002).

In addition, the study of cultural practices and community is essential to understand communities as independent forces for social well-being that influences crime, poverty, social aspects, ethnic composition and residential stability. Culture, according to Buaquen (2003), is handed down from generation to generation, learned by a person in course of his development as a member of a particular society, so that in the course of time, some are forgotten and some are changed or have undergone renewal or modernization (Alviento & Alviento, 2016).

In America they have the called mediation through communication to resolve dispute, a voluntary and confidential process where a neutral third party meets with the disputants and helps to open lines of communication so that the parties can arrive at a mutually agreeable, fair, and workable resolution. A typical mediation session settles the case within one eight-hour session, saving the parties both time and money. However, in order for mediation to be successful, it is important for the mediator to understand how parties communicate. When carrying on an international mediation or even a domestic mediation with diverse parties, a mediator must take the cultural differences between the parties into consideration (Sgubini, 2006).

On the other hand, Nigeria has been practicing humanitarian dialogue since 2013 initially in Plateau State, and later in Southern Kaduna State – in order to help communities address endemic conflicts. The dialogue processes have led to the signing of landmark declarations in each state – The Declaration of Commitment to Peace in Plateau State, and The Kafanchan Peace Declaration in Kaduna State. Through these declarations, the communities have committed themselves to living in peace. Moreover, in Sahel humanitarian dialogue has built up networks of leaders among pastoralist and sedentary communities across the Sahel region (in Mali, Niger and Burkina Faso) to help stabilize the area which has become a breeding ground for extremist groups and criminal enterprises. Humanitarian Dialogue has identified more than 180 prominent community leaders, established nine networks among them, and increased their conflict prevention skills. This work has contributed to reinforcing traditional peaceful conflict resolution practices. Between 2014 and 2015, the networks resolved more than 50 local conflicts across the region and the overall number of conflicts in the area has decreased significantly (Mediation and Dialogue, N.D).

In the Higaonon, an indigenous tribe in Northern Mindanao in southern Philippines, one of the indigenous practices that they have retained up to this day is their system of conflict resolution, locally called paghusay (meaning “to settle”). With its tribal council composed of a Supreme Datu (chieftain), 11 delegates, 3 baes (women delegates), and 25 alimaong (tribal police), they resolve all kinds of conflicts as long as they take place within their jurisdiction. Cases that reach the tribal authorities for possible resolution include thievery, fighting, murder, misunderstandings, adultery, land conflicts, contempt against rituals and conflicts involving rebels. The ability of the Higaonon to effectively solve internal conflicts has led to them being described as a genuinely peace-loving community and the “weavers of peace” (Espiritu, 2017).

Aetas in mid-Baytan, Botolan, Zambales, located in Central Luzon, they had also a practice which can solve a crime or disputes which they called “Maglanggad”. “Maglanggad” is a punishment for hurting the feelings of a family, a friend or a neighbor by an insult, a rumor or any other way. When the wrong doer asks for forgiveness, he or she is asked for a “langgad” which may be preparing food for a lunch together with their families (Ragandang, 2018).

In the Philippines, the Indigenous Cultural communities (ICCs) had also a cultural practice that can resolve crimes and disputes. The extent of observance of the traditional justice system of the tribal communities in the province of Ilocos Sur Philippines in which the tribal community respondent asserts that disputes in the community are often decided by the council that the administration of justice is through the “sapit”. Even so, the sapit hearing, offenders are obligated to shoulder meals for the council that they are very rarely observe to request the offenders to bring out “tapey” or rice wine for the council as he received advices and the offenders are seldom to provide snacks for the people present during the sapit. On the imposition of the penalty, the respondents perceived that fine or giving back the rightful owner of something that has been stolen is always imposed by the sapit (Alviento & Alviento, 2016).

Moreover, in some municipalities of Ilocos Sur especially in Alilem and Suyo which they called their tribe as “Bag-o”, “Bago” or “Bagbag-o”. They also have this tong-tongan practice which means (to settle by means of communication and agreement) which can settle disputes. Most of the cases that can be settled by this tong-tongan practice which means are land-disputes, disputes between husband and wife, disputes between relatives and friends, and rape cases but minimal. The procedure of this tong-tongan practice is by calling the both parties into either of their house and by the help of elders which will act as mediators, they will then resolve the differences between parties by asking their forgiveness to one another and restore their former relationship. If the elders cannot handle the argument of both parties, they will then ask the help of their barangay captain who will then also by means of tong-tong act as mediator arbiter (Personal Information, February 25, 2021).

In Cordillera, particularly at Kalinga Province for time immemorial, the Pasil tribesmen of Upper Kalinga and the Tubug tribesmen of Lower Kalinga have maintained a bodong (Conversation) peace pact between each other, all terms and conditions strictly followed by all their tribesmen. But time dictates the need to renew and redefined the “Pagata” or the terms and conditions of their Bodong both tribes decide to have the “dulnat” or renewal of their Bodong (Baguio Midland Courier, 1995).

Moreover, “Tut-uya” in Bontoc an indigenous way of peacefully settling disputes, can be potential scheme to be integrated and adopted as an Alternative Dispute Resolution (ADR) among the indigenous people schools in Cordillera Administrative Region this “Tut-uya” processes impacts speedy resolution of cases in schools. This Alternative Dispute Resolution showed that court and civil service commission litigations were avoided by the respondents by using the “Tut-uya” processes in resolving conflicts for school cases. Tut-uya process of Bontoc has the butchering of chicken which is provided by the offender. This is followed by a prayer from the elders which symbolizes that justice has been served and the offender was forgiven, thus, he/she is reintegrated into the society. The ritual of eating the butchered chicken partaken by both parties further signifies the lifting of the taboo that endangers people in conflict. This ritual allows the conflicting individuals/families thereafter to eat and drink together without getting sick. The principle of Restorative and transformative justice is reflected in the indigenous justice system practices and using the procedures of “Tut-uya” is a viable mechanism in strengthening the implementation of Alternative Dispute Resolution at the Department of Education (Faculo et al, 2016).

Similarly, in Benguet province, since the early days an unwritten custom law exist which is based on the result of their system belief on spirits who made the sun, moon, stars, and the earth with all the elements and creatures. This system guides them in their way of living. The two main ethnic tribes, Ibaloi and Kankana-ey have common belief sytem but with little deviation in methods of performance but with the same intent and purposes. On custom as a law, conflicts, disputes or misunderstanding in the tribal community had been decided by a council of elders, “tongtong”. The accused in that contention if proven guilty will be advised by elders to change his ways and must offer a purification ritual for his reformation. According to the custom, if despite of all efforts and exhortations, the accused never reformed, such person is subject to public condemnation. He is therefore look down in the community as unworthy and considered outcast. This conviction of custom law carried over to his innocent children suffering shame and disgrace (Sacla, 1987).

It also similar in Tublay, Benguet, under the leadership of the nan-ke-dahay a.k.a am-amang or elders there is also this tong-tong system, which as the indigenous term “tong-tong” meaning “conversation” implies involves holding consultation among all those concerned with the objective of arriving at a common agreement or whatever nature. It was generally used for community governance and was effective in the past especially for conflict management. When used for conflict resolution, this “tong-tong” system could involve either conciliation, arbitration, of the indigenous Sangba a.k.a “sapata” or “swearing” that was usually administered by, or in the presence of manbunong with the members of the community as witnesses. Informants say that the “sangba” is resorted to when the conflict cannot be resolved through the other methods. In this case, a ritual was first performed where the manbunong prays for the spirits to be present to witness the sangba of the parties involved, and to meet out the corresponding sanctions upon party who was not telling the truth or was wrong (Dino, 2009).

Furthermore, in the municipality of Bokod, Benguet, the tongtong is a basic consideration for conflict management among the Ibaloi and the Karao people where they try cases and imposed punishments accordingly. In the event that both parties are not satisfied with the results of the tongtong, some individuals would challenge the administration of the “Ebed’jos” (swear) to their ancestors and God on their innocents. This is performed by a qualified mambunong.

Moreover, in La Trinidad, Benguet, there were 26.65 percent of the Ibaloi indigenous people living in the community. These natives mostly occupied Barangay Alapang, Alno, Bahong, Bineng, Ambiong, Cruz and Shilan respectively. Due to employment and business opportunities in the municipality, many people from different ethnic groups come to La Trinidad. The population by ethnicity, census 2010 and 2015 results show that the population is dominated by the kankanaeys, followed by the

Ibalois, and the Ilocanos. In the census conducted as of 2010 and 2015, it shows that there were in-migrants of La Trinidad. A total of 33,299 im-migrants in 2010 and much lesser in 2015 at 6,001 only. More migrants are recorded in the urban core such as Pico, Balili, Poblacion and the other nearby urban Barangays where there is an easy access to transportation, employment and market places (Ecological Profile, 2018).

The reason of this study is to determine the various Ibaloi tongtongan practices of the Ibalois in the selected barangays of La Trinidad, Benguet which may help in the strengthening of the traditional justice system that paves way for the revival of the self-determination and governance to bring together indigenous communities for the development of their social, economic and cultural well-being.

In relation, there is really a need to explore the procedures of the Mankusjon (tongtongan) practice to provide clear understanding about the Ibaloi cultural practices promoting speedy process on mitigating conflicts, disputes among the minorities as to give one model for the continuing search for efficient and effective justice system.

Moreover, the purpose of this research is to inculcate in the minds of the youth, the significant of the influence of the tongtongan practices of the Ibalois as an effective mitigating process for them to be aware, appreciate and preserve their beautiful culture.

Lastly, the term tongtongan practices as used in the study is defined as an alternative crime solution to attain peace and order governed by the active participation of the elders, litigants and their family, and the whole community.

## NEED OF THE STUDY

It is needed to explore the procedures of the Mankusjon (tongtongan) practice to provide clear understanding about the Ibaloi cultural practices promoting speedy process on mitigating conflicts, disputes among the minorities as to give one model for the continuing search for efficient and effective justice system.

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### 3.1 Population and Sample

There are ten (10) participants in this research all in all, Two (2) from barangay Shilan, five (5) from Barangay Alapang, two (2) from barangay Bahong, and one (1) from Municipal Indigenous People Mandatory Representative. Each participant of this three (3) barangays and Municipal Indigenous People Mandatory Representative are the Indigenous People Mandatory Representatives (IPMRs) and Council of Elders. There are sixteen (16) barangays of La Trinidad Benguet but researchers chose only the three (3) barangays mentioned above because they are the most Ibaloi populated barangay among the sixteen (16) and easy to access by the researchers. The participants were selected based on the criteria by reason of public authority they have. Therefore, they are knowledgeable about the tong-tong practices of the Ibaloi. Meanwhile, council of elders were also interviewed to share their experiences on the tong tong practices and its procedure.

This study was conducted mainly at barangay Alapang, Bahong and Shilan in La Trinidad, Benguet, because the researchers want to know more about the tong-tong practices of the people in those particular places.

### 3.2 Data and Sources of Data

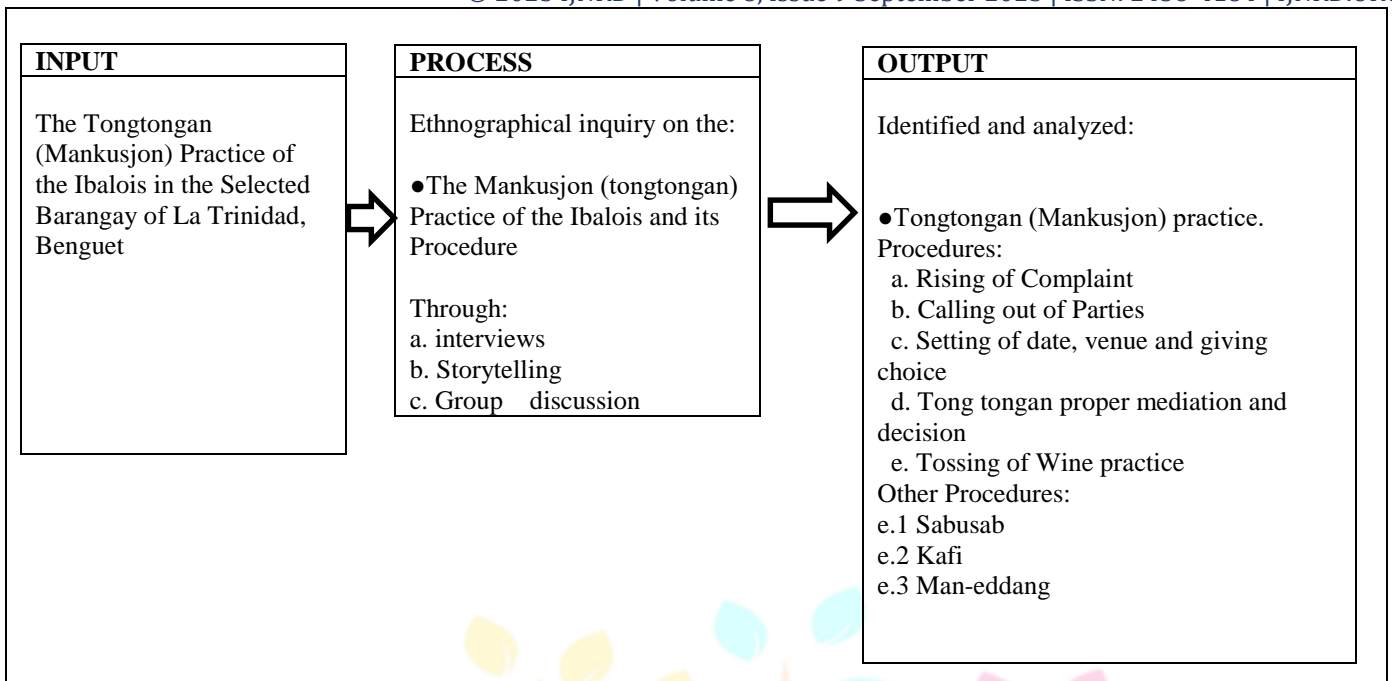
The tools that were employed in the gathering of data were interviews, storytelling and group discussion which are the means in obtaining the experiences of the participants in the different tongtongan practices of the Ibalois and the procedures of such tongtongan in the selected barangay of La Trinidad, Benguet. The researchers have chosen them as their participants because they are knowledgeable about the tong tongan practices occur in almost phases of life of Ibalois.

The researchers also used field notes to write down the statements of the participants. A mobile phone was used to record the conversation during the interview upon the approval of the participants for clarification of the statements that were written down.

### 3.3 Theoretical framework

This study followed the input-throughput-output model in the paradigm which is a diagrammatic presentation of the method used in the study.

The first box represents the input which is the tontongan (mankusjon) practice of the Ibalois in the selected barangay of La Trinidad, Benguet. The second box contain the process or the methods used which is ethnographical inquiry through unstructured interviews, storytelling and group discussion. The third box represents the output which is the tongtongan (mankusjon) practice and its procedures.



## Research Design and Methodology

This study used qualitative method of research using ethnographical inquiry. Ethnographical inquiry is the study and systematic recording of human cultures. This methodology is also descriptive work produced from such research. It focuses more on the “what” of the research subject rather than the “why” of the research subject.

### 4.1. Population and Locale of the Study

This study made used the purposive sampling of identifying the ten (10) participants in this research, two (2) from barangay Shilan, five (5) from Barangay Alapang, two (2) from barangay Bahong, and one (1) from Municipal Indigenous People Mandatory Representative (MIPMR). Each participant of this three (3) barangays and Municipal Indigenous People Mandatory Representative are the Indigenous People Mandatory Representatives (IPMRs) and Council of Elders. There are sixteen (16) barangays of La Trinidad Benguet but researchers chose only the three (3) barangays mentioned above because they are the most Ibaloi populated barangay among the sixteen (16) and easy to access by the researchers. The participants were selected based on the criteria by reason of public authority they have. Therefore, they are knowledgeable about the tong-tong practices of the Ibaloi. Meanwhile, council of elders were also interviewed to share their experiences on the tong tong practices and its procedure.

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### 4.2. Data Gathering Instrument

The tools that were employed in the gathering of data were interviews, storytelling and group discussion which are the means in obtaining the experiences of the participants in the different tongtongan practices of the Ibalois and the procedures of such tongtongan in the selected barangay of La Trinidad, Benguet. The researchers have chosen them as their participants because they are knowledgeable about the tongtongan practices occur in almost phases of life of Ibalois.

The researchers also used field notes to write down the statements of the participants. A mobile phone was used to record the conversation during the interview upon the approval of the participants for clarification of the statements that were written down.

### 4.3. Data Gathering Procedure

The researcher prepared a request letter addressed to the barangay captain to conduct personal interview. Prior to the said date of interview, the letters were disseminated two days before the date of interview and some barangay captains opted to be interviewed right after the receiving of letter. After approval, the researchers gave each of the participants a copy of an informed consent to conduct an informal interview in which they gave approval and signature. Three separate interviews are conducted and the gathered data were then transcribed. As for confirmation of data gathered, researchers conducted follow-up interview at Municipal Indigenous People Mandatory Representative of La Trinidad, Benguet. After the data were gathered, it was transcribed in English.

### 4.4. Treatment of Data

The data gathered through informal interview and group discussion were consolidated carefully and interpreted by the researchers. The researchers utilized coding and thematic analysis to interpret the data. Thematic analysis is a flexible data analysis plan that qualitative researchers use to generate themes from interview data (Braun et al, 2013).

#### 4.5. Theoretical/Conceptual Framework

The basis used in this study are the Indigenous Peoples Rights Act (IPRA) Republic Act Number 8371 of 1997, Section 16, Article II Section 10 and Section 22 of the 1987 Philippine Constitution, Presidential Decree 1508, Sections 399,446 and 447 of the Republic Act 7160, social learning theory, differential association theory and anomie theory. These laws and theories are needed in this study because these suggest accurate propositions about cultural practices as one contributor to peace and order in the country.

##### Socio-Cultural Theories

In a certain community, they have a certain social norm that guides them their way of living. Children growth is deeply guided by the values, goals and expectations of their culture. If a certain individual value his or her own culture then he or she is likely to developed abilities that may differ from others and he or she cannot be separated from its cultural context. Therefore, a person who is guided by the social norms of such society is acceptable in that certain society. However, if the person does not take the percept of his or her own culture seriously, then his or her behavior is considered a deviant. This deviation from the ideal measure's one behavior against the standard toward which most people are striving. It can lead a person to become an outcast in that society (Vygotsky, 2019).

This explains that we have different kinds of cultures and traditions depending on our ethnics which we follow and to develop our way of living, our attitudes and actions which makes us different when we go and live to other places or ethnics.

##### Anomie Theory

The concept of the anomie theory is the rapid social change and weakening of traditional values as a condition that influences the social behavior and criminality in the society. The relation of this anomie theory in crime is that it gives more emphasis on how the authority cope up with the rapid changes within the society applying the contemporary way of solving crimes. When the law-making body amends such existing laws, it should adopt the current situation to become efficient and effective applicable in every situation. Thus, anomie theory implies that a particular acute strain on individuals in disadvantage social position can shape a group or person in different from what is ideal in the society (Bernburg, 2021).

The idea of anomie theory is the lacking of normal ethical or social standards. The rules that of how individuals interact with one another were disintegrating and therefore people were unable to determine how to act with one another. This is known as normlessness which can cause deviance behaviors and later depression and suicide.

##### Strain Theory

In this strain theory a certain class are denied of legitimate access to culturally certain goals and opportunities that results to frustration, illegitimate activities of rejection of the society. Most people share common values and goals but their means for legitimate economic and social success are stratified by socio economical class thus, these individuals use deviant methods to achieve their goals or regret socially accepted goals or substitute deviant ones to attain their needs. In connection, a person who live in a certain society which is deprive or resources is likeable to commit criminality (Lotha, 2006).

In connection to the problem this theory focuses on the perspective of goals such as the goal of the problem is to resolve the argument being settled.

##### Labelling Theory

According to the labelling theory self-identity and the behavior of individuals may be determined or influenced by the terms to describe or classify them. This theory holds that deviance is not inherent in an act, but instead it is focused to the negatively labelled minorities or deviant form standard cultural norms. Stigma is defined as a powerful negative label that changes a person's concept and social identity. The same is true to the tribal communities that when a person condemned is therefore look down in the community as unworthy and considered outcast from his innocent children down to their next generation. (Skaggs, 2009).

This theory helps to explain why behavior is considered negatively deviant to some people, groups, and cultures but positively deviant to others. Kusjon is labelled in a different way to resolve disputes than that of others.

##### Republic Act Number 8371 of 1997, Section 16

R.A. 8357 also known as the "Indigenous Peoples Rights Act (IPRA) law was approved by then President Fidel V. Ramos on October 29, 1997 and took effect on November 22, 1997. This is an act giving the right for Indigenous Cultural Communities/Indigenous Peoples to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

##### Presidential Decree 1508

P.D. 1508 also known as the "Katarungang Pambarangay Law" was promulgated on June 11, 1978 during the presidency of the late president Ferdinand E. Marcos. This decree recognizes the historical fact that amicably settling disputes among family and barangay members at the barangay level without judicial recourse. It was a long time-honored tradition in the Philippines and the root of Filipino cultures (P.D. 1508).

##### Republic Act 7160, Sections 399,446 and 447

Amending P.D. 1508, R.A. 7160 or the Local Government Code of 1991 was subsequently enacted. Pursuant to the law, the implementing rule of Government Code mandates that each barangay in the country will create a lupong tagapamayapa, compose of the Punong barangay (Barangay Captain) as chairperson and ten (10) to twenty (20) members. The lupon shall be constituted every three (3) years. The qualification of the lupon members is simple. They must be an actual resident or workers in the barangay, must have integrity, impartiality, independence of mind, and a reputation of probity.

In barangays where majority of inhabitants are members of indigenous cultural communities, local system of settling disputes through their council of elders shall be recognize without prejudice to the applicable provisions of the code (Section 399, R.A. 7160).

Moreover, under sections 446 and 447 of the Republic Act No. 7160 explicitly provide that in addition to the regular members of the Sanguniang Bayan and Sanguniang Panlalawigan, there shall be three (3) sectoral representatives: one (1) from the women; and, as shall be determined by the sanggunian concerned within (90) days prior to the holding of local elections, one (1) from the agricultural or industrial workers ; and one (1) from other sectors, including the urban poor, indigenous cultural communities, or dis abled persons.

Paragraph Q, Section 4 of Republic Act 9344

Restorative justice refers to a principle which required a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.

It embraces a wide range of human emotions-healing, mediation, compassion, forgiveness, mercy, and reconciliation (Paragraph q, Sec. 4 of RA9344).

Republic Act 9285

An act enacted to further strengthen the restorative justice. It is an act to institutionalize the use of an alternative dispute resolution system aid to establish the office for alternative dispute resolution and for other purposes (Title of RA 9285).

The paradigm of the study described the coverage and direction of the study. The first box represents the input which is the tontongan (mankusjon) practice of the Ibalois in the selected barangay of La Trinidad, Benguet. The second box contain the process or the methods used which is ethnographical inquiry through unstructured interviews, storytelling and group discussion. The third box represents the output which is the tongtongan (mankusjon) practice and its procedures.

#### 4.6. Statement of the Problem

This study sought to know about the Tongtongan (Mankusjon) practice in the selected barangays of La Trinidad, Benguet and its procedures which help in the strengthening of the traditional justice system that paves well for the revival of the self-determination and governance to bring together indigenous communities to cooperate with law enforcement agency in promoting peace and order in the community.

Specifically, this study sought to answer the following:

1. What is Mankusjon (tongtongan) Practice of the Ibalois and its procedure in the selected Barangay of La Trinidad Benguet?

## RESULTS AND DISCUSSION

### PRESENTATION, ANALYSIS AND INTERPRETATION OF DATA

This part contains the presentation, analysis and interpretation of data gathered.

#### THE TONGTONGAN (MANKUSJON) PRACTICE OF IBALOIS AND ITS PROCEDURE IN THE SELECTED BARANGAY OF LA TRINIDAD BENGUET

This problem discusses the mankusjon (tongtongan) practice and its procedure in the selected barangay of La Trinidad, Benguet.

#### MANKUSJON

Mankusjon is the prior engagement of both parties in a way of settling their contention without judicial intervention but only by means of “communication.” “Mankusjon” means to communicate from the word “Man” means “to” and “Kusjon” means “communicate.” According to participant H, the origin of this Mankusjon is from the ancestors of Ibalois and it is being performed when complaint arises and addressed to the “lallakay” or elders for alternative dispute resolution mediation. This takes place either at the house of disputants or at the barangay hall for privacy and in the case of land dispute, Mankusjon takes place at the disputed lot. The person who will act as mediator will be the “lallakays” or elders who have prior knowledge to the “kusjon” and participated by the dipustants and their respective relatives who will act as witness of the “kusjon.” This “kusjon” takes place in order to resolve disputes alternatively without the intervention of law and the judicial system. In cases that tongtongan (kusjon) fails to resolved such cases, it will be directly passed to the barangay, and if the barangay also fails to resolved the case, it will be the time that the judicial system will intervene.

According to participant H, he stated that “Sigun iti nadandanun mi ket nga ikasta da ket adda dagijay kunada nga no Ibaloi word kuma ket ‘kusjon’, ‘mankusjon’ ket diyay no adda ti haan nga pagkikinaawatan ti maysa ken maysa, jay both parties’ ti both side no jay panglakayen da i pangamaen da suda ta agsasabat ket ijay da nga agtotongtong no anya ti kasta da ijay.” This means that if there are arguments between persons both parties will conduct this “kusjon” which is mediated by elders.

Participant A also agreed that “no malpas ti tongtongan ada ti ritual nga maararamid. Depende met kitdin ni eman no nganton klasen kaso, no maypangkep ni san asavan nanbisak weno nanbahal wara nen e mapengdon dag en sha. Depende ni degree ni kaso.” This means that after kusjon there is ritual conducted depending on the case.

In addition, Participant B explained that “ada ladta met jay kaugalian nga mangmangyari nga pagtulagan jay both parties; ada diyay nga maaramid kasla kasjay inbaga ni IPMR nga agasawa nga nagsina nga kayatda nga agsimpa ada diyay, kasla metlang no diyay ada ti nadangran ket ada mtng diyay ritual nga maar-aramid ngem masapol nga jay both parties kit ag wen da.” This means that there are still cases which will settled by both parties themselves such as separated wife and husband and disputants and the need of rituals will be conducted if both parties will agree.

As a proof, participant J confirmed that “wen..wen, ada dayta mankusjon.” This means that is indeed there is still mankusjon.

Based on the above statements, it can be inferred that mankusjon is a pre-requisite for the purpose of settling dispute among the contending parties within the community which were composed by elders for them to hear the background and bone of the contention or dispute addressed for them to settle peacefully. This also implies that before the cultural practices commence both parties must agree to settle their dispute.

In corroboration, “Tut-uya” in Bontoc an indigenous way of peacefully settling disputes, can be potential scheme to be integrated and adopted as an Alternative Dispute Resolution (ADR) among the indigenous people schools in Cordillera Administrative Region this “Tut-uya” processes impacts speedy resolution of cases in schools. This Alternative Dispute Resolution showed that court and civil service commission litigations were avoided by the respondents by using the “Tut-uya” processes in

resolving conflicts for school cases. The principle of Restorative and transformative justice is reflected in the indigenous justice system practices and using the procedures of “Tut-uya” is a viable mechanism in strengthening the implementation of Alternative Dispute Resolution at the Department of Education (Faculo, Botengan, Aplatén and Cadsí, 2016).

Moreover, In Cordillera, particularly at Kalinga Province for time immemorial, the Pasil tribesmen of Upper Kalinga and the Tubug tribesmen of Lower Kalinga have maintained a bodong (Conversation) peace pact between each other, all terms and conditions strictly followed by all their tribesmen. But time dictates the need to renew and redefined the “Pagata” or the terms and conditions of their Bodong both tribes decide to have the “dulnat” or renewal of their Bodong (Baguio Midland Courier, 1995).

### **Procedures of Mankusjon**

The following are the step-by-step process that is being followed during the kusjon.

**Rising of Complaint (Riri ni sanká-idihan).** This is the first step of the kusjon wherein if there is a dispute between two or more persons, it is either the offended party or his relatives or any person who witness such dispute will report to the elders for their settlement.

According to participant H, he stated that “Nu adda ti naggaapa wenu nagdidinnangran, ket kayat da nga maayos iti apa da ket dajjay nadangran nga palalo wenu jay nakakita kanyada ket mabalin da nga mapan agipulong iti panglakayen da.” This statement means that when there is a dispute between persons and they like to settle their argument, then it is either the offended party or other person who witness such dispute will report to the elders for their settlement.

**Calling out of Parties (Ajaban e san partidós).** After complaint arises, the elder/s will summon both parties and ask them if they want to settle their argument through kusjon or straight forward to the judicial system.

According to participant H, he stated that “Tapos nu kasjay nga adda ti naipulong kanyak wenu nagcomplaint kanyak nga diretso, ket paayabak ah nga dagus isuda nagdidinnangran tapnu damagek met ah nu nya ti napasamak nga agpaysu ket kunak nga nu kayat yo ti tongtongan, mabalin nga ipursige yo dayta.” This states that both parties will be gathered by the elders to determine if such dispute and complaint has occurred and true. Afterwards, the elder then also give a choice to the both parties if they want to settle their argument through Kusjon or in legal way.

**Setting of date and venue (Pan petsa ni kaagkawan).** In this stage after both parties choose to settle their dispute through kusjon, they will then set a date and venue on when and where the kusjon will transpire as it is asked by the elders/mediator.

According to participant H, he states that “Isunga iset yo ti aldaw ta ayaban yo met ni uncle yo nga agsinungbangir ta ijay tayo nga uray ijay balay yo nga matongtong, agsisinango ngem depende kanyayo ta pagpilien mi isuda ah maymayat sa ijay barangay hall ket okay lang, totongen met ittoy barangay hall.” This means that the elder whom they reported the complaint will ask both parties to set a date and venue to conduct “Kusjon” or the conversation.

**Tong tongan proper (Kusjon).** This stage is the main event of the kusjon wherein the argument will be discussed and both parties will defend their sides that was mediated by the elders.

According to participant H, he stated that “Into no ada da ijayen ah ket idjay dan ah nga ag totongtong ken ibaga da ti side da.” This statement means that after the setting of date and venue this will be the time that the tongtongan or the settlement will occur and both sides will explain their grounds about the argument.

**Decision.** This is the final stage of kusjon wherein decisions will be given and as referred by the elders that it is better for them to accept the terms and conditions of the result of kusjon. Moreover, this stage is also the time that both parties will agree and accept their mistakes and settle their argument finally. If this kusjon fails to reconcile both parties, that will be the time that it will be passed to the barangay or judicial system.

According to participant H, he stated that “Santo idjay en nga sulbaren ti lallakay day riri da nga duwa.” This means that this will be the time a decision will be given by the elders if such tongtongan (Mankusjon) is successful or the need of government intervention.

### **Rituals performed after the Kusjon**

The following are the rituals being conducted after the settlement.

**Peltik.** This is a simple ritual of pouring out a few drops of alcoholic beverages customarily rice wine but as time goes by, it is not necessary rice wine but also any kind of liquors or wine accompanied by madmad prayer (prayer directly to God) as that done in passing rise wine and praying for wisdom before a tongtong adjudication.

According to participant H, he stated that “Kasjay ti proseso na met isunga intuno nalpas dajjay tongtongan, jay ugali garud idi ket adda ti ipilpiltek da nga tapey idi ngem tadda nga aparigat ti tapey umanayen dagijay arak, isu laeng ti ipiltik ta ibaga mi ket nag ayus dan, kasjay panidawatan metlang kenni namarswa. Diyay man ti ikasta na. Sadanto agtennos da, tas aglamano da sakami met palakpakan.” This means that after decision is given, both parties will toss a glass of wine as a reconciliation process and asking the blessing of God. Afterwards, they are ordered by the elders to perform shaking of hands as a proof that their relationship has been restored.

**Sabusab.** Is a ceremony to bring peace to quarreling kin people and to cure source, which are traditionally seen as correlated because of curses involved. In Atok the ritual is described as follows: the quarrelling parties are separated by pieces of wood. A pig or dog is used. When the food is ready, the parties are served plates of rice and meat. The mambunong prays over the food, after which the quarrelling parties exchange plates, and when they eat the food, the quarrel is regarded as settled, and whatever curses have been invoked will be removed and each party forgive the other.

According to all participants, “sabusab” is performed to reconcile broken relationship between one another, harbouring hatred, harming one another to mend their differences and for reconciliation purposes.

Participant D stated that “No regarding ti clan disputes or children’s conflicts, no regarding storya wennu kuwa, wara hota term ‘sabusab’ no kankanaey ket ‘daw-es.’ No kasjay jay agkabsat kayo nga adda ti haan yo nagkinaawatan ngay ket adda term nga agsinabusab kayo tapnu mawas-was dayta haan yo pagkikinaawatan.” This means that if regarding clan disputes or children’s conflicts, and regarding stories there is a term ‘sabusab’ in Ibaloi and in kankanaey ‘daw-es’. In the case of siblings if there is quarrel between them, they should practice sabusab in order for them to be settled.

This was supported by participant H who stated that “Ti naabutak met no adda ti haan nagkikinaawatan agparti da ti aso, ket ti nagan na diyay ket sabusab, dyta ket no panggep jay nagdidinangran.” This means that if there is an argument between parties, they will butcher dog in the case of disputes.

As a validation, participant J asserts that “dita sabusab, dytuy ket no ada nagsinakit or through words man or action, maayaban diyay both parties ket agparti da ti baboy or anya man ti inbaga ni mambunong, ket ijayen nga agtongtong da ken ikararag ni mambunong keni kabunian diyay naparti nga baboy ken iti pagsayaatan da nga duwa tapnu kasta ket maugasan diyay nag aapaan da kun pagkinarien da jay both parties nga haanen nga maul ulit diyay nga pasamak.” This implies that sabusab is performed with the help of elders to reconcile the broken relationship between contending parties especially between unrelated persons, relatives and kin’s brought by quarrels and disputes. As an offering and asking the blessing of God, butchering of animal is also needed and prayed by the elders.

**Kafe.** This “kafe” is done as a cleansing ceremony between separated husband and wife. This is performed to normalize the situation and to stop the argument of the people for such marital break-up and to make it understood that it is reasonable. This is also a practice done between separated husband and wife so that any wrongdoings committed by either of them will exclude liabilities of the one who is innocent.

Participant H stated that “No kaspangarigan sininaan daka ni misis mo wennu ni lakay mo, sika nga nabati ijay balay agkafe ka a, agparti ka ti baboy nga ijay ibaga ti mambunong ket kasla ibagana na nga awan kayon tano incase nga anya man ti araramiden ti maysa, hanka nga maapektaran, hanka nga maapektaran ijay.” This means that there is a ritual done for separation wherein it is a mutual agreement between husband and wife to discontinue living together. A legal separation however does not dissolve the marriage bond but merely adjusts the couples’ obligation under it in light of their desire to live separately. In kafe, the separation is done by mutual consent of both partners but the spouse left in the conjugal house must compulsory perform this kafe. This does not dissolve the marriage and if both spouses decided to reconcile their relationship and want to live again together then it would be possible to do so.

**Man-eddang.** This man-eddang is specifically for controversies between husband and wife. According to all participants, man-eddang is an agreement of the argued husband and wife for a temporary separation for a period of month or depends on the advice of elders for its duration process. This is to ensure that during the “eddang” both of them were not cohabiting to ensure the cleaning process is strictly implemented to avoid consequences. Also, in case of physical injury between the couples, temporary restriction of the aggressor to dwell in that particular community where he had committed such misconduct is strictly observed. After a lengthy period of time, a month or a year, if they decided to reunite then it could be possible to do so.

Participant B stated that “No kaspangarigan ey case ni san asava itan ket wara eman nanbisak nu unto e ekuwan ni elders nu ekwanto e man adding kayo ni one month, six months after that agtipon kayo manen kasjay ti do’s ken ti dont’s ket haan kayo pay agkababalay diyay ti kasla paglinis da.” This means that in disputed couples the decision of elders is to separate the couple for a period of time for the purpose of redeeming their relationship.

Participant A explained that “No kaspangarigan ti kaso ket physical injuries ti maysa ket ma destierro ngay haan ka pay nga agpakpakita ti within one year after that mabalin mon agpakita. Ta kasla kasta ti pagsimpaan da.” Stated that in case of physical injuries one will be having his/her destierro for a period of time and after that he/she can come back.

Participant D also agreed that “Wen kasta ngay pagsimpaan ti agasawa, isu ti isuro ti elders wenu mambunong tapnu mayat manen ti linangen da. Into nu malpas dayta nga inaramid da ket mabalin manen nga agtipon da ta dyta ket kasla aglinis da.” This means that the main goal of the elder is to reunite the disputed couple.

Based from the statement provided, it can be inferred that man eddang is an agreement between argued husband and wife for a temporary separation to settle first their differences and if they decided to reconcile then it is possible to do so.

This implies that, the above information strongly states that mankusjon (tingtongan) practice mentioned is still exist and have a big role as an Alternative Dispute Resolution. Moreover, the procedures specially the sabusab, kafe, and man-eddang are also being performed as the procedure of kusjon (tongtongan) process and is effective in solving specific cases.

Based on above mentioned, the findings are; mankusjon is the prior engagement of both parties in a way of settling their contention without judicial intervention but only by means of “communication.” After settlement, there are steps in the tongtong process such as the rising of complaint, calling out of parties, setting date and venue, tongtongan proper, and decision. The rituals that are performed after decision are; peltik, sabusab, kafe and man-eddang.

## Conclusions

In light of the findings derived from this study, the following conclusions were deduced:

1. The Mankusjon as an indigenous practice for resolving conflicts within the Ibaloi community in the selected barangay of La Trinidad, Benguet has a potential to be use in solving different disputes and have a big role as an Alternative Dispute Resolution.
2. The procedures of the tongtongan (mankusjon) practice of the Ibalois varies depending on the advice of the elders. The rituals are performed in accordance with its purpose. The process possesses a participatory character which includes both the litigants, their relatives, elders and the community.



## Recommendations

After careful review of the findings and analysis of data, these recommendations are presented:

1. The Ibaloi community may strengthen this kusjon by informing the residents to not directly complain to their barangay, instead they must seek their elders first for alternative dispute resolution which will then help lessen the clogging of barangay and court cases.
2. The Indigenous People's may continually conduct more seminars, orientation and trainings about Indigenous way of promoting peace and order in the community to fully equip the citizens on the knowledge needed regarding the works of the elders on managing conflict resolutions.

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