

Bugkalots' Communicative Action on Property and Inheritance: A Habermasian Discourse

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ABSTRACT

The ability of a cultural community to progress and preserve itself as a distinct people is anchored on a social order that is nurtured and shaped by an oral law, characterized by rational and coordinated action of property ownership, transfer and dispute resolution. Using the theoretical lens of Jurgen Habermas specifically on the concept of “system and lifeworld”, the study aimed to determine the communicative action that exists among Bugkalots which allows rational acceptance of customary laws in the transfer of property and solving disputes related to property ownership. Also, it determined how communicative action is established and shared in the Bugkalot lifeworld and lastly, identify the ethics of discourse which are imbedded in the communicative action that manifest the Bugkalot's struggle for cultural survival and preservation. Fieldwork, interviews, and case studies were used in the study. Results revealed that one important factor that discourages property disputes especially on ownership and conveyance among Bugkalots is their knowledge of communal ownership. This suggests that their purpose of ownership is not egocentric ownership but an act of reaching understanding. Community members can still be oriented to their own interests, but they do this under conditions which harmonize their plans

of action on the basis of common situation definitions, that is, the essence of Habermas' Communicative Action.

Keywords - Customary laws, Bugkalots, communicative action, property, inheritance, ownership, succession, case study, Quirino, Philippines

INTRODUCTION

The world is composed of more than 370 million self-identified Indigenous people worldwide making up more than 5000 distinct tribes. They speak more than 4000 of the nearly 7000 languages of the world today. Their territories cover about 20% of the earth's surface (IFAD, 2012).

The Philippines is a home to more than 110 indigenous cultural communities inhabiting seven major ethnolinguistic regions. These indigenous people number to more than 12 million or 16% of the 73 million Philippine population as of 1997 survey (IPRA, 1997). Indigenous cultural communities are known to be distinct from the mainstream Filipino due to their cultural identities, spiritual beliefs, economic practices, and political structures. They are the descendants of the native Filipinos who rejected colonialism. They retained in them the uniqueness of the Filipino person (Ibon, 1993).

All Indigenous Cultural Communities in the country trace their beginnings on the land upon which culture is rooted and where they live. For them, the land is their worship area (religion), their institution of learning (education), their area of governance (politics), their livelihood and market (economy), their medical center (health), their shelter (defense and security) and their history (IPRA, 1997). For these reasons, cultural communities provide ultimate reverence to their ancestral lands since it is the center of their human existence. As clearly articulated by Macliing Dulag, a Kalinga pangat, "land is sacred, land is life" (Bennagen, in Anima, 1985). This somehow captures the urgent need for the state to recognize the rights of the Indigenous People to their ancestral lands and ancestral domain consistent with their aspirations, survival, and cultural integrity.

Among the Indigenous People, the pursuit for order and continued survival are dependent on adherence to their customary laws. The Bugkalots of Landingan, Nagtipunan, Quirino, Philippines are no exemption as their lands are still untitled and they continue to transfer and decide disputes on property and inheritance by the existing customary laws handed by their ancestors. As of 2015, no written documents are made in the disposition of property considering that

tekwat (pinpointing) is still the pervading manner of property transfer. Unlike in the mainstream culture where demarcation (land titling) of property precedes ownership and identity, the Bugkalots first identify themselves as Bugkalot then ownership is established. In short, it is their identification of their being Bugkalot which determines their communal ownership and subsequently their individual property. The key to this reality is the adherence to their customary laws which is crucial in defining and determining their social relations particularly in relation to land. These customs and practices are rooted in a “widespread rational acceptance” by the population based on the everyday conduct of members and the expectations from certain activity which guide the people’s action.

The study proffers that investigating the Bugkalots *communicative action* , a rational and shared understanding of people leading to coordinated action, consensus and cooperation, may be a sound basis in explaining the dynamic character of their customary laws especially in fostering good governance and in effectively responding to changes amidst the influences of modernization.

Habermas Theory (1994) on Communicative Action provides a theoretical basis for a view of planning through public dialogue. This dialogue is characterized by massive participation from the members and where information are disseminated and shared by all. This theoretical view discourages the exercise of power by strong participants and thus, avoiding the giving of preference to experts that would result to monopoly in the decision making process.

In the study of the Customary Laws of the Bugkalots, this theoretical basis of Communicative Action was explicated in their three primary customary laws: One is the continuous practice of the Bugkalots not to have a legal title of their lands. Second is their adherence to transfer their property and inheritance from one person to another through customary practice and third, the practice to continue deciding disputes on property and inheritance by existing customary laws.

Account on the Customary Laws of the Bugkalots are evident that the preservation and compliance of these customary practices are attributed to frequent dialogue regarding its benefits and the need to subscribed to these laws.

OBJECTIVES OF THE STUDY

Using the theoretical lens of Jurgen Habermas, the study aimed to determine the communicative action that exists among Bugkalots which allows rational acceptance of customary laws in the transfer of property and solving disputes

related to property ownership. Also, it determined how communicative action is established and shared in the Bugkalot lifeworld, and lastly, identify the ethics of discourse which are imbedded in the communicative action that manifest the Bugkalot's struggle for cultural survival and preservation.

FRAMEWORK

Oral law is considered a system and the practice of it becomes a lifeworld. The Bugkalots have weaved across time an oral law governing their property and inheritance. This oral law was not a prescription but a negotiated act among them. The practice of oral law as a negotiated action is founded on their concept of communal ownership. It is through communal ownership that they reach a level of rational and common understanding which constitutes their communicative action. Reaching this level of communication brings them to a higher level of consensus and cooperation. It also allows them to pursue a coordinated action leading to the realization of a common goal which is integral in shaping their social life.

Customary Laws: A Habermasian Perspective

Jurgen Habermas is a contemporary philosopher with a worldwide reputation. One of his best-known idea is *communicative action*, in which actors in society seek to reach common understanding and to coordinate actions by reasoned argument, consensus, and cooperation rather than strategic action strictly in pursuit of their own goals. In *communicative action* participants are not oriented to their own individual successes. They pursue their individual goals under the condition that they can harmonize their plans on the basis of common situation definitions. In this respect, the negotiation of definitions of the situation is an element of *communicative actions* (Habermas, 1984).

Communicative action is an essential framework to understand the Bugkalots' issue on maintaining a "paperless" property ownership, transfer and dispute resolution. It brings into fore the absence of property disputes because community members act on rational and coordinated meaning. Thus, their "lifeworld" was the key to creating cooperation and consensus in their family and community life.

Habermas' further believed that it is through the legitimation of the social institutions in society that equality and respect among the members are assured, loyalty in the system is expected while adherence to customary laws on property

and inheritance is subscribed upon. Habermas critical social theory proposes a dual understanding of society both as a *system* and a *lifeworld*. *System* refers to the material reproduction which has to do with the preservation of bodies and which occurs mainly through the market and the state, while *lifeworld* refers to the horizon of meanings that individuals share in society and it is coordinated and reproduced symbolically. *Lifeworld* also conveys the unquestionable background of meanings that is the locus for social integration.

Then and now, the customary laws of the Bugkalots play a significant and indispensable role in shaping their social life. Although unwritten, these customary laws are rarely disobeyed and they have become the source of social order and tranquillity in the community. This obedience creates an expectation based on the everyday conduct of members of the group and the expectations for a certain activity which rationally guides the people's actions. Customary law evolved from the recognition of the members of the group that they should act in accordance and in consideration of the rational expectations of others. The "benefit of behaving in accordance with other individuals' expectation" gives one the assurance that these individuals behave as expected.

Three (3) primary customary laws are elucidated in this study. One is the continuous practice of the Bugkalots not to have a legal title of their lands. Second is their adherence to transfer their property and inheritance from one person to another through customary practices. Third is their practice to continue deciding disputes on property and inheritance by the existing customary laws. However, to ascertain the role of these customary laws in the Bugkalot's lives, the need to unravel the *communicative action* governing their everyday life is also imperative.

It is a basic assumption of communicative action that those who are involved in the dialogue are rational and equal. In this study, the assumption of rationality and equality is laid by the members of the first or original Bugkalot community who set the norms and laws before it became an established customary practice. This is in recognition of the fact that an established practice does not allow rationality and equality of community members in the discourse. Rather, by force of reason, this has obtained widespread acceptance from one generation to the next as they see the validity of the claim being clothed with good reasons to ensure that the practice is perpetuated.

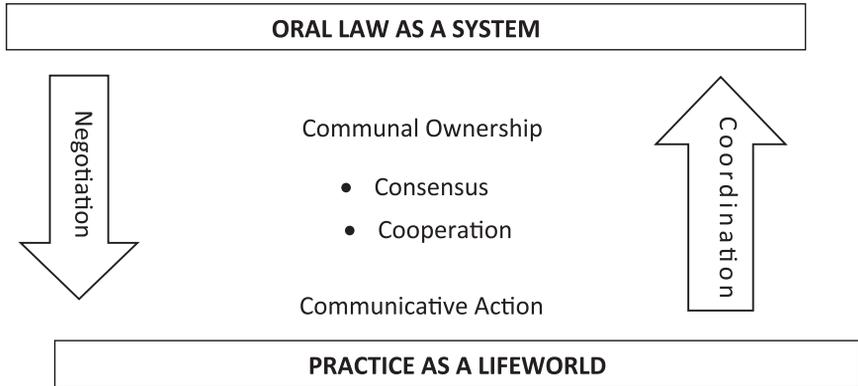


Figure 1. Framework of the Study

METHODOLOGY

Fieldwork, interviews, and case studies were used in this study considering that it sought to document the “Bugkalot Customary Laws on Property and Inheritance”. These research methods were employed to elicit information on the applicability of customary laws on property and inheritance. The researcher lived and stayed in the research site from May 10 to October 2003 and series of visits were made to the place from November 2003 to December 2003. Structured interviews were conducted to elicit data on customary laws, while case studies were also undertaken to understand the operationalization of customary laws.

The research was substantiated by methods of Sikolohiyang Pilipino such as *pakapa-kapa* (*groping*) approach considering that the researcher is unfamiliar with the research area and its people. Thus, during the first part of the immersion, the data collection was made through *pagmamasid* (*observation*), *pagtatanung-tanong* (*questioning*), *pagsubok* (*trial*), *pagdalaw* (*visitation*), *pakikilahok* (*participation*) and *pakikisangkot* (*involvement*).

The researcher used the Structured Interview Guide as the primary instrument in gathering the data. The interview guide was done in English and was translated in Ilocano and Bugkalot. Ilocano is the lingua franca of the place, however, some informants, who were not fully conversant in Ilocano, were interviewed in the Bugkalot language with the aid of a Bugkalot interpreter hired for such purpose.

Interviewed for the study were the group leaders, elders, barangay officials, and some community members in Landingan, Nagtipunan, Quirino who were

willing to discuss and share their customary laws particularly on property and inheritance. Majority of the informants are males aged 40 and above and are married. Others belong to the age bracket of 20-40 years old. Old informants have not gone to formal schooling but they can speak Tagalog and English. They earned varied experiences in the realm of politics serving as Municipal Councilors, Barangay Captains, and other administrative positions. Few of the informants have at least elementary education, but all of the informants are farmers by occupation.

Focus Group Discussion was used to ensure comprehensive collection of the data. Documentary analysis was employed to scrutinize barangay and municipal records relevant to disputes and settlement on property and inheritance. The data gathered in the study were qualitative in nature. Hence, content analysis of the responses was undertaken.

In compliance to Free, prior and informed consent, the researcher sought permission from the Municipal Mayor of Nagtipunan and from the NCIP Regional Director for the formal conduct of the study. Letters of Information to the Tribal Chieftain, Elders and Barangay Officials of Landingan were prepared soliciting for their cooperation and support.

RESULTS AND DISCUSSION

The primordial reason why the Bugkalot's ancestral lands remain untitled is their concept of land as a property and the great reverence attached to it. *Degin* (land) among the Bugkalots is an indispensable property that determines the survival of the individual, family or group. For them, land is life and it is the most precious and sacred property because it directly supports life and must therefore be treasured and respected. It provides assurances for their survival; it provides their food, shelter, clothing, and other materials necessary for their existence as well as protection from their enemies. On the whole, *Degin* is the most important of all the group properties because it serves two purposes: (1) Individually, it directly supports life (economic existence) and acts as a social symbol that marks one's individual identity (social existence). (2) Communally, it strengthens social relationship and group solidarity.

The Bugkalots also regard their land as a schoolhouse for their children and the resting place of their ancestors. This unique reverence for the land means that if it could not be bought as if it is a commodity. The land belonged to all indigenous members and was there for their protection. Without land, every

individual and family could not live. This was explained in the revelation of one of the informants who said (personal communication, 2003).

Ma degin okidingtuo, tan-abungan, matribu Awannamabibiyeymesitatuo nu awanitu. Tan pag toy kagagapwannema pan magu-magunom pambibiyey. Ten magaput-to ogindapumasaysay ma degin. [Land is the most important property that every individual and family should possess. One cannot live without it considering that it is the source of daily subsistence. For this purpose, land should be valued, protected, and preserved.]

The high regard on land as a property may explain why the Bugkalots' ancestral lands, although untitled, have been kept intact, free from dangers possibly imposed by foreign colonizers, migrants, and outside threats, thus, preserving them for the present and future generations. This great respect for land as a property has allowed their survival for centuries and has contained their history and identity as a cultural group. By means of it, the Bugkalots have survived and will survive for the years ahead.

What *communicative action* preserves this high respect to the Bugkalots' untitled lands? According to one informant, among the Bugkalots, to kill is justifiable especially in defense of property. This reflects the Bugkalots' hierarchy of values putting paramount concern to respect to property than respect to life as hel supreme among mainstream cultures. *Stealing never happens which explains why you can just leave your property without fear of losing it.* This communicative action confirms the observation of Father Pedro Salgado (1994) that the primary virtue of the Bugkalots is the respect given to other people's property. He said: *The Bugkalots respected the property of others never appropriating for themselves what belonged to others.* Other writers such as Ramon Jordana Morera highlights the Bugkalots high respect for others' property when he wrote: *The Bugkalots pose the most perverse inclinations, except theft, which surprisingly they never come with this virtue, the Ilongots were spared from property dispute involving ownership and ownership* (Salgado, 1994).

It is important to note that respect to the property of a person is understood by the Bugkalots to embody a universal interest and has the capacity to elicit rational agreement in moral discourse to ensure solidarity with others. Obedience to this societal norm is necessary to maintain harmony in the group. Besides, since they see that the validity of these norms is seen to hold true for all, everywhere, every

time, they follow it and that the point in acting as such is wise. These normative expectations make one integrated in the mainstream of Bugkalot culture and consciousness. For them, the obedience to this norm, because of the fear of being caught and punished to steal one's property, is seen not as a good moral reason for acting. Rather, in respecting one's property, one acts on reasons of interest that apply to him in a way. In short, members of the community will generally comply with such norm because they see the rational point why they have to do it. In Habermas' term, this is called *rational compliance*.

Another customary law peculiar among Bugkalots is the transfer of property and inheritance from one person to another through customary practices. Adherence to the family and societal norms related to property and inheritance is best illustrated in their concept of *tekwat*, the pinpointing of property without wills. This concept has prevailed across time and has efficiently elaborated the authority of the parents towards the young particularly in the distribution of property.

Among the Bugkalots, the father has the sole authority to designate which parcel of land has to be inherited by a family member. Although equal share in the distribution is ideally observed, a family member has no right to choose the location of the inherited property. The father, then, through his authority in the family, pinpoints the share of his member which becomes binding to all inheritors. This power and authority, however, is obtained not because of external coercion but because of its reasons and consensual determination. It is understood that obedience of the children to the authority of the father (being patriarchal) is based on their respect to the head of the family. Parents make conscious effort to provide their children with the information for reflective dialogue about meanings, norms, contexts, and common goals in their communication relative to this concern. In return, Bugkalot children comply with what is taught to them paving the way for the preservation and transmission of customary laws. This compliance and recognition strengthen their family and social life, thus, ushering family integration and harmony.

It must be emphasized that the Bugkalot children are not forced and intimidated to submit themselves to these norms but because of the reasons and benefits they acquire from subscribing to it. It is rather a consequential determination and meeting of minds to live in harmony and in conducting their affairs. From Habermas' lens, the elders in this analysis become *post conventional agents* who know why they ought to do and act only on principles they can justify. In short, the good reasons of doing things the Bugkalot way is supportive

of these norms and these norms apply because of their own reasons. Following these norms is what constitutes living and living together.

The *communicative action* that transmits and preserves these customary laws, particularly on property and inheritance, is generally attributed to respect for elders which is a basic social orientation in a Bugkalot family. High respect for the elders who decide on the division of property and close family ties is a crucial factor that preserves the Bugkalot concepts of property particularly land. This can be gleaned from the response of an informant who said that: *Ma tan-abungansiyey ma mangibege-bege di maanak nun masaysay nun uttung ma-adegin. Pen-bege-begean de makamasiekenan di maanak de maukamummagun mad pendadalut, pensasadul para mad kaekeding ma degin. Ne maanak de pa pensaysayan den man ma deign tensayituymapanganngaandenmapenbibigay de. Ten sanmanitu di-maanap man simmaysaymadsasadul mad kaekedengtu.* [The family is instrumental in the transmission of the group's high regard for land. Parents usually teach their children at an early age to have close attachment to land by involving them in the clearing of, cultivating, and developing the farms. Young as they are, children develop a high sense of appreciation for land as the only source of living. For this reason, they take full responsibility in its utilization and preservation.]

Premised on this response, it can be said that the shared meaning and shared reason in using customary practices in the transfer of property and inheritance from one person to another in the Bugkalot society are best nurtured in the family (*tan-abungan*) as they are the foundations of formative communication, interaction, and socialization process. The family, particularly the parents, instill among children the social standards of the group that are acceptable making them responsible members and bearers of cultural traditions of their group. Through socialization, they come to associate certain sanctions with the violation of norms and learn to avoid these sanctions through voluntary action. At the same time, they come to feel at home in and to identify with the collective moral consciousness of the society they inhabit. Speaking of his personal experience, an informant reveals the following fact: *At an early age my parents, particularly my father, taught me the traditions of the group. A basic custom that I learned from him was respect for the property of others. This is probably the reason why dishonesty is rarely committed among us. We respect the ownership of others so that they will also respect ours.*

This narration clearly affirms that through observations and interaction within the family and elsewhere, children learn these cultural standards enabling them to internalize the norms and become their bases for human behaviour.

This is possible when young Bugkalots are involved in occasions that showcase the application of customary laws such as marriage ceremonies, burial, and settlement of disputes decided by the elders or the *begangit*. It is a tradition that in the resolution of disputes, community members are invited to witness the trial. The elders explain the basis of the decision; hence, allowing the children to learn and live by these laws themselves. Sharing of information with the public and witnessing the rigors of the legal system of the barangay would also discourage the children to violate laws and instead become living advocates of the traditions. Also, reaching consensus through public dialogue rather than mere exercise of power by the *begangit* manifests the Habermasian ideal institution of ruling out authority based on anything other than a good argument. It is with familiarity with these undertakings of being together that has taught the Bugkalots to discern and reach an agreement as they interpret their *lifeworld* in common. Such social integration occurs because of this kind of socialization process in their family and societal relations. This also brings them to the concept that the very fabric of living involves norms and it is with the familiarity of these norms that has taught them to discern and reach an agreement as they interpret their *lifeworld* in common.

Also, parents teach their children to revere the older members of the family and the community for they are the source of wisdom and they are acknowledged leaders, too. Parents use language to coordinate their actions and they enter into certain commitments or claims to justify their actions or words on the basis of good reasons. For the older members of the family, the transmission of values revolves around the concept of land as a primordial consideration to sustain community life. They uphold that ancestral land, which their group has kept for a long time is an enduring legacy that they have to treasure and safeguard within the context of their customary laws even in the midst of rapid modernization. These commitments among the Bugkalots have a kind of moral status because they are universally applicable to the community, they are unavoidable, and they give rise to obligations towards the family and community members. Also, these commitments have a rational status because they are concerned with good reasons which justify one's deeds and words to others. Interestingly, this role of the older members is further enhanced by the child's interaction with the other members of the community, thus, ensuring respect for each other's property as the basic tenet in the Bugkalots' social life.

The third customary law is their practice to continue deciding disputes on property and inheritance using the existing customary laws handed by their

ancestors. Disputes over property are rare among the Bugkalots due to their high regard to property ownership. Customary laws on property are religiously adhered to by the Bugkalots and this has discouraged the occurrence of problems related to ownership and conveyance.

A good proof to this is that no document on property settlement and inheritance was found in the municipal level for reason that no property dispute was elevated to it. Settlement of disputes on property starts and ends in the barangay level. Barangay and municipal records show that problems brought to the attention of the barangay officials are properly decided upon and no civil case has reached the established court of the land. Also, no case on property dispute particularly those related to ownership and conveyance has been filed for adjudication. Barangay records, however, are replete with transactions on the sale, mortgage, and barter of properties. From January 2002 to May 2003, there have been thirty one (31) recorded cases involving sale, twenty-eight (28) on mortgage, and twelve (12) on barter of property. All of these transactions involve agricultural lands like *bangkag* (corn fields) and *uma* (hill farms). Thus, customary laws on property and inheritance are efficient and effective catalysts in managing property disputes. It calls the state to recognize and allow the Bugkalots to utilize their own customary laws and the formal institutions in managing property ownership and resolving disputes relative to it.

An important factor that discourages property disputes especially on ownership and conveyance is the Bugkalot's knowledge of communal ownership. Claims on individual ownership follow only after having cleared a specific lot for the purpose of cultivation. Also, appropriating a land to oneself makes no sense as there are abundant resources found in the environment. This suggests that the purpose of ownership among Bugkalots is not egocentric ownership but the act of reaching understanding. Community members can still be oriented to their own interests but they do this under conditions which harmonize their plans of action on the basis of common situation definitions (Habermas, 1984). This is what Habermas calls "an ideal communicative community" (Habermas, 1989) where critical interest is beyond the understanding of a particular hermeneutic interest and where *communicative action* performs the task of coordinating and mediating. Hence, in as much as lands are held communally, having it titled is remote. Before and now, there are no written records on property.

Moreover, disputes over property are rare because of the Bugkalot's concept of *bertan* which is another *communicative action* that influences the preservation and adherence to their customary laws. The *bertan* is the largest unit of the

Bugkalot system which is grounded on the ethos of reciprocity. Each *bertan* is composed of persons who choose to reckon their descent identity from either parent. Hence, a *bertan* is a community of families, households, or local clusters living together with a common purpose. The Bugkalotis usually composed of several *bertans* who speak the same language though with slight differences in tone and diction (Zialcita, 1996). Rosaldo as quoted by Salgado (1994) notes the composition of the *bertan* in these words: *Timeless and discrete collections of related persons who share an origin from unknown common ancestors who once lived together 'downstream', 'in the lowland', 'on an island', 'near a mountain', in short, in some environment from which the bertan takes its name.*

Similar description is given by Rosaldo (1980) in Salgado (1994) of the *bertan* in these terms: *So closely linked are the members of relatively concentrated bertan that their speech is often distractive in dialect. These differences in dialect range from the intonation and speech to distinct lexical items and features of grammatical form. Aware of those bertan-specific varieties of speech, Bugkalots delight in imitating the speech of other bertans.*

The Bugkalot grouping into *bertans* is premised on the idea that important activities such as raiding, celebrating, wedding ceremonies, and hunting are communal activities. These activities had kept the value of grouping themselves together in order to collectively achieve their set goals (Zialcita, 1996). However, more than the idea of grouping themselves for the purpose of transmitting its cultural traditions to future or incoming generations, each *bertan* is known to be a “storehouse” of the Bugkalots’ cultural tradition. With a relatively small number of members ranging from 67-300, each *bertan* closely teaches the young the customary laws governing social life. They are basically taught to respect and not to encroach on the territory of other *bertans* especially if there are no peace talks arranged between them. This makes the *communicative rationality* of the Bugkalots as a panacea to the social ills brought about by *instrumental/strategic reason* which is characterized by self-interest and needs. For in contrast to using rationality merely as a tool for selfish ends, *communicative rationality* of the Bugkalots uses the consensus-achieving force of reaching mutual understanding.

On the whole, the basis of *bertan* is reciprocity which is tied up with Habermas’ concept that *communicative action* is an individual action designed to promote common understanding in a group and to promote cooperation, as opposed to “strategic action” designed simply to achieve one’s personal goals (Habermas, 1984). Thus, reciprocity as the basis of Bugkalot customary law implies that laws are not imposed coercively by a leader or institution but because each individual

recognizes the benefits in recognizing the laws and in participating in their enforcement.

In this context, exchange recognition of behavioral rules in obeying and enforcing the customary law is imperative. Agreements on the conditions or duties that affect the parties are the conditions to make a duty clear and rationally acceptable to those who are affected. In the case of *communicative action*, the interpretive accomplishments on which cooperative processes of interpretation are based represent the mechanism for coordinating action. As Fr. Salgado (Salgado, 1994) noted in a Public Hearing of the House of Representatives Committee on National Cultural Communities, the following testimony of Mr. Edilmerto Ponsal on February 13, 1993: *The Bugkalots are clan-oriented and recommended that the resettlement program should preserve the integrity of such system and respect the identities and boundaries of each clan. Grouping all clans in one resettlement camp will inevitably lead to inter-clan clashes.*

The clan system of grouping in the Bugkalot society is still practiced today, although the names and customs are not as they were in the past. However, the socio-economic survey of the National Power Corporation and other source of information show that the Bugkalot community has so far maintained its cultural identity by sharing a common language, customs, and traditions. All lands and natural resources are passed on by their ancestors to the present generation and group boundaries are identified among the Bugkalots group in the area. The use of ancestral land is apparently distributed to each individual or household (Salgado, 1994). In the context of Habermas, the Bugkalots have recognized their relation as the primordial ground from which the notions of self and of others are derived. As in genuine re-creation where one forgets oneself, the abandonment of the “self” to genuine communication results in its “re-creation” in communion with the world and others from which reifying self-reflection has misconceived it as separate.

In relation to the concept of *bertan*, the observance of *binantan* also plays a crucial *communicative action* in maintaining the customary laws of the Bugkalots on property and inheritance. This *communicative action* upholds the idea that property of a group member or a fellow Bugkalot should be respected by others. It is a concept that abhors the taking or stealing of others’ property which is one of the most important customary laws among the Bugkalots. This customary practice has been followed by the Bugkalots though there are no records kept in the barangay office relative to this matter. In fact, an informant narrates that:

Among us Bugkalots, stealing or taking others' property constitutes a grave misconduct. This is a form of dishonesty that may lead to killing. Among us, the penalty for stealing is death because you disrespect other people by taking their property for yourself. We practiced headhunting in the past as a requirement for marriage, much more so when we are robbed of our property. Today, when we cross the river to visit our farm at the other side, we leave our slippers at its bank and get it when we go home. We strictly observe honesty here in our community.

Moreover, it can be said that the Bugkalot norms, because of their generality, can claim moral authority in the everyday life of each member. According to Habermas, this authority lies in the supra-personal character of these norms. All group members are made accountable to a violation made by a single member by virtue of his being a part of the group or *bertan*. Interestingly, the *binantan* as a concept of property is clearly emphasized to the members of each *bertan*. Members are also educated to respect the properties of other *bertans* to avoid war with one another. Entering into the territorial domain of other *bertans* just like in the case of clearing a plot for *kaingin* purposes would lead to killing a member that will also directly involve other members of the group. Stealing the property of a member of another *bertan* would likewise jeopardize the relations of the two since the action and behaviour of a member is also taken as the collective behaviour of the group. This practice will lead to conflict and usually end up to a collective activity such as headhunting. For this reason, the *bertan*, with its few members who are closely knitted with each other, undertakes the responsibility of emphasizing the concept of *binantan* to all members. This is done to preserve this customary law for the general welfare of the community. Not only does this result in mutual convictions, but also “in coordinating their actions by way of strengthening the integration of those same groups” (Habermas, 1989).

With the present political structure imposing its authority over the Bugkalots, most problems concerning their state of affairs are now referred to the elected officials for their decision, particularly to the *Lupong Tagapamayapa*. The *Lupon* is composed of seven members with a chieftain and six elders whose appointment is recommended by the barangay officials and confirmed by the municipal mayor. However, a very peculiar feature in the decision of the barangay officials is that they always seek the opinion of the *begangit* before giving a decision to a case.

This important feature is a sheer manifestation of the Bugkalots' insistence

of their customary laws even with the present political structure. While they respect and implement the new ways of dealing with conflicts on property and inheritance, they try to innovate and strategize on how to maintain their customary laws as a way of effectively coping with the current pressures of modernization. Interestingly, the innovations and coping mechanisms of the Bugkalots were integrally woven with their old views, i.e. customary laws on property and inheritance thereby making them more responsive and attuned to their present socio-political needs and structures. This also ensured healthy social relationship between and among them as exemplified by social cohesion and absence of documentary evidences on disputes regarding property and inheritance in the barangay and municipal records. Instead of creating conflicts, the new and the old mental paradigms rather enhanced their consciousness as indigenous community. This proves that the Bugkalots' network of relationship along with the demands of mainstream political structure was not affected by the integration of new concepts in their customary laws. They rather complement each other.

The study unravelling the communicative action of the Bugkalots along property and inheritance has limitations along external validation. It primarily used the *emic* approach as most of the informants were community members who believe and practice this phenomenon. It is an "actor-centered" perspective which may be very subjective in nature. In this regard, there is a need to conduct an *etic* analysis to ensure other voices to be uncovered. This includes voices of non-Bugkalots who have intermarried with the Bugkalots. Integrating their voices is imperative and crucial as they are also essential stakeholders in the process of negotiation and reciprocity. Moreover, other Bugkalot communities in Quirino province have to be covered to see the similarities and differences of Bugkalot's communicative action. This will further make a deeper and wider appreciation of this phenomenon especially in maintaining order in the Bugkalots' social life.

CONCLUSIONS

The complementation of the new and the old worldview in the Bugkalot's customary laws may be attributed to their pragmatic view about life. Flexibility, rather than rigidity, was exhibited in viewing the changes in their society since it is more practical to fit these new structures and schemas than doing the contrary. For them, these changes are indispensable and fighting them will do more harm than good insofar as their social equilibrium is concerned. These innovating and

strategizing process made them understand and evaluate their social life in a better and more functional way. Thus, it can be concluded that these changes in the Bugkalot way of life has not replaced the core values of the Bugkalot customs. Instead, the new and the old ones have been incorporated to resolve the contradiction within the system. The study strengthens the state's advocacy to respect and recognize cultural integrity of indigenous communities because these customary laws are not barriers to their lives, but they can co-exist with formal institutions in ensuring social cohesion and order. Efforts to mainstream cultural communities pose a threat not only to ancestral domains, but also to the social life and cultural integrity of Filipino indigenous cultural communities.

TRANSLATIONAL RESEARCH

The findings of the study shall serve as a baseline data to government agencies like the National Commission on Indigenous Peoples, Philippine Judiciary, Local Government Units, among others in the formulation and reformulation of policies affecting the lives and welfare of cultural communities in the country. Furthermore, such findings shall equally serve as a valuable input to people in the academe especially those in the field of social sciences as a source of reliable data and factual information on customary laws and resolution of disputes among Indigenous Peoples.

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