

## THE CONFLICT RESOLUTION PROCESS: AETA ABERLEN TRIBE

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### ABSTRACT

This study explored the indigenous conflict resolution system of the Aeta Aberlen Tribe in Sitio Ye Young, Brgy. Sta. Juliana, Capas, Tarlac. Using qualitative methods, the researcher conducted semi-structured interviews with 15 respondents. Data were analyzed through narrative analysis and respondent validation. Findings revealed that conflicts often arise from disputes over money and property, which are traditionally settled through “pamag-tipon.” While this system maintains social harmony, challenges persist, particularly the inconsistency of tribal leaders’ decisions. The study recommends codifying key concepts, practices, and decisions to ensure uniformity, supported by systematic documentation, storage, and provision of necessary materials.

**Key words:** conflict, conflict resolution, indigenous

### INTRODUCTION

Conflict is a serious matter in relationship because conflict may weaken the relationship as it can cause hatred, resentment and perhaps the ending of the relationship. Serious conflicts may result to political, social, and economic destruction of every individual.

Settling multiple conflicts and disagreements is one of the best ways to preserve peace and order in the society, since the greatest problem facing humanity at the moment is not the emergence of conflict per se, but how such conflicts can be mediated and settled to prevent escalation.

In Burma, specifically among the Kachin, are being resolved traditionally and they are rarely going to courts. However, their system needs to change the deficiencies towards woman because the problems regarding their customary law is its application which is unfair to woman like in some cases of adultery, divorce, and inheritance. For instance, the widowed women must marry the younger brother of his husband if the latter dies. In the case of rape, the boy who raped the women can marry her if he is already prepared and because of the marriage the case is considered over and solved (Asia Indigenous Peoples Pact (AIPP),2012).

In the Philippines, almost 14% of its population are indigenous people (De Vera, 2007) and among the countries in Asia, Philippines is notably one of the first countries that recognized and the distinctive existence of indigenous peoples because on 1997 the Philippine Congress ratified the law in relation to all indigenous peoples in the Philippines the Republic Act 8371 or known as Indigenous Peoples’ Rights Act (Eduardo, 2018). One of the provisions of this law is that the State give the indigenous people the authority and right to use and practice their own commonly accepted traditional justice system (Gabriel & Mangahas, 2017). This law was anchored on the provision of 1987 Philippine Constitution, wherein it supports and recognizes the right of indigenous people to exercise their own culture which includes their traditional conflict resolution (Rio, 2016). Similarly, the International Labor Organization (ILO) (2012) stated that some of the indigenous and tribal peoples in the Philippines are at risk because they have no access to land and resources, no legal titles and they are deprived of their land. They are isolated, living in remote areas with no access to state systems of protection to labor justice or to labor courts, with little access to education. Court systems are not that as easily accessible among the members of indigenous community due to some factors like geographical distance that requires them the cost of transportation (De Vera, 2007).

In Cordillera, revenge is such a strong tradition among many tribes. The old indigenous law can simply be defined as “eye for an eye system.” Revenge used to evolve the cutting of heads with a machete. The act of

killing one another was, however, found an ineffective way of settling disputes so the “Bodong” literally means “Peace Pact” was introduced. The bodong was an indigenous system of settling disputes particularly in the province of Kalinga (Sacla, 2005).

In the Province of Tarlac, Philippines, some parts of are occupied by members of cultural communities. The original settlers of Capas, Province of Tarlac were Aetas who live for fishing and hunting in the streams and mountains of Capas. Interestingly, the Aetas (Aaeta Aberlen) in Sitio Ye Young, Sta. Juliana, Capas, Tarlac is known in practicing indigenous modes of dispute resolution relying heavily on their own culture and tradition (Personal Interview with the Chieftain). It is one of the indigenous communities within the Tarlac Province that has its own traditional justice system.

Generally, the finding of this research study will contribute to the existing body of knowledge about the Philippine culture, society, and history, and even the political dynamics among indigenous cultures. The results from this study will also provide the reader a greater understanding and appreciation of the uniqueness, variety, and richness of the culture of Sitio Ye Young in particular and the Philippines in general. This study aims to formulate measures and programs to further enhance their traditional conflict resolution system in addressing their problems, issues and challenges they encounter that affect their practice. As part of helping them, this study may raise these problems to concerned authorities for them to provide valuable information that may help them in formulating policies and programs that will also help in improving the process and strategies of their system. It may also serve as a guide on the possibilities of enacting laws, in enforcing the available laws and proclamations, and in prescribing effective rules of procedure in dealing with cultural communities. These laws may in return be helpful to the indigenous community in giving them the effective justice system without affecting their right in practicing their traditional conflict resolution as per RA 8371.

Furthermore, this study may also contribute in preserving the cultural heritage through documenting tribe practices and processes of traditional conflict resolution in the fore mentioned subject area. This custom should be well-documented so that it can be maintained for the next generations until it is undermined by the forces of globalization and modernization, and eventually be discarded and by the contemporary methods of conflict resolution. This has been noted by the study of Ebissa (2014) which states that one of the shortcomings of traditional conflict mechanism is that, it is only oral practices and has no proper documentation.

Also, the current study may contribute as part of literature and study since most of the previous studies and resources lack updated information regarding traditional justice system of indigenous people. These existing resources mainly focused on studying the formal aspect of our criminal justice system on how it will become effective in solving and preventing crimes. This system, however, cannot be applied to members of cultural communities and sometimes due to the way of life that these indigenous people have, which is different from the way of life of citizens in urban and rural areas. There are several existing studies which focus on the traditional justice system in certain area which may be beneficial. However, identifying the problems, issues and challenges encountered by the members of the community are disregarded. Thus, this study was conducted to fill these mentioned gaps. This will soon be a beneficial reference for future researchers especially that the Provincial and Regional Offices of NCIP ascertained that there are only limited students of college, masteral, or doctorate student who conducted research for their thesis or dissertation within their jurisdiction in relation to members of traditional justice system of cultural communities in the Province of Tarlac (Personal Interview with NCIP Director of Tarlac Province).

### Theoretical Framework

This study is supported and anchored on Labeling or Social Reaction Theory and Control Theory.

Labeling or Social Reaction Theory posits that people continue to commit crime once they have been labeled as “criminals” for their illegal behavior because some people internalize the negative label and choose to live up the society expectation and reaction thus they take that label and continue to engage themselves in

further criminal activities and if the society will continually put them on the stigma that they are criminal (Wood, 2016).

As supported also by the Control theory of Travis Hirschi, he argues that an individual will likely to commit crimes if their bond to society is weak or broken (McCold, 2000). Whereas, members of cultural communities are unified by their traditions and practices. Indigenous people are obliged and encouraged to conform and respect their culture, commit themselves to the customs of their tribe, just like in the mechanism of conflict resolution wherein both parties are obliged to resolve their conflict through the established tradition.

### **Statement of the Problem**

This study aims to determine, analyze and explain the Conflict Resolution Process in Sitio Ye Young, Capas Tarlac. It specifically aims to answer the following questions:

1. What are the conflicts and causes of conflicts that occur among the members of Aeta Aberlen Tribe in Sitio Ye Young, Sta. Juliana, Capas, Tarlac;
2. How is the Aeta Aberlen Tribe Conflict Resolution Process being practiced; and
3. What are the problems or issues being encountered towards the practice of the indigenous justice system of Aeta Aberlen?

## **METHODOLOGY**

### **Research Design**

The present study utilized the qualitative research design to determine the various conflicts that arise, to identify and explore the role and aspect of indigenous institutions in fixing or resolving these conflicts in the research area, and also to determine the various problems and challenges they have faced in carrying out their normal conflict resolution method.

In determining the respondents of the study, the researcher used the purposive sampling technique. The respondents of the study include the Chieftain, other tribal leaders in which according to the Chieftain and local elders or called as "*mangatwa*" Also, the researchers consider the community members of Sitio Ye Young who have already experienced conflict and subjected to the said resolution process to be respondents of the study. Both are selected as the study's respondents, because they are the ones administer and who been subjected to their conflict resolution mechanism. The researcher chose seven (10) tribe members and five (5) tribal leaders that sufficiently represented the study.

The researcher conducted a semi-structured interview. The researcher used in-text and voice recording documentation. The instrument undergone content validation among experts such as the head of the National Commission on Indigenous People of Tarlac Province (as part of their protocol before conducting the research on indigenous peoples), an expert from Public Attorneys Office of Tarlac City who took up units of Masters of Law Major in Conflict Resolution and one expert who is the head of Peace and Order Council of Capas, Tarlac who is also the Municipal Mayor of the said municipality.

In order to examine, explain and analyze the conflict resolution process, the conflicts that happen and the problems or issues they encountered toward the practice of their traditional conflict resolution system in the study area, the researcher used narrative data analysis method. This method is used to analyze content from various sources, such as interviews of respondents. This was used as a method in interpreting the data gathered since this method focuses on using the stories and experiences shared by the respondents to answer the research questions (Bhatia, 2018).

Considering that the study focused on the cultural communities, the researcher sought approval from NCIP to conduct the study in Sitio Ye Young and request their protocols and guidelines in conducting research study among indigenous people. As part of the ethical consideration, the participation of the respondents is voluntary basis. Most importantly, the researcher maintained the anonymity of the respondents, the researcher did not ask any personal information about the participants like their names. Instead, each participant was only given code name like "Respondent 1, Respondent 2 etc. for the purpose of recording their response in interview.

## RESULTS AND DISCUSSION CONFLICTS THAT HAPPEN AMONG THE MEMBER OF AETA ABERLEN IN SITIO YE YOUNG, BRGY. STA. JULIANA, CAPAS, TARLAC

### Land Conflicts

The data gained indicates that land conflicts happen in the study area. Struggle on farm and grazing land is one form of land conflict that happens in the area because majority of the Aeta Aberlen are farmers, cultivating different crops for their living. Thus, they need areas for their cultivation and for animal grazing purposes and unfortunately some do not have grazing land for their livestock and for cultivating crops. Because of lack of grazing land, some of them got into conflict in protecting their land in order for this land not to be taken or to be tilled by another.

Among other land conflicts that happen among the member of Aeta Aberlen is the conflict on borderland. As mentioned above, majority of the tribe members are farmers, who depends their living and earning money in pasturing animals and planting and cultivating crops like “gandus” or gabi, kamote, rice crops etc. These kind of life (such as animal pasturing) tribal members typically travel from one place to another to search of grazing land and water for their livestock. As a result, they often encountered some form of oppositions from those who live in those areas. Therefore, this quest for grazing land typically leads to conflicts among the tribal members.

Additionally, the patch of land for agriculture in Sitio Ye Young is so small because of the fact that the area's terrain is mostly steep and it is mountainous that may cause people in covering the land of another. This situation, therefore, may cause oppositions among the people to exclusively control the resource. As a result, they have been experiencing boarder conflicts among themselves.

Similar to the results of the current study, Mikael and Swanstrom (2005) claimed that conflicts are a condition wherein the two parties at the same time are trying to obtain the same limited resources.

### Conflicts cause by Unfair Distribution of Inheritance

Despite of being united as a family, there are still instances that will challenge the oneness of one family. In the study area among the family of Aeta Aberlen, family members are still experiencing conflict with each other. According to some of the respondents, biased claims and distribution of inheritance is one of the major causes of conflict between family members. The conflict due to inheritance of property happens commonly among the children upon the death of their fathers. One of the cultures of the tribe in terms of inheritance, it is the eldest son in the family who has the right of inheritance to their father's property or money. This is because, it is believed that as the elder son is their first, he has the right to inherit property and take the fathers responsibility when he dies.

Also, according to the Chieftain of the tribe, there are still conflicts over inheritance among some of his tribe members that they are still resolving. This is because that there are members of their tribe that are already affected by modern practices and, furthermore, that there are practices or norms that are not in line with the tradition, customs or structure of the mainstream society.

### Adultery

As one of the values and norms of Aeta Aberlen and even in the mainstream society, having another sexual affair with any married person is considered as illegal or shameful act. As revealed by elders, the culture of Aberlen Tribe is strongly against the act of adultery because this shameful act can cause conflict and separation of the husband and wife and worse than that is, it may cause family breakdown or disruption that may seriously affect the children. Based on the belief of the people of the tribe, being adulterous is not only considered as the violations to the society's norms and values but also against “Apung Ginu” (God). Also, as per the Philippine legal system, under Title Eleven, Book two of Revised Penal Code (1930), any woman who are already married and will have sexual affair with another man and any man who will have sexual intercourse of any women who are already married, shall be liable for the crime of adultery and concubinage respectively.

## Conflict Over the Violations of Agreement

In a society governed by a strong honour system like of Aeta Aberlen, verbal agreement serves as a binding contract between two parties. In the absence of a system that translates verbal agreements into formal written contract, more value is given to oral agreement. The value is expressed by the intensity of violence that the aggrieved party may commit once the agreement has been violated.

Conflict over the violations of agreement between parties is the other cause of conflict witnessed in the study area and remained as one of the common sources of disagreements between individuals and groups. The failure to keep the promise, which a person has entered with other individual or group, can have the power to bring people into conflict. One of the manifestations of conflict in the study area as for this case is based on the borrowing and lending of money between the parties. The practice of lending or borrowing of money is common among the Aetas.

Property or animal lending and borrowing among the Aeta Aberlen are also being widely practice. As to the respondent, people can lend or borrow property for the sake of helping one another in times of difficulties. It can manifest when either of the parties (borrower or lender) benefits from what they borrowed or lent. For instance, an individual borrows land from the owner for a specific period of time based on the equal sharing of what the lender has produced like kamote, "gandus" and rice crops. The violation of agreement between parties can be a source of disagreement which later can be led to serious conflict. On the other hand, people can quarrel during lending and borrowing when they feel that they have been cheated, unfairly treated or dissatisfied with the one whom they think is going against the contract they agreed upon. Besides seeking for justice, people sometimes resort to violent means in order to secure their right.

## Making Revenge

In the study area, the other source of dispute is revenge. Accordingly, as revealed by the respondent, certain case emerged in the tribe which in relation to making revenge was due to land conflict, and this disagreement resulted in to serious revenge in which the loss of life occurred. As revealed by the elders, such Aeta making the revenge direct his attack not on the person he had conflict with because during that time he cannot found the person, instead he directed the attack against his enemy's son.

As explained by the elders, revenge and attack of some Aetas can also be carried out against the person's properties like agricultural products and cattle. Accordingly, there already a case that one of their tribe members in taking revenge in the absence of the murderer, the confiscate the properties, he kills the cattle and the cut down the live agricultural products of his enemy.

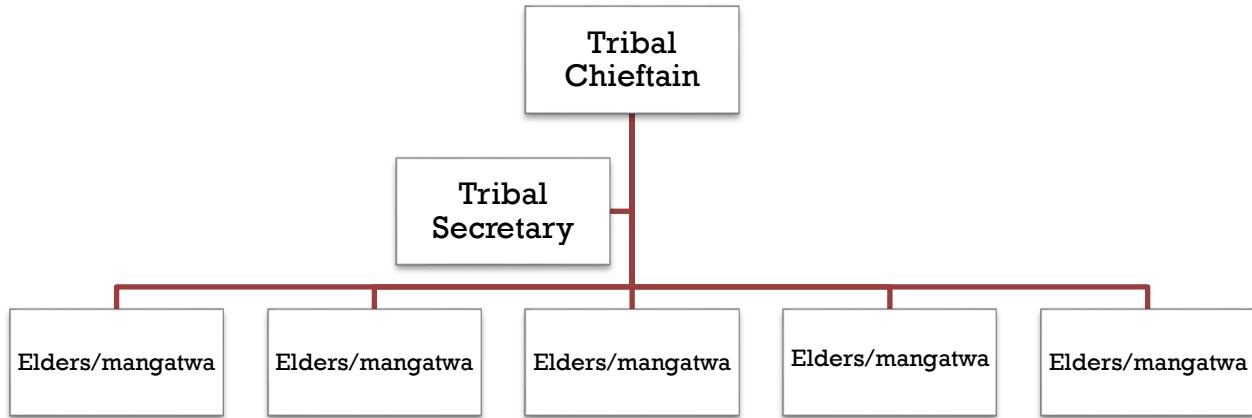
## The Conflict Resolution Process of Aeta Aberlen in Sitio Ye Young, Brgy. Sta. Juliana, Capas, Tarlac

The Aeta Aberlen in Sitio Ye Young, Brgy. Sta. Juliana, Capas Tarlac have their own mechanisms of conflict resolution which they locally called as "pamag-tipon". In which their mechanisms of conflict resolution were described and analyzed under this section.

### Aeta Aberlen Conflict Resolution Actors

The researcher found out that group of male elders, who are locally named as "mangatwa," headed by the Tribal Chieftain, lead the dispute resolution process of Aeta Aberlen Tribe.

Any old male person of the Aeta Aberlen Tribe can become "mangatwa" in which they are accorded with respect by the community in recognition of his wisdom and capacity to discern community concerns including conflict resolution. The respect that "mangatwa" earns from the community results from the knowledge they possessed beyond to that of ordinary member of the tribe and because of their deep understanding of their culture. The word "mangatwa" came from the root word "matwa," meaning an old person or elder. According to them, being old implies that a person already has a lot of experiences, making them wise enough to give advice to other people and participate in deliberating community concerns including conflict resolution.



**Figure I. Organizational Structure of Aeta Aberlen Conflict Resolution System**

### The Process of Conflict Resolution in Aeta Aberlen

Aeta Aberlen Indigenous conflict management systems deal with nearly all sorts of disputes or conflicts ranging from small offenses, civil case like financial and family disagreements to violent crimes and tribal warfare. In administering justice and resolution of conflict, they were using mediation or conciliation and arbitration.

In the context of the tradition of Aeta Aberlen, mediation or conciliation is act of settling disputes by the active participation of a mediator and let the parties talk their differences and this mediator are the Tribal Chieftain and Elders who must exert an effort for the parties to arrive at an agreement and settlement. The chieftain revealed that there 90% of cases in their tribe are being resolved by means of mediation or conciliation.

In other words, arbitration is the process of settling disputes by surrendering the issues to an arbiter (tribal chieftain and elders) to decide. Arbitration is conducted for example, if the case is murder or any blood feud which is according to the respondents, using arbitration nowadays is very rare since killing incident in their area was gradually decreasing. In arbitration, the conflicting parties are requested to present pieces of evidence to defend their claims, they are both asked or interrogated to determine who is telling the truth.

### General Process on Reporting and acting on Reported Cases of Conflicts

The conflicts that occur in the study area could be brought only first to the Tribal Chieftain. It will be the Tribal Secretary who will inform the elders on the said case and the reporting of conflicts is done in different ways like through reporting by the conflicting parties themselves, the community members and the Sitio Police locally called as "*tanod*". This rule of Aeta Aberlen is not similar with the rule of Aeta Mag-Antsi wherein hearings may be conducted only in cases of *in-flagrante delicto* or caught in the act that no action shall be taken by the tribal leaders in cases of hearsay (Estrada, 2016).

According to the Tribal Chieftain, there is no regular time and date set in order to deal with issues of conflict. The date and time for the decision of a given case depends on the time when the conflict has occurred. When the conflict has reported to the tribal chieftain, the tribal secretary will inform then the elders about the conflicts that happened. In other words, when conflict occurs, Tribal Chieftain, the elders, the conflicting parties and the parents of the said parties will meet and discuss the issue immediately.

In this regard, elders state that the resolution process of the verdict has no time bound and date limit but depends on the occurrence of the conflict. In addition, conflict resolution of Aeta Aberlen has no specific duration on until when it will be conducted. If the case is simple and when there is already an agreement from

the conflicting parties and decisions was already finalized by the elders and Tribal Chieftain, within a couple of hours after the proceeding, the case is considered solved. However, in some cases, according to the Tribal Chieftain, hearings will take place several times if the conflict is serious and the decisions maybe a couple of days or after the case has occurred or after several hearings will be conducted.

The resolution process is done in the presence of family of the conflicting parties who are there not only for moral support or to act as witnesses but their presence likewise provides a guarantee that they will help in reparation and restoration of the conflicts that occurs among their family members.

The process of indigenous conflict resolution among Aeta Aberlen also involves community participation. Direct engagement, discussion, and communication opportunities between the opposing parties and all the participants and actors participating in the dispute resolution process are important for effective resolution.

In a certain conflict resolution, maximum of 5 elders is required to attend the proceedings to be appointed and requested by the Tribal Chieftain. They exercise their functions as elders alternately. As a rule, in some cases, if one of the conflicting parties is a relative of the elders, such elders will not be allowed to join the proceedings. Likewise, if Tribal Chieftain in some hearings may abstain himself if one of the conflicting parties is his relative and it will be the oldest among the elders who will serve as the head of the conflict resolution process.

The overall process of conflict resolution begins when the Tribal Chieftain gives an opening speech for what reason and purpose of the gathering is being called upon. Both parties will be then required to exchange greetings in order to create a sense of familiarity and reduce tension between them. In addition, the rights of both parties are clearly stated by the Tribal Secretary. Anything that cannot be resolved during the session can be reassessed at a later date.

When the meeting is on, each party in conflict is asked to give his or her account on what reason led them to the conflict before the resolution process takes place. Accordingly, each side gives account of what happened during a conflict based on the order of the Tribal Chieftain. In this regard, both parties are requested to give an accurate and precise description of what caused the conflict and if it is arbitration, in some cases, they are requested to present pieces of evidence.

The elders usually pay attention to examine the case by posing cross examination or asking both the parties. After the presentation of the account is finished, the elders then raise important questions to the parties so that it allows them to know and understand correctly about the basic causes of the conflict, the level of damage it resulted and the decision to be made. The parties involved can be accompanied by witnesses, who will likewise be interrogated by the elders. If the witness lies and this is proven by the community, the witness will also be punished and fined. The processes, decisions and agreement made in the conflict resolution process vary depending on the conflicts or in the circumstances of conflicts that happened.

### **Conflict Resolution process in cases of Adultery**

In cases of adultery, the husband and wife will be asked if they still love each other and want to continue their relationship, likewise the offenders (wife/husband and his other affair) will be asked if they wish to marry each other. If the husband and wife agree to fix their relationship then the case is considered solved, if they choose to end it and choose his/her other affair the offender will be obliged to give “tore” or fine either in a form of money or property as to the value they will be agreed to the family of the victim. The study conducted Estrada (2016), in his study about the adultery case in the Aeta Mag- Antsi tribe, such case could be mediated through the agreement signed and thumb marked by both parties and by the tribal chieftain that the wife would return to her husband if he promised that he will not hurt his wife otherwise the lover will get back the wife from her legal husband.

### **Conflict Resolution process in cases of conflicts over inheritance**

Mostly the reconciliation of family-related-causes of conflict like conflict over inheritance is mediated at family level involving the Tribal Chieftain, elders, and other friend and close relatives. After the end of the mediation, the contestants will get their share based on the established system of the tribe. But in some instances, if the problem would not get solution in the process, they will require the eldest son to give any amount of money or properties to his complaining sibling just to settle the conflict and avoid the escalation of the said conflict.

### **Conflict Resolution in cases of Land Conflicts**

In the event of land related issues between Aeta Aberlen, such as in the case of borderland or grazing land being occupied or used by other tribe members which resulted to conflict, the elders themselves will act as a witness to whom that land really belongs because, taking into account their ages, most of them were before anybody else thus they know the demarcation line better. The one who lose will required to pay fines to the owner of the land as their tradition, the amount of fines depends on the circumstances. In the case cited above wherein certain Aeta planted mango trees, pastured his cattle and built nipa hut, that was destroyed by the land owner, the elders did not require the said Aeta to pay fines because accordingly, he has lost already.

### **Conflict Resolution in cases of Theft**

In case of one of the tribe members who steal the property of another tribe member, the accused will be given one whole day to decide if he/she will confess. While waiting for the confession, the Tribal Chieftain will conduct investigation through his Barangay Police or “tanods”. Investigation in the context of Aeta Aberlen, means asking questions on the community members whenever they witnessed the scene. In addition, the victim may present his evidence if there’s any, or witnesses to prove his claims. If the accused is proved to be stealing such property from another person, the elders will require the offender to return the stolen property to the victim and the offender will pay an additional amount as a penalty paid to the victim equivalent to half the amount of the stolen property. If the stolen items are no longer with offender, the equivalent cost plus half of the cost of said items shall be returned to the rightful owner. As per their tradition, the said amount shall be given immediately after the proceedings have been conducted. But in some cases, if the offender does not have the money to pay the amount agreed, he may pay his property with the same amount agreed or in rare case if the offender does not have enough property to be pay, he may pay the added half cost of the stolen property through doing community services like planting of trees, cleaning the surroundings and any services as may be decided but the amount of the stolen property is strictly required to pay, if he cannot pay it immediately then he will be given later date to settle the payment.

Among the Aeta Mag-Antsi paying “danyos” is also common in their tradition as a form of reparation the harm cause by the offenders. In the event that the accused does not have money to pay the fine, he shall be required to render community service (Estrada, 2016).

### **Conflict Resolution in cases of Murder**

Pouring the blood of other is considered as a serious taboo among the people of Aeta Aberlen, and as revealed by the elders as to the culture of the society, if someone kills an individual, their customs require that family members of the murdered family may avenge the murder, which means that the payment for the life of the victim will also be life. This was based on ancient principle of “Lex Taliones” during the time of King Hammurabi which means an “eye for an eye”. Apart from getting the murderer’s life, the family of the latter is still required to pay fines to the family of the victim and the fines range from P30,000 -P50,000. This custom is similar with the tradition of Aeta Mag-Antsi wherein they will not bury the body of the murdered victim without the dead body also of the murderer.

But, as revealed by the Tribal Chieftain this custom of their tribe is seldom being practice nowadays because of learning the lesson from others, as the latter explained, people often refrain from killing others not to face the consequences.

In addition, the manner in which the offense was committed shall still be taken into consideration, and if the suspect present valid reasons for committing the crime, for example, in cases of self - defense, as explained by the Chieftain, the slayer will still face many problems if he kills an individual from the society.

#### **Passing of Decision or Agreement in Conflict Resolution Process**

Passing a decision and arriving at settlement or agreement is another stage in the process of conflict resolution. Once the issues are well identified and after the elders heard the accounts and after the assessment and understanding of each elder including the Tribal Chieftain, a verdict will be met out, the latter then will announce the decision and agreement to the parties concerned. They will wait for responses and reactions from the parties, and, if there are none, a unanimous decision is handed down.

Compensation is also part of the process in resolving conflict in Aeta Aberlen and it is the most common form of corrective measure and as evident on the previous findings, any agreement or decisions of any case or conflict, there is corresponding compensation to be given by the guilty party. As elders emphasized, after the mediation has been reached, compensation is decided depending on the cause of conflict and the damage it resulted. The loser of the case, as to the Tribal Chieftain, is obliged to pay compensation to the loss that he or she made during quarrel depending on the cause of conflict.

After the decision is passed and the compensation is decided, cultural rituals are being practiced as a tradition to ensure that they will abide the decisions or agreement handed down and to remind them not to engage in a conflict again and revenge each other. According to the tradition of the Aeta Aberlen, as forwarded from the elders, it is believed that if an individual breaks agreement, they will be punished by exile for indefinite time until they will be recalled by the elders, in addition there will be a curse to them that a very serious result will happen on his personal life, family life as well as his property. As explained from same source, bad consequence is expected to happen on the life and property of the family. According to elders, there are already in their tribe who got sick, become crazy, and finally died due to this factor.

Depending on the type of conflict and the degree of destruction, as to the informants, there are ceremonies or rituals that will take place, for instance, if the conflict caused the loss of life, goat or cattle will be slaughtered. With the end of goat slaughtering ceremony, elders will gather for final blessing. Then the process of conflict resolution will end with elders blessing. In this ritual they pray and asks by slaughtering goat or cattle to Almighty God

#### **Making an Appeal**

In some cases, if certain parties are dissatisfied with the decision, discussions will continue until a consensus has reached. Once consensus has reached, all parties should agree to abide by the agreement and if for the third time of discussions there still no consensus on both of the parties, they will now be given the chance to bring the case in the Barangay System. The Tribal Chieftain will be transmitting and endorse the case to the Barangay Captain through written letter. But according to the Chieftain, as much as possible they don't want that things to happen because there is a chance that it will be brought to the higher level of adjudication which will cause the imprisonment of their tribe members that may result to the discrimination of such Aeta and this instances may lead to such person in being disrespectful and may later be involved in illegal acts or conflicts without hesitation on his part.

#### **Problems or issues encountered towards the application of Conflict Resolution Process of Aeta Aberlen in Sitio Ye Young, Brgy. Sta. Juliana, Capas, Tarlac**

##### **Problems or issues Encountered by Tribal Leaders**

##### **By-passing their Traditional Conflict Resolution Process of some of Tribe Members**

On the part of the Tribal Leaders who are the main responsible in the practice of their traditional conflict resolution, one of their concerns that really make them worried is the by-passing of some of their tribe members on their traditional conflict resolution process. According to the Tribal Chieftain, their conflict resolution mechanisms is seen to be useless in resolving conflicts if the involved conflicting parties declined to settle the issues within their Traditional Justice System.

Most of the elders agreed and confessed that the customary laws and the conflict resolution system of the Aeta Aberlen are no longer strictly being observed or implemented. The awareness on these has decreased with population growth, influenced by the modern society because some of the members are working or studying downtown. In some cases, the mainstream justice system has become more applicable partly because over time, the characters of tribe members have changed. There is already diminishing respect for them as elders nowadays, wherein in the past, disrespecting parents and elders was strictly discouraged.

#### **Non – availability of the proper venue to conduct the conciliation**

One of the problems in administering and practicing their conflict resolution process is the non – availability of the proper venue to conduct conciliation because there is no place readily available for that purpose.

Whenever there is scheduled hearing to settle conflicts of the Aetas in the study area, it is only conducted in the house of the Tribal Chieftain or anywhere in the Sitio as agreed by the elders to where it will be conducted. As posed by the Chieftain, there are instances in which the elders have taken some time to agree on where to hold the conciliation for reasons such as, the location is close to the house from one of the opposing parties and may be too far from the residence of the other party, so the elders must discuss and agree again so as not to be biased.

#### **Problems or Issues of Tribe Members on their Traditional Conflict Resolution**

##### **Unfair treatment of women**

Aeta Aberlen 's indigenous dispute management system at Sitio Ye Young is composed of local male elders, this form of structure is not in accordance in modern democratic norms because women are excluded or discriminated against in the decision-making process.

Women in Sitio Ye Young are usually not decision makers, they are not given the chance to be tribal leaders and cannot mediate or participate in their traditional conflict resolution process. Accordingly, it is one of their reasons why some of the tribe members who experience conflict (specifically women) directly filing their complaint in the Barangay because they look at their system as unfair since there is no woman involved in resolving the conflict, especially so if the case is gender related. This policy among the Aeta Aberlen in Sitio Ye Young is contrary in one of the provisions of Republic Act 8371 or the “The Indigenous Peoples’ Rights Act of 1997”. In particular, Section 26 states that women Indigenous Cultural Communities / Indigenous Peoples (ICC / IP) shall enjoy equal rights and opportunities with men in the social, economic, political and cultural spheres of life. Indigenous women's participation in decision-making at all levels, as well as in the development of society, must be given due respect and recognition (Sec. 26, RA 8371);

However, one of the respondents during the interview explained that even though women does not directly participate in the decision-making process or during the conciliation, they play important roles for the maintenance of peace and order and can contribute indirectly in the conflict resolution systems of the study area.

##### **Inconsistent and unfair decisions**

Another issue posted against the traditional conflict resolution process of Aeta Aberlen as revealed by one of the respondents is on the rulings or decisions of the elders’ institutions are inconsistent and unfair this is manifested by having different verdicts about the same offenses or the same verdicts for different offenses resulting in lack of consistency and potentially unfair judgments. According to one of the respondents, the problem on their part, is that elders of the Sitio rely only on their memory, there is no recorded cases or

recorded decisions to be followed when there is the same element of offense committed. That is why sometimes there is no consistency on their decisions and tribe members look at this as unfair.

### **Non-adherence of their process on some of National Laws**

As provided for in Section 15 of the Republic Act 8371, Indigenous Cultural Groups / Indigenous Peoples (ICC / IP) shall have the right to allow use of their own generally recognized justice structures, dispute resolution bodies, peace-building processes or frameworks and other customary rules and practices within their respective cultures and which may be consistent with the national legal structure and with internationally recognized human rights

One of the respondents who is already a Professional specifically a teacher revealed that their tradition in practicing their conflict resolution system is not in accordance with some of the enacted national laws.

Furthermore, as confessed by the Tribal Chieftain, elders as seen by some of their tribe members are no longer regarded as effective leaders today on account of their lack of skills in dealing with current realities and political practice. Lack of knowledge or understanding of the elders inadequate training may lead their constituents to doubt their trust in them and their system, which is in accordance with the issues posed by the elders, who sometimes have already bypassed their traditional dispute resolution by some of their tribe members.

### **Conclusions**

Conflict becomes one of the day-to-day challenges for many residents in the Aeta Aberlen Tribe in Sitio Ye Young, Brgy. Sta. Juliana, Capas, Tarlac. The source of conflict may vary from individual to individual and most of the conflicts are in relation to money and properties that affects their living. Those mentioned conflicts are being settled through the traditional conflict resolution of the tribe which locally called as "pamag-tipon". As a cultural community, after the proceeding, there will be a ceremony or ritual to be conducted like slaughtering or animal sacrificing as a sign of having peaceful agreement and not to engage in revenge. Indigenous conflict resolution mechanism of Aeta Aberlen plays a remarkable role in resolving conflicts which arises between different groups and individuals in the community. The "pamag - tipon" conflict resolution mechanism went beyond resolving a particular conflict. The mechanism tries to combine truth and mercy as well as peace and justice through forgiveness, tolerance, peaceful coexistence, apology and compensation. It equally focuses on the past and the future relationships of the parties in conflict. Thus, such a mechanism of Aeta Aberlen, is effective in addressing conflicts and bringing lasting peace between parties in conflict. Therefore, the frameworks for indigenous dispute resolution include ideals consistent with restorative justice principles and concepts like inclusion, engagement, reconciliation, and reintegration.

Despite the important roles and goals of indigenous conflict resolution system of Aeta Aberlen in maintaining social harmony, the said system or tradition still experiences different issues and challenges hinder the success of their tradition in resolving conflicts as affirmed and stated by Tribal Chieftain, some of the Elders of the tribe and some of the tribe members who already been subjected in the said system. But despite of this challenges and issues, their traditional conflict resolution system still plays an important role in maintaining unity, peace and order and putting justice in their community.

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