



Culturally Informed Legal Practice in Agricultural Land Dispute Resolution: Insights and Evidences of *Tongtong* Among Kalanguya Indigenous Peoples, Philippines

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Abstract

Land dispute associated with land rights is an inevitable community issue among indigenous cultural communities and contemporary societies. It is on this premise that customary laws are applied to resolve conflicts between disputing parties, while legal court proceedings are implemented through established justice system. The study documented *Tongtong* (dialogue) as a culturally informed legal practice in resolving agricultural land disputes among the Kalanguya Indigenous Peoples (IP) in Lusod, Kabayan, Benguet, Philippines. Guided by the Socio-Cultural Tradition of Communication, nine land dispute cases were settled by the Lusod Barangay Local Government from 2019 to 2021. These cases were analyzed to identify the process and cultural integration in *Tongtong* as an alternative dispute resolution (ADR) mechanism. Findings revealed two major anchors in the *Tongtong* process: (1) legal procedure following the Philippine Local Government Code of 1991 (RA 7160) through filing, conciliation, arbitration, and mediation; and (2) integration of customary laws namely peace pact and *kaihing* (parental engagement). Cultural elements like participatory dialogue, community involvement, and communal welfare and value-laden approaches are observable. However, behavioral issues, emotional reluctance, and punitive consequences are the challenges observed. The study concludes that *Tongtong* is an effective, culturally grounded ADR system that secures community rights and mutual benefits.

KEYWORDS

Tongtong system

Land dispute resolution

Alternative dispute resolution

Philippine Local Government Code of 1991

Socio-cultural tradition of communication

Introduction

In most Asian countries, unless formal legislative or judicial recognition is already established, the existence of customary law may need to be proved by the person invoking it. The nature and extent of the burden as well as the

standard of proof may vary depending on the circumstances. Customary law is administered by indigenous peoples' institutions, and the validity of such laws and their contents, including the related procedures, is generally known, at least by the older members of the community (Heinämäki & Xanthaki, 2017; Mubarak et al., 2023). The formal



status of customary law in most Asian countries is usually subordinate to written laws, and if it comes into conflict with written legislation – especially, but not limited to, constitutional legal provisions – customary law usually must give way (Roy, 2005).

This dynamic is adequately explicable in terms of the general phenomenon known as legal pluralism, which is based on the understanding of the interaction of several legal systems in society (Tanjung, 2023; Berman, 2018). In the Philippine setting, legal pluralism is most apparent with the Indigenous Cultural Communities (ICCs). Fabra-Zamora (2021) highlighted legal pluralism as the coexistence of multiple legal systems—customary laws and national laws—that creates challenges for indigenous communities, particularly in land tenure and resource management. The Indigenous Peoples' Rights Act (IPRA) aims to address these issues but often fails to consider existing local dynamics and relationships. Similarly, Molintas (2004) explains the concept of *pechen* on how indigenous peoples continue to fight for the recognition of their legal systems in a context where state laws have been imposed on them. It has a broad array of legal issues that these communities address in as much as they continue to adhere to their traditions while at the same time are subjected to national laws that sometimes contradict their culture and beliefs (Hendry & Tatum, 2018; Doyle, 2021; Harris, 2023).

Prill-Brett's (1987) and Prill-Brett's et al. (2001) seminal work on legal pluralism and the Bontoc *pechen* further enriches this discussion by demonstrating how peace-pact institutions function as legitimate and binding legal mechanisms within indigenous societies. Prill-Brett's (1987) and Prill-Brett's et al. (2001) explain that *pechen* is not merely a cultural or symbolic practice but a highly structured system of conflict resolution grounded in reciprocity, collective responsibility, and the maintenance of inter-village alliances. These ethnographic analysis shows how *pechen* regulates inter-community relations, allocates responsibility for wrongdoing, and prevents cycles of violence, thereby illustrating the practical operation of indigenous legal orders alongside state law. This coexistence, rather than outright opposition, reflects the lived reality of legal pluralism in the Cordillera region (Prill-Brett, 1987; Merry, 1988)

Among the Cordillera customary laws, *pechen* among the Bontok ICCs and the *bodong* in Kalinga

ICCs, they are regarded as peace-pact institutions that serve as channels or systems for deciding conflicts with other villages (Edduba, 2025; Vecaldo et al., 2015; Balisong & Madrunio, 2025). Based on these forms of governance, it maintains social order and neutralization of socio-economic risks by following compound rules, including rites, territorial accords, and mutual cooperation and punitive action (Muthaa, 2022). However, as observed by Molintas (2004), it has been seen as a vital aspect among indigenous peoples of the Philippine Cordilleras and many other countries to have survived and have adapted to engage with formal legal systems. However, in these systems, prejudice is always a problem as it distorts the very nature of conventional ownership and governance, hence there is always the need to recognize and reform so that these customary laws are accorded due recognition and could be fully and meaningfully incorporated into the national legal systems.

Marrying legislative proceedings and customary laws in contemporary society results in culturally informed legal practices which are evident among ICCs. Hence, the recognition of alternative dispute resolution (ADR) under Republic Act 9285. According to Menkel-Meadow (2015), ADR are processes used to resolve disputes, either within or outside the formal legal system, without adjudication or decision by a judge. ADR is characterized according to the different ways people resolve disputes without a trial. ADR processes are often differentiated from each other by the degree of control the third-party neutral has over the process (the rules of proceedings), the substance (decision, advice, or facilitation), and the formality of the proceeding, whether held in private or public settings, with or without formal rules of evidence, informal separate meetings, or caucuses with the parties, and with or without the participation of more than the principal disputants (Menkel-Meadow, 2015).

Moreover, ADR processes are being applied increasingly to diverse kinds of conflicts, disputes, and transactions, some requiring expertise in the subject matter (such as scientific and policy disputes) and spawning new hybrid processes such as consensus building, which engage multiple parties in complex, multi-issue problem solving and draw on negotiation, mediation, and other no adjudicative processes (Menkel-Meadow, 2015). Menkel-Meadow (2015) emphasized that the common ADR processes include mediation,



arbitration, and neutral evaluation. These processes are generally less formal, institutionalizes mediation, conciliation, and arbitration as formal “out-of-court” mechanisms parallel to courts and barangay justice (Menkel-Meadow, 2001).

The indigenous peoples’ customary laws, on the other hand, are part of the larger indigenous knowledge systems (IKS) of ICCs. This is a body of written and unwritten rules and usage of customs and practices, which they have traditionally observed, and recognized through the years. These indigenous laws have been and continue to be a key to their harmonious dealing and relationship with each other, with other people, authorities, and nature. Outside pressure and influences are, however, threatening the continuity and practice of these customary laws (Roy, 2005).

In the Kalanguya ICCs, *Tongtong* is a form of judicial system employed to resolve conflicts among the Kalanguya Indigenous Peoples. According to Cayat (2011), Kalanguya people are peace-loving and considered pacifists since they settle conflicts amicably through the *Tongtong* among themselves with the ruling of the council of elders. When somebody commits a crime, it is dealt with accordingly as soon as possible. Normally, rulings were based on previous settlements. In the case of deliberate murder, there is a special ruling called *ta-pil*, the death penalty for the murderer. The elders shall inquire of the bereaved family what they desire to be done with the accused and if they desire that he should die then one from the bereaved family shall strike the murderer on the head until he dies and be buried with the one he murdered. But if not, then the accused shall be required to pay a sum of money, real property, or cattle, or all (Cayat, 2011).

According to Tindaan (2013), the Kalanguya justice system of *Tongtong* covers all kinds of conflicts between and among individuals related or not with each other. It covers all crimes against a person, property, and land disputes. Tindaan (2013) added that crimes against a person may be classified into crimes against the body of the person and crimes against honor. Crimes under the first category include murder, death by accident, and injury. Crimes against honor include illicit sexual relations, acts of lasciviousness, and accusations.

Moreover, natural resource disputes cover all conflicts emanating from or existing between

individuals regarding cultural ownership of land and water rights. Land disputes include any dispute involving cultural land uses such as *bel-ew* (watershed and forest protection), *kinaba* (swidden farms and rotational farming areas), and *payew* (rice terraces). Also included are disputes between relatives involving ownership of *abong* (traditional house) and *gameng* (labor sharing and social gathering) (Tindaan, 2013).

The Kalanguya justice system does not have a formal structure like what we have today named law enforcement, procedure, court, and correction. However, they have indigenous ways and practices observed to settle conflicts or disputes among themselves. Even though the Kalanguyas strictly adhere to their customs and traditions, acts that deviate from the norms of the society cannot be absent in such a community hence, the existence of the indigenous justice system (Tindaan, 2013).

Tongtong as a justice system among Kalanguya ICC, associates its practice with the recent developments and law enforcement in the country. As such, *Tongtong* is still practiced and embedded with how the *Katarungang Pambarangay* (Barangay/Village Justice System) implemented *Lupong Tagapamayapa* (Barangay/Village Peace Council or Pacification Committee). The enhancement of the *Katarungang Pambarangay* Law under Republic Act 7160, otherwise known as the Local Government Code of 1991, effective on January 1, 1992, introduced substantial changes not only in the authority granted to the *Lupong Tagapamayapa* but also in the procedure to be observed in the settlement of disputes within the authority of the *Lupon* (Board or Committee).

So that the laudable purpose of the law may not be subverted, and its effectiveness undermined by indiscriminate, improper, and or premature issuance of certifications to file actions in court by the *Lupon* Secretaries, attested by the *Lupon* Chairmen, respectively, following the guidelines set forth by the Barangay Justice System (under RA 7160), are hereby issued for the information of trial court judges in cases brought before them coming from the barangays.

Apart from *Tongtong* in Benguet ICCs, *pechen* in Bontok ICCs and *bodong* in Kalinga ICCs are examples of indigenous institutions of a peace pact that fosters reciprocity and restorative justice. These systems maintain or at least recognize the solidarity of a community and



in disputes where a group of colleagues has a common interest in an object and resource, for instance, this determines who gets it. That is the reason why these indigenous institutions stress social interactions and proportion, as well as the absence of substantial harm in terms of a community's customary law.

Although *Tongtong* has been documented as an effective indigenous mechanism for resolving agricultural land disputes among Kalanguya IP, its potential integration with formal ADR processes has not yet been thoroughly examined. There is limited empirical research concerning the conceptual and procedural marrying of a given indigenous system such as *Tongtong* and its integration with state-granted ADR structures (Zhomartkyzy, 2023; Tusó, 2022). Researches in ADR in the Philippines had concentrated on institutionalized processes according to RA 9285 and associated schemes, with minimal regard on how indigenous processes can be institutionalized as accepted ADR processes to agricultural land conflicts (Tusó, 2022; Shidiq & Pulungan, 2025; Tuteja, 2020). There is also little analysis of compatibility issues such as power of elders vs. neutrality of third-party neutrals (Wahyu et al., 2024), restorative vs. rights-based orientation (Alan, 2024), and written vs. oral agreements (Seko & Soa, 2025) in the Philippine agrarian land-dispute context.

It is in this premise that the study would want to understand and document how Kalanguya IP practice *Tongtong* as a form of culturally informed legal practice, as part of ADR. Accordingly, Kalanguya IP in Lusod, Kabayan, Benguet, Philippines recorded one of the best practices in conflict resolution in relation to land disputes among Benguet ICCs.

Generally, the study documented *Tongtong*, as a culturally informed legal practice in agricultural land disputes among Kalanguya IP of Lusod, Kabayan, Benguet, Philippines. Specifically, the study aimed to: characterize *Tongtong* as an indigenous justice system in terms of its underlying principles and purposes, the actors involved and their respective roles, and the processes and procedures observed in its practice; describe the land dispute cases settled in Lusod, Kabayan from 2019 to 2021; determine and describe the community effects of the *Tongtong* as perceived by the Kalanguya IP: identify and describe the challenges encountered, and solicit recommendations for strengthening the practice.



Methodology

This qualitative study used the Socio-cultural Tradition of Communication through Negotiation Theory. According to Craig (1999), socio-cultural tradition sees communication as a symbolic process in the reproduction or production of social order. It is all about context, culture, and social practices. If we focus on previous traditions at the level of an individual or a group, we can better understand how they would respond to different stimuli (Craig, 1999).

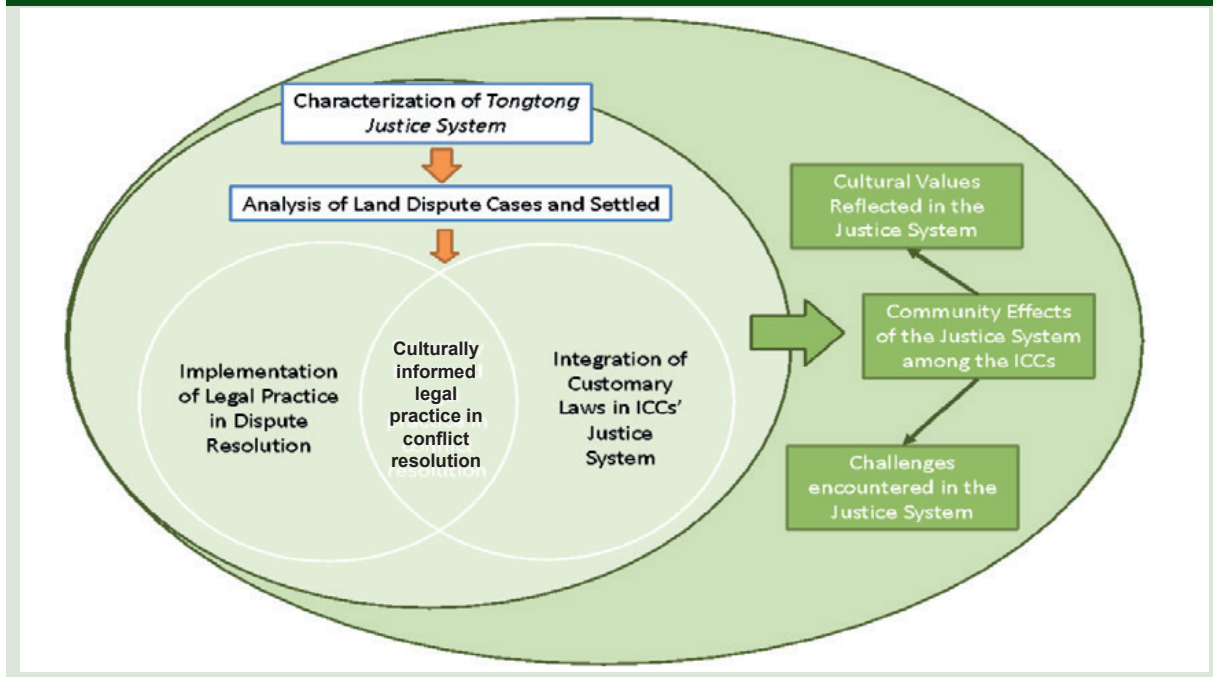
In this study, the Socio-cultural Tradition of Communication (Craig, 1999) was employed for it places enormous importance in the context of commonly shared values among the community being studied, the way how the society operates itself, the social practices which are our everyday routines, and the way how we understand and see the world. These commonly shared values are created due to the interaction and individuals tend to talk to each other and while they are communicating; hence, they create a shared meaning and a shared understanding of what the world is and what this particular situation is.

In the context of the study, it is rooted in the analysis of *Tongtong* as a culturally informed legal practice among the Kalanguya IP. Figure 1 shows the conceptual framework of the study. To realize this, the study tries to document the characterization of *Tongtong* through analyzing the land dispute cases and consequently settled. In this premise, the processes that were followed were subjected according to the Alternative Dispute Resolution Framework (Menkel-Meadow, 2015) and analyzed how the customary laws were married in the justice system. Further, the Socio-cultural Tradition of Communication (Craig, 1999) guides the analysis of the common shared culture through identifying the perceived community effects, cultural values, and challenges encountered.

The study was conducted in Lusod, Kabayan, Benguet, Philippines. Lusod was chosen as the locale of the study because as observed, there are numerous land dispute cases settled through the *Tongtong*, not to mention other cases being resolved through this indigenous justice system. Further, *Tongtong* among the Kalanguya IP is seen as an effective mechanism in dispute resolution (Ulap, 2024) and serves as best practice among other justice systems especially among ICCs as it

Figure 1

Conceptual Framework of the Study, Tongtong, as a Culturally Informed Legal Practice Among the Kalanguya IPs



foster community values and norms (Bourgeat-Flores & Morales-Navarrete, 2023).

The study was composed of 15 participants divided into three groups: nine community participants; three elder-leaders; and three key informants. Of the 15 participants, the study included nine community participants chosen through purposive sampling. The community participants were chosen based on the following criteria: a member of the community having knowledge and experience in connection to *Tongtong* as a justice system of the Kalanguya community; have witnessed or participated in during *Tongtong* practice in relation to land disputes; may or may not have an existing case under *Tongtong* system; and willing to participate in the study. This enabled the study to characterize and identify community influences of *Tongtong* as a judicial system in land disputes. Also, the challenges encountered are documented based on their participation in the *Tongtong* system, and recommendations are solicited in the practice and continuity of the indigenous justice system.

On the other hand, three *Lupong Tagapamayapa* or council of elder members were chosen to

participate in the study as key sources of the experiences, community situations, and cases to be discussed as a point of reference. This enabled the study to capture the entire picture of the characteristics of *Tongtong* as an indigenous justice system. The elders-leaders were chosen through snowball technique.

Further, three key informants from the Barangay Council were involved as a source of data in relation to the local situation of land disputes vis-à-vis *Tongtong*; characteristics of *Tongtong*; validate the community influences; identification of challenges and solicitation of recommendations in the practice and continuity of *Tongtong*. As such, the barangay secretary who was recording all the land dispute cases is included. The two Barangay Council representatives are included based on their availability and participation in the *Tongtong* practice.

On the other hand, the cases of agricultural land dispute settled through the *Tongtong* system are considered as the main subjects of investigation and analysis. The subjects of the study include nine land dispute cases documented by the Barangay Local Government Unit from 2019 to 2021. These recordings of land dispute cases were consented to be used as the frame of



reference in the analysis of *Tongtong* as a justice system among the Kalanguya IP. Of the nine cases documented, two were from 2019, five in 2020, and two in 2021.

Through studying the settled cases, the research studied the actual implementation of culturally informed norms, roles, and procedures in actual conflict situations. The emphasis on concrete cases facilitate an in-depth analysis of operational mechanisms and motivations, perceived legitimacy, and efficiency of *Tongtong*, and the possibility of its compatibility with the principles of ADR. Cases are chosen intentionally on the basis of the following criteria: recency; relevance to agricultural land; and diversity of parties involved.

The data were collected primarily through a semi-structured interview written in English and translated into Kalanguya language for the informants and the researcher to have a common understanding. To identify the land dispute situation of Lusod, Kabayan, document reviews, and archival reviews were employed. Records from the Barangay Local Government Unit were requested with proper communication and consent-taking. Further, one-on-one interviews were employed for the elder-leaders and key informants.

All information is obtained with informed consent, confidentiality, and anonymity of individuals and communities in order to conduct ethically sensitive disputes. Community consent has been the basis of the ethical clearance of this study. The research was firstly discussed and accepted by the community leaders and Barangay Council, thereafter the data were gathered including the provision of the documentation of *Tongtong*-based land dispute cases. This procedure ensured that it did not violate the collective decision-making, cultural procedures, and right of the community.

All personal names of the participants and their identifying details included in the cases were anonymized to protect their privacy. Instead of real names, pseudonyms or generic role names (such as Disputants 1, 2, 3...) were employed, and real locations or very specific situations were changed, if applicable, to avoid direct identification. Only the names of KIs who explicitly agreed to be identified and permitted were revealed with a clear understanding of how their names would appear in the study.



The results of the study were consolidated and presented through clustering and categorical analysis based on the objectives of the study. A reflexive thematic analysis following Braun and Clarke's model (2006) was employed to analyze the interview transcripts, the case studies of land disputes, and field notes of *Tongtong* practices. The reflexive thematic analysis identified patterned meanings to the accounts of conflict, reconciliation, and justice narratives given by the participants and enables the development of themes inductively.

Qualitative case-analysis (Baxter & Jack, 2015) was employed in analyzing the data from the cases being settled through *Tongtong*, where each dispute is considered a unit of analysis. Narrative and interview transcripts and documentation of each case were arranged and re-read to achieve a holistic picture of the conflict background, actors and sequence of *Tongtong* proceedings, and outcome. Throughout the cases, major aspects of land claim type, functions of parties, invoked norms, decision-making processes, and post-resolution compliance were coded. Lastly, a narrative presentation was used to discuss the results of the study.

Results and Discussion

Lusod is one of the barangays of Kabayan in the Province of Benguet, Philippines that is inhabited by Kalanguya IP. The Kalanguya ICC considers land and natural resources as something that cannot be separated with their identity, they equate ancestral territories with life itself (Camaya & Tamayo, 2018). The natural resources are owned and managed by the community the same with how they maintain harmony among the people. For any violations done by any community members, dialogue is usually adopted through the *Tongtong* system. *Tongtong* as a practice is a social and healing process. The *Tongtong* system is still at the forefront in dispute resolution like land disputes with emphasis on reconciliation, accountability, and social harmony rather than punishment. This indigenous practice is central to the wisdom of the elders, common precedents, and spirituality, and forms a reliable avenue in the maintenance of peace, unity, and transmission of cultural values within the ancestral territory.

Characteristics of *Tongtong* as a Kalanguya Justice System in Resolving Land Disputes: Marrying Customary Laws with Legal Proceedings

The *Tongtong* as a culturally informed Kalanguya justice system is characterized by its operation through the community's own body of customary laws. *Tongtong* system is not only a way of "settling cases", but a legal-ethical process anchored on indigenous concepts of relationship, responsibility, and repair. In practice, *Tongtong* incorporates participatory dialogue, community involvement, communal welfare, and value-laden approaches that prioritize harmony over punishment. Within the study, *Tongtong* as a Kalanguya justice system is characterized along three parameters: the context of understanding in which conflicts and norms are interpreted; people's involvement and their roles in the *Tongtong* (i.e., elders, disputing parties, and community members); and the specific processes that are conducted, from convening the dialogue to decision-making and enforcing agreements.

Context of *Tongtong* as a Justice System in Land Disputes

Tongtong, according to the informants of the study, is a Kalanguya term to translate the process of dialogue. It is understood by the Kalanguya ICC as a process of resolving emerging conflicts within the territorial jurisdiction of the barangay. Cases concerning *Tongtong* include all community affairs except heinous crimes. In the context of the study, land disputes rooted in land rights, tenure, boundary, and land utilization such as agricultural expansion were isolated and studied.

From 2019 to 2021, nine cases of land disputes were filed and settled using the *Tongtong* system. This inherently proves that Kalanguya IP resort and adhere to resolving conflicts through *Tongtong* system, as is known as the legal process stipulated in the Local Government Code of 1991 (under RA7160).

According to KI Gasper Lictag: "*Amin ni probleman kigad ni luti diyan ili et na sulbar babaen ni tongtong, men 'tada nangi duritsod kurti, yaman ida ta agnan kunsulta di lupon, daka i duritso* (All land dispute cases in the locality was resolved through the *Tongtong* system except for those who opted to file directly to the higher courts without

consulting the elders)." KI Lictag also explained that all land disputes in the area are resolved using the *Tongtong* system. He also claimed that there are no cases that have been brought to higher courts except the ones that did not consult the *Lupong Tagapamayapa* and chose to bring them directly to the higher court or with the involvement of other crimes.

Further, KI Lilia Waclin, shared, "*Amin ni agpankinaawatan ni tood ya et ida kaman kunsulta di barnangay uno 'tada nangkaama, no mabalin ni masulbar babain ni tongtong, ag'ida ma'duritsod kurtin dagus* (Most of the conflicts in the barangay are consulted through the *Lupong Tagapamayapa* before proceeding to the higher courts if necessary)."

This implies that the people in the community respect and consider in high regard the barangay council, including the *Lupong Tagapamayapa* to mediate community-related conflicts. Also, people respect their cultural orientation.

This supports the study of Wehrmann (2017) cited by Andrew (2001), who claims that land disputes are considered social and interpersonal disputes that emanate because of the opposition between individuals and groups on the basis of competing interests, different identities, and or differing attitudes regarding a piece of land. It corroborates with the study of Waindim (2018) cited by Andrew (2001), that the objective of any resolution option chosen by the disputants would be to amicably settle the issue leading to such land dispute without the use of force or coercion.

Purpose of *Tongtong* Dispute Resolution Practice

Tongtong practice is performed to resolve conflict that occurs in the community, one of these is the land dispute. In this practice, it is resolved by an amicable settlement where cases are presented and resolved in a short period of time. The cases reflect land dispute is resolved through the *Tongtong* practice with proper consultation from the council of elders and barangay officials.

As stated by KI Condiman Tiap, one of the members of the council of elders:

Hay tongtong, hakey ni wagas ni pansulbar



ni agpankinaawatan ni umili, hayan wagas et kasapulan iday too di ili, a'man bablin a kas witness nuntana panulbar ni problema. Hakey iyan kadtiana wagas ni kapankaitawid idan ka apo apo hay naurnos i'ili tayo (Tongtong practice is a practical way of resolving conflict where people participate and become witnesses of the settlement. This practice is one of the oldest practices that are passed down through generations, for them to maintain peace and order in the community).

The result corroborates Alilies's (2010) finding that the wisdom, knowledge, and information of the council of elders are passed down from their ancestors and parents, as well as from their own experiences and observations and the books they read.

People Involved in the Tongtong Dispute Resolution Practice

Five groups of people are involved in the practice of Tongtong. These are the Barangay Council, *Lupong Tagapamayapa*, disputants, witnesses, and the community themselves. Relative to role-taking, the people are tasked based on the observance of the *Tongtong* stages. The following are the roles of the involved people in the *Tongtong* practice:

The Barangay Captain or the authorized barangay councilor schedules and presides over the hearing. S/He sits as the overall chair of the *Tongtong* practice. It is important to note that the role taken by the Barangay Council in overseeing the implementation of the *Tongtong* system, ensures that the disputes are managed effectively and in accordance with the local governance policies (Mohammed & Caingat, 2017) and provide administrative support and access to community members (Ulap, 2024).

The *Lupong Tagapamayapa* (*matongtong*), usually composed of council of elders, were the ones who advised the respondents and the complainant during the hearing. *Lupong Tagapamayapa* serves as the third-party neutrals in the *Tongtong* system. They are responsible for giving suggestions on how the two parties will resolve the conflict. The *Lupong Tagapamayapa* serves as the committee that mediates the entire *Tongtong* process. It must be understood that the *Lupong Tagapamayapa* including the Barangay Captain do not constitute

a court as they do not have judicial powers. Their main role is to facilitate the dialogue and mediate the disputes until they arrive in a mutual agreement. The *Lupong Tagapamayapa*'s role as community conciliators, facilitating the resolution of disputes through conciliation and mediation (Mohammed & Caingat, 2017) are crucial for maintaining peaceful community relations (Culanag & Cuevas, 2023), ensuring fair and just outcomes (Villamor & Dagohoy, 2021) given their expertise and wisdom on conflict resolution, communication, and legal procedures.

The disputants are composed of the complainants and respondents. The complainants are the people who file the case and present the issue to the body. The respondents, on the other hand, are the people who respond to the case filed by the complainants. They are expected to present their side of the issue presented. Accordingly, their participation in the proceedings is crucial for the success of the ADR process, as it relies on voluntary engagement and mutual agreement (Akintayo et al., 2024).

The witnesses are the people from the two parties who know the case. These witnesses are divided into two, these are: the witnesses from the respondents, and the witnesses from the complainants. The witnesses are obligated to disclose their knowledge about the case, consequently help in the settlement of the conflict. Witnesses' involvement helps ensure transparency and accountability within the system, contributing to fair and impartial resolutions (Akintayo et al., 2024). Essentially, the witnesses' testimonies provide evidence that can influence the outcome of the dispute resolution process (Mohammed & Caingat, 2017).

Lastly, the community serves as the witness for the settlement of the two sides, and sometimes they are given the chance to speak about the issue if they are asked by the *Lupong Tagapamayapa*. "*Amin ni too ni waday akem to di tongtong et kaman hahakey hay masulbar idata problema ni kaundateng* (All people who are involved in the *Tongtong* practice take their role for the success of resolving the conflict)," emphasized KI Lictag.

Further, the study corroborates existing studies (Tindaan, 2013; Ampat et al., 2023; Anthony, 2008) noting that people play a great role in settling cases, especially when it concerns fines, disputes



on the boundary, ownership of the pieces of land, and others. The role taking of the people involved in the *Tongtong* system serves as an integral part of the customary law in maintaining harmony and justice at the grassroots level (Mohammed & Caingat, 2017; Akintayo et al., 2024; Culanag & Cuevas, 2023; Villamor & Dagohoy, 2021).

Processes Involved in the Tongtong Dispute Resolution Practice

The *Tongtong* practice is among the customary laws handed down through generations. This is among the institutionalized justice systems in ICCs. Culturally, *Tongtong* justice system is inclusively part of the Presidential Decree 1508, The Katarungang Pambarangay Law (Barangay/Village Justice System), until it succeeded to R.A. 7160, otherwise known as the Local Government Code of the Philippines (1991).

In context, *Tongtong* as a mechanism to actualize the *Katarungang Pambarangay* amicably settles disputes wherein the disputing parties are encouraged to make mutual concessions to obtain a peaceful resolution of the dispute.

It must be understood that the process of *Tongtong* is composed of two justice systems: (1) Implementation of the *Katarungang Pambarangay* as stipulated in the Local Government Code of the Philippines 1991 under RA7160 from the filing of complaints, conciliation, mediation, and arbitration; and (2) integration of the Kalanguya customary laws through the peace pact and parental engagement. Once the land dispute is not resolved after parental engagement, the case will be raised in the higher court for legal proceedings.

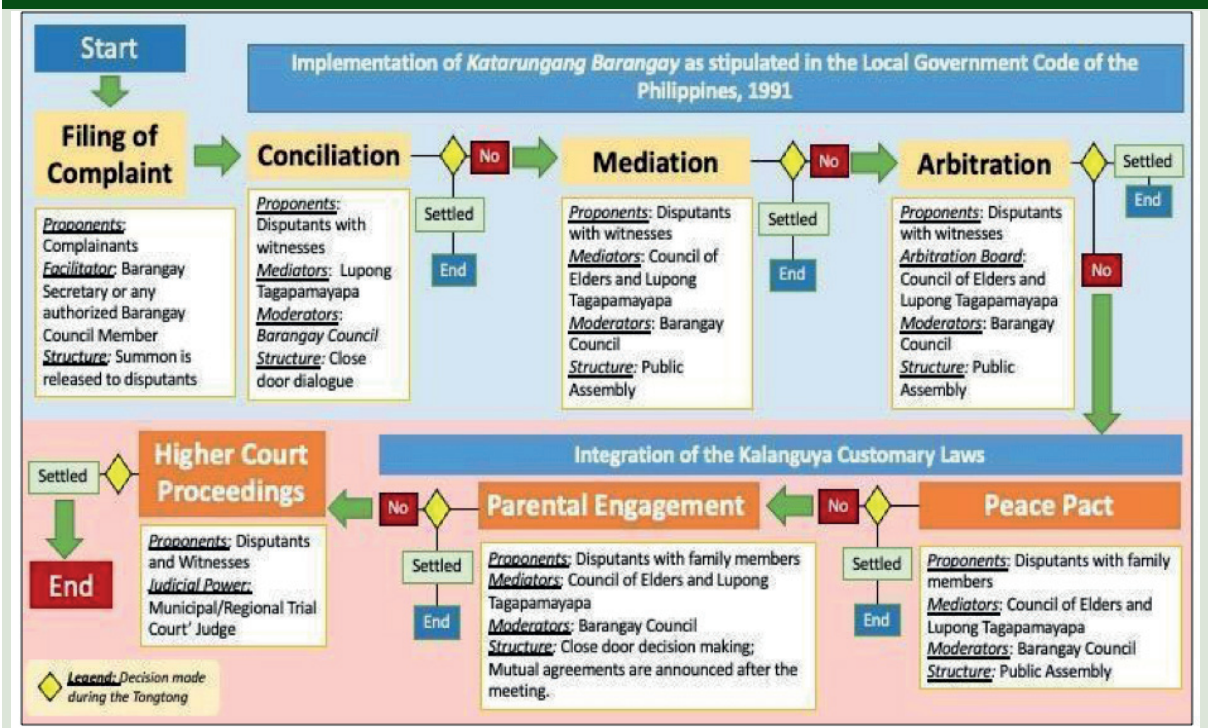
Steps are involved in the *Tongtong* practice. Figure 2 shows the step-by-step process of the *Tongtong* practice.

Step 1: Filing of complaints. The complainant will proceed to the barangay hall to inform the official-in-charge of the issue. The claimant narrates the arguments while the Barangay Council representative writes the report. This report is the basis of the Barangay Council to write a summon to which indicates the reason for filing.

Thereafter, the barangay official sends the summon to the involved parties, informing them

Figure 2

The Step-by-step Process of the Tongtong, as a Culturally Informed Legal Practice Among the Kalanguya IPs



of the hearing schedule. The summons will be released by the Barangay Council to call the disputants for the conciliation process with the specified date and time. The *Barangay Kagawad* or *Tanod* delivers the summons to the disputants for information and acknowledgement.

Step 2: Conciliation (*Panhahapitan ni Nangkaso*). The different parties involved may subject themselves to this judicial system by conciliation. This means both parties express or imply willingness to settle the dispute amicably. The *Lupong Tagapamayapa* composed of the council of elders served as the conciliator, a third party neutrals. The *lupon* of conciliators assist disputing parties to arrive in mutually accepted settlement. They often provide expert advice, suggest agreeable solutions, and propose terms of settlement which are free to be accepted or rejected. Usually, the conciliation process takes three hearings within a 15 days interval or depending on the decision of the disputants when to conduct the next hearing. The average time elapsed during the conciliation process is about two to five hours of dialogue.

The disputants are involved in this procedure which allows them to settle their issues on dialogue. The claimant is asked first to state his/her claims and arguments followed by the rebuttal of the respondents. The conciliation is moderated by the *Lupong Tagapamayapa* with the help of a council of elders, barangay officials, and witnesses from the two opposing sides.

To cite a case, the conflict over land grabbing between Disputant 1 vs Disputant 2 was resolved after the disputants explained their respective viewpoints in front of the present witnesses. Pieces of evidence of claims are also presented during this process to counter the claims of the other parties. In the case of Disputant 1 vs Disputant 2, the tax declaration being paid by Disputant 1 proved her claims as the rightful owner of the land. Hence, the *Lupong Tagapamayapa* (serving as the third-party neutral) managed to amicably settle the land dispute through an agreement between Disputant 2 and Disputant 1 without violent outcomes. Negotiations were made between parties in favor of Disputant 1.

When conciliation is not possible, the next process (i.e., mediation) is undertaken by three parties.

Step 3: Mediation. In the mediation process, arrangements are made between the conflicting parties to present their cases in a public assembly. During this observance, the barangay officials serves as moderators and the *Lupong Tagapamayapa* acts as mediators. The mediator cannot make a judgment since they have no judicial power; it merely investigates and extracts information from the complainants and the respondents as the basis of the amicable settlement.

In mediating the case, the *lupon* of council of elders who serve as mediators do not impose decisions but help parties define their issues, overcome impasses, and explore agreeable solutions. Hence, mediators facilitate communication and non-directive. It is known as a voluntary process where *Lupong Tagapamayapa* facilitates the negotiations between disputing parties to reach and render a mutually satisfactory and acceptable settlement. The outcome of the mediation is written, hence, binding to both parties where they also signed contracts of settlements.

If mediation fails, they will perform the next process (i.e., arbitration).

Step 4: Arbitration. In the conduct of arbitration, the case is submitted by the disputing parties to the board of arbitrator for formal proceeding. The arbitrator board is composed of the barangay officials, the witnesses of the conflicting parties, and the *Lupong Tagapamayapa*. During the arbitration process, the board cites previous cases of similar offenses. After which, they cite the decision made by the arbitration board of the previous cases. Both the respondents and the complainants are obliged to listen to the arbitration process.

Here, the arbitrator board tries to render a final and binding decision after hearing the case through a consensual agreement from the disputing parties. The study noted that while third-party neutrals decide the case, it varies in Kalanguya ICCs implementation since they still decide based on the interest of the disputing parties. The settlement may be in the form of a penalty imposed on the loser or both. The penalties imposed depends on the agreement of the conflicting parties with the approval of the body.

Such is the case of Disputant 3 vs Disputant 4, who settled their dispute after two hearings,



Disputant 4 filed a complaint against Disputant 3. But their issue was not settled during the conciliation process, a summon was sent to Disputant 3 for the mediation process but subsequently failed. The arbitration process followed, where witnesses proved that the land was legally owned by Disputant 3 and was being grabbed by Disputant 4. Hence, the arbitrator board renders a written decision, known as the award, which serves as the generally binding and final decision of the case.

If arbitration arrived on the final decision, the next step will be performed (i.e., peace pact or *hidit*). The next step signals the integration of the Kalanguya customary laws.

Step 5: Peace Pact (*Hidit*). After the settlement or award has been finalized, the fifth step called the peace pact (*hidit*) will follow. This may be in the form of wine, pigs, or any accepted objects recognized as a symbol of the pact that will be given by the respondents or the complainants to the rightful owner of the disputed land. The object of the peace pact that will be given depends on the agreement of the conflicting parties and the approval of the body.

If this is not possible, the next step will be performed (i.e., parental engagement or *kaihing*).

Step 6: Parental Engagement (*Kaihing*). The final process is the parental engagement (*kaihing*) and the marriage between relatives of the conflicting parties. Hence, marriage serves as a permanent institution, thereby permanently settling the case.

Not all processes are applied to all cases. Some cases may be resolved using a few steps only. As KI Lictag explained, a case that is resolved by *Tongtong* is classified as minor if both parties willfully understand and agree upon each other's part in resolving a case. On the other hand, a case is classified as major if one party goes against the proposed solution presented by the other or if the party does not agree at all in consideration of how severe the case is. The offended party may file a case to the barangay and may proceed to higher courts if needed.

An example mentioned by KI Lictag is in Case No. 5 (Disputant 9 vs. Disputant 10), where Disputant 9 is grabbing a portion of land that was owned by Disputant 10. On the same day, the conciliation process was done, but Disputant

10 did not agree that the portion that is being claimed by Disputant 9. Before continuing the process to mediation, they were given a five-minute break or recess. After this, they resumed where the *Lupong Tagapamayapa* became mediators. The *lupon* of council of elders gave the disputants time to share their arguments or their claims about the case. During the conversation, there was no common agreement arising between the disputants. That is why the barangay captain, who presides over the hearing, set another day for the continuation of the hearing for the mediators to cross-examine the case before suggesting any solution.

After the mediators have examined the case, the set day of the arbitration was forwarded and pursued. In the arbitration process, the arbitrators (i.e., *lupon* of council of elders) cited the same cases and the ways in which they solved the conflict. For their agreements to be based on, the disputing parties listen to and understand the case. After the session, Disputant 9 and Disputant 10 agreed to have a specific boundary.

Overall, the ADR processes of conciliation, mediation, and arbitrations differs on the third-party neutral role of the *Lupong Tagapamayapa* composed of council of elders and the binding nature of outcome. In this study, it helped in understanding the formal and binding role of arbitration while conciliation and mediation are informal or non-binding focusing on the mutual agreement by the parties. While ADR focuses on the outcomes of the settlement, the study documented that Kalanguya IP's implementation of ADR is grounded to acceptable settlements that mutual, consensual, and empowering to both parties. Also, the integration of customary laws (i.e., *hidit* and *kaihing*) amplifies relationship and interest based of permanently settling the cases.

In support, Pagana (2008) as cited by Vanda (2015), noted land disputes arise between two parties and they consult the elders for them to help settle the dispute amicably. It corroborates with the study of Alilies (2010) stating that the process and methods used in resolving conflicts were based on the *Katarungang Pambarangay* System. However, the "close door" meeting is a choice given to the complainant and the respondent to settle their dispute before a public hearing.

It implies that they adhere to and are subject to procedures imposed on the community. In the



study of Turner et al. (2012) cited by Edeh et al. (2022), it reported that dispute resolution often follows defined hierarchical steps including negotiation, mediation, local customary authorities, extra-local authority, and local courts with social networks playing a significant role in the choice of dispute management.

Furthermore, the findings aligned with the study of Cabling (2016), noting that ADR commonly used methods are arbitration, mediation, and conciliation. These three are primarily resorted to by parties as an expedient and cost-effective way of settling disputes. It corroborates with the study of Menkel-Meadow (2015) that ADR includes a variety of hybrid processes built on the basic processes of negotiation, mediation, and arbitration, now including med-arb, minitrials, summary jury/judge trials, and early neutral evaluation, which vary in providing opportunities for settlement of cases, advisory opinions, or decisions in both public (court-annexed) and private settings.

Land Dispute Cases and Settled Through Tongtong Dispute Resolution Practice

There were nine recorded land dispute conflicts from 2019 to 2021. Based on the data recorded by the barangay secretary on the *Tongtong* practice relative to land dispute cases in Lusod, Kabayan, Benguet, there were two resolved cases in 2019, five cases in 2020, and two cases in 2021. Table 1 presents the nine cases resolved in Lusod, Kabayan, Benguet, Philippines.

The common reasons for land disputes are the conflicting interests associated with land rights, boundaries, and land utilization such as agricultural expansion. Results further revealed that among the nine cases settled in Lusod, there were no cases raised into peace pact until the higher courts—five were solved during the conciliation phase, three during the mediation phase, and one during the arbitration. The following nine cases were summarized in Table 1.

Case 1: Property Encroachment and Disputing Tax Declaration

This case involved Disputant 1 accusing Disputant 2 of encroaching on her property and disputing the land's tax declaration. The issue arose when the tax declaration was filed by a relative, who had been paying taxes on behalf of Disputant 1. Following legal procedure, the matter

was brought to the barangay hall for conciliation before any court action. During the hearing, Disputant 1 presented proof of ownership through tax receipts, while Disputant 2 failed to provide convincing evidence to contest her claim.

With the assistance of barangay officials and the council of elders, both parties reached an amicable settlement in one session (i.e., conciliation phase). Disputant 1 retained ownership of the land. The confusion over the tax declaration was clarified. The case was efficiently resolved at the barangay level, demonstrating the effectiveness of the barangay conciliation process in addressing land disputes quickly and peacefully without the need for lengthy court proceedings.

Case 2: Dispute over Land Ownership

The case of Disputant 3 vs. Disputant 4 involved a land dispute over ownership of a piece of property that Disputant 4 had occupied but Disputant 3 claimed to own. The case was filed on September 10, 2019, and was brought to the barangay level in accordance with legal procedures. Both parties presented their claims and evidence during two hearings (i.e., conciliation and mediation). Witnesses and documents supported Disputant 4's long-term possession and control of the land, strengthening her ownership claim.

When the case was not resolved in the mediation, the barangay council and council of elders facilitated the arbitration, allowing both sides to present their arguments fairly. After evaluating the evidence, the council ruled in favor of Disputant 4, confirming her family's ownership of the disputed property. The issue was fully resolved at the barangay level through mediation, without the need for court litigation. This case illustrates the effectiveness of barangay mediation in resolving land disputes promptly and peacefully within the community.

Case 3: Boundary Dispute (Lack of Formal Boundary Markers from an Inherited Land)

The case of Disputant 5 vs. Disputant 6 involved a boundary dispute caused by an unclear division between their adjoining properties. The conflict arose because the inherited lands lacked formal boundary markers, resulting in both parties claiming overlapping areas. To resolve the issue, conciliation was conducted on-site and facilitated by the barangay council and the council of elders, with witnesses from both sides presenting



Table 1*Profile of Land Dispute Cases and Settlements Through the Tongtong System*

CASES	RESPONDENTS*	DATE FILED	STATUS OF THE CASE	CAUSE OF THE DISPUTE	AGREEMENT
1. Property Encroachment and Disputing Tax Declaration	Disputant 1 vs Disputant 2	January 9, 2019	Settled during the Conciliation Phase	Land grabbing with tax declaration is involved	After the conciliation, it was determined that Disputant 1, who had paid the tax declaration, was the rightful owner of the property.
2. Dispute over Land Ownership	Disputant 3 vs Disputant 4	September 10, 2019	Settled during the Arbitration Phase	Land grabbing	The witness statements prove that Disputant 4 owns the property.
3. Boundary Dispute (Lack of formal boundary markers from an inherited land)	Disputant 5 vs Disputant 6	July 26, 2020	Settled during the Conciliation Phase	Boundary dispute	The two parties agreed to have a particular area boundary.
4. Boundary Dispute (Property overlaps)	Disputant 7 vs Disputant 8	August 11, 2020	Settled during the Conciliation Phase	Boundary dispute	The two parties agree to lower Disputant 7's declared lot from one hectare to one-fourth hectare.
5. Boundary Dispute (Uncharted and undefined property line)	Disputant 9 vs Disputant 10	September 2, 2020	Settled during the Mediation Phase	Land grabbing	After the two hearings, the two parties agreed on a clear line between where the family of Disputant 9 can plant and where the family of Disputant 10 can reside.
6. Multiple Land Dispute over Land Acquisition	Disputants 11, 12, 13 vs Disputant 14	September 8, 2020	Settled during the Conciliation Phase	Land grabbing with tax declaration is involved	The statement of the witnesses proves that Disputant 11 purchased the property and that it was legally theirs.

information about the land's usage and boundaries. Through discussions and consultations, the council helped both parties agree on a clearly defined boundary, which was accepted by Disputant 5 and Disputant 6.

The case was settled amicably in one session at the barangay level without escalation to higher courts. This outcome highlights the effectiveness of the barangay conciliation process in resolving land disputes quickly and on physical attendance,



Table 1 Continuation....

CASES	RESPONDENTS*	DATE FILED	STATUS OF THE CASE	CAUSE OF THE DISPUTE	AGREEMENT
7. Boundary Dispute (Unclear demarcation lines between properties)	Disputant 15 vs Disputant 16	December 26, 2020	Settled during the Mediation Phase	Boundary dispute and tax declaration	The two disputants agreed on a clear boundary between their respective lands.
8. Boundary Dispute (Ancestral land claimed by tax declaration holder)	Disputant 17 vs Disputant 18	April 6, 2021	Settled during the Mediation Phase	Family land dispute	The two parties decided to divide the land equally.
9. Boundary Dispute (Conflict due to unclear boundaries in inherited land)	Disputant 19 vs Disputant 20	June 8, 2021	Settled during the Conciliation Phase	Boundary dispute	The two parties agreed to have a specific land boundary.

demonstrating the vital role of community conciliation in maintaining harmony and preventing prolonged legal conflicts in rural areas.

Case 4: Boundary Dispute (Property Overlaps)

The case of Disputant 7 vs. Disputant 8 involved a land boundary dispute caused by an unclear division between their adjoining lots. The conflict was reported when Disputant 7 declared one-hectare property that appeared to overlap with Disputant 8's land, with no visible boundary markers to distinguish the two. To resolve the issue, both parties, along with witnesses, participated in a conciliation process facilitated by the barangay council and council of elders. An on-site inspection was conducted to determine the actual boundaries. Through negotiation, Disputant 7 agreed to reduce her declared lot from one hectare to $\frac{1}{4}$ hectare, effectively eliminating the overlap.

The agreement was documented in writing, signed by both parties, and included a sketch of the new boundary. The case was settled in a single hearing at the barangay level, avoiding court litigation. This case demonstrates the efficiency and effectiveness of barangay conciliation in peacefully resolving land boundary disputes through community-based facilitation.



Case 5: Boundary Dispute (Uncharted and Undefined Property Line)

The case of Disputant 9 vs. Disputant 10 involved a land boundary dispute between two neighboring families over an uncharted and undefined property line. Both families claimed rights to the same portion of land. The family of Disputant 9 asserts their right to cultivate it, and the family of Disputant 10 insists on their right to reside on it. The absence of a clear demarcation caused continuous conflict.

The conciliation hearing, held on September 2, 2020, failed to settle as Disputant 10 opposed the proposed boundary solution. The case was then adjourned to proceed through the mediation hearing on September 14, 2020. The barangay officials and council of elders moderated and mediated a mediation process, respectively. During this session, both families presented their witnesses and evidence regarding land use.

After careful consideration, the council proposed a compromise dividing the land so that the family of Disputant 9 could farm a portion while the family of Disputant 10 could reside on another. Both parties accepted this agreement, signing the resolution in the presence of barangay witnesses.

The conflict was settled at the barangay level without escalation to higher courts. The case highlights how barangay conciliation and local mediation can effectively resolve land boundary disputes through dialogue and mutual compromise, promoting harmony within the community.

Case 6: Multiple Land Dispute Over Land Acquisition

The case of Disputant 11 vs. Disputants 12, 13, and 14 involved a land ownership dispute filed on September 8, 2020. The conflict centered on a parcel of land originally declared for tax purposes under the name of a relative but later sold to another relative (represented by Disputant 11). Despite this transaction, Disputant 12, Disputant 13, and Disputant 14 also claimed ownership or stakes in the same property, creating confusion and disagreement over the rightful owner.

The main issue was the inconsistency between the tax declaration under the relatives' name and Disputant 11 claim of legal ownership based on purchase. During the barangay conciliation hearings, witnesses were presented to clarify the history of the land transaction. Their testimonies confirmed that Disputant 11 had legally bought the property, thus establishing his rightful ownership despite the tax declaration's name discrepancy.

The barangay council and council of elders facilitated the conciliation process, reviewed the evidence, and validated the witnesses' accounts. The case was resolved at the barangay level, declaring Disputant 11 as the legitimate owner of the land. Disputant 12, Disputant 13, and Disputant 14 acknowledged this outcome, preventing the need for a formal court proceeding.

This case demonstrates the effectiveness of barangay conciliation and community-based dispute resolution, showing how local mediation, witness testimonies, and barangay leadership can fairly and efficiently settle land disputes without escalation to higher courts.

Case 7: Boundary Dispute (Unclear Demarcation Lines Between Properties)

The case of Disputant 15 vs. Disputant 16 involved a boundary dispute between two adjoining landowners. Disputant 15 claimed ownership of two hectares of land under a tax

declaration, while Disputant 16 owned one hectare within the claimed property. The conflict arose due to unclear demarcation lines between their properties, a common issue in areas where land has been inherited without formal surveys.

To address the dispute, both parties presented their tax declarations as evidence of ownership during a mediation conducted by the barangay council and the council of elders. The officials, along with witnesses, reviewed the documents and inspected the claimed boundaries. After evaluation, they recommended setting a clear division between the two properties based on the available records and maps.

Through consensus, Disputant 15 and Disputant 16 agreed to the boundary established during the mediation. The decision was witnessed by barangay officials, elders, and representatives from both parties, ensuring fairness and transparency. The conflict was successfully resolved at the barangay level, demonstrating the effectiveness of local mediation processes in settling land disputes. The case highlights how community-based mediation, supported by documentation and mutual agreement, can prevent escalation to formal court proceedings.

Case 8: Boundary Dispute (Ancestral Land Claimed by Tax Declaration Holder)

The case between the Disputant 17 and Disputant 18, filed on April 6, 2021, involved a boundary dispute over a culturally significant piece of land claimed by both parties. Disputant 17 asserted that the land formed part of their ancestral domain, inherited and cultivated by their ancestors for generations. In contrast, the Disputant 18 presented a tax declaration covering three hectares, which included the disputed area, as proof of their ownership.

The conflict arose from overlapping ownership claims and unclear land demarcations. Given the sensitivity of ancestral land issues, the barangay council and the council of elders intervened to mediate. Both disputants presented their evidence: (1) ancestral use by the Disputant 17 and (2) legal documentation by the Disputant 18. After deliberations and consultations with community witnesses, the mediators proposed a fifty-fifty division of the land to ensure fairness and mutual benefit.



The resolution was accepted by both disputants, witnessed by barangay officials, elders, and community members, ensuring transparency and impartiality. The case was settled peacefully through barangay mediation without the need for court proceedings. The outcome highlighted the effectiveness of traditional and local mediation mechanisms in resolving land disputes while preserving community harmony and mutual respect.

Case 9: Boundary Dispute (Conflict due to Unclear Boundaries in Inherited Land)

The case of Disputant 19 vs. Disputant 20 was documented on June 8, 2021, when both parties filed a complaint over a disputed boundary between their adjoining parcels of land. The conflict originated from unclear and unmarked property divisions, a common issue in inheritance lands, which made it difficult for the owners to determine where one property ended and the other began.

Following the filing, the barangay initiated a conciliation process as mandated. During conciliation, both disputants presented their claims regarding land ownership. With the assistance of barangay officials and the council of elders, negotiations focused on establishing a clear demarcation line that would define the limits of each property.

Through open communication and mutual understanding, the parties agreed to create a physical barrier separating their lands. This allowed the disputants to develop and improve their respective properties such as cultivating or building without infringing on the other's rights. The resolution was documented with a sketch of the disputed area and witnessed by barangay elders and officials, ensuring its legitimacy.

The dispute was amicably resolved in a single conciliation session, without the need for court proceedings. The case demonstrates the effectiveness of barangay conciliation in resolving land boundary conflicts efficiently, fairly, and harmoniously within the community.

According to KI Lazo Libag, one of the members of the council elders, he said that they base the declaration of the settlement of a case on the agreement of the two parties. For example, if the other party does not agree to the suggestions, they will have another scheduled

hearing for the case until the two parties have a common agreement.

As was shown in Table 1, the cases were settled in different places like the barangay hall, the area of the conflict, and even in their houses. The people who are involved are active participants during the observance of the process. Also, the number of hearings that were conducted varies on the nature of agreement whether to push forward on the succeeding processes. This shows that procedures are efficiently and effectively carried out until a mutual and satisfactory settlements are achieved.

These cases reveal that five out of nine were solved during the conciliation phase, three in mediation phase, and one in arbitration phase indicating a preference for innovating, conflict-solving approaches based on constructive cooperation. In turn, the cases analyzed herein provide reinforcement to the theory of legal pluralism, which is the observation of a society with at least two altogether coherent bodies of legal rules. These claims of solving the cases in conciliation, mediation, and arbitration stages supports various indigenous experiences noting culturally sensitive and harmonious solutions provision to be capable in acknowledging the indigenous rights and culture in the ADR (Putirulan et al., 2024; Rodil, 2023). Further, the results aligned with which mediation and negotiation in the ADR are better than a court proceeding because it is more in line with the values of the indigenous communities, which values expediency and non-violence (Coyle, 2008). The outcomes of these processes can also be more flexible and inclusive to accommodate the special needs and grievances of indigenous people (Coyle, 2008; Putirulan et al., 2024).

Through the case of the Kalanguya's use of Tongtong, the result shows how indigenous legal systems work as parallel to the state legal structures, especially in the situations handled within the given native communities. This approach could be qualified to culturally sensitive restorative justice aimed at encouraging what is referred to as participatory justice whereby the locals are involved in the justice process to increase the transparency, localism, and inclusiveness. The full account of each case—right from the time the conflict arises to the time it is resolved—reveals the centrality of culture endowed with knowledge systems in conflict resolution.



Tongtong as a culturally informed legal practice was employed in the cases through its step-by-step land dispute process imbued with participatory dialogue. As evident in the documented cases, *Tongtong* has been influenced by the values, relationships, and authority structures of the Kalanguya IP, even though it interfaces with formal processes under the *Katarungan Pambarangay*. Formal complaints were submitted and recorded in the books of the barangay, but the heart of the process is participatory discourse carried out in the local language. This is facilitated by elders and leaders whose authority is not vested by the state but as a result of traditional roles. The participation, determination of the truth, the importance of particular types of evidence, which are just end results are all defined by peace pacts, kinship bonds, and involvement of parents who are concerned with restoring relations, harmony within a community and collectively held moral responsibility instead of identifying a legal “winner”.

The chance to lead the negotiations following the traditional standards and practices gives not only the legal but proper outcomes as well. It preserves culture and cultural modification that are very essential in maintaining the indigenous peoples in this relatively modern world. Contracts are written, arbitrated, or mediated in forms similar to the state, but their content and power are based on Kalanguya customary law, such as tales, rules of honor, anticipations of restitution, and continuing obligations between families and lineages. Although unresolved cases are often referred to higher courts, they are referred to such a court only after culturally-based attempts at reconciliation have been exhausted, demonstrating that *Tongtong* embeds formal procedures into an indigenous logic of justice and not the other way around.

Overall, the practice of *Tongtong* in addressing land issues conform to sound theoretical framework of legal pluralism and restorative justice positioned in the indigenous society resulting to maintain social harmony and cultural identity among the Kalanguya IP.

The result corroborates to the study of Tindaan (2013) that the Kalanguya justice system does not have a formal structure like what we have today named law enforcement, perception, court, and correction. However, they have indigenous ways and practices observed to settle conflicts or disputes

among themselves. Even though the Kalanguyas strictly adhere to their customs and traditions, acts that deviate from the norms of society cannot be absent in such a community or indigenous society; hence, the existence of the indigenous justice system.

Perceived Community Effects of *Tongtong* Dispute Resolution Practice

Tongtong as the justice system among Kalanguya ICC in Lusod, Kabayan, Benguet is known for its anchor towards the enactment of the IPs’ cultural integrity. Despite the marriage of the legal practice to the *Tongtong*, this justice system attributes to the following cultural qualities: participatory dialogue; sectoral involvement and empowerment; communal decisions and consensus building; and peace building. Figure 3 shows the cultural values reflected in the practice of *Tongtong* justice system.

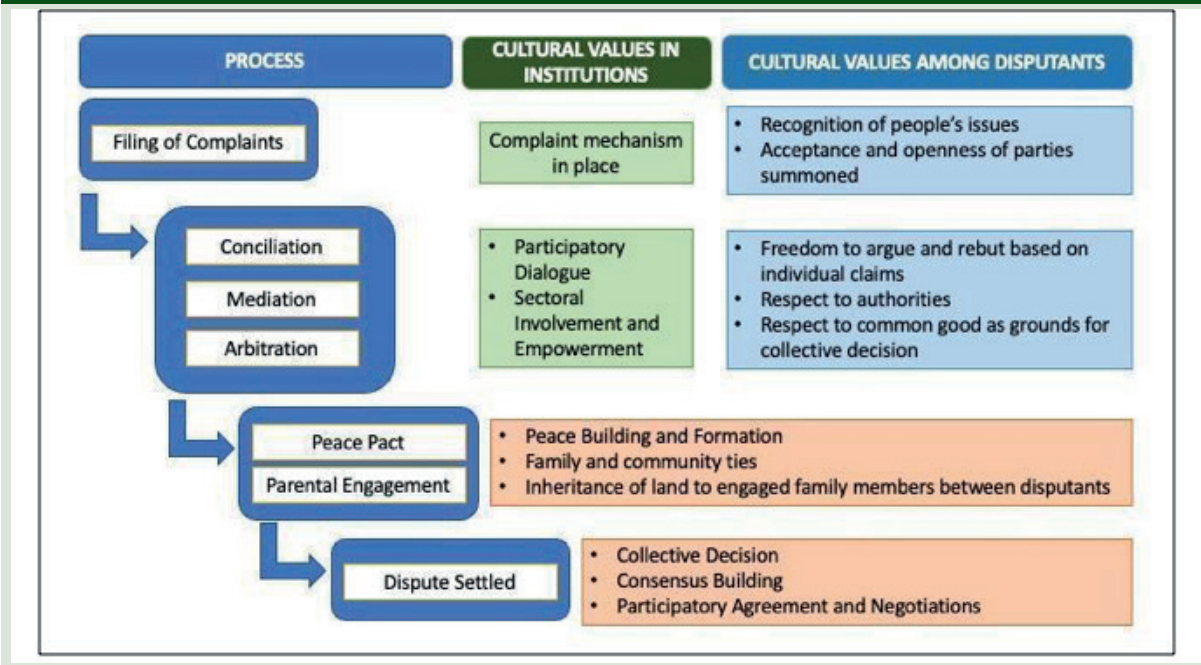
Specifying the cultural values reflected among disputants during the processes of the *Tongtong*, it is observed that the claimants and respondents have recognized and accepted the land issues as they were informed through the release of the summons between parties. During the process of conciliation, mediation, and arbitration, the cultural values reflected include: the freedom to argue and rebut based on individual claims; respect for authorities as mediators and moderators; respect for the common good as grounds for the collective decision. On the other hand, the integration of Kalanguya customary law in the *Tongtong* justice system, the peace pact, and parental engagement reflect cultural values such as peace building, family and community ties, and inheritance of land among family members of the disputants.

As cases have been settled, cultural values of collective decision, consensus building, and participatory agreement and negotiations were observed. Through the study, the following effects surfaced as perceived by the informants. Table 2 shows the perceived effects of *Tongtong* to the Kalanguya IP.

Social Inclusion and Participation

The valued presence of the members of the community in the *Tongtong* is a sign of social inclusion and participation in the process. Through the attendance of the community members, it



Figure 3*Cultural Values Reflected in the Practice of Tongtong Justice System***Table 2***Perceived Effects of Tongtong Dispute Resolution to the Community in Lusod, Kabayan, Benguet*

PERCEIVED EFFECTS	DESCRIPTION
Social Inclusion and Participation	The presence of the members of the community during the <i>Tongtong</i> is valued as it reflects public transparency, participation, and involvement.
Maintenance of Harmony within the Community	Conflicts are being resolved during the <i>Tongtong</i> , regardless of the causes of the land disputes, these culturally informed justice system goals to build peace and unity among the community members.
Strong Sectoral Empowerment	The participation among different sectoral groups such as the council of elders, women, men, youth, barangay council, and concerned parties is a testament to the distribution of power. This enabled the sectoral groups to participate and make dialogue space to clarify controversies and serve as an avenue to train future leaders. It also allows the sectoral groups to learn about the processes that can be handed down through generations.
Cost Effective and Less Time-Consuming in Resolving Conflicts	The <i>Tongtong</i> practice is observed as having less financial expenses, less hassle, and a less time-consuming justice system since the disputes do not necessitate judicial entities to stand on trial. Hence, the community themselves facilitate the negotiation and public policy consensus.



reveals a transparent process to the public, a sense of shared responsibility and active participation in the process of resolving the issue at hand.

Such is in Case No. 8 where 41 individuals attended their hearing while 34 individuals attended the hearing of Case No. 1. These participation expresses the concern of the community for the cases and also the people who are involved in that case.

KI Tiap said, “*Amin ni toon piyan ton man dedngel uno maki hakhakey ‘ta maamag ni tongtong et mabalin idan makiyudong, hakey ida metlang ni manpaneknek ey nakdeng ta problema* (The community is welcome to participate in the hearings that are performed, and they can also be witnesses to the settlement).”

KI Waclin supports this claim stating: *Haya da tood ya ili ket maibagak ey waday daka pan hakhakey tan waday kabaalan dan maki’adom ni haya dan hapitan tep ida ka maiaknin gaway tan amta’an da’ta kama’am amag diya ili ni kaman mintenar ni manhahakey ni umili* (The community is being empowered in participating in *Tongtong* practice because they are becoming aware of what is going on in the community and also because they can help in the maintenance of peace and order through knowing the practice that is being done in the barangay).

On the other hand, *Tongtong* in a way benefits the community, for they learn the application and practice of culture itself. They learn the process and indulge in the pieces of advice from the elders. In this way, the continuity and sustainability of the *Tongtong* are ensured. KI Waclin mentioned that participating in *Tongtong* practice makes her involved in the community affairs and how they these have been resolved. She added that she gains knowledge through the process, which she can share with her family’s generation.

The social inclusion in *Tongtong* provides the community members with a platform to talk, argue, and refute by referring to their experiences and assertions but in a common ethical system that acknowledges the role of the elders and local leaders as mediators and moderators. This open, dialogic climate is similar to deliberative practices in which various opinions are put forward and debated with the help of reasons, but viewpoints

are regulated by rules of respect toward people and the facilitators of the process.

Meanwhile, it is participation geared towards the common good where individuals are not only urged to protect their personal interests, but also to take into account community harmony, relationships, and peace with the long term in mind as defining factors of any collective decision making. Such inclusion and participation in the indigenous justice process focus on results benefiting a broader group as a whole, and not just an individual winner.

It corroborates with the study of Cabling (2016) that the parties have the freedom to agree to submit their disputes to these alternative dispute resolution methods, it must be noted that not all subject matters of disputes may be resolved through these means.

Maintenance of Harmony Within the Community

The preservation of harmony within the community is observed in the way *Tongtong* is able to solve land conflicts of any nature with the sole aim of restoring peace, enhancing solidarity, and mending the relations between the members of the community.

Peace and order in the community are maintained because of the *Tongtong* practice. As proven by the cases that were presented, boundary disputes and land grabbing disputes occurred in the community without the *Tongtong* practice. These disputes can cause unfavorable conflict in the community. In the nine cases of land dispute under study, there will still be conflicts and unharmonious relationship within the community if those cases are not resolved.

As a council elder and a former complainant, KI Abul stated: “*If Tongtong was not performed on their case, they may not have been on good terms with the other three people involved in their case until now.*” Further, KI Lictag said that, with regard to politics, *Tongtong* does not cover any political issues, whether the case is resolved or not. “*No hota hakey ni kamankatongtong et agin hakey opisyal, agmanbablin ni hota opisyal i makihapet paran ta hakey too* (If you are related to one official, that official is prohibited to converse with you relative to the *Tongtong* process, since people believe bias occurs).”



On the other hand, KI Tiap supported that as a member of the *Lupon*, he mentioned:

As hakey ni lupon, agmanbablin ni itakderan ni opisyal i agi to, tan ag maiaknan ni oras hotana opisyal no agi to ta nandarum uno hota naidarum. Hay mika pahdeng et masapol manganap ida'ta mantongtong ni witness dan adom ni akin amtan ta talagan napasamak (They truly do not allow officials to talk to the disputants, even the complainant or the respondent if they are related to them. What they do is let both parties have their witnesses before the scheduled *Tongtong*.)

Reflected in the narrative of the cases and shared experiences of the informants, the community is kept in harmony based on the fact that the parties are given a chance to argue over their respective claims and refute them in a respectful dialogue. The elders and local leaders can moderate and mediate and ensure that they uphold their authority as disputants can give and take accounts. Impartiality is maintained as barangay officials and council of elders are prohibited to discuss the cases outside the proper *Tongtong* forum. The final basis of decisions is not just on a personal argument but also on the common good with a greater focus on the community harmony, re-established relationships, and the long-run coexistence.

This aligns with the study of Wolf (2000) as cited by Dioses (2020), noting that the maintenance of harmony within the community seems to be a common theme in indigenous communities. Solutions are not merely about right and wrong, but also about maintaining dignity, integrity, and harmony among all the disputants. Consequently, prioritizing group peace over individual benefit or revenge seems to be an important aspect of indigenous culture.

Strong Sectoral Empowerment

The active involvement of elders, women, men, youth, barangay council, and concerned parties in the *Tongtong* reflects strong sectoral empowerment through the provision of shared power, shared dialogue space, and allows the transfer of the indigenous justice processes across generations.

KI Tiap mentioned: "*Pati day bibii kamai'dawtin tiempo ni menghel ni piyan dan eh ehelen di tongtong* (women are also heard in the *Tongtong* practice)". He added that women are also powerful in

convincing and advising especially women that are involved in the cases. The community also wants women to be members of the *lupon* not only for resolving land conflicts, but especially for addressing other disputes that require a woman's discretion and understanding.

On the other hand, community respondents claimed that sometimes women insist on what they want, such as in Case No. 3, where disputants insisted what they know causing the case unsolved and needed to elevate the case in mediation. Here, KI Lictag emphasized that the participation of women in *lupon* is integral as women's perspective can better grasp within their same gender.

Through sectoral inclusion in the *Tongtong*, it empowers each sector and is good in peacebuilding, and community relationships because it will bring the elders, women, men, youth, the barangay council, and those interested together to agree and solve the disputes in an inclusive platform. Within this common ground, every sector is able to express its opinions and proposals, yet, the judgment is influenced by the respect to the traditional authorities as facilitators and a common desire to the common good and not by selfish motives. With various sectors observing and taking part in the *Tongtong* process, the sectors also acquire the norms, roles, and procedures involved in conflict resolution which make it possible to transfer indigenous legal knowledge and leadership skills which belong to the elders to the younger generations.

As it was observed, the exposure of a youth to the *Tongtong* justice system starts as passive observer. The youth sit and act as audience when the *Tongtong* activities are taking place. They are present when elders present the traditional laws, past cases, and counsel conflicting parties to reconciliation. At this level, the young people get to learn through observation of the demonstration of respect, the way of how dialogue should be carried out, and how consensus is achieved. They get acquainted with the principles behind the system such as fairness, responsibility and restoration of harmony, but not punishment.

With increased trust and understanding, the youth are enabled over time to assume supportive roles. They can be invited to assist in setting up the venue, passing messages to summoned families, or recording agreements that have been made during the *Tongtong*. With such supplementary tasks,



young people start to internalize the procedural knowledge of how mediation works, why being neutral is important, and how the community plays a crucial role in mediating a conflict.

With continued presence in the community affairs, some of the youth are active participants in the *Tongtong* system. They are welcomed to present their views when conversations are taking place, particularly when dealing with younger members of the community. They are encouraged by elders on how to address themselves with dignity, control their feelings, and offer ideas that are in tandem with the custom. This transitioning roles, from passive observer to active participant, becomes an avenue for intergenerational transfer of the *Tongtong* system. Hence, the knowledge is not only heard, but put into action.

This process helps the youth to gain confidence, leadership qualities, and cultural appreciation of the indigenous justice. Their participation guarantees the continuity of the *Tongtong* justice system and enhances the intergenerational connection and helps to reinforce the process of peacebuilding in the community.

It corroborates with the study of Menkel-Meadow (2015) that the use of ADR occurred in some courts and communities seeking both to reduce caseloads and to provide more consensual agreements in ethnically or religiously homogeneous areas. Indeed, the ADR and other consensually based processes are thought to work best in regimes where there are shared values, whether based on a common ethnicity or communitarian or political values. Further, the complementing participation of the youth in the justice system aligns with various studies noting that engagement of the youth in indigenous practices, in general, is essential for maintaining the cultural heritage, promotion of social cohesion, and intergenerational knowledge transfer (Simpson & Mendenhall, 2022; Quintal-Marineau et al., 2024; Yang & Warburton, 2018)

Cost-Effective and Less Time-Consuming in Resolving Conflicts

A less time-consuming and cost-effective dispute resolution is observed in the *Tongtong* experience where disputes are resolved in the community without the necessity to appear before a court of law. This leads to minimal financial expenditure, reduced hassle, and faster processes as the community members are directly involved in

the negotiation and establishing a consensus on a public policy.

Examples are shown in the nine cases that are presented. Most of them are settled in just a day. As mentioned by KI Waclin, most of the hearings that she attended that were brought to the higher courts, waited for years before the case would be solved and in that long wait, it cost them a lot of money, not to mention the number of times they will be attending hearings.

Community respondents further explained that attending hearings at the provincial trial court was difficult because it was geographically far, requiring them to spend a lot of time travelling to and from the court. They added that the long wait for the case outcome was not only time-consuming but also very expensive.

The reduction of time and cost-effective conflict resolution experiences is a value-based practice since the community has intentionally selected affordable and available processes that do not subject the involved parties to excessive costs and time. With *Tongtong*, preventing the escalation of tensions, enabling people to resume a normal life sooner and empowering peacebuilding is ensured by resolving disputes faster and at the local level. The case management in the community increases the connection between the community because members and elders of the community witness and participate in the process, and a resolution to the case made through communal discussion and agreement brings about shared values and validates the legitimacy of *Tongtong* as a community-based justice system.

It corroborates the various studies reporting that the incorporation of indigenous justice system mechanisms as an effective, non-court settlement of conflicts should be used while avoiding litigation at all costs (Ibrahim et al., 2019; Alemie & Mandefro, 2018; Bulan, 2014). Costly, time-consuming, and unworkable litigation does not serve the purposes of the indigenous agenda. As supported by the study of Menkel-Meadow (2015), ADR decreases case processing time or costs, either for the parties or for the system.

Challenges Encountered in the *Tongtong* Dispute Resolution Practice

Some challenges are being encountered in the *Tongtong* practice that sometimes causes another conflict within the system. The challenges that are



commonly encountered by the respondents are presented in Table 3.

Varying Degrees of Misbehavior During the Tongtong Practice

Misbehavior is one challenge that has been encountered in the *Tongtong* practice where the people involved in the practice show their emotions when they are not favored for what they want.

KI Lictag mentioned: “*Wadan mamingsan ket wadaday kaunbunget no madamay tongtong* (There are instances when the respondent or the complainant gets angry during the *Tongtong* process).” He added that in his encounter in such a situation, the council of elders needs to make the people involved calm.

“*No hota hakey ni membro ket way amagen ton lawa daka pa heldeng ta tongtong inggaton undeneng ida ta wadmana sitwasyon* (When the respondents or the complainants misbehave, they ask the chairman to have a recess or a break for them to be calm),” one community respondent stated. He added: “*Waday naaman manbablin ni man advise ta toon way lawan inmag to nunta madamay tongtong* (There will be an assigned council of elder to advise the one who misbehaves during the *Tongtong* process).”

To resolve such behavior, the elders of the council suggest moving the *Tongtong* to another

day for them to have time to rest and think. For example, in the Case No. 5 between Disputant 9 and Disputant 10, where two parties have a misunderstanding during the conciliation, they agreed to have another schedule for their hearing.

The different levels of misbehavior within *Tongtong* sessions depict that the system is addressing actual, emotionally evoked conflicts in an open platform. Nevertheless, the dialogue succeeds in maintaining the process going towards a resolution. Misconduct, like raising voices, interrupting, or making disrespectful comments, shows that individuals are not afraid to show their deep feelings and differences, but not to be suppressed or silenced. Simultaneously, *Tongtong* creates an avenue for elders and members of the community to call parties in order, re-establish the principles of respect, and move the process into a constructive and culturally responsive forum. This proves *Tongtong* can contain conflict, remind people about the importance of the community values, and lead the disputants back to the productive and constructive process.

This result aligns with Edeh et. al (2022) noting that societal views on effectiveness of these institutions to resolve disputes with minimal distortions to community’s peaceful cohesion and the level of land reforms within locations tend to dictate which institution is preferred and therefore likely to be promoted.

Table 3

Challenges Encountered in the Tongtong Dispute Resolution Practice

CHALLENGES	DESCRIPTION
Varying Degrees of Misbehavior during the <i>Tongtong</i> Practice	The <i>Tongtong</i> begins house roles, which will serve as a reminder to all parties concerned to proceed in a peaceful manner. However, it is inevitable that misbehavior occurs due to the high tension and emotional stress that the disputants feel during the <i>Tongtong</i> .
Fear of Confrontation Relative to the Land Dispute Conflict	When conflict arises between disputants, they feel uncomfortable due to the confrontation that entails the <i>Tongtong</i> . However, with the presence of a third party mediators such as the elders, this fear of confrontations is minimized.
Unfavorable Penalties Imposed to the Disputants	Both parties have the right to propose and negotiate the penalties that will be imposed with them during the decision-making process. This becomes a challenge when the penalties or agreements imposed are unfavorable to one or both parties.



Fear of Confrontations Relative to the Land Dispute Conflict

The disputants feel discomfort toward confrontation in the observance of *Tongtong*. This may come through the actual dialogue and presentation of cases as they are not used to confrontations and warring forum.

Further, other people in the community are afraid of consulting the elders because they think that they will have a hard time fulfilling the request of the opposite party. Such in the case if the *Tongtong* requires them to give an amount of money as their penalty or any other penalty that will be imposed in the agreement.

According to KI Libag, they encountered people in the community who were keeping silent even though they were having conflicts with other people. But he also said that the case was resolved after their neighbor consulted them about the case. KI Tiap explained that they are willing to give their full effort to help in resolving the problem with the community by doing conciliation for the people that are involved to not worry about the penalties that will cost them. He also added that they are willing to explain to the involved people what the process will be so they do not limit their thinking to the penalties that will be imposed.

After the *Tongtong* between their families, they agreed to divide equally the amount of money that is consumed in their *Tongtong*. This implies that the penalties that will be imposed are based on the agreed terms of the people involved.

The fear of confrontation in land dispute disputes demonstrates that *Tongtong* is handling high-stakes issues of a very delicate nature, but still able to get the disputants face to face in a controlled, culturally directed environment. This difficulty points to the effectiveness of the system in providing the elders and community members authority to contain the tension, control the emotions, and provide environments. It also highlights the importance of organized conversation and the community formation of *Tongtong*, which contribute to the transformation of the individual fear into the social collectiveness of solving a problem, even if some of the participants may be afraid or insecure.

Cabling (2016) supports this result noting that ADR methods, particularly arbitration,

have been proven to be more advantageous than traditional and rigid court litigation. Parties to commercial disputes have been attracted to the unique attribute of, as well as to the benefits that may be gained from these friendly proceedings.

Unfavorable Penalties Imposed to the Disputants

Unfavorable penalties imposed on disputants arise when, despite both parties having the opportunity to propose and negotiate the sanctions during the decision-making process, the final agreed penalties or conditions are perceived as unfair or burdensome by one or both parties.

According to KI Tiap: "*Wada gamin iday kamatongtong ni kaman kakdaw ni eteng ni pilak no agkayan ta katongtong to* (The other party will require an amount of money that cannot be afforded by the other party)." He further explained:

No hamam gamin ni waday ka matongtong hota unbulay no akin bahul higatoy daka panbayad. No mamingsan waday kaman kakdaw ni eteng ni pilak, ngem no agkayan ta akin bahul ni bayadan, mabalin ni daka panhapiti inggaton ida ka dumteng nunta kayadan bayadan (In imposing penalties, the party that is proven rightful of the land will suggest what punishment the other party will receive. Sometimes they suggest a huge amount of money. However, if the other side cannot afford to fulfill that suggestion, they can negotiate until the two sides reach a common agreement.)"

In Case No. 8, Disputants 17 and 18 agreed to contribute an amount depending on the computation of what they consumed during the *Tongtong* process, and they were able to pay their cost without having any disagreement from the body. As Disputant 17 said, their family agreed that they would just total all the expenses, and divide it equally between parties. Their decision was respected and approved.

The unfavorable punishments that are meted on the disputants show weaknesses and the strengths of the *Tongtong* system. On one hand, they demonstrate that *Tongtong* permits real negotiation whereby parties have an opportunity to propose and challenge penalties as opposed to passively getting a top-down decision. This characteristic reflects participatory and dialogic justice. Conversely, where the ultimate result is perceived to be too heavy or unfair, it reveals



tensions among social demands between community expectations, elders' authority, and individual perceptions of justice, signaling areas where *Tongtong* must continue to adapt to maintain legitimacy and consent.

It corroborates with the study of Cabling (2016) that the resolution of disputes or the freedom of the party to make their own arrangements to resolve their disputes. The freedom of the parties to agree on the different aspects, which will help them resolve their dispute, has definitely added to the appeal of ADR methods.

Conclusions

Tongtong, as a culturally-informed legal practice in Kalanguya ICC and IP, functions as a legitimate, people-centered justice system grounded in customary law, collective and inclusive participation. *Tongtong* system as a restorative indigenous justice system aligned to legal pluralism centers on restoration of relationships, community respect, peacebuilding, and empowerment rather than its punitive nature. Through accessible, low-cost, community-based processes led by sectoral groups, *Tongtong* draws a dialogic nature and intergenerational communication and transfer at a grassroots level. While *Tongtong* increasingly interacts and is properly linked with formal systems, state laws, and ADR frameworks, this practice enhances access to justice, peacebuilding processes, and the preservation and transmission of indigenous knowledge systems.

Recommendations

Tongtong system as an indigenous justice system is recommended to be continuously sustained and strengthened in the community, as it has demonstrated effectiveness in resolving land disputes and maintaining harmony among its community members. The community is encouraged to maximize *Tongtong* as a primary avenue for handling conflicts, deliberately teaching its processes, values, and roles to younger generations to ensure continuity and intergenerational transfer of knowledge. As seen as an effective justice system in resolving land

right conflicts among Kalanguya ICC in Kabayan, Benguet, the study recommends *Tongtong* justice system to be sustained through greater inclusion of future mediators as training ground, establish land dispute documentation guidelines, and strengthen institutional capacities and support.

Further, future research may examine how *Tongtong* can be formally integrated with state ADR and court mechanisms while safeguarding indigenous customary laws and rights; compare *Tongtong* with other indigenous justice systems to identify shared principles and distinctive features; conduct longitudinal case studies to track the long-term effects of *Tongtong* decisions on relationships, land use, and cohesion among disputants; and undertake participatory studies with women, youth, and other sectors to understand how *Tongtong* shapes leadership, gender relations, and intergenerational transmission of legal knowledge.

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