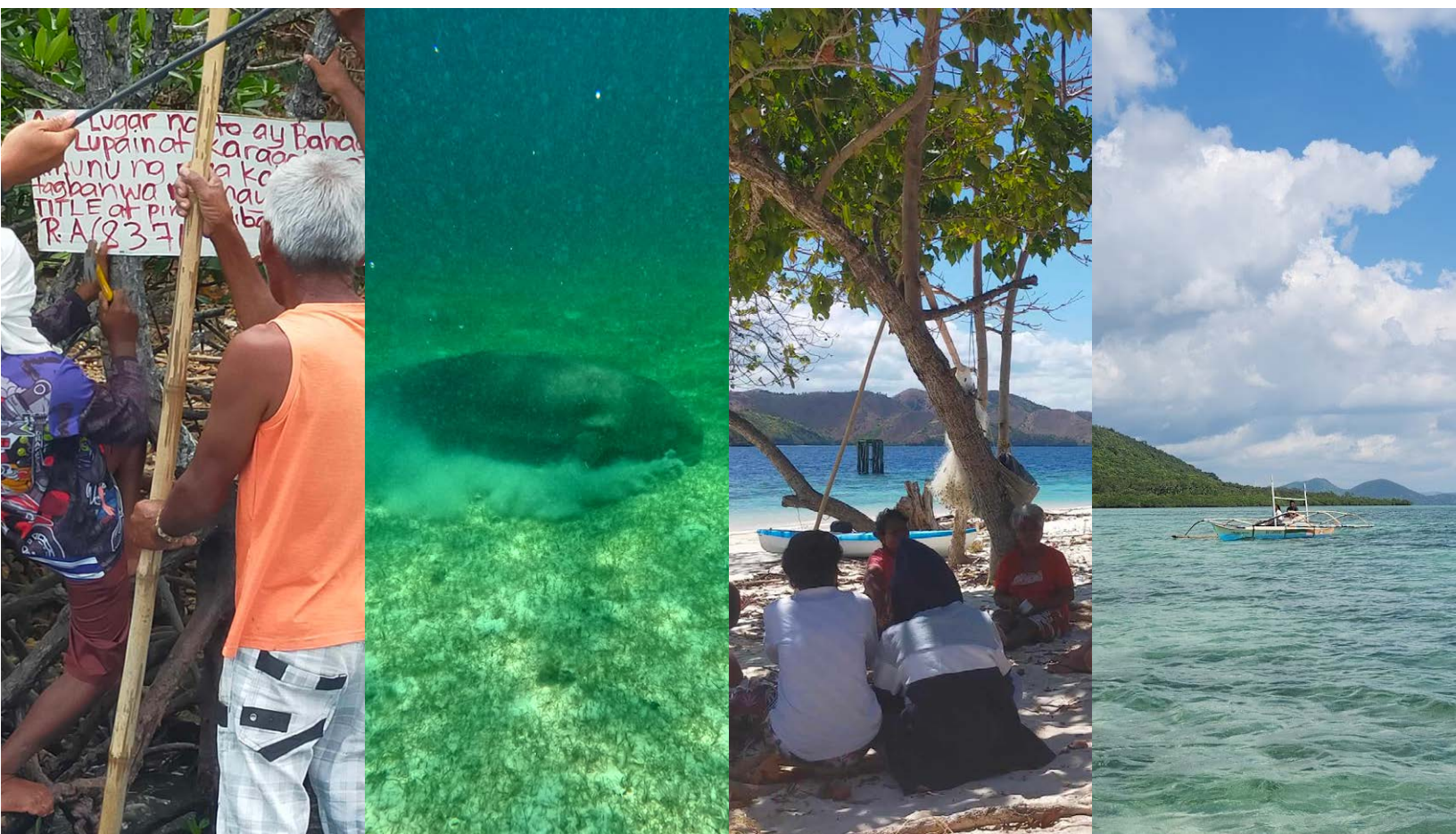


# The Calamian Tagbanwa reclaim and revitalize ancestral waters in the Philippines

Giovanni B. Reyes, Shellane C. Naguit, Mohammad Arju and Rodolfo Kudol Aguilar



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Cover photo: (From the left) Tagbanwa Manigerekelen (elders) and youth leaders put up makeshift signages to mark their traditional territories, Photo: Shellane Naguit. Dugong in Calauit Island's ancestral waters, Photo: Mohammad Arju. Ugtulun (storytelling) Camps as a space for intergenerational learning, Indigenous knowledge and practices, from the Apus and Bays (grandfathers and grandmothers) to the younger generation, Photo: Shellane C. Naguit. A Tagbanwa traditional boat near Culion Island, Photo: Mohammad Arju.

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As a maritime Indigenous People, custodians and guardians of their ancestral waters in the In the Western Pacific, the Tagbanwa People of the Calamian Islands are navigating complex legal issues in the Philippines to reclaim, govern, and manage their ancestral domains.

## The Calamian Tagbanwa and their territories

The Indigenous People of the Calamian Islands (also known as the Calamianes) live in the West Pacific Ocean. They identify as Tagbanwa Kalamianen in the Indigenous Tagbanwa language (“Calamian Tagbanwa” in English). In the Tagbanwa language, Tagbanwa means “the original people” of the place. The Calamian Tagbanwa perceive themselves as the original people, by birth, responsible for protecting their ancestral domains (KASAPI 2014, NCAA 2024).

With their unique cultural heritage, the Indigenous Tagbanwa People are among the original inhabitants of the present-day Philippines. The “ancestral domain” (Philippine Government, 1987) of the Calamian Tagbanwa spans the Calamian and northern and eastern Palawan Islands.<sup>1</sup>

The Calamianes, in the West Pacific Ocean, is the maritime region where the Sulu and West Philippine Seas meet between the islands of Mindoro and Palawan. They include four main islands—Coron, Busuanga, Culion, and Linapacan—all of which are municipalities of the present-day Palawan province of the Philippines. The Calamianes also encompass 95 small islands, coral isles, and islets, including Calauit, Dimaquiat, Cabilauan, Tara, Bantac, Delian, Malcapuya, Tambon, Bulalacao, Capare, and Panlaitan islands. In total, the Calamian group of islands covers an area of 1,753 square kilometers.

The Calamianes are one of the Philippines’ most biodiverse island groups. They boast extensive reefs, mangrove forests, seagrass beds, estuaries, sandy beaches, shoreline cliffs, protected bays, coves, and inlets. These marine habitats are home to an impressive variety of marine life, including mammals, fish, turtles, invertebrates, and

aquatic plants. The rich biodiversity supports ecological balance and is crucial for ensuring food security and sustaining livelihoods in the surrounding municipalities (Cabungcal et al., 2010).

According to the 2020 census (Philippine Statistics Authority 2020), the population of Calamian Tagbanwa is 14,476. However, there are reasons to believe that the official statistics for the population of Calamian Tagbanwa are unreliable. Since the communities began self-organizing to secure their territorial rights, the municipal government started undercounting the Tagbanwa population (De Vera & Zingapan, 2017).

Calamian Tagbanwas live in tightly knit village communities of extended families. Their livelihoods include fishing, gathering wild foods, shifting cultivation, collecting edible bird nests, and seaweed farming. Different clans and communities collectively conduct these livelihood activities.

In recent years, many Tagbanwas have adopted tourism as an economic option. They have come to play key roles in tourism enterprises managed by Indigenous community associations. This shift is particularly notable in areas where communities have successfully secured territorial rights and are now taking charge of their natural resources, including through limited tourism for revenue generation, such as on Calauit and Coron Islands.

Still, overall, the Tagbanwa People remain one of the poorest and most underrepresented and marginalized populations in the country. The human development indices in the areas inhabited by Tagbanwas are the lowest compared to the national average.

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<sup>1</sup> Tagbanwas in central and southern Palawan Island groups are not part of this case study.

# The national legal-policy framework favors the rights of Indigenous People

Tagbanwa elders value solidarity with other Indigenous Peoples in the Philippines and have been engaging in national-level policy advocacy. The Tagbanwa People have contributed to efforts by national Indigenous Peoples' movements to secure legal and policy reforms, including the adoption of the Indigenous Peoples' Rights Act (IPRA) and the establishment of the National Commission on Indigenous Peoples (NCIP) in 1997.

The leader of the Council of Elders of Coron Island, Rodolfo Kudol Aguilar, played a prominent public role in advocating for the IPRA and including the maritime area in the ancestral domain title (Rimban, 1998). Since the early 1980s, the Tagbanwa have been leveraging any opportunities provided by national policies and legal regimes to assert their territorial claims over their ancestral domains.

Since the IPRA was passed, many Tagbanwa communities have prepared for collective efforts to intervene legally and secure their tenure rights by securing Certificates of Ancestral Domain Titles (CADTs) from the NCIP. Many communities are also working towards consensus on adopting Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs).

The right to ancestral domain refers to the communal or collective rights of an Indigenous territory, encompassing natural systems and resources on land and in water, as well as the cultural heritage of the Indigenous people. This territory is held in trust by the community on behalf of both present and future generations. When an Indigenous community in the Philippines secures CADT, it means that no state agency can lawfully prevent them from exercising self-governance over their ancestral domain. After securing the CADT, once the community adopts the ADSDPP, in the eyes of the state, the community has the recognized legal and policy infrastructure in place that can be implemented under the leadership of the council of elders or any organization that the community agrees upon.

In villages and areas where they have already secured or asserting territorial rights, the Tagbanwa have been trying to re-establish customary practices and rules, including

ensuring the protection of restricted areas and controlling destructive practices such as logging, destructive fishing, and degradation of natural systems. However, in most cases, Tagbanwa communities have found it challenging to engage with the legal and policy procedures facilitated by the NCIP.

The NCIP is supposed to provide a wide range of support to Indigenous peoples by implementing IPRA and formally recognizing the rights of possession and ownership of Indigenous Peoples over their ancestral domains (NCIP 2024). The NCIP is also supposed to assist Indigenous Communities in formulating their ADSDPPs so that communities can pursue self-governance in their territories. Such support is critical for the Tagbanwa as different Tagbanwa communities continue to pursue CADTs. However, NCIP lacks an adequate budget and personnel to accomplish this. National and regional non-governmental organizations (NGOs) and civil society organizations (CSOs) occasionally provide support, offer technical assistance in documenting ancestral domains, advocate for policy changes, and offer legal aid; however, such support is currently insufficient.

The primary reason the Tagbanwas' experience with the legal-policy process has been so challenging is the overall unwillingness and unpreparedness of state agencies to promote Indigenous rights in the Philippines.

Indigenous Peoples have been successfully pushing for positive changes in the Philippines' constitutional and legal policy frameworks regarding territorial rights and the right to self-governance. On paper, the current legal and policy regime in the Philippines recognizes, supports, and promotes the collective and individual rights of Indigenous Peoples to their ancestral domains, including land and coastal waters.

Indigenous Peoples are constitutionally recognized, and their rights are protected by constitutional law (The Philippine Government, 1987). Article II, Section 22 of the Constitution recognizes and promotes the rights of "Indigenous Cultural Communities" (ICCs). Article



XII, Section 5 guarantees Indigenous Peoples' rights to their ancestral lands and recognizes the Indigenous "ancestral domain." The Constitution also allows for the application of customary laws governing property rights and relations in determining ownership and the extent of ancestral domains. Finally, Article XIV, Section 17 recognizes, respects, and promotes the rights of Indigenous Peoples to preserve and develop their cultures, traditions, and institutions.

The rights of Indigenous Peoples, as outlined in the 1987 Constitution and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which the Philippines voted for, were later operationalized by the IPRA.

IPRA protects Indigenous Peoples' rights to "ancestral domains" and lands, self-governance and empowerment, social justice and human rights, and cultural integrity. In IPRA, "ancestral domain" has been defined as "all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare."

As per the law, ancestral domains include "ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had

access to for their subsistence and traditional activities, particularly the home ranges of ICCs/ IPs who are still nomadic and/or shifting cultivators"

The NCIP was established in 1997 as an agency under the Office of the President of the Republic to implement the IPRA. NCIP can recognize Indigenous Peoples' communal tenure rights over Indigenous territories through a CADT. A CADT "refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with" the IPRA.

As per Section 52 (i) of the Indigenous Peoples Rights Act, a CADT "shall terminate any legal basis for the jurisdiction previously claimed" by any other entities over the ancestral domain. Once the National Commission on Indigenous Peoples sends a notification, the different government agencies must turn over the areas they manage within the ancestral domain. These include the Department of Agrarian Reform (DAR), the Department of Environment and Natural Resources (DENR), the Department of the Interior and Local Government (DILG), the Department of Justice (DOJ), the National Development Corporation (NDC), and any other government agency claiming jurisdiction over the given ancestral domain.

Overall, on paper, adequate legal and policy arrangements at the national level should allow Tagbanwa ocean-defender communities to pursue their goals. However, the de facto situation is a whole different picture. Due to the lack of political will among powerful institutions to implement the provisions in the legal-policy framework and the tendency of national public agencies mandated to work with Indigenous Peoples to undermine this framework, significant challenges remain for securing and maintaining Indigenous territorial rights over ancestral domains and practicing self-governance.

# Revitalizing customary governance amid grave threats and harassment

Documented threats to the Tagbanwa People date back to the Spanish colonial era in the Philippines. After independence, when the government allowed commercial fishing in their ancestral waters in the late 1940s, it became an existential threat to communities in the Calamianes. Commercial fishing led to the internal migration of non-Indigenous Peoples from other parts of the Philippines (Mayo-Anda et al., 2006). Commercial fishing and newly settled migrant fishers have employed destructive fishing practices, such as dynamite and cyanide, resulting in degraded marine habitats and declining fisheries across the islands (Cabungcal et al., 2010).

Throughout the seventies and eighties, the Tagbanwa communities faced the loss of fishing grounds, loss of access to their ancestral water and forests because of encroachment by migrants (Cabungcal et al., 2010) and establishment of parks (such as the eviction of all Tagbanwas from the Calauit Island to establish a wildlife game reserve), and intervention by government agencies (De Vera & Zingapan, 2017) to take control of natural resource governance away from communities.

For example, in the early 1970s, the municipal government of Coron seized all the nesting caves of swiftlet birds (*balinsasayaw*) on Coron Island and declared them government property. Balinsasayaw caves had been Tagbanwa property for ages, where they collectively managed the bird populations and collected edible bird nests for selling to outsider traders. The municipal government of Coron also began issuing land taxation documents to outsiders for lands on the Island of Coron. For decades, Indigenous territorial rights and rights to self-governance were not recognized. Eviction and dispossession, illegal logging, destructive commercial fishing, commercial pearl farming, unsustainable tourism, and infrastructure development have been keeping the Tagbanwas poor and marginalized. Most threats are attributed to national, provincial, municipal, and barangay<sup>2</sup>

governments, non-governmental organizations, tourism businesses, commercial fishing fleets, and commercial pearl farming companies.

Due to these long-standing threats to Indigenous Peoples and their territories, the Tagbanwas are facing a decline in fisheries, the loss of tropical rainforests and mangroves, the loss of seagrass and coral reefs, erosion of coastal areas, siltation, and the loss of habitats for migratory marine animals. Despite challenges, the Calamian Tagbanwas are relentlessly seeking to defend their territorial rights and rights of self-governance. As a maritime Indigenous People, the Tagbanwa's very identity, existence, and well-being are intricately tied to their territorial rights over their ancestral waters and lands. When one Tagbanwa community secures these rights, it gains the ability to pursue self-governance, ensuring the sustainable use of natural resources and the protection of sacred places both on land and in the sea.

For generations, Tagbanwa Indigenous practices have protected a diversity of life and habitats in ancestral waters, including reptiles, amphibians, birds, fish, and marine megafaunas such as turtles, sharks, whales, dolphins, and dugongs, in grasslands, tropical rainforests, limestone hills, sea beaches, mangroves, coral reefs, seagrass meadows, and offshore waters. Tagbanwas must defend their ancestral waters and the diversity of life they nurture because, as Rodolfo Kudol Aguilar, one of the leading Tagbanwa elders in the Calamianes and Chieftain of Coron Island's ancestral domain, explains, for Indigenous Peoples in the Calamianes, ancestral lands are useless without their ancestral waters (KASAPI 2014). The survival of the Tagbanwa Indigenous Peoples depends on preserving their invaluable knowledge systems and the ancestral territories they call home. For Calamian Tagbanwa communities, a satisfactory life means maintaining the custodianship and guardianship of the land, sea, and resources that sustain them.

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<sup>2</sup> The barangay is the Philippines' primary political and administrative unit, followed by municipalities, provinces, and regions. As a Local Government Unit (LGU), the barangay is the primary planning and implementing unit of the Philippine government (DILG, 1991).

Indigenous social and customary institutions, formed around and guided by elders, remain strong, as do the unified communities in Calamian Tagbanwa society.

Indigenous institutions formed around and guided by the *mamepet* (elders) remain strong, as do the unified communities in Calamian Tagbanwa society. The role of the esteemed *mamepet* is highly valued and respected in Tagbanwa society. In the past, before the introduction of the local government institutions by the state, a *mepet* (elder) held the highest authority in the community. The *mamepet* are still highly respected in their clans for their knowledge of traditional laws and their indispensable roles in community decision-making. The *mamepet*, as an institution, is the custodian of Tagbanwa traditions and is traditionally consulted on matters affecting the clans and important issues affecting communities. They prescribe sanctions and penalties for infractions against customary laws, which are handed down orally from generation to generation. They settle disputes over ancestral lands and establish the rules for resource extraction.

Communities are also organized around local community organizations. All Tagbanwa villages and, in applicable cases, islands have such organizations. In addition to the traditional social structures led by the council of elders, these organizations facilitate the engagement of Tagbanwa communities with government agencies, allied NGOs, and CSOs (KASAPI 2014).

As documented by De Vera and Zingapan (2017), the Tagbanwa have specific customs that identify particular areas in their ancestral waters. One such area is called *panyaan*, which are marine areas that people avoid due to

a belief that these places are sensitive and influenced by spirits. They believe that being in these spots could lead to bad luck or illness. The land equivalent of *panyaan* is called *amlaran*. The *amlaran* are areas on land also thought to be inhabited by spirits that can harm humans. In addition to the *panyaan* and *amlaran*, there are sacred lakes known as *awuyuks* on Coron Island. These lakes are believed to be home to powerful spirits, such as giant octopuses. Because of this, the Tagbanwa have strict rules governing behavior around these lakes. For instance, they might not speak loudly, or they might use a special language reserved for these sacred areas.

These reserved areas are not just spiritually important but also ecologically significant. The *awuyuks* support the watershed of Coron Island, which is vital for maintaining the local ecosystem. The *panyaan* areas, too, remain unspoiled and are often found close to fish hatcheries or marine sanctuaries that protect fish populations, ensuring sustainable resources for the community. These customs help the Tagbanwa maintain their cultural beliefs and the health of their marine and land environments.

According to the Tagbanwa elders, their role as guardians and custodians of their territory and the diversity of life it holds is the underlying motivation for defending their ancestral lands. When they defend their territorial rights, the Tagbanwas are trying to ensure their well-being, continue their efforts to sustainably utilize forest and marine resources, and preserve the diversity of life within their ancestral domain. In doing so, they also protect their ancestral water from pollution, harmful fishing practices, privatization, and unsustainable development, and they take care of the bio-cultural diversity from ridge to reef.



# A history of self-organizing

Since the 1980s, the Tagbanwa Indigenous People of the Calamian Islands have been organizing for their land and sea territorial rights. The positive changes sought by the Tagbanwa communities can be categorized as follows:

- Halting evictions and dispossessions from their ancestral domains
- Halting illegal logging and destructive fishing
- Recognition of their Indigenous territorial rights over their ancestral lands and water through the NCIP issuing CADTs
- Building consensus within communities to develop, adopt, and implement ADSDPPs.

Tagbanwa leaders believe that such achievements across the Calamianes will lead to self-governance and the revival of Indigenous nature governance and management systems. As approaches to self-organizing to realize these goals, Tagbanwa councils of elders, activists, youth organizations, and community associations have mainly been using in-person assemblies of communities and meetings with local, regional, and national politicians and government officials, including the NCIP officials. In collaboration with local and national CSOs, Tagbanwa communities have also attempted to make their cause visible through national media outlets.

The councils of elders in the Tagbanwa villages, women and youth groups have led integrated efforts to revive and strengthen traditional institutions, develop new organizations and networks to connect with and establish relationships with national stakeholders, and pursue legal and policy interventions. They have been co-leading the participatory research and documentation of their territories as evidence supporting their policy and legal interventions. Communities, often comprising several interconnected villages, have collaborated with national CSOs and allied organizations. They have employed participatory methods, a blend of Indigenous knowledge and Western scientific approaches, and technical tools such as Geographic Information Systems (GIS) to document their ancestral territories. Such documentation has helped the communities by providing strong evidence to support their legal claims over their ancestral territories. Such documentation also provides evidence of their contributions to sustainable governance and the protection of nature.

To address the compounding challenges of illegal fishing in their ancestral waters, migrant encroachment, and systemic efforts by the municipal government to dispossess the Tagbanwas, the Indigenous leaders of Coron Island established the Tagbanwa Foundation of Coron Island (TFCI) in 1985, the first Tagbanwa legal entity outside of their traditional institutions. TFCI later applied to the Department of Environment and Natural Resources (DENR) for a Community Forest Stewardship Agreement (CFSa). In 1990, following years of persistence, the DENR returned the clan caves to the TFCI. TFCI overcame other initial challenges and stopped the municipal government's effort to dispossess them of the island.

Later, in February 1993, Tagbanwa communities of seven barangays in the municipality of Coron applied for a Certificate of Ancestral Domain Claim (CADC) with the City Environment and Natural Resources Office (CENRO) and sought support from the Palawan Council for Sustainable Development (PCSD), the mayor, and other municipal executives. TFCI's success in regaining control of the Balinsasayaw caves and forests, as well as repelling the destructive fishing practices of the commercial fishing fleet, demonstrated to Tagbanwa leaders that they needed to go beyond their traditional social organizations to address contemporary challenges. The council of elders in Tagbanwa village does not have legal standing in the eyes of a state organization, but a foundation does. TFCI was the first; now, almost all Tagbanwa communities in the Calamianes have similar community organizations.

Seven Tagbanwa foundations federated into Saragpunta, a name derived from the word "*saragpun*," which means "let us gather." Beyond close kinship ties among its leaders, the strength of Saragpunta's unity was rooted in the shared interests, identity, past, and future of its member organizations. The mobilization of Tagbanwa communities is a testament to the power of unity and collective action. In the late 1990s, new threats from tourism businesses, such as the eviction of homesteads and common lands and harassment, made life difficult for the Tagbanwa across the Calamianes. However, their resilience and determination shone through as they continued to fight for their rights, even in the face of adversity. Local government institutions aided all such evictions and harassment by tourism businesses.

At one point, Saragpunta represented the Tagbanwa communities of Coron Island, Delian Island, Bulalacao Island, Camanga Islands, Napaskud Island, Tara Islands, Turda, Buenavista, and Malawig in the municipality of

Coron; Biong in the municipality of Culion; and Calait in the municipality of Busuanga. At one point, Saragpunta had 23 member organizations representing different Tagbanwa communities.

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## Engaging with an unfriendly state and resisting hostile businesses to secure tenure rights

In cases where a Tagbanwa community is prepared to claim their communal tenure rights over their ancestral domain and willing to go through the technical process for securing legal title, NCIP has been relatively cooperative with such communities, accepting the claim, approving it, and eventually awarding the collective title (Certificate of Ancestral Domain Title–CADT) to such communities.

In the Calamianes, NCIP has awarded several CADTs to different Tagbanwa communities. However, in many cases, other state agencies, such as the DILG, DOJ, and NDC, which have jurisdiction over the said ancestral domain, have not been willing to collaborate and have occasionally made it difficult for Tagbanwa communities to exercise their tenurial rights.

Private businesses, particularly those in tourism and pearl farming, as well as provincial government agencies and local government units (LGUs), such as local barangays, continue to infringe upon the Tagbanwa's territorial rights and self-governance. Indigenous communities, particularly leaders resisting such threats and challenges to territorial integrity coming from state and non-state actors, are often subject to frivolous lawsuits (e.g., forcible entry, grave slander) and harassment by authorities and businesses.

An emerging example of state hostility is the declaration of Marine Protected Areas (MPAs) within ancestral domains. Even though the NCIP recognizes the ancestral domain of Tagbanwa communities in some areas, other state agencies and local government units (LGUs) still declare

and enforce competing and overlapping spatial and temporal measures, for example, MPAs and other tenurial instruments, such as water lease agreements—in those areas. In recent years, MPAs have also been established within ancestral domains, in the ancestral waters, raising concerns about the clash of values between the customary laws of Indigenous Peoples and the state policy of government-managed protected areas (Bukluran, 2023).

In the Philippines, three jurisdictions have the authority to establish and manage MPAs: the Department of Environment and Natural Resources (DENR), the Department of Agriculture-Bureau of Fisheries and Aquatic Resources (DA-BFAR), and local government units (LGUs), such as barangays. MPAs can be established nationally through the National Integrated Protected Areas System (NIPAS) Act or local (municipality or city) government planning and ordinance.

Tagbanwa communities are engaging with MPA practitioners and inviting them for consultations (Bukluran, 2024) in their meetings. Community leaders are willing to engage with MPA authorities to ensure that planning related to MPAs includes Tagbanwa communities and MPAs do not infringe upon Indigenous Peoples' rights to ancestral water and self-governance.

The provincial government agency, the Palawan Council for Sustainable Development (PCSD), which is mandated to foster sustainable development, has repeatedly shown a tendency to limit the implementation of the national law, the Indigenous Peoples' Rights Act, and the protection of

nature in general (Guda, 2022). There are records of its efforts in undermining the implementation of the Indigenous Peoples Rights Act (PCSD 2010) in the ancestral domain of the Calamian Tagbanwas.

In some communities, local officials are perceived as oppressors of Indigenous communities; in others, government officials do not see eye-to-eye with Indigenous communities on the same issue. (CCJD 2011). Such perceptions have a historical basis, and local government units and national government agencies jointly assume control over many Tagbanwa territories and resources through force. In the early days after the IPRA was passed, many local government officials in Calamianes sought to have the law canceled (KASAPI 2014). Still, the intrusive behavior of the local government units on the Island of Coron is considered a threat because LGUs “attempt to destroy Tagbanwa solidarity” and promote indiscriminate tourism (KASAPI 2014).

Private tourism businesses also continue to undermine Tagbanwa’s territorial rights, including encroachment on ancestral domains, threats, harassment, dispossession,

and the pursuit of frivolous lawsuits against Tagbanwa (Formoso, 2020; Bukluran, 2024). Since the first pearl farm was established in Tagbanwa ancestral water by a private company near the Island of Busuanga in 1952, the expansion of such farms in Tagbanwa ancestral water has continued to the present day in Busuanga, Coron, Culion, and Linacapan Islands.

Such pearl farming businesses have been a new source of social, economic, and environmental threats to Tagbanwa communities. Moreover, there are no signs that such businesses are interested in engaging with the Tagbanwas with respect and willingness to promote the rights to ancestral waters. Throughout the entire Calamianes region, local governments have encouraged pearl farms, which have restricted the fishing and navigational activities of the Tagbanwas (Tesorio, 2004, as quoted in CCJD, 2011). In 2010, at least four large pearl farms owned by private businesses covered an area of at least 7,600 hectares of sea in the Busuanga municipality (Cabungcal et al., 2010). Throughout the ancestral waters of Tagbanwa, pearl farms continue to pose a threat and encroach on their traditional fishing grounds (Samdhana, 2017).

# What does success mean for Tagbanwa ancestral waters?

Several Calamian Tagbanwa communities have successfully secured formal recognition of their ancestral domain, including ancestral waters in the sea. So far, NCIP has awarded several Certificates of Ancestral Domain Title (CADT) to different Tagbanwa communities in the Calamianes. The Tagbanwa communities of Coron Island were the first to secure a CADT.

Many years after the original claim was submitted, in 2004, NCIP approved the CADT for a total area of 24,520 hectares, which includes 17,012 hectares of sea. The title (CADT Number: R04-COR-0204- 022) was awarded collectively to the Tagbanwa communities of Coron Island (Barangays of Banuang Daan and Cabugao, including Delian Island), where there were 1,358 Indigenous rights holders at the time. Coron was the first ancestral domain recognized by the state in the Calamianes. Nationally, it was the first ancestral domain that included areas in the sea. Since then, NCIP has approved at least three other CADTs in the Calamianes.

Since then, many Tagbanwa communities have started the process with the NCIP to claim their territorial rights. In 2008, NCIP approved the collective title of the ancestral domain of the Tagbanwa of Calauit Island (CADT number: R04-BUS-0308-062). The ancestral domain of Tagbanwa communities in Capare Island and Panlaitan Islands was recognized by the NCIP in 2017, and a title was issued (CADT Number: R04-BUS-1217-220).

The application submitted by the Tagbanwa communities in barangays of Buenavista, Malawig, Tara for Certificate of Ancestral Domain Title (CADT Number R04-COR-0110-150-A) was approved by NCIP on December 28, 2022, covering the islands of Tino-ol, Dicatub, Dialinget, Napascud, Kamanga Mali-it 1, Kamanga Mali-it 2, Kamanga Malaki, Dipasok, Ditubay, Tara, Lagas, Bantac,

and Kalangayaon, Municipality of Coron, and the Island of Dinumpalik, Municipality of Busuanga.

There are several other ancestral domain claims submitted by different Tagbanwa communities that NCIP is still considering. However, while Tagbanwa leaders see the recognition of communal land rights through CADTs as an important milestone, for them, this is not the ultimate success.

The NCIP's approval of a CADT does not, in practice, serve as the final guarantee of communal land rights in an area, as other government agencies can delay the actual handover of possession and control, and private businesses can delay the process by raising frivolous disputes.

More than half of the Calamian Tagbanwa population still resides in ancestral domains that are not formally recognized by the state, as these communities have yet to submit claims to the NCIP for title successfully. While Tagbanwa leaders acknowledge the importance of victories in the long and complicated state-recognition process, they say that the success of the Tagbanwas' struggle for territorial rights and self-governance requires creating the conditions for communities to revive, strengthen, and maintain their Indigenous governance and management systems for sustainable exploitation of natural resources and protection of their sacred places on islands and in the sea.

Some communities in the Calamianes are well on that path; they are years into re-establishing their self-governance according to their customary practices. At least in Coron, Calauit, Tara, Buenavista, and Malawig, the Tagbanwas are successfully reviving their customary governance systems and helping nature heal. There are clear signs of regeneration in the hill forest and marine habitats.

# Solidarity and support

State agencies responsible for supporting Indigenous territorial rights and self-governance in the Philippines have yet to develop adequate capacity to provide comprehensive technical and institutional support to ocean-defender communities, ensuring they fully benefit from the opportunities afforded by the legal and policy regime. For example, even if a Tagbanwa community has the legal opportunity to apply for a CADT, in many cases, the community may not have the necessary resources for documentation and mapping as prescribed by the NCIP under related rules and regulations.

First, Many Tagbanwa communities across the Calamianes need financial resources and technical support to continue producing legal and technical documentation that supports their claims to ancestral domains where tenure is still not recognized, and CADTs have not yet been awarded.

Second, where they have already secured title to the ancestral domain, Tagbanwa communities require financial

resources to strengthen their traditional institutions further and revive traditional practices that ensure transparency and accountability in the management of revenue from the sustainable exploitation of natural resources.

Third, all Tagbanwa communities require legal aid to pursue public interest litigation and face specific legal proceedings brought against them by private businesses disputing their claims and titles to ancestral domains, as well as to seek legal redress against forcible dispossession arising from such disputes.

Finally, due to Tagbanwa People's increasingly powerful efforts to apply for new CADTs, threats, harassment, and frivolous lawsuits by private businesses occupying or planning to occupy lands and maritime areas in ancestral domains have been on the rise recently. Tagbanwa communities require support to monitor and document such rights violations and could also benefit from legal and paralegal capacity-building initiatives.



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## About the authors

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**Rodolfo Kudol Aguilar** is an Indigenous elder and former chieftain of Coron Island. He played a pioneering role in advocating for the implementation of appropriate laws and policies in the country, enabling Indigenous Peoples to secure their rights in coastal and offshore waters and establish self-governance. Aguilar and other elders of Coron Island have been leading successful efforts to ensure recognition of their ancestral waters and to establish self-governance.

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