



Who's to Blame? The Politics of Recognition in Ayta Land Claims under IPRA

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ABSTRACT

With the enactment of the Indigenous Peoples' Rights Act (IPRA) in 1997, the Philippines became one of the first Asian countries to legally recognize and protect the rights of Indigenous Peoples. Yet many Indigenous communities continue to struggle to realize the very promises that the law was intended to fulfill. This paper therefore examines how IPRA has shaped—and continues to shape—the Ayta's efforts to assert ownership and control over their ancestral domain. Drawing on multi-sited ethnography conducted in selected Ayta communities, the study reveals that IPRA remains a paradox. While it has heightened the Ayta's awareness of their rights and strengthened their political mobilization, it has largely failed to protect the lands and rights it promised. Both IPRA and its implementing agency, the National Commission on Indigenous Peoples (NCIP), are widely perceived by the Ayta as "toothless" and "inefficient," largely due to their failure to address longstanding land issues that continue to produce marginalization and dispossession. As these issues persist, Ayta communities and the NCIP often blame one another for perceived irregularities, inefficiencies, and lapses in responsibility. Ultimately, this paper underscores the need to revisit and strengthen IPRA, while also fostering a more collaborative relationship between Ayta communities and the NCIP to advance their shared goal of fully realizing Indigenous Peoples' rights and dignity.

Keywords: *Ayta, Ancestral Domain, Indigenous Peoples, IPRA, NCIP*

INTRODUCTION

Indigenous Peoples (IPs) maintain a deep and enduring relationship with their land, viewing it not as a mere commodity but as an integral foundation of their identity, culture, and existence. As Wilson (2008) emphasizes, land is fundamental to Indigenous life, as it sustains both material and spiritual dimensions of being. Despite this profound connection, many Indigenous communities have experienced long histories of marginalization and dispossession, resulting in significant social, economic, and cultural disruptions.

For Indigenous communities, land is understood in holistic terms—not simply as a physical space, but as a living entity that sustains life and embodies ancestral connections (Alcorn, 1993; Kimmerer, 2013). Within this framework, Indigenous Peoples position themselves as stewards rather than owners of the land, bearing collective responsibilities to protect and preserve it for future generations. This stands in sharp contrast to dominant Western perspectives, which tend to conceptualize land in individualistic and commodified terms. In such frameworks, land is governed by legal regimes and economic interests, treated as property that can be owned, controlled, and exploited (Robbins, 2012). These Western-centric notions, that are often associated with the “Westphalian” paradigm, have come to dominate global understandings of land ownership and territoriality (Bauder C Mueller, 2023). Consequently, Indigenous ontologies are frequently devalued and marginalized (Gilbert, 2007), while their struggles for territorial recognition persist amid structural inequalities (Karppi, 2001).

In the Philippine context, these longstanding issues were formally addressed through the enactment of Republic Act No. 8371, or the Indigenous Peoples’ Rights Act (IPRA) of 1997—a landmark legislation that recognizes and guarantees the rights of Indigenous Peoples (Hirtz, 2003; Theriault, 2019). Upon its passage, IPRA was widely regarded as a progressive legal framework, providing mechanisms to address historical injustices, particularly land dispossession and socio-political exclusion (Prill-Brett, 2007; Hagen C Minter, 2020). Central to the law is the recognition of Indigenous Peoples’ rights to possess, occupy, and manage their ancestral domains, including the resources therein (Castro, 1999; Malayang III, 2001).

Despite its promise, issues of encroachment, land grabbing, and displacement among Indigenous Peoples remain evident and pervasive. Due to these persistent concerns, IPRA has been challenged and continues to be challenged by scholars, private organizations, and even Indigenous communities themselves. Theriault (2019) describes the realization of the rights outlined in IPRA as a persistent “paradox,” largely due to the lack of effective implementation and operationalization by government authorities.

In response to the ongoing encroachments and illegal activities threatening their ancestral domains, many Indigenous communities across the country, especially the Ayta of Bataan, have begun actively asserting their claims and ownership over their territories to protect them from intruders and illegal land grabbers. These communities are now pursuing legal avenues to secure and formalize their claims by applying for a Certificate of Ancestral Domain Title (CADT), a legal document that affirms a community’s rights over its ancestral territories (Caballero, 2004; Walpole C Annawi, n.d.)

Although the IPRA guarantees the rights of Indigenous Peoples to their ancestral domains, almost more than two decades after its passage, many Indigenous communities, such as the Ayta of Bataan, still have not fully realized their rights to land. Hence, in this paper, I explore the lived realities of the Ayta of Bataan from the implementation of IPRA up to the present. My intent here is not to critique the Indigenous Peoples Rights Act (IPRA) but to reveal how the implementation of this law interacts with the realities faced by Indigenous Peoples in relation to their land, particularly in the context of the Ayta of Bataan. The results of this study will not only illuminate the present situation of the Ayta in their fight for ancestral domain but also help identify the factors contributing to the struggles and issues regarding ancestral domains, ultimately highlighting the loopholes and weaknesses of IPRA, state institutions, and the Ayta themselves.

METHODOLOGY

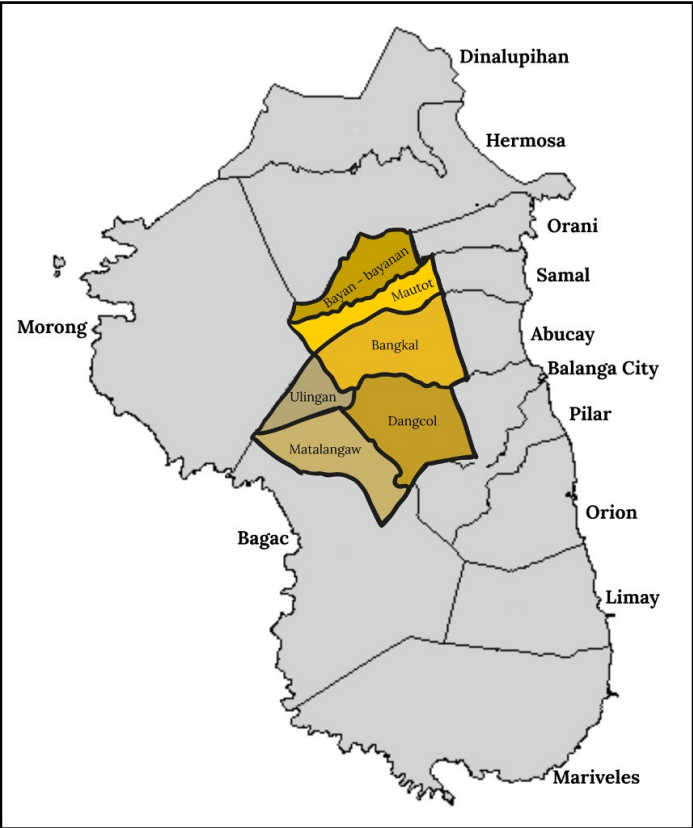
This study primarily employed multi-sited ethnography within an Indigenous research paradigm. Multi-sited ethnography involves tracing social processes, networks, and cultural practices that extend beyond a single field site, thereby requiring methodological innovations and analytical frameworks capable of capturing these complex dynamics (Jia, 2024; Marcus, 1995). This approach was used not only to trace but also to follow the intertwined histories, lived experiences, and narratives of struggle among the Ayta Magbukun communities of Bataan.

Across the province of Bataan, there are eighteen Ayta communities distributed across several municipalities. In 2018, with financial support from the Provincial Government of Bataan, the application for the delineation of the ancestral domain of six Ayta Magbukun communities was formally initiated. These communities are located across four municipalities and one city—Abucay, Bagac, Balanga, Orani, and Samal—and are collectively referred to as ABBOS.

The six (6) communities include Bayan-bayanan in Orani, Mautot in Samal, Bangkal in Abucay, Dangcol in Balanga, and Matalangaw and Ulingan in Bagac. Despite the initiation of this application, these communities have yet to receive the long-awaited formal recognition and issuance of their ancestral domain title.

Figure 1

Research Sites



The fieldwork for this study was conducted from May to November 2025, where the researcher resided for approximately one month in each community. The first phase of the fieldwork took place in May in Bangkal, Abucay, followed by Matalangaw, Bagac in June; Ulingan, Bagac in July; Bayan-bayanan, Orani in August; Dangcol, Balanga in September; and Mautot, Samal in October. Guided by Scarangella’s (2004) collaborative relationships research model, the researcher conducted in-depth interviews and a series of focus group discussions (FGDs) with collaborators, averaging approximately ten collaborators per community. In addition, the researcher documented oral traditions, recorded community histories, and closely observed customary practices with the collaborators during the subsistence activities in the forest to directly observe how these practices were carried out in context. These engagements provided valuable opportunities for the collaborators to guide the researcher through various locations

within their ancestral domain, while narrating the histories and meanings associated with each place, thereby enriching both the empirical depth and contextual grounding of the study.

In analyzing the data, the researcher employed a collective interpretation approach, working collaboratively with the community partners to interpret the findings through their own perspectives and lenses. This ensured that the research remained grounded in their worldview rather than being shaped solely by my own interpretations (Kovach, 2010; Smith, 2008; Wilson, 2001).

To ensure that the study adhered to ethical standards, the researcher followed the Free and Prior Informed Consent (FPIC) process as mandated by IPRA. This involved conducting multiple meetings with each community to explain the objectives, scope, and procedures of the research, while also providing space for questions, clarifications, and collective decision-making. Each community granted its consent in writing, serving as clear evidence that the study was formally approved and that participation was entirely voluntary. The consent forms were signed—either through signature or thumbmark—by community members and recognized tribal leaders. In addition to securing community consent, the researcher prepared an affidavit, which was reviewed and signed by a legal counsel. These documents were then submitted to NCIP Region III as part of the application for a Certification Precondition. However, since the study was assessed as not directly affecting the Indigenous Knowledge Systems and Practices (IKSP) of the Ayta Magbukun, NCIP Region III issued a Certificate of Exception instead. This certification indicated that the full process required for a Certification Precondition was not necessary and formally authorized the conduct of data collection.

Beyond compliance with state-mandated procedures, the researcher also ensured the protection of individual rights using Informed Consent Forms. These forms outlined participants' rights, including voluntary participation, confidentiality, and the protection of their identities. Pseudonyms were used in the documentation, and photographs and other visual materials were anonymized or blurred when necessary to safeguard participants' identities. Furthermore, the researcher upheld relational accountability with the Ayta throughout the research process by adhering to the principles of the 4Rs of Indigenous research methodologies—reciprocity, respect, responsibility, and rights and regulations (Snow et al., 2016; Wilson, 2008). In line with these principles, community validation was conducted to ensure the accuracy and credibility of the study's findings. To ensure data security, all collected materials were stored privately in the researcher's personal Google Drive account and will be retained for a period of ten years before being permanently deleted, in accordance with ethical standards for data protection and confidentiality.

RESULTS AND DISCUSSION

The researcher divided the discussion of this paper into three major parts. The first part, “The Blessings of IPRA,” examines the positive impacts of the law, particularly its role in shaping and strengthening the Ayta’s awareness of their rights as Indigenous Peoples. The second part, “The Unresolved Issues of IPRA,” explores the persistent failures of the law in addressing the long-standing struggles and land-related issues confronted by the Ayta. Finally, the third part addresses the question, “Who’s to Blame?” by critically analyzing and balancing the narratives of both the Ayta communities and the National Commission on Indigenous Peoples (NCIP), investigating the mutual accusations and counteraccusations that have emerged throughout their protracted struggle for ancestral domain recognition.

The Blessings of IPRA

The passage of the Indigenous Peoples’ Rights Act (IPRA) in 1997 was widely regarded as a landmark victory for Indigenous Peoples across the Philippines, as it formally recognizes and upholds their collective and individual rights (Caballero, 2004; Castro, 1999). One of its most significant provisions is the recognition of Indigenous Peoples’ rights to own, manage, and utilize their ancestral domains. Under IPRA, Indigenous communities have the legal authority to possess, occupy, and govern their ancestral territories, including the natural resources found within them. To operationalize this principle, the IPRA established a system for issuing Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT), which formally affirm Indigenous ownership over land. This legal mechanism for recognizing Indigenous land tenure strengthened Indigenous communities’ resolve—especially among the Ayta of Bataan—to assert and defend their rights over their ancestral domains.

Although the Ayta have long known that the forests and mountains have belonged to them since the time of their ancestors, many elders shared that they only came to understand their rights to their land when IPRA was enacted. Before the law, their limited knowledge of formal land rights left them vulnerable to encroachment. According to the elders’ accounts, outsiders initially asked permission to use small portions of land for building houses or planting crops. Over time, however, these outsiders took advantage of the Ayta’s kindness and perceived vulnerabilities, eventually contributing to larger land-related problems. Gradually, hope for change emerged as Ayta youth began pursuing formal education, gaining not only academic knowledge but also familiarity with state laws, particularly IPRA, which affirms their identity and rights as Indigenous Peoples. For the Ayta of Bataan, one of the most significant impacts of IPRA was the heightened awareness of their rights to ancestral land, which in turn strengthened their collective resolve to defend these rights.

In 1998–1999, under the leadership of Bishop Honesto Flores Ongtioco of Balanga, an unprecedented opportunity arose to convene all Ayta communities in Bataan, both Ambala and Magbukun groups. Tribal leaders, council members, and community elders from each community attended this gathering. During the meeting, they agreed to form a province-wide organization to unify their efforts and elect their leaders. They established the *Panlalawigang Asosasyon ng mga Ayta sa Bataan*, more commonly known as PANABAT. The organization identified four major areas of advocacy: (1) land, (2) education, (3) health, and (4) livelihood. Among these, the central focus is on collective action among Indigenous communities in Bataan to address community concerns, particularly the long-standing issues surrounding their ancestral domain. PANABAT was formed in partnership with the Diocese of Balanga and with support from various non-government organizations (NGOs).

Since its founding in 1999, PANABAT has organized numerous seminars, trainings, and workshops attended by tribal leaders, council members, and community elders. These activities address key aspects of Indigenous Peoples' rights under IPRA, along with training related to health, livelihood, and education. Over the years, PANABAT has played a vital role in addressing and mediating various issues faced by Ayta communities across the province. One of its most significant contributions occurred in 2011 during the celebration of IPRA Day in Kinaragan, Limay. The event was attended by officials from NCIP Bataan, representatives from NGOs, and the former governor of Bataan, Governor Enrique T. Garcia. During the celebration, the Ayta—through PANABAT—publicly articulated their grievances regarding their ancestral lands. In response, Governor Garcia pledged Php 10 million to support their CADT application, covering expenses for the survey, delineation, and the drafting of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

Figure 2

Photo with PANABAT leader



The promise of supporting Ayta communities in Bataan through land recognition and titling was formally initiated in a Memorandum of Agreement (MOA) signed in February 2013 by representatives from the Provincial Government of Bataan, NCIP Region III, and several NGOs, including PANABAT, PDI, PANLIPI, and the Indigenous Peoples Apostolate of Balanga. The MOA outlined the commitment to allocate funds for the survey, delineation, and titling of Ayta ancestral lands across several communities. These included:

1. Sitio Parapal, Brgy. Mabiga; Brgy. Bamban, Hermosa; and Brgy. Pag-asa, Orani, covering an estimated 3,500 hectares;
2. Brgy. Bangkal, Abucay; Brgy. Palili, Samal; and Brgy. Dangcol, Balanga, with an estimated area of 4,500 hectares;
3. Brgys. Tubo-Tubo, Payangan, and Bayan-bayanan in Dinalupihan, covering approximately 7,500 hectares; and
4. Sitio Matalangaw and Sitio Ulingan of Brgy. Banawang, Bagac, encompassing an estimated 5,500 hectares.

However, the MOA did not materialize due to budget constraints. In the years leading to 2017, PANABAT revived the initiative under Danilo Salongga, the first provincial Indigenous Peoples Mandatory Representative (IPMR) of Bataan (2015–2017). This led to Resolution No. 289 in October 2017, authorizing former Governor Albert Garcia to enter into a new MOA with NCIP Bataan and NGOs for funding the issuance of Certificates of Ancestral Domain Title (CADT). The provincial government allocated Php 5,958,848.00, and surveys began in 2018 but were halted after the first phase.

Furthermore, one of the positive outcomes of having PANABAT is its initiative to establish an Indigenous Peoples Mandatory Representative (IPMR) for the province of Bataan and its municipalities. In their study of the provisions of the Indigenous Peoples' Rights Act (IPRA), particularly Sections 16 and 17 of the said law, which guarantee Indigenous Peoples the right to participate in decision-making and governance, as well as the administrative orders of the National Commission on Indigenous Peoples (NCIP) such as NCIP Administrative Order No. 1, s. 1998 or "The Rules and Regulations Implementing the Indigenous Peoples' Rights Act of 1997 (IPRA)," and NCIP Administrative Order No. 1, s. 2009 or the "National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils," PANABAT, with the help of NCIP Bataan and its partner organizations, sought to establish an IPMR for the province. Until the year 2015, the province of Bataan had its very first IPMR in the person of Danilo Salongga, who was chosen unanimously by the Ayta of Bataan through their traditional selection process known as *uhap-uhap* or *maminonghong*. In this system, tribal leaders known as *puun* and

community elders referred to as *apu* and *anda* engage in discussions to evaluate and decide who should lead them. PANABAT also crafted the initial local guidelines for the IPMR in Bataan, which served as the basis for the Ayta and the province in the processes and selection of the earlier IPMRs.

While the IPRA has had a positive impact on raising awareness among the Ayta regarding their rights, leading to their actions to assert these rights, it fails to address the long history of issues faced by the Ayta communities on the ground. With the enactment of the IPRA, the Ayta believed they would finally achieve their long-desired rights to their ancestral lands and domains; however, this did not happen. Their problems worsened, especially concerning selling of land and the encroachment of outsiders onto their territories.

The Unresolved Issues of IPRA

Among the six (6) communities of ABBOS, land sales are particularly prevalent in Bangkal, Abucay, and Bayan-bayanan, Orani, both of which are covered by Proclamations of Negrito Reservation, while Bangkal also holds a Certificate of Land Ownership Award (CLOA). The Ayta originally used these documents to assert their ownership over their ancestral lands; however, these same documents have also been used to facilitate land sales. They refer to the transaction of selling land as *lipat karapatan*, meaning they surrender their rights as beneficiaries of land ownership and transfer these rights to the buyers. The issue of land sales or rights transfers in Ayta communities has a long and complex history. Even in earlier times, some elders occasionally attempted to sell land, typically out of extreme poverty. Many Ayta were forced to exchange portions of their land for small amounts of money or necessities just to survive. Outsiders often exploited Ayta's poverty to acquire their land at minimal cost.

The entry of outsiders into Ayta territories has gradually reshaped their way of life. The Ayta noticed the stark disparity between their living conditions and those of the newcomers, fueling aspirations to improve their lives. Yet, due to persistent poverty and limited opportunities, the Ayta often view their land as a resource to address immediate hardships, including financing their children's education.

Whereas in the past, simply having enough food for a day was sufficient, the modern reality demands additional expenses, such as school allowances, supplies, and other necessities for survival in contemporary society. This pressure has made the sale of land a practical, though reluctant, choice. Those that the researcher spoke with consistently expressed that selling land is wrong, yet the severity of poverty and the social pressures they face often leave them with little alternative but to surrender their land rights.

Beyond financial necessity, some Ayta engage in land sales as an act of protest against the IPRA law, reflecting their perception that the law is unjust. According to them, they are no longer the main sellers of land; instead, much of their territory is now controlled by settlers, who sell it to other settlers, leaving the Ayta with very little. In communities such as Dangcol, no Ayta has sold their land; rather, it has been seized and sold by settlers, a fate that other communities fear deeply. The Ayta argue that IPRA is unfair because, while it prohibits them from selling land, it offers little protection against encroachment by non-Indigenous settlers. Consequently, many prefer to sell land themselves, ensuring they benefit directly, rather than letting the settlers sell it without their consent. They further claim that the NCIP constantly threatens them with penalties, including imprisonment, for selling land, yet takes no action when settlers are the ones conducting sales.

Whatever the reason for land sales, one thing is clear: this issue regarding Ayta lands demonstrates that they are willing to sacrifice their land for survival and to provide a better life for their children. This challenges the common essentialist view of how Indigenous Peoples perceive land. For many scholars, such as Alcorn (1993), Kimmerer (2013), and Sarkowsky (2020), Indigenous Peoples see land not merely as a resource or commodity but as a living entity that sustains life and fosters ancestral connections. However, this is not always how the Ayta view their community land. In the cases of land sales, it becomes evident that for them, community land can be treated as a divisible, individually owned commodity, something that can be bought, sold, and ultimately disposed of. They view their land as a last resort to improve their circumstances and secure a better future for their children.

Nevertheless, the Ayta believe that land selling can be effectively controlled if their leaders adhere to the law. This is exemplified by the community of Matalangaw, which, like other communities, has a Proclamation of Negrito Reservation and a CLOA, yet there is no record of land sales. While there were a few attempts to sell land in the past, these were unsuccessful because the community leaders, under the guidance of their Chieftain, intervened. Whenever the Chieftain hears of a potential sale, her first step is to convene the entire community for a *uhap-uhap* or community meeting to discuss actions to halt such plans. If a sale has already occurred, she meets with the buyer at the Barangay office to document and formalize agreements and arrangements. Attempts to sell land have ceased, and even buyers have stopped pressuring Ayta, recognizing that the tribal council and community leaders strongly oppose such sales.

This case illustrates the concept of “legal pluralism” as described by Prill-Brett (2007), or the coexistence of state law and Indigenous customary law. For the Ayta of Matalangaw, governance involves a dual approach, employing both community-led rules and state mechanisms at the barangay level to address land-selling issues. This blending of legal

frameworks allows them to assert their agency, ensuring that their voices are heard through their own systems while also complying with state-imposed processes for conflict resolution.

The situation in Matalangaw is vastly different from other communities such as Bangkal and Bayan-bayanan, where, in addition to facing widespread issues related to land sales, tribal leaders themselves are involved in these transactions. Like other Ayta, poverty has driven some leaders to engage in land selling. However, poverty is not always a motivating factor. Some wealthier Ayta exploit their Indigenous identity to facilitate such transactions. One example is Mr. X, who admitted that he purchases land from other Aytas because he believes his actions are permissible under the Republic Act No. 8371 or IPRA. Specifically, he cites Paragraph A of Section 8, which states that: “ICCs/IPs have the right to transfer land or property rights to/among members of the same ICCs/IPs, subject to the customary laws and traditions of the community concerned.”

These practices, carried out by both Ayta leaders and community members, reveal a troubling reality: some have internalized capitalist values, prioritizing personal gain over communal obligations. In these cases, certain individuals strategically invoke their Indigenous identity to justify actions that undermine collective aspirations. The researcher refers to this phenomenon as “transactional indigeneity”, where members of Indigenous communities leverage their identity for personal advantage while neglecting communal responsibilities. This concept aligns with Theriault (2019), who argues that Indigenous identity can be mobilized to justify practices that undermine collective political positions and aspirations, often to secure legal, political, or economic benefits.

In light of these dynamics, the researcher concurs with Cadena and Starn (2007), Niezen (2003), and Theriault (2019), who contend that some members of Indigenous communities essentialize their identity and use state-recognized rights to legitimize actions for personal gain. Rather than empowering the community, government-granted rights can exacerbate internal inequalities. The case of Mr. X illustrates this: although Section 8 of IPRA permits land transfers among members of the same Indigenous group under customary laws, Ayta communities often lack well-established customary regulations regarding land transfers. This ambiguity creates opportunities for wealthier Ayta to exploit the vulnerabilities of poorer members. As a result, land holdings of poorer Ayta diminish, while those of wealthier Ayta increase, perpetuating and widening social and economic disparities.

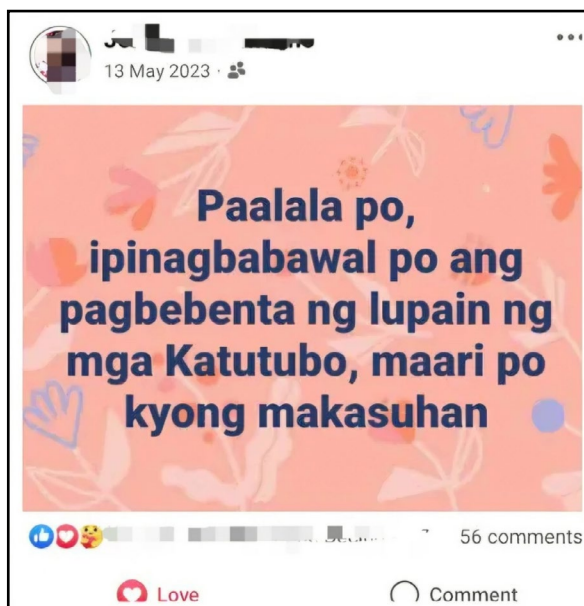
Furthermore, the contrasting experiences of Matalangaw, Bangkal, and Bayan-bayanan highlight the critical role of community leadership and political institutions in shaping land-related practices. The ways in which communities implement rules and the conduct of their leaders significantly influence attitudes toward land. Although all these communities possess state-recognized land ownership through proclamations and titles,

the existence of legal documentation alone does not determine whether land is sold. For example, in Matalangaw, despite having legal titles, the Ayta residents exercise autonomous decision-making regarding their land. This demonstrates that perceptions of ownership and the willingness to sell land are strongly shaped by local governance, leadership dynamics, and community cohesion. Moreover, this is also evident in communities where, despite the absence of formal legal documents to prove land ownership, no cases of land selling occur due to the presence of strong and strict leadership, as seen in the situation of the Ayta in Mautot, Samal.

While it is true that political institutions within the Ayta community play a significant role in addressing issues related to land sales, they are not the only actors involved. Emerging Ayta professionals, akin to Gramsci's (1971) concept of "organic intellectuals," are also actively contributing to this cause. The rise of educated Ayta—particularly professionals such as teachers—has created a new avenue for advocacy and social change. They utilize social media platforms like Facebook to voice grievances and educate the public about irregularities in land transactions within their communities. The actions of these Ayta organic intellectuals mirror those of other Indigenous Peoples worldwide, for whom social media serves as a powerful tool to share narratives without relying on established political structures that may be ineffective or unresponsive (Caranto Morford & Ansloos, 2021; Duarte, 2017; Hopke et al., 2018).

Figure 3

Ayta teacher's posted grievances on her Facebook account



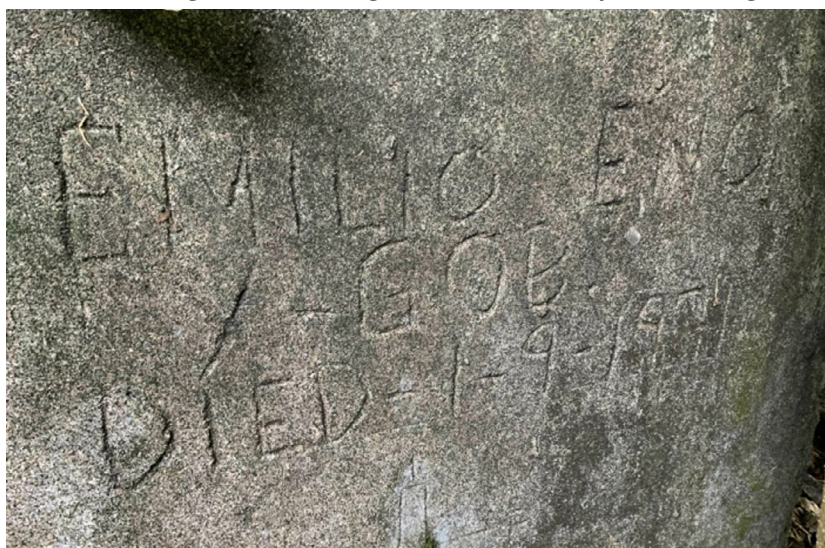
The situation regarding land selling and land grabbing is far more severe in communities without official documents to prove ownership, such as Ulingan in Bagac and Dangcol in Balanga, where it has led to significant displacement of the Ayta from their ancestral lands. According to the narratives of Dangcol's community elders, before the arrival of settlers, the Ayta were scattered throughout the forests of Balanga. One notable example is Tanato, which the Ayta recognize as their former community and which, at the time, had the largest Ayta population in the area.

When settler families from Batangas, Cavite, and parts of the Visayas arrived in the early 1960s, life for the Ayta in Dangcol began to change. Initially, relations between the settler families and the Ayta were amicable, as they lived together in Tanato. However, over the years, the descendants of the settlers who had initially borrowed land began to claim it as their own, fence it off, and prohibit the Ayta from entering. These settlers also began selling portions of the land they had acquired, contributing to a significant population increase in Tanato.

The land seizure extended beyond residential areas. Even the Ayta cemetery in Tanato was taken over by settlers. To illustrate this, the Chieftain of Dangcol took the researcher to the cemetery to show the grave of Emilio Eno, once regarded as the highest-ranking Ayta leader in Balanga. According to Ayta tradition, burials are typically performed by interring the deceased in the ground. However, in honor of their highest leader, the Ayta built a tomb for Emilio Eno, whose grave inscription records his death on January 9, 1971.

Figure 4

The tomb of Emilio Eno, regarded as the highest leader of the Aytas in Balanga in earlier times



Among the six Ayta communities in ABBOS, the researcher considers the Ayta of Dangcol in Balanga to face the most alarming situation—not because of internal divisions, but due to the actions of local government institutions, such as the barangay, which are supposed to be allied with them and protect their rights. The Ayta of Dangcol live on land that was originally owned by the Tamundog family, an Ayta family. The property spans a total of twenty-four hectares, but seven hectares were later sold to a wealthy individual. These changes in land ownership have made life increasingly difficult for the Ayta community. One of the most unforgettable experiences for the chieftain's family was when their house was allegedly burned down by barangay personnel. Left with nothing but the clothes on their backs, they were forced to relocate and build a new home. However, the harassment reportedly continued until they were forcibly removed from Dangcol. On one occasion, while Chieftain was trimming plants, several barangay men armed with machetes allegedly approached her and threatened that if they did not leave their home, violent action would be taken against them. In the following days, this threat materialized: their crops were trampled by cattle, resulting in significant losses. Consequently, the Chieftain requested the new landowner, to grant them a small plot to live on. The new landowner agreed, providing a small piece of land where their houses now stand—approximately 300 square meters, accommodating nearly three houses and seven families.

While land issues in Ayta communities in ABBOS remain widespread, they are relatively manageable in communities with state-recognized ownership of their lands. The story is far different, however, regarding their ancestral domain. The Ayta consider all the mountains and forests as part of their *lutang hinlagi* or ancestral land. Unlike their community lands, however, they lack official documents to prove ownership, making it difficult to assert their rights or protect their ancestral lands against illegal intrusions and land grabbing.

The problem has worsened as land grabbing and sales extend into forests and mountains. To illustrate this, the Ayta of Dangcol took the researcher deep into the forests of Balanga. On the way to *Pamulbugan*, they showed fences made of barbed wire, marking areas in the mountains claimed and sold by two wealthy and powerful individuals.

Figure 5

Presence of barbed wire fencing within the Ayta ancestral domain



Due to the sales, divisions, and fencing of the forests and mountains in Balanga, the living space of the Ayta has significantly diminished. Whereas they once moved and lived freely throughout these areas, they are now prohibited from doing so. The situation in Dangcol mirrors the challenges faced in Bayan-bayanan. There, a corporation was formed by some wealthy individuals from Brgy. Pag-asa and Brgy. Tapulao, with the primary goal of developing the coffee industry in Orani. Initially, the corporation hired some Ayta as guides to identify suitable locations in the mountains for coffee cultivation. This collaboration allowed the corporation to thrive, especially after partnering with big company to market the coffee they harvested.

Over time, however, the corporation allegedly sold *Paitpit* Mountain to an investor who was reportedly a Chinese citizen. Each member of the corporation reportedly received approximately seven million pesos from the sale. In contrast, the Ayta who had worked in the mountains received nothing, not even a single peso until his deaths.

Table 1

Patterns of Land Issues Among Ayta Communities

Ayta community	Presence of Legal Documents of Land Ownership	Community Issues
Bangkal, Abucay	With Negrito Reservation and CLOA	Community land sales are prevalent, involving both Ayta and non-Ayta individuals.
Bayan-bayanan, Pag-asa, Orani	With Negrito Reservation	Community land sales are prevalent, involving both Ayta and non-Ayta individuals.
Dangcol, Balanga	Without legal documents of land ownership	Little to no land remains for the Ayta, as settlers have taken and sold community lands.
Matangaw, Banawang, Bagac	With Negrito Reservation and CLOA	No report of land selling cases due to strong and effective leadership.
Ulingan, Banawang, Bagac	Without legal documents of land ownership	Community land sales are prevalent, involving both Ayta and non-Ayta individuals.
Mautot, Palili, Samal	Without legal documents of land ownership	No report of land selling cases due to strong and effective leadership.

Through these experiences, the Ayta recognize that the root of their problems regarding their ancestral domain lies in the absence of official documentation or land titles. For the Ayta, ownership of their ancestral domain is grounded in the principle of *abut tamulaw*, *abut ala-ala*, *kaykay ya pinanyayaguran nay kaykay!* (as far as the eye can see, as far as memory can reach, the land we live in is ours!) which means that all areas of the mountains they have historically inhabited and continue to inhabit, along with the associated histories and stories, serve as proof of their ownership. However, in a modern era that prioritizes legal documentation, the lack of official records makes it extremely difficult for the Ayta of ABBOS to assert their rights or act against intruders who claim the forests and mountains they consider their ancestral territory.

Who’s to Blame?

The Ayta believe that the only solution to address the persistent issues concerning their land is to secure a Certificate of Ancestral Domain Title (CADT). However, the very

law designed to recognize and protect their ancestral domains—the Indigenous Peoples' Rights Act (IPRA)—often adds to their burdens in securing these rights. The requirements and procedures set by IPRA for asserting ownership over ancestral domains frequently lead to hopelessness, frustration, and discouragement. Many Ayta struggle to meet the documentation requirements, such as photographs demonstrating long-term occupation, because such records have never existed. The only evidence they possess consists of oral histories, collective memories, and natural markers left by their ancestors, such as trees and rocks. Even the NCIP Bataan acknowledges this challenge. According to former Provincial Officer of NCIP Bataan, the difficulty lies not within NCIP itself but in the processes mandated by law for proving Indigenous Peoples' ownership of land.

This criticism is not unique to the Ayta. Other scholars and Indigenous communities have also raised concerns about the delineation and registration processes for CADTs. The International Bank for Reconstruction and Development / The World Bank (2024) reports that many Indigenous communities in the Philippines criticize this process as lengthy, arduous, and heavily reliant on documentation, which most Indigenous peoples lack. Scholars such as Caballero (2004), Castro (1999), and Prill-Brett (2007) argue that IPRA's requirements and procedures adopt a “one-size-fits-all” approach, failing to account for the diversity and pluralism of Indigenous communities.

For most Ayta that the researcher spoke with, the absence of legal documentation proving land ownership is a key factor complicating and worsening their land struggles. Another challenge is the weakness of IPRA as a law and the inefficiency of NCIP as the agency tasked with assisting them. An example can be seen in Bayan-bayanan, where one Ayta elder recounted an incident involving land sales conducted not by Ayta but by settlers. The NCIP had initially promised to accompany the community to file a complaint before Barangay Pag-asa, helping articulate their rightful claims. However, on the day of the scheduled meeting, NCIP failed to appear, forcing the community to cancel their formal complaint.

The Ayta increasingly view IPRA as ineffective in protecting their lands. Despite the promises made upon its passage in 1997, land sales within their communities have only increased over time. These sales are no longer limited to Ayta; even non-Ayta have sold land. They perceive IPRA as toothless, noting that after 28 years, no one in Bataan—especially in ABBOS—has been prosecuted or jailed for selling land. If the law is ineffective for small-scale land sales, they question its capacity to address the larger encroachments on forests and mountains, as has occurred in Dangcol.

According to Chieftain of Dangcol, she has long reported these problems to the NCIP, yet no concrete action has been taken. She attributes the situation to NCIP's complacency toward the drastic conditions faced by the Ayta in Dangcol. While resolutions have been passed, they

remain mere promises, with little to no practical implementation to protect Ayta lands or prevent repeated encroachments.

To balance the accusations and better understand the challenges faced by the NCIP, the researcher also considered their perspectives. The current Provincial Officer of NCIP Bataan, acknowledged that the law indeed lacks effective enforcement. During the tenure of former NCIP Chair Allen Capuyan, a measure was reportedly implemented to address land sales through the issuance of NCIP National Advisory No. NA-2020-08-001, series of 2020, which prohibits the sale and transfer of lands within ancestral domains. However, after Capuyan stepped down, the implementation of the advisory noticeably weakened and eventually diminished. Although the advisory has not been officially revoked, the change in leadership shifted the agency's focus away from land sale issues.

According to two former Provincial Officers of NCIP Bataan, the agency's weakness stems from limited budgets and workforce shortages. Former Provincial Officer shared that budget cuts under the 2025 General Appropriations Act (GAA) have affected NCIP operations, particularly programs for delineating lands under CADT applications. The former POs also observed that NCIP is one of the smallest, least prioritized, and slowest agencies in the government. While the NCIP is performing its duties, the application process for CADTs is significantly delayed due to multiple steps and the requirement to consult with several other government agencies.

These challenges align with the findings of scholars such as Hagen and Minter (2020) and Hirtz (2003), who emphasize that budget constraints, staffing shortages, and the breadth of NCIP's mandate hinder its effectiveness in implementing IPRA. Additionally, studies by Caballero (2004), Ciencia (2011), and Hagen and Minter (2020) support the Provincial Officer's claim that NCIP's political power is limited compared to other government agencies, complicating its ability to assert authority over Indigenous issues. Agencies such as the DENR, DAR, and LRA, despite being official partners of NCIP, sometimes operate under mandates that conflict with NCIP's objectives, further marginalizing the agency's influence in recognizing and protecting Indigenous rights.

In response to Ayta's accusations that NCIP is unresponsive, former Provincial Officer argued that the agency should not be solely blamed. He emphasized that tribal leaders and the Ayta communities themselves must actively participate in addressing their land issues. He compared the Ayta to other Indigenous groups known for strong resistance in defending ancestral lands, noting that the Ayta need to strengthen and empower their councils. This perspective aligns with other cases in the Philippines, such as the Tau-Buhid of Mindoro, who reject formal land certification and view titling as state intrusion that converts their customary governance systems into state-controlled land management (Rosales, 2022).

However, this comparison does not fully apply to the Ayta of Bataan, particularly those in ABBOS. Their situation and traditions are unique. Ayta leaders describe themselves as kind, generous, and compassionate, qualities that distinguish them from other Indigenous communities. Many community members believe that the kindness of their elders in the past made them vulnerable to exploitation. Given the worsening land issues, the Ayta can no longer resolve these challenges independently. They require government support, particularly from agencies like NCIP, to help them address and protect their ancestral lands.

These issues have generated a cycle of mutual blame between the NCIP and the Ayta, with both parties contesting who should be held accountable. The Ayta point to the NCIP's inefficiency as a government agency, while the NCIP accuses the Ayta of inaction and overdependence on external assistance. This "blaming game" has created a deep fracture in their relationship. A clear example of this strained dynamic is the land survey that was conducted in 2018 as part of the delineation project for the ABBOS application for a unified CADT, funded by the Provincial Government of Bataan.

The survey began following the passage of a Provincial Resolution allocating funds for the project. What could have been a promising step toward the Ayta's long-awaited CADT was halted due to financial issues. From the approved budget of Php 5,958,848 in 2017, the provincial government released only about Php 1.9 million to the NCIP Region III account for the first phase, which involved land surveying. According to present NCIP Bataan Provincial Officer, only Php 1.7 million was spent by NCIP Bataan. The project stopped after the first phase because, according to PANABAT, issues arose regarding the liquidation of funds by NCIP. The NCIP, however, insisted that the required documents had been submitted. This unresolved matter intensified the Ayta's frustration, as they believed their CADT was delayed due to NCIP's alleged failure to properly liquidate project funds.

Beyond the issue of budget liquidation, the Ayta raised several other concerns regarding the delineation project. First was the request for equipment included in NCIP's initial Work and Financial Plan. PANABAT had intended for the initial government-promised budget of Php10 million to be carefully managed so that funds could also support health, livelihood, and education programs for the Ayta. When they reviewed NCIP's first itemized budget, they were shocked, as it consumed almost the entire amount allocated for the project. NCIP Bataan clarified that the request for one GPS per community was based on recommendations from regional engineers. They also included vehicles to support transportation during the survey. However, all these requests were disapproved by the provincial government, leaving only about Php5.9 million as the approved budget.

Another concern raised by the Ayta was that during field surveys, only canned sardines and noodles were provided, and the promised monetary allowance for participating Ayta was

never given. NCIP Bataan confirmed that workers ate only these food items because they were easy to carry and less prone to spoilage, a practice common in surveys across other provinces as well. From these issues, it appears that the deteriorating relationship between NCIP and the Ayta stems largely from a persistent lack of communication and mutual understanding. Neither party was given adequate space to fully hear the grievances of the other, leading both sides to rely on assumptions. For example, the Ayta believed for many years that the government had allotted Php10 million, when the 2017 resolution clearly stated Php5.9 million, which was not even fully utilized due to the project's incompleteness. NCIP Bataan Provincial Officer acknowledged that NCIP Bataan had not been given opportunities to discuss or clarify matters with the Ayta, while the Ayta were unaware of other expenses required by the project, further contributing to their negative perception.

However, it is also unfair to place all the blame on NCIP. The agency is correct in pointing out that the Ayta face internal challenges in addressing their struggles. The Ayta themselves recognize that their fight for ancestral domain is hindered by a lack of unity. For instance, in Bayan-bayanan, the establishment of an IPMR could have significantly improved the delivery of government programs and services. However, because each candidate desired the salary attached to the position, the community could not agree on whom to appoint. This situation reflects the harmful effects of Western political structures entering Indigenous communities, where positions intended for communal leadership and the protection of ancestral lands become tools for personal gain rather than collective advancement.

The issue of disunity among the Ayta and their leaders is evident not only at the community level but also at the provincial level. According to the leader of PANABAT, the weakening of PANABAT began with the creation of the Provincial IPMR. He explained that PANABAT had initiated efforts to establish an IPMR in Bataan. After learning about their rights to land and governance, the Ayta collectively selected an IPMR. This selection emerged from consultations and agreements among Ayta communities. They brought their appeal to the provincial government, and after further consultations, the Ayta succeeded in installing Danilo as the first IPMR, serving from 2015 to 2017. However, upon his exit and the transition to new leaders, the direction of the IPMR shifted. According to Danilo, those who assumed the position afterward lacked a clear and concrete plan and did not consult PANABAT, even though the organization should have been a partner in advancing Ayta rights. He emphasized that the establishment of the IPMR was intended to strengthen the Ayta struggle and amplify their collective voice. Yet, instead of fulfilling this purpose, succeeding IPMRs pursued their own plans and interests. For Danilo, the effectiveness of the IPMR depends on having a clear plan anchored in the needs of Indigenous communities. Once personal interests intervene, the original purpose of forming the IPMR becomes meaningless. The lack of unity between

PANABAT and the IPMR is seen as the major reason why PANABAT gradually weakened and why beneficial programs for Ayta in Bataan were not realized.

CONCLUSION AND RECOMMENDATIONS

For more than two decades, IPRA has significantly contributed to the development of political consciousness among the Ayta regarding their rights as Indigenous Peoples. This growing awareness has enabled them to organize collectively, articulate their grievances, and assert their claims before the state. Most importantly, IPRA has facilitated political representation, not only within their respective communities but also in broader governance structures—from the municipal to the provincial level—through mechanisms such as Indigenous Peoples Mandatory Representatives (IPMR). However, despite these positive outcomes, IPRA has fallen short of fully realizing its primary objective: the effective protection and security of Ayta ancestral domain rights.

This paradox is evident among the Ayta Magbukun of Bataan. Despite the decades-long implementation of IPRA, they continue to struggle to prove their ownership over their ancestral domain due to the bureaucratic procedures imposed by the state. It is deeply ironic that while IPRA upholds the rights of self-determination and autonomy, the state is unable to operationalize these rights in ways that allow Indigenous communities to validate their claims based on their own customary laws. Instead, the Ayta are required to comply with state-imposed processes which pose significant challenges, particularly due to the substantial financial resources required.

Amid these challenges, the Ayta often describe IPRA and its implementing institution, the NCIP, as “toothless,” citing perceived inefficiency in fulfilling their mandate to uphold, recognize, and protect Indigenous Peoples’ rights. Yet assigning all responsibility to IPRA and the NCIP would be an oversimplification. The Ayta themselves acknowledge that internal issues—particularly the lack of unity among community members and even among leaders who are expected to be at the forefront of their struggle—also exacerbate their situation. Influenced by external pressures and competing interests, their traditional concept of collective action has weakened, giving rise to selective participation in which only a few actively fight for their rights while others remain apathetic or disengaged. In more troubling cases, some individuals instrumentalize their Indigenous identity for personal gain rather than for the collective good.

To address these persistent issues, it is imperative to revisit and amend specific provisions of the Indigenous Peoples’ Rights Act (IPRA), particularly those related to its bureaucratic and lengthy procedures, as well as its heavy documentary requirements that significantly delay Indigenous Peoples’ long-standing struggle for the recognition of their ancestral domains. This may be achieved by moving away from the current “one-size-fits-

all” approach in recognizing Indigenous land ownership and instead giving due recognition to Indigenous customary laws while strengthening their right to self-determination in asserting and proving their ownership over their lands. Moreover, IPRA must be further strengthened by empowering the NCIP—not only through adequate budget allocation and increased personnel, but also by expanding its authority and mandate so that it can more effectively safeguard the rights and welfare of Indigenous Peoples in the Philippines. Finally, as this study has certain limitations—particularly in examining how IPRA has reshaped and continues to influence, both positively and negatively, the internal politics of Ayta communities—future research is encouraged to further explore this dimension, as it is crucial for understanding their collective aspirations for the recognition of ancestral land ownership.

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