

Restorative Justice in Action; the Kalinga Experience

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ABSTRACT: *Restorative justice as practiced in Kalinga is very evident in all aspects, from the barangay, the community, the tribes, Academe and the regular courts to include the churches.*

Restorative justice in its concept is respecting the rights of persons involved in a conflict to settle by them that may lead to the restoration of their broken relationships caused by disputes.

In Kalinga, the different groups were empirically solicited with their restorative practices in their respective jurisdictions like;

1. **Community.** *Which involved the law enforcement, the barangay officials and the MBCC as subgroups of respondents representing the community. It is very evident that these groups are instrumental in restoring disputes by way of giving reservations to the rights of the parties in the restoration of their differences.*
2. **Court.** *The court as the second set of respondents, the city court was purposively selected as representative of the regular justice system. With the MTC as representative of the court, it was found out that it also considers the settlement of both parties on a dispute as a ground for dismissal or deciding a case.*
3. **Academe.** *Under this area, three levels of academic institutions were considered as institutional respondents of the study. Elementary, secondary and the tertiary level, it is also revealed on the process that several processes of settling disputes between students, faculty and administration were observed and that all leads to a peaceful resolution.*
4. **Theology/Religion/church.** *The two umbrella religions were being considered, the Islam and Christian religion. It is found out that the common conflict between these two religions is their belief on the personality of Jesus and whether or not pig meat is edible. Conflicts are not limited to the two umbrella religion but also internal conflicts within the same religion exist. But despite all these conflicts, religious groups always settled to the idea of dialogue rather than debate or argument.*

Key terms: *restorative justice; caliphates; continental justice; tribal justice system; mediation; intervention*

1. INTRODUCTION

Unknowingly, our justice system is turning around seeking fresher means to turn the retributive justice system introduced by the Western concepts of justice known as continental justice. In the Philippines, by virtue of RA 8371 known as the indigenous peoples rights act (IPRA) has directly recognized the tribal justice practices as an avenue of settling disputes and restore the amity among affected members of the community.

In the conventional/continental justice system it also devised processes like the probation and parole system which are aimed at reducing sentences and making the offender find time to express remorse on his criminal behavior, however these systems are only focused on the reformation of the offender and forget the victim as the primary affected member of the community.

Restorative justice is a theory that emphasizes repairing of the harm caused by criminal behavior. It is different from contemporary criminal justice system. Restorative justice views criminal acts more comprehensively since it involves more parties and personnel in responding to the crime committed, while contemporary criminal justice focuses on giving key roles to government and the offender.

Restorative justice also includes the families of the victim and the offender. It measures success differently, wherein; a way that it assures that after the restorative process, the relationships between opposing parties shall be restored. Unlike other practice of resolving disputes wherein they focuses on proving punishment for the crime being committed.

The Restorative Processes:

The victim offender community meeting. It is the meeting among victims, the offenders and the members of the affected community as an important way of addressing the relational dimensions of crime and justice. Its purpose is to let the offender admit responsibility for the offense. Each is limited to parties willing to participate.

The victim offender mediation. It is the process that provides opportunity to the offender to meet his victim in a safe structure setting to discuss if the victim is willing to settle the conflict via restorative process.

Restorative justice as applied in the community. The community is the primary unit concerned in terms of justice since it is the most affected whenever there is conflict besetting its members. The effort of every community is geared towards unity of its members to maintain peace thus several regulatory means are promulgated to ensure that unity is achieved. The community also maintains that it does not want to see if possible any member to suffer as a consequence of criminality as being a victim or a convict of the crime hence, its efforts are focused on resolving conflicts within its terms before it will aggravate to uncontrollable proportion.

Restorative Justice and the Criminal Law. In the Philippines, our existing criminal law emanates from western concepts which are based on the principles of common law and the civil law. The southern part of the Philippines where Islamic ideologies are being practiced have different laws attending to conflicts between the offender and the victim, they rely on the quranic doctrines where the system of restoring peace between disputing parties are laid in the hands of their anointed messenger the caliphs and the acceptance of the community.

But both justice system have the restorative nature; i.e , the western concepts introduces probation and parole as well as other executive clemencies which intends to soften the penalties imposed on the crime committed and gives opportunity to the offender to repent and reconsider his criminal activities. While on the Islamic justice system, the wisdom of the messenger serves as the rule or if not possible the community is consulted.

Restorative Justice and the Academe. At the academe, restorative justice creates a caring environment to support healthy communities. It also brings understanding to harm and develops empathy for both the harmed and the harmer. It listens and responds to the needs of the person harmed and the harmer. It encourages accountability and responsibility through personal reflection within a collaborative environment. It reintegrates the harmer into the community as a valuable contributing member in society and it changes the system when it contributes to harm. In such conditions, the academe may become an environment of reintegration and a peaceful place of social, political, religious and economic development.

Restorative Justice and Theology. Theologically, it may claim to be the originator of reconciliatory proceedings on matters since it treats offenders in the most lenient manner and teaches unconditional love up to the point of loving your own enemy which to the common man, it seems not possible. The preaching of every religious group is focused on loving one another as prescribed by the creator and this love is unconditional even to the point that one may do self-sacrifice for the sake of others.

As the bible said in Mathew 18:15-20, “if your brother sins (against you), go and tell him his fault between you and him alone. If he listens to you, you have won over your brother. If he does not listen, take one or two others along with you, so that every fact may be established on the testimony of two or three witnesses. If he refuses to listen to them, tell the church, if he refuses to listen even to the church, and then treat him as you would a gentile or a tax collector”.

2. LOCALE of the Study

This study conducted within Tabuk City, in the Province of Kalinga.

3. SCOPE AND DELIMITATION

This study is limited only to the assessment of the different related agencies in the Province of Kalinga which are given task of attending to disputes between the members of the community like the Lupon ng Barangay and the Mataguan Bodong Consultative Council (MBCC) to include the Municipal/City Trial Court, schools and the church which are empowered to conduct summary proceedings with an end in view of amicably settling disputes.

4. CONCEPTUAL FRAMEWORK

Restorative justice as a system of restoring conflicts may be available to all sector of the society seeking to maintain a peaceful place to live.

Various means and processes are being practiced depending on the circumstances and environment where the conflict is to be resolved. The following are common means being practiced;

The Mediation Process

In mediation, trust is the primary consideration for the selection of a person authorized to mediate in a given conflict, often times, it is at the option of the parties involved in the conflict. Many cultural practices utilizes mediation through trusted elders in the community where their wisdom is seen to be a binding rule within the community that everyone has to abide with. Mediation by other trained mediator in some circumstances may also be applied where the mediator has to undergo rigid training on mediation processes and has to abide with some self-imposed restrains to maintain a simple living and integrity in order to gain respect from the community.

Circles. Is a restorative process that is proactively used to develop relationship and build community or reactively, to respond to wrong doings, conflicts and problem. Circles give people an opportunity to speak and listen to one another in an atmosphere of safety, decorum and equality. The circle process allows people to tell their stories and offer their own perspectives (Pranis, 2005)

Circles can be used in any organization, institutional or community setting. Circles have been primarily used in schools, business establishments and other related institutions. Circles may use a sequential format. One person speaks at a time, and the opportunity to speak their feelings on the issue. (Wachtel & Wachtel, 2012).

Conference. A real justice restorative conference, however, employs a different kind of fixed order. Participants sits in a circle, and the conference facilitator uses the order of speakers defined by the conference script to ask each person a set of restorative questions (O'Connell, Wachtel & Wachtel, 1999). In effect, the facilitator serves as the talking piece, determining whose turn it is to speak without interruption. After everyone has responded to restorative questions, the facilitator moves to a more open, back-and-forth, non-ordered discussion of what the victim needs and how those needs might be met.

A sequential restorative circle may be used instead of a formal conference to respond to wrongdoing or a conflict or problem. The restorative circle is less formal because it does not typically specify victims and offenders and does not allow script. However, it may employ some of the restorative questions from within the conferencing script. (Costello, Wachtel & Wachtel, 2010).

OBJECTIVES

The objective of this research is to find out how restorative justice is practiced in the different sectors of the community within the Province of Kalinga, specifically on the following sector;

1. Restorative justice and the community
2. Restorative justice and the regular justice system (court)
3. Restorative justice and the academe
4. Restorative justice and theology (religion/church)

SIGNIFICANCE OF THE STUDY

This study will be very significant to the following;

Community. The community may benefit from the results of this study by way of adopting adoptable recommended measures and processes of reciprocal restorative justice.

The researcher. To the researcher, he may gain insights as to the existing restorative practices practiced by the different units of the community and may be able to frame a model restorative justice that may be reciprocally beneficial to the general public.

The local legislature. The local legislative bodies may benefit in the result of this study by way of making it as a reference in framing their legislative agenda that may strengthen further the quest of the community to maintain peace and solemnity within the community.

Students- learners who are not yet aware on the concept of restorative justice, this research maybe very valuable material for them to study what is restorative justice, its implementation effect to the community and what the community will derive from the practice of restorative justice.

The reading public- restorative justices is often heard but not commonly understood by many. Any reader who may encounter this material may gain insights regarding the subject matter and may be able to clarify vague issues in contemplation to restorative justice.

DEFINITION OF TERMS

The terms herein are defined operationally to suit the requirements of the study.

1. **Restorative justices.** Means a concept of resolving conflict between two parties in a manner that gives them opportunity to make amends, forgive and have remorse on the offense committed. This commonly involves amicably setting the disputes with an end in view of restoring the good relationship between the parties.
2. **Community.** For purposes of this research, the community is categorized into three groups representing agencies of dispute settlements like; the Law enforcement or the

police, the barangay officials and the special body (mataguan Bodong consultative council MBCC) that the community commonly approach whenever there is conflict.

3. **Bodong.** The tribal justice system of the Kalingas, where traditional practices of settling disputes are often conducted. This body, whenever it has made a decision, the court recognized it as part of jurisprudence since it is recognized by the Indigenous Peoples Right Act (IPRA) as binding to the people of Kalinga.
4. **Academe.** One of the chosen group of respondents represented by a selected elementary school, secondary school and a tertiary school in the city of Tabuk, Kalinga.
5. **Court.** Purposively selected city court of Tabuk which the proponent found it as representative of the regular court system in the province.
6. **Theology/religion.** This refers to the church chosen as respondent which represents all churches and their doctrine in settling disputes among members and other conflicts between religions within the community. These are chosen as representative of the universal church groups.
7. **“PAGTA”.** Refers to the locally codified law of the Bodong, however, every Bodong or pact between two tribes, they have their distinct Pagta. The Pagta, codified by selected members of the Bodong committee initiated by the Provincial government serves as the general code in case there are no specific “Pagta” covering parties involved.
8. **Amicable settlement.** A decision brought about by the meeting of minds of parties in disputes where the intervention of a third party is being secured. The settlement restores all obligations and responsibilities of the offender while to the offended, the damage or injury caused is deemed healed and the good relationship returns to its original state.
9. **Remorse.** This is on the part of the offender who seeks forgiveness from whom he has offended and shows his deep regret of what he has done and willing to make amends with the offended party.
10. **Mediation.** The intervention process of trusted persons preferred by disputing parties to intervene on the settlement of conflicts.

METHODOLOGY

Research Design: this study uses the empirical, qualitative and auto-ethnological approach wherein data are gathered through direct inquiry and document scrutiny. Student assistance are utilized to speed-up the gathering of the needed information.

Respondents:

Purposively, respondents are selected as to their presumed participation in the running of the justice system in the community, notably their practices in restorative justice.

TABLE 1: RESEARCH RESPONDENTS

CATEGORIES	RESPONDENTS
1. The community	
a. Law enforcement	Chief of Police of the Tabuk City Police Station and records officer
b. Barangay Officials	Officials of Barangay Dagupan Sentro and Barangay Bulanao, Tabuk City
c. MBCC	The chairman and records officer
2. MCTC	Judge Victor Dalanao and his records officer
3. Academe	
a. Elementary	Principal and guidance of Southern Elementary School
b. Secondary School	Principal and guidance of Kalinga National High School
c. Tertiary School	President, principal and guidance of Saint Tonis College
4. Theology/Religion	
a. Islam	Manny Dimnang, President of the Maranaw Religious group of Tabuk City
b. Catholic	Bishop Agatep
c. Anglican	Bishop Hilary Ayban Pasican Jr.

Research Instruments:

A guide interview question is the primary tool used such that it allows open ended questions that may elicit factual and on the spot answers. Documentation during interviews is also used as determining factor in the interview of the different respondents.

Data gathered and findings

Data presented herein are empirically and auto-ethnographically gathered by the deputized enumerators, “students of the subject Global Concepts of Restorative Justice” following the guides provided by this research proponent and instructor of the subject.

A. RESTORATIVE JUSTICE AND THE COMMUNITY

Concept:

On the concept of restorative justice and the community, means a theory of justice that emphasizes repairing the harm caused by criminal behavior. It is best accomplished through cooperative process that includes all stakeholders. This can lead to transformation of people, relationships, and the community.

It is also a community processes whereby stakeholders in a particular offense-victim, offenders and community comes together to resolve collectively how to deal with the aftermath of the offense and its implications for the future. It also embraces a wide range of human emotions including mediation, compassion, forgiveness, mercy, reconciliation, as well as sanctions when appropriate.

Under this area of study, it aims to give light on the following questions;

- a. What are the common conflicts covered by RJ in the community?
- b. What are the common procedures adopted by community restorative justice?
- c. What are the common penalties that the community imposes under restorative justice?

The selected group of respondents representing the community being interviewed includes the following;

- Law enforcement
- The Barangay officials
- Matagoan Bodong council (special tribal court)

Table 11. DATA GATHERED FROM THE COMMUNITY

Indicators	Law enforcement	Barangay officials	MBCC
Common conflicts	Violation of local ordinances Violation of traffic rules	Light offenses and those not covered by the regular court	all crimes both criminal and civil cases
Common procedures and processes adopted	Blotter Reprimand Implementation of fine Turn over to the proper jurisdiction	Police blotter Received from police Give summons Summon parties Face to face conference Settlement between parties	Upon endorsement of the case to the MBCC, the MBCC will summon the parties the Bodong holders act as mediators from the tribes of the parties involved
Roles of the community	Formal reprimand, warning or citation, return of victims expenses due to reparation, hospitalization and medication. Return of the amount of property lost or damage as a consequence.	Reprimand, warning or citation, return of the victim's expenses in a reasonable amount of the damage or injury caused. The penalty depends on the agreement of the parties involved	all the penalties to be imposed are defined in the "PAGTA",

On the part of the Law Enforcement the following are their established practices:

1. Restorative justice on the part of the Law Enforcement are:

- **Discretionary-** on the part of the law enforcer where he can give reprimand, arrest, file case or give punishment in the form of community services as the case may permit;
- **Reprimand-** a reprimand may be issued by the law enforcer in case of minor violations and the violator shows remorse;
- **Amicable settlement-** the law enforcer may intervene to both offender and the victim during or just after an incident where both parties decided to settle it amicably thereafter;
- **Community work/service-** in some circumstance where there are existing ordinances that provides for community services as a penalty for some specific offense, the law enforcer may use it as system for the offender to come to his senses and realize his untoward behavior;
- **Payment of fine-** also in some circumstance where payment of fines is allowed by law, like for example: issuance of traffic citations to traffic violators, this is a form of fine allowed by law purposely to remind road users to follow rules.

In a case of Silawon, Philippine National Police (PNP)- Soriano, Philippine Army(PA). A team of policemen went to pacify a drunken army who was creating trouble. Instead of heeding to the policemen, the Army man shot the cops who in turn fired back resulting to the wounding of a member of the police team belonging to the Taloctoc tribe and the Army man who happens to belong to the Tinglayan tribe. The two tribes were about to go to war having severed their *Bodong* on account of the case but the intervention of the KBC averted the tribal war.

This incident involving no less than the men in service, due to its respect to the rule of restorative, it submits to the jurisdiction of the tribal justice system which after having conducted meeting of elders, the law enforcement group agreed to settle the case on which now the two parties are at peace.

Common conflicts covered by the restorative processes of the law enforcement:

The jurisdiction of crimes that the police may take restorative actions includes those crimes that are not serious (minor offenses), motor vehicle minor accidents, shoplifting and vandalism. These are the limitation where the law enforcement officers may at their discretion may take summary actions that may lead to amicable settlements.

Common procedures of restorative justice system under the Law Enforcement.

The case must be blotted first. In cases of accidents and physical injuries, the police will make a spot report as basis for investigation. When the case is not serious, he may ask the parties if they want to settle it amicably. If both parties agree, the police may then mediate to

facilitate settlement. If settlement is reached, the police officer put in record the information and submit it to the court that settlement was reached, all the terms of the agreement must be signed by the two parties, but if the case cannot be settled at the police level, the police may seek assistance from the barangay and submit the case thereof for possible settlement.

Usually, police discretion is exercised whenever there is a violation of rules in the community. But is highly dependent as to the type and extent of violation was committed. When covered by the Barangay Justice, the case is turned over to the Barangay, but when the case is under the court jurisdiction, it will be turned over to the court of proper disposition.

Common measure/penalties the Law enforcement imposes

The police are limited in imposing the following penalties on all cases it may be settled under its jurisdiction: formal reprimand, warning or citation, return of victims expenses due to reparation, hospitalization and medication. Return of the amount of property lost or damage as a consequence.

Hence, on the law enforcement level, the restorative justice are commonly applicable to young people aged 10-17 years of age where reprimand maybe provided in the form of a formal warning given by the law enforcer to a person or group of persons who admitted they are guilty of a “minor” and first offense.

2. Restorative justice by the Barangay;

The barangay officials, guided by the rules of the Katarungang Pambarangay observe the following restorative justice practices:

- **Mediation** – being the first level in the justice process, it seeks to exhaust all effort to come up with amicable settlement and amend with both the parties involved in such a way to tone down rise of emotions and expensive case resolution;
- **Conciliation**- the primary object the barangay justice is conciliation of erring members of the community through intervention of the barangay officials as the main guardians of peace and order in the barangay;
- **Arbitration**- in case the parties are somewhat hesitant to voluntarily submit themselves for conciliation, an arbitration proceedings may be adopted by the Katarungang pambarangay council for possible conciliation and amicable settlement. The council has to exhaust all remedies before it can endorse to the regular court if amicable settlement is not possible.

Example: under the leadership of Barangay Captain CASTOR G. CAYABA of Dagupan Sentro, Tabuk City, for two consecutive years 2011 and 2012 it has been a recipient of Regional awards for recording the highest settlements of cases and outstanding Lupong Tagapamayapa. In year 2012, it also received a national award for outstanding Lupong Tagapamayapa. With these accolades, restorative justice within the barangay was very evident.

Common conflicts covered by the Barangay

The barangay justice system covered light offenses such as violation of rules and ordinance. Public disturbances, malicious mischiefs, unjust vexation, less serious physical injuries, land disputes, threat, non-payment of monetary obligations, violations against women and their children, alarm and scandals and oral defamation and other cases that does not fall under the jurisdiction of the Regional Trial Court.

Procedures in settling disputes at the Barangay level

At the Barangay level, it is a must that the case is blotted at the police station then the police will classify the case if it is covered by the Barangay then it endorse it to the barangay. The barangay council will meet with the parties and ask if they want their case to be settled under the Katarungang Pambarangay, the victim will thereafter be requested to file a complaint to the Barangay captain. The Barangay will then issue summons to the parties and their witnesses to appear before him for mediation in regards to their conflict.

The Barangay council constitutes the Lupong Tagapagkasundo to hear both parties and their witnesses to discuss and simplify the issues for possible amicable settlement. If both the witnesses and respondent failed to appear before the Lupong Tagapagkasundo for three times of hearing, it will be endorsed to the Lupong Tagapamayapa for arbitration.

The Lupong Tagapamayapa will arbitrate, discuss on the issue that was not resolved through mediation. If still not resolved due to some tribal issues, they will endorse the case to the MBCC or the case is filed in court.

Common penalties or punishments under the Barangay Justice System

The jurisdiction of the Barangay court to impose penalty is limited only to the following; reprimand, warning or citation, return of the victims expenses in a reasonable amount of the damage or injury caused. The penalty depends on the agreement of the parties involved but as much as possible it will not allow additional fines but only the equivalent amount or value of the damage or loss.

In the barangay, the process is restorative in nature wherein the equivalent payment of crime committed in a certain barangay is flexible since it adheres to the meeting of minds of the parties involved.

3. Restorative justice by the Matagoan Bodong Consultative Council (MBCC, special tribal court)

This special court was created by the City government particularly as the front line implementer of the Kalinga Tribal Justice System known as the “Bodong System”. It is a system recognized by the Indigenous Peoples Right Act (IPRA), where its decisions in restoring peace in Kalinga are autonomous for the Kalinga people. The primary guidelines of the MBCC are the codified law of the Bodong known as “PAGTA” where specific rules and penalties in the form of settlements are being defined.

In a cases between Lubo versus Mangali (1970s- 1980s) wherein the peace pact was severed and more than twenty (20) people were killed including a priest and a catechist; Bago versus

Butbot (1987- 1990s) wherein peace pact was severed and twelve (12) people were killed including the peace pact holder; Lubuagan versus Biga (1990s) wherein the peace pact was severed and ten (10) people were killed including other innocent people from other tribes.

All these cases were settled upon intervention of the elders and they conducted a peace pact dialogue and giving of “SIPAT” or valuable items as a sign of peace, after which a “DORNAT” or renewal of ties or pact were signed again, these restores the severed relationships.

From 2002 to 2007, the Matagoan Program helped settle 33 of 35 tribal conflict cases. The preventive measures, such as the annual dornats or renewal of peace pacts, significantly lessen the number of tribal conflicts. The dornats strengthen the bonds between the tribes and lessens the chance of conflict erupting between them. Police records also indicate that within the same period, the crime volume in the locality also went down. Moreover, the crime solution efficiency went up from 80% in 2003 to 89% in 2007.



Photo showing how the Kalinga Tribes Settle their disputes

Common conflict covered

The conflicts covered under the “PAGTA” includes all crimes both criminal and civil cases which are categorized as;

- Crimes against persons- whether minor or heinous, it depends on the council to determine provided both parties agree to settle it amicably by virtue of fines (multa) and being celebrated through a tribal ritual as a manifest of restoring the damage relationships.

Procedures under the MBCC:

Upon endorsement of the case to the MBCC, the MBCC will summon the parties of the case and inquire if they want to settle the case voluntarily.

If both parties decided to settle the case amicably, the Bodong holders/mediators from the tribes of the parties involved will convene and settle the case.

A hearing will be scheduled is scheduled depending on the agreed date and time of both the parties. The MBCC will assign neutral bodies to witness the proceedings and agreement. If the case is settled, the parties will prepare a compromise agreement, assisted by the mediators and counsels representing the parties signed the compromise agreement. The compromise agreement is then forwarded to the court, the judge has no option than to approve the compromise agreement and render his judgment based on the compromise agreement.

But if the parties refuse to settle, the case is sent back to the court for the resumption of the regular trial. After several court hearings and the case is not yet decided and the parties decide finally tor settlement under the Bodong system, they may request the judge for his approval for a possible amicable settlement. Still, when there will be no settlement, the case will resume under the court jurisdiction.

Measures imposed by the MBCC.

As to the Kalinga tribal justice system, all the penalties to impose are defined in the “PAGTA”, note: that the “PAGTA” or agreement differs from different tribal pact, but in the absence, the codified “PAGTA” may be used.

B. RESTORATIVE JUSTICE AND THE REGULAR JUSTICE SYSTEM (COURT)

In this area of study, it tries to give light on matters of conflicts between the community restorative processes with that of the regular criminal justice system (regular court).

The following were the guide questions for this particular study:

- What are the possible conflicts between the rules and processes of community restorative justice and the regular criminal justice system (the regular court)?
- What are the conflicts in the processes in resolving conflicts by the community restorative justice and the regular court?
- What are the measures of resolving conflicts between the community restorative justice and the regular court?

Concept:

Restorative justice is a new movement in the field of victimology and criminology. Crime causes injury to people and communities. It insists that justice repair those injuries and that the parties be permitted to participate in that process. Restorative justice, therefore, enables the victim, offender and legal professionals serving as facilitators of a system that aims at offender accountability.

When a party is not able or does not want to participate in such meeting, other approaches can be taken into consideration to achieve restorative outcome to repairing the harm. In addressing offender’s accountability, these approaches can include restitution, community service and reparative sentence. In addressing victim-offender reintegration, it may include material, emotional and spiritual support and assistance.

In particular, there are identified controversial issues in the implementation of restorative justice, these includes conflicts of ideologies, principles, government policies and religion. Questions are also raised on how restorative justice can be associated to criminal law in addressing conflicts.

In this study, the respondents taken into consideration to give lights on the problems are; the judge of the City Trial court, the tribal Justice system through the Matagoan Bodong Consultative Council and the Barangay justice system.

Table 111. THE CITY COURT OF TABUK, KALINGA

Indicators	Tabuk City Court	MBCC	Barangay Justice council
Common conflict covered	rape and serious crimes cannot be settled under restorative system	All crimes	Only light offenses
Common procedures and processes	We have to give way to their wishes to dismiss the case so we can give reason in order to dismiss the case	intertwining the National Law and the indigenous law in order to effectively address conflicts.	
Penalties imposed /measures	we respect the decision of the parties on how and where they want the case to be settled or resolved.	we just settle it by respecting the decision of the	

1. The City Trial Court

Common conflicts covered

On the issue of conflicts between the regular court system (criminal law) and the community restorative justice system.

The court said, rape and serious crimes cannot be settled under restorative system but in Kalinga it can be settled through the Bodong system because the important thing is to aid the damage through compensation. Again, it is not the amount given that is important. Under the Barangay jurisdiction, only the offense with penalty below one year and fine of one thousand pesos are subject to settlement.



The MCTC Judge Victor Dalanao

In a case of a Kalinga teenager in 2015, (name withheld) where she filed a complaint of rape to a teacher who impregnated her. The MCTC scheduled three consecutive hearing but the complainant failed to appear. After which, a prosecutor appeared to the court and declared that the case was amicably settled by the parties through their tribal justice system. The court is then under constraints to dismiss the case for technicalities also in respect to the wishes of the parties although the court rules prohibits amicable settlement of rape complaints. (MTC/MBCC records)

What are the processes in resolving these conflicts?

The court averred, we cannot act on it as a court (settlement of rape cases). We have to give way to their wishes to dismiss the case so we can give reason in order to dismiss the case. Three hearing days if the will not appear or if they do, they will inform the court that they have already settled the civil aspect of the case because the filing of the criminal case, the civil aspect is deemed filed.

If they already settled the civil aspect of the case and they are no longer interested to testify and if they are not interested to come they will not appear in court. In that case we dismiss the

case on technicality. Failure to appear or refusal to be witnesses, you cannot convict a person without evidence that is beyond reasonable doubt. Moral certainty, the lack of interest to prosecute that is more or less the way how we do in these circumstances.

What are the measures to resolve these conflicts?

The court states, we respect the decision of the parties on how and where they want the case to be settled or resolved.

2. The MBCC

What are the possible conflict between the regular court system and the MBCC.

The respondent said, we find no conflict. It has been a settled issue, that in order to reciprocate the services rendered by both agencies, we give respect and honor the decision of each agency in terms of resolving disputes between parties in conflict. What is important is that we are able to resolve conflicts and bring peace and harmony to the community.

Though our rules here at the MBCC are tribal in nature, this is respected by the court by virtue of the provisions of the IPRA law. Likewise, we also respect the court on its jurisdictions on whatever cases the parties do not want to settle under the rules of the Bodong, where we endorse the same to the court for proper action.

In the case of Allem Sallapudin Abdul Samad (Muslim) against Mosling Dammay (Basao sub- tribe) became a significant point from the MBCC to settle non- violently the issue. Dammay and a companion went to return a defective CD to the Muslim vendor. At that time, the vendor happened to be laughing at him, Dammay threw the CD at the group who immediately ganged up on him. Being out numbered, Dammay and his companion ran away. Upon learning the incident, the Basao and the Muslim MBCC representatives immediately brought the case to the KBC where it was amicably settled.

This settlement was respected by the court, it did not make any intervention on the decision of the parties who decided to settle the case between and among them and choose the Bodong Council to act as mediator. (MBCC records)

What are the processes in resolving in case there arise a conflict?

The MBCC states that, it is our mission, intertwining the National Law and the indigenous law in order to effectively address conflicts.

Like for example, in the case of rape, where the parties decided to settle it under the Bodong rules, the court may do some remedies under their rules to respect the parties decision.

What are the measures in resolving these unexpected conflicts, if ever?

The MBCC said, we just settle it by respecting the decision of the parties as to where they want to settle their disputes.

3. The Barangay council

What are the possible conflict between the Rules of the Barangay with that of the regular court?

The Barangay council said, our justice system only covers offenses that are punishable with a fine of not more than one thousand pesos or imprisonment of one (1) day to one (1) year. There are more instances that those cases which not supposedly tried in the Barangay jurisdiction are settled therein. For example, rape murder and others as maybe agreed upon by both parties.



The multi awarded Barangay chairman Cayabo

In the Ubbog, Magsaysay massacre which stemmed from a case of serious physical injuries involving some Ilocano young men against a Dacalan young man. After two weeks, the Dacalans retaliated killing three persons and wounding two others at Ubbog, Magsaysay. The Barangay and the Police including the court find difficult time to identify and settle the conflict. But due to the timely intervention of the KBC who settled the case after a series of negotiations, high possibility of violence would have spread because the victims belong to four other different sub- tribes.(police blotter and MBCC)

What are your processes of resolving these conflicts?

It is here where sometimes we fear to decide, but if the parties show voluntariness in their decision to settle the case at the barangay, in this respect, we prepare for a compromise to be signed by them and the barangay council, but with reservations that if in case there will be further complaint, then it will be forwarded to the court for proper action.

What measures you adopted in such cases?

The barangay said, if the parties involved insist to settle their disputes, without consideration if it is heinous or petty crime, in the barangay council. The barangay justice council considers

the decision and the capability of the involved parties in settling the issue or a conflict in any comfortable manner.

The barangay council considering the desire and would be burden of both parties they will resolve the case amicably.

C. RESTORATIVE JUSTICE AND THE ACADEME

Concept:

Restorative justice is a positive, proactive, and instructional way of addressing disciplinary behaviors and other matters in the school with all students. A selected group of trained student mediators that will serve as role models and provide positive peer pressure for student to behave appropriately and assists in facilitation of small groups to remediate misbehavior. And it will consists of four interventions such as: support circle, student accountability board, family conferencing and peer mediation.

Restorative justice brings many benefits to the school climate like;

- Creates caring environment to support healthy communities;
- Brings understanding to harm and develops empathy for both the harm and the harmer;
- Listens and responds to the needs of the person harmed and the harmer;
- Encourages accountability through personal reflection within a collaborative environment;
- Reintegrates the harmer into the community as a valuable, contributing member of the society;
- Changes the system when it contributes to harm.

This part of the study geared towards giving lights to the following concerns:

- Identify common conflicts between faculty and their students;
- Identify common conflicts between instructors and administrators;
- Determine what measures they apply in resolving these conflicts.

The respondents of the study were the principal and teacher in-charge of the Southern Elementary School of Bulanao, Tabuk City, the principal and guidance counselor of the Kalinga National High School and the president and guidance counselor of Saint Tonis College also og Bulanao, Tabuk City, Kalinga.

Table IV. ACADEME

Indicators	Elementary school (southern elem. School)	Secondary school (KNHS)	Tertiary school (Saint Tonis Coll.)
Common conflict	Pupils: 1. vandalism 2. Absenteeism	Students: 1. Tardiness 2. escaping 3. not wearing of proper uniforms, 4. vandalism, 5. drunkenness 6. non-participation to school activities.	Students: 1. vandalism 2. bullying
	Faculty/administration 1. Misunderstanding 2. miscommunication	Faculty/staff admin. Non-compliance to memos	Faculty/staff/admin. 1. Low and 2. Delayed salaries
Procedures and processes	Pupils: Home visit Sending letters	Students: 1. home visit 2. sending of letters to parents	students: dialogue
	Faculty/staff/administrati on Sending Summon/memo	Faculty/staff/admin. Inquiry to employees	Faculty/staff/admin. 1. Dialogue
Penalties/measures	Pupils: Dialogue with pupils and parents w/ guidance	Students: Dialogue with parents/ students and guidance	Students: 1. Reprimand 2. Restoration of vandalized property
	Faculty/staff/administrati on Dialogue	Faculty/staff/admin. 1. Reprimand 2. Report to district and regional offices	Faculty/staff/admin. 1. Explanation 2. Service separation

1. Southern Elementary School (Bulanao, Tabuk City, Kalinga)

Common conflicts between Teacher and Pupils.

The principal said, the conflicts commonly emanates from undisciplined behavior of the pupils, the act of vandalism and absenteeism of the pupils.

In 2011, a grade five (5) pupil of Southern Elementary school (named Balong), he seldom come to school, when in school, instead of attending his class, he prefer to just roam around the campus and while nothing to do, he draw the face of his teacher at the comfort room and

label it with disgusting remarks like “sungit”. The principal through its guidance counselor send a letter to his parents, during the dialogue, it reveals that the pupil is suffering from family problems. With the situation, the school put him in a special program under the supervision of the City DSWD, fortunately, Balong graduated and was assisted to take skills training at TESDA where after having completed his trainings, and he was employed by a big construction firm OCDC where he had his internship training. After having gained enough skill, he went abroad, from then on, things turn in the right direction to his family.(guidance records)

Conflicts between Faculty, Staff and the Administration.

The teacher in-charge stated that the common conflicts besetting the faculty, staff and administration comes in the form of misunderstanding and miscommunication.

Mam Maria (not her true name), after more than 20 years of service, at one time she becomes very moody, she cannot get along with her co-teachers, the situation become worse day-by-day until it reaches the office of the school supervisor. Her attention was called upon, yet instead of heeding to the call for a dialogue, she just gets absent. The principal then decided that they will go and visit her at their residence, during the talk, Maria cried and reveals her problems regarding her husband who has another family in Isabela. So there it goes, all the teachers pour out their support to Maria, until finally, Maria get to her feet and lives a new life as a single parent to her children and grandchildren. She recovered from her depression and now serving as a counselor to other women suffering from similar incidents.(personal testimony)

What procedures are adopted in resolving conflicts between teachers and the pupils?

The principal stated that the administration and the teachers usually conduct home visits to erring teachers, they will conduct some informal activities just to get the attention of the teacher concerned until an open dialogue will happen.

What are the measures adopted in resolving the conflicts?

A dialogue follows between the school principal, the pupil together with their parents, the teacher involved and talk about the matter and thresh out actions and programs on how to resolve the conflicts.

What measures are also adopted to resolve conflicts between teachers, staff and the administration?

The principal said, she immediately call for a meeting with the teacher or staff concerned with the guidance counselor. During the dialogue, the parties will reveal what are their concerns and through the assistance of the guidance counselor, they will try their best to thresh out possibilities for the conflict resolution.

2. Kalinga National High School

What are the common conflicts between the teachers and student in your school?

The principal said, conflicts emanates from the following issues; tardiness and escaping of students from classes, not wearing of proper uniforms, vandalism, drunk when entering the school and non-participation of students to school activities.

In 2010, as per record of the guidance counselor, there were three male third year students who often cut classes. At one time, some students reported that these three students are at a canteen near the school drinking Ginebra. Their adviser along with the guidance counselor discreetly went to the canteen and caught in the act these three students already drunk. Instead of obeying the teachers, these three boys shouted at them and even paused a fighting stance.

How difficult it is to deal with these situation, the teachers summons the assistance of the police just to restrain the students who becomes unruly. They were placed under the custody of the police until they gained normal condition. Their parents were called, and the following day, they had a meeting at the guidance office in the absence of the students. All concerns from their parents comes out, with the support of all parties they decided to put these students in a special program to cope up with their studies with close supervision of the adviser and constant visits to their house. On their terminal year, these students shows significant change in behavior as they join other students in school activities and even joining bible studies conducted by some religious groups.

With all the efforts of the school personnel, these three students graduated without any deficiencies and pursue college in their chosen school in Baguio and Manila.(teacher testimony)

What are the remedial measures your school adopted in resolving these conflicts?

The guidance counselor answered, we conduct home visits and or sending letters to parents. The letter contains the behavior of the student inside the school.

Through dialogue with the guidance counselor and the student with their parents, they will try to come up with some actions and programs that may resolve the student's problems, like for example, in the case of vandalism, the student will change or repair the thing that has been damage.

What are the common conflicts between the Teachers, Staff with the Administration?

The principal cited the late or non-observance of Memorandum orders as the common source of conflicts.

Alex, a teacher coach was summoned by the principal to visit her office due to some complaints against him for involving his student athletes in some drinking session outside the school. Alex, instead of reporting to the principal's office, he went directly to the division director and file a complaint against the principal.

The Division director called the attention of the two parties and had a meeting at his office. Both sides were given their time to explain their sides and also given the warning that if they will not settle their disagreement at his level, the case will be elevated to the Regional Office where sanctions based of Civil Service Rules will be enforced.

The parties after having expressed their sides, the director determines that both have gaps in the performance of their duties which tainted their professional relationship. It was explained to them the repercussions if the issue will not be settled immediately and will spread out of proportion. The two turns humble and make amends, accepts their weaknesses. From that time on, Alex offered to his principal to become the God mother of his first child, in that gesture, they become best of friends, the restoration of their differences turns beneficial to the school and the students. (personal testimony)

What measures the school has adopted in resolving such conflicts?

The principal stated, he immediately call the attention of the concerned teacher or staff for a meeting and inquire on the reason for non-observance or late implementation of such memorandum. In case the reason is not acceptable or reasonable, for the first offense, he will give a formal reprimand. On succeeding offense, he will forward a report to the provincial and or regional office depending on who's jurisdiction.

But if the non-observance or late compliance is reasonable, he will give them proper advice as to how they should act responsibly as professionals.

3. Saint Tonis College

What are the common conflicts between your Faculty with their Students?

The principal cited two most common conflicts between Students and their Faculty which includes vandalism and bullying.

In 2007, Rolando, a grandson of a Barangay Captain (known terror in the Barangay), at one time Rolando went home crying. When his grandfather saw him crying, the grandfather carry his gun and went to the school shouting at everybody seeking who made his grandson cry. Students as well as teachers run for safety. Ms. Belinda, the teacher of Rolando was able to take her composure and tried to pacify the Barangay Captain running Amok. She ask him to sit down at her office as she will explain what happened.

Belinda, explains that Rolando was seen vandalizing the newly painted wall of the classroom and was advised to stop, but then, Rolando just run outside the campus and went home crying. The Barangay Captain may have realized that he did not clarify matters before getting angry start to get his composure and settles down. Realizing that it is his grandson who was at fault, he volunteered to repaint the wall of the classroom and even request that he will donate two span of the perimeter wall. Belinda refers this to the president, the offer was accepted with a condition that the child will not be harm by the grandfather, instead will be guided for his behavioral reform. Four years thereafter, Rolando graduated with flying colors. (per records of the guidance office)

What are the measures your school implements in resolving these conflicts?

The guidance counselor said, she will call for a dialogue with the teacher and student concern with their parents and try to determine ways how to resolve the conflicts.

As to the case of cases of vandalism, the student will be required to clean or conduct community service inside the school campus as a consequence of his/her act that is if the student is found to be at fault. But if the fault is found to be on the part of the faculty, some disciplinary actions will be imposed upon the teacher based on what is provided in the faculty manual of the college.

On the case of bullying, the student who bullies someone is called at the guidance office and be given a stern warning.

What are the common problems of Faculty against the Administration?

The president states that, the common concerns of faculty towards the administration is regarding their low and delayed salaries.

Ehrol, an English teacher, tried to verify from the finance office as to why there are a lot of deductions, that her net pay is not even enough to cover her meals listed at the school canteen. Instead of explaining, the finance officer said that she may resign if she cannot stand with policies of the school.

Before Ehrol was able to report the matter to the Department of Labor, her attention was called by the president and explain the situation. And as assistance, the president gives an endorsement letter/certificate to Ehrol to a nearby State College where she was accepted and was given a regular Item. (personal testimony)

How your college does resolve these concerns?

The school president said, he will call the attention of the faculty at once and explain to them the reason of paying low wages and sometimes the delay of giving the same. But for persistent complaining the president may warn them that they may be removed from the

institution for their persistent complaint. Being the president of the private college, he has a wide range of authority including termination of employees who does not comply with policies.

D. RESTORATIVE JUSTICE AND THEOLOGY (RELIGION)

Concept

Theology is the study of religious faith, practice and experience, especially the study of God and God's relation to the world.

Elements of Biblical Justice:

- Justice is the main characteristic of God who creates out of wish for relationships with creatures and who seeks endlessly to restore those relationships when they are broken;
- God respond to the alienation and brokenness that comes to characterize the human situation with a long-term commitment to bring healing through the formation of a particular community of people who would know God's shalom and share that widely blessings to all the families of the world;
- The community gained concrete guidance from the giving of "torah" a detailed blue print for the faithful society that had at its center strong concern for the inclusion of vulnerable people as whole participants. Justice has something to do with caring especially for vulnerable when they are treated in harmful ways and with directly challenging social dynamics that are truthful;
- Jesus emphasizes the living as part of his people involves seeking justice even to the point of facing persecution for doing so. Such "seeking Justice" for him included at its heart caring especially for vulnerable people acting to restore them to the community, and opening up the concept of neighborhood, (meaning one who deserves being treated justly) to enemy;
- "justice with salvation", "the justice of God" is all about restoring wickedness in relationships with God and with other human being;
- "Justification" deals with God's work of making humanity whole. A person "justified" by trusting in and following Jesus way including at its heart "reconciliation" with a wide variety of other people and creating community with former enemies;
- Justice in the bible is restorative, the bible's God is just, especially in that God seeks to bring about healing in relationships, transform alienation into community, restore offender and into God's family, and bless the families of the earth.

Our criminal justice system certainly is troubled by tendencies to treat some people (whether offenders or victims) without love, and the consequence are costly. From a Christian perspective and simply for the sake of social wellbeing in our society, people think there are circumstances when one may deal with human beings without love, but no such

circumstances ever exists. Human being cannot be handled without love. It cannot be otherwise because mutual love is the fundamental law of human life.

This part of the study seeks to give light on the following objectives:

- a. Determine common conflicts between different religious groups;
- b. Determine conflicts between church and the community;
- c. Actions or remedies in resolving these conflicts.

The respondents of this study are representatives of the dominant religious groups within the city of Tabuk such as; Christian church,(the catholic church of Dagupan, Tabuk, the Anglican church of Bulanao and the mosque of the Islam/Muslim group in Daguapan represented by their priest and imam.

Table 4. Common Conflict between Religious beliefs

Source of conflict	Christianity	Muslim
Belief about Jesus	Catholic churches acknowledges Jesus Christ as their Savior and the Son of God	Muslims acknowledge Jesus Christ as a prophet not a son of God
Eating of pig meat	Pig meat is can be eaten	Pig meat is prohibited

The above identified common conflict between Christianity and Islam looks simple but up to this time, resolution of these conflict seems hopeless to be resolved since it generates sub-conflicts like marriage system where Christianity adhere to monogamy while the Muslims allows polygamy.

Basis of these beliefs:

A. About Jesus Christ

Christian religions acknowledge Jesus Christ as their savior and the Son of God. Luke 1:32/35 of the Bible. Additional biblical verse provides other averment of this claims like; psalm 82:6, exodus 4:2, psalm 89:27, 1 chronicle 22:10, Matthew 5:9, john 3:1, john 17:3, John 5:30, John 5:37.

For the Muslims, their belief about God is set forth in the Holy Quoran that God is not subject to contingencies of birth and death. He is ever-living and neither begets, nor is begotten. The Quoran emphatically rejects the concept of trinity. The Muslims also believes that Jesus Christ is just a prophet of Allah.

A conflict between one Kalinga Native (mangali) and a Muslim businessman due to misunderstanding about the price of an item bought by the Mangali native. The argument escalates as the Mangali native said, *“Kasta kayo nga muslim kwarta lang ti amo yu, awan*

gamin to diyos yu”, that is who you are Muslims, you are only after of money because you do not have God.

The Muslim businessman got offended and feels that his religion was maligned and about to punch the Mangali native but was pacified by one of his companion. The elders intervened, and by virtue of the issue, a pact was forged between the two groups as a sign of brotherhood ties. (testimony of Manny Dinmnang)

B. About eating of pig meat

The Muslims does not eat pig meat because according to them pig meat or pork is “haram” (forbidden). “maytatah” (dead animals), and blood, the flesh of swine, and that are slaughtered for sacrifice for others than Allah (those slaughtered for idols and of which Allah’s name was not mentioned while slaughtering). But if one is forced by necessity without willful disobedience or transgressing due limits, then there is no sin in him (Quoran 2:172-173).

Among Christians, the concern about meat ran the gamut from unclean meats of Leviticus 11, those meats offered to idols, to improperly bled animals, to blemish sacrifices. Romans had no qualms about eating various meats. They sacrifice pigs, goats and dogs to their god’s in the temples. Some “conservative” members would refuse to eat with “liberals”. But to Christians, pig meat is eaten because some felt free to eat any meat served. Others felt that God did not accept those who did not adhere to dietary restrictions of the Old Testament. (Thes. 14:1-4 citation)

Table 5. Common conflicts between Christian Churches

Nature of conflict	Catholic church	Anglican church	Other sects/
Praying to saints	Practiced	Not practiced	Not practiced
Sign of the cross	Practiced	Practiced	Not practiced

Praying for each other is a Christian practice. The following biblical verses may be attributed to the practice of praying to the saints by the Catholic Church. In 1 Timothy 2:1-4, Paul strongly encourage Christians to intercede for many different things. Paul directly asks others to pray for him (romans 15:30-32, Ephesians 6:18-20, Colossians 4:3, 1 Thessalonians 1:11). Fundamentally, Jesus himself required us to pray for others, and not only for those who asked us to do so (Matthew 5:44)

The Christians practice of asking the departed brothers and sisters in Christ, the saints for their intercession has come under attack so often. Though the practice dates to the earliest days of Christianity and is shared by Catholics, eastern orthodox, and other eastern Christians and even some Anglicans.

The sings of the cross (Latin: *sigman crusis*), or blessing oneself or crossing oneself is a ritual blessing made by members of some members of Christianity. This blessing is made by the tracing of an upright cross (†) across the body with the right hand, often accompanied by spoken or mental recitation of the Trinitarian formula.

Expansionism is one secret objectives of religion, the more the members the more popular the religion. This objectives confused majority religious members in Kalinga. Hence to resolve these conflicts, the religious groups decided to organize themselves as one with one objective of bringing the good news to the Kalinga People, hence the Kalinga Apayao Religious Sector Association “KARSA” to serve as an avenue to unite and not to disperse the Kalinga people just because of differences in understanding about religion. Debates and internal disagreements are too many to list, but these disagreements were immediately resolved through the organization of the “KARSA”.

Table 6. Conflict within the Islam Religions

Conflict within Islam	Sunni Muslims	Shia Muslims
Succession of Mohammad	Caliphs are believed as the successor of Mohammad	Believed that Mohammad’s successor is form his direct descendants
Terrorism	Accused Shia Muslims as terrorists	Believed that they are directed by the Quoran to do Jihad

The respondent leader of the Tabuk city Mosque stated, there are two common conflicts among Muslims (enumerated on the table).

The caliphate office and realm of the caliph is believed by Sunnis as supreme leader of the Muslim community and successor of the prophet Mohammad. Under Mohammad the Muslims sate was theocracy, with the Sharia, the religious and moral principles of Islam, as the Law of the land. The caliphs, Mohammad’s successors, were both secular and religious leaders. They were not empowered, however, to promulgate dogma, because it was considered that the revelation of the faith had been completed by Muhammad.

Sunni Muslims constitute the vast majority in the world Islamic community. The term “sunna” means the “way” or the “example” and refers to the examples of prophet Muhammad. All Islamic groups and sects, however, accept the sunna, along with the Quoran (Koran), the sacred scripture of Islam, as binding. Because it means the “way”, the term ”sunna” may also be intended to distinguish mainstream Muslims from Shia Muslims, who follow a side path. Based on the example of the first four “rightly guided” caliphs and companions of the prophet, the Sunnis formulated the following requirements of caliphate: a) the caliph should be an Arab from the prophet Mohammad’s tribe, b) the Quraysh; he should be elected to his office and approved by a council of elders representing the Muslim community and he should be responsible for enforcing the divine law and spreading Islam by

whatever means necessary including war. In the history of caliphate, however, all these requirements were rarely met.

The Shias, in contrast, believing that the prophet himself has designated his son-in-law, Ali, as both his temporal and spiritual successor, accepted only Ali’s descendants (by Fatima, Muhammad’s daughter) as legitimate claimants of the caliphate.

Jihad in Islam refers to the struggle to please God, Jihad is the duty of all mainstream Muslims, who belongs to the branch known as Sunni Islam. There are four ways they may fulfill a Jihad: a) by the heart, b) by the tongue, c) by the hand, and d) by the sword. The first refer to the inner spiritual battle of the heart against vices, passion and ignorance. The second means speaking the truth and spreading the words of Islam by the tongue. The third involves choosing to do right and to combat injustice and what is wrong with actions, or one’s hand. The fourth refers to defending Islam and waging war against its enemies with the sword.

Example: the Maranaw Religious Group in Tabuk City headed by their president Manny Dimnang, in order to avoid being involved in the accusations against the Maranaws as ISIS members, they decided to settle in the city of Tabuk.

As to internal conflicts, it is often caused by pride and preservation of the family/clans dignity. A case of a minor who was accused of insulting another minor girl, act of “*MARATABAT*”, almost escalates into a clan war. The president decided to took in his custody the minor to avert physical attack from the family of the girl. He then calls the parents of the parties together with two imams to settle the case. The family of the girl demanded damages “SALA”, where the president and the imam’s serves as guarantor until the male minor family and clan produced the demanded amount to settle the conflict. (personal account of Manny Dimnang)

Table 7. Common conflicts between/among Christians Churches and Muslims with the community

Conflicts	Christian churches	Muslims	Community
Baptism of children	Strict in the baptism of children		Free of choosing a church for baptism
Tribal beliefs	Discourage superstitions among church members		People are still superstitious
Personal problems	Anglican vestry interference	Generally perceived as “terrorist” by local people	Elders solely act as mediators

The above identified conflicts between the Christians churches with the community members are more on the practice of children baptism. The Catholic Church for example is strict in

requiring marriage contract before baptizing a child. Because of this practice, illegitimate children that cannot be baptized were brought to other Christian sects for baptism.

Another common conflict between Christian churches with its members is the superstitious belief. Local communities are by nature superstitious which the church discourages.

In terms of personal problems, the Anglican **Church vestry** may mediate but local members have elders as their mediators.

For the Muslims living in Tabuk, the notion of being a terrorist by non-Muslim neighbors is very difficult to avoid.

The term terrorism is usually related to Jihad. Though Jihad has been equated with “holy war” in the west, most Muslims would argue that military actions is only a small part of Jihad and that this form of Jihad should be undertaken only in self-defense or against injustice. In some countries, Muslim activists would like to see Islamic government installed, and for them Jihad encompasses a more revolutionary goal of replacing their country’s political leadership. Other Muslim militants extend the concept of Jihad to acts of terrorism against the western countries whose influence they view as harmful to Islam. This could have triggered the September 11 attack in the United States of America.

The Islamic war in Marawi makes the Maranaw group in Tabuk City suspects as maybe member of the feared “ISIS”. But the leadership of the Tabuk City Maranaw group immediately moves into action and makes a census of all Muslims in Kalinga and registers it at the City Hall for monitoring purposes. They made a promise to protect their group from infiltration of terrorist as their purpose of migrating to the city is to get away from the clanists conflict in their place Marawi.

Table 8. Actions undertaken in resolving these conflicts

Actions	Christian churches	Muslims	Community
Taking personal responsibility	✓	✓	✓
Unconditional forgiveness	✓		
Understanding	✓		
Dialogue not debate	✓		✓
Mediation	✓	✓	✓
Existing Law		✓	✓
Amicable settlements		✓	✓

The Christian churches are very unique in identifying unconditional forgiveness and understanding for settling conflicts. In Ephesians 4:32, be kind to one another, tender-hearted, forgiving one another, even as God in Christ forgave you. In Colossians 3:13, bear with one another and forgive one another, if anyone has a complaint against another, even as Christ forgave you, so you also must do. John 3:16 and 1 John 1:19.

According to the Anglicans respondents, love, compassion and respect is the key to settle differences. She also added that when there is misunderstanding with other Christian religious groups in our locality the misunderstanding will be brought to the “Kalinga Religious Sector Association” (KARSA) and there, it will be resolved.

According also to father “Agatep” catholic parish priest, dialogue is the only means in settling differences not debate. Because according to him, there is nothing to argue about, it is explanation and understanding each other and finding ways that will resolve the differences. He continued by saying that our way of settling conflicts within our locality is not restorative instead it is destructive. He pointed out, that restorative justice makes you better not worst. Taking responsibility and suffering the consequence is a restorative justice.

While on the part of the Muslims, respondents, Islam Law is absolute, example; when a woman commits adultery, she will be buried within the breast level then will be stoned to death. And when a man commits concubinage, he will be buried within the abdomen level and will be stoned to death, they call it “raj am”. He added that there is no explanation or reason to consider when someone violates the teaching of Islam. Additionally, amicable settlement is only possible upon the victim’s family discretion and a blood money is given.

The Muslim community of Tabuk city said, they are aware and are attending even executed a “Bodong” pact with the Kalinga tribes and adhere with the wisdom of the Bodong but incidentally, the Bodong system is different with that of the Muslims tradition of settling conflict.

FINDINGS:

1. Community

The law enforcement, the barangay officials and the MBCC as subgroups of respondents representing the community as facilitators in the restoration of conflicts are guided primarily by established laws respecting their authority vested in them by law.

However, in the implementation of their legal mandates, the primary actions that they execute form part of the restorative justice concepts in the sense that they give opportunities to the conflicting parties to resolve their differences based on what they see it favorable to them.

In support to that, the law enforcement/police though they have their own mandates, respects the decision of the parties involved. In case of individual offenses, the police exercise its discretion whether or not to enforce the teeth of the law or merely give verbal warning to the offender. But of course without sacrificing the rule of law, the discretionary authority of the police has its limitations.

With respect to the Barangay council, they are also guided by the established Barangay justice system, wherein they have their own limitations. Although, to its ends, they find

means to settle the case that is reciprocal to both parties situation that may they find it favorable to the parties and the community as a whole.

On the part of the established special court, the MBCC, this is primarily established by the city government in consonance to its respect to the tribal practices of the Kalinga people in seeking justice peacefully and settle these conflicts to avoid escalation that may affect the general welfare of the whole community.

In this respect, though the MBCC covers all conflicts, still it is allowed because the mandate of this tribal justice system is supported by the law on indigenous peoples right act.

2. Court

The court as the second set of respondents, the city court was purposively selected as representative of the regular justice system. Although the court is guided by the strict rules of criminal procedure, it has also its own remedies in settling disputes amicably. Example is the cited cases of rape, although the rules does not allow amicable settlement on rape cases, the court, in respect to the wishes of the parties involved, follows some doctrinal rules by “respecting the agreement of the parties involved’ that may lead to dismissal of the case.

In support to this, the Barangay council and the MBCC is again included as respondents since though they are quasi courts, they are still cloth with authority to settle disputes as they are mandated to do so. The barangay justice council serves as the first stage of case settlement purposely to guide the parties on what best for them. Though of course it has its own limitations, still, it has to act on its mandate as the first level court of the land.

The MBCC by its nature as a special court for Kalinga, found to be very effective in settling disputes since it covers all cases whether criminal or civil in nature, that is why, it is always the preference of parties in disputes since the manner of resolution is summary which lightens the burden of parties in settling their disputes. Aside from that, their old relationship is being restored through a peace pact that they will sign including their entire tribal groups.

3. Academe

Under this area, three levels of academic institutions were considered as institutional respondents of the study.

It is found out that common problems in the elementary and secondary level are behavior related since it commonly involves the act of vandalism and absenteeism. But the approaches adopted by the school are restorative in nature since it conducts home visit and or send information letters to parents. And in resolving these problems, it usually involves dialogue with concern students and faculty or any affected employee of the school. The dialogue runs in favor of the behavioral development of the erring students.

On the part of the faculty and administration relationships, it is revealed that the common problems arises from non-observance of memorandum orders where it is also settled

commonly by virtue of dialogue, but to some extremes, the case are elevated to the district or regional offices for disciplinary actions and or if necessary imposition of legal sanctions.

On the part of the tertiary school, by virtue of its nature as a private institution, the common problems on students are still behavioral but at least it shows some maturity on the part of the students because it lessens the problems into vandalism and bullying. Although it also exists at the elementary and secondary level but at this level the bullying is from students to students. But at the tertiary level, the faculty are found to be the bully as they pressure their students to be more focus and attentive on their studies, the students found it as a form of bullying.

On faculty and administration, the common problem arises from the minimal amount of salary which is also often delayed. The nature of the school being evaluated as private institution, if there is persistent questioning from the faculty and staff, if it cannot be resolved through dialogue, the ultimate remedy is dismissal from the service that sometime leads to labor cases.

4. Theology/Religion/church

The two umbrella religions were being considered, the Islam and Christian religion. It is found out that the common conflict between these two religions is their belief on the personality of Jesus and whether or not pig meat is edible.

To the Christians, they believe that Jesus himself is God who transform into human being to show the righteous way and right behavior. To the Islam, Jesus is just a prophet of Allah, he is not the begotten one and has no power to forgive and save humanity.

Within the Christian group of churches, the conflicts emanates from the doctrine of doing the sign of the cross where only the catholic church is persistent in it believing that it is a way of showing faith to the holy trinity.

Within the Islam group, the Muslims are divided into two factions brought about their differences as to who is the successor of Mohammad, and who are those who commit terrorism. The majority Muslims, the Sunni claims that the Caliphs are the mandated successor of Mohammad while the Shia claims that it should be the direct descendant of Mohammad where they belong.

On the accusations of terrorism, the Sunni Muslims points their fingers to the minority group of the Shia Muslims who insists that the Quoran has commanded them to kill (war by the sword) all those who do not believe in the Islam faith.

Conflicts between Islam, Christian and the general community, the conflict arises from the practice of baptizing children, tribal practices and other personal problems. To the Christian, it is their doctrine to baptize children to become member of the church, they discourage tribal

practices allegedly because it is unchristian or atheist belief. On personal problems, the Anglican Christians practice the so called vestry intervention (counseling) where any personal problem by the members, they can consult it to the church administration.

To the Muslims, they never practice baptism and also do not believe in tribal traditions but they have personal problems within their group because they are perceived by the local community as terrorists and those they find difficulty in explaining to the public that not all Muslims are terrorists.

On the part of the community on baptism they have the freedom to choose whether or not undergo child baptism. But generally, the Kalinga people are superstitious because they uphold their own tribal cultures and traditions. But what is good is that, in case of personal problems the elders are always ready to be consulted and serve as mediators.

Efforts in resolving religious conflicts results to the following actions; Taking personal responsibility, Unconditional forgiveness, Understanding, Dialogue not debate, Mediation, Existing Law, Amicable settlements. The Christian, Muslims and the community as a whole encourages taking personal responsibilities to their actions and as such, they are also responsible in restoring the same.

Accordingly, in whatever conflict, what is required is an open dialogue and not arguments or debate. By dialogue, both parties are assured settlement while in argument and debate, both parties are also assured of more misunderstanding because everyone do not allow themselves to lose in their arguments.

CONCLUSIONS:

1. Community

Generally, the community always prefers restorative process of settling disputes in order to avoid prolonged agony and expensive court litigations. Thus, from the police to the Barangay council including the MBCC always set the pace for parties in disputes to talk it out and come up with a settlement agreement and these agencies serves as mediators.

2. Court

The court, much that it is guided by the strict rules of procedures, it also abides by the doctrine of respecting the decision of parties in disputes whether or not to settle their difference amicably, and if so, that can be a ground for the dismissal of the case. Assisted by the Barangay council and the MBCC, these quasi courts pushes for amicable settlements believing that this process promotes favorable solution to the people in the community which ultimately results to peaceful society.

3. Academe

There is no substitute to understanding and forgiveness because that is the mission of the academic community as a training ground for peaceful amends whenever disputes arise. With

this view, the academic community exemplifies restorative justice process by conducting dialogue as a measure of settling misunderstandings and differences among and in between academic stakeholders.

4. Theology/Religion/church

The long standing disagreement as to who is Jesus Christ divides humanity. It is so because members of either group are confused as to what to follow or not. The religious indoctrination causes confusion to its members because every religious group gives emphasis on blind obedience by fear of Godly reprisal where the members will suffer divine punishment when they will disobey these church doctrines. Followed by internal conflicts within the religious groups themselves, example is the conflict between Muslims as to who is the successor of Mohammad who is cloth with supreme power over Islamic countries.

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