

Pag-Hinusayay: Unveiling the Unwritten Customary Laws and Settlement Practices of Panay Bukidnon Community

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Abstract: The Panay Bukidnon tribe's unique dispute resolution processes, deeply rooted in their cultural heritage, demonstrate a historical exercise of power by recognized elders and village emissaries within the community. The significance of exploring these laws and settlement procedures lies in unraveling a previously unknown aspect of Panay Bukidnon culture. Hence, this study was conducted to investigate the unwritten customary laws and settlement practices in Barangay Minan, Tapaz, Capiz, Philippines.

This study adopts a qualitative research methodology with a narrative approach, aiming to gain insights into the unwritten customary laws and settlement practices of the Panay Bukidnon community. The respondents of the study were selected using the purposive sampling technique, specifically targeting four (4) *magurangs* or elders from the Panay Bukidnon community. Thematic analysis of the study showed that the role of the Manug-husay is a generational responsibility, ensuring the continuity and transmission of knowledge regarding dispute resolution and settlement practices. They have many practices so different from others and learning their rich tradition is a balm for knowledge seekers and peace settlers. These unwritten customary laws and settlement practices have also remained unchanged over generations, symbolizing the resilience and preservation of cultural heritage.

Keywords: customary laws, Panay Bukidnon, settlement practices, unwritten.

1. INTRODUCTION

The Panay Bukidnon community stands as a captivating example of indigenous traditions and practices within the rich tapestry of cultural diversity in the Philippines. Nestled in the scenic landscapes of Panay Island, this community has upheld a sophisticated system of unwritten customary laws and settlement practices that have been passed down through generations. These practices encompass various aspects such as land ownership, marriage, and conflict resolution.

At the heart of the Panay Bukidnon tribe's settlement practices lies the deeply entrenched and time-honored procedure known as *pag-hinusayay*. This method holds great significance in resolving disagreements and fostering societal harmony. *Pag-hinusayay* embodies the tribe's cultural beliefs and worldview, emphasizing the importance of finding common ground and achieving reconciliation. It involves a series of open discussions, talks, and negotiations where parties express their concerns, opinions, and frustrations. Respected elders or community leaders often mediate these discussions, bringing their wisdom and guidance to the process.

In a study conducted by Rio (2016), the remarkable characteristics of Panay Bukidnon culture, particularly those relevant to the peace process, were highlighted. The research revealed the presence of a vengeance culture within the tribe's conflict resolution methods. Additionally, the involvement of prominent figures, such as recognized elders known as *magurang*, was found to be crucial in successfully implementing peace processes. Expressions of mourning and vengeance, known as *kantang* and *ughat*, were observed in cases involving the loss of life. Jocano (2008) further elaborated on the involvement of groups known as "*kahimata-an*," which actively regulate the community's political, social, and economic affairs, including marriage arrangements, rituals, family feud settlements, and the payment of wergild (baegay).

The Panay Bukidnon tribe's unique dispute resolution processes, deeply rooted in their cultural heritage, demonstrate a historical exercise of power by recognized elders and village emissaries within the community. This differs from the modern systems of control implemented by the state. Despite the presence of government institutions in certain areas,

the Panay Bukidnon people continue to rely on these customary laws and settlement practices, preserving their cultural identity and maintaining their traditional ways.

The significance of exploring these laws and settlement procedures lies in unraveling a previously unknown aspect of Panay Bukidnon culture. By shedding light on these customs and regulations, we can gain a deeper understanding of their deeply ingrained traditions and values. This study was conducted to pave the way for future studies and practical initiatives aimed at promoting peace, cultural preservation, and sustainable development within the Panay Bukidnon community, as well as other indigenous groups. It is through these endeavors that we can honor and safeguard their cultural heritage while fostering positive change. Hence, this study was conducted to investigate the unwritten customary laws and settlement practices in Barangay Minan, Tapaz, Capiz, Philippines.

Specifically, the study aimed to answer the following questions:

1. How do Panay Bukidnon define and understand their unwritten customary laws and settlement practices?
2. How did the Panay Bukidnon unwritten customary laws and settlement evolve overtime?
3. How do customary leaders and community members maintain and preserve the unwritten customary laws and settlements?
4. In what ways do unwritten customary laws and settlement practices of Panay Bukidnon address issues of justice, fairness, and equity within the community?
5. How do community members who violate the unwritten customary laws and settlement practices face consequences and sanctions?
6. How are these rules enforced and by whom?

How do the unwritten customary laws and settle practices contribute to their cultural identity, social cohesion and sense of belonging?

2. METHODOLOGY

This study adopts a qualitative research methodology with a narrative approach, aiming to gain insights into the unwritten customary laws and settlement practices of the Panay Bukidnon community. The narrative research method involves the collection and analysis of personal stories and narratives (Nair, 2021), enabling the exploration of the rich cultural heritage, traditions, and values embedded within the community. Various methods, such as interviews, storytelling sessions, and the collection of written accounts, was employed to gather firsthand narratives that provide unique perspectives on the origins, significance, and application of the community's unwritten customary laws and settlement practices.

Through the narrative approach, the researcher captured the lived experiences, beliefs, and emotions of the community members, gaining a deeper understanding of the specific details, contexts, and meanings underlying their cultural practices. The analysis of these narratives assisted the identification of recurring themes, patterns, and cultural norms that shape the community's unwritten customary laws and settlement practices. It provided insights into the complexities, dynamics, and historical context that influence these practices. Moreover, narratives shed light on the roles of recognized elders, village emissaries, and other key figures in the peace processes and dispute resolution mechanisms of the Panay Bukidnon tribe.

By integrating narrative research into the study, the voices and experiences of the Panay Bukidnon community are brought to the forefront, contributing to a more comprehensive and authentic understanding of their unwritten customary laws and settlement practices. This approach enabled the researcher to honor and respect the community's cultural heritage while promoting a deeper appreciation of their traditions and facilitating sustainable development within the community.

PARTICIPANTS

The respondents of the study were selected using the purposive sampling technique, specifically targeting four (4) *magurangs* or elders from the Panay Bukidnon community. The selection process involved pre-selected criteria to ensure the inclusion of individuals who possessed the necessary knowledge, experience, and cultural authority to

provide insights into the unwritten customary laws and settlement practices. The criteria for selecting the magurangs may include factors such as 1) *husay* or arbiter which demonstrated long term of experiences in the field of settlement 2) *magurangs* or elders that may have a deep understanding of the community's customs, traditions, and unwritten laws, gained through their participation in community activities and their role as respected elders 3) *magurangs* that may have been acknowledged by the community as trusted authorities and have earned the respect and trust of community members.

LOCALE OF STUDY

This research was carried out at Barangay Minan, which is located in the municipality of Tapaz, Capiz, Philippines. According to the Philippine Census in 2020 (PhilAtlas, n.d.), Barangay Minan is a tiny hamlet with a population of 535 people. The study site of Barangay Minan provides a unique and focused environment for investigating the Panay Bukidnon community's unwritten customary rules and settlement procedures. By doing the research in this particular barangay, the researcher hopes to obtain a better knowledge of the Panay Bukidnon community's cultural heritage, traditions, and values within the context of Minan, Tapaz, Capiz.

DATA COLLECTION

To investigate the unwritten customary rules and settlement procedures, this study employed an in-depth interview methodology to gather detailed and valuable information, providing contextual insights into the data. Face-to-face interviews were conducted, emphasizing the establishment of rapport with each participant to ensure a comfortable and peaceful environment during the interview process. Prior to commencing the interviews, participants were given an orientation, which included an explanation of the written consent form, the research's purpose, the confidentiality of participants' information, the expected duration of the interview, the interview process, and an opportunity to address any questions or concerns.

During the interviews, participants were encouraged to express their answers in a natural manner, allowing them to freely share their experiences and perspectives. The researcher carefully observed participants' nonverbal cues throughout the interview, recognizing the importance of understanding the contextual circumstances of each individual's narratives. The interviews concluded with a debriefing session, expressing gratitude to the participants for their valuable contributions and cooperation throughout the research process.

By utilizing the in-depth interview method, this study aimed to gather rich and nuanced insights into the unwritten customary laws and settlement practices of the Panay Bukidnon community. The approach ensured that participants' voices and experiences were heard, contributing to a comprehensive understanding of their cultural heritage and facilitating the exploration of the community's unique customs and practices.

DATA ANALYSIS

Thematic analysis was used to assess the data gathered through in-depth interviews. Thematic analysis is the process of carefully discovering patterns, themes, and categories within data in order to extract relevant insights and produce a thorough grasp of the research issue.

The data analysis method began with familiarization, in which the researcher became familiar with the interview data by reading and re-reading the transcripts. This process enabled immersion in the data and a comprehensive grasp of the participants' narratives.

Following that, the researcher used open coding to split down the data into smaller pieces and apply descriptive labels or codes to capture the essence of each segment. This procedure allowed for the discovery of early themes and patterns in the data.

Following open coding, the researcher used axial coding to organize the codes into bigger groups or topics. Based on their related meaning or content, similar codes were grouped together. This stage allowed for the creation of more complete themes that incorporated the experiences, customary laws and settlement practices of the participants.

The researcher kept thorough notes and memoranda throughout the analysis process to document their reflections, interpretations, and decision-making process. This meant that the analysis process was transparent and traceable.

Finally, the data were consolidated and presented cohesively, with pertinent quotes or excerpts from the participants' narratives to support them. The investigation sought to offer a comprehensive account of the unwritten customary rules and settlement processes found within the Panay Bukidnon group, highlighting major themes.

3. RESULTS

Basic themes from the codes were developed and organized into eight (8) categories that eventually led to seven (7) themes. The sixteen (16) statements from the four (4) respondents gave way to sixteen (16) codes that were grouped into eight (8) categories that were further arranged into seven (7) organizing themes paving the way to the central idea of the study which is the unveiling of the unwritten customary laws and settlement practices of Panay Bukidnon community in the Barangay Minan, Tapaz, Capiz, Philippines (Table 1).

Table 1. Thematic Analysis of the Study

Statements	Coding	Category	Theme
1. Give peace, unity and harmony among the tribe members	Peace and harmony	Benefits	Understanding the unwritten laws and practices
2. The unwritten customary laws act as a guiding force in fostering peaceful relationships and resolving conflicts among tribe members	Tribal unity	Benefits	Understanding the unwritten laws and practices
3. The Magurangs play a crucial role in mediating disputes and ensuring fair and just settlements within the community.	Dispute settlement	Settlement practices	Understanding the unwritten laws and practices
4. Traditional procedures and trials conducted by the Magurangs provide a structured and culturally relevant approach to resolving conflicts.	Traditional practices	Settlement practices	Understanding the unwritten laws and practices
5. The unwritten customary laws have remained unchanged over generations, symbolizing the resilience and preservation of cultural heritage.	Continuity	Evolution	Preservation of rules and procedures
6. The enduring nature of these rules and procedures reflects the community's commitment to upholding their traditions and values.	Tradition	Transmission	Preservation of rules and procedures
7. The role of the Manug-husay is a generational responsibility, ensuring the continuity and transmission of knowledge regarding dispute resolution and settlement practices.	Intergenerational	Transmission	Passing down of Manug-husay's responsibility
8. The passing down of the Manug-husay's responsibility safeguards the preservation of cultural customs and values within the Panay Bukidnon community.	Cultural heritage	Preservation	Passing down of Manug-husay's responsibility
9. The unified decision-making process led by the Magurangs is instrumental in addressing and resolving deep-seated grievances among families.	Unified decision-making	Dispute resolution	Settlement procedures for family grievances

Statements	Coding	Category	Theme
10. Laws and settlement procedures, guided by the collective wisdom of the Magurangs, serve as a mechanism for restoring harmony and restoring relationships within the community.	Resolution process	Dispute resolution	Settlement procedures for family grievances
11. The practice of settling disputes through the payment of "bugay" provides a form of compensation that helps restore balance and harmony within the community.	Bugay payment	Dispute resolution	Settlement through payment of "bugay"
12. The concept of "bugay" represents a culturally embedded mechanism for addressing conflicts and maintaining social order among families.	Compensation	Dispute resolution	Settlement through payment of "bugay"
13. The role of the Mal-am or Magurang extends beyond dispute resolution and includes the enforcement of laws and the promotion of peaceful coexistence within the community.	Elder's role	Leadership	Elders' role in dispute resolution
14. Through their leadership and wisdom, the Mal-am or Magurang ensure that feuds between families are settled in a fair and just manner.	Dispute resolution	Leadership	Elders' role in dispute resolution
15. The regulations and settlement practices serve as tangible manifestations of the community's cultural identity, reflecting their shared values and customs.	Cultural identity	Cultural significance	Cultural identity and unity
16. These practices foster a sense of unity and belonging, reinforcing the cultural significance and cohesion within the Panay Bukidnon community.	Unity	Cultural significance	Cultural identity and unity

In the thematic analysis of the provided statements, several key findings emerged regarding the unwritten customary laws and settlement practices of the Panay Bukidnon community.

Understanding the unwritten laws and practices

The theme of understanding the unwritten laws and practices highlights the positive impact of the Panay Bukidnon community's practices on fostering peace, unity, and harmony among tribe members. The unwritten customary laws, mediation by the Magurangs, and the settlement procedures all contribute to creating a cohesive and harmonious social fabric within the community. These practices emphasize the importance of resolving conflicts and maintaining peaceful relationships, ultimately leading to the overall well-being and stability of the tribe. Verbatim answers of the respondents vary as follows:

The first respondents said that the unwritten customary laws and settlement practices *"give peace, unity and harmony among the tribe members. These laws and practices make them sleep better at night and survive together as a big family."*

Another respondent said that *"the unwritten customary laws act as a guiding force in fostering peaceful relationships and resolving conflicts among tribe members"*.

Chipped in by another respondent, *"The Magurangs play a crucial role in mediating disputes and ensuring fair and just settlements within the community."*

Added by another respondent that *“Traditional procedures and trials conducted by the Magurangs provide a structured and culturally relevant approach to resolving conflicts.”*

Preservation of rules and procedures

This theme emphasizes how the unwritten customary laws have remained unchanged and it symbolizes the community's commitment to upholding their traditions and values. This continuity not only preserves the cultural heritage but also reinforces the community's identity and provides a sense of stability and continuity across time. When the respondents were asked, they were in all in agreement of these statements spoken in verbatim:

“The unwritten customary laws have remained unchanged over generations, symbolizing the resilience and preservation of cultural heritage.”

“The enduring nature of these rules and procedures reflects the community's commitment to upholding their traditions and values.”

Passing down of Manug-husay's responsibility

This theme highlights the crucial role played by the Magurangs in mediating disputes and ensuring fair and just settlements within the community. The Magurangs act as trusted figures who possess the wisdom and knowledge necessary to resolve conflicts and maintain order. Their involvement in dispute settlement provides a structured and culturally relevant approach to resolving conflicts, contributing to the stability and well-being of the community. In verbatim, the respondents have spoken:

Both believed that *“the role of the Manug-husay is a generational responsibility, ensuring the continuity and transmission of knowledge regarding dispute resolution and settlement practices.”*

Two of them also agreed that *“the passing down of the Manug-husay's responsibility safeguards the preservation of cultural customs and values within the Panay Bukidnon community.”*

Settlement procedures for family grievances

This theme highlights the importance of laws and settlement procedures guided by the collective wisdom of the Magurangs in restoring harmony and relationships within the community. These procedures provide a structured mechanism for resolving family grievances, ensuring that conflicts are addressed in a systematic and culturally appropriate manner. By following these settlement procedures, the community promotes fairness, accountability, and the restoration of balance within families. Through their words, they have uttered:

“The unified decision-making process led by the Magurangs is instrumental in addressing and resolving deep-seated grievances among families.”

“Laws and settlement procedures, guided by the collective wisdom of the Magurangs, serve as a mechanism for restoring harmony and restoring relationships within the community.”

Settlement through payment of "bugay"

This theme emphasizes the practice of settling disputes through the payment of "bugay." Bugay represents a form of compensation that helps restore balance and harmony within the community. By providing a means of restitution, *bugay* serves as a mechanism for resolving conflicts and addressing the grievances of aggrieved parties. This practice not only addresses the material aspect of the dispute but also acknowledges the importance of restoring relationships and maintaining social order within the community.

The respondents have shared that:

“The practice of settling disputes through the payment of "bugay" provides a form of compensation that helps restore balance and harmony within the community.”

“The concept of "bugay" represents a culturally embedded mechanism for addressing conflicts and maintaining social order among families.”

Elders' role in dispute resolution

This theme focuses on the leadership role of the Mal-am or Magurang in the process of dispute resolution. Through their wisdom and experience, these elders ensure that feuds between families are settled in a fair and just manner. Their involvement brings a sense of authority and credibility to the resolution process, as they are respected figures within the community. By actively mediating disputes and providing guidance, the elders contribute to the maintenance of social harmony and the preservation of community values.

The respondents shared that, *"The role of the Mal-am or Magurang extends beyond dispute resolution and includes the enforcement of laws and the promotion of peaceful coexistence within the community."*

Also, they said that, *"Through their leadership and wisdom, the Mal-am or Magurang ensure that feuds between families are settled in a fair and just manner."*

Cultural identity and unity

Lastly, this theme highlights the significance of the regulations and settlement practices as tangible manifestations of the community's cultural identity. These practices reflect the shared values, customs, and traditions of the Panay Bukidnon community. By adhering to their unwritten customary laws and engaging in structured settlement procedures, the community reinforces a sense of unity and belonging. The preservation of their cultural heritage is intrinsically tied to the way conflicts are resolved, promoting a strong sense of cultural identity and cohesion.

One respondent said that *"The regulations and settlement practices serve as tangible manifestations of the community's cultural identity, reflecting their shared values and customs."*

They all agreed said that, *"These practices foster a sense of unity and belonging, reinforcing the cultural significance and cohesion within the Panay Bukidnon community."*

4. DISCUSSION

The Panay Bukidnon community in the Philippines has a unique system of dispute resolution and settlement practices that reflect their shared values, traditions, and customs. The community has a long-standing tradition of resolving conflicts through unwritten customary laws, guided by the collective wisdom of the Magurangs or elders.

One of the key benefits of these settlement practices is the social cohesion and harmony it fosters among the tribe members. The Magurangs play a crucial role in mediating disputes and ensuring fair and just settlements within the community, thereby promoting unity among the tribe members. The unified decision-making process led by the Magurangs is instrumental in addressing and resolving deep-seated grievances among families. Through their leadership and wisdom, the Magurangs ensure that feuds between families are settled in a fair and just manner.

The traditional procedures and trials conducted by the Magurangs provide a structured and culturally relevant approach to resolving conflicts. These practices serve as tangible manifestations of the community's cultural identity, reflecting their shared values and customs. The enduring nature of these rules and procedures symbolizes the resilience and preservation of cultural heritage.

The passing down of the Manug-husay's responsibility safeguards the preservation of cultural customs and values within the Panay Bukidnon community. The role of the Manug-husay is a generational responsibility, ensuring the continuity and transmission of knowledge regarding dispute resolution and settlement practices.

One of the unique aspects of the Panay Bukidnon community's settlement practices is the concept of "bugay." This practice involves the payment of compensation to the aggrieved family, serving as a mechanism for restoring balance and harmony within the community. The practice of settling disputes through the payment of "bugay" provides a form of compensation that helps restore harmony and restoring relationships within the community.

Overall, these settlement practices and laws serve as a mechanism for restoring harmony, maintaining social order, and promoting peaceful coexistence within the community. These practices foster a sense of unity and belonging, reinforcing the cultural significance and cohesion within the Panay Bukidnon community. The role of the Mal-am or Magurang extends beyond dispute resolution and includes the enforcement of laws and the promotion of peaceful coexistence within the community. Their leadership and guidance are essential in preserving the cultural heritage and values of the community.

In conclusion, the study of the Panay Bukidnon community's traditional practices reveals the profound impact these practices have on social cohesion and harmony. The themes discussed highlight the community's commitment to peace, unity, and conflict resolution. Through the unwritten customary laws, mediation by the Magurangs, intergenerational transmission of knowledge, and the preservation of cultural heritage, the community establishes a strong foundation for maintaining harmonious relationships. The collective wisdom of the elders, the mechanisms for resolving disputes, and the tangible manifestations of cultural identity all contribute to a sense of unity, belonging, and cultural pride within the community. The Panay Bukidnon community's traditional practices serve as a testament to the power of cultural heritage in fostering social cohesion and promoting harmonious coexistence among its members.

Based on the findings of the study, it is recommended that the Panay Bukidnon community continues to prioritize the preservation and promotion of their traditional practices. These practices play a vital role in fostering social cohesion, unity, and conflict resolution within the community. Efforts should be made to document and transmit the knowledge and skills of the Magurangs and Manug-husay to future generations, ensuring the continuity of their invaluable roles in dispute settlement and cultural preservation. Additionally, community members should be encouraged to actively engage in the unified decision-making process and uphold the unwritten customary laws to address deep-seated grievances and maintain harmonious relationships. By embracing and celebrating their cultural heritage, the Panay Bukidnon community can strengthen their sense of identity, unity, and overall well-being.

5. REFERENCES

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