

# THE EVOLUTION OF THE CONCEPT OF PROPERTY AND LAND OWNERSHIP AMONG THE *MANUVU*' OF CENTRAL MINDANAO

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## I. INTRODUCTION

The *Manuvu*' people were slash-and-burn agriculturists in the main when the author did field work for the first time among them in the summer of 1956. Many of them were also trappers, hunters, and fishermen and there were a few weavers among the women although their looms have since been tucked away dismantled. There were some small-scale traders among them. At the eastern footliners of the mountain range dividing Cotabato and Davao provinces, there were Chinese storekeepers and some Christian Filipino entrepreneurs. The largest trading and market center then was Calinan, a municipal district of Davao City, where manufactured goods, canned food, tools, salted fish, cloth and ready-made clothing were available. Calinan is about thirty kilometers from the poblacion of Davao City. The author did field study the Dallag plateau area and environs, then about 50 kilometers by winding foot trail from Tammuhan riverside where the jeep terminal ended. Work was continued in the summer months of 1960, same in 1963 and subsequent years until 1979, off and on, gathering all sorts of non-material and material data such as learning the language and culture, and note-taking.

### The *Manuvu*'s

The Dallag plateau area is situated on the divide splitting Davao City and Cotabato; it is at the east central part of the territory occupied by the *Manuvu*' people who in pre-World War II years were in possession of this vast territory occupying southeastern Bukidnon and Northeastern Cotabato and western Davao.<sup>1</sup> The geographical area is sandwiched

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<sup>1</sup>In Mindanao, the southernmost island of the Philippine archipelago.

between west of the Davao River in its middle course and east of the Pulangi', the main branch of the Cotabato River and south of Mount Sita or Simud and north of Mount Apo. Their neighbors are the Matigsalug to the northeast, the Bukidnon or Talaandig to the northwest, the Ilianon to the west, the Bilaan and Tahavawa' to the south and the Jangan or Attaw to the southeast.<sup>2</sup> The *Manuvu*' habitat in 1956 was mainly forested, grassland, and clearings or two-thirds virgin forest.

The *Manuvu*'s main staples were corn and sweet potato; rice was produced, but the grain was not enough to last them three months after harvest and they had to depend mainly on corn and sweet potato the rest of the year. They did not have a knowledge of the plow originally, though they could buy plows in Calinan. Carabaos and horses were used in their trading activities, in the raising of the bridewealth and in the payment of damages in the settlement of wrongs and delicts. These animals were introduced in the second half of the 19th century and became popular trade items in the 20th century. The *Manuvus*' were using barkcloth from time immemorial until the middle of the 19th century when weaving was introduced, and so also blacksmithing. Gongs also began to be used about this time. The bow and arrow, blowgun, shield, spear and short or long blades became their main arms of defense and offense. They had tree-houses or built a *kuta* under the house in times of feuding or little wars. Before the 20th century, the *Manuvu*'s settled their disputes mainly by retaliation; in other words, the rule that demands an "eye for an eye", a "tooth for a tooth". After trade goods were acquired, the law of retaliation or the spear was replaced slowly by the law of damages, though the old way was still practiced up to recent times.

What is significant to note is the progress of the *Manuvu*' towards a settled way of existence from perhaps an early stage of nomadic existence to semi-nomadic ways up and until the middle of the 19th century to permanent village life by the 20th century. While this is the general picture, families or kin groups still move about now and then from village to village. They used to totally shuttle the village population to two or three sites in rotation. The villages were governed by old men in the 19th century, later developing leaders or *bayanis* who became recognized in their respective areas of influence; the *datus* evolved in the 20th century, though they were

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<sup>2</sup>These are tribal Filipino groups found in various regions of Mindanao.

still addressed either by their personal names or by prefixing the term *datu*<sup>3</sup> before their names. It became characteristic of the village government to develop a multi-*datu* system, each village having two or three or more *datus* depending on the size of its population. Traders became effective *datus* because of the accumulation of wealth as their influence facilitated the settlement of disputes. The great part of *Manuvu'* people became consolidated into a tribal organization after the recent war when *Datu* Duyan succeeded in gaining recognition through his knowledge and experience gained during the prewar and occupation years, his benevolent policies, and connections with some government officials.

## II. ORIGIN OF THE CONCEPT OF PROPERTY AND ITS DEVELOPMENT

The earliest manifestation of the concept of property may be found in the language, for every language has a pronominal system. Every pronominal system in turn has terminologies indicating possession. For example, in *Manuvu'* language, *kaddi'* means 'my, mine', *kekaw* is 'your, yours', and *kandan* their, theirs'. Though language is a non-material manifestation of culture, the preceding possessive pronouns indicate both material things like *kaddin u'* (my head), *Ketan baoy* (our house), or may also indicate non-material referents like *kekaw na gona* (your sobriquet or your warname), *kandan bansa* (their honor). Since language goes to the very origin of culture, this linguistic evidence is of primal import in tracing the origin of the concept of property (material or non material) as something that can be possessed. The terminologies are also exclusive as these do not recognize any other possession by any other man or people except that one indicated by the possessive pronoun. In other words, the terminologies exclude other kinds of possessors. The element of actual possession may be inquired into. When person asks, "Whose is this?", he may be actually holding the article but he is not the owner. Thereafter the owner of the article can claim it proving ownership. Hence, it is clear that in *Manuvu'*, ownership is implied in the possessive pronouns. Even in non-material things, the same rule applies as when someone asks, "Who uses this gonna. An informed villager answers, "It was used by *Datu Nantik*". This answer identifies specifically the owner or ownership of the sobriquet or war-name.

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<sup>3</sup>Headman.

It also means exclusive use, because anyone who would attempt to use it would be laughed at and ridiculed, a sanction by every member of the society tries to avoid.

*Manuvu'* people were slash-and-burn agriculturists mainly (in 1956) and they still practiced food gathering activities which may be considered supplementary ways to the production of staples they relished (rice, corn, sweet potatoes, tubers, bananas, vegetables; and chicken). But antecedent to agriculture was food gathering. An aspect of this activity was foraging, that is gathering from the environment food supplies, like picking nuts and fruits with the bare hands, catching grubs, insects, and fish, and picking from the bush birds' eggs or young, and beehive hauling. The latter two activities appear very old and go back deep into the *Manuvu'* economic life. These two activities may be used to illustrate early concepts of property among the *Manuvu'*.

Three things come from birds: their eggs, their young, and the meat of the mature birds. The eggs and birdies are easily brought home when discovered in the grass or low trees; however, should the nest be up a tall tree, and a boy locates it, his first move is to show to the outside world the fact of his discovery by cleaning the tree's surrounding area or by cutting a branch and sticking it to the ground with the end pointing to the nest. This mark is *tuwos* in *'Manuvu'* language and it does not only indicate discovery but that the discoverer has a prior claim to the ownership of the eggs or birdies. The boy goes home and older people are fetched to bring down the eggs or birdies. During this short absence, any person who ignores the sign below the tree and brings down the birdies or eggs, is by custom law, guilty of theft.

It is very clear from this custom and practice that though the birds and animals of the forest are believed to have been created by the supreme god of the *Manuvu'* called Manama, and there is a deity of animals who takes care of them the moment a bird's nest is discovered, it belongs to the discoverer. From the time the tree is marked and the eggs or birdies are taken down, there is no actual possession, only potential possession; but even so, ownership attaches right away, for anyone other than the discoverer to take away the eggs or birdies is a thing and the wrong done has a sanction, the payment of damages.

It takes at least three men to take down a beehive. The moment discovery is made the same practice of clearing of the immediate surrounding area and the marking the spot with a twig pointing to the beehive is observed. The discoverer reports the find to his relatives or friends who help him bring down the beehive. During the time that the beehive is up the tree, no other persons are supposed to haul the beehive down, otherwise they become liable for theft as in this case:

Case 1 (Manuvu' Case Law No. 6, 2nd half of the 19th century)<sup>4</sup>:  
*"Panakaw" (theft) is committed when a marked beehive is hauled down; inferentially, ownership attaches to beehive the moment it is marked by the discoverer; and damages are demandable against persons who haul it down.*

Datu Basu: (Panggilan) of Dulis (formerly Kidapawan town) discovered a beehive in the forest of Dulis. He cut a small tree and stuck it at the base of the tree to which the hive was attached, breaking the sapling so that it pointed to the beehive. This is called *natuwossan*. Then he went home as he could not haul the beehive alone, to get companions.

In the following morning, with four others, he went back to the beehive, but found many people hauling the beehive.

*Datu Basu*: got angry and unsheathed his *kasidu'* blade. Bantak (Panggilan), who was with *Datu Basu*., intervened and said not to hurt anyone as he would settle the case. The following day *Bantak* went to see the man who hauled the beehive, *Ka:g (Mayuda')*, to settle with 5 large gongs. But *Ka:g* had fled or was not in the house. Then it was *Datu Basu*: himself who went to the house of *Ka:g* and informed him of the required settlement. That day *Ka:g* gave 5 gongs. Then *Bantak* had the two men come together to face each other; during this occasion *Ka:g* gave another gong to express his regrets.

Q. What kind of wrong did *Ka:g* commit when he hauled the beehive?

A. It is *panakaw* (theft).

Q. Could *Datu Basu*: Kill *Ka:g* at the time he was hauling the beehive?

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<sup>4</sup>Informant is *Balimba' Basu*: Dallag, October 7, 1967. See Manuel, *Mammu Case Law*, containing about 450 cases recorded and reconstructed from the lips and action, participants, witnesses and datus who settled the case and including actual cases witnessed by the author (1956-1979).

A. Yes.

Q. Who was *Bantak*?

A. He was also a datu and an older brother of *Basu*.

Q. When did this happen?

A. After the *uyun*, famine, Spanish times possibly as I was not yet born, the narrative being a *bilangan* (oral history) of my father.

Q. How many days from the day of discovery has the finder to haul the beehive?

A. If he has companions, he may do so that same day. If none, the following day, for it takes at least three people to haul a beehive down. But as the larva mature they fly away and the hive would not contain any honey. So the discoverer must haul it as soon as possible. Provided the *tuwos* is below the tree, no one is supposed to haul the beehive except the discoverer.

The right of ownership to the beehive lapses after the day following its discovery; this lapse of the right gives others the opportunity to haul down the beehive and get its honey, crust and larvae. It is the hauling down of the hive by its discoverer that perfects his right of ownership; in the meantime that two days have not lapsed he has an inchoate right to the beehive.

The beehive is smoked out of its bees, hence, a torch is necessary, which in turn needs a fire-maker. It is of course known that the making of fire was one the earliest discoveries of early man; and beehive hauling must be a very old method of food gathering. Every *Manuvu'* man before the introduction of matches, carried with him a *titikon*, a firemaker made of flint and a piece of iron, and tinder, all of which are kept dry in a waterproof basket container. The *titikon* is one of the most valuable possessions of the *Manuvu'* man and it is dearly prized. In the olden days the fire-maker could be of just two flints plus the indispensable tinder.

There is no doubt that one of the earliest occupations of primitive man was fishing. Fish could either be caught with the bare hands or with the use of traps and other kinds of devices. It is logical to suppose that traps

are later inventions. But there are many kinds of traps made and used by the *Manuvu'*: traps that are abandoned after their use in the fishing area, and traps that require many days to make and are brought home for ready use like the *buvu*. The bulky *daliang* is trellis-like and set below rapids, but it is abandoned after it has served the purpose of the fishermen. While it is in place, certainly it is the property of the fishermen, after which the bamboo frame is carried away by the water. Not so the *buvu* which may last for years, and hence, it is a more durable kind of property. It is made of bamboo strips and tubular in shape, set below the surface of the river, in fact weighted by stones in the riverbed where it is inspected every day. Besides the recognition of the ownership of the *buvu* trap, the fish caught in it is the fisherman's property. Theft could also be committed if an attempt is made of the catch in the *buvu* as shown in the following case.

Case No. 2 (*Manuvu'* Case Law No. 377, 1964):<sup>5</sup> *Taking the fish from the trap and removing the latter to another place is theft; two fishermen settle the case between themselves without bloodshed; a gong is offered by the thief and this was acceptable reparation.*

*Manggantian (mangal)*, a *Matidsaug* residing in *Sa:ysay* village, set his *buvu* fishing trap in the *Masawang* River sometime in August, 1964. He selected a deep portion of the river, covering the trap with leaves and twigs and weighting it down with stones. For two nights the trap remained undisturbed until *Makatubak (Sinya)* saw the trap, lifted it and took one *feel* and *payyat* fish which he put into his basket. Then he took the trap upstream, baited it and set it.

The following day, *Manggantian* examined his trap, but it was no longer there. He was curious and looked around for it. He went upstream. There in a *linaw* (clear pool of water) he saw a trap set. Then a man came and examined the trap, while *Manggantian* showed up. He asked the man, *Makatubak*, what he was doing. "I am emptying my trap," he said. "Where are you going?" asked *Makatubak* in turn. "I am looking for my stolen trap," *Manggantian* said. Then he said, "You are the one who lifted my catch and stole my trap." The other fisherman could not talk for sometime. Then he said, "So this is your trap!" Then he took the trap from *Makatubak's* hands, and said, "I have a gong in the house for you," *Manggantian* said, "From this time on if my trap gets stolen again, I will point to none other than you." The two fishermen separated and returned to their homes. In the following morning *Manggantian* went to *Makatubak's* house and got the gong.

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<sup>5</sup>Informant is *Addiyung Ansang*, native of *Sa:ysay* village recorded at *Tarantawan*, October 18, 1964. See Manuel, *supra* note 4.

A principle of *Manuvu* Law that can be derived from the above case is that anything that a man makes belongs to its maker. The recognition of *Manggantians* ownership of the trap by *Makatubak* resulted in the admission of the theft and the consequent payment of damages. The theft consisted in the taking of the catch, which is an end-product of the trap set in the riverbed; so a corollary is recognizable in *Manuvu* law that the by-product of any artifact belongs to the owner of the latter.

The *ba:tik* is the *balatik* trap known to other peoples of the Philippines, Christian and primitive (as the Negritos of Zambales), for catching wild hogs and deer. It is one of the oldest inventions of man for it is widespread in Southeast Asia. The trap is provided with a missile which is released when the animal touches a sensitive device. The trap is set on sides of mountains and around clearings. This is regarded as the property of its maker and so also any animal that it catches. Theft is also committed when anyone despoils the owner of the catch. But the *ba:tik* is also dangerous to human life, unlike other trapping devices. The owner can be held responsible for the harm done to humans and even to hunting dogs that may stray into the spot as demonstrated in the case below:

Case 3 (*Manuvu* Case Law No. 174, 1941):<sup>6</sup> Hunting dog killed by a trap: owner demands compensation, which is given right away plus the performance of a ritual so that hunter would be favored by the deity of wild animals once more; greater panavuk (damages) demandable if the presence of traps were not announced; religion and law.

*Datu Obo'* of *Allab* village had a maharuag hunting dog named *Tamina'* (a bith). *Alig* set 100 *ba:tik* traps from one end of *Dallag* (now a village, but at the time a forested area) to the other end. This was sometime in August, 1941. *Alig* came from *Basyaw* village. *Datu Obo'* was hunting and he followed a deer up to *Dallag*, where his hunting dog met an accident. The dog was killed by one of the missiles of the trap, never able to get away. *Datu Obo'* got mad. He sent his younger brother *Amben*, to *Alig* to inform him *Amben* and *Gabaw* who accompanied him told *Alig* what happened and the demand of *Obo'* for damages. *Alig* told the two that *Obo'* should not get mad as he was ready with 4 gongs (2 large, 2 small) and 10 *inavo*: cloth (Woven Abaca), 1 chicken and 1 *putaw* bolo. They brought these to *Allab* village. These were acceptable and ended case.

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<sup>6</sup>Informant is *Datu Alig Oyab*, April 4, 1966. See Manuel, *supra* note 4.



Q: Why the chicken and the *putaw*?

A. *id'ipu*: *Ku ki Obo'* (I performed an *ipu*: ritual over *Obo'*) so that he would succeed once more in catching wild animals. *Obo'* would use the chicken in performing a *pamaas* ritual and the *putaw* he would hang it on his *tamba*: (religious stand or altar since his dog had died, so that when he hunts once more he will be helped by *Timbaong*. This deity of wild animals will give him an animal when he hunts again.

It is most likely that containers such as bamboo tubes for drinking or containing water, for cooking the first caught and baskets were invented early. Bags or sacks were made after it was discovered that barkcloth can be made from certain trees. Bags or baskets are also necessary as containers for the fruits and nuts picked either from trees or on the ground. Such articles were not difficult to make especially after they learned weaving (in the case of the *Manuvu'*: a late happening during the 19th century).

The articles they made for defense or offense such as bows and arrows, spears, shields, blowguns, or sharpened bamboo sticks also became property. The bow and arrow and spear must always be ready for use, so the *Manuvu'* valued them; these armaments they brought along wherever they went in their nomadism and even when they had villages.

The pestle and mortar were evidences of agricultural life; but digging sticks and primitive spades continued into modern times. Some of these digging sticks or spades are made of the hard wood of certain plamtrees which they keep in the household and therefore are more valuable property; so also the clay pots they manufactured before iron pots became available in the markets or trading centers of Kidapawan and Calinan.

The charms and bandoliers they perfected were a special kind of property. Some of these charmstones were used by warriors and hence they were regarded as priceless possessions. The ornaments that the *Manuvu'* made are not many, such as combs, bracelets, leglets, ear-plugs, necklaces and so on were the earliest manifestations of their art. All of these are property, some of which are regarded as heirlooms (like the shell bracelet).

### III. LAND OWNERSHIP AMONG THE MANUVU'

In discussing the topic of land ownership, there are some general statements that must be made. In a state of nomadism, land ownership can develop only in the sense that agricultural peoples have concepts about land. Among scavengers, for example, among the Negritos of the Palanan area in Sabela, these people move from one spot to another as they clean up (though not completely) the food resources of the environment. They do not claim ownership over particular areas they have covered from year to year or from season to another. Some element of ownership is obviously lacking or wanting, and this is possession. Because of the hugeness of the area, a Negrito band, much less an extended family, can hardly lay claim to possession simply because such group cannot have control over it. The contrast between making an article and possessing it, like a bow and arrow, and making use of a vast tract of land is apparent. In other words, the control over the articles must be complete, that is, exclusive of any body else's control. This recalls the case of the theft of the fish caught in the fishtrap previously cited. Though from the moment the fishtrap was laid down the bottom of the riverbed, the owner of the same lost control of the same, the moment he was able to identify the fisherman who took the fish and moved the trap to another place, he had full control of the situation, for he could have killed the thief.

The following are some manifestations of *Manuvu*' ownership over land which are of primal character. In the nomadism of their ancestors, they moved about in circles occupying one place at a time then giving back to the old places to clear the area once more and plant whatever were useful to their existence (like rice, tubers, corn, vegetables, etc.). When the yield became minimal or poor, they moved to another old place again. Although this is not the type of true nomadism, for the fact that this type was the stage described in the 19th century, this is a key understanding the manifestations of ownership known to the *Manuvu*'.

I was also told that no other group was supposed to occupy the *Manuvu* old spots and places. Upon their return, should there be such other band or group, this was considered an intrusion. This means that other groups had no right to these old places, and if there was an intrusion little war could ensue if the outsiders did not evacuate. This is one of the descriptions that we have of manifestation of land ownership by a band or group (usually of relatives).

Some spots or areas were perhaps more favorable than others and these became permanent settlements or villages. Such settlements were made by pioneers and the names of many

*Manuvu'* villages now attest to the activities of their founders such as *Kiunapan*, *Kiva:ng Kitanlad*, *Kidapawan*, etc. For the purpose of establishing chronology, I think such villages are oldest in *Manuvu'* land. *Kiunapan* is on a high promontory than *Sa:ysay* village, but from all accounts, the former is older than the latter. The *Manuvu'*s like to build their houses on the slopes of hills or mountains because of tribal feuds from early times up to the recent war, a point that must be taken into consideration.

Because of feuding proclivities of the *Manuvu'* in their law system, there developed among them warriors, some with distinction to become *bahani* (a cognate of the Tagalog term *bayani*'). These warriors defended the band and latter, villages to which they were attached. They often had war-names very descriptive of each particular warrior, an example of non-material property as previously cited. In the bands, the leader was most likely the most respected old man whom they addressed as *apu'* (also present in Tagalog and other cultures). Such bands may develop *bahanis* also. In view of the fact that *Manuvu'* societies developed a matrilocal type of residence, a daughter who married added a man to the household or a couple of arms to the male population. In short, the husbands came from the outside communities or ethnic groups; they were total strangers to the band or village. The *apus* or old men were the ones who assigned plots or fields to till or areas to open while in residence which may be for the duration of the lives of their parents-in-law. So, as the settlements grew into villages, this was the pattern of land assignment for the reason that the settlement or village became owned by the band or inhabitants. In times when there was scarce population, there were no problems.

As villagers grew in population, inter-village relationship was unavoidable. Boundaries were established by either consensus or traditional practices. Usually the larger streams or brooks became the boundaries of neighboring villages, or a mountain ridge. Here there developed the concept of corporate ownership (though the *Manuvu'* language does not have any term resembling that phrase). According to datus and old inhabitants, inter-village law did not allow, for example, the

trespass over the village territory. If a citizen from another village ever attempted to cut rattan from the side of the other village, his bolo could be confiscated by any villager of the latter. A hunter who chased a deer across the stream-boundary incurred trespass, but if he had already disabled the animal which crossed the stream, and this animal was speared to death by another man in the other side, the carcass was divided equally between the two hunters. These are instances of primitive corporate ownership over land and natural resources.

The *Manuvu*' language has a term for village which is *ingod*, and *sangaingoddan* means the inhabitants that constitute the village living in a certain territory, with a certain kind of social or political organization. As the old men came to be called *datus* in the second half of the century, and as the villages grew in population, the village set-up developed an authority system that was characterized by a number of *datus* exercising authority over the village. We may call this the multi-datu system which functions up to recent times. It was now the *datus* who allotted lands to foreigners, those who came from other villages or ethnic groups either to seek lands or for purposes of marriage; and others who were fugitives from justice. This kind of village organization, however, is a recent development in *Manuvu*' history, though their neighbors must have attained it very much earlier.<sup>7</sup>

But there were other ways of acquiring exclusive ownership of a small portion of land by public declaration called *la:w*. This must have been an ancient practice for the Attaw and Matigsalug peoples practiced it too. There were villagers who made canals and built dams across the shallower streams to divert the water into a side hole to convert the same into some kind of fishpond. Such artificial body of water became exclusive to the builder to use, and this was done by open public declaration of ownership called *la:w* in the custom Law. When a member of the household gets drowned in a river, that portion could be declared by *la:w* private property for fishing purposes, though people can still take a bath or swim in that portion of the stream, but not to fish. If people did, a portion of the catch was taken as share of the person who declared the *la:w*. The basis of this practice is not fully clear. Also, the surrounding area around the grave of a beloved wife or child may be declared forbidden to tread over or pass by

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<sup>7</sup>For example, the Attan people to the Southeast in Davao City and the Ilanon to the west in Cotabato province.

should the grief-stricken husband or father make an open declaration. This la:w must have originated from such primitive practice.

As it is reasonable to suppose that drowning is rarer than deaths caused by disease, banning trespass over a grave or its immediate vicinity would be the beginning of la:w. From exclusive fishing rights over a portion of a stream to exclusive hunting rights over an area, la:w was used. For example, *Apu' Apaw* of *Basyaw* village proclaimed exclusive hunting rights over *Dallage* during the second half of the 19th century when that was yet a forested plateau.

It can be inferred that in their cyclic movement, e.g., from area A to B, then to C and back to A, each household or family was assigned, either by the old men and *datus* later, certain plots to own and put under cultivation. This will be shown momentarily. As these people are betel-chewers, they planted betelnut trees wherever they reside, besides rice, corn, sweet potatoes, vegetables, etc. The betelnut trees are pointed to as landmarks of land ownership, for these trees are pointed to as landmarks of land ownership, for these trees may grow up to fifty years. That individual family ownership is recognized is shown in the following case.

Case 4 (*Manuvu'* Case Law No 22, last years of the 19th century):<sup>8</sup> *Datu* takes a bund of bananas from an old field or *kamot* belonging to another villager during famine; in the custom law this act is theft, but apparently owner did not demand damages; instead he gave "tapuk ta langossa" because the thief's calf was pierced by a trap missile and blood had been spilled.

During this time *Datu Tivayon* and other *datus* and inhabitants were occupying *Kiunapan* village, having moved from *Sa:ysay* village as was their custom to lay follow their old fields in the latter place. Apparently *Datu Tivayon* had gone down to *Sa"ysay* searching for food and he came upon an old field (*lamma'*) with plants growing and bearing fruits belonging to *Sindw*. It was a period of hunger. Upon seeing a bunch of bananas he took it and was bringing it home not knowing that here was a *ba:tik* trap set inside the field. He came in contact with its leash and the missile shot at his right calf. But he was able to pull out the point

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<sup>8</sup>Informant is *Linpam Sumulong* who heard the facts of the case from his father, then a small boy when the said events happened and people were not yet aware of the Americans. Recorded January 13, 1966. See Manuel, *supra* note 4.

and he continued to carry the bunch of bananas home. He did not get mad because it was his fault securing the bunch which was not his.

*Sindw* was informed, but he did not demand for damages; instead he provided one gong as *tápuk tà langossa'* because blood had been spilled. The other datu were then *Apu' Bilaan*, *Apu' Andu:g* and *Datu Mampinayag*. It was then a period of *uyun* (famine), *timpud gutas* (period of hunger).

Through contacts with the more advanced neighbors like the *Attaw* to the southeast, trading relationships, and inter-marriage, the *Manuvu'* learned weaving. The *Attaw* women were fine weavers of abaca cloth. To dye the abaca fiber, they planted dye trees like the *kinarom* and so on. This planting of dye-yielding trees also became introduced in *Manuvu'* villages and so in addition to betel-nut trees as symbols of ownership over the land, the *kinarom* and other dye trees were also pointed to as marks of ownership.

Unfortunately, these landmarks of land ownership - the betel-nut trees and dye-yielding trees, were cut down by incoming land-seekers after the opening up of central Mindanao to all sorts of adventurers, settlers, and capitalists.<sup>9</sup> However, there are some *Manuvu'* who would point to the graves of their ancestors as evidence of land ownership, the landgrabbers not even aware of their existence.

#### IV. CLASSIFICATION OF MANUVU' PROPERTY AND OBSERVATIONS

Under this section we will consider what things are regarded as property by the *Manuvu* and their classification according to the terminology used in their language.

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<sup>9</sup>After World War II, the southern Philippine islands of Mindanao was known as the land of promise and settlers from the Luzon and Visayas region of the Philippines, almost all of them Christians, moved to Mindanao.

1. Everything that a *Manuvu'* gathers or catches from the ground, grass, plants, trees, water, and so on is property. These things include fruits, nuts, snails, fish, eggs and birdies and so on, gathered with the bare hands or with digging sticks as certain tubers are dug. These constitute a great deal of his food for the day or week and therefore do not last long; yet these are subject to theft, so they are regarded as property.

2. Everything that he catches with devices such as traps, hunting gears such as by using bow and arrow, spear, blowgun, *etc.* is property. These include birds, lizards, snakes, deer, wild hog, monkey, fish, and other living animals. The catch in the trap is sometimes stolen and becomes the subject of litigation, hence regarded as property.

3. Anything that he makes or manufactures - pots, bamboo utensils, spears, and combs, his armaments, public shield and ornaments, clothing from barkcloth to woven cloth, charmstones, baskets, bags, *etc.*

4. Anything that he plants and produces is his own or belongs to his family, such as rice, corn, tubers, sweet potato, vegetables, betelnut trees, bananas, and others.

5. Animal that he raises, though this is limited to the dog, cat, and chicken. The puppies and kittens soon get partitioned among relatives or friends, but the chickens are sources of food and used in the rituals.

6. Portions of a stream may be owned by *la:w* and this property can be passed on to heirs; so also exclusive hunting rights may be so declared and such declaration is recognized by other villages.

7. Land can also be owned by occupancy in pioneer areas or by assignment by the old men of the band or village, and by *datus* later. Once occupied or assigned, such piece of land is marked by planting betelnut trees, coconut sometimes; later with dye-yielding trees.

8. Anything that is received as gift is property. A husband wishing to take a second wife is likely to court his first wife with gifts to obtain her permission. When people want favors, they give gifts. Irritation, injured feelings, are placated with gifts.

9. Anything acquired by exchange or barter is property. Exchange of food supplies from one family to another, from a member of a village to any other member in another village, are frequent. Two small gongs can bring in a *detdet* skirt of abaca, two horses, a carabao, etc. The upland *Manuvu'* used to bring their venison to Tammuhan (a river which used to be the meeting place of traders during the last quarter of the 19th century and before the recent war) to exchange with abaca cloth, gongs, and so on. So also mats and baskets were exchanged with salt, beads, canned goods, needles and threads.

10. Articles and animals acquired by trading were valuable property. There were *datus* who practiced trading, going to towns or villages where carabaos and horses were available for exchange with gongs, which in turn were obtained from far places. This is the process by which the *Manuvu'* people were influenced in their law system. The earlier law of the spear or retaliation, especially during the first 20th century, gave way gradually to the law of damages. The explanation is not hard to seek: the needed goods, articles, and animals were used to pay for damages decided by the *datus*. These also formed the bulk of the *panamung* or bridewealth which became very costly during the American period (of course there were other considerations, such as the *Manuvu'* learning to plant abaca for cash).

11. Seizure of property is recognized in the custom law, though the gain is usually small. For example, a person who took a chicken from a neighbor with the promise to return it with an abaca skirt could not comply with his promise. After several attempts to collect, there was no skirt; so the fowl owner took an iron pot from the fireplace and brought it home. There was no complaint, for *da:mpas* is recognized in the *Manuvu'* law system, provided the article taken is more or less of equivalent value.

12. More serious is *dakop* (the equivalent of Tagalog *dakip*), where for indebtedness a person in the household may be seized for failure to live up to a contract. Sometimes the person so seized is made to work; but the intention is to hasten payment.

13. Persons captured in "little wars" or seized during raids became property, for the *Manuvu'* practiced slavery. Slaves were made to work, the good ones became husbands or wives, but the ugly ones were sacrificed in their ceremonies.



14. Anything that a person acquires for services done is property. The midwife, medicine man, the go-between, and datus receive fees in kind for services rendered. In recent times, many datus considered it a matter of public service when they settled trouble cases and so they did not collect fees.

15. Damages are sources of wealth. As the *Manuvu'* acquired goods, articles, animals from other places and minority peoples by exchange or trading, they preferred to receive damages for wrongs done to them, rather than vengeance or retaliation. These damages were partitioned among the members of the kin group of the aggrieved party. Another practical reason was the fact that retaliation also disturbed the peace and order in the community; the people kept to their homes being unable to work in the fields.

16. There are also properties which are acquired in special ways, such as the perfection of charmstones, the attainment of the rank of *bahani'* in order to enable the warrior to wear a special kind of headdress. These properties, however, cannot be sold nor the headdress worn by other warriors.

17. Properties acquired by inheritance involve all kinds of properties - lands, animals, good, articles (gongs, porcelian, costumes, ornaments, blades, etc.). The *Manuvu'* house does not last long and hence is seldom the subject of inheritance.

From the world view of the *Manuvu'* let us now inquire into the groupings that the above modes of acquisition of property have brought about. In the first place, we have not found a *Manuvu'* term of property. The language, however, has terms for certain kinds of property, but no general term for property. These terms are *laag na pinamua'* (wild or uncultivated plants, including trees), *laag na mannanap* (wild animals), *lavuta'* (land), *baoy* (house), *pinamua'* (cultivated plants), *mannanap* (domesticated animals), *butang* (all sorts of household articles), *tamuk* (trade goods), and *pusaka'* (that portion of the inheritance given to the first son or chosen son who inherits the greater bulk of the properties).

From the preceding discussion, we can say that the origin of the concept of property appears to come from the general belief that everything

in nature belongs to *Manama*, the *Manuvu*' supreme god. *Manama* created diwatas and other dieties who were assigned to keep watch over his creations, the land, mountains, streams, the plants, the animals, marriage and married life, warfare, commission of incest, and so on. So when the *Manuvu*' hunts, he prays to *Timbaong* to give him good luck (so that he could bag down a wild hog, or deer). When the wife has difficulties giving birth, prayers or rituals are made to the goddess *Kairang* and so on. But these creations were made for the benefit of man: he can gather the fruits and nuts of the forest, fish and hunt, occupy the land and plant and build a house, and so on. Of the plants in nature he can make baskets, bags, dwellings, body covering, arms, and so on. The things that he catches, makes, builds, *etc.* belong to him. What all these mean is that while the fish and wild animals remain in their habitat, they belong to god and his caretakers; but the moment they are caught, they belong to man. So the various classes mentioned previously.

Of the things that the *Manuvu*' make, the most intriguing is *impon* because this term refers to articles that are worn on the body such as clothing, headdress, jewelry and ornaments, and such armaments as the bolo and the long blade called *palihuma*'. There is some debate, however, on whether *impon* includes also bow and arrow, spear and shield, for these are carried along whenever the family is on the move, the man usually handling them. But the matter of interest is the fact that the articles referred to are those of light material which are easily carried on the body. This fact can be used to describe the kind of life the *Manuvu*' were leading in earlier times because of their nomadism or semi-nomadism.

On the other hand the term *butang* includes household articles such as kitchenware, mortar and pestle, water tubes, domesticated animals, *etc.* - things which could not be carried along while moving, though dogs and cats can follow. These are rather evidences of some kind of permanency of residence in a place. In other words, the term indicates a settled way of existence, the family now living in a house and with other people in settlements.

The next term which is significant in tracing the development of the concept of property is *tamuk*. The *Manuvu*' were never traders in an early stage of their cultural development; it was only during the 19th century that the *Manuvu*' living in marginal areas close to more advanced peoples started to exchange articles, fish and venison with trade goods. Hence, the term

*tamuk*, which includes such items as abaca cloth, jewelry such as the *kamai'*, gongs animals such as the horse and carabao, and others.

So these three terms - *inpon*, *butang*, and *tamuk* - are development markers in the evolution of the concept of property among the *Manuvu'*, which delineate their cultural history. This statement, however, which delineate their cultural history. This statement, however, refers only to man-made articles. There was individual ownership of things from early stages up to recent times, for even in the family there was separation of property between husband and wife. At marriage the bridewealth was distributed among her parents and closer relatives; and whatever she acquired during marriage she usually passed it on to her parents. The wealth, however, that the father accumulated during his life was either divided equally amongst his children and wife, or the bulk was endowed to his first born son (this is the *pusaka'*).

With regard to land, the pervading concept is divine ownership, this proceeding to kin group ownership when bands roamed the country side. When permanent settlements or villages became the pattern, corporate ownership became the rule, and from ther individual or family ownership. It must be stated here, however, that the development stages are not sharply drawn.