

# MANUVU' BATASAN RELATED TO THINGS AND PROPERTY

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## I. INTRODUCTION<sup>1</sup>

The Manuvu' people have for their homeland a wide stretch of contiguous territory located in southeastern Bukidnon province, northeastern Cotabato del Norte and western Davao City in Central Mindanao. Their aboriginal lands before World War II were located west of the Davao River and east of the Pulangi River which is the northern branch of the Cotabato River. They number about 30,000 people.

They are mainly swidden (kaingin) agriculturists, not having any knowledge of irrigation nor terracing, producing much of their food by dry cultivation, but supplementing this by food-gathering, fishing, trapping and hunting activities. Most of them are multi-occupational practitioners, though there are specialists (mainly potters who have disappeared after the recent war, blacksmiths, weavers, and shamans). Sharing and exchanging of goods in a small scale were the traditional customs, these resulting in the acquisition of much needed articles (salt, sugar, cloth, beads, ornaments) upon contact with the neighboring peoples; but trading brought to their communities many commodities of greater value (mainly *palihuma'* blades, gongs, and jewelry) and animals (mainly the carabao and horse) unknown to their culture and ways of living.

The Manuvu' have for their neighbors the Talaandig of Bukidnon province, the Matigsalug of the middle Davao River area, the Attaw or Jangan of the midland area (in and around Calinan district where they were still dominant before the recent war) now within the jurisdiction of Davao City, and the Tahavawa' and Bilaan in the south and southeast

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<sup>1</sup> This part of the paper is condensed from the introductory chapter of MANUVU' CUSTOM LAW, a larger work undertaken under the sponsorship of the University of the Philippines Law Center, Quezon City, and the bulk from one of the chapters of the same study. For a fuller discussion of Manuvu' culture, see the following writings by the same author: MANUVU' SOCIAL ORGANIZATION (Community Development Research Council, U.P., Quezon City, 1973); *Upland Bagobo (Manuvu')*, in 2 F.M. LEBAR (ED.), *ETHNIC GROUPS OF INSULAR SOUTHEAST ASIA; PHILIPPINES AND FORMOSA* 47-50; (Human Relations Area Files, New Haven, 1975) and *TUWAANG ATTENDS A WEDDING* (Ateneo de Manila Univ. Press, Quezon City, 1975).

In the spelling of Manuvu' words, the following symbols are used: the apostrophe '/' after a vowel stands for the glottal catch and the colon ':/' also after a vowel, for vowel lengthening.

before World War II (especially the former with whom the Manuvu' had trading relations), and the Ilianon along the Pulangi River basin where they had also bartering dealings with the Muslim traders who went up the Pulangi River. The Manuvu' have been in contact with these peoples perhaps for hundreds of years; though warring and feuding activities have reduced such relations until intermarriages became more common before the recent war. However, the hinterland of this homeland has been penetrated only by Christians after World II when logging companies, ranchers, planters and other intrepid pioneers opened up the heart of Mindanao.

In this homeland several dialects are spoken among which are the Puangion, Kuamanon and Tinananon, all of which names being taken from the rivers along which their speakers live; and the Tahaurog, spoken by a small group west of the midstream of the Davao River. Manuvu' is close linguistically to Matigsalug so that in a year of face-to-face contact monolinguals might be able to communicate effectively. However, a Manuvu' monolingual will have difficulties with Attaw or Tahavawa' monolinguals in the same period of time; so also with Ilianon speakers who have had no dealings with them and vice versa.

The political organization has developed into the village level, each village being independent of the other. Tribal organization was attained only after the Japanese occupation, when Datu Duyan became recognized as a tribal chieftain. The aboriginal system was characterized by a multiple-datu system; however, no one of the several datos in a village exercised superior authority over and above the others. There were other minor officials in the village, one of whom, the *bahani*, exercised functions of avenging misdeeds and righting wrongs. I have called this political organization, the village state<sup>2</sup> and the villagers, villagens. Though the village state had a simple complement of officials, it exercised authority over a definite territory and there were traditional practices governing inter-village and inter-ethnic relations which reflect some of the concepts and practices of modern international law, e.g., arbitration and third party settlement of disputes.

Manuvu' religion is animistic and polytheistic; though there is a concept of a supreme god called Manama, this supernatural being is not the all-powerfull one obtaining in Christian religion. The pantheon recognizes lesser gods and goddesses, most of whom appear to function in pairs as husband and wife. Concepts of an upper and lower world are well defined and are strong; the earthworld in which man lives is also peopled by lesser deities and spirits. It is these earthly spirits with whom man has direct dealings. However, there are shamans who seek relationship with the

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<sup>2</sup> See MANUEL, *op. cit.*

upperworld gods and goddesses who are believed to have the power to endow them with supernatural power.

Some aspects of the oral literature of the Manuvu' people, who are non-literate, have been the subject of studies by the author: there is a slender collection of folktales (1961), and riddles (1962), and two songs of the Tuwaang epic cycle (1975) have been published. A modest volume on religion and mythology is also in the offing.

## II. PRODUCTION OF THINGS AND ACQUISITION OF PROPERTY

The term *batasan* as used and practiced by the Manuvu' subsumes three basic concepts denoted by the English terms habit, custom, and law. In Manuvu' no distinction is made between these concepts. This is so, in my opinion, for the reason that the individual is supposed to be a carrier of the traditions and any deviation therefrom which is equivalent to bad habit is not tolerated. Bad habits are therefore supposed to be given up by the individual and only the generally accepted behavior must prevail. Personal habits which deviate from the general norms are immediately checked and criticized, and sanctions are applied either by the parents, of other elders of the kin group.<sup>3</sup> Right at the family and kin group level, therefore, bad habits are not likely to prosper. Hence, the general customs are upheld. When these customs are violated by individual persons they (members of the kin group or of the village) may also be held answerable by village authorities. This is the explanation for the concept of group responsibility for wrongs done by any member of the kin group.

In this article we shall take up the Manuvu' *batasan* related to things and property, especially the Manuvu' concept of property, its production and acquisition, use, loss, and the rights and obligations related to these aspects of ownership. We need not define the concept right away, for the Manuvu' have no equivalent term for property as understood in modern western law, though they have ideas about ownership and they have terms to designate certain classes of property. *Kamunay* carries the meaning of "own", "owner". When a person says *Styak ka kamunay*, this can be translated "I am the owner"; and when he say *Sikandin ka kamunay*, he means "He/she is the owner". But to translate "That is his property" is not easy of accomplishment; the closest rendition of that statement would be like *Kandin impon ika*, which refers to article that can be worn on the body, but not to land or house. In other words, we have the problem here of specification versus general classification. Terminologies in English and Manuvu' cultures do not always coincide nor do their referents correspond, a problem frequently met when cultures are studied through

<sup>3</sup> See Case 18, *Ibid.*, p. 135.

another language. So I propose to go around the concept of property by determining how the Manuvu' acquire property, how they classify and use it, the practices related therewith which have sanctions, the rights and obligation arising from such traditional behavior; and how particular properties are lost and the corresponding extinction of ownership and its consequences.

1. *Anything given a person*, if he receives it and keeps it, becomes his property. A father or an uncle may make a spinning top and give it to his son or nephew, a mother may weave a small pouch for her little daughter as a plaything and such articles become his or her own until it is broken, destroyed, thrown away, or lost. Pieces of abaca or cotton cloth may also be given to any kinsman, ornaments (comb, bracelet, anklet, etc.) may be given away for nothing under the urge or amenities of kinship obligation, pity, memory, love, and such articles become property.

Sometime in May 1956, during my first trip to Manuvuland, an uncle made a spinning top for his nephew. After a few days the boy got tired of it and threw it into the grass. Later another boy came across it and picked it up. When the first boy saw the second playing with it, he claimed it but the second boy would not give it to him. The first boy cried and rolled on the ground until his uncle saw him, and after inquiring, told him that he had no right to the top, having thrown it away. The uncle calmed him by making another top for him.

The range of things that can be given is wide and may include animals and lands. A piece of land can be given by the datu to a man in matrilocal residence if he showed he merited it because of his behavior that meets with the favor of his affianced, and this can become the property of the family to clear and use.<sup>4</sup> There are, however, certain things that cannot just be given away as will be shown later.

Slaves could also be given away like chattel, as part of the exchanges between bride's and groom's kinsmen;<sup>5</sup> and as part of the damages.<sup>6</sup>

2. *Anything that a person makes* becomes his property if he keeps it. The larger boys can now make their toys, and unless they part with them

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<sup>4</sup> The land does not strictly belong to a son-in-law for whose good behavior it is given, but rather to the father-in-law who is the head of the household. A more detailed discussion of matrilocal residence rules is found in Chapter 2 of the book.

<sup>5</sup> Case 235 (1951).

<sup>6</sup> Case 139 (1937); Case 155, (1939). More than 400 cases have been reconstructed or recorded from information received from parties or participants, witnesses, or datos who settled them, and in several instances from their relatives who remembered them as told by their ancestors, aside from cases observed actually by the author from 1965 to 1975. The opinions of datos and knowledgeable informants also formed part of the sources of this study.

they belong to them. The fishing gears that a man makes, the hunting traps and the tools that he can manufacture (digging sticks, mortar and pestle, blowgun, bow and arrow, shield, etc.) become his property until he abandons or gives them away with or without consideration. So also the house that he builds, often with the help of neighbors, the fishpond that he constructs, the cloth that women weave, the baskets, etc., become owned by their makers. Even the charmstones or bandoliers that he perfects, the hunting nets and various devices he traditionally makes become solely his own until he parts with them or in some other way become lawfully the property of another person.

There is a prevalent belief among the older people that the maker of a basket, or tool, or anything else infuses his *gaynawa* (life-spirit) into it, so that unwholesome nor nasty remarks made about it becomes an offense against its owner and so damages become immediately demandable. This point will be discussed in another section.

3. *Anything that he plants and produces* is his own. The Manuvu' are shifting agriculturists and their food needs are supplied by arduous work: making a clearing called *kamot* and all the accompanying work that it entails to make it productive put limitations on their agricultural activities. Rice, corn, and sweet potato and other tubers are chief staples; and bananas and other fruits and vegetables from the yard are supplementary sources of food. All these may not last long after harvest time for the yield is small; the corn may be left standing in the field or stacked and dried, or the grain shelled from the ear and kept in containers; before mealtime such quantity as may be needed is ground and made into corn-rice. The sweet potato is left undug in the ground so that each day may add more flesh to it, then dug as needs demand. The field may be fenced partly or provided with traps to protect the plants from wild animals, though such protective devices subject the landowner to damages if a hunting dog strays into it and gets killed<sup>7</sup> for example. Protective charms are also made and hung on fruitbearing trees so the fruits could not be stolen.

However, it is also a general practice to share whatever one farmer has produced, whether this be in the field or already gathered and stored in the house, with his neighbor, co-villager, or relatives. Since the young corn cannot be eaten all at once, he might just as well allow his neighbors to have what they need so that when the corn in the other field is ready for boiling, he could have a continuous supply of fresh corn. When a

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<sup>7</sup> Case 83 (1925).

person refuses to share his produce, he is considered a selfish person who violates the *batasan* and as sanction, his neighbors are likely to refuse him the same privilege afterwards. After the recent war, however, farmers whose fields are close to the roads have learned to sell their corn and get cash for it.

4. *Everything that he gathers or appropriates are his*, provided these things have not been previously marked. In the olden days when the interior people did not have access to petroleum from the coastal or mid-land stores, they used turpentine or resin for lighting purposes in the house and when traveling at night; the resinous substances are wrapped in fresh leaves or sheaths of palm trees. Once gathered, the resin or turpentine becomes owned, but not the trees from which it is taken. These trees are owned by deities or spirits of the mountains and forest and any man can gather from them; they are common sources of raw supplies. So also timber so long as it is not cut down is owned by no one; cutting it down starts the right of ownership and no other person is supposed to hew it and haul it down to his yard. So also with flour-yielding palm trees, like *basag*, unless they are cut down they stay unowned. However, such palm trees can be marked; in such a case, the discoverer must cut the tree within a few days (five days according to some informants). There are also certain palm trees that have hard wood used for flooring purposes and making handles of spears and dribbling sticks. Unless cut down, they are owned by the deities, some of whom are easily displeased. So also the fruits and nuts of trees, they become owned only when duly gathered, when in the basket or sack of the gatherer. No one can prevent anyone from picking from the same tree even if there is already another man up the tree, unless the surrounding area around the trunk is cleared to indicate ownership. But even so the rights of picking from that tree lapses after the fruiting season is over; ownership therefore attaches only to such particular trees so cleared for the duration of the season. The rattan that grows wild in the forest is not owned by any person; unless cut down, it does not become owned; but the delicious fruits can be reserved by clearing the surrounding area around the grove to show a prior claim over the growth. Housing materials from desired trees cannot be so marked to reserve them for future use; it is the tree cutter who fells the tree who owns it.

There is a modification of the general rule that unplanted trees are not owned. As feuding and warlike activities have greatly been reduced to occasional happenings, especially after World War II, isolated houses could be erected in non-traditional manner. Some such dwelling might be close to a stand of wild lanzon trees and, by proximity claim right of

ownership over such trees by preventing others from picking fruits from them. This is perhaps a development from the practice of law declaration.<sup>8</sup>

The Manuvu' derive their sugar from sugarcane planted in small groves near the house and the beehives which abound in their forested environment. They munch the sugarcane or crush them in primitive mills moved by their buttocks; while honey is the main source and a delicacy. In the instance of the beehive, the right to haul it down can be reserved by its discoverer by marking the spot with a twig or branch planted in the ground pointing to the hive; the mark called *tuvos* symbolizes to the outside world that the beehive is owned. Ownership attaches at once the moment the symbol is made; anyone who hauls it thereafter commits theft,<sup>9</sup> in which instance the man who hauled it down after the marking was made, was subject to the payment of damages. The beehive (consisting of the honey, larvae, crust, etc.) is divided equally among the haulers.

Discovering the nest of certain birds gives rise to ownership; such is the *batasan* with two hornbill species, the *kayamottan* and the *kalyawa'*, which are medium-sized birds which build their nest inside tree trunks. Ownership is indicated by clearing the area around the tree. Since the birds, always a couple, are large and tender to eat, they are much desired and valued. Other live nests of small birds are not so marked. Theft can be committed and damages demanded upon violation of the initial right of ownership.

5. *Anything that a Manuvu' catches*, with or without devices, is subject to personal ownership. Fishing with bare hands is sometimes done by catching the fish under the stones; the normal way, however, is by using traps. Any animal caught by his traps, fishing gears, hunting nets belong to him; anything he kills by spearing or the use of the bow and arrow are his own. He also makes use of the blowgun at times for shooting birds and he puts lime on tree branches to catch them.

Hunting with a dog is very common among the Manuvu'. They give names to these trained dogs which are highly prized. The hunting rules are strictly adhered to according to Datu Libi Mudin<sup>10</sup> who explained the *batasan* and the *pamalii* (beliefs) as follows:

- a. The first hog caught by a hunting dog is divided and parts distributed to neighbors. This pig is called *uhqb*.

<sup>8</sup> This is a pronouncement by a person prohibiting the use of a part of a stream in which a relation has lost his life, or passage over a piece of land in which his wife or beloved daughter is buried; it may also be an announcement declaring the exclusive use of property.

<sup>9</sup> Case 6 (2nd half of the 19th century).

<sup>10</sup> Interview, September 27, 1964.

- b. The second pig caught in the next trip, called *paabbas*, may still be divided and portions given to neighbors.
- c. On the third trip, the third hog called *impus*, should only be eaten by the members of the family of the hunter or his household to which hunter belongs. Meat may be given to nearby neighbors provided the hunter does not cross a stream however small. If this custom is violated, the hunting dog, though a *maharuag* (first rate hound), will not go after any hog thereafter.
- d. The fourth hog caught in the next trip and in subsequent trips may be distributed without deterring beliefs.
- e. If four animals were caught at once, it is only the third pig that is not distributed. If the third pig is small, this is usually eaten in the hunting ground.
- f. The practices and beliefs apply to monkeys, lizards, and deer caught but only if hunting dogs are used.
- g. The hunter is not supposed to spear the first pig or animal that comes along his way, for it is the belief that the dog would not then be able to catch anymore animal and the dog would be called *nasa:k*.

Before the recent war a hunting dog would cost one horse, one *soneng* (a man's carrying bag which had a value of 50 pesos), one *sa:koy* (a man's headdress worth 50 pesos). When asked which of the above rules were *pamalii* and which were *batasan*, Datu Libi Mudin answered: "The whole came from our ancestors and this is the *batasan*, and the *pamalii* is the prohibition to distribute the meat of the third animal caught." So we have direct information here that beliefs also form part of custom law.

There are other beliefs and practices, such as offering a short prayer to Timbaong and Manunggud, deities of animals, and to Tahamaling, another deity of the forest, to be granted the luck of a catch. The hunters offer a betel chew which is deposited in a fork of a tree, or convenient part of the root of the balite tree, or some crevice in a rock or crag. When they depart for home, an ear of one of the animals is sliced and deposited in the same manner to show their appreciation. All these belong to the universe of the *batasan*, though the sanctions emanate from a religious nature.

Quite a number of bird hunters can simulate the cries of birds, or if they are not so adept at imitation, they make use of the *ngulngulan* or *ngunguan* which when blown produces a sound similar to the song of the *limukon* bird; a delicacy much prized for its meat, as a decoy and in augury. A few of them have acquired shotguns and have used them for shooting monkeys and other animals they like to eat. All these animals are eaten and so do not last long as property except the *limukon* bird when used



as a decoy. Taking them without the permission of the owner of the trap means theft and sometimes the thief is subject to spearing if caught or damages if proven guilty as substantiated in the jurisprudence. In Case 37 (*ca.* 1910) three gongs were imposed for stealing fish from a fish trap owned by another. Very interesting from the point of view of judicial process is Case 157 (1939) in which two animals out of five caught by traps were stolen; but the thieves were tracked down because of the blood dripping on the way, and so there was voluntary payment of damages in the amount of two large gongs without the intervention of a third party or village authority. Similar cases have been recorded: see Case 365 (1963), and Case 377 (1964). All these cases demonstrate violations of ownership of animals trapped by artifices, and ownership, however transient, is recognized and has sanctions.

6. *Anything that can be acquired by exchange* is subject to ownership. Exchange is the most common means of acquiring goods, from bananas to animals. With articles of small value, these could be had for the asking, by visiting the owner in his house or meeting a co-villager on the footpath who may be carrying a load of edible items. But if a neighbor takes a bunch of bananas or fermented rice called *tinapoy* to the house, she expects an exchange for it (usually an article much higher in value than the article being carried to the door, *e.g.*, five *tinongngos* of *tinapoy* may bring out from the clothes-basket a *deidet*, lower garment for women made of abaca, though already used for sometime). This custom is called *atad*, that is, taking something to the door of another in expectation of another article. Before a woman does this, however, she has already been eyeing an article for sometime.

Before the introduction of money in the upland area, barter was the only means of acquiring goods that the person or family needed. I have made a table of the exchange values of animals and articles in *Manuvu' Social Organization* (1974:324-325) and the data need not be reproduced here. Such activity was practiced among the Manuvu' in the hinterland before the recent war; but when a hunter smoked the meat and brought it to the foothills to obtain his needed commodities and tools, it is called *abpandanhang*. Informant Aragon Agaw, son of Datu Agaw Uguk of Basyaw, recalled to the writer the following exchange values before World War II:

- 1 leg of a wild hog or deer could acquire 1 *umpak* (a piece of cloth enough for the upper garment of women)
- 2 hind legs = 1 piece of *inavo*: cloth (of abaca)
- 2 legs = 1 *puruk* (working bolo) and 1 *sangngi'* (one small knife)
- 2 forelegs = 1 *ka:sidu'* (another type of working bolo)

- 1 foreleg = 2 *barung* bolos and 1 *kallu'* knife
- 1 hind leg = 2 t-shirts of cotton
- 2 hind legs = 1 red headdress (beaded)
- 1 whole animal = 1 *palihuma'* (a very long blade with garnishments)

Small articles of value were given away by the Bisayan storekeepers such as little sugar, iron pots, and porcelain plates.<sup>11</sup> These articles were not only useful in their daily life activities, but were also used in the payment of reparations or wergild so characteristic of their law.

Here is an *ituan*, traditional or historical narrative, furnished by Linguang, son of Datu Andalis of Sa:ysay village, transmitted by Datu Tivayon (his grandfather) from his father, Datu Tundunan, who was a great slave trader, to show the exchange values of slaves about the middle of the 19th century:

- 2 slaves = 1 horse
- 3 slaves = 1 arge carabao which the Matigsalag killed for food
- 1 slave = 1 headdress
- 1 slave = 1 old spear
- 1 slave = 5 pieces of woven abaca cloth
- 1 slave = 1 Singapore gong

The slaves were used as workers in the field by the Manuvu', in hunting and fishing, as wives, and for paying certain rights and privileges (Case 4).

After the recent war, slavery continued to be practiced by the datos and traders. From 1945 to 1948,<sup>12</sup> the exchange values were:

- 1 girl slave, about 8 years old = 30 pieces of native cloth, textiles, and 2 horses
- 1 boy, 9 years old = 25 pieces of cloth, trousers, 1 spear, 1 *palihuma'* blade, and 2 horses
- 1 boy, 7 years old = 25 pieces of cloth and 2 horses
- 1 girl, 10 years old = 35 pieces of cloth, 2 horses, 1 spear, 1 *palihuma'* blade, 1 *kavi:* (knapsack), 2 *ponggoang* pieces (bracelet of shell)
- 1 boy, 3 years old = 10 pieces of cloth, 1 horse
- 1 boy, 5 years old = 1 carabao, 3 Japanese rifles, 20 pieces of cloth
- 1 boy, 3 years old = 1 horse, 10 pieces of cloth, 1 Japanese rifle, 1 belt (beaded)

<sup>11</sup> Dallag barrio, October 13, 1964.

<sup>12</sup> No record of slave exchange or trading after 1948 has come to the attention of the author.

All these data were furnished by the late Datu Sasaw Suhat of Sa:ysay village, November 4, 1963. The rifles were picked up by the Manuvu' from the ground and forest for the Japanese retreated to their homeland sometime in 1944-1945.

The transfer of great amounts of articles, animals and other property from the groom's kinsmen to the bride's and vice versa need not be discussed here any longer for this has been taken up in a previous work already cited.<sup>13</sup>

However, there is a minor exchange of articles during the *pagkitan*, a ritual held by the datu after settling a case in which the two parties are made to face each other and feed one another; that accomplished, the two or their kinsmen exchange articles (spears, gongs) which sometimes the datu himself has given to the two parties. From then on each one is richer by an article and any wounded feeling is forgotten.

7. *Anything that a person acquires by inheritance* becomes his property. There are two kinds of inheritance: (a) equal division of the properties among the children, and (b) giving the largest share to the first born, for the law of primogeniture is recognized in traditional law. Should the second be observed, the first born is under obligation to support his other siblings and provide the bridewealth of brothers who marry out; in turn he receives a greater portion of the bridewealth should any sister be espoused, besides the newlyweds having the obligation of residing matrilocally with all the obligations that the system entails.<sup>14</sup> This is illustrated by the following:

Case 1 (ca. 1947): *How Datu Andalis Bilaan of Sa:ysay village distributed his properties to his children; wake and mortuary customs; obligation of child who received the pusaka'; older brother desisting from receiving the pusaka'; and the consequences.*

Two days before his death, Datu Andalis called all his four children to his side, though only three (Do:nas, Linguan, and Do:ngayan could be present as the oldest Do:nna' was sick) and all his grandchildren begotten by his older children. He said to them: "All of you my children and grandchildren should not quarrel; you should occupy yourselves planting; all should return to Sa:ysay (for some had evacuated to Cotabato during the Japanese retreat to the hinterland and his descendants had become separated); do not steal and do not take life."

"These *pusaka'* (limited group of properties) should go to Linguan, who should take care of them as you are the only son now: 1 horse, 1 carabao, 5 gongs, 1 *palthuma'*, 1 spear. My debts are to six persons; you be responsible in paying my debts."

<sup>13</sup> MANUEL, *op. cit.* *supra*, note 1 100-109.

<sup>14</sup> See MANUEL, *op. cit.*

Then Datu Andalis died. He was attired in the native beaded costumes, with his headdress worth 1 horse (then costing 100 pesos). He was placed in a coffin of *luha'* wood. Two pairs of trousers, 2 *umpak* jackets, one *kesay ta Bilaan* (Bilaan blanket) went with him to the grave.

Besides paying his father's debts, Lingguan gave the following articles to his elder sister, Do:nnas — 1 *ponggoang* bracelet, 1 *palihuma'* blade, 1 spear. To his younger sister, Do:ngayan, he gave — 1 *ponggoang*, 1 *sundang* (poniard).

Although there was a first born son, Do:nna', and was the oldest among the children, he did not like to assume responsibility, and instead, this son told Lingguan to make the payments as he had been sick at the time of their father's death. He was, however, able to pay three of his father's creditors. The other three were paid by Lingguan.

While Do:nna' should have been the proper recipient of Datu Andalis' *pusaka'*, he wanted his younger brother to receive this special share because such properties might be taken by his in-laws anyway who were not so good; so he allowed Lingguan to have the *pusaka'* while he was still living. This *pusaka'* consisted of 1 horse, 3 gongs, which he did not want to receive.

Q: Were there grandchildren who were given inheritance?

A: None, because I (Lingguan) took charge of everything and became responsible. For instance, when Abeng, son of Do:nna' married, I shouldered 100 pesos, 1 carabao, 1 horse, 2 pits, 1 bag of sugar, 2 sacks of rice, plus 10 pesos worth of spices and foodstuff. Do:nas and Do:ngayan (sisters) gave 5 hectares of land in Kavakan, Cotabato.

Q: Who else did you help?

A: When Do:nas' son, Addiyung, married, I shouldered the expenses too: 1 carabao, 4 horses, 3 large gongs, 300 pesos. Datu Sasaw, an uncle of Addiyung, gave 1 carabao.<sup>15</sup>

The Manuvu' family is usually poor and the father and mother have not much to give to their children. The ownership and inheritance of lands is discussed below.

8. *Anything received in consideration of services performed.* Among these is the service that a young man might volunteer to perform while seeking the hand of a prospective bride called *pangubpa'* (literally residing with the future parents-in-law) to show his good qualities (industry, respect for elders and relatives, obedience among others). Bride service is sometimes demanded by the girl's parents when the candidate is not known to them or his reputation is not so good. This free service may last for months and there are cases of a couple of years. Should ultimately the parents decide not to accept him, the young man is given a token article or animal for his work and this is a sign that he must go home.

<sup>15</sup> Informant: Lingguan Andalis, Sa:ysay, October 28, 1963.

It is customary to give 20% of the rice harvested to a non-relative and 40% of the grain to relatives; such share becomes property of the harvester. The shaman who performs the blessing of a new crop (rice, corn, and other grains) receives a basketful of the young corn and so on.

It is also traditional when an epic singer is invited to sing in the evening to be given a chicken, skirt, or bracelet, etc., in appreciation of her performance. For details see my *Tuwaang Attends a Wedding* (1975). In the same manner medicine-man are given compensation for work done. Some datus are given fees for their ability to settle cases (a gong, spear, or an animal in big cases), in general, they do not exact such fees but are voluntarily given.

The free cooperative-work group must have been devised in ancient times for the Manuvu' have the *pangkat* in which a group of men work for each other by turns until each other's mountainside is cleared, planted, or weeded. In the last analysis, service is compensated by service which has economic value.

9. *Ownership of land by occupancy.* I have shown in my previously cited work (1973) that any man can occupy unowned land beyond the village limits; then he could enlarge the property by clearing parts of the surrounding area. Later, he may invite people to settle and convert the settlement into a hamlet, which later on could develop into a village. Though the evidence of ownership like the planting of betelnut trees, dye yielding trees and others may be pointed at as proof ownership, and even if there is no permanent record to show it since these people are non-literate, yet all these ways and means plus actual possession or cultivation are recognized in the custom law. Sometimes, when pressed, graves of parents or ancestors or other relatives are pointed at to show ancient occupancy or ownership.

10. *Portions of streams or rivers may also be owned.* After diverting the stream and converting the former bed to fishpond purposes, a man's rights become recognized by *la:w*, that is, by public proclamation that such portion of the river is now owned and not subject to fishing rights by others. This creation of exclusive rights seems to be very old and was practiced during the Spanish period.<sup>16</sup> In another case a river was dammed and an artificial fishing pool was created which gave exclusive fishing rights to its builder;<sup>17</sup> and diverting a portion of the river stream was reported during the early American period,<sup>18</sup> the owner charging fees from non-relatives who fished there. The practice was also known to the Attaw

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<sup>16</sup> See Case 2.

<sup>17</sup> Case 13 (about the end of the 19th century).

<sup>18</sup> Case 24.

or Japan people.<sup>10</sup> Enforcement of rights lasts often for such period during the life of the builder or owner who may pass it on to his children.

11. *Da:mpas*: seizure of property is recognized in the *batasan*. Case 252 (1954) is a good example of this right to seize an equivalent article instead of collecting the promised article. In this case a villager gave another man a chicken who promised that the fowl will be paid the value of a skirt the moment he had it; three days later the villager came to collect, but there was no skirt; four days later he returned but there was still no skirt, so he took an iron pot from the fireplace and brought it home. There was no complaint made to any of the *datus* and the seizure was allowed.

Much more interesting is Case 316 (1960) summarized as follows: A storekeeper agreed to allow a planter to buy goods on credit from time to time to the limit of 100 pesos on condition that the planter would allow him to harvest his 500 coffee plants for 3 years and provided further that planter would clean the plantation during that period; after 3 months, the storekeeper saw that the planter was not cleaning and feared that he would have nothing to harvest next time; so he went to the planter's house and carried away 2 gongs worth 80 pesos, an act termed *da:mpas* in Manuvu' law. A *datu* mediated case by asking what the parties wanted. Decision: the planter allowed the storekeeper to keep the gongs provided he did not continue to harvest the coffee.

More complicated is another case which is reported fully below because it gives us details on the acquisition of property and its complications.

Case 2 (1966): *Da:mpas*, taking any property of debtor for failure to pay debt; case has complications. — Tirinas, son of *Datu Tumanas*, had eight gongs (three large, five small) which he collected for a year. He first went to *Ko:hangan* village, upper *Davao River*, in the *Matidsaug* country, bringing along one horse, which he exchanged with two large gongs with a certain *Sondo:ngan*, brother of his father-in-law's wife, sometime in January 1964. He brought home the two gongs. Then he left for *Kivalikid*, in the *Matidsaug* country, bartering another horse with two gongs (one large, one small) from *Aggawing* sometimes in May 1964. He left again, this time for *Binuayan*, also in the *Matidsaug* country, in which he got four small gongs from *Kalimpitan* for a third horse, sometime in December 1964.

These eight gongs were seen by *Dahinsa*: of *Lumut* village. The latter told Tirinas that he wanted the gongs and would pay him two horses for the same. In the same day he carried the eight gongs home without any horse. This was in May 1965. He promised to deliver the two horses in the same day, but failed to do so. Then Tirinas tried to collect and for seven times he failed, the last being

<sup>10</sup> See Case 35 (1909); Case 37, ca. 1910.

in February 1966. There was one horse in the yard, but Dahinsa: was not at home, though Anong, his wife, was present. He took the horse, without Anong seeing him in the afternoon. He brought the horse to his brother, Suhuran, an upcoming datu, who promised to fix the case and further that he would be responsible in delivering the two horses. But he regarded the horse which his brother brought as *timbang ibpangkis, idtukaling kaddi' ni Dahinsa:* (fee from Dahinsa: for having to settle a case). In March 1966 Suhuran gave Tirinas one horse, but still lacked another animal to complete the bargain.

Q: Where did that horse come from? From Dahinsa:?

A: No. It come from my brother.

Q: What is the arrangement between Dahinsa: and Suhuran?

A: Suhuran agreed to settle the case provided the first horse was regarded as *pangkis, tukaling* (literally leglet and small bell attachment which stands for fees).

Q: How long will you have to wait for the second horse?

A: If I see a horse in Suhuran's place, I will get it.

Q: But your capital in the 8 gongs was 3 horses?

A: Provided the exchange is done in a good way, that is all right.

Q: Do you feel angry at Dahinsa:?

A: We nearly slashed at each other.<sup>20</sup>

This is just one example of the exercise of decision-making process being in the hands of one of the parties; and when a case goes beyond bounds, a village authority steps in to give assistance. There are other cases in Manuvu' law which allow one of the parties to determine the date of performance, or the amount of the damages, or refusal to accept a decision by the datu. This aspect of Manuvu' law will be analyzed in another part of the work.

12. *Dakop: seizure of a person for failure to perform an obligation.* Much more serious than *da:mpas* is *dakop* for the simple reason that the act involves the seizure of a living person. Another case will be reported in full below because Manuvu' law distinguishes between the two terms.

Case 3 (1912): *Dakop: seizing a person in the household of the debtor for failure to pay obligation; datu from another village requires return of seized daughter and the performance of certain rituals, declaring that by so doing he lost the right to collect the debt; opinion regarding difference between dakop and da:mpas; category of slave as chattel; house on top of trees.* — Datu Inday of Allab village was following up and collecting a debt (*adsukul*) from Ongan of Basyaw village. Ongan owed Datu Inday a large gong valued 5 small gongs. The debt remained unpaid for a month. Several times Datu Inday (how many times could not be remembered) went to Basyaw, but failed to collect. The two were trading with each other. At last,

<sup>20</sup> Reported by Tirinas Tumanas, April 2 1966.

losing patience, Datu Inday seized (*iddakop*) Paingan, a daughter of about four years old, the youngest of three children of Ongan. Ongan was not in the house, only his wife. Ongan got angered when he returned home. He followed his daughter, calling on Datu Duhinay of Dallag. It was Datu Duhinay who volunteered to go to Allab. He fetched Paingan from Datu Inday after requiring him to perform *ikot* and *ipu*: rituals over Paingan, besides demanding a blanket *id'obbot ki Paingan* for the use of Paingan. Duhinay said Inday had no right to seize Paingan, and by so doing lost the right to collect the large gong. Paingan was brought to Dallag where Ongan was waiting.

Q: What is the difference between *dakop* and *da:mpas*?

A: In the second, animals or articles are taken; in the first, persons.

Q: Suppose it was not the daughter of Ongan, but his slave, how will you classify the act?

A: It is *da:mpas*.

Q: Why did they do this?

A: There was no *palinta'* yet, no Amerikano, no gobierno (no established government).

Q: Suppose it was the carabao of Ongan that was taken, what wrong was done?

A: *Da:mpas*.

Q: Suppose the carabao was taken by Datu Inday, does Ongan have a claim on the balance?

A: *Padtonggaan* (strike the balance). But in the olden days, the large gong was equal in value to the carabao.

Q: Have you seen any house on top of trees?

A: Yes, called *binuwa*.

Q: (Wife of Datu Gavaw answering): Even if the women were behind, there was no danger. I saw Umilid having one on Mount Sa:g.<sup>21</sup>

From the proceeding case it is obvious that a daughter of the debtor was valued more than a large gong.<sup>22</sup> It is a principle that the article taken must be of equivalent value, though it could be a little more. In a similar case, a horse was involved, but after three years the creditor got tired collecting, and so he seized the debtor's son of about six years old, who stayed in the household of the creditor for five days, after which time the debtor came with a horse and got back his son.<sup>23</sup> The purpose here was not to enslave the boy, but to hasten payment of an overdue obligation.

<sup>21</sup> Informant: Datu Gavaw Duhinay, January 20, 1966.

<sup>22</sup> See the exchange values of slaves in terms of horses and other articles under subsection 5 of this section.

<sup>23</sup> Case 58 (1918).



13. *Persons captured in "little wars" or seized during raids.* The Manuvu' practiced slavery. The sources of slaves were generally: (a) children, women, or men captured during raids, little wars, ambuscades. When non-combatants were spared (usually women and children), they were taken home and became slaves. They either served their captors or were sold. (b) In times of famine, a family in straits may sell any of the children for food and to save the children. (c) In instances of non-payment of debts, continuous demands might end up in seizure of any of the children. Sometimes, such boy or girl was made to work until payment is made. However, treatment of such temporary servants was humane and paternal and they cannot be sold. If the person seized, however, was a slave, then he was treated like a chattel and could be sold.

It is also characteristic of Manuvu' law that the status of slaves in the society was not permanent. They were usually absorbed into the greater society, being allowed (if his behavior is good) to marry any of the maidens in the village; or the girls, as they grew up to be desirable workers, were married to young men in the village, or the datu sometimes took them for a wife. Those with undesirable ways were eventually sold to other people in other tribes; those who were ugly or suffered from physical defects, in the past, were sacrificed, for human sacrifice used to be practiced among the Manuvu' and neighboring peoples.<sup>24</sup>

14. *Damages are sources of wealth,* though they may not stay long as possessions for these are paid in return for wrongs committed by relatives. It is a common principle of Manuvu' law that when retaliation cannot take place, the wronged party and his kinsmen may settle for damages. Reparation or wergild is the equivalent of the wrong done in terms of material goods, articles, and animals. It may be argued that in cases where a life was lost, the damages imposed by the datu are to compensate for the loss and hence no one profits materially. For though the relatives of a young man killed in an ambush, for example, may receive the damages, these may not be the exact equivalent for the many years of expectancy derivable from two strong arms, a point that becomes clearer when the society is at a subsistence level of economy. Though the animals and goods can be used as capital, or help tide over tight economic needs, these are usually dispersed or distributed among several relatives and may, in the end, be of not much use.

But wrongs do end sometimes only in death; in the majority of cases, the wrongs from insult to abduction of a wife may end up in damages. In the instance of the carrying away of a married woman, the damages are usually the totality of the bridewealth which the abductor has to pay

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<sup>24</sup> MANUEL, *op. cit.* *supra*, note 1 at 186 *et seq.*

for the wrong done. In other cases of wrongs committed, the damages may range from a bolo to carabaos or horses.

15. *Property acquired in special ways.* Under this class, headdresses called *tangku:*' stand out as a special kind of property appertaining only to males and warriors who have killed a number of persons. These cannot be worn by unqualified men because of the belief that to do so would bring misfortune.

Bandoliers and charmstones are special kinds of property which acquire potency only after their original owners have perfected them; they may continue being potent only when the necessary rituals are observed. For this reason only well known warriors wear them during fighting or battle as a protection against harm. Charmstones are mentioned in the mythology as possessing supernatural power,<sup>25</sup> given by skyworld deities. In Case 298 (1959), a *ta:idu'* or *lambus* (charm) formed part of the *pusaka'* inherited by first son from his father who was Datu Kamad Ongob of Basak village.

In theory the *pusaka'*, the totality of goods and animals that a father endows his first or chosen son with after his death, remains with that son who is not supposed to part with it or sell it, but if he did this it is to increase the totality of the property. But there are certain items in the *pusaka'* which cannot be given away or sold, such as the charmstones or bandolier mentioned previously, the *tamba:*' altar or sacrificial container (may be a porcelain dish). Such articles are supposed to be passed on to the next generation. The only sanction known is the belief that ill luck would visit the despoiler, the negligent son.

There are certain kinds of limited property which have been handed from the past which are sacred in nature. The late Datu Duyan, who was a *tumanuron* because it was believed that he had a supernatural protector, had in his possession a large ancient gong which he alone could beat because that was the tradition; when he did beat it it was only to call the rain.

### III. CLASSIFICATION OF PROPERTY FROM THE WORLD VIEW OF THE MANUVU'

In this section a categorization of properties will be attempted from the point of view of the Manuvu'. In so doing, the bases will be mainly linguistic, behavioral, and interpretative; for the Manuvu' use certain terms for certain groups of properties, and the use to which they put them can

<sup>25</sup> See "Legend of Malingling", in Manuel, *Upland Bagobo Narratives*, 26 PHIL. Soc. Sc. & HUM. REV. 429-552, (December, 1961).

be observed in their households and communities, but any conflict between these two sources are resolved, though not always, by the Manuvu's own interpretation. The uneven edges or overlapping ideas, are either left unexplained or are interpreted by the author.

The first problem of classification encountered in the absence of any term to designate class, or a particular group of things exclusive of others, however, the Manuvu' group certain articles and things and give a name to such class and so definite concepts have been formed. These groups of articles and things are the following: *impon*, anything that is worn; *butang*, which includes articles that are not worn but used outside the body of a person; *baoy*, house and other types of dwellings; *iavuta*, land; *pinamua'*, plants; *laag na mannanap*, wild animals; and *laag na pinamua*, wild plants. There are also subclasses within some of these broad classes which will be discussed as we proceed.

1. *Impon*. This group includes articles that are worn on the body such as clothing, headdresses, jewelry and ornaments, and such armaments as the bolo and the long blade called *palihuma'*. Informants are not very definite, however, about the group to which bow and arrow belong, for this weapon is no longer used by the people today; so also with the spear, which is still very much seen in the hand of the uplanders up to the present time. If the bolo and *palihuma'* are classified under the category of *impon* and the basis is the fact of the articles being worn on the body, the bow and arrow and spear might just as well be grouped with the first two. It is true that whereas the bolo and *palihuma'* are belted and hence to a certain extent "worn", that much cannot be said of the bow and arrow. However, since this armament is seldom seen in the Manuvu' household, we can perhaps dispense with its resolution. The spear, on the other hand, is still very much used; men have it either on their left or right hand when moving, intervisiting, going places together with the bolo. Although they do not sleep with their spears, for they keep them stuck in the wall or in the low roof, as much as with their bolos, to a certain extent the spear is carried in the hand much more readily for use than the bolo, so it is with the person and can be grouped, in my opinion, under *impon*.

2. *Butang*. This term includes all sorts of kitchenware, mortar and pestle, *pusaka'* domesticated animals, and *tamuk* (trade articles). It appears that there is a lot of overlapping in this group. The larger animals like the carabao and the horse may also become *pusaka'* if counted among the properties endowed upon a son as explained in the previous section. The smaller animals like the chicken, hunting dog, and *limukon* bird are called *ayam*, pets. The hunting dog may also be one of the items of the *pusaka'*. Then the term *tamuk* may include such animals as the horse and carabao and hunting dog and such articles as the gongs. This sub-

group has this name mainly for the reason that they are the common goods of trade or barter.

3. *Baoy*. *Baoy* is a generic term for house or dwelling. The *binatta* refers to a house on high stilts, though this type has disappeared altogether from the landscape due to more peaceful times. The *sabbung* is rather a low dwelling built close to the ground and may be built hurriedly in the *kaingin* in anticipation of a harvest; after a year, it is gone because it is not intended to be a permanent structure. The *lauvung* is built up a tree for bird hunters to stay while waiting for birds to alight on limed branches; and the *la:pong* or *patti* is also a temporary structure for staying while watching the fields.

4. *Lavuta*'. This stands for land. It is illuminating to recall the myth about the origin of the earth. In the beginning the supreme god Manama could create only a rocky world in which only one kind of hardy tree could grow; so Manama caused soil to be stolen from another world, that of the *O:ggas*' to plaster the rocky place with soil. The supreme one also caused seeds to be stolen so that these could be planted in his world. Later on he created man and woman who benefited from his work. Thus land became a free good to later people.

To the Manuvu' any piece of land that is not occupied could be the subject of ownership, provided it is not within the boundary of any village. A family who pioneers may soon expand its clearings depending upon available manpower. As marrying men are kept in matrilocal residence, the process of expansion goes on.<sup>26</sup> The founder distributes the land; after several generations, when the village has become large, descendants inherit the authority of the founder, thereby resulting in a multi-datu system. The datu of the village were the ones distributing lands during the second half of the 19th century until recent times. In view of the paternalistic nature of the authority of the founder and the later datu, the concept of village ownership of lands came about. Every villager or villager (citizen) because of his kinship relation with the founder or datu could enforce the village right of ownership over its jurisdiction by taking the bolo of any other non-villager who attempted to cut rattan within the village boundary, or attempted to pursue a wounded animal into the village.

5. *Pinamua*'. This category covers all plants cultivated by man: rice, corn, sweet potato, cassava, bananas, tubers sugar-cane, papaya, vegetables and so on. It is only rice that is planted at a certain period of the year; the others are planted any month depending upon the size of the moon and other signs, and harvested according to daily needs. So ownership is transient, for there is no way of preserving surplus. Since the Ma-

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<sup>26</sup> As it happened in the instance of Basyaw village and Lumut hamlet, see MANUEL, *op. cit. supra*, note 1.

nuvu' depend upon one another for food, there is no assurance of constant supply and individual families may run short of vegetables and sweet potatoes because neighbors and relatives come and go carrying part of the harvest.

6. *Laag na pinamua'*. This stands for wild or uncultivated plants. The trees that grow in the forest useful as house-building material, the rattan, and smaller trees suitable for making spears, handles of knives, and so on all belong to Manama, unless previously marked as explained in the previous section. So also certain fruit-bearing trees, like the lanson trees, which grow wild in this area, belong to Manama, unless duly marked. There are certain spirits of supernaturals who are entrusted by Manama to act as guardians of mountains or forest; and there may be bad spirits dwelling in certain trees who may not be disturbed and to whom ownership is attributed by the Manuvu'.

7. *Laag na mannanap*. This is a term for wild animals. These are thought to belong to Manama, who however, entrusts their care and protection to certain mountain or forest spirits and deities. The Manuvu' must follow the simple rituals necessary to be successful in the hunt and so on. Only then can such animals be caught or trapped and owned. Ownership is also shortlived, but during that time, theft of the trapped animal might take place. Sanctions then apply to demonstrate ownership rights have attached. In other words the deer or wild hog so caught no longer belongs to Manama but to man: ownership has changed hands.

#### IV. USE OF PROPERTY

The acquisition or production of material things and animals and their possession provide the two elements endowing the owner the right and power to make use of them in any way he deems fit. This general rule holds true in Manuvu' law with exceptions, many of which have been pointed out in the previous sections. Use therefore has certain limitations; it is not characteristic of Manuvu' law that ownership confers upon the owner the exclusive right to use.

1. A house is a common dwelling which a family owns and lives in. But the owner may not use the same to the exclusion of relatives, visitors, or outsiders who may come to stay with the family due to a calamity (burning of house, sickness, or drought in the home village). Under these circumstances, the evacuees are not only housed or accommodated, but fed or given land by residents or by the datu to be put under cultivation. Meanwhile the evacuees are treated as guests with lodging and whatever food is available.

It is also the law that a person who is pursued by an aggrieved party can take asylum in any house and is entitled to protection once admitted. The success of such temporary accommodation, of course, depends upon the social status of the family in which a wrongdoer has sought refuge. So a poor family with a small house and little reputation might not be a good place to seek shelter from a pursuing party. A stronger household or a datu's house could give more ample protection; usually the latter is sought by a fleeing person who has committed wrong for he knows that the datu's house is respected and the datu himself is likely to lend a hand in the immediate settlement of the trouble. This was shown in Case 292 (1958), when a young man of 25 years carried away a married woman and sought refuge in the house of Datu Duyan who settled the case.

2. Exclusive use of an article is not the common rule in Manuvu' law. For the Manuvu' usually shares his food, produce, articles with another, even his clothes, pots, bolos, and so on. But there are certain articles which are not allowed to be used by the common people, even by immediate members of the family such as a magical gong, for this may be beaten only by the religious functionary such as a priest or shaman in times of drought to call the rain; so also the costumes and armaments of a *bahani*' as pointed out previously. The son-in-law may not use the *palibuma*' blade of his father-in-law, nor step on his mat, nor use his headdress, for the Busong deity or spirit of traditions does not allow such trespass or violation. The son-in-law in matrilocal residence delivers his earnings to his mother-in-law as a general rule for the latter to make the division or assignment of shares. Even when the son-in-law has established his own residence, he is under obligation to send a good share of his catch to his parents-in-law and siblings-in-law. Forgetfulness may result in an embarrassing sanction in which he has to consume boiled chicken with its feathers. In other words his earning or catch is not his entirely. This is in addition to his performing services for them in certain periods of the year (clearing, weeding, harvesting, etc.).

3. Borrowing is a common custom among the Manuvu': the tradition and norm is that no person is supposed to refuse the use of any article or animal. But if anything happens to the article or animal, the borrower becomes responsible; if it is an article, this has to be replaced. An instance of loss of borrowed animal is discussed below.

Case 4 (1947): *Bird hunter borrows a decoy bird which gets killed by a larger bird in the forest while hunting; owner of bird and hunter knew the gantangan, so they settled the case amicably between themselves with a panavuk.* — Mailan Akub of Tinanan had a *limukon* bird, aged two years, in his possession which was borrowed by Lam-

binisan Ligi', epic singer and hunter, for catching other birds. While using it in a forest a *banug* bird killed the decoy bird. This happened during the weeding season of 1947 in the woodland of Pilay. When Mailan learned of the death of his bird, he went to see Lambinisan to ask for his bird. Lambinisan asked for forbearance (*pasinsiya*) for the bird was killed by a *banug* bird, and added: "I owe you something". "Don't tell me anything about the *gantanga* (the measure for small damages) for I know it," replied Mailan; "if you have two gongs, I shall not feel aggrieved." Lambinisan explained that he knew the *gantangan*, that a bird of that age if borrowed and lost would be valued one gong. Mailan did not answer further. "I have a gong," said Lambinisan, "valued one horse, but I can give this to you." Mailan was satisfied.

Q: Do you know of any other bird which is valued as much?

A: None. There is another kind of bird, the *mahintaunan* chicken (wild chicken) which is used as a decoy in catching other wild chickens by using *kata*; a kind of trap provided with many nooses called *batu*.

Q: What are the customs related to the *limukon* bird?

A: *Limukon* birds are used in augury by the Manuvu' people. They are caught by the hand when the hunter sets up a resting place up a tree called *lauvung*. By imitating the song of the bird with his cupped hands or by using a bamboo musical instrument called *ngunguan*, the *limukon* bird is attracted to the place of the hunter. The second way of catching this bird is by using a *tamba*; a stick smeared with a sticky tree sap, and a live *limukon* bait in a cage. When the caged bird sings, the other birds come to alight on the sticky stick. They are then caught by the hunter.

*Limukon* birds are provided with a peculiar cage called *gu:ngan* made of rattan. The cage is round but tapering at the apex and looks like a lanzon fruit in shape. The bird is fed with sweet potato, roasted or boiled, banana (but not rice as its feathers will turn white, it is believed).

If the bird had been one year with the owner and the same is borrowed by a hunter and it happens to be hurt or killed with the latter, it will cost him a medium or large gong. If the bird had been used by the owner and had netted him many birds, even if but a couple of years, and this bird is killed by another in the hands of the hunter, the *panavuk* (damages) is one horse. Even if the bird had not netted as much catch but had been used for four or five years, the *panavuk* is a horse. If the *panavuk* is not given, the owner may have cause for killing the borrower.<sup>27</sup>

In the Christian concept animals may be borrowed to be used in working a field, but not to be eaten; that is also true of the Manuvu'. However, smaller animals may be borrowed according to Manuvu' tradition and be eaten and the equivalent returned later. This is illustrated by the following case which I witnessed.

<sup>27</sup> Informant: Aramun Mahunlayon, Dallag village, October 11, 1964.

Case 5 (1965): "*Adsukut ta manuk*", following up the chicken after "*adsambay ta manuk*" (borrowing the chicken) years ago. — Some three years ago Magnu Lamba:yon, then having a young child by his wife, and desiring to eat chicken, asked a neighbor, Daumoy by name, to give him two chickens which he promised to change or return later. He was given two young chickens. On December 28, 1965, this woman and her daughter came to Magnu's house (where I was staying) to ask for the equivalent chickens. Mother and daughter came in the afternoon, but Magnu was not in the house, so they waited. When Magnu finally returned home from the field, the sun had gone down, and the female members of the household were pounding rice. Mother and daughter were fed in the evening and slept in the house. After supper, Magnu tried to catch two chickens in the roost, but failed.

Now, it is December 29th, and the guests who were after the return of the chickens have breakfasted (coffee, some sweet potatoes and cassava). Last night they had rice with vegetable and one small can of salmon. As the chickens had flown away the night previous, Magnu promised the guests to catch them next time and for him to deliver them later. The woman was satisfied.<sup>28</sup>

The following notes are offered. The cost of the chickens must have been the equivalent of the cost of the food he served the guests (about 75 centavos), but that did not constitute payment. The Manuvu' call this custom "*adsambay*" (borrowing) and collecting the equivalent is "*adsukut*". A pig may also be the subject of *sambay*, but not the larger animals such as carabao or horse. Small food articles are just asked for by *buyu*, like eggs for instance, but *sambay* is not used with vegetables. In the olden days clothes were also the subject of *sambay*, but no longer today for there are now many sources of having clothes; in the past the stores were very far away in the midland or coastal areas.

4. Manuvu' law recognizes a common principle of law that while the owner is free to make use of his property, during such use it should not occasion harm or damage to another person or property. There are instances in the custom law where the owner may be held liable for damages as when a person dies because of a missile accidentally released from an old trap. The following case is in point.

Case 6 (1938): *One of two hunters gets killed by a ba:tik trap belonging to a husband of a cousin; datu allowed 2 horses as damages; only then could the trapper return home.*

Bania:n and Onggoian were brothers, sons of Datu Duhinay of Tinanan, who went hunting in Imbabauran, Pilay, near Sinaka' mountains. Bania:n was the younger and he was the one holding

<sup>28</sup> Informants: Ablaki' and Magnu Lamba:yon, spouses, December 29, 1965.



a shotgun. They did not know they were in an area planted with *ba:lik* traps set by Akub, whose wife was a cousin of the two. Bania:n's right calf was pierced by the trap's missile and he died on the same day. After investigation it was found that Akub owned the traps; this trapper did not deny it, but he explained that it was a year ago that he had set the traps and he thought they had all rotted. Then he fled, afraid that he might be killed. Datu Guba: of Tinanan fixed the case and allowed damages of 2 horses. Then Akub returned home.<sup>29</sup>

In another case, a son-in-law was held responsible for the death of his mother-in-law accidentally by a trap,<sup>30</sup> in which 10 gongs and one horse were awarded as damages, though the presence of the trap was previously known to the household and neighborhood.

5. The owner, although he may not be actually using the animal, may be held responsible for damages caused by his animal as shown by the award of 3 big gongs by a datu whose dog bit the prospective buyer;<sup>31</sup> and the carabao which horned a pregnant woman was awarded as damages to her father, though the owner and the victim were common wives of a polygynist;<sup>32</sup> and for the death of a son-in-law kicked by father-in-law's horse, 2 horses and 60 pieces of cloth were awarded as *wergild*.<sup>33</sup> And it is opined that a slave-owner would receive the equivalent of the price he paid for the slave killed.<sup>34</sup>

For the exceptions to the general rule that no one has exclusive rights to property, see II, 9. For diverting a river stream, fishing rights are enjoyed only for a short period of time; but when a dam or fishpond is constructed, permanent fishing rights are enforceable by the builder and may even be passed on to heirs.

6. There is an aspect of use in Manuvu' law which may not be understood in modern law. The maker of an artifact, like a woman weaving her own basket, or a man providing a handle to his blade, can of course either keep it for his own use or part with it by barter, sale, and so on. But if he or she keeps it as his property, though it can be borrowed by another person, no one has the right to cast aspersions at it by saying, for example, that the basket or bolo is skewed. In the tradition, the maker is considered to have infused his *gaynawa* or *ginawa*, soul-spirit, in it and to make unsavory remarks about it is both a serious misconduct against

<sup>29</sup> Informant: Sogan Lasoy, here at Dallag, January 7, 1965.

<sup>30</sup> Case 213 (1947).

<sup>31</sup> Case 273 (1957).

<sup>32</sup> Case 319 (1960).

<sup>33</sup> Case 65 (1920).

<sup>34</sup> Though no actual case was recalled, but this is the testimony of old people; e.g., see opinion of Datu Lambayon Mudium, September 12, 1964, in relation to Case 8, last quarter of the 19th century.

the article and its maker, and hence, this makes the person liable. The owner may commit an untoward act, or he or she may demand instant payment of damages for the insult which is called *oson* in the native law.<sup>35</sup> In another way of saying, an insult can be committed not only against an individual but also against an article that he owns. Old people explained that the basket or handle has been imparted a soul-spirit by its maker, and making nasty remarks about them were like committing it against its owner. This is just another example of religious values being enmeshed in law.

Perhaps an extension of this concept of spirit-soul is also present in the following behavior. Among the grounds for divorce in Manuvu' law is harming a spouse which is usually done on the person of a wife; but damages might be demanded by the wife if the husband, even with cause, manhandled her basket, clothings, or ornaments, for instance tearing her basket, clothings, or throwing away her comb or jewelry. This happened in Case 373 (1963-64), in which the jealous husband broke the basket of his mother-in-law and tore apart his wife's garment, for which act damages were awarded. So a married man would rather direct his ire at his belongings such as throwing his own bolo into the bush or ripping his own jacket.

#### V. LOSS OF PROPERTY

Of the 15 ways by which property is acquired, identified in section II, it can be said that from the point of view of loss, no one is deprived of property in 2, 3, 4, 5, 9, and 10; there is mutual gain and loss in 1, 6, 7, 8; and it is certain that some one is sustaining loss in 11, 12, 13, and 15. "Property acquired in special ways", 15, is really a special one. To be noted is the presence or employment of force in 11, 12, 13 and 14. Modes of acquisition described in 4, 5, 9, and 10 need some comment in view of the principle in Roman law regarding *res nullius*. Since the Manuvu' depend partly on gathering tubers, fruits, nuts and vines for his chew from the forest and catch fish from streams and wild animals of all sorts from grassland to mountainsides, it is pertinent to inquire how the Manuvu' view the ownership of such things and animals. As previously discussed, these people believe that all these belong to Manama, their supreme god, or deities whom he created for the purpose of guarding the waters, forest, and the living things in them. Sometimes a malevolent spirit dwells on a particular tree, a spirit which apparently is beyond control of the Manama; whichever is the case, the trapper, fisherman, hunter, or food-gatherer has to perform the necessary ritual to obtain the things he wants. In short,

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<sup>35</sup> See MANUEL, *op. cit. supra*, note, 1, Case 36.

to the Manuvu' mind, such things and animals have owners, though these proprietors are not visibly around to prevent dispossession. But these people have the belief that the seeds of trees and plants were stolen from another world of the O:gassi' at the behest of Manama for the good and benefit of man. At the end no one is deprived of property during these occasions; in fact, the Manuvu' believe further that Manama and the deities do eat but very little, and hence they do not need these fruits, nuts, fish and animals. So such properties belong to man, to them, in effect, though brought about by Manama according to their belief system.

There is a principle of law that no one can gain property at the expense of another which has been refined into another principle that no one can be deprived of property without due process. These principles may be tested in the light of Manuvu' law of ownership. It has been above that there is the use of force employed in the acquisition of property in 11, 12, 13, and 14. In seizure of property described in 11, or *da:mpas*, this is allowed for the reason that the creditor has gone to the debtor to collect many times but failed; so any article of more or less equivalent value is allowed to be taken (sometimes in the presence of the debtor or members of his family, or in their absence at other times). In 12, *dakop*, seizure of any member of the household is permitted by the law to force payment, otherwise this is regarded as a temporary exigency for the seized person is just held in custody until payment is accomplished. Case 4 (1912), reported in Section II, is in point; Case 58 (1918) and Case 137 (1937) also confirm the traditional law (in our collection of Manuvu' Cases). In Case 58 a son of the debtor was taken by the creditor, after three years of failure to pay; the much-worried father came to redeem his son five days later. More interesting is Case 137 in which a big datu seized two minor datus for failure to live up to an obligation; a large gong offered by a friend along the way saved the two while being led to captivity.

The use of force is very evident in 13 and there is no need for further elucidation; but in 14 there are varying degrees of the employment of force. In Manuvu' law retaliation is the first recourse; upon its failure, damages are in order. These are collectible against the wrongdoer first, in theory, then against his kinsmen; these people are only too glad to give the damages for their lives are at stake, hence force is not resorted to and the datu may seize any article or goods in the possession of villagers, and here there is force, though many are quite willing to part with their properties just to preserve the peace in the community. Finally, the datu themselves contribute to the completion of the damages which they themselves have determined to restore social equilibrium in the community. But even if such articles are taken or given away, their owners have the right to collect from the kin group of the wrongdoer; as a result, therefore, no

one is deprived of his property, though sometimes it takes years to collect back.

Although there is obvious mutual gain and loss in ways 6, 7, and 8, it is not so apparent in 1; but when it is understood that reciprocal giving is a general behavior among these people, an article given at one time may not bring immediate return, but such reciprocation can be expected. The best example of reciprocal giving and losing is in barter or in marriage matches. The groom's side, in the latter case, accumulates a quantity of articles and animals known as *panamung* or bridewealth which is given away during the marriage celebration; but this custom is not a one-way affair, for the bride's party is also under obligation to reciprocate with a less amount of goods and animals which go to the groom's kinsmen, though the groomwealth is traditionally about one-half of the bridewealth. There is much food consumed during this event that it is usual for both sides to shoulder the expenses which could be regarded as losses but unassessable in terms of the widening of kinship relations. The Manuvu' have also known of, and do practice, inter-village and inter-tribal marriages as effective devices for promoting good relations and minimizing little wars and feuding.

Loss of property really takes places when there is drought, for seeds sown may not sprout at all, or if the plants are growing they wither. Plants may also be attacked by worms, insects, locusts, and hence the prospect of a good harvest becomes nil. Rat infestation causes losses in primitive society as well as in a technologically developed community with modern means of combating rodents, but primitive people suffer more. These pests have always a good share of the harvest which are uncontrollable in primitive life. Curses are used in Manuvu' culture to bring down an enemy expressed in a pronouncement which is feared by the people; it is believed that this may result in crop failure, or death to individuals. It has been used as a mechanism for social control.

Losses do happen also as a result of articles and man being carried away by water, burning by fire; man may die in ambushes or raids as much as in other societies. But in primitive life the loss of a life, man or woman, is a blow to the family or kin group which is weakened that much in its constant struggle against a harsh environment. Of course, a man in matrilocal residence is not regarded as property; but his death must be compensated somehow in the custom law, and this is provided for by the practice of the levirate, or if it is the wife who dies, by the sororate. But the death of a slave certainly affects the economy of the family or kin group. The slave is regarded as a chattel which could be bartered

off or sold, even sacrificed in certain religious rituals, for instance, to end feuding.<sup>36</sup>

Loss of property also results when death happens, for certain articles may be buried with the body. In Manuvu' culture he may be dressed in the native costumes with all his bracelets, earrings, and other jewelry though not with his bolo or spear. To that extent, therefore, there is loss of personal property going to the ground.

Abandonment of a piece of land is tantamount to loss of property on the part of the owner. But the land is not lost to the village state, and the *datus* may once more allocate that plot to another villager or newcomer who may become a desirable *mahingod* (citizen or villager).

Houses do not last long in the hamlets and villages and therefore are not passed on as property. Every now and then, the Manuvu' dwelling of thatch, wood and bamboo have to be replaced or repaired with new material.

The only earthly possessions that outlive their owners are jewelry or ornaments and gongs. The spearheads and fighting blades also last for generations and are passed on to the next; they become articles of value in the payment of the wergild or play a function in marriage matches especially in the accumulation of the bridewealth and groomwealth. The working knives and bolos are tempered once or so a year or are remodeled after many years of use, but they last for a long time in the process.

Confiscation of property is practiced and sanctioned in the custom law. Any villager or *datu* may seize the bolo of any man who commits trespass of village territory by cutting rattan, for example, with the boundary of another village. If the hunter pursues the animal in another village and catches it there, he may lose the animal altogether because this can be confiscated. However, an animal already wounded within the hunter's village boundary can be pursued in another and if caught in the latter jurisdiction, the hunter would be allowed one-half of the carcass.

These facts should be understood in their proper light to comprehend the *batasan* governing things and property. Everything that the Manuvu' make or manufacture, except the beaded costumes, bags, belts, necklaces, have little monetary value to the world; but the articles that have more lasting value are the ones that have been introduced into the communities (like porcelain, jewelry and ornaments of gold, and gongs). The valuable articles have been the subject of interest by collectors within the last ten years and are now becoming rare items. As the natives themselves do not know the real value these articles have outside their culture, they part with them at very low prices by barter or outright sale, or sometimes by

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<sup>36</sup> *Ibid.*, p. 185.

the mere asking. In time the traditional ways will soon be changed and relegated to the dim past.

Of the wrongs committed against property which may or may not end in loss, I wish to end this subsection with a brief discussion of theft and arson. It is perhaps very revealing to state that arson is not practiced in the culture, for of the more than 400 cases recorded not one of them is on arson. While it is true that two generations ago and back warriors in their raids tipped their arrows with firebrand, the intention was to flush out the inhabitants of the household so that they could be killed or the women and children taken as captives or slaves.

On the other hand, thefts were common if contrasted with arson, for more than 15 cases of thievery were recorded. A summary is both picturesque and revealing. In Case 6 (2nd half of the 19th century), theft of a marked beehive ended in payment of 5 large gongs as damages; theft of rice in Case 20 (end of Spanish period), among the Attaw people, resulted in the death of the thief and one carabao as wergild on the part of the killer, hunger being the explanation for the commission of the theft. Case 26 (early years of the American regime) is an instance of a datu getting short of his food supply, for why did he take a bunch of bananas from the field of another, although this was an old field? Then for theft of fish in a trap damages of 3 gongs were awarded;<sup>37</sup> and for repeated theft of rice, a thief was speared.<sup>38</sup> A very unusual case is case 149 (1938) in which a trapper is tracked for stealing animal, but who refused to pay damages; instead, he challenged the owner to an ordeal which never took place for the reason that the owner was scared. Finally, the two trappers were made to end up their ill feeling by a datu of the village giving one a spear and the other a *palihuma'* blade so that they could exchange their arms to close the case in friendship. In Case 156 (1939) the wounded thief was found to be a suitable man for the purpose of marriage, so the rice owner had him for a son-in-law. Case 157 (1939) is theft of one deer and one wild hog from traps, but the thief who was tracked down confessed and agreed to give 2 large gongs as damages. The following case is reported in full because it shows how the Manuvu' people resolved problems following their custom law.

Case 7 (1944): *Theft of 20 baskets of rice; rice owner catches thief and threatens to kill him before assembled datu; one datu resolves problem by giving him a wife, a girl too young to be a wife; thief works field, builds house, for datu who fixed case and father of girl who gave away his daughter in compensation. — Mansayataw, a Matidsaug residing in Bunawan, upper Kuaman, was a family man*

<sup>37</sup> Case 37, ca. 1910.

<sup>38</sup> Case 49 (1916).

with several children. After the harvest season of 1944, he stole some 20 baskets of rice from the house of Imbangan Sumaliray, another Matidsaug, while the latter was intervisiting with Adan Kamad in Sahundanun, about three hours by foot away. When Imbangan and his family returned, some ten of them, they came upon Mansayataw with more than 10 carriers on the way. When they reached Bunawan, the rice was gone. They then suspected Mansayataw and companions and they followed the path taken by the thieves. Ten sacks of rice were left behind in the grass. Ten Mansayataw had some men watch the rice hidden, some of them armed with Japanese rifles.

The second day Mansayataw and his men came and started to pick the rice. Then the armed men surprised them, but only Mansayataw was caught. He was bound and brought to Datu Kamad's place. Imbangan narrated the circumstances to Datu Malluy, Datu Sakandalan, Datu Suvuan, who were all Manuvu', Datu Umbus, a Kuamanon. Imbangan wanted to kill Mansayataw before the assembled datu. "I called all of you datu," he said, "to witness this event. Mansayataw stole my rice, and I am going to kill him before you." Lurinsu' Kamad said he should desist and the other datu had the same opinion. Then Imbangan said, "If you do not want me to kill him, my rice in the amount of 20 baskets should be returned whole, otherwise I would impose a fine of 2 carabaos." But it was a period of stress — carabaos and rice were scarce during the war. One datu explained how to resolve the problem. To placate the rice owner, it was suggested to look for a woman to give to Imbangan, which practice is called *ibpautukon*. Datu Sakandalan's daughter, Alen, still too young to be given away as a wife, was selected and married to Imbangan without the requirements of the bridewealth. Imbangan consented.

Q: What happened to Mansayataw?

A: He was freed.

Q: Did he not pay any *panavuk* or damages?

A: None. Though Datu Lurinsu' (Gavilan) required him to clear one field of about 3 hectares and to build a house for him.

Q: What was given to Datu Sakandalan?

A: The harvest of the field was divided between the two and Imbangan was required to reside with him.

Q: How many years did Mansayataw have to farm for them?

A: Only one year.<sup>39</sup>

It should be noted that although the thief and rice owner were Matidsaug, belonging to a neighboring ethnic group, the wrong was committed in Manuvu' territory and the case was decided by Manuvu' datu.

The other cases need not be recited here. One remark is left to close this subsection: that the wrongs committed by the people reflect the cul-

<sup>39</sup> Informant: Datu Adan Kamad, September 17, 1964.

ture in general. The presence of cases of theft simply mirrors the subsistence economy of the people; on the other hand, arson does not promote meeting economic needs and problems, so it is not practiced.

#### VI. SUMMARY STATEMENT OF THE NATURE OF OWNERSHIP

This section will be devoted to making commentaries on the nature and character of Manuvu' material property from the point of view of ownership. Only features that may have comparative interest are briefly singled out since the others have already been discussed in the main body of the paper.

1. With respect to material property there is no doubt that the concept of ownership is well defined and can be identified, although there is some overlapping in their classification. From the point of view of ownership, things and animals in nature are attributable to and owned by the supreme god Manama who created minor gods and goddesses, though it is not certain whether he also created the minor deities and spirits. These latter supernaturals are the minor gods' assistants who act as guardians of forest and streams some of whom have been assigned the task of serving the interest and well-being of man. The Manama and minor gods who reside in the skyworld have assigned them to different mountainsides, forest and rivers to take care of the trees, plants and animals living in them. These plants and animals serve the needs of man in his daily existence. Whenever man had need of these things, he begs to be given them from these lesser spirits in his trapping, fishing, or hunting activities; this recognition of guardianship over living things in nature has given rise to the performance of certain rituals. The moment these rituals are done, the things or animals he wants are given him, appropriated and become his property. Meat and fish do not stay long in his possession, but certain trees may serve as building material longer. There are bad spirits too who must be placated because they interfere with the Manuvu' success. These malevolent spirits also allow man to have things he needs (as having the wood of certain palm trees inhabited by them); or allowing man passage to the trapping or hunting grounds.

2. The village as a political organization may also own mountainsides and streams jurisdictionally and enforce rights of ownership against trespassers or non-villagers. It appears that the village as a local political unit does not have direct dealing with the Manama or his assistants, though there are shamans in the community who directly seek divine relationship, protection and possession of power. The village owns the land within its confines and the *datus* distribute the land to the villagers; then the *datus* or the villagers may enforce ownership rights over trees, animals, or streams.



It appears that the origin of village ownership stemmed from the original founder's right of discovery and settlement and since villagers may be related consaguinally or affinally to the founder they take it upon themselves to enforce ancestral rights.

3. The kin group property called the *pusaka'*, in theory, should last for generations, though in practice it disintegrates in view of the subsistence level of economy. Though the *pusaka'* may not be the subject of sale or barter, yet in practice they may be given away to pay for damages accruing to a wronged person. In other words, the peace of the community is more important than the preservation of the *pusaka'*. Though it should be stated here that such articles constituting the *pusaka'* given away in payment of the wergild may be recovered from the wrongdoer or his kinsmen later. But such replacement or recovery may take years for the reason that goods and animals are not easy to accumulate in the nature.

4. Property that may be brought in by either spouse remain with each spouse and it can be augmented for it is characteristic of the family system that there is separation of property between husband and wife. Sometimes the wife receives fines or damages from her husband who in his wrath or indiscretion may have violated good husband-wife relationship; such property (article, animal, etc.) may be kept by the wife as her own, or she may part with it by giving it to her parents (for there are rules where she is not supposed to keep it as in the instance of damages awarded due to adultery committed by her husband). In general the wife's material possessions amount to little and she may die without them. On the other hand, if the husband succeeds as a trader he can accumulate wealth some of which he shares with his wife. As it is prestigious to become a *datu*, should he become involved in the settlement of cases, his wealth dwindles or augments following his ability to manipulate things and affairs for there are some *datus* who collect fees. Most *datus*, however, end up as decrepit and poor citizens in their later life though they are highly respected.

5. Individual property is easily dissipated by kin group claims and interests, for it is the normal behavior to share material possessions with kinsmen. While jewelry and ornaments may be kept unseen in trunks, they are soon displayed during social gatherings and feasts; these have long life as personal possessions and are not easily parted with in the settlement of trouble cases, though they may form part of the bridewealth, especially given as a *pantum* to the bride. The gongs, blades, and spears cannot be hidden and *tumes* sometimes serves as reserved stock to be used in times of crisis (shortage of food, to help relatives in trouble, or in marriage matches).

6. The emergence of the concept of public property has come about in Manuvu' society in recent times, a development I have tried to point out in my *Manuvu' Social Organization* (1973) which need not be repeated here. As datu sometimes accumulate wealth from fees received from people having cases for settlement, there are others who dispense with such fees. In return the people served in this manner render personal services in the household of the datu or in his fields. In the latter case, the datu can clear wider fields and he may have several in a number of villages in one planting season, thus enabling him to harvest more rice than any other villager or citizen. This custom enables him to stock up more rice as surplus or reserve. As his family and kinsmen cannot consume such surplus alone or in any way, in the next planting season he provides needy farmers with seedling or with rice to tide them over this critical period when everyone else has no rice in his bins. In short the datu's surplus has become the people's granary or a kind of public treasury. The same thing happens with other datu who have accumulated some wealth in the form of goods and animals. Such surplus stock has become ever ready material wealth with which to complete the damages or wergild so necessary to restore social equilibrium in the community or greater society. For the law of retaliation may end up in feuding which may last for months; under such conditions rice production and other economic pursuits are neglected and the communities suffer, a condition which now and then obtained even after the recent war. Though the Manuvu' have no term for public property or treasury, they look at their datu as dispenser, guardian, or owner of property which can be used to serve public welfare.

7. The principle of replacement, very well understood in the family law (e.g., in the levirate and sororate) and in the law of delicts and wrongs (e.g., in the replacement of an abducted wife, payment of wergild, etc.), is carried out into the law of property. For although the articles and animals constituting the *pusaka* may not be sold in theory, yet these could be used in the payment of damages or in meeting the exigencies of the bridewealth, and any such article or animal so used is replaceable in practice. The principle also underlies the sanction for the forcible seizure of articles or animals in the case of *da:mpas* in repeated instances of failure to collect payment of an obligation.

8. Though persons are not categorized as property in general, since slavery is an institution recognized in the traditional law, slaves are regarded as personal property that can be bartered, sold, and even sacrificed. However, the practice has been discouraged in recent times and may eventually be abandoned.

9. The belief of infusion of a soul-spirit into an article by its maker has added another dimension to the general theory of the law of property.

That the article has been given this animated or animistic character is the reason given for considering any unsavory remarks directed against it as an insult not only to the object but also to its maker and so the justification for damages. If that is so, this rationalization appears to parallel the reason behind the idea of sentimental value attached to heirlooms or long-possessed articles very much asserted in claims for damages in our times, a step forward here from irrationality to rationality, the primitive mind leading support and force, though vaguely perhaps, to advancing juristic ideas. In another way of thinking, man in different societies tries to rationalize his behavior in similar ways — in one, the primitive man, in the aura of his animistic beliefs, and in the other, the modern, in the crazy maze of his materialistic ways, though both in the characteristic milieu of their culture.

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