

Calagan, P. A. (1992). *The indigenous legal system among the Barlig people of Eastern Mountain Province*. (Unpublished master's thesis). Baguio City: Baguio Colleges of Foundation.

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ABSTRACT

The Barlig people who are among those belonging to the indigenous cultural communities of the Philippines have evolved a system of social regulations, institutions and processes that maintain peace, order and justice within the ill even without the benefit of government. These regulations are popularly referred to as customary laws or indigenous legal system in general which needs to be codified and recorded not merely for purposes of preservation but more of providing data and information to help facilitate the implementation of the state policy of taking into consideration the customs, beliefs and practices of indigenous communities. Furthermore, this study is in line with the government's policy of self determination for indigenous people and consequently giving due recognition to these customary laws as binding and effective legal code of their own.

The study sought to investigate the indigenous legal system of the Barlig people specifically their customary laws on family, property, penalty, and procedure, inter-village relations and other peace and order in the ili. The study also aimed to determine how these customary laws are explained and justified by the elders of the ili.

In providing answers to the problems so formulated, the researcher made use of the field research, individual case study, genealogical, and the historic narrative and descriptive methods. Specifically, the researcher utilized participation and observation, key-informant technique, and other interviews and

consultations including mapping and picture taking to further illustrate the setting of the study and the key-informants respectively.

Major Findings

1. On family law – The Barlig people view marriage as a union between two members of a kinship group primarily for the production of children. If no children are born as a result, a divorce is allowed to set free each spouse to look for a partner who can beget him/her a child. In addition, the obligation of parents in rearing their children ends only when these children get married and rear their own children
2. On property law – The Barlig people practice the primogeniture rule in the devolution of properties to children. In addition, the property relations between among spouses is that of a conjugal partnership of gains which is evident in case of divorce whereby each spouse will take back his/her property brought to the conjugal dwelling. Property ownership is limited to trust administration by the owner on behalf of his children and rightful heirs and is further limited by the fact that members of his kinship group exercise rights over his properties.
3. On penal law and procedure – The Barlig people have only two classification of penalty, the death penalty and fine. These are imposed by the offended party and his kin against the offender and his kin. The settlement of dispute is done through conciliation with the two opposing kinship groups who is a person or group of persons who are related by consanguinity to both of the conflicting parties.
4. On inter-ili law – The Barlig people have concluded peaceacts with neighboring ilis and such peaceacts are strictly kinship-oriented. The titles as *punchun holder* is acquired through inheritance without discrimination as to sex.

Conclusions

The conclusions of the study are:

1. The family exists primarily for the production and rearing of children. Children are fundamentally important because they add more members to the kinship group thus making it strong to enforce the law against offenders
2. The limited individual ownership principle is the rule that governs the relationship between spouses. In addition, the primogeniture principle is followed with respect to the transfer of parental properties to heirs.
3. The kinship group is the only legal institution in a Barlig ili that possesses a legal personality in enforcing the customary laws on penalty and procedure against erring kinship groups, hence collective responsibility, collective reciprocity of punishment and collective procedures are the principles behind the settlement of conflicts which is purely conciliatory in nature with the *kiawa/tonga* as conciliator
4. The peace pact system in a Barlig ili is purely kinship-oriented and peace pact holders are limited within specific kinship groups only.

Recommendations

1. The customary laws and indigenous legal institutions and processes of the Barlig people as herein codified should be given legal recognition by the Philippine government. These laws were proven to be effective in maintaining peace and order in the ili since they were conceived in accordance with the geographical, physical, economic, social and other environmental conditions and characteristics of the Barlig ili and people.

2. These customary laws and legal institutions and processes should be incorporated as part of elementary and high school curriculum in Barlig to provide

the young generations with deeper understanding and knowledge of their own indigenous laws and to supplement what is being learned by the child at home and his environment. This would help educate the child to be good and responsible citizen.

3. These laws should be taken into consideration in analyzing political theories particularly those concerning the origin and evolution of government and laws. This study should be utilized to confirm or criticize these theories.

4. Further researches and investigations on these customary laws and legal institutions and processes should be undertaken to supplement what has not been discussed in this paper particularly the interface of these laws with Philippine law and also with the indigenous laws of other cultural communities to determine points of convergence and divergence, similarities and differences and to possibly remedy these differences or draw generally acceptable principles common among cultural communities.

