

From Sultanate to Democracy

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Muslim political condition, which may be called as a change from sultanate to democracy, represents a conflict between the old and new systems in Muslimland. The sultanate or datuship is based on Islam whose civil and religious aspects have given added vigor to pre-Islamic ways of life. The sultanate resisted the intrusion of democratic ideals which eventually though gradually dominated at some cost. It is this political conflict which is at the core of the so-called Moro problem, and a brief review of historical events would place this problem in better light.

The early missionaries and founders who came from Malaysia propagated Islam and established settlements with sultanate rules. Sharif Baguinda founded the single Sultanate of Sulu which gradually extended its jurisdiction over the islands of Jolo, Tawi-Tawi, Basilan, Palawan, and North Borneo — all represented in the five stars on the sultan's green banner.

Sharif Kabungsuwan organized the first Sultanate of Maguindanao in Cotabato which later split into three allied powers. This system of geographical organization later spread into Lanao where four *pangampong* (principalities) were established as they still exist today in a complex and segmentalized structure.

Within the territories of the four principalities, there are 15 higher-prestige sultanates (*pagawidan*) and 28 lower-prestige sultanates (*pagawid*). These categories of sultanates have further subdivided into an unknown number of sultanates or datuships for the smaller communities of *suko* (district), *inged* (township), and *agama* (village), whose details need not be mentioned here.

Nevertheless, the larger sultanates are relatively independent from one another although they maintain traditional alliances under the terms of the unwritten *adat* (customary) law. Each sultanate has its founding father, either historical or legendary, from whom descends power on the basis of heredity.

Although the sultanates suffered from internal conflicts, singly and collectively they resisted foreign enemies and ideologies — violently or passively. Although all these sultanates are in the same area, and



A Maranao in a sultan garb.

Mindanao and the Sulu Archipelago were independent from each other politically, they were all bound together within Islam which gave them a common ideology. They, too, had some common customs and traditions and zealously guard their land and other resources.

The sultanate of Sulu had been in contact with the British, Dutch, and Spaniards. In contrast, the sultanates of Lanao had very little contact with European powers. The first short contact of Maranaos with the Spaniards was in 1639 when the latter, accompanied by Christian Filipino soldiers, attempted to conquer the region where they were repulsed by stubborn Muslim resistance. The Spaniards were driven back to what are now known as Iligan City and Malabang. Between 1891 and 1895 other expeditions slowly penetrated into the lake region and skirmishes took place from time to time until the Spanish-American war broke out in 1898 and diverted the attention of the Spanish government to other regions.

When the Philippines was ceded to the United States under the Treaty of Paris, the people of Mindanao and Sulu were surprised be-

cause they never considered themselves part of the Philippines. The only authorities they recognized were their sultans, and the Spanish and American governments were as alien to them as the Treaty of Paris. While the surrender of Aguinaldo in Palanan paved the recognition of the American power by the Christian Filipinos in Luzon and the Visayas, it meant nothing to the Muslims of Mindanao. Thus, Muslim resistance continued even after the Treaty of Paris, and this explains why until this day the acquisition of lands under the continuous rule of the sultanate, such as the campus of Mindanao State University, has been difficult. The natives claim that the land had never been under Spain or America and therefore it belonged to them. They alone can determine the ownership of any territory in Morolandia.

The American government negotiated treaties with the Sultanates of Sulu wherein they pledged cooperation. The people acceded to recognize the authority of the military government on condition that they be allowed to exercise their religion, observe their customs and traditions. In Lanao, the resistance continued for a longer time. The first military governor, General Wood, did not adopt the policy of attraction, ignored the authorities of the region which meant depriving the rights of the natives and the surrender of sultanate authority to American military power. It also presaged destruction of their Islamic faith. The Moro thus resisted and most of the military campaigns were directly conducted by Major Robert Bullard and Capt. John J. Pershing against the historic *kottas* dotting the shores of Lake Lanao.

The gradual transfer of power from the resistant sultanate to the central government was not only made difficult by the original concept of independent states but also complicated by the existence and observance of laws, customs, traditions, and beliefs long existing in the region. In Maranao society, for example, *adat* law is the source of authority supporting the power structure and social organization. This body of customary law includes the *taritib* (order) and the Islamic law. The *taritib* is a collection of the customs, traditions, usages that are observed in the community. The specialist or authority is called *pananaritib*. The *taritib* defines the relationship of territories, the extent of the communities, the status and ranking of the families, the titles that should be given to individuals, the kinship groups found in the community and, in general, the social behavior pattern. Then there is the *salsila* (genealogies) of families which relates the kinship structure of groups of people and their distribution to social ranks. Family relationships has a lot to do with the behavioral pattern even in the settlement of conflicts.

Among the Taosug there is the *adat* law. The *adat* law, derived from the Arabic word "*adat*," commonly connotes customs, practices, and usages. *Adat* law varies from region to region because of the influences of local customs and tradition, but in general, it governs the conduct of the community and the behavior of the individual. Therefore, the violation of such law has legal punitive consequences.

The Maguindanao have the *Luwaran*, an embodiment of customary laws covering extensive provisions regarding murder, adultery, inheritance, sale, slavery, divorce, and family relations. Some of the sample provisions are as follows:

If a person curses or abuses another person without cause, he shall be fined not more than three *cuspidores*. (Article 12).

If a person forcibly claims another person as his slave he shall be fined the value of one slave. (Section 1).

If a person defames another person by calling him *balbal* (evil spirit that devours people), he shall be fined one slave or the value of one slave. (Section 2, Article 13).

At the discretion of the judge and the datu, a thief who steals property amounting to the value of one *malong* shall have his hands cut off and shall return the stolen property. If the stolen property does not amount to one *malong*, the thief shall suffer thirty-nine lashes or pay a fine of four *cuspidores*. (Article 17).

If a person seduces a female slave held by him as security for debt with the knowledge and consent of the debtor, he shall not be held guilty. He shall give her a dowry.

If a married woman commits adultery, both adulterer and the adulteress shall suffer 80 lashes. If the lashes are changed or reduced to a fine, half of the woman's lashes shall be added to the man's fine. (Article 38).

If a married man commits adultery with a free woman, both shall be stoned to death. The punishment of the man may be reduced to imprisonment. The woman shall be buried up to the chest and she shall be stoned with medium-sized stones. (Article 43).

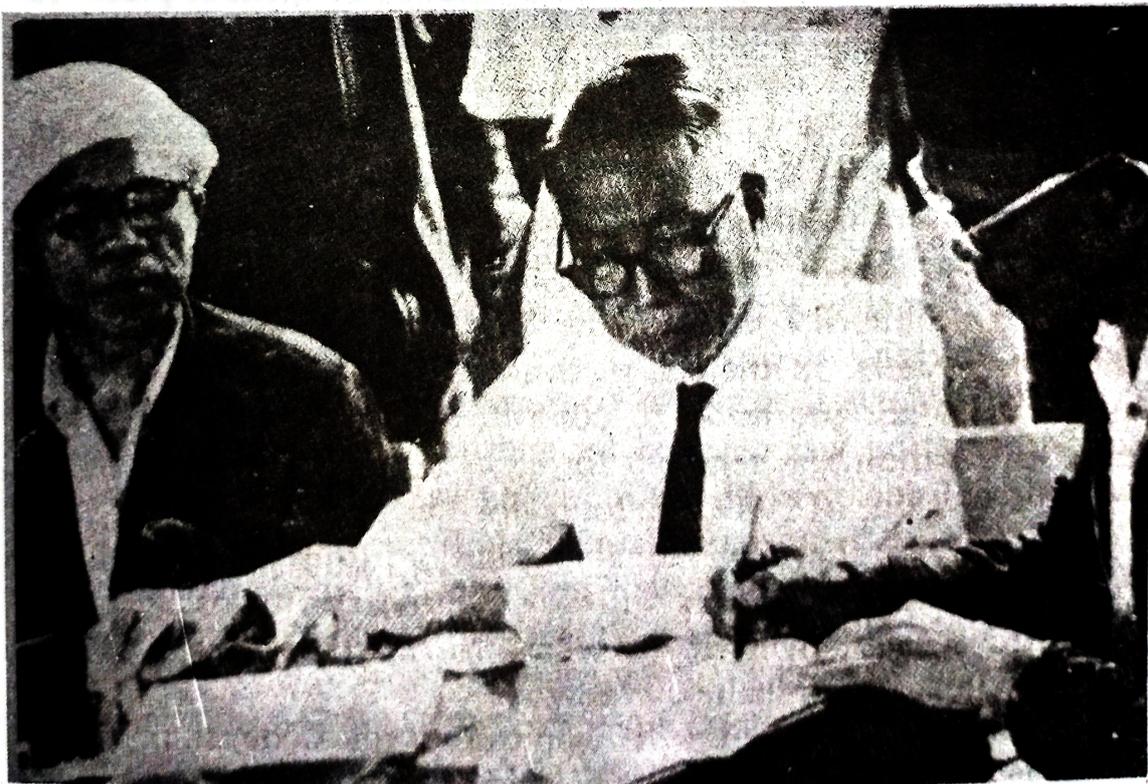
A son, the only child, shall inherit all the estate of his father and mother. A daughter, the only child, shall inherit half the estate of her father and mother. (Article 80).

The Administration of Justice

The general concept of *adat* law is shared by all these Muslim



President Marcos in Marawi City.



A Group of Datus, with MSU President Antonio Isidro, donating a piece of land for the MSU campus

groups, despite the variation of contents and applications. It is *traditional* as opposed to modern law. The administration of traditional justice can either be very simple or complex in the different localities. For example, among the Maguindanao, the settlement of conflicts is presided by a *datu* (chief) with the assistance of a *kali* (law consultant), and a vizier. While the *datu* presides with honor, the *Kali* is more important in the administration of law for which he is expected to be the best informed among the elders of a community.

Besides using Koranic laws, the *kali* refers to the *luwaran* as a local penal code. As evidenced by some of the previously quoted provisions, the *luwaran* applies unequally to higher and lower classes of people in Maguindanao society involved in court cases.

Among the Maranaos trial-by-jury is practised by a council of leaders (*pamitiara*) which includes sultans, datus, other wise men and, of course, a *kali* who also interprets the law for the enlightenment of the court in rendering decisions.

Adat law can also be misapplied, abused, or corrupted by those who administer it. The latter body of law is gradually losing its power to the *state* law. Indeed, perceptible changes are taking place.

The transition from the *adat* law to the *state* law of the Republic of the Philippines requires time. *Adat* law becomes difficult to interpret when it conflicts with government laws and vice-versa. The idea of the separation of church and state is indistinct in the Muslim concept. Philippine civil laws, Islamic laws, and the indigenous practices and traditions would require time. This is illustrated in the case of polygyny as a unique feature of Muslim marriage.

In 1916, upon the approval of the Jones Law which became the organic law of the country, polygyny was prohibited. Realizing that it would be in conflict with the practices of the Muslims, the Philippine Congress made certain dispensations with respect to the application of this law. Plural marriages in the Moroland was permitted for a period of 20 years. At the end of this period, it was found that the Muslims were not yet ready to conform to the general law of the land. Dispensation was renewed for another 20 years so that in the Revised Civil Code of 1949, the following was provided:

Marriages between Mohammedans or pagans who live in non-Christian provinces will be performed in accordance with customs, rights or practices. No marriage licence or formal requisites shall be necessary.

However, 20 years after the approval of this Code, all marriages performed between the Muslims or pagan shall be solemnized in accordance with the provisions of the Code, but the President of the Philippines upon the recommendations of the Secretary of Interior

may at any time, before the said expiration of said period, by proclamation make any of said provision applicable to the Muslim and non-Christian inhabitants of any of the non-Christian provinces.

Political Progress

Upon the inauguration of American rule in the Philippines, the Americans adopted the policy of attraction and non-interference in the local affairs of the Muslims. There were efforts, however, to eliminate or reduce some of the practices which were inimical to American laws such as slavery and piracy. In the meantime, schools were established, roads were built, and health programs were introduced. In spite of these measures, the people were not convinced of the plan of the government and they harbored some suspicions. To give special treatment to the Muslim population, the United States government created the Moro Province, under which the following districts were included: Sulu, Zamboanga, Lanao, Cotabato and Davao. Its capital was Zamboanga. The Moro Province had a council composed of the governor, the secretary, treasurer, superintendent of schools, and provincial engineer, all appointed by the Governor General. This council was to act on legislative matters and exercised military and political control over inhabitants. After the visit to the Moro Province by a representative of the United States government in 1910, he reported that it would take time before the Moros could become part of the republican government.

By 1913, the Moro Province was abolished and a body known as the Department of Mindanao and Sulu was created. The administrative body was composed of the governor, treasurer, secretary, attorney, and one delegate — all appointed by the Governor-General with the approval and consent of the Philippine Commission. A legislative council acted as adviser. Municipal and provincial governments were organized and local officials were appointed by the Governor-General. Under this system, limited participation was given to the local officials.

With the approval of the Jones Law in 1916, the legislative power passed into the hands of the Filipinos. The Philippine Commission and the Philippine Assembly were abolished and were replaced by the Philippine Senate and the House of Representatives. In the new legislative body, the Muslims were given representation. In the Senate, out of 24 members, two were appointed to represent the non-Christian provinces. Of the 90 representatives in the Assembly, five represented the Department of Mindanao and Sulu. The Senators and representatives were appointed by the Governor General "without the consent of the Senate and without restriction as to residence and

they could hold office until removed by the Governor General." Under the change instituted under the Jones Law, the Department of Mindanao and Sulu was abolished and the Bureau of Non-Christian Tribes was created under the Department of the Interior. Again a large measure of autonomy was permitted.

After the inauguration of the Commonwealth, other changes were made. The Department of the Interior exercised direct control over the province of Mindanao and Sulu. In 1936, the Commissioner for Mindanao and Sulu was created with headquarters in Dansalan, Lanao (now Marawi City), and was charged with the duty of accelerating the social, political, economic and educational development in the area. Greater importance was given to the Commissioner as he assumed the position equivalent to the undersecretary of a Department. He was appointed by the President of the Commonwealth with the consent of the Commission on Appointments. The right of suffrage was granted to the Muslims in 1938 when they were authorized to elect some of the local officials, although the governors of the provinces of Bukidnon, Lanao, Cotabato, and Sulu were to be appointed by the President of the Commonwealth. Because of the active resistance of the Muslims during the Japanese occupation, some of the Muslim leaders were appointed by the American authority as governors of the liberated provinces in Mindanao. With the establishment of a new legislative body after independence, the Muslims were given opportunity to have representatives through general elections, but since the election was based on a nation-wide representation rather than of the region, Muslim representatives in the Senate lost their seats. In the lower house three Muslims representatives were elected. They were Congressmen Salipada Pendatun of Cotabato, Amilbangsa of Sulu and Domocao Alonto of Lanao. Since the establishment of the Philippine Republic, three Muslim leaders have been elected to the Senate: Alaya Alonto of Lanao, Salipada Pendatun of Cotabato and Domocao Alonto, in 1955. At the same time the governors in the provinces of Sulu, Lanao, and Cotabato who used to be appointed by the Governor-General, were elected by the people.

In including this discussion of the Muslim-American relations and the policies adopted by the American government for the incorporation of the Muslim population into the body politic, it might be of interest to quote the conclusions arrived at in an intensive study of the Muslim participation in the government.

*Conclusions on the Study of the Muslim Participation in Government*¹

1. The Spaniards and the American had similar military, missionary and economic objectives in Moroland and employed force to impose their will. Unlike the Spaniards, the ultimate policy of the Americans was, however, the incorporation of the Moros into the body politic of an independent Philippine state. Americans judged the "legitimacy" of their occupation of the Moroland in terms of this aim.

2. The policy of direct rule and programs implementing the mandate were interpreted by Moros as threats to their religion and culture. The Moros resisted fiercely. Americans failed to comprehend the extent to which their schools, laws, social reforms and economic policies jeopardized traditional Moro society in which separation of the "sacred" and the "secular" was unknown.

3. On American administration, Moroland became effectively a part of the Philippine nation. The region was integrated into the Philippine governmental framework. Christians and Moros were brought into friendly, peaceful contact and it was shown that they could live together harmoniously. But half the generation of the United States administration was insufficient to overcome centuries of Moro-Christians animosity or to prepare the Moros for equal citizenship with Christians in a modern democratic state.

4. The Moros paid heavily for American good intentions. They lost their independence. Thousands perished in battle. Their traditional society was disrupted. Then bereft of political, economic and military power, they became almost totally dependent on American justice and goodwill. They were beginning to respond positively to the genuine humanism of the Americans when the later precipitously transferred the government of Moroland to the Christian Filipinos — ancient foes of the Moros.

5. The mandate was only partially fulfilled in Moroland

¹ From Peter Gordon Gowing, *Mandate in Moroland, the American Government of Muslim Filipinos, 1899-1920*. Syracuse University, Syracuse. Dissertation in fulfillment for the degree of Doctor of Social Science. Graduate School of Syracuse University, January, 1958. (Revised edition later published by Philippine Center for Advanced Studies, UP System, Diliman, 1977.)

before responsibility for it was assumed by a government controlled by Christian Filipinos. Events subsequent to 1920 indicate that the Christian Filipinos were not ready to adequately administer half-a-million Moros. Abuse of power by individual Filipino official, programs of assimilation which ignored Moro religious and cultural sensitivities, and a great influx of Christian settlers who alienated land belonging to the Moros, exacerbated Moro-Christian animosity. The Philippine Republic today, like Spain and America before her, has a "Moro Problem."