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**MINDANAO STATE UNIVERSITY: ITS ROLE IN THE DEVELOPMENT OF THE STUDY OF ADAT LAWS**

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I wish to begin my talk with a short historical background of Mindanao State University. Thereafter, I shall make an attempt to discuss in brief the role of the said University in the development of the study of *Adat* Laws.

Perhaps you are aware of the fact that during the early fifties, there were chronic problems of peace and order, that persistently troubled the Muslim areas of Mindanao and Sulu, which had cost the government millions of pesos to solve. Aware of the gravity and implications of these problems to national solidarity, and concerned with the plight of the Filipino Muslims, the House of Representatives of the Third Congress of the Republic of the Philippines, created a Special Committee composed of Congressman Domocao Alonto of Lanao as chairman and Datu Luminog Mangelen of Cotabato and Sultan Ombra Amilbansa of Sulu as members, to investigate the so-called "Moro Problem" with emphasis on the peace and order condition in Mindanao and Sulu.<sup>1</sup>

As a result of the thorough and extensive investigation undertaken by the said Committee, it was found out that the "Moro Problem" was basically the problem of integrating the Filipino Muslims into the Philippine body politic by inculcating in their minds that they are Filipinos, being part of the Filipino nation, and that the government is instituted for their welfare. But it came to the realization of the Committee that this problem could not be solved by a simple master stroke, and that it would be a gradual process, involving intricate historical, economic, social, educational and political ramifications.<sup>2</sup>

In the light of these findings, it was conceived that in order to solve this problem, a new approach other than the use of armed force, should be pursued. This approach should take the form of a

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consistent government policy towards the socio-economic, political and educational advancement of the Filipino Muslims and their immediate and permanent integration into the body politic. To implement and carry out this policy of integration, the Committee Chairman, then Congressman Alonto, authored a Bill in 1955, which sought to create a State University as an instrument for the economic and social growth of Muslims in Mindanao, Sulu and Palawan regions. On November 18, 1972, President Carlos P. Garcia signed this Bill into what is now Republic Act No. 1387, an Act providing for the establishment of Mindanao State University.<sup>3</sup>

Mindanao State University therefore, is a symbol of the Philippine Government's answer to the perennial problems of the Filipino Muslims. It was created with the following major objectives: first, to foster and accelerate the educational, social, economic and political advancement of the Filipino Muslims and other cultural minority groups; second, to finally integrate them into the Philippine body politic.

The defunct Congress of the Philippines expressed in unequivocal terms the objectives of the University when it provided in Section 2 of the University Charter: The said University shall primarily give professional and technical training, besides providing advanced instruction in literature, philosophy, the sciences and arts, with particular emphasis to restructure the nation's view about the culture of the Filipino Muslims and to find ways and means of preserving them so that in a given time they can occupy their place in the Filipino people's continuing search for national identity. It is for this reason that we deem it a part of the imperatives of Mindanao State University to promote the development of the study of Adat Laws.<sup>4</sup>

### **Adat Laws**

However, before I discuss what Mindanao State University is actually doing to serve its function, I shall first discuss in a nutshell the Adat Laws as applied among Maranaos, Maguindanaos and Tausogs. Subsequently, in the light of this discussion, I shall explain the role of Mindanao State University in the development of the study of Adat Laws.

What are Adat Laws?

*Adat* is an Arabic word which literally means "custom." Among

Filipino/Muslims, it denotes customs, practices and usages founded on the bedrock of Islamic traditions and handed down through generations. When the early Muslims arrived and propagated Islam in the area, they established settlements with Sultanate rules. Sharif Baguinda founded the Sultanate of Sulu which gradually extended its jurisdiction over the islands of Jolo, Tawi-Tawi, Basilan, Palawan and North Borneo, all of which were represented in the five stars of 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 the four *Pangampongs* (Principalities) were established. These *Pangampongs* still exist in complex and segmentalized structures up to the present.

Under this sultanate system of government, the *Adat* Laws were used as the fundamental laws governing the said different Sultanates. Despite their variations in content and application, the laws have a general concept shared by most Filipino Muslims: they are traditional as opposed to modern law.

The application of the *Adat* Laws varies from region to region depending upon the influence of local customs and traditions. But, in general, they govern the conduct of the community and the behavior of the individual. For example, among the Maranaos, the *Adat* Laws are the source of authority that supports the power structure and the social organization. This body of customary laws includes the *Taritib* (order) and the Islamic Law, *Sharia*. The *Taritib* is a collection of the custom, traditions and usages that are observed in the community. The *Taritib* defines the relationship of territories, the extent of the communities, the status and the ranking of the families, the titles that should be given to individuals, the kinship groups formed in the community and in general, the social behavior patterns. Then also, there is the *Salsila* (genealogies) of the families which relates the kinship structure of groups of people and their distribution in social ranks. Family relationships has a lot to do with the behavioral patterns even in the settlements of conflicts.

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

Among the Maguindanaos, there is the *Luwaran*, an embodiment of customary laws covering extensive provisions regarding murder,

adultery, inheritance, sale, slavery, divorce, and family relations. The matter of settling conflicts is conducted by a *Datu* with the assistance of a *Kali* and vizier. While the *Datu* presides with honor, the *Kali* is more important in the administration of laws, because he is expected to be the best informed among the elders of the community.

Besides using the Qur'anic laws, the *Kali* among the Maguindanaons refers to the *Luwaran* as a local penal code. The *Luwaran* applies unequally to higher and lower classes of people in relation to court cases.

Among Tausogs, the *Adat* Laws are best represented by *Sara'* (Arabic, *Sharia*). *Sara'* refers to both the body of legal rules and the officials who enforce the law. It is of two categories: written or codified law which is based on the *Sharia* and *Adat*, and the unwritten law which is based on the *Adat* only.

Among Tausogs, to bring a case before the law, one has to present his grievances to the local headman, or any other official. There are two major realms of legal procedure, which depend upon the nature of the offense committed as well as upon the actual power of the official in charge of the case, such as Judgment (*Paghukum*) and Mediation (*Pagsalasay*). A case which ideally calls for judgment (usually, violation of certain Islamic laws involving vice) might only be mediated by a lesser headman, or a case which usually calls for mediation between the principal litigants (such as homicide), might be subject to summary judgment and mediation by a strong headman.

Most laws that involve judgment procedures are embodied in the code called *Diwan*, issued by the Sultan after consultation with influential headman and religious leaders. *Diwan* standardizes existing customary and religious judgment procedures. Among others, punishment for certain vices are specified, standard fines are listed for various offenses, and payments of blood money are standardized. Also bride wealth payments, in case of abduction and divorce rules, are codified. However, certain classes of offenses are absent from the *Diwan*, such as land law, inheritance law, commercial law, offenses against honor, and other rules which are considered matters of *Adat* (custom).

### Mindanao State University and the Study of Adat Laws

As was mentioned earlier, one of the important functions of

Mindanao State University is the preservation and the promotion of native culture. To facilitate the achievement of this objective, the University established the University Research Center whose primary function is to encourage faculty researches. Many undertaken under this Center have already been published, and some are still in progress. Most of them deal with various aspects of the native culture, especially Filipino Muslim culture of which the *Adat* Laws are a part.

Recently, the University also initiated and directed the organization of the Institute of Asian and Islamic (Arabic) Studies. One of the major objectives of the Institute is to undertake researches on Islamic cultural heritage in the Philippines in order to promote greater understanding of the Muslim culture and tradition.

In order to attain a broader scope of its research projects, the Institute created under its sphere the Department of Research and Evaluation. This Department shall undertake researches and studies in all aspects of the cultural study of the *Adat* Laws. It will also undertake translation of Islamic books, literature and native literature of Filipino Muslims into the major Philippine languages.

In addition to the above, Mindanao State University is always an active participants in undertakings, whether they be seminars, symposiums or conferences that are for the study and development of the *Adat* Laws. An example is our modest participation to this 6th Annual Seminar on Islam in the Philippines and Asia.

Perhaps, the primary significance of this seminar is the fact that it is a concrete manifestation of the continuing interest of the non-Muslim population in the understanding and integration of the Filipino Muslims into the main body politic of the Filipinos. Moreover, in relation to the goals of the New Society, this seminar and the resultant ideas, attitudes, concepts interactions, objectives and others may pave the way for the Filipino Muslims greater, vital and more dynamic participation for Philippine nationhood and national development.

#### NOTES

1. RP Congress, House of Representatives, Report of the Special Committee to Investigate the Moro Problems Especially with Regards to Peace and Order in Mindanao and Sulu, Third Congress, Second Session, 1954.
2. *Ibid.*
3. Republic Act No. 1387 (As amended by Republic Act No. 1893 and Republic Act No. 3868).
4. *Ibid.*