

SULU TREATIES

Their Historical Implications on the Moro Quest for Self-Determination¹

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“The Moros exemplify what may be considered the highest stage of civilization to which the Malays have ever attained unaided.”

- Dean C. Worcester

In the course of its reign over the Sulu Archipelago and adjacent islands, the Sultanate of Sulu entered into several treaties, some of which were preserved and translated for the perusal and study of future generations. These treaties reflect in varying degrees the political status of the Sultanate in the community of nations, the extent of political sophistication of the Moros, and the dynamics of war and peace in Sulu's historical relations with the Spaniards and later, the Americans. Our legal understanding of a treaty is that of a contract in writing between two or more political authorities (as states or sovereigns) formally signed by representatives duly authorized, and usually ratified by the lawmaking authority of the state.

Before going into our discourse of Sulu treaties, let us, however, present a very brief historical background of the Tausugs as no strangers to foreign contacts. As a matter of fact, being seafaring people inhabiting islands strategically located in the southeast asian trade routes, it was inevitable for them to be in constant touch with foreigners.

Historical Antecedents

Long before the Spaniards came to the Philippines, Sulu had a distinguished history of contact with other sovereign kingdoms of Indians, Chinese and Arabs. Toward the second century after the advent of Christ, the Pallava Kingdom rose into prominence and spread its influence from southeastern India to Cambodia, Java, Sumatra, the Malay Peninsula and what is now the Philippines. When the Pallava Kingdom declined in the 8th century, its place was taken over by the Shri Visjaya Kingdom in Sumatra, and later, by the Madjapahit Empire in Java. The Madjapahit was overthrown by the Muslim Malays in 1478 under Rajah Borang.³

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³ Justice Jainal D. Rasul, Sr. Struggle for Identity, A Short History of the Muslim Filipinos. QC (2003), p. 8 quoting Dr. F.M. Schniger, "Unearthing Sumatra and Ancient Culture", March 1938 and Aristide Marre, *Madjapahit et. Champa Lovain*, 1895, p. 1-10.

The Muslim south's relation with China antedated the arrival of the European colonizers in the region. According to Justice Rasul, "the Chinese came as early as 628 A.D." mainly to trade with the Malays. "Under the Ming Dynasty, covering the years 1368-1644, the Chinese exercise some sort of suzerainty over the Philippine South... Since China, then a world power, did not interest itself in the acquisition or expansion of foreign territory due to her already wide land area, she contented herself with the collection of tributes from neighboring islands in the East as a symbol of submission and respect to the Great Middle Kingdom."⁴

A prime example of Chinese-Sulu contact is the historical account of Admiral Pei Pei Hsien, popularly known among the Tausugs as Pun Tao Kong, who was part of the Chinese fleet which was under the command of Chinese navigator Sampao Kong or Chengho. Pun Tao Kong was forced by typhoon to seek succor in Jolo in the early part of the 1400s. Initially met with distrust, Poon Tao Kong, a Muslim and skilled at sword play, earned the admiration of the Tausugs. It is said that he built an artesian well in the vicinity of Maubuh, a seaside community in Jolo, which accounted for his tag among the natives as "Puntaukung" or "honorable fountainhead". He was accorded great respect by the people of Jolo, and when he died, he was buried at the foot of a mountain in Jati Tunggal three kilometers from Jolo, where his tomb is periodically visited by some Tausugs.⁵

The most telling influence on the Tausugs in particular and the Moros in general, however, was that brought by the Arabs: the religion of Islam which the Moros wholeheartedly embraced. Although recorded history places the coming of seafaring Arab traders much earlier, it is said that the coming of Abu Bakr, an authority in Islamic law and religion, in 1450 marked the establishment of the Sulu Sultanate. In the words of Najeeb Saleeby, "Abu Bakr was a famous authority on law and religion... After preaching... with success in Malacca, he evidently proceeded farther east, stopping at Palembang and Brunei and reaching Sulu about 1450. The hospitality with which he was received at Bwansa points to success in his mission to a degree that enabled him later to marry Princess Paramisuli, the daughter of Raja Baginda. He established mosques there and taught religion and law; and the people and chiefs actually abandoned their former gods and practiced the new religion and observed its commandments."⁶

Islam endowed the Moros a sense of identity and affinity with the bigger Muslim community, a historical and philosophical anchor for its struggle to resist foreign domination and a proud vision of nationhood (*pag-bangsa*) which they had earlier experienced under the rule of the Sultanates. The treaty making activities of the Sultanates, punctuating the protracted but persistent struggle of the Moros, were manifestations of their historical experience of *pag-bangsa* and continuing quest for self-determination.

Representative Sulu Treaties

⁴ Justice Jainal D. Rasul, Sr. *Struggle for Identity, A Short History of the Muslim Filipinos*. QC (2003), p. 9-10.

⁵ Ibid.

⁶ Najeeb M. Saleeby. *The History of Sulu*. Filipiniana Book Guild, Manila (1963), p 46.

As early as April 14, 1646, the Sulu Sultan entered into a Peace Treaty with Zamboanga Governor Atienza in the presence of Sultan Kudarat's ambassadors, the Maguindanaon Sultan having entered into a similar treaty in 1639. The **Treaty of Peace of 1646** proclaimed perpetual friendship between Sulu and Spain and provided for an offensive and defensive alliance against their enemies.⁷ Almost a century hence or in 1725, the Tausugs and the Spaniards again entered into another treaty which provided for trade between Manila and Jolo and the mutual return of captives. This **Treaty of 1725** was made possible by a Chinese named Ki Kuan who was sent to Manila to arrange for peace and returned to Jolo with two Spanish Commissioners who entered into the pact with the Sultan of Sulu.⁸

A subsequent treaty signed between Datu Muhammad Ismael and Datu Jaafar for the Tausugs and Governor General Fernando Valdez for the Spaniards in 1737, and ratified by Sultan Alimuddin I, was preserved, and included mention of free trade and use of passports between the Sulu Sultanate and the Spanish government in Manila.⁹

The **Treaty of 1737** contained five articles. The first article declared the determination of both parties to preserve permanent peace between the two states, all differences or grievances to be settled amicably, and hostilities between subjects or vassals to be strictly prohibited and punished. The second article provided for alliance and mutual aid against any foreign foe. European nations were, however, excluded from the provisions of this article. The third provided for free trade between the two states, restricted by the use of passports to be issued by superior authority. The fourth provided that each state should be held responsible for all infractions of the peace committed by its subjects and should be bound to punish the same and make amends to the proper party; and the fifth provided for the exchange of captives and return of all church images and ornaments in the possession of the Sulus.¹⁰

Reference to the Sulu Sultanate as a state in forging peace and fostering trade, and to the use of issued passports, indicate at the very least that the Spanish Government in the Philippines accorded the Sulu Sultanate the status of a state when it entered into the treaty in 1737.

Almost a century hence or on September 23, 1836, a commercial treaty was signed between Sultan Jamalul Kiram I and Captain Jose M. Halcon representing General Pedro Antonio Salazar. The **Treaty of 1836** contained nine Articles, as follows:

“Article 1. Sulu craft which, with proper license, go to Manila, may import products of the Islands subject to the Sultan, by paying the consumption duty of 2.5%.

“Article 2. Wax and cacao may be deposited in the Manila Customhouse by paying 1%; but if these articles are imported the established 14% will be paid.

“Article 3. Sulu craft that trade in Zamboanga will pay a duty of 1% on products of the islands subject to the Sultan.

⁷ Cesar Adib Majul. Muslims in the Philippines. Asian Center, U.P. Quezon City (2nd ed. 1973), p. 156.

⁸ Saleeby, *ibid.* p. 69.

⁹ Saleeby, pp. 69-70.

¹⁰ *Ibid.*

“Article 4. All these duties will be paid in silver to the Protecting Spanish Government on the basis of one-half of the appraised value.

“Article 5. Spanish craft in Jolo will pay the following duties in kind:

Ships of three masts from Manila with Chinese passengers -----	P2,000
The same without passengers -----	P1,800
Brigantine from Manila with Chinese passengers -----	P1,500
The same without passengers -----	P1,300
Schooner from Manila with Chinese passengers -----	P1,400
The same without passengers -----	P1,200
x x x	

“Article 6. These duties fixed for Spanish craft will be paid in kind in accordance with the values laid down in the following schedule, one half of which will be selected by the Sultan’s government officials from the cargo and the other half shall consist of such articles as the captain of the boat may select...

“Article 7. Sulu ships found trading in ports without a license or passing contraband will be treated as smugglers in accordance with the Spanish laws laid down for such. Spanish schooners and small trading craft (galeras) that show by manifest in Jolo that they carry a cargo of Philippine produce, and are afterward discovered to have, in place thereof, a cargo of merchandise (generos), and to have discharged such cargo in the port to be sold therein, will be fined P500 as per values in Jolo, two thirds of said sum to go to the Sultan, and one third to the Royal Treasury of the Protecting Spanish Government.

“Article 8. Should the import duties on any articles of commerce produced in the Sulu islands be reduced in Manila or Zamboanga to a lower rate than that now established, the Spanish Government will also make a reduction so that Sulu ships may always pay less, as has been agreed...

“Article 9. Should the text of these articles of agreement differ in the two languages, the Spanish text will be literally adhered to.”¹¹

The foregoing treaty provisions reflect a tax levying system applied on ships and trade of goods, comprehensive and sophisticated enough as to fairly infer a trade relation between sovereign powers. A copy of the said treaty that the Spanish signatory Jose Ma. Halcon certified having received from the Datu Muluk-Bandarasa, reveals the Tausug’s perception of some of the items that were supposed to have been agreed on, as contained in the following inclusions:

“Article 1. The people of Sulu who wish to go to Zamboanga or Mindanao, shall ask the Sultan of Sulu for a passport so that they may suffer no harm if they meets ships belonging to the Navy.

“Article 2. Passports shall be issued stating the number of people on board and the cargo when requested.

“Article 3. I give this order for the safety of those who travel by sea, as instead of being pursued by the ships of the Navy, they shall be helped.

“Article 4. I give you the present patent so that when you meet the ships of the Navy of the King of Spain, my brother, they may not harm but help you.”¹²

¹¹ Saleeby, pp. 87-89.

The foregoing provisions seem to be addressed to the Sultan's subjects instead of the other party to the treaty, the Spanish government in Manila. As such they appear to be the Sultan's understanding on the benefit of the treaty to the Tausugs. On October 29, 1837, the said treaty was ratified by the Queen Regent of Spain, which expanded on the significance to the provisions by virtue of the additional ratification text enumerated in brief below:

“Article 1. x x x The Sultan of Sulu, upon his part, accepting the friendship of the Spanish Government, binds himself to keep peace with all the vassals of her Catholic Majesty, and further binds himself to consider as his enemies those who hereafter may be such to the Spanish nation, the Sulus proceeding with armed men to the wars which may arise, in the same manner as if they were Spaniards...”

“Article 2. In accordance with the friendship and protection which unite Sulu with the Spanish provinces of the Philippines, the Sulu boats shall navigate and trade freely with the open ports of Manila and Zamboanga, and the Spanish vessels with Jolo, where not only will both be well received, but shall find protection and the same treatment as the natives.

“Article 3. [On the construction of factories, trading houses and safe warehouses.]

“Article 4. In order that the Spanish and Sulu vessels may navigate and trade with safety, free from the piracies of the Ilanuns and Samals the Spanish Government will strengthen its fleet in Mindanao waters, which same will protect equally those of both nations; and in order that good may not be confused with evil persons, the following rules shall be observed: x x x.

“Article 5. The Sultans and Datus of Sulu pledge themselves to prevent the piracies of the Ilanuns and Samals in the Philippines, and if they are unable, the Sultan shall so report in order that the Spanish Government may afford assistance or undertake the task alone.”¹³

It is thus clear from the ratification text that the Sulu Sultanate was a “nation” obliged by the treaty to be an ally of Spain in war, but at the same time, entitled to its protection, particularly in the naval and trade aspects. It might, however, be sheer naivety on the part of the Spaniards to expect the Tausug warriors to fight with them “as if they were Spaniards”, were it not for the fact that the primordial aim of the Spanish Government in entering into this treaty appears to be the neutralization of the Sultan's army so that Spanish merchants can freely trade and navigate in the Mindanao and Sulu waters. It was also during this period that British and Dutch influence was being increasingly felt in the Indo-Malay archipelago, hence, the Spaniards wanted to consolidate power at their backdoor, which is the Mindanao-Sulu corridor.

History shows that the Sulu Sultan did not limit the signing of treaties to the Spaniards. In 1849, British explorer Sir James Brooke visited Jolo and entered into a treaty with the Sultan, containing, among others, a promise by the Sultan not to make any cessions of territory within his dominion nor recognize sovereignty rights nor promise fealty to any nation without the

¹² Ibid. p. 89

¹³ Ibid. pp. 90-93.

consent of Great Britain. This treaty was protested by the Spanish governor of Zamboanga, which led to the signing of the Treaty of April 30, 1851, containing the so-called Act of Incorporation (of Sulu) into the Spanish Monarchy to counter the diplomatic and commercial advances by the British. The most famous of the other foreign agreements of course, was the Cession Treaty of 1878 between Sultan Jamalul A'lam and Austrian Baron Gustavos von Overbeck ceding or leasing the Sultanate's property¹⁴ that is now known as Sabah in Borneo to the British North Borneo Company.

In the course of events, there would be two more treaties of consequence entered into between the Sulu Sultanate and the Spanish Government: The Treaties of 1851 (mentioned earlier) and 1878. Both treaties had Spanish and Tausug versions, the differences of which illustrate the varying negotiating posture and ultimate objectives of the parties.

The **Treaty of 1851**¹⁵ signed between Sultan Pulalun and the military-governor of Zamboanga, Col. Jose Maria de Carlos, was a Spanish reaction to British overtures for commercial and military ties with the Sultan of Sulu. Saleeby has an interesting description of the treaty:

“The treaty was declared to be ‘an act of incorporation of the Sultanate of Sulu to the Spanish Monarchy’. The Sulus understood it to be a firm agreement and friendly union with Spain. They however appear to have recognized the supremacy of Spain and accepted her protectorate. They agreed to use the Spanish flag and prohibit piracy. They further bound themselves not to make any treaties with any nation other than Spain nor to build forts nor to import firearms without her permission. Spain (in turn) promised to respect the recognize the ranks of the Sultan and datus and protect Sulu boats everywhere and to the same extent as Spanish boats. Duties on foreign boats were to be paid to the Sulus. Religious liberty was guaranteed. The Sultan issued passports to the Sulus and countersigned Spanish passports given to people entering the ports of Sulu... Annuities were granted to the Sultan (P1,500), three datus (P600) and one subordinate chief (P360).”¹⁶

But Saleeby likewise observed that:

“The treaty was written in both Spanish and Sulu and was signed and sealed by both parties... The Sulu copy of the treaty appears to have been written or dictated by interpreters not versed in Sulu, and the difference in text is such as would easily explain the frequent misunderstandings between the Spanish officials and the Sulu authorities in cases pertaining to the application of the terms of this treaty.”¹⁷

¹⁴ This includes the territory from the Pandassan River along the whole east coast of North Borneo to Sibuko River populated by Tausug datus who had remained loyal to the Sultan.

¹⁵ Complete English translation of both Spanish and Tausug texts can be found in Saleeby, pp. 107-111.

¹⁶ Saleeby, p. 106.

¹⁷ Ibid. p. 107

The treaty, however, was more for show in Europe than for serious implementation in Mindanao. It effectively halted the British initiatives in Sulu, but did not prevent the resumption of hostilities in 1854 when the Spaniards burned a village in Tapul Island and in 1855 when the Tausugs raided Zamboanga in retaliation.

The **Treaty of 1878**,¹⁸ signed between Col. Carlos Martinez, Spanish Governor of Sulu and Sultan Jamalul A'lam in July 1878 was the last treaty entered into between “the two states”, and as such, according to Saleeby, appears “to define the final relation that existed between them and the exact position which Sulu occupied in the Philippine Archipelago during the last period of the Spanish Regime.”¹⁹

Still, the differences between the Spanish and Tausug texts in some vital parts of the agreement are obvious:

Article 1 of the Spanish text provides: “We declare that the sovereignty of Spain over all the Archipelago of Sulu and its dependencies is indisputable”, whereas Article 1 of the Tausug version merely speaks of obedience, as follows: “All the people of Sulu and its Archipelago shall obey only the King of Spain, Alfonso XII, or whosoever shall succeed him.” This is a major difference, as sovereignty is a political concept different from mere obedience.

Article 3 of the Spanish version declares: “Spain has the right to occupy such points in the Sulu Archipelago and its dependencies as may seem necessary to the Spanish authorities... We beg that exception be made for the land extending from Sinungan Point to the south coast of Kadungdung, which shall be used for our residences (referring to the Sultan)...” The same Article 3 of the Tausug text, however, does not give unlimited prerogatives to the Spaniards to occupy the entire Sulu Archipelago, but states that “the Spanish Government may occupy any place it chooses along the northern coast of the island, from Sinungan to Bwal, and as far as Kadungdung, but the southern coast of the island from Kadungdung to Sinungan shall be left for the Sultan...” The Tausug version, therefore, limits the Spaniards to anywhere along the northern coast of the island, with Kadungdung to Sinungan being left for the Sultan. In the Spanish version, the occupation can be such points in the Sulu Archipelago as may seem necessary, and the Tausugs are reduced to begging that exception be made of the Sultan’s place of residence in the Kadungdung-Sinungan area.

Finally, Article 9 of the Spanish text states that “Catholic missionaries will have liberty to visit and reside in any place in Sulu and its dependencies and will give us notice before going” while the Tausug version is more tentative and limited as follows: “If there is any priest who desires to travel around in this country, he ought to inform the Sultan.” The Spanish understanding includes residing in any place, while that of the Tausug involve only “traveling around the country”.

¹⁸ Complete English translation of both Spanish and Tausug texts can be found in Saleeby, pp. 125-129.

¹⁹ Saleeby, p. 124. [Further, according to Saleeby on p. 129 of his book, the status of Sulu as defined by this treaty resembled that of a protectorate rather than a dependency. The internal administration of Sulu, its customs, laws, and religion were fully respected and were not subject to Spanish jurisdiction, confirmation, approval or interference of any sort, except in matters pertaining to regulations for the use of firearms.]

Our logical conclusion in relation to the Sulu-Spanish treaties is that the parties, especially the Sultan and his officials, may have understood the general terms of these treaties on the broader level, but not the details thereof. For instance, they knew they were to obey the King of Spain, but they did not know that such could be termed sovereignty, nor did they have any idea what sovereignty was. They knew that they were opening Sulu to Spanish visits, but they were not aware of the extent or nature of these visits. What mattered most to them in these treaties was that they were allowed to practice their own religion, customs and way of life, and be governed by their own laws. This was not a matter of ignorance, but more likely that of perspective and orientation. Although the Tausugs permitted certain inroads to the Spaniards, they did not allow the latter to influence their own culture, belief system and identity as Moros and adherents of Islam.

So when Spain ceded the Philippines (including the lands of the Moros) to the United States via the Treaty of Paris in 1898, the political relation between the Spanish Government and the Sulu Sultanate was, in the words of Saleeby, “that of a protectorate”. This was precisely the status which the Americans tried to enforce in their first treaty with the Sultan of Sulu. In fact, in some crucial aspects, the **Bates Treaty** was like the Treaty of 1878.

For instance, like the Treaty of 1878, the Bates Treaty used the word “sovereignty” in the English version, while the Tausug version does not contain any such word. Article 1 of the American text declares: “The sovereignty of the United States over the whole Archipelago of Jolo, and its dependencies, is declared and acknowledged.” Article 1 of the Sulu version however states: “The support, aid and protection of the Jolo Island and Archipelago are in the American nation.” According to American missionary scholar Peter Gowing, in December 1904, Dr. Saleeby formally “charged Edward Schuck, official translator for the American Army at the time of the Bates agreement with deliberately mistranslating portions of the Agreement into the Sulu language.”²⁰

The Bates Treaty was concluded between Brig. General John C. Bates and Sulu Sultanate led by Sultan Jamalul Kiram on August 20, 1899, and ratified by President McKinley on October 27, 1899. Under the Bates Treaty, the Sultan recognized the United States flag, just like the recognition given to the Spanish flag in the 1878 treaty. The Americans were also allowed to occupy and control such points in the Sulu Archipelago as public interest may demand. Introduction of firearms and war materials was forbidden except when allowed by the American Governor General, and piracy was to be suppressed with the cooperation of the Sultan and his Datus. In return, the United States was to give protection to the Sultan and his subjects in case of imposition by a foreign nation; and to respect the dignities of the Sultan and the religious customs of the Tausugs. Crimes and offenses committed by Moros against their fellow Moros shall be tried and punished under the laws of the Sultanate.

The Bates Treaty, therefore, accorded to the Moros’ the free practice of Islam as their religion, and recognized the Moros’ right to govern their own affairs and impose their own laws on their fellow Moros. More than that, however, it was designed to serve the American purpose

²⁰ Peter Gowing, *Mandate in Moroland: The American Government of Muslim Filipinos, 1899-1920*. New Day Publishers, QC (1983). p. 122.

of divide and conquer by first pacifying the Moros while they fought the rebellion by the Filipinos in Luzon.

The American rule in Mindanao and Sulu was met by various but sporadic resistance, mostly led by private entities. In Sulu, the Sultan having recognized American administration in the temporal affairs of his territory, the fight against the Americans was led by the likes of Panglima Hassan (1903), Usap (1905) and Pala (1905), and other private personalities that led the battles of Bud Dahu in 1906 and Bud Bagsak in 1913. In all of these battles, the Sultan and his retinue of datus, merely acted as onlookers, or worse as collaborators, in the eyes of the rebels.

It was thus inevitable that in 1915, Sultan Jamalul Kiram II and his principal datus finally abdicated all their claims to temporal power by signing the so-called Carpenter Agreement with Governor Frank W. Carpenter of the Department of Mindanao and Sulu. Under the said document, titled Memorandum Agreement, the Sultan of Sulu, “on his own account and in behalf of his adherents and people in the Sulu Archipelago and elsewhere within American territory, without any reservation or limitation whatsoever, ratifies and confirms his recognition of the sovereignty of the United States of America, and the exercise by the ... Governor General and representative of the government in Mindanao and Sulu of all the attributes of sovereign government that are exercised elsewhere in American territory and dependencies, including the adjudication by government courts or its other duly authorized officers of all civil and criminal cases falling within the laws and orders of the Government.” By this provision in the Carpenter Agreement, the Sultan was, therefore, totally stripped of his remaining governmental power recognized in Article IX of the Bates Treaty. In the words of the Memorandum Agreement, the Sultan was reduced into a “titular spiritual head of the Mohammedan Church in the Sulu Archipelago “subject to the same limitations which apply to the supreme spiritual head of all religions existing in American territory”.²¹

Hence, when the Americans turned the reins of government in the Philippines over to the Filipinos, without united leadership and the usual armed might, the protestations and misgivings of Moro leaders were like frail straws blown away by the wind.

Implications of the Sulu Treaties

There are historical lessons to be learned from the foregoing discussions on Sulu Treaties.

The sovereign status of Sulu as a Sultanate is undisputed in history. The Spaniards had acknowledged this in several of their treaties with the Sulu Sultan. British academician Alexander Dalrymple who was in Sulu in 1761 and 1764, had remarked that “Although Sooloo was an independent sovereignty so early as the beginning of the 16th century, its dominion was

²¹ Memorandum Agreement between the Governor-General of the Philippine Islands and the Sultan of Sulu (or the Carpenter Agreement), March 22, 1915.

not then so extensive as is above described”,²² inferring that the Sultanate had expanded from its inception in the middle of the 1400s. And the Americans saw it expedient to enter into agreements with the Sulu Sultanate in recognition of its power over its subjects and the political prerogatives of the Sultan and his Datus, but such agreements were carefully calculated, in tandem with military maneuverings, to gradually divest the Sultan of his power.

The treaties and other formal agreements entered into by the Sulu Sultanate²³ with sovereign nations deserve closer scrutiny particularly for their historical significance and implications in the wake of the renewed interest on Moro self-determination rekindled by the controversial MILF-GRP Memorandum of Agreement on Ancestral Domain (MOA-AD).

For one, pro-MOA-AD people, some of whom are non-Muslims, are asking, what is the MOA-AD giving to the Moros that the Moros did not have in history dating back to the late Spanish period and early American regime? Surely, the ancestral domain issue is valid within this context, which if viewed dispassionately, is not at all scary on the part of the non-Muslims. For way back in the past, when the Sultans and datus held sway in Sulu and Mindanao, these non-Muslims were already living with neighbor Muslims without encountering adjustment problems. In fact, in the case of the once undivided province of Cotabato, it was Moro politician Saripada Pendatun himself who encouraged settlers from the north to populate the expanse of lands that have now been divided into the provinces of Maguindanao, North and South Cotabato, Sultan Kudarat, Sarangani and the recently created Sharif Kabungsuwan. It seems therefore that the fears may be misplaced at this stage.

On the other hand, there is such a thing as adhering to a transparent process, where the negotiators of the MOA-AD from both sides, but mainly from the GRP panel, were found inadequate. In the words of columnist Conrado de Quiros in a recent issue of the Philippine Daily Inquirer, “there is nothing wrong with the initiative they took. What is wrong --- deeply and awesomely so --- is the way they went about it. They embarked on a peace process remembering only the peace and not the process.”²⁴

Although it may be true that talks on ancestral domain in relation to the pursuit of peace in Mindanao, have been going on for several years before the issuance of the MOA-AD, still it cannot be denied that there were no periodic reports on the progress of the talks, nor preliminary documents being shown to the public to apprise it of developments. The MOA-AD document just suddenly appeared like the storms of August, taking a lot of people by surprise and scaring those who from the beginning have harbored reservations on Moro empowerment in Mindanao.

Had the process been gradual and consultative in nature, with the public being informed of the historical roots of the issues involved, the proofs that show Moro entitlement to their present aspirations (such as the historical existence of the treaties discussed above), past demonstrations of the viability of the recommendations, the regulatory mechanisms which shall be put in place and the Constitutional hurdles which have to be confronted; and most of all, the

²² Majul, p. 180.

²³ The Sultanate of Maguindanao from the time of Sultan Kudarat in 1639 likewise entered into various treaties with the Spanish Government, which likewise establishes its sovereignty over its territories in Central Mindanao.

²⁴ Conrado de Quiros, “Way to Peace,” *There’s the Rub*. Phil. Daily Inquirer, September 16, 2008.

participatory nature of the process to eliminate fears and resistance from the stakeholders, then the introduction of the MOA-AD would have met with circumspect understanding among the Filipinos. This way, the MOA-AD would have served its purpose as a tool to upgrade the economic and political status of the Moros within the context of a sovereign Philippine government and the concept of co-existence with non-Muslims and other indigenous people in the areas of autonomy, rather than a bitter panacea tainted by politics and constitutional infirmity, and diluted by the fears of a misinformed populace.

It is our hope that a calm study of history, such as our undertaking in this forum, can generate an understanding and perspective that will help us untangle the webs of problems that now confront us in Mindanao, with solutions in our minds and peace in our hearts.

Good afternoon and a pleasant day to all.