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**CONFLICT MANAGEMENT APPROACHES EMPLOYED BY THE
MAYOR'S COUNCIL IN THE MUNICIPALITY
OF UPI, MAGUINDANAO**

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Abstract

The study was conducted to determine the conflict management approaches employed by the mayor's council in the Municipality of Upi, Maguindanao. The researcher utilized the descriptive evaluative design of qualitative research. To analyzed the data using the in depth interviews using Interview Guide Schedule (IGS) and conduct survey to the respondents using Survey Questionnaire.

This result reveals that a total of the thirty (30) respondents and they were most female individuals and in terms of civil status, they were married individuals. Largest number of the respondent belongs to the age bracket of 51-60 years old. It was also found out that majority of the respondents came from Settlers specifically as Hiligaynon. In terms of the religion of the respondents, it was found out that majority were Christians and many of the respondents have finished their collegiate degrees.

The findings revealed that the various types of cases and mediation approaches were identified through utilizing the recorded data and information filed at the Mayor's council office from the year 2013 until 2018. The cases filed were categorized as settled, unsettled and withdrawn grounded from the cases complained by the Tri-People of Upi (Tedurays, Settlers and Bangsamoro). It shows that the support provided by the council were effective and very effective on the way of valuing diversity, communication, skills and effectiveness of the council.

This study also found out that the common challenges encountered by the council in conflict mediation were the attendance or the presence of the opposing parties upon the set schedule of the council, the different side attitude of the opposing parties during the procedures, the additional cases of breach of contract due to failures in accomplishing the arrangement of penalty, and the cases of land conflict/land dispute that commonly resulted to unsettlement due to the fact that the opposing parties did not take the advices and suggestions of the council. The introduction of the customary laws in the applicability to the solution of the cases on the conflict resolution management to the problems among the clientele of the council. Compromising, collaborating and avoiding best practices among the mediation approaches employed by the council were anchored and assimilated in the cultural aspects of the Tri-People of Upi to achieve peaceful community.

Keywords: Conflict Management, Conflict Approaches, Conflict Resolution, Tri-people, Upi Maguindanao

Conflict can be most simply defined as disagreement between people. To expand on this a little more, "Conflict is an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals." While it naturally occurs due to our interaction with others and as a result of our human subjectivity, what is important is how we deal with the conflict that arises. Conflict is a natural part of life. When people have conflict, that means there is change, growth, and engagement in life giving processes of meeting and responding to needs (Arnett, et.al 2009).

In fact, no conflict is constructive or destructive – the way it is resolved can have positive or negative effects, so there are many interpretations of the notion of conflict because of its assimilation with the circumstances leading to various conflicts.

Arnett, et.al (2009) explained that conflict has always a cause which determines the nature and intensity of that conflict, including possible sources of conflict such as: poor communication, competition for common, but limited resources, incompatible purposes and desires, inequality and social discrimination, access to competitive opportunities or increased desire for domination, power or prestige.

Regardless the type of conflict, mediation has its own time during the conflict, usually in the next phase of confrontation, when the conflict begins to escalate, but the later the intervention the more difficult the situation can be relieved so that this intervention would ideally take place when the disagreement comes up when without waiting for a confrontation (Mason and Kassam, 2011).

Mediation is an important factor to advancing the rule of law and improving access to justice, helping to promote peaceful and inclusive societies, and contributing to a stable business operating environment. To establish new mediation programs, often the focus has been on training quality mediators, building the physical infrastructure where mediations can take place, and passing new legislation that allows for mediation within the legal system. All of these efforts have been important building blocks to establishing the field; however, many mediation advocates find themselves wondering why there is not more demand for this important service (Arnett, et.al 2009).

Sensitivity of a part in choosing the time to use mediation is sufficient to determine the stage of the conflict, as mediation aims at getting a cognitive response that provides a rational solution for each side, accompanied by an affective and behavioural response used by each party to change their attitudes and feelings, moving from hatred, desire of fighting and destruction of each other to an atmosphere of peace where they can live together without conflict (Lederach, 1996).

The mediator neither gives solutions nor decides who is right or wrong he only restores, through way used in mediation, a safe and communication for the parties to be able to reach, through dialogue, from a state conflict to one of collaboration, which can be maintained even after the mediator's departure, because only the parties can determine what is best for them and especially how

they want to "exploit" the conflict in their interests by using the energy created around a conflict, to rediscover communication with others or to waste their energy (Lederach, 1996).

Thus, alternative methods are needed to restore the natural order, moving into the conflict to find a compromise solution to please all parties. And one of the methods that can do this is mediation, seen as a quick and confidential way of resolving conflict and finding a viable solution.

This study aimed to present the approaches used by the Upi Mayor's Council to obtain the desired result in mediation: a durable peace between the parties.

METHODOLOGY

The researcher utilized the qualitative type of research using the descriptive evaluative design in order to understand the experiences of the research participant's point of view. The data was done personally by the researcher to analyzed the data using the in depth interviews using Interview Guide Schedule (IGS) and conduct survey to the respondents using Survey Questionnaire.

The researcher developed survey questionnaire used as guide in the field survey among the clientele of the council from the different barangays of the municipality. The study conducted at Nuro, Upi, Maguindanao, where the office of the Mayor's Council is located.

RESULTS AND DISCUSSIONS

I. Profile of the Respondents

The first objective of the study is to find out the profile of the respondents in terms of their age, gender, civil status, religion, ethnic affiliation, and educational attainment. The purpose of knowing the socio-demographic profile of the respondents is to divulged information that provide descriptions and to explain the characteristics, status and disposition of the respondents. The data is reflected in tables 1, 2, 3, 4, 5, and 6. Based on the tables, there were thirty (30) total number of respondents.

Table 1. Age of the Respondents

	FREQUENCY	PERCENTAGE (%)
31-40	3	10
41-50	6	20
51-60	13	43
61-70	3	10
71-80	4	14
81-90	1	3
TOTAL	30	100

Table 1 shows the age bracket of the respondents. It reveals that thirteen (13) or forty-three percent (43 %) of the respondent belongs to the age bracket of

51-60 years old followed by six (6) or twenty percent (20%) of age bracket 41-50. It also shows that four (4) or fourteen percent (14%) of the respondent belongs to 71-80 years old bracket. It further reveals that three (3) or twenty percent (20%) of the respondent belongs to 31-40 and 61-70, respectively and one (1) or three percent (3%) of the respondent belongs to 81-90 years old. These data reveal that majority of them had experienced and consulted the services offered by the council.

Table 2. Gender of the Respondents

	FREQUENCY	PERCENTAGE (%)
MALE	11	37
FEMALE	19	63
TOTAL	30	100

On the frequency and percentage distribution according to the gender of the respondents, it shows that nineteen (19) or sixty-three percent (63%) are female while eleven (11) or thirty-seven percent (37%) are male.

Table 3. Civil Status of the Respondents

	FREQUENCY	PERCENTAGE (%)
MARRIED	25	84
WIDOW/ER	5	16
TOTAL	30	100

Majority or twenty-five (25) or eighty-four percent (84%) of the respondent were married while five (5) or sixteen percent (16%) were widow/widower.

Table 4. Religion of the Respondents

	FREQUENCY	PERCENTAGE (%)
ROMAN CATHOLIC	14	47
EPISCOPALIAN	13	43
ISLAM	2	7
BORN AGAIN	1	3
TOTAL	30	100

In terms of respondent's religion, there were fourteen (14) or forty-seven percent (47%) were Roman Catholic, thirteen (13) or forty-three percent (43%) are Episcopalian, two (2) or seven percent (7%) were Islam believer and one (1) or three percent (3%) is Born Again. Therefore, majority of the respondents were Christians.

Table 5. Ethnic Affiliation of the Respondents

	FREQUENCY	PERCENTAGE (%)
HILIGAYNON	15	50
TEDURAY	8	27
ILOCANO	3	10
TAGALOG	2	7
MAGUINDANAON	1	3
CEBUANO	1	3
TOTAL	30	100

On the ethnic affiliation, fifty percent (50%) of the respondents comprises fifteen (15) were Hiligaynon. Eight (8) or twenty-seven percent (27%) were Téduray, three (3) or ten percent (10%) were Ilocano, two (2) or seven percent (7%) were Tagalog and one (1) or three percent (3%) were Maguindanaon and Cebuano, respectively. It divulges that majority of the respondents were from Settler group.

Table 6. Educational Attainment of the Respondents

	FREQUENCY	PERCENTAGE (%)
ELEMENTARY LEVEL	2	6
ELEMENTARY GRADUATE	1	3
HIGH SCHOOL LEVEL	3	10
HIGH SCHOOL GRADUATE	3	10
COLLEGE LEVEL	7	24
COLLEGE GRADUATE	14	47
TOTAL	30	100

While on the educational attainment of the respondents, fourteen (14) or forty-seven percent (47%) were college graduate and seven (7) or twenty-four of the respondents were college level. While there were three (3) or ten percent (10%) high school level and high school graduate, respectively. Two (2) or six percent (6%) were elementary level and one (1) or three percent (3%) was elementary graduate.

II. Types of Conflict Experienced and Handled by the Council

This section presents the recorded cases of the council from 2013 to 2018. The cases were identified as settled, unsettled and withdrawn grounded from the cases complained by the Tri-People of Upi composed of the Tedurays, Settlers and Bangsamoro.

Table 7. 2013 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO	
ROBBERY/ATTEMPTED MURDER	1			1								
PHYSICAL INJURIES	4	1	1	6		1		1				
LAND DISPUTE/LAND CONFLICT	1	5		6	5	3		8				
UNSETTLED ACCOUNTS	3	6	2	11		5	2	7			1	1
BREACH OF AGREEMENT/CONTRACT	2	2		4								
COLLECTING ACCOUNTS & GRAVE THREAT					1			1				
FAMILY DISPUTE		1	1	2								
FINANCING DISPUTE		1		1								
ORAL DEFAMATION					1	1		2				
RAPE	2			2								
TOTAL				33				19				1

During 2013, thirty-three (33) or sixty-two percent (62%) of the cases were settled by the council wherein eleven (11) unsettled account was the case that was managed by the council, while nineteen (19) or thirty-six percent (36%) of the cases under land dispute/land conflict were not settled, this was also the case faced most of the times by the council, and the remaining percentage was withdrawn.

Among the group of Teduray most cases that were successfully settled by the council were physical injuries while among the settlers and Bangsamoro was regarding unsettled accounts. In the unsettled cases, the frequent conflict met by the council among Teduray was land dispute/land conflict. However, among the settlers and Bangsamoro people the unsettled case was under unsettled account.

For the constantly withdrawn cases devoted by the council among the Bangsamoro was the unsettled account case. In the year 2013 there were no record of withdrawn cases among the Tedurays and Settlers.

Table 8. 2014 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW/REPRIMAND			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO	
PHYSICAL INJURIES				1					2			2
LAND DISPUTE/LAND CONFLICT	3	4	1	8	1	7	3	11		1		1
UNSETTLED ACCOUNTS	3	2	1	6		1		1				
COLLECTING ACCOUNTS & GRAVE THREAT	1			1								
RAPE	1	1		2						1		
LIBEL	1			1								
ARSON		1		1								
MURDER	4			4								
MALTREATMENT WITH THREAT	2			2								
ADULTERY (ABANDONMENT OF FAMILY)	4			4								
ILLEGAL CUTTING OF TREES & TRESPASSING TO PRIVATE PROPERTY			1	1								
FRUSTRATED HOMICIDE	1			1								
ASTRAY ANIMALS	1	1		2								
SERIOUS PHYSICAL INJURIES RESULTING TO MURDER	1			1								
MOTORCYCLE VEHICLE ACCIDENT RESULTING TO MURDER			1	1								
EJECTION VACATE		1		1								
VAWC		1		1								
TOTAL				38				12				3

In the year-2014, thirty-eight (38) or seventy-one percent (71%) of the conflicts managed by the council were settled. Wherein, out of thirty-eight (38) settled cases, land conflict/land dispute has the highest recorded settled case with the total number of eight (8) while, twelve (12) or twenty-three percent (23%) were unsettled cases. Moreover, land conflict/land dispute was the major case encountered by the council. The remaining three (3) or six percent (6%) was withdrawn cases.

In the settled case of Tedurays the often recorded cases are murder and adultery with four (4) cases, respectively. Among the settlers is land dispute/land conflict and for the Bangsamoro are land dispute, unsettled account, illegal cutting of trees and trespassing, and motorcycle accident. For the unsettled cases, land conflict/land dispute is the most common circumstance that confronts by the council in all difference groups of people in Upi. Lastly, for the withdrawn cases, among the Tedurays the physical injuries are the case handled by the council a lot of times while unsettled account is the incident in the Bangsamoro and rape for the settlers.

Table 9. 2015 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW/REPRIMAND			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO	TOTAL	TEDURAY	SETTLERS	BANGSAMORO	TOTAL	TEDURAY	SETTLERS	BANGSAMORO	TOTAL
PHYSICAL INJURIES		1		1								
LAND DISPUTE/LAND CONFLICT		2	1	3		3	1	4		1		1
UNSETTLED ACCOUNTS		7	1	8		2		2				
BREACH OF AGREEMENT/CONTRACT	1	1		2			1	1				
FAMILY DISPUTE	3	1	1	5						1		1
ORAL DEFAMATION	1	1		2			1	1				
RAPE	1			1								
MURDER	1			1					1			1
ADULTERY (ABANDONMENT OF FAMILY)	2	1		3					1			1
ILLEGAL POSSESSION OF EXPLOSIVE DEVICE	1			1								
ACT OF LASCIOUSNESS WITH GRAVE THREAT	1			1								
PURCHASE OF AN IDENTIFIED LOT		1		1		1		1				
MOTOR DISPUTE		1		1				1				
VAWC WITH GREAT THREAT ADULTING						1						
TOTAL				30				10				4

During the year of 2015, the settled cases by the council recorded with thirty (30) or has a percentage of 68 and the unsettled account has the highest number of settled cases encountered by the council. Ten (10) or twenty-four percent (24%) were unsettled case under land dispute/land conflict was the case failed to settled by the council often, four (4) or nine percent (9%) of it was withdrawn.

Family dispute has the greatest number of conflict effectively outdistance by the council among the Tedurays. However, in the group of settlers was unsettled account while land dispute, unsettled account, and family dispute are the cases met by the council in the cluster of Bangsamoro. The unsettled conflict commonly encountered by the council among the settlers is land dispute as well as in the Bangsamoro. In addition, for the cases come across in the Bangsamoro are breach agreement and oral defamation. There is no record of unsettled case among the Tedurays in the year 2015. Furthermore, only settlers group has a withdrawn case which are land conflict/land dispute and family dispute.

Table 10. 2016 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO	
PHYSICAL INJURIES	1			1								
LAND DISPUTE/LAND CONFLICT	5	2	1	8	1	3		4			1	1
UNSETTLED ACCOUNTS	1	1		2		4		4				
BREACH OF AGREEMENT/CONTRACT	1			1							1	1
FAMILY DISPUTE	1			1								
RAPE	1			1								
ARSON		1		1								
ADULTERY (ABANDONMENT OF FAMILY)	1			1								
PUBLIC SCANDAL			1	1								
DOWRY DISPUTE	1			1								
USURPATION OF AUTHORITY					1			1				
VAWC	1			1								
MAULING		1		1								
VEHICULAR ACCIDENT RESULTING TO DEATH	1	1		2								
VEHICULAR ACCIDENT RESULTING TO PHYSICAL INJURY	1		1	2						1		1
ESTAFA						1		1				
CHILD CUSTODY		1		1								
FRUSTRATED MURDER						1		1				
NO PAYMENT OF BILLS (ELECTRICITY)		1		1								
VEHICULAR ACCIDENT RESULTING TO DAMAGE TO PROPERTY		1	1	2								
ILLEGAL APP OF POISONOUS CHEM	1			1								
TOTAL				29				11				3

During the year of 2016, twenty-nine (29) or sixty-eight percent (68%) of the cases managed by the council were settled. To note, land dispute/land conflict was the case managed by the council often times, eleven (11) or twenty-three percent (23%) were unsettled wherein both land dispute and unsettled account were the cases have the highest number in terms of repetitiveness, three (3) or nine percent (9%) of the cases were withdrawn.

Land dispute/ land conflict is the most settled case in all variance of people in the Municipality of Upi. In addition, public scandal, vehicular accident resulting to physical injury, vehicular accident damage to property are also conflict come upon habitually and positively settled by the council coming from Bangsamoro. The unsuccessfully settled cases often encountered by the council arises from Tedurays are land dispute/land conflict and usurpation of property. However, the unsettled conflict hailed from Settlers was unsettled account while there is no record of unsettled case approached by the Bangsamoro People.

Table 11. 2017 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO	
PHYSICAL INJURIES							1	1				
LAND DISPUTE/LAND CONFLICT	4	6	1	11		8	2	10				
UNSETTLED ACCOUNTS		2		2		1	1	2				
BREACH OF AGREEMENT/CONTRACT	2	3		5	1			1				
FAMILY DISPUTE		1		1	2	1	1	4				
FRUSTRATED HOMICIDE		1		1								
VEHICULAR ACCIDENT RESULTING TO PHYSICAL INJURY	1	1		2								
ATTEMPTED RAPE RESULTING TO PHYSICAL INJURY	1			1								
VEHICULAR ACCIDENT		1		1								
DIRECT ASSAULT		1		1								
REMOVAL OF OCCUPANCY						1		1				
VEHICLE DAMAGE							1	1				
TOTAL				25				20				

Year 2017, twenty-five (25) or fifty-five percent (55%) of the conflicts were successfully settled wherein land dispute/land conflict were common case managed by the council, twenty (20) or forty-five percent (45%) was failed to settled that land dispute/ land conflict were the most case encountered by the council.

Land conflict/land dispute was the circumstance that met and magnificently firmed by the council in all difference group of people living in the Municipality of Upi. On the other hand, family dispute has the highest number of unsettled conflict among the Tedurays while the land dispute/land conflict was the instance that negatively settled by the council among the Settlers and Bangsamoro. There are no lists of withdrawn cases happened in Upi.

Table 12. 2018 Conflict Handled by the Council

CASES	SETTLED			TOTAL	UNSETTLED			TOTAL	WITHDRAW			TOTAL
	TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO		TEDURAY	SETTLERS	BANGSAMORO	
PHYSICAL INJURIES	2			2								
LAND DISPUTE/LAND CONFLICT	1	2		3	2	3	1	6				
UNSETTLED ACCOUNTS	1	2		3			1	1				
BREACH OF AGREEMENT/CONTRACT	4	1		5	1	3	1	5				
FAMILY DISPUTE	1	1		2	2			2				
RAPE	1			1								
MURDER	1			1								
ADULTERY	5	1		6								
VEHICULAR ACCIDENT RESULTING TO (SLIGHT PHYSICAL INJURIES)			1	1								
VEHICULAR ACCIDENT RESULTING TO DEATHS & SERIOUS PHYS	1			1								
VAWC		1		1								
MORAL DAMAGE	1	1		2		1		1				
HUMAN TRAFFICKING					1			1				
WAREHOUSE RENTAL						1		1				
TOTAL				28				17				

During the year of 2018, the settled conflicts twenty-eight (28) or has a percentage of 56 wherein adultery was the common conflict managed by the council, seventeen (17) or forty-four (44%) was unsettled wherein land conflict was the case managed by the council constantly.

Adultery was the case that efficaciously settled by the council constantly within the Tedurays, furthermore, unsettled accounts and land dispute/land conflict for the Settlers while vehicular accident resulting to slight physical injuries coming from the Bangsamoro. Land dispute/land conflict and family dispute were the cases unsettled most of the times among Tedurays however from the group of Settlers and Bangsamoro are breach of agreement and land dispute/land conflict are the cases often encountered by the council as well as the unsettled account for the Bangsamoro. In the year 2018 there were no record of withdrawn cases.

Table 13. Conglomeration of Cases Handled by the Council (2013-2018)

	2013		2014		2015		2016		2017	
	SETTLED	WITHDRAWN	SETTLED	WITHDRAWN	SETTLED	WITHDRAWN	SETTLED	WITHDRAWN	SETTLED	WITHDRAWN
	1	1	1	2	1					
	6	8	8	11	3	4	8	4	11	10
	7	1	6	1	8	2	2	4	2	2
	4				2	1	1	1	5	1
EAT	1	1								
	2				5		1	1	1	4
	1				2	1				
	2		2		1					
			1							
	1		1				1			
	4		4		1					
	2		2							
	4		4		3		1	1		
5) SINGTO			1							
			1							
			1							
			2							
5) TO										
			1							
ILTINGTO			1							
			1							
NG			1				1			
VICE			1				1			
TREAT			1				1			
			1				1			
			1				1			
			1				1			
DEATH										
PHYSICAL							2			
							2	1	2	
								1		
									1	
DAMAGE TO							1			
							2			
							1			
									1	
ICAL INJURY									1	
									1	
DEATHS &									1	
										2

III. Mediation Approaches Employed by the Council

This section determines the procedures and mediation approaches employed by the members of the Upi Mayor's Council. The data gathered were from the experiences of the council in dealing with their clientele in order to achieve peaceful means in the conflict resolution.

The moment that the office of the council received the endorsement of unsettled case from the Lupon Tagapamayapa/Barangay Officials, the council set schedule of hearing of case through sending letters of invitation to the complainant, respondent/s, and witnesses. And in the said schedule, the council positively deliver the situation and reviewing the case from the minutes recorded by the barangay officials upon the endorsement.

During the hearing the council practiced the decorum in the procedure of the conflict management. The presiding officer call the attention of the involved individuals, greetings, invocation, introduction and acknowledgement. It followed by the orientation or brief discussion and some reminders and etiquette in the flow of the hearing. If the involved clientele were Teduray, the presider headed

by the Teduray members of the council, the same with the Settler and Bangsamoro to strengthen the communication and understanding.

Bercovitch (2011) highlighted the approaches of mediation in conflict that are closely related to perceptual, informational and interactional procedures. Perceptual procedures involve (1) identifying conflict issues, (2) defining alternative issues, and (3) reality testing. Informational procedures involve (1) clarifying issues, (2) encouraging and gathering information (through interview, minutes or other instruments), and (3) increasing frequency, openness and accuracy of communication. Interactional procedures entail (1) regulating the pace of interaction, (2) offering “process” observations to help individuals see how to be more effective, (3) injection inputs in the form of concepts, models or principles which might be useful in understanding a conflict and (4) helping in the design of implementation steps through which conflict resolution would be possible.

In the cases of unsettled accounts profoundly, members of the council employed bargaining approach where they asked the complainant his/her demand on what to do with the payment of the credit. Then the council asked the respondents if he/she was agreed with the arrangement. The council adapt the “*Ke Fiyo Fudaw*” mediation approach literally means to settle the minor issues among and between the opposing parties. If both parties agreed, then the council will clarify to both parties their agreement and consider the case as settled. The secretary of the council then, prepared 10 resolutions signed by the members of the council, complainant and respondent, and the municipal mayor as file record. The signed resolutions were distributed to other stakeholders of the municipality including Upi PNP and Barangay office (the residency of both parties).

In some civil cases, “*Kelemeg/Kelemdila*” commonly applied in cases of robbery, oral defamation, arson, libel, breach of contract, estaffa and the like. It means to make issues confidential to avoid more or less additional topics or issues. Along with the “*Dirum Mala*” meaning to cover the shame that explains the settlement had something to do in the continuation of good relationships among and between the opposing parties and even the community where they belong.

In some criminal cases, “*Se’ee kem*” as mediation approach literally means to keep secretly. Whatever arrangement they discussed inside the office of the council would take it with confidentiality. Just like in cases of rape, “*se’ee kem*” emphasized in accordance to the settlement approach so that the issue will perish as if nothing happens as long as both parties agreed on the charge of penalty. Penalty costs depending on the demand of the complainant as long as it can manage to pay for by the respondent considering his/her socio-economic status. It also considered the socio-emotional and morality of the person involved in the case to establish the conditions of problem – solving.

“*Toyo Dara*” means to catch the blood. Applied in the cases of physical injuries, vehicular accident (resulting to -damage to property, physical injury, and death), attempted murder and frustrated homicide. This customary law described the penalty equivalent to the damages done by the defendant to the accused. It gratifies the hospital bill, medicine and other expenses until the accuse could work and physically healthy. The penalty will compensate to the liability of the respondent’s freedom, opportunity and motivation in avoidance from some instances of jeopardy of his/her rights and life.

“*Selamfa*” was a penalty covered the case of adultery and can be determined if who violated, either the husband or wife. If the husband committed adultery, the dowry he provided as he marries his wife would be doubled as penalty. On the other hand, if the wife violated, she would return the dowry to his husband. And consider that they give freedom to each other but their marriage cannot deliberate as null and void.

And the mediation approach that applies to all handled cases is the “*Kukom Rasam*” refers to human consideration in accordance to their ethnic affiliation, religion, and as fellow Upians. As introductory statement of the members of the council, it given emphasis the building and maintaining the relationship of the fellow Upians that “*Kukom Rasam*” is important in order to sustain understanding.

The members of the council engaged mediation approaches as their role in peacebuilding in the community. They play several roles that intended to aid the needs of the clientele guided by the customary laws. What characterizes all these roles is that they are enacted in an informal and flexible fashion and in a facilitative and diagnostic manner. Bercovitch (2011) proved that techniques which are congruent with implementing the mediator’s role include (1) facilitative techniques (e.g. facilitating individual exploration and self-observation, giving information, advice, reassurance and encouragement), (2) behavioral modification techniques (e.g. establish. Through negative or positive reinforcement, contingencies of behavior that should be decreased) and (3) cognitive techniques (e.g. learn to unto old values and acquire a new perception of the self).

IV. Effectiveness of the Conflict Mediation by the Council

This section deals with the respondent’s responses on the effectiveness of the services provided by the council. The responses of the respondents to questions about the above-mentioned effectiveness were analyzed to answer research problem number 4 (How effective are the mediation approaches employed by the council?). The mean ratings of the responses where determined using the 5-point scale below:

- 1 – Not Effective
- 2 – Slightly Effective
- 3 – Neither Effective
- 4 – Effective
- 5 – Very Effective

To facilitate interpretation, Cut-Off Points for the weighted means were set as follows:

Range of Weighted Mean	Description
4.20 – 5.00	Very Effective
3.40 – 4.19	Effective
2.60 – 3.39	Neither Effective
1.80 – 2.59	Slightly Effective
1.00 – 1.79	Not Effective

Table 14. Support Approach Used by the Council

A. Support Provided	Weighted Mean	Description
The council has worked to improve upon the concern issues.	4.00	Effective
The council takes an interest to maintain the good relationships between the opposing parties.	4.13	Effective
The council is open to conflict resolution even when it involves them.	4.26	Very Effective
The council makes me feel comfortable and trusting their decision.	4.20	Very Effective
Over-all Mean	4.14	Effective

Table 14 shows the support provided by the members of the council during the procedure on the mediation among and between the opposing parties together with the witnesses, having four (4) indicators. It has an overall mean of 4.14 which means that the complainant claimed the effectiveness of the council members were equally providing support to the opposing parties to give fair solution to the handled cases. Moreover, sixteen (16) respondents strongly agreed that the council is open to conflict resolution even when it involves them having the highest mean of 4.26.

According to Frazer (2013), the use of a local mediator in this case had distinct advantages. The familiarity with the context, the cultural affinity with the parties and the possession of a pre-existing network of contacts meant that no time was lost, a team could be formed quickly and engaging the parties was relatively easy. The fact that the invitation came from one of the parties and that the mediator was accepted by all parties helped to allay any concerns that the parties could have viewed the mediator's local connections as compromising his impartiality. Familiarity with the actors also helped the mediator to more easily assess the agendas and calculations of each party and actor. Such awareness is vital, particularly when not all actors may be sincere about looking for a solution to conflict.

Table 15. Valuing Diversity Approach Used by the Council

B. Valuing Diversity	Weighted Mean	Description
The council works include everyone regardless of culture and background.	4.06	Effective
The council does not show favoritism.	4.33	Very Effective
The council emphasizes strengths over weaknesses.	4.36	Very Effective
The council morale sets the tone for the society morale.	4.33	Very Effective
Over-all Mean	4.27	Very Effective

Table 15 shows the perception of the respondents on the way on how members of the council value diversity given that municipality of Upi is known as the Haven of Tri-People. The table has four (4) indicators and with an overall mean of 4.27 which means that they are very effective on the values of the council. Furthermore, fourteen (14) respondents validated that the council were very

effective on how council emphasizes strengths over weaknesses in giving advices to both opposing parties in order to find ways in the settlement of the cases having the highest mean of 4.36.

Related to this, Mason, Aroua and Aberg (2010), they suggested that in conflicts where there are significant cultural differences between the parties, a mixed mediation team made up of mediators who are culturally-close to the parties can help to build confidence and avoid misunderstandings. Such an approach, complemented by the addition of cultural advisors for the conflict parties to mediate tensions.

Table 16. Communication Approach Used by the Council

C. Communication	Weighted Mean	Description
The council clearly communicates changes in the policies and clientele benefits.	4.46	Very Effective
The council provides information that is clear and easy to understand.	4.10	Effective
The council listens to the concerns of the opposing parties.	4.23	Very Effective
The council gives clear proposed solutions in timely manner.	4.43	Very Effective
Over-all Mean	4.30	Very Effective

Table 16 shows the communication approach of the members of the council to their clientele during the procedure of the mediation having four (4) indicators. The overall mean is 4.3 which is very effective which means the respondents are satisfied on the way of communication of the members in the procedure of the mediation. Moreover, the council clearly communicates changes in the policies and clientele benefits that experienced by the respondents with the mean of 4.46 which means they were very effective. This was supported by Mason and Kassam (2011) who said that by having a co-mediation team representing the different cultural or religious backgrounds of the actors in question, impartiality is gained at the level of the team, rather than at the level of the individual mediator.

According to Burgess, H. and Burgess, G. (1997), dialogue processes aim to breakdown stereotypes and humanize the “other side” by creating a willingness and ability to listen and an openness to new ideas. By fostering respect for the other’s views, they try to create deeper understanding between the parties of the needs and interests of other side and to move the parties towards a different kind of communication. In deep-rooted, value-based conflicts, the development of such mutual respect and understanding is often essential before people can begin to discuss “resolution” or “consensus”.

Table 17. Skills Approach Used by the Council

D. Skills	Weighted Mean	Description
The council gives positive feedback.	4.23	Very Effective
The council makes decisions that improve the opposing party’s efficiency.	4.06	Effective
The council answers the questions about the aspects of the problems.	4.40	Very Effective
Over-all Mean	4.23	Very Effective

As shown in the Table 17, having three (3) indicators with the overall mean of 4.23 means that according to the respondents were very effective on the skills on mediation displayed by the members of the council. Furthermore, fifteen (15) respondents are strongly agreed on the council approaches in answering the questions about the aspects of the problems knowing its root cause with 4.4 mean indicates that the respondents were very effective. This is proven by Frazer (2013) that the fact that it was a culturally mediation played an important role in confidence-building. Each side felt that they got a fair hearing of their arguments and concerns. Additionally, the decision to appoint advisors to each delegation were culturally-close to the other delegation had positive consequences. Both advisors were able to play a constructive helping their delegation understand the other’s point of view and convincing the other delegation of the merits of the points raised by their delegation.

This result is supported by Mason, Aroua and Aberg (2010) that culturally mediation brings its own challenges. There is a risk that the mediators’ lack of

neutrality (their closeness to one side) may impact their impartiality (their ability to treat all sides equally). Their closeness to the conflict may make it hard for them to be sufficiently detached to be effective and being part of a co-mediation team may not be enough to balance this out. There is also a danger that the selected cultural backgrounds of the mediator(s) may not be relevant to the conflict. Finally, in all co-mediation competition between the mediators and confusion over their roles can arise. This can be best avoided by ensuring that there is clarity from the outset between the different mediators regarding role division.

Table 18. Win-win Approach Used by the Council

E. Effectiveness	Weighted Mean	Description
In the previous time, the council's goals have been met.	4.26	Very Effective
The council gives clear and concise things to response on my situation.	4.23	Very Effective
The council assigns reasonable solution with fairness.	4.26	Very Effective
The council mediation has encountered additional problem after hand.	4.26	Very Effective
The suggestion of the council is relevant to strengthen our relationship and helped me to be a better citizen.	4.56	Very Effective
Over-all Mean	4.31	Very Effective

Table 17 shows the effectiveness of the members of the council in their suggestions and advices on how to settle the conflict that will benefit both parties. The table have five (5) indicators to support the effectivity of the services offered by the council and with an overall mean of 4.31 which means that they are strongly agreed. Moreover, eighteen (18) respondents assured that the suggestion of the council was very effective, relevant to strengthen their relationship and help them to be a better citizen having the highest mean of 4.56 indicates that they are strongly agree. This finding could be related to the statement of Mason (2009) indicated that the cases confirm is that being an effective third party requires acceptance by all the different parties and impartiality towards them. In traditional mediation practice the concept of an effective third party is of a neutral outsider. However, it is increasingly questioned whether many outsiders can ever really be considered neutral. The impartiality is evaluated, not through the lack of ties to either side (neutrality), but in the way

that the mediator, or mediating team, treats all parties, i.e. in a fair and balanced manner.

V. Challenges Encountered by The Council in Conflict Mediation

The Mayor's Council is under the Office of the Municipal Mayor with a monthly honorarium. Present members of the council, serving co-terminus with the Honorable Mayor are the following:

Ramon M. Emin	(Indigenous People)
Marciana K. Andag	(Indigenous People)
Ustadz Esmael T. Haron	(Bangsamoro)
Justina C. Usob	(Settler)
Norma F. Gordo	(Settler)

Basically, the Mayor's Council is a conflict resolution body that does not act as a court but merely presides conflict arbitration. It considers the Indigenous People and Moro's traditional way of settling conflict. Moreover, the council provides a strong venue for people's participation.

There are common problems that encountered by the council as part of the conflict management they experienced. One was regarding the attendance and presence of the clientele. Upon the indorsement of the Barangay Officials/Lupon Tagapamayapa of the unresolved cases, the council sent letters of invitation to both parties (complainant and respondents) and some witnesses. The letters of invitation contain the schedule of the hearing to resolve the case, the purpose of their presence and the issues to discuss in the hearing.

Some instances, the invited clientele were not appeared in the said schedule, according to Turner and Weed (1983) this shows that avoiding method is delaying or ignoring the conflict in the hope that over time the conflict situation will resolve itself. Therefore, the council set another schedule until the third time and if not met, it considered the case as withdrawn, as imparted by Gordo (Settler Council Member).

In the procedure of the hearing attested by the council member Usob, they consider that the problems overhand in the council can resolve in the office. According to her, *"if both complainant/s and respondent/s listens to advices and ideas of the council and agree to the settlement of their conflict the situation will be cleared and understanding is achieved"*. As what described by Turner and Weed (1983) that compromising is a mid-way solution, best suited to situations where the conflicting parties are relatively equal in power and have mutually independent goals. Additionally, Usob demonstrated their (members of the council) actions by tapping the table in order to prevent undesirable behavior of the clientele if they were in the hot seat.

VI. Conflict Resolution Management to The Problems

The council is composed of six members; two members each from the IPs, Muslims, and Settlers (Ilonggo and Ilocano). The members were chosen upon the recommendations of their respective tribe or group based from their integrity, probity exposure, and good standing in the community. At the time of the study, one of the Bangsamoro members of the council is vacant due to the resignation of Mr. Saidie O. Lidasan because of his candidacy as Municipal Councilor.

The Mayor's Council had helped prevent the clogging of cases both in court and police. Cases that are amicably settled before this office prevent the high cost of court litigations and no legal fees and filing fee are involved.

Identifying the catalysts in each tribe, there are men and women who are designated as holders of customary law and indigenous knowledge, systems, and practices (IKSP); they keep and protect these laws and IKSPs, transferring them from one generation to the next. They are known as customary law holders or "keepers of traditional knowledge." They may not be the tribal political leaders, but they are respected within the community. Customary laws are steeped in oral tradition. They are considered sacred and they serve as a source of identity and unity within each tribe (Gomez, 2009).

From 2001 up to the present, the Mayor's Council had heard 429 cases, 271 settled and 158 unsettled. The unsettled cases are either remanded to the barangays where they emanated or endorsed to courts or other offices. Cases on murder, attempted and frustrated murder or homicide, rape, land dispute, vehicular accident resulting to physical injuries or death, family dispute, unsettled accounts, breach of contract, adultery, violence against women and children, human trafficking, moral damage, ejection of occupants, legal separation under customary laws are being settled at the Mayor's Council Office.

In the process of the conflict resolution, the council engaged in bargaining approach where they asked the petition of both parties in different cases. After hearing the demands of both parties they explained and deliberated penalties under the customary laws of different groups.

Teduray council members Emin and Andag explained the various approaches commonly employed in the council. As recorded, even other group practiced the customary laws in solving conflict.

VII. Best Practices Among the Mediation Approaches Employed by The Council

In settling cases, the customary laws of the Indigenous People and Bangsamoro are used while modified mainstream laws are used in the case of settlers. Before the Mayor's Council hears a case for the amicable settlement, it must be indorsed through writing by the Barangay Officials/Lupon Tagapamayapa who failed to resolve the case at their level. The accused and aggrieved will agree to submit their case before the council. In Teduray cases, the "kefeduwan" (tribal chieftain) takes care. Same is through with the Muslim and Settlers where cases are settled by the elders. As soon as a case is settled, 10 copies of resolution will be produced, signed by the complainant, respondent, witnesses, members of the council and the Municipal Mayor. Unsolved cases are recommended to the Police Authorities for proper filing of case while resolved cases are forwarded to the Mayor for concurrence. It takes a day or two to settle the problem at the Mayor's Council Office.

It was found out that some customary laws were practiced in the council as the conflict mediation approaches for the identified cases. The said customary laws were not only applicable among the Tedurays and Bangsamoro but even with the Settlers in the municipality.

Compromising was observed in the procedure of mediation without restrictions the council give ample time to hear the concerns and sentiments of the opposing parties also known as reconciling. Compromising looks for an expedient and mutually acceptable solution which partially satisfies both parties.

It was appropriate to reach temporary settlement on complex issues and to reach expedient solutions on important issues.

In mediation procedure, Emin and Usob confirmed that, “*win-win solution that both parties (complainant and respondent) are tie, no loser, no winner, both satisfied*”. It validated collaborating approach, also known as *confronting the problem* or *problem solving*. Collaboration involves an attempt to work with the other person to find a win-win solution to the problem at hand - the one that most satisfies the concerns of both parties. The win-win approach sees conflict resolution as an opportunity to come to a mutually beneficial result. It includes identifying your opponent's underlying concerns and finding an alternative which meets each party's concerns.

Collaborating works best when the issues and relationship are both significant, cooperation is important, a creative end is important, and reasonable hope exists to address all the concerns. This approach is often inappropriate when time is short, the issues are important, you are overloaded, and the goals of the other person are wrong <https://www.hrpersonality.com/resources/conflict-management-techniques>.

Unsettled cases handled by the council classified as avoiding approach. Frequent recorded cases were land conflict/land dispute, breach of contract, family dispute and family dispute. This is when a person neither pursues their own concerns nor those of their opponent. He or she does not address the conflict but sidesteps, postpones or simply withdraws.

Monitoring, evaluation and reporting of the project is done during the regular conduct of Municipal Peace and Order Council meeting. Resolved cases are also forwarded to the Local Police Station for information and recording. Courts are also furnished copies of agreements of amicably settled cases.

Through this council, a meaningful Peace and Order can be attained, achieved, and sustained through participatory approach, integration of the culture, custom and tradition in the process, and justice is accessible to the marginalized constituents. Peace and Order can thrive best if Good Governance concepts are implemented (transparency, accountability and participatory).

While all these programs, projects and initiatives are implemented towards the much needed development of our respective locality, success still largely depends on the commitment, sincerity and the political will of the Local Chief Executive, Officialdom and leaders of the Local Government Unit.

Conclusion

From the peace education perspective, the ‘win-win’ characteristics observed in many traditional ways of resolving conflict should be highlighted. A modest level of conflict can be useful in generating better ideas and methods, inspiring concern and ingenuity, and stimulating the emergence of long-suppressed problems.

Conflict management strategies must aim at keeping conflict at a level at which different ideas and viewpoints are fully voiced but unproductive conflicts are deterred. Mayor's council members attach greater importance to acceptance, tranquility and peace rather than to technical ability and proficiency. Members are inclined to their ethnic dialect to verbalize their views in order to avoid hurting the feelings and misunderstanding. Leadership at the local level is also important, for if citizens do not believe in their government, then a vision toward peace and development would be impossible to achieve.

Justice systems have adopted indigenous methods of resolving conflict, resulting in greater judicial transparency, fewer allegations and disputes, less harassment, and reduced attorney fees. In the municipality of Upi, where the population is almost equally divided between Settlers, Muslims, and indigenous Teduray, the people have established a "tri-people conflict resolution process" to govern the justice system.

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