

	2013		2014		2015		2016		2017	
	SETTLED	WITHDRAW N UNSETTLED	SETTLED	WITHDRAW N UNSETTLED	SETTLED	WITHDRAW N UNSETTLED	SETTLED	WITHDRAW N UNSETTLED	SETTLED	WITHDRAW N UNSETTLED
I	6	1	1	2	1		1			1
II	8	1	8	11	3	4	8	4	11	10
III	7		6	1	2	2	2	4	2	2
IV	4				2	1	1		5	1
V	1		1							
VI	2				5		1		1	4
VII	1				2	1				
VIII	2		2		1					
IX	1		1							
X	1		1		1					
XI	2		2							
XII	1		1		1					
XIII	4		4		3					
XIV	1		1		1					
XV	1		1							
XVI	1		1							
XVII	2		2							
XVIII	1		1							
XIX	1		1							
XX	1		1							
XXI	1		1							
XXII	1		1							
XXIII	1		1							
XXIV	1		1							
XXV	1		1							
XXVI	1		1							
XXVII	1		1							
XXVIII	1		1							
XXIX	1		1							
XXX	1		1							
XXXI	1		1							
XXXII	1		1							
XXXIII	1		1							
XXXIV	1		1							
XXXV	1		1							
XXXVI	1		1							
XXXVII	1		1							
XXXVIII	1		1							
XXXIX	1		1							
XL	1		1							
DEATH PHYSICAL										
DAMAGE TO										
FATAL INJURY										
DEATHS &										

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’EEKEM*” 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’EEKEM*” 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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