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Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
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February 16, 2022

ATTY. FLORDELIZA C. VARGAS-TRINIDAD
Director
Office of the National Administrative Register (ONAR)
Bocobo Hall, University of the Philippines
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Quezon City

NATIONAL COMMISSION ON INDIGENOUS PEOPLES
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GSD-RECORDS SECTION

Dear Director Vargas-Trinidad:

Greetings of Unity and Peace from our Indigenous Peoples!

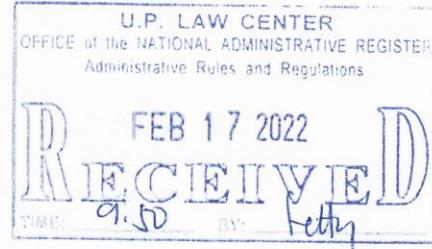
This is to transmit to your office a Certified copy of **NCIP ADMINISTRATIVE ORDER NO. 01, SERIES OF 2022**, entitled:

"2021 Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making"

Thank you and more power.

Sincerely yours,


ROGELIO FRANCISCO M. BANTAYAN, JR.
Executive Director/Head of the Secretariat
[Handwritten signature]



cc: Office of the Chairperson
File



NCIP Administrative Order No. 01, Series of 2021

“2021 Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making Bodies”

Pursuant to the provisions of Republic Act 8371 otherwise known as the Indigenous Peoples Rights Act of 1997, the following guidelines are promulgated in lieu of NCIP Administrative Order No. 03, Series of 2018.

TITLE I. PRELIMINARY PROVISIONS

SECTION 1. Title. This shall be known as the “**2021 Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making Bodies**”.

SECTION 2. Statutory Basis. Section 10, Article II of the 1987 Philippine Constitution provides that the State shall promote social justice in all phases of national development. Section 17, Article XIV of the 1987 Philippine Constitution also provides that the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.

To carry out these State policies, Section 16 of RA 8371 provides that the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in other local legislative councils and policy-making bodies.

SECTION 3. Definition of Terms. For purposes of this policy Guidelines, the following terms shall mean:

- a. **Ancestral Domains (AD)** – refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time

immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, subject to Section 56 of the IPRA.

- b. **Ancestral Lands (AL)** – refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots, subject to Section 56 of IPRA.
- c. **Certificate of Affirmation (COA)** – is a certificate issued by the concerned Regional Director (RD) or the Provincial Officer, as the case may be, to a selected Indigenous Peoples Mandatory Representative (IPMR) who has complied with all the requirements enumerated under this Guidelines as well as that of the community he/she represents.
- d. **Elders/Leaders** – elder/leader emerges from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. They are recognized as authority in conflict resolution and peace-building processes, on spiritual rites and ceremonies and in doing so, possess the attributes of wisdom and integrity. They lead and assist the community in decision-making processes towards the protection and promotion of their rights and the sustainable development of their ancestral domains.
- e. **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)** – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits or who have through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures,

or the establishment of present state boundaries who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their tradition.

- f. **Indigenous Political Structure (IPS)**- refers to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified and accepted by ICCs/IPs.
- g. **Local legislative councils** – refer to those offices exercising local legislative power such as Sangguniang Panlalawigan for the Province, Sangguniang Panlungsod for the City, Sangguniang Bayan for the Municipality and Sangguniang Barangay for the Barangay.
- h. **Resettled ICCs/IPs**– ICCs/IPs who are not native to the ancestral domain or not part owner of an ancestral land but were either forcibly or have voluntarily resettled, opted to occupy and utilize portions of the ancestral domains/lands and have since established residence therein.
- i. **Policy-making Bodies** – refer to bodies created by laws and ordinances tasked to formulate policies that relate to or will affect the rights, lives and destinies of ICCs/IPs.

SECTION 4. Declaration of Policy. Pursuant to the provisions of the Constitution and international instruments, it is the policy of the State to:

- a. Recognize and promote the rights of ICCs/IPs within the framework of national unity and development.
- b. Promote and protect the political, civil, economic, social and cultural rights of ICCs/IPs through participation in the Government and in the conduct of public affairs.
- c. Ensure the fulfilment of the ICCs/IPs right to full participation in the political, economic, social and cultural life of the State as well as the right to participate in decision-making through their chosen representatives.
- d. Adopt, coordinate and enforce the provision of Section 16 of RA 8371 on the mandatory representation of IPs/ICCs in local legislative councils and policy-making bodies.

SECTION 5. Operating Principles. In the implementation of this Guidelines, the following principles shall be observed:

- a. **Primacy of Customary laws and practices.** Customary laws and practices shall prevail upon mainstream mechanism in the manner of selecting the mandatory representatives. Accordingly, it shall be used primarily to resolve disputes in the selection process.
- b. **Consensus Building** refers to the process of arriving at a decision by the ICCs/IPs on issues and concerns affecting them by employing their own traditional decision-making processes.

- c. **Inclusivity and full participation.** The NCIP shall ensure that all ICCs/IPs residing within the political jurisdiction of a given Local Government Unit (LGU) shall be informed of the importance of their active participation in the selection process.
- d. **Representation of the collective interests and aspirations of IPs/ICCs.** The IP mandatory representative to the legislative council shall represent the collective aspirations, interests, and welfare of all the Indigenous Peoples. Therefore, representatives shall be qualified and chosen by their own communities in accordance with a process to be determined by them.
- e. **Inter-agency collaboration.** In consultation with ICCs/IPs, the NCIP in close coordination with the Department of the Interior and Local Governments (DILG) shall come up with appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their development. Such measures shall also include the provision of technical assistance to develop the ICC/IP representative's knowledge of traditional socio-political systems, customary laws, justice system and skills in interfacing with non-IP governance and policy-making bodies.

SECTION 6. Coverage. This Guidelines shall cover the mandatory representation of ICCs/IPs in the local legislative councils or policy making bodies within the political jurisdiction or boundaries of Local Government Units (LGUs).

The representation of ICCs/IPs shall be in accordance with the following:

- a. Where there exists an AD/AL in a given LGU, IP representation is mandatory. The IPMR shall be selected from qualified traditional or actual owners/rights holders of the AD/AL whether or not with issued CADT, like Baguio City, Davao City, and other similarly situated LGUs.
- b. Where there are no ancestral domains/ancestral land, the rule on threshold applies. This is determined by the total population of an LGU divided by the number of Sangguniang members as prescribed in the Local Government Code, with the result/quotient to serve as the minimum number to be met by an ICC/IP population in such LGU to qualify an IP Mandatory Representative for a seat in the Sanggunian.
- c. Where the situations in paragraphs a and b above are not obtaining, the concerned LGU may still allow representation in accordance with this Guidelines upon the initiative of ICCs/IPs therein.
- d. In situations where resettled and migrant IPs, who are residing in the AD/AL for more than ten (10) years, exceed the number of the AD/AL Owners, the former may participate in the drafting of the local guidelines and be included as nominees for consideration in the selection process. Provided that, the concerned NCIP Regional Office, through their field offices, shall assist in the formulation of local guidelines to safeguard the rights of the AD Owners to their AD and protect the primacy of their customary laws. Provided further, that a term agreement may be arranged that the ICCs/IPs may deem suited and applicable to address the cultural peculiarities in a given LGU ensuring, however, that the term agreement does not affect the fixed term of 3 years.

In order to be included, the resettled and migrant IPs shall make known their intention by filing a petition with the community, through the IPS, copy furnished the NCIP field offices. For purposes of determining whether or not the resettled and/or migrant IPs comply with the population and residency requirements, a census shall be conducted by the concerned CSC or PO. In case of cities without field offices, the Region shall direct the appropriate unit/office to facilitate the conduct of census.

TITLE II. THE ICC/IP REPRESENTATIVE

SECTION 7. Powers, Duties, and Functions. The authority of the IPMR emanates from the community through the Indigenous Political Structure. As a regular member of the Local Legislative Councils, and Policy-Making Bodies, it is the primary duty of the IPMR to carry out at all times the collective interests and aspirations of the community. To accomplish the foregoing, the IPMR shall:

- a. Formulate the IP agenda with the community and submit the same to the NCIP.
- b. Conduct regular meetings with all IPs in his area of jurisdiction in coordination with the IPS/s;
- c. Facilitate provisions for financial support for the implementation of the IP Agenda, to include:
 1. Delineation and titling of Ancestral Domains
 2. IPS documentations
 3. ADSDPP formulation and implementation of ADSDPP identified programs/projects
 4. Selection of IPMR
 5. Community-based IEC on IPRA
 6. Convening of the community for agenda formulation, periodic reporting, and assessment on the IPMR's performance.
 7. Sponsor an ordinance for the creation of a Standing Committee on Indigenous Peoples.
 8. Sponsor ordinances and resolutions to include the conduct of other activities that will advance the other 36 specific rights.
- d. Sponsor ordinances and resolutions and conduct committee hearings that will promote and protect the well-being and interests of his/her community and inclusion to the LGU annual budget the implementation of programs and projects relevant to the community;
- e. Closely coordinate and collaborate with the NCIP on implementation of projects and programs;
- f. Submit a monthly accomplishment report on his initiatives or activities for the advancement of any of the 36 specific rights under the IPRA to be certified by the concerned ICCs/IPs through their IPS/s. The Accomplishment Report shall be validated by the CSC and reviewed by the Provincial Officer (POer) before submitting the same to the RD.

The IPMR shall furnish a copy of the accomplishment report to the head of the local legislative council for information and guidance.

- g. Support conduct of IP census within his/her area of responsibility during the first year of his/her term;
- h. The IPMR shall regularly report to and consult with the IPS/s in his area of jurisdiction at least once every month;
- i. Conduct an Annual IP Address (AIPA) to be termed in the local language which shall be rendered during the IPRA Month celebration; and
- j. Perform such other powers and functions as the community may deem appropriate.

SECTION 8. Qualifications. The following shall be the minimum requirements for one to qualify as IPMR:

A. General Requirements. The selected IPMR must be:

- 1. A bonafide member of the Indigenous Peoples community he/she seeks to represent, supported by a certification from his/her IPS;
- 2. Able to read and write;
- 3. Physically, mentally and morally fit;
- 4. A natural born Filipino citizen;
- 5. At least 18 years of age on the date of assumption; and,
- 6. Such other qualifications that the community may include in their local guidelines.

B. Special Requirements. In addition to the above, an aspiring IPMR should possess the following qualifications:

- 1. IPMR in local legislative bodies:
 - a. Conversant with the culture of the community he/she represents;
 - b. A resident in the community for the last ten (10) years continuously without interruption for the period immediately preceding the time of selection, without prejudice to the community providing the requirement of domicile to its local guidelines; and,
 - c. A registered voter in the barangay, municipality, city or province where he or she intends to hold office.
- 2. IPMRs in policy-making bodies:
 - a. At least a high school graduate; and,
 - b. A resident in the barangay, municipality, city or province where he/she will hold office.

SECTION 9. Disqualifications. The following circumstances shall disqualify an aspiring IPMR from selection:

- a. Found guilty by the IPS of violating their customs and traditions;
- b. Sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by imprisonment of one (1) year or more, within two (2) years after serving sentence;
- c. Removed from office as a result of administrative case;
- d. Convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- e. Fugitive from justice;

- f. Should not have held any office in the Government one year prior to the selection process. Provided, that job order contract and co-terminus employees are not included. Provided further, that the IPMRs who have previously held office as IPMRs are not covered by this prohibition.
- g. Affiliation to any political party or soliciting support from politicians;
- h. Supporter of any activity prejudicial to the interest of the ICCs/IPs;
- i. Insane or feeble-minded based on the findings of competent authorities;
- j. Losing candidate to any immediately preceding national or local election within three (3) years after said national or local election.
- k. Such other disqualifications as the community may impose in their local guidelines.

SECTION 10. Local Guidelines. Each community shall formulate its guidelines for the Selection of their IPMR in consonance with their customary laws. The local guidelines must at least contain the following:

- a. Definitions of Terms;
- b. Composition of IPs Council Leaders/Elders/Indigenous Political Structure;
- c. Qualifications of selectors and mode of replacing the selectors;
- d. Selection process which identify representation levels, e.g. Barangays, Municipality, City, Provinces, Regions, National, Institutions and Public Utilities;
- e. Selection in policy making bodies;
- f. Re-Selection Process;
- g. Qualifications;
- h. Disqualifications;
- i. Community Confirmation and Nomination;
- j. Vacancy;
- k. Disciplinary Action;
- l. Grounds for Disciplinary Action;
- m. Term of Office;
- n. Term Rotation, if applicable;
- o. Removal Processes;
- p. Grievance and redress mechanism;
- q. Hold-over Capacity;
- r. Special Provisions, if any;
- s. Amendment; and,
- t. Effectivity Clause.

SECTION 11. Selection and Assumption to Office. The selection process shall be in accordance with their local guidelines that is consistent with their customary laws.

Upon receipt of the verified validation report and copy of the local guidelines, the RD, or the Provincial Officer (POer) as the case may be, shall issue the COA. Thereafter, the chosen IPMR shall take the appropriate oath before an authorized officer. The NCIP shall then notify the appropriate bodies of his/her assumption to office.

SECTION 12. Term of Office. The term of office of the IPMR in the local legislative councils shall be for a period of three (3) years and shall commence from the time of actual assumption to office and can be re-endorsed for another term by the ICCs/IPs constituents, but in no case shall the representative serve for more than three (3)

consecutive terms, except in LGUs where a term rotation agreement has been reached by several IP groups limiting the holding of office to one term for every community.

Actual assumption to office shall be reckoned from the time when the IPMR reports and physically conducts business at the designated office.

SECTION 13. Holdover Capacity. The incumbent IPMR in the concerned Sanggunian/policy making-body may continue to hold office/representation beyond his/her term upon resolution by the community for a period not exceeding one month, evidenced by a Certificate of Holdover Authority, or until such time that his/her successor has been issued a Certificate of Affirmation, whichever comes first.

However, where there exists a state of a public health emergency, state of calamity, including manmade disasters/events and other force majeure causes, that would necessitate the suspension of activities or restrict movement, the following shall be followed:

- a. Any IPMR whose term is to expire at the time of the declaration of the pandemic shall continue to hold office in holdover capacity upon the issuance of Certificate of Holdover Authority by the Regional Director or the Provincial Officer, as the case may be, for a non-extendible period of three (3) months, from the date of the declaration of such pandemic and/or state of calamity by the President.
- b. During the 3-month extension, the selection process shall immediately be conducted to avoid a vacuum in the public office after the lapse of the 3-month holdover; Provided, that activities or movement/mobility are duly allowed by the local government units and local IATF Guidelines on health protocols are strictly observed.

SECTION 14. Term Rotation. Should there be several ICCs/IPs within an LGU jurisdiction, they may agree on a term rotation but in no case will a term be for a period of less than three (3) years.

Section 15. Compensation and Benefits. Compensation, benefits, and other emoluments of the IPMR shall be the same with that of the regular members of the concerned legislative bodies as prescribed in RA 7160 and other applicable laws.

TITLE III. THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES

SECTION 16. Responsibilities of NCIP. It shall be the responsibility of the NCIP to:

- a. Facilitate the conduct of general assemblies for Information-Education-Consultations (IECs) of this Guidelines and other relevant policies and issuances, provided that a notice of such activities be posted in conspicuous areas twenty (20) days before the IEC. The activities shall be conducted in partnership with the DILG, concerned LGUs, and Non-Government Organizations (NGOs)/Civil Society Organizations (CSOs);
- b. Facilitate and assist in the formulation of local guidelines and its adoption;

- c. Facilitate and assist in the selection process and its documentation and certify the validity of the resulting documents;
- d. Create an IPMR monitoring body which shall be composed of NCIP and the IPs;
- e. Develop a training program for IPMRs;
- f. Make representations with LGUs, DILG counterparts, and policymaking bodies within their region relative to Indigenous Peoples Representation to local legislative bodies and policy-making bodies; and
- g. Lobby to all agencies in order that the IPMR may be extended the same rights and privileges enjoyed by elected officials, to include Civil Service Eligibility.

SECTION 17. Duties of the Provincial Office (PO) /Community Service Center (CSC). It shall be the duty of the PO, or CSC as the case may be, to do the following:

a. Selection Process

1. Convene a general assembly, with due notice to the concerned ICCs/IPs, representatives of the DILG, and concerned LGU, for the purpose of undertaking an Information, Education, Communication (IEC) on IPRA, this Guidelines, and holding of selection activities;
2. Assist in the facilitation of the selection process upon request of the community;
3. Within twenty (20) days from the termination of the selection process, submit to the RD, or in case of barangays to the PO, a verified validation report on the processes undertaken, copy of the local guidelines, and certificate of membership to the community issued by the IPS.

The above processes shall be conducted at least six months before the end of every term for the purpose of facilitating the selection of the successor.

b. Issuance of COA. In the case of barangay IPMRs, the PO shall issue the COA.

The PO shall review the verified and comprehensive report. If in order, the PO shall issue the COA within fifteen (15) days from receipt. If found not in order, the same shall be returned within fifteen (15) days to the recommending NCIP Field Office with specific instructions for compliance. However, if there are findings of irregularities in the selection process, the PO shall not issue the COA and inform the community, the prejudiced party, the concerned field office, and the RD of his/her decision. The prejudiced party may request for review by the Chairperson.

Furnish copies within fifteen (15) days from the issuance of COA the barangay LGU, municipal DILG, and the RD.

c. Validation of Complaints - Assists or validates, upon request of the concerned ICC/IP, the latter's exercise of its authority to recall or remove a sitting IPMR, and fifteen days thereafter, submit a report to the RD for appropriate action.

Should a complaint arise by reason of the selection process, the PO or the CSC as the case maybe, shall validate the facts and issues raised and shall submit a report and recommendation to the RD within fifteen days from receipt of the complaint.

SECTION 18. Duties of the Regional Director. It shall be the tasks of the RD to:

- a. Create a Regional Review Body to review the verified and comprehensive report submitted by the PO/CSC in accordance to the local guidelines and this guideline and recommend for the issuance or non-issuance of the COA.

The Regional Review Body shall be composed of TMSD Chief, Regional Legal Officer, and IPMR Focal Person. However, any member of the Board shall inhibit from being such if a nominee is related to him/her within the third degree of consanguinity or affinity.

- b. Issue a COA within fifteen days from receipt of the RRB Report, if the recommendation for its issuance is in order and found meritorious. Otherwise, the said report shall be returned within the same period to NCIP Field Office with specific instructions for compliance;
- c. Furnish copies within fifteen (15) days from the issuance of COA the DILG and DBM Directors, the concerned LGU, and the NCIP Office through the Office on Empowerment and Human Rights;
- d. Resolve any petition for recall or removal of an incumbent IPMR within thirty days from receipt of the report from the PO or CSC as mentioned in Section 17c above; and
- e. Issue Certificate of hold-over authority in favor of the incumbent for a period not exceeding one (1) month, with the corresponding directive to the concerned PO or CSC to fast track the selection process within the same period.
- f. Where the circumstances in paragraph 2 of Section 13 exists, to issue a Certificate of Holdover Authority in favor of the incumbent for a non-extendible period of three (3) months, with the corresponding directive to the concerned PO or CSC to fast track the selection process within the first month of the 3-month holdover period; Provided that activities or movement/mobility are duly allowed by the local government units and local IATF Guidelines on health protocols are strictly observed.

TITLE IV. HUMAN RESOURCE DEVELOPMENT

SECTION 19. The skills and capacities of IP mandatory representatives to engage effectively and efficiently in mainstream governance as well as to preserve and operationalize their Indigenous political structures in their respective communities shall be enhanced through culture-sensitive training modules that may include, gender equality, women, youth, and children's rights taking into primary consideration the cultural diversities of the ICCs/IPs, to be developed and regularly implemented by the NCIP in partnership with the IPS, Department of the Interior and Local Governments (DILG) and concerned LGUs, other government agencies and the civil society. The same shall include the upholding of traditional socio-political systems, customary law,

the justice system, dispute and conflict resolution, interface of pertinent laws, policies, and programs. Trainings shall be spearheaded by NCIP in partnership with DILG, LGU, responsible NGOs/CSOs, and recognized community elders/leaders.

TITLE V. DISQUALIFICATION AND PROTEST

SECTION 20. Disqualification and Protest. A petition for disqualification or protest may be filed in any of the appropriate offices of the concerned region and shall be treated liberally, with the technical rules of evidence applied only in suppletory character. In case of doubt, it shall be resolved in favor of the issuance of the COA. If the act complained of involves violation of customary laws, the matter shall be remanded to the community for dispute resolution.

a. Contents of the petition/protest:

1. Names of the parties;
2. Facts;
3. Issues;
4. Specific violations or grounds for disqualification or protest; and
5. Signed and under oath.

Absence of any of the foregoing requirements may be a ground for dismissal.

b. Grounds for petition for disqualification.

1. Those who are not qualified and who are disqualified under the local guidelines.
2. Those who are not qualified and who are disqualified under this guidelines (National Guidelines);
3. Commission of any of the prohibited acts under Section 21;
4. Analogous circumstances.

c. Grounds for Protest

1. Irregularity in the selection process
2. Validity of the COA

d. Fact-Finding. Upon receipt of the petition/protest, the CSC head or PO as the case may be, shall endorse the complaint to the RD. If the petition/protest is not verified, the RD may dismiss it.

Upon initial evaluation, the RD may, at his/her option, order any NCIP lawyer/s and employees from the Regional or other POs who in any way did not, directly or indirectly, take part in the process to conduct a fact-finding investigation and submit their recommendations.

e. Resolution and Appeal. The concerned RD shall resolve the petition/protest within thirty (30) working days from the time the verified petition/protest shall have been received in the Regional Office unless extended for meritorious reasons. In the event the RD resolved in favor of the petitioner/protestant, issuance of the COA is correspondingly withheld and remands all the documents to the PO/CSC for its disposition. In case of dismissal of the petition/protest, the RD may forthwith issue the COA without prejudice to the right of the

petitioner/protestant to file an appeal before the Chairperson. The decision of the Chairperson shall be final and executory.

The ethnographic Commissioners shall be furnished copy of the final decision.

TITLE VI. PROHIBITED ACTS

SECTION 21. Prohibited Acts and Sanctions. The following are prohibited during the selection process:

a. By the qualified Nominee:

1. Employment or use of force, threat, coercion, intimidation, at any degree or in any manner;
2. Bringing of firearm/s and explosives at the venue;
3. Bribery or promise of money, privilege, benefit or reward in exchange for selection; and
4. Holding of meetings with the NCIP official and personnel and/or members of the selectors, with the intention of unduly influencing the result of the Selection process.

b. By the NCIP Officer or Employee:

1. Direct or indirect acceptance or receipt of money, gifts, or other valuables, to unduly influence the outcome of the Selection process;
2. Deliberate failure to act appropriately on complaints coming from the community concerning prohibited acts committed by the nominee;
3. Gross negligence or deliberate omission to perform his/her duty required of him/her by this Guidelines;
4. Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee;
5. Unduly influencing the outcome of the selection process including holding of unauthorized meetings;
6. Use of falsified narration of facts in reports, attachments, or any supporting documents in the reports submitted with respect to Selection Process; and
7. Participating directly or indirectly in the selection process of IPMRs within their respective jurisdictions when their relatives within the second civil degree of consanguinity or affinity signify their intention to submit themselves to participate in the selection process.

c. By the Selector

1. Direct or indirect solicitation and acceptance or receipt of gifts, money, or other valuables to unduly influence the outcome of the Selection process; and
2. Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee.

d. By officers or representatives of LGUs, NGOs, CSOs, Gas, and Other Groups.

1. Undue influence or interference with the selection process or to the community, either to the members, selectors/elders or their representatives,

- exerted by officers or representatives of LGUs/NGOs or CSOs or Gas and including those made by other entities or groups with religious affiliations;
2. Complaints against erring community member shall be processed following the customary procedure of the community, without prejudice to the filing of civil and/or criminal case if appropriate.

3. In case of commission by NCIP, NGA, and/ or LGU employee/s and elective officer/s, they shall be proceeded against in accordance with existing laws, rules and regulations.
4. On the other hand, if the prohibited act/s is committed by any member of NGOs and other groups or individuals, the complaint shall be processed in accordance with Section 20 hereof. Existence of substantive findings shall be a ground to cite the person in contempt or declare him/her persona non-grata by the community, and/or exclude him/her from IPMR selection proceedings.

TITLE VII. REMOVAL OR SUSPENSION FROM OFFICE AND SUCCESSION

Section 22. Process of Removal or Suspension of an IPMR. The concerned ICCs/IPs and other IPS/IPO of other IP Groups, through the IPS of the sitting IPMR, may remove the IPMR based on the grounds indicated in their local guidelines. The Regional Director (RD) shall:

- a. Direct the Provincial Office (PO) to conduct an investigation on the alleged/discovered violation/s within seven (7) days from receipt of the Community Resolution suspending or removing the IPMR.
- b. If found to have violated the provision/s in the local guidelines and/or this Guidelines after verification and/or investigation, the Regional Director shall notify the concerned LGU, DILG, and NCIP Central Office through the Office of Empowerment and Human Rights (OEHR) of the decision of the community and/or the result of the verification/investigation for their information and disposition.
- c. The aggrieved party may appeal the findings of the RD to the Chairperson within fifteen (15) days from notice. The decision of the Chairperson is final and executory.
- d. Pending appeal, the suspension, as the case may be, shall not be enjoined/stopped unless directed by the Chairperson.

The decision of the Chairperson is final and executory.

Section 23. Grounds for Removal. In addition to those specified in their local guidelines, the following shall be ground for removal:

- a. Commission of the prohibited acts and/or having any of the disqualifications enumerated under Section 9 of this Guidelines;

- b. Violation of IPRA specially the 36 specific rights, this Guidelines, the local guidelines, existing NCIP policies and issuances and customary laws;
- c. Display of behavior that besmirch the integrity and respectability of the good character of his/her ancestors and the ICCs/IPs;
- d. Loss of confidence;
- e. Engaging in political partisan activities; and
- f. Such other grounds specifically provided and duly adopted in the local guidelines.

Section 24. Vacancy. A permanent vacancy which occurs by reason of death, incapacity, removal, or resignation, shall be filled up in accordance with the local guidelines. The successor shall serve the unexpired term. However, if the unexpired term is less than six months, the concerned ICCs/IPs shall instead select a successor for a full term of office.

The IPMR selected shall have the same powers, duties, and functions as well as entitlements and privileges accorded to the predecessor.

TITLE VII. FINAL PROVISIONS

SECTION 25. Construction and Interpretation. This guideline shall be construed liberally in favor of the ICCs/IPs.

SECTION 26. Transitory Provisions. For purposes of synchronization, the term of office herein provided shall apply to incumbent IP mandatory representatives whether in the barangay, municipal, city, or provincial sanggunian, the period of which will commence only upon the approval of this Guidelines. Hence, all existing Local Guidelines shall be reformulated and harmonized with the provisions of this Guidelines.

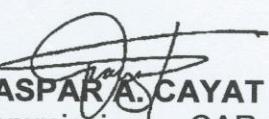
All existing local guidelines shall be modified.

SECTION 27. Repealing Clause. This Administrative Order repeals NCIP Administrative Order No. 1, Series of 2009. The provisions of other Circulars, Memoranda, and Administrative Orders, issued by this Commission, inconsistent herewith or contrary to the provisions hereof are hereby repealed or modified accordingly.

SECTION 28. Separability Clause. In case any provision or portion of this Guidelines is declared unconstitutional by a competent court, other provisions shall not be affected.

SECTION 29. Effectivity. These guidelines shall take effect immediately after furnishing the Office of National Administrative Register (ONAR).

Approved this 5th day of October 2021, Philippines.



GASPAR A. CAYAT
Commissioner, CAR & Region I



NORBERTO M. NAVARRO
Commissioner, Region II

~~ROLANDO M. RIVERA~~
Commissioner
Region III and Rest of Luzon

~~GEORGE M. LARGADO~~
Commissioner
Island Groups and Rest of Visayas

~~PINKY GRACE P. PABELIC~~
Commissioner
Northern and Western Mindanao

~~JENNIFER PIA SIBUG-LAS~~
Commissioner
Central Mindanao

~~ALLEN A. CAPUYAN~~
Chairperson
Southern and Eastern Mindanao

ATTESTATION

I attest that this Guidelines was approved by the Commission during the Regular Session on the date above stated.

ROGELIO FRANCISCO M. BANTAYAN, JR.
Executive Director