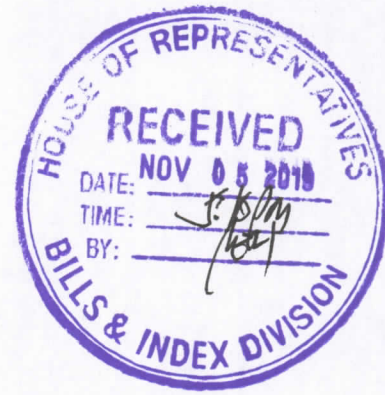


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 5334



Introduced by the Honorable ABRAHAM N. TOLENTINO

EXPLANATORY NOTE

"Ang hindi marunong lumingon sa pinangalingan ay hindi makakarating sa paroroonan," as Jose Rizal aptly put it, these words of acknowledging and recognizing one's past and heritage is part of the Filipino's trait of being grateful. The Philippines traces its first communities, its early societal beginnings, from the indigenous peoples in the country.

The 1987 Constitution likewise provides that: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." On paper, Jose Rizal's words of looking back and recognizing one's heritage echo in the Filipino's psyche.

To concretize this, indigenous peoples in the country should likewise be given the opportunity on matters relating to national unity and development, including education and security. As such, this representation is proposing that youth from the indigenous communities be given a proportionate recruitment share in the Philippine Military Academy (PMA) and the Philippine National Police Academy (PNPA).

The cultural heritage that indigenous peoples in the Philippines have, may bring about certain issues that may hinder their entrance in academic institutions like the PMA and PNPA. As such there is a need to give indigenous peoples the appropriate allocation in the recruitment process of the PMA and PNPA.

The members of the indigenous groups in the Philippines should also be given the chance to serve, protect, and defend the country. This proposed law will also actualize the State principle that indigenous cultural communities be made part of government programs within the framework of national unity and development.

To highlight, it is enshrined in the 1987 Constitution that Congress shall give this highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by property radiating wealth and political power for the common good. Appropriating slots for the members of Philippine indigenous peoples in the PMA and PNPA will be in consonance with the aforesaid constitutional mandate.

Approval of the foregoing bill is earnestly sought.

A handwritten signature in black ink, consisting of a series of stylized, overlapping loops and a final vertical stroke.

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EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **5334**

Introduced by the Honorable ABRAHAM N. TOLENTINO

**AN ACT PROVIDING FOR A PROPORTIONATE SCHOOL
ADMISSION AND ACCEPTANCE SHARE IN THE
PHILIPPINE MILITARY ACADEMY AND THE
PHILIPPINE NATIONAL POLICE ACADEMY
FOR MEMBERS OF THE INDIGENOUS CULTURAL
COMMUNITIES/INDIGENOUS PEOPLES,
AND FOR SUCH OTHER PURPOSES**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

Section 1. **Short Title.** – This Act shall be known as the
"Katutubong Tagapagtanggol Act of 2019."

Section 2. **Declaration of Policy.** – It is hereby declared the policy of the State:

- a) to recognize and promote the civil, political, economic, social and cultural rights of indigenous cultural communities or indigenous peoples in accordance with the Constitution and applicable norms and principles;
- b) to recognize the distinct characteristics and identity of the indigenous cultural communities or indigenous peoples which the State must take

special measures to ensure that they are afforded rights, protections and privileges with regard to recruitment and employment; and

- c) to involve the indigenous cultural communities or indigenous peoples in the national defense and national law enforcement as part of national unity amidst diversity.

Section 3. ***Definition of Terms.*** - For purposes of this Act, the following terms shall mean:

- a) *Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs)* - shall 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 traditional domains or who may have resettled outside their ancestral domains.

Section 4. ***Recruitment of ICCs/IPs in Law Enforcement and National Defense.*** - The Philippine National Police Academy and the Philippine Military Academy

are hereby mandated to admit and enlist members of ICCs/IPs into their academic program. At least five percent (5%) of the new cadets shall belong to ICCs/IPs.

Section 5. ***Rights of Enlisted Members of ICCs/IPs.*** - Members of ICCs/IPs admitted in the academic program shall not be discriminated by reason of their physical, social, cultural backgrounds and religious beliefs.

Section 6. ***Penalties.*** - Any person, public official or employee who discriminates in any manner members of the ICCs/IPs, by reason of their membership in the ICCs/IPs, shall immediately be subjected to the proper disciplinary action or proceedings of the service.

Willful failure, refusal or negligence by the disciplining authority in the initiation, investigation and disposal of disciplinary proceedings due to violations of this Act shall be a cause for dismissal from the service of the disciplining authority.

Any sanctions for violations provided under this Act shall be without prejudice to the criminal penalties and sanctions provided under the Republic Act No. 8371 or otherwise known as The Indigenous Peoples' Rights Act of 1997.

Section 7. ***Implementing Rules and Regulations.*** - The Department of National Defense and the Department of Interior and Local Government shall collaborate and issue within thirty (30) days from the effectivity of this Act the Implementing Rules and Regulations for the effective implementation of this Act.

The implementing rules and regulations shall provide accommodations for members of the ICCs/IPs regarding their admission and shall avoid qualifications and disqualifications that discriminates them due to their diverse qualities.

Section 8. ***Separability Clause.*** - If any provision of this Act shall be held unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

Section 9. ***Repealing Clause.*** – All laws, decrees, executive orders, proclamations and other executive issuances which are inconsistent with or contrary to the provisions of this Act are hereby amended or repealed accordingly.

Section 10. ***Effectivity Clause.*** – This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,