

REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3288

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INTRODUCED BY REP. NANCY A. CATAMCO

EXPLANATORY NOTE

The 1987 Constitution has very wisely given the highest priority to the protection and promotion of the rights of Indigenous Cultural Communities to ensure their economic, social, and cultural well-being. It is also a policy of the State that the rights of ICCs/IPs within the framework of national unity and development shall be recognized and promoted.

Furthermore, as provided in the Constitution, it is the declared policy of the State to promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living and an improved quality of life. In the Declaration of Principles and State Policies in Article II, Sections 10 and 11, it is further declared that the State shall provide social justice in all phases of national development and that the State values the dignity of every human person and guarantees full respect for human rights.

It is therefore the intent of this bill to recognize the rights of Indigenous Peoples to take their proper place in society and to give full support to the improvement of their welfare. Their full participation in the community and in nation building should always be a primary concern considering that they are a significant part of the Philippines' cultural identity and heritage.

Hence, approval of this bill is earnestly requested.


NANCY A. CATAMCO
Representative
2nd District, North Cotabato

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INTRODUCED BY REP. NANCY A. CATAMCO

**AN ACT TO MAXIMIZE THE CONTRIBUTION OF INDIGENOUS PEOPLES TO NATION BUILDING,
GRANT BENEFITS AND SPECIAL PRIVILEGES AND FOR OTHER PURPOSES.**

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

SECTION 1. *Declaration of Policies and Objectives.* — Pursuant to Section 22, Article II of the 1987 Constitution, the State recognizes and promotes the rights of Indigenous Cultural Communities within the framework of national unity and development. In addition to this, Section 10 in the Declaration of Principles and State Policies provides: "The State shall provide social justice in all phases of national development." Furthermore, Section 11, Article XIII provides: "The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women and children. Consonant with these constitutional principles the following are the declared policies of this Act:

- (a) To motivate and encourage the Indigenous Peoples to contribute to nation building;
- (b) To recognize the rights of Indigenous Peoples to take their proper place in society and make it a concern of the community and government;
- (c) To establish mechanisms whereby the contribution of the Indigenous Peoples are maximized;
- (d) To adopt measures whereby the Indigenous Peoples are properly documented, assisted and appreciated by the community as a whole;

(e) To establish a program beneficial to the Indigenous Peoples, their families and the rest of the community that they serve.

(f) To give full support to the improvement of the total well-being of the Indigenous Peoples and their full participation in society, considering that Indigenous Peoples are integral part of Philippine society;

(g) To recognize the important role of the private sector in the improvement of the welfare of Indigenous Peoples and to actively seek their partnership.

In accordance with these objectives, this Act shall:

(1) establish mechanisms whereby the contributions of the Indigenous Peoples are maximized;

(2) adopt measures whereby Indigenous Peoples are assisted and appreciated by the community as a whole; and

(3) establish a program beneficial to the Indigenous Peoples, their families and the rest of the community they serve.

SECTION 2. *Definition of terms.* - For purposes of this Act, these terms are defined as follows:

(a.) *"Indigenous Cultural Communities/Indigenous Peoples"* shall mean a group of people or homogenous societies identified by self-ascription and ascription by other, 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 customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. The term 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;

(b.) *"Qualified Indigenous Person"* shall mean any person who is a *bona fide* member of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) as determined by the Office for Indigenous Peoples Affairs (OIPA) in coordination with the National Commission on Indigenous Communities, a citizen of the Republic of the Philippines, and at least 18 years of age.

SECTION 3. *Contribution to the Community.* — Any Qualified Indigenous Person shall be encouraged by the OIPA to render his/her services to the community which shall consist of, but not limited to, any of the following:

- (a) Tutorial and/or consultancy services on ICCs/IPs cultures and traditions;
- (b) Lectures, actual teaching and demonstration on specialized fields like agriculture, cultures, traditions, histories, and the like;

SECTION 4. *Privileges for Qualified Indigenous Persons.* — The Qualified Indigenous Persons shall be entitled to the following:

(a) the grant of twenty percent (20%) discount on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment of the Qualified Indigenous Person.

(1) on the purchase of medicines, including the purchase of influenza and pneumococcal vaccines, and such other essential medical supplies, accessories and equipment to be determined by the Department of Health (DOH).

The DOH shall establish guidelines and mechanism of compulsory rebates in the sharing of burden of discounts among retailers, manufacturers and distributors, taking into consideration their respective margins;

(2) on the professional fees of attending physician/s in all private hospitals, medical facilities, outpatient clinics and home health care services;

(3) on medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, in accordance with the rules and regulations to be issued by the DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth);

(4) in actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, Asian utility vehicles (AUVs), shuttle services and public railways, including Light Rail Transit (LRT), Mass Rail Transit (MRT), and Philippine National Railways (PNR);

(5) in actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking;

(6) on the utilization of services and amenities of hotels and similar lodging establishments, of restaurants, and of sports and recreation centers;

(7) on admission fees charged by theaters, cinema houses and concert halls, circuses, museums, and other similar places of culture, leisure, and amusements;

(8) on funeral and burial services for the death of Qualified Indigenous Persons.

(b) the grant of a minimum of five percent (5%) discount relative to the monthly utilization of water and electricity supplied by the public utilities: Provided, That the individual meters for the foregoing utilities are registered in the name of the Qualified Indigenous Person residing therein: Provided, further, That the monthly consumption does not exceed one hundred kilowatt hours (100 kWh) of electricity and thirty cubic meters (30 m3) of water: Provided, furthermore, That the privilege is granted per household regardless of the number of Qualified Indigenous Person residing therein;

(c) Exemption from training fees for socio-economic programs conducted by private and government agencies subject to the guidelines issued by the DTI, the Department of Labor and Employment (DOLE), the DA, the Technical Education and Skills Development Authority (TESDA) and the Department of Science and Technology – Technology Resource Center (DOST – TRC).

(d) Free medical and dental services, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography (CT) scans and blood tests in all government facilities, subject to the guidelines to be issued by the DOH, in coordination with the PhilHealth;

(e) the DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent and Qualified Indigenous patients;

(f) provision of express lanes for Qualified Indigenous Persons in all commercial and government establishments; in the absence thereof, priority shall be given to them;

(g) death benefit assistance of a minimum of Two thousand pesos (Php2, 000.00) shall be given to the nearest surviving relative of a deceased Qualified Indigenous Person which amount shall be subject to adjustments due to inflation in accordance with the guidelines to be issued by the DSWD.

(h) The grant of fifty percent (50%) discount on the payment of registration fees by a business or association that has Qualified Indigenous Person as its member, director, incorporator, or sole proprietor and that is required to be registered in the following agencies:

- 1) Department of Trade and Industry (DTI);
- 2) Securities and Exchange Commission (SEC);
- 3) Cooperative Development Authority (CDA);
- 4) Local Government Units (LGUs);
- 5) Bureau of Internal Revenue (BIR);
- 6) Department of Labor and Employment (DOLE);
- 7) Philippine Coconut Authority (PCA);
- 8) Garments and Textile Industry Development Office (GTIDO);
- 9) National Food Authority (NFA);

- 10) Fiber Industry Development Authority (FIDA);
- 11) Bureau of Fisheries and Aquatic Resources (BFAR);
- 12) Bureau of Animal Industry (BAI);
- 13) Bureau of Plant Industry (BPI);
- 14) Bureau of Forest Development;
- 15) National Tobacco Administration (NTA);
- 16) Bureau of Philippine Standards (BPS);
- 17) Intellectual Property Office (IPO);
- 18) National Subcontractors Exchange (SUBCONEX);
- 19) Food and Drug Administration (FDA);
- 20) Land Transportation Franchising and Regulatory Board (LTFRB);
- 21) Maritime Industry Authority (MARINA).

(i) The grant of twenty percent (20%) discount on the payment of irrigation fees of the National Irrigation Administration (NIA).

(j) The grant of twenty percent (20%) discount on the payment of fees in the issuance of Philippine passport by the Department of Foreign Affairs (DFA);

(k) The grant of twenty percent (20%) discount on the payment of fees in the services offered by the Philippine Overseas Employment Agency (POEA) and Maritime Industry Authority (MARINA) to Overseas Filipino Workers (OFW);

(l) The grant of twenty percent (20%) discount on the payment of fees in the issuance of driver's licenses and registration of vehicles by the Land Transportation Office (LTO);

(m) The grant of twenty percent (20%) discount on the payment of fees by services rendered by the Land Registration Authority (LRA);

(m) The grant of twenty percent (20%) discount on the payment of fees by services rendered by the National Bureau of Investigation (NBI).

In the availment of the privileges mentioned above, the Qualified Indigenous Person, or his/her duly authorized representative, may submit as proof of his/her entitled thereto any of the following:

(1) an identification card issued by the Office of the Indigenous Peoples Affairs (OIPA) of the place where the Qualified Indigenous Person resides: Provided, That the identification card issued by the particular OIPA shall be honored nationwide; and

(2) other documents that establish that the Qualified Indigenous Person is a citizen of the Republic as further provided in the implementing rules and regulations.

In the purchase of goods and services which are on promotional discount, the Qualified Indigenous Person can avail of the promotional discount or the discount provided herein, whichever is higher.

The establishment and persons may claim the discounts granted under subsections (a) and (b) of this section as tax deductions based on the cost of the goods sold or services rendered: Provided, That the cost of the discount shall be allowed as deduction from gross income for the same taxable year that the discount is granted.

SECTION 5. *Government Assistance.* - The government shall provide the following:

(a) Employment

Qualified Indigenous Persons who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform with the provisions of the Labor Code, as amended, and other laws, rules and regulations.

Private entities that will employ Qualified Indigenous Persons as employees, upon the effectivity of this Act, shall be entitled to an additional deduction from their gross income, equivalent to fifteen percent (15%) of the total amount paid as salaries and wages to Qualified Indigenous Persons, subject to the provision of Section 34 of the NIRC, as amended: Provided, however, That such employment shall continue for a period of at least twelve (12) months: Provided, further, That the annual income of the Qualified Indigenous Person does not exceed the latest poverty threshold as determined by the National Statistical Coordination Board (NSCB) of the National Economic and Development Authority (NEDA) for that year.

The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Technology and Livelihood Resource Center (TLRC) and the Department of Trade and Industry (DTI), shall assess, design and implement training programs that will provide skills and welfare or livelihood support for Qualified Indigenous Persons.

(b) Education

The Department of Education (DepED), the Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED), in consultation with nongovernmental organizations (NGOs) and people's organizations (POs) for Indigenous Persons, shall institute programs that will ensure access to formal and non-formal education.

(c) Housing

The national government shall include in its national shelter program the special housing needs of Qualified Indigenous Persons, such as establishment of housing units for displaced members of ICCs.

(d) Access to Public Transport

The Department of Transportation and Communications (DOTC) shall develop a program to assist Qualified Indigenous Persons to fully gain access to public transport facilities.

(e) Additional Government Assistance

(1) Mandatory PhilHealth Coverage

All indigent Qualified Indigenous Persons shall be covered by the national health insurance program of PhilHealth. The LGUs where the indigent Qualified Indigenous Persons reside shall allocate the necessary funds to ensure the enrollment of their indigent Qualified Indigenous Persons in accordance with the pertinent laws and regulations.

(2) Social Safety Nets

Social safety assistance intended to cushion the effects of economics shocks, disasters and calamities shall be available for Qualified Indigenous Persons. The social safety assistance which shall include, but not limited to, food, medicines, and financial assistance for domicile repair, shall be sourced from the disaster/calamity funds of LGUs where the Qualified Indigenous Persons reside, subject to the guidelines to be issued by the DSWD.

SECTION 6. *The Office for Indigenous Peoples Affairs (OIPA).* — There shall be established in all cities and municipalities an OIPA to be headed by the Indigenous Peoples Mandatory Representative of the local legislative council or, in the absence thereof, a councilor who shall be appointed by the Mayor upon the recommendation of the National Commission on Indigenous Peoples (NCIP).

The head of the OIPA shall be appointed to serve the interests of ICCs/IPs in his or her respective community. The head shall not be removed or replaced except for reasons of death, permanent disability, resignation, or ineffective performance of his or her duties to the detriment of ICCs/IPs to be determined by the Sanggunian concerned.

The head of the OIPA shall be entitled to receive an honorarium of an amount at least equivalent to Salary Grade 10 to be approved by the LGU concerned.

The head of the OIPA shall be assisted by the City or Municipal Social Welfare and Development officer, in coordination with the NCIP.

The Office of the Mayor shall exercise supervision over the OIPA relative to their plans, activities and programs. The OIPA shall work together and establish linkages with the NCIP, the nationally accredited nongovernment organizations (NGOs), and ICCs/IPs in their respective areas.

The functions of the OIPA are:

- (a) to plan, implement and monitor yearly work programs in pursuance of the objectives of this Act;
- (b) to draw up a list of available and required services which can be provided by the Qualified Indigenous Persons;
- (c) to issue nationally uniform individual identification cards which shall be valid anywhere in the country and to maintain and regularly update on a quarterly basis the list of Qualified Indigenous Persons. Such card shall indicate the private and public agencies and the benefits they are mandated to provide for by this Act;
- (d) to coordinate with the NCIP on a quarterly basis and to serve as a general information and liaison center to serve the needs of the ICCs/IPs;
- (e) to monitor compliance of the provisions of this Act particularly the grant of special discounts and privileges to Qualified Indigenous Persons;
- (f) to report to the local government unit, any individual, establishments, business entity, institutions or agency found violating any provision of this Act;
- (g) to assist the Qualified Indigenous Persons in filing complaints or charges against any individual, establishments, business entity, institution, or agency refusing to comply with the privileges under this Act before the Department of Justice (DOJ), the Provincial Prosecutor's Office, the regional or the municipal trial court, the municipal trial court in cities, or the municipal circuit trial court.

SECTION 7. *Similar benefits.* - If the Qualified Indigenous Person is also enjoying benefits from other applicable laws similar to those provided for in Sections 4 and 5 of this Act, the grant in this Act shall be in addition to the benefits from such other applicable laws.

SECTION 8. Penalties. — Any person who refuses to honor the individual identification cards issued or violates any provision of this Act shall suffer the following penalties:

- (a) For the first violation, imprisonment of not less than two (2) years but not more than six (6) years and a fine of not less than Fifty thousand pesos (Php50,000.00) but not exceeding One hundred thousand pesos (Php100,000.00);
- (b) For any subsequent violation, imprisonment of not less than two (2) years but not more than six (6) years and a fine of not less than One Hundred thousand pesos (Php100,000.00) but not exceeding Two hundred thousand pesos (Php200,000.00); and
- (c) Any Qualified Indigenous Person who abuses the privileges granted herein shall be punished with imprisonment of not less than six (6) months and a fine of not less than Fifty

thousand pesos (Php50,000.00) but not more than One hundred thousand pesos (Php100,000.00).

If the offender is a corporation, partnership, organization or any similar entity, the officials thereof directly involved such as the president, general manager, managing partner, or such other officer charged with the management of the business affairs shall be liable therefor.

If the offender is an alien or a foreigner, he/she shall be deported immediately after service of sentence.

Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the business permit, permit to operate, franchise and other similar privileges granted to any person, establishment or business entity that fails to abide by the provisions of this Act.

SECTION 9. Monitoring and Coordinating Mechanism. - A National Coordinating and Monitoring Board shall be established which shall be composed of the following:

(a) Chairperson - the Chairman of the National Commission on Indigenous Peoples or an authorized representative;

(b) Vice Chairperson - the Secretary of the Department of the Interior and Local Government (DILG) or an authorized representative; and

(c) Members:

(1) the Secretary of the DSWD or an authorized representative;

(2) the Secretary of the DOJ or an authorized representative;

(3) the Secretary of the DOH or an authorized representative;

(4) the Secretary of the DTI or an authorized representative;

(5) the Secretary of the DOTC or an authorized representative;

(6) the Secretary of the DOLE or an authorized representative;

and

(11) representatives from three (3) NGOs for Indigenous Peoples, one each from Luzon, Visayas, and Mindanao which are duly accredited by the NCIP. Representatives of NGOs shall serve for a period of three (3) years.

The Board may call on other government agencies, NGOs and POs to serve as resource persons as the need arises. Resource persons have no right to vote in the National Coordinating and Monitoring Board.

SECTION 10. Implementing Rules and Regulations. - Within sixty (60) days from the effectivity of this Act, the Chairman of the NCIP shall formulate and adopt rules and regulations to carry out the objectives of this Act, in consultation with the DILG, the Office of the President, the DOJ, the DOH, the DTI, the DOTC, the DOF, the DOLE, the DA, the DFA, the DepED, the TESDA, the CHED, the DOST, the DSWD and three (3) NGOs or POs for Indigenous Peoples duly accredited by the NCIP.

SECTION 11. Appropriation. — The appropriation necessary to implement the provisions of the Act and its Rules shall be included in the respective budgets of the LGUs and responsible national government agencies. The heads of departments and agencies as well as local chief executives concerned shall immediately include in their annual appropriations the funding necessary to implement these programs and services.

SECTION 12. Repealing Clause. - All law, executive orders, rules and regulations or any part hereof inconsistent herewith are deemed repealed or modified accordingly.

SECTION 13. Separability Clause. - If any part or provision of this Act shall be declared unconstitutional and invalid, such declaration shall not invalidate other parts thereof which shall remain in full force and effect.

SECTION 14. Effectivity. - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.

Approved