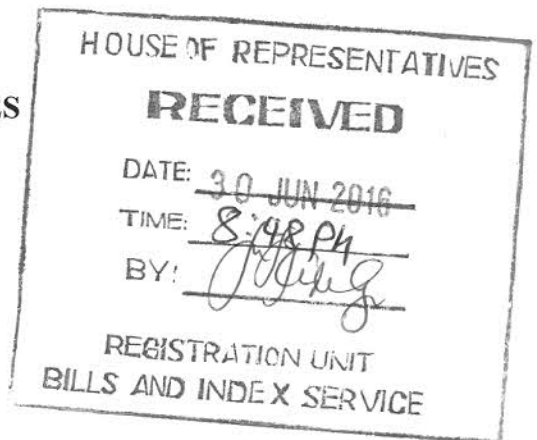


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 394



Introduced by REP. JOSE T. PANGANIBAN, JR.
of ANAC-IP Partylist

EXPLANATORY NOTE

Article II, Section 22 of the 1987 Constitution provides that “(T)he State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.” Hence, the promotion of a society recognizing and promoting the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of the 1987 Constitution and Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997. Corollary, section 16 of RA 8371 provides that “(I)CCs/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 structure. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

The above provisions mandated all local government units to recognize and provide for Indigenous Peoples Mandatory Representative to become member of their local legislative or *sanggunian* as representative of the indigenous peoples sector in their territorial jurisdiction. However, the implementation of the said provision was met with less enthusiasm because of budgetary constraints of LGUs and the difficulty of local chief executive to appoint IPMR who are not sympathetic to the former’s interest. Henceforth, many IPMRs who are selected by the members of the ICCs/IPs and confirmed by the NCIP were not able to become members of the local legislative.

This measure seeks to correct the above aberrations and to institutionalize the Indigenous Peoples Mandatory Representative program and to provide necessary penalties for violations of the provisions of this bill.

In view of the foregoing, urgent approval of this bill is earnestly sought.


JOSE T. PANGANIBAN, JR.
Representative, ANAC-IP Partylist

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Introduced by REP. JOSE T. PANGANIBAN, JR.
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AN ACT
INSTITUTIONALIZING INDIGENOUS PEOPLES MANDATORY
REPRESENTATION, APPROPRIATING FUNDS THEREFOR, AND FOR 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 and cited as the “*Indigenous Peoples Mandatory Representation Act of 2016.*”

SECTION 2. *Declaration of Policies.* It is hereby declared the policy of the State:

(a) To recognize and promote the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of national unity and development;

(b) To recognize and promote the rights of ICCs/IPs 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 structure. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils;

(c) To recognize and promote the rights of ICCs/IPs to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation of policies, plans, programs for national, regional and local development which directly affect them;

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realizations of these rights, taking into consideration their customs, traditions, values, beliefs, interest and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

SECTION 3. Definition of Terms. As used in this Act, the following terms are defined as follows:

(a) **Customary Laws.** - refer to a body of written and/or unwritten rules, usage, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;

(b) **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs).** – refer to a group of people or homogenous societies identified by self-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, 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. 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;

(c) **Indigenous Peoples Mandatory Representative** – refers to a person duly selected and confirmed under the provision of this Act to become an automatic member of the local legislative as representative of the indigenous peoples sector;

(d) **Indigenous Political Structure (IPS)** – refer to organizational and cultural leadership systems, institutions, relationships, patterns and process for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

(e) **Local Government Unit(s)** - refer(s) to the barangay, municipality, city, province, autonomous regions (ARMM and CAR), and other political subdivisions as may be created by law;

(f) **Local legislative** – refers to the Sangguniang Barangay, Sangguniang Bayan, Sangguniang Panlungsod, Sangguniang Panlalawigan, and Regional Assembly in the case of ARMM and CAR;

(g) **National Commission on Indigenous Peoples (NCIP)** - refers to the office, attached under the Office of the President and created under RA 8371. It is currently the primary government agency responsible for the formulation and implementation of policies, plans and programs, to recognize, protect and promote the rights of the ICCs/IPs.

SECTION 4. Institution/Creation. There is hereby created/instituted a national program for Indigenous Peoples Mandatory Representation under the direct supervision of the National Commission on Indigenous Peoples (NCIP) and in coordination with the Department of the Interior and Local Government (DILG).

SECTION 5. *Scope of Application.* The Indigenous Peoples Mandatory Representation shall be applicable to all local government units as defined under this Act.

SECTION 6. *Selection/Qualification.* No person shall become an Indigenous Peoples Mandatory Representative, otherwise known as IPMR, unless he or she is:

- (a) A bonafide member of the ICCs/IPs sought to be represented in the concerned local government unit;
- (b) A bonafide member of an Indigenous Political Structure, accredited by the NCIP, of the ICCs/IPs in the concerned local government unit;
- (c) Selected, through customary laws and traditions, by majority of the members of ICCs/IPs sought to be represented and whose selection has been confirmed by NCIP;
- (d) At least twenty one (21) years of age;
- (e) Of good moral character; and
- (f) Has taken his/her oath of office.

SECTION 7. *Term of Office.* Any person whose selection has been confirmed by the NCIP to become an IPMR shall become an automatic member of the local legislative or *sanggunian* concerned as representative of the indigenous peoples sector.

An Indigenous Peoples Mandatory Representative shall serve in the local legislative or *sanggunian* for a period three (3) years from the time his/her selection shall have been confirmed by the NCIP. The confirmation of NCIP shall also serve as the appointment of the IPMR in the local legislative or *sanggunian* concerned.

No person shall serve as IPMR for more than three (3) consecutive terms in the same local legislative or *sanggunian*. In case of death, permanent incapacity, and/or voluntary resignation of an IPMR, the successor shall serve the unexpired portion of his/her predecessor.

SECTION 8. *Remuneration.* Any person selected and confirmed as Indigenous Peoples Mandatory Representative shall receive from the National Commission on Indigenous Peoples his/her remuneration and benefits equivalent to the remuneration and benefits given to members of the local legislative or *sanggunian* where the IPMR shall have become a member.

SECTION 9. *League of Indigenous Peoples Mandatory Representative.* There is hereby created an association of all IPMRs. The association shall be called the League of Indigenous Peoples Mandatory Representative (LIPMR) as provided for under Title VI of Republic Act No. 7160, otherwise known as the Local Government Code of 1991. The LIPMR shall become a member of the umbrella organization of the Union of Local Authorities of the Philippines.

SECTION 10. *Penal Provision.* Any person liable under this Act shall be penalized by *prision mayor* or imprisonment for a period of six (6) years and one day to twelve (12) years and a fine of not less than One Hundred Pesos (Php.100,000.00) nor more than One Million Pesos (Php.1,000,000.00) and:

- (a) The penalty provided under this Act shall be imposed in its maximum period if the offender has been previously convicted under this Act;
- (b) The penalty provided for in this Act shall be imposed in its maximum period if the offender is a public official, officer or employee: *Provided*, that the penalty of suspension and perpetual disqualification to hold any government position shall also be imposed.

SECTION 11. *Administrative Proceedings and Sanctions.* – Upon findings by the NCIP and/or DILG that a local government unit has violated any provision of this Act and its implementing rules and regulations, the sanctions under administrative law, civil service, or other appropriate laws shall be recommended to the Civil Service Commission (CSC) and/or Office of the OMBUDSMAN. The person directly responsible for the violation as well as the head of the agency or local chief executive shall be held liable under this Act.

SECTION 12. *Appropriation.* The amount needed to carry out the provisions of this Act shall be included in the appropriations for the office of the NCIP in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 13. *Implementing Rules and Regulations.* The NCIP in coordination with the DILG and DBM shall issue within sixty (60) days from the effectivity of this Act, the necessary implementing rules and regulations for the effective implementation of this Act.

SECTION 14. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 15. *Separability Clause.* If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 16. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,