**PROJECT PROPOSAL FORMAT**

**Group 5 - Legal Services (1)**

1. **GENERAL INFORMATION**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **1.** | **Project Title** | | **:** | Indigenous Peoples Legal Assistance | | | | | | | | |
|  | | | | | | | | |
| **2.** | **Project Site** | |  |  | | | | | | | | |
|  |  | ***Sitio*** | **:** |  | | ***Barangay*** | | | | **:** |  | |
|  |  | ***Municipality*** | **:** | Ocampo | | ***Congressional District*** | | | | **:** |  | |
|  |  | ***Province*** | **:** | Camarines Sur | | ***Region*** | | | | **:** | Region 5 | |
|  |  | ***CADT/CALT*** | **:** | CADT-ROV-OCA-0403-003 | | ***Name of AD*** | | | | **:** |  | |
|  | |  | |
| **3.** | **Project Basis/es** | | **:** | IPRA, Strategic Work Flow, IP Master Plan, 11 Building Blocks, Ancestral Domain Sustainable Development and Protection Program, Program Expenditure Classification | | | | | | | | |
|  | | | | | | | | |
| **4.** | **Total Project Cost** | | **:** | Php 18,000.00 | | | | | | | | |
|  |  | ***Direct*** | **:** | Php 15,384.62 | | | | | | | | |
|  |  | ***Indirect*** | **:** | Php 2,615.38 | | | | | | | | |
|  | | | | | | | | |
| **5.** | **Source of Fund/ Budget Year** | | **:** | GAA 2023 | | | | | | | | |
|  | | | | | | | | |
| **6.** | **Estimated Number of Partner Beneficiaries per IP Group** | | **:** | ***Direct Beneficiaries:*** | | | | ***Indirect Beneficiaries:*** | | | | |
|  | |  |  |  |  | | --- | --- | --- | --- | | **Beneficiaries** | **Total** | **Male** | **Female** | | IP Group- Ata/Agta Tabagnon/Agta Cimaro | 40 | 20 | 20 | | PWD |  |  |  | | Children |  |  |  | | PWD |  |  |  | | Youth |  |  |  | | PWD |  |  |  | | Adult |  |  |  | | PWD |  |  |  | | Older |  |  |  | | PWD |  |  |  | | | | | |  |  |  |  | | --- | --- | --- | --- | | **Beneficiaries** | **Total** | **Male** | **Female** | | IP Group |  |  |  | | PWD |  |  |  | | Children |  |  |  | | PWD |  |  |  | | Youth |  |  |  | | PWD |  |  |  | | Adult |  |  |  | | PWD |  |  |  | | Older |  |  |  | | PWD |  |  |  | | | | | |
| **7.** | **Core Program and Sub-program Addressed** | | **:** | Indigenous Peoples Rights Protection – Legal Services | | | | | | | | |
|  | | | | | | | | |
|  | | | | | | | | |
| **8.** | **Project Status** | | **:** | ( ) Proposed | ( ) On-going | | ( X ) Continuing | | ( ) Terminating | | | ( ) Coordinated |
| **9.** | **Project Stakeholders and Address** | | **:** | |  |  |  |  | | --- | --- | --- | --- | | Name | Office | Address | Contact Number | |  | DOJ |  |  | |  | DSWD |  |  | |  | PNP |  |  | |  | CHR |  |  | |  | LGU Cam Sur |  |  | | | | | | | | | |
| **10.** | **Proponent/s and Address** | | **:** | |  |  |  |  | | --- | --- | --- | --- | | Name | Office | Address | Contact Number | | Lee T. Arroyo | NCIP-Region V | Iriga City | 054-299-27-52 | |  |  |  |  | |  |  |  |  | | | | | | | | | |
| **11.** | **Project Duration** | |  |  | | | | | | | | |
|  |  | ***Target date of start*** | **:** | January 2023 | | | | | | | | |
|  | | | | | | | | |
|  |  | ***Target date of completion*** | **:** | December 2023 | | | | | | | | |
|  | | | | | | | | |
| **12.** | **Mode of Implementation** | | **:** | (x) by administration | | | ( ) by contract | | | | | |
| **13.** | **Implementer and Address** | | **:** | |  |  |  |  | | --- | --- | --- | --- | | Name | Office | Address | Contact Number | | NCIP Region 5-Legal Section | NCIP Region 5 | Iriga City | 054-299-27-52 | | | | | | | | | |

1. **BACKGROUND AND RATIONALE**

The Philippine Constitution, in recognition of this diversity and under the framework of national unity and development, mandates state recognition, protection, promotion, and fulfillment of the rights of Indigenous Peoples. Further, Republic Act 8371, also known as the “Indigenous Peoples Rights Act” (1997, IPRA), recognized the right of IPs to manage their ancestral domains and has become the cornerstone of current national policy on IPs. The enactment and approval of Indigenous Peoples Rights Act (IPRA) that recognizes, protect and promote the rights of the Indigenous Peoples has given the IPs hope that their right will really be protected. IPRA specifically provides for the four bundles of rights namely, rights to ancestral domains, rights to self-governance and empowerment, rights to social justice and human rights, and the rights to cultural integrity. There are 36 specific rights afforded to ICCs/IPs in the country under the IPRA.

The IPRA likewise mandated National Commission on Indigenous Peoples (NCIP), through its lawyers, to render legal assistance to IPs/ICCs in litigation involving community interest as part of the general mandate to ensure that the rights of our ICCs/IPs are respected, recognized, protected and promoted in all levels of national development.

The legal assistance and services being provided by the NCIP through its lawyers to the ICCs/lPs include, among others, representation before the regular courts and quasi-judicial bodies; conduct of investigations based on complaints filed by ICCs/IPs including those that are related to CTG violations; preparation of pleadings and other legal documents for them or rendition of legal opinions. The lawyers also give pieces of advice to walk-in clients on various issues or refer them to other agencies that have jurisdiction over these issues, and facilitate and resolve issues/problems between and among IPs in their community. The legal officer, in giving assistance to ICCs/IPs, needs to prepare the necessary written communications/correspondences or pleadings including the need for the purchase of office supplies and other incidental expenses.

Anchoring on the principle of primacy of customary laws as well as the ICCs/IPs’ right to self-governance, conflict resolution through customary means is emerging as a “best practice” in settling disputes between community members. Through the legal services program, this means of settling disputes outside of court shall be encouraged by facilitating the process and encouraging elders/leaders to promote the same even though some communities already lost their traditional conciliation processes. There is a need for NCIP’s intervention in terms of facilitating the conciliation. The lawyers’ role is important in handling the initiation of this process. Eventually, elders/leaders will have the confidence to promote and practice traditional settling process if they feel that it is recognized and being respect by other sectors of the society even the courts of justice.

Moreover, to extend more assistance to ICCs despite the lack of lawyers of the NCIP, and having shared commitment to provide more in law those who have less in life and to maintain the Rule of Law, and with their respective officers and members equally seeking peace through the promotion of justice, the IBP and NCIP entered into A Memorandum of Agreement (MOA) on March 21, 2021. In said MOA, both parties to provide ICCs/IPs legal assistance to ICCs/IPs in criminal. Civil and administrative cases, whether as complainants, defendants, respondents, or accused, in order to protect, realize and promote their 4 bundles of rights with 36 specific rights under the IPRA.

With the said MOA, the NCIP and IPB shall establish and maintain direct lines of communication between their national and local leaders for faster coordination to create a synchronized effort to assist the ICCs/IPs in the foregoing activities and aspects of their lives, in order to engage in sustainable and meaningful economic activities within their ancestral domains, ever mindful of the need to protect and promote their social, political, physical and spiritual well-being. The MOA likewise allows both parties to share data and information to promptly and effectively assist the ICCs/IPs within the bounds of existing laws.

1. **OBJECTIVES**
2. **GENERAL**

Generally this project is expected to achieve the following:

i.To protect the rights of ICCs/lPs;

ii. To enforce human rights through legal services;

iii. To ensure that IP clients will be fully accorded legal assistance and advice in proceedings within the jurisdiction of the NCIP lawyers affecting their rights to their Ancestral Domains; and

iv. To adhere to the primacy of customary law in conflict resolution.

1. **SPECIFIC**

Specifically this project is expected to achieve the following:

i.To explore remedies that would address problems, issues or concerns of

ICCs/lPs without necessarily resorting to litigation;

ii. To appear for IP clients in proceedings as the NCIP lawyer may be allowed to represent before regular courts/quasi-judicial bodies in action relating to their AD/AL claims such as, but not limited to AD boundary disputes;

iii. To provide technical knowledge how to approach and seek other government agencies to assist them on services offered to them;

iv. To facilitate the resolution of conflicts/problems/issues between and among IPs by referring to customary laws first before elevating the issues to other courts and other quasi-judicial bodies;

v. To provide assistance during conflict resolution.

1. **PROJECT DESCRIPTION**

This project is designed to provide legal assistance to the ICCs/IPs in line with the provisions of RA 8371, the mission and vision of NCIP, Strategic Work Flow, IP Master Plan, 11 Building Blocks, Ancestral Domain Sustainable Development and Protection Program, and Program Expenditure Classification. This project will ensure that every ICCs/IPs will be represented and assisted in their needs particularly legal services to disputes, cases and controversies within the jurisdiction of NCIP.

The legal assistance program is a continuing project all year round and comprises facets of legal services such as but not limited to consultation, mediation/settlement, investigations, and representation in dialogues and hearings. Output is based on number of consultations, IECs conducted among client IPs and other activities documented by the NCIP offices. The fund for the legal assistance shall likewise be used for the payment of filing fees, transportation expenses of IP clients or witnesses, purchase of office supplies, printing of legal and pertinent documents, and other incidental expenses.

1. **PROJECT IMPLEMENTATION AND MONITORING AND EVALUATION STRATEGIES**
   1. **Project Implementation**

Legal assistance shall be a regular staff work of the legal section with the direct monitoring from the Office of the Regional Director though submission of quarterly and status reports. The legal assistance for the IPs will be provided to walk-in clients and such other referred IP cases by the other agencies.

**Pre-implementation Phase:**

* 1. At the outset, there has to be regular coordination with the line agencies, LGU, and IP leaders on legal issues and concerns.
  2. Request for assistance on legal disputes submitted to the Legal Section shall observe the proper channel adhering first to the primacy of customary law in dispute resolution.
  3. The non-resolution of the dispute within the council of elders/leader shall make way for the Service Centers to resolve the same until it reaches the Legal Section if needed. Issues on CTG violations should also be given priority especially the ones needing legal actions;
  4. Cases not falling within the jurisdiction of the NCIP in accordance with the Unduran v. Aberasturi, et al. case shall be referred to the proper agencies or with the Integrated Bar of the Philippines for legal assistance/representation.

**Implementation Phase:**

* 1. All IPs referred by Service Centers and Provincial Offices will be entertained by the Legal Section and their names properly logged in on the logbook (i.e. Assistance to walk in client; Assistance to IP client in litigation involving community interest cases; Conduct of investigation on complaint from IPs; Conduct IEC/Paralegal training).
  2. Pieces of legal advice and financial support given if any shall be documented to monitor the frequency of the assistance given and the resolution of the same.
  3. Preparation of pleadings and other legal documents needed to support the case will be prepared by the Legal section if needed.
  4. Resolutions of cases; on-going cases; referred cases and other legal matters will be documented for monitoring and support services to the IPs.
  5. Facilitation of dispute resolution conflicts/problems/issues between and among IPs by referring to customary laws first before elevating the issues to other courts and other quasi-judicial bodies.
  6. Coordination with the concerned IBP Chapters for IP cases.
  7. **Monitoring and Evaluation Strategies**

The project shall be implemented by the NCIP\_\_\_\_\_. The RLO/PLO shall submit Hearing/Activity Reports after the conduct/rendition of the legal service in order for the region to monitor the status of the case and the utilization of funds. Certificates of Appearance shall also be required to be submitted with the activity/hearing reports to ensure attendance to trials.

On Monitoring, the implementing RLO/PLO shall keep a file of all the cases handled by his/her office for archive and referral purposes. The PMET and RMET will both monitor the project to ensure the satisfaction of IP clients and its sustainability for the recognition, promotion, and protection of IP rights and welfare, if applicable.

Orders from the court which involve IP community interest shall also be sent to LAO for case monitoring purposes. After the conduct of the legal service, the RLO/PLO of \_\_\_shall ensure that the IP beneficiaries are able to accomplish the Client Satisfaction Form to know the satisfaction level of the client. Quarterly Accomplishment Report and Case Law Documentation on legal services submitted to the Regional Office and Legal Affairs Office are likewise bases for monitoring and evaluation.

1. **POTENTIAL RISK**

The implementation of this project may be affected by the restrictions caused by this Pandemic:

1. Travel restriction will hinder access to legal assistance especially to those IP clients without access to internet or any mode of transportation.
2. Prohibition of gathering in the conduct of investigation
3. Fund utilization may be low due to cancelation or postponement of court hearings and field investigation due to causes beyond the control of the lawyers

**Other risks:**

* + - 1. Presence and influence of local communist groups/CTG-NPAs in preventing IPs from filing complaints and/or referring cases to the RLOs/PLOs especially in CTG related issues.
      2. Lack of lawyers
      3. Clogged Docket Courts

1. **SUSTAINABILITY PLAN**

Several cases involving community interest had been addressed by the office through its legal assistance program. Individual cases which indirectly affect community interest were also among the cases addressed by this program for the IPs. Though IPs still resort to their customary laws in settling disputes, they are sometimes compelled to engage the services of a legal counsel in cases where the other party involved is a non-IP, which instance is financially unfavorable situation for the IPs who cannot afford such services. With legal services of the office through this program with its lawyers conversant with the IP rights and related laws, IP clients will be given equal opportunity and realistic representation in the regular courts. Thus, IP clients will be spared from the high cost of legal battles. For years and years that this assistance has been provided for the IPs, NCIP have been providing them one of their basic rights.

This project must continue as the voices of the IPs must be heard, thus this project must be sustained.

The program can also be sustained by continuously coordinating with IBP, DOJ, OSG, PAO, other relevant agencies, and with partner agencies of the NTF-ELCAC especially on cases involving IP Former Rebels for rendition of legal assistance/services.

Continuous coordination with the IPS, IPO or council of elders will also sustain the program/project especially in cases of urgent complaints that needed to be addressed, hence, the NCIP will have a focal person to contact.

1. **BUDGET REQUIREMENTS**

Hereunder is the presentation of cost to be incurred to fully undertake the project.

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| --- | --- | --- | --- |
| I. | Direct Cost | | Amount |
|  | 1. | Direct costs:  Donation  Supplies and Material  Subtotal | Php 13,000.00  Php 2,384.62  Php 15,384.64 |
| II. |  | Indirect Cost |  |
|  |  | 8% PIC  4% PMET  5% RMET | Php 1,230.77  Php 615.38  Php 769.23  Php 2,615.38 |
|  |  | **Total Direct Cost** | **Php 18,000.00** |

1. **ATTACHMENTS**
   1. Project Procurement Management Plan (PPMP)– PPF 1a (Annex B)
   2. Project Implementation Plan/Gantt Chart – PPF 1b (Annex C)
   3. Summary of Expenditures – PPF 1c (Annex D)
   4. List of Beneficiaries – PPF 1d (Annex E)
   5. Other attachments – page/portion of the plan as project basis; plan, bills of materials and vicinity map for Infrastructure, Return of Investments for livelihood and other similar projects

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| --- | --- | --- | --- | --- |
| Prepared by: |  | Evaluated by: |  | Confirmed by: |
|  |  |  |  |  |
| **CSC Staff** |  | **Provincial Officer** |  | **IPS/IPO Heads/IP Leader/Elder** |

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| --- | --- | --- |
| Validated by: |  | Endorsed by: |
|  |  |  |
| **Regional Staff** |  | **Regional Director** |

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| Recommending approval: |
|  |
| **Executive Director** |

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| Approved: |
|  |
| **Chairperson** |