

PREFACE

Recognition of indigenous peoples' rights in the Bangsamoro region has truly been a protracted and uphill crusade for the non-Islamized indigenous peoples. Although the Indigenous People's Right Act (IPRA 1997), Organic Act of ARMM (2001), Tribal Peoples Act (2008) and the Bangsamoro Organic Law (2019) were passed and reinforced by several administrative orders and circulars, the protection and fulfillment of IP rights remain to be elusive, and worse, conflict and violence affecting the IP communities continue to persist in the Bangsamoro region. The institutionalization of an IP Code that is coherent with existing laws, inclusive, and sensitive to the modern-day realities in the region is an important step towards the recognition of the bundle of the rights of IPs in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM).

As part of peacebuilding efforts of International Alert and in contribution to the goal of addressing root causes of conflict in the Philippines, a series of discussions was conducted on Cabinet Bill No. (CBN) 40, the current version of the IP Code at the Bangsamoro Transition Authority (BTA-BARMM), with lawyers, experts on land and IP policies, and leaders from IP groups. The discussions looked into the different issues faced by IP communities, their rights that must be emphasized and enumerated, and how to translate those into an effective and workable IP Code.

The IP Code is a major step to ensuring peace in the region because this involves not just the rights of IPs but also issues on their ancestral domain, which is contested by other groups and individuals and often leads to conflict and violence. From 2018 to June 2021, the Teduray tribe has recorded 23 deaths among their citizens and leaders. Thousands of individuals are affected and displaced by violent conflict in ancestral domain areas. Without an IP Code that will secure the rights of IPs, the more difficult it is for them to assert their rights and protect their people and their lands.

The aim of this policy brief is to contribute to the passage of an IP Code that is flexible and targeted to address major problems involving IPs in BARMM, including the balancing of prior rights of IPs and vested rights of migrant and pioneer settlers within the ancestral domains.

The IP Code is one of the priority codes of the Bangsamoro Transition Authority (BTA)-BARMM. This calls for the urgency of passing the bill and comprehensive consultations and perspectives on the content of the bill, as this will dictate the future of IPs in the region and overall peace in Bangsamoro.

To aid in the legislation of the IP Code, this policy brief provides analysis and recommendations on sections of CBN 40 that will strengthen land management and peaceful conflict resolutions and processes in the Bangsamoro including provisions on scope and coverage, on ancestral domain claims, on camp transformation sites, the indigenous concept of ownership and ancestral lands, free prior and informed consent, management of natural resources, the jurisdiction of the Ministry of Indigenous People's Affairs, the Mutual Support Fund, and on the rights of women.

Some of the major recommendations is on the coverage of IP Code which should cite Non-Moro Indigenous Peoples (NMIPs) and on the acknowledgement of Ancestral Domain Claims of NMIPs through enumerating and listing the specific areas in the IP Code to ensure that MIPA is mandated to recognize the existing claims of NMIPs.

Further, it is also recommended that there must be recognition and respect of ownership of IPs within ancestral domains used for camp transformation sites through ensuring that the IPs themselves will be responsible for the development of camps within their ancestral domain. Moreover, government agencies tasked to implement the normalization process shall coordinate with the appropriate IP Structures and IPs shall have the final decision and primary responsibility on how to develop areas within their ancestral domain.

The creation of the IP Code should bring better assurance for IPs of their rights. This policy brief was created to contribute to lawmakers, indigenous peoples, and other stakeholders in institutionalizing mechanisms that address challenges faced by IP communities, so that current and future generation of IPs will be guaranteed a more peaceful and productive community.

FORMULATING A CODE FOR INDIGENOUS PEOPLES IN BANGSAMARO AUTONOMOUS REGION

I. LEGAL FRAMEWORK

A. 1987 Philippine Constitution

The Philippine Constitution of 1987 explicitly recognizes the rights of indigenous cultural communities. Article II, Section 22 of the Constitution states:

“The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.”

The government is mandated to protect the rights of the indigenous cultural communities to their ancestral lands. It is also required to provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

Article XII, Section 5 states:

“The State, subject to provisions of this Constitution and national development policies and programs shall protect the rights of the indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.”

B. Republic Act No. 8371- The Indigenous Peoples Act of 1997 (October 29, 1997)

An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefor, and for Other Purposes otherwise known as the “The Indigenous Peoples’ Rights Act of 1997” was approved on October 29, 1997.

This landmark legislation mandates the State to recognize and promote the following rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) within the Constitutional framework:

- “a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;
- b) The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;
- c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;

- d) The State shall guarantee that members of the ICCs/IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;
- e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and
- f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.”¹

In line with these, the State is mandated to “institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.”²

To guarantee the aforementioned rights of the ICCs/IPs throughout the country, provisions on the following were introduced in the Act: Right to Ancestral Domains (Chapter III), Rights to Self-Governance and Empowerment (Chapter IV), Social Justice and Human Rights (Chapter V), Cultural Integrity (Chapter VI), National Commission on Indigenous Peoples (Chapter VII), Delineation and Recognition of Ancestral Domains (Chapter VIII), and Jurisdiction and Procedure for Enforcement of Rights (Chapter IX).

C. Republic Act No. 11054 – Bangsamoro Organic Law (July 27, 2018)

On July 27, 2018, the Bangsamoro Organic Law (BOL) was enacted. Republic Act No. 11054 or An Act Providing for the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, Repealing for the Purpose Republic Act No. 6734, Entitled "An Act Providing for An Organic Act for the Autonomous Region in Muslim Mindanao," as amended by Republic Act No. 9054, Entitled "An Act to Strengthen and Expand the Organic Act for the Autonomous Region in Muslim Mindanao", in its Preamble affirms the Indigenous People’s (IP) distinct historical identity and birthright to their ancestral homeland and their right to chart their political future through a democratic process that will secure their identity and posterity, and allow genuine and meaningful self-governance.

Under Article XIII, Section 12, the BOL affirms the Bangsamoro identity and also emphasizes its distinct indigenous people’s identity as people with ancestral territorial domain, system of self-governance and justice system as well as collective stewards of resources in the Bangsamoro.

¹ Section 2, RA No. 8371

² *Id.*

In Article IV, Section 9, the BOL specifically recognizes and promotes the rights of non-Moro IPs.

"ARTICLE IV

GENERAL PRINCIPLE AND POLICIES

Section 9. Rights of Non-Moro Indigenous Peoples. - The Bangsamoro Government shall recognize and promote the rights of non-Moro indigenous peoples within the framework of the Constitution and national laws."

Article IX, Section 3 of the BOL also provides for the rights of the IPs that are recognized, promoted and protected .

"ARTICLE IX

BASIC RIGHTS

Section 3. Indigenous People Rights. - The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights:

- (a) Native titles or *fusaka inged*;
- (b) Indigenous customs and traditions;
- (c) Justice systems and indigenous political structures;
- (d) Equitable share in revenues from the utilization of resources in their ancestral lands;
- (e) Free, prior and informed consent;
- (f) Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament;
- (g) Basic services; and
- (h) Freedom of choice as to their identity."

Same article states that any measure enacted by the Parliament shall in no way diminish the rights and privileges granted to indigenous peoples by virtue of the United Nations Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights, and other laws pertaining to indigenous peoples in the Bangsamoro Autonomous Region.

The BOL also provides that it shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act. No. 8371, otherwise known as the *"Indigenous Peoples' Rights Act of 1997"*.

Pursuant to the 1987 Philippine Constitution, the BOL also provides that the customs, beliefs, and traditions of the Bangsamoro people are recognized, protected, and guaranteed, as follows:

"ARTICLE IX

BASIC RIGHTS

Section 4. Customary Rights and Traditions. - The customs, beliefs, and traditions of the Bangsamoro people are hereby recognized, protected, and guaranteed.

The parliament shall adopt measures to ensure mutual respect and protection of the distinct beliefs, customs, and traditions of the Bangsamoro people and the other inhabitants in the Bangsamoro Autonomous Region.

No person in the Bangsamoro Autonomous Region shall be subjected to any form of discrimination on account of creed religion, ethnic origin, parentage, or gender.”

Further, the BOL recognizes the rights of IP over natural resources within the areas covered by native title, in terms of (1) share in revenues; (2) priority rights in the exploration, development, and utilization of such natural resources within their area and (3) right to free, prior and informed consent (FPIC) in relation to development initiatives and exploration, development, and utilization of the natural resources within the ancestral domains covered by Certificate of Ancestral Domain Title.

Article XIII, Section 12 states:

ARTICLE XIII

REGIONAL ECONOMY AND PATRIMONY

Section 12. Rights of Indigenous People to Natural Resources. - The Parliament shall enact a law recognizing the rights of indigenous peoples in the Bangsamoro Autonomous Region in relation to natural resources within the areas covered by a native title, including their share in revenues as provided in this Organic Law, and priority rights in the exploration, development, and utilization of such natural resources within their area.

The right of indigenous peoples to free, prior and informed consent in relation to development initiatives and exploration, development, and utilization of the natural resources within the ancestral domains covered by Certificate of Ancestral Domain Title shall be respected.

II. CABINET BILL VERSION OF THE IP CODE

Article IX, Section 3 mandates the creation of a ministry for indigenous peoples. It shall have the primary responsibility to formulate and implement policies, plans, and programs to promote the well-being of all indigenous peoples in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

Pursuant to said provision, Melanio U. Ulama and Romeo C. Saliga introduced Cabinet Bill No. 40 entitled, “An Act to Recognize, Respect, Protect, Promote, and Support the Rights of the Indigenous Peoples, Creating the Ministry of Indigenous People Affairs, Establishing the Implementing Mechanisms, Appropriating Funds Therefor, and For Other Purposes.”

The said proposed *Indigenous Peoples Rights Act in the Bangsamoro Autonomous Region* (BTA-BARMM Cabinet Bill No. 40) have Fourteen (14) Chapters which highlights the rights of the IPs in BARMM to their ancestral domains, to self-governance and empowerment, to traditional or tribal justice system, to social justice and human rights, and to cultural integrity and identity.

The salient features of the proposed bill are as follows:

- A. Coverage** – The Act applies to all indigenous peoples (IPs) within the Bangsamoro Autonomous Region in Muslim Mindanao, such as Teduray, Lambangian/Balég, Dulangan Manobo, Erumanun Ne Menuvu, Badjao, Sama, Yakan, Higaonon, Blaan and other indigenous tribes that shall be recognized by Ministry of Indigenous Peoples Affairs. (Section 2);
- B. Free and Prior Informed Consent (FPIC)** - The consensus decision of affected IPs communities determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the IPs, in a language and process understandable to them [Section 4(f)];
- C. Concept of Ancestral Domains** - Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the IPs possess, occupy, and use and to which they have claims of ownership (Section 5);
- D. Indigenous Concept of Ownership** - Ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of IPs. Ancestral domains are the IPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights (Section 6);
- E. Right to Develop Lands and Natural Resources** – IPs have the right to develop, control, and use lands and territories traditionally occupied, owned, or used by them; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein [Section 8(b)];
- F. Right to Redemption** - IPs have the right to redeem the land or property within the constituted due process where there is transfer of land to a non-member of IPs and the same is tainted by vitiated consent, or for an unconscionable consideration or price [Section 8(l)];
- G. Self-Governance** - The Bangsamoro Government shall guarantee the inherent right of IPs to self-governance and to self-determination, and to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall recognize indigenous political structures (IPS) of IPs as legitimate systems of determining policies and arriving at key decisions.

The IPS shall develop their own resource-generation strategies and shall establish a Mutual Support Fund for the purpose (e.g., umun among various Mindanao indigenous peoples) (Section 12);

- H. Right to Participate in the Executive Branch of all levels of Local Government** - There shall be an IP mandatory co-terminous position such as IP Deputy Governor, IP Deputy Mayor, and IP Deputy Barangay appointed by their respective chief executive, upon recommendation of the concerned IP Council Leaders through selection process in the Bangsamoro Government which can constitute

at least ten percent (10%) IPs of the total population of the said local government units (Section 15);

I. IP Settlements and Presidential Proclamations - The Bangsamoro Government shall proclaim settlements for IPs and to affirm the existing settlements and Presidential Proclamations thereof within the BARMM area (Section 23);

J. Primacy of Customary Laws and Practices in the resolution of disputes among IPs (Section 24);

K. Justice System and Peacebuilding Processes. – The IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments.

Alternative Dispute Resolution (ADR) shall also be explored to promote goodwill and repair or strengthen ties or relationships among Indigenous Peoples and Non-Indigenous Peoples (Section 25);

L. IP Traditional Courts. -The Bangsamoro Government shall recognize and respect the Justice system, including its courts. These traditional courts shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of members of the IPs, in accordance with their customary laws (Section 26);

M. Indigenous Structures. – The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order, which include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Behani among Erumanen ne Menvuvu, Lambangian and Dulangan Manobo and similar indigenous structures of other Non-Moro Indigenous Peoples in the BARMM (Section 27);

N. Coordination with Law Enforcement Agencies. – The IPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws (Section 28);

O. Women - The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women. They shall be given the right to participate in the decision-making process, the right to decent work, the right to health, maternal and child care, and the right to education. Indigenous women shall be included as beneficiaries of programs and projects funded by the Gender and Development (GAD) budget, which represents 5% of the total budget (Section 34);

P. Disaster Risk Reduction and Climate Change Adaptation. – The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR) which includes, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others. Non-Moro Indigenous peoples shall

have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.

The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of indigenous peoples (Section 37);

- Q. Creation of the Ministry for Indigenous Peoples Affairs (MIPA)** - MIPA shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to promote and protect the rights and well-being of all indigenous peoples in recognition of their ancestral domains as well as their rights thereto consistent with Republic Act 11054, Republic Act 8371, Muslim Mindanao Autonomy Act 241, and other Bangsamoro laws, customs, and traditions of IPs in the aspect of self-governance (Section 48);
- R. Removal from Office of the MIPA Minister** - The Minister in the MIPA may be removed from office by the Chief Minister, on his own initiative or upon recommendation by any IP communities, for cause, before the expiration of his/her term for loss of trust and confidence, and after complying with due process requirement of law (Section 56);
- S. Natural Resources within Ancestral Domains** - The IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non- member of the IPS concerned may be allowed to take part through a formal and written agreement for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: Provided, That the IPs shall enjoy full royalties which shall be not be less than 20% of the gross income (Section 65);
- T. Camps within the Ancestral Domain Claims specifically in Camps Omar and Bad'r** - Ownership of IPs of portions of ancestral domains which have been used as camps must be recognized and respected, and transformed into productive areas. There must be coordination between the government agencies tasked with implementing the Normalization process and the Indigenous Political Structure of the Indigenous Peoples to ensure that their rights to their ancestral domain will be protected (Section 66);
- U. Mining Application in Ancestral Domain areas** - Mining applications in the ancestral domains shall be approved by the Minister of the MIPA, upon favorable recommendation of the concerned tribal councils after the FPIC process has been properly complied with. (Section 67);
- V. On Agriculture, Fisheries, and Aquatic Resources - Agriculture, Fisheries, and Aquatic Resources.** — Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, MIPA shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MIPA shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the IPs. IPs shall be entitled to twenty percent (20%) royalties arising from commercial fishing activities. IPs shall have the authority to enter

into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities. (Section 68)

W. Pending Ancestral Domain Claims/Native title/Fusaka Inged Claim - Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be assessed and validated by the Ministry for Indigenous Peoples Affairs (Section 75);

Full text of the BTA BARMM Cabinet Bill No. 40 is attached as Annex "A".

III. PROPOSED IP CODE OF TEDURAY

To ensure that the policy enshrined in the BOL which provides that it shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples (NMIPs) in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act. No. 8371, otherwise known as the "*Indigenous Peoples' Rights Act of 1997*", the Teduray, through Romeo C. Saliga introduced its proposed version of the IP Code entitled "An Act To Recognize, Respect, Protect, Promote, And Support The Rights Of Non-Moro Indigenous Peoples, Creating The Ministry For Non-Moro Indigenous Peoples, Establishing The Implementing Mechanisms, Appropriating Funds Therefor, And For Other Purposes".

The pertinent provisions of the proposed version of Teduray as compared to BTA BARMM Cabinet Bill No. 40 are as follows:

A. Declaration of Policies- The proposed Teduray version includes the Framework Agreement on the Bangsamoro/Comprehensive Agreement on the Bangsamoro (FAB/CAB) in the enumeration of policies along the 1987 Constitution, various laws, international treaties and agreements. (Section 2)

It also added that the Bangsamoro Government recognizes its obligations to respond to the clamor of the NMIPs for cultural integrity, by involving the full participation of NMIPs in the direction of education, health, and other services for NMIPs, in order for said services to be responsive to their needs and aspirations. [Section 2 (i)]

B. Powers and Functions of Indigenous Political Structures (IPS)- The IPS have the power to convene and select representatives for reserved seats to the Local Sanggunians, in the executive branch and other policy making bodies [Section 12 (g), BTA-BARMM CB No. 40]. This power is not included in the proposed Teduray version.

The IPS have the power to formulate guidelines on the selection of Reserved Seats, IPMR and other NMIP representation to policy-making bodies [Section 12 (h), BTA-BARMM CB No. 40]. The Teduray version changed "policy-making bodies" to "special decision-making bodies". [Section 12 (g)]

C. Right to Participate in the Executive Branch of all levels of Local Government

Deputy Mayors and Deputy Governors of Non-Moro Indigenous Peoples – NMIPs have the right to participate in the executive branch of all levels of Local Government Units in the Bangsamoro Government.

The Provincial Governor/City and Municipal Mayor shall appoint deputy Governor/Mayor representing the Non Moro Indigenous Peoples in their respective area of coverage. The Deputies shall comprise the executive council. The executive council shall advise the Provincial Governor/City and Municipal Mayor on matters responsive of good governance. The deputies shall be ex-officio members of all line agencies meetings. The governor/mayors may assign powers and functions to the executive council to promote the general welfare of the people of the Province, City and Municipal level.

The term of office of a Deputy shall be co-terminus with the term of office of the Provincial Governor, City and Municipal Mayor. (Section 14)

Right to participate in the Executive Branch of Local Government Units- There shall be an IP mandatory co-terminous position such as IP Deputy Governor, IP Deputy Mayor, and IP Deputy Barangay appointed by their respective chief executive, upon recommendation of the concerned IP Council Leaders through selection process in the Bangsamoro Government which can constitute at least ten percent (10%) IPs of the total population of the said local government units. (Section 15, BTA-BARMM CB No. 40)

- D. The Right to Determine and Decide Priorities for Development.** —The IPs have the right to determine and decide their own priorities for development that affect their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy, or use. They shall participate in the formulation, implementation, and evaluation of policies, plans, and programs for regional, and local development which may directly affect them and their destinies (Section 17, BTA-BARMM CB No. 40). The Teduray version included programs for national development (Section 16).

E. Indigenous Structures

Non-Moro Indigenous Structures. — The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Lambangian and Dulangan Manobo and similar indigenous structures of other NMIPs in the BARMM. (Section 26)

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The enumeration under the proposed Teduray version is reduced only to NMIPs and excluded Behani among Erumanen ne Menuvu.

- F. Coordination with Law Enforcement Agencies.** — The NMIPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, in criminal cases mentioned in the foregoing section. Said law enforcement agencies shall respect the jurisdiction of the indigenous courts. (Section 27)

BTA- BARMM Cabinet Bill No. 40 provides that the IPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws. (Section 28)

- G. Basic Services-** The proposed Teduray version includes the LGBTQ in the enumeration of persons—women, elderly, youth, children, and differently-abled persons whose rights and special needs must be given particular attention.

The Bangsamoro Government shall give priority to the establishment a medical facility that is sensitive to the culture of the NMIPs in the BARMM. (Section 33)

- H. Women** – The proposed Teduray version recognizes the right to participation of indigenous women in the decision-making process at all levels shall be promoted and institutionalized. (Section 34)

- I. Right to Indigenous Knowledge Systems and Practices, Science and Technology** – The proposed Teduray version provides that an NMIP museum shall be established as a repository of cultural heritage. (Section 44)

- J. Quasi-Judicial Power-** The proposed Teduray version did not provide for the quasi-judicial power of the MNMIP while Section 50 of BTA-BARMM CB No. 40 provides for the quasi- judicial power of MIPA.

- K. Restraining Order or Preliminary Injunction-** The proposed Teduray version did not include any provision on prohibition of restraining order or preliminary injunction.

Section 51 of the BTA-BARMM CB No. 40 provides that no inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the MIPA or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of this Act and other pertinent laws relating to ICCs/ IPs and ancestral domains.

- L. Composition of the Ministry-** All officers enumerated in the proposed Teduray version and BTA-BARMM CB No. 40 are the same except for the provincial officers. Provincial Officers for Maguindanao and Lanao del Sur and a cluster of Barangays in North Cotabato and City Officer for the City of Cotabato are only provided in the proposed Teduray version (Section 51).

Provincial Officers for Maguindanao, Lanao del Sur, Basilan, Sulu, and Tawi-tawi and a cluster of Barangays in North Cotabato and City Officer for the City of Cotabato, Lamitan City and Marawi City wherein the above mentioned areas constitute the IP population of not less than 10% of the total population in the said provinces, cities and cluster of municipalities (Section 53, BTA- BARMM CB No. 40).

- M. Qualifications, Tenure, Compensation of the Minister** – The proposed Teduray version specified that Minister must be a natural-born Filipino citizen, a full-blooded member of any Non-Moro Indigenous Peoples resident of the BARMM (Section 56).

The BTA- BARMM CB No. 40 did not indicate that the Minister must be a full-blooded member of IPs.

- N. Appointment of Personnel-** The proposed Teduray version provides that personnel of lower rank shall be appointed by the Minister for Non-Moro Indigenous Peoples.

Officials and employees of the defunct Office for Southern Cultural Communities who are qualified may apply for appointment with the Ministry for Non-Moro Indigenous Peoples and treated as the same with the new applicants, passing the same process; Provided that, there (*sic*) appointment is subject to confirmation by the Civil Service Commission in the BARMM; *Provided* further, that in the case where there is a non-Moro indigenous person and a non-indigenous person with similar qualifications applying for the same position, priority shall be given to the former. (Section 53)

Under BTA- BARMM CB No. 40, personnel of lower rank holding the salary grade 24 and below 10 shall be appointed by the Minister for the Indigenous Peoples. (Section 55, BTA- BARMM CB No. 40)

- O. Mining Application in Ancestral Domain areas –** The proposed Teduray version provides that mining applications in the ancestral domains or lands shall be approved by all affected NMIPs after the FPIC process has been properly executed. (Section 65)

Under BTA- BARMM CB No. 40, mining applications in the ancestral domains shall be approved by the Minister of the MIPA, upon favorable recommendation of the concerned tribal councils after the FPIC process has been properly complied with (Section 67, BTA- BARMM CB No. 40)

- P. Pending Ancestral Domain Claims/Native title/Fusaka Inged Claim –** The proposed Teduray version provides that Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be recognized and respected. Any matters related to these claims, the Ministry on Non-Moro Indigenous Peoples shall coordinate with the National Commission on Indigenous Peoples. (Section 73)

Under BTA- BARMM CB No. 40, Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be assessed and validated by the Ministry for Indigenous Peoples Affairs. (Section 75)

- Q. Ancestral Domains Fund-** there shall be created an Special Fund to be known as Ancestral Domain Fund, an initial amount of Two Hundred Million Pesos (P200,000,000) shall be set aside to cover for the compensation for expropriated lands, delineation and development of ancestral domains of the Non-Moro Indigenous Peoples in the Bangsamoro in accordance with the Ancestral Domains Sustainable Development and Protection Plans (ADSDPP) to be taken from Block Grant of the Bangsamoro Government and Official Development Fund. (Section 76)

BTA- BARMM CB No. 40 further provides that the annual appropriation of MIPA to cover the organizational/personnel services expenses, maintenance and other operating expenses, capital expenditures, programs, projects, and 8 activities

shall not less 2% of the total general appropriation of the Bangsamoro government. (Section 78, BTA- BARMM CB No. 40)

R. Appropriations- The proposed Teduray version provides that an initial amount of at least Ten Billion Pesos (P10,000,000,000) annually shall be set aside to fund the implementation of this law to be taken from the Annual Block Grant Allocation of the Bangsamoro Autonomous Region in Muslim Mindanao and Official Development Fund. (Section 82)

Under BTA- BARMM CB No. 40, an initial amount of at least Two Billion Pesos (P2,000,000,000) annually shall be set aside to fund the implementation of this law to be taken from the Annual Block Grant Allocation of the Bangsamoro Autonomous Region in Muslim Mindanao and Official Development Fund. (Section 84, BTA- BARMM CB No. 40)

Full text of the Proposed Teduray Version is attached as Annex “B”.

Matrix of the comparison of provisions of the Teduray version of the IP Code and the BTA-BARMM CB no. 40 is attached as Annex “C”.

IV. SOME ANALYSIS AND RECOMMENDATIONS

Section 3, Article I of the Republic Act No. 11054 otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao”, provides that the purpose of the *Bangsamoro Organic Law (BOL)* is “to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.”

In accordance with Section 3, Article IX of the BOL, the Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights:

- (a) Native titles or *fusaka inged*;
- (b) Indigenous customs and traditions;
- (c) Justice systems and indigenous political structures;
- (d) Equitable share in revenues from the utilization of resources in their ancestral lands;
- (e) Free, prior and informed consent;
- (f) Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament;
- (g) Basic services; and
- (h) Freedom of choice as to their identity.

The Bangsamoro Government shall create a ministry for indigenous peoples and shall have the primary responsibility to formulate and implement policies, plans, and programs to promote the well-being of all indigenous peoples in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

In the same law, rights of non-Moro indigenous peoples were recognized and protected in the followings provisions:

- (a) Section 9, Article IV of the BOL which provides that “the Bangsamoro Government shall recognize and promote the rights of non-Moro indigenous peoples within the framework of the Constitution and national laws”;
- (b) Section 3, Article IX of the BOL which provides that the law shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act No. 8371, otherwise known as the “*Indigenous Peoples’ Rights Act of 1997*”; and
- (c) Section 8, Article VII in relation to Section 7(c) of the BOL which provides two (2) reserved seats in the Parliament for non-Moro indigenous peoples, such as Teduray, Lambangian, Dulangan Manobo, B’laan, and Higaonon, provided that the same adheres to their customary laws and indigenous processes.

Perusal of the above provisions would yield to the conclusion that BOL intended to recognize and protect all indigenous peoples, both Moro and non-Moro indigenous peoples, within BARMM. Hence, the Code for the Indigenous Peoples within BARMM should cover all indigenous peoples. However, specific provisions to protect the rights of the non-Moro IPs should be expressly provided to address land conflict issues in BARMM.

Proposed enhancement of specific provisions of the BTA BARMM Cabinet Bill No. 40 and integrating Teduray version, as may be appropriate, are as follows:

A. On Scope and Coverage

“This Act shall apply to all indigenous peoples (IPs) within the Bangsamoro Autonomous Region in Muslim Mindanao, such as Teduray, Lambangian, Dulangan Manobo, Blaen, Higaonon, AND ARUMANEN NE MANUVU.”

The enumeration will ensure that those legitimate Non-Moro IPs as recognized and acknowledged already are the ones who are being accorded with the rights of IPs under the BOL

Additional change proposed is the removal of the last phrase “*other indigenous tribes that shall be recognized by Ministry of Indigenous Peoples Affairs*”. MIPA has no legal authority to recognize indigenous tribes other than those already existing, acknowledged and recognized.

B. On Ancestral Domain Claims

1. Concept of Ancestral Domains/Lands

“Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment **SUCH AS THE LAND, WATER, MARITIME AREA AND AERIAL DOMAINS AMONG OTHERS,** including the spiritual and cultural bonds to the areas which the IPs possess, occupy, and use and to which they have claims of ownership **SINCE TIME IMMEMORIAL.**”

The proposed provision emphasizes the “time immemorial” principle which is integral in the concept of ancestral domain.

2. Acknowledgement of Ancestral Domain Claims of Non-Moro IPs

“THE ANCESTRAL DOMAIN CLAIMS OF NON-MORO IPS OVER THE FOLLOWING AREAS (to be enumerated/listed below) SHALL BE RECOGNIZED:

XXX

THE MIPA SHALL PROVIDE TECHNICAL AND LEGAL ASSISTANCE TO THE NMIPS IN GATHERING THE DOCUMENTS AND EVIDENCE TO SATISFY COMPLIANCE WITH THE REQUIREMENTS ON THE DELINEATION OF ANCESTRAL DOMAIN CLAIMS AND APPLICATION FOR CERTIFICATE OF ANCESTRAL DOMAIN CLAIMS.”

A new provision expressly acknowledging the ancestral domain claims of the NMIPs is being proposed. This aims to make concrete the recognition of the claims of the NMIPs. The enumeration can include those AD Claims applications pending before NCIP.

It is also proposed that the MIPA be tasked to render technical assistance to the NMIPs in the documentation of their claims.

3. Camps within the Ancestral Domain Areas specifically in Camps Omar and Bad'r.

“Ownership of IPs of portions of ancestral domains which have been used as camps **SHALL** be recognized and respected. These must be turned into productive areas **AND THE IPS SHALL BE RESPONSIBLE FOR ITS DEVELOPMENT**. The government agencies tasked with implementing the Normalization process shall coordinate with the Indigenous Peoples Structure of the Indigenous Peoples to ensure that their rights to their ancestral domain will be protected.

POSSESSION OR CLAIM OF OWNERSHIP OF PROPERTY WITHIN ANCESTRAL DOMAIN BY PRIVATE INDIVIDUALS WITHOUT PROOF OF LEGITIMACY BASED ON EXISTING LAWS, RULES AND REGULATIONS SHALL BE PRESUMED FRAUDULENT UNLESS PROVEN OTHERWISE ON GROUND OF ACCEPTED CUSTOMARY PRACTICES OF THE IPS.”

Issues regarding various individuals or groups who are in actual possession of and/or claim to have acquired ownership over portions within Camps Omar and Bad'r need to be addressed in the proposed IP Code. It is recommended that a disputable presumption against possession of property by private individuals without proof of legitimacy be introduced under the proposed IP Code to (a) establish recognition that said Camps are considered part of the AD claims of the NMIPs and (b) for those claimants to have the burden of proof regarding their assertion of ownership.

This section will support the inventory and survey that will be conducted on the ground to determine the extent of claimants over the AD claims of the NMIPs.

4. Pending Ancestral Domain Claims

“Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim **OVER XXX PRIOR TO THE ISSUANCE OF THIS IP CODE SHALL BE CONTINUED, WITH PROPER COORDINATION WITH THE MINISTRY FOR INDIGENOUS PEOPLES AFFAIRS. THE MIPA SHALL COORDINATE WITH THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES ON ANY MATTERS RELATED TO THESE CLAIMS.**

THE PASSAGE OF THIS CODE SHALL NOT INTERRUPT ANY PENDING CLAIMS WITH THE NCIP, PROVIDED, THAT THE MIPA SHALL COORDINATE WITH NCIP TO ENSURE THE COMPLIANCE AND APPROVAL OF THE REQUIREMENTS FOR THE APPLICATION.”

This section is adopted from BTA BARMM Cabinet Bill No. 40 with enhancements adopted from Teduray version. In addition, the provision stresses that the passage of this code shall not interrupt any pending claims of the NMIPs with NCIP, provided, that the MIPA shall coordinate with NCIP to ensure the compliance and approval of the requirements for the application. This can include conduct of surveys and other necessary steps for the completion of requirements for application.

It should be noted that under Section 61 (b) of proposed CB No. 40, the Bangsamoro Government shall recognize ancestral domains that are still in the process of delineation prior to this Act and shall be considered as vested right of the IPs.

Teduray’s geographical claims with pending applications with NCIP may also be inserted/enumerated/cited in this provision.

5. Right to Delineation of Ancestral Domains

“Right to Delineation of ancestral domains of the Bangsamoro Indigenous Peoples shall be recognized and protected.”

It is proposed that this section in the BTA BARMM Cabinet Bill No. 40 be adopted as is. It is consistent with Section 51 of IPRA which states that “self-delineation shall be the guiding principle in the identification and delineation of ancestral domains.”

6. Delineation of Ancestral Domain

“IDENTIFICATION, DELINEATION AND CERTIFICATION OF ANCESTRAL LANDS. —

A) THE ALLOCATION OF LANDS WITHIN ANY ANCESTRAL DOMAIN TO INDIVIDUAL OR INDIGENOUS CORPORATE (FAMILY OR CLAN) CLAIMANTS SHALL BE LEFT TO THE ICCS/IPS CONCERNED TO DECIDE IN ACCORDANCE WITH CUSTOMS AND TRADITIONS;

B) INDIVIDUAL AND INDIGENOUS CORPORATE CLAIMANTS OF ANCESTRAL LANDS WHICH ARE NOT WITHIN ANCESTRAL DOMAINS, MAY HAVE THEIR CLAIMS OFFICIALLY ESTABLISHED BY FILING APPLICATIONS FOR THE IDENTIFICATION AND DELINEATION OF THEIR CLAIMS WITH THE ANCESTRAL DOMAINS OFFICE. AN INDIVIDUAL OR RECOGNIZED HEAD OF A FAMILY OR CLAN MAY FILE SUCH APPLICATION IN HIS BEHALF OR IN BEHALF OF HIS FAMILY OR CLAN, RESPECTIVELY;

C) PROOFS OF SUCH CLAIMS SHALL ACCOMPANY THE APPLICATION FORM WHICH SHALL INCLUDE THE TESTIMONY UNDER OATH OF ELDERS OF THE COMMUNITY AND OTHER DOCUMENTS DIRECTLY OR INDIRECTLY ATTESTING TO THE POSSESSION OR OCCUPATION OF THE AREAS SINCE TIME IMMEMORIAL BY THE INDIVIDUAL OR CORPORATE CLAIMANTS IN THE CONCEPT OF OWNERS WHICH SHALL BE ANY OF THE AUTHENTIC DOCUMENTS ENUMERATED UNDER SEC. 61 (E) OF THIS ACT, INCLUDING TAX DECLARATIONS AND PROOFS OF PAYMENT OF TAXES;

D) THE ANCESTRAL DOMAINS OFFICE MAY REQUIRE FROM EACH ANCESTRAL CLAIMANT THE SUBMISSION OF SUCH OTHER DOCUMENTS, SWORN STATEMENTS AND THE LIKE, WHICH IN ITS OPINION, MAY SHED LIGHT ON THE VERACITY OF THE CONTENTS OF THE APPLICATION/CLAIM;

E) UPON RECEIPT OF THE APPLICATIONS FOR DELINEATION AND RECOGNITION OF ANCESTRAL LAND CLAIMS, THE ANCESTRAL DOMAINS OFFICE SHALL CAUSE THE PUBLICATION OF THE APPLICATION AND A COPY OF EACH DOCUMENT SUBMITTED INCLUDING A TRANSLATION IN THE NATIVE LANGUAGE OF THE ICCS/IPS CONCERNED IN A PROMINENT PLACE THEREIN FOR AT LEAST FIFTEEN (15) DAYS. A COPY OF THE DOCUMENT SHALL ALSO BE POSTED AT THE LOCAL, PROVINCIAL, AND REGIONAL OFFICES OF THE NCIP AND SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS TO ALLOW OTHER CLAIMANTS TO FILE OPPOSITION THERETO WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SUCH PUBLICATION: PROVIDED, THAT IN AREAS WHERE NO SUCH NEWSPAPER EXISTS, BROADCASTING IN A RADIO STATION WILL BE A VALID SUBSTITUTE: PROVIDED, FURTHER, THAT MERE POSTING SHALL BE DEEMED SUFFICIENT IF BOTH NEWSPAPERS AND RADIO STATION ARE NOT AVAILABLE;

F) FIFTEEN (15) DAYS AFTER SUCH PUBLICATION, THE ANCESTRAL DOMAINS OFFICE SHALL INVESTIGATE AND INSPECT EACH APPLICATION, AND IF FOUND TO BE MERITORIOUS, SHALL CAUSE A PARCELLARY SURVEY OF THE AREA BEING CLAIMED. THE ANCESTRAL DOMAINS OFFICE SHALL REJECT ANY CLAIM THAT IS DEEMED PATENTLY FALSE OR FRAUDULENT AFTER INSPECTION AND

VERIFICATION. IN CASE OF REJECTION, THE ANCESTRAL DOMAINS OFFICE SHALL GIVE THE APPLICANT DUE NOTICE, COPY FURNISHED ALL CONCERNED, CONTAINING THE GROUNDS FOR DENIAL. THE DENIAL SHALL BE APPEALABLE TO THE NCIP. IN CASE OF CONFLICTING CLAIMS AMONG INDIVIDUALS OR INDIGENOUS CORPORATE CLAIMANTS, THE ANCESTRAL DOMAINS OFFICE SHALL CAUSE THE CONTENDING PARTIES TO MEET AND ASSIST THEM IN COMING UP WITH A PRELIMINARY RESOLUTION OF THE CONFLICT, WITHOUT PREJUDICE TO ITS FULL ADJUDICATION ACCORDING TO SEC. 72 OF THIS ACT. IN ALL PROCEEDINGS FOR THE IDENTIFICATION OR DELINEATION OF THE ANCESTRAL DOMAINS AS HEREIN PROVIDED, THE DIRECTOR OF LANDS SHALL REPRESENT THE INTEREST OF THE REPUBLIC OF THE PHILIPPINES; AND

G) THE ANCESTRAL DOMAINS OFFICE SHALL PREPARE AND SUBMIT A REPORT ON EACH AND EVERY APPLICATION SURVEYED AND DELINEATED TO THE NCIP, WHICH SHALL, IN TURN, EVALUATE THE REPORT SUBMITTED. IF THE NCIP FINDS SUCH CLAIM MERITORIOUS, IT SHALL ISSUE A CERTIFICATE OF ANCESTRAL LAND, DECLARING AND CERTIFYING THE CLAIM OF EACH INDIVIDUAL OR CORPORATE (FAMILY OR CLAN) CLAIMANT OVER ANCESTRAL LANDS."

It is proposed that Section 53 of IPRA be adopted in the proposed IP Code to expressly provide for how ancestral lands may be distributed to individuals or indigenous corporate family or clan or how claimants outside of the ancestral domains may be addressed.

7. IP Settlements and Presidential Proclamations

This provision on IP settlements and Presidential Proclamation is proposed to be added under the aforementioned section on Delineation of Ancestral Domain taken from Section 53 of IPRA.

"FOR AREAS WHERE ANCESTRAL DOMAIN CLAIMS CANNOT BE ESTABLISHED DUE TO INSUFFICIENT DATA OR EVIDENCE BASED ON THE REQUIREMENTS SET BY NCIP/MIPA BUT ARE GENERALLY KNOWN TO BE CLAIMED AND PREVIOUSLY OCCUPIED BY IPS AS DETERMINED BY NCIP/MIPA, the Bangsamoro Government shall proclaim settlements for IPs and to affirm the existing settlements and Presidential Proclamations thereof within the BARMM area."

Both the BTA BARMM Cabinet Bill No. 40 and Teduray version contain this provision. It should be noted that if AD Claims are recognized, there should be no areas in BARMM that need to be proclaimed as settlements for IPs. Hence, it is proposed that if this provision in the BTA BARMM Cabinet Bill No. 40 and Teduray version, reflects the actual situation in the ground, this section should clarify that only if AD claims cannot be established in these IP settlements due to insufficient data or evidence regarding AD claims application as required.

C. On Indigenous Concept of Ownership and Ancestral lands

1. Ancestral Domains

“Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of IPs. The indigenous concept of ownership generally holds that ancestral domains are the IPs’ private but community property, which belongs to all generations and therefore cannot be sold, disposed, **TRANSFERRED, ALIENATED, destroyed OR CONVEYED IN ANY FORM TO ANOTHER, INDIVIDUALLY OR COLLECTIVELY**. It likewise covers sustainable traditional resource rights.”

This proposed section is adopted from BTA BARMM Cabinet Bill No. 40 with inclusion of other forms of conveyances.

2. Ancestral Lands

“INDIVIDUALLY-OWNED ANCESTRAL LANDS, WHICH ARE AGRICULTURAL IN CHARACTER AND ACTUALLY USED FOR AGRICULTURAL, RESIDENTIAL, PASTURE, AND TREE FARMING PURPOSES, INCLUDING THOSE WITH A SLOPE OF EIGHTEEN PERCENT (18%) OR MORE, ARE HEREBY CLASSIFIED AS ALIENABLE AND DISPOSABLE AGRICULTURAL LANDS.

INDIVIDUAL MEMBERS OF CULTURAL COMMUNITIES, WITH RESPECT TO THEIR INDIVIDUALLY-OWNED ANCESTRAL LANDS WHO, BY THEMSELVES OR THROUGH THEIR PREDECESSORS-IN-INTEREST, HAVE BEEN IN CONTINUOUS POSSESSION AND OCCUPATION OF THE SAME IN THE CONCEPT OF OWNER SINCE TIME IMMEMORIAL SHALL HAVE THE FOLLOWING RIGHTS:

A) RIGHT TO TRANSFER LAND/PROPERTY. – SUCH RIGHT SHALL INCLUDE THE RIGHT TO TRANSFER LAND OR PROPERTY RIGHTS, TO/AMONG MEMBERS OF THE SAME ICCS/IPS, SUBJECT TO CUSTOMARY LAWS AND TRADITIONS OF THE COMMUNITY CONCERNED. TRANSFER OF LAND OR PROPERTY RIGHTS TO MEMBERS OF DIFFERENT ICCS/IPS OR TO NON-IPS SHALL REQUIRE CLEARANCE FROM MIPA, WHICH SHALL NOT BE DENIED, EXCEPT ON GROUND OF NATIONAL INTEREST.

B) RIGHT TO REDEMPTION. – IN CASES WHERE IT IS SHOWN THAT THE TRANSFER OF LAND/PROPERTY RIGHTS BY VIRTUE OF ANY AGREEMENT OR DEVISE, TO A NON-MEMBER OF THE CONCERNED ICCS/IPS IS TAINTED BY THE VITIATED CONSENT OF THE ICCS/IPS, OR IS TRANSFERRED FOR AN UNCONSCIONABLE CONSIDERATION OR PRICE, THE TRANSFEROR ICC/IP SHALL HAVE THE RIGHT TO REDEEM THE SAME WITHIN A PERIOD NOT EXCEEDING TEN (10) YEARS FROM THE DATE OF TRANSFER.

THE MIPA SHALL INSTITUTE MECHANISM FOR EFFECTIVE MONITORING OF TRANSFER OF LAND OR PROPERTY RIGHTS TO PROTECT RIGHTS AND INTERESTS OF ICCS/IPS AGAINST FRAUD AND

VITIATION OF THEIR CONSENT AND TO ALLOW THEM TO EXERCISE THEIR RIGHT TO REDEMPTION IN A TIMELY MANNER.

LEGITIMATE PROPERTY RIGHTS WITHIN THE ANCESTRAL DOMAINS AND ANCESTRAL LANDS ALREADY EXISTING AND/OR VESTED UPON EFFECTIVITY OF THIS ACT, SHALL BE RECOGNIZED AND RESPECTED.”

It is proposed to include a provision on ancestral lands, the owner’s right to transfer land/property, and their right to redemption which shall be within a period not exceeding ten (10) years from the date of transfer.

It is also proposed to include under the role of MIPA the institution of an effective monitoring mechanism for the transfer of land or property rights, such that the rights and interests of ICCs/IPs are protected, particularly in cases of fraud and vitiation of their consent.

3. Right to Redemption

“Right to Redemption – In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of IPs is tainted by the vitiated consent of the IPs, or is transferred for an unconscionable consideration or price, IPs have the right to redeem the land or property **WITHIN 10 YEARS AFTER THE DATE OF TRANSFER AND** within the constituted due process.”

This section from BTA BARMM Cabinet Bill No. 40 can be improved by **indicating the period to exercise the right of redemption.**

The “**constituted due process**” is not yet specified in the draft IP Code but this **may later be specified in an IRR or any other issuance, depending on what the IPs think are more favorable to them.**

Section 8(b) of IPRA provides that “In cases where it is shown that the transfer of land/property rights by virtue of any agreement or devise, to a non-member of the concerned ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICC/IP shall have the right to redeem the same within a period not exceeding fifteen (15) years from the date of transfer.”

D. On Management of Natural Resources

1. Natural Resources within Ancestral Domains

“The IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the IPs concerned, pursuant to its own decision-making process, has agreed to allow such operation: Provided, That the IPs shall enjoy full royalties arising from this such agreements. The royalty from use of natural resources found within ancestral domains shall be not be less than 20% of

the gross income. Provided, finally, That the MIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the IPS under the same contract.

ROYALTY PAYMENTS FOR THE IP COMMUNITIES SHALL BE MADE FROM THE EXPLORATION, DEVELOPMENT , UTILIZATION AND PROCESSING OF ANY NATURAL RESOURCE IN ANCESTRAL DOMAINS THEREIN. THE AMOUNT TO BE PAID SHALL BE AGREED UPON BY THE PARTIES AND SHALL FORM PART OF A TRUST FUND FOR THE SOCIOECONOMIC WELL-BEING OF THE IP CULTURAL COMMUNITY.”

It is proposed to include provision on royalty payments for IP cultural communities. The proposed provision to be included is based on R.A. No. 7942 otherwise known as the Philippine Mining Act of 1995.

2. Right to Develop Lands and Natural Resources

“Right to Develop Lands and Natural Resources — The right to develop, control, and use lands and territories traditionally occupied, owned, or used by IPs; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights.”

This section from BTA BARMM Cabinet Bill No. 40 may be adopted as is. It should be clarified that mineral resources and other gases are included in “natural resources”.

Section 34 of the Bangsamoro Organic Law provides:

“Section 34. Sharing in Exploration, Development and Utilization of Natural Resources. - Government revenues generated from the exploration, development, and utilization of all natural resources in the Bangsamoro Autonomous Region, including mines and minerals, shall pertain fully to the Bangsamoro Government. In the case of uranium and fossil fuels such as petroleum, natural gas, and coal, the same may be co-managed and the revenues shared equally between the National Government and Bangsamoro Government, subject to the limitations provided in the Constitution.” (Emphases supplied)

3. Mining Application in Ancestral Domain areas

“ALL MINING APPLICANTS SHALL SECURE FPIC FROM THE CONCERNED TRIBAL COUNCILS. NO MINING APPLICATION SHALL BE APPROVED BY THE MINISTER OF THE MIPA WITHOUT A FAVORABLE RECOMMENDATION OF THE CONCERNED TRIBAL COUNCILS.

THE ASSESSMENT AND VALIDATION OF THE MINISTER OF MIPA SHALL BE RECOGNIZED AND RESPECTED FOR THE ISSUANCE OF THE MINING AGREEMENT. IT SHALL COORDINATE WITH NCIP AS TO ITS PROCESSES.”

This is an enhanced provision of the section from BTA BARMM Cabinet Bill No. 40 to clarify that the FPIC shall be secured prior to filing of the mining application and that FPIC is necessary before such mining application can be approved. The scope of mining applications should also be clearly defined, such as the inclusion of securing permits for exploration and utilization.

4. Free and Prior Informed Consent

Definition

“Free and Prior Informed Consent (FPIC) refers to the consensus decision of affected IPs communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, **AND OBTAINED AFTER FULLY DISCLOSING THE INTENT AND SCOPE OF ANY PROPOSED PUBLIC OR PRIVATE ACTIVITY, ENTERPRISE, OR AGREEMENT**, in a language and process **KNOWN** to them.”

This is an improved version of the section from BTA BARMM Cabinet Bill No. 40 to emphasize the element of prior consent.

IPRA defines FPIC as “the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community”.

FPIC as an exercise of right to self-determination and decision-making

“The IPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.

The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within ancestral domains. The Bangsamoro Government shall also uphold benefit- sharing between concerned IP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines.”

This section from BTA BARMM Cabinet Bill No. 40 is proposed to be adopted as is.

The concern regarding projects’ entry and the activities’ impact on the culture, identities, territories, traditions of the IP will be addressed by the 2nd sentence of the 1st paragraph: “The rights shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.”

E. On Agriculture, Fisheries, and Aquatic Resources

“Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, IPs shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MIPA shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the IPs. IPs shall be entitled to twenty percent (20%) royalties arising from commercial fishing activities.

IPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities.”

This section from BTA BARMM Cabinet Bill No. 40 is proposed to be adopted but clarifying that it is the IPs not the MIPA which shall enjoy preferential fishing rights.

F. On Governance and Political Structures

1. Self-Governance

“The Bangsamoro Government recognizes the inherent right of IPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of IPs to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall recognize indigenous political structures of NMIPs as legitimate systems of determining policies and arriving at key decisions.

Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., umun among various Mindanao indigenous peoples).

THE MUTUAL SUPPORT FUND (MSF) SHALL BE ESTABLISHED AS A SPECIAL FUND OF INDIGENOUS POLITICAL STRUCTURES (IPS) FOR THE FINANCING OF LAND DEVELOPMENT, LAND TITLING, LAND SURVEYS, LIVELIHOOD, AND AGRICULTURAL PROGRAMS AND PROJECTS OF THE IPS.

THE MSF MAY BE AUGMENTED BY DONATIONS, ENDOWMENTS, GRANTS AND CONTRIBUTIONS, WHICH SHALL BE EXEMPT FROM DONOR’S TAX AND BE CONSIDERED AS ALLOWABLE DEDUCTIONS FROM THE GROSS INCOME OF THE DONOR, IN ACCORDANCE WITH THE

PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED.

FOR THE SAID PURPOSE, AN MSF BOARD SHALL BE CREATED HAVING THE FOLLOWING POWERS AND FUNCTIONS:

- a. **PROMULGATE POLICIES THAT WILL MAINTAIN THE FIDUCIARY CHARACTER OF THE BOARD;**
- b. **PROVIDE OVERALL STRATEGIC GUIDANCE IN THE MANAGEMENT AND USE OF THE FUND;**
- c. **DEVELOP SOCIO-ECONOMIC SAFEGUARDS FOR THE IPS;**
- d. **IDENTIFY ADDITIONAL SOURCES OF FUND;**
- e. **ISSUE FINAL APPROVAL OF PROGRAMS AND PROJECTS FOR THE USE OF THE FUND;**
- f. **ADOPT A CONFLICT OF INTEREST POLICY TO ENSURE THAT BOARD MEMBERS WILL NOT VOTE ON PROJECTS IF THEY HAVE A DIRECT STAKE THEREIN; AND ENSURE AN INDEPENDENT THIRD PARTY EVALUATION AND AUDITING OF ACTIVITIES SUPPORTED BY THE FUND, TAKING INTO CONSIDERATION THE PRINCIPLES OF TRANSPARENCY AND ACCOUNTABILITY.”**

The proposed provision to enhance the BTA BARMM Cabinet Bill No. 40 aims to provide more details such as the purpose, mechanism, use and custody of the Mutual Support Fund (MSF) for clarity.

Provisions regarding Composition of MSF Board and initial funding, prioritization of fund allocation and additional uses/purposes may likewise be added in this section.

2. Indigenous Structures

“The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Behani among Erumanen ne Menuvu, Lambangian and Dulangan Manobo and similar indigenous structures of other Non-Moro Indigenous Peoples in the BARMM.”

It is proposed that this section from BTA BARMM Cabinet Bill No. 40 be adopted as is.

G. On Conflict Resolution and Peace Building Processes

1. Primacy of Customary Laws and Practices

“Customary laws, traditions, and practices shall be used to resolve among themselves the disputes involving IPs.”

2. Justice System, Conflict Resolution Institutions, and Peace Building Processes

“The IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof.

Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among Indigenous Peoples and Non-Indigenous Peoples.”

3. IP Courts

“The Bangsamoro Government shall recognize and respect the Justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury. These traditional courts shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of members of the IPs, in accordance with their customary laws.”

4. Coordination with Law Enforcement Agencies

“The IPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws.”

All provisions on conflict resolution and peace building process from BTA BARMM Cabinet Bill No. 40 are proposed to be adopted as is.

Limited jurisdiction of traditional courts is primarily based on the application of customary laws and practices of the IPs as well as the suppletory application of national laws.

H. On MIPA

1. Creation of MIPA

“There shall be created the Ministry for Indigenous Peoples **AFFAIRS**, which shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to promote and protect the rights and well-being of all indigenous peoples in recognition of their ancestral domains as well as their rights thereto consistent with Republic Act 11054, Republic Act 8371, Muslim Mindanao Autonomy Act 241, and

other Bangsamoro laws, customs, and traditions of IPs in the aspect of self-governance.”

This section from BTA BARMM Cabinet Bill No. 40 is proposed to be adopted as is, except that MIPA should stand for Ministry of Indigenous Peoples’ Affairs.

2. Jurisdiction

“ALL DISPUTES AND CLAIMS INVOLVING IP RIGHTS SHALL FALL WITHIN THE QUASI-JUDICIAL POWERS OF THE MIPA, PROVIDED THAT NO SUCH DISPUTE SHALL BE BROUGHT TO THE MIPA UNLESS ALL REMEDIES UNDER THEIR CUSTOMARY LAWS AND PROCESSES HAVE BEEN EXHAUSTED.

DECISIONS OF THE MIPA SHALL BE APPEALABLE TO THE COURT OF APPEALS BY WAY OF A PETITION FOR REVIEW.”

This provision is proposed to be included in the IP Code to be enacted. This section is adopted from IPRA. Remedy of appeal is not provided in BTA BARMM Cabinet Bill No. 40. Given the nature of land conflict in BARMM, including in ancestral domains, it is important to include land dispute resolution under the role and jurisdiction of MIPA, provided that no such dispute shall be brought to the MIPA unless all remedies under their customary laws and processes have been exhausted.

I. On Disaster Risk Reduction and Climate Change Adaptation

“The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to IPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others. Non-Moro Indigenous peoples shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.

The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of indigenous peoples, who belong predominantly to the agriculture sector.”

Inclusion of DRR and CCA in the proposed IP Code is commendable, considering the vulnerability of IPs to environmental impacts of disasters and climate change. This section from BTA BARMM Cabinet Bill No. 40 is proposed to be adopted as is.

J. On Women

“The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

The right to participation of indigenous women In the decision-making process shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.

The Bangsamoro Government shall work to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Social services shall also be provided to support the economic participation of women.

The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, indigenous women.

The Bangsamoro Government shall also promote the right to education of indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life.

As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.

The Bangsamoro Government shall include indigenous women as **PARTNERS OF DEVELOPMENT AND SHALL ENSURE THAT THE GENDER AND DEVELOPMENT (GAD) BUDGET, WHICH REPRESENTS 5% OF THE TOTAL BUDGET, IS UTILIZED FOR PROGRAMS, PROJECTS AND ACTIVITIES INVOLVING INDIGENOUS WOMEN.**”

This section from the BTA BARMM Cabinet Bill No. 40 is proposed to be enhanced by including therein the 5% GAD budget and to emphasize that indigenous women are not only beneficiaries but also partners for development.

Matrix of the Comparison of the Proposed Enhancements on the BTA BARMM Cabinet Bill No. 40 and IPRA is attached as Annex “D”.

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
BARMM Compound, Cotabato City

FIRST PARLIAMENT
(First Regular Session)

CABINET BILL NO: 40

Introduced by:

MELANIO U. ULAMA and ROMEO C. SALIGA

EXPLANATORY NOTE

This proposed bill seeks to uplift the lives of the Indigenous Peoples, especially of in the Bangsamoro Autonomous Region in Muslim Mindanao. This through the enactment of law to recognize, protect, promote and preserve the rights of IPs in BARMM (par.(a), sec. 4, Art. XVI, RA 11054) which is also included in the mandate and as provisions served by the Ministry of Indigenous Peoples' Affairs.

In lieu with this, per IPRA of 1997, the National Commission on Indigenous People (NCIP) was created as the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IP and the recognition of their ancestral domains as well as the rights thereto.

On the other hand, MIPA is created, in accordance with. R.A 11054, at the ministry for indigenous people which shall have the primary responsibility to formulate and implement policies, plans and programs to promote the well-being of all indigenous people in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

As stated in R.A 11054 Article 1, Section 3, *"The purpose of this Organic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."*, and since the issue on the NCIP, it is imperative to create a bill for the continuation of the provisions to be given to the indigenous people.

This proposed bill will play a crucial role in the development of the Indigenous people, thus is imperative that its value be given the Parliament's imprimatur and support.

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

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Transition Authority Parliament
OFFICE OF THE SECRETARY GENERAL

RECEIVED

By: **NORIA Y. TAHAY**

Signature:

Date: **01-23-2020**
Time: **9:27 AM**

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2 Republic of the Philippines
3 **Bangsamoro Autonomous Region in Muslim Mindanao**
4 **BANGSAMORO TRANSITION AUTHORITY**
5 BARMM Compound, Cotabato City

6
7 FIRST PARLIAMENT
8 (First Regular Session)

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10 CABINET BILL NO: 40

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12 Introduced by:

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16 Republic of the Philippines
17 **Bangsamoro Autonomous Region in Muslim Mindanao**
18 **BANGSAMORO TRANSITION AUTHORITY**
19 BARMM Compound, Cotabato City

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22 FIRST PARLIAMENT
23 (First Regular Session)

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26 CABINET BILL NO: 40

27
28 Introduced by:

29
30 **MELANIO U. ULAMA and ROMEO C. SALIGA**

31
32
33 **AN ACT TO RECOGNIZE, RESPECT, PROTECT, PROMOTE, AND SUPPORT THE RIGHTS OF THE INDIGENOUS**
34 **PEOPLES, CREATING THE MINISTRY OF INDIGENOUS PEOPLES AFFAIRS, ESTABLISHING THE IMPLEMENTING**
35 **MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES**

36
37
38 *Be it enacted by the Member of the Parliament of the Bangsamoro Transition Authority in assembly:*

39
40 **CHAPTER I: GENERAL PROVISIONS**

41
42 **Section 1. Short Title.** —This Act shall be known as "Indigenous Peoples Rights Act in the Bangsamoro
43 **Autonomous Region".**

44
45 **Section 2. Coverage.**— This Act shall apply to all indigenous peoples (IPs) within the Bangsamoro Autonomous
46 Region in Muslim Mindanao, such as Téduray, Lambangian/Balég, Dulangan Manobo, Erumanun Ne
47 Menuvu, Badjao, Sama, Yakan, Higaonon, Blaán and other indigenous tribes that shall be recognized by
48 Ministry of Indigenous Peoples Affairs.
49

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Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Transition Authority Parliament
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Section 3. Declaration of State Policies. —The Bangsamoro Autonomous Region in Muslim Mindanao [BARM] reaffirms the policies embodied in the 1987 Philippine Constitution, Republic Act 8371 [Indigenous Peoples Rights Act of 1997 (IPRA)], Muslim Mindanao Act 241 or the Tribal Peoples Rights Act, Republic Act 11054 [Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao] and international treaties and agreements concerning indigenous peoples, such as, but not limited to, the International Labor Organization Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly on September 13, 2007. It is hereby declared the policy of the Bangsamoro Government:

a) To recognize, respect, protect, promote, and support the rights of the Bangsamoro Indigenous Peoples within the framework of the Constitution and national unity and development;

b) To recognize the inherent right of the Indigenous Peoples to self-governance and self-determination, and to respect the integrity of their values, practices, and institutions;

The Bangsamoro Government shall guarantee the rights of the Indigenous Peoples to freely pursue their economic, social, and cultural development. Further, it shall consequently establish the means for the full development and empowerment of the IPs' own institutions and initiatives, provide resources, therefor, respecting their native titles;

c) To ensure indigenous peoples have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. There shall be no discrimination on the basis of identity, religion, and ethnicity;

d) To protect the rights of the IPs on their ancestral domains and to ensure their economic, social and cultural well-being;

The Bangsamoro Government shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains;

e) To recognize, respect, protect, promote, and support the rights of IPs to preserve and develop their cultures, traditions, and institutions. The Bangsamoro Government shall uphold these rights in the formulation of its regional plans and policies;

f) To ensure the development, protection, and well-being of all IPs within the Bangsamoro Autonomous Region in Muslim Mindanao;

g) To guarantee that the Indigenous Peoples, regardless of sex and gender, shall equally enjoy the full measure of human rights and freedoms without discrimination; and

h) To take measures, with the participation of the IPs concerned, to protect their rights, guarantee respect for their cultural integrity, and ensure that IPs benefit from rights and opportunities which Bangsamoro laws and regulations grant other members of the population.

Towards these end, the Bangsamoro government shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration the customs, traditions, values, beliefs, interests, and institutions of IPs, and to adopt and implement measures to protect their rights to their ancestral domains e.g. fusaka ingëd, pusaka tana among others.

CHAPTER II: DEFINITION OF TERMS

Section 4. *Definition of Terms.* —For purposes of this Act, the following terms shall mean:

- a) **Ancestral Domain** refers to all areas generally belonging to IPs, comprising lands, inland waters, coastal areas, air and natural resources therein, which are necessary for ensuring their economic, social, and cultural welfare, held under a claim of ownership and occupied or possessed by IPs, by themselves or through their ancestors, communally or individually, since time immemorial continuously to the present, except when interrupted by war, force majeure, displacement by force, deceit, stealth, or as a consequence of government projects or voluntary dealings entered into by government and private individuals or corporations. It shall include ancestral lands; forests; pasture; residential, agricultural, and other lands individually owned, whether alienable and disposable or otherwise; hunting grounds; burial grounds; places of worship; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by IPs but from which they traditionally had access to for their livelihood and traditional activities.
- Ancestral domains serve not only the physical but cultural basis for ethnic identity and organization.
- b) **Certificate of Ancestral Domain Title** refers to a title formally recognizing the rights of possession and ownership of IPs over their ancestral domains identified and delineated in accordance with this law;
- c) **Certificate of Ancestral Lands Title** – refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral lands;
- d) **Communal Claims** refer to claims on land, resources, and rights thereon belonging to the whole community within a defined territory;
- e) **Customary Laws** refer to a body of written and/or unwritten rules, usages, customs, living experiences, and practices traditionally and continuously recognized, accepted, and observed by IPs;
- f) **Free and Prior Informed Consent (FPIC)** refers to the consensus decision of affected IPs communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the IPs, in a language and process understandable to them;
- g) **Indigenous Political Structures (IPS)** refers to organizational and cultural leadership systems, institutions, relationships, patterns, and processes for decision-making and participation, identified and practiced by IPs such as, but not limited to, Council of Elders, Council of Timuays, Timuay Justice and Governance, Gempa te Kalindaan ne Kamal, Kena Menuwa or any other tribunal or body of similar nature;
- h) **Individual Claims** refer to claims on land and right therein which have been devolved to individuals, families, and clans including, but not limited to, residential lots, rice terraces or paddies, and tree lots;
- i) **Indigenous Peoples' Education** refers to an educational system based on Indigenous Knowledge Systems and Practices (IKSP) that interfaces with other educational systems;

- 1
2 j) **Ministry of Indigenous Peoples Affairs (MIPA)** refers to the office created under this Act that shall
3 be the primary government agency responsible for the formulation and implementation of policies,
4 plans, and programs to recognize, protect, and promote the rights of IPs in the Bangsamoro;
5
6 k) **Indigenous People (IPs)** refer to a group of indigenous people or homogenous societies identified
7 by self-ascription and ascription by others, who have continuously lived as organized community on
8 communally bounded and defined territory, and who have, under claims of ownership since time
9 immemorial, occupied, possessed, and utilized such territories; sharing common bonds of language,
10 customs, traditions, and other distinctive cultural traits, and who have, through resistance to
11 political, social and cultural inroads of colonization, non-indigenous religions and cultures, became
12 historically differentiated from the majority of Filipinos. Indigenous Peoples shall likewise include
13 peoples who are regarded as indigenous on account of their descent from the populations which
14 inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-
15 indigenous religions and cultures, or the establishment of present state boundaries, who retain
16 some or all of their own social, economic, cultural and political institutions, but who may have been
17 displaced from their traditional domains or who may have resettled outside their ancestral domains;
18
19 l) **Native Title** refers to pre-conquest rights to lands and domains which, as far back as memory
20 reaches, have been held under a claim of private ownership by IPs and have never been public lands
21 or public domain and are thus indisputably presumed to have been held that way since before the
22 Spanish conquest;
23
24 m) **Non-government Organization** refers to a private, non-profit voluntary organization that has been
25 organized primarily for the delivery of various services to the IPs and has an established track record
26 for effectiveness and acceptability in the community where it serves;
27
28 n) **Indigenous Peoples/Bangsamoro Indigenous Peoples Organization** refers to a private,
29 non-profit voluntary organization of members of IPs which is accepted as representative of such IPs;
30
31 o) **Sustainable Traditional Resource Rights** refer to the rights of IPs to sustainably use, manage,
32 protect, and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c)
33 collecting, fishing, and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial,
34 and aesthetic value in accordance with their indigenous knowledge, principles, beliefs, values,
35 systems, and practices;
36
37 p) **Time Immemorial** refers to a period of time when as far back as memory can go, certain IPs were
38 known to have occupied, possessed, in the concept of owner, and utilized a defined territory
39 devolved to them, by customary law or inheritance from their ancestors, in accordance with their
40 customs and traditions.
41

42 **CHAPTER III: RIGHTS TO ANCESTRAL DOMAINS OR FUSAKA INGĒD**

43

44 **Section 5. *Concept of Ancestral Domains*** —Ancestral domains/lands shall include such concepts of
45 territories which cover not only the physical environment but the total environment, including the spiritual
46 and cultural bonds to the areas which the IPs possess, occupy, and use and to which they have claims of
47 ownership.
48

1 **Section 6. Indigenous Concept of Ownership.** —Indigenous concept of ownership maintains the view that
2 ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity
3 of IPs. The indigenous concept of ownership generally holds that ancestral domains are the IPs' private but
4 community property, which belongs to all generations and therefore cannot be sold, disposed, or destroyed.
5 It likewise covers sustainable traditional resource rights.

6
7 **Section 7. Composition of Ancestral Domains.** —Ancestral domains shall consist of all areas generally
8 belonging to IPs as referred under Sec. 4, item (a) of this Act.

9
10 **Section 8. Rights to Ancestral Domains.** —The right to ownership and possession of ancestral domains by
11 IPs shall be recognized and protected. Such rights shall include:

- 12
13 a) *Right of Ownership* — The right to claim ownership over lands, bodies of water traditionally and
14 actually occupied by IPs, sacred places, and traditional hunting and fishing grounds, and all
15 improvements made by them at any time within the ancestral domains;
- 16
17 b) *Right to Develop Lands and Natural Resources* — The right to develop, control, and use lands and
18 territories traditionally occupied, owned, or used by IPs; to manage and conserve natural resources
19 within the territories and uphold the responsibilities for future generations; and to benefit from and
20 share the profits from allocation and utilization of the natural resources found therein. It shall
21 include the right to negotiate the terms and conditions for the exploration of natural resources in the
22 areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional,
23 and customary laws; and the right to an informed and intelligent participation in the formulation and
24 implementation of any project, government or private, that will affect or impact upon the ancestral
25 domains. It shall also include the right to receive just and fair compensation for any damages which
26 the areas might sustain as a result of the project; and the right to effective measures by the
27 government to prevent any interference, alienation, and encroachment upon these rights;
- 28
29 c) *Right to Stay in the Territories* — The right to stay in the territory and not be removed therefrom. No
30 IP shall be relocated without their Free and Prior Informed Consent (FPIC), nor through any means
31 other than eminent domain. Where relocation is considered necessary as an exceptional measure,
32 such relocation shall take place only with the FPIC of the IPs concerned; whenever possible, they shall
33 be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation
34 cease to exist. When such return is not possible, as determined by agreement or through appropriate
35 procedures, IPs shall be provided in all possible means with lands of quality and legal status at least
36 equal to that of the land previously occupied by them, suitable to provide for their present needs and
37 future development. Persons thus relocated shall likewise be fully compensated for any resulting loss
38 or injury;
- 39
40 d) *Right in Case of Displacement* - In case of displacement as a result of human-made disasters and
41 natural hazards, the Bangsamoro Government shall resettle the displaced IPs in suitable areas where
42 they are provided or can access food, water, shelter, health, and other basic services: *Provided*; that
43 the displaced IPs shall have the right to return to their abandoned lands when the normalcy and
44 safety of such lands have been determined: *Provided*; further, that should their ancestral domain
45 cease to exist and normalcy and safety of the previous settlements are not possible, displaced IPs
46 shall enjoy security of tenure over lands to which they have been resettled: *Provided* finally, that basic
47 services and livelihoods shall be provided to them to ensure that their needs are adequately
48 addressed;
- 49

- 1 e) *Right to Regulate Entry of Migrants* — IPs have the right to regulate the entry of migrant settlers and
2 organizations into the domains. It shall also include a review and negotiations between existing
3 migrants and organizations;
4
5 f) *Right to Safe and Clean Air, Water, and Environment* — For this purpose, the IPs must have access to
6 integrated management systems of their inland waters, environment, and air space;
7
8 g) *Right to Claim Parts of Reservations* — The right to claim parts of the ancestral domains which have
9 been reserved for various purposes when not being utilized by the institutions concerned;
10
11 h) *Right to Resolve Conflict* — The right to resolve land conflicts in accordance with customary laws of
12 the area where the land is located, and only in default thereof shall the complaints be submitted to
13 amicable settlement or alternative dispute resolution and to the Courts of Justice.
14
15 i) *Right to Delineation of ancestral domains* of the Bangsamoro Indigenous Peoples shall be recognized
16 and protected;
17
18 j) *Right to speedy processing of Certificate of Ancestral Domain Titles (CADT)* of IPs shall be ensured by
19 the MIPA, based on native title and customary laws, among others;
20
21 k) *Right to transfer land or property* — Such right shall include the right to transfer land or property
22 to/among members of the same IPs, subject to their customary laws and traditions.
23
24 l) *Right to Redemption* — In cases where it is shown that the transfer of land or property by virtue of
25 any agreement or devise, to a non-member of IPs is tainted by the vitiated consent of the IPs, or is
26 transferred for an unconscionable consideration or price, IPs have the right to redeem the land or
27 property within the constituted due process.
28

29 **Section 9. Responsibilities of IPs to their Ancestral Domains.** — IPs occupying ancestral domains shall have
30 the following responsibilities in accordance with their customary laws:
31

- 32 a) **Maintain Ecological Balance** — To preserve, restore, and maintain a balanced ecology in the
33 ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
34
35 b) **Restore Denuded Areas** — To actively initiate, undertake, and participate in the reforestation of
36 denuded areas and in other development programs and projects subject to just and reasonable
37 remuneration; and
38
39 c) **Observe Laws** — To observe and comply with customary laws, other relevant laws, the provisions of
40 this Act and the rules and regulations for its effective implementation.
41

42 **Section 10. Unauthorized and Unlawful Intrusion.** —Unauthorized and unlawful intrusion upon or use of
43 any portion of the ancestral domain, or any violation of the rights herein enumerated, shall be punishable
44 under this law. Furthermore, the Bangsamoro Government shall take measures to prevent non-indigenous
45 peoples from taking advantage of the IPs' customs and concept of ownership or their lack of understanding
46 of laws, to secure ownership and possession of land belonging to said IPs.
47

1 **Section 11. Recognition of Ancestral Domain Rights.** —The rights of IPs to their ancestral domains by virtue
2 of Native Title shall be recognized and respected. Formal recognition, when solicited by an IPs concerned,
3 shall be embodied in a Certificate of Ancestral Domain Title (CADT)(insert note), which shall formally
4 recognize the ownership of the concerned IPs over the territories identified and delineated.
5

6 **CHAPTER IV: RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT**

7

8 **Section 12. Self-Governance.** —The Bangsamoro Government recognizes the inherent right of IPs to self-
9 governance and to self-determination and respects the integrity of their values, practices, and institutions.
10 Consequently, the Bangsamoro Government shall guarantee the right of IPs to freely pursue their economic,
11 social, and cultural development. The Bangsamoro Government shall recognize indigenous political
12 structures of IPs as legitimate systems of determining policies and arriving at key decisions.
13

14 Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their
15 own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing
16 traditions of mutual support (e.g., umun among various Mindanao indigenous peoples).
17

18 **Section 13. Powers and Functions of Indigenous Political Structures.** —

19

- 20 a) The Indigenous Political Structures (IPS) have the authority, power, and jurisdiction to govern their
21 economic, political, and social relations. It must be strengthened in line with human rights
22 principles. Further, it must have authority over the resolution of conflict between and among the
23 Indigenous Peoples.
24
- 25 b) The IPS have the authority to review and amend structure and customary laws.
26
- 27 c) The IPS have the right and authority to confer tribal titles to those chosen through their customary
28 practices.
29
- 30 d) There shall be an Indigenous Peoples' Council composed of representatives from different IPs
31 throughout the BARMM. The Indigenous Peoples' council shall coordinate matters directly or
32 indirectly affecting them.
33
- 34 e) The IPS have the powers within their ancestral domains and territories to self-governance and
35 justice systems, administration of customary laws and means to finance its affairs, the management
36 of lands and assets, culture and language, membership, marriage, health, education, and basic social
37 services; including the regulation of domestic relations between IPs members, to exercise
38 jurisdiction over matters occurring on the domains and security, among others.
39
- 40 f) The IPS have the power to solemnize marriage and issue birth certificates, certificates of tribal
41 marriage, certificate of tribal membership, and death certificates, subject to related rules and
42 regulations of MIPA and other concerned government agencies.
43
- 44 g) The IPS have the power to convene and select representatives for reserved seats to the Local
45 Sanggunians, in the executive branch and other policy making bodies.
46
- 47 h) The IPS have the power to formulate guidelines on the selection of reserved seats, IPMR and other
48 IPs representation to policy -making bodies.
49

1 **Section 14. Recognition of Indigenous Peoples Structures**-The Bangsamoro Government shall recognize,
2 protect, promote and support the different Indigenous Peoples Structures by providing necessary resources
3 and opportunities for development and empowerment.
4

5 **Section 15. Right to participate in the Executive Branch of Local Government Units**- There shall be an IP
6 mandatory co-terminous position such as IP Deputy Governor, IP Deputy Mayor, and IP Deputy Barangay
7 appointed by their respective chief executive, upon recommendation of the concerned IP Council Leaders
8 through selection process in the Bangsamoro Government which can constitute at least ten percent (10%)
9 IPs of the total population of the said local government units (*restructure the statement*).
10

11 **Section 16. The Right to Participate in Decision-Making** —IPs have the right to full and effective
12 participation, if they so desire, at all levels of decision-making of the Bangsamoro Government in matters
13 that may affect their rights and interests; and to maintain and develop their own indigenous political
14 structures even as they participate in processes outside these structures.
15

16 Consequently, the Bangsamoro Government shall ensure that the IPs are given mandatory representation in
17 local legislative councils, the executive branch, and other policy-making bodies.
18

19 **Section 17. The Right to Determine and Decide Priorities for Development.** —The IPs have the right to
20 determine and decide their own priorities for development that affect their lives, beliefs, institutions,
21 spiritual well-being, and the lands they own, occupy, or use. They shall participate in the formulation,
22 implementation, and evaluation of policies, plans, and programs for regional, and local development which
23 may directly affect them and their destinies.
24

25 **Section 18. Free Prior and Informed Consent.** —The IPs shall exercise their right to self-determination and
26 decision-making through Free and Prior Informed Consent (FPIC). The rights shall be protected in the
27 introduction and implementation of plans, programs, projects, activities, and other undertakings that will
28 impact upon their ancestral domains to ensure their economic, social, and cultural well-being.
29

30 The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental
31 management, land use, and the utilization of resources within ancestral domains. The Bangsamoro
32 Government shall also uphold benefit- sharing between concerned IP communities and prospective
33 investors, government agencies, local government units, non-government organizations, and other entities
34 interested in any partnership, following FPIC guidelines.
35

36 **Section 19. The Role of Non-Moro Indigenous Peoples Organizations.** —The Bangsamoro Government shall
37 respect the role of independent NMIPs' organizations to enable the NMIPs to pursue and protect their
38 legitimate and collective interests and aspirations.
39

40 **Section 20. Means for Development and Empowerment of IPs.** — The Bangsamoro Government shall
41 establish the means for the full development and empowerment of the IPs' own institutions and initiatives,
42 and provide the resources needed therefor.
43

44 **Section 21. IP LGUs** – There shall be creation of IP LGUs in the BARMM in areas with substantial population
45 of IPs.
46

47 **Section 22. Indigenous Peoples' Day** – In recognition of the rich cultural heritage of the indigenous peoples,
48 every 29th day of October is hereby declared as an Indigenous Peoples day and a regular holiday in the

Bangsamoro Autonomous Region in Muslim Mindanao. The Ministry of Indigenous Peoples' Affairs (MIPA) shall allocate funds and spearhead the conduct of different activities fitting for this purpose.

Section 23. IP Settlements and Presidential Proclamations – The Bangsamoro Government shall proclaim settlements for IPs and to affirm the existing settlements and Presidential Proclamations thereof within the BARMM area.

CHAPTER V: TRADITIONAL OR TRIBAL JUSTICE SYSTEM

Section 24. Primacy of Customary Laws and Practices – Customary laws, traditions, and practices shall be used to resolve among themselves the disputes involving IPs.

Section 25. Justice System and Peacebuilding Processes. – The IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof.

Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among Indigenous Peoples and Non-Indigenous Peoples.

Section 26. IP Traditional Courts. – The Bangsamoro Government shall recognize and respect the IPs' justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury. These traditional courts shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of members of the IPs, in accordance with their customary laws.

Section 27. Indigenous Structures. – The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Behani among Erumanen ne Menuvu, Lambangian and Dulangan Manobo and similar indigenous structures of other Non-Moro Indigenous Peoples in the BARMM.

Section 28. Coordination with Law Enforcement Agencies. – The IPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws.

CHAPTER VI: SOCIAL JUSTICE AND HUMAN RIGHTS

Section 29. *Equal Protection and Non-discrimination of Indigenous Peoples.* — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Bangsamoro Organic Law, IPRA, the Charter of the United Nations, the Universal Declaration of Human Rights, including, the International Human Rights Law and United Nations Declaration on the Rights of Indigenous Peoples, the Bangsamoro Government shall, with due recognition of their distinct identity, accord to the members of the IPs the rights, protections, and privileges enjoyed by the rest of the citizenry. It shall extend to them the same political, economic, social, and cultural rights available to every member of the society. Accordingly, the Bangsamoro Government shall likewise ensure that the employment of any form of force or coercion against IPs shall be dealt with by the law.

The Bangsamoro Government shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution, relevant international instruments, such as the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Magna Carta of Women, are guaranteed also to indigenous women. By virtue thereof, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

Section 30. *Rights during Armed Conflict.* — IPs have the right to special protection and security in instances and periods of armed conflict. The Bangsamoro Government shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the IPs against their will into the armed forces, and in particular, for use against other IPs; nor recruit children of IPs into the armed forces under any circumstances; nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them to special centers for military purposes under any discriminatory condition.

Section 31. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.* — IPs have the freedom from discrimination and right to equal opportunity and treatment. By virtue of that right, the Bangsamoro Government shall accord due protection for IPs who choose to engage in formal employment arising from market investments and opportunities shall be ensured.

It shall be the right of the IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety, and other employment benefits. They shall also be informed of their rights under existing labor laws and of means available to them for redress. They shall not be subject to any coercive recruitment system, including bonded labor and other forms of debt servitude. They shall enjoy equal treatment in employment regardless of gender, and they shall be protected from sexual harassment.

Towards this end, the Bangsamoro Government shall, within the framework of national laws and regulations, and in cooperation with the IPs concerned, adopt special measures to ensure the effective protection of IPs with regard to the recruitment and conditions of employment, when they are not effectively protected by laws applicable to workers in general.

IPs shall have the right to freedom of association and assembly for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions (*insert note*) hazardous to their health, particularly through exposure to pesticides and other toxic substances.

Section 32. *Unlawful Acts Pertaining to Employment.* — It shall be unlawful for any person:

1 a) To discriminate against IPs with respect to the terms and conditions of employment on account of
2 their identity. Equal remuneration shall be accorded to IPs for work of the same value; and
3
4 b) To deny IPs any right or benefit herein provided for, or to discharge them for the purpose of
5 preventing them from enjoying any of the rights or benefits provided under this Act.
6
7 **Section 33. Basic Services.** — The IPs have the right to special measures for the immediate, effective, and
8 continuing improvement of their economic and social conditions, including in the areas of employment,
9 vocational training and retraining, housing, sanitation, health, and social security. Particular attention shall
10 be given to the rights and special needs of indigenous women, elderly, youth, children, and differently-abled
11 persons. Accordingly, the Bangsamoro Government shall guarantee the right of IPs to access basic services
12 which shall include, but are not limited to, water and electric facilities, education, health, and infrastructure.
13 Moreover, The Bangsamoro Government shall provide a mechanism for the use of medical facilities that is
14 sensitive to the culture of the IPs in the BARMM.
15
16 **Section 34. Women.** —The Bangsamoro Government shall endeavor to address all forms of discrimination
17 against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination
18 Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws.
19 Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and
20 cultural spheres of life.
21
22 The right to participation of indigenous women in the decision-making processes shall be promoted and
23 institutionalized. As far as practicable, the Bangsamoro Government shall endeavor to implement gender
24 balance in creating committees, bodies, and other mechanisms that decide on matters that affect
25 indigenous peoples.
26
27 The Bangsamoro Government shall work to promote the right to decent work of indigenous women and
28 create opportunities for them to meaningfully participate in the economy. This includes access to credit and
29 capital and access to technologies. Social services shall also be provided to support the economic
30 participation of women.
31
32 The Bangsamoro Government shall also promote the right to health of indigenous women, which includes
33 access to maternal and child care, information on infant care and nutrition, comprehensive services for
34 survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health
35 practices and birthing methods, and other essential services. These services shall be offered to, but not
36 imposed upon, indigenous women.
37
38 The Bangsamoro Government shall also promote the right to education of indigenous women.
39 Vocational, technical, professional, and other forms of training shall be provided to enable these women to
40 fully participate in all aspects of social life.
41
42 As far as applicable, the Bangsamoro Government shall ensure that access to services for women are
43 communicated to them in the local languages.
44
45 The Bangsamoro Government shall include indigenous women as beneficiaries of programs and projects
46 funded by the Gender and Development (GAD) budget, which represents five percent (5%) of the total
47 budget.
48

1 **Section 35. *Children and Youth.*** — The Bangsamoro Government shall recognize the vital role of the
2 children and youth of IPs in nation-building and shall promote and protect their physical, moral, spiritual,
3 intellectual, and social well-being. Towards this end, the Bangsamoro Government shall support all
4 government programs intended for the nurturing of children and indigenous youth to help them develop
5 into productive members of society, and establish mechanisms as may be necessary for the protection of
6 their rights.

7
8 **Section 36. *Integrated System of Education.*** —The Bangsamoro Government shall, through the Ministry of
9 Basic, Higher, and Technical Education (MBHTE), provide a complete, adequate, and integrated system of
10 education, relevant to the needs of the indigenous children and youth.

11
12 **Section 37. *Disaster Risk Reduction and Climate Change Adaptation.*** — The Bangsamoro Government shall
13 recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds
14 for this program of the Bangsamoro Government shall be provided for DRR to IPs. This shall include, but is
15 not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination
16 campaigns, disaster management plans, among others. Non-Moro Indigenous peoples shall have access to
17 humanitarian relief, recovery, and rehabilitation in the event of disasters.

18
19 The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation
20 practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The
21 Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of indigenous
22 peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification
23 (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty,
24 of indigenous peoples, who belong predominantly to the agriculture sector.

25 26 **CHAPTER VII: CULTURAL INTEGRITY AND IDENTITY OF INDIGENOUS PEOPLES**

27
28 **Section 38. *Protection of Indigenous Culture, Traditions and Institutions.*** — The Bangsamoro Government
29 shall respect, recognize, and protect the right of IPs to safeguard their culture, traditions, and institutions. It
30 shall consider this right in the formulation and application of regional plans and policies.

31
32 **Section 39. *IP Educational Systems.*** —The Bangsamoro Government shall provide IPs' access to all levels of
33 education where the medium of instruction is the local indigenous language and the teaching methods
34 sensitive and appropriate to indigenous culture. The Bangsamoro government shall also ensure the
35 equitable access of IPs to public and private educational and cultural facilities, adequate scholarships, grants,
36 and other incentives. However, this does not prejudice the rights of IPs to establish and control their own
37 educational systems and institutions.

38
39 **Section 40. *Tribal State University.*** —The Bangsamoro Government may create a Tribal State University
40 system within the BARMM to address the higher educational needs of the IPs. The Ministry of Basic, Higher
41 and Technical Education, the MIPA, and the IP Council shall undertake studies on how to efficiently and
42 effectively establish the Tribal State University in the Bangsamoro Autonomous Region in Muslim Mindanao.

43
44 The Tribal State University shall be founded upon Indigenous Knowledge Systems and Practices (IKSP). It
45 shall develop educational programs appropriate and relevant to the needs and aspirations of the IPs, and
46 geared towards the respect, promotion, and protection of their cultures and practices. The University shall
47 have programs in the natural and social sciences and the arts to support these aspirations. It shall endeavor
48 to inspire young IPs to serve and be leaders in their ancestral domains. It shall involve the training of
49 teachers to effectively carry out the mandates of the Tribal State University.

Section 41. Recognition of Cultural Diversity. —The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the IPs appropriately reflected in educational curricula, public information materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take effective measures, in consultation with IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations between IPs and all segments of society. Furthermore, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. The Bangsamoro Government shall likewise ensure the participation of recognized indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. As a repository of traditional knowledge, indigenous leaders and individuals of exemplary skills will be given due recognition.

The Bangsamoro government shall build the Banobo Center as a “kakap dulunan” site to memorialize the founding of relations between the Mamalu and Tabunaway. The Banobo Center shall facilitate cultural exchanges between the Non-Moro and Moro youth to celebrate and strengthen common heritage and inter-peoples cooperation.

Section 42. Community Intellectual Property Rights. —IPs have the right to practice and revitalize their own cultural traditions and customs. The Bangsamoro Government shall protect, preserve, and promote indigenous heritage and culture, and enforce the right to the restitution of cultural, intellectual, religious, and spiritual property taken in violation of their laws, traditions, and customs, or without their FPIC. Their proprietary, exclusive, economic, and moral rights over their traditional knowledge and expressions shall be protected

Section 43. Rights to Religious, Cultural Sites and Ceremonies. —IPs have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and access their religious and cultural sites; the right to use and control ceremonial objects; and the right to the repatriation and reburial of human remains. Accordingly, the Bangsamoro Government shall take effective measures, in cooperation with the IPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected, and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate, or dig in archaeological sites of the IPs for the purpose of obtaining materials of cultural values, including human remains, without the Free and Prior Informed Consent of IPs; and
- b) Deface, remove, or otherwise destroy artifacts which are of great importance to the IPs in the conservation of their cultural heritage.

Section 44. Right to Indigenous Knowledge Systems and Practices, Science and Technology. —NMIPs have the right to the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop, and protect their indigenous science and technology. These include genetic resources, such as seeds and medicinal plants, animals, and minerals. These also cover traditional medicine and health practices, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, traditional medical knowledge, traditional ecological knowledge, oral traditions, literature, and visual and performing arts.

1 **Section 45. Access to Biological and Genetic Resources.** —Access to biological and genetic resources and
2 their derivatives, including digital sequence information, and to indigenous knowledge related to the
3 conservation, utilization, and enhancement of these resources, shall be allowed within ancestral domains of
4 the IPs only when the FPIC is obtained in accordance with customary laws of the concerned IPs. The
5 Bangsamoro Government shall ensure that benefits arising from the use of such resources and knowledge
6 are shared with the communities in accordance with mutually agreed terms.

7
8 **Section 46. Agro-ecological Principles and Practices.** — The Bangsamoro Government shall recognize and
9 support the agro-ecological practices of indigenous peoples. Agro-ecology draws upon ecological and social
10 practices to manage food and agricultural systems.

11
12 Agro-ecology seeks to optimize the relationships between plants, animals, humans, and the environment
13 while factoring in social aspects in promoting a sustainable and fair food system. Agro-ecological practices
14 are often in themselves strategies for climate change adaptation.

15
16 The Bangsamoro Government shall likewise promote the bio-genetic and resource management systems
17 among the IPs and shall encourage cooperation between government agencies to ensure the successful
18 sustainable development of IPs.

19
20 **Section 47. Funds for Archaeological and Historical Sites.** —The IPs shall have the right to receive from the
21 Bangsamoro Government all funds especially earmarked or allocated for the management and conservation
22 of their archaeological and historical sites and artifacts with financial and technical support from
23 Bangsamoro Government agencies.

24 25 **CHAPTER VIII: MINISTRY OF INDIGENOUS PEOPLES AFFAIRS (MIPA)**

26
27 **Section 48. Ministry of Indigenous Peoples Affairs -** There shall be created the Ministry for Indigenous
28 Peoples, which shall be the primary government agency responsible for the formulation and implementation
29 of policies, plans, and programs to promote and protect the rights and well-being of all indigenous peoples,
30 in recognition of their ancestral domains as well as their rights thereto consistent with Republic Act 11054,
31 Republic Act 8371, Muslim Mindanao Autonomy Act 241, and other Bangsamoro laws, customs, and
32 traditions of IPs in the aspect of self-governance.

33
34 **Section 49. Powers and Functions.** —To accomplish its mandate, the MIPA shall have the following powers,
35 jurisdiction, and functions:

- 36
37 a) Serve as the primary Bangsamoro government ministry to assist Indigenous Peoples in the BARMM;
38
39 b) Review and assess the conditions of IPs, including existing laws and policies pertinent thereto and to
40 propose relevant laws and policies to address their role in Bangsamoro development;
41
42 c) Issue Certificate of Ancestral Domain Titles (CADT) to IPs in the Bangsamoro Autonomous Region in
43 Muslim Mindanao and register such CADTs in the appropriate Register of Deeds;
44
45 d) Formulate and implement policies, plans, programs, and projects for the economic, social, and
46 cultural development of the IPs and monitor the implementation thereof;
47
48 e) Request and engage the services and support of experts from other agencies of government or
49 employ private experts and consultants as may be required in the pursuit of its objectives;

- 1
2 f) Subject to existing laws and the FPIC of the IPs, to enter into contracts, agreements, or arrangement
3 with government or private agencies or entities, as may be necessary to attain the objectives of this
4 Act, and to obtain loans from government, non-government, private, and international lending
5 institutions to finance its programs, subject to the approval of the Chief Minister of the Bangsamoro
6 Government;
- 7
8 g) Negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and
9 from whatever source, subject to the approval of the Bangsamoro Government, for the benefit of
10 IPs; and administer the same in accordance with the terms thereof, or in the absence of any
11 condition, in such manner consistent with the interest of IPs and existing laws;
- 12
13 h) Coordinate development programs and projects for the advancement of the IPs and oversee the
14 proper implementation thereof in coordination with other agencies, government or private if so
15 required;
- 16
17 i) Convene periodic conventions, congresses, summits or assemblies of IPs to review, assess, and
18 propose policies or plans;
- 19
20 j) Advise the Chief Minister of the Bangsamoro Government on all matters relating to the IPs, and to
21 submit within sixty (60) days after the close of each calendar year, a report of its operations and
22 achievements;
- 23
24 k) Submit to the Bangsamoro Parliament appropriate legislative proposals intended to carry out the
25 policies under this Act;
- 26
27 l) Prepare and submit the appropriate budget to the Office of the Chief Minister;
- 28
29 m) Facilitate the conduct of consultations on the FPIC process and issue appropriate certification as a
30 precondition to the grant of permit, lease, grant, or any other similar authority for the disposition,
31 utilization, management, and appropriation by any private individual, corporate entity, or any
32 government agency, corporation, or subdivision thereof on any part or portion of the ancestral
33 domain taking into consideration the consensus approval of the IP concerned;
- 34
35 n) Promulgate the necessary rules and regulations for the implementation of this Act;
- 36
37 o) Issue Certificates of Accreditation and Certificates of Dissolution of marriages contracted and
38 solemnized in accordance with the customs, culture, and tradition of IPs in the celebration and
39 solemnization of marriages.
- 40
41 p) Provide legal and paralegal assistance to IP communities.
- 42
43 q) Develop appropriate plans and programs to respond to gender issues and concerns as these relate to
44 the full realization and protection of indigenous women's rights for maximum participation in
45 community and nation-building;
- 46
47 r) Develop appropriate plans and programs for the need of indigenous youth and students;
- 48
49 s) Develop appropriate programs for the elderly and Persons With Disabilities

- 1
2 t) Accredite existing local IP organizations and non-government organizations operating in the areas of
3 IPs.
4
5 u) Exercise such other powers and functions as may be directed by the Chief Minister of the BARMM;
6
7 v) Perform such other related functions as may be provided by law, such as issuance of tribal
8 membership or Certificates of Confirmation to IP applicants for any legal purpose.
9

10 **Section 50. Quasi-judicial Power of MIPA** – The MIPA shall have the power and authority to:

- 11
12 a) To promulgate rules and regulations governing the hearing and disposition of cases filed before it as
13 well as those pertaining to its internal functions and such rules and regulations as may be necessary
14 to carry out the purposes of this Act;
15
16 b) To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance
17 and testimony of witnesses or the production of such books, papers, contracts, records, agreements
18 and other document of similar nature as may be material to a just determination of the matter under
19 investigation or hearing conducted in pursuance of this Act;
20
21 c) To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor;
22 and
23
24 d) To enjoin any or all acts involving or arising from any case pending before it which, if not restrained
25 forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect
26 social or economic activity.
27

28
29 **Section 51. No Restraining Order or Preliminary Injunction.** — No inferior court of the Philippines shall have
30 jurisdiction to issue any restraining order or writ of preliminary injunction against the MIPA or any of its duly
31 authorized or designated offices in any case, dispute or controversy arising from, necessary to, or
32 interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.
33

34 **Section 52. Offices within the MIPA.** —

- 35
36 a) **Office of the Minister** – where the Minister is the over-all head;
37
38 b) **Office of the Deputy Minister for Administration** – oversee the administrative
39 and finance function of the office;
40
41 c) **Office of the Deputy Minister for Operations** – oversee the operations of the
42 Office.
43
44 d) **Director General/Office of the Executive Director.** — The MIPA shall create the Office of the
45 Executive Director that shall lead the day-to-day operation of the office. The office shall be
46 headed by an Executive Director, who shall be appointed by the Minister upon
47 recommendation of the IPs. The staffing pattern of the office shall be determined by the
48 MIPA subject to existing rules and regulations.
49

1 e) **Office for Ancestral Domains/Native Title.** The Ancestral Domains Office shall be responsible
2 for the identification, delineation and recognition of ancestral domains upon the request of IP
3 communities based on self-delineation process. It shall assist in the management of ancestral
4 domains in accordance with a master plan as well as the implementation of the ancestral
5 domains right of the IPs as provided for in this Act. It shall also review, determine and
6 recommend issuance of certificate of precondition to the Minister for MIPA, upon the free
7 and prior informed consent of the IPs concerned, prior to the grant of any license, lease, or
8 permit for the exploitation of natural resources affecting the interests of IPs or their ancestral
9 domains and to assist the IPs in protecting the territorial integrity of all ancestral domains. It
10 shall likewise perform such other functions as the Ministry may deem appropriate and
11 necessary;

12
13 f) **Office on Policy, Planning and Research.** The Office on Policy, Planning, and Research shall
14 be responsible for the formulation of appropriate policies and programs for IPs, such as, but
15 not limited to, the development of a master plan for the IPs. Such plan shall undergo a
16 periodic process of review and assessment and make revisions based on the changing
17 context.

18
19 The Office shall also undertake the documentation of customary law and shall establish and
20 maintain a Research Center that would serve as a repository of ethnographic information for
21 monitoring and evaluation and policy formulation. It shall assist the Minister of MIPA in the
22 formulation of appropriate legislation benefiting IPs.

23
24 g) **Office of Education, Culture and Health.** The Office on Education, Culture and Health shall be
25 responsible for the effective implementation of the education, cultural and health and related
26 rights as provided in this Act. It shall assist, promote and support community schools, both
27 formal and non-formal, for the benefit of NMIPs, especially in areas where existing
28 educational facilities are not accessible to members of IPs. It shall administer all scholarship
29 programs and other educational rights intended for IP beneficiaries in coordination with the
30 MBHTE. It shall undertake a special program which includes language and vocational training,
31 public health and family assistance programs and related subjects.

32
33 It shall also assist and recommend appropriate legislations inherent to the educational,
34 cultural and health needs of IPs.

35
36 Appropriate educational programs relevant to the needs and aspirations of the non-Moro
37 indigenous peoples shall also be supported that include, but is not limited to, the
38 establishment of Schools for Living Traditions intended to preserve, promote, and protect
39 indigenous knowledge, systems and practices of the IPs. Coordination with the MBHTE in the
40 indigenization of the educational curriculum shall be initiated.

41
42 h) **Office for Socio-Economic Services and Special Concerns.** The Office on Socio-Economic
43 Services and Special Concerns shall serve as the Office through which the MIPA shall
44 coordinate with pertinent government agencies charged with the delivery of basic socio-
45 economic services, policies, plans, and programs to IPs. It shall also be responsible for other
46 such functions as the MIPA may deem appropriate and necessary.

47
48 i) **Office of Empowerment, MIPA Governance and Human Rights.** The Office of Empowerment,
49 IPs Governance and Human Rights shall ensure that indigenous socio-political, cultural, and

economic rights are respected and recognized. It shall ensure that capacity-building mechanisms are instituted, and IPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making. It shall likewise ensure that the basic human rights and such other rights as the IPs may determine, subject to existing laws, rules, and regulations, are protected and promoted;

j) **Administrative and Finance Office.** The Administrative and Finance Office shall provide the MNMIP with economical, efficient, and effective services pertaining to personnel, finance, records, equipment, security, supplies, and other related services. It shall also administer the Ancestral Domains Fund.

k) **Legal Affairs Office.** There shall be a Legal Affairs Office that will advise the MIPA on all legal matters concerning IPs and provide them with legal assistance in litigation involving community interest. It shall conduct preliminary investigations on the basis of complaints filed by IPs against a natural or juridical person believed to have violated the rights of IPs. On the basis of its findings, this Office shall initiate the filing legal action to appropriate agencies of the Government.

l) **Provincial and City Offices.** There shall be provincial offices and city offices to be established in provinces and cities of the Bangsamoro Autonomous Region in Muslim Mindanao where there are dominant population of IPs to be headed by a Provincial Officer or City Officer.

m) **Community Service Center.** Community Service Centers shall likewise be established in municipalities where IPs are of significant number or cluster of municipalities where IPs are residing in an intact community. The Community Service Centers shall be headed by a Community Development Officers.

Section 53. Composition. — The Ministry of Indigenous Peoples' Affairs shall be headed by the Minister and assisted by two (2) Deputy Ministers, one for Administration and one for Operations. It has an Executive Director and appropriate offices for the following: 1) Director for the Office on Policy Planning and Research; 2) Director for Administrative and Finance Office; 3) Director for the Office for Ancestral Domains/Native Title; 4) Director for the Office for Empowerment and Human Rights; 5) Director for the Office for Socio-Economic Services and Special Concerns; 6) Director for the Office for Education, Culture and Health; and 7) Director for Legal Affairs Office.

Provincial Officers for Maguindanao, Lanao del Sur, Basilan, Sulu, and Tawi-tawi and a cluster of Barangays in North Cotabato and City Officer for the City of Cotabato, Lamitan City and Marawi City wherein the above mentioned areas constitute the IP population of not less than 10% of the total population in the said provinces, cities and cluster of municipalities.

Community Development Officers for Community Services Centers in municipalities and clustered municipalities where IPs are dominant.

Section 54. Qualifications, Tenure, Compensation. —The Minister must be a natural-born Filipino citizen, a member of any Indigenous Peoples resident of the BARMM as certified by the tribe he/she comes from and must have worked for at least ten years in ancestral domain areas or in agencies involved with IP concerns. The Minister must either come from the IP Members of Parliament chosen and endorsed by the IP communities as provided in the BOL or non-Member of the Parliament; Provided that he/she shall be chosen and endorsed by IP communities. He/she must have proven honesty and integrity and must not have been

1 convicted in court of any crimes. The Minister for Indigenous Peoples shall hold office for a period of three
2 (3) years, and may be subject to re-appointment upon confirmation by the appointing authority for another
3 term if they are chosen and endorsed by Indigenous Peoples. *Provided*, that no person shall serve for more
4 than three (3) terms subject to selection and endorsement by IP communities. That In case of vacancy,
5 appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall be
6 a member be appointed or designated in a temporary or acting capacity. *Provided*, finally that the Minister
7 and other personnel shall be entitled to compensation in accordance with the Salary Standardization Law.

8
9 **Section 55. Appointment of Personnel** — Personnel of lower rank holding the salary grade 24 and below
10 shall be appointed by the Minister for the Indigenous Peoples.

11
12 **Section 56. Removal from Office.** — The Minister in the MIPA may be removed from office by the Chief
13 Minister, on his own initiative or upon recommendation by any IP communities, for cause, before the
14 expiration of his/her term for loss of trust and confidence, and after complying with due process
15 requirement of law.

16
17 **Section 57. Other Offices.** — The MIPA shall have the power to create additional offices if may deem
18 necessary, subject to existing rules and regulations.

19
20 **Section 58. Accessibility and Transparency.** — Subject to such limitations as may be provided by law or by
21 rules and regulations promulgated pursuant thereto, all official records, documents, and papers pertaining
22 to official acts, transactions, or decisions, as well as research data used as basis for policy development of
23 the MIPA shall be made accessible to the public.

24
25 **Section 59. Relationship with other offices.** — The MIPA shall establish a mechanism for effective
26 coordination and ensure harmonious relationships with other offices of the Bangsamoro and National
27 Governments in the implementation of programs and policies for the benefit of the IPs in the BARMM.

28 29 **CHAPTER XI: DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS.**

30
31 **Section 60. Delineation and Recognition of Ancestral Domains.** —Self-delineation shall be the guiding
32 principle in the identification and delineation of ancestral domains. As such, the IPs concerned shall have a
33 decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the scope of the
34 territories and agreements or pacts made with neighboring IPs, if any, will be essential to the determination
35 of these traditional territories. The MIPA shall take the necessary steps to identify lands which the IP
36 concerned have traditionally occupied, and guarantee effective protection of their rights of ownership and
37 possession thereto. Measures shall be taken in appropriate cases to safeguard the right of the IPs concerned
38 to land which may no longer be exclusively occupied by them, but to which they have traditionally had
39 access for their subsistence and traditional activities

40
41 **Section 61. Delineation Process.** — The identification and delineation of ancestral domains shall be done in
42 accordance with the following procedures:

- 43
44 a. Ancestral Domains Delineated Prior to This Act. The Ministry shall recognize ancestral domains already
45 delineated or titled in accordance with existing National Law;
46
47 b. Ancestral Domains in the process of delineation. The Bangsamoro Government shall recognize ancestral
48 domains that are still in the process of delineation prior to this Act and shall be considered as vested
49 right of the IPs.

- c. Petition for Delineation. The process of delineating a specific perimeter may be initiated by the IPs through the petition of the claimants to the MIPA by a majority of the members of the IPs or through their IPs;
- d. Delineation Proper. The official delineation of ancestral domain boundaries, including census of all community members therein, shall be immediately undertaken by the Ancestral Domains Office upon filing of the application by the IP concerned. Delineation shall be done in coordination with the IP concerned and shall at all times include genuine involvement and participation by the members of the IP concerned;
- e. Proof Required. Proof of Ancestral Domain Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such IPs in the concept of ownership which shall consist of any one (1) of the following authentic documents:
 1. Written accounts of the IPs' customs and traditions
 2. Written accounts of the IPs' political structures and institutions
 3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places, and old villages
 4. Historical accounts, including pacts and agreements concerning boundaries entered into by an IP concerned with other IPs
 5. Survey plans and sketch maps
 6. Anthropological data
 7. Genealogical surveys
 8. Pictures and descriptive histories of traditional communal forests, hunting and fishing grounds
 9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces, and the like
 10. Write-ups of names and places derived from the local language of the community.
- f. Preparation of Maps. On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;
- g. Report of Investigation and Other Documents. A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains Office of the MIPA;
- h. Notice and Publication. A copy of each document, including a translation in the native language of the IPs concerned, shall be posted in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted in the local, provincial and regional offices of the MIPA, and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: *Provided*, further, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;
- i. Endorsement to MIPA. Within fifteen (15) days from publication and within the period of the inspection process, the Ancestral Domains Office shall prepare a report to the MIPA endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the

1 Ancestral Domains Office shall require the submission of additional evidence: *Provided*, That the
2 Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after
3 inspection and verification: *Provided*, further, That in case of rejection, the Ancestral Domains Office
4 shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. The
5 denial shall be appealable to the MIPA; *Provided*, further, That in cases where there are conflicting claims
6 between IPs on the boundaries of ancestral domain claims, the Ancestral Domains Office shall cause the
7 contending parties to meet and assist them in coming up with a preliminary resolution of the conflict,
8 without prejudice to its full adjudication according to the section below.

9
10 j. **Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies.** The Minister
11 of the MIPA shall certify that the area covered is an ancestral domain. The Minister of the Ministry of
12 Agrarian Reform, Ministry of Environment and Natural Resources and Energy, Ministry of the Interior
13 and Local Government, and Shariah Court, and any other government agency claiming jurisdiction over
14 the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction
15 previously claimed;

16
17 k. **Issuance of Certificate of Ancestral Domain Titles.** IPs whose ancestral domains have been officially
18 delineated and determined by the MIPA shall be issued a CADT in the name of the community
19 concerned, containing a list of all those identified in the census; and

20
21 l. **Registration of Certificate of Ancestral Domain Titles/Certificate of Ancestral Land Titles.** The MIPA shall
22 register issued Certificates of Ancestral Domain Titles/CALTs before the Register of Deeds in the place.

23
24 **Section 62. Fraudulent Claims.** — The Ancestral Domains Office may, upon written request from the NMIPs,
25 review existing claims that have been fraudulently acquired by any person or community. Any claim found to
26 be fraudulently acquired by, and issued to, any person or community may be cancelled by the MIPA after
27 due process.

28
29 **Section 63. Communal Rights.** — Areas within the ancestral domains, whether delineated or not, shall be
30 presumed to be communally held: *Provided*, that communal rights under this Act shall not be construed as
31 co-ownership as provided in Republic Act. No. 386, otherwise known as the New Civil Code.

32
33 **Section 64. Existing Property Rights Regimes.** — Legitimately acquired property rights within and forming
34 part of the ancestral domains, already existing and/or vested upon effectivity of this Act, shall be recognized
35 and respected.

36
37 **Section 65. Natural Resources within Ancestral Domains.** — The IPs shall have priority rights in the
38 harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-
39 member of the IPs concerned may be allowed to take part in the development and utilization of the natural
40 resources for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25)
41 years: *Provided*, That a formal and written agreement is entered into with the IPs concerned, pursuant to its
42 own decision-making process, has agreed to allow such operation: *Provided*, That the IPs shall enjoy full
43 royalties arising from this such agreements. The royalty from use of natural resources found within ancestral
44 domains shall be not be less than 20% of the gross income. *Provided*, finally, That the MIPA may exercise
45 visitatorial powers and take appropriate action to safeguard the rights of the IPs under the same contract.

46
47 **Section 66. Camps within the Ancestral Domain Areas specifically in Camps Omar and Bad'r.** — Ownership
48 of IPs of portions of ancestral domains which have been used as camps must be recognized and respected.
49 These must be transformed into productive areas. The government agencies tasked with implementing the

1 Normalization process shall coordinate with the Indigenous Political Structure of the Indigenous Peoples to
2 ensure that their rights to their ancestral domain will be protected.

3
4 **Section 67. Mining Application in Ancestral Domain areas.** — Mining applications in the ancestral domains
5 shall be approved by the Minister of the MIPA, upon favorable recommendation of the concerned tribal
6 councils after the FPIC process has been properly complied with.

7
8 **Section 68. Agriculture, Fisheries, and Aquatic Resources.** — Consistent with the Philippine Fisheries Code
9 of 1998, Republic Act. No. 8550, MIPA shall enjoy preferential fishing rights in areas that belong to ancestral
10 domains. The MIPA shall grant permits to commercial fishing companies intending to fish in waters within
11 ancestral domain upon the issuance of consent by the IPs. IPs shall be entitled to twenty percent (20%)
12 royalties arising from commercial fishing activities.

13
14 IPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs)
15 with individuals or corporate entities.

16
17 **Section 69. Environmental Considerations.** — Ancestral domains or portions thereof, which are found to be
18 necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover,
19 or reforestation as determined by appropriate agencies with the FPIC and full and effective participation of
20 the IPs concerned, shall be conserved and developed for such purposes. The IP shall have the authority to
21 conserve and develop such areas with the full assistance of government agencies. Should the IP decide to
22 transfer the responsibility over the areas, said decision must be made in writing. The Free and Prior
23 Informed Consent (FPIC) of the Non-Moro Indigenous Peoples should be obtained in accordance with its
24 customary laws without prejudice to the basic requirements of existing laws and guidelines on FPIC:
25 *Provided*, that the transfer shall be temporary and will ultimately revert to the IPs in accordance with a
26 program for technology transfer: *Provided*, further, that no IPs shall be displaced or relocated for the
27 purpose enumerated under this section without their FPIC.

28
29 **Section 70. Certification Precondition.** — All Ministries and other governmental agencies shall henceforth be
30 strictly enjoined from issuing, renewing, or granting any concession, license, or lease, or entering into any
31 production-sharing agreement, or carry out any project without prior certification from the MIPA that the
32 area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-
33 based investigation is conducted by the Ancestral Domains Office of the area concerned: *Provided*, That no
34 certification shall be issued by the MIPA without the Free and Prior Informed and Consent of IPs concerned:
35 *Provided*, further, That no department, government agency, or government-owned and controlled
36 corporation may issue new concession, license, lease, or production-sharing agreements while there is a
37 pending application for a Certification of Ancestral Domain Title: *Provided*, finally, That the IPs shall have the
38 right to stop or suspend, in accordance with this Act, any project that has not satisfied FPIC guidelines.

39
40 **Section 71. Exemption from Taxes.** — All lands certified to be ancestral domains shall be exempt from real
41 property taxes, special levies, and other forms of exaction except such portion of the ancestral domains are
42 actually used for large-scale agriculture, commercial forest plantation, and residential purposes or upon
43 titling by private persons: *Provided*, that all exactions shall be used to facilitate the development and
44 improvement of the ancestral domains.

Section 72. Resolution of Conflicts. — In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan that cannot be resolved, the MIPA shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: *Provided*, that if the dispute is between IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. *Provided*, further, That any decision, order, award or ruling of the MIPA on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen(15) days from receipt of a copy thereof.

Section 73. Applicable Laws. — Customary laws, traditions, and practices of the IPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession, and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the IPs.

Section 74. Remedial Measures. — Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good." The MIPA shall take appropriate legal action for the cancellation of documented titles that were acquired illegally: *Provided*, That such procedure shall ensure that the rights of possessors in good faith shall be respected: *Provided* further, that the action for cancellation shall be initiated within five (5) years from the effectivity of this Act: *Provided*, finally, that the action for re-conveyance shall be within a period of fifteen (15) years.

Section 75. Pending Ancestral Domain/Native Title/Fusaka Inged Claim. — Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be assess and validate by the Ministry for Indigineous Peoples Affairs.

CHAPTER X: JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF IP RIGHTS

Section 76. Primacy of Customary Laws and Practices. — Customary laws and practices shall be used to resolve disputes among and between IPs.

Section 77. Rights during Armed Conflicts. — Indigenous peoples have the right to special protection and security in periods of armed conflict. The Bangsamoro Government shall observe international standards for the protection of civilian populations in situations of emergency and armed conflict.

The Bangsamoro Autonomous Region shall not recruit members of the IPs against their will in any military, paramilitary and/or other armed groups, especially when said recruitment is for the use against other IPs. Furthermore, it shall not recruit children of IPs into the armed forces under any circumstance, nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

CHAPTER XI: ANCESTRAL DOMAINS FUND/ Funds and Annual Appropriation

Section 78. Ancestral Domains Fund. — There shall be created a Special Fund to be known as Ancestral Domain Fund, an initial amount of Two Hundred Million Pesos (P200,000,000) shall be set aside to cover for the compensation for expropriated lands, delineation and development of ancestral domains of the Indigenous Peoples in the Bangsamoro in accordance with the Ancestral Domains Sustainable Development and Protection Plans (ADSDPP) to be taken from Block Grant of the Bangsamoro Government and Official Development Fund. The annual appropriation of MIPA to cover the organizational/personnel services expenses, maintenance and other operating expenses, capital expenditures, programs, projects, and activities shall not less 2% of the total general appropriation of the Bangsamoro government.

CHAPTER XII: PENALTIES

Section 79. Punishable Acts and Applicable Penalties. — Any person who violates of any of the provisions of this Act and other existing laws, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral domains or shall commit any of the prohibited acts mentioned hereof, shall be punished in accordance with the customary laws of the IPs concerned: *Provided*, that no such penalty shall be a cruel, degrading, or inhuman form of punishment: *Provided*, further, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000) nor more than Five Hundred Thousand pesos (P500,000) or both such fine and imprisonment upon the discretion of any competent court. In addition, they shall be obliged to pay to the NMIP concerned whatever damages may have been suffered by the latter as a consequence of the unlawful act.

Section 80. Persons Subject to Punishment. — If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be liable and punishable by law, in addition to the cancellation of their certificate of precondition, registration and/or license: *Provided*, that if the offender is a public official and employees, they may be punished in accordance with any existing laws after due process has been exhausted.

CHAPTER XIII: INTER-GOVERNMENTAL RELATIONS (IGR)

Section 81. Creation of the Bangsamoro IP Council Leaders or Consultative Bodies. —To foster inter-tribal unity and cooperation among the diverse IPs, the BARMM shall support the creation of the Council or Consultative Bodies per IPs group with membership duly selected pursuant to their customary laws. There shall be an IP Council or Consultative Bodies that shall advise the Minister on matters affecting the IPs in the Bangsamoro Autonomous Region Muslim Mindanao.

The MIPA shall provide financial resources for the periodic convening of this Council or Consultative Bodies.

Section 82. Relations of MIPA with other Ministries of the Bangsamoro Government — Appropriate mechanism shall be established to foster and maintain mutual and harmonious relationship with other Ministries in the BARMM.

Section 83. MIPA relation to the NCIP and other National line agencies — Appropriate mechanisms shall be established to arrange the administrative relations of the Ministry for Indigenous Peoples with other national government agencies having related concerns for the Indigenous Peoples in the Bangsamoro Autonomous Region.

1 **CHAPTER XIV: FINAL PROVISIONS**

2
3 **Section 84. Appropriations.** — An Initial Amount of at least Two Billion Pesos (P2,000,000,000,000) annually
4 shall be set aside to fund the implementation of this law to be taken from the Annual Block Grant Allocation
5 of the Bangsamoro Autonomous Region in Muslim Mindanao and Official Development Fund.
6

7 **Section 85. Implementing Rules and Regulations.** — Within sixty (60) days immediately after passage of
8 this law, the MIPA shall formulate the necessary implementing rules and regulations, in consultation with
9 the Committee on Indigenous Peoples Affairs of the Bangsamoro Parliament and with the representation of
10 the IPOs and IPS of the Indigenous Peoples, for the effective implementation of this Act.
11

12 **Section 86. Saving Clause.** — This Act shall not in any manner adversely affect the rights and benefits of the
13 NMIPs under other conventions, covenants, international treaties, national laws, awards, customs, and
14 agreements.
15

16 **Section 87. Separability Clause.** — In case any provision of this Act or any portion thereof is declared
17 unconstitutional by a competent court, other provisions shall not be affected thereof. The remaining
18 provisions that are not affected shall continue to be in full force.
19

20 **Section 88. Repealing Clause.** — Previous Laws, issuances that are incompatible with this act are hereby
21 repealed and modified accordingly.
22

23 **Section 89. Effectivity.** — This Act shall take effect fifteen (15) days upon its publication in the official Gazette
24 or in any two (2) newspapers of general circulation.
25
26
27
28
29
30

31 Signed :


32
33
34
35 **MELANIO U. ULAMA**
Member of the Parliament/MIPA Minister


ROMEO C. SALIGA
Member of the Parliament

ANNEX B. PROPOSED INDIGENOUS PEOPLES' CODE OF TEDURAY

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY
BARMM Compound, Cotabato City

BANGSAMORO BILL NO: _____

Introduced by:

ROMEO C. SALIGA

AN ACT TO RECOGNIZE, RESPECT, PROTECT, PROMOTE, AND SUPPORT THE RIGHTS OF NON-MORO INDIGENOUS PEOPLES, CREATING THE MINISTRY FOR NON-MORO INDIGENOUS PEOPLES, ESTABLISHING THE IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Be it enacted by the Member of the Parliament of the Bangsamoro Transition Authority in assembled:

CHAPTER I: GENERAL PROVISIONS

SECTION 1. *Short Title.* —This Act shall be known as "The Non-Moro Indigenous Peoples Rights Act of 2019".

SECTION 2. *Declaration of State Policies.* —The Bangsamoro Autonomous Region in Muslim Mindanao [BARMM] reaffirms the policies embodied in the 1987 Philippine Constitution, Republic Act 8371 [Indigenous Peoples Rights Act of 1997 (IPRA)], Muslim Mindanao Act 241 or the Tribal Peoples Rights Act, Framework Agreement on the Bangsamoro/Comprehensive Agreement on the Bangsamoro (FAB/CAB), Republic Act 11054, also known as the Bangsamoro Organic Law (BOL), and international treaties and agreements concerning indigenous peoples, such as, but not limited to, the International Labor Organization Convention No. 169 and the UN Declaration on the Rights of the Indigenous Peoples as adopted by the General Assembly on September 13, 2007. It is hereby declared the policy of the Bangsamoro Government:

- a) To recognize, respect, protect, promote, and support the rights of Non-Moro Indigenous Peoples (NMIPs) within the framework of the Constitution and national unity and development;
- b) To recognize the inherent right of the NMIPs to self-governance and self-determination, and to respect the integrity of their values, practices, and institutions.

The Bangsamoro Government shall guarantee the rights of NMIPS to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall consequently establish the means for the full development and empowerment of the NMIPs' own

institutions and initiatives and, where necessary, provide resources, therefore, respecting their native titles.

- c) To ensure indigenous peoples have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. There shall be no discrimination on the basis of identity, religion, and ethnicity.
- d) To protect the rights of the NMIPs to their ancestral domains and to ensure their economic, social and cultural well-being.

The Bangsamoro Government shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains.

- e) To recognize, respect, protect, promote, and support the rights of NMIPs to preserve and develop their cultures, traditions, and institutions. The Bangsamoro Government shall uphold these rights in the formulation of its regional plans and policies.
- f) To ensure the development, protection, and well-being of all NMIPs within the Bangsamoro Autonomous Region in Muslim Mindanao.
- g) To guarantee that members of the **NMIPs**, regardless of gender, shall equally enjoy the full measure of human rights and freedoms without discrimination;
- h) To take measures, with the participation of the NMIPs concerned, to protect their rights, guarantee respect for their cultural integrity, and ensure that NMIPs benefit from rights and opportunities which Bangsamoro laws and regulations grant other members of the population; and
- i) The Bangsamoro Government recognizes its obligations to respond to the clamor of the NMIPs for cultural integrity, by involving the full participation of NMIPs in the direction of education, health, and other services for NMIPs, in order for said services to be responsive to their needs and aspirations.

Towards these end, the Bangsamoro government shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration the customs, traditions, values, beliefs, interests, and institutions of NMIPs, and to adopt and implement measures to protect their rights to their ancestral domains e.g. fusaka ingëd, pusaka tana among others.

CHAPTER II: DEFINITION OF TERMS

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

- a) **Ancestral Domain** refers to all areas generally belonging to NMIPs comprising lands, inland waters, coastal areas, and natural resources therein, which are necessary for ensuring their economic, social, and cultural welfare, held under a claim of ownership and occupied or possessed by NMIPs, by themselves or through their ancestors, communally or individually,

since time immemorial continuously to the present, except when interrupted by war, force majeure, displacement by force, deceit, stealth, or as a consequence of government projects or voluntary dealings entered into by government and private individuals or corporations. It shall include ancestral lands; forests; pasture; residential, agricultural, and other lands individually owned, whether alienable and disposable or otherwise; hunting grounds; burial grounds; places of worship; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by NMIPs but from which they traditionally had access to for their livelihood and traditional activities.

Ancestral domains serve not only the physical but cultural basis for ethnic identity and organization.

- b) **Certificate of Ancestral Domain Title** refers to a title formally recognizing the rights of possession and ownership of NMIPs over their ancestral domains identified and delineated in accordance with this law;
- c) **Communal Claims** refer to claims on land, resources, and rights thereon belonging to the whole community within a defined territory;
- d) **Customary Laws** refer to a body of written and/or unwritten rules, usages, customs, living experiences, and practices traditionally and continuously recognized, accepted, and observed by concerned NMIPs;
- e) **Free and Prior Informed Consent (FPIC)** refers to the consensus decision of affected NMIP communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the NMIPs, in a language and process understandable to them;
- f) **Indigenous Political Structures** refer to organizational and cultural leadership systems, institutions, relationships, patterns, and processes for decision-making and participation, identified by NMIPs such as, but not limited to, Council of Elders, Council of Timuays, Timuay Justice and Governance, Gempa te Kalindaan ne Kamal, Kena Menuwa, or any other tribunal or body of similar nature;
- g) **Individual Claims** refer to claims on land and right therein which have been devolved to individuals, families, and clans including, but not limited to, residential lots, rice terraces or paddies, and tree lots;
- h) **Indigenous Peoples' Education** refers to an educational system based on Indigenous Knowledge Systems and Practices (IKSP) that interfaces with other educational systems;
- i) **Ministry for Non-Moro Indigenous Peoples (MNMIP)** refers to the office created under this Act that shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to recognize, protect, and promote the rights of NMIPs in the Bangsamoro;

- j) **Non-Moro Indigenous Peoples (NMIPs)** refer to a group of non-Moro 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, and 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. Non-Moro Indigenous Peoples 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;
- k) **Native Title** refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by NMIPs and have never been public lands or public domain and are thus indisputably presumed to have been held that way since before the Spanish conquest;
- l) **Non-government Organization** refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the NMIPs and has an established track record for effectiveness and acceptability in the community where it serves;
- m) **Non-Moro Indigenous Peoples Organization** refers to a private, non-profit voluntary organization of members of NMIPs which is accepted as representative of such NMIPs;
- n) **Sustainable Traditional Resource Rights** refer to the rights of NMIPs to sustainably use, manage, protect, and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing, and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial, and aesthetic value in accordance with their indigenous knowledge, principles, beliefs, values, systems, and practices;
- o) **Time Immemorial** refers to a period of time when as far back as memory can go, certain NMIPs were known to have occupied, possessed, in the concept of owner, and utilized a defined territory devolved to them, by customary law or inheritance from their ancestors, in accordance with their customs and traditions.

CHAPTER III: RIGHTS TO ANCESTRAL DOMAINS OR FUSAKA INGĒD

SECTION 4. *Concept of Ancestral Domains/Lands* —Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the NMIPs possess, occupy, and use and to which they have claims of ownership.

SECTION 5. *Indigenous Concept of Ownership.* —Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of NMIPs. The indigenous concept of ownership generally holds that ancestral domains are the NMIPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights.

SECTION 6. *Composition of Ancestral Domains/Lands.* —Ancestral domains and lands shall consist of all areas generally belonging to NMIPs as referred under Sec. 3, items (a) of this Act.

SECTION 7. *Rights to Ancestral Domains.* —The right to ownership and possession of ancestral domains by NMIPs shall be recognized and protected. Such rights shall include:

- a) *Right of Ownership* — The right to claim ownership over lands, bodies of water traditionally and actually occupied by NMIPs, sacred places, and traditional hunting and fishing grounds, and all improvements made by them at any time within the ancestral domains;
- b) *Right to Develop Lands and Natural Resources* — The right to develop, control, and use lands and territories traditionally occupied, owned, or used by NMIPs; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights;
- c) *Right to Stay in the Territories* — The right to stay in the territory and not be removed therefrom. No NMIP shall be relocated without their Free and Prior Informed Consent (FPIC), nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the FPIC of the NMIPs concerned; whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, NMIPs shall be provided in all possible means with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;
- d) *Right in Case of Displacement* - In case of displacement as a result of human-made disasters and natural hazards, the Bangsamoro Government shall resettle the displaced NMIPs in suitable areas where they are provided or can access food, water, shelter, health, and other basic services: *Provided*; that the displaced NMIPS shall have the right to return to their abandoned lands when the normalcy and safety of such lands have been determined:

Provided; further, that should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced NMIPs shall enjoy security of tenure over lands to which they have been resettled: *Provided* finally, that basic services and livelihoods shall be provided to them to ensure that their needs are adequately addressed;

- e) *Right to Regulate Entry of Migrants* — NMIPs have the right to regulate the entry of migrant settlers and organizations into the domains. It shall also include a review and negotiations between existing migrants and organizations;
- f) *Right to Safe and Clean Air, Water, and Environment* — For this purpose, the NMIPs must have access to integrated management systems of their inland waters, environment, and air space;
- g) *Right to Claim Parts of Reservations* — The right to claim parts of the ancestral domains which have been reserved for various purposes when not being utilized by the institutions concerned;
- h) *Right to Resolve Conflict* — The right to resolve land conflicts in accordance with customary laws of the area where the land is located, and only in default thereof shall the complaints be submitted to amicable settlement or alternative dispute resolution and to the Courts of Justice.
- i) *Right to Delineation of ancestral domains* of the Non-Moro Indigenous Peoples shall be recognized and protected;
- j) *Right to speedy processing of Certificate of Ancestral Domain Titles (CADT)* of NMIPs shall be ensured by the MNMIP, based on native title and customary laws, among others;
- k) *Right to transfer land or property* — Such right shall include the right to transfer land or property to/among members of the same NMIPs, subject to their customary laws and traditions.
- l) *Right to Redemption* — In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of NMIPs is tainted by the vitiated consent of the NMIPs, or is transferred for an unconscionable consideration or price, NMIPs have the right to redeem the land or property within the constituted due process.

SECTION 8. Responsibilities of NMIPs to their Ancestral Domains. —NMIPs occupying ancestral domains shall have the following responsibilities in accordance with their customary laws:

- a) ***Maintain Ecological Balance*** — To preserve, restore, and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- b) ***Restore Denuded Areas*** — To actively initiate, undertake, and participate in the reforestation of denuded areas and in other development programs and projects subject to just and reasonable remuneration; and

- c) **Observe Laws** — To observe and comply with customary laws, other relevant laws, the provisions of this Act and the rules and regulations for its effective implementation.

SECTION 9. *Unauthorized and Unlawful Intrusion.* —Unauthorized and unlawful intrusion upon or use of any portion of the ancestral domain, or any violation of the rights herein enumerated, shall be punishable under this law. Furthermore, the Bangsamoro Government shall take measures to prevent non-indigenous peoples from taking advantage of the NMIPs' customs and concept of ownership or their lack of understanding of laws, to secure ownership and possession of land belonging to said NMIPs.

SECTION 10. *Recognition of Ancestral Domain Rights.* —The rights of NMIPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by an NMIPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall formally recognize the ownership of the concerned NMIPs over the territories identified and delineated.

CHAPTER IV: RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT

SECTION 11. *Self-Governance.* —The Bangsamoro Government recognizes the inherent right of NMIPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of NMIPs to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall recognize indigenous political structures of NMIPs as legitimate systems of determining policies and arriving at key decisions.

Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., umun among various Mindanao indigenous peoples).

SECTION 12. *Powers and Functions of Indigenous Political Structures.* —

- a) IPS have the authority, power, and jurisdiction to govern their economic, political, and social relations. It must be strengthened in line with human rights principles. Further, it must have authority over the resolution of conflict between and among the NMIPs.
- b) IPS have the authority to review and amend structure and customary laws.
- c) The IPS have the right and authority to confer tribal titles to those chosen through their customary practices.
- d) There shall be an NMIPs Council composed of representatives from different IPSs throughout the BARMM. The NMIPs council shall coordinate matters directly or indirectly affecting them.
- e) IPS have the powers within their ancestral domains and territories to self-governance and justice systems, administration of customary laws and means to finance its affairs, the management of lands and assets, culture and language, membership, marriage, health, education, and basic social services; including the regulation of domestic relations between

NMIPs members, to exercise jurisdiction over matters occurring on the domains and security, among others.

- f) IPS have the power to solemnize and issue birth certificates, certificate of tribal marriage, certificate of tribal membership, and death certificates in coordination with the MNMIPs and other concerned government agencies.
- g) IPS have the power to formulate guidelines on the selection of Reserved Seats, IPMR and other NMIP representation to special decision-making bodies

SECTION 13. The Bangsamoro Government shall recognize, protect, promote and support the different IPS by providing necessary resources and opportunities for strengthening and development.

SECTION 14. *Deputy Mayors and Deputy Governors of Non-Moro Indigenous Peoples* – NMIPs have the right to participate in the executive branch of all levels of Local Government Units in the Bangsamoro Government.

The Provincial Governor/City and Municipal Mayor shall appoint deputy Governor/Mayor representing the Non Moro Indigenous Peoples in their respective area of coverage. The Deputies shall comprise the executive council. The executive council shall advise the Provincial Governor/City and Municipal Mayor on matters responsive of good governance. The deputies shall be ex-officio members of all line agencies meetings. The governor/mayors may assign powers and functions to the executive council to promote the general welfare of the people of the Province, City and Municipal level.

The term of office of a Deputy shall be co-terminus with the term of office of the Provincial Governor, City and Municipal Mayor.

SECTION 15. *The Right to Participate in Decision-Making* —NMIPs have the right to full and effective participation, if they so choose, in all levels of decision-making of the Bangsamoro Government in matters that may affect their rights, lives, and destinies; and to maintain and develop their own indigenous political structures even as they participate in processes outside these structures.

Consequently, the Bangsamoro Government shall ensure that the NMIPs are given mandatory representation in local legislative councils and other special policy-making bodies.

SECTION 16. *The Right to Determine and Decide Priorities for Development.* —The NMIPs have the right to determine and decide their own priorities for development that affect their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy, or use. They shall participate in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development which may directly affect them and their destinies.

SECTION 17. *Free Prior and Informed Consent.* —The NMIPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights of NMIPs shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.

The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within ancestral domains. The Bangsamoro Government shall also uphold benefit-sharing between concerned NMIP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines.

SECTION 18. *The Role of Non-Moro Indigenous Peoples Organizations.* — The Bangsamoro Government shall respect the role of independent NMIPs' organizations to enable the NMIPs to pursue and protect their legitimate and collective interests and aspirations.

SECTION 19. *Means for Development and Empowerment of NMIPs.* — The Bangsamoro Government shall establish the means for the full development and empowerment of the NMIPs' own institutions and initiatives, and provide the resources needed therefor.

SECTION 20. *NMIP LGUs* — There shall be creation of NMIP LGUs in the BARMM in areas with substantial population of NMIPs.

SECTION 21. *NMIP Holiday* — There shall be a NMIP holiday in the BARMM. The NMIPs shall develop guidelines in coordination with the MNMIPs.

SECTION 22. *NMIP Settlements and Presidential Proclamations* — The Bangsamoro Government shall proclaim settlements for NMIPs and affirmed the existing settlements and Presidential Proclamations within the BARMM area.

CHAPTER V: TRADITIONAL OR TRIBAL JUSTICE SYSTEM

SECTION 23. *Primacy of Customary Laws and Practices* — Customary laws, traditions, and practices shall be used to resolve the disputes involving NMIPs of the same group.

SECTION 24. *Justice System and Peacebuilding Processes.* — The NMIPs have the right to use their own justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice, whenever necessary. The customary laws, traditions, and practices of NMIPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members of such peoples.

Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among NMIPs and non-NMIPs.

SECTION 25. *NMIP Courts.* —The Bangsamoro Government shall recognize and respect the NMIPs' justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury (e.g. panel of Kéfédewan-officials of the court among the Teduray and Lambangian). These courts shall determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the NMIPs concerned, in accordance with their customary laws.

SECTION 26. *Non-Moro Indigenous Structures.* — The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Lambangian and Dulangan Manobo and similar indigenous structures of other NMIPs in the BARMM.

SECTION 27. *Coordination with Law Enforcement Agencies.* — The NMIPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, in criminal cases mentioned in the foregoing section. Said law enforcement agencies shall respect the jurisdiction of the indigenous courts.

CHAPTER VI: SOCIAL JUSTICE AND HUMAN RIGHTS

SECTION 28. *Equal Protection and Non-discrimination of Non-Moro Indigenous Peoples.* — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Bangsamoro Organic Law, IPRA, the Charter of the United Nations, the Universal Declaration of Human Rights, including, the International Human Rights Law and United Nations Declaration on the Rights of Indigenous Peoples, the Bangsamoro Government shall, with due recognition of their distinct identity, accord to the members of the NMIPs the rights, protections, and privileges enjoyed by the rest of the citizenry. It shall extend to them the same political, economic, social, and cultural rights available to every member of the society. Accordingly, the Bangsamoro Government shall likewise ensure that the employment of any form of force or coercion against NMIPs shall be dealt with by the law.

The Bangsamoro Government shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution, relevant international instruments, such as the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Magna Carta of Women, are guaranteed also to indigenous women. By virtue thereof, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

SECTION 29. *Rights during Armed Conflict.* —NMIPs have the right to special protection and security in instances and periods of armed conflict. The Bangsamoro Government shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the NMIPs against their will into the armed forces, and in particular, for use against other NMIPs; nor recruit children of NMIPs into the armed forces under any circumstances; nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them to special centers for military purposes under any discriminatory condition.

SECTION 30. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.* —NMIPs have the freedom from discrimination and right to equal opportunity and treatment. By virtue of that right, the Bangsamoro Government shall accord due protection for NMIPs who choose to engage in formal employment arising from market investments and opportunities shall be ensured.

It shall be the right of the NMIPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety, and other employment benefits. They shall also be informed of their rights under existing labor laws and of means available to them for redress. They shall not be subject to any coercive recruitment system, including bonded labor and other forms of debt servitude. They shall enjoy equal treatment in employment regardless of gender, and they shall be protected from sexual harassment.

Towards this end, the Bangsamoro Government shall, within the framework of national laws and regulations, and in cooperation with the NMIPs concerned, adopt special measures to ensure the effective protection of NMIPs with regard to the recruitment and conditions of employment, when they are not effectively protected by laws applicable to workers in general.

NMIPs shall have the right to freedom of association and assembly for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

SECTION 32. *Unlawful Acts Pertaining to Employment.* — It shall be unlawful for any person:

- a) To discriminate against NMIPs with respect to the terms and conditions of employment on account of their identity. Equal remuneration shall be accorded to NMIPs and non-IPs for work of equal value; and
- b) To deny NMIPs any right or benefit herein provided for, or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

SECTION 33. *Basic Services.* — The NMIPs have the right to special measures for the immediate, effective, and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health, and social security. Particular attention shall be paid to the rights and special needs of indigenous women, LGBTQI, elderly, youth, children, and differently-abled persons. Accordingly, the Bangsamoro Government shall guarantee the right of NMIPs to basic services which shall include, but are not limited to, water and electric facilities, education, health, and infrastructure. The Bangsamoro Government shall give priority to the establishment a medical facility that is sensitive to the culture of the NMIPs in the BARMM.

SECTION 34. *Women.* —The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

The right to participation of indigenous women in the decision-making process at all levels shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.

The Bangsamoro Government shall endeavor to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Social services shall also be provided to support the economic participation of women.

The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, indigenous women.

The Bangsamoro Government shall also promote the right to education of indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life.

As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.

The Bangsamoro Government shall include indigenous women as beneficiaries of programs and projects funded by the Gender and Development (GAD) budget, which represents 5% of the total budget.

SECTION 35. *Children and Youth.* — The Bangsamoro Government shall recognize the vital role of the children and youth of NMIPs in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. Towards this end, the Bangsamoro Government shall support all government programs intended for the nurturing of children and indigenous youth to help them develop into productive members of society, and establish mechanisms as may be necessary for the protection of their rights.

SECTION 36. *Integrated System of Education.* —The Bangsamoro Government shall, through the Ministry of Basic, Higher, and Technical Education (MBHTE), provide a complete, adequate, and integrated system of education, relevant to the needs of the indigenous children and youth.

SECTION 37. *Disaster Risk Reduction and Climate Change Adaptation.* — The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to NMIPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others. Non-Moro Indigenous peoples shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.

The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of non-Moro indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of non-Moro indigenous peoples, who belong predominantly to the agriculture sector.

CHAPTER VII: CULTURAL INTEGRITY AND IDENTITY AS NON-MORO INDIGENOUS PEOPLES

SECTION 38. *Protection of Indigenous Culture, Traditions and Institutions.* — The Bangsamoro Government shall respect, recognize, and protect the right of NMIPs to safeguard their culture, traditions, and institutions. It shall consider this right in the formulation and application of regional plans and policies.

SECTION 39. *NMIP Educational Systems.* —The Bangsamoro Government shall provide NMIPs' access to all levels of education where the medium of instruction is the local indigenous language and the teaching methods sensitive and appropriate to indigenous culture. The Bangsamoro government shall also ensure the equitable access of NMIPs to public and private educational and cultural facilities, adequate scholarships, grants, and other incentives. However, this does not prejudice the right of NMIPs to establish and control their own educational systems and institutions.

SECTION 40. *Tribal State University.* —The Bangsamoro Government may create a Tribal State University system within the BARMM to address the higher educational needs of the NMIPs. The Ministry of Basic, Higher and Technical Education, the MNMIP, and the NMIP Council shall undertake studies on how to efficiently and effectively establish the Tribal State University in the Bangsamoro Autonomous Region in Muslim Mindanao.

The Tribal State University shall be founded upon Indigenous Knowledge Systems and Practices (IKSP). It shall develop educational programs appropriate and relevant to the needs and aspirations of the NMIPs, and geared towards the respect, promotion, and protection of their cultures and practices. The University shall have programs in the natural and social sciences and the arts to support these aspirations. It shall endeavor to inspire young NMIPs to serve and be leaders in their ancestral domains. It shall involve the training of teachers to effectively carry out the mandates of the Tribal State University.

SECTION 41. *Recognition of Cultural Diversity.* —The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the NMIPs appropriately reflected in educational curricula, public information materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take effective measures, in consultation with NMIPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations between NMIPs and all segments of society. Furthermore, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. The Bangsamoro Government shall likewise ensure the participation of recognized indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. As a repository of traditional knowledge, indigenous leaders and individuals of exemplary skills will be given due recognition.

The Bangsamoro government shall build the Banobo Center as a “kakap dulunan” site to memorialize the founding of relations between the Mamalu and Tabunaway. The Banobo Center shall facilitate cultural exchanges between the Non-Moro and Moro youth to celebrate and strengthen common heritage and inter-peoples cooperation.

SECTION 42. *Community Intellectual Rights.* —NMIPs have the right to practice and revitalize their own cultural traditions and customs. The Bangsamoro Government shall protect, preserve, and promote indigenous heritage and culture, and enforce the right to the restitution of cultural, intellectual, religious, and spiritual property taken in violation of their laws, traditions, and customs, or without their FPIC. Their proprietary, exclusive, economic, and moral rights over their traditional knowledge and expressions shall be protected

SECTION 43. *Rights to Religious, Cultural Sites and Ceremonies.* —NMIPs have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and access their religious and cultural sites; the right to use and control ceremonial objects; and the right to the repatriation and reburial of human remains. Accordingly, the Bangsamoro Government shall take effective measures, in cooperation with the NMIPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected, and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate, or dig in archaeological sites of the NMIPs for the purpose of obtaining materials of cultural values, including human remains, without the Free and Prior Informed Consent of NMIPs; and
- b) Deface, remove, or otherwise destroy artifacts which are of great importance to the NMIPs in the conservation of their cultural heritage.

SECTION 44. *Right to Indigenous Knowledge Systems and Practices, Science and Technology.* — NMIPs have the right to the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop, and protect their indigenous science and technology. These include genetic resources, such as seeds and medicinal plants, animals, and minerals. These also cover traditional medicine and health practices; indigenous knowledge systems and practices; knowledge of the properties of fauna and flora; traditional medical knowledge; traditional ecological knowledge; oral traditions; literature; and visual and performing arts. A NMIP museum shall be established as a repository of cultural heritage.

SECTION 45. *Access to Biological and Genetic Resources.* — Access to biological and genetic resources and their derivatives, including digital sequence information, and to indigenous knowledge related to the conservation, utilization, and enhancement of these resources, shall be allowed within ancestral domains of the NMIPs only when the FPIC is obtained in accordance with customary laws of the concerned NMIP. The Bangsamoro Government shall ensure that benefits arising from the use of such resources and knowledge are shared with the communities in accordance with mutually agreed terms.

SECTION 46. *Agro-ecological Principles and Practices.* — The Bangsamoro Government shall recognize and support the agro-ecological practices of indigenous peoples. Agro-ecology draws upon ecological and social practices to manage food and agricultural systems.

Agro-ecology seeks to optimize the relationships between plants, animals, humans, and the environment while factoring in social aspects in promoting a sustainable and fair food system. Agro-ecological practices are often in themselves strategies for climate change adaptation.

The Bangsamoro Government shall likewise promote the bio-genetic and resource management systems among the NMIPs and shall encourage cooperation between government agencies to ensure the successful sustainable development of NMIPs.

SECTION 47. *Funds for Archaeological and Historical Sites.* — The NMIPs shall have the right to receive from the Bangsamoro Government all funds especially earmarked or allocated for the management and conservation of their archaeological and historical sites and artifacts with financial and technical support from Bangsamoro Government agencies.

CHAPTER VIII: MINISTRY FOR NON-MORO INDIGENOUS PEOPLES (MNMIP)

SECTION 48. *Ministry for Non-Moro Indigenous Peoples* - There shall be created the Ministry for Non-Moro Indigenous Peoples, which shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to promote and protect the rights and well-being of the NMIPs and the recognition of their ancestral domains as well as their rights thereto consistent with the RA 11054, RA 8371, Muslim Mindanao Autonomy Act number 241 or the “Tribal Peoples Rights Act”, and other Bangsamoro laws, customs, and traditions of NMIPs in the aspect of self-governance.

SECTION 49. Powers and Functions. —To accomplish its mandate, the MNMIP shall have the following powers, jurisdiction, and functions:

- a) Serve as the primary Bangsamoro government agency to assist Non-Moro Indigenous Peoples in the BARMM;
- b) To review and assess the conditions of NMIPs, including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in Bangsamoro development;
- c) Issue Certificate of Ancestral Domain Titles (CADT) to NMIPs in the Bangsamoro Autonomous Region in Muslim Mindanao and register such CADTs in the appropriate Register of Deeds;
- d) To formulate and implement policies, plans, programs, and projects for the economic, social, and cultural development of the NMIPs and monitor the implementation thereof;
- e) To request and engage the services and support of experts from other agencies of government or employ private experts and consultants as may be required in the pursuit of its objectives;
- f) Subject to existing laws and the FPIC of the NMIPs, to enter into contracts, agreements, or arrangement with government or private agencies or entities, as may be necessary to attain the objectives of this Act, and to obtain loans from government, non-government, private, and international lending institutions to finance its programs, subject to the approval of the Chief Minister of the Bangsamoro Government;
- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source (local, national and international), subject to the approval of the Bangsamoro Government, for the benefit of NMIPs; and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of NMIPs and existing laws;
- h) Coordinate development programs and projects for the advancement of the NMIPs and oversee the proper implementation thereof in coordination with other agencies, government or private if so required;
- i) To convene periodic conventions, congresses, summits or assemblies of NMIPs to review, assess, and propose policies or plans;
- j) To advise the Chief Minister of the Bangsamoro Government on all matters relating to the NMIPs, and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- k) To submit to the Bangsamoro Parliament appropriate legislative proposals intended to carry out the policies under this Act;
- l) To prepare and submit the appropriate budget to the Office of the Chief Minister;

- m) To facilitate the conduct of consultations on the FPIC process and issue appropriate certification as a precondition to the grant of permit, lease, grant, or any other similar authority for the disposition, utilization, management, and appropriation by any private individual, corporate entity, or any government agency, corporation, or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the NMIP concerned;
- n) To promulgate the necessary rules and regulations for the implementation of this Act;
- o) To issue Certificates of Accreditation and Certificates of Dissolution of marriages contracted and solemnized in accordance with the customs, culture, and tradition of NMIPs in the celebration and solemnization of marriages.
- p) Provide legal and paralegal assistance to NMIP communities.
- q) Develop appropriate plans and programs to respond to gender issues and concerns as these relate to the full realization and protection of indigenous women's rights for maximum participation in community and nation-building;
- r) Develop appropriate plans and programs for the need of indigenous youth and students;
- s) Develop appropriate programs for the elderly and Persons With Disabilities
- t) Accredite existing local NMIP organizations and non-government organizations operating in the areas of NMIPs.
- u) To exercise such other powers and functions as may be directed by the Chief Minister of the BARMM;
- v) Perform such other related functions as may be provided by law, such as issuance of tribal membership or Certificates of Confirmation to IP applicants for any legal purpose.

SECTION 50. *Offices within the MNMIPs.* —

- a) Office of the Minister – where the Minister is the over-all head
- b) Office of the Deputy Minister for Administration – oversee the administrative and finance function of the office
- c) Office of the Deputy Minister for Operation – oversee the operation of the office
- c) **Office of the Executive Director.** — The MNMIP shall create the Office of the Executive Director that shall lead the day-to-day operation of the office. The office shall be headed by an Executive Director, who shall be appointed by the Minister upon recommendation of the NMIPs. The staffing pattern of the office shall be determined by the MNMIP subject to existing rules and regulations.

- d) **Office for Ancestral Domains/Native Title.** The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral domains upon the request of NMIP communities based on self-delineation process. It shall also be responsible for the management of ancestral domains in accordance with a master plan as well as the implementation of the ancestral domains right of the NMIPs as provided for in this Act. It shall also review, determine and recommend issuance of certificate of precondition to the Minister for MNIMPs, upon the free and prior informed consent of the NMIPs concerned, prior to the grant of any license, lease, or permit for the exploitation of natural resources affecting the interests of NMIPs or their ancestral domains and to assist the NMIPs in protecting the territorial integrity of all ancestral domains. It shall likewise perform such other functions as the Ministry may deem appropriate and necessary;
- e) **Office on Policy, Planning and Research.** The Office on Policy, Planning, and Research shall be responsible for the formulation of appropriate policies and programs for NMIPs, such as, but not limited to, the development of a master plan for the NMIPs. Such plan shall undergo a periodic process of review and assessment and make revisions based on the changing context.

The Office shall also undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a repository of ethnographic information for monitoring and evaluation and policy formulation. It shall assist the Minister for NMIPs in the formulation of appropriate legislation benefiting NMIPs.

- f) **Office of Education, Culture and Health.** The Office on Education, Culture and Health shall be responsible for the effective implementation of the education, cultural and [health](#) and related rights as provided in this Act. It shall assist, promote and support community schools, both formal and non-formal, for the benefit of NMIPs, especially in areas where existing educational facilities are not accessible to members of NMIPs. It shall administer all scholarship programs and other educational rights intended for NMIPs beneficiaries in coordination with the MBHTE. It shall undertake a special program which includes language and vocational training, public health and family assistance programs and related subjects.

It shall also assist and recommend appropriate legislations inherent to the educational, cultural and health needs of NMIPs.

Appropriate educational programs relevant to the needs and aspirations of the non-Moro indigenous peoples shall also be supported that include, but is not limited to, the establishment of Schools for Living Traditions intended to preserve, promote, and protect indigenous knowledge, systems and practices of the NMIPs. Coordination with the MBHTE in the indigenization of the educational curriculum shall be initiated.

- g) **Office for Socio-Economic Services and Special Concerns.** The Office on Socio-Economic Services and Special Concerns shall serve as the Office through which the MNMIPs shall coordinate with pertinent government agencies charged with the delivery of basic socio-

economic services, policies, plans, and programs to NMIPs. It shall also be responsible for other such functions as the MNMIPs may deem appropriate and necessary.

- h) **Office of Empowerment, NMIPs Governance and Human Rights.** The Office of Empowerment, NMIP Governance and Human Rights shall ensure that indigenous socio-political, cultural, and economic rights are respected and recognized. It shall ensure that capacity-building mechanisms are instituted, and NMIPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making. It shall likewise ensure that the basic human rights and such other rights as the NMIPs may determine, subject to existing laws, rules, and regulations, are protected and promoted;
- i) **Administrative and Finance Office.** The Administrative and Finance Office shall provide the MNMIP with economical, efficient, and effective services pertaining to personnel, finance, records, equipment, security, supplies, and other related services. It shall also administer the Ancestral Domains Fund.
- j) **Legal Affairs Office.** There shall be a Legal Affairs Office that will advise the MNMIP on all legal matters concerning NMIPs and provide them with legal assistance in litigation involving community interest. It shall conduct preliminary investigations on the basis of complaints filed by NMIPs against a natural or juridical person believed to have violated the rights of NMIPs. On the basis of its findings, this Office shall initiate the filing legal action to appropriate agencies of the Government.
- k) **Provincial and City Offices.** There shall be provincial offices and city offices to be established in provinces and cities of the Bangsamoro Autonomous Region in Muslim Mindanao where there doinant population of NMIPs to be headed by a Provincial Officer or City Officer.
- l) **Community Service Center.** Community Service Centers shall likewise be established in municipalities where NMIPs are of significant number or cluster of municipalities where NMIPs are residing in an intact community. The Community Service Centers shall be headed by a Community Development Officers.

SECTION 51. Composition. — The Ministry of the Non-Moro Indigenous Peoples shall be headed by the Minister and assisted by two (2) Deputy Ministers, one for Administration and one for Operations. It has an Executive Director and appropriate offices for the following: 1) Director for the Office on Policy Planning and Research; 2) Director for Administrative and Finance Office; 3) Director for the Office for Ancestral Domains/Native Title; 4) Director for the Office for Empowerment and Human Rights; 5) Director for the Office for Socio-Economic Services and Special Concerns; 6) Director for the Office for Education, Culture and Health; and 7) Director for Legal Affairs Office.

Provincial Officers for Maguindanao and Lanao del Sur and a cluster of Barangays in North Cotabato and City Officer for the City of Cotabato.

Community Development Officers for Community Services Centers in municipalities and clustered municipalities where NMIPs are dominant.

SECTION 52. *Qualifications, Tenure, Compensation.* —The Minister must be a natural-born Filipino citizen, a full-blooded member of any Non-Moro Indigenous Peoples resident of the BARMM as certified by the tribe he/she comes from and must have worked for at least ten years in ancestral domain areas or in agencies involved with NMIP concerns. The Minister must either come from the NMIP Members of Parliament chosen and endorsed by the NMIP communities as provided in the BOL or non-Member of the Parliament; Provided that he/she shall be chosen and endorsed by NMIP communities. He/she must have proven honesty and integrity and must not have been convicted in court of any crimes. The Minister for Non-Moro Indigenous Peoples shall hold office for a period of three (3) years, and may be subject to re-appointment upon confirmation by the appointing authority for another term if they are chosen and endorsed by Non-Moro Indigenous Peoples. *Provided*, that no person shall serve for more than three (3) terms subject to selection and endorsement by NMIP communities. That In case of vacancy, appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity. *Provided*, finally that the Minister and other personnel shall be entitled to compensation in accordance with the Salary Standardization Law.

SECTION 53. *Appointment of Personnel* — Personnel of lower rank shall be appointed by the Minister for Non-Moro Indigenous Peoples.

Officials and employees of the defunct Office for Southern Cultural Communities who are qualified may apply for appointment with the Ministry for Non-Moro Indigenous Peoples and treated as the same with the new applicants, passing the same process; Provided that, there appointment is subject to confirmation by the Civil Service Commission in the BARMM; *Provided* further, that in the case where there is a non-Moro indigenous person and a non-indigenous person with similar qualifications applying for the same position, priority shall be given to the former.

SECTION 54. *Removal from Office.* — The Minister in the MNMIP may be removed from office by the Chief Minister, on his own initiative or upon recommendation by any NMIP communities, for cause, before the expiration of his/her term for loss of trust and confidence, and after complying with due process requirement of law.

SECTION 55. *Other Offices.* — The MNMIP shall have the power to create additional offices if may deem necessary, subject to existing rules and regulations.

SECTION 56. *Accessibility and Transparency.* — Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all official records, documents, and papers pertaining to official acts, transactions, or decisions, as well as research data used as basis for policy development of the MNMIP shall be made accessible to the public.

SECTION 57. *Relationship with other offices.* — The MNMIP shall establish a mechanism for effective coordination and ensure harmonious relationships with other offices of the Bangsamoro and National Governments in the implementation of programs and policies for the benefit of the NMIPs in the BARMM.

CHAPTER XI: DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS.

SECTION 58. *Delineation and Recognition of Ancestral Domains.* — Self-delineation shall be the guiding principle in the identification and delineation of ancestral domains. As such, the NMIPs concerned shall have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the scope of the territories and agreements or pacts made with neighboring NMIPs, if any, will be essential to the determination of these traditional territories. The MNMIP shall take the necessary steps to identify lands which the NMIP concerned have traditionally occupied, and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the right of the NMIPs concerned to land which may no longer be exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities

SECTION 59. *Delineation Process.* — The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

- a. Ancestral Domains Delineated Prior to This Act. The Ministry shall recognize ancestral domains already delineated or titled in accordance with existing National Law;
- b. Ancestral Domains in the process of delineation. The Bangsamoro Government shall recognize ancestral domains that are still in the process of delineation prior to this Act and shall be considered as vested right of the NMIPs.
- c. Petition for Delineation. The process of delineating a specific perimeter may be initiated by the NMIP through the petition of the claimants to the MNMIPs by a majority of the members of the NMIPs or through their IPS;
- d. Delineation Proper. The official delineation of ancestral domain boundaries, including census of all community members therein, shall be immediately undertaken by the Ancestral Domains Office upon filing of the application by the NMIP concerned. Delineation shall be done in coordination with the NMIP concerned and shall at all times include genuine involvement and participation by the members of the NMIP concerned;
- e. Proof Required. Proof of Ancestral Domain Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such NMIPs in the concept of ownership which shall be any one (1) of the following authentic documents:
 1. Written accounts of the NMIPs' customs and traditions
 2. Written accounts of the NMIPs' political structures and institutions
 3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places, and old villages
 4. Historical accounts, including pacts and agreements concerning boundaries entered into by an NMIP concerned with other NMIPs
 5. Survey plans and sketch maps
 6. Anthropological data
 7. Genealogical surveys
 8. Pictures and descriptive histories of traditional communal forests and hunting grounds
 9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces, and the like

10. Write-ups of names and places derived from the local language of the community.

- f. Preparation of Maps. On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;
- g. Report of Investigation and Other Documents. A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains Office of the MNMIP;
- h. Notice and Publication. A copy of each document, including a translation in the native language of the NMIP concerned, shall be posted in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted in the local, provincial and regional offices of the MNMIP, and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: *Provided*, further, That mere posting shall be deemed sufficient if both newspaper and radio station are not available;
- i. Endorsement to MNMIP. Within fifteen (15) days from publication and within the period of the inspection process, the Ancestral Domains Office shall prepare a report to the MNMIP endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Ancestral Domains Office shall require the submission of additional evidence: *Provided*, That the Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification: *Provided*, further, That in case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. The denial shall be appealable to the MNMIP; *Provided*, further, That in cases where there are conflicting claims between NMIPs on the boundaries of ancestral domain claims, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the section below.
- j. **Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies.** The Minister of the MNMIPs shall certify that the area covered is an ancestral domain. The Minister of the Ministry of Agrarian Reform, Ministry of Environment and Natural Resources and Energy, Ministry of the Interior and Local Government, and Shariah Court, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;
- k. Issuance of Certificate of Ancestral Domain Titles. NMIPs whose ancestral domains have been officially delineated and determined by the MNMIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; and
- l. Registration of Certificate of Ancestral Domain Titles/Certificate of Ancestral Land Titles. The MNMIP shall register issued Certificates of Ancestral Domain Titles/CALTs before the Register of Deeds in the place.

SECTION 60. *Fraudulent Claims.* — The Ancestral Domains Office may, upon written request from the NMIPs, review existing claims that have been fraudulently acquired by any person or community. Any claim found to be fraudulently acquired by, and issued to, any person or community may be cancelled by the MNMIP after due process.

SECTION 61. *Communal Rights.* — Areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: *Provided*, that communal rights under this Act shall not be construed as co-ownership as provided in Republic Act. No. 386, otherwise known as the New Civil Code.

SECTION 62. *Existing Property Rights Regimes.* — Legitimately acquired property rights within and forming part of the ancestral domains, already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

SECTION 63. *Natural Resources within Ancestral Domains.* — The NMIPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the NMIPs concerned may be allowed to take part in the development and utilization of the natural **resources** for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: *Provided*, That a formal and written agreement is entered into with the NMIP concerned, pursuant to its own decision-making process, has agreed to allow such operation: *Provided*, That the NMIPs shall enjoy full royalties arising from this such agreements. The royalty from use of natural resources found within ancestral domains shall be not be less than 20% of the gross income. *Provided*, finally, That the MNMIP may exercise visitorial powers and take appropriate action to safeguard the rights of the NMIPs under the same contract.

SECTION 64. *Camps within the Ancestral Domain Areas specifically in Camps Omar and Bad'r.* — Ownership of NMIPs of portions of ancestral domains which have been used as camps must be recognized and respected. These must be turned into productive areas. The government agencies tasked with implementing the Normalization process shall coordinate with the Indigenous Peoples Structure of the Non-Moro Indigenous Peoples to ensure that the rights of the Non-Moro Indigenous Peoples to their ancestral domain will be protected.

SECTION 65. *Mining Application in Ancestral Domain areas.* — Mining applications in the ancestral domains or lands shall be approved by all affected NMIPs after the FPIC process has been properly executed.

SECTION 66. *Agriculture, Fisheries, and Aquatic Resources.* — Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, NMIPs shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MNMIPs shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the NMIPs. NMIPs shall be entitled to 20% royalties arising from commercial fishing activities.

NMIPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities.

SECTION 67. *Environmental Considerations.* — Ancestral domains or portions thereof, which are found to be necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected

areas, forest cover, or reforestation as determined by appropriate agencies with the FPIC and full and effective participation of the NMIPs concerned, shall be conserved and developed for such purposes. The NMIP shall have the authority to conserve and develop such areas with the full assistance of government agencies. Should the NMIP decide to transfer the responsibility over the areas, said decision must be made in writing. The Free and Prior Informed Consent (FPIC) of the Non-Moro Indigenous Peoples should be obtained in accordance with its customary laws without prejudice to the basic requirements of existing laws and guidelines on FPIC: *Provided*, that the transfer shall be temporary and will ultimately revert to the NMIPs in accordance with a program for technology transfer: *Provided*, further, that no NMIP shall be displaced or relocated for the purpose enumerated under this section without their FPIC.

SECTION 68. *Certification Precondition.* — All Ministries and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license, or lease, or entering into any production-sharing agreement, or carry out any project without prior certification from the MNMIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: *Provided*, That no certification shall be issued by the MNMIP without the Free and Prior Informed and Consent of NMIPs concerned: *Provided*, further, That no department, government agency, or government-owned and controlled corporation may issue new concession, license, lease, or production-sharing agreements while there is a pending application for a Certification of Ancestral Domain Title: *Provided*, finally, That the NMIPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied FPIC guidelines.

SECTION 69. *Exemption from Taxes.* — All lands certified to be ancestral domains shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains are actually used for large-scale agriculture, commercial forest plantation, and residential purposes or upon titling by private persons: *Provided*, that all exactions shall be used to facilitate the development and improvement of the ancestral domains.

SECTION 70. *Resolution of Conflicts.* — In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan that cannot be resolved, the MNMIP shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: *Provided*, that if the dispute is between NMIPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. *Provided*, further, That any decision, order, award or ruling of the MNMIP on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen(15) days from receipt of a copy thereof.

SECTION 71. *Applicable Laws.* — Customary laws, traditions, and practices of the NMIPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession, and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the NMIPs.

SECTION 72. Remedial Measures. — Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good." The MNMIP shall take appropriate legal action for the cancellation of documented titles that were acquired illegally: *Provided*, That such procedure shall ensure that the rights of possessors in good faith shall be respected: *Provided* further, that the action for cancellation shall be initiated within five (5) years from the effectivity of this Act: *Provided*, finally, that the action for re-conveyance shall be within a period of fifteen (15) years.

SECTION 73. Pending Ancestral Domain/Native Title/Fusaka Inged Claim. — Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be recognized and respected. Any matters related to these claims, the Ministry on Non-Moro Indigenous Peoples shall coordinate with the National Commission on Indigenous Peoples.

CHAPTER X: JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF NMIP RIGHTS

SECTION 74. Primacy of Customary Laws and Practices. — Customary laws and practices shall be used to resolve disputes among and between NMIPs.

SECTION 75. Rights during Armed Conflicts. — Indigenous peoples have the right to special protection and security in periods of armed conflict. The Bangsamoro Autonomous Region shall observe international standards for the protection of civilian populations in situations of emergency and armed conflict.

The Bangsamoro Autonomous Region shall not recruit members of the NMIPs against their will in any military, paramilitary and/or other armed groups, especially when said recruitment is for the use against other NMIPs. Furthermore, it shall not recruit children of NMIPs into the armed forces under any circumstance, nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

CHAPTER XI: ANCESTRAL DOMAINS FUND

SECTION 76. Ancestral Domains Fund. — There shall be created an Special Fund to be known as Ancestral Domain Fund, an initial amount of Two Hundred Million Pesos (P200,000,000) shall be set aside to cover for the compensation for expropriated lands, delineation and development of ancestral domains of the Non-Moro Indigenous Peoples in the Bangsamoro [in accordance with the Ancestral Domains Sustainable Development and Protection Plans \(ADSDPP\)](#) to be taken from Block Grant of the Bangsamoro Government and Official Development Fund.

CHAPTER XII: PENALTIES

SECTION 77. Punishable Acts and Applicable Penalties. — Any person who commits a violation of any of the provisions of this Act and other existing laws, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral domains or shall commit any of the prohibited acts mentioned hereof, shall be punished in accordance with the customary laws of the NMIPs concerned: *Provided*, that no such penalty shall be a cruel, degrading, or inhuman form of punishment: *Provided*, further, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any NMIPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000) nor more than Five Hundred Thousand pesos (P500,000) or both such fine and imprisonment upon the discretion of any competent court. In addition, they shall be obliged to pay to the NMIP concerned whatever damages may have been suffered by the latter as a consequence of the unlawful act.

SECTION 78. Persons Subject to Punishment. — If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be liable and punishable by law, in addition to the cancellation of their certificate of precondition, registration and/or license: *Provided*, that if the offender is a public official and employees, they may be punished in accordance with any existing laws after due process has been exhausted.

CHAPTER XIII: INTER-GOVERNMENTAL RELATIONS (IGR)

SECTION 79. Creation of the NMIP Council or Consultative Bodies. —To foster inter-tribal unity and cooperation among the diverse NMIPs, the BARMM shall support the creation of the Council or Consultative Bodies per NMIPs group with membership duly selected pursuant to their customary laws. There shall be a Non-Moro IP Council or Consultative Bodies that shall advise the Minister on matters affecting the NMIPs in the Bangsamoro Autonomous Region Muslim Mindanao.

The MNMIP shall provide financial resources for the periodic convening of this Council or Consultative Bodies.

SECTION 80. MNMIPs relation with other Ministries of the Bangsamoro Government – Appropriate mechanism shall be established to foster and maintain mutual and harmonious relationship with other Ministries in the BARMM.

SECTION 81. MNMIPs relation to the NCIP and other National line agencies — Appropriate mechanisms shall be established to arrange the administrative relations of the Ministry for Non-Moro Indigenous Peoples with other national government agencies having related concerns for the Non-Moro Indigenous Peoples in the Bangsamoro Autonomous Region.

CHAPTER XIV: FINAL PROVISIONS

SECTION 82. Appropriations. — An Initial Amount of at least Ten Billion Pesos (P10,000,000,000) annually shall be set aside to fund the implementation of this law to be taken from the Annual Block Grant Allocation of the Bangsamoro Autonomous Region in Muslim Mindanao and Official Development Fund.

SECTION 83. *Implementing Rules and Regulations.* — Within sixty (60) days immediately after passage of this law, the MNMIP shall formulate the necessary implementing rules and regulations, in consultation with the Committee on Indigenous Peoples Affairs of the Bangsamoro Parliament and with the representation of the IPOs and IPS of the Non-Moro Indigenous Peoples, for the effective implementation of this Act.

SECTION 84. *Saving Clause.* — This Act shall not in any manner adversely affect the rights and benefits of the NMIPs under other conventions, covenants, international treaties, national laws, awards, customs, and agreements.

SECTION 85. *Separability Clause.* — In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereof. The remaining provisions that are not affected shall continue to be in full force.

SECTION 86. *Repealing Clause.* — Previous Laws, issuances that are incompatible with this act are hereby repealed and modified accordingly.

SECTION 87. *Effectivity.* — This Act shall take effect fifteen (15) days upon its publication in the official Gazette or in any two (2) newspapers of general circulation.

ANNEX C.
COMPARISON OF THE PROPOSED TEDURAY VERSION AND
INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)

PARTICULARS	THE NON-MORO INDIGENOUS PEOPLES RIGHTS ACT OF 2019 (PROPOSED TEDURAY VERSION)	INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)
Title	An Act to Recognize, Respect, Protect, Promote, and Support the Rights of Non-Moro Indigenous Peoples , Creating the Ministry for Non-Moro Indigenous Peoples, Establishing the Implementing Mechanisms, Appropriating Funds Therefor, and For Other Purposes (Section 1)	An Act to Recognize, Respect, Protect, Promote, and Support the Rights of the Indigenous Peoples , Creating the Ministry of Indigenous Peoples Affairs, Establishing the Implementing Mechanisms, Appropriating Funds Therefore, and For Other Purposes (Section 1)
Coverage	No provision on Coverage.	This Act shall apply to all indigenous peoples (IPs) within the Bangsamoro Autonomous Region in Muslim Mindanao, such as Teduray, Lambangian/Balég, Dulangan Manobo, Erumanun Ne Menuvu, Badjao, Sama, Yakan, Higaonon, Blaan and other indigenous tribes that shall be recognized by Ministry of Indigenous Peoples Affairs. (Section 2)
Definition of Free Prior Informed Consent	Free and Prior Informed Consent (FPIC) refers to the consensus decision of affected NMIP communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the NMIPs , in a language and process understandable to them [Section 3(e)]	Free and Prior Informed Consent (FPIC) refers to the consensus decision of affected IPs communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the IPs , in a language and process understandable to them [Section 4(f)]
Concept of Ancestral Domains/Lands	Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the NMIPs possess, occupy, and use and to which they have claims of ownership. (Section 4)	Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the IPs possess, occupy, and use and to which they have claims of ownership. (Section 5)
Indigenous Concept of Ownership	Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of NMIPs . The indigenous concept of ownership generally holds that ancestral domains are the NMIPs' private but community property, which belongs to all generations	Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of IPs . The indigenous concept of ownership generally holds that ancestral domains are the IPs' private but community property, which belongs to all generations and therefore cannot be sold,

**COMPARISON OF THE PROPOSED TEDURAY VERSION AND
INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)**

	and therefore cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights. (Section 5)	disposed, or destroyed. It likewise covers sustainable traditional resource rights. (Section 6)
Right to Develop Lands and Natural Resources	The right to develop, control, and use lands and territories traditionally occupied, owned, or used by NMIPs ; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights [Section 7(b)]	The right to develop, control, and use lands and territories traditionally occupied, owned, or used by IPs ; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights [Section 8(b)]
Right to Delineation of Ancestral Domains.	Right to Delineation of ancestral domains of the Non-Moro Indigenous Peoples shall be recognized and protected [Section 7(i)]	Right to Delineation of ancestral domains of the Bangsamoro Indigenous Peoples shall be recognized and protected [Section 8(i)]
Right to Redemption	In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of NMIPs is tainted by the vitiated consent of the NMIPs , or is transferred for an unconscionable consideration or price, NMIPs have the right to redeem the land or property within the constituted due process. [Section 7(l)]	In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of IPs is tainted by the vitiated consent of the IPs , or is transferred for an unconscionable consideration or price, IPs have the right to redeem the land or property within the constituted due process. [Section 8(l)]
Self-Governance	The Bangsamoro Government recognizes the inherent right of NMIPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of NMIPs to freely pursue their economic, social, and cultural development. The	The Bangsamoro Government recognizes the inherent right of IPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of IPs to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall

**COMPARISON OF THE PROPOSED TEDURAY VERSION AND
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	<p>Bangsamoro Government shall recognize indigenous political structures of NMIPs as legitimate systems of determining policies and arriving at key decisions.</p> <p>Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., umun among various Mindanao indigenous peoples). (Section 11)</p>	<p>recognize indigenous political structures of IPs as legitimate systems of determining policies and arriving at key decisions.</p> <p>Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., umun among various Mindanao indigenous peoples). (Section 12)</p>
Powers and Functions of Indigenous Political Structures	<p>Powers and Functions of Indigenous Political Structures. –</p> <p>a) IPS have the authority, power, and jurisdiction to govern their economic, political, and social relations. It must be strengthened in line with human rights principles. Further, it must have authority over the resolution of conflict between and among the NMIPs.</p> <p>b) IPS have the authority to review and amend structure and customary laws.</p> <p>c) The IPS have the right and authority to confer tribal titles to those chosen through their customary practices.</p> <p>d) There shall be an NMIPs Council composed of representatives from different IPSs throughout the BARMM. The NMIPs council shall coordinate matters directly or indirectly affecting them.</p> <p>e) IPS have the powers within their ancestral domains and territories to self-governance and justice systems, administration of customary laws and means to finance its affairs, the management of lands and assets, culture and language, membership, marriage, health, education, and basic social services; including the regulation of domestic relations between NMIPs members, to exercise jurisdiction over matters occurring on the domains and security, among others.</p>	<p>Powers and Functions of Indigenous Political Structures. –</p> <p>a) The Indigenous Political Structures (IPS) have the authority, power, and jurisdiction to govern their economic, political, and social relations. It must be strengthened in line with human rights principles. Further, it must have authority over the resolution of conflict between and among the NMIPs.</p> <p>b) The IPS have the authority to review and amend structure and customary laws.</p> <p>c) The IPS have the right and authority to confer tribal titles to those chosen through their customary practices.</p> <p>d) There shall be an Indigenous Peoples’ Council composed of representatives from different IPs throughout the BARMM. The Indigenous Peoples’ council shall coordinate matters directly or indirectly affecting them.</p> <p>e) The IPS have the powers within their ancestral domains and territories to self-governance and justice systems, administration of customary laws and means to finance its affairs, the management of lands and assets, culture and language, membership, marriage, health, education, and basic social services; including the regulation of domestic relations between IPs members, to exercise jurisdiction over matters occurring on the domains and security, among others.</p>

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	<p>f) IPS have the power to solemnize and issue birth certificates, certificate of tribal marriage, certificate of tribal membership, and death certificates in coordination with the MNMIPs and other concerned government agencies.</p> <p>g) IPS have the power to formulate guidelines on the selection of Reserved Seats, IPMR and other NMIP representation to special decision-making bodies (Section 12)</p>	<p>f) The IPS have the power to solemnize marriage and issue birth certificates, certificate of tribal marriage, certificate of tribal membership, and death certificates, subject to related rules and regulations of MIPA and other concerned government agencies.</p> <p>g) The IPS have the power to convene and select representatives for reserved seats to the Local Sanggunians, in the executive branch and other policy making bodies.</p> <p>h) The IPS have the power to formulate guidelines on the selection of reserved seats, IPMR and other IP representation to policy-making bodies (Section 12)</p>
Right to Participate in the Executive Branch of all levels of Local Government	<p>Deputy Mayors and Deputy Governors of Non-Moro Indigenous Peoples – NMIPs have the right to participate in the executive branch of all levels of Local Government Units in the Bangsamoro Government.</p> <p>The Provincial Governor/City and Municipal Mayor shall appoint deputy Governor/Mayor representing the Non Moro Indigenous Peoples in their respective area of coverage. The Deputies shall comprise the executive council. The executive council shall advise the Provincial Governor/City and Municipal Mayor on matters responsive of good governance. The deputies shall be ex-officio members of all line agencies meetings. The governor/mayors may assign powers and functions to the executive council to promote the general welfare of the people of the Province, City and Municipal level.</p> <p>The term of office of a Deputy shall be co-terminus with the term of office of the Provincial Governor, City and Municipal Mayor. (Section14)</p>	<p>Right to participate in the Executive Branch of Local Government Units- There shall be an IP mandatory co-terminous position such as IP Deputy Governor, IP Deputy Mayor, and IP Deputy Barangay appointed by their respective chief executive, upon recommendation of the concerned IP Council Leaders through selection process in the Bangsamoro Government which can constitute at least ten percent (10%) IPs of the total population of the said local government units. (Section 15)</p>
Right to Participate in Decision-Making	<p>NMIPs have the right to full and effective participation, if they so choose, in all levels of decision-making of the Bangsamoro Government in matters that may affect their rights, lives, and</p>	<p>IPs have the right to full and effective participation, if they so desire, in all levels of decision-making of the Bangsamoro Government in matters that may affect their rights and interests; and to maintain and develop their own</p>

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	<p>destinies; and to maintain and develop their own indigenous political structures even as they participate in processes outside these structures.</p> <p>Consequently, the Bangsamoro Government shall ensure that the NMIPs are given mandatory representation in local legislative councils and other special policy-making bodies. (Section 15)</p>	<p>indigenous political structures even as they participate in processes outside these structures.</p> <p>Consequently, the Bangsamoro Government shall ensure that the IPs are given mandatory representation in local legislative councils and other policy-making bodies. (Section 16)</p>
Free Prior and Informed Consent	<p>The NMIPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights of NMIPs shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.</p> <p>The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within ancestral domains. The Bangsamoro Government shall also uphold benefit-sharing between concerned NMIP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines. (Section 17)</p>	<p>The IPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.</p> <p>The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within ancestral domains. The Bangsamoro Government shall also uphold benefit-sharing between concerned IP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines. (Section 18)</p>
The Role of Non-Moro Indigenous Peoples Organizations	The Bangsamoro Government shall respect the role of independent NMIPs' organizations to enable the NMIPs to pursue and protect their legitimate and collective interests and aspirations. (Section 18)	The Bangsamoro Government shall respect the role of independent NMIPs' organizations to enable the NMIPs to pursue and protect their legitimate and collective interests and aspirations. (Section 19)
NMIP/IP LGUs	There shall be creation of NMIP LGUs in the BARMM in areas with substantial population of NMIPs . (Section 20)	There shall be creation of IP LGUs in the BARMM in areas with substantial population of IPs . (Section 21)
NMIP/ IP Settlements and Presidential Proclamations	The Bangsamoro Government shall proclaim settlements for NMIPs and affirmed the existing settlements and Presidential Proclamations within the BARMM area. (Section 22)	The Bangsamoro Government shall proclaim settlements for IPs and to affirm the existing settlements and Presidential Proclamations thereof within the BARMM area. (Section 23)

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Primacy of Customary Laws and Practices	Customary laws, traditions, and practices shall be used to resolve the disputes involving NMIPs of the same group. (Section 23)	Customary laws, traditions, and practices shall be used to resolve among themselves the disputes involving IPs. (Section 24)
Justice System, Conflict Resolution Institutions, and Peace Building Processes	<p>The NMIPs have the right to use their own justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice, whenever necessary. The customary laws, traditions, and practices of NMIPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members of such peoples.</p> <p>Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among NMIPs and non-NMIPs. (Section 24)</p>	<p>The IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof.</p> <p>Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among Indigenous Peoples and Non-Indigenous Peoples. (Section 25)</p>
IP Courts	NMIP Courts. –The Bangsamoro Government shall recognize and respect the NMIPs’ justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury (e.g. panel of Kéfédewan-officials of the court among the Teduray and Lambangian). These courts shall determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the NMIPs concerned, in accordance with their customary laws. (Section 25)	IP Traditional Courts. -The Bangsamoro Government shall recognize and respect the Justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury. These traditional courts shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of members of the IPs , in accordance with their customary laws. (Section 26)
Indigenous Structures	Non-Moro Indigenous Structures. – The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Lambangian and	Indigenous Structures. – The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Behani among Erumanen ne Menuvu, Lambangian and

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	Dulangan Manobo and similar indigenous structures of other NMIPs in the BARMM. (Section 26)	Dulangan Manobo and similar indigenous structures of other Non-Moro Indigenous Peoples in the BARMM. (Section 27)
Coordination with Law Enforcement Agencies	The NMIPs , through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, in criminal cases mentioned in the foregoing section. Said law enforcement agencies shall respect the jurisdiction of the indigenous courts. (Section 27)	The IPs , through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws. (Section 28)
Basic Services	The NMIPs have the right to special measures for the immediate, effective, and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health, and social security. Particular attention shall be paid to the rights and special needs of indigenous women, LGBTQI , elderly, youth, children, and differently-abled persons. Accordingly, the Bangsamoro Government shall guarantee the right of NMIPs to basic services which shall include, but are not limited to, water and electric facilities, education, health, and infrastructure. The Bangsamoro Government shall give priority to the establishment a medical facility that is sensitive to the culture of the NMIPs in the BARMM. (Section 33)	The IPs have the right to special measures for the immediate, effective, and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health, and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children, and differently-abled persons. Accordingly, the Bangsamoro Government shall guarantee the right of IPs to basic services which shall include, but are not limited to, water and electric facilities, education, health, and infrastructure. Moreover , The Bangsamoro Government shall provide a mechanism for the use of medical facilities that is sensitive to the culture of the IPs in the BARMM. (Section 33)
Women	<p>The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.</p> <p>The right to participation of indigenous women in the decision-making process at all levels shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.</p>	<p>The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.</p> <p>The right to participation of indigenous women in the decision-making process shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.</p>

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	<p>The Bangsamoro Government shall endeavor to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Social services shall also be provided to support the economic participation of women.</p> <p>The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, indigenous women.</p> <p>The Bangsamoro Government shall also promote the right to education of indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life.</p> <p>As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.</p> <p>The Bangsamoro Government shall include indigenous women as beneficiaries of programs and projects funded by the Gender and Development (GAD) budget, which represents 5% of the total budget. (Section 34)</p>	<p>The Bangsamoro Government shall work to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Social services shall also be provided to support the economic participation of women.</p> <p>The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, indigenous women.</p> <p>The Bangsamoro Government shall also promote the right to education of indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life.</p> <p>As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.</p> <p>The Bangsamoro Government shall include indigenous women as beneficiaries of programs and projects funded by the Gender and Development (GAD) budget, which represents 5% of the total budget. (Section 34)</p>
Disaster Risk Reduction and Climate Change Adaptation	<p>The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to NMIPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans,</p>	<p>The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to IPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others. Non-Moro Indigenous peoples</p>

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	<p>among others. Non-Moro Indigenous peoples shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.</p> <p>The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of non-Moro indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of non-Moro indigenous peoples, who belong predominantly to the agriculture sector. (Section 37)</p>	<p>shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.</p> <p>The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of indigenous peoples, who belong predominantly to the agriculture sector. (Section 37)</p>
Tribal State University	<p>The Bangsamoro Government may create a Tribal State University system within the BARMM to address the higher educational needs of the NMIPs. The Ministry of Basic, Higher and Technical Education, the MNMIP, and the NMIP Council shall undertake studies on how to efficiently and effectively establish the Tribal State University in the Bangsamoro Autonomous Region in Muslim Mindanao.</p> <p>The Tribal State University shall be founded upon Indigenous Knowledge Systems and Practices (IKSP). It shall develop educational programs appropriate and relevant to the needs and aspirations of the NMIPs, and geared towards the respect, promotion, and protection of their cultures and practices. The University shall have programs in the natural and social sciences and the arts to support these aspirations. It shall endeavor to inspire young NMIPs to serve and be leaders in their ancestral domains. It shall involve the training of teachers to effectively carry out the mandates of the Tribal State University. (Section 40)</p>	<p>The Bangsamoro Government may create a Tribal State University system within the BARMM to address the higher educational needs of the IPs. The Ministry of Basic, Higher and Technical Education, the MIPA, and the IP Council shall undertake studies on how to efficiently and effectively establish the Tribal State University in the Bangsamoro Autonomous Region in Muslim Mindanao.</p> <p>The Tribal State University shall be founded upon Indigenous Knowledge Systems and Practices (IKSP). It shall develop educational programs appropriate and relevant to the needs and aspirations of the IPs, and geared towards the respect, promotion, and protection of their cultures and practices. The University shall have programs in the natural and social sciences and the arts to support these aspirations. It shall endeavor to inspire young IPs to serve and be leaders in their ancestral domains. It shall involve the training of teachers to effectively carry out the mandates of the Tribal State University. (Section 40)</p>
Recognition of Cultural Diversity	<p>The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the NMIPs appropriately reflected in educational curricula, public</p>	<p>The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the IPs appropriately reflected in educational curricula, public information</p>

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	<p>information materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take effective measures, in consultation with NMIPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations between NMIPs and all segments of society. Furthermore, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. The Bangsamoro Government shall likewise ensure the participation of recognized indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. As a repository of traditional knowledge, indigenous leaders and individuals of exemplary skills will be given due recognition.</p> <p>The Bangsamoro government shall build the Banobo Center as a “kakap dulunan” site to memorialize the founding of relations between the Mamalu and Tabunaway. The Banobo Center shall facilitate cultural exchanges between the Non-Moro and Moro youth to celebrate and strengthen common heritage and inter-peoples cooperation. (Section 41)</p>	<p>materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take preventive measures, in consultation with IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations between IPs and all segments of society. Furthermore, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. The Bangsamoro Government shall likewise ensure the participation of recognized indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. As a repository of traditional knowledge, indigenous leaders and individuals of exemplary skills will be given due recognition.</p> <p>The Bangsamoro Government shall build the Banobo Center as a “kakap dulunan” site to memorialize the founding of relations between the Mamalu and Tabunaway. The Banobo Center shall facilitate cultural exchanges between the Non-Moro and Moro youth to celebrate and strengthen common heritage and inter-peoples cooperation. (Section 41)</p>
Qualifications of Minister for MIPA/MNMIP	<p>The Minister must be a natural-born Filipino citizen, a full-blooded member of any Non-Moro Indigenous Peoples resident of the BARMM as certified by the tribe he/she comes from and must have worked for at least ten years in ancestral domain areas or in agencies involved with NMIP concerns. The Minister must either come from the NMIP Members of Parliament chosen and endorsed by the NMIP communities as provided in the BOL or non-Member of the Parliament; Provided that he/she shall be chosen and endorsed by NMIP communities. He/she must have proven honesty and integrity and must not have been convicted in court of any crimes. The Minister for Non-Moro Indigenous Peoples shall hold office for a period of three (3) years, and may be subject to re-appointment upon confirmation by the appointing authority for another term if they are chosen and endorsed by Non-Moro Indigenous Peoples.</p>	<p>The Minister must be a natural-born Filipino citizen, a member of any Indigenous Peoples resident of the BARMM as certified by the tribe he/she comes from and must have worked for at least ten years in ancestral domain areas or in agencies involved with IP concerns. The Minister must either come from the IP Members of Parliament chosen and endorsed by the IP communities as provided in the BOL or non-Member of the Parliament; Provided that he/she shall be chosen and endorsed by IP communities. He/she must have proven honesty and integrity and must not have been convicted in court of any crimes. The Minister for Indigenous Peoples shall hold office for a period of three (3) years, and may be subject to re-appointment upon confirmation by the appointing authority for another term if they are chosen and endorsed by Indigenous Peoples. Provided, that no person shall serve for more than three (3) terms subject to selection and endorsement by IP communities. That In case of vacancy, appointment to</p>

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	Provided, that no person shall serve for more than three (3) terms subject to selection and endorsement by NMIP communities. That In case of vacancy, appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity. Provided, finally that the Minister and other personnel shall be entitled to compensation in accordance with the Salary Standardization Law. (Section 52)	any vacancy shall only be for the unexpired term of the predecessor and in no case shall be a member be appointed or designated in a temporary or acting capacity. Provided, finally that the Minister and other personnel shall be entitled to compensation in accordance with the Salary Standardization Law. (Section 54)
Removal from Office	The Minister in the MNMIP may be removed from office by the Chief Minister, on his own initiative or upon recommendation by any NMIP communities, for cause, before the expiration of his/her term for loss of trust and confidence, and after complying with due process requirement of law. (Section 54)	The Minister in the MIPA may be removed from office by the Chief Minister, on his own initiative or upon recommendation by any IP communities, for cause, before the expiration of his/her term for loss of trust and confidence, and after complying with due process requirement of law. (Section 56)
Delineation of Ancestral Domain	No provision on Delineation of Ancestral Domain	No provision on Delineation of Ancestral Domain
Natural Resources within Ancestral Domains	The NMIPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the NMIPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the NMIP concerned, pursuant to its own decision-making process, has agreed to allow such operation: Provided, That the NMIPs shall enjoy full royalties arising from this such agreements. The royalty from use of natural resources found within ancestral domains shall be not be less than 20% of the gross income. Provided, finally, That the MNMIP may exercise visitorial powers and take appropriate action to safeguard the rights of the NMIPs under the same contract. (Section 63)	The IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the IPs concerned, pursuant to its own decision-making process, has agreed to allow such operation: Provided, That the IPs shall enjoy full royalties arising from this such agreements. The royalty from use of natural resources found within ancestral domains shall be not be less than 20% of the gross income. Provided, finally, That the MIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the IPs under the same contract. (Section 65)
Camps within the Ancestral Domain Areas specifically	Ownership of NMIPs of portions of ancestral domains which have been used as camps must be recognized and respected. These must be turned into productive areas. The government agencies tasked with implementing the Normalization process shall coordinate with	Ownership of IPs of portions of ancestral domains which have been used as camps must be recognized and respected. These must be transformed into productive areas. The government agencies tasked with implementing the Normalization process shall coordinate with the Indigenous Political

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in Camps Omar and Bad'r.	the Indigenous Peoples Structure of the Non-Moro Indigenous Peoples to ensure that the rights of the Non-Moro Indigenous Peoples to their ancestral domain will be protected. (Section 64)	Structure of the Indigenous Peoples to ensure that their rights to their ancestral domain will be protected. (Section 66)
Mining Application in Ancestral Domain areas	Mining applications in the ancestral domains or lands shall be approved by all affected NMIPs after the FPIC process has been properly executed. (Section 65)	Mining applications in the ancestral domains shall be approved by the Minister of the MIPA, upon favorable recommendation of the concerned tribal councils after the FPIC process has been properly complied with. (Section 67)
Agriculture, Fisheries, and Aquatic Resources	<p>Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, NMIPs shall enjoy preferential fishing rights in areas that belong to ancestral domains. The NMIPs shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the NMIPs. NMIPs shall be entitled to 20% royalties arising from commercial fishing activities.</p> <p>NMIPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities. (Section 66)</p>	<p>Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, MIPA shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MIPA shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the IPs. IPs shall be entitled to twenty percent (20%) royalties arising from commercial fishing activities.</p> <p>IPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities. (Section 68)</p>
Pending Ancestral Domain Claims	Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be recognized and respected. Any matters related to these claims, the Ministry on Non-Moro Indigenous Peoples shall coordinate with the National Commission on Indigenous Peoples. (Section 73)	Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be assessed and validated by the Ministry for Indigenous Peoples Affairs. (Section 75)
Rights During Armed Conflict	<p>Indigenous peoples have the right to special protection and security in periods of armed conflict. The Bangsamoro Autonomous Region shall observe international standards for the protection of civilian populations in situations of emergency and armed conflict.</p> <p>The Bangsamoro Autonomous Region shall not recruit members of the NMIPs against their will in any military, paramilitary and/or other</p>	<p>Indigenous peoples have the right to special protection and security in periods of armed conflict. The Bangsamoro Government shall observe international standards for the protection of civilian populations in situations of emergency and armed conflict.</p> <p>The Bangsamoro Autonomous Region shall not recruit members of the IPs against their will in any military, paramilitary and/or other armed groups,</p>

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	armed groups, especially when said recruitment is for the use against other NMIPs . Furthermore, it shall not recruit children of NMIPs into the armed forces under any circumstance, nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition. (Section 75)	especially when said recruitment is for the use against other IPs . Furthermore, it shall not recruit children of IPs into the armed forces under any circumstance, nor force indigenous individuals to abandon their lands, territories, and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition. (Section 77)
Jurisdiction of MIPA	No provision on Jurisdiction of MIPA.	No provision on Jurisdiction of MIPA.

ANNEX D.
COMPARISON OF PROPOSED ENHANCEMENTS TO THE
INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)
AND THE INDIGENOUS PEOPLES ACT OF 1997 (REPUBLIC ACT NO. 8371)

Particulars	PROPOSED ENHANCEMENT TO THE INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)	INDIGENOUS PEOPLES ACT OF 1997 (REPUBLIC ACT NO. 8371)
Scope and Coverage	"This Act shall apply to all indigenous peoples (IPs) within the Bangsamoro Autonomous Region in Muslim Mindanao, such as Teduray, Lambangian, Dulangan Manobo, Blaan, Higaonon, <u>AND ARUMANEN NE MANUVU.</u>"	No provision on coverage.
Concept of Ancestral Domains/Lands	Ancestral domains/lands shall include such concepts of territories which cover not only the physical environment but the total environment <u>SUCH AS THE LAND, WATER, MARITIME AREA AND AERIAL DOMAINS AMONG OTHERS</u> , including the spiritual and cultural bonds to the areas which the IPs possess, occupy, and use and to which they have claims of ownership <u>SINCE TIME IMMEMORIAL</u>	Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership. (Section 4)
Acknowledgement of Ancestral Domain Claims of Non-Moro IPs	<u>"THE ANCESTRAL DOMAIN CLAIMS OF NON-MORO IPS OVER THE FOLLOWING AREAS (to be enumerated/listed below) SHALL BE RECOGNIZED:</u> <p style="text-align: center;"><u>XXX</u></p> <u>THE MIPA SHALL PROVIDE TECHNICAL AND LEGAL ASSISTANCE TO THE NMIPS IN GATHERING THE DOCUMENTS AND EVIDENCE TO SATISFY COMPLIANCE WITH THE REQUIREMENTS ON THE DELINEATION OF ANCESTRAL DOMAIN CLAIMS AND APPLICATION FOR CERTIFICATE OF ANCESTRAL DOMAIN CLAIMS."</u>	No provision on "Acknowledgement of Ancestral Domain Claims of Non-Moro IPs".
Camps within the Ancestral Domain Areas specifically in	Ownership of IPs of portions of ancestral domains which have been used as camps SHALL be recognized and respected. These must be turned into productive areas <u>AND THE IPS SHALL BE RESPONSIBLE</u>	No provision on "Camps within the Ancestral Domain Areas specifically in Camps Omar and Bad'r".

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Camps Omar and Bad'r	<p><u>FOR ITS DEVELOPMENT.</u> The government agencies tasked with implementing the Normalization process shall coordinate with the Indigenous Peoples Structure of the Indigenous Peoples to ensure that their rights to their ancestral domain will be protected.</p> <p><u>POSSESSION OR CLAIM OF OWNERSHIP OF PROPERTY WITHIN ANCESTRAL DOMAIN BY PRIVATE INDIVIDUALS WITHOUT PROOF OF LEGITIMACY BASED ON EXISTING LAWS, RULES AND REGULATIONS SHALL BE PRESUMED FRAUDULENT UNLESS PROVEN OTHERWISE ON GROUND OF ACCEPTED CUSTOMARY PRACTICES OF THE IPS.</u></p>	
Pending Ancestral Domain Claims	<p>Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim <u>OVER X X X PRIOR TO THE ISSUANCE OF THIS IP CODE SHALL BE CONTINUED, WITH PROPER COORDINATION WITH THE MINISTRY FOR INDIGENOUS PEOPLES AFFAIRS. THE MIPA SHALL COORDINATE WITH THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES ON ANY MATTERS RELATED TO THESE CLAIMS.</u></p> <p><u>THE PASSAGE OF THIS CODE SHALL NOT INTERRUPT ANY PENDING CLAIMS WITH THE NCIP, PROVIDED, THAT THE MIPA SHALL COORDINATE WITH NCIP TO ENSURE THE COMPLIANCE AND APPROVAL OF THE REQUIREMENTS FOR THE APPLICATION.</u></p>	No provision on "Pending Ancestral Domain Claims".
Delineation of Ancestral Domain	<p><u>IDENTIFICATION, DELINEATION AND CERTIFICATION OF ANCESTRAL LANDS. —</u></p> <p><u>A) THE ALLOCATION OF LANDS WITHIN ANY ANCESTRAL DOMAIN TO INDIVIDUAL OR INDIGENOUS CORPORATE (FAMILY OR CLAN) CLAIMANTS SHALL BE LEFT TO THE ICCS/IPS CONCERNED TO DECIDE IN ACCORDANCE WITH CUSTOMS AND TRADITIONS;</u></p>	<p>Identification, Delineation and Certification of Ancestral Lands. —</p> <p>a) The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;</p> <p>b) Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims</p>

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	<p><u>B) INDIVIDUAL AND INDIGENOUS CORPORATE CLAIMANTS OF ANCESTRAL LANDS WHICH ARE NOT WITHIN ANCESTRAL DOMAINS, MAY HAVE THEIR CLAIMS OFFICIALLY ESTABLISHED BY FILING APPLICATIONS FOR THE IDENTIFICATION AND DELINEATION OF THEIR CLAIMS WITH THE ANCESTRAL DOMAINS OFFICE. AN INDIVIDUAL OR RECOGNIZED HEAD OF A FAMILY OR CLAN MAY FILE SUCH APPLICATION IN HIS BEHALF OR IN BEHALF OF HIS FAMILY OR CLAN, RESPECTIVELY;</u></p> <p><u>C) PROOFS OF SUCH CLAIMS SHALL ACCOMPANY THE APPLICATION FORM WHICH SHALL INCLUDE THE TESTIMONY UNDER OATH OF ELDERS OF THE COMMUNITY AND OTHER DOCUMENTS DIRECTLY OR INDIRECTLY ATTESTING TO THE POSSESSION OR OCCUPATION OF THE AREAS SINCE TIME IMMEMORIAL BY THE INDIVIDUAL OR CORPORATE CLAIMANTS IN THE CONCEPT OF OWNERS WHICH SHALL BE ANY OF THE AUTHENTIC DOCUMENTS ENUMERATED UNDER SEC. 61 (E) OF THIS ACT, INCLUDING TAX DECLARATIONS AND PROOFS OF PAYMENT OF TAXES;</u></p> <p><u>D) THE ANCESTRAL DOMAINS OFFICE MAY REQUIRE FROM EACH ANCESTRAL CLAIMANT THE SUBMISSION OF SUCH OTHER DOCUMENTS, SWORN STATEMENTS AND THE LIKE, WHICH IN ITS OPINION, MAY SHED LIGHT ON THE VERACITY OF THE CONTENTS OF THE APPLICATION/CLAIM;</u></p> <p><u>E) UPON RECEIPT OF THE APPLICATIONS FOR DELINEATION AND RECOGNITION OF ANCESTRAL LAND CLAIMS, THE ANCESTRAL DOMAINS OFFICE SHALL CAUSE THE PUBLICATION OF THE APPLICATION AND A COPY OF EACH DOCUMENT SUBMITTED INCLUDING A TRANSLATION IN</u></p>	<p>officially established by filing applications for the identification and delineation of their claims with the Ancestral Domains Office. An individual or recognized head of a family or clan may file such application in his behalf or in behalf of his family or clan, respectively;</p> <p>c) Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 52 (d) of this Act, including tax declarations and proofs of payment of taxes;</p> <p>d) The Ancestral Domains Office may require from each ancestral claimant the submission of such other documents, Sworn Statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;</p> <p>e) Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domains Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial, and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: Provided, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: Provided, further, That mere posting shall be deemed sufficient if both newspapers and radio station are not available;</p>
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	<p><u>THE NATIVE LANGUAGE OF THE ICCS/IPS CONCERNED IN A PROMINENT PLACE THEREIN FOR AT LEAST FIFTEEN (15) DAYS. A COPY OF THE DOCUMENT SHALL ALSO BE POSTED AT THE LOCAL, PROVINCIAL, AND REGIONAL OFFICES OF THE NCIP AND SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS TO ALLOW OTHER CLAIMANTS TO FILE OPPOSITION THERETO WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SUCH PUBLICATION: PROVIDED, THAT IN AREAS WHERE NO SUCH NEWSPAPER EXISTS, BROADCASTING IN A RADIO STATION WILL BE A VALID SUBSTITUTE: PROVIDED, FURTHER, THAT MERE POSTING SHALL BE DEEMED SUFFICIENT IF BOTH NEWSPAPERS AND RADIO STATION ARE NOT AVAILABLE;</u></p> <p><u>F) FIFTEEN (15) DAYS AFTER SUCH PUBLICATION, THE ANCESTRAL DOMAINS OFFICE SHALL INVESTIGATE AND INSPECT EACH APPLICATION, AND IF FOUND TO BE MERITORIOUS, SHALL CAUSE A PARCELLARY SURVEY OF THE AREA BEING CLAIMED. THE ANCESTRAL DOMAINS OFFICE SHALL REJECT ANY CLAIM THAT IS DEEMED PATENTLY FALSE OR FRAUDULENT AFTER INSPECTION AND VERIFICATION. IN CASE OF REJECTION, THE ANCESTRAL DOMAINS OFFICE SHALL GIVE THE APPLICANT DUE NOTICE, COPY FURNISHED ALL CONCERNED, CONTAINING THE GROUNDS FOR DENIAL. THE DENIAL SHALL BE APPEALABLE TO THE NCIP. IN CASE OF CONFLICTING CLAIMS AMONG INDIVIDUALS OR INDIGENOUS CORPORATE CLAIMANTS, THE ANCESTRAL DOMAINS OFFICE SHALL CAUSE THE CONTENDING PARTIES TO MEET AND ASSIST THEM IN COMING UP WITH A PRELIMINARY RESOLUTION OF THE CONFLICT, WITHOUT PREJUDICE TO ITS FULL ADJUDICATION ACCORDING TO</u></p>	<p>f) Fifteen (15) days after such publication, the Ancestral Domains Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individuals or indigenous corporate claimants, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Sec. 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and</p> <p>g) The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate the report submitted. If the NCIP finds such claim meritorious, it shall issue a certificate of ancestral land, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands. (Section 53)</p>
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	<p><u>SEC. 72 OF THIS ACT. IN ALL PROCEEDINGS FOR THE IDENTIFICATION OR DELINEATION OF THE ANCESTRAL DOMAINS AS HEREIN PROVIDED, THE DIRECTOR OF LANDS SHALL REPRESENT THE INTEREST OF THE REPUBLIC OF THE PHILIPPINES; AND</u></p> <p><u>G) THE ANCESTRAL DOMAINS OFFICE SHALL PREPARE AND SUBMIT A REPORT ON EACH AND EVERY APPLICATION SURVEYED AND DELINEATED TO THE NCIP, WHICH SHALL, IN TURN, EVALUATE THE REPORT SUBMITTED. IF THE NCIP FINDS SUCH CLAIM MERITORIOUS, IT SHALL ISSUE A CERTIFICATE OF ANCESTRAL LAND, DECLARING AND CERTIFYING THE CLAIM OF EACH INDIVIDUAL OR CORPORATE (FAMILY OR CLAN) CLAIMANT OVER ANCESTRAL LANDS.</u></p>	
IP Settlements and Presidential Proclamations	<p><u>FOR AREAS WHERE ANCESTRAL DOMAIN CLAIMS CANNOT BE ESTABLISHED DUE TO INSUFFICIENT DATA OR EVIDENCE BASED ON THE REQUIREMENTS SET BY NCIP/MIPA BUT ARE GENERALLY KNOWN TO BE CLAIMED AND PREVIOUSLY OCCUPIED BY IPS AS DETERMINED BY NCIP/MIPA,</u> the Bangsamoro Government shall proclaim settlements for IPs and to affirm the existing settlements and Presidential Proclamations thereof within the BARMM area.</p>	No provision on "IP Settlements and Presidential Proclamations".
Indigenous Concept of Ownership and Ancestral lands	<p>"1. ANCESTRAL DOMAINS</p> <p>Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of IPs. The indigenous concept of ownership generally holds that ancestral domains are the IPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, TRANSFERRED, ALIENATED, destroyed OR CONVEYED IN ANY FORM TO ANOTHER, INDIVIDUALLY OR COLLECTIVELY. It likewise covers sustainable traditional resource rights.</p>	Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights. (Section 5)

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	<p><u>2. ANCESTRAL LANDS</u></p> <p><u>INDIVIDUALLY-OWNED ANCESTRAL LANDS, WHICH ARE AGRICULTURAL IN CHARACTER AND ACTUALLY USED FOR AGRICULTURAL, RESIDENTIAL, PASTURE, AND TREE FARMING PURPOSES, INCLUDING THOSE WITH A SLOPE OF EIGHTEEN PERCENT (18%) OR MORE, ARE HEREBY CLASSIFIED AS ALIENABLE AND DISPOSABLE AGRICULTURAL LANDS.</u></p> <p><u>INDIVIDUAL MEMBERS OF CULTURAL COMMUNITIES, WITH RESPECT TO THEIR INDIVIDUALLY-OWNED ANCESTRAL LANDS WHO, BY THEMSELVES OR THROUGH THEIR PREDECESSORS-IN-INTEREST, HAVE BEEN IN CONTINUOUS POSSESSION AND OCCUPATION OF THE SAME IN THE CONCEPT OF OWNER SINCE TIME IMMEMORIAL SHALL HAVE THE FOLLOWING RIGHTS:</u></p> <p><u>A) RIGHT TO TRANSFER LAND/PROPERTY. – SUCH RIGHT SHALL INCLUDE THE RIGHT TO TRANSFER LAND OR PROPERTY RIGHTS, TO/AMONG MEMBERS OF THE SAME ICCS/IPS, SUBJECT TO CUSTOMARY LAWS AND TRADITIONS OF THE COMMUNITY CONCERNED. TRANSFER OF LAND OR PROPERTY RIGHTS TO MEMBERS OF DIFFERENT ICCS/IPS OR TO NON-IPS SHALL REQUIRE CLEARANCE FROM MIPA, WHICH SHALL NOT BE DENIED, EXCEPT ON GROUND OF NATIONAL INTEREST.</u></p> <p><u>B) RIGHT TO REDEMPTION. – IN CASES WHERE IT IS SHOWN THAT THE TRANSFER OF LAND/PROPERTY RIGHTS BY VIRTUE OF ANY AGREEMENT OR DEVISE, TO A NON-MEMBER OF THE CONCERNED ICCS/IPS IS TAINTED BY THE VITIATED CONSENT OF THE ICCS/IPS, OR IS TRANSFERRED FOR AN UNCONSCIONABLE CONSIDERATION OR PRICE, THE TRANSFEROR ICC/IP SHALL HAVE THE RIGHT TO REDEEM THE SAME WITHIN A PERIOD NOT EXCEEDING TEN (10) YEARS FROM THE DATE OF TRANSFER.</u></p>	
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	<p><u>THE MIPA SHALL INSTITUTE MECHANISM FOR EFFECTIVE MONITORING OF TRANSFER OF LAND OR PROPERTY RIGHTS TO PROTECT RIGHTS AND INTERESTS OF ICCS/IPS AGAINST FRAUD AND VITIATION OF THEIR CONSENT AND TO ALLOW THEM TO EXERCISE THEIR RIGHT TO REDEMPTION IN A TIMELY MANNER.</u></p> <p><u>LEGITIMATE PROPERTY RIGHTS WITHIN THE ANCESTRAL DOMAINS AND ANCESTRAL LANDS ALREADY EXISTING AND/OR VESTED UPON EFFECTIVITY OF THIS ACT, SHALL BE RECOGNIZED AND RESPECTED."</u></p>	
Right to Redemption	<p>In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of IPs is tainted by the vitiated consent of the IPs, or is transferred for an unconscionable consideration or price, IPs have the right to redeem the land or property <u>WITHIN TEN (10) YEARS AFTER THE DATE OF TRANSFER AND within the constituted due process.</u></p>	<p>In cases where it is shown that the transfer of land/property rights by virtue of any agreement or devise, to a non-member of the concerned ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICC/IP shall have the right to redeem the same within a period not exceeding fifteen (15) years from the date of transfer. [Section 8(b)]</p>
Natural Resources within Ancestral Domains	<p>The IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non- member of the IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years, renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the IPs concerned, pursuant to its own decision-making process, has agreed to allow such operation: Provided, That the IPs shall enjoy full royalties arising from this such agreements. The royalty from use of natural resources found within ancestral domains shall be not be less than 20% of the gross income. Provided, finally, That the MIPA may exercise visitatorial powers and take appropriate action to safeguard the rights of the IPs under the same contract.</p> <p><u>ROYALTY PAYMENTS FOR THE IP COMMUNITIES SHALL BE MADE FROM THE EXPLORATION, DEVELOPMENT , UTILIZATION AND</u></p>	<p>The ICCs/IPs shall have priority rights in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years renewable for not more than twenty-five (25) years: Provided, That a formal and written agreement is entered into with the ICCs/IPs concerned or that the community, pursuant to its own decision making process, has agreed to allow such operation: Provided, finally, That the NCIP may exercise visitatorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract..(Section 57)</p>

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	<u>PROCESSING OF ANY NATURAL RESOURCE IN ANCESTRAL DOMAINS THEREIN. THE AMOUNT TO BE PAID SHALL BE AGREED UPON BY THE PARTIES AND SHALL FORM PART OF A TRUST FUND FOR THE SOCIOECONOMIC WELL-BEING OF THE IP CULTURAL COMMUNITY.</u>	
Right to Develop Lands and Natural Resources	The right to develop, control, and use lands and territories traditionally occupied, owned, or used by IPs ; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures , pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights.	Subject to Section 56 hereof , right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures , pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights. [Section 7(b)]
Mining Application in Ancestral Domain areas	<u>ALL MINING APPLICANTS SHALL SECURE FPIC FROM THE CONCERNED TRIBAL COUNCILS. NO MINING APPLICATION SHALL BE APPROVED BY THE MINISTER OF THE MIPA WITHOUT A FAVORABLE RECOMMENDATION OF THE CONCERNED TRIBAL COUNCILS.</u> <u>THE ASSESSMENT AND VALIDATION OF THE MINISTER OF MIPA SHALL BE RECOGNIZED AND RESPECTED FOR THE ISSUANCE OF THE MINING AGREEMENT. IT SHALL COORDINATE WITH NCIP AS TO ITS PROCESSES.</u>	No provision on "Mining Application in Ancestral Domain Areas".

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Free and Prior Informed Consent	Free and Prior Informed Consent (FPIC) refers to the consensus decision of affected IPs communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, <u>AND OBTAINED AFTER FULLY DISCLOSING THE INTENT AND SCOPE OF ANY PROPOSED PUBLIC OR PRIVATE ACTIVITY, ENTERPRISE, OR AGREEMENT</u> , in a language and process KNOWN to them.	As used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community. [Section 3 (g)]
Agriculture, Fisheries, and Aquatic Resources	<p>Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, IPs shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MIPA shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the IPs. IPs shall be entitled to twenty percent (20%) royalties arising from commercial fishing activities.</p> <p>IPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities.</p>	No provision on “Agriculture, Fisheries, and Aquatic Resources”.
Self-Governance	<p>The Bangsamoro Government recognizes the inherent right of IPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of IPs to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall recognize indigenous political structures of NMIPs as legitimate systems of determining policies and arriving at key decisions.</p> <p>Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., umun among various Mindanao indigenous peoples).</p>	The State recognizes the inherent right of ICCs/IPs to self- governance and self- determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development. (Section 13)

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	<p><u>THE MUTUAL SUPPORT FUND (MSF) SHALL BE ESTABLISHED AS A SPECIAL FUND OF INDIGENOUS POLITICAL STRUCTURES (IPS) FOR THE FINANCING OF LAND DEVELOPMENT, LAND TITLING, LAND SURVEYS, LIVELIHOOD, AND AGRICULTURAL PROGRAMS AND PROJECTS OF THE IPS.</u></p> <p><u>THE MSF MAY BE AUGMENTED BY DONATIONS, ENDOWMENTS, GRANTS AND CONTRIBUTIONS, WHICH SHALL BE EXEMPT FROM DONOR’S TAX AND BE CONSIDERED AS ALLOWABLE DEDUCTIONS FROM THE GROSS INCOME OF THE DONOR, IN ACCORDANCE WITH THE PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED.</u></p> <p><u>FOR THE SAID PURPOSE, AN MSF BOARD SHALL BE CREATED HAVING THE FOLLOWING POWERS AND FUNCTIONS:</u></p> <ul style="list-style-type: none">a. <u>PROMULGATE POLICIES THAT WILL MAINTAIN THE FIDUCIARY CHARACTER OF THE BOARD;</u>b. <u>PROVIDE OVERALL STRATEGIC GUIDANCE IN THE MANAGEMENT AND USE OF THE FUND;</u>c. <u>DEVELOP SOCIO-ECONOMIC SAFEGUARDS FOR THE IPS;</u>d. <u>IDENTIFY ADDITIONAL SOURCES OF FUND;</u>e. <u>ISSUE FINAL APPROVAL OF PROGRAMS AND PROJECTS FOR THE USE OF THE FUND;</u> <p><u>ADOPT A CONFLICT OF INTEREST POLICY TO ENSURE THAT BOARD MEMBERS WILL NOT VOTE ON PROJECTS IF THEY HAVE A DIRECT STAKE THEREIN; AND ENSURE AN INDEPENDENT THIRD PARTY EVALUATION AND AUDITING OF ACTIVITIES SUPPORTED BY THE FUND, TAKING INTO CONSIDERATION THE PRINCIPLES OF TRANSPARENCY AND ACCOUNTABILITY.</u></p>	
Indigenous Structures	The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers,	No provision on “Indigenous Structures”.

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	such as, but not limited to, Diyaga Fénuwo and Agubalang among the Tëduray, Behani among Erumanen ne Menuvu, Lambangian and Dulangan Manobo and similar indigenous structures of other Non-Moro Indigenous Peoples in the BARMM.	
Primacy of Customary Laws and Practices	Customary laws, traditions, and practices shall be used to resolve among themselves the disputes involving IPs.	No provision on “Primacy of Customary Laws and Practices”.
Justice System, Conflict Resolution Institutions, and Peace Building Processes	<p>The IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof.</p> <p>Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill and repair or strengthen ties or relationships among Indigenous Peoples and Non-Indigenous Peoples.</p>	Justice System, Conflict Resolution Institutions, and Peace Building Processes. – The ICCs/IPs shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights. (Section 15)
IP Courts	The Bangsamoro Government shall recognize and respect the Justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury. These traditional courts shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of members of the IPs, in accordance with their customary laws.	No provision on “IP Courts”.

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Coordination with Law Enforcement Agencies	The IPs, through the indigenous courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government unit concerned, for cases involving criminal acts in the foregoing sections, subject to applicable national laws.	No provision on “Coordination with Law Enforcement Agencies”.
Creation of Ministry for Indigenous People Affairs (MIPA) / National Commission on Indigenous Peoples (NCIP)	Ministry Indigenous Peoples Affairs.- There shall be created the Ministry for Indigenous Peoples AFFAIRS , which shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to promote and protect the rights and well-being of all indigenous peoples in recognition of their ancestral domains as well as their rights thereto consistent with Republic Act 11054, Republic Act 8371, Muslim Mindanao Autonomy Act 241, and other Bangsamoro laws, customs, and traditions of IPs in the aspect of self-governance.	National Commission on Indigenous Cultural Communities/ Indigenous Peoples (NCIP). – To carry out the policies herein set forth, there shall be created the National Commission on ICCs/IPs (NCIP) , which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as the rights thereto. (Section 38)
Jurisdiction	<u>ALL DISPUTES AND CLAIMS INVOLVING IP RIGHTS SHALL FALL WITHIN THE QUASI-JUDICIAL POWERS OF THE MIPA, PROVIDED THAT NO SUCH DISPUTE SHALL BE BROUGHT TO THE MIPA UNLESS ALL REMEDIES UNDER THEIR CUSTOMARY LAWS AND PROCESSES HAVE BEEN EXHAUSTED.</u> <u>DECISIONS OF THE MIPA SHALL BE APPEALABLE TO THE COURT OF APPEALS BY WAY OF A PETITION FOR REVIEW.</u>	The NCIP , through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs : Provided, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws. For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP. (Section 66) Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review. (Section 67)
Disaster Risk Reduction and Climate Change Adaptation	The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to IPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others.	No provision on “Disaster Risk Reduction and Climate Change Adaptation”.

**COMPARISON OF PROPOSED ENHANCEMENTS TO THE
INDIGENOUS PEOPLES RIGHTS ACT IN THE BANGSAMORO AUTONOMOUS REGION (BTA BARMM CABINET BILL NO. 40)
AND THE INDIGENOUS PEOPLES ACT OF 1997 (REPUBLIC ACT NO. 8371)**

	<p>Non-Moro Indigenous peoples shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.</p> <p>The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include indigenous peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of indigenous peoples, who belong predominantly to the agriculture sector.</p>	
On Women	<p>The Bangsamoro Government shall endeavor to address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Magna Carta of Women, or Republic Act 9710 and existing regional laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.</p> <p>The right to participation of indigenous women In the decision-making process shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.</p> <p>The Bangsamoro Government shall work to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Social services shall also be provided to support the economic participation of women.</p> <p>The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care,</p>	<p>ICC/IP women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition.</p> <p>The State shall provide full access to education, maternal and child care, health and nutrition, and housing services to indigenous women. Vocational, technical, professional and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the State shall ensure that indigenous women have access to all services in their own languages. (Section 26)</p>

**COMPARISON OF PROPOSED ENHANCEMENTS TO THE
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	<p>information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, indigenous women.</p> <p>The Bangsamoro Government shall also promote the right to education of indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life.</p> <p>As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.</p> <p>The Bangsamoro Government shall include indigenous women as <u>PARTNERS OF DEVELOPMENT AND SHALL ENSURE THAT THE GENDER AND DEVELOPMENT (GAD) BUDGET, WHICH REPRESENTS 5% OF THE TOTAL BUDGET, IS UTILIZED FOR PROGRAMS, PROJECTS AND ACTIVITIES INVOLVING INDIGENOUS WOMEN.</u></p>	
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