Indigenous Peoples of the Philippines

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Outline

- Brief Background
- Legal Framework
- The Indigenous Peoples’ Rights Act (IPRA)
- Rights Under the IPRA
- The NCIP
- Status of Implementation of IPRA
The Philippines

- Population
  - 85 Million

- Land Area
  - 300,000 sq km (30 Million hectares)
  - 7,107 Islands

- Legal System
  - Civil Law
Indigenous Peoples of the Philippines

- No actual count - estimated number is 12.8 million (1995)
IPs of the Philippines

- The IPs comprise 17 percent of the total Philippine population
- Majority are in Mindanao
Philippine Indigenous Peoples

- 110 Ethnolinguistic Groups

**ETHNOGRAPHIC REGIONS**

- CAR and Region I
- Region II
- Region III and Rest of Luzon
- Island Group
- Southern and Eastern Mindanao
- Central Mindanao
- Northern and Western Mindanao
CORDILLERA & REGION I
Isnag, Kalinga, Bontok, Tinguijan, Kankanaey, Nagao, Ibaloi, Bontokano, Karao, Bago, Kalanguya

ISLAND GROUPS

NORTHERN & WESTERN MINDANAO
Subanen, Manobo, Higaonon, Matigsalug, Kamigin, Tigwahanon, Badjao, Kalibugan Muslim IPs: Tausog, Sama, Yakan, Jama Mapun

REGION II, CARABALLO MOUNTAINS
Ivatan, Itbayat, Aeta, Malaweg, Ibanag, Gaddang, Iwak, Bugkalot, Isinai, Yogad, Dumagat, Itawis, Kalanguya, Paranan

REST OF LUZON, SIERRA MADRE MOUNTAINS
Aeta, Atta, Abelling, Aburlin, Sambal, Dumagat, Remontado, Cimaron, Itom, Kabiugh, Tabangnon, Abiya, Isarog

SOUTHERN & EASTERN MINDANAO
Namanwa, Manibo, Mandaya, Mansaka, Bagobó, Dibabawen, Manwaon, Talanguid, Higaonon, Tagabawa, Nanujuangan, Tigwahanon, Isamal

CENTRAL MINDANAO
B’laan, Manobo, Aromanon, T’boli, Teduray, Bagobo, Ubo, Lambangian, Sangil Muslim IPs: Maquindanao, Maranao, Iranon

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5 MILLION HECTARES  12 MILLION IPs  110 ETHNOLINGUISTIC GROUPS
Legal Framework: The 1987 Constitution

- **Sec. 22 of Art. II**

The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.
The 1987 Constitution (cont.)

- **Sec. 5 of Art. XII**

  The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of 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.
Sec. 6 of Art. XIII

The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to their ancestral lands.
Sec. 17 of Art. XIV

The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.

- Legal Bases
  - 1987 Constitution
  - ILO Convention 169
  - Draft Declaration on the Rights of Indigenous Peoples
  - Native Title
Indigenous Peoples Rights under the IPRA

- Land and Resource Rights
  - Ancestral Domains
  - Ancestral Lands
- Social Justice and Human Rights
- Self-Governance and Empowerment
- Cultural Integrity
“Indigenous Peoples” under the IPRA

“refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains” (Section 3(h), IPRA)
Bundles of Rights under IPRA

1) Rights to Ancestral Domains and Lands
2) Rights to Self-Governance and Empowerment
3) Rights to Social Justice and Human Rights
4) Rights to Cultural Integrity

Source: Sections 4–37 of IPRA
Right to Ancestral Domains/Lands

Ownership (native title); To develop and manage lands and natural resources; Stay in territories; In case of displacement; Regulate entry of migrants; Claim reservations; Safe and clean air and water; Resolve conflicts through customary law; FPIC
Right to self-governance and empowerment

- Freely pursue their economic, social and cultural development; Use commonly accepted justice systems, conflict resolution institutions, peace building mechanisms and other customary laws
- Participate in decision-making that may affect their lives and to maintain and develop their own indigenous political structures
- Representation in policy-making bodies and local legislative councils
- Determine their own priorities for development
- To organize (IPO)
- To be granted means to develop their own institutions and initiatives
Right to Social Justice & Human Rights

- Equal protection and non-discrimination. The fundamental human rights and freedoms enshrined in the constitution and relevant international instruments are guaranteed to ICCs/IPs
- Rights during armed conflict
- Non-discrimination and equal opportunity and treatment
- Basic Services
- Integrated system of education
- Rights of women, youth and children
Right to Cultural Integrity

- To preserve & protect their culture, traditions and institutions
- Access to various cultural opportunities
- Dignity and diversity of cultures
- Community intellectual rights
- Religious, cultural sites and ceremonies
- IKSPs and develop their own science & technologies
- Protect their resources and FPIC
- Sustainable agro-technological development
- Funds for archeological, historical sites & artifacts
The National Commission on Indigenous Peoples (NCIP)

- The primary implementing agency of IPRA
- It has 7 Commissioners appointed by the President one for each ethnographic regions: Region I & Cordilleras; Region II; Rest of Luzon; Island Groups including Mindoro, Palawan, Romblon, Panay and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; Central Mindanao
- NCIP exercises administrative, quasi-legislative & quasi-judicial functions/powers
NCIP Organizational Structure

Office of the President

Commission en banc
Chairman

Consultative Body

Executive Director

7 Bureaus

13 regional Offices

46 Provincial Offices

108 Community Service Centers
NCIP Powers and Functions

- To serve as the primary government agency through which ICC/IPs can seek government assistance and as the medium, through which such assistance can be extended.

- To formulate and implement policies, plans, programs and projects for the economic, social and cultural development of the ICCs/IPs and to monitor the implementation thereof.
NCIP Powers and Functions

- To issue ancestral land/domain titles
- To issue certification as a pre-condition to the grant of permit, lease, grant, or any other similar authority for the disposition, utilization, management and appropriation of the ancestral domain after the getting the mandatory consensus approval of the ICCs/IPs
NCIP Powers and Functions

- To convene periodic assemblies of IPs to review, assess as well as propose policies or plans
- To decide all appeals from the decisions and acts of the various offices within the Commission and overall claims and disputes involving rights of IPs
Implementing Guidelines
(Administrative Orders/Circulars)

- AO2, s. 2002  Titling of Ancestral Domain Claims
- AO3, s. 2002  Issuance of Free and Prior Informed Consent
- AC1, s. 2003  Rules and Procedures of Pleadings
- AO1, s. 2003  Convening of the Indigenous Peoples Consultative Body
- AO1, s. 2004  Formulation of the Ancestral Domains Sustainable Development and Protection Plan
Major Programs of NCIP

- Land Tenure Security (Certificate of Ancestral Domain / Land Title – CADT/CALT)
- Establishing Model AD Communities through Development and Peace
- Enforcement of Human Rights and Empowerment of IPs
Land Tenure Security (Quasi-Judicial Function)

- Titling and delineation of Ancestral Domains
  Issuance of CADTs/CALTs and its Registration to Land Registration Authority
- Adjudication of cases
Basic Steps: Delineation and Titling Ancestral Domains

- Written Testimony of elders/leaders
- Proof of since time-immemorial possession
- Use of self-delineation in ground survey and mapping of ancestral domain boundaries
- Validation and publication of the survey plan with technical description
- Approval and registration of title
Establishing Model AD Communities through Development and Peace (Adm. Function)

- Development of Ancestral Domains through the Ancestral Domains Sustainable Development Protection Plan (ADSDPP)
- Development of People and Communities through:
  - Coordination in the delivery of Basic Services, especially Livelihood Support, Health Care, Relief and Rehabilitation in case of Disaster and Calamities
  - Educational Assistance
  - Bridging International Agencies Support Services
- Protection and Enhancement of the Cultural Heritage of the Indigenous Peoples
- Cultural Mapping of all IP Communities
Basic Steps: Formulation of Ancestral Domain Sustainable Development and Protection Plans

- Organization of community planning teams
- Data gathering and assessment
- Goals and objective setting
- Program/project identification and investment planning
- Plan promotion/marketing
Enforcement of Human Rights and Empowerment of IPs (Adm. Function)

- Assistance in the Resolution of conflicts thru Customary Laws and Tradition and Practices
- Facilitation in Obtaining the FPIC of IPs where needed
- Legal Assistance involving Community Interest
- Constitution of Consultative Body (CB)
- Quick Response Mechanism to Address Emergency Cases (STRAT-QRU)
Basic Steps: Issuance of Certification as Pre-condition

- Conduct of Field-Based Investigation
- Consensus Building for the issuance of FREE AND PRIOR INFORMED CONSENT
- Negotiations on the terms and conditions for the Memorandum of Agreement prior to the written consent
IPRA: Status of Implementation

- **Cruz v. NCIP**
  - Filed 1997 - Challenging constitutionality of IPRA
  - Decided 6 December 2000 - Constitutionality upheld

- **NCIP**
  - An Administrative Body established on 22 Nov 1997, pursuant to the IPRA
  - Mandate: Protect and promote the interest and well being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.
  - Budget Allocation: PHP 400 million or USD 7.5 million per year
IPRA: Status of Implementation

- Land Rights

  57 CADTs = 1,116,260.5047 has.
  172 CALTs = 4,838.2352 has.

  Total area of approved CADTs & CALTs = 1,121,098.7381 has.
Current Situation: Ancestral Domain/Land

PERCENTAGE OF APPROVED CADTs/CALTs OVER ESTIMATED TARGET OF ADs

CADT/CALT applications
- 4,878,883.65 Has.
- 81% of total target

CADT/CALT Issuance
- 57 CADTs & 171 CALTs
- 1,121,116.35 Has.
- 245,154 Rights Holders
- 19% of total target
IPRA: Status of Implementation

- Social Justice and Human Rights
  - Ancestral Domain Sustainable Development Protection Plan (ADSDPP) formulated for 21 areas (85 areas - ongoing formulation)
### Status of ADSDPP Formulation

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IPRA: Status of Implementation

- **Self-Governance and Empowerment**
  - 34 Recognized Indigenous Peoples Organizations
  - Tribal customary law used for conflicts where parties are indigenous
  - Indigenous Peoples Consultative Body (IPCB)

- **Cultural Integrity**
  - Small-scale livelihood projects
  - Educational Assistance Program - 11,222 grantees
Policy Gaps on Governance

- No official, reliable baseline information on the poverty profile and gender disaggregated data of the IP population
- Unstable policy environment and insufficient enabling conditions for genuine implementation of IPRA
- Need to increase awareness on, and recognition of, traditional socio-political institutions and structures and customary laws for civil peace building
- Strengthening of institutional and human resource capacities of NCIP to fulfill its mandate are not fully addressed
Policy Gaps on Gender

- Absence of gender perspective on program and policy planning and development
- Limited participation of IP women in traditional and formal political institutions
- Economic marginalization, political subordination and multiple burden among IP women
- Prevalence of abuse and violence against women (VAW) in most IP communities
Thank You!