

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 577

HOUSE OF REPRESENTATIVES

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

EXPLANATORY NOTE

Article II, Section 22 of the 1987 Constitution provides that "(T)he State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." Hence, the promotion of a society recognizing and promoting the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of the 1987 Constitution and Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997.

The National Commission on Indigenous Peoples (NCIP) was created when RA 8371 was enacted in 1997. Attached under the Office of the President, it is presently the primary Government agency mandated in the formulation and implementation of policies, plans and programs to recognize, protect, and promote the rights of ICCs/IPS in accordance with the provisions of the 1987 Constitution and RA 8371. However, there is now an urgent need to create a specific Department of Indigenous Peoples (DIP) in order to strengthen the formulation and implementation of the salient provisions of RA 8371. Toward this end, the DIP shall engage the ICCs/IPs in all levels of Government to improve service delivery and facilitate the development of policy and programs which carry out sustainable economic, environmental, and social benefits to ICCs/IPs.

This measure seeks to create a Department of Indigenous People (DIP), which shall become the primary Government agency tasked to formulate and implement national policies, plans, and programs relating to the rights of ICCs/IPs.

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


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

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AN ACT
CREATING THE DEPARTMENT OF INDIGENOUS PEOPLES
DEFINING ITS POWERS AND FUNCTIONS,
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* This Act shall be known as the “Department of Indigenous Peoples Act of 2016.”

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

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

(b) To 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) To recognize, respect and protect the rights of the ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national law and policies;

(d) To 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) To 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) To recognize 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.

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

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

(a) ***Ancestral Domain*** – Subject to section 56 of RA 8371, shall refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social, and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICC/s IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

(b) ***Ancestral Lands.*** - Subject to section 56 of RA 8371, shall refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claim of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, including but not limited, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;

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

(d) ***Certificate of Ancestral Domain Title*** – refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with the provisions of Republic Act 8371;

(e) ***Certificate of Ancestral Land Title*** - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;

(f) ***Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs).*** – refer to a group of people or homogenous societies identified by self-ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and

