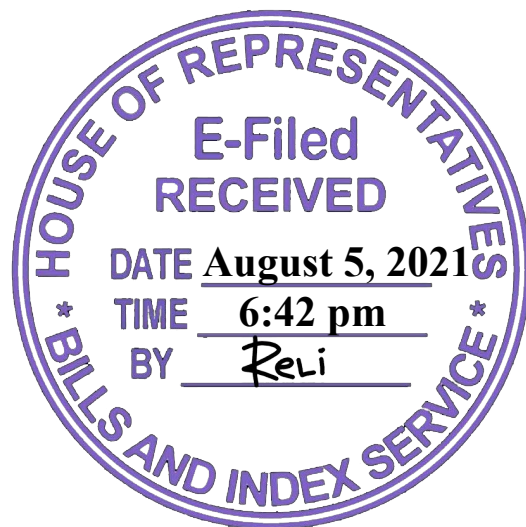




Republic of the Philippines
House of Representatives
Quezon City



EIGHTEENTH CONGRESS
Third Regular Session

House Bill No. 9931

Introduced by REPRESENTATIVE ERIC L. OLIVAREZ

EXPLANATORY NOTE

The Philippines is a culturally diverse country with an estimated 14 to 17 million Indigenous Peoples (IPs) belonging to 110 ethno-linguistic groups. While vital members of our culturally rich country, IPs have had historical experiences of exclusion, loss of ancestral lands, displacement, pressures to change or let go of traditional ways of life and practices, and loss of identity and culture, among other concerns. Indeed, IPs are vulnerable to abuses and discrimination and, as such, is considered as one of the marginalized sectors in our society. This is why no less than our Constitution mandates the utmost protection, promotion, and fulfillment of their rights.

Section 17 Article XIV of the 1987 Constitution provides that the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions, and that it shall consider these rights in the formulation of national plans and policies.

Republic Act 8371, otherwise known as the “Indigenous Peoples’ Rights Act”, was also enacted in 1997 to further ensure and operationalize the guarantees of the Constitution. The said law provides, among others, that the Indigenous Cultural Communities (ICCs) or the Indigenous Peoples (IPs) shall have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. In this regard, Section 16 of the said law states

that ICCs/IPs shall be given mandatory representation in all policy-making bodies and other local legislative councils.

The Implementing Rules and Regulations of RA 8371 expressly states that ICCs/IPs taking part in all policy-making bodies and in local legislative councils shall have the same privileges as the regular members of the legislative bodies and/or policy making bodies. This is consistent with the principles of equality or more specifically the principle of “equal pay for equal work” considering that the powers, duties, and functions of the Indigenous Peoples Mandatory Representatives (IPMRs) are essentially the same as that of the regular members except that the former was specifically selected to advance the interested of the IPs as a marginalized sector of society. In this perspective, it is in fact also in keeping with the principles of equity and social justice well enshrined in our Constitution.

Considering that the Local Government Code of 1991 (RA 7160) grants death and funeral benefits to officials of the barangay, it is therefore only proper to grant the same death and burial benefits to IPMRs who are working in the local legislative bodies, particularly in the barangay level.

It is for the reasons of upholding the principles of both equality and equity that this Bill is being proposed.


ERIC OLIVAREZ



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1
2 **“AN ACT MANDATING THE PAYMENT OF DEATH AND BURIAL**
3 **BENEFITS TO INDIGENOUS PEOPLES MANDATORY**
4 **REPRESENTATIVES (IPMR) IN BARANGAYS”**

5 *Be it enacted in the Senate and the House of Representatives of the Republic of the*
6 *Philippines in Congress assembled:*

7 **SECTION 1. Short Title.** – This Act shall be known as the “IPMR
8 Death Benefits Act of 2021”.

9 **SECTION 2. Coverage.** This Act shall cover Indigenous Peoples (IPs)
10 or members of the Indigenous Cultural Communities (ICCs) who, having all the
11 qualifications and none of the disqualifications provided for in NCIP
12 Administrative Order 001, have been selected as the Indigenous People’s
13 Mandatory Representatives (IPMRs) in local legislative councils, particularly in
14 the barangay level, in accordance with existing laws, orders, rules, and
15 guidelines, and who died during his/her term of office as IPMR.

16 **SEC. 3. Definition of Terms.** For purposes of this Act, the following
17 terms shall be understood to mean as:

18 a) **Indigenous Cultural Communities/Indigenous Peoples** — refer to
19 a group of people or homogenous societies identified by self-ascription
20 and ascription by others who have continuously lived as organized

1 community on communally bound and defined territory, and who have,
2 under claims of ownership since time immemorial, occupied, possessed
3 and utilized such territories, sharing common bonds of language,
4 customs, traditions and other distinctive cultural traits, or who have,
5 through resistance to political, social and cultural inroads of colonization,
6 non-indigenous religions and cultures, became historically differentiated
7 from the majority of Filipinos.

8 ICCs/IPs shall likewise include peoples who are regarded as
9 indigenous on account of their descent from the populations which
10 inhabited the country at the time of conquest or colonization or at the
11 time of inroads of non-indigenous religions and cultures or the
12 establishment of present state boundaries who retain some or all of their
13 own social, economic, cultural and political institutions, but who may
14 have been displaced from their traditional domains or who may have
15 resettled outside their ancestral domains;

16 *b) Death Benefits* - a cash grant given to the beneficiaries of the
17 deceased IPMR.

18 *c) Burial Benefits* - a cash grant given for the purpose of paying for the
19 burial expenses of the deceased member.

20 **Sec. 4. Provision of Death and Burial Benefits.** Indigenous Peoples
21 Mandatory Representatives (IPMRs) who die of whatever cause while serving
22 their term as such shall be eligible for death benefits which shall in no case be
23 less than ten thousand pesos (Php 10,000.00), and burial benefits which shall
24 in no case be less than two thousand pesos (Php 2,000.00). The death and
25 burial benefits hereby provided shall be directly given to his/her beneficiaries.
26 In cases where the IPMR did not leave behind any immediate family members
27 or beneficiaries, the death benefit shall be given to the next closest relative of
28 the deceased and the burial benefit shall be given to whoever arranges and
29 pays for his/her funeral expenses, subject to the showing of sufficient proof
30 thereof.

31 **Sec. 5. IPMRs Serving in Hold-Over Capacity.** An IPMR who dies while
32 actively serving in a hold-over capacity in the absence of a newly selected IPMR
33 to take his/her place for whatever valid and legal reasons shall, for the purposes
34 of this Act, be eligible to receive the death and burial benefits if he/she dies
35 while serving in said hold-over capacity.

36 **Sec. 6. Determination of Amount.** The Department of Interior and Local
37 Government (DILG), in coordination with the Department of Budget and
38 Management (DBM), and the National Commission on Indigenous Peoples

1 (NCIP), is directed to determine such amount that is necessary to cover the
2 payment of the death benefits which shall in no case be less than 10,000.00,
3 and burial benefits which shall in no case be less than 2,000.00, of IPMRs in
4 barangays who die during their term of office, and include the same in its annual
5 budget proposal, subject to the regular budgeting process.

6 **Sec. 7. Appropriations.** The death and burial benefit provisions for the
7 IPMRs shall be charged to the General Appropriations Act (GAA) in a given
8 fiscal year.

9 **Sec. 8. Implementing Rules and Regulations.** The Department of
10 Interior and Local Government (DILG), in coordination with the Department of
11 Budget and Management (DBM) and the National Commission on Indigenous
12 Peoples (NCIP) shall, within thirty (30) days from the implementation of this Act,
13 promulgate the implementing rules and regulations to effectively carry out the
14 provisions of this Act.

15 **Sec. 9. Separability Clause.** If, for any reason, any part, section or
16 provision of this Act is held invalid or unconstitutional, the remaining provisions
17 not affected thereby shall continue to be in force and effect.

18 **Sec. 10. Repealing Clause.** All laws, decrees, executive orders,
19 proclamations, rules and regulations, and other issuances, or part or parts
20 thereof, which are inconsistent with the provisions of this Act are hereby
21 repealed, amended or modified accordingly.

22 **Sec. 11. Effectivity Clause.** This Act shall take effect fifteen (15) days
23 after its publication in the Official Gazette or at least two (2) newspapers of
24 general circulation, whichever comes earlier.

25 **APPROVED.**