

**INDIGENOUS PEOPLES/ETHNIC MINORITIES**  
**AND**  
**POVERTY REDUCTION**  
**PHILIPPINES**

Environment and Social Safeguard Division  
Regional and Sustainable Development Department  
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# FOREWORD

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**T**his publication was prepared in conjunction with an Asian Development Bank (ADB) regional technical assistance project on Capacity Building for Indigenous Peoples/Ethnic Minority Issues and Poverty Reduction, covering four developing member countries (DMCs) in the region, namely, Cambodia, Indonesia, Philippines, and Viet Nam. The project is aimed at strengthening national capacities to combat poverty and at improving the quality of ADB's interventions as they affect indigenous peoples.

The report was prepared jointly by Mr. Raymundo D. Rovillos and Ms. Daisy N. Morales, ADB consultants based in the Philippines, under the guidance of Mr. Roger Plant, the leader of the consultant team. The findings contained herein are the result of several activities under the technical assistance, including two provincial workshops held in Baguio City, Mountain Province, on 3–6 June 2001, and Cagayan de Oro on 21–22 July 2001, respectively, and a national workshop in Manila on 1–2 October 2001. Extensive fieldwork and consultations with high-level government representatives, indigenous peoples themselves, and nongovernment organizations (NGOs) were also undertaken. The findings of this study were shared at a regional workshop held in Manila on 25–26 October 2001, which was attended by representatives from the four participating DMCs, NGOs, ADB, and other development institutions.

The project was coordinated and supervised by Dr. Indira Simbolon, Social Development Specialist and Focal Point for Indigenous Peoples, ADB. The assistance of Jay Maclean in editing and of Anita L. Quisumbing and Lily Bernal in production is acknowledged with thanks.

The publication is one of a series of documents produced by the project. They comprise four country reports (on Cambodia, Indonesia, Philippines, and Viet Nam, respectively), a regional report covering these four countries, and the proceedings of the regional workshop that resulted in recommendations for a regional action plan for poverty reduction among indigenous peoples/ethnic minorities. In addition, a regional report on the subject in Pacific DMCs was prepared under a separate consultancy.

It is hoped that the information in this publication series on the issues and concerns of indigenous peoples/ethnic minorities will help guide national governments and development partners in improving future interventions to recognize, promote, and protect the rights of these peoples.



**ROLF ZELIUS**

Chief Compliance Officer and  
Deputy Director-General  
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**Raymundo D. Rovillos and Daisy N. Morales**

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# ABBREVIATIONS

ADB	–	Asian Development Bank
ARMM	–	Autonomous Region in Muslim Mindanao
CADC	–	Certificate of Ancestral Domain Claim
CADT	–	Certificate of Ancestral Domain Title
CALT	–	Certificate of Ancestral Land Title
CAR	–	Cordillera Administrative Region
CBFM	–	community-based forestry management
CHARM	–	Cordillera Highland Agricultural Resource Management
DENR	–	Department of Environment and Natural Resources
DMC	–	developing member country (ADB)
FPIC	–	free and prior informed consent
FVCTLDC	–	Father Vincent Cullen Tulugan Learning Development Center
ICC	–	indigenous cultural community
IFAD	–	International Fund for Agricultural Development
ILO	–	International Labour Organization
INDISCO	–	Inter-Regional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and Self-Help Organizations (ILO)
IPO	–	indigenous peoples' organization
IPRA	–	Indigenous Peoples Rights Act
IPs	–	indigenous peoples
IRR	–	Implementing Rules and Regulations (IPRA)
MILF	–	Moro Islamic Liberation Front
MNLF	–	Moro National Liberation Front
NAMRIA	–	National Mapping and Resource Information Authority
NCIP	–	National Commission on Indigenous Peoples
NEDA	–	National Economic Development Authority
NGO	–	nongovernment organization
NIPAS	–	National Integrated Protected Areas System
ONCC	–	Office for Northern Cultural Communities
OPAIPA	–	Office of the Presidential Advisor for Indigenous Peoples' Affairs
OSCC	–	Office for Southern Cultural Communities
PAFID	–	Philippine Association for Intercultural Development
PANLIPI	–	Tanggapang Panligal Alay sa Katutubo
UNDP	–	United Nations Development Programme

# 1

# INTRODUCTION

The Asian Development Bank (ADB) regional technical assistance project (RETA 5953) on Capacity Building for Indigenous Peoples/Ethnic Minority Issues and Poverty Reduction has two objectives: to strengthen ADB's Policy on Indigenous Peoples through poverty assessment of these peoples in selected developing member countries (DMCs) and to develop, using participatory methods, an appropriate agenda for action to ensure poverty reduction for indigenous groups.

The specific objectives are to

- conduct a poverty assessment of indigenous peoples/ethnic minorities and examine the DMCs' relevant national policies and legislation, programs, projects, and initiatives pertaining to indigenous groups/ethnic minorities as these address the multifaceted dimensions of poverty;
- evaluate and assess the impact of ADB's interventions that address the vulnerability and poverty of indigenous peoples/ethnic minorities in the DMCs; and
- provide capacity building for government, nongovernment organizations (NGOs), and indigenous peoples/ethnic minority groups so that they can actively participate in formulating action plans as well as in ADB-sponsored programs and projects.

In the Philippines, the task was undertaken by a two-member team, one of whom was assigned within the Cordillera area in the northern part of the country with emphasis on a specific ADB project for indigenous peoples, the Cordillera Highland Agricultural Resource Management (CHARM) project. The other covered the southern island of Mindanao in addition to working

closely with the focal agency or the relevant government entity responding to the needs of indigenous peoples.

The guiding forces directing the work of the team were creating an atmosphere of trust and transparency; nurturing interpersonal relations as a ground for constructive cooperation; and adhering to a nonextractive engagement with stakeholders. This approach is consistent with ADB policy: the "recognition of the right of indigenous peoples to direct the course of their own development and change."

The two-pronged task of the team consisted of working closely with the Office of the Presidential Advisor for Indigenous Peoples' Affairs (OPAIPA)<sup>1</sup>, as specified in the third objective above, and the conduct of a poverty assessment in the three ethnographic regions of Mindanao<sup>2</sup> and in the Cordillera region in Northern Luzon.

Participation in OPAIPA activities was through membership of one team member in a technical working group specifically dealing with the Mechanics and Criteria for the Selection of Commissioners for the National Commission on Indigenous Peoples (NCIP) and the Consultative Body. Activities consisted of a National Consultation of Indigenous Peoples Leaders (18–21 April 2001), Ethnographic Consultations Regional Convenors' Workshop (5–6 May 2001), two ethnographic region consultations (Central Mindanao, 23–24 May 2001; Northern and Western Mindanao, 29–31 May 2001), and planning and assessment meetings during April–August 2001.

One of the authors was also invited to sit in the Selection Committee for the "long-listing" of applicants for Commissioner positions in June 2001 and to serve as cofacilitator for the OPAIPA Workshop with the New NCIP Commissioners (22–25 August 2001).

The outputs mainly provided support to the OPAIPA. These consisted of the documentation of the two Mindanao consultations, the translation/



consolidation of identified needs of the three ethnographic regions in the area, and the translation/documentation of some quick-response reports. Inputs were also provided in the design of forms, assessment of activities, deliberations on representation of indigenous peoples, long-listing for the selection of Commissioners, and sharing in the conceptualization of and participation in the final workshop with the new Commission.

Stakeholder consultations and networking with various institutions in Mindanao facilitated the conduct of the Mindanao Indigenous Peoples Consultation on Poverty Reduction and Development on 21–22 July 2001 in Cagayan de Oro City. Results<sup>3</sup> of the gathering provided a broader context to brief case studies of two areas in Bukidnon and Davao, respectively.

The other author was primarily responsible for the evaluation of the policy framework for indigenous peoples' development, analyzing national poverty trends, and investigating the ADB-funded CHARM project. The project covers Abra, Benguet, and Mountain Province. It aims to reduce poverty in the Cordillera Administrative Region (CAR) "by increasing disposable incomes of smallholder farm families in the target areas." In May and June, 2001, stakeholder consultations with indigenous leaders, representatives in the respective communities, and local authorities were conducted. These field consultations resulted in an in-depth analysis of poverty in the Cordillera and insights on the CHARM project. A workshop in the Cordillera was held on 4–5 June 2001.

Information gathered through the participatory approach was corroborated by empirical studies by academic institutions, NGOs, and government organizations. After the fieldwork and other consultations, draft poverty assessment reports were

presented and validated during the provincial and national workshops.

The national workshop was conducted on 1–2 October 2001 at ADB Headquarters, Manila, entitled National Workshop on Mainstreaming Government Programs for Indigenous Peoples' Poverty Reduction. The workshop focused on the dialogue between various government line agencies and NCIP. It also benefited from the constructive inputs of other stakeholders including NGOs, indigenous peoples' representatives, and funding agencies. The plan of action produced by the national workshop corresponds to the draft NCIP framework of operations.

The data presented in this report consist of contributions (workshop consultations, key informant interviews, focus-group discussions) from the indigenous peoples, the OPAIPA, NCIP, NGOs, indigenous peoples' organizations (IPOs), academe, and other agencies. Data from these stakeholders were also made available upon request. Field notes were also shared by anthropologists Daylinda Banzon Cabanilla (on the Ata Manobo), Aileen Toohey (on the Bajao).

The report is structured as follows. After an introductory chapter, problems in defining indigenous peoples are outlined (Chapter 2). An overview of indigenous peoples in the Philippines follows (Chapter 3). The law and policy framework is discussed next (Chapter 4), followed by a description of the national dimensions of indigenous peoples' poverty (Chapter 5). Poverty assessments for the Cordillera and Mindanao are given in chapters 6 and 7, respectively. Relevant development programs and projects are then reviewed (Chapter 8), followed by ADB's experience in poverty reduction projects in the Philippines (Chapter 9). Finally, the elements of a national plan of action for poverty reduction among indigenous peoples in the country are presented (Chapter 10).

## 2 DEFINING INDIGENOUS PEOPLES

### DEFINING THE IDENTITY OF INDIGENOUS PEOPLES

**A**DB, in its Policy on Indigenous Peoples,<sup>4</sup> notes the key concepts of self-identification; linguistic identity; distinct social, cultural, economic, and political systems; and unique ties to ancestral territories. Two significant characteristics of indigenous peoples are observed:

- descent from population groups present in a given area, most often before modern states or territories were created and before modern borders were defined; and
- maintenance of cultural identities; and social, economic, cultural, and political institutions separate from mainstream or dominant societies and cultures. In some cases, over recent centuries, tribal groups or cultural minorities have migrated into areas to which they are not indigenous, but have established a presence and continue to maintain a definite and separate social and cultural identity and related social institutions. In such cases, the second identifying characteristic would carry a greater weight.

ADB uses the following working definition of indigenous peoples in its operations.

*Indigenous peoples should be regarded as those with a social or cultural identity distinct from the dominant or mainstream society, which makes them vulnerable to being disadvantaged in the processes of development.*

To date, the Philippines is the only country in Asia that has officially used the term *indigenous peoples* and

recognized their rights as such. The Indigenous Peoples Rights Act (IPRA), enacted in 1997, defines indigenous peoples as follows.

*A group of people or homogeneous 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, become historically differentiated from the majority of Filipinos. ICCs/IPs [indigenous cultural communities/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. IPRA, Chapter II, Section 3h).*

Inherent in this definition are factors such as historical continuity, self-identification, and group membership.

Historical continuity is characterized by occupation of ancestral lands/domains, or at least part of them; common ancestry with the original occupants of these lands; culture in general or specific manifestations of it; and language and residence, whether in their lands of origin or evicted from it.

The concept of self-identification is inextricably related to group membership, identity, and history. The thread that weaves these factors together is the indigenous peoples' attachment to land and territory.

## NEGOTIATING IDENTITIES

Despite efforts to define indigenous peoples, there is still no consensus as to exactly who are the indigenous peoples in the Philippines. This is due to the absence of up-to-date cultural mapping in this country. Another reason is the tenuous way in which indigenous peoples' identities have been constructed by themselves and others (for political, religious, and other reasons). This problem of "contesting identities" is best illustrated in the case of the indigenous peoples in Mindanao.

It is not easy to label the identities of peoples of the geographic region known as Mindanao, since the criteria for doing so are not fixed. Even supposedly monolithic categories such as "Moro" are not immutable. Political expression of the Moro as an identity has undergone some variations in recent years. There are also other overlapping layers of identities that cut across ethnic and religious boundaries. Thus, the best that can be achieved is an attempt at categorizing peoples based on (mostly) external criteria, rather than self-identification.

The dichotomy between Moro and Lumad is a historical creation—i.e., a result of the process of Islamization. Until now, common origin stories abound among Muslims and Lumads. In their folklore, Muslim and nonMuslim groups claim the same ancestry. For example, the oral literature of the Subanen of Zamboanga refers to four legendary brothers: Tabunaway, who brought forth the Maguindanao; Dumalandan, who sired the Maranao; Mili-irid, who begot the Tiruray; and Gumabon-gabon who was the ancestor of the Subanen.<sup>5</sup>

The Manobo and Maguindanao of the former Cotabato Province recount the story of the brothers Tabunaway and Mamalu, who were their common ancestors. In the Manobos version of the story, they also share the same ancestor as the Ilyanun, the Matigsalug, the Talandig, and the Maranaw. Tiruray legends also speak of Tabunaway and Mamalu as their ancestors.<sup>6</sup>

The introduction of Islam split the peoples of Mindanao into two distinct categories, Moros and Lumads. Those who adopted Islam became the Moros and those who did not became the Lumads, a Visayan term which means "born of the earth." Lumads are regarded as the original inhabitants of Mindanao. Lumad also now refers to the nonMuslim, nonChristian indigenous peoples of Mindanao.

There are at least 13 Islamized ethnolinguistic groups indigenous to Mindanao.<sup>7</sup> They are the Maranaw, Maguindanao, Tausug, Yakan, Samal, Sangil, Molbog, Kalibugan, Kalagan, Palawani, Iranun, Jama Mapun, and the Badjao.

The 18 nonMuslim or Lumad groups are the Bagobo of Davao del Sur, South and North Cotabato, and Sultan Kudarat; Mansaka of Davao del Norte; Mandaya of Davao Oriental; Subanen of the Zamboanga Peninsula; B'laan of Davao del Sur, South Cotabato, North Cotabato, Maguindanao, and Sultan Kudarat; T'boli of South Cotabato; and Tiruray of North Cotabato, Maguindanao and Sultan Kudarat.

The Manobo encompass various tribes that are also considered Lumad because they are found in Mindanao—in Agusan del Sur and Norte, Davao, and Cotabato.

Other Manobo tribes include the Higaonon of Agusan and Misamis Oriental; Bukidnon of Bukidnon and Misamis Oriental; Talaandig of Bukidnon; Matigsalug of Bukidnon and Davao del Sur; Umayamnon of Agusan and Bukidnon; Dibabawon of Agusan and Davao; Banwaon of Agusan and Misamis Oriental; Talaingod of Davao del Norte; Tagakaolo of Davao Sur; Ubo of South Cotabato; Tasaday of South Cotabato; B'lit of South Cotabato; and Mangguangan of Davao del Norte and Sur, and Cotabato.

In Mindanao society, ethnic identity forms the core of all other layers of socially constructed identities. An individual is identified first by his or her ethnic affiliation. Religion is now also a key element in the differentiation and construction of these identities. Through the years, many members of the ethnolinguistic groups have adopted Islam as a way of life. Some converted to Christianity, while others, the Lumads, held on to their indigenous beliefs, practices, and traditions.

The terms *Muslim* and *Moro* have been used interchangeably to refer to those people who have adopted Islam as a religion and a way of life. However, *Muslim* refers to a universal religious identity, while *Moro*

denotes a political identity distinct to the Islamized peoples of Mindanao and Sulu. The Spanish colonizers originally used the term for peoples of Mindanao who shared the religion of the Moors who had once colonized Spain. The term *Moro* was used in the same derogatory way as the term *Indio* for Filipinos from Luzon and the Visayas whom they converted to Christianity.<sup>8</sup>

From the late 1960s through the early 1970s, Moro intellectuals reclaimed the term *Moro* in their efforts to “imagine” a distinct Moro identity. Triggered by the Jabida massacre of 1968, among others, Moro intellectuals led by Nur Misuari created and popularized the *Bangsamoro* identity. *Bangsamoro* became an inspiration, a concept that connoted a peoples’ shared identity and vision for a new nation. Such claims to nationhood may not be validated by historical evidence, but the term has gained cogency and acceptance. It has inspired among members of Muslim society a subjective feeling of being one. It has also assumed the following characteristics: it is anticolonial and inspired by a tradition of resistance, it is anti-elite, it is distinctly Islamic, and it is rooted in a struggle for justice.<sup>9</sup>

The Moros expressed their consciousness of a nation through a political struggle for self-determination and in 1969 formed the Moro National Liberation Front (MNLF).

Islam is central to the development of Moro identity. It serves to unite the 13 ethnolinguistic groups that form the so-called “Moro Nation.” By interfacing religious doctrines and (Moro) nationalist ideas, the goal to establish the Moro Nation became necessarily a goal to preserve Islam and Islamic culture.<sup>10</sup>

In the 1980s, the project to build a *Bangsamoro* began to manifest some cracks. The Moro political struggle was divided by two opposing concepts of Moro Nationalism. On the one hand, MNLF Chairman Nur Misuari, albeit a devout Muslim, advocated a secular brand of leadership. For him, the role of the MNLF was to uphold social justice and to lead the Moros out of their economic and social ruin. Misuari’s goal was “modernist,” and was grounded on liberal and political thought.

On the other hand, Hashim Salamat posited that Islam is the primary source of legitimacy of their struggle, and matters of faith and political leadership are not separate realms. He further argued that the *Bangsamoro*’s only guarantee for success is inspiration and guidance from the Koran and Islamic rules. For him,

leaders should be religious scholars who can apply the correct strategy and directions for the struggle, based on the Koranic scriptures. In 1984, Salamat left the MNLF to form another organization, the Moro Islamic Liberation Front (MILF).

Political analyst and journalist Eric Gutierrez<sup>11</sup> succinctly analyzed the cause of the factionalism, thus.

*At the root of the MNLF-MILF debates are their differing notions of Moro identity. The modernist MNLF adheres to an inclusive definition of that identity (including non-Muslim Christians and Lumads); while the MILF, on the other hand, adhere to a definition that proposes greater exclusivity for the Muslims. Although it tends to accommodate groups whose existence cannot be denied, thereby confirming the increasing diversification of community life and individual experiences, the MILF strives for moral consensus, internal cohesion and standardization of fundamental beliefs and values within the framework of Islam.*

Where do indigenous peoples or Lumads stand amid these acrimonious debates? As may be gleaned in the above quote, both the MNLF and MILF do recognize the existence of Lumads. However, because of the claim for nationhood and the need to rally all *Bangsamoro* to a single national identity, the MILF and MNLF have not been very active in highlighting ethnic identities, to the point of dismissing the issue as irrelevant at this point.

Neither the MNLF nor MILF has clearly articulated a program for asset redistribution, including the indigenous peoples’ demand with regard to their ancestral lands. This issue is potentially and actually an explosive one, especially in Mindanao. In the recent peace negotiations, the MILF has listed the recognition of ancestral domain as a primary item in their agenda.

Meanwhile, the indigenous peoples of Mindanao have become more self-conscious and increasingly vigilant of their rights. On 17–19 January 2001, some 67 Lumad men and women leaders from 20 ethnic groups held a “Mindanao Indigenous Peoples Peace Forum” in Davao City. The gathering produced an Indigenous Peoples Peace Agenda, which they addressed to the government’s Armed Forces of the Philippines, the MILF, and the New People’s Army (a communist militant group). The statement included the following demands.

- a. That the Lumad population be sufficiently represented in any peace negotiation in Mindanao, especially in negotiations with the MILF and the NDF (National Democratic Front). The Government, however, should give special support to local initiatives on conflict resolution and transformation, like the local declaration of Lumad territories as Peace Zones.
- b. That the Senate and the House of Representatives should pass a law declaring the territories of the Lumads as autonomous. This should include the Lumad territories within the Autonomous Region in Muslim Mindanao (ARMM).
- c. That all concerned should recognize and respect the territories and boundaries established by the elders during the D'yandi and Pakang times.<sup>12</sup> This includes territorial agreements among Lumad tribes, between Lumads and the Moros, and between Lumads and Christian settlers.
- d. That all concerned should respect our beliefs and practices and our ways of modifying them in the face of Islamic and Christian doctrines and practices, as well as the impact of globalization.
- e. That the Government should protect Lumad territories from the incursion of mining, plantations, and other projects that threaten the tribes and their environment.
- f. That local government units should pass ordinances, and even release additional funds, if possible, to reinforce the provisions and full implementation of the IPRA.
- g. That the liberating forces of the IPRA against discrimination be reinforced through joint efforts of schools, churches, the media, and other institutions.

The whole concept of *Bangsamoro* may also be debated in the light of demographic changes in Mindanao in recent years. As of 1990, there were more non-Muslim (81% of the total population) than Moro occupants (19%) of the Moro territory, which is generally considered to include the 14 provinces and 9 cities covered by the 1976 Tripoli Agreement and the 1996 Peace Agreement. Due to past government efforts to move settlers into the region, it is not surprising to find Ilonggo, Cebuano, Tagalog, or Ilocano speakers in one neighborhood with a mixture of Maranaw, Tausog, Maguindanao, and Arabic speakers. Small ethnic groupings, like the B'laan, T'boli, and Manobo, have their own distinct languages as well. Only 5 provinces (Sulu, Tawi-Tawi, Basilan, Lanao del Sur, and Maguindanao) and one city (Marawi) remain "Muslim enclaves." These demographic changes present a major political dilemma for a wider definition of "Moro areas."

In the 1990s, the concept of *tri-people* gained wide discussion in civil society. This concept attempts to grapple with the Mindanao's multiethnic, multiple identity. The *tri-people* refers to three peoples: the majority Filipino Christian settlers, the Lumads, and the Moros. The concept has been used "not only to describe this diversity, but more importantly, in recognition of a historical process of unification."<sup>13</sup> The *tri-people* concept presupposes that the Christians, Moros, and Lumads consist of three distinct peoples. Thus, the Maguindanao, Maranaw, Tausog, and other Muslim tribes are collectively called the Moro people. The Higaonon, Subanen, Tiduray, T'boli, and other non-Muslim tribes are collectively called Lumads. Those among them who have converted to Christianity are called Christians.

The construction of identities of the peoples of Mindanao continues. Certainly, these identities will be invented and reinvented amid demographic changes, political exigencies, and religious dimensions. But one thing seems constant: the ethnic dimension of identity. Ethnicity will persist as a central axis of this evolving identity—even beyond the completion of the so-called *Bangsamoro* project.

# 3 THE INDIGENOUS PEOPLES OF THE PHILIPPINES

## DEMOGRAPHIC PROFILE OF INDIGENOUS PEOPLES

According to the NCIP, the total population of indigenous peoples in the Philippines in 1998 was estimated to be between 12 and 15 million. However, because NCIP estimates are based on an unofficial count, reference should also be made to the latest complete survey of the National Statistics Office conducted in 1995. Comparing the two sources suggests that the indigenous population might even exceed 20% of the national total. Caution should be taken: the Government may have excluded groups or individuals as indigenous because they did not qualify in the technical definition of the term. It is possible that the actual indigenous population is much bigger.

According to the NCIP, the majority (61%) of the indigenous peoples are in Mindanao while a third (33%) reside in Luzon. The remainder (6%) are scattered among the Visayan islands.

The Summer Institute of Linguistics<sup>14</sup> estimated that there are 171 different languages in the Philippines. Of these, 168 are living languages and 3 are extinct. The same numbers also represent the different cultural entities that speak these languages.

The Philippines was divided into seven ethnographic areas as set by IPRA for representation in the NCIP (see map, page viii):

- Region I and CAR
- Region II
- The rest of Luzon (Regions III, IV[part], and V)
- Island groups (Regions IV [part], VI, VII, and VIII)

- Northern and Western Mindanao (Regions IX [Zamboanga Peninsula] and X [Northern Mindanao])
- Southern and Eastern Mindanao (Regions XI [Davao Region] and XIII [Caraga])
- Central Mindanao (Region XII [SOCCSKSARGEN])

## DISTRIBUTION AND SOCIOCULTURAL FEATURES OF INDIGENOUS PEOPLES

Within the ethnographic areas defined above are different indigenous peoples exhibiting varying social, cultural, political, and linguistic features. Each of these indigenous groups has its own history of contact with the dominant Filipino society and this has placed each group somewhere on a spectrum from “isolation” to “acculturation.”

In Region I and CAR, the indigenous peoples are concentrated in the northern mountain ranges of the Cordillera occupying the interior hills, narrow strips of flat land along deep valleys, and plateaus. The Tingguian, Isneg, and northern Kalinga are found in the watershed areas of the Abulag, Tineg, and Chico rivers. These groups are largely swidden (slash-and-burn) cultivators who depend on farming rice, root crops, and vegetables. Along the slopes of Mount Data and nearby areas are the Bontoc, Sagada, Ifugao, and Southern Kalinga. They are wet-rice cultivators who grow their crops both on terraces and swidden fields. The Ibaloi and Kankanaey inhabit the southern region of the Cordillera. Like their neighbors to the north, their subsistence economy is based on wet and dry agriculture. In more recent years, these groups have

been integrated into the outside market economy with the growth of commercial gardening of temperate vegetables.

In Region 2, several lowland indigenous groups like the Ibanag, Itawes, Yogad, and Gaddang inhabit the Cagayan Valley of northeastern Luzon. The Caraballo range at its southern end is home to the Ilongot, Ikalahan, Isinai, and some Aeta groups, which continue to carry out wet-rice agriculture, swidden farming, hunting and gathering, and some commerce.

There are other indigenous groups in Regions III, IV, and V. Along the area of the Sierra Madre range of eastern Luzon are the Dumagat, Pugot, and other Aeta groups whose economies have depended on swidden agriculture, hunting and gathering, fishing, and trade. Communities of Paan Pinatubo (sometimes called Hambal, Ayta, and Sambal) live under the shadow of the Zambales range, and Baluga inhabit the northwestern part of Pampanga and the southwestern area of Tarlac. Along the Pacific coast in the province of Quezon, Polillo Island, and the Bicol peninsula are Agta groups, known as Kabihug (Camarines Norte), Agta Tabangnon, Agta Cimarron, and Itom (Camarines Sur, Albay, and Sorsogon). Increasingly, these groups have depended on cultivation, fishing, gathering of forest products, and wage labor.

The island groups include the seven Mangyan groups in the island of Mindoro: the Iraya, Alangan, Tadyawan, Tao-Buid, Buhid, Hanunoo, and Gubatnon. In the interior foothills and remote coastal areas of Panay and Negros Islands are the Sulod and the Ati. In the island of Palawan, the Tagbanua are found in northern and central areas. The Batak are found in small pockets north of Puerto Princesa City and in northeastern Palawan. The Palawanon are in the southern part of Palawan near Brooks Point.

Generally, the Mangyans of Mindoro; the Sulod and Ati of Panay; the Aeta groups in Negros Island; and the Batak, Cuyonen, Palawanon, and Tagbanua of Palawan practice swidden agriculture, combined with hunting, fishing, gathering, and trade.

Along the hinterlands and coastal lowlands of the Zamboanga peninsula live the Subanen, while toward the uplands of northern Mindanao, particularly on the plateaus of Bukidnon, are the indigenous peoples who call themselves Higaonon meaning "mountain dwellers."

Within the highlands of central Mindanao, particularly along the mountainous slopes of the

provinces of Davao, Bukidnon, and Cotabato are the Bagobo. Groups that occupy the upper headwaters of the Davao, Tinanan, and Kulaman rivers are the Manuvu, Matigsalug, Ata, and others.

In the coastal areas along Davao Gulf and interior hinterlands of southeastern Mindanao are the Mandaya, Coastal Bagobo, Agusan Manobo, and Ata.

For the most part, the indigenous peoples in Mindanao basically subsist through swidden and wet-rice cultivation, hunting, fishing, gathering, and the trade of locally manufactured items.

Outside influences have caused changes in the economic systems of indigenous peoples. The consequences for the communities involved are varied, and it seems that efficient accommodation of elements from the new system is often facilitated by innovative social organization that ensures control of the land by the indigenous community. For example, when the Igorots of Sagada were introduced into the western market economy, the gradual transformation did not entail much conflict because the Igorots have maintained control over their own resources and become involved in social relations that are not commoditized.<sup>15</sup> Similarly in the case of the Buhid of Mindoro, government economic and developmental interventions have not resulted in the outright assimilation and economic deprivation of the group because of ingenuities in landownership among them.<sup>16</sup>

In other cases, the introduction of a different cultural system led to the disintegration of indigenous society. For instance, the promotion of American rule among the Tiruray of Cotabato transformed them into peasant communities, as immigrants introduced new lifestyles and a market economy.<sup>17</sup> The same could be said of the Higaonon of northern Bukidnon Province, who suffered abuse and exploitation from immigrants.

After independence, the Philippine Government established a greater presence in the formerly remote areas of indigenous occupation. This required that communities of indigenous peoples elect village captains, mayors, and national leaders. All of this created changes in the leadership structure of the hitherto isolated communities. However, there remain groups little influenced by change and others where the imposed structure and traditional structure continue to coexist.

Among the Agta, the network of intertwining familial and kinship ties continues to provide assistance, privileges, and protection to its members.

Leadership among the Bungkalot, Teduray, and Sulod is assumed by the elder who possesses the personal skill to persuade and influence, and who is a good speaker with knowledge of customary law. The council of leaders, called *intugtukan* among the Bontoc, *tontong* by the Ibaloi, and *pakilukesen* by the Arumanen Manobo is composed of persons of wealth and charisma, and with knowledge of customary law. They meet to settle cases and decide on important social and religious affairs.

The influence, power, and authority of the Datu prevails among the Manuvu, Higaonon, and some Bagobo groups. He is assisted by a council of leaders and other respected members of the community in the performance of his obligations. Among the functions of a Manuvu Datu are settling cases, keeping the peace, and deciding where the village is to move for the next swidden cycle.<sup>18</sup>

### **STATE POLICIES TOWARD INDIGENOUS PEOPLES: A HISTORICAL OVERVIEW**

The indigenous peoples in the Philippines are, to a large extent, a creation of history.<sup>19</sup> Prior to Spanish colonization, indigenous communities already had customary concepts and practices of land use and ownership. The indigenous concept of landownership was one of collectivism, where private ownership by one or a few individuals seemed alien.

The customary laws of the ethnolinguistic groups embodied this basic rule, but there were also variations. Among the Manobo, Mamanua, and Hanunuo groups, land was considered as communally owned by the people forming the community. The Ibaloi concept of ownership was one of sharing the land with the gods, ancestors, kindred, and future descendants. But to the Subanon, only the paramount god, Apo Gumalang, had the right to own land. This was also the case with the Kalingas, for whom only Apo Kabunyan, the high god, could claim ownership over land.<sup>20</sup> These people saw themselves only as caretakers of their resources.

The indigenous peoples' strong attachment to their land and resources led to intermittent conflicts (the so-called tribal wars) with other groups (kin) that violated their territory.<sup>21</sup> At varying levels, these

communities had developed social and political structures to regulate their relations within their communities as well as with outsiders. Intercommunity relations ranged from cooperation to conflict. However, the idea of majority-minority dichotomy and its attendant problem of marginalization and discrimination were absent. These problems emerged during the colonial period.

With the advent of Spanish colonization, the "minorization" of the indigenous peoples started. The Spanish colonizers forced their subjects to live in *pueblos* through a policy called *reduccion*. Those natives that refused to live in these pueblos retreated into the hinterlands and were called *remontados* and *infielos*. The natives of the mountains, like the Igorots of the Cordillera, put up a strong resistance against colonial intrusions against their territories. Because of this, they were called *tribus independientes* by the Spanish chroniclers. They were also labeled as barbarians, pagans, and all sorts of derogatory names. Soon, even the assimilated *indios* internalized these prejudices against indigenous peoples. Thus, a dichotomy between the assimilated majority and unassimilated minority emerged.

The Spaniards introduced laws that contradicted, even denied, customary concepts of land use and ownership. They introduced the Regalian Doctrine, first, through a policy of *encomienda*. These were land grants by the King of Spain, but were managed by an *encomendero*. The latter was tasked to collect *tributo* (taxes) and enforced the economic policies of the Crown (*bandala, polo y servicio*, etc.). Later, the Spanish Crown enacted the Maura Law, which reiterated that all pueblo lands were protected lands; they could not be alienated because they belonged to the King.<sup>22</sup> In spite of these colonial policies, the unassimilated indigenous peoples continued to practice their customary practices with regard to their land and resources.

The Americans essentially retained the concept of the Regalian doctrine. They made laws that reinforced the state's control over the public domain, citing the reason, among others, that there was no effective system of land registration during the Spanish period. The laws passed during that period included the following.

- Land Registration Act No. 496 of 1902, which declared all lands subject to the Torrens system



and empowered the State to issue to any legitimate claimant a proof of title over a parcel of land.

- Philippine Commission Act No. 178 of 1903, which ordered that all unregistered lands become part of the public domain, and that only the State had the authority to classify or exploit the same.
- Mining Law of 1905, which gave the Americans the right to acquire public land for mining purposes.
- Public Land Acts of 1913, 1919, and 1925, through which Mindanao and all other areas of fertile lands that the State considered unoccupied, unreserved, or otherwise unappropriated public lands became available to homesteaders and corporations, despite the fact that the indigenous peoples were in these lands.

Postcolonial administrations of the Republic of the Philippines did not veer away from the western concepts of land use and ownership. The 1935 Constitution stated that all agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State.<sup>23</sup> This constitutional mandate gave rise to a number of laws that continue to deny indigenous peoples' customary land use and ownership. The most controversial of these laws was Presidential Decree (PD) 705 of the Revised Forestry Code, enacted in May 1975.

PD 705 further delimited landownership among indigenous peoples, so that even ownership of rice terraces of the indigenous peoples of the Cordillera (for example), became questionable. This decree stated that "no lands of the public domain with a slope of 18% or more shall be classified as alienable and disposable, nor any forest land 50% or more in slope, as grazing land. Lands 18% or more in slope that have already been declared as alienable and disposable shall be reverted to the classification of forest lands... to form part of the forest reserve... that when public interest so requires, steps shall be taken to expropriate, cancel effective titles, reject public land applications, or reject occupants thereof."<sup>24</sup>

PD 705 made the indigenous peoples of the Cordillera virtually "squatters in their own land," because most of these lands are located in mountainous areas that are within the 18% slope rule.

The 1987 Philippine Constitution also retained the Regalian Doctrine. Section 2, Article XII, of the 1987 Constitution states that all "lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State."

At the same time, the 1987 Constitution also contained provisions that recognized "the rights of indigenous cultural communities within the framework of national unity and development" (Art. II, Sec. 22) and the creation of autonomous regions in Muslim Mindanao and in the Cordillera (Art. X, Secs. 15–19).

However, the state's constitutional recognition of indigenous rights "in the context of national development" did not fundamentally change the situation of the indigenous population. This could be seen in the implementation of government policies and programs in their territories, like reforestation programs, the National Integrated Protected Areas System (NIPAS) Act of 1992, Mining Act of 1995, and Official Development Assistance (ODA) projects.

Massive reforestation programs, which are funded by multilateral finance institutions, are linked to commercial tree planting activities. Those taking place in indigenous peoples' lands consider the encroached territories as forestlands, in which the inhabitants are requested to plant certain species of trees.<sup>25</sup> Because of this there is no available useful area for them to continue agricultural activities needed for their own subsistence. Often, people are also displaced when government forces conduct military operations in the area to deal with pockets of resistance to the projects.

The NIPAS Act was to protect plant and animal species that are endangered, or have the possibility to become such. The law aims to establish national parks as designated areas for the preservation of biological resources. Its conservation scheme, which excludes local residents while entrusting the areas to state bodies, has limited access by indigenous peoples to the territories in which they carry out their subsistence activities. The provisions for people's participation in protected areas management seem to be confined to an initial level of consultation and not as far as the

identification, planning, and implementation levels.<sup>26</sup> Likewise, it is possible for the new bureaucratic structures that accompany the NIPAS implementation to challenge the indigenous sociopolitical system in the area.<sup>27</sup>

When the Mining Act was signed into law in 1995, it essentially allowed greater control of the Philippines' geological resources by transnational and local mining corporations. The agreements embodied within the law, like the granting of royalty payments for the right to mine in indigenous peoples' lands, have favored the apparent expropriation of these lands as the local people yield to corporate mining interests. Displacements of indigenous peoples have also resulted from mining operations that necessitated the transfer of occupants. Among those affected are the B'laan of North Cotabato, Subanen of Zamboanga del Sur, Aetas of Central Luzon, Igorots of the Cordillera region, and some groups in the Cagayan Valley.<sup>28</sup> Environmental disasters from mining activities, like the Marcopper mine accident in Marinduque Province

where mine tailings found their way into rivers, have sparked a series of protests against the Mining Act, and continue today.<sup>29</sup>

ODA projects carried out during the last quarter of the 20<sup>th</sup> century to improve the economic condition of the people and to promote social justice were also funded by foreign bilateral and multilateral institutions. The projects have resulted in a number of positive outcomes for the expected beneficiaries, including increased land productivity, a rise in net incomes, and improvements in access to water supply. However, there have also been negative outcomes. In the Cordillera, there have been violations of indigenous land rights, restructuring of the local economy to the advantage of outside market forces, and absence of some expected outputs of projects.<sup>30</sup>

In 1997, following the 1987 Constitution's mandate, Republic Act (RA) 8371 of the IPRA was enacted. A landmark piece of legislation, the IPRA promises to change the course of history of indigenous peoples in the Philippines.

# 4

## THE INDIGENOUS PEOPLES RIGHTS ACT

In October 1997, then President Fidel V. Ramos signed into law RA 8371, the IPRA. This legislation lays down the legal framework for addressing indigenous peoples' poverty. It seeks to alleviate the plight of the country's "poorest of the poor" by correcting, by legislative fiat, the historical errors that led to systematic dispossession of and discrimination against indigenous peoples. The Implementing Rules and Regulations (IRR) of IPRA were approved on 9 June 1998.

The IPRA law enforces the 1987 Constitution's mandate that the State should craft a policy "to recognize and promote the rights of indigenous peoples/ICCs within the framework of national unity and development,"<sup>31</sup> and "to protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being."<sup>32</sup>

### KEY ELEMENTS OF THE INDIGENOUS PEOPLES POLICY

The IPRA provides that development programs, projects, and activities must be developed along the fourfold agenda of recognition and protection of ancestral domain/land rights, self-governance and empowerment, cultural integrity, and social justice and human rights.

#### Right to Ancestral Land/Domain

The law restores the rights of indigenous peoples over their ancestral lands and ancestral domains. The term *ancestral land* under the IPRA refers to lands occupied by individuals, families, and clans who are members of indigenous cultural communities, including residential lots, rice terraces or paddies, private forests,

swidden farms, and tree lots. These lands are required to have been "occupied, possessed, and utilized" by them or their ancestors "since time immemorial, continuously to the present." (Section 3 b).

Ancestral domains are defined as areas generally belonging to indigenous cultural communities, including ancestral lands, forests, pasture, residential and agricultural lands, hunting grounds, worship areas, and lands no longer occupied exclusively by indigenous cultural communities but to which they had traditional access, particularly the home ranges of indigenous cultural communities who are still nomadic or shifting cultivators. Ancestral domains also include inland waters and coastal areas and natural resources therein. Again, these are required to have been "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." (Section 3 1).

The law enumerates the rights of indigenous peoples over their ancestral domains/lands. These are the right of ownership over the ancestral lands/domain, right to develop and manage lands and natural resources, right to stay in territories and not to be displaced therefrom, right to regulate entry of migrants and other entities, right to safe and clean water, right to claim parts of reservations, and right to resolve conflicts according to customary law (Sections 1–8, Rule III, Part II).

Indigenous peoples also have the right to transfer (ancestral) land or property among members of their community, and to redeem those that have been acquired from them through fraudulent transactions (Sections 1, 2, Part III).

The law also stipulates that the indigenous peoples and their communities have the responsibility to maintain ecological balance, restore denuded areas, and "adhere to the spirit and intent of the Act."

## Right to Self-Governance and Empowerment

The IPRA upholds the right of indigenous peoples to self-governance and empowerment. The IRR further define the range of the exercise of these rights. These are the right to pursue their economic, social, and cultural development; to use commonly accepted justice systems, conflict resolution mechanism, peace building process, and customary laws; to participate in decision making; to maintain and develop indigenous political structures; to have mandatory representation in policymaking bodies; to determine their own priorities for development; to establish their tribal *barangay* (village) and equivalent voting procedures; and to organize people's organizations.

Indigenous peoples may now also utilize a vital instrument for their empowerment—the principle of free and prior informed consent (FPIC). Section 3, Part III of the IPRA states that

*The [indigenous peoples] shall, within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The [indigenous peoples] shall have the right to accept or reject a certain development intervention in their particular communities.*

*The indigenous peoples' decision to accept or reject a proposed policy, program, or plan shall be assessed in accordance with their development framework and their value systems for the protection of land and resources.*

## Right to Cultural Integrity

The IPRA and its IRR put forward procedures and mechanisms for the recognition of indigenous peoples' right to cultural integrity. They incorporate such provisions as the constitutional and legal framework for the right to cultural integrity, the conceptual framework for cultural integrity, the specific rights pertinent thereto, and the procedures for the recognition of these rights, including the right to indigenous culture, customs, and traditions; right to establish and control educational learning systems; recognition of cultural diversity; right

to name, identity, and history; community intellectual rights; protection of indigenous sacred places; right to protection of indigenous knowledge; and the right to science and technology.

## Social Justice and Human Rights

Recognition of and respect for fundamental human rights are also safeguarded by the IPRA. The law contains specific provisions that ensure that indigenous peoples, just like other human beings, will enjoy these rights: the right to life, development, and civil liberties; political rights; freedom of association; nondiscrimination; equal protection; and right to peace and social justice.

The law guarantees indigenous peoples' right to basic social services. The indigenous peoples have the right to employment, vocational training, housing, sanitation, health, social security, infrastructure, transportation, and communication.

## THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES

The IPRA, following a constitutional mandate (Art. 16, Sec. 12), created the NCIP as "the primary government agency for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and their ancestral domains as well as their rights thereto."<sup>33</sup>

The IRR spell out the procedures for the organization of the NCIP, including its creation, agency, composition, appointments, qualifications, tenure and compensation of personnel, appointment of Commissioners, powers and functions, and ethics and codes of conduct of its officers and various offices.

The IRR also define procedures to institutionalize indigenous peoples' participation in the NCIP through a Consultative Body as provided in Sec. 50 of the IPRA. A placement committee will oversee the merger of the Office of Southern Cultural Communities and the Office of Northern Cultural Communities in the NCIP organizational structure.

## Implementation of the Indigenous Peoples Rights Act

Four years after the enactment of the IPRA, stakeholder assessment of its implementation yields dismal results. The NCIP, the government body that is mandated to implement the law, has been unable to perform its tasks well. Participants at the Orientation-Planning Workshop for the New NCIP Commissioners, held on 22–25 August 2001 at Tagaytay City, assessed the current status of NCIP as follows.

- Lack of clear leadership has led to the absence or nonperformance of NCIP's policymaking and adjudication functions as well as coordinated delivery of basic services.
- NCIP's present structure and staffing have hampered the institution from carrying out its functions.
- NCIP officials are by and large not qualified or equipped with the necessary skills for NCIP to meet its mandate under the IPRA.
- There were indications that the processes of issuing titles and certificates to allow mining and other activities have been compromised if not corrupted.
- Past policies and decisions have been detrimental to the operations of NCIP and these should be identified and changed to better serve indigenous peoples.<sup>34</sup>

A concrete manifestation of NCIP's weakness has been the slow pace of processing and approval of Certificate of Ancestral Domain Title (CADT)/Certificate of Ancestral Land Title (CALT) applications. As of February 2001, the NCIP national office had approved only 9 of the 181 CADT applications, and 347 CALT applications. The Tagaytay workshop findings validate numerous reports of alleged irregularities in the issuance of CALTs.<sup>35</sup> These reports claimed that several CADT/CALT applications were haphazardly approved, and did not go through the procedures mandated by the law.

In September 1998, a Presidential Task Force on Ancestral Domains (PTFAD) was established. The PTFAD

was assigned to study the issues related to the composition, administrative set-up, and operations of NCIP. The memorandum also directed the Department of Budget and Management to withhold the release of NCIP's operational funds. These reduced the capacity of NCIP to process and approve ancestral domain titles.

After submitting its recommendations to the President, the PTFAD was dissolved. However, the Government created two new bodies, the National Anti-Poverty Commission on Indigenous Peoples and the Presidential Task Force on Indigenous Peoples. The former was instructed to address poverty-related issues affecting indigenous peoples while the latter was an advisory body on policy matters pertaining to indigenous peoples. These functions obviously overlapped with those of the NCIP.

In June 1998, NCIP produced the IRR. One of the most important and controversial provisions of the IRR is Section 5 (6), Rule II which states that "the ICCs/IPs shall have the right to suspend or stop any project or activity that is shown to have violated the process of securing free and prior informed consent, or have violated the terms and conditions of such previously granted consent."

The mining industry immediately expressed their apprehension over this NCIP rule. They also questioned the IRR's bias for indigenous peoples and their priority claims over the country's minerals and other natural resources to the detriment of other sectors like the mining and power industries.<sup>36</sup> The Chamber of Mines of the Philippines indicated that there had been an alarming exodus and withdrawal of foreign mining companies due to the "inherent vagueness of the IPRA" and the apparent "lack of commitment by the Government to actively support the development of the mining industry."<sup>37</sup> The mining industry even threatened to bring their issues against the IPRA to the Supreme Court.<sup>38</sup>

NCIP issued an Administrative Order (No. 3, 13 October 1998) exempting all leases, licenses, contracts, and other forms of concession within ancestral domains existing prior to the promulgation of the IRR, from the coverage of IPRA's provisions on free and prior informed consent. That Administrative Order also declared that all written agreements with and/or resolutions by indigenous peoples' communities prior to the IRR shall be considered as "free and prior informed consent." NCIP may also issue a temporary clearance to individuals

and companies pending resolution of conflicts within ancestral domain areas.

Advocates and indigenous peoples' organizations censured the new Administrative Order for being "onerous" and a "sell-out" to the interests of the mining industry. They posited that "property rights" as defined, while still being debated, seem to be interpreted in favor of the mining interests; that the short duration (30 + 7 days) allowed to secure FPIC is insufficient; that allowing "interim clearances" and any form of written agreements to pass off as consent is fraudulent; and that the idea of doling out "gifts" in the form of showcase development projects before and during the conduct of FPIC is divisive and deceptive.<sup>39</sup>

The greatest challenge against the IPRA came on 28 September 1998, when retired Supreme Court Justice Isagani A. Cruz, together with Atty. Cesar Europa, filed a petition before the Supreme Court. The petition contained three main points: first, that the law violates the constitutional principle that all natural resources belong to the State; second, that the law deprives the State of control over the exploration and development of natural resources; and third, that the law threatens to strip private owners of their properties.

After a thorough deliberation, the Supreme Court voted on 6 December 2000 to dismiss the petition. However, the separate decisions of the Supreme Court justices who voted to dismiss the petition expressed substantive points that essentially upheld the Regalian doctrine. They stressed that the IPRA merely gave indigenous peoples surface rights over their ancestral domains. The resources therein, they add, are still owned by the State.

On 20 February 2001, newly installed President Gloria Macapagal-Arroyo issued Executive Order No. 1, creating the OPAIPA, delineating its functions to ensure the effective implementation of the IPRA. The OPAIPA was assigned to review the performance, qualifications, and fitness of NCIP officers and staff and to institute a process for the proper selection of staff of NCIP, as mandated by RA 8371. Following nationwide consultations, the President appointed a new set of Commissioners in August 2001.

The appointment of the new Commissioners through a consultative process and the full support of several indigenous peoples' organizations, civil society, and President Macapagal-Arroyo has rekindled hopes for the successful implementation of the IPRA.

## Impact of the Indigenous Peoples Rights Act

Four years after its enactment, the IPRA has mixed effects on indigenous communities. What follows is an attempt to highlight the advantages as well as the disadvantages of the IPRA on indigenous communities.

The long years of legislative action leading to the IPRA's approval and the ensuing debate during its implementation have undoubtedly increased awareness of the public (including the indigenous peoples themselves) on the issues and concerns of indigenous peoples. They have drawn the attention of the State as well as civil society (nongovernment organizations (NGOs), churches, and academic institutions) to the "plight" of indigenous peoples, who had long been denied a space in national/mainstream Philippine politics.

Several new indigenous peoples' organizations (IPOs) and national federations and alliances emerged during the period. At the national level, organizations/alliances were established to give support to the IPRA. One of them was the *Katutubong Samahan ng Pilipinas*, which was formed through the initiative of the Philippine Association for Intercultural Development (PAFID) and the Legal Resource Center. Another broad alliance was the Coalition for Indigenous Peoples Rights and Ancestral Domains (CIPRAD). This is a network of 15 IPOs and five NGOs. Two of these NGOs are the lawyers' group known as *Tanggapang Panligal Alay sa Katutubo* (PANLIPI) and the Episcopal Commission on Indigenous Peoples of the Catholic Bishops Conference of the Philippines. The Manila Office of the International Labour Organization (ILO) played an important role in the establishment of CIPRAD. Lending "critical support" to the IPRA is the National Coalition of Indigenous Peoples of the Philippines. This was spearheaded by the Davao-based Lumad Mindanaw and supported by the *Sentro para sa Ganap na Pamayanan*.

At the community level, IPOs were organized and community solidarity enhanced as a result of community efforts to delineate ancestral domain and ancestral lands. A case of a "good practice" was the community-based Bakun Indigenous Tribes Organization (BITO) in Bakun, Benguet, supported by the ILO-Inter-Regional Programme to Support Self-Reliance of Indigenous and Tribal Communities through Cooperatives and Self-Help Organizations (INDISCO). BITO was officially accredited to lead in managing the ancestral domain of the

Kankanaey and Bago peoples in Bakun who were awarded a Certificate of Ancestral Domain Claim in 1998. While they wait for the final approval of their CADT, the organization has come up with development activities like creating sustainable livelihoods and community-based businesses that do not harm or threaten Bakun's ancestral domain.<sup>40</sup>

While the IPRA has resulted in the proliferation of IPOs and support NGOs, it has also engendered disunities among the indigenous peoples. One source of discord is how to view the IPRA. The IPOs and NGOs that support the IPRA argue that, despite its imperfections, they are convinced that this legal instrument can be used as a stepping-stone toward a "more progressive level of political discourse."<sup>41</sup> The Cordillera Peoples' Alliance does not share this view. They labeled IPRA a "master act of deception." They decried the persistence of Regalian doctrine in the law.<sup>42</sup>

The negative effects of the IPRA are felt most at the community level. Since IPRA was promulgated, there have been many community-level disputes. In the Cordillera, for example, there has been an increase in boundary disputes over the past four years, attributed to longstanding conflicts over resources (e.g., water for irrigation) and territorial delineation. The IPRA exacerbated these conflicts. In the province of Abra, members of a clan who belong to the Masadiit tribe are fighting over the areas that should be covered by their respective "ancestral domains." One faction of the clan now resides in the municipality of Sallapadan, while the other faction lives in the municipality of Bucloc. Because IPRA stipulates that indigenous peoples should resort to customary laws to resolve conflicts, the two factions are "recreating" and retelling their respective version of their customary law. People of Bucloc have accused the Council of Elders (*lallakay*) of Sallapadan of being senile; thus, their genealogical reckoning and rendering of oral history should not be taken seriously.

The IPRA has also resulted in the "construction" or "imagination" of ethnic identities. In Romblon, for instance, the Bantoanons of Banton Island are now claiming that they are indigenous peoples. They assert that they should enjoy the rights enshrined in the IPRA. Some sectors have questioned this, saying that the Bantoanons are, in many ways, not different (not distinct) from the Batanguenos.

There is also the problem of ancestral domains being "imagined." This is a result of a generalizing concept of ancestral domain, that is, the notion that ancestral domain is a static or fixed concept of a communal territory, with persistence of indigenous sociopolitical institutions. In reality, many indigenous peoples have already adopted and adapted western property regimes and do not care about domains.<sup>43</sup> Some indigenous peoples have opted for Torrens titles and members of some clans are fighting each other for private titles.<sup>44</sup>

Still, some experts view the IPRA as an instrument that will lead toward privatization of the "commons."<sup>45</sup> For example, in Agusan del Sur in Mindanao, a certain Datu applied for some 76,000 hectares of ancestral land.<sup>46</sup> Indigenous peoples expressed fear that privatization will facilitate the entry of corporations and business persons who will just negotiate with one individual to be able to enter the indigenous communities.<sup>47</sup>

These different views suggest that while the framework for addressing indigenous peoples' concerns is already established by the IPRA, much needs to be done. For one, there is still a need to put in place monitoring and regulatory mechanisms to ensure that commercial interests do not unduly appropriate indigenous peoples' lands. There is also a need to adopt an area-specific and culture-specific ancestral land/domain policy that takes into consideration local nuances, processes, and tenurial systems.

The full text of the IPRA is given in the Annex.

# 5 NATIONAL DIMENSIONS OF INDIGENOUS PEOPLES' POVERTY

**A**n important issue to resolve is whether indigenous peoples in the Philippines are disproportionately poor. In other words, is the incidence of material poverty for indigenous communities more serious than for other sectors of the national population? It would also be useful to determine poverty trends over a period of time. A crucial issue, of relevance for the formulation of future poverty reduction measures, is whether there are arguments for targeting programs specifically at indigenous populations.

On this important point, owing to existing data limitations, the evidence can only be anecdotal. It is obvious that indigenous communities that have been relocated from their traditional communities and that have lost access to their land, natural resources, and other assets, are likely to bear the burden of material poverty as well as sociocultural deprivation. The same is true for communities who have lost their livelihood as a consequence of mining, logging, and similar extractive activities.

As regards the relationship between ethnicity and poverty however, there are no reliable data available at the national level. In the absence of this, the authors' method has been to extrapolate from national aggregated data from the National Statistics Office. The preliminary finding, using this method, is that poverty is not exclusive to the regions with populations that are predominantly indigenous peoples. In 1997, for instance, while the average incomes of the National Capital Region (NCR) and Central and Southern Luzon are indeed disproportionately high in comparison with all other regions, Caraga, the poorest of the indigenous peoples' regions, performed as badly as Eastern Visayas and Bicol regions. CAR and Regions X and XI performed better than all of the regions in the Visayas, using average income as the indicator. This is corroborated

by qualitative data from certain parts of Mindanao where indigenous peoples insist that they are not poor. Their main concerns are better presented as the growing risk of impoverishment, as their traditional lands and natural resources come under increasing threat.

On the whole, in the indigenous peoples' regions, the incidence of poor families and poor populations did not improve substantially between 1988 and 1997 despite the rise in average income, except for Region II. In some instances, the incidence has worsened and, ironically, in the indigenous peoples' regions that registered the more respectable growth rates in average income. This implies that the fruits of regional development have not "trickled down" to the poorest of the poor. Moreover, in the indigenous peoples' regions that registered a high incidence of poverty, the poverty gap ratio, especially in the rural areas, is also stubbornly high. These two measures show the extent of income inequality. The target annual poverty thresholds have to be raised in order to ensure that more families and persons are assured of annual per capita incomes that satisfy basic nutritional requirements. There do appear to be cases of significant growth rates for some indigenous communities, but the existence of marked inequalities within these same areas impedes fair access to the fruits of economic growth.

In the next section some welfare indices are examined to locate the situation of indigenous peoples' communities vis-à-vis the national situation in order to explore where policy intervention may be most effective. The sections thereafter flesh out the statistics that are used in the indices by presenting actual cases of the poor contending with low incomes, high prices, and scarce social services.



## WELFARE INDICES

Indigenous peoples' regions, for the purposes of this report, were taken as those in which the indigenous population is at least 40% of the total regional population. Table 1 shows that there are five such regions in the country.

### Income as a Measure of Well-being

Average incomes over time in the indigenous peoples' regions compared with the national average are

shown in Table 2, while the differences as percentages are shown in Table 3. As of 1997, Caraga had the second lowest regional average income, performing better only than Region 8 (Eastern Visayas). The regional average income was 42% lower than national average in 1997. The income statistics for Regions X and XI showed improvement, but could be explained mainly by the fact that the drag on their performance was removed with the creation of the Caraga region.

The other indigenous peoples' regions perform better than Caraga. However, the increasing gap between the national average and those of Regions II and XI is a source of concern.

**Table 1. Location of Indigenous Peoples of the Philippines**

Region	Indigenous Population <sup>1</sup>	Total Regional Population <sup>2</sup>	Proportion of Indigenous in Regional Population (%)	Proportion of Regional Pop. in National Total (%)
CAR	1,252,962	1,254,838	99.9	1.8
Region II	1,014,955	2,536,035	40.0	3.7
Region X	1,470,296	2,463,272	59.7	3.6
Region XI	2,107,285	4,604,158	45.8	6.7
Caraga	874,456	1,942,667	45.0	2.8

Sources of basic data: Total population, NSO (1995); Estimated IP population, ONCC and OSCC (1989) cited in IBON Facts & Figures, Vol. 24, No. 7, 15 April 2001.

**Table 2. Comparative Average Annual Family Income, Regional vs. National: 1988, 1991, 1994, and 1997**

Region	Average Income (P)			
	1988	1991	1994	1997
National	40,408	65,186	83,161	123,168
CAR	33,838	58,985	74,669	112,361
Region II	32,939	50,850	68,851	86,822
Region X	35,801	45,179	57,831	99,486
Region XI	37,132	51,722	70,711	94,408
Caraga				71,726

Source of basic data: National Statistics Office.

Note: Approximate conversion rates. In 1988, US\$1 = P21; in 1991, US\$1 = P27; in 1994, US\$1 = P26; and in 1997, US\$1 = P26 (but fell to P39 at the end of the year).

**Table 3. Percentage that Regional Income was Below National Average Income in Indigenous Peoples' Regions: 1988, 1991, 1994, and 1997**

Region	1988	1991	1994	1997
CAR	16.2	9.5	10.2	8.8
Region II	18.5	22.0	17.2	29.5
Region X	11.4	30.7	30.4	19.2
Region XI	8.1	20.6	15.0	23.3
Caraga				41.8

Source of basic data: National Statistics Office.

**Table 4. Growth Rate of Average Annual Income, Regional vs. National: 1988–1991, 1991–1994, and 1994–1997**

Region	Annual Growth Rate (%)		
	1988–1991	1991–1994	1994–1997
National	20.4	9.2	16.0
CAR	24.8	8.9	16.8
Region II	18.1	11.8	8.7
Region X	8.7	9.3	24.0
Region XI	13.1	12.2	11.2

Source of basic data: National Statistics Office.

The growth rate in regional average incomes generally followed the national trend for the decade 1988–1997, with CAR closely following the national trend and Region II dropping far below it during the last 3-year period (Table 4).

The income statistics, especially for Region X, showed a marked improvement particularly during the last 3-year period, but this could be due mainly to the drag on their performance being removed with the creation of the Caraga Region from elements of Regions X and XI.

Despite the encouraging trends in national and regional incomes, welfare, however, is more clearly indicated by poverty indicators that reflect the actual distribution of income. These are shown in Table 5. At the national level, poverty incidence among families declined by close to 10% from 40.2% in 1988 to 31.8% in 1997, but declined much less in indigenous peoples'

regions. In the case of CAR and Region X, the incidence of poverty increased despite average family income growing faster than the national rate.

At the national level, poverty incidence among individuals (Table 6) declined by a higher margin—nearly 13%, from 49.5% in 1988 to 36.8% in 1997—than the decline in poverty incidence among families (8%). Again, the drop is much less in indigenous peoples' regions, and in the case of CAR, the incidence of poverty among individuals remains at the same level across the 10-year period. It is worse in Region X in 1997 than in 1988.

That the incidence of poverty remains unchanged, or worsens, while at the same time average real family income rises, indicates that the income increase—as reflected on a regional basis—does not, in fact, trickle down to the poor. Therefore, poverty incidence remains constant or even worsens.

**Table 5. Annual Poverty Thresholds<sup>a</sup> and Incidence of Poor Families,<sup>b</sup> Regional vs. National: 1988, 1991, 1994, and 1997**

Region	1988		1991		1994		1997	
	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)
National	4,777	40.2	7,302	39.9	8,885	35.5	11,319	31.8
CAR	5,116	41.9	8,332	48.8	10,853	51.0	12,836	42.5
Region II	4,573	40.4	7,035	43.3	8,316	35.5	9,880	32.1
Region X	4,523	46.1	6,433	53.0	7,938	49.2	10,440	47.0
Region XI	4,876	43.1	6,544	46.2	8,201	40.3	10,503	38.2

Source of basic data: Technical Working Group on Income and Poverty Statistics, National Statistics and Census Board.

<sup>a</sup> Annual per capita income required to satisfy nutritional requirements (2,000 calories) and other basic needs.

<sup>b</sup> Proportion of poor population families (individuals in families whose annual per capita income falls below the poverty threshold) to total population.

**Table 6. Annual Poverty Thresholds<sup>a</sup> and Incidence of Poor Populations,<sup>b</sup> Regional vs. National: 1988, 1991, 1994, and 1997**

Region	1988		1991		1994		1997	
	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)	Poverty Threshold, Per Capita (P)	Poor Families (%)
National	4,777	49.5	7,302	45.3	8,885	40.6	11,319	36.8
CAR	5,116	50.7	8,332	55.4	10,853	56.4	12,836	50.1
Region II	4,573	44.6	7,035	48.9	8,316	42.1	9,880	38.0
Region X	4,523	50.2	6,433	57.4	7,938	54.1	10,440	52.7
Region XI	4,876	48.9	6,544	51.6	8,201	45.6	10,503	44.3

Source of basic data: Technical Working Group on Income and Poverty Statistics, National Statistics and Census Board.

<sup>a</sup> Annual per capita income required to satisfy nutritional requirements (2,000 calories) and other basic needs.

<sup>b</sup> Proportion of poor population families (individuals in families whose annual per capita income falls below the poverty threshold) to total population.

The National Statistics and Census Board's Technical Working Group looks at threshold income as the annual per capita income required to satisfy a person's daily nutritional requirements of 2,000 calories and other basic needs—in other words, the cost of a consumer's market basket. The same basket is bought on each occasion, such that if the threshold increases over time, the increase can only be explained by inflation.

For much of the last decade, the rate of growth of the income threshold in indigenous peoples' regions is faster than the national rate, and also faster than the NCR rate. This implies that the inflation rate in the indigenous peoples' regions is higher than even in the NCR for the greater part of the last decade (Table 7).

Curiously, since the most important contents of the basket are food items, the cost of the market basket has risen faster in the agricultural regions, where food is produced, than in the NCR. If one can generalize from the experience of CAR, the problem appears to be structural defects in the service sector: finance, trade, transport, storage, and communication. These defects affect the distribution of goods and services, which is reflected in higher prices.

Poverty incidence, using the threshold income, allows us to distinguish between the poor and the nonpoor, but while poverty incidence tells us how many are poor it does not reflect the depth of poverty. The

poverty gap index allows us to make a distinction between the poor and the poorest of the poor.

Over time, the depth of poverty has shown slight improvement at the national level but not in the rural areas; there is a much more marked relief in urban areas. However, except for Region II, the same cannot be said of indigenous peoples' regions, where poverty in 1997 was deeper in rural areas than it was 10 years before (Table 8).

Again, if the CAR experience can be generalized, the deepening of poverty in the rural areas can most likely be explained by the difference in returns from the extremes in agriculture: between small, rainfed subsistence farms and high-value, high-input cash crops. The problem of tenure is also likely a factor in the poverty gap in rural areas.

Two indicators are used here as proxy for welfare level: availability of basic education and health services in indigenous peoples' regions. Given the estimates of regional to total population, what is their relation to the distribution of basic education and health services?

At the regional level, there appears to be a match between population distribution and available services. But, like the indicator on depth of poverty, the location of the services reveals that they have an urban bias, which further widens the disparity and further deepens rural poverty (Table 9).

**Table 7. Growth Rate of Annual Per Capita Poverty Threshold, Regional vs. National: 1988–1991, 1991–1994, and 1994–1997**

Region	Annual Growth Rate (%)		
	1988–1991	1991–1994	1994–1997
National	17.6	7.2	9.1
NCR	13.7	7.0	9.1
CAR	21.0	10.0	6.1
Region II	17.9	6.1	6.3
Region X	14.1	7.8	10.5
Region XI	11.4	8.4	9.3

Source of basic data: Technical Working Group on Income and Poverty Statistics, National Statistics and Census Board.

**Table 8. Poverty Gap Ratio, Regional vs. National and Rural vs. Urban: 1988, 1991, 1994, and 1997**

Region	1988			1991			1994			1997		
	Total	Urban	Rural	Total	Urban	Rural	Total	Urban	Rural	Total	Rural	Urban
National	12.8	9.0	15.1	3.0	10.0	16.0	11.2	7.2	15.2	10.0	5.0	15.2
CAR	13.3	14.2	13.0	21.1	8.4	26.7	19.1	8.3	24.1	15.8	4.3	21.0
Region II	13.1	17.2	12.4	13.8	15.7	13.2	10.5	9.9	10.7	8.6	8.5	8.6
Region X	16.3	13.4	17.2	19.5	17.2	21.5	17.5	14.9	19.8	16.5	11.4	20.1
Region XI	14.5	9.5	17.4	15.5	14.7	16.3	12.3	8.6	15.6	12.8	8.4	15.6

Source of basic data: Technical Working Group on Income and Poverty Statistics, National Statistics and Census Board.

**Table 9. Distribution of Selected Social Services**

Region	Regional in Total National Population <sup>a</sup> (%)	Distribution of Elementary Schools <sup>b</sup> 1999–2000 (%)	Distribution of Secondary Schools 1999–2000 (%)	Distribution of Hospitals <sup>c</sup> 1999 (%)
CAR	1.8	3.4	3.1	3.2
Region II	3.7	5.3	3.8	4.4
Region X	3.6	4.3	4.4	5.6
Region XI	6.7	6.0	5.7	9.4
Caraga	2.8	4.0	3.6	3.4

Sources of basic data: <sup>a</sup> Total population, NSO (1995); Estimated IP population, ONCC and OSCC (1989) cited in IBON Facts & Figures, Vol. 24, No. 7, 15 April 2001; <sup>b</sup> DECS and CHED; and <sup>c</sup> Department of Health.

## INDIGENOUS PERSPECTIVES ON POVERTY AND DEVELOPMENT

It is important to observe that Philippine indigenous notions of *poor* and *poverty* generally differ from western “modernist” concepts of these categories. Most indigenous peoples do not want to be labeled as poor mainly because of the negative and discriminatory connotations of this construct. Mainstream characterization of the poor includes images of sloth and ignorance, which are used by “development” agencies and corporations to justify exploitation of the land and resources of indigenous peoples.

For indigenous peoples, development is not a matter of accumulating material wealth. On the contrary, they have cultural mechanisms (called by

anthropologists “redistributive mechanisms”) to prevent a member of the community from accumulating too much wealth.

Of course, these indigenous notions of poverty and development have changed through time. With the advent of “modernization” brought about by missions and formal education; construction of roads; the entry of migrants; and the introduction of television, transistor radios, and newspapers (as well as other print media), new values have emerged. However, indigenous values persist or are modified to adapt to the changing conditions. Indigenous peoples’ views of poverty manifest the dynamics of continuity and change.

In the following two chapters, the characteristics of poverty as viewed by indigenous peoples in two regions, the Cordillera and Mindanao, and assessments of its extent in those regions are presented.

# 6

## POVERTY ASSESSMENT

### Cordillera Region

This section attempts to convey the perspectives of the poor in the Cordillera with regard to poverty and development. It also aims to present a general picture of the poverty situation in the region. This is a result of 4 months of field work in the form of focus-group discussions and key informant interviews in the provinces of Abra, Benguet, and Mountain Province. The field data are augmented by studies conducted by academic organizations and NGOs.

First, the general poverty situation of the Cordillera is presented. Next are perspectives of indigenous peoples of the Cordillera on poverty, followed by views on the causes of poverty. The fourth section tackles the indigenous notions of well-being and their expressed needs and aspirations. The final section outlines the perceived causes of poverty.

#### GENERAL POVERTY SITUATION

The Cordillera region of northern Philippines contains the highest and largest mass of mountains in the country. It is home to over one million indigenous peoples collectively known as Igorots.<sup>48</sup> It has five provinces: Benguet, Mountain Province, Ifugao, Kalinga, Apayao, and the city of Baguio. The indigenous peoples by major ethnolinguistic identity are Ibaloy, Kankanaey, Bontoc, Ifugao, Kalinga, Isneg (Apayao), Tinggian, and Kalanguya. The region is rich in natural resources: rivers and hot springs; minerals, mainly gold and copper; lowland and temperate agricultural areas; some remaining forests; and high biodiversity.

The native inhabitants of the Cordillera are indigenous peoples who have occupied and sustained their territories since time immemorial. They have maintained their culture, distinct languages, and

sociopolitical systems. Not having been effectively colonized by Spain spells the difference between a Filipino minority like the peoples of the Cordillera and the majority of the colonized Filipinos. This difference persisted even with American colonization and succeeding Filipino regimes that pervaded all aspects of socioeconomic and political life in the Cordillera. The indigenous institutions persist even as they accommodate external influences.

Another feature of the Cordillera region is that it is one of the poorest and most marginalized regions in the country. All the Cordillera provinces are among the country's poorest provinces, more popularly known as "Club 20."

As of 1997, there were 110,000 families or about 42% of all Cordillera families living below the poverty threshold of P12,836. This means that almost half of all Cordillera families did not have sufficient income to meet their food and nonfood requirements. The incidence of poor families decreased from 51.0% in 1994 to 42.5% in 1997. This was attributed to the 59.9% increase in average family income in the region between 1994 and 1997. Moreover, the total number of poor families decreased by 12,800 or 10.4% over the same period. Despite this improvement, with about 4 out of 10 families living below the poverty line, CAR ranks 5<sup>th</sup> among the regions with the highest incidence of poor families.<sup>49</sup>

There remains a wide disparity between the poverty situation in urban and rural areas. In 1997, the incidence of poor families in the urban areas was 14%, while that in the rural areas was 55%. This disparity is attributed to the slower growth of average income in the rural areas (32%) compared with urban areas (72%) from 1994 to 1997.<sup>50</sup>

The 1996 Minimum Basic Needs Survey conducted by local government units in CAR revealed that the greatest unmet needs in the Cordillera are income and

employment, followed by water and sanitation, then by basic education and literacy.<sup>51</sup>

## Health

The total population of the CAR was estimated at 1,404,000 in 2000. The annual growth rate has been highest in Benguet (2.9%), Ifugao (2.3%), and Apayao (2.2%). The birthrate in 2000 was 22.25 live births per 1,000 population. The infant mortality rate in 1999 was 13.82 per 1,000 births, with the main causes being pneumonia, preterm birth, septicemia, congenital anomalies, and respiratory distress syndrome. Most provinces have good immunization schemes. However, malnutrition has been increasing, with 9% of preschool children classified as either moderately or severely underweight in 1999 compared to 5% to that in 1998.

Maternal health care continues to be a problem. Not all pregnant women have been able to avail of prenatal care and vitamin supplements from the health units. Education on pregnancy and childbirth seems to be a continuing necessity to uplift maternal health in CAR.

Potable water continues to be a problem in most provinces of CAR. Virtually all households in Baguio City and Mountain Province have safe water, but only 65% of those in Apayao have access to potable water. Most households in Baguio City (85%) have complete basic sanitation facilities including provisions for sewerage and garbage disposal, but only 19% in Kalinga and 34% in Ifugao have these facilities; the average for CAR is 48%.

For the CAR population, the leading causes of death were pneumonia, cancer, cardiovascular diseases, accidents/trauma, tuberculosis, hypertension, vascular diseases, and peptic ulcers. There is a growing incidence of "affluence-related" diseases.

Among the infectious diseases, the specter of tuberculosis continues to haunt the region. A greater number of cases has been reported from the outlying provinces than in the more urbanized areas. There is more success with leprosy. The Department of Health Integrated Regional Field Office received the Kagawad Award of the Civil Service Commission in 1998 due to its successful leprosy program in CAR.

Malaria, rabies, pneumonia, and gastroenteritis are significant in some provinces of CAR.

As of 1999, there were 73 physicians working in the local government units of CAR. There were also 37 dentists and 32 medical technologists, while the numbers of other health personnel (nurses, midwives, and village health workers) can be said to be barely adequate.

## Literacy/Education

The Functional Literacy, Education, and Mass Media Survey of 1994 revealed that the Government needed to put more efforts in bringing education to CAR. In terms of simple literacy (i.e., able to read and understand a simple message in any language or dialect), CAR scores poorly, with only 89% literacy rate.

## WHO ARE THE POOR?

Each of the ethnolinguistic groups in the Cordillera has its own terminology to refer to the *poor* and *poverty*. For example, the Ibaloi of southern Benguet and the Kankanaey of northern Benguet refer to the poor as *ebiteg* and *nabiteg*, respectively. Both terminologies refer to one who has no land to till and lacks the resources to be able to work. These resources are capital, transportation, machine sprayer, and *kuliglig* (a small tractor). An *ebiteg* is also one who lacks time and money to learn new skills and ideas. He/she is usually indebted, without a regular source of income, and does not enjoy amenities such as television, appliances, or an "LPG" (liquefied petroleum gas for cooking).

The Kankanaey of Mountain Province call the poor person a *kudo*. He/she is one who has no *payew* (irrigated rice field) and, therefore, works on the land of the landed or *kadangyans*. Since the *kudo* is frequently without enough food and money, he/she is forced to stay with well-off or better-off relatives. See also Box 1.

The Tinggian of Abra identify the poor as *pobre* or *panglaw*. This refers to a person who is *sangkasapuluan*, *sangkaapuyan*, which literally means hand-to-mouth existence. They lack food and money to buy basic commodities and send children to school, they cannot read or write, and their children are not properly clothed. These problems occur because they lack such resources as land and draft animals

### Box 1. Kankanaey Traditional Notions of Poverty and Wealth

To understand the Kankanaey notions of poverty, one must understand their notions of wealth or who are considered rich.

Traditionally, those considered rich are those who host thanksgiving feasts called *sida* or *pedit*. These religious feasts are offered to gods and the spirits of the ancestors. These feasts are ranked according to the number of pigs the host family can offer to the gods and spirits. Ranking starts from 3 pigs, then 5, 7, 9, 13, 15, 17 and so on. The sequencing is always based on odd numbers because of the belief that the pig without a pair will again attract more pigs when the host family raises pigs again after the feast.

The bigger the feast a family hosts, the wider the circle of relatives and clans can be invited. The host family gains more prestige as it invites a wider circle from within and outside the community. With the prestige comes the status of *kadangyan* or *baknang*, which connotes wealth and the ability to share such wealth. One was thus considered rich if he/she was able to hold feasts, during which the wealth was shared with many people in the community. One may have dozens of cattle and livestock but cannot gain the community's respect without sharing the wealth through a feast.

Being rich is not synonymous with accumulating wealth. Being rich is being able to share one's wealth through a *sida* or *pedit*. It follows, therefore, that poverty, at least according to old tradition, is the opposite of the Kankanaey notion of wealth: being poor means being unable to invite a wide circle of relatives and clan members to a feast.

Notions of poverty are socioculturally defined. For example, the Tinggian of Abra believe that one indicator of poverty is the physique of the person, i.e., being thin is an indicator of being poor, while being stout is an indicator of being rich. One Tinggian elder even

suggested that the smell of a person is a marker of poverty: "You can tell that one is poor when he/she stinks—he/she cannot even afford to buy bath soap."

Current (government) concepts of poverty tend to disaggregate the poor according to income brackets. Thus, the participants of the project's provincial workshop held in the Cordillera identified three categories of poor people. These are (i) ultra poor—those earning below P20,000 per household per annum, (ii) poor—those earning P20,000 to P39,000 per household per annum, and (iii) near poor—those earning P40,000 to P51,000 per household per annum. This categorization is based on the regional poverty threshold of P12,836.<sup>52</sup>

While there may be divergence in definitions of poverty based on the cultural context of each ethnic group, the most common markers are landlessness; lack/no source of cash/income; lack/absence of equipment such as spray machines, *kuliglig* (tractor), and transportation; and lack/absence of access to basic services such as health and education.

## CAUSES OF POVERTY

Several studies have shown that most farming communities in the Cordillera (i.e., the interior villages under a subsistence system) experience low production. A 1994 household survey conducted by the Cordillera Studies Center of the University of the Philippines College in Baguio City showed that the average harvest of farming households in 5 communities studied was low. Samoki had the lowest yield per household at 2.5 cavans (first crop) (1 cavan = 50 kilograms) and 2.22 cavans (second crop). The average rice yield was 10.90 cavans per household in Bineng, 31.44 cavans per household in Suyo, and 20.57 cavans (first crop) and 13.33 cavans (second crop) per household in Masikil.<sup>53</sup> The average area of irrigated holdings is 0.5 hectares.

Low production is attributed to several factors, the most important of which are (i) small, fragmented landholdings in most Cordillera villages; (ii) inability of households to generate cash required to purchase inputs; (iii) farmers' limited access to markets because of the poor quality of social infrastructures, e.g., transport and communications; and (iv) inadequacy of



social support services and information about these services, such as credit and marketing.

### Small Fragmented Landholdings

According to data compiled in 1991, of a total land area of 1,829,368 hectares, 81.4% were public/forest lands, of which 33% (or 26.9% of the total land area) were protected areas and 67% were production areas, of which 6.8% (or 3.7% of total land area) were agricultural areas including public land. Alienable and disposable land constituted 18.6% of total land area.<sup>54</sup>

Land-use data for the Cordillera region<sup>55</sup> reveal that forestland constitutes 40%; extensive land use (cultivated/open areas, grassland, and mixed crops/shrubs), 53%; and intensive land use (croplands and others), 7%. About 57% of the pine forest area in the Cordillera has a slope greater than 50%, which DENR considers unfit for development (by virtue of PD 705).

These data clearly show that land use extends into what the Government calls “public land.” At least some parts of this must include what indigenous communities call their “ancestral lands.”

To compensate for the problem of small, fragmentary, agricultural land area, farmers resort to intensification through the use of inorganic inputs or expansion into forested areas. Both options are not without ecological<sup>56</sup> as well as health<sup>57</sup> costs.

### Lack of Irrigation

Related to the problem of small and fragmented land is lack of irrigation in most Cordillera farming villages. Data from the National Irrigation Administration show that, despite the fact that there was an increase of 13,000 hectares of land irrigated from 1988 to 1992, overall irrigation service coverage in CAR remained very low at 34%. Among CAR provinces, Mountain Province has the lowest irrigation service coverage (17%) and Abra has the highest (65%). There are still 118,476.66 hectares of arable land that require irrigation to make them productive.<sup>58</sup>

### Inability of Households to Generate Cash

The low level of productivity of the upland agricultural systems is also due to the inability of households to generate cash to purchase inputs as well as consumption goods. The 1994 household survey by the Cordillera Studies Center showed that in the 5 communities they studied, farming was the principal source of cash receipts.

Cash receipts of farming households have to meet both production/marketing costs and consumption expenditure. There are several requirements that compete for the cash pool of farming households: debt payment of previous/current cropping period(s); operating capital for the succeeding crop; current household expenditures on food, clothing, housing, education, health, and leisure—immediate needs that cannot be postponed; and savings for fixed agricultural capital investment or for other forms of household investment. In view of these competing uses, and where the cycle for crop production receipts and expenses and the cycle for consumption expenses and receipts do not coincide, farmers are left with two options: off-farm/nonfarm and other sources of cash receipts, or credit including remittances from absent family members.<sup>59</sup>

Production, whether for home consumption or market, depends not only on land and other natural resources but also on the households’ ability to obtain commercial production inputs. On the consumption side, quality of life (i.e., the ability to consume beyond staple goods/services) suffers when the ability of the household to participate in the market for goods and services (e.g., education, health, and recreation) competes with production and basic consumption requirements such as food.<sup>60</sup>

### Inadequate Social Infrastructure

A major problem for Cordillera farmers is their limited access to markets because of the poor quality of infrastructure such as transport, storage, and communication.<sup>61</sup> One respondent in Bucloc, Abra, said that because the farmers could not bring their produce to the market, often they just fed it (fruits and some vegetables) to their pigs.

Poor social infrastructure is seen as the “missing service sector” that contributes to the “failure of the

market” in most Cordillera farming villages. Market failure occurs when it (the market) cannot allocate resources to production and distribute the output of the process most efficiently. This results in higher equilibrium prices of commodities or factors, lower quantity in the exchange, and decline in overall welfare level:<sup>62</sup>

*Here, if you were small farm operator without transport and storage facilities and you have a product with a short shelf life, you are figuratively at the end of a gun pointed at you by a buyer who has those facilities. And the big wholesaler himself, or through a network he has established, is in the best position to exploit the missing market elements.*

There is, therefore, a direct link between poor infrastructure and the frequently-lamented problem of high interest rates on credit supplied by entrepreneurs.

### Box 2. Needs and Aspirations of the Poor

*I have simple aspirations. I only wish that I had a more regular employment or source of income like a piggery so I will be able to buy basic needs like rice, sugar, coffee, salt, and food. Rosita, 45 years old, from Maguyepyep, Sallapadan, Abra.*

*We need capital to start a handicraft business here in Bucloc. We have abundant bamboo; all we need are skills trainings and seed capital...We also need capital for livelihood activities like pig and goat raising, and furniture making. Participants of the focus-group discussion held in Lamao, Bucloc, Abra.*

*“Gawis ay panagbiag”: good life means having my own land to till, being able to buy basic needs, and being able to send my children to school. Farmer from Fidelisan, Sagada, Mountain Province.*

## Inadequacy of Credit and Marketing Services

The high cost of inputs and the lack of adequate capital for production are frequently mentioned sources of livelihood instability. The absence of capital limits the number of crops to one per year, or prevents farmers from buying inputs to support regular farm activities (Box 2). Consequently, income and living standards are negatively affected.<sup>63</sup>

Several studies<sup>64</sup> on the vegetable-growing communities of southern Benguet and Mountain Province (areas that are already producing cash crops at an intensive level) show that a typical household engaged in vegetable production is usually trapped in a cycle of indebtedness because of market problems including low prices, high transport cost, high input cost, and poor access to credit.

The absence of capital should have encouraged rural banks to participate actively in economic activities in the vegetable areas. However, the findings of a 1983 study appear valid today.<sup>65</sup> These studies reveal several problems with the banks: lending policies are rigid and complex for a farmer to observe; rural banks have credit portfolios too small to support both long-term and short-term agricultural production; and banks require credit collateral like land titles, generally uncommon in the Cordillera.<sup>66</sup>

Entrepreneurs and other informal credit sources become ready sources of capital. Unlike rural banks, these informal credit sources have simple lending procedures, share the risk with the farmer-borrower in case of a crop failure due to natural calamities and poor prices, and are willing to lend production credit to farmers twice or thrice.<sup>67</sup> The role of the entrepreneur as buyer, supplier, and creditor explains the high interest rate in the informal sector.<sup>68</sup> Despite this high interest rate, farmers prefer to borrow from entrepreneurs. Thus, because of these informal credit sources, farmers have been able to sustain their production.<sup>69</sup>

## INDIGENOUS PERSPECTIVES ON WELL-BEING

The poor people of the Cordillera, like people everywhere, desire a “good life” or at least a better life. The poor’s perspectives of well-being are expressed in such terms as *gawis ay biag* and *nasayaat nga biag* (Kankanaey), meaning being able to meet basic needs like food (rice, sugar, salt) and clothing.<sup>70</sup> At the same time, perspectives also vary across ethnic and socioeconomic groups (perhaps even gender).

For some Ibaloy respondents of this study, the Tuba Benguet, good life means the state of being able to buy amenities such as gas for cooking, a tractor to lighten the burden of farm work, and a vehicle to transport their goods and products.

Well-being means good health. Among the Ayangan of Ifugao, good life is synonymous with a healthy life—*ap-ap-hochan*, which means that a person or a community is able to maintain a harmonious relationship with the environment and supernatural world. To attain a good life, one should not ravage the forest or spoil the land, especially the ricefields. One should nurture them (not leave them idle or unproductive), otherwise, one will become ill and suffer misfortune.<sup>71</sup>

For the Iffialig of Barlig, Mountain Province, notions of well-being are also linked to notions of health. The “generic” term for health is *apu-apuor*, which mean absence of illness or sickness. Related to the concept of *apu-apuor* are the terms *kursi/kunog*, which mean strong. Women and men in Barlig have a positive definition of health. Health is not simply the absence of illnesses but a condition of well-being or being strong in order to face the day-to-day challenges of life in a cheerful way.

The Iffialig description of a healthy person is *amma ammay chi achor*, which means that the whole body is in good condition. “When one is conditioned, one is healthy and strong.” Note that there is the implicit assertion here that one is able to work or function because the body is fully developed in relation to one’s need to work. Health is then considered to be an integrated aspect within the system of life of the people. For many men and women in Barlig, there is emphasis on the idea that “life is work.” If one is *apu-apuor*, *nakursi* or *ammay chi achor*, then he or she is capable of doing

things. As one woman emphasized, “one cannot work properly when one is not healthy.”

Although indigenous worldviews persist, they do not constrain people in the villages of the Cordillera. Values and ideas of good life are increasingly influenced by what they read, see, and hear outside their villages. Increasingly, people believe that education is a key to a better life, especially for the younger generation. They work hard to be able to send their children to college. Some dream of sending one or two of their children to work overseas.

## NEEDS AND ASPIRATIONS OF THE POOR

The following is a “wish list” of needs and aspirations of the poor in the Cordillera, as articulated by respondents as well as by other empirical studies in the region. The list does not cover all the needs and aspirations of all poor people, only those that are most commonly or frequently mentioned.

### Education of Children

Studies across the Cordillera region show that the most common aspiration of farming families is a college education for their children,<sup>72</sup> even if they can barely afford the cost.<sup>73</sup> It is common to find farming households selling a piece of land or a precious heirloom to pay for their children’s school expenses. Consequently, expenditure for agricultural production is sacrificed. Respondents explain that a college degree for their children is their passport out of farming. This finding suggests that some farmers in the village see the attainment of the “good life” as being outside the confines of their village. Indeed, outmigration is a common phenomenon all over the Cordillera.

### Income-generating/Livelihood Activities

This study validates the National Economic and Development Authority (NEDA) survey findings on Minimum Basic Needs: that people in the Cordillera aspire to have more income to provide for basic

household needs like food, clothing, education, and medical services. The most common livelihood activities in the “wish list” of farming households are pig raising, fruit and vegetable production, handicrafts business, and dressmaking (for women).

### **Food Security**

Food security seems to be a contentious issue in the Cordillera, according to the views of participants and respondents in this study. Even household surveys are not unanimous on the issue. A 1986 sample survey that looked into food adequacy in the Cordillera (except Abra) revealed that Cordillera households experience shortages in the supply of staple foods or sources of carbohydrates (rice, sweet potatoes, cassava, corn, and taro) and even protein.<sup>74</sup> Some 84% (n = 46) of the respondents claimed shortages in rice and 64%, shortages in sweet potatoes, an immediate substitute for rice. These shortages were not only because of seasonal fluctuations in the availability of food, they constituted a real shortage of food, because all possible substitutes were also in short supply.

A more recent (1994) survey of 5 communities in Benguet and Mountain Province study found that in Bineng (Benguet) and Suyo (Mountain Province) at least, some 85% of the respondents reported that their respective households enjoyed adequate food. On the whole, rice sufficiency (i.e., ability to obtain rice, whether home-produced or bought) was claimed by all households in all study sites, and sufficiency in vegetable by 93%. The study concluded that the problem is not overall food consumption level per se, but insufficiency only in the consumption of particular food crops. For example, insufficiency in consumption of fish/marine products was claimed by 90% of respondents in Bineng, 77% in Samoki, 72% in Lamayan, and 60% in Suyo.<sup>75</sup>

### **Improved Infrastructure**

Participants in the focus-group discussions expressed a common desire for better access roads and bridges, so that they will be motivated to be more productive. The present study's field work confirms earlier studies that reflect the local people's views on

the importance of their control of and participation in the running of infrastructure projects in their locality. This means that the local residents' needs, rather than the needs articulated by (sometimes even genuinely concerned) external agencies, should be given priority. It also requires the inclusion of local knowledge, technology, and materials in project planning and implementation, and the subsequent reliance on local expertise to maintain infrastructure.<sup>76</sup>

### **Participation in the Development Process**

Community participation in the development process is a recurrent theme in academic studies as well as workshops and conferences of indigenous peoples' organizations in the Cordillera.

A study conducted in 1993 found that generally, people in the Cordillera do not accept programs, projects, and activities that are “externally determined.”<sup>77</sup> This explains their negative reactions toward so-called development projects such as the San Roque hydroelectric dam and several mining interests in the region. Externally determined development projects like these are perceived as having no substantial benefits to the members of the communities, and threaten their ancestral lands and cultural heritage.<sup>78</sup>

Increasingly, people from the communities want more meaningful participation in the development process. Likewise, NGOs and government organizations working at the grassroots level have realized that the participation of community stakeholders in the conceptualization, planning, implementation, and monitoring/evaluation of projects is key to the success of projects.

This study reveals that indigenous peoples in the Cordillera do not give a single definition to the categories “poor” and “poverty.” These concepts are given meaning within the context of culture and society. Yet, Cordillera culture(s) and society are transforming, even if indigenous worldviews persist. Poor Cordillera farmers are increasingly exposed to new values and tastes, and even definitions of “good life” are becoming a mix of indigenous and modern values. They do not simply want to be in constant harmony with the environment and supernatural beings; they also express the need for more income to

buy such basic commodities as salt and sugar. They also dream of owning a piece of land to till, a carabao or a tractor to lighten their burden in the field, and a vehicle to transport the products. They need all these so as to

gain more income to be able to afford college education of their children. A son/daughter who obtains a college degree is considered the passport out of poverty.

# 7

## POVERTY ASSESSMENT

### Mindanao Region

#### GENERAL POVERTY SITUATION

Most of the indigenous peoples in the Philippines are in Mindanao, where 23% of the country's population reside.<sup>79</sup> The island's contribution to total poverty in the country is approximately 31%. Information from various studies reinforces the general assessment about the poverty situation in the island. The provinces where poverty is deepest<sup>80</sup> and most severe contain populations of indigenous peoples. Western Mindanao, which was ranked second nationwide in terms of rural poverty incidence,<sup>81</sup> forms part of NCIP's Northwestern Mindanao ethnographic area. In 1995, the population of the region was about 1.1 million, of which roughly 46% were indigenous peoples.

Preliminary results of the 2000 Family Income and Expenditure Survey show that poverty incidence in Mindanao is higher than the national average of 40%, ranging from 46% in Southern Mindanao to 74% in the ARMM. Poverty incidence was worse in 2000 than in 1997.

According to a recent ADB study based on income measures,<sup>82</sup> the regions with the highest poverty incidence are in Mindanao: Caraga (55%) and the ARMM (57%). Poverty, as revealed in the ADB study, continues to be a rural phenomenon with rural areas contributing 74.1% to total poverty. Western Mindanao ranks second highest in terms of rural poverty incidence. Urban poverty is most severe in Caraga (43%) and the ARMM (51%).

To understand the full dimension of the phenomenon, the ADB study looked into poverty depth and the poverty gap<sup>83</sup> nationwide. In Mindanao, the poverty gap and severity were most severe in Caraga, with five other Mindanao regions (Western Mindanao,

ARMM, Northern and Central Mindanao, and Southern Mindanao) also above the national averages.

The 1997 UNDP Philippine Human Development Index Report<sup>84</sup> estimated Human Development Index (HDI) values in Mindanao ranging from 0.41 in the ARMM to 0.62 in Southern Mindanao, all lower than the national average of 0.66. There were however, differences among provinces even within the same region, depending on the type of indicator used. In Southern Mindanao, for instance, Davao del Norte had a functional literacy rate of 85%, while in Davao del Sur it was 69%. All provinces in the ARMM registered very low HDI values. Western Mindanao and the ARMM registered extremely low values in access to safe water, toilet facilities, electricity supply, and health care services.

Potable water is scarce in most of Mindanao, with only 51% of the population in Agusan del Sur and 87% in Agusan del Norte having access to this important commodity. The proportion of families in the provinces of Bukidnon, Misamis Oriental, and Davao del Norte that live in makeshift housing is greater than the national average.

The Social Weather Stations conducted two surveys on self-rated poverty and self-rated food poverty (March and July 2001). In Mindanao, the incidence of self-rated poverty as perceived by residents was 64% in March and 70% in July. Both figures are higher than the national averages of 59% in March and 66% in July. Self-rated food poverty was also higher in Mindanao than the national average in both surveys.

With reference to public services, as noted in the HDI for the area, Mindanao continues to be poor. A recent World Bank study<sup>85</sup> reported the following.

- In health services, 11% of respondents (the highest among the "other island regions") said that the lack

of government facilities forced them to use private clinics/hospitals.

- In education, 41% of school-age children do not attend school (compared with the 11% in the NCR, 14% in the Visayas, and 33% in Luzon), citing economic reasons and poor performance.
- With regard to water supply, most households rely on private wells and rainwater collectors. Only 23% avail of level III sources (considered to be the best water sources).

To aggravate the situation, armed conflict prevails in Mindanao, resulting in the dislocation of more than half a million families to date in Central and Western Mindanao as well as the ARMM. Although the incidence of conflict seems to be isolated and span only a limited time, the impact and reach are felt even in relatively peaceful parts of the island. Business and investments continue to slow down. As stated by Secretary Deles, "The current conflict has been identified as having contributed to the sluggish stock market, falling peso, and weak investor and tourist confidence. And for those in war-torn areas, very few economic activities exist and few of them may prosper, because of the constant occurrence of armed conflict."

### THE CONCEPT OF POVERTY AMONG INDIGENOUS PEOPLES

*Walay pobre sa una, aduna la'y mga kakulangon. Dili pobre karon, aduna la'y pagkalisodlisod. Nagkalisodlisod kay gilisodlisod. ("In the past, no one was poor. There were only a few unmet needs. Neither are we poor now. We experience some degree of hardship. We live in difficult circumstances brought about by outside forces.")*

The quotation above aptly summarizes the perception of Mindanao indigenous peoples' representatives regarding their being labeled poor. At the same time, it acknowledges that with the continuing situation, they will soon be poor.

The indigenous peoples have generic terms that approximate the term *poor*. Some examples identified by specific groups are: B'laan—*tao telando*; Mamanua—*adyu-adyu*; Ubo Manobo—*kaayayuwana, makairo-iro, wara-wara, kahirapon, kaaya-aya-an*; Teduray—*miskinan, enda enda*; Bagobo Tagabawa—*kandaan*; Mandaya—*al'lang*; and T'boli—*el-el*. There is further need, however, to subject these terminologies to more validation in terms of their levels of meanings.

Generally, the term *poor* is considered not to apply to Lumads, but to the *langyaw* (outsider). Viewed as a discriminatory construct, it implies sloth and the ignorance of and use of weapons by outsiders to gain control of resources and lands of the former. The indigenous peoples assert that they are not poor, but are living in difficult circumstances brought about specifically by loss of land and access to resources. They can only rise from this condition if they are able to gain control of their territories again.

Poverty indicators used by outsiders refer mainly to material aspects such as money, house, adequate clothes, and transportation; other aspects include the inability to seek medical attention from hospitals, absence of formal schooling, and the characteristic of being lazy.

When asked whom they consider poor, Lumads refer to squatters who have no land; the Bajao, who are the most oppressed group; streetchildren; prostitutes; underpaid workers; evacuees; and marginalized farmers and fishers. The characteristics of such people are the same as in the outsiders' definition: no property, dirty-looking, clothed in rags, rundown or broken house, children unable to go to school, and having debts to pay.

### TERMINOLOGY AND CHARACTERISTICS

The Lumad indicators cover a broad range and mix of indicators, one of which shares the outsiders' perspective of lack or absence of material belongings. Other issues considered important by indigenous peoples for improving quality of life are: powerlessness and dependency, ignorance of indigenous knowledge systems, loss of affinity with ancestral domains, and failure to belong.

## Powerlessness and Dependency

Slavery (Mangguangan—*allang*; Mansaka—*gupisan*; Subanen—*ghulipon*) is considered a state of poverty. Individuals or families have to be provided everything. Consequently, the slave can be stepped on and taken anywhere, can be subjected to eviction anytime, and cannot make any independent decision. The individual may even need to be provided a wife by the “master.”

Other individuals considered poor are those who are dependent on others. They are unable to earn a living, can eat only if employed, are unable to pay debts, and have to live with others because they have no house. Some of them survive mainly on wild plants and animals as well as root crops. They are timid and need to be protected (Ata Manobo—*ubong-ubong*). If they commit an offense, they are bailed out by others or by the Datu.

## Ignorance of Indigenous Knowledge Systems

Poverty is also manifest in the loss of belief in and practice of the indigenous culture. Some possess limited knowledge while others stop learning and fail to cultivate indigenous knowledge systems (Manobo—*parabian-gantangan*). A distinction is also made between those who are poor in terms of indigenous knowledge and those who have such knowledge but fail to recognize and promote it.

## Lack of Material Property

As in the outsiders’ definition of poor, Lumads acknowledge that they may lack certain materials such as mats, animals, cooking pots, housing, food, and clothes (Ata Manobo—*ayuayu*; Mansaka—*gupisan/allang*; Subanen—*dairun*). However, some Lumads insist that this may only be a temporary state due to factors such as migration to another localities and seasonality, e.g., before harvest (Subanen—*miskinan*; Manobo—*mangkaayo-ayo*). The Higaonon mention the *tingauhol* or seasonal hunger. During this period, they are forced to subsist on root crops and eat twice a day only.

## Loss of Affinity with Ancestral Domain

Another indication of a state of poverty among the indigenous peoples is loss of concern for the ancestral land and domain. The Higaonon, for example, lament the fact that in the 1970s some of their community members lost land to migrants for a minimal amount or for goods of little value such as cloth, sardines, and alcoholic beverages.

## Failure to Belong

Poverty is also not being of royal lineage (Manobo—*raig-raig*) or even being an outsider or not of the group (Manobo—*saruwa*). The poverty stigma also holds true for one who is banished by the group for unacceptable behavior (Subanen—*ginibas*; Manobo—*agka-urepon*).

## THE ISSUE OF EXISTENCE OR NONEXISTENCE OF POVERTY

It is acknowledged that poverty as defined by Lumads does exist in every ethnic group. However, it is also reiterated that they have resources that the outsiders covet. Foremost, they respect richness in character (Manobo—*bungkatol ha bulawan*).

The Talaandig say there are no rich, so there are no poor. People raise crops sufficient for all, even enabling the community members to hold rituals. The resources are redistributed equitably by the local leaders (*timuay* or Datu) or there is a system of food sharing (Higaonon—*ilahan, pangalawat*).

According to those in Northwestern Mindanao, Lumads cannot be poor if the following are present.

- forests for all their food and health needs;
- peace;
- the indigenous characteristic of helping one another in times of need;
- knowledge about the forest in lieu of formal schooling; and



- indigenous systems and means to help them choose their own lifestyle.

Again, the conditions cited hinge on their access to resources such as land and forest, their cultural integrity, and the relationships fostered within and outside their communities.

### **NEW ISSUES AFFECTING INDIGENOUS PEOPLES**

In the past, Lumad communities encountered difficulties from a limited number of sources, mainly from nature in the form of storms and the destruction of crops by pests. The peace situation has been so unstable that there is sometimes a need for evacuation of communities.

Now these communities have to contend with the entry of migrants from lowlands; the influence of religion, churches, and schools; and the use of technology by outsiders (e.g., in commercial farming). Other pressures include disruptive development projects such as dams, irrigation projects, integrated forest management and community-based forest management activities, contract reforestation projects, logging, mining, energy projects, and school reservations. In effect, there has been a lack of management and control of the territories occupied by indigenous peoples.

To aggravate the situation, Lumads contend with lack of knowledge in resource management because the indigenous knowledge systems and practices have been forgotten; and because of a lack of current technical knowledge to develop existing natural resources, lack of money, and inability to cope with the development standards set by outsiders.

### **DEVELOPMENT NEEDS AND ASPIRATIONS**

Consistent with indigenous peoples' perception of the life they want to live are such aspirations as the full implementation of the IPRA, education, livelihood programs and financial assistance, self-governance,

respect for their people and their culture, organization for protection, improved infrastructure, and participation in the development process.

### **Full Implementation of the Indigenous People Rights Act**

Closely linked with the development of ancestral domains, the indigenous peoples seek the recognition of their rights to their domains, the right to develop the lands as they see fit, and to regain territories lost either through sale at a low price or acquisition through government agreements.

### **Education**

Indigenous peoples see the importance of sending their children to school even if costs are beyond what they can afford. Thus, families do not hesitate to sell a piece of land or an heirloom to meet school expenses. They also forgo spending for agricultural production. As in the Cordillera, those interviewed explained that a college degree for their children is their passport out of farming. Among the Higaonon, some have abandoned the traditional practice of arranged and child marriage in support of their goal for their children to complete high school or college education. Scholarships are welcome, although there is a clamor for more rigid screening to ensure that those selected really belong to indigenous communities.

The indigenous peoples, however, are also wary of negative influences of education in terms of the changes in values of their children. The loss of indigenous knowledge in return for lowland aspirations is a dilemma for these indigenous peoples.

### **Livelihood Programs and Financial Assistance**

Similar to the NEDA survey findings on Minimum Basic Needs, the present study found that Mindanaoan indigenous communities aspire to have more income to provide for basic household needs like food, clothing, education, and medical services. Like their Cordilleran

counterparts, the most common livelihood activities are pig raising, fruit tree cultivation, vegetable production, handicrafts, and dressmaking.

### **Self-governance**

Indigenous communities seek to manage their domains based on their own systems and methods. There are moves to assess the effect of outside influences on their culture and to reject what is incompatible and harmful to the local traditions and values. Moreover, those influences considered enriching could be modified and integrated into the culture and society.

There is a strong reaction to the entry of development projects without the benefit of sufficient community-wide consultation. Furthermore, if and when participation does occur, agreements are sometimes not respected or followed through. Also required is the implementation of free and prior informed consent in development matters.

### **Respect for the Indigenous Peoples and their Culture**

In their everyday interaction with outsiders, the Lumads have to contend with the low regard of the former for the latter. There is an absence or a lack sensitivity and respect for indigenous knowledge systems and practices. In this regard, the indigenous peoples want cultural revival and the promotion of their local systems to raise an awareness among outsiders of the richness of their traditions and to imprint indigenous knowledge, systems, and practices into the consciousness of succeeding generations.

### **Organization for Protection**

The protection of the forests, lands, and people from outsiders is viewed as critical by the indigenous peoples of Mindanao. Given the pressures (e.g., political, financial, and developmental) impinging on their rights, there is a need to strengthen their traditional organizations and other groupings within the communities. The process would include the rethinking

and revival of the concept of leadership such as the *Datu* and the *timuqay*. The responsibilities and accountabilities, clear structures and functions, and the issue of transparency should be taken into consideration by both new and traditional organizations.

### **Improved Infrastructure**

Indigenous communities see better access roads and bridges as motivators for increased productivity. However, they are also wary of the possible negative impacts in terms of the entry of individuals or groups with interests in their lands and resources.

In addition to roads, these peoples want to set up “tribal halls” (or centers where they can meet regularly), school buildings, water systems, and health centers. For infrastructure projects, they reiterate that their needs and not those articulated by external agencies (even those with genuine concern) should be given priority.

### **Participation in the Development Process**

Increasingly, people from the communities want more meaningful participation in the development process. NGOs and government organizations working directly at the grassroots level have realized that the participation of community stakeholders in the conceptualization, planning, implementation, and monitoring/evaluation of projects is key to the success of the projects.

## **RECOMMENDATIONS REGARDING INDIGENOUS PEOPLES OF MINDANAO**

Several recommendations were put forward by the indigenous peoples of Mindanao with reference to the type of development efforts in which they will engage, whether processes, policy decisions, or projects.

Some issues that need to be addressed by the NCIP deal with specific cases. These are the Central Mindanao University land claims and dismantling of the indigenous peoples’ *tulugan* (the structure where

the communities meet), problems with community-based forestry management (CBFM), and the need for a dialogue with the Office of Southern Cultural Communities (OSCC) regarding indigenous peoples (e.g., the Teduray) within the ARMM.

The most frequently recurring issues raised during consultations with indigenous peoples refer to their lands. This may take on the form of landgrabbing by powerful politicians and business persons, entry of CBFM, tourism, plantations, projects such as dams, and individual claims by nonindigenous persons.

The requests, addressed to ADB are as follows.

- Translation of the Policy on Indigenous Peoples into local languages (e.g., Visayan) to be used as a reference in discussing the parameters of engagement with ADB.
- Support in the processing of CADTs with NGO assistance; the latter need to be acceptable to the communities assisted.
- Assessment and nonfunding of projects which, based on experience, are not supportive of indigenous peoples' rights; some of these are CBFM, mining, integrated forest management, power plants and other energy projects, dams, major infrastructure, and fisheries/aquatic resource management projects.
- Participation of the indigenous peoples in the review of proposals for projects affecting their communities. Funding should not be provided without their FPIC.
- Creation by ADB of an ad hoc independent investigation team (with an indigenous peoples' representative) to review, monitor, and evaluate ongoing projects within their domains.
- If possible, channeling of projects straight to the indigenous peoples' communities.
- Continuous consultations with indigenous peoples.

Considering the current conflicting policies impacting on indigenous peoples, ADB should apply

stronger conditions before the approval of projects affecting them.

## CASE STUDY 1: THE HIGAONON COMMUNITY IN BUKIDNON

### General Demographic and Socioeconomic Situation

#### Access and population

Accessible mainly by the *habal habal* (motorized bike that accommodates at least four individuals including the driver) from the highway, the Higaonon share their 6 villages (5 of which are within the 9,000 hectare CADCs) with 10% Visayan migrants.<sup>86</sup> There are 88 households (1995<sup>87</sup>) of indigenous peoples and *kalibog* (persons of mixed ethnicity) in the community.

#### Land cultivation and access

The Higaonon traditionally practice shifting cultivation, hunting, and gathering of forest products. They raise upland rice, root crops, sugarcane, and (in the 1970s) coffee and different types of vegetables. Recently, they have started to practice settled agriculture, using high-yielding varieties of rice and corn.

Since the prohibition of swidden farming (PD 705), the residents' movement over their traditional territory has lessened. Although the awarding of the CADC has given them some sense of security of tenure over their land, they profess confusion about the requirements of the municipal government regarding the paying of community taxes and municipal assessments conducted annually. They expect that ownership over their territory will be fully recognized and respected through the issuance of the CADT.

Since the Higaonon have been slowly converting from swidden farming to lowland agriculture, construction of rice paddies is perceived to be a symbol of promise of food security and better life because it will enable them to plant and harvest thrice yearly. It is also construed as a strategy for forest conservation since they would no longer clear some portions of the forests. The shift in agricultural production has been strongly influenced by the government's forest policies, the entry

of migrants, the Municipal Agricultural Office, and the Catholic Church-based NGO Father Vincent Cullen Tulugan Learning Development Center (FVCTLDC).

The last mentioned group has provided various forms of assistance to encourage the shift to lowland agriculture. However, support for inorganic inputs was later stopped because of the perceived detrimental effects on health and environment.

### Employment and incomes

Cash is generated from the sales of excess agricultural produce as well as raw and processed abaca hemp (woven cloth, *hinabol*) and rattan (backpack, *kamuyot*). For these products, rates are dictated by entrepreneurs who transport and sell products in the town centers. Some NGOs have been providing support to construct a building for weaving looms and a market outlet for products of Higaonon women. From their initial income, the women were able to set up a cooperative store at the center of their village.

Another livelihood opportunity is employment as government officials, soldiers, and Citizens Armed Forces Geographical Unit members. Some residents leave the community seasonally to seek work as farm laborers and domestic helpers. The average income from farm labor is P70–80 per day for adults and P50 for children for 8 hours of work.

Cash is used for basic household needs such as rice, salt, sardines, kerosene, candles, matches, and soap.

### Education facilities

Educational facilities consist of two public elementary schools, one in the town proper and another in one of the villages.

Secondary education has to be pursued outside the area. The FVCTLDC runs a literacy school in one of the villages. It offers a special curriculum including subjects on Higaonon culture. However, the institution still needs to be accredited by the Department of Education, Culture, and Sports; thus, students must undergo placement examinations to qualify in the regular school program.

Parents opt for their local language or Visayan for instructional purposes since these are easily understood. However, this does not diminish their

openness to learn the national languages, Tagalog and English, because these are viewed necessary in communicating with outsiders.

### Health

To respond to the health needs of the community, a health center in the town proper has one midwife offering mainly family planning services. The FVCTLDC also runs a health clinic with a registered nurse. There are plans of building a minihospital within the town by the ADB-funded Bukidnon Integrated Area Development Project.

Not all villages possess a water system; the government has installed intake boxes that are not yet operational. Consistent with their objectives, the FVCTLDC helped build a water system in one of the villages.

Through the inputs of the FVCTLDC among women, health and sanitation in two villages has improved, as indicated by zero infant mortality in 2000 and the prevention of epidemics. The Center encourages the use of traditional and indigenous medicine and these are prescribed rather than “western” medicine. The Higaonon still avail of the services of the indigenous medical practitioner after consultation at the health centers.

### Political institutions

The Higaonon continue to practice, recognize, and respect the traditional Datu leadership system. Although some of their members have been elected to various government posts, traditional leaders claim harmonious relationships with the latter.

Recognized in the area are two main Datus and others who comprise the Council of Elders. The Datus have specialized skills recognized and respected by the community. Collectively, they take charge of ceremonial functions, conflict resolution, and healing functions. In effect, they make the major decisions concerning the community.

Recently, tensions and undue competition emerged among Datus from different sectors because they believe that some leaders have greater access than others to government and NGO projects. Village leaders and members perceived to have more access to NGO projects are not regularly invited to government-initiated

meetings, consultations, and planning activities, and their areas have been less prioritized for development projects and delivery of basic services.

Conflicts within the ancestral domain are resolved by Datus while issues affecting areas beyond the ancestral domain are jointly resolved by the Datu and the village captain.

Beyond the community, all the Datus in the area are linked to a traditionally recognized and informal organization of leaders from different Higaonon territories in Bukidnon, Misamis Oriental, and Agusan del Sur. They assemble from time to time in a ritual called *dumalungdong* to discuss their customary laws, belief systems, and pressing problems.

## Concept of Poverty among the Higaonon

### Terminology and definitions

When asked for local terms for *poor*, the response would be Visayan terms *kabos* and/or *makaluluy-on*, although the latter is more linked to being in a pitiful condition. The term can be equated with the absence or lack of money while its opposite, *sapian* (Visayan for rich) connotes the ability to purchase material things such as houses, farm animals, and vehicles. These terms were not within their consciousness until the entry of outsiders.

Thus, they perceive themselves to be poor only because others say they are poor. One informant refused to be referred to as pitiful because she still has food on the table and does not have to resort to begging.

The nearest terms akin to poverty are *agkapulog*, *tingauhol*, and *kalugan*. Residents experience the first only because they do not have money to buy certain things they need, but this condition does not necessarily indicate that food is scarce. The second term refers to seasonal hunger. Although food is limited during this period, the situation is temporary and can be mitigated. The third term means a person in a state of difficulty: while walking through a steep and narrow terrain, when food is scarce, when a conflict is unresolved, or when violence is experienced.

### Poverty promoting factors

The Higaonon perceive themselves to be in difficult circumstances caused mainly by outside factors. According to ethnographic literature, they were traditionally coastal dwellers enjoying the resources both of the sea and the forests. However, they were subsequently pushed into the interior areas and had to depend solely on the forest for subsistence and household, health, and ceremonial needs.

The interior areas where they settled were then encroached upon by migrants in the 1970s. A number of Higaonon lost tracts of land to outsiders for cash or for cheap goods.

The situation was aggravated by government policies on land tenure and resource use, greatly limiting access to forest zones. Then logging activities by the Nasipit and Agusan logging companies from 1980 to the early 1990s affected the economic, social, and political aspects of the community.

With the depletion of forests, the more immediate impact was the decrease of meat supply (deer, wild pig, monkey, chicken, frogs, birds, and fish). In addition, sources of honey became difficult to find. The *manuk gasanun* (wild chicken) for traditional healing practices became scarce.

Logging also greatly altered the cycle of traditional farming systems. Due to more intensive use of the land, farm productivity lessened. The problem was aggravated by a build-up of pests and disease. As a result, the harvests have not been sufficient to sustain the Higaonon communities between croppings.

As the supply of traditional food dwindled over the years, seasonal hunger became more prolonged. Consumption patterns also changed: residents learned to eat canned foods and instant noodles. These are nutritionally inferior to their traditional diet of vegetation and animals from rivers and forests.

### Needs and Aspirations

The Higaonon needs and aspirations include infrastructure, production, social services, and the conservation and promotion of indigenous systems and governance.

- Infrastructure and facilities: better roads and transportation systems, electricity, and a vehicle for the community.
- Production and related facilities: construction of more rice paddies; production of more root crops, corn, abaca, sugarcane, and coffee; setting up a rice and corn mill; construction of productive fishponds; identification of markets for farm produce.
- Social services and support systems: support for education, fair and just gender distribution of labor, and strengthening of the cooperative system.
- Indigenous systems: preservation of indigenous beliefs and value systems (especially values of helping, caring, understanding, and respecting one another); continued performance of traditional rites and rituals (guidebook on rites and rituals); and exclusion of new religions into the area.
- Governance: continued strengthening of traditional political organization and structures; recognition of the youth as community leaders, both in the traditional and state mandated systems; and learning new knowledge and skills to help strengthen community organization.

Currently, the Higaonon community is optimistic that with the financial and technical help of the FVCTLDC and its network of NGOs and other support groups, the identified needs will eventually be met.

## CASE STUDY 2: THE ATA-MANOBO COMMUNITY IN DAVAO

### General Demographic and Socioeconomic Description

#### Characteristics and location

This group is one of three Ata Manobo “subgroups.” Its territories, part of which is in a CADC area, stretch from Davao City to Bukidnon. This may be due to the fact that some members are still nomads who move around specific domains.<sup>88</sup>

The town proper is accessible by public vehicles, mainly motorized bikes, *habal-habal*. The latter serve as the only means of transportation to reach the interior communities. However, within some villages, horses are used to transport people and goods.

The area is known to be rich in minerals such as chromite, gold, silver, and coal.

Water still has to be fetched from its source (e.g., springs); there are plans for spring development leading to a water supply system. According to a respondent, electricity is enjoyed only by the former mayor (a Datu) and his family from a generator at the municipal hall.

#### Production and other subsistence/ livelihood practices

The Ata Manobo are swidden farmers in areas called *lugar na hagpo*. The products of this group are root crops such as sweet potato, cassava, and taro. Also grown are corn, banana, coffee, and abaca. Currently, an added product is upland rice. Problems faced by the farmers include rats that feed on the harvest and lack of capital or financing for farm inputs.

There is a traditional cooperative labor exchange in which families provide assistance to one another.

Women weave cloth (*hinabol*) and mats as well as baskets and containers from bamboo and rattan. Some men are blacksmiths and make their own farm implements. Some still hunt using a bow and arrow. Others raise animals such as chickens, pigs, and horses.

The income of the Ata Manobo is hard to estimate because of irregular marketing schedules and volume of products. The most common item used to generate cash is wild abaca transported to the market in bundled strings. Corn is likewise sold through entrepreneurs who serve as credit sources.

Employment is in the form of farm labor in the village or migration of children to other places to work as house helpers. For the former, about P3,000 is generated per harvest while house helpers are paid P400 per month.

#### Education

During 1977–1984, the Presidential Assistance for National Minorities provided schools for elementary education and scholarships. Currently, access to education has become a problem. Usually the family

borrow to finance the education of the children using the harvest as collateral.

Parents want their children to be taught according to the language of the lowlanders although a curriculum for Lumads has been developed. Teachers are composed of both Lumads and Visayans.

The Davao Medical School Foundation, an NGO, has provided scholarships for midwifery. A day care center is also present but the structure has not been used due to the limited number of users.

### Health situation

The Municipal Health Center has a nurse, midwives, and village health workers. The staff seldom visit the interior areas to deliver health services. Women healers (*oyami*) provide childbirth assistance and treatment of diseases, while family planning is conducted through the use of indigenous herbal contraceptives.

### Other indigenous practices

Very few Ata Manobo reject their traditional religious beliefs. Some, however, have become Catholics, Seventh Day Adventists, and Baptists. But it is said that they eventually return to their traditional practices.

Although indigenous peoples are subsistence based, they also access credit from individuals. Loans must be paid or shame will befall the Datu. The people do not want their Datu to be dishonored, so they pay their debts.

The Ata Manobo are said to share property. Even a radio may be passed from house to house in the spirit of sharing.

### Assistance provided to the community

The community has a CADC and the contract for the formulation of the Ancestral Domain Management Plan was awarded to Multi-Equipment and Technical Services, Inc., a private corporation affiliated with the Marsman Company. The budget was generated from the Poverty Alleviation Fund (PAF III). This source also provided for the labor of residents in four related activities: brushing, staking, hole digging, and hauling of seedlings. Conflict erupted in 1999 because residents who provided

labor were not paid, according to one of the Datus, and there were apparently irregularities in contracts.

In addition, a former government program, the *Lingap para sa Mahirap*, targeted 19 families as the "poorest of the poor." A cooperative, a sari-sari store, and a loan from the Davao Tree Farmers' Cooperative were planned but had to be shelved because of the limited skills level of residents in financial management.

Other government entities that have provided assistance to the group are the Department of Agriculture (which provided 12,000 coconut seedlings since 1995) and NCIP. The latter conducted leadership training and assisted in negotiations between the Datus and a logging company.

The Davao Medical School Foundation, an NGO engaged in health, education, and livelihood assistance provided community workers to work in the villages. They implemented such projects as education assistance funded by Save the Children Japan, and goat raising. The 6 goats distributed to different households have bred and now number 26.

The Nestlé Company provided farmers with training on coffee planting. The villagers, although interested, failed to use the free seedlings because of problems regarding transport.

### Conflict resolution and the Datu system of governance

The Datu is the center of governance and conflict resolution in the Ata Manobo communities. Common issues are murder, adultery, theft, and unpaid debts.

The Datu should have goodness and strength of character, be helpful to the community in development plans and services, generate respect and trust from the group, and look after the peace in the community. The Datu's power is inherited but there is also a selection process to identify an individual worthy of the position among offspring and close relatives. The Ba'e or wife of the Datu is also respected and has important leadership functions.

### Peace and order situation

In 1972 the communities complained of abuse by the military; troops were subsequently withdrawn. A volunteer police force has since maintained peace and order.<sup>89</sup>

As of April 2000, it was said that about 40% of the approximately 100,000 inhabitants of the area are affiliated with the New Peoples Army, an antigovernment military force. These people reside within the CADC.

## Concept of Poverty among the Ata Manobo

### Terminology and definitions

The term akin to *poor* among the Ata Manobo is *kaayo-ayo*, an individual described as possessing only a set of clothes and who has to live with others for his/her subsistence. In a worse condition would be the *kaubong-ubong*, one who is practically without any living area and who does not attend to his/her physical appearance (e.g., does not take a bath). Individuals are said to be in this state because they reside in the interior areas and do not participate in community activities.

The comfortable ones, on the other hand, are the *maupiyak*. They have sufficient food and domesticated animals. This perception of a level of comfort as stated by the Ata Manobo contrasts with outsiders' views of the wealthy (*adunahan*): possessing much money, concentrating on making a business prosper, and pursuing only his/her personal interest.

### Poverty promoting factors

As recently as 1983, the forest in the area was still intact. The Datus interviewed said they were living in harmony with the forests, which produced all they needed. Then, a 25-year logging concession was granted to the Alcantara company. The company has been in the area for 15 years. There was a steady depletion of forest areas and loss of biodiversity. Wild animals vanished and farmlands were taken over by the logging operations.

*Naupaw ang lasang tungod sa logging sa Alcantara. ("The forests turned bald due to the logging of the Alcantaras.")*

Now, the people cannot clear the cogon grass areas. There is insufficient organic matter due to lack of forest litter. The cultivation of upland rice has become difficult because of the limited amount of planting materials and the soil has become too

compact, making even sweet potato cultivation difficult.

*At first logging companies cut the trees, then they reforested the area with fast-growing trees and prohibited the Lumads from farming within these reforested areas.*

These factors have resulted in food being the primary problem in the area, even if the Poverty Alleviation Fund gives food for work.

The logging company tried to help by implementing projects: a drier, a water system, and provision of seedlings. New methods and technologies, however, required the introduction of new methods that needed money to implement.

Changes were also noted by the Ata Manobo in their cultural practices. Previously, they could work together even without money through the *lusong* or cooperative work. Now there is the concept of hired labor. In addition, they now fail to initiate rituals before they open the land and they now use metal tools in clearing farmland.

The conditions are aggravated by the presence of lowland Christians who are said to oppress them by buying products cheaply and selling them at exorbitant prices. In addition, they have also brought in vices such as drunkenness and gambling.

### Perceived solutions to problems

Basic to the development of the community is bringing back the forest. Only when the vegetation has been restored can the wild pigs, birds, and the other requirements for the survival of the Ata Manobo be provided. Other needs identified are the following.

- Infrastructure: roads, more permanent settlements, and a school building.
- Education: an agricultural high school and lessons in budgeting and management.
- Governance: creation of tribal villages (= *barangays*; proposal pending in Congress as of 2000).
- Cultural integrity: ongoing study of traditions so these can be practiced again.



- Livelihood: a 1,000 hectare dairy farm or ranch, cattle raising, abaca production, and a rice mill.

As envisioned by an Ata Manobo Datu, the goal is the return of self-sufficiency and self-reliance of the people

# 8

## REVIEW OF DEVELOPMENT PROGRAMS AND PROJECTS

The programs and projects reaching the indigenous peoples of the Philippines are made possible through the support of international agencies, the government, NGOs, and IPOs. Presented here are samples of these endeavors and suggestions for ADB to consider.

### INTERNATIONAL AGENCIES WORKING WITH INDIGENOUS PEOPLES

The various international agencies engaged in work with indigenous peoples of the Philippines are guided by their own policy frameworks.<sup>90</sup> The best measure of the effectiveness and relevance of their strategies is a review of their articulation at various levels: the agency, the host government, the partner NGOs and IPOs, project staff, and the indigenous peoples themselves.

#### International Labour Organization

The International Labour Organization (ILO) serves as the only international agency that has adopted specific standards covering indigenous peoples. To address the issue, ILO has taken a twofold approach of promoting its Convention 169 at the government level and providing technical assistance on indigenous peoples issues.

ILO's current development program for indigenous peoples is INDISCO, which uses a community-driven participatory approach rather than a top-down approach. The latter was found ineffective since it makes indigenous peoples dependent and is considered a disservice to their communities, which were traditionally self-reliant.

INDISCO's current projects are classified into four components: preservation and promotion of the indigenous culture, promotion of decent employment and income opportunities, promotion of gender equality, and environment and natural resources protection and rehabilitation. There are 4 indigenous communities involved in these projects in Mindanao, 2 in Occidental Mindoro, 2 in the Cordillera, and 1 in Zambales.

#### United Nations Development Programme

The Global Environment Facility (GEF), established in 1990, is comanaged by the World Bank, UNDP, and the United Nations Environment Programme. It is designed to assist developing countries to deal with four main environmental problems: global warming, pollution of international waters, destruction of biological diversity, and depletion of the stratospheric ozone layer.

The Small Grants Programme (SGP), which is managed by UNDP under the GEF, supports community-based activities that address the above mentioned concerns.

In the Philippines, the objectives of the GEF-SGP sponsored projects are the following.

- Promotion of biodiversity conservation in selected/priority biogeographic regions.
- Protection of international waters from environmental impact of activities from within the territorial boundaries of the Philippines.
- Reduction of greenhouse gas emissions through the promotion of renewable energy in rural areas.

Since 1994, the GEF-SGP has approved 21 projects that involve NGOs and indigenous peoples. Of these, 16 focus on biodiversity conservation, 4 on climate change and 1 on depletion of the ozone layer. In terms of location, 12 are in Luzon, 3 in the Visayas, and 6 in Mindanao. In biodiversity conservation, they include a variety of studies of traditional systems and conservation of wild flora.

### **Philippine-Australia Community Assistance Program**

The Philippine-Australia Community Assistance Program (PACAP) is one component of Australia's Development Cooperation Program. It supports community-initiated, economically sustainable, ecologically sound, and gender responsive development efforts. To achieve these goals, PACAP provides direct funding assistance and multilevel capacity building in cooperation with NGOs and people's organizations with the goal of raising the living standards of poor and marginalized Filipinos.

PACAP started in the Philippines in 1986 and to date, it has supported 932 projects. Of these, 95 projects involve indigenous peoples and 7 were ongoing in 2001. These are on agricultural development including crop production, postharvest facilities and marketing, and management of the environment and natural resources on a sustainable basis (including soils, water, fisheries, habitats, and forests). Six of the projects are in Mindanao and one in Baguio City.

### **The World Bank**

The World Bank's Operational Directive 4.20 guides Bank projects dealing with indigenous peoples. It ensures borrower government adherence to these standards. Currently, consultation efforts are ongoing to finalize the revision of the policy.

In the Philippines, the Bank has a total of 24 projects. Seven refer directly to indigenous peoples and a further 14 are implemented in areas where indigenous peoples reside. Another project, the Land Administration and Management Project, will benefit NCIP because it deals with the systems and processes necessary for ancestral domains delineation and titling.

Projects implemented in areas with indigenous peoples deal with women's health, education, rural finance, agrarian reform, water, development of local government units, social expenditure, and a transmission grid.

Those with direct reference to indigenous peoples are the following: Early Childhood Development, Community-based Resource Management, SZOPAD Social Fund, Conservation of Priority Protected Areas Project, Mindanao Rural Roads Development Project, National Roads Improvement and Management Project, and Subic Bay Freeport Development II.

In 2000, the World Bank provided a grant to NEDA to undertake a project entitled Capacity Building for Social and Environmental Assessments. The project aims to strengthen the capacity of government project staff and implementing and oversight agencies of government, universities and colleges, and NGOs and people's organizations to undertake work in Bank-financed projects. These are in the areas of social and environmental assessments, and the preparation of resettlement and indigenous peoples' action plans. The project is ongoing.

The operational guidelines set by the World Bank serve as the reference for the Philippine Government in dealing with indigenous peoples' concerns. However, the articulation of the guidelines at the ground level, according to project-based consultants, depends on the approach of the contracted staff. An example is the concept of participation in the formulation of the Ancestral Domain Management Plans. While one consultant conducted training among the indigenous peoples for the latter to produce the said Plan, another consultant hired an anthropologist to conduct a study and write it. It is critical for organizations to review how policies are carried out at the community level in the reformulation of strategies and, especially, policies.

### **MAIN GOVERNMENT PROGRAMS AND PROJECTS<sup>91</sup>**

The recent draft of the 2001–2004 Medium Term Philippine Development Plan considers poverty reduction as its overarching objective. According to Secretary Deles, for the first time in the history of the

Philippine development plans, there is a chapter on Mindanao where most of the indigenous peoples reside.

The main strategies for economic development and social reconstruction hold the promise of changes in the lives of indigenous peoples if they are pursued with a strong political will by the Government. The strategies are as follows.

- Relief and rehabilitation in conflict-affected areas. This will entail relocation and resettlement of families.
- Provision of basic services, livelihood opportunities, and other needs that would ensure minimum desirable levels of welfare. Even psychosocial needs will be considered.
- Implementation of culturally-sensitive programs. Health care approaches will entail intersectoral collaboration to make them sensitive and conform to cultural norms and practices. Traditional health workers will complement the regular government workforce. For education, indigenous concepts will be integrated into the mainstream educational system. Basic curricula for Muslims and indigenous peoples will be revised to make them more relevant.
- Institutional reforms to address political inequity. The participation of Muslims and indigenous peoples in decision making will be broadened.
- Implementation of the IPRA. The focus will be on the return of ancestral lands to indigenous peoples for their utilization.
- Full implementation of the 1996 Government-MNLF Final Peace Agreement.
- Peace talks with the MILF.
- Peace education and advocacy.

It is evident that an arena for engagement between the Government and the indigenous peoples has been set as specified in the new Philippine medium-term plan. Line agencies have been given their mandate and are

in various stages of articulating this in their projects and programs.

The following government line agencies already have clear programs responding to the needs of indigenous peoples in communities where services are delivered.

### Department of Health

Recently, the Department of Health (DOH) issued departmental policy No. 142, mandating provision of resources for indigenous peoples' concerns. Moreover, DOH has created a National Technical Working Group for an Indigenous Peoples Health Development Program. Another noteworthy initiative is the creation of the Indigenous Peoples Health Development Project-Partnerships, which include the provision of grants for capacity building and community projects for local NGOs and peoples' organizations in partnership with indigenous peoples' communities. The projects include water system development, nutrition, community development training, environmental health sanitation, and prevention and control of local endemic diseases. The partnerships program is currently working with the Dumagat in General Nakar, Kongking in Ormoc City, Bihug in Camarines Norte, and Agta in Central Luzon.

DOH focuses on training volunteer health workers from the communities with emphasis on their roles as community mobilizers, health service providers, and health learning facilitators; advocacy and promotion of effective health strategies that directly benefit indigenous peoples; and strategic health planning workshops for indigenous peoples. For 2000 to 2001, the proposed activities included the following.

- a. Needs assessment to identify priority areas for assistance.
- b. Construction of 8 village health structures in the 7 provinces/cities of Region XI.
- c. Capacity building of service providers in eight indigenous peoples' areas in Mindanao.
- d. Development/improvement of 12 water sources to level I and level II in indigenous peoples' communities in Mindanao.

## Department of Social Welfare and Development

The Department of Social Welfare and Development is currently implementing the Comprehensive and Integrated Delivery of Social Services (CIDSS), one of the 10 flagship programs of the Social Reform and Poverty Alleviation Act (RA 8425). Its goal is the empowerment of disadvantaged families, communities, and sectors so that they can access basic services and manage their resources. One of its funding sources is the Australia-funded Vulnerable Group Facility. Currently, CIDSS is being implemented in 1,084 municipalities, 3,793 villages, and 100 poor communities.

For 2002, a CIDSS program to Liberate the Indigenous Peoples from Indignity is being carried out. It seeks to extend culturally appropriate projects to indigenous peoples' communities in 100 CADC villages to ensure their survival; build their capabilities in managing community-based services; preserve their ancestral domain; and cultivate their cultural heritage through the convergence of government, nongovernment, and other sectoral resources, expertise, and technology. It will be jointly implemented by several government agencies.

The objectives of the program are to establish an ethnographic profile; strengthen indigenous values, knowledge systems and practices through rediscovery and reorientation sessions and needs assessment tools; provide basic services to the communities; and modify/develop and institutionalize culturally appropriate projects and programs for families and individuals/sectors in need of special protection.

## Department of Environment and Natural Resources

The DENR regular activities that involve indigenous peoples are the Management of Ancestral Domain Claims and the Community-based Forestry Management Program.

With funding support from international agencies, DENR is currently implementing projects to address IP concerns, including biodiversity management and conservation, and forest and watershed management with emphasis on community participation and self-

help. A few activities address sustainable upland socioeconomic development through improved agricultural technology, access to basic services and markets, and strengthening existing community organizations.

## Department of Education, Culture, and Sports

At the national level, the Department of Education, Culture, and Sports is embarking on two major activities to become more responsive to indigenous peoples' needs, specifically in preserving their cultural heritage: to indigenize elementary and secondary curricula and to develop an equitable nonformal educational system.

A project entitled Basic Education Assistance for Mindanao covers Regions XI, XII, and ARMM. Its objectives are to expand educational opportunities for the poor and disadvantaged population groups, promote curriculum flexibility and localization, and strengthen partnerships in education. These objectives are to be met by establishing 80 community multipurpose and learning centers in remote communities; providing scholarships for selected poor Muslim and indigenous peoples high school graduates to complete teacher education courses; and setting up cultural enhancement facilities in 18 strategically located schools, with significant enrolment of indigenous children.

## DEVELOPMENT INITIATIVES BY NONGOVERNMENT AND INDIGENOUS PEOPLES' ORGANIZATIONS

The Republic of the Philippines-Asian Development Bank Poverty Partnership Agreement (10 October 2001) specifies the need to "provide adequate protection for the poor, vulnerable and disadvantaged sectors." Further, it indicates the necessity of setting up community and home-based social service interventions using local government units, NGOs, peoples' organizations, and cooperatives as delivery mechanisms.

Although these NGOs and IPOs may not always explicitly refer to the term *poverty reduction* as their goal or objective, the activities and expected outputs

point to the concepts of participation and empowerment, sustainable development, and improved quality of life among the marginalized sectors. These concepts are explicit in the projects dealing with delineation and recovery of ancestral lands, health, education, livelihood, and technology transfer. All these address poverty-related issues and, if effectively implemented, should result in a better quality of life among indigenous peoples.

These NGOs and IPOs may operate at a national level (with federations), but would have a specific constituency (e.g., area-specific IPOs), priority locations (e.g., mostly Mindanao), and field of expertise (e.g., ancestral domain delineation) for project implementation purposes. There is also a wide variety of affiliations (e.g., the church, the “left”, academe) and, thus, sociopolitical orientation guiding the method and direction of projects and programs.

A preliminary listing of relevant NGOs and IPOs was generated from the 7 ethnographic area consultations by OPAIPA in 2001. NCIP is expanding its inventory of such organizations for purposes of networking, depending on their geographic location, priority projects, and skills/specializations.

### **Priority Thrust: Ancestral Land and Domain**

Currently, there are 181 approved CADCs and 9 CADTs proposed by NCIP. The Commission has no funds for land delineation and related activities, necessary equipment, or staff capability; it has a limited quantity of documents turned over by DENR. Thus, NCIP relies on private surveyors and NGOs with expertise in delineation and has made memoranda of agreement that give these groups (e.g., the Philippine Association for Intercultural Development [PAFID] and Anthrowatch) the authority to deal with mapping and delineation.

PAFID has the most expertise and number of communities assisted. Since 1974, the organization has participated in the campaign for tenurial and self-management aspects of ancestral domains in more than 600 indigenous communities and has completed work on up to 85 CADCs and CADTs. It has been conducting training since 1994 within and outside the Philippines. In 1995, DENR and the Bureau of Coasts and Geodetic Survey formally recognized PAFID’s outputs.

Based on its track record, PAFID is called upon to assist in solving urgent issues that affect indigenous peoples. These are referred to as “quick response” cases, the latest of which was the killing of some Manobo while delineating their lands and the burning of a village in Mindanao.

Other groups undertaking work in this field are the Green Forum, the Mangyan Missions, and Anthrowatch.

Anthrowatch, organized in 1994, is building equipment for mapping and delineation, and works with PAFID in Romblon, Panay, and parts of Mindanao. It also conducts community organization and capacity building, cultural sensitivity training, research on the health situation among indigenous peoples (with DOH), coordination of multistakeholders’ meetings/discussions, and publication of materials relevant to indigenous peoples’ concerns. To this end, it facilitated a study tour by indigenous peoples for exposure to similar communities with a high level of organization.

PANLIPI and the Legal Resource Center handle the legal aspects of land issues. Both NGOs are active in advocacy and consciousness raising/education with reference to the IPRA. Environmental Science for Social Change Inc. also does surveys and makes maps. It is active in mining and plantation areas. The Upland NGO Assistance Center provides technical and academic support in dealing with indigenous peoples.

Formulation of ancestral domain management plans and ancestral domain sustainable development protection plans involve NGOs such as *Sentro ng Ganap na Pamayanan* and the *Ugnayang Pang Agham Tao* (UGAT or Anthropological Association of the Philippines).

The *Pambansang Lupon ng mga Nakatatanda sa Tribu*, an IPO organized as a result of a PANLIPI program of action for their organization’s Council of Elders in 1994, has a total of 40 member organizations in Central Luzon, Northern Luzon, Mindoro, Palawan, and Mindanao. It undertakes paralegal training on issues related to ancestral domains and undertakes strengthening of IPOs.

Another IPO, Tribal Education for Ecological Systems Inc. in Compostela Valley, Mindanao, assists in self-delineation. Other IPOs like *Katutubong Samahan ng Pilipinas*, *Panagtagbo*, and Lumad Development Center conduct most of the organizing and groundwork before mapping activities begin.

## Issues in Working with Other Agencies in Land Issues

The difficulties encountered deal with orientation of and competition among NGOs. Those on the “left” do not value the process of land titling within the framework of the IPRA. Criticizing the law as “deceptive and divisive,” organizations identified with the left (e.g., Cordillera Peoples’ Alliance and *Kalipunan ng Mamamayang Katutubo ng Pilipinas*) prioritize community organizing, advocacy, education, and mobilization campaigns on issues and concerns of indigenous peoples. Some NGOs and IPOs have “claimed” certain indigenous communities as “their areas” and usually monitor the entry and activities of “outsiders” and can prevent the movement of individuals conducting mapping activities. Several other NGOs have taken advantage of the “space” provided by the IPRA to advance indigenous peoples’ rights to their ancestral land/domains.

Interaction with the Government is facilitated through professional ties established with individuals within NCIP, DENR, and the National Mapping and Resource Information Authority (NAMRIA). There remains the need to work formally with the Housing and Land Use Regulatory Board and the Department of Agrarian Reform. Their participation will facilitate delineation at the ground level.

It is said informally that continued mutual openness between civil society and NCIP will help advance IPOs’ goals, and that checks and balances should be set up by NCIP. Sincerity coupled with technical accuracy is critical because it has been observed that “more indigenous lands were lost through mapping than through bullets.”

## Lessons Learned

Based on the experience of the NGOs and IPOs in ancestral land and domain issues, the following aspects merit attention.

*Professionalize.* Once a decision has been reached by an NGO to undertake mapping and delineation, a unit should be set up. The staff should be trained and they should focus their work on the task at hand. Expertise is built up in this manner. A combination of experience and training among NGOs, IPOs, government

organizations, and communities further hones the skills of staff.

*Network.* There is a wealth of knowledge in the various local and international agencies. Thus, formal linkages should be developed with these groups. PAFID’s first attempt at on-ground mapping of 3,980 hectares in Mindoro took 3 years (1989–1992). A series of linkages accelerated their pace and expanded the extent of their coverage. In 1993, the Ford Foundation introduced the group to the expertise of Dr. Urayvan in Thailand. The World Wildlife Biodiversity Program provided a geographic positioning system and the Foundation on the Philippine Environment facilitated training on its use. Three trainers sent by the Washington-based manufacturer codeveloped a curriculum with PAFID. Clark University in the US involved PAFID (in a joint project among 11 partners globally) in developing its data management software for NGOs. In 1995, during an international training event, the concept of ancestral waters was shared by the Mesquite Indians of Panama and successfully implemented by the Tagbanua of Palawan. Moreover, visits and communication by individuals and organizations serve as catalysts in the continuing learning process. The US Peace Corps conducted extensive documentation of the Mindoro experience. An Australian volunteer brought in her knowledge on geodetics. Another volunteer, a US trainee with expertise in remote sensing, wrote a manual with PAFID.

*Invest.* Equipment should be bought and upgraded as necessary. Its use should be optimized and the system analyzed such that repairs can be performed by staff. There should be continuous links with experts to upgrade skills.

*Train.* PAFID has trained 127 indigenous people on the whole process of delineation from the initial survey to validation. One Dulangan Manobo from Sultan Kudarat has achieved sufficient expertise to conduct training in other countries.

*Trust and respect.* Participation and partnership are critical in delineation. The indigenous peoples take care of securing the team and the instruments (handling and safekeeping of hardware). Their knowledge of the terrain and the people promotes ease and speed in the flow of operations. There is sharing of tasks in community preparation and in mapping activities. Thus, it is important that NGOs listen to the community and explain clearly the concepts and tasks for completion

of delineation activities. When translated to cost, the residents as counterparts reduce the cost of the project because, in addition to all the other inputs, they provide labor and food. Mutual trust and respect form the core of the engagement. As PAFID puts it, the activity is “not just mapping but it is also making a statement regarding indigenous peoples’ lives.”

### **Prospects for the Future with Reference to Ancestral Land/Domain Issues**

A workshop could be conducted to consolidate existing efforts and knowledge among various organizations and agencies. NGOs have equipment that their staff are unable to use. Some hardware is lying idle.

There is a need to tap existing resources such as Environmental Science for Social Change Inc., Geoplan (a Department of Science and Technology-funded NGO), the Mangyan Missions, and the geographic information systems laboratory of the University of San Carlos, Cebu City.

An outcome of such a workshop could be the setting up of a resource management institute or center where

- all endeavors could be coordinated, integrated, and housed;
- basic training for NGOs, IPOs, and other interested parties could be conducted; and
- networking and skills and hardware development could continue.

### **Response to Other Issues Confronting Indigenous Peoples**

As noted earlier, there are many NGOs and IPOs dealing with issues affecting indigenous peoples. The main concern of most is ancestral land and delineation, but some embark on other endeavors as required by their constituency. Some examples are cited below.

In the area of education, NGOs such as the Asian Council for Peoples Culture advocate the creation of indigenous schools (culturally responsive primary schools for indigenous children). The Kalahan Foundation in Santa Fe, Imugan, has been conducting

education sessions with the Ikalahan and Mangyan. *Sentro ng Ganap na Pamayanan* is currently conducting a policy review and analysis, and documentation of indigenous knowledge for proposed integration into the government’s education curricula.

General assistance is provided by the Episcopal Commission on Indigenous Peoples in 16 dioceses and to 40 active IPOs in the Philippines. The group also serves as a national secretariat and coordinates policy advocacy in the three branches of the national Government—executive, legislative, and judicial. It has been active in relief and rehabilitation work with the Tabang in Mindanao.

The National Confederation of Indigenous Peoples in the Philippines is composed of federations of IPOs and was organized in 1996 as a result of an ILO-Danish International Development Agency project managed by *Sentro* in response to the need for livelihood opportunities among indigenous peoples. Employing community organization, the staff, composed of indigenous peoples themselves, provided technical and organizing assistance to indigenous peoples’ groups. In 1998, it was formalized as a confederation. Among other objectives, it aims to be effective in the assertion, protection, promotion, and enjoyment of the indigenous peoples’ rights already enshrined in international instruments, national laws, and policies, including those formulated by local organizations.

Linking with the established political base is one area where the Tribal Communities Association of the Philippines is active nationwide except in Muslim areas. It has strengths in advocacy, in identifying problems on the ground, and linking with local authorities and agencies to address problems of indigenous peoples. Moreover, it provides legal assistance to indigenous peoples charged with criminal activities such as illegal logging, and in resolving conflicts arising from claims to ancestral domains. The Association took part in recent elections as a Party List candidate to bring forth the issue of the marginalization of the indigenous peoples in the political process.

The experiences of NGOs and IPOs in the fields of community-based education, health, livelihood, and sociopolitical activities/programs are indeed valuable. The challenge is how to tap their expertise and coordinate their initiatives so that they can contribute to development of ancestral domain sustainable development and protection plans.



# 9 ASIAN DEVELOPMENT BANK EXPERIENCE

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## The Cordillera Highland Agricultural Resource Management Project

In May 2001, some 150 Tinguian elders of Lamao village, Bucloc, Abra, gathered in a community meeting arranged by the community mobilization officers of the Cordillera Highland Agricultural Resource Management Program (CHARM). The elders were informed that the objective of the meeting was to reach a consensus on the mechanics of building an organization to implement a domestic water system. This was identified as a priority need by the people during earlier meetings to create their village natural resource management plan.

The participants passionately debated, among other things, the size of the fee to be collected from members. One of the Council of Elders asked "Why should we pay for water when it has always been a free resource?" The Provincial Development Officer answered: "Why do we complain about a minimal fee of P10 (US\$0.20) per month for water services when we do not complain about the much more exorbitant fees of the electric company? What is more basic to farmers, water or electricity?" The community finally agreed on the suggested amount (P10) and also agreed to make use of their indigenous practice of free reciprocal labor (*alluyon*) to build the irrigation and domestic water supply project, while the CHARM project supplied the necessary materials.

This scenario of community consensus building has been taking place to some extent in 82 villages in Abra, Benguet, and Mountain Province in CAR. Out of a total (beneficiary) population of 139,000, 90% are indigenous peoples. These are the Kankanai of Mountain

Province and Northern Benguet, Ibaloi of Southern Benguet, and Tinguian of Abra.

The CHARM project aims to reduce poverty in CAR by increasing annual disposable incomes of smallholder farm families in the target area from US\$820 (in 1994) to US\$2,170 by 2006. In 1991, 70% of the population had incomes below the poverty threshold, which was about US\$1,500 per annum for a family of six.<sup>92</sup> The project goal is to reduce the number of poor families to not more than 25% of the population. The project began in 1997 and will end in March 2003. Total cost is US\$41.4 million, obtained through a loan from ADB and the International Fund for Agricultural Development (IFAD).

The components of the project were based on participatory rural appraisals undertaken in 47 villages in 12 municipalities, initially identified as within the project area. The highest ranked needs identified were access infrastructure (roads, vehicles, footbridges, and tramlines), water for irrigation and domestic water use, and market facilities.<sup>93</sup>

### PROJECT COMPONENTS

The project components include community mobilization, natural resource management, rural infrastructure development, agricultural support services, and project management coordination.

Under the subcomponent on community mobilization, communities are organized, trained, and

mobilized using a community-participatory approach. Detailed household and community socioeconomic profiles are generated. Data from these benchmark studies are included in a village natural resource management plan, which becomes the framework for any development undertaking in the village. Based on this plan, the community prioritizes its needs and the resources to meet these needs.

Activities under the subcomponent on natural resource management include staff training on community mobilization and participatory planning regarding environmental awareness and land tenure instruments available to communities. Also included is capacity support to DENR, the Department of Agrarian Reform, and NCIP to issue appropriate tenurial security instruments, and funding support for DENR's reforestation projects.<sup>94</sup>

The rural infrastructure component involves the construction or repair of farm-to-market roads, footbridges, and tramlines; community irrigation; and domestic water supply.

Activities under the component on agricultural support services include financing of market research, the results of which are fed into community planning processes and disseminated to farmers. The Department of Agriculture-CAR agribusiness unit has been expanded by providing services to farmer groups on markets, promotion and linkages, agribusiness feasibility studies, and continuous business management advice. It provides extension services to increase farmer's awareness of available investment options and the implications for resource allocation of various technologies. Funds are also allocated to support an adaptive research program.

The rural financial service aims to strengthen the organizational capability of small farmers through the formation and development of more than 1,530 savings and credit groups over a 4-year period. It provides training to these groups on a monthly basis over a 1-year period.

## CONSULTATIVE PROCEDURES

The CHARM project is being implemented through a process-oriented approach. This means that beneficiary participation is encouraged in planning,

implementation, monitoring, and evaluation. The lead implementing agency is the Department of Agriculture. The coimplementing agencies are the regional offices of DENR, Department of Agrarian Reform, National Irrigation Authority, local government units, NCIP, and NGOs.

A noteworthy feature is the effort to involve NGOs directly, particularly in the community development subcomponent. An NGO consortium, the SUCCORED, was contracted to coordinate the participatory household and community profiling activities, draw up the village natural resource management plan, and conduct social evaluation of ongoing activities in the communities.

The CHARM project was approved by ADB in 1997, the year before ADB's Policy on Indigenous Peoples was adopted. However, there was an appendix to the CHARM project proposal on a development strategy for ICCs "to ensure that the informed participation of the ICCs in the project is facilitated." It advised that development interventions "should be compatible with the traditional systems and values of the ICCs in CAR." It also stressed that the program will "use the communities' traditional processes for community action."

At this juncture, it would be premature to judge the overall impact of the CHARM project on indigenous communities. In the absence of a more thorough longitudinal study, this report merely outlines the lessons from the CHARM project's experience based on indigenous peoples' perceptions. These lessons are reviewed in the light of ADB's Policy on Indigenous Peoples.

## CONTRIBUTION TO LAND TENURE AND ANCESTRAL DOMAIN ISSUES

In general, there is congruence between the CHARM project's package of development interventions and the expressed needs of the indigenous peoples. This was guaranteed by the participatory processes in the project from conceptualization to implementation. These were the rapid rural appraisals conducted during the preparatory phase of the project and several community meetings during the drafting of the village natural resource management plans.

The project is responding to the aspirations of indigenous communities to secure their ancestral lands/domains through efforts to facilitate the issuance of land tenurial instruments. This component has been slow because of the problems in the implementation of IPRA. The project coped with this limitation by facilitating the delineation of ancestral domains and the processing of CADCs.

The complementing agencies have been issuing land tenurial instruments within their respective mandates. For example, DENR has been issuing community-based forest resource management agreements. As of 2000, it had accomplished half of its target of 18% coverage.<sup>95</sup> The Department of Agrarian Reform, for its part, has been issuing Certificates of Land Ownership Award. In 2000, it also accomplished about half of its target of 23% coverage. Note that there is no legal conflict between the DENR and Department of Agrarian Reform instruments and IPRA's CADT/CALT. There is nothing that should prevent indigenous peoples from converting or incorporating their DENR agreements into CADTs, should they choose to do so. They may also convert their landownership certificates into CADTs should they opt for this instrument.

As of 2000, the project had completed 40% of the farm-to-market roads in Abra, Benguet, and Mountain Province.<sup>96</sup> Besides facilitating market access, the infrastructure projects have enabled households to earn cash income by working with small-scale contractors. Income was also generated by the community reforestation project. One poor landless woman from Bucloc earned a gross income of P7,000 (US\$140) for 3 months of work in that project. She spent the money on her sons' school needs, a blanket, and some kitchen utensils. However, she wished that she could earn this amount on a more regular basis so she could have some savings.

## INVOLVEMENT OF INDIGENOUS PEOPLES/INSTITUTIONS

Community participation in the planning phase has been successfully accomplished.<sup>97</sup> This is demonstrated by active community participation in composing the village natural resource management plans. Conducted on an annual basis, these plans

identify the priority needs and the specific actions to be implemented within the year to help achieve community goals. The goals and activities identified in the plan reflect the felt needs of the community. As a result, the communities have developed a strong sense of ownership over the plans. In addition, in the process of making them, the indigenous peoples' skills in researching, planning, implementing, and evaluating development activities are honed.

However, community involvement in the implementation and in the evaluation phases has not been comprehensively planned or put into place.<sup>98</sup> This explains why, during field interviews, the community expressed some frustration over the delay in implementing their identified priority needs. The reason for this is the decision of the project supervising unit to return the natural resource management plan drafts to the partner SUCCORED for revision. Pending the submission of the revised and final drafts, many of the identified needs are not being addressed. In some instances (e.g., Benguet), the identified needs were realigned by higher levels of decision-making structures from the Municipal Management Group to the Provincial Management Group, to the project supervising group, and the final plan implemented did not reflect the priorities intended by the community.

The project has initiated activities to enhance indigenous institutions. In Abra, where the reciprocal labor system is being enhanced, the project's efforts at facilitating the delineation of ancestral domains, securing tenurial instruments, and establishing interagency cooperation are laudable.

However, there is still no systematic and institutional attempt on the part of the project to enhance (or make use of) viable indigenous institutions, especially on resource management. For example, in Sagada, Mountain Province, traditional social institutions in the management of communal forests persist. People feel free to extract forest resources for their daily needs without charge or fees. This incentive motivates people to protect their claimed ancestral forests from other claimants, fire, and unsustainable use. Consequently, forest protection becomes a collective responsibility of every member of the community.<sup>99</sup> In Abra, a similar practice is *lapat*, a customary system of regulating and managing the use of natural resources.

There are opportunities for incorporating these institutions into the resource management component

of the project. The *lapat* system can be transformed into a management board that can organize a group of sheriffs to watch for offenders against forest protection rules. However, there are no such attempts on the part of DENR, the agency charged with the reforestation and agroforestry aspects of the project.

There have been complaints that DENR's reforestation project is not appropriate to the ecosystem of the Cordillera. This sentiment was articulated by Mr. Philip Tinggonong during the project's provincial workshop in June 2001:

*The DENR will have to be reeducated (on indigenous resource management) because they are the villains (sic) regarding these things. Look at the kind of species they are planting in the watersheds of the Cordillera. If it is not Gmelina it is mahogany and these are not for watersheds. Instead of focusing on indigenous species to preserve and conserve the diversity they bring in exotic species. According to some foresters, these species are water users instead of water enhancers. When we confronted them they said it is hard to collect the seeds of indigenous species; it is easier to buy the seeds of Gmelina because it is just scattered all along the roads in lowlands. (Proceedings of the provincial workshop, 4–5 June 2001)*

Tinggonong's remark resonates with critiques by national and international indigenous peoples' organizations of commercial reforestation projects being supported by ADB and the World Bank.<sup>100</sup>

## LESSONS LEARNED

There is no doubt that the CHARM project has benefited the indigenous peoples in the Cordillera. As mentioned earlier, 90% of the target beneficiaries are indigenous peoples. But do the benefits trickle down to the poorest of the poor indigenous peoples? This is a question that requires more systematic study. For now, there are only initial observations.

In tackling the issue of equitability, it would be good to ponder on the question "If a poor person is landless, will she/he be a beneficiary of an irrigation

project?" The impression from the village-level consultations is that, indeed, the CHARM projects have mainly reached people living adjacent to the roads and the relatively well-off, that is, those who have the land and resources (time and money) to attend community consultations.

One controversy involves a case in Benguet, wherein a bid to implement the road construction project was awarded to a private contractor rather than to a community-based group (also cited in a Cordillera Peoples' Alliance letter to ADB, 2001). The head of the rural infrastructure development unit of the CHARM project justified this action:

*According to my understanding, if ever the contractor makes some anomalies, you can still trace him because he has an identity. While if you give the money to the beneficiary and if he makes some anomaly you cannot run after him because you may not know him. The money is a loan not a grant. They see to it that the money should be returned. (Proceedings of the provincial workshop, 4–5 June 2001)*

He articulates an official development orientation that emphasizes the need to generate rates of return (or return of investment). He also illustrates the tension between economic notions of "efficiency" and social development goals of indigenous peoples' participation.

One of the weaknesses of the CHARM project is the seeming contradiction between "output" and "target" orientation in ADB guidelines and the "process-oriented" participatory approach. According to the provincial workshop participants, the former tends to be rigid and time-bound, while the latter needs to be flexible and requires more time to bear fruits. Furthermore, the latter is easily quantifiable, while the former is not. The challenge, therefore, is to reconcile these two approaches.

The other weakness of the project is the inadequacy of local counterparts (local government units and peoples' organizations) both in terms of funds and labor, which contributes to the delay in project implementation. There are also weaknesses in SUCCORED. This NGO is generally weak—it lacks the capacity to carry out the enormous tasks expected of it. This has been attributed to problems internal to the consortium, many of which were already evident at the start of the project. These problems are, to name a few, interorganizational and interpersonal conflicts, lack of experience of some staff, and weak managerial and administrative skills.

The CHARM project's main strength is its participatory approach to development. It has built the capacity and confidence of indigenous peoples (IPOs, NGOs, and local government units) to plan, implement, and evaluate projects. It has also developed the good practice of interagency cooperation and complementation. Another strength is the project's effort to secure tenurial instruments for the indigenous peoples' ancestral lands/domains. It has also responded to the expressed needs of indigenous peoples for greater market access and food sufficiency.

The ADB project in the Cordillera may yet be considered a success story by 2003, if and when the following recommendations, based on the authors' observations, are taken into consideration to make sure that indigenous peoples' culture is consciously considered in policy formulation. The project must

- implement its policy of enhancing and incorporating indigenous structures and processes in the project cycle, and integrate indigenous

natural resource management practices with the reforestation program;

- mainstream indigenous peoples' rights and development concepts in all government line agencies and local government units;
- develop the capacity of indigenous people's organizations at the community level to implement the project, with little intervention from the local government unit;
- reinforce/strengthen the capacity of NGO partners to implement the project;
- review its policies and guidelines such that the goal of productivity and sustainability is achieved along with equity and social justice; and
- reconcile the perceived contradiction between its social reforestation project and the ADB Policy on Indigenous Peoples.

# 10

## CONCLUSIONS AND RECOMMENDATIONS FOR A PLAN OF ACTION

This study affirms that indigenous peoples' indeed have distinctive perspectives on poverty and development. The indigenous resource persons claim that powerlessness, deprivation from access to their land and resources, lack of knowledge (due to lack of education), insufficient income, and alienation from kin/clan and their culture form the key indicators of poverty. The most frequently mentioned causes of poverty among them are dislocation from ancestral domains and limited or no access to resources in their territories. Displacement is in turn caused by the intrusion of mainstream "development" projects and programs, militarization, and landgrabbing by settlers/migrants. Official information on ethnicity and development is extremely limited. However, available data reveal that indigenous peoples are not necessarily the "poorest of the poor" in the Philippines. Their regions are relatively wealthy, but extreme inequality, poor infrastructure, and massive exploitation contribute to the worsening poverty situation of these communities.

There exist various opportunities for combating poverty in indigenous peoples' communities. There is in place, a law, the IPRA, that recognizes indigenous peoples' rights and lays down the basic policy framework for indigenous peoples' development. The Supreme Court has recently affirmed the constitutionality of the said edict. In addition, there are several initiatives by international/multilateral agencies, government agencies, and NGOs that attempt to alleviate the plight of indigenous peoples. Although these initiatives are not expressly "poverty reduction" efforts, their projects and activities, when and where properly designed and implemented, do address the main causes of indigenous peoples' poverty. The case study on the ADB/IFAD-

supported CHARM project in the Cordillera points out the weaknesses and strengths of antipoverty projects for and by indigenous peoples.

In these poverty reduction efforts, feedback from indigenous peoples indicates the urgency of balancing projects and programs with the basic guiding principles of trust and transparency, nurturing interpersonal relations as a ground for constructive cooperation, and adhering to a nonextractive engagement with stakeholders. Furthermore, these need to be translated into methodology and approaches used in engaging with indigenous communities.

Without these bases for interaction, the enthusiasm for projects and programs may encourage activities conducted in a manner that promotes further impoverishment (e.g., exclusion, powerlessness and dependency, ignorance of indigenous knowledge systems, and loss of affinity with ancestral domains) as defined by the indigenous peoples. Examples are roads constructed within ancestral domains, employing indigenous peoples as mere laborers; introduction of new technologies without studying the local knowledge systems; making plans for rather than with the indigenous peoples; and application of conflicting tenurial systems within the indigenous peoples' ancestral domains. The experiences narrated by the indigenous peoples call for a restructuring of the articulation of terms such as "participation" (e.g., there is a demand for representation even during the conceptualization stage of the project as well as in monitoring implementation) and "capacity building" (e.g., consultants to become facilitators working closely with and not for the indigenous peoples) within the context of indigenous peoples' own views of poverty reduction and development.

Following is discussion on the formulation of an action plan for indigenous peoples' development, based on the present project's national workshop and the Framework for the NCIP Program of Action (2001).<sup>101</sup>

Detailed recommendations for the action plan are provided in tabular form at the end of the discussion.

The urgency of implementing the IPRA and dealing with the issues raised in the action plan has been highlighted by the reported appearance of a new militant group, the Indigenous Peoples Federal Army.<sup>102</sup>

### **SECURING INDIGENOUS PEOPLES' ANCESTRAL LAND/DOMAIN**

Access to and control over the ancestral land/domain is crucial for indigenous peoples' well-being. Moreover, the ancestral domain provides the context and environment that make development possible. Sustainable development for indigenous peoples can only take place by securing the ancestral domain.

To date, most ancestral domains with completed CADCs have not undergone on-ground survey and delineation, and therefore remain vulnerable to various competing claims. The thrust of a development program for indigenous peoples should, therefore, be to identify, delineate, and title ancestral domains. This thrust is expected to meet the objective of recognizing ownership by the indigenous peoples to their ancestral domains. The major programs/projects/activities required to meet this objective include cultural mapping of the communities, survey and delineation of ancestral domains, and issuance of CADTs.

Cultural mapping is important in validating the existence of indigenous peoples' communities—their identities, demographic profiles, geographic distribution, socioeconomic situation, and needs; and their distinct culture, in terms of language, indigenous knowledge, systems, practices, customs, and traditions. Cultural mapping is a prerequisite to any program/project/activity that seeks to direct services to the really deserving communities. As an initial step, there should be an inventory of baseline data on indigenous peoples from government agencies and NGOs; NCIP should provide a specific format for data gathering and should consolidate all collected information.

Another project/activity that is necessary for the issuance of CADTs and CALTs is the identification, validation, survey, mapping, and delineation of the ancestral domain areas. NCIP lacks the capacity to undertake this alone. OPAIPA suggests that NCIP tap the services of existing experts from the NGO community and academe.

Experts on survey, 3-D mapping, and use of geographic positioning and information system facilities will train a pool of indigenous peoples' leaders and NCIP personnel who will eventually be deployed in mapping and delineation work in their respective areas to fast track the whole process of CADT and CALT issuance. A simplified but effective and efficient procedure in mapping and titling will be developed in collaboration with other government agencies, particularly the Bureau of Lands, the Lands Registration Authority, and NAMRIA.

The titling of ancestral domains includes the systematic validation, certification, and registration of CALTs and CADTs; and the recording and archiving of ancestral domain maps and related documents. One of the foremost tasks is the establishment and adoption of new guidelines for titling ancestral domains, thereby safeguarding the integrity of the process of issuance of indigenous lands and domain titles and the Certificate of FPIC.

### **MANAGING AND PROTECTING THE ANCESTRAL DOMAIN**

One major question that arises is "What becomes of the ancestral domain after it has been awarded to indigenous peoples?" A major objective of development plans for Philippine indigenous peoples is to enhance their capability for sustainable development and protection of their ancestral domains. To achieve this objective, the participants at the project's national workshop proposed a number of activities under the Ancestral Domain Sustainable Development and Protection Plan program. This program should be rooted in indigenous perspectives of development. As mentioned earlier, development for indigenous peoples is a holistic concept that weaves through human, natural, and supernatural realms. Indigenous peoples' notion of well-being is connected with their ancestral

domain. Development must also recognize and strengthen their rights to self-determination. It must ensure their participation in all levels and phases of development.

Protection refers to safeguarding the ancestral domains and the conservation, rehabilitation, and protection of the ancestral domain ecology. The IPRA (Section 1 Part IV) defines the role of indigenous peoples in maintaining ecological balance:

*Based on their indigenous and traditional practices, [indigenous peoples communities] shall formulate and implement their respective systems of protecting and conserving the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in order to preserve, restore and maintain a balanced ecology within their ancestral domains. To ensure biological diversity, sustainable indigenous agriculture shall be encouraged while the system of mono cropping shall be discouraged.*

NCIP has listed several activities for the management and protection of ancestral domains. Included in the list are formulation of the Ancestral Domain Sustainable Development and Protection Plan, developing indigenous peoples' capacity to manage such plans, community development projects or the provision of social services, scholarship programs for members of their communities, adjudication of conflicts involving indigenous peoples, consensus building among them for the issuance of the Certificate of FPIC, quick response to indigenous peoples in distress, and ancestral domain security and protection.

### **MAINSTREAMING DELIVERY OF BASIC SERVICES**

Access to basic services, livelihood programs, and basic social infrastructure is a priority for these communities. Integral to the ongoing attempts to address indigenous peoples' poverty is the need to mainstream indigenous peoples' programs in government agencies and to coordinate interagency support services for the communities on education, health, and other basic social services.

This project's national workshop provided significant points that help clarify the issue of mainstreaming indigenous peoples' concerns in government agencies. The first point is that mainstreaming is not synonymous with assimilation or integration. On the contrary, it should be based on respect for cultural diversity. The second point is that mainstreaming efforts should start with the process of changing the mind-set (world views) of government personnel with regard to indigenous peoples. They should veer away from patronizing and stereotyped ideas about indigenous peoples and instead promote trust and acceptance of indigenous peoples as equal partners in the development process. The third point is that mainstreaming means integrating viable indigenous sociopolitical structures into the mainstream (state) structures and processes.

Drawing from the experience of mainstreaming gender issues in development, the participants in the national workshop proposed a similar approach: government agencies should allocate a certain percentage of their budget for indigenous peoples' development issues and concerns, and create an indigenous peoples' desk (focal point).

To ensure the delivery of basic services to indigenous peoples, NCIP should also coordinate closely with ongoing national initiatives to deliver basic social services to their communities. Examples are CIDSS, described earlier, of the Department of Social Welfare and Development, and KALAHI, a program of the National Anti-Poverty Commission.

### **CAPACITY BUILDING**

Self-determination is of utmost importance to indigenous peoples. It refers to their right "to decide on their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being and the lands they own, occupy and use" (Rule IV, Part I, Sec. 7, IPRA-IRR). Self-determination includes the exercise of their right to participate in the formulation, implementation, and evaluation of local and national plans, policies, and programs directly affecting them.

Toward this end, NCIP will pursue programs promoting self-governance and support their efforts to organize or strengthen indigenous sociopolitical



structures in their communities. Moreover, measures will be undertaken to strengthen structures and systems toward stronger collaboration between indigenous peoples, civil society, and local government units in the development of ancestral domains.

On governance, the challenge is to transform NCIP to become a model of good governance and an instrument of social justice and service to the millions of indigenous Filipinos. To strengthen and revitalize NCIP, there is a need to

- cause a radical change in the mind-set of NCIP employees with regard to their understanding of the IPRA, their relations with the community, and their attitudes toward public service;
- renew and reenergize its bureaucracy, equip it with knowledge, skills, and resources to meet its duties;
- address its “problem of credibility” vis-à-vis indigenous communities; and
- address issues on the legal interpretation of IPRA vis-à-vis other national laws.

NCIP should be instrumental in the empowerment of indigenous peoples. Toward this end, NCIP should help in the institution and capability building of their organizations. The need for sustained strengthening of such organizations within the ancestral domain at the local, regional, and national levels is vital to indigenous peoples’ self-determination and to obtain reforms to fully implement the IPRA. Capability building would involve strengthening traditional structures of leadership, governance, conflict resolution, and unity building; and

setting up mechanisms for recognizing genuine indigenous peoples’ leaders and instituting policies for meaningful indigenous peoples’ participation in government structures.

### **INSTITUTIONALIZING MECHANISMS FOR DEVELOPMENT ADMINISTRATION AND COOPERATION**

The need for a component on development administration and cooperation emerged during the project’s national workshop. This was based on the observation that despite several government initiatives on indigenous peoples’ concerns, there is an apparent lack of a cohesive integrated approach to indigenous peoples’ development, lack of coordination between and among government agencies with regard to indigenous peoples’ development concerns, and no real “presence” yet of NCIP in existing interagency structures and mechanisms.

The workshop clarified that NCIP should play a leading role as far as ancestral domain/land is concerned. Further, NCIP should play a coordinating role in the delivery of social services and livelihood programs, and governance and empowerment.

The objective of the component on development administration and cooperation is to establish more cohesive interagency coordination from the highest executive level down to the village level. The national workshop proposed the crafting of an Executive Order, signed by the President, that would pave the way for the mechanisms for interagency cooperation.

## DETAILED RECOMMENDATIONS

### Objective 1: Recognize ownership by indigenous peoples of their ancestral domains

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
Ancestral Domain Delineation and Recognition Program	<ul style="list-style-type: none"> <li>Cultural Map of the communities completed (demographic, sociocultural and economic profile; more specific distribution and location)</li> </ul>	<ul style="list-style-type: none"> <li>Construct framework for analysis:               <ul style="list-style-type: none"> <li>- establish participatory methodology and develop instruments and guides for secondary and primary data generation</li> <li>- train research staff</li> <li>- conduct nationwide community-level cultural mapping</li> <li>- process, collate, analyze, and document</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>NCIP to identify and work with academe and NGOs as facilitators/trainers to provide technical support</li> <li>NCIP to identify and work with focal government institutions (e.g., CIDSS has volunteered to host interagency meeting to discuss data needs) as partners at the national, regional, and local levels</li> <li>Financial assistance from various sources</li> <li>NCIP to tap expertise (NGO, government, and academe) in information dissemination (e.g., symposia on IPRA and guidelines; information material in local languages) and other technical inputs needed (3-D mapping and use of geographic information facilities); link with projects like the Land Administration Management Project of DENR for access to technology and equipment</li> </ul>	<p>Year 1</p> <p>-do-</p> <p>Years 1 and 2</p> <p>Whole project duration of 3 years</p>
	<ul style="list-style-type: none"> <li>CADTs issued<sup>a</sup> (counter claims on ancestral domains and boundary conflicts addressed; indicators: areas, in hectares, awarded; number of titles issued; number of CADT beneficiaries—persons/hectare)</li> </ul>	<ul style="list-style-type: none"> <li>Conduct information dissemination on IPRA to all stakeholders (communities, government units, NGOs, and other community groups)</li> <li>Identify, document, and mark traditional boundaries of ancestral domains</li> <li>Validate claims, then conduct survey and delineation</li> <li>Survey and delineate ancestral domains</li> <li>Adjudicate and generate titles</li> <li>Register with the Land Registration Authority</li> <li>Set up concrete monuments and establish buffer zones along the boundaries of ancestral domains</li> </ul>	<ul style="list-style-type: none"> <li>Training to be implemented: pool of indigenous peoples' leaders to manage/use geographic information facilities; their communities document traditional boundaries and other proofs of ancestral domain such as archaeological finds, genealogy, folklore, and cultural elements; NCIP lawyers trained on adjudication; NCIP to develop capacity to keep and safeguard documents</li> </ul>	<p>Year 1</p>

**Objective 1: Recognize ownership by indigenous peoples of their ancestral domains (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
			<ul style="list-style-type: none"> <li>• NCIP to develop improved mechanisms for issuance of CADTs; mapping procedures (with NAMRIA); rules and processes for NCIP when using its authority</li> <li>• Resolution of conflicts with regard to land tenurial instruments being issued by other line agencies</li> <li>• Division of jurisdiction and coverage among line agencies (e.g., DENR)</li> <li>• Turn over all maps of delineated lands (CADCs, CALCs) to NCIP</li> <li>• Financial assistance</li> </ul>	<p>Whole project duration</p> <p>-do-</p> <p>-do-</p> <p>Year 1</p> <p>Whole project duration</p>

**Objective 2: Enhance the capability of indigenous peoples to manage the sustainable development and protection of their ancestral domain**

Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) Program	<ul style="list-style-type: none"> <li>• ADSDPPs (reflective of indigenous knowledge systems and practices, formulated and implemented by the communities) serve as parameters for the sustainable development and protection of ancestral</li> </ul>	<ul style="list-style-type: none"> <li>• Train NCIP staff and indigenous peoples' leaders/local residents on participatory planning and development (basic research, documentation, facilitation, and writing reflecting indigenous knowledge)</li> <li>• Identify priority ancestral domains for "model" communities (full implementation of the ADSDPP)</li> </ul>	<ul style="list-style-type: none"> <li>• NCIP to tap the expertise of NGOs, government, and academe in participatory research and planning methods</li> <li>• Indigenous peoples' communities avail of technical and financial assistance (e.g., microfinance) to develop capacity for ADSDPP management</li> </ul>	<p>Whole project duration because activities are on a continuous basis, covering different communities</p>
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**Objective 2: Enhance the capability of indigenous peoples to manage the sustainable development and protection of their ancestral domain (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
	domains (Indicators: number of ADSDPPs formulated; number and quality of indigenous peoples trained; hectares of ancestral domain reforested with indigenous species)	<ul style="list-style-type: none"> <li>Develop ADSDPP modules/guides</li> <li>Implement activities; monitor and evaluate the ADSDPP</li> <li>Implement reforestation/agroforestry programs</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous resource management practices incorporated into government protection programs (e.g., stress use of indigenous tree species and strong local participation) and educational exchange with other stakeholders conducted</li> <li>Collaboration with civil society and local government units strengthened</li> <li>Ensure indigenous peoples' participation in and access to benefits from conservation programs</li> </ul>	

**Objective 3: Ensure the delivery of basic services to indigenous peoples**

Mainstreaming of Indigenous Peoples' Issues and Concerns in the Delivery of the Basic Social Services Program	<ul style="list-style-type: none"> <li>Indigenous peoples included in agency targets for               <ul style="list-style-type: none"> <li>housing projects</li> <li>competent free legal assistance</li> <li>anti-drug abuse programs</li> <li>farm-to-market roads</li> <li>irrigation facilities</li> <li>schools</li> <li>credit assistance</li> <li>potable water supply</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Mainstream indigenous peoples' issues and concerns into government programs</li> <li>Conduct sensitization seminar-workshops with government line agencies (i.e., on indigenous peoples' history, culture, issues, and concerns)</li> <li>Set up databank on baseline data re indigenous peoples' situation, issues, and concerns</li> <li>Conduct curriculum review</li> </ul>	<ul style="list-style-type: none"> <li>An Executive Order toward mainstreaming indigenous peoples' issues and concerns and interagency linkages and coordination</li> <li>Participation of indigenous peoples and NCIP in interagency planning at national and local levels</li> <li>NCIP coordinated interagency planning and monitoring activities</li> <li>Technical and financial support for "mainstreaming" efforts (e.g., sensitization seminar-workshops from village to national levels for indigenous peoples' projects for each line agency; and research and documentation of indigenous knowledge)</li> </ul>	<ul style="list-style-type: none"> <li>As soon as possible</li> <li>Whole project duration</li> <li>Years 1 and 2</li> <li>Whole project duration</li> </ul>
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**Objective 3: Ensure the delivery of basic services to indigenous peoples (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
Indigenous Peoples-Initiated Community Development Projects for the Delivery of Basic Social Services Program	<ul style="list-style-type: none"> <li>- flagship programs for poverty reduction (Indicators: an “indigenous peoples’ fund” for every line agency—percentage of total budget; an “indigenous peoples’ desk” for every line agency; training modules on sensitivity to indigenous peoples )</li> </ul>		<ul style="list-style-type: none"> <li>• Institutional commitment and support for greater indigenous peoples’ participation in infrastructure development</li> </ul>	-do-
			<ul style="list-style-type: none"> <li>• Financial support for community-based, sustainable agriculture and resource management programs for poorest of the poor of indigenous peoples’ communities (priority given to sustainable livelihood programs)</li> </ul>	-do-
	<ul style="list-style-type: none"> <li>• Programs modified to respond to indigenous peoples’ customs, beliefs, practices, and physical conditions (e.g., geographical situation)</li> </ul>	<ul style="list-style-type: none"> <li>• Correct historically/culturally erroneous and discriminatory literature</li> </ul>	<ul style="list-style-type: none"> <li>• NCIP to initiate review of books and textbooks</li> </ul>	Years 1 and 2
	<ul style="list-style-type: none"> <li>• Improved “quality of life” based on indigenous peoples’ perspectives of “good life” (Indicators: food sufficiency; higher literacy rates—quality and relevant education; improved health situation and</li> </ul>	<ul style="list-style-type: none"> <li>• Integrate viable indigenous knowledge and practices into health and education programs</li> <li>• Document and replicate best practices</li> <li>• Teach indigenous knowledge in formal and informal curricula</li> <li>• Train indigenous peoples on sustainable agriculture and water systems development</li> </ul>	<ul style="list-style-type: none"> <li>• Curriculum review at all levels</li> </ul>	-do-

**Objective 3: Ensure the delivery of basic services to indigenous peoples (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
	<ul style="list-style-type: none"> <li>sanitation; better access to markets — farm-to-market roads; higher income to indigenous peoples' households; and lower mortality and morbidity rates</li> </ul>	<ul style="list-style-type: none"> <li>Bring schools and clinics to remote, rural indigenous peoples' communities</li> <li>Conduct functional literacy classes in areas of high illiteracy rates</li> <li>Encourage community-based health care programs to remote, rural indigenous peoples' communities</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous peoples' participation should be ensured and their knowledge and skills tapped in infrastructure projects</li> </ul>	Whole project duration
	<ul style="list-style-type: none"> <li>IPOs as contractors</li> <li>Scholars to serve as apprentices in their communities</li> </ul>	<ul style="list-style-type: none"> <li>Indigenous peoples in social infrastructure development</li> <li>Scholarship programs to deserving indigenous students</li> </ul>	<ul style="list-style-type: none"> <li>Make a policy to ensure back-to-village service for scholarship beneficiaries. Scholars should also be encouraged to take up courses that are relevant to their community of origin</li> </ul>	-do-

**Objective 4: Strengthen the capacity of NCIP toward better governance**

NCIP Institutional/Organizational Development Program	<ul style="list-style-type: none"> <li>Full capacity<sup>b</sup> to pursue its mandate               <ul style="list-style-type: none"> <li>structure and staffing—skills development training</li> <li>equipment and other</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Human resources development:               <ul style="list-style-type: none"> <li>value formation seminars</li> <li>community immersion activities</li> <li>training on the IPRA and other laws affecting indigenous peoples</li> <li>skills training on research, adjudication, and organizational development</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Study the current organization of NCIP toward possible reorganization of the bureaucracy</li> <li>Training: in-house; local, and foreign for technical staff; with indigenous peoples' community immersion for top-level management</li> </ul>	Year 1  Years 1 and 2
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**Objective 4: Strengthen the capacity of NCIP toward better governance (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
	infrastructure support - positive values toward public service—with appropriate skills to perform tasks	<ul style="list-style-type: none"> <li>Physical resources development</li> </ul>	<ul style="list-style-type: none"> <li>Equipment support</li> <li>Mobility support for program implementation and monitoring</li> <li>Communication equipment for remote areas</li> <li>Indigenous peoples' community multipurpose centers cum NCIP offices</li> </ul>	Years 1 and 2  -do-  Year 1  Whole project duration

**Objective 5: Empower and build the capacity of indigenous peoples' communities**

Empowerment and Capacity Building Program for Indigenous Peoples	<ul style="list-style-type: none"> <li>Genuine indigenous peoples' leaders recognized promoting "culture of peace" within their communities; with traditional structures of leadership and governance</li> <li>Indigenous peoples with deeper appreciation of their own culture and arts</li> <li>indigenous peoples' right to self-</li> </ul>	<ul style="list-style-type: none"> <li>Arrive at mechanisms/guidelines in determining genuine indigenous peoples' leaders</li> <li>Conduct leadership training program based on indigenous peoples' culture</li> <li>School-based and community-based peace education programs for indigenous peoples</li> <li>Strengthen indigenous conflict resolution mechanisms</li> <li>Codify existing customary laws</li> <li>Recognize and protect traditional governance</li> </ul>	<ul style="list-style-type: none"> <li>Abolish Tribal Councils organized by the ONCC/OSCC</li> <li>Revitalize old identification system</li> <li>Convene the National Consultative Body and facilitate identification of leaders to attend national conventions</li> <li>Generate technical and financial support for the documentation and codification of indigenous knowledge</li> <li>Research and documentation of cultural practices on community organization/social structures and systems</li> <li>Establish "School for Living Traditions" in indigenous peoples' communities</li> </ul>	Year 1  -do-  Annually      Whole project duration
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**Objective 5: Empower and build the capacity of indigenous peoples' communities (continued)**

Project/Program	Key Result Areas	Activities	Requirements/Recommendations	Time Frame
	determination and governance recognized (within the IPRA framework)	<ul style="list-style-type: none"> <li>Establish mechanisms and guidelines for FPIC</li> <li>Train indigenous peoples' leaders in lobby and advocacy work, governance, and negotiation</li> <li>Create tribal villages in accordance with the IPRA</li> </ul>	<ul style="list-style-type: none"> <li>Local scholarship for ethnographic research hands-on training</li> <li>Research and documentation of cultural practices on community organization/social structures and systems</li> <li>Cultural exchanges/sharing of best practices</li> <li>Promotion and support of indigenous knowledge and tribal festivals/thanksgiving rituals and peace pacts</li> <li>Formulation of guidelines on establishment of tribal villages</li> <li>NCIP staff to be trained in community organization and development</li> <li>Presence of self-reliant, self-determining, community-based IPOs</li> <li>Define policy on the recognition of indigenous peoples among line agencies (e.g., representation of indigenous peoples' leaders)</li> <li>Documentation and dissemination of "good practices" on the exercise of FPIC</li> </ul>	Whole project duration

<sup>a</sup> Estimated aggregate total area of ancestral domains to be delineated is 5 million hectares; one-half or 2.5 million hectares already delineated and issued CADCs by DENR to 181 indigenous communities.

<sup>b</sup> Upgraded physical requirements of 7 central offices, 12 regional offices, 46 provincial offices, and 108 service centers of NCIP.



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# ENDNOTES

- 1 Created by Executive Order No. 1 to “reorganize and revitalize” the government entity managing indigenous peoples’ concerns, the National Commission on Indigenous Peoples. The Task Force so formed ceased to exist upon the appointment of the Commissioners as well as the Chair in October 2001.
- 2 These are Central Mindanao, Northern and Western Mindanao, and Southern and Eastern Mindanao.
- 3 Refer to separate report on the provincial workshop.
- 4 ADB (1999).
- 5 Rodil (1994).
- 6 Ibid.
- 7 Gowing (1979).
- 8 (Stancovich (1999).
- 9 Gutierrez (2000).
- 10 Ibid.
- 11 Ibid.
- 12 D’yandi and Pakang are rituals made before the imposition of government systems in Mindanao, which “recognized the territorial boundaries of the indigenous peoples and the Moros. These boundary agreements, however, are not being recognized and respected anymore.” (Panagtagbo, 2001).
- 13 Gaspar (2000).
- 14 Hendrickson et al. (1991).
- 15 Voss (1983) and Jeffremovas (1992).
- 16 Lopez-Gonzaga (1983).
- 17 Schlegel (1976).
- 18 Manuel (2000).
- 19 Rodil (1994), Scott (1974).
- 20 Aranal-Sereno and Libarios (1981).
- 21 Constantino (1992), Tan (1997).
- 22 Corpuz (1997).
- 23 Sec. 1, Art. XIII, 1935 Philippine Constitution.
- 24 Section 15, Revised Forestry Code, cited in De Los Reyes (1986).
- 25 Gaspar (2000).
- 26 Rovillos (2000).
- 27 KAMP (1993).
- 28 Guan and Guzman (1999).
- 29 IBON (2000).
- 30 Regpala and Reyes-Boquiren (1992).

- 31 Sec. 22, Art. II, 1987 Philippine Constitution.
- 32 Sec. 5, Art. XIII; and Sec. 17 Art. XIV, 1987 Philippine Constitution.
- 33 Sec. 38, IPRA.
- 34 H. Dee, quoted in Agoncillo and Espiel (2001).
- 35 OPAIPA (2001).
- 36 Sarmiento (1998); Luib (1998).
- 37 Philippine Star, 30 April 1998.
- 38 De Lange (1998).
- 39 Ballesteros (1999).
- 40 Malanes (2001).
- 41 Leonen (1998).
- 42 CPA and DINTEG (1997).
- 43 cf. Wiber (1984), Prill-Brett (1992), and Gimenez (1996).
- 44 Prill-Brett (1992).
- 45 Lynch (1999); also see the separate opinions of Justices Kapunan and Puno.
- 46 Gatmaitan (1996).
- 47 CPA and DINTEG (1997).
- 48 The term *Igorot* is a contested category. Other Cordillera groups like some Ifugaos do not identify themselves as Igorots, while others want to reclaim their identity as Igorots now, despite the negative and discriminatory connotations attached to the name.
- 49 NSCB-CAR (1999).
- 50 Ibid.
- 51 The Cordillera Regional Development Plan, 1999–2004.
- 52 National Statistics Office (1995).
- 53 Prill-Brett et al. (1994).
- 54 DENR-CAR, cited in NEDA (1994).
- 55 Reported in the Regional Forestry Master Plan (Vol.1, 1992).
- 56 Rood (1995).
- 57 Cheng (1999).
- 58 NIA-CAR, cited in NEDA (1994).
- 59 Prill-Brett et al. (1994).
- 60 Ibid.
- 61 Prill-Brett et al. (1994), Mendoza (1992), Adorable (1990), and Torres (1988).
- 62 Tapang (2001).
- 63 Torres (1988).
- 64 cf. Boquiren (1989), Sidchogan-Batani et. al. (2000), and Tapang (2001).
- 65 cf. Sidchogan-Batani (2000).
- 66 HADP (1983), cited in Torres (1988).
- 67 Torres (1988).
- 68 Tapang (2001).
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- 69 Torres (1988).
- 70 Note that shelter/housing is not usually identified as a basic need; there is hardly any homeless person in the Cordillera villages, and people can easily build houses because there are adequate resources.
- 71 Personal Interview with Prof. Leah Enkiwe, 2001.
- 72 Casambre et al. (1992), Prill-Brett et al. (1994), and Cosalan (1993).
- 73 Prill-Brett, et al. (1994).
- 74 Dehn (1986), cited in Torres (1988).
- 75 Prill-Brett et al. (1994).
- 76 Mendoza (1992).
- 77 Cosalan (1993).
- 78 Ibid.
- 79 Most of the data in this section were from the speech delivered by Secretary Teresita Quintos-Deles, Lead Convenor, National Anti-Poverty Commission, before the KUSOG Mindanao General Assembly on 5 October 2001 in Davao City.
- 80 The poverty depth indicates how far the poor population is below the poverty line.
- 81 Poverty incidence is defined as the percentage of population considered poor or the head-count proportion of people with incomes below the poverty line.
- 82 ADB (2000).
- 83 The poverty gap shows on average how much the incomes of the poor need to be raised in order to bring them to the poverty line.
- 84 In addition to the use of income, the Human Development Index also has a number of indicators for measuring achievements in basic human capabilities: leading a long life, being knowledgeable, and obtaining a decent standard of living. Among its indicators are life expectancy, adult literacy, combined enrollment ratios, and adjusted real per capita income.
- 85 Filipino Report Card in Pro-Poor Services (focus: effectiveness of public agencies in providing social services for citizens).
- 86 The community forms part of the ADB Bukidnon Integrated Area Development Project implemented in 115 villages in 7 municipalities of Bukidnon. The objective is to improve the socioeconomic status of poor rural communities through increased and sustained production of vegetables and other high-value crops, and improved access to basic social services (communal irrigation systems and farm-to-market roads), community development support (training activities, agricultural extension, rural livelihood skills training, and credit support), and social services (health, child care, and rural water supply).
- 87 For the purposes of applying for the CADT, the community, with the assistance of support groups, plans to update the census.
- 88 One of the areas visited to assess its inclusion in the ADB-supported Community-based Forest Resources Management project.
- 89 In September 2001, the former mayor of the municipality was abducted by alleged NPA members from a community meeting attended by ADB officers. His dead body was later found a kilometer away.
- 90 A joint statement by international agencies—Food and Agriculture Organization, International Labour Organization, United Nations Development Programme, the United Nations Economic, Social and Cultural Organization, the United Nations Population Fund, and the United Nations Children’s Fund—serves as a common framework for



the delivery of development assistance to the indigenous peoples collaborating under the United Nations Assistance Framework.

- 91 Data were generated from the National Workshop on Mainstreaming Government Programs for Indigenous Peoples' Poverty Reduction held at ADB, 1–2 October 2001, in relation with RETA 5953.
- 92 CHARM Project (1994a).
- 93 CHARM Project (1994a).
- 94 CHARM Project primer, undated.
- 95 CHARM Project (2001).
- 96 Ibid.
- 97 cf. Davis (2001).
- 98 Ibid.
- 99 Tacloy (2001).
- 100 cf. Colchester and Griffiths (2000) and Gaspar (2000).
- 101 "Framework for NCIP Program of Action" prepared by the Office of the Presidential Advisor for Indigenous Peoples' Affairs (OPAIPA) for the NCIP Commissioners' Workshop held on 22–25 August 2001, Tagaytay, Philippines.
- 102 Based on newspaper accounts, there is an Indigenous Peoples Federal Army (IPFA), a clandestine group of about 100 members, allegedly composed of former New People's Army rebels who split from the Communist Party of the Philippines in 1991, and disgruntled members of the Moro National Liberation Front (MNLF) and the Moro Islamic Liberation Front (MILF).

The reports say that most of the members are based in Central Mindanao and their leaders are young, in their thirties. Their next step is to set up a political network. Once they have the "strength," their goal, it appears, is to negotiate with the Government.

The accounts indicate that the supposed IPFA wants to send three messages to the Government regarding its intentions: to push federalism high up on the national agenda; to announce its presence; and to show that it has the capability to wreak havoc.

The IPFA was alleged to have been responsible for planting several dummy bombs in prominent locations in Manila during April 2002. A two-page "Federal Manifesto" signed by an "Rsd Adrev" left beside the bombs, listed their demands as follows: "three types of federal states for the tri-people of the Philippines," namely, "tribal federal states for indigenous peoples nationwide; federal Islamic states for the Muslims nationwide; and federal states for the Christians nationwide."

**ANNEX**  
**THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997**

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**REPUBLIC ACT NO. 8371**  
**THE INDIGENOUS PEOPLES RIGHTS ACT OF 1997**

[AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLE, CREATING A NATIONAL COMMISSION OF INDIGENOUS PEOPLE, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES]

**CHAPTER I**  
**GENERAL PROVISIONS**

- Sec. 1. *Short Title.***- This Act shall be known as "The Indigenous Peoples Rights Act of 1997."
- Sec. 2. *Declaration of State Policies.***- The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:
- 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 distinctions or discriminations;
  - 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.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, their rights to their ancestral domains.

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## CHAPTER II

### DEFINITION OF TERMS

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

- a) *Ancestral Domains* - Subject to Section 56 hereof, 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, 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 land, 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 ICCs/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 hereof, refers 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 claims 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 and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;
- c) *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 this law;
- d) *Certificate of Ancestral Lands Title* - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;
- e) *Communal Claims* - refer to claims on land, resources and rights thereon, belonging to the whole community within a defined territory
- f) *Customary Laws* - refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;
- g) *Free and Prior Informed Consent* - 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;
- h) *Indigenous Cultural Communities/Indigenous Peoples* - refer 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 customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, 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;

- i) *Indigenous Political Structure* - refer to organizational and cultural leadership systems, institutions, relationships, patterns and processed for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holder, or any other tribunal or body of similar nature;
- j) *Individual Claims* - refer to claims on land and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;
- k) *National Commission on Indigenous Peoples (NCIP)* - refers to the office created under this Act, which shall be under the Office of the President, and which 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 ICCs/IPs;
- l) *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 ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest;
- m) *Nongovernment Organization* - refers to a private, nonprofit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs and has an established track record for effectiveness and acceptability in the community where it serves;
- n) *People's Organization* - refers to a private, nonprofit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs;
- o) *Sustainable Traditional Resource Rights* - refer to the rights of ICCs/IPs 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, beliefs, systems and practices; and
- p) *Time Immemorial* - refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

### CHAPTER III

#### RIGHTS TO ANCESTRAL DOMAINS

**Sec. 4. *Concept of Ancestral Lands/Domains.***- 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 area which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

**Sec. 5. *Indigenous Concept of Ownership.***- 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.

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

**Sec. 7. *Rights to Ancestral Domains.***- The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

- a) *Rights of Ownership.*- The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;
- b) *Right to Develop Lands and Natural Resources.*- 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 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;
- c) *Right to Stay in the Territories.*- The right to stay in the territory and not be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, 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 free and prior informed consent of the ICCs/IPs concerned and 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, ICCs/IPs shall be provided in all possible cases 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 displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced ICCs/IPs in suitable areas where they can have temporary life support system: Provided, That the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined: Provided, further, That should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: Provided, furthermore, That basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed;
- e) *Right to Regulate Entry of Migrants.*- Right to regulate the entry of migrant settlers and organizations into the domains;
- f) *Right to Safe and Clean Air and Water.*- For this purpose, the ICCs/IPs shall have access to integrated systems for the management of their inland waters 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, except those reserved and intended for common and public welfare and service; and
- h) *Right to Resolve Conflict.*- 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 and to the Courts of Justice whenever necessary.

**Sec. 8. *Rights to Ancestral Lands.***- The right of ownership and possession of the ICCs/IPs, to their ancestral lands shall be recognized and protected.

- 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.
- 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 fifteen (15) years from the date of transfer.

**Sec. 9. *Responsibilities of ICCs/IPs to their Ancestral Domains.***- ICCs/IPs occupying a duly certified ancestral domain shall have the following responsibilities:

- 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 other development programs and projects subject to just and reasonable remuneration; and
- c) *Observe Laws.*- To observe and comply with the provisions of this Act and the rules and regulations for its effective implementation.

**Sec. 10. *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 before enumerated, shall be punishable under this law. Furthermore, the Government shall take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs.

**Sec. 11. *Recognition of Ancestral Domain Rights.***- The rights of ICCs/IPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall recognize the title of the concerned ICCs/IPs over the territories identified and delineated.

**Sec. 12. *Option to Secure Certificate of Title under Commonwealth Act 141, as amended, or the Land Registration Act 496.***- Individual members of cultural communities, with respect to 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 or for a period of not less than thirty (30) years immediately preceding the approval of this Act and uncontested by the members of the same ICCs/IPs shall have the option to secure title to their ancestral lands under the provisions of Commonwealth Act 141, as amended, or the Land Registration Act 496.

For this purpose, said 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.

The option granted under this Section shall be exercised within twenty (20) years from the approval of this Act.

#### CHAPTER IV

##### RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT

- Sec. 13. *Self-Governance.***- 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.
- Sec. 14. *Support for Autonomous Regions.***- The State shall continue to strengthen and support the autonomous regions created under the Constitution as they may require or need. The State shall likewise encourage other ICCs/IPs not included or outside Muslim Mindanao and the Cordillera to use the form and content of their ways of life as may be compatible with the fundamental rights defined in the Constitution of the Republic of the Philippines and other internationally recognized human rights.
- Sec. 15. *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.
- Sec. 16. *Right to Participate in Decision -Making.***- ICCs/IPs 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. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.
- Sec. 17. *Right to Determine and Decide Priorities for Development.***- The ICCs/IPs shall have the right to determine and decide their own priorities for development affecting 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.
- Sec. 18. *Tribal Barangays.***- The ICCs/IPs living in contiguous areas or communities where they form the predominant population but which are located in municipalities, provinces or cities where they do not constitute the majority of the population, may form or constitute a separate barangay in accordance with the Local Government Code on the creation of tribal barangays.
- Sec. 19. *Role of Peoples Organizations.***- The State shall recognize and respect the role of independent ICCs/IPs organizations to enable the ICCs/IPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.
- Sec. 20. *Means for Development/Empowerment of ICCs/IPs.***- The Government shall establish the means for the full development/empowerment of the ICCs/IPs own institutions and initiatives and, where necessary, provide the resources needed therefor.



## CHAPTER V

### SOCIAL JUSTICE AND HUMAN RIGHTS

**Sec. 21. *Equal Protection and Non-discrimination of ICCs/IPs.*** - Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the State shall likewise ensure that the employment of any form of force of coercion against ICCs/IPs shall be dealt with by law.

The State shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution and relevant international instruments are guaranteed also to indigenous women. Towards this end, 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.

**Sec. 22. *Rights during Armed Conflict.*** - ICCs/IPs have the right to special protection and security in periods of armed conflict. The State 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 ICCs/IPs against their will into armed forces, and in particular, for the use against other ICCs/IPs; not recruit children of ICCs/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.

**Sec. 23. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.*** - It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.

Towards this end, the State shall within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by the laws applicable to workers in general.

ICCs/IPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' conditions. 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.

**Sec. 24. *Unlawful Acts Pertaining to Employment.*** - It shall be unlawful for any person:

- a) To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value; and

- b) To deny any ICC/IP employee 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.

**Sec. 25. Basic Services.** - The ICC/IP 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 State shall guarantee the right of ICCs/IPs to government 's basic services which shall include, but not limited to water and electrical facilities, education, health and infrastructure.

**Sec. 26. Women.** - 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.

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.

**Sec. 27. Children and Youth.** - The State shall recognize the vital role of the children and youth of ICCs/IPs in nation-building and shall promote and protect their physical, moral, spiritual, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth.

**Sec. 28. Integrated System of Education.** - The State shall, through the NCIP, provide a complete, adequate and integrated system of education, relevant to the needs of the children and young people of ICCs/IPs.

## CHAPTER VI

### CULTURAL INTEGRITY

**Sec. 29. Protection of Indigenous Culture, traditions and institutions.** - The state shall respect, recognize and protect the right of the ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

**Sec. 30. Educational Systems.** - The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.

**Sec. 31. Recognition of Cultural Diversity.** - The State shall endeavor to have the dignity and diversity of the cultures, traditions, histories and aspirations of the ICCs/IPs appropriately reflected in all forms of education, public information and cultural-educational exchange. Consequently, the State shall take effective measures, in consultation with ICCs/IPs

concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations among ICCs/IPs and all segments of society. Furthermore, the Government shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. The State shall likewise ensure the participation of appropriate indigenous leaders in schools, communities and international cooperative undertakings like festivals, conferences, seminars and workshops to promote and enhance their distinctive heritage and values.

**Sec. 32. *Community Intellectual Rights.*** - ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs.

**Sec. 33. *Rights to Religious, Cultural Sites and Ceremonies.*** - ICCs/IPs shall have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect and have access to their religious and cultural sites; the right to use and control of ceremonial object; and the right to the repatriation of human remains. Accordingly, the State shall take effective measures, in cooperation with the burial sites, be preserved, respected and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate or make diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural values without the free and prior informed consent of the community concerned; and
- b) Deface, remove or otherwise destroy artifacts which are of great importance to the ICCs/IPs for the preservation of their cultural heritage.

**Sec. 34. *Right to Indigenous Knowledge Systems and Practices and to Develop own Sciences and Technologies.*** - ICCs/IPs are entitled to the recognition of 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 sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.

**Sec. 35. *Access to Biological and Genetic Resources.*** - Access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/IPs only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.

**Sec. 36. *Sustainable Agro-Technical Development.*** - The State shall recognize the right of ICCs/IPs to a sustainable agro-technological development and shall formulate and implement programs of action for its effective implementation. The State shall likewise promote the bio-genetic and resource management systems among the ICCs/IPs and shall encourage cooperation among government agencies to ensure the successful sustainable development of ICCs/IPs.

**Sec. 37. *Funds for Archeological and Historical Sites.*** - The ICCs/IPs shall have the right to receive from the national government all funds especially earmarked or allocated for the management and preservation of their archeological and historical sites and artifacts with the financial and technical support of the national government agencies.

## CHAPTER VII

## NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP)

**Sec. 38. *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 their rights thereto.

**Sec. 39. *Mandate.***- The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions and institutions.

**Sec. 40. *Composition.***- The NCIP shall be an independent agency under the Office of the President and shall be composed of seven (7) Commissioners belonging to ICCs/IPs, one (1) of whom shall be the Chairperson. The Commissioners shall be appointed by the President of the Philippines from a list of recommendees submitted by authentic ICCs/IPs: Provided, That the seven (7) Commissioners shall be appointed specifically from each of the following ethnographic areas: Region I and the Cordilleras; Region II; the rest of Luzon; Island Groups including Mindoro, Palawan, Romblon, Panay and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; and Central Mindanao: Provided, That at least two (2) of the seven (7) Commissioners shall be women.

**Sec. 41. *Qualifications, Tenure, Compensation.***- The Chairperson and the six (6) Commissioners must be natural born Filipino citizens, bonafide members of ICCs/IPs as certified by his/her tribe, experienced in ethnic affairs and who have worked for at least ten (10) years with an ICC/IP community and/or any government agency involved in ICC/IP, at least 35 years of age at the time of appointment, and must be of proven honesty and integrity: Provided, That at least two (2) of the seven (7) Commissioners shall be the members of the Philippine Bar: Provided, further, That the members of the NCIP shall hold office for a period of three (3) years, and may be subject to re-appointment for another term: Provided, furthermore, That no person shall serve for more than two (2) terms. 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 Chairperson and the Commissioners shall be entitled to compensation in accordance with the Salary Standardization Law.

**Sec. 42. *Removal from Office.***- Any member of the NCIP may be removed from office by the President, on his own initiative or upon recommendation by any indigenous community, before the expiration of his term for cause and after complying with due process requirement of law.

**Sec. 43. *Appointment of Commissioners.***- The President shall appoint the seven (7) Commissioners of the NCIP within ninety (90) days from the effectivity of this Act.

**Sec. 44. *Powers and Functions.***- To accomplish its mandate, the NCIP shall have the following powers, jurisdiction and function:

- a) To serve as the primary government agency through which ICCs/IPs can seek government assistance and as the medium, thorough which such assistance may be extended;
- b) To review and assess the conditions of ICCs/IPs including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in national development;
- c) 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;

- d) 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;
- e) To issue certificate of ancestral land/domain title;
- f) Subject to existing laws, 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 subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs;
- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/IPs 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 ICCs/IPs as well as existing laws;
- h) To coordinate development programs and projects for the advancement of the ICCs/IPs and to oversee the proper implementation thereof;
- i) To convene periodic conventions or assemblies of IPs to review, assess as well as propose policies or plans;
- j) To advise the President of the Philippines on all matters relating to the ICCs/IPs 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 Congress 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 President;
- m) To issue appropriate certification as a pre-condition 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 ICCs/IPs concerned;
- n) To decide all appeals from the decisions and acts of all the various offices within the Commission;
- o) To promulgate the necessary rules and regulations for the implementation of this Act;
- p) To exercise such other powers and functions as may be directed by the President of the Republic of the Philippines; and
- q) To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns.

**Sec. 45. *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 Commission shall be made accessible to the public.

**Sec. 46. *Officers within the NCIP.***- The NCIP shall have the following offices which shall be responsible for the implementation of the policies herein after provided:

- a) *Ancestral Domains Office* - The Ancestral Domain Office shall be responsible for the identification, delineation and recognition of ancestral land/domains. It shall also be responsible for the management of ancestral lands/domains in accordance with the master plans as well as the implementation of the ancestral domain rights of the ICCs/IPs as

provided in Chapter III of this Act. It shall also issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of ICCs/IPs in protecting the territorial integrity of all ancestral domains. It shall likewise perform such other functions as the Commission may deem appropriate and necessary;

- b) *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 ICCs/IPs such as, but not limited to, the development of a Five-Year Master Plan for the ICCs/IPs. Such plan shall undergo a process such that every five years, the Commission shall endeavor to assess the plan and make ramifications in accordance with the changing situations. The Office shall also undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a depository of ethnographic information for monitoring, evaluation and policy formulation. It shall assist the legislative branch of the national government in the formulation of appropriate legislation benefiting ICCs/IPs.
- c) *Office of Education, Culture and Health* - The Office on Culture, Education and Health shall be responsible for the effective implementation of the education, cultural 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 the local indigenous community, especially in areas where existing educational facilities are not accessible to members of the indigenous group. It shall administer all scholarship programs and other educational rights intended for ICC/IP beneficiaries in coordination with the Department of Education, Culture and Sports and the Commission on Higher Education. It shall undertake, within the limits of available appropriation, a special program which includes language and vocational training, public health and family assistance program and related subjects.

It shall also identify ICCs/IPs with potential training in the health profession and encourage and assist them to enroll in schools of medicine, nursing, physical therapy and other allied courses pertaining to the health profession.

Towards this end, the NCIP shall deploy a representative in each of the said offices who shall personally perform the foregoing task and who shall receive complaints from the ICCs/IPs and compel action from appropriate agency. It shall also monitor the activities of the National Museum and other similar government agencies generally intended to manage and preserve historical and archeological artifacts of the ICCs /IPs and shall be responsible for the implementation of such other functions as the NCIP may deem appropriate and necessary;

- d) *Office on Socio-Economic Services and Special Concerns* - The Office on Socio-Economic Services and Special Concerns shall serve as the Office through which the NCIP shall coordinate with pertinent government agencies specially charged with the implementation of various basic socio-economic services, policies, plans and programs affecting the ICCs/IPs to ensure that the same are properly and directly enjoyed by them. It shall also be responsible for such other functions as the NCIP may deem appropriate and necessary;
- e) *Office of Empowerment and Human Rights* - The Office of Empowerment 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 ICCs/IPs are afforded every opportunity, if they so choose, to participate in all level decision-making. It shall likewise ensure that the basic human rights, and such other rights as the NCIP may determine, subject to existing laws, rules and regulations are protected and promoted;
- f) *Administrative Office* - The Administrative Office shall provide the NCIP with economical, efficient and effective services pertaining to personnel, finance, records, equipment,

security, supplies, and related services. It shall also administer the Ancestral Domains Fund; and

- g) *Legal Affairs Office* - There shall be a Legal Affairs Office which shall advise the NCIP on all legal matters concerning ICCs/IPs and which shall be responsible for providing ICCs/IPs with legal assistance in litigation involving community interest. It shall conduct preliminary investigation on the basis of complaints filed by the ICCs/IPs against a natural or juridical person believed to have violated ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of appropriate legal or administrative action to the NCIP.

**Sec. 47. *Other Offices.***- The NCIP shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations.

**Sec. 48. *Regional and Field Offices.***- Existing regional and field offices shall remain to function under the strengthened organizational structure of the NCIP. Other field office shall be created wherever appropriate and the staffing pattern thereof shall be determined by the NCIP: Provided, That in provinces where there are ICCs/IPs but without field offices, the NCIP shall establish field offices in said provinces.

**Sec. 49. *Office of the Executive Director.***- The NCIP shall create the Office of the Executive Director which shall serve as its secretariat. The office shall be headed by an Executive Director who shall be appointed by the President of the Republic of the Philippines upon the recommendation of the NCIP on a permanent basis. The staffing pattern of the office shall be determined by the NCIP subject to existing rules and regulations.

**Sec. 50. *Consultative Body.***- A body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from the time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.

## CHAPTER VIII

### DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

**Sec. 51. *Delineation and Recognition of Ancestral Domains.***- Self-delineation shall be guiding principle in the identification and delineation of ancestral domains. As such, the ICCs/IPs 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/pacts made with neighboring ICCs/IPs, if any, will be essential to the determination of these traditional territories. The Government shall take the necessary steps to identify lands which the ICCs/IPs concerned traditionally occupy and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the rights of the ICCs/IPs 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, particularly of ICCs/IPs who are still nomadic and/or shifting cultivators.

**Sec. 52. *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 provisions hereunder shall not apply to ancestral domains/lands already delineated according to DENR Administrative Order No. 2, series of 1993, nor to ancestral lands and domains delineated under any other community/ancestral domain program prior to the enactment of this law. ICCs/IPs on enactment of this law shall have the right to apply for the issuance of a Certificate of

Ancestral Domain Title (CADT) over the area without going through the process outlined hereunder;

- b) *Petition for Delineation* - The process of delineating a specific perimeter may be initiated by the NCIP with the consent of the ICC/IP concerned, or through a Petition for Delineation filed with the NCIP, by a majority of the members of the ICCs/IPs;
- c) *Delineation Paper* - 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 ICCs/IPs concerned. Delineation will be done in coordination with the community concerned and shall at all times include genuine involvement and participation by the members of the communities concerned;
- d) *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 ICCs/IPs in the concept of owners which shall be any one (1) of the following authentic documents:
  1. Written accounts of the ICCs/IPs customs and traditions;
  2. Written accounts of the ICCs/IPs political structure and institution;
  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 the ICCs/IPs concerned with other ICCs/IPs;
  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; and
  10. Write-ups of names and places derived from the native dialect of the community.
- e) *Preparation of Maps* - On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office of the NCIP shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;
- f) *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 NCIP;
- g) *Notice and Publication* - A copy of each document, including a translation in the native language of the ICCs/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 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 newspaper and radio station are not available;
- h) *Endorsement to NCIP* - Within fifteen (15) days from publication, and of the inspection process, the Ancestral Domains Office shall prepare a report to the NCIP 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 NCIP: Provided, furthermore, That in cases where there are conflicting 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 selection below.

- i) *Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies* - The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, 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;
- j) *Issuance of CADT* - ICCs/IPs whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; and
- k) *Registration of CADTs* - The NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral lands titles before the Register of Deeds in the place where the property is situated.

**Sec. 53. 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. 52 (d) 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 individual 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
- 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 or corporate (family or clan) claimant over ancestral lands.

**Sec. 54. *Fraudulent Claims.***- The Ancestral Domains Office may, upon written request from the ICCs/IPs, review existing claims which 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 NCIP after due notice and hearing of all parties concerned.

**Sec. 55. *Communal Rights.***- Subject to Section 56 hereof, areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: Provide, 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.

**Sec. 56. *Existing Property Rights Regimes*** – Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

**Sec. 57. *Natural Resources within Ancestral Domains.***- The ICCs/IPs shall have the 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 all extractions shall be used to facilitate the development and improvement of the ancestral domains.

**Sec. 58. *Environmental Consideration.***- Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirement of the existing laws on free and prior informed consent: Provided, That the transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: Provided, further, That no ICCs/IPs shall be displaced or relocated

for the purpose enumerated under this section without the written consent of the specific persons authorized to give consent.

**Sec. 59. *Certification Precondition.***- All departments 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, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certificate shall only be issued after a field-based investigation is conducted by the Ancestral Domain Office of the area concerned: Provided, That no certificate shall be issued by the NCIP without the free and prior informed and written consent of the ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is pending CADT application: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

**Sec. 60. *Exemption from Taxes.***- All lands certified to be ancestral domains shall be exempt from real property taxes, specially levies, and other forms of exaction except such portion of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantation and residential purposes and upon titling by other private person: Provided, that all exactions shall be used to facilitate the development and improvement of the ancestral domains.

**Sec. 61. *Temporary Requisition Powers.***- Prior to the establishment of an institutional surveying capacity whereby it can effectively fulfill its mandate, but in no case beyond three (3) years after its creation, the NCIP is hereby authorized to request the Department of Environment and Natural Resources (DENR) survey teams as well as other equally capable private survey teams, through a Memorandum of Agreement (MOA), to delineate ancestral domain perimeters. The DENR Secretary shall accommodate any such request within one (1) month of its issuance: Provided, That the Memorandum of Agreement shall stipulate, among others, a provision for technology transfer to the NCIP.

**Sec. 62. *Resolution of Conflicts.***- In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan, and which cannot be resolved, the NCIP 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 and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. The NCIP shall promulgate the necessary rules and regulations to carry out its adjudicatory functions: Provided, further, That in any decision, order, award or ruling of the NCIP 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.

**Sec. 63. *Applicable Laws.***- Customary laws, traditions and practices of the ICCs/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 of laws shall be resolved in favor of the ICCs/IPs.

**Sec. 64. *Remedial Measures.***- Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good". The NCIP shall take appropriate legal action for the cancellation of officially documented titles which 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 two (2) years from the effectivity of this Act: Provided, finally, That the action for reconveyance shall be a period of ten (10) years in accordance with existing laws.

## CHAPTER IX

### JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS

**Sec. 65. *Primary of Customary Laws and Practices.***- When disputes involve ICCs/IPs, customary laws and practices shall be used to resolve the dispute.

**Sec. 66. *Jurisdiction of the NCIP.***- 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.

**Sec. 67. *Appeals to the Court of Appeals.***- Decisions of the NCIP shall be appealable to the Court of Appeals by way of a petition for review.

**Sec. 68. *Execution of Decisions, Awards, Orders.***- Upon expiration of the period here provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

**Sec. 69. *Quasi-Judicial Powers of the NCIP.***- The NCIP shall have the power and authority:

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

**Sec. 70. *No restraining Order or Preliminary Injunction*** - No inferior court of the Philippines shall have the jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy to, or interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

## CHAPTER IX ANCESTRAL DOMAINS FUND

**Sec. 71. *Ancestral Domains Fund.*** - There is hereby created a special fund, to be known as the Ancestral Domains Fund, an initial amount of the one hundred thirty million pesos (P130,000,000) to cover compensation for expropriated lands, delineation and development of ancestral domains. An amount of fifty million pesos (P50,000,000) shall be sourced from the gross income of the Philippine Charity Sweepstakes Office (PCSO) from its lotto operation, Ten million pesos (P10,000,000) from the gross receipts of the travel tax of the preceding year, the fund of the Social Reform Council intended for survey and delineation of ancestral lands/domains, and such other source as the government may deem appropriate. Thereafter such amount shall be included in the annual General Appropriations Act. Foreign as well as local funds which are made available for the ICCs/IPs through the government of the Philippines shall be coursed through the NCIP. The NCIP may also solicit and receive donations, endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof.

## CHAPTER XI PENALTIES

**Sec. 72. *Punishable Acts and Applicable Penalties.*** - Any person who commits violation of any of the provisions of this Act, such as, but not limited to, authorized and/or unlawful intrusion upon any ancestral lands or domains as stated in Sec. 10, Chapter III, or shall commit any of the prohibited acts mentioned in Sections 21 and 24, Chapter V, Section 33, Chapter VI hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: Provided, That no such penalty shall be cruel, degrading or inhuman 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 ICCs/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 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 the court. In addition, he shall be obliged to pay to the ICCs/IPs concerned whatever damage may have been suffered by the latter as a consequence of the unlawful act.

**Sec. 73. *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 criminally liable therefor, in addition to the cancellation of certificates of their registration and/or license: Provided, That if the offender is a public official, the penalty shall include perpetual disqualification to hold public office.

## CHAPTER XII

MERGER OF THE OFFICE FOR NORTHERN CULTURAL COMMUNITIES (ONCC)  
AND THE OFFICE FOR SOUTHERN CULTURAL COMMUNITIES (OSCC)

- Sec. 74. *Merger of ONCC/OSCC.***- The Office for Northern Cultural Communities (ONCC) and the Office of Southern Cultural Communities (OSCC), created under Executive Order Nos. 122-B and 122-C respectively, are hereby merged as organic offices of the NCIP and shall continue to function under a revitalized and strengthened structures to achieve the objectives of the NCIP: Provided, That the positions of Regional Directors and below, are hereby phased-out upon the effectivity of this Act: Provided, further, That officials and employees of the phased-out offices who may be qualified may apply for reappointment with the NCIP and may be given prior rights in the filing up of the newly created positions of NCIP, subject to the qualifications set by the Placement Committee: Provided, furthermore, That in the case where an indigenous person and a non-indigenous person with similar qualifications apply for the same position, priority shall be given to the former. Officers and employees who are to be phased-out as a result of the merger of their offices shall be entitled to gratuity a rate equivalent to one and a half (1 1/2) months salary for every year of continuous and satisfactory service rendered or the equivalent nearest fraction thereof favorable to them on the basis of the highest salary received. If they are already entitled to retirement benefits or the gratuity herein provided. Officers and employees who may be reinstated shall refund such retirement benefits or gratuity received: Provided, finally That absorbed personnel must still meet the qualifications and standards set by the Civil Service and the Placement Committee herein created.
- Sec. 75. *Transition Period.***- The ONCC/OSCC shall have a period of six (6) months from the effectivity of this Act within which to wind up its affairs and to conduct audit of its finances.
- Sec. 76. *Transfer of Assets/Properties.***- All real and personal properties which are vested in, or belonging to, the merged offices as aforesaid shall be transferred to the NCIP without further need of conveyance, transfer or assignment and shall be held for the same purpose as they were held by the former offices: Provided, That all contracts, records and documents shall be transferred to the NCIP. All agreements and contracts entered into by the merged offices shall remain in full force and effect unless otherwise terminated, modified or amended by the NCIP.
- Sec. 77. *Placement Committee.***- Subject to rules on government reorganization, a Placement Committee shall be created by the NCIP, in coordination with the Civil Service Commission, which shall assist in the judicious selection and placement of personnel in order that the best qualified and most deserving persons shall be appointed in the reorganized agency. The placement Committee shall be composed of seven (7) commissioners and an ICCs/IPs representative from each of the first and second level employees association in the Offices for Northern and Southern Cultural Communities (ONCC/OSCC), nongovernment organizations (NGOs) who have served the community for at least five (5) years and peoples organizations (POs) with at least five (5) years of existence. They shall be guided by the criteria of retention and appointment to be prepared by the consultative body and by the pertinent provisions of the civil service law.
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**CHAPTER XIII**  
**FINAL PROVISIONS**

**Sec. 78. *Special Provision.*** - The City of Baguio shall remain to be governed by its Chapter and all lands proclaimed as part of its townsite reservation shall remain as such until otherwise reclassified by appropriate legislation: Provided, That prior land rights and titles recognized and/or required through any judicial, administrative or other processes before the effectivity of this Act shall remain valid: Provided, further, That this provision shall not apply to any territory which becomes part of the City of Baguio after the effectivity of this Act.

**Sec. 79. *Appropriations.*** - The amount necessary to finance the initial implementation of this Act shall be charged against the current year's appropriation of the ONCC and the OSCC. Thereafter, such sums as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

**Sec. 80. *Implementing Rules and Regulations.*** - Within sixty (60) days immediately after appointment, the NCIP shall issue the necessary rules and regulations, in consultation with the Committees on National Cultural Communities of the House of Representatives and the Senate, for the effective implementation of this Act.

**Sec. 81. *Saving Clause.*** - This Act will not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

**Sec. 82. *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 thereby.

**Sec. 83. *Repealing Clause.*** - Presidential Decree NO. 410, Executive Order Nos. 122-B and 122-C, and all other laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

**Sec. 84. *Effectivity.*** - This Act shall take effect fifteen days (15) days upon its publication in the Official Gazette or in any two (2) newspapers of general circulation.

*Approved: 29 October 1997.*

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