

REPUBLIC OF THE PHILIPPINES
House of Representatives
Quezon City

FIFTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 3543

06 SEP 2012

(3:30 PM)

INTRODUCED BY REPRESENTATIVES NANCY A. CATAMCO and TEDDY BRAWNER BAGUILAT, JR.

EXPLANATORY NOTE

No less than the 1987 Constitution declares, Section 22, Article II thereof, declares that "(t)he State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

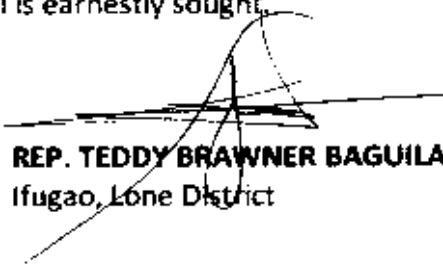
As a concrete step towards the recognition and promotion of all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of the Constitution as well as RA No. 8371, otherwise known as the Indigenous Peoples Rights Act, this bill seeks to create a *Department of Indigenous Peoples* (DIP), which shall become primary government agency tasked to formulate and implement the national policies, plans, and programs relating to the rights of ICCs/IPs.

Although the National Commission on Indigenous Peoples (NCIP) is at present performing the functions related to the formulation and implementation of policies, plans and programs to recognize, protect, and promote the rights of ICCs/IPs, a department specifically created for such purpose can further strengthen such formulation and implementation. Towards this end, the DIP shall engage with ICCs/IPs and all levels of Government to improve service delivery and facilitate the development of policy and programs which carry out sustainable economic, environmental, and social benefits to Indigenous communities.

The creation of the DIP will be a significant breakthrough to guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, their rights to their ancestral domains.

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


REP. NANCY A. CATAMCO
North Cotabato, 2nd District


REP. TEDDY BRAWNER BAGUILAT, JR.
Ifugao, Lone District

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HOUSE BILL No. 6543

Introduced by Representatives Nancy A. Catamco and Teddy Brawner Baguilat, Jr.

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

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

SECTION 1. Title. This Act shall be known as the "Department of Indigenous Peoples Act of 2012."

SECTION 2: Creation. The Department of Indigenous Peoples, hereinafter referred to as the Department, is hereby created, structurally and functionally, in accordance with the provisions of this Act.

SECTION 3. Declaration of Policies. The State shall recognize and promote all the rights of Indigenous Peoples (IPs) hereunder enumerated within the framework of the Constitution:

- a. The State shall recognize and promote the rights of IPs within the framework of national unity and development;
- b. The State shall protect the rights of 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 of relations in determining the ownership and extent of ancestral domain;

- c. The State shall recognize, respect and protect the rights of 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 IPs regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction or discrimination;
- e. The State shall take measures, with the participation of the IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the 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 IPs for cultural integrity by assuring maximum IP participation in the direction of education, health, as well as other services of 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, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

SECTION 4: Jurisdiction of the Department. To carry out the policies herein set forth under Republic Act 8371 otherwise known as the Indigenous peoples Rights Act of 1997 and all other applicable laws, the Department 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.

SECTION 5. Powers and Functions of the Department. To accomplish its mandate, the Department shall have the following powers, functions, and responsibilities:

- a. Promulgate necessary rules and regulations governing the implementation of the provisions of RA No. 8371 and pertinent laws.

- b. Develop, administer, and implement policies, plans, programs and projects for the economic, social, and cultural development of the ICCs/IPs
- c. Establish such regional, provincial, city and municipal branches and field offices of the Department whenever and wherever it may be expedient or necessary, and to supervise such branches.
- d. Provide social welfare services to ICCs/IPs, including social work assistance, legal assistance, and cultural services.
- e. Coordinate government and voluntary efforts in social welfare work to avoid duplication and overlapping of responsibility in social services.
- f. Implement relevant provisions of international treaties and agreements.
- g. Collect and maintain records and facilitate research relating to rights and cultural heritage of ICCs/IPs.
- h. Promote public awareness and insure proper dissemination of information on understanding of Indigenous rights and cultural heritage.
- i. Perform quasi-judicial and allied functions and settle conflicts.
- j. Perform all other functions consistent with RA No. 8371 and as may be provided by law

SECTION 6. Authority and Responsibility. The Department shall be headed by the Secretary who shall be appointed by the President of the Republic of the Philippines.

SECTION 7. Staff Appointments. The Department shall determine its organizational structure and its staffing pattern and shall appoint officers and employees of the Department in accordance with laws, rules and regulations governing government agencies.

SECTION 8. Appropriation. The amount to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 9. Repealing Clause. All other decrees, laws, rules and regulations, and other issuances or parts thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 10. Separability Clause. If any provision of this Act shall be declared unconstitutional or invalid, the other provisions not otherwise affected shall remain in full force and effect.

SECTION 11. Effectivity Clause. This Act shall take effect after fifteen (15) days from its publication in at least two (2) papers of general circulation.

Approved,