



Republic of the Philippines
House of Representatives

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **7511**

INTRODUCED BY REP. LUISA LLOREN CUARESMA
Lone District of Nueva Vizcaya

EXPLANATORY NOTE

It is the declared policy of the State, according to Section 22, Article II of the 1987 Philippine Constitution that, "The State shall recognize and promote the rights of indigenous cultural communities (ICCs) within the framework of national unity and development."

To accomplish this mandate, R.A. No. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 (IPRA) was enacted. Sec 16 of this law provides that, "ICC/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 structure. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils."

However, despite the existence of the aforementioned provision of IPRA Law, the ICCs/IPs remain underrepresented, particularly in the province of Nueva Vizcaya. Due to this under representation in councils or bodies that make decisions about the lives of the IPS, there is a continuous struggle to uphold their already constitutionally-recognized rights. With this reality, the State must be more vigilant in protecting the IPs in our country.

With the view of uplifting the welfare of the IPs, this bill seeks to institutionalize IPs mandatory representation in the province of Nueva Vizcaya. It is hoped that with this bill, the local government unit of Nueva Vizcaya will recognize and provide a representative from the IP sector to their local legislative or *Sanggunian*. This will ensure a more coordinated effort between the State and the IP sector in guaranteeing the protection of their rights.

Luisa Lloren Cuaresma
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**AN ACT INSTITUTIONALIZING INDIGENOUS PEOPLES MANDATORY
REPRESENTATION IN THE PROVINCE OF NUEVA VIZCAYA AND
APPROPRIATING FUNDS THEREFOR.**

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

SECTION 1. Short Title – This Act shall be known as the “Nueva Vizcaya IP Representation Act”

SECTION 2. Declaration of Policy – Pursuant to the 1987 Constitution and Republic Act No. 8371 otherwise known as “The Indigenous Peoples’ Rights Act of 1997”, the State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) particularly the following:

- a) 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;
- b) 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

- c) 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, interests and institutions, and to adopt and implement measures to protect their rights.

SECTION 3. Definition of Terms – For the purpose of this Act, the following terms are defined as follows:

- a) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* – refer to a group of people or homogenous societies identified by self-ascription by others, who have continuously lives 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, 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 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;
- b) *Indigenous Peoples Mandatory Representative* – refers to a person duly selected and confirmed under the provisions of this Act to become an automatic member of the local legislative as representative of the indigenous peoples sector;
- c) *Indigenous Political Structure* – refers to the organizational and cultural leadership systems, institutions, relationships, patterns and process for decision-making and participation, identified by ICCs/IPs.
- d) *National Commission on Indigenous Peoples (NCIP)* – refers to the office attached under the Office of the President and created under Republic Act No. 8371. It is currently the primary government agency responsible formulation and implementation of policies, plans, and programs to recognize, protect and promote the rights of the ICCs/IPs.

SECTION 4. Institution/Creation – There is hereby created/instituted a national program for Indigenous Peoples Mandatory Representation in the Province of Nueva Vizcaya under the direct supervision of the NCIP in coordination with the Local Government Unit of the Province.

SECTION 5. Scope of Application – The Indigenous Peoples Mandatory Representation shall be applicable to the Province of Nueva Vizcaya. Each of the recognized ICCs/IPs shall have its own representation.

SECTION 6. Selection/Qualification – No person shall become an Indigenous Peoples Mandatory Representative (IPMR), unless he or she is:

- a) A bonafide member of the ICCs/IPs sought to be represented in the Province of Nueva Vizcaya;
- b) A bonafide member of an Indigenous Political Structure, accredited by the NCIP, of the ICCs/IPs in the Province of Nueva Vizcaya;
- c) Selected through customary laws and traditions by majority of the members of ICCs/IPs sought to be represented and whose selection has been confirmed by the NCIP;
- d) At least twenty one (21) years of age;
- e) Resident of the Province of Nueva Vizcaya; and
- f) Of good moral character

SECTION 7. Term of Office – Any person whose selection has been confirmed by the NCIP to become an IPMR shall become an automatic member of the local legislative or the Sanggunian concerned as representative of the Indigenous Peoples sector.

An IPMR shall serve in the local or Sanggunian for a period of three (3) years from the time his or her selection shall have been confirmed by the NCIP. The confirmation of the NCIP shall also serve as the appointment of the IPMR in the local legislative or Sanggunian concerned.

No person shall serve the IPMR for more than three (3) consecutive terms in the same local legislative or Sanggunian. In case of death, permanent incapacity, or voluntary resignation or both, of an IPMR, the successor shall serve the unexpired portion of his or her predecessor.

SECTION 8. Remuneration – Any person selected and confirmed as IPMR shall receive from the NCIP his or her remuneration and benefits equivalent to the remuneration and benefits given to members of the local legislative or Sanggunian where the IPMR shall have become a member.

SECTION 9. League of Indigenous Peoples Mandatory Representative – There is hereby created an association of all IPMRs. The association shall be called the “League of Indigenous Peoples Mandatory Representative (LIPMR)” as provided for under Title VI of Republic Act. No. 7160, otherwise known as the Local Government Code. The LIPMR shall become a member of the umbrella organization of the Union of Local Authorities of the Philippines.

SECTION 10. Implementation – Within sixty (60) days after the implementation of this Act, the NCIP in coordination with TESDA, DepEd and CHED, shall promulgate the necessary rules and regulation to govern the effective implementation of this Act.

SECTION 11. Appropriations. - The amount necessary to carry out the provisions of this Act shall be included in the budget of concerned government agencies in the General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 12. Repealing Clause. - All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 13. Separability Clause. - If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

SECTION 14. Effectivity Clause. - This Act shall take effect fifteen (15) days following its complete publication in the *Official Gazette* or in at least two (2) newspaper of general circulation.

Approved,