

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session
8779
House Bill No. _____



INTRODUCED BY
REP. ALFRED VARGAS

AN ACT
CREATING REGIONAL TRIAL COURTS FOR INDIGENOUS PEOPLES

EXPLANATORY NOTE

Globally, indigenous peoples continue to fight for recognition and strengthen their communities. The United Nations supports them by adopting an international instrument in 2007 known as the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)¹, adopted by the majority of the member states of the United Nations General Assembly. As for countries like the Philippines, Indigenous Peoples have lobbied beforehand resulting in the adoption of the Indigenous People's Right Act (IPRA). With the combined forces of the IPRA and the UNDRIP, there has been an increase in the ancestral lands returned to indigenous communities.

However, the implementation of the UN Declaration needs better legislation to complement it. Priorities to expropriate for economic activities are still strongly present. Aside from issues with territory, historical injustices are still happening along with the lack of recognition on the contributions of indigenous peoples².

In the Philippines, the number of Indigenous Peoples is estimated to be around 10 to 20 percent of the national population. With the constant challenges faced, they continue to lack accessibility to justice and protection. The provisions of the Indigenous Peoples Right Act of 1997 do not have effective clauses regarding protection within criminal justice processes³.

¹ UN Declaration on the Rights of Indigenous Peoples. (n.d.). Retrieved January 26, 2021, from https://indigenousfoundations.arts.ubc.ca/un_declaration_on_the_rights_of_indigenous_peoples/

² Author Victoria Tauli-Corpuz. (2017, September 01). It Is Time Governments Recognize Indigenous Peoples' Contributions. Retrieved January 26, 2021, from <https://www.culturalsurvival.org/publications/cultural-survival-quarterly/it-time-governments-recognize-indigenous-peoples>

³ Philippines: Obstacles concerning access to justice and protection for indigenous people. (2012, August). Retrieved January 26, 2021, from <https://www.iwgia.org/en/philippines/1678-philippines-obstacles-concerning-access-to-justice>

This bill seeks to further uphold the fundamental rights to due process of the Indigenous Peoples by creating regional trial courts specifically for them. This legislation is in accordance with Section 21 of Republic Act No. 8371, also known as the Indigenous Peoples' Rights Act of 1997 as we uphold the rights and privileges available to every member of the society, and make justice available and accessible for the marginalized sectors of society,

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



ALFRED VARGAS

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

SECTION 1. Short Title. - This Act shall be known as the “**Regional Trial Courts for Indigenous Peoples Act**”.

SECTION 2. Declaration of Policy. - It is hereby declared policy of the State to increase access to justice for the indigenous peoples by creating Regional Trial Courts for them.

SECTION 3. Creation of Separate Courts for Indigenous Peoples. - Regional Trial Courts for cases involving indigenous peoples are hereby created in provinces where there is some concentration of indigenous peoples as deemed and recognized by the National Commission on Indigenous Peoples (NCIP).

SECTION 4. Implementing Rules and Regulations. - The Supreme Court shall issue rules and regulations to implement this Act. Said rules shall be published in at least two (2) national newspapers of general circulation.

SECTION 5. Appropriation. - The amount of One Billion Pesos (P1,000,000,000.00) is hereby appropriated out of any savings or unexpected balance in the National Treasury not otherwise appropriated. Hereafter, it shall be included in the budget of the Judiciary in the General Appropriations Act for the corresponding fiscal year.

SECTION 6. *Implementing Rules and Regulations.* – The Secretary of Justice shall, in coordination with the NCIP in consultation with the Committees on National Cultural Communities of the House of Representatives and the Senate, issue the necessary rules and regulations for the effective implementation of this Act.

SECTION 7. *Separability Clause.* – Should any provision of this Act or any part thereof be declared invalid, the other provisions, so far as they are separable from the invalid ones, shall remain in full force and effect.

SECTION 8. *Repealing Clause.* – All laws, orders, Issuances, rules and regulations or parts thereof inconsistent with this Act. Are hereby repealed or modified accordingly.

SECTION 9. *Effectivity.* – This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

Approved,