

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

19TH CONGRESS
First Regular Session

HOUSE BILL NO. 5546



Introduced by Representative Michael L. Romero

EXPLANATORY NOTE

The **National Commission on Indigenous Peoples (NCIP)** is the agency of the national government of the Philippines that is responsible for protecting the rights of the indigenous peoples of the Philippines. The commission is composed of seven commissioners. It is attached to the **Department of Social Welfare and Development**.

In January 1987, then President Corazon Aquino's administration abolished the OMACC and through three Executive Orders created the Office for the Muslim Affairs (OMA), the Office for Northern Cultural Communities (ONCC), and the Office for Southern Cultural Communities (OSCC).

In 1997, then President Fidel Ramos signed **Republic Act 8371** or **Indigenous Peoples' Rights Act of 1997**, which merged the latter two offices, the Office for Northern Cultural Communities and Office for Southern Cultural Communities into current commission.

This House Bill seeks to ensure that the country fulfills its commitments to foster genuinely empowered ICCs/IPs whose rights and multi-dimensional well-being are fully recognized, respected and promoted towards the attainment of national unity and development, providing for **stiffer penalties and sanctions for its violations**.

Thus, the early passage of this bill is earnestly requested.

A handwritten signature in black ink, appearing to read 'Michael L. Romero', with a long horizontal flourish extending to the right.

MICHAEL L. ROMERO

Republic of the Philippines
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AN ACT

AMENDING **REPUBLIC ACT 8371**, OTHERWISE KNOWN AS “**THE INDIGENOUS PEOPLES’ RIGHTS ACT OF 1997**”, TO RECOGNIZE AND PROMOTE THE RIGHTS OF **ICCS/IPS** WITHIN THE FRAMEWORK OF NATIONAL UNITY AND DEVELOPMENT, PROVIDING FOR STIFFER PENALTIES AND SANCTIONS AND FOR OTHER PURPOSES

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

SECTION 1. Section 72 of Chapter XI of Republic Act NO. 8371 is hereby amended, to read as follows:

CHAPTER XI

Penalties

SECTION 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, unauthorized 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 death penalty shall not 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) years** but not more than fifteen **(15) years** or a fine of not less than *Five hundred thousand pesos (P500,000)* nor more than *One Million pesos (P1,000,000)* 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

SECTION 2. TRANSITORY PROVISION – Existing industries, businesses and offices affected by the implementation of this Act shall be given six **(6)** months transitory period from the effectivity of the IRR or such other period as may be determined, to comply with the requirements of this Act.

SECTION 3. IMPLEMENTING RULES AND REGULATIONS. – The departments and agencies charged with carrying out the provisions of this Act shall, within sixty **(60)** days after the effectivity of this Act, formulate the necessary rules and regulations for its effective implementation.

SECTION 4. 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.

SECTION 5. REPEALING CLAUSE. – All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 6. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Act is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

SECTION 7. EFFECTIVITY CLAUSE. – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in at least two (2) national newspapers of general circulation whichever comes earlier.

Approved,