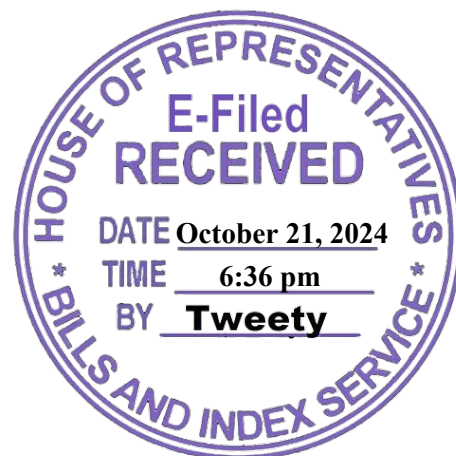


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 10996



Introduced by **Representative Wilbert “Manoy” T. Lee**

AN ACT
REORGANIZING THE NATIONAL COMMISSION ON INDIGENOUS
PEOPLES (NCIP) INTO THE DEPARTMENT ON INDIGENOUS PEOPLES,
DEFINING ITS POWERS AND FUNCTIONS, APPROPRIATING FUNDS
THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

As guaranteed by the 1987 Constitution, the State shall recognize and promote the rights of the indigenous cultural communities within the framework of national unity and development and shall protect their rights to ancestral lands to ensure their economic, social and cultural well-being.

Based on the 2020 population census and validated by recent literature, the country’s indigenous population continues to be estimated at between 10% and 20% of the national population of 109,035,343.¹ According to the May 2024 publication of the World Bank, approximately 9.4 million people identified as indigenous, which is about 8.7% of the population.

Despite the support of the country voting in favor of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the enactment of Republic Act 8371, known as the Indigenous Peoples’ Rights Act (IPRA), which was lauded for its support for respecting Indigenous Peoples’ cultural integrity, right to their lands and right to self-directed development of those lands, the more substantial implementation of the law is still being sought. In the May 2024 study of the World Bank, access to water and sanitation, education, health services, and economic opportunities, while still preserving their cultural identities, could significantly improve the living standards of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs).

Based on the assessment of the Philippine Institute for Development Studies (PIDS), it noted that it is challenging for the National Commission on Indigenous Peoples (NCIP) to serve all stakeholders, given its limited resources. Dr. Sonny Domingo, Senior Research

¹ International Work Group for Indigenous Affairs (20 March 2024) *The Indigenous World 2024: Philippines*. Accessed last 18 August 2024 from: <https://www.iwgia.org/en/philippines/5372-iw-2024-philippines.html>

Fellow of PIDS mentioned the lack of institutional support at the regional levels. He encouraged NCIP to look into augmenting financial resources and personnel based on the technical needs of those on the ground. This affected several programs and mandates of NCIP including: a) securing complete documentation of ethnic groups b) recognition, awarding, and management of ancestral domains c) implementation of free, prior, and informed consent (FPIC). Aside from institutional concerns in the current set-up of NCIP, Dr. Domingo also identified that there are also barriers to accessing basic services, particularly education and medical assistance. He recommended that the NCIP tap other agencies for support programs and services.²

Related to the findings of PIDS, IPs who seek the legal recognition of their ancestral domains as provided in the Indigenous Peoples' Rights Act of 1997 encounter a number of challenges, such as the extremely costly expenses of obtaining their Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT), and the lengthy processing times of 10 to 20 years for title applications. In 2023, the National Commission on Indigenous Peoples (NCIP) achieved only 33% of its targeted 1,531 ancestral domains and lands to be issued with CADT and CALT. In addition, data compiled by the Legal Rights and Natural Resources Centre in 2023 show an increase of at least 70,344.96 hectares of ancestral lands that are facing significant risks of negative environmental impact within or in proximity to Indigenous territories, now totaling 1.33 million hectares.

Taking into consideration the large population of ICCs/ IPs and their long-standing problems due to the lack of comprehensive support by the government through the NCIP, given its meager resources and scope, this representation believes that the creation of a Department of Indigenous Peoples (DIP), with its expanded powers, more funding and wider scope, can strategically address the pressing issues of ICCs/IPs. Across the country who remain poor and have suffered from inequalities for decades.

The need for this bill stems from the growing recognition and clamor among ICCs/ IPs of a department, that can compel other agencies of government to properly implement the full mandate of the Indigenous Peoples' Rights Act of 1997, and execute the promise of the law to IPs through the expanded structure and resources of a regular government agencies, among others.



HON. WILBERT "MANOY" T. LEE
Representative
AGRI PARTYLIST

² Philippine Institute for Development Studies (16 November 2021) Revisit, assess law protecting indigenous peoples—PIDS study. Accessed last 19 August 2024 from: <https://www.pids.gov.ph/details/revisit-assess-law-protecting-indigenous-peoples-pids-study>

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THEREFOR, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Short Title.** – – This Act shall be known as the “Department on Indigenous
2 Peoples Act of 2024.”
3

4 **SEC. 2. Declaration of Policy.** – The State shall recognize and promote the rights of
5 ICCs/IPs within the framework of national unity and development, protect the rights of
6 ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well-being
7 and recognize the applicability of customary laws governing property rights or relations in
8 determining the ownership and extent of ancestral domain. Likewise, as stated clearly in the
9 Constitution, the Congress may create a body to advise the President on policies affecting
10 indigenous cultural communities, the majority of the members of which shall come from such
11 communities.
12

13 Towards these ends, the State shall institute and establish the necessary mechanisms to
14 enforce and guarantee the realization of these rights, taking into consideration their customs,
15 traditions, values, beliefs, their rights to their ancestral domains.
16

17 **SEC. 3. Creation of the Department of Indigenous Peoples.** – All offices, services,
18 divisions, units and personnel not otherwise covered by this Act for transfer to the
19 Department shall be retained under the National Commission on Indigenous Peoples which is
20 hereby renamed the Department on Indigenous Peoples herein referred to as “Department”.
21

22 **SEC. 4. Mandate.** – The Department shall be the centralized national government agency
23 that shall attend to the needs of ICCs /IPs providing them the necessary services, supervision,
24 regulation and guidance in the pursuit of their welfare. Likewise, the Department shall lead

1 the policy-making, planning, monitoring, and coordinating body that will protect and
2 promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs,
3 traditions and institutions.

4
5 **SEC. 5. Secretary on Indigenous Peoples**– The authority and responsibility for the
6 exercise of the mandate of the Department and for the discharge of its powers and functions
7 shall be vested in the Secretary, who shall have supervision and control of the Department
8 and shall be appointed by the President of the Philippines, subject to the confirmation by the
9 Commission on Appointments.

10
11 **SEC. 6. Powers of the Secretary.** - The Secretary shall have the following powers and
12 functions:

- 13
14 a) Provide executive direction and supervision over the entire operations of the
15 Department and exercise administrative supervision over its attached agencies;
16 b) Establish policies and standards for the effective, efficient and economical operation
17 of the Department, in accordance with the programs of government;
18 c) Promulgate rules and regulations necessary to carry out department mandates,
19 objectives, policies, functions. plans, programs, and projects;
20 d) Promulgate administrative issuances necessary for the efficient administration of the
21 offices under the Secretary and for proper execution of the laws relative thereto.
22 These issuances shall not prescribe penalties for their violation, except when
23 expressly authorized by law
24 e) Appoint all officers and employees of the Department except those whose
25 appointments are vested in the President or in some other appointing authority and
26 shall appoint employees to positions in the second level in the regional offices as
27 defined in this Act and in accordance with the Civil Service laws, rules and
28 regulations;
29 f) Advise the President of the Philippines and make recommendations on the
30 promulgation of executive and administrative orders and regulatory and legislative
31 proposals on matters pertaining to culture; and
32 g) Perform such other functions as may be provided by law or assigned by the President
33 of the Philippines.

34
35 **SEC. 7. Undersecretaries.** – The Secretary shall be assisted by three (3)
36 undersecretaries, who shall be appointed by the President of the Philippines upon the
37 recommendation of the Secretary: Provided, That at least two (2) of whom shall be career
38 officers.

39
40 In general, the undersecretaries shall:

- 41 a) Advise and assist the Secretary in the formulation and implementation of Department
42 objectives and policies;
43 b) Oversee all the operational activities of the Department for which s/he shall be
44 responsible as assigned by the Secretary;
45 c) Coordinate the programs and projects of the same and be responsible for its
46 economical, efficient, and effective administration;
47 d) Whenever necessary s/he designated to serve as deputy to the Secretary in all matters
48 relating to the operations of the department; the designated Undersecretary will
49 temporarily discharge the duties of the Secretary in the latter's absence or inability to
50 discharge his or her duties for any cause or in case of vacancy of the said office,

1 unless otherwise provided by law; the President of the Philippines shall likewise make
2 the honorary designation of Acting Secretary to the same.

3
4 Preferential treatment shall be given in the appointment of Assistant Secretaries from IP
5 communities, without prejudice to the qualifications of the position.
6

7 **SEC. 8. Assistant Secretaries.** – The Secretary shall also be assisted by three (3)
8 Assistant Secretaries, one (1) for operations, and one (1) for legal affairs. The Assistant
9 Secretaries shall be appointed by the President upon the recommendation of the Secretary.
10 Preferential treatment shall be given in the appointment of Assistant Secretaries from IP
11 communities, without prejudice to the qualifications of the position.
12

13 **SEC. 9. Implementation of Republic Act No. 8371.** Nothing in this Act shall be
14 construed to further amend or diminish any benefits or entitlements already granted by
15 Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997".
16

17 **SEC. 10. Appropriations.** – The amount needed for the initial implementation of this
18 Act shall be taken from the current fiscal year's appropriation of the NCCA through the
19 Office of the President, and other appropriations available for the purpose. Thereafter, the
20 amount needed for the operation and maintenance of the Department proper shall be included
21 in the General Appropriations Act, provided that the next fiscal year, the amount shall be no
22 less than One Billion Pesos (PHP 1,000,000,000.00).
23

24 **SEC. 11. Implementing Rules and Regulations.** – The Office of the President, in
25 consultation with other government agencies mentioned in this Act, shall promulgate its
26 implementing rules and regulations within sixty (60) days from the effectivity of this Act.
27

28 **SEC. 12. Repealing Clause.** – All orders, rules and regulations, issuances, or any part
29 thereof inconsistent with the provision of this Act are hereby repealed, amended, or modified
30 accordingly.
31

32 **SEC. 13. Effectivity Clause.** – This Act shall take effect fifteen (15) days after
33 publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,