



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



Twentieth Congress
First Regular Session

HOUSE BILL NO. 5044

Introduced by Representative Mauricio G. Domogan

EXPLANATORY NOTE

This bill seeks to create the Department of Indigenous Cultural Communities and Indigenous Peoples, define its powers, functions and responsibilities and appropriate funds therefor.

The enactment of Republic Act (RA) No. 8371, otherwise known as the "*Indigenous Peoples' Rights Act of 1997*," was a historic milestone in Philippine legislation. It gave life to the Constitutional mandate to recognize, protect, and promote the rights of indigenous cultural communities and indigenous peoples (ICCs/IPs). It institutionalized the commitment of the State to safeguard the ancestral domains, recognize and foster the cultural beliefs and traditions of ICCs/IPs, and ensure the protection of the rights of ICCs/IPs and their equal access to services and opportunities.

However, nearly three decades since its enactment, the full realization of the objectives of RA 8371 remains elusive. The current institutional framework and powers of the National Commission on Indigenous Peoples (NCIP) had proven inadequate in terms of reach, resources, and executive influence. While the NCIP has made strides in policy implementation, its limited capacity has hindered the comprehensive delivery of services and the effective protection of the rights of ICCs/IPs.

This proposed measure creating the Department of Indigenous Cultural Communities and Indigenous Peoples will strengthen the existing power and reach of the NCIP. The Department will have direct access to national policy

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deliberations, enhanced operational capacity, and a clear mandate to implement programs nationwide. The existing NCIP offices will be reorganized into specialized bureaus under the new Department, ensuring continuity while enabling reform.

With the creation of the Department of Indigenous Cultural Communities and Indigenous Peoples, the State affirms its recognition of ICCs/IPs as equal stakeholders in nation-building. It also strengthens its commitment to cultural preservation, equitable development, and responsive governance. This institutional advancing of NCIP into a new Department will accelerate the fulfillment of established obligations of the State under RA 8371 and it will help instill the rights of ICCs/IPs into the core machinery of the government.

A similar measure was filed in the 18th Congress by Representative Manuel Antonio F. Zubiri of the Third Legislative District of Bukidnon.

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



MAURICIO G. DOMOGAN



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1 **AN ACT**
2 **CREATING THE DEPARTMENT OF INDIGENOUS CULTURAL**
3 **COMMUNITIES AND INDIGENOUS PEOPLES, DEFINING ITS**
4 **POWERS, FUNCTIONS AND RESPONSIBILITIES AND**
5 **APPROPRIATING FUNDS THEREFOR**

6
7 *Be it enacted by the Senate and House of Representatives of the Philippines in*
8 *Congress assembled:*
9

10 SECTION 1. **Short Title.** – This Act shall be known as the “*Department*
11 *of Indigenous Cultural Communities and Indigenous Peoples Act.*”

12 SEC. 2. **Declaration of Policy.** – It is the policy of the State to protect
13 the rights of indigenous cultural communities and indigenous peoples
14 (ICCs/IPs), preserve and develop their beliefs, customs, traditions and
15 institutions, ensure their economic, social and cultural well-being, and consider
16 their rights, customs and traditions in the formulation of national plans and
17 development. Toward this end, the State shall institute a primary government

1 agency responsible for the protection and promotion of the rights and well-
2 being of ICCs/IPs.

3 **ARTICLE I**

4 **THE DEPARTMENT AND ITS POWERS AND FUNCTIONS**

5 SEC. 3. *The Department.* – The Department of Indigenous Cultural
6 Communities and Indigenous Peoples, hereinafter referred to as the
7 “*Department*,” is hereby created.

8 The Department shall be the primary government body responsible for
9 the formulation and implementation of policies, plans and programs to promote
10 and protect the rights and well-being of the ICCs/IPs, including their rights to
11 ancestral domains. Likewise, the Department is responsible for the
12 implementation of economic, educational, cultural and infrastructure programs
13 for ICCs/IPs.

14 SEC. 4. *Powers and Functions.* – The Department shall exercise the
15 following powers and functions:

16 (a) Provide advice and assistance to the President of the Philippines in
17 the formulation, coordination, implementation and monitoring of policies,
18 plans, programs and projects affecting ICCs/IPs, including the recommendation
19 of affirmative actions as may be necessary for their efficient and effective
20 implementation;

1 (b) Represent the President of the Philippines on matters concerning
2 ICCs/IPs, when so authorized and serve as a link between the President of the
3 Philippines and public or private agencies involved in the implementation of
4 programs and projects affecting ICCs/IPs;

5 (c) Undertake and coordinate development programs and projects for
6 the advancement of ICCs/IPs, including the identification of lands for the
7 settlement of the homeless and displaced ICCs/IPs, in consonance with existing
8 laws, particularly Republic Act (RA) No. 11054, otherwise known as the
9 “*Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*”
10 and the “*Bangsamoro Indigenous Peoples’ Act of 2024 (BIPA)*”;

11 (d) Act as the primary government officer through which ICCs/IPs
12 may seek government assistance and redress, including legal assistance,
13 medical aid, relief, rehabilitation and other forms of assistance for
14 socioeconomic upliftment of ICCs/IPs;

15 (e) Enter, subject to existing laws, policies and guidelines, into
16 contracts, agreements or arrangements with other government or private
17 agencies or entities as may be necessary to attain the objectives of this Act;

18 (f) Promote and enhance the development of domestic trade and
19 commerce among the members of the ICCs/IPs, promote or facilitate the
20 establishment by members of the ICCs/IPs joint venture and investments in
21 cooperation or coordination with existing public enterprises, corporations or

1 private entities, and initiate and organize enterprises based on the principles of
2 indigenous business and finance for the benefit and welfare of the ICCs/IPs, in
3 accordance with existing laws, rules and regulations;

4 (g) Recommend to the Department of Budget and Management
5 (DBM) the proposed expenditure for the development of all ICCs/IPs;

6 (h) Develop criteria for allocating additional resources for education,
7 economic and cultural development programs;

8 (i) Monitor and evaluate the performance of all existing policies and
9 development programs of the government that seek to strengthen and uplift the
10 socioeconomic conditions of ICCs/IPs and identify areas that need government
11 intervention and support;

12 (j) Acquire, lease or own property or assets, in whatever form as may
13 be necessary, and sell or otherwise dispose of the same, and serve as the
14 custodian or administrator of the lands or areas and other properties or assets
15 that the President of the Philippines may reserve for the benefit of ICCs/IPs;

16 (k) Solicit and accept grants, donations and gifts, in cash or in kind, in
17 whatever source, in coordination with the appropriate agency, for the benefit of
18 the ICCs/IPs, and administer the same in accordance with the terms thereof, or
19 in the absence of any condition, in a manner consistent with the interest of
20 ICCs/IPs and existing laws;

1 (l) Undertake studies, establish and maintain ethnographic research
2 centers and museums on the cultures and institutions of ICCs/IPs for policy
3 formulation, program implementation and preservation of their historical
4 heritage;

5 (m) Certify, whenever appropriate, the membership of individuals in
6 ICCs/IPs to establish their qualifications and identity as may be required by
7 government and private agencies and enable them to exercise their rights as
8 members of ICCs/IPs and avail of the benefits granted by law;

9 (n) Issue certificates of ancestral land or domain title;

10 (o) Provide legal and technical services for the survey, adjudication,
11 titling, and development of identified ancestral domains and settlements
12 proclaimed by the government for the ICCs/IPs;

13 (p) Assist the Philippine Statistics Authority (PSA) in conducting
14 census on the actual population of ICCs/IPs in the country;

15 (q) Formulate and adopt continuing programs and activities to
16 strengthen and preserve the cultural heritage of ICCs/IPs, in coordination with
17 appropriate agencies of the government;

18 (r) Promote and supervise, in coordination with appropriate agencies
19 of the government, the implementation of indigenous learning systems among
20 the ICCs/IPs and provide assistance in the expeditious accreditation of
21 indigenous learning institutions;

1 (s) Ensure that the curriculum of the indigenous learning system
2 conforms with the basic curriculum of the national formal education system that
3 includes the subjects on Filipino and English Grammar and Usage, Philippine
4 History and Geography, Science and Technology, Mathematics, Physical
5 Education and Sports Development, and Vocational Education, to secure the
6 local and international competitiveness of ICCs/IPs graduates from the
7 indigenous learning institutions;

8 (t) Ensure the continuous transfer of technology to ICCs/IPs to uplift
9 the quality of life of ICCs/IPs;

10 (u) Convene periodic conventions or assemblies of ICCs/IPs to
11 review, assess and propose policies or plans;

12 (v) Issue appropriate certification as a pre-condition to the grant of
13 permit, lease, grant, or any other similar authority for the disposition,
14 utilization, management and appropriation by any private individual, corporate
15 entity or any government agency, corporation or subdivision thereof on any part
16 or portion of the ancestral domain, taking into consideration the consensus
17 approval of the ICCs/IPs concerned;

18 (w) Decide all appeals from the decisions and acts of all the various
19 offices within the Department;

(x) Represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns; and

(y) Promulgate such rules and regulations and exercise such powers and functions as may be necessary to carry out the purposes and objectives of this Act or as may be directed by the President of the Philippines.

ARTICLE II

ORGANIZATION

SEC. 5. ***Organizational Structure.*** – The Department shall be composed of the offices of the Secretary, the undersecretaries, and the Executive Director, and the bureaus, services, regional offices, field offices and sub-offices and their immediate staff.

SEC. 6. *Secretary and Undersecretaries.* – The Department shall be headed by a Secretary who is a member of the ICCs/IPs. The Secretary shall be assisted by seven (7) undersecretaries, at least two (2) of whom shall be women, who shall head each of the following ethnographic areas:

- (a) Region I and the Cordilleras;
- (b) Region II;
- (c) Rest of Luzon;
- (d) Island groups including Mindoro, Palawan, Romblon, Panay and the rest of the Visayas;

- (e) Northern and Western Mindanao;
- (f) Southern and Eastern Mindanao; and
- (g) Central Mindanao.

SEC. 7. ***Qualifications, Tenure, Compensation.*** – The Secretary shall be appointed by the President of the Philippines, subject to confirmation by the Commission on Appointments.

The Secretary and seven (7) undersecretaries, at least two (2) of whom are members of the Philippine Bar, must be:

- (a) Natural-born Filipino citizens;
- (b) Bona fide members of the ICCs/IPs as certified by their respective tribe;
- (c) With at least ten (10) years of work experience with an ICC/IP or any government agency involved with the ICC/IP;
- (d) At least 35 years of age at the time of appointment; and
- (e) Of proven honesty and integrity.

The Secretary and the undersecretaries shall have the same rank, salary, and privileges as those of any other Cabinet Secretary and Cabinet Undersecretaries.

SEC. 8. ***Appointment of Undersecretaries.*** – Within ninety (90) days from the effectivity of this Act, the President shall appoint the seven (7)

1 undersecretaries of the Department from a list of recommended nominees
2 submitted by authentic ICCs/IPs for the purpose.

3 SEC. 9. ***Removal from Office.*** – On the President’s initiative or upon
4 recommendation by any indigenous community, the President may remove the
5 Secretary or any or all undersecretaries at any time, with or without cause.

6 SEC. 10. ***Bureaus.*** – The bureaus of the Department shall consist of the
7 Bureau of Ancestral Domains, Bureau of Policy, Planning and Research,
8 Bureau of Education, Culture and Health, Bureau of Socio-Economic Services
9 and Special Concerns, Bureau of Empowerment and Human Rights, Bureau of
10 Administration, and Bureau of Legal Affairs. Each of these bureaus shall be
11 headed by a Director who shall hold the same rank, salary, and privileges of a
12 Staff Bureau Director. The Bureau Director shall be appointed by the President
13 of the Philippines from among the names or nominees submitted by the
14 Secretary.

15 (a) ***Bureau of Ancestral Domains*** – The Bureau of Ancestral Domains
16 shall be responsible for the identification, delineation and recognition of
17 ancestral lands or domains. Likewise, it shall be responsible for the
18 management and protection of ancestral lands or domains in accordance with a
19 master plan and the implementation of the ancestral domain rights of the
20 ICCs/IPs as provided in Chapter III of RA 8371, otherwise known as the
21 “*Indigenous Peoples’ Rights Act of 1997.*”

1 It shall also issue, upon the free and prior informed consent of the
2 ICC/IDs concerned, certification prior to the grant of any license, lease or
3 permit for the exploitation of natural resources affecting the interests of
4 ICC/IDs or their ancestral domains and assist the ICC/IDs in protecting the
5 territorial integrity of all ancestral domains.

6 To effectively carry out these functions, the agency shall ensure the
7 deployment and availability of a sufficient number of qualified geodetic
8 engineers and foresters to support the survey, mapping, and sustainable
9 management of ancestral domains.

10 (b) *Bureau of Policy, Planning and Research* – The Bureau of Policy,
11 Planning and Research shall be responsible for the formulation of appropriate
12 policies and programs for ICC/IDs such as the development of a five-year
13 master plan for the ICC/IDs. The Secretary shall endeavor to assess the master
14 plan every five years and make ramifications in accordance with the changing
15 situations.

16 The Bureau shall undertake the documentation of customary law and
17 establish and maintain a research center that serves as a depository of
18 ethnographic information for monitoring, evaluation and policy formulation. It
19 shall also assist the legislative branch of the national government in the
20 formulation of appropriate legislation benefiting ICC/IDs.

1 (c) *Bureau of Education, Culture and Health* – The Bureau of Education,
2 Culture and Health shall be responsible for the effective implementation of the
3 educational, cultural and related rights as provided in RA 8371. It shall assist,
4 promote and support community schools, both formal and non-formal, for the
5 benefit of the local indigenous community, especially in areas where existing
6 educational facilities are not accessible to members of the indigenous group. It
7 shall administer all scholarship programs and other educational rights intended
8 for ICC/IP beneficiaries in coordination with the Department of Education and
9 the Commission on Higher Education. It shall undertake, within the limits of
10 available appropriation, a special program that includes language and
11 vocational training, public health and family assistance program and related
12 subjects.

13 It shall also identify ICCs/IPs with potential training in the health
14 profession and encourage and assist them to enroll in schools of medicine,
15 nursing, physical therapy and other allied courses pertaining to the health
16 profession.

17 The Secretary shall deploy a representative in concerned government
18 offices who shall personally perform the foregoing tasks, receive complaints
19 from the ICCs/IPs and compel action from appropriate agency. It shall also
20 monitor the activities of the National Museum and other similar government

1 agencies generally intended to manage and preserve historical and
2 archeological artifacts of the ICCs/IPs.

3 (d) *Bureau of Socio-Economic Services and Special Concerns* – The
4 Bureau of Socio-Economic Services and Special Concerns shall serve as the
5 liaison office of the Department and coordinate with the pertinent government
6 agencies specially charged with the implementation of various basic socio-
7 economic services, policies, plans and programs affecting the ICCs/IPs to
8 ensure that the same are properly and directly enjoyed by the ICCs/IPs.

9 (e) *Bureau of Empowerment and Human Rights* – The Bureau of
10 Empowerment and Human Rights shall ensure that indigenous socio-political,
11 cultural and economic rights are respected and recognized. It shall ensure that
12 capacity building mechanisms are instituted and ICCs/IPs are afforded every
13 opportunity, if they so choose, to participate in all levels of decision-making. It
14 shall likewise ensure that the basic human rights, and such other rights as the
15 Department may determine, subject to existing laws, rules and regulations, are
16 protected and promoted.

17 (f) *Bureau of Administration* – The Bureau of Administration shall
18 administer the Ancestral Domains Fund and deliver economical, efficient and
19 effective services pertaining to personnel, finance, records, equipment, security,
20 supplies and related services.

1 (g) *Bureau of Legal Affairs* – The Bureau of Legal Affairs shall advise
2 the Secretary on all legal matters concerning ICCs/IPs and provide legal
3 assistance to ICCs/IPs in litigation involving community interest. It shall
4 conduct preliminary investigation on the basis of complaints filed by the
5 ICCs/IPs against a natural or juridical person believed to have violated
6 ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of
7 appropriate legal or administrative action to the Department.

8 To effectively fulfill these functions, the Bureau shall ensure the presence
9 of a sufficient number of lawyers to provide legal representation, conduct
10 investigations, and support the litigation and enforcement of ICCs/IPs rights.

11 SEC. 11. ***Other Offices.*** – The Department, through the Secretary, is
12 authorized to create additional bureaus or offices as it may deem necessary,
13 subject to existing laws, rules and regulations.

14 SEC. 12. ***Regional and Field Offices.*** – The Department shall operate
15 and maintain regional and field offices in provinces where there are ICCs/IPs to
16 deliver basic services and technical support to these ICCs/IPs.

17 SEC. 13. ***Secretariat.*** – The Department, through the Secretary, shall
18 organize a Secretariat that shall assist in the performance of the mandate and
19 functions of the Department and serve as the technical arm of the Secretary.

20 The Secretariat shall be headed by an Executive Director who shall
21 implement the policies and programs of the Department and shall be

1 responsible for the efficient and effective day-to-day management of the
2 operations of the Department. The Executive Director shall recommend to the
3 Secretary the budget of the Secretariat, its staffing pattern, position
4 classification and compensation scheme, and the appointment of its personnel,
5 subject to existing laws, rules and regulations.

6 The Executive Director shall be appointed by the President of the
7 Philippines, enjoy security of tenure, and may only be removed for cause in
8 accordance with law.

9 SEC. 14. ***Consultative Body.*** – The Secretary shall constitute a
10 consultative body consisting of the traditional leaders, elders and
11 representatives from the women and youth sectors of the different ICCs/IPs.
12 The consultative body shall advise the Secretary on matters relating to the
13 problems, aspirations and interests of the ICCs/IPs.

14 **ARTICLE III**

15 **MANAGEMENT AND ADMINISTRATION**

16 SEC. 15. ***Accessibility and Transparency.*** – Subject to limitations as
17 may be provided by law or by rules and regulations promulgated pursuant
18 thereto, all official records, documents and papers pertaining to official acts,
19 transactions or decisions, and research data used as basis for policy
20 development of the Department shall be made accessible to the public.

1 SEC. 16. ***Supervision and Control.*** – The Secretary shall exercise
2 administrative supervision and control over the personnel and properties of the
3 Department. Likewise, the Secretary shall exercise administrative supervision
4 over the undersecretaries and may assign or delegate specific, substantive or
5 administrative responsibilities to any of them.

6 Except for presidential appointees, the Secretary shall have the control
7 over the appointment of and imposition of disciplinary measures, including the
8 penalty of dismissal, on the personnel of the Department, in consultation with
9 the undersecretaries.

10 SEC. 17. ***Record of Transaction.*** – The Department shall keep proper
11 accounts and records of all its transactions and affairs and exert all efforts to
12 ensure that all payments made out of its budget are correctly and properly
13 accounted. Likewise, the Department shall ensure that adequate control is
14 maintained over its assets and on the expenditures it may incur.

15 SEC. 18. ***Civil Service Laws.*** – The hiring, appointment, employment,
16 promotion, disciplinary control, separation, and other terms and conditions of
17 the service of all employees of the Department and such other matters affecting
18 its employees shall be consistent with the provisions of the civil service laws,
19 rules and regulations.

20 SEC. 19. ***Membership.*** – Employees of the Department are deemed
21 members of the Government Service Insurance System pursuant to Section 3 of

1 Presidential Decree No. 1146, as amended by RA 8291, otherwise known as the
2 “*The Government Service Insurance System Act of 1997*,” and are entitled to
3 all the benefits of the membership.

4 SEC. 20. ***Periodic Performance Evaluation.*** – The Secretary shall
5 formulate and enforce a system of measuring and evaluating periodically and
6 objectively the performance of the Department and submit the same annually to
7 the President, Senate President and Speaker of the House of Representatives.

8 SEC. 21. ***Appropriations.*** – The amount necessary for the initial
9 implementation of this Act shall be charged against the current year’s
10 appropriations of the National Commission on Indigenous Peoples. Thereafter,
11 such sums as may be necessary for the continued implementation of this Act
12 shall be included in the annual General Appropriations Act.

13 ARTICLE IV

14 TRANSITORY AND FINAL PROVISIONS

15 SEC. 22. ***Transitory Provision.*** – The National Commission on
16 Indigenous Peoples (NCIP) created under RA 8371 is abolished. All the
17 powers, functions, assets, liabilities, capital, accounts, contracts, equipment,
18 and facilities of the NCIP shall be transferred to the Department.

19 During the transition period, the President may appoint the incumbent
20 Chairperson of the NCIP as Acting Secretary of the Department until the
21 regular Secretary of the Department shall have been appointed.

1 All existing employees of the NCIP shall be absorbed or transferred to
2 the Department and enjoy security of tenure in accordance with the staffing
3 patterns and the selection process as prescribed under RA 6656, entitled "*An*
4 *Act to Protect the Security of Tenure of Civil Service Officers and Employees in*
5 *the Implementation of Government Reorganization*": *Provided*, That they
6 possess the necessary qualifications, and they shall not suffer any loss of
7 seniority or rank or decrease in emoluments.

8 No officer or employee in the career service shall be removed except for
9 a valid cause and after due notice and hearing. A valid cause for removal exists
10 when, pursuant to a bona fide reorganization, a position has been abolished or
11 rendered redundant or there is a need to merge, divide or consolidate positions
12 in order to meet the exigencies of the service, or other lawful causes allowed by
13 the civil service laws, rules, and regulations.

14 Employees separated or phased out from the service because of the
15 abolition of the NCIP under this Act shall, within three (3) months from their
16 separation or phase-out from the service, receive a separation pay in accordance
17 with existing laws, rules and regulations. In addition, those who are qualified
18 to retire may be allowed to retire and be entitled to all the benefits provided
19 under existing retirement laws. The fund of the NCIP may be used to fund this
20 purpose.

1 Employees separated or retired from the NCIP shall not be eligible for
2 reappointment to or employment in the Department whether on a permanent,
3 temporary, casual or contractual status within a period of three (3) years after
4 separation or retirement.

5 Within ninety (90) days from the approval of this Act, the Secretary shall
6 recommend to the President of the Philippines a work program that includes the
7 organizational plan and structure, staffing pattern and compensation plan,
8 budget, programs, projects and activities of the Department.

9 SEC. 23. ***Implementing Rules and Regulations.*** – Within ninety (90)
10 days from the effectivity of this Act, the Secretary of Indigenous Cultural
11 Communities and Indigenous Peoples shall issue the rules and regulations
12 necessary for the effective implementation of this Act.

13 SEC. 24. ***Separability Clause.*** – If any provision or part of this Act is
14 declared unconstitutional or invalid, the provisions or parts not affected remain
15 in full force and effect.

16 SEC. 25. ***Repealing Clause.*** – Chapter VII of RA 8371, concerning the
17 National Commission on Indigenous Peoples, its creation, powers, and
18 responsibilities, is repealed. All other acts, decrees, instructions, rules and
19 regulations or parts thereof inconsistent with the provisions of this Act are also
20 hereby repealed or modified accordingly.

1 All other chapters and provisions of Republic Act No. 8371 not
2 inconsistent herewith shall remain in full force and effect. The quasi-judicial
3 powers of the NCIP are hereby transferred to and shall be exercised by the
4 Department, including: jurisdiction over ICC/IP claims and disputes (Sec. 66 of
5 RA 8371); the power to hear and decide ancestral domain conflicts (Sec. 62 of
6 RA 8371); the authority to promulgate rules, administer oaths, issue subpoenas,
7 hold parties in contempt, and enjoin acts to prevent irreparable damage (Sec. 69
8 of RA 8371); the power to issue writs of execution of final decisions, orders, or
9 awards (Sec. 68 of RA 8371); and the authority to decide intra-agency appeals
10 (Sec. 44[n] of RA 8371). Appeals from decisions of the Department shall
11 remain subject to review by the Court of Appeals (Sec. 67 of RA 8371), and the
12 rule on non-issuance of restraining orders or injunctions against the exercise of
13 these powers shall continue to apply (Sec. 70 of RA 8371).

14 Moreover, all references to the National Commission on Indigenous
15 Peoples (NCIP) in Republic Act No. 8371, as amended hereby, shall henceforth
16 be deemed to refer to the Department of Indigenous Cultural Communities and
17 Indigenous Peoples.

18 SEC. 26. **Effectivity Clause.** – This Act shall take effect fifteen (15) days
19 after its publication in the *Official Gazette* or in a newspaper of general
20 circulation.

21 Approved.