

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

House Bill No. **9803**



Introduced by Representative Timothy Joseph Cayton

EXPLANATORY NOTE

The Philippine State has long held the constitutional commitment, under Article II Section 22, Article XII Section 5, and Article XIV Section 17 of the 1987 Constitution, to recognize, respect, protect, and promote the rights of indigenous cultural communities and indigenous peoples. Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (hereinafter IPRA), gave concrete form to that commitment by recognizing four bundles of rights, namely, the rights to ancestral domains and lands, to self-governance and empowerment, to social justice and human rights, and to cultural integrity, and by creating the National Commission on Indigenous Peoples (hereinafter NCIP) as the primary agency to implement the law.

Nearly three decades since the passage of the IPRA, the promise of the law remains only partially realized. A substantial number of identified ancestral domains remain un-titled or un-delineated. The process of Free and Prior Informed Consent has been the subject of consistent grievance from indigenous communities, scholars, and civil society, with documented problems relating to prescriptive timeframes, financing arrangements, and disputed representation. The institutional attachment of the NCIP has shifted between the Office of the President and the Department of Social Welfare and Development, most recently returning to the Office of the President under Executive Order No. 71, series of 2024. These shifts have been accompanied by budgetary, personnel, and coordination disruptions that have hampered the coherent delivery of services to the Indigenous Cultural Communities and Indigenous Peoples (hereinafter ICCs/IPs).

This bill proposes the creation of the Department of Indigenous Cultural Communities and Indigenous Peoples, an executive department headed by a Cabinet Secretary who shall be a bona fide member of the ICCs/IPs. The measure elevates the existing NCIP into a department with direct presidential access, broader budgetary authority, and a strengthened organizational structure. Beyond institutional elevation, the bill introduces substantive

improvements that respond to documented gaps in the present framework, namely, statutory-level safeguards for the Free and Prior Informed Consent process, the structural insulation of quasi-judicial functions through a dedicated Indigenous Peoples' Adjudication Board, an Indigenous Peoples' Community Development Trust Fund, an explicit rights-based and cultural-interface mandate in education and policy, disaggregated data requirements, and reinforced participatory mechanisms for indigenous women, youth, elders, and traditional leaders.

The bill also establishes an express savings clause in favor of the Bangsamoro Autonomous Region in Muslim Mindanao and its regional arrangements under Republic Act No. 11054 and the Bangsamoro Indigenous Peoples' Act of 2024, thereby preserving interoperability with existing regional frameworks.

The institutional elevation of the NCIP into a Department is not a departure from the IPRA but rather its logical fulfillment. It gives the State the institutional capacity to match its constitutional promise, and it gives ICCs/IPs direct representation in the machinery of national governance through a Cabinet Secretary of their own.

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


ATTY. TIMOTHY JOSEPH E. CAYTON, PhD.
Representative
Lone District of Nueva Vizcaya

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

House Bill No. 9808

Introduced by Representative Timothy Joseph Cayton

AN ACT RECOGNIZING AND STRENGTHENING THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES, CREATING THE DEPARTMENT OF INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES, DEFINING ITS POWERS, FUNCTIONS AND RESPONSIBILITIES, APPROPRIATING FUNDS THEREFOR, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES' RIGHTS ACT OF 1997, AND FOR OTHER PURPOSES

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

ARTICLE I
PRELIMINARY PROVISIONS

SEC. 1. *Short Title.* - This Act shall be known as the "*Department of Indigenous Cultural Communities and Indigenous Peoples Act.*"

SEC. 2. *Declaration of Policy.* - It is the policy of the State to recognize, respect, protect, promote, and fulfill the rights of Indigenous Cultural Communities and Indigenous Peoples (hereinafter ICCs/IPs) to their ancestral domains and ancestral lands, to self-governance and empowerment, to social justice and human rights, and to cultural integrity, as guaranteed by the Constitution, by Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (hereinafter IPRA), and consistent with the standards articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Toward this end, the State shall institute a primary government agency at the department level, directly representative of ICCs/IPs, to ensure the coherent, rights-based, and culturally responsive implementation of these rights across all sectors of government, and to

consider the rights, customs, and traditions of ICCs/IPs in the formulation of national plans and development.

SEC. 3. Guiding Principles. - In the interpretation and implementation of this Act, the following principles shall govern:

(a) Rights-based approach, under which State action shall be framed as the fulfillment of legally recognized rights of ICCs/IPs and as the corresponding legal obligation of the State, rather than as discretionary welfare or assistance;

(b) Self-determination, under which ICCs/IPs shall freely pursue their economic, social, and cultural development on the basis of their own indigenous systems of governance, compatible with existing national laws;

(c) Free and Prior Informed Consent, under which the consent of the affected ICCs/IPs shall be obtained in accordance with their customary laws and practices, free from manipulation, interference, and coercion, and after full disclosure of the intent and scope of the activity in a language and process understandable to the community;

(d) Cultural integrity, under which the indigenous knowledge systems and practices, customary laws, and indigenous learning systems of ICCs/IPs shall be respected, documented, protected, and developed;

(e) Cultural interface, under which indigenous and non-indigenous knowledge systems shall be placed in meaningful and equal dialogue in the formulation of policies, programs, and curricula affecting ICCs/IPs;

(f) Substantive participation, under which ICCs/IPs, through their traditional leaders, elders, women, and youth, shall be afforded meaningful participation in decision-making at all levels of government affecting their rights and interests; and

(g) Non-diminution of rights, under which no provision of this Act shall be construed to diminish, modify, or derogate from any right already recognized in favor of ICCs/IPs under the IPRA, the Constitution, or any other law or international instrument to which the Philippines is a party.

SEC. 4. Definition of Terms. - Unless otherwise expressly provided, terms used in this Act shall have the same meaning as those defined in Section 3 of the IPRA. The term "Department" refers to the Department of Indigenous Cultural Communities and Indigenous Peoples created under this Act. The term "Secretary" refers to the Secretary of the Department. The term "Board" refers to the Indigenous Peoples' Adjudication Board created under Article IV.

ARTICLE II

THE DEPARTMENT AND ITS MANDATE

SEC. 5. *Creation of the Department.* - There is hereby created the **Department of Indigenous Cultural Communities and Indigenous Peoples**, which shall be the primary executive department responsible for the formulation and implementation of policies, plans, and programs to recognize, respect, promote, protect, and fulfill the rights and well-being of ICCs/IPs, including their rights to ancestral domains and lands, and for the coordinated implementation of economic, educational, cultural, health, environmental, and infrastructure programs for ICCs/IPs.

SEC. 6. *Powers and Functions.* - The Department shall exercise the following powers and functions:

(a) Advise and assist the President of the Philippines in the formulation, coordination, implementation, and monitoring of policies, plans, programs, and projects affecting ICCs/IPs, and recommend affirmative actions for their efficient and effective implementation;

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

(c) Formulate and periodically update a National Indigenous Peoples Master Plan, which shall guide all national and local programs affecting ICCs/IPs, in consultation with the Indigenous Peoples Consultative Body and relevant stakeholders;

(d) Undertake and coordinate development programs and projects for the advancement of ICCs/IPs, including the identification of lands for the settlement of homeless and displaced ICCs/IPs, in consonance with existing laws, and in harmony with Republic Act No. 11054, otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao;

(e) Act as the primary office through which ICCs/IPs may seek government assistance and redress, including legal assistance, medical aid, relief, rehabilitation, and other forms of assistance for the socioeconomic upliftment of ICCs/IPs;

(f) Identify, delineate, recognize, title, manage, and protect ancestral domains and ancestral lands, including the issuance of Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT), and ensure the deployment of a sufficient

number of geodetic engineers, foresters, environmental specialists, and lawyers for these purposes;

(g) Ensure the proper conduct of the Free and Prior Informed Consent process in accordance with the IPRA, this Act, and relevant rules and regulations, and issue the Certification Precondition required prior to the grant of any concession, license, lease, permit, or agreement affecting any ancestral domain;

(h) Certify, whenever appropriate, the membership of individuals in ICCs/IPs, subject to validation by the concerned indigenous community through its recognized indigenous political structures, to enable them to exercise their rights and avail of benefits granted by law;

(i) Formulate and adopt continuing programs and activities to strengthen, document, and preserve the indigenous knowledge systems and practices, customary laws, and cultural heritage of ICCs/IPs, including the establishment and maintenance of ethnographic research centers, museums, and community archives, in coordination with appropriate government agencies;

(j) Promote and supervise, in coordination with the Department of Education, the Commission on Higher Education, and the Technical Education and Skills Development Authority, the implementation of culturally responsive indigenous learning systems, including the cultural-interface approach between indigenous and national knowledge systems, and support the accreditation of indigenous learning institutions;

(k) Coordinate with the Department of Health and relevant agencies for the delivery of culturally appropriate health services to ICCs/IPs, and support the recognition and protection of indigenous health practices and medicinal knowledge;

(l) Coordinate with the Department of Environment and Natural Resources, the Department of Agrarian Reform, the Land Registration Authority, and other agencies in the harmonization of land tenure, resource management, and environmental protection within ancestral domains;

(m) Assist the Philippine Statistics Authority in the conduct of a periodic census and in the collection and publication of disaggregated statistics on the actual population, socioeconomic conditions, and development indicators of ICCs/IPs, with results made publicly accessible subject to applicable data privacy laws;

(n) Enter into contracts, agreements, or arrangements, subject to existing laws, with government, academic, civil society, or private entities to attain the objectives of this Act, and solicit and accept grants, donations, and gifts in cash or in kind for the benefit of ICCs/IPs;

(o) Recommend to the Department of Budget and Management the proposed expenditures for the development of ICCs/IPs, develop criteria for the allocation of additional resources, and administer the funds established under Article VI of this Act;

(p) Monitor and evaluate the performance of existing policies and development programs of the government that seek to uplift the socioeconomic conditions of ICCs/IPs, publish an annual State of Indigenous Peoples Report, and identify areas requiring government intervention;

(q) Convene periodic conventions and assemblies of ICCs/IPs, including ethnographic, regional, and national assemblies of the Indigenous Peoples Consultative Body, to review, assess, and propose policies or plans;

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

(s) Exercise, through the Indigenous Peoples' Adjudication Board created under Article IV, the quasi-judicial powers and functions previously lodged with the NCIP under Sections 44(n), 62, 66, 67, 68, 69, and 70 of the IPRA; and

(t) Promulgate rules and regulations and exercise such other 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 III

ORGANIZATIONAL STRUCTURE

SEC. 7. *Organizational Structure.* - The Department shall be composed of the Office of the Secretary, the Offices of the Undersecretaries and Assistant Secretaries, the Executive Directorate, the bureaus, services, the Indigenous Peoples' Adjudication Board, regional offices, field offices, and sub-offices, and their immediate staff.

SEC. 8. *The Secretary.* - The Department shall be headed by a Secretary who shall be a bona fide member of the ICCs/IPs, as certified by the concerned indigenous community through its recognized indigenous political structures. The Secretary shall be appointed by the President, subject to confirmation by the Commission on Appointments, and shall have the rank, salary, and privileges of a Cabinet Secretary.

SEC. 9. *Undersecretaries.* - The Secretary shall be assisted by seven (7) Undersecretaries, at least three (3) of whom shall be women and at least two (2)

of whom shall be members of the Philippine Bar, each of whom shall oversee one of the following ethnographic areas:

- (a) Region I and the Cordilleras;
- (b) Region II, including Nueva Vizcaya, Quirino, Isabela, Cagayan, and Batanes;
- (c) Rest of Luzon, including Central Luzon, CALABARZON, and Bicol;
- (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. 10. *Qualifications of the Secretary and Undersecretaries.* - The Secretary and the Undersecretaries must be:

- (a) Natural-born Filipino citizens;
- (b) Bona fide members of ICCs/IPs, as certified by their respective indigenous communities through recognized indigenous political structures;
- (c) Of at least thirty-five (35) years of age at the time of appointment;
- (d) With at least ten (10) years of demonstrated work experience with an ICC/IP or any government or non-government agency working on ICC/IP concerns; and
- (e) Of proven honesty, integrity, and competence.

SEC. 11. *Appointment of Undersecretaries.* - Within ninety (90) days from the effectivity of this Act, the President shall appoint the seven (7) Undersecretaries of the Department from a list of recommended nominees submitted by authentic ICCs/IPs from the respective ethnographic areas, through their recognized indigenous political structures. The list shall be validated by the Indigenous Peoples Consultative Body prior to submission.

SEC. 12. *Assistant Secretaries.* - The Secretary shall be further assisted by such number of Assistant Secretaries, not exceeding seven (7), as the exigencies of service may require. The Assistant Secretaries shall be appointed by the President upon the recommendation of the Secretary. At least a majority of the Assistant Secretaries shall be members of the ICCs/IPs.

SEC. 13. *Tenure and Removal.* - The Secretary, Undersecretaries, and Assistant Secretaries shall serve at the pleasure of the President, who may

remove them upon the President's initiative or upon recommendation by an affected indigenous community, subject to due process and applicable laws.

SEC. 14. Bureaus. - The Department shall consist of the following bureaus, each headed by a Director appointed by the President from a list of nominees submitted by the Secretary. Each Director shall have the same rank, salary, and privileges of a Staff Bureau Director:

(a) Bureau of Ancestral Domains, responsible for the identification, delineation, recognition, titling, management, and protection of ancestral domains and ancestral lands in accordance with Chapter III of the IPRA, and for the issuance of the Certification Precondition following the FPIC process;

(b) Bureau of Policy, Planning and Research, responsible for the formulation of policies and programs, the development and periodic assessment of the National Indigenous Peoples Master Plan, the documentation of customary laws and indigenous knowledge systems and practices, and the publication of the annual State of Indigenous Peoples Report;

(c) Bureau of Education, Culture and Health, responsible for the effective implementation of the educational, cultural, and health-related rights provided in the IPRA, the operationalization of the cultural-interface approach in indigenous learning systems, and the coordination with the Department of Education, the Commission on Higher Education, the Technical Education and Skills Development Authority, and the Department of Health on programs benefiting ICCs/IPs;

(d) Bureau of Socio-Economic Services and Special Concerns, which shall serve as the liaison office of the Department and shall coordinate with pertinent agencies for the implementation of basic socio-economic services, policies, plans, and programs affecting ICCs/IPs;

(e) Bureau of Empowerment and Human Rights, responsible for ensuring respect for the indigenous socio-political, cultural, and economic rights of ICCs/IPs, for the operation of capacity-building mechanisms, and for the receipt, investigation, and referral of complaints involving human rights violations against ICCs/IPs, in coordination with the Commission on Human Rights;

(f) Bureau of Indigenous Women, Children, and Youth, responsible for programs addressing the specific needs and rights of indigenous women, children, and youth, including protection from all forms of violence, discrimination, and exploitation, and for the mainstreaming of gender and intergenerational perspectives in all programs of the Department;

(g) Bureau of Administration, responsible for the administration of the Ancestral Domains Fund and the Indigenous Peoples' Community Development Trust Fund established under Article VI, and for services pertaining to personnel, finance, records, equipment, security, supplies, and related services; and

(h) Bureau of Legal Affairs, responsible for advising the Secretary on legal matters concerning ICCs/IPs, for providing free legal assistance to ICCs/IPs in litigation involving community interest, and for supporting the investigation, litigation, and enforcement of ICC/IP rights.

SEC. 15. *Regional, Provincial, and Field Offices.* - The Department shall operate and maintain regional, provincial, and field offices in all provinces and cities with significant ICC/IP presence, with due regard for the accessibility of services to geographically isolated and disadvantaged indigenous communities. Each office shall be adequately staffed with technical and legal personnel.

ARTICLE IV

INDIGENOUS PEOPLES' ADJUDICATION BOARD AND FREE AND PRIOR INFORMED CONSENT

SEC. 16. *Creation of the Indigenous Peoples' Adjudication Board.* - There is hereby created within the Department, but structurally and functionally insulated from its policy-making and resource-management offices, the Indigenous Peoples' Adjudication Board (hereinafter the Board). The Board shall exercise the quasi-judicial powers transferred to the Department under this Act, including original and appellate jurisdiction over claims and disputes involving ICCs/IPs as provided under the IPRA.

SEC. 17. *Composition of the Board.* - The Board shall be composed of a Chairperson and four (4) Members, at least three (3) of whom, including the Chairperson, shall be members of the Philippine Bar. All Members of the Board shall be bona fide members of the ICCs/IPs and shall be appointed by the President from a list of nominees submitted by the Indigenous Peoples Consultative Body. The Chairperson and Members shall have the rank, salary, and privileges of a Justice of the Court of Appeals and shall enjoy security of tenure. They may be removed only for cause as provided by law.

SEC. 18. *Appeals from the Board.* - Decisions, orders, or awards of the Board shall be appealable to the Court of Appeals consistent with Section 67 of the IPRA. The rule on non-issuance of restraining orders or injunctions against the exercise of the quasi-judicial powers under Section 70 of the IPRA shall continue to apply.

SEC. 19. *Free and Prior Informed Consent.* - The right of ICCs/IPs to Free and Prior Informed Consent, as defined in Section 3(g) of the IPRA, is hereby reaffirmed and further strengthened. The process of securing consent shall be conducted in accordance with the customary laws and practices of the concerned ICC/IP community, in a language and process understandable to the community, and shall be free from any external manipulation, interference, and coercion.

SEC. 20. *Statutory Safeguards for the FPIC Process.* - In addition to existing safeguards under the IPRA and its implementing rules, the following statutory safeguards shall govern the FPIC process:

(a) No prescriptive timeframe for the conduct of mandatory FPIC activities shall be so restrictive as to prevent meaningful customary deliberation. The Department shall issue rules that allow reasonable extensions upon the request of the concerned elders, leaders, or the community, and that recognize the diversity of customary decision-making processes;

(b) The determination of legitimate community representatives for purposes of consent-giving shall be made in accordance with the customary laws of the concerned ICC/IP community. The Department shall, in all cases, validate the list of recognized traditional leaders and elders before any FPIC activity is conducted;

(c) The financing of the FPIC process shall be subject to uniform guidelines issued by the Department, with the application of established accounting and auditing rules of the Commission on Audit. Fees collected from project proponents shall be deposited in a trust account and may be disbursed only for documented FPIC-related activities. The Department shall publish, on an annual basis, a public accounting of all FPIC fees collected and disbursed;

(d) Consent, once given, may be the subject of renegotiation, revocation, or termination in accordance with the agreed memorandum of agreement and the customary laws of the concerned community, subject to the rights acquired by third parties in good faith;

(e) The Department shall ensure adequate pre-activity information dissemination, use of native languages, and the presence of independent observers, where requested by the community; and

(f) Violations of the FPIC process shall constitute a ground for the revocation of the Certification Precondition and shall give rise to administrative, civil, or criminal liability as may be provided by law.

ARTICLE V

CONSULTATIVE AND PARTICIPATORY MECHANISMS

SEC. 21. *Indigenous Peoples Consultative Body.* - The Secretary shall constitute and maintain the Indigenous Peoples Consultative Body, composed of traditional leaders, elders, and representatives from the women and youth sectors of the different ICCs/IPs, at the municipal, provincial, regional, ethnographic, and national levels. The Consultative Body shall advise the Secretary on the problems, aspirations, and interests of ICCs/IPs, shall participate in the review of the National Indigenous Peoples Master Plan, and shall submit recommendations for the policies, programs, and activities of the Department.

SEC. 22. *Indigenous Women and Youth Councils.* - Within the Indigenous Peoples Consultative Body, there shall be constituted an Indigenous Women Council and an Indigenous Youth Council at the national and regional levels. These Councils shall ensure the substantive participation of indigenous women and youth in all policies, programs, and activities affecting them, and shall submit their recommendations directly to the Secretary through the Bureau of Indigenous Women, Children, and Youth.

SEC. 23. *Mandatory Representation in Local Bodies.* - Consistent with Sections 16 and 17 of the IPRA, the Department shall actively coordinate with the Department of the Interior and Local Government and with local government units to secure the mandatory representation of ICCs/IPs in local legislative councils and other local policy-making bodies, in accordance with the Joint Department of the Interior and Local Government and National Commission on Indigenous Peoples Circular No. 001, series of 2011, as may be amended or superseded.

ARTICLE VI

FINANCIAL PROVISIONS

SEC. 24. *Ancestral Domains Fund.* - The Ancestral Domains Fund established under Section 71 of the IPRA is hereby continued and shall be administered by the Department through the Bureau of Administration. The utilization of the Fund shall be subject to the provisions of the IPRA and the rules and regulations issued by the Department.

SEC. 25. *Indigenous Peoples' Community Development Trust Fund.* - There is hereby established an Indigenous Peoples' Community Development Trust Fund (hereinafter the Trust Fund), which shall be used exclusively for community-initiated development projects proposed by ICCs/IPs through their Ancestral Domain Sustainable Development and Protection Plans. The Trust Fund shall be sourced from initial appropriations made under this Act, from a share of the proceeds derived from the use and development of natural

resources within ancestral domains in accordance with existing laws, from grants, donations, and contributions, and from such other sources as may be authorized by law. The Trust Fund shall be subject to the auditing rules of the Commission on Audit and to an annual public accounting to be published by the Department.

SEC. 26. *Initial Appropriations.* - The amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the NCIP. To ensure continuity of services and an orderly transition, an amount not less than the NCIP's most recent annual budget shall be programmed as augmentation for the first full year of operations of the Department in the immediately succeeding General Appropriations Act. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

ARTICLE VII

MANAGEMENT AND ADMINISTRATION

SEC. 27. *Accessibility, Transparency, and Data Governance.* - Subject to limitations as may be provided by law and by the Data Privacy Act, all official records, documents, and papers pertaining to the official acts, transactions, or decisions of the Department shall be made accessible to the public. The Department shall publish disaggregated data on ICCs/IPs in a form that respects the collective rights and cultural protocols of the concerned communities.

SEC. 28. *Supervision and Control.* - The Secretary shall exercise supervision and control over the personnel and properties of the Department, and administrative supervision over the Undersecretaries and Assistant Secretaries, and may assign or delegate specific substantive or administrative responsibilities to any of them. Except for presidential appointees, the Secretary shall have control over the appointment and imposition of disciplinary measures on the personnel of the Department, in consultation with the Undersecretaries.

SEC. 29. *Civil Service Laws.* - The hiring, appointment, employment, promotion, disciplinary control, separation, and other terms and conditions of service of all employees of the Department shall be consistent with the provisions of the civil service laws, rules, and regulations.

SEC. 30. *Periodic Performance Evaluation.* - The Secretary shall formulate and enforce a system of measuring and evaluating the performance of the Department, using indicators that reflect the realization of the rights of ICCs/IPs, and shall submit an annual report to the President, the Senate President, and the Speaker of the House of Representatives. The annual report shall be made publicly available.

SEC. 31. *Coordination with Other Agencies.* - Existing joint administrative orders, memoranda of agreement, and inter-agency circulars relating to ICCs/IPs shall remain in force insofar as they are not inconsistent with this Act. The Department shall serve as the lead agency for the review, updating, and harmonization of all such issuances.

ARTICLE VIII

TRANSITORY AND FINAL PROVISIONS

SEC. 32. *Abolition of the NCIP and Transfer of Powers.* - The National Commission on Indigenous Peoples created under the IPRA is hereby abolished. All powers, functions, assets, liabilities, capital, accounts, contracts, equipment, records, and facilities of the NCIP shall be transferred to the Department. All references to the NCIP in the IPRA and in other laws, executive issuances, rules, and regulations shall henceforth be deemed to refer to the Department.

SEC. 33. *Transition Period.* - During the transition period, which shall not exceed one (1) year from the effectivity of this Act, the President may appoint the incumbent Chairperson of the NCIP as Acting Secretary of the Department until the regular Secretary shall have been appointed. The Acting Secretary shall oversee the orderly transfer of functions and the continuity of services to ICCs/IPs.

SEC. 34. *Security of Tenure of Employees.* - All existing employees of the NCIP shall be absorbed or transferred to the Department and shall enjoy security of tenure in accordance with Republic Act No. 6656, otherwise known as the "Security of Tenure of Civil Service Officers and Employees in the Implementation of Government Reorganization Act," provided that they possess the necessary qualifications. Such employees shall not suffer any loss of seniority or rank or decrease in emoluments by reason of the reorganization.

SEC. 35. *Separation and Retirement Benefits.* - Employees separated or phased out from the service because of the abolition of the NCIP shall, within three (3) months from their separation, receive separation pay in accordance with existing laws. Those qualified to retire may retire and be entitled to the benefits provided under existing retirement laws. The fund of the NCIP may be used for this purpose.

SEC. 36. *Work Program.* - Within ninety (90) days from the approval of this Act, the Secretary shall recommend to the President a work program that includes the organizational plan and structure, staffing pattern, compensation plan, budget, programs, projects, and activities of the Department.

SEC. 37. *Implementing Rules and Regulations.* - Within ninety (90) days from the effectivity of this Act, the Secretary, in consultation with the

Indigenous Peoples Consultative Body, the Commission on Human Rights, relevant government agencies, civil society organizations, and the academe, shall issue the rules and regulations necessary for the effective implementation of this Act.

SEC. 38. *Savings Clause for the Bangsamoro Autonomous Region in Muslim Mindanao.* - Nothing in this Act shall be construed to diminish, modify, or derogate from the autonomy, powers, or functions vested in the Bangsamoro Autonomous Region in Muslim Mindanao under Republic Act No. 11054 and the Bangsamoro Indigenous Peoples' Act of 2024, or those of the Ministry of Indigenous Peoples' Affairs of the Bangsamoro Government. The Department shall coordinate with the said Ministry on matters of common concern.

SEC. 39. *Separability Clause.* - If any provision or part of this Act is declared unconstitutional or invalid, the provisions or parts not affected shall remain in full force and effect.

SEC. 40. *Repealing Clause.* - Chapter VII of the IPRA concerning the NCIP, its creation, powers, and responsibilities, is hereby repealed. All other chapters and provisions of the IPRA not inconsistent with this Act shall remain in full force and effect. All other acts, decrees, executive orders, issuances, rules, and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 41. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,