Resoluton

DIRECTING THE COMMITTEE ON INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE ORGANIC LAW FOR THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO ON MATTERS RELATING TO INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES IN THE BANGSAMORO AUTONOMOUS REGION

WHEREAS, the passage of Republic Act No. 11054, otherwise known as the “Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao,” has raised hope for the indigenous cultural communities (ICCs) and indigenous peoples (IPs) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) because the law stipulated the recognition, promotion and respect for their rights; that finally, historical injustices will be corrected, especially for the non-Moro IPs;

WHEREAS, Section 3, Article I of RA 11054 provides:

“SEC. 3. Purpose. – The purpose of this Organic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity, allowing for meaningful self-governance within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.” (Emphasis and underscored supplied.)

WHEREAS, Section 9, Article IV (General Principles and Policies) of RA 11054 also states that the Bangsamoro Government shall recognize and promote the rights of non-Moro IPs within the framework of the Constitution and national laws;

WHEREAS, Section 3, Article IX (Basic Rights) of RA 11054 provides, in part:

“SEC. 3. Indigenous Peoples’ Rights. – The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights:
(a) Native titles or fusaka inged;
(b) Indigenous customs and traditions;
(c) Justice systems and indigenous political structures;
(d) Equitable share in revenues from the utilization of resources in their ancestral lands;
(e) Free, prior and informed consent;
(f) Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament;
(g) Basic services; and
(h) Freedom of choice as to their identity.

“xxx.


“This Organic Law shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act No. 8371, otherwise known as the ‘Indigenous Peoples’ Rights Act of 1997.’”

(Emphasis and underscoring supplied.)

WHEREAS, immediately after the signing of RA 11054, the spate of killings of non-Moro IP leaders and farmers, the harassment of IP communities by armed groups, and the forced displacement of IP communities from their ancestral lands in the BARMM occurred and persist to this date;

WHEREAS, despite the atrocities committed against their communities, non-Moro IPs overwhelmingly voted in favor of the ratification of RA 11054 because of their high hopes in the law and its promise of peace and development in the BARMM;

WHEREAS, provisions of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (RA 11054) and RA 8371, otherwise known as the “Indigenous Peoples’ Rights Act of 1997” or IPRA, expressly recognize the rights of indigenous peoples (IPs) and mandate the promotion and protection of these rights;

WHEREAS, pursuant to the IPRA, the National Commission on Indigenous Peoples (NCIP) was established to be the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the indigenous cultural communities (ICCs)/IPs and the recognition of their ancestral domains and their rights thereto;

WHEREAS, the Tedurays, Lambangians and Dulangans in Maguindanao and other non-Moro IPs in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) still struggle for the recognition and protection of their rights, specifically their claim on their ancestral domains, right to self-determination, and meaningful representation in the Bangsamoro Government and other government structures;
WHEREAS, it is alarming that even with existing laws recognizing their rights and promoting their welfare, non-Moro IPs continue to endure challenges such as continued displacement from their ancestral lands, armed conflicts in their areas, and harassment exhibited by lawless armed groups that have also resulted in the deaths of non-Moro IPs;

WHEREAS, after almost three (3) years of the effectivity of the Organic Law for the BARMM, the clamor by non-Moro IPs in BARMNM for inclusive governance is even more manifest as they hope that this will pave the way for the recognition and protection of their human rights and the implementation of their customary laws and practices without force of intimidation or violence;

WHEREAS, a review of the implementation of the provisions of the Organic Law for the BARMNM relating to ICCs/IPs is necessary to determine how best to achieve the purpose of the law as regards the concerns and challenges faced by non-Moro IPs in the BARMNM and how to better strengthen the existing mechanisms under the said law: Now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES, to direct the Committee on Indigenous Cultural Communities and Indigenous Peoples to conduct an inquiry, in aid of legislation, on the implementation of the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao on matters relating to indigenous cultural communities and indigenous peoples in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMNM).

Adopted,

HON. AMIHILDA J. SANGCOPAN
Representative
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