



Eighteenth Congress  
Third Regular Session

HOUSE RESOLUTION NO. 2148



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Introduced by  
**REPRESENTATIVE LOREN LEGARDA**

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### A RESOLUTION

**URGING THE APPROPRIATE HOUSE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ISSUE OF EXPLOITATION AND COMMODIFICATION OF THE KALINGA CULTURE OF TATTOOING, KNOWN AS BATOK, WITH THE END IN VIEW OF STRENGTHENING THE PROTECTION OF THE INTELLECTUAL AND TRADITIONAL PROPERTY RIGHTS, CULTURAL RESOURCES, PRACTICES AND MATERIAL HERITAGE OF OUR INDIGENOUS PEOPLES AND COMMUNITIES**

**WHEREAS**, recent news articles indicated that Nas Academy, a learning platform created by social media personality Nuseir Yassin, best known as Nas Daily, was reportedly called out as a scam after it featured a learning course about the 104-year-old Kalinga tattoo artist, Apo Whang-Od for the viewing public to supposedly discover “all her rituals, tools, and methods for making traditional tattoos,” for a fee of Php 750;

**WHEREAS**, cultural and heritage experts have expressed the opinion that the said feature represents an exploitation and commodification of the Kalinga culture;

**WHEREAS**, Section of 16 of Article 14 of the Philippine Constitution stipulates that the country’s artistic and historic wealth constitutes the cultural treasures of the nation and shall be under the protection of the State, which may regulate its disposition<sup>1</sup>;

**WHEREAS**, the art of tattooing or *batok* is a communal property – an intangible cultural heritage (ICH) shared by the Kalinga people specifically, and the Philippines in general;

**WHEREAS**, Republic Act No. 8371, or the Indigenous Peoples Rights Act of 1997 (IPRA), mandates that free and prior informed consent (FPIC) must be sought on

1. <https://www.officialgazette.gov.ph/constitutions/1987-constitution/>

matters involving the ancestral domain as well as traditional property of our indigenous communities. The law defines FPIC under Section 3 (g) as “the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community”<sup>2</sup>;

**WHEREAS**, Section 5 of Chapter 3 of the IPRA further states that *Indigenous Concept of Ownership* sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC’s/IP’s private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights;

**WHEREAS**, the IPRA furthermore states that: “the State shall recognize, respect and protect the rights of to preserve and develop their cultures, traditions and institutions”;

**WHEREAS**, there is also a need to revisit other related laws on the protection of traditional property rights of all our indigenous peoples wherever located, as well as to enact a law that will create a comprehensive cultural archive of cultural properties of the different ethno-linguistic groups of the country, to record, classify, organize and protect them;

**WHEREAS**, explicit systems, procedures, legal protection and remedies should be made available and easily accessible to our indigenous peoples and communities who are threatened and vulnerable to deceptive and unfair activities such as, but not limited to exploitation and commodification;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that appropriate House Committees are directed to conduct an inquiry, in aid of legislation, on the issue of exploitation and commodification of the Kalinga culture of tattooing, known as *batok*, with the end in view of strengthening the protection of the intellectual and traditional property rights, cultural resources, practices and material heritage of our indigenous peoples and communities.

*Adopted,*

  
**LOREN LEGARDA**