

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

NINETEENTH CONGRESS
First Regular Session

House Bill No. **6713**



Introduced by: **REPRESENTATIVE EDWIN L. OLIVAREZ**

**“AN ACT MANDATING THE PAYMENT OF DEATH AND BURIAL BENEFITS TO
INDIGENOUS PEOPLES MANDATORY REPRESENTATIVES (IPMR) IN
BARANGAYS”**

EXPLANATORY NOTE

The Philippines is a culturally diverse country with an estimated 14 to 17 million Indigenous Peoples (IPs) belonging to 110 ethno-linguistic groups. While vital members of our culturally-rich country, IPs have had historical experiences of exclusion, loss of ancestral lands, displacement, pressures to change or let go of traditional ways of life and practices, and loss of identity and culture, among other concerns. Indeed, IPs are vulnerable to abuses and discrimination and, as such, is considered as one of the marginalized sectors in our society. This is why no less than our Constitution mandates the utmost protection, promotion, and fulfillment of their rights.

Section 17 Article XIV of the 1987 Constitution provides that the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions, and that it shall consider these rights in the formulation of national plans and policies.

Republic Act 8371, otherwise known as the “Indigenous Peoples’ Rights Act”, was also enacted in 1997 to further ensure and operationalize the guarantees of the Constitution. The said law provides, among others, that the Indigenous Cultural Communities (ICCs) or the Indigenous Peoples (IPs) shall have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. In this regard, Section 16 of the said law states that ICCs/IPs shall be given mandatory representation in all policy-making bodies and other local legislative councils.

The Implementing Rules and Regulations of RA 8371 expressly states that ICCs/IPs taking part in all policy-making bodies and in local legislative councils shall have the same privileges as the regular members of the legislative bodies and/or policy making bodies. This is consistent with the principles of equality or more specifically the principle of “equal pay for equal work” considering that the powers,

duties, and functions of the Indigenous Peoples Mandatory Representatives (IPMRs) are essentially the same as that of the regular members except that the former was specifically selected to advance the interested of the IPs as a marginalized sector of society. In this perspective, it is in fact also in keeping with the principles of equity and social justice well enshrined in our Constitution.

Considering that the Local Government Code of 1991 (RA 7160) grants death and funeral benefits to officials of the barangay, it is therefore only proper to grant the same death and burial benefits to IPMRs who are working in the local legislative bodies, particularly in the barangay level.

It is for the reasons of upholding the principles of both equality and equity that this Bill is being proposed.



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

SECTION 1. Short Title. — This Act shall be known as the “IPMR Death Benefits Act of 2022”.

SECTION 2. Coverage. This Act shall cover Indigenous Peoples (IPs) or members of the Indigenous Cultural Communities (ICCs) who, having all the qualifications and none of the disqualifications provided for in NCIP Administrative Order 001, have been selected as the Indigenous People’s Mandatory Representatives (IPMRs) in local legislative councils, particularly in the barangay level, in accordance with existing laws, orders, rules, and guidelines, and who died during his/her term of office as IPMR.

SEC. 3. Definition of Terms. For purposes of this Act, the following terms shall be understood to mean as:

a) **Indigenous Cultural Communities/Indigenous Peoples** — refer to a group of people or homogenous societies identified by self-ascription and ascription by others who have continuously lived as organized community on communally bound and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

ICGs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of conquest or colonization or at the time of inroads of non-indigenous religions and cultures or the establishment of present state boundaries who retain some or all of their own social, economic, cultural and

political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

b) **Death Benefits** - a cash grant given to the beneficiaries of the deceased IPMR.

c) **Burial Benefits** - a cash grant given for the purpose of paying for the burial expenses of the deceased member.

Sec. 4. Provision of Death and Burial Benefits. Indigenous Peoples Mandatory Representatives (IPMRs) who die of whatever cause while serving their term as such shall be eligible for death benefits which shall in no case be less than ten thousand pesos (Php 10,000.00), and burial benefits which shall in no case be less than two thousand pesos (Php 2,000.00). The death and burial benefits hereby provided shall be directly given to his/her beneficiaries. In cases where the IPMR did not leave behind any immediate family members or beneficiaries, the death benefit shall be given to the next closest relative of the deceased and the burial benefit shall be given to whoever arranges and pays for his/her funeral expenses, subject to the showing of sufficient proof thereof.

Sec. 5. IPMRs Serving in Hold-Over Capacity. An IPMR who dies while actively serving in a hold-over capacity in the absence of a newly selected IPMR to take his/her place for whatever valid and legal reasons shall, for the purposes of this Act, be eligible to receive the death and burial benefits if he/she dies while serving in said hold-over capacity.

Sec. 6. Determination of Amount. The Department of Interior and Local Government (DILG), in coordination with the Department of Budget and Management (DBM), and the National Commission on Indigenous Peoples (NCIP), is directed to determine such amount that is necessary to cover the payment of the death benefits which shall in no case be less than 10,000.00, and burial benefits which shall in no case be less than 2,000.00, of IPMRs in barangays who die during their term of office, and include the same in its annual budget proposal, subject to the regular budgeting process.

Sec. 7. Appropriations. The death and burial benefit provisions for the IPMRs shall be charged to the General Appropriations Act (GAA) in a given fiscal year.

Sec. 8. Implementing Rules and Regulations. The Department of Interior and Local Government (DILG), in coordination with the Department of Budget and Management (DBM) and the National Commission on Indigenous Peoples (NCIP) shall, within thirty (30) days from the implementation of this Act, promulgate the implementing rules and regulations to effectively carry out the provisions of this Act.

Sec. 9. Separability Clause. If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

Sec. 10. Repealing Clause. All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 11. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation, whichever comes earlier.

APPROVED.