

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

EIGHTEENTH CONGRESS  
Third Regular Session



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COMMITTEE REPORT NO. 1368

Submitted by the Special Committee on Creative Industry and Performing Arts on December 6, 2021  
Re: House Resolution No. 1549  
Informing the House of its findings and recommendations, pursuant thereto  
Sponsor: Representative Christopher V. P. De Venecia

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Mr. Speaker:

The Special Committee on Creative Industry and Performing Arts to which was referred House Resolution No. 1549, authored by Representative Loren B. Legarda, entitled:

**‘RESOLUTION**

**URGING THE SPECIAL COMMITTEE ON CREATIVE INDUSTRY AND PERFORMING ARTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ISSUE OF COUNTERFEIT GARMENTS APPROPRIATING WEAVE PATTERNS FROM THE CORDILLERA COMING INTO THE LOCAL MARKETS FROM ABROAD, WITH THE END IN VIEW OF STRENGTHENING PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS AND CULTURAL HERITAGE OF OUR INDIGENOUS PEOPLES AND COMMUNITIES’**

respectfully submits to the House its findings and recommendations, pursuant thereto.

Respectfully submitted:

**CHRISTOPHER V. P. DE VENECIA**  
Chairperson  
Special Committee on Creative Industry and Performing Arts

**THE HONORABLE SPEAKER**  
HOUSE OF REPRESENTATIVES  
Quezon City

# **REPORT ON THE INQUIRY CONDUCTED BY THE SPECIAL COMMITTEE ON CREATIVE INDUSTRY AND THE PERFORMING ARTS PURSUANT TO HOUSE RESOLUTION NO. 1549**

## **PREFATORY STATEMENT**

House Resolution No. 1549 seeks to conduct an inquiry, in aid of legislation, on the issue of counterfeit garments appropriating weave patterns from our Indigenous Cultural Communities, specifically the Cordillera, coming into local markets from abroad, with the end view of strengthening protection of the intellectual property rights and cultural heritage of our indigenous peoples and communities.

The Committee conducted two (2) committee meetings on February 19, 2021 and March 11, 2021. The meetings were attended by members of the Committee, representatives from the Department of Trade and Industry (DTI), Department of Science and Technology (DOST), Philippine Textile Research Institute (PTRI), Philippine Fiber Industry Development Authority (PHILFIDA), National Commission for Culture and the Arts (NCCA), National Commission on Indigenous Peoples (NCIP), Intellectual Property Office of the Philippines (IPOPHL), Bureau of Customs (BOC), and representatives from the private sector involved in selling indigenous woven materials and the fashion industry.

During the February 19 meeting, Chairperson Christopher V.P. de Venecia requested to add, as one of the objectives of this inquiry, the goal of helping DEVELOP our textile industry in order to better compete in the market. The Committee agreed that the inquiry should go beyond just protecting the designs of our indigenous peoples but providing livelihood to our weavers especially during this pandemic.

## **FACTS**

### **1. The Development of the Philippine Textile Industry**

Historically, the textile industry was heavily protected in the 1960s to 1970s with high tariffs, tariff restrictions, and other protectionist measures. In the 1980s, the industry was liberalized. At that point, the industry was ageing with ill-maintained equipment. There was much underutilized capacity with inefficient vertical integration. The government was not able to provide the support needed for the industry to maintain its position. Now, after thirty (30) years, it is faced with the same problems.

In economic terms, the textile industry contribution to gross domestic product (GDP) in 2009 was only 0.45%. It went lower in 2019 at 0.26%. It employed only 0.26% of total number of workers. Although productivity increased from 1999 to 2012 as measured by value of output per worker, total value of output produced declined in the same period. With lack of supply of natural raw materials, outdated equipment and high cost of labor, the textile industry slowly lost competitiveness to other countries. Today, there is a proliferation of cheap imported yarns, fabrics, and other raw materials.

On the production of natural fibers, in terms of area planted, the biggest area is planted with abaca, followed by banana, pineapple and cotton. We need research and development on

how we can commercialize these natural fibers and a market study to assess their market potential and estimate the demand for these fibers.

The following agencies are involved in the development of the textile industry:

- a. The DTI is mandated with the principal function of promoting and enhancing the growth of the existing and thriving industries in the country. It is also responsible for the development of a roadmap for the improvement of each industry including the textile and garments industry.

DTI Undersecretary Rafaelita Aldaba presented the textile and garment industry roadmap prepared by the De La Salle University with the DTI and the Board of Investments (BOI) to the Committee on March 11, 2021.

The goal of the existing textile industry roadmap is: “A sustainable, competitive, and integrated Philippine Textile-Garment Industry that generates inclusive economic growth by 2019.” The government support measures required are the following:

- 1) From DOST-PTRI – initiatives in research and development and setting up of Regional Yarn Production and Innovation Centers;
- 2) From the Technical Education and Skills Development Authority (TESDA) – provision of various modules and courses on weaving and embroidery
- 3) DTI-Board of Investment (BOI) – guide industry development, linking and integrated garments and textile industries, providing incentives and micro, small, and medium enterprise (MSME) support; and
- 4) Address smuggling of textiles and strictly enforce Republic Act No. 4653 entitled, “An Act to Safeguard the Health of the People and Maintain the Dignity of the Nation by Declaring it a National Policy to Prohibit the Commercial Importation of Textile Articles Commonly Known as Used Clothing and Rags.”

Usec. Aldaba cautioned that although the roadmap already identifies the general directions the industry should take, it should be updated with more inputs from the stakeholders.

- b. The PTRI is the premier textile research and development arm of the DOST. It conducts applied research and development for the textile industry sector. One of its major programs is the TELA Pilipinas model which integrates all the elements needed to support the production of textiles within a specific location, such as the source of natural fiber, dye material, weavers, and communities that will convert the fiber into a finished product. PTRI is involved in most of the processes in textile production up to product design and incubation of a business. The DOST-PTRI has the Inclusive Innovation Tela Program which seeks to establish the following:

- 1) Natural Textile Fiber Innovation Hub for abaca, banana, bandala, and pineapple leaf;
- 2) Bamboo Textile Fiber Innovation Hub; and
- 3) Regional Yarn Production and Innovation Centers.

The DOST-PTRI has other programs like:

- 1) Natural Dye Centers;
  - 2) Philippine Silk Road Program;
  - 3) Machine development like the Thera Loom which can be used as a therapeutic tool for disabled persons; and
  - 4) Textile Product Development Center that adapts clothing designs to the Filipino physique.
- c. The PHILFIDA has the mandate to elevate the growth and development of the fiber industry in terms of research and development, production support, technical assistance, development of processing and utilization technologies, and trade regulation. Through time, PHILFIDA focused on providing raw materials to the fiber producers by planting local fibers for material production and distribution of the following natural fibers: abaca, pineapple, silk and cotton. Through the initiative of Deputy Speaker Loren Legarda, the agency was able to establish ten (10) weaving centers and three (3) cotton processing centers in various parts of the country.
- d. The Civil Service Commission (CSC) has the main responsibility of implementing Republic Act No. 9242, entitled “An Act Prescribing the Use of the Philippine Tropical Fabrics for Uniforms of Public Officials and Employees and for Other Purposes” or the Tropical Fiber Law (TFL). Resource persons from the private sector pointed out that if this law is implemented properly, it will increase the demand for our local fabrics which will boost the development and revitalize the competitiveness of the textile industry.
- e. The NCCA supports Schools of Living Traditions in various locations throughout the country. A School of Living Traditions (SLT)<sup>1</sup> is one where a living master/culture bearer or culture specialist teaches the skills and techniques of doing a traditional art or craft. The mode of teaching is usually non-formal, oral and with practical demonstrations. The site maybe the house of the living master, a community social hall, or a center constructed for the purpose. The program for the establishment of SLTs is also anchored on the mandate of NCCA to: (1) conserve and promote the nation’s historical and cultural heritage by encouraging and supporting the study, recognition and preservation of endangered human cultural resources such as weavers, chanters, dancers and other craftsmen, as well as the conservation and development of such artistic, linguistic and occupational skills that are threatened with extinction; and (2) preserve and integrate traditional culture and its various creative expressions as a dynamic part of the national cultural mainstream by helping set up or encourage, monitor and subsidize companion systems at the regional, provincial and local levels, intended to develop traditional cultures such as arts/crafts centers, preferably in community settings apart from the usual museum settings, where exponents of living arts and crafts can practice and teach their art and enrich contemporary designs. Specifically, the program aims to identify aspects/components of traditional culture and art considered to be important to a cultural community that should be imparted to the young so that these aspects can be perpetuated.
2. Agencies Involved in the Protection of Intellectual Property Rights of Indigenous Peoples (IPs)

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<sup>1</sup> <https://ncca.gov.ph/school-of-living-traditions/>

- a. The IPOPHL has primary responsibility in enforcing intellectual property rights.

Atty. Nelson Laluces stated that the IP designs are intellectual property and under the intellectual property regime of the Philippines, they are copyrightable and a copyright exists from the moment of creation. They can also be registered as an Industrial Design and part of a Trademark. A representative from the IPOPHL satellite office in Baguio already briefed the weavers on the advantages of registering their products so that IPOPHL can protect them. The IPOPHL also signed a joint circular with the NCCA regarding the products of our IPs. One of the agreements therein is to come up with a database of the designs coming from our IPs.

The enforcement arm of the agency is the National Committee on Intellectual Property Rights (NCIPR) Chaired by the DTI with IPOPHL as its Vice Chairperson. The NCIPR is composed of the following:

- 1) Department of Justice
- 2) Bureau of Customs
- 3) Food and Drug Authority
- 4) National Bureau of Investigation
- 5) Philippine National Police
- 6) Optical Media Board
- 7) National Book Development Board
- 8) Office of the Special Envoy on Transnational Crime
- 9) Department of the Interior and Local Government
- 10) National Telecommunications Commission
- 11) Department of Information and Communications Technology.

For the IPOPHL to act, there needs to be a complaint filed by the aggrieved party. It can be filed to the courts or to IPOPHL and their Bureau of Legal Affairs hears the complaint. The complainant need not be registered with IPOPHL. However, he would need to prove that he was the creator of the work for his complaint to be acted upon.

- b. The NCIP is mandated under Republic Act No. 8371, otherwise known as the “Indigenous Peoples’ Rights Act” (IPRA) as 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 IPs and indigenous cultural communities (ICCs). With the increased counterfeiting of weaves, designs, and other creative arts of the ICCs and IPs, the NCIP created a Task Force directed to investigate all forms of cultural misappropriation on specific concerns. The following acts were already undertaken by the Task Force:

- 1) The NCIP requested the New Era Company to recall their clothing apparel bearing the traditional tattoo designs of the Wang-od;
- 2) The same sent a letter to Vance Philippines to hold in abeyance the release of clothing apparel bearing the python tattoo design of the Kalinga; and
- 3) The same issued a cease and desist order to two retailers in Baguio who are selling Inabel replica to the public. NCIP-Cordillera Administrative Region lent a hand in crafting a possible ordinance in Baguio City on the issue of modification of the Inabel replica.

“Commissioner Jennifer Pia Sibug-las of NCIP reported that her agency has projects that empower IPs to protect their rights as provided for in IPRA. As mentioned above, they created a Task Force to address complaints by IPs on the use of their designs without their consent and they are working on the implementing rules and regulations of Administrative Order No. 1 series of 2016 entitled: “Rules and Regulations on Intellectual Property Rights Application and Registration Protecting the Indigenous Knowledge, Systems, and Practices.” Moreover, their Joint Administrative Order (JAO) with the IPOPHL included a provision that the NCIP should provide capacity building for IPs and ICCs including informing them of their intellectual property rights and how to seek redress in case these are violated.

- c. The NCCA is mandated to conserve, promote, and protect the nation’s historical and cultural heritage. One of its objectives is to ensure the widest dissemination of artistic and cultural products among the greatest number of people. They have programs to preserve the traditional weaves of the IPs and to help in making it a source of livelihood. The NCCA reported to the IPOPHL not only the counterfeit fabrics copying the design from the Cordilleras, but also the fake weaves being sold in Mindanao. It has a joint circular with the IPOPHL to come up with a database of designs coming from our IPs. The database is called the Philippine Indigenous Peoples Ethnographic Surveys or PIPES.

## ISSUES

1. **Misappropriation of Weave Patterns from the Cordillera.** The Philippines is endowed with several ethno-linguistic groups, with each community possessing its own traditional knowledge passed on from one generation to the next. Given the bulk of this traditional knowledge covering almost all aspects of their lives, our country’s indigenous communities should be rich economically if the benefits of bringing these practices to the mainstream and protecting intellectual property rights actually flowed back to them. Unfortunately, artistic creations of indigenous cultural communities are being taken away from them without their prior informed consent.

In January 2021, the Philippine Daily Inquirer reported that blankets and garments using Cordillera weave patterns are flooding the market. Many of the fake products are machine-made textiles that are inferior to the genuine fabrics.<sup>2</sup> The counterfeits are much cheaper than those made by our indigenous weavers, thus, customers are buying them. This has greatly affected the income of small business owners involved in the selling and weaving of these original indigenous materials. In the long-term, when indigenous groups do not earn enough from producing their traditional fabrics, the industry, including a part of our own cultural heritage, will die.

2. **Difficulties with IPOPHL Registration.** Resource persons from the Philippine Fashion Coalition (PFC) opined that given the current intellectual property regime, we cannot just assume that IPs can register by themselves since they are not well-versed in our legal system and they might not have the resources to register. There has to be a point person or

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<sup>2</sup> <https://newsinfo.inquirer.net/1389488/cordillera-weavers-seek-protection-vs-fake-fabrics>

agency in each region where IPs or ICCs can go and get assistance in registering their products. Otherwise, it will not get done.

Dr. Edwin Antonio of the NCCA reported that NCCA sent a letter to IPOPHL to inquire on the registration process. For example, one ICC has several designs and the registration fee for one design is Three thousand Pesos (Pph3,000.00). This does not become feasible if the designs are registered one by one. To date, IPOPHL has not taken any action since it can only act on complaints of the owners of the intellectual property. The NCCA and NCIP can only act on behalf of the IPs or ICCs only if there is an existing MOA between them and the indigenous groups.

Atty. Emerson Cuyo of the IPOPHL pointed out that there might be a gap in the existing PROVISIONS OF THE Intellectual Property Code because the weaves can fall under the category “Traditional Knowledge” (TK) or “Traditional Cultural Expressions” (TCE) which is not covered at present. They cannot register under this category so there is a need to amend the existing law or create a new one. The current system protects industrial design for a maximum of fifteen (15) years only. He surmised that it will not result to benefit the ICCs in the long run if there is an expiration to the protection given.

Dr. Julius Leaño of the PTRI agreed that the current regime is not applicable to the concept of communal ownership where the ICC’s designs and fabrics belong. There are nuances that need to be defined properly. For example, what if the design is used, not on a fabric, but on another medium. Atty. Rizzabel Aguilar of the NCIP agreed that intellectual property rights given to IPs and ICCs weaves should be *sui generis* since the present regime only recognizes individual ownership. IPRA already gives protection but implementation needs the help of other agencies.

Deputy Speaker Deogracias “DV” Savellano concluded that since it is the most basic requirement, our government agencies should help our weavers register their products and designs with IPOPHL. Though the NCIP has the mandate to help them, the representatives from the agency stated that they do not have the resources to do so. Chairperson Christopher de Venecia inquired if there are Collective Management Organizations (CMOs) for our weavers that can handle the registration and general representation of ICCs to government agencies. The resource persons agreed that there is none for textiles in the country.

Atty. Laluces assured the Committee that the IPOPHL recognizes the importance of protecting IPs’ Indigenous Knowledge Systems and Practices (IKSPs), TK, and TCE. As a result of the inquiry, IPOPHL proposed that protecting IKSPs needs to be *sui generis* or should be a class on its own. The use of copyright using the current system of protecting intellectual property might not be as effective due to some peculiarities: 1) copyright requires that the author of the content must be identified which is not easy given that the content is owned by the IP community; and 2) copyright protection will eventually lapse 50 years after the death of the author, then the content will become part of the public domain. This is not applicable in the case of IKSPs. He noted that IPRA already recognizes the community intellectual property rights (IPRs) of the IPs but focusing on the current copyright protection system may dilute the community IPRs. The IPOPHL suggested instead to strengthen IP rights in IPRA as well as in Republic Act No. 10066, otherwise known as the “National Cultural Heritage Act” particularly in empowering the NCIP to enhance the protection and enforcement of the community IPRs of IPs.

Chairperson de Venecia agreed that PROTECTING IKSPs NEEDS TO BE *sui generis* AS IT would be the most apt form of protection for IPs especially since their TCEs are products of generations of TKs perpetuated in the community. In the meantime, he inquired whether they can apply for the available forms of protection under the current system such as the collective mark. Atty. Laluces remarked that the collective mark is a certification for a trademark if the owner is an association. As such, it cannot protect community designs if they are counterfeited. Furthermore, under the current system, the protection will eventually lapse. The trademark may exist in perpetuity but it has to be renewed and the owner has to show proof that the product is being used. Copyright lasts up to fifty (50) years after the death of the owner. Industrial design will last up to a maximum of fifteen (15) years only.

3. **Difficulties with Implementing the Current IPR Regime.** On pursuing the case against those who misappropriated designs from IPs, Mr. Rocky Ngalob of the NCIP-Cordillera Administrative Region (CAR) and Mr. Marlon Bosantog said the agency issued a cease and desist order on the retailers of fake woven fabrics, Vance Philippines and the New Era clothing company. However, Chairperson de Venecia showed that the New Era website is still selling clothing with the Whang-od design, so the action is ineffective. He underlined the need for a successful prosecution in order to send the message that what they are doing is wrong so they must face the consequences.

Deputy Speaker Savellano observed that there is no system in terms of identifying contraband imports because the BOC does not allow other agencies to inspect the imports. HE INQUIRED AS TO HOW BOC WOULD KNOW WHICH ARE COUNTERFEIT. Atty. Karen Ann Yambao of the BOC explained that they need the appropriate agency THAT has expertise on the matter to assist the BOC TO DETERMINE if the imported products are contraband items. Rep. Stella Luz Quimbo noted that there is no system in place. Furthermore, SHE SAID THAT THIS ISSUE goes back to the problem of registration because if the designs are not registered, there is no reason to activate the IPOPHL to work with the BOC.

4. **Absence of an Updated Textile Industry Roadmap.** On the roadmap as presented by Usec. Aldaba, the resource persons suggested that the textile industry roadmap should include modern as well as indigenous weaving technologies. Key performance indicators for each agency should be clear and simple. The government should give support especially in terms of the budgetary requirement of each agency. Currently, there is a general roadmap for the industry but more specific actions still need to be stipulated with the help of the stakeholders.
5. **Lack of Support from the Local Government Units in Textile Industry Development.** Generally, local government units are not supportive of textile industry development and weaving using indigenous designs. They should establish their own Local Cultural and Arts Council to help support indigenous cultures but very few have done so. Only the NCCA has established Schools of Living Traditions in different areas in the country to provide a venue for cultural masters and specialists, including weavers of traditional fabrics, to transmit their knowledge and skills to the next generation.
6. **Problems in the Production of Natural Fibers.** Land planted with cotton has been declining due to problems with pests. As a result, PHILFIDA found it difficult to convince

farmers to plant cotton. The agency is optimistic that planting BT cotton, which is more resistant to pests, would solve the problem. In the case of banana, it would be advantageous to use the waste from large plantations but it is not possible at present. Plantations do not allow outsiders to collect the waste products for fear of contamination. Hopefully, arrangements could be made on how to collect the discarded banana plants after harvesting taking biosecurity into account.

7. **Lack of Coordination among Government Agencies.** Chairperson de Venecia observed that the different government agencies involved in the development of the textile industry are doing their own thing. The PTRI and PHILFIDA are establishing their own processing centers independently. The NCCA and NCIP have their own overlapping functions, and are pursuing their own programs and activities without coordination. The current industry roadmap does not seem to provide guidance for the relevant government agencies to work together to achieve a common purpose.
8. **Lack of Funding for the Philippine Indigenous Peoples Ethnographic Surveys (PIPES).** Atty. Laluces stated that in a JAO between NCIP and IPOPHL, there was a project to create a database of our IPs. The project name is Philippine Indigenous Peoples Ethnographic Surveys or PIPES. It was a six-year program proposed by NCIP and was certified by the National Economic and Development Authority as a priority. It was funded for the first year but the funding was discontinued so there was no database produced as yet.

Chairperson De Venecia found out that many agencies have a database on weavers i.e. NCCA, NCIP, Department of Labor and Employment, Department of Social Welfare and Development, and the Department of Agrarian Reform. He believes that the NCIP should be tasked to harmonize and consolidate all the databases. Atty. Rizzabel Aguilar of the NCIP agreed but she cited the discontinued funding of PIPES as a reason for the agency's inaction.

9. **Problems with the Implementation of the TFL.** Dr. Remedios Abgona of the PHILFIDA confirmed that the TFL did provide for the allocation of Php 60 million to the agency but it did not materialize. Moreover, the implementation of the law did not really take off. There were problems regarding the fabrics' price, availability, and wearability. There was a technical working group (TWG) supposed to come up with amendments to the law but it did not push through. They are willing to work with PTRI as well as the DTI and the CSC which should spearhead the TWG.

Dir. Celia Elumba of the PTRI informed the Committee that the PTRI has already written to the CSC to convene the TWG together with the DTI. Actually, it is the CSC which has the main responsibility to implement the law. They are supposed to report to the House and Senate every year on the status of the implementation of the TFL.

Mr. Mike Claparols of the Habi Textile Council suggested to amend the implementing rules and regulations of the TFL to include more fibers produced locally. Currently, the cloth is required to contain at least 5% by weight for abaca, banana, and pineapple and 15% by weight for silk. There is no fabric in the market that can satisfy this requirement. Relaxing the requirement to include other locally-produced fibers may make it easier for local producers to come up with a fabric that will meet the needs of all the stakeholders.

## **FINDINGS**

1. Using the current system of protecting intellectual property might not be as effective due to some peculiarities of the indigenous fabrics: 1) copyright requires that the author of the content must be identified which is not easy given that the content is owned by the community; and 2) copyright protection will eventually lapse fifty (50) years after the death of the author, after which the content will become part of the public domain. Amendments to the current system should recognize collective ownership and the rights over the designs should not have an expiration.
2. Though the different agencies mandated to protect the IPR of our IPs took the effort to respond to the report that garments using counterfeit fabrics were being sold, their efforts have been uncoordinated and ineffective. Protection of IPRs should be strengthened starting with the registration of IKSPs of our IPs in the IPOPHL and creating a database for their designs.
3. Lack of funding was cited by the different agencies to explain why some of their projects that promote the IPRs of IPs were not implemented.
4. The different government agencies involved in the development of the textile industry are implementing their own plans and programs independently. The industry roadmap should be able to guide the activities of all relevant government agencies to work together and synergize their efforts to be more effective in achieving the goal of a competitive and growing textile and fashion industry.
5. The TFL has not been properly implemented due to the difficulty of coming up with fabrics that will satisfy the requirements of the implementing rules and regulations. The requirement should be relaxed for ease of compliance. Full implementation of the law has the potential of boosting the development of the textile industry by increasing the demand for locally produced fabrics.

## **RECOMMENDATIONS**

The Committee submits the following recommendations:

1. Amend the IPRA law as well as Republic Act No. 10066, otherwise known as the “National Cultural Heritage Act” to empower the NCIP and the NCCA in enhancing the protection and enforcement of the community intellectual property rights of IPs;
2. Amend Republic Act No. 8293, otherwise known as the “Intellectual Property Code of the Philippines” to provide for the intellectual property rights of the IPs as *sui generis* or a class on its own specifically to recognize ICCs’ collective ownership over their designs in perpetuity;
3. Create CMOs to represent IPs and ICCs in the local government units and other bodies or venues, subject to the accreditation of IPOPHL;
4. Undertake a capacity building program for IPs to be jointly undertaken by the NCIP and the NCCA, especially in informing them of their intellectual property rights and the means by which such rights may be enforced;

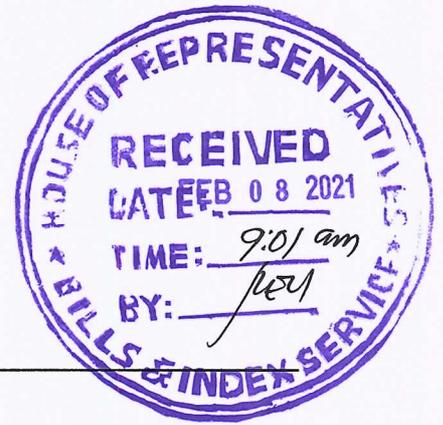
5. Harmonize all the databases on IPs and their indigenous knowledge, systems, and practices from the different agencies and include in their next budget request the funds needed in order to accomplish this task.
6. Include the NCCA and the NCIP in the NCIPR, the inter-agency enforcement arm of the IPOPHL, which can be done by amending Executive Order No. 736 series of 2008, to ensure that the intellectual property rights of IPs are enforced.
7. On the development of the textile industry, the DTI should:
  - a. Revive and enhance the competitiveness of the textile industry with a roadmap that focuses on innovation, market-oriented research and development, and measures to address value chain gaps and integrate textiles, garments, and fashion;
  - b. Ensure the collaboration of all stakeholders in crafting the details of the roadmap from government agencies, legislators, and the private sector;
  - c. Adopt innovation and enabling technologies, sustainable textile innovations using natural fibers, innovative startups and other enterprises;
  - d. Improve productivity of the textile industry through more investments, upgrading using new technologies and strengthening the upstream and downstream linkages to make value chains more resilient to economic shocks;
  - e. Review the implementation of the Republic Act No. 9242 and ensure government agencies are complying with the provisions; and
  - f. Foster collaboration between government, industry, academe, and other stakeholders in the implementation of the roadmap for the development of the textile industry.
8. Encourage all the agencies involved in textile development to collaborate, cooperate, and synergize their activities through the following activities:
  - a. Create a database of existing indigenous peoples, weavers, and their designs. Several agencies have databases such as NCCA, NCIP, Department of Labor and Employment, Department of Social Welfare and Development, and the Department of Agrarian Reform. One agency should be tasked to harmonize and consolidate all the databases. NCIP has a project called Philippine Indigenous Peoples Ethnographic Surveys or PIPES which was discontinued due to funding problems.
  - b. Consolidate in one map the location of where all the fibers are being planted and the location of all the processing centers, for the DTI to find the gaps in the value chain and make sure they are addressed in the industry roadmap.
9. Amend the implementing rules and regulations of Republic Act No. 9242 to relax the requirement that the fabrics to be used for the uniforms should contain 5% by weight for either abaca, banana, and pineapple and 15% by weight for silk by allowing the use of other locally produced fibers and reducing the percentage requirement for silk.
10. Foster agreements between PTRI and large banana plantations on the collection of waste banana plants taking biosecurity into account to allay fears of plantation owners of contamination coming from outside the plantation.

In view hereof, the Committee seeks the adoption of the House of its findings and recommendations in this report. Further, the Committee recommends that a copy of this Committee Report be furnished the DTI, PTRI, PHILFIDA, NCIP, NCCA and CSC.



Eighteenth Congress  
Second Regular Session

HOUSE RESOLUTION NO. 1549



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Introduced by  
**REPRESENTATIVE LOREN B. LEGARDA**

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**RESOLUTION URGING THE SPECIAL COMMITTEE ON CREATIVE INDUSTRY AND PERFORMING ARTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ISSUE OF COUNTERFEIT GARMENTS APPROPRIATING WEAVE PATTERNS FROM THE CORDILLERA COMING INTO THE LOCAL MARKETS FROM ABROAD, WITH THE END IN VIEW OF STRENGTHENING PROTECTION OF THE INTELLECTUAL PROPERTY RIGHTS AND CULTURAL HERITAGE OF OUR INDIGENOUS PEOPLES AND COMMUNITIES**

1 **WHEREAS**, a Philippine Daily Inquirer article published on 29 January 2021  
2 reported that counterfeit Cordillera-woven blankets and garments coming from  
3 abroad have flooded local markets, prompting local weavers to demand protection  
4 from the government for their indigenous craft;<sup>1</sup>

5 **WHEREAS**, Section 16 of Article 14 of the Philippine Constitution stipulates that the  
6 country's artistic and historic wealth constitutes the cultural treasure of the nation  
7 and shall be under the protection of the State, which may regulate its disposition;<sup>2</sup>

8 **WHEREAS**, such influx of counterfeit goods poses a risk to rural livelihoods of  
9 indigenous cultural communities in terms of market competition and is also to the  
10 detriment of sustaining their culture and creative productivity;

11 **WHEREAS**, there is a need to create a comprehensive cultural archive of cultural

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<sup>1</sup> <https://newsinfo.inquirer.net/1389488/cordillera-weavers-seek-protection-vs-fake-fabrics>

<sup>2</sup> Philippine Constitution.

1 properties of the different ethno-linguistic groups of the country, to record, classify,  
2 organize and protect them;

3 **WHEREAS**, Section 5 of Chapter 3 of the Indigenous Peoples' Right Act (IPRA)  
4 notes that "indigenous concept of ownership generally holds that ancestral domains  
5 are the indigenous cultural communities' (ICCs) / indigenous peoples' (IPs) private  
6 but community property which belongs to all generations and therefore cannot be  
7 sold, disposed or destroyed";

8 **WHEREAS**, Section 32 of Chapter 6 of the IPRA further declares that "ICCs/ IPs  
9 have the right to practice and revitalize their own cultural traditions and customs. The  
10 State shall preserve, protect and develop the past, present and future manifestations  
11 of their cultures as well as the right to the restitution of cultural, intellectual, religious,  
12 and spiritual property taken without their free and prior informed consent or in  
13 violation of their laws, traditions and customs;"

14 **WHEREAS**, additionally, Section 2 of RA 8293, also known as the Intellectual  
15 Property Code of the Philippines, underscores the importance of "an effective  
16 intellectual and industrial property system [is] vital to the development of domestic  
17 and creative activity, facilitates transfer of technology, attracts foreign investments,  
18 and ensures market access for our products. It shall protect and secure the exclusive  
19 rights of scientists, inventors, artists and other gifted citizens to their intellectual  
20 property creations [...];'

21 **WHEREAS**, there is a need to revisit related laws on the protection of traditional  
22 property rights of all our indigenous peoples wherever located;

23 **WHEREAS**, explicit systems, procedures, legal protections and remedies should be  
24 made available and easily accessible to our indigenous peoples and communities  
25 who are threatened by these imports;

1 **NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED,** that the  
2 Special Committee on Creative Industry and Performing Arts conduct an inquiry, in  
3 aid of legislation, on the issue of counterfeit garments appropriating weave patterns  
4 from our Indigenous Cultural Communities, specifically the Cordillera, coming into  
5 local markets from abroad, with the end in view of strengthening protection of the  
6 intellectual property rights and cultural heritage of our indigenous peoples and  
7 communities.

8 *Adopted*



LOREN LEGARDA