


FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE
P.S. Res. No. 218

RECEIVED BY: 

Introduced By Senator Loren Legarda

RESOLUTION

URGING THE COMMITTEE ON CULTURAL COMMUNITIES AND COMMITTEE ON FOREIGN RELATIONS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO DETERMINE WHETHER SENATE CONCURRENCE IN THE RATIFICATION OF INTERNATIONAL LABOUR ORGANIZATION CONVENTION NO. 169, OTHERWISE KNOWN AS THE "INDIGENOUS AND TRIBAL PEOPLES' CONVENTION, 1989", TAKING INTO CONSIDERATION ITS BENEFITS AND LEGAL, SOCIAL AND POLITICAL IMPLICATIONS GIVEN THE PRESENT CIRCUMSTANCES AND THE EXISTING INDIGENOUS PEOPLES' RIGHTS ACT, WOULD SERVE THE INTERESTS OF OUR COUNTRY

WHEREAS, the 1987 Constitution enshrines the rights of indigenous peoples and indigenous cultural communities in several provisions;

WHEREAS, Article II, Section 22 states that, "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development;"

WHEREAS, Article XII, Section 5 provides that, "The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being;"

WHEREAS, Article XIV, Section 17 affirms that, "The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies;"

WHEREAS, while the Philippines is a state party to a number of international treaties and conventions that mandate the recognition of indigenous peoples rights, such as the Universal Declaration of Human Rights of 1948, the Declaration on the Rights of Indigenous Peoples of 2007, and the Convention on the Elimination of All Forms of Racial Discrimination; it is not a state party to the International Labour Organization Convention No. 169, otherwise known as the "Indigenous and Tribal Peoples' Convention, 1989" (ILO C169);

WHEREAS, efforts were exerted by key stakeholders from 1990 to 1998 for the ratification by the Executive Branch and concurrence by the Senate of ILO C169 with the technical support of ILO by way of national multi-sectoral technical seminars, workshops, and consultative meetings with key government agencies such as the

Department of Labor and Employment and the Department of Environment and Natural Resources;

WHEREAS, former President Fidel V. Ramos, by virtue of a certification of the necessity of the ratification of ILO C169, duly endorsed the documents for ratification to the Senate for the latter's concurrence, in accordance with the requirements for international treaty negotiation and ratification under the Constitution and Executive Order No. 459, series of 1997;

WHEREAS, a preliminary hearing conducted by the Senate Committee on Foreign Relations in March 1999 resolved to put the process on hold until the resolution by the Supreme Court of a petition challenging the constitutionality of certain provisions of the Indigenous Peoples' Rights Act (IPRA) considering the similarity of its provisions with those of ILO C169;

WHEREAS, notwithstanding the resolution of the controversy by the Supreme Court in *Cruz vs. DENR* (G.R. No. 135385, December 6, 2000), which upheld the constitutionality of the IPRA, the ratification of ILO C169 was placed on the sidelines when the Executive Branch focused its efforts instead on the creation and organization of the National Commission on Indigenous Peoples (NCIP);

WHEREAS, with the continuing struggle for the recognition of the rights of indigenous peoples and human rights violations committed against them and indigenous cultural communities, the value of having a legally binding international instrument for their protection and promotion of Indigenous Peoples rights has been recognized with the inclusion of plans to pursue the process of becoming a state party to the ILO C169 in the Medium-Term Philippine Development Plan for Indigenous Peoples (NCIP 2004-2008) and the passage of a resolution by the Indigenous Peoples' National Consultative Body seeking the inclusion of the Philippines as a state party to ILO C169;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Committee on Cultural Communities and the Committee on Foreign Relations, to conduct an inquiry, in aid of legislation, to determine whether Senate concurrence in the ratification of ILO C169, taking into consideration its legal, social and political implications given the present circumstances and the IPRA, would serve the interests of our country.

Adopted,


LOREN LEGARDA
Senator