

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

15 OCT -7 P3 50

SENATE
P. S. R. No. 1619

RECEIVED BY: _____

[Signature]

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
ON THE GRANTING TO THE BUGKALOT/ILONGOT CULTURAL COMMUNITIES OF
PERCENTAGE SHARES IN THE PROCEEDS OF THE CASECNAN MULTI-PURPOSE
IRRIGATION AND POWER PROJECT

1 WHEREAS, the Constitution, Article 2, Section 22 provides:

2 Section 22. The State recognizes and promotes the rights of indigenous
3 cultural communities within the framework of national unity and development.

4 WHEREAS, the Constitution, Article 12, Section 5 likewise provides:

5 Section 5. The State, subject to the provisions of this Constitution and
6 national development policies and programs, shall protect the rights of indigenous
7 cultural communities to their ancestral lands to ensure their economic, social, and
8 cultural well-being.

9 WHEREAS, Republic Act No. 8371, otherwise known as the Indigenous Peoples Rights
10 Act of 1997, Section 7 states:

11 Section 7. Rights to Ancestral Domains. - The rights of ownership and
12 possession of ICCs/IPs to their ancestral domains shall be recognized and
13 protected. Such rights include:

14

15 b) Right to Develop Lands and Natural Resources. - to benefit and
16 share the profits from allocation and utilization of the natural resources found
17 therein....

18 WHEREAS, the Casecnan Multi-purpose Irrigation and Power Projects (CMIPP) is a
19 Build-Operate-Transfer (BOT) arrangement between California Energy Casecnan Water and
20 Energy Company (CE Casecnan) and National Irrigation Authority (NIA);

21 WHEREAS, on 11 February 2014, the National Commission on Indigenous Peoples
22 (NCIP) reported to the House of Representatives Committee on Indigenous Cultural
23 Communities that the CMIPP is within the ancestral domain of the Bugkalot/Ilongot;

1 WHEREAS, in a letter dated 31 March 1995 to then President Fidel Ramos, the
2 Bugkalot/Ilongot Cultural Communities (BICC), whose acceptance of the project is required for
3 the validity of the Environmental Compliance Certificate issued by the Department of
4 Environment and Natural Resources to the NIA, approved the project provided that BICC's 20
5 demands are met;

6 WHEREAS, the list of 20 demands of the BICC was made an integral part of
7 Administrative Order No. 248 issued by President Ramos on 15 February 1996, providing for the
8 creation of a Special Task Force to oversee the implementation of the social measure component
9 of the CIMPP;

10 WHEREAS, included in the list of BICC demands is a percentage share of the project's
11 proceeds, the amount of which must be agreed upon by the BICC and other parties in the project;

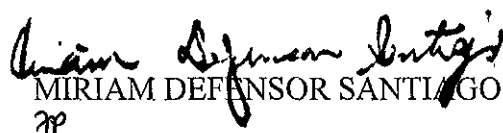
12 WHEREAS, since the CIMPP became operational 14 years ago, no share in the project's
13 proceeds has been received by the BICC;

14 WHEREAS, government agencies must always act in good faith and must not be remiss
15 in the fulfilment of their obligations, especially those affecting the very rights protected by our
16 Constitution;

17 WHEREAS, the State must at all times safeguard the rights of those belonging to the
18 marginal sectors of our society, such as the indigenous communities;

19 WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct
20 the proper Senate committee to conduct an inquiry, in aid of legislation, on the granting to the
21 Bugkalot/Ilongot Cultural Communities of percentage shares in the proceeds of the Casecanan
22 Multi-Purpose Irrigation and Power Project.

Adopted,


MIRIAM DEFENSOR SANTIAGO
RP