

THIRTEENTH CONGRESS OF THE }
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SENATE

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P. Senate Resolution No. **161**

Introduced by Senator Madrigal

A RESOLUTION

DIRECTING THE COMMITTEES ON CULTURAL COMMUNITIES, ENVIRONMENT AND NATURAL RESOURCES, LOCAL GOVERNMENT, AND TOURISM, TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED DISPLACEMENT OF THE INDIGENOUS ATI TRIBE OF BORACAY ISLAND, MALAY, AKLAN, DUE TO THE REPORTED RAMPANT SELLING OF PARCELS OF LAND FORMING PART OF THEIR ANCESTRAL DOMAIN IN LINE WITH PROMOTING BORACAY ISLAND AS A PRIME TOURIST ZONE

WHEREAS, Section 5 of the 1987 Philippine Constitution provides that, "the State, subject to the provisions of the Constitution and national development policies and programs, shall protect the rights of the indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being. The Congress may provide for the applicability of customary laws governing the property rights or relations in determining the ownership and extent of ancestral domain;"

WHEREAS, Chapter II, Section 3(a) of Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA) provides that, "ancestral domains refer to all areas generally belonging to indigenous cultural communities (ICCs)/indigenous peoples (IPs) comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;"

WHEREAS, Chapter III, Section 4 of IPRA states that, "the ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership;"

WHEREAS, Chapter III, Section 5 of IPRA states that, "the 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 ICCs/IPs' private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable resource rights;"

WHEREAS, the indigenous Ati tribe of Boracay Island, Malay, Aklan, who are originally from Negros and other neighboring towns in Panay Island, are nomadic in nature and have long been inhabiting Boracay Island wherein they traditionally had access for their subsistence and traditional activities;

WHEREAS, the natural resources that abound in Boracay Island attracted tourists from all over the country and the world making it a prime tourist zone;

WHEREAS, the onslaught of tourists also brought about a commercial interest in the lands of Boracay Island particularly the ancestral domains of the Boracay Atis;

WHEREAS, the Boracay Atis are in danger of being displaced from their own lands due to the sale of the same by those who are claiming to be its owners;

WHEREAS, selling of their ancestral lands is tantamount to taking away their life;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Committees on Cultural Communities, Environment and Natural Resources, Local Government, and Tourism, to conduct an inquiry, in aid of legislation, on the alleged displacement of the indigenous Ati tribe of Boracay Island, Malay, Aklan, due to the reported rampant selling of parcels of land forming part of their ancestral domain in line with promoting Boracay Island as a prime tourist zone.

Adopted,


M.A. MADRIGAL