

SENATE

P. Senate Resolution No. 162

Introduced by Senator Madrigal

A RESOLUTION

DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE WELL BEING OF THE VARIOUS INDIGENOUS CULTURAL COMMUNITIES OF THE PHILIPPINES AND THE ENFORCEMENT OF THEIR RIGHTS ON THEIR ANCESTRAL DOMAIN

WHEREAS, the Philippines was blessed with a diverse, indigenous culture that has, in one or another, been fortunately preserved by the 150 ethno-linguistic groups which in turn approximately composes twenty percent (20%) of the total population of the country;

WHEREAS, the Philippines has likewise been blessed with abundant mineral resources, being the third largest gold deposits in the world, the fourth largest for copper, fifth largest for nickel, and sixth for chromite deposits;

WHEREAS, conflict arose between the Indigenous Cultural Communities and capitalists who, under the guise of development, began displacing the former by either forcing them out physically or by making their environment incapable of sustaining them;

WHEREAS, pursuant to the fundamental and underlying principles of democracy, the framers of the Constitution declared under Article II, Section 22 of the Constitution, that "the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development" as one of the policies of the State;

WHEREAS, in recognition of the Indigenous Cultural Communities stake and special rapport over the lands they have sojourned on since time immemorial, the framers thus enshrined in the Constitution under National Economy and Patrimony, Article XII, Section 5 which 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, in 1997, Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA), was enacted by Congress which thereby recognized and codified the rights of indigenous peoples over their ancestral lands pursuant to the concept of native title;

WHEREAS, Republic Act 7942, popularly known as the Mining Act, was enacted in 1998, which thereby grants mining permits to foreign large-scale mining companies to explore and develop the country's mineral resources;

WHEREAS, through the aforementioned Mining Act and the negligence of the Government, such capitalists whom the Indigenous Cultural Communities were to be protected from by the IPRA were not deterred from the abuse and exploitation they have long been causing;

WHEREAS, the current administration has taken a position of further opening up Philippine soil to foreign corporations so as to induce the influx of investments from foreigners, claiming that the same shall ultimately save the Philippines from its financial crisis, contrary to what experts both here and abroad have opined;

WHEREAS, the Supreme Court recently upheld the constitutionality of the Mining Act insofar as allowing 100% foreign-owned large-scale mining corporations to operate within the Philippines;

WHEREAS, it is apparent that the concerns of the indigenous peoples on the survival of their tribe and the preservation of cultural heritage are not amongst the concerns of the current administration;

WHEREAS, the continuing indifference of the government on the massive destruction of their communities would eventually result to the demise of this rich Filipino ancestry;

WHEREAS, there is an urgent need to achieve a balance between the preservation of the cultural heritage of the various indigenous peoples of the country and the anticipated entry of the 100% foreign-owned large-scale mining companies in light of the recent promulgation of the Supreme Court;

WHEREAS, to achieve this balance, an inquiry on the pertinent factors that affect the indigenous people's way of life must be conducted to promote and protect their rights in light of the Supreme Court's favorable ruling on the Mining Act;

WHEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, directing the Committee on Cultural Communities to conduct an inquiry, in aid of legislation, on the well being of the various Indigenous Cultural Communities of the Philippines and the enforcement of their rights on their Ancestral Domain.

Adopted,


M.A. MADRIGAL