

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

5 APR 12 P4:11

SENATE
Resolution No. 229

RECEIVED BY: _____

Introduced by Sen. M.A. Madrigal

RESOLUTION
DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES, TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE DENIAL OF THE
RIGHT TO ANCESTRAL DOMAINS OF THE TUMANDOK
INDIGENOUS PEOPLES IN PANAY

WHEREAS, Article II, Section 10 of the 1987 Constitution provides for the promotion of social justice to all citizens in all phases of national development;

WHEREAS, Article XII Section 5 on National Economy and Patrimony declares that the State, subject to the provisions of the 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, the same provision states that the Congress may provide for the applicability of customary laws governing property rights and relations in determining the ownership and extent of ancestral domain;

WHEREAS, Article XIV, Section 17, as reiterated in Chapter I Section 2 of RA 8371 or the Indigenous Peoples Rights Act of 1997 mandates the State to recognize and respect the rights of the indigenous peoples to their ancestral domains and consider their customs, traditions and beliefs in the formulation of laws and policies;

WHEREAS, Chapter II of the IPRA requires that State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these right, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains;

WHEREAS, the people who belong to Tumandok, who is Panay's largest indigenous group, is currently in deprived of their enjoyment and peaceful possession of their ancestral domains;

WHEREAS, the Tumandok group is known for their rich culture and oral tradition which was preserved from time immemorial and has been proven to be a recognized authentic indigenous group;

WHEREAS, an organization of Tumandok people called for the repeal of Presidential Proclamation No. 67 issued by then President Diosdado Macapagal, which declared their ancestral land as a military reservation;

WHEREAS, there is a continuing violation of the rights of the indigenous peoples in the denial of their right to exercise domain over their ancestral lands that are rightfully theirs by birthright, long before the Philippines was colonized by Spain & as provided for by the IPRA law.

WHEREAS, the President has issued several Certificates of Ancestral Domain Title (CADTs) which, however, cover only a small portion of their claim;

WHEREAS, such issuance cannot address the issue of denial of the rights of the Tumandok people to their ancestral land;

WHEREAS, there is a need for immediate action to investigate such injustices in order to avoid the denigration of our indigenous peoples into second class citizens;

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 Denial of the Right to Ancestral Domains of the Tumandok Indigenous Peoples in Panay.

Adopted,

A handwritten signature in cursive script, appearing to read "M.A. Madrigal", written over a horizontal line.

M.A. MADRIGAL