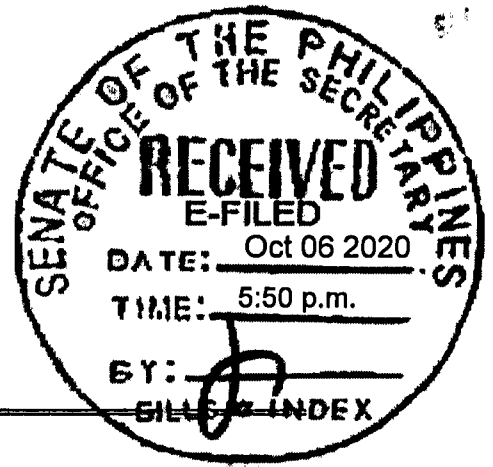


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE

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**COMMITTEE REPORT NO. 129**

Submitted jointly by the Committees on Cultural Communities and on Basic Education,  
Arts and Culture on Oct 06 2020.

RE : Proposed Senate Resolution Nos. 34 and 41.

Recommending the adoption of the recommendations and their immediate  
implementation.

Sponsor : Senator Marcos

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**MR. PRESIDENT:**

The Committees on Cultural Communities and on Basic Education, Arts and  
Culture to which were referred Proposed Senate Resolution No. 34, introduced by  
Senator De Lima, entitled:

**"RESOLUTION**

**DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN  
INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CLOSURE  
OF 55 LUMAD SCHOOLS FOR INDIGENOUS CHILDREN IN THE  
DAVAO REGION WITH THE END IN VIEW OF CRAFTING  
LEGISLATION TO PROTECT THE CHILDREN'S RIGHT TO  
EDUCATION AS WELL AS THEIR RIGHTS AS INDIGENOUS  
PEOPLES PURSUANT TO THE UNITED NATIONS DECLARATION OF  
RIGHTS OF INDIGENOUS PEOPLES AND R.A. NO. 8371,  
OTHERWISE KNOWN AS THE 'INDIGENOUS PEOPLE'S RIGHTS  
ACT OF 1997'"**

and Proposed Senate Resolution No. 41, introduced by Senator Binay, entitled:

**"RESOLUTION  
DIRECTING THE APPROPRIATE SENATE COMMITTEES TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE  
GOVERNMENT'S LONG-TERM PLAN OF ACTION ON THE  
DISPLACED STUDENTS OF THE 55 SCHOOLS FOR INDIGENOUS  
CHILDREN TEMPORARILY SUSPENDED BY THE DEPARTMENT OF  
EDUCATION, WITH THE END IN VIEW OF ENACTING  
LEGISLATIVE MEASURES ADDRESSING THE PLIGHT OF  
DISPLACED STUDENTS"**

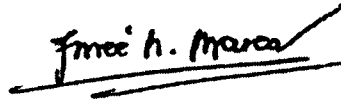
have considered the same and have the honor to submit their report on their inquiry back to the Senate, recommending the adoption of the recommendations as contained therein and their immediate implementation.

**Committee Report on P.S. Res. Nos. 34 and 41**  
*(Inquiry, in aid of legislation, on the reported closure of 55 Lumad schools in the Davao Region)*

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Respectfully submitted:

Chairpersons:



**SEN. WIN GATCHALIAN**  
Committee on Basic Education, Arts and Culture

**SEN. IMEE R. MARCOS**  
Committee on Cultural Communities  
*Member, Committee on Basic Education, Arts and Culture*

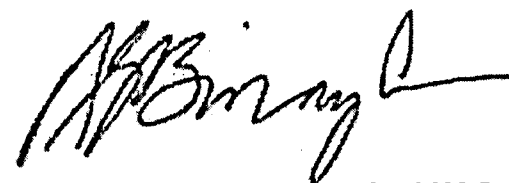
Vice-Chairman:

**SEN. JOEL VILLANUEVA**  
Committee on Basic Education, Arts and Culture


Members:



**SEN. EMMANUEL "MANNY" D. PACQUIAO**  
Committee on Cultural Communities



**SEN. MARIA LOURDES NANCY S. BINAY**  
Committee on Cultural Communities  
Committee on Basic Education, Arts and Culture



So long as students will not be prejudiced by any closure and their right to education will be upheld/enhanced  
**SEN. SONNY ANGARA**  
Committee on Cultural Communities



**SEN. RONALD "BATO" DELA ROSA**  
Committee on Cultural Communities

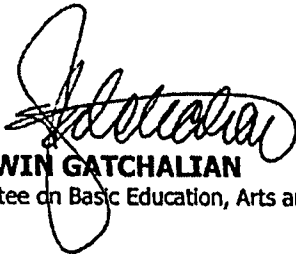
**Committee Report on P.S. Res. Nos. 34 and 41**

***(Inquiry, in aid of legislation, on the reported closure of 55 Lumad schools in the Davao Region)***

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Chairpersons:

  
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Committee on Basic Education, Arts and Culture

**SEN. IMEE R. MARCOS**  
Committee on Cultural Communities  
*Member*, Committee on Basic Education, Arts  
and Culture

Vice-Chairman:

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Committee on Basic Education, Arts and Culture

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Committee on Cultural Communities

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Committee on Basic Education, Arts and Culture

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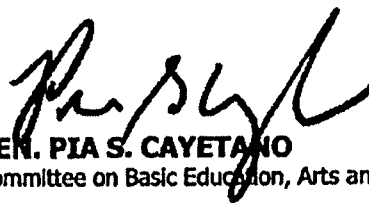
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Committee on Cultural Communities

**Committee Report on P.S. Res. Nos. 34 and 41**  
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**SEN. RICHARD J. GORDON**  
Committee on Cultural Communities  
Committee on Basic Education, Arts and Culture



**SEN. PIA S. CAYETANO**  
Committee on Basic Education, Arts and Culture

*will interpellate and/or amend*

**SEN. CHRISTOPHER "BONG" GO**  
Committee on Basic Education, Arts and Culture

**SEN. PANFILO M. LACSON**  
Committee on Basic Education, Arts and Culture

**SEN. MANUEL "LITO" M. LAPID**  
Committee on Basic Education, Arts and Culture



*will interpellate and/or amend*

**SEN. AQUILINO "KOKO" PIMENTEL III**  
Committee on Basic Education, Arts and Culture

**SEN. GRACE POE**  
Committee on Basic Education, Arts and Culture

**SEN. RAMON BONG REVILLA JR.**  
Committee on Basic Education, Arts and Culture

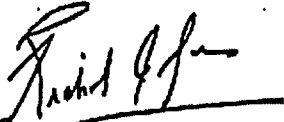
**SEN. LEILA M. DE LIMA**  
Committee on Cultural Communities  
Committee on Basic Education, Arts and Culture

**SEN. RISA HONTIVEROS**  
Committee on Basic Education, Arts and Culture

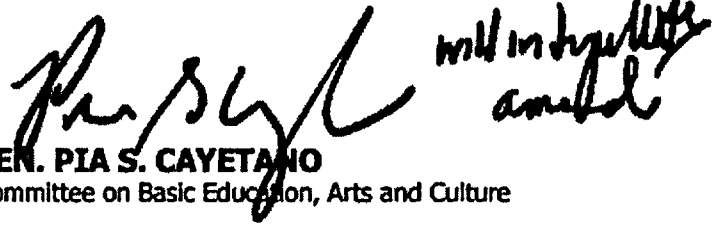
**SEN. FRANCIS N. PANGILINAN**  
Committee on Basic Education, Arts and Culture

Committee Report on P.S. Res. Nos. 34 and 41  
(Inquiry, in aid of legislation, on the reported closure of 55 Lumad schools in the Davao Region)

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**SEN. RICHARD J. GORDON**  
Committee on Cultural Communities  
Committee on Basic Education, Arts and Culture



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Committee on Basic Education, Arts and Culture



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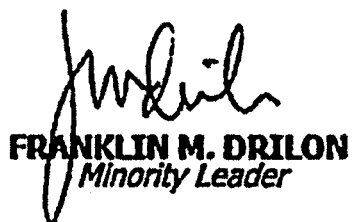
**Committee Report on P.S. Res. Nos. 34 and 41**  
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Ex-Officio Members:

**RALPH G. RECTO**  
President Pro-Tempore

  
**JUAN MIGUEL F. ZUBIRI**  
Majority Leader

  
**FRANKLIN M. DRILON**  
Minority Leader

**HON. VICENTE C. SOTTO III**  
Senate President

## **I. INTRODUCTION**

*"Education is the most powerful weapon which you can use to change the world."*

— **Nelson Mandela**

Every child desires to receive quality education. Children of indigenous peoples, even those from far flung areas of the country, are no different.

Article XIV, Section 1 of the 1987 Philippine Constitution states that *"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all."*

The same right to education is echoed in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which was adopted by the United Nations on September 13, 2007 with 144 States voting in favor, including the Philippines, 4 States voting against, and 11 States abstaining.

Article 14 of the UNDRIP states that *"(1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. (2) Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. (3) States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language."*

Further, Article XIV, Section 4(1) of the 1987 Philippine Constitution states that *"The State recognizes the complementary roles of public and private institutions in the*



*educational system and shall exercise reasonable supervision and regulation of all educational institutions”.*

## **II. BACKGROUND**

On July 18, 2019, the Philippine Daily Inquirer article entitled “*DepEd shuts down 44 'lumad' schools*”, reported that on July 15, 2019, the Department of Education (DepEd), through DepEd-Region XI Officer-in-Charge Evelyn Fetalvero, issued an order suspending the permit to operate of fifty-five (55) schools for the indigenous children in the Davao region operated by Salugpongan Ta’ Tanu Igkanogon Community Learning Center, Inc. allegedly for teaching “left-leaning ideologies”,<sup>1</sup>

The reported closure of these lumad schools resulted in the filing of two (2) proposed Senate resolutions: Proposed Senate Resolution Nos. 34 and 41, authored by Senators Leila M. De Lima and Maria Lourdes Nancy S. Binay, respectively.

Proposed Senate Resolution No. 34, filed on July 25, 2019, seeks to inquire, in aid of legislation, on the reported closure of the fifty-five (55) Lumad schools for indigenous children in the Davao Region with the end in view of crafting legislation to protect the children’s rights to education as well as their rights as indigenous peoples pursuant to UNDRIP and Republic Act No. 8371, otherwise known as the “Indigenous People’s Rights Act of 1997”.<sup>2</sup>

Proposed Senate Resolution No. 41, filed on July 29, 2019, seeks to direct the appropriate Senate Committees to conduct an inquiry, in aid of legislation, on the government’s long-term plan of action on the displaced students of the fifty-five (55)

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<sup>1</sup> Reysio-Cruz, Matthew. *DepEd shuts down 55 'lumad' schools*. Philippine Daily Inquirer. (July 15, 2019). Retrieved from: <https://newsinfo.net/1141670/deped-shuts-down-55-lumad-schools>

<sup>2</sup> De Lima, Proposed Senate Resolution No. 34, p. 3.

schools for indigenous children temporarily suspended by the DepEd, with the end in view of enacting legislative measures addressing the plight of displaced students.<sup>3</sup>

### **III. COMMITTEES' ACTION**

Proposed Senate Resolution No. 34, authored by Senator De Lima, was primarily referred to the Committee on Cultural Communities and secondarily to the Committee on Basic Education, Arts and Culture during the July 30, 2019 plenary session.<sup>4</sup>

Proposed Senate Resolution No. 41, authored by Senator Binay, was primarily referred to the Committee on Cultural Communities and secondarily to the Committee on Basic Education, Arts and Culture during the July 31, 2019 plenary session.<sup>5</sup>

The Committee referrals gave the Committee on Cultural Communities jurisdiction to conduct the initial public hearing on August 27, 2019 followed by another public hearing on January 22, 2020.

The first public hearing was called in order for the National Security Council (NSC), the National Commission on Indigenous Peoples (NCIP), and the Department of Education (DepEd) to shed light on the issues surrounding the reported closure of the subject Lumad schools.

The attendees in the first public hearing were Secretary Hermogenes Esperon of the NSC; Secretary Allen Capuyan of the NCIP; Undersecretary Tonisito C. Umali, Undersecretary Nepomuceno A. Malaluan, Undersecretary Josephine Maribojoc, and Assistant Secretary Alberto Escobarte of DepEd; Dr. Evelyn Fetalvero, Mr. Roy

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<sup>3</sup> Binay, Proposed Senate Resolution No. 41, p. 1.

<sup>4</sup> Journal of the Senate, dated July 30, 2019, p. 115.

<sup>5</sup> Journal of the Senate, dated July 31, 2019, pp. 138-139.

Enriquez, and Atty. Alvin Ortiz of DepEd–Regional Office XI (DepEd-RO XI); Mr. Rosenan Almonte of NCIP; Datu Awing Apuga of the Ata Manobo Tribe in Talaingod, Davao del Norte; Datu Joel Dahusay of the Matigtalomo-Manobo Tribe in Talaingod, Davao del Norte; and Bai Magdalena Ilagan, former student at Tribal Filipino Program, Surigao del Sur and former volunteer teacher of the Salugpongan Ta’ Tanu Igkanogon Community Learning Center, Inc.

On September 20, 2019, the Assistant Regional Director and OIC of DepEd Region XI approved the recommendation of the Fact Finding Committee for the closure of the private schools operated by the Salugpongan Ta’ Tanu Igkanogon Community Learning Center, Inc. (Salugpongan). This was received by the representative of Salugpongan on October 7, 2019.<sup>6</sup>

The second public hearing was called in order for the NSC, NCIP, and DepEd to give an update on the status of the 55 Lumad schools. The attendees in this public hearing were Secretary Hermogenes Esperon of NSC; Secretary Allen Capuyan of NCIP; Undersecretary Tonisito Umali of DepEd; Commissioner Norberto Navarro and Engr. Katherine Gullunan of NCIP; and Dr. Evelyn Fetalvero and Mr. Jenielito S. Atillo of DepEd– RO XI.

#### **IV. ISSUES**

The legislative inquiry focuses on how the Lumad children can have access to quality education following the curricula prescribed by DepEd and retaining the values of nationalism and patriotism.

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<sup>6</sup> Official Statements of the Department of Education. *DepEd Assures the Public that the Rights of Children are Protected*. Retrieved on March 4, 2020 from <https://www.deped.gov.ph/2019/10/20/deped-assures-the-public-that-the-rights-of-children-are-protected/>

The following issues need clear-cut answers:

1. What will happen to the Lumad school children in the event of a permanent closure of their 55 Lumad schools?
2. What is the long-term plan of action of the government with regard to access to education for all children geographically located in isolated and disadvantaged areas?
3. How can DepEd fill the policy gap in terms of providing educational personnel and facilities in geographically isolated and disadvantaged areas of the country?
4. What are the legislative measure/s necessary to enhance the protection of the right to education of children located in isolated and disadvantaged areas?

## **V. DISCUSSION**

- **August 27, 2019 Public Hearing**

On the query of Senator Imee Marcos on the present situation of the 55 Lumad schools, DepEd Undersecretary Malaluan reported that the operation of the aforementioned schools was under suspension pending the submission to DepEd of the needed requirements to resume operation.

DepEd Undersecretary Malaluan admitted that although it is the commitment of DepEd to provide accessible education to all, the Department does not prohibit private groups in putting up of schools. He added that DepEd is now addressing the policy gap in accessing education in geographically isolated and disadvantaged areas (GIDA) through the launching of the Program called "Last Mile Schools" in relation to

Department Order No. 42, Series of 2004, entitled "*Guidelines on the Recognition of Private Learning Institutions Serving Indigenous Peoples Learners*".

Secretary Hermogenes Esperon remarked that although the rights and protection of children are stipulated in various international norms and Philippine laws such as the United Nations Convention on the Rights of the Child, Optional Protocol of the Involvement of Children in Armed Conflict, and in Republic Act No. 11188, otherwise known as the "Special Protection of Children in Situations of Armed Conflict Act", the activities and teachings being provided by the Salugpongan in Region XI are different from what the Government has prescribed. Such violations were attested by the joint statement of the Mindanao Indigenous Peoples Council of Elders and Leaders.

Undersecretary Malaluan clarified that only one of the 55 Lumad schools was conferred full recognition while the rest were only given permit to operate. He explained that the permit to operate has a validity of one (1) year subject to renewal based on the review to be conducted by DepEd.

Secretary Capuyan of the NCIP narrated the history of the Salugpongan schools in the Davao Region. He stated that the Salugpongan has five (5) phases: Phase 1 is the setting up of Salugpongan by Datu Guibang as an alliance of IP leaders in Davao del Norte, Davao City, and Bukidnon to protect the ancestral domain in the region. The aforementioned Salugpongan was converted into a people's organization headed by a left-leaning leader and later on was registered at the Securities and Exchange Commission (SEC); Phase 2 was the conversion of the Salugpongan into a non-government organization (NGO); Phase 3 was the conversion of the Salugpongan into a hideout of Organs of Political Power Party; Phase 4 was the conversion of the Salugpongan into schools; and Phase 5 was the conversion of the Salugpongan into an international organization with the purpose of raising funds.

Secretary Capuyan attested that the Salugpongan school that was created are not for the ordinary IP children but for the children of the Party-members (Organs of Political Power Party). He further commented that the tribes had passed a resolution prohibiting DepEd in entering any Salugpongan schools without the permission of the IP community.

Secretary Capuyan further stated the seventeen (17) major atrocities of the Communist Terrorist Groups (CTGs) consisting of the Communist Party of the Philippines (CPP), New Peoples Army (NPA), and National Democratic Front (NDF) against the indigenous cultural communities/indigenous peoples (ICCs/IPs),<sup>7</sup> to wit:

1. For supplanting the traditional leaders and replacing these leaders with the revolutionary ones as the CNN (CPP-NPA-NDF) Central Task for the IPs;
2. For murdering almost a thousand IP leaders from the 1980s for resisting the NPA. Two of the most glaring of these atrocities were the Rano Massacre in Davao del Sur and the murder of Mayor Jose Libayao in the presence of his family, community, and foreign donors in the Tribal Municipality of Talaingod, Davao del Norte;
3. For making the ancestral domain as CTGs guerilla base, CTGs guerrilla zone, and battle ground without the ICCs/IPs Free and Prior Informed Consent (FPIC). This resulted with the IP community being caught in the crossfire. It was the demise of the community's tranquility and peace, which they enjoyed for 40 years;

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<sup>7</sup> Documents submitted by Secretary Allen Capuyan of the National Commission on Indigenous Peoples (NCIP) to the Committee on Cultural Communities during the August 27, 2019 public hearing.

**Committee Report on P.S. Res. Nos. 34 and 41**

***(Inquiry, in aid of legislation, on the reported closure of 55 Lumad schools in the Davao Region)***

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4. For collecting CTGs revolutionary taxes from the farm produce, livestock, sari-sari stores, habal-habal transport, among other things, of the ICCs/IPs;
5. For setting up informal schools for elementary and secondary education in the different ancestral domains in Mindanao. The CTGs use the schools to radicalize children by teaching communism and how to become NPAs. They even send the children to the NPA units for exposure;
6. For agitating and deceiving several IP leaders and members with false promises aimed for them to go on "*Bakwit*" from their ancestral domain to the town centers or cities like Haran in Davao City and thereafter preventing them from going back. Likewise, bringing IP youth and students to join "*Manilakbayan*", which is a series of demonstrations against the government;
7. For bringing the IP young leaders with high intelligent quotient (IQ) in the tertiary schools as scholars. These schools are managed by communist organizations, thus, radicalizing the minds of our future IP generations and destroying our culture;
8. For designating IP leaders as heads of the Organs of Political Power (OPP) Revolutionary Justice System, which is clearly a Kangaroo Court, devised to decides who are the IP leaders and members to be killed;
9. For converting some of the IP communities as prison/confinement area of their brethren IPs;
10. For subverting the name "*Bagani*" whose main purpose is to protect their brethren IP but the CPP-NPA-NDF used it as a name of the NPA unit to kill their brethren IPs and attack government security forces, and thus, putting the entire ICCs/IPs in bad light;

11. For occupying ancestral domains and private communal property which the government recognizes without the FPIC of the IP community;
12. For encroaching the IP's rights of suffrage by only allowing candidates, who paid the Permit to Campaign and Permit to Win, to enter the ancestral domain;
13. For collecting revolutionary taxes from mining and logging companies or similar businesses in the ancestral domain more than what the ICCs/IPs should receive as royalty thereby getting most of the rightful share. The CPP-NPA-NDF only fought for the IP rights if the companies do not pay the CPP-NPA-NDF;
14. For burning construction equipment in the ancestral domain thereby delaying and even stopping significant infrastructure projects of the government, thus, preventing the delivery of goods and services to the far-flung communities;
15. For organizing the people's organizations of the ICCs/IPs at Mindanao level, provincial level, and regional level thru deceit and lies to support the NDF, BAYAN, and the five (5) Regional Party Committees all over Mindanao;
16. For using the ICCs/IPs in ruining the image of the Philippine Government in the eyes of the world by orchestrating international solidarity works and by projecting lies contrary to the real situation and issues of the country; and
17. CTGs recruitment and programs on IP youth (alternative school) resulting to molestation and sexual exploitation.



On the query of Senator Marcos regarding the renewal of the permit to operate for the Salugpongan schools despite the absence of some documentary requirements, Secretary Capuyan informed the Committee that DepEd personnel do not have the expertise on the security implications of the Salugpongan schools, hence, the annual issuance of permit to operate by DepEd. He clarified that it was the previous administration who annually issued the permits to operate and that the current administration has not issued any permit to operate for these schools. He commented that the IP students from the Salugpongan cannot transfer to other schools because of the lack of the DepEd-assigned Learners Reference Number (LRN).

DepEd Regional Director (RD) Evelyn Fetalvero narrated the difficult situation her regional office is facing every time her team will make a monitoring visit to these schools. Her office needs to request assistance from the military for the security of the DepEd personnel and to seek permit from the IP community elders for them to enter the community and inspect the Salugpongan. Due to these situations, the Salugpongan schools were able to prepare for the DepEd visit by recruiting other IP learners from the nearby IP communities, such as Arakan in North Cotabato, in order to satisfy the required number of IP learners for the school to be allowed by DepEd to operate.

DepEd Assistant Secretary Alberto Escobarte, former Regional Director of DepEd-RO XI, collaborated the statements of RD Fetalvero. He added that the Salugpongan had complied with the requirements set by DepEd per Order No. 21, series of 2014 (Guidelines on the Recognition of Private Learning Institutions Serving Indigenous Peoples Learners) in applying every year for temporary permit. He further added that DepEd annually grants Salugpongan permit to operate in order to legitimize the operation of the schools and for the IP learners to have access to education notwithstanding the remoteness of their areas. He affirmed that the government does

not provide funds to the Salugpongan because these are considered private schools funded by international organizations.

However, Assistant Secretary Escobarte had observed the set-up of the Salugpongan wherein the parents of the IP learners are living around the school. He commented that only a small percentage of the funds from international organizations are being allocated to the school and the remaining percentage are being funded for the NPA.

The statement of Datu Awing Apuga, a former student at Salugpongan, is crucial and informative on the real situation at Salugpongan: <sup>8</sup>

**THE CHAIRPERSON (SEN. MARCOS).** *Pwede natin marinig iyong ating mga estudyante? Pwede kayong magkwento rin? Baka naman maidadagdag ninyo iyong karanasan ninyo.*

**MR. APUGA.** *Magandang umaga, ma'am.*

**THE CHAIRPERSON (SEN. MARCOS).** *Good morning.*

**MR. APUGA.** *Ito pong Salugpongan, ma'am, talagang gustonggusto ko po talaga ito na hindi suspension lang kung hindi doon sa amin demolish ang ginagawa namin, ma'am. Dahil demolish na ang ginagawa namin doon sa amin, iyong mga paaralan na naipatayo namin noon, sinisira na namin dahil po doon sa alam na namin ang katotohanan na talagang--na galit na galit kami dahil ang tribu naming ginagamit na nila para gawin na mga aktibista, gawin nila na mga kumander ng NPA. Ni-recruit talaga iyong mga estudyante. Ang karamihan sa estudyante ng Salugpongan, ma'am, nandoon na talaga sa mga kagubatan, hawak na ng NPA iyong mga kabataan. Mga menor de edad pa, nag-edad pa ng 15 years old hanggang ngayon. At iyong mga pamangkin ko--*

**THE CHAIRPERSON (SEN. MARCOS).** *Ikaw ba ni-recruit bilang anak ni Datu Guibang? Ni-recruit ka ba?*

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<sup>8</sup> Transcript of Stenographic Notes, August 27, 2019, pages 36-41

**MR. APUGA.** *Oo, ma'am. Noong nag-aral ako sa Salugpungan school, simula five years old ako. Nag-aral ako, ang tinuturo sa akin, kung ano ba iyong--una, tinuruan akong magbasa at magsulat, tapos bago kami kumain ng tanghalian maggapang-gapang muna kami. So, ganoon ang tinuturo. Sunod, paglaki ko, nag-edad na ako ng seven years old, naghawak na kami ng baril, hindi pa iyong totoong baril, di bomba--anong tawag iyon sa tagalog. Di bomba.*

**THE CHAIRPERSON (SEN. MARCOS).** *Airgun.*

**MR. APUGA.** *Oo, airgun. So, iyon ang pina-practice namin, ma'am. Mag-target shooting kami, maglagay ng 15 meters na papel, bilugan, tapos doon sa gitna tatamaan. Kung sino ang makatama doon sa gitna, iyon ang mas mataas ang grade sa eskuwelahan namin. So, nag-edad na ako ng 10 years old, may hawak na ako ng M16. M16 na ang ginagamit namin na nagtarget shooting doon sa paaralan namin.*

**THE CHAIRPERSON (SEN. MARCOS).** *Pero maliit ka pa noon, hindi ba, kung five years, seven years old. Buhay pa iyong papa mo?*

**MR. APUGA.** *Buhay pa. Hanggang ngayon buhay pa, ma'am.*

**THE CHAIRPERSON (SEN. MARCOS).** *Ano ang sabi ni Datu Guibang sa nangyari sa Salugpungan?*

**MR. APUGA.** *Akala namin, ma'am, ang sabi noon nila sa mga NPA na sila daw ang galing sa gobyerno na tutulong sa amin. So, naniniwala agad dahil po sa walang pinag-aralan iyong mga magulang namin. So, naniniwala sila na akala nila na iyon na ang tutulong sa amin. So, noong maliit pa ako, ma'am, sa totoo ma'am, hinahatid talaga ako ng tatay ko doon sa kampo ng mga NPA, sa eskuwelahan dahil gusto ng tatay ko na makabasa at makasulat. So, iyon talaga. Akala ko din, ma'am, na ganoon talaga ang ituturo pag mag-aral ka. So, noong 10 years old ako, ma'am--*

**THE CHAIRPERSON (SEN. MARCOS).** *Hindi ka nagduda na iba na iyong ginagawa. Kinabahan ka at ano ang ipinapagawa sa iyo na nagdududa ka na, iba na ito. Hindi na read and write. Hindi na iyong--*

**MR. APUGA.** *Dahil po doon, ma'am, doon na kami nagdududa na 19 sitios kami doon sa amin, iyong mga ibang sitio na nagpunta na doon sa Davao, lahat sila, kasali iyong mga bata, mga magulang nila, kasali na doon sa--nagkampo na doon sila sa Haran. Doon na sila nagkakampo, mga tatlong taon sila doon, hindi na nakabalik doon sa kanilang mga community. So ang nailabas doon sa mga balita na nakinig namin na militarized daw, sabi nila,*

*mini-militarize daw, binobomba daw ang eskuwelahan, na doon sa amin, wala naman, hindi naman totoo iyon. Tapos nang nalaman ko na nakapunta sila dito ng Maynila, noong Manilakbayan 2015, sabi ko, ma'am, "Kailangan ko magpunta ako doon kasi gusto kong makapunta ng Maynila," sabi ko. Pumunta agad ako doon sa Davao. Tapos doon ako tinuruan, ma'am. Tinuruan ako na mag-doktor doon sa loob ng kampo ng Haran, doctor, ako ang tagapagpalakas sa kanilang mga kalooban para ihikayat sila na magsapi ng NPA. So doon na ako nag-lecture ng PADEPA sa loob ng Haran—Pambansang Demokratikong Paaralan. So ang PADEPA kasali na iyon doon sa pinag-aralan ko doon sa paaralan ng Salugpungan, ma'am. Doon ko iyan natutunan, na hindi pala ang mga matatanda na ang may karapatan na magsabi ng issues ng buong Pilipinas. May karapatan pala iyong mga kabataan. Doon ko nalaman na iyong tinuturo sa akin, walang tinuturo sa akin na hindi pang anti-government. So ang lahat na tinuturo sa akin—kahit iyong Nescafe lang, isang stick ng Nescafe lang, sinabihan kami na hindi na kayo magbili ng Nescafe dahil hindi sa atin iyon ang buwis, hindi magbigay ng buwis sa atin. Ang bilhin lang natin iyong Pilipinas na kape kasi nagbibigay ng buwis sa atin. Doon ko nalaman na "Ah, iba pala itong pinapasukan namin na ano, malaking labanan pala ito." So doon na namin nalaman, ma'am, na grabe, marami na iyong mga kabataan—*

**THE CHAIRPERSON (SEN. MARCOS).** *Nasabak ka ba sa tunay na labanan?*

**MR. APUGA.** *Oo, ma'am. Wounded ako, ma'am, kasi nag-edad ako na 15, na-wounded na ako, ma'am.*

**THE CHAIRPERSON (SEN. MARCOS).** *Ano iyon, engkuwentro?*

**MR. APUGA.** *Doon sa amin, ma'am.*

**THE CHAIRPERSON (SEN. MARCOS).** *Si Senator Binay yata may tanong din.*

**MR. APUGA.** *Ma'am, gusto ko pang ikuwento, ma'am, noong nag-aral kami, 64 kami, paglaki namin, nagiging team leader na ang mga kasama namin, ako naman nagiging squad leader ako. Squad leader ako ng NPA. Tapos ang iba, iyong mga kababaihan, nagging teacher sila sa mga iba-ibang sitio. At ang itinuturo din nila iyong natutunan namin doon sa loob. Kung ano iyong tinuturo nila sa amin, iyon din ang tintuturo namin sa mga kabataan. Iyong paglaki ng mga bata, wala talagang ibang mapuntahan kungdi magsali ng grupo ng NPA at maging mga aktibista sila."*

Datu Apuga further attested to his experience in the Salugpongan<sup>9</sup>:

**MR. ESPERON.** *And then Datu Awing can further attest to the number of—kung ilan na ba iyong dumaan sa iyo na nakilala mong pumasok sa NPA, estudyante.*

**MR. APUGA.** *Mga ano na, mga 350.*

**MR. ESPERON.** *Three hundred fifty?*

**MR. APUGA.** *Three hundred fifty. So iyong—*  
**VOICE.** *[Off-mike] Students from--*

**MR. APUGA.** *Ang galing po dito sa Ateneo, marami na po, mga 50. Iyong nakita ko lang doon sa amin, sa grupo. Noong squad leader na ako, marami iyong mga estudyante na galing sa Davao na mga estudyante.*

**MR. ESPERON.** *Iyong mga nag-aaral ba sa isang Salugpungan school, taga-doon o may mga taga-ibang lugar?*

**MR. APUGA.** *May mga taga-Arakan--*

**MR. ESPERON.** *Cotabato?*

**MR. APUGA.** *Oo, Cotabato. Kahit saan-saan lang—hindi ko na nga alam kung saan nanggaling iyong iba. Marami iyong hindi naming alam saan galing. May mga Bisaya na nag-aral doon, hindi namin alam kung saan sila galing kasi iyong mga estudyante, hindi nila sinasabi iyong totoo nilang mga pangalan.*

**THE CHAIRPERSON (SEN. MARCOS).** *Okay. So maraming bata talaga.*

**MR. APUGA.** *Marami.*

The statement of Bai Magdalena Ilagan affirmed the statement of Datu Apuga<sup>10</sup>:

**THE CHAIRPERSON (SEN. MARCOS).** *Si Bai Magdalena, iba naman iyong sistema para sa girls, sabi mo, nagiging guro. Papaano naman? At*

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<sup>9</sup> Transcript of Stenographic Notes, August 27, 2019, pages 48-49

<sup>10</sup> Transcript of Stenographic Notes, August 27, 2019, pages 49-53.

*saka may very serious allegation si Chairman Capuyan na nagkakaroon pa ng rape ng mga minors. Totoo po ba iyon? Sige, Bai Magdalena.*

**MS. ILIGAN.** *Good morning, ma'am. Ako naman po, nag-aral ako sa TRIFPSS. Una akong nag-aral, ma'am sa Agusan, Purok Nuwebe. Iyong school namin, ma'am, iyong tapat, doon iyong mga NPA nagkampo. May mga ano nila doon, baboy, mga manok. So doon kami pumupunta palagi. Iyong nasarado naman, ma'am, pinasarado sa mga datu namin, lider, nilipat iyong school sa Surigao, iyong tinatawag, "TRIFPSS (Tribal Filipino Program, Surigao del Sur). Doon ako, ma'am, tinuturuan na mag-assemble ng baril, tinuturuan ako ng medic, iyong maggawa ng acupuncture.*

**THE CHAIRPERSON (SEN. MARCOS).** *Kailan ka tinuruan na magbaklas ng baril, magbaril, iyong mga may kinalaman sa baril, ilang taon ka noon?*

**MS. ILIGAN.** *Ma'am, 12. Naging NPA ako, ma'am, 13, nag-full time ako na NPA. Kasi po, ma'am, gusto kong lumipat ng school sa DepEd, hindi ako tinanggap kasi wala akong card.*

**THE CHAIRPERSON (SEN. MARCOS).** *Iyong problema na naman ng card.*

**MS. ILIGAN.** *Oo. Nagpunta ako sa region, hinanap ko iyong pangalan ko, hindi ko nakita.*

**THE CHAIRPERSON (SEN. MARCOS).** *So ano ang ginawa ninyo? Di wala ka ng card, paano mo—nakapagpatuloy ka ba ng eskwela o hindi?*

**MS. ILIGAN.** *Hindi po, ma'am. Elementary, naging—kami lahat na mga estudyante, ma'am, sa TRIFPSS, naging NPA kami lahat.*

**THE CHAIRPERSON (SEN. MARCOS).** *Okay.*

**MS. ILIGAN.** *Una, mag-rally kami, sama-sama kamngi magrally. Sa Manila nakapunta kami. Iyong mga kasamahan namin na mga estudyante, ma'am, iba-ibang barangay, hinahakot nila doon.*

**THE CHAIRPERSON (SEN. MARCOS).** *Ilang taon kayo noong naging full-time na NPA kayo na nagra-rally, et cetera?*

**MS. ILIGAN.** *Thirteen ako, ma'am. Iyong kasamahan ko may 15.*

**THE CHAIRPERSON (SEN. MARCOS).** *Okay.*

**MS. ILIGAN.** *Iyong sabay kami pumunta sa bundok, ma'am, mga 15 kami.*

**THE CHAIRPERSON (SEN. MARCOS).** *Nag-aral kayo na humawak at magbaklas ng baril, nadali ba kayo sa engkuwentro? Nagkaroon ba ng putukan na kasama kayo?*

**MS. ILIGAN.** *Opo, ma'am. May kasama pa namin na nanggaling sa UP na naka-uniform pa siya ng UP, namatay doon sa bundok, nilibing namin. At saka pag nag-rally kami, ma'am, may kasama kaming mga madre. Ang aming madre na pangulo si Sister Babis at saka Sister Jan.*

**THE CHAIRPERSON (SEN. MARCOS).** *Sino iyon, mga foreigner o Filipino?*

**MS. ILIGAN.** *Hindi, Filipino iyong si Sister Babis at saka si Sister Jan, kasama namin mag-rally. Pag nagpunta sila sa bundok, ma'am, NPA ang magsalubong sa kanila doon sa aming paaralan.*

**THE CHAIRPERSON (SEN. MARCOS).** *Paano kayo kumalas? Paano ka nakalibre sa NPA, kayo nina Datu Awing?*

**MS. ILIGAN.** *Nakatakas, ma'am?*

**THE CHAIRPERSON (SEN. MARCOS).** *Oo. Paano kayo nakalayo, umalis doon?*

**MS. ILIGAN.** *Kasi po, ma'am, ganito.*

**THE CHAIRPERSON (SEN. MARCOS).** *Tumakas ba kayo?*

**MS. ILIGAN.** *Yes, ma'am, tumakas ako.*

**THE CHAIRPERSON (SEN. MARCOS).** *Paano?*

**MS. ILIGAN.** *Kasi po, ma'am, ako, 2016 na ako bumaba, tumakas. Iyong nandoon pa ako sa loob, ma'am, nakita ko iyong uncle ko na pinatay ng NPA kaya naisipan ko na bumaba. Sabi ko, iyong napasukan ko na grupo pala, ma'am, mali kasi kahit doon ka sa kanila, kung sabihin nila na patayin iyong uncle mo, mga kapatid mo, wala kang magawa. So naisipan kong bumaba, ma'am. Nasabi ko, "Wala namang kasalanan sa akin iyong gobyerno."*

**THE CHAIRPERSON (SEN. MARCOS).** *Hindi ka pinagbawalan?*

**MS. ILIGAN.** *Bawal talaga, ma'am. Pag NPA ka, bawal talaga tumakas, ma'am.*

**THE CHAIRPERSON (SEN. MARCOS).** *Bawal umalis?*

**MS. ILIGAN.** *Oo, bawal kang umalis.*

**THE CHAIRPERSON (SEN. MARCOS).** *Pero hindi ka naman hinadlangan, basta umalis ka na lang basta?*

**MS. ILIGAN.** *Hindi, hahadlangan ka talaga, ma'am. Pag nahuli ka, patayin ka talaga nila pag tumakas ka.*

**THE CHAIRPERSON (SEN. MARCOS).** *Pero nakalusot ka lang?*

**MS. ILIGAN.** *Opo, ma'am, kasi—doon na ako nagtatrabaho sa ligal. Ako iyong nagbibili ng mga supply nila, ako iyong kumukuha ng revolutionary tax sa mga kompanya, sa mga carabao, mga chainsaw, mga tindahan, mga maliliit na—Kasi doon—*

**THE CHAIRPERSON (SEN. MARCOS).** *Ano ang ibig mong sabihing "Nagtrabaho ka sa ligal?"*

**MS. ILIGAN.** *Iyong trabaho ko, ma'am, magbili ng mga supply nila.*

**THE CHAIRPERSON (SEN. MARCOS).** *Bumaba ka sa bundok?*

**MS. ILIGAN.** *Oo, bumaba ako.*

**THE CHAIRPERSON (SEN. MARCOS).** *So hindi ka na kasali doon sa mga lumalaban? Tapos, ano'ng ginawa mo? Paano ka nagtrabaho sa ligal, bumalik ka sa school, ganoon?*

**MS. ILIGAN.** *Hindi po. Bumalik ako sa community namin, ma'am, pero hindi alam ng mga sundalo na nag-ano pa ako sa NPA.*

**THE CHAIRPERSON (SEN. MARCOS).** *So bumalik ka na lang sa tribu, parang ganoon?*

**MS. ILIGAN.** *Opo, ma'am, labas-pasok ako, ma'am, doon sa NPA.*



A video was presented during the public hearing, displaying a Salugpongan student singing a national anthem taught in the Salugpongan which is different from the official national anthem of the country.

Datu Joel Dahusay, also a former student and volunteer teacher at the Salugpongan, reaffirmed the statements of Datu Apuga and Bai Magdalena Ilagan<sup>11</sup>:

**MR. DAHUSAY.** *Salamat po, ma'am. Magandang umaga. Para sa lahat, gusto po akong magpakilala. Ako si Joel Dahusay. Nakapag-aral po ako, ma'am, sa University of South Eastern Philippines. Then habang nag-volunteer teacher ako doon sa aming lugar, nag-Sunday school po ako doon sa Panabo City sa DNSC, sa Davao del Norte State College. Then nakapagtapos ako sa BPA, nag-aral naman ako, ma'am, ng CPE, iyong Certificate on Pre-school Education. Then habang nagtuturo ako, ma'am, bilang isang volunteer teacher noong 2009 to 2012. Na-observe ko na iyong eskwelahan ng Salugpongan kung ano iyong tinuturo nila. Iyong Salugpongan, sa totoo, ma'am, hindi sila sumunod sa curriculum ng DepEd. Iyong sinabing 1997, doon sila nagsimula pero ano ang ginagawa ng mga teacher? Dahil hindi din sila nakapag-board exam, mayroon ding mga undergraduate na kinumbinsi ng mga kaliwa na magturo doon sa bundok kasi iyong motibo nila para daw magturo ng mga katutubo. Pero nagtaka ako kung bakit tumakbo sila pag may operation iyong military. Pag may operation, sabay-sabay silang bumaba doon sa Davao, sa Arakan, sa Surigao para mag-rally na stop Lumad killing, militarization daw, ganoon ang nangyari.*

*So habang nagtuturo ako, hindi ako kumuha ng sahod doon sa kaliwang grupo at hindi din ako lumapit doon sa gobyerno kasi, alam mo, ma'am, pag lumapit ka doon sa gobyerno, tatawagin ka nila na tribal dealer. Pag lumapit ka sa military, tatawagin ka nila na paramilitar. Kung lumapit din ako doon sa mga NPA, hahabulin din ako ng military. So saan ako magtakbo?*

*So ginagawa ko, naging neutral iyong pagturo ko pero, sabi ko, dapat i-legalize ko itong pagturo ko. So nagpunta ako doon sa barangay namin sa Barangay Palma Gil. Nagpasa ako ng sulat. Nagpunta din ako sa munisipyo namin sa Talaingod. Then in-absorb ako ng MSWDO as a day care teacher, ma'am, kahit hindi ko gusto. Pero sabi ng head department namin na,*

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<sup>11</sup> Transcript of Stenographic Notes, August 27, 2019, pages 54-61.

*"Kailangan mo talagang magturo kasi tribu mo iyan. Kung gumamit tayo ng mga worker ditto sa baba ay hindi talaga nila kaya dahil maraming NPA doon sa inyong lugar. Takot sila. Kasi iyong doktrina talaga ng NPA, ma'am, doon sa lugar namin ay lahat ng ahensiya ng gobyerno napapasok doon sa Salugpungan-Ta Tano Iganohon Community Center, hahadlangan nila at pwedeng dakipin kung sino iyong head nila at papuntahin doon sa bundok. Ang maaari po doon, ma'am, ay pwedeng makasama ka din sa kanila kasi ikaw na din mismo iyong dodoktrinahan. Pero sa akin, ma'am, dahil nakapag-aral ako na gobyerno talaga, sabi ko, "Ayaw kong magpalinlang dito kasi kawawa iyong mga kabataan na tinuturuan ng mali. Tinuturuan nila ng hindi maganda." Akalain mo, ma'am, walang kamay-malay iyong mga bata na ginagamit pala sila. Maraming mga foreigner nagpunta doon sa kabundukan para lang kumuha ng mga picture ng mga kabataan. Iyon pala ay pinadala nila doon sa ibang bansa para maghingi ng tulong. Pero ang tanong, nasaan iyong tulong?"*

*Kung mayroon mang tulong, sila lang iyong makabenipisyo, hindi iyong mga tribu. Alam na nila na parang in-absorb ako ng munisipyo, nagkaroon po ako, ma'am, ng sahod na P5,000 per month kasi JO ako. So pinatawag nila ako, ma'am, ba't lumapit daw ako doon sa gobyerno na iyon ang pinagbawal nila. Sabi ko, "Hindi maganda ang ginagawa ninyo. May karapatan din akong magturo sa tribu ko kasi isa din akong tribu. Nakasaad din doon sa IPRA. At kung dito tayo sa DepEd, nabasa ko doon sa gate nila na iyong Education for All, iyong freedom of education. So may karapatan din ako. Bakit kayo iyong maghadlang sa akin na hindi kayo tribu?"*

*So sabi nila, "Itigil mo na iyong ginagawa mo. Mas mabuti pa, kung gusto mo talagang magturo, dito ka na lang sa amin. Bibigyan kita ng 1,000 kada buwan at may dalawang salmon na bigas iyong pabaon sa akin. I-budget ko lang iyon ng isang buwan."*

*So sabi ko, "Paano ako, Kumander, maka-sustain nito na ang liitliit ng bigay ninyo sa akin. Iyon ngang 5,000 per month hindi pa kasya kasi may pamilya din ako." Sabi nila, "O, magpakabayani ka! Dapat tulungan mo iyong tribu para sa ikabubuti ng ating grupo." So sabi ko, "Hindi magandang ginagawa ninyo, Kumander. Kung may motibo kayo na ipaglaban ninyo, kung ano ang ipaglaban ninyo, puntahan ninyo iyong Malacañang sa gobyerno, doon kayo magpaliwanag. Bakit kayo dito magpaliwanag na hindi namin alam kung iyong alitan ninyo sa gobyerno?"*

*So sa nasabi kong iyon, ma'am, pitong beses nila akong binaril pero hindi ako natamaan kasi hindi ko man kasalanan na turuan ng maganda, turuan na makapag-aral nang husto iyong mga bata. So para sa akin, ma'am, kung*

*lagi tayong nagdi-discuss tungkol sa Salugpungan, alam ko iyong mga papers na dinadala natin dito ngayon ay walang solusyon iyan. Kasi habang nag-uusap tayo, puro lang debatehan. Mas mabuti pa siguro, puntahan natin iyong bundok, siguro nandoon pa iyong—kasi kabila-kabila lang kami ni Datu Awing, ma'am. Iyong eskwelahan ng dolian, nandoon pa nakatayo pa pero hindi namin pinasira iyong pinaka-main na eskwelahan nila kasi kapag may magbisita na patunayan kung ano iyong tinuturo, nandoon pa iyong library nila doon, ma'am. Nakalagay pa doon iyong mga mukha ng mga dating administrator ng Salugpungan doon sa eskwelahan. Marami pa silang books doon. Parang dini-display lang pero anong ginagawa nila, ma'am. Iyong IBON Foundation lang ang ginagamit nila sa pagtuturo. Kasi doon sa IBON Foundation ay mababasa mo iyong kung anong nilalaman iyong textbook doon na puro lang makikibaka. Iyon ang tinuturo ng mga bata. Kaya pagdating ng panahon ng rally, tingnan mo iyong mga estudyante, kahit attorney pa kayo, hindi kayo match sa doon sa debatehan kasi alam nila. Kasi iyon din ang itinuturo ng kabila doon.*

*At isa pa doon, ma'am, kapag may operation iyong military, iyong mga kumander, iyong mga miyembro ng NPA ay magpunta doon sa eskwelahan, doon sila magtago. Kaya magalit iyong mga teacher doon na bawal magpunta iyong sundalo doon sa eskwelahan. Pag mapuntahan iyong eskwelahan nila, automatic sila tumawag sa radio ni Juan para ikalat doon sa social media na nagha-harass iyong mga sundalo doon sa community. So hindi iyon totoo iyong sinasabi nila para lang umalis.*

*So anong magawa noong mga battalion commander, patawagan kung sino man—*

**THE CHAIRPERSON (SEN. MARCOS).** *Bakit pumupunta iyong sundalo sa eskwelahan? May gulo ba?*

**MR. DAHUSAY.** *Hindi man, ma'am. Kasi—*

**THE CHAIRPERSON (SEN. MARCOS).** *Basta bumibisita lang.*

**MR. DAHUSAY.** *Nakadaan lang sila, ma'am, iyon ang kanilang polisiya.*

**THE CHAIRPERSON (SEN. MARCOS).** *Basta paikot-ikot lang. magpapatrol lang.*

**MR. DAHUSAY.** *Kasi normal naman sa sundalo na magpunta doon. Wala namang gagawin kasi may—kasi iyong sundalo naman—*

**THE CHAIRPERSON (SEN. MARCOS).** *Pero wala naming militarization na itinuturo?*

**MR. DAHUSAY.** *Wala naman, ma'am. Kung mayroong sinasabi silang militarization, sila mismo ang pumapatay sa mga tribal leaders na ayaw sa kanila. Kasi marami na iyong mga na-record sa aming opisina, ma'am, na one thousand plus na iyong mga tribal leaders na pinatay nila na ayaw nilang sumama doon sa kanilang grupo.*

*Mayroon pang hindi na-identify na mga leader na pinatay. Kung alam ninyo, ma'am, sa napanood natin doon sa mga social media, maraming mga parent na nag-claim iyong tungkol sa mga estudyante nila, iyon ang mga namamatay doon sa bundok na hindi na nakauwi doon sa kanilang lugar. Iyong karamihan, ma'am, iyong mga estudyante—"*

Senator Binay aired her concerns, to wit: (1) on the annual issuance of permit to operate by DepEd-RO XI to Salugpongan despite the lack of the Learning Reference Number (LRN) of some students; and (2) on the statement of Datu Apuga that some Salugpongan students cannot transfer to a regular DepEd school due to lack of the LRN.

Undersecretary Umali explained that the basic requirement for the issuance of permit to operate is the list of students enrolled in a particular Salugpongan school and this has been complied with , thus, the issuance of abovementioned permit. He logically presumed that the names of some students were not included in the list submitted to DepEd, hence, the lack of LRN for some students.

Regional Director Fetalvero clarified that DepEd-RO XI only issues permit to operate to Salugpongan upon recommendation by the Quality Assurance Division.

Dr. Roy Enriquez supported the statement of Regional Director Fetalvero. He explained that the issuance of permit to operate is the responsibility of the Regional Office and that the ocular inspection, monitoring, and evaluation of the school are the responsibilities of the Division Office. He explained that during his term as head

of Quality Assurance Division in DepEd-RO XI, he recommended the issuance of permit to operate for the Salugpongan due to its compliance with the requirements pursuant to DepEd Order No. 21, series of 2014.

Undersecretary Malaluan assured the Committee that DepEd Secretary Leonor Briones had given instructions to DepEd-RO XI to accept the Salugpongan transferees to DepEd regular schools near their residences.

Datu Dahusay commended DepEd Secretary Briones for the immediate construction of DepEd regular schools in areas where the suspended Salugpongan are located.

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DepEd Undersecretary Umali reported that with the closure of the 55 Lumad schools, the 1,000 out of the 1,142 Salugpongan learners were absorbed by the sixty-two (62) public schools nearby and that the remaining 142 learners opted to return to their respective provinces.

Secretary Esperon expressed his satisfaction for the immediate action of DepEd in permanently closing the Salugpongan and for the contribution of the local government units in the construction of additional schools.

Undersecretary Umali assured the Committee on the safety of the school teachers while providing education to the displaced IP school children. He also affirmed that Bisaya is the lingua franca being used in teaching the IP children.

Mr. Jenielito Atillo, Chief of Quality Assurance Division of DepEd-RO XI, supported the statement of Undersecretary Umali stating that the teaching personnel being provided by DepEd-RO XI to the IP School children also came from the same tribe.

Secretary Esperon confirmed to the Committee that President Rodrigo Duterte had approved the allocation of Php20 billion for the construction of schools in far-flung areas influenced by the New Peoples Army (NPA) for the year 2020.

## **VI. CONCLUSION**

After a thorough analysis of the statements presented by the various resource persons, the Committee concluded the following:

1. DepEd schools are mostly located in the town proper. The remoteness of the IP communities made it highly improbable for the IP children to attend their classes everyday where DepEd schools are located. Because of the eagerness of the IP children to be educated, the communist groups found a way to infiltrate the community in the guise of teaching personnel and providing them their needed learning facility. At first, IP children were taught to read and write but were later indoctrinated with lessons which are not within the guidelines set forth by DepEd such as how to hold and use firearms and ideologies different from what the government advocates.

The Government, through DepEd, had been remiss to the IP children in providing them learning facilities accessible to their respective areas. The responsibilities of the Government to IPs with regard to education are clearly stated under the 1987 Philippine Constitution. This provision in the Constitution was echoed in Sections 18 of Republic Act No. 7610, otherwise

known as the "*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*" and Sections 25, 28, and 30 of Republic Act No. 8371, otherwise known as the "*Indigenous Peoples Rights Act of 1997*". To state the Sections of the two (2) aforementioned existing laws:

Republic Act No. 7610:

"ARTICLE IX  
Children of Indigenous Cultural Communities

SEC. 18. *System of and Access to Education.* – The Department of Education, Culture and Sports shall develop and institute an alternative system of education for children of indigenous cultural communities which culture-specific and relevant to the needs of and the existing situation in their communities. The Department of Education, Culture and Sports shall also accredit and support non-formal but functional indigenous educational programs conducted by non-government organizations in said communities."

Republic Act No. 8371:

"CHAPTER V  
Social Justice and Human Rights

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SEC. 25. *Basic Services.* — The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the State shall guarantee the right of ICCs/IPs to government's basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure. (underscoring supplied)

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SEC. 28. Integrated System of Education. — The State shall, through the NCIP, provide a complete, adequate and integrated system of education, relevant to the needs of the children and young people of ICCs/IPs. (underscoring supplied)

CHAPTER VI  
Cultural Integrity

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SEC. 30. Educational Systems. — The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State." (underscoring supplied)

2. The Quality Assurance Division under DepEd-RO XI has been lenient in its duties to inspect, monitor, and evaluate private learning institutions, which duties are vital in the recommendation to the Regional Office for the issuance of permit to operate; and
3. The DepEd-RO XI does not have a system to verify the recommendation of the Quality Assurance Division prior to issuance of permit to operate to private learning institutions.

**VII. RECOMMENDATIONS**

After careful considerations of the issues and discussions on the subject matter, the Committee hereby recommends the following:



**Administrative Actions:**

1. Although DepEd has already issued guidelines on the recognition of private learning institutions serving IP learners thru DepEd Order No. 21, series of 2014, the Department should establish a system to verify the accuracy of the number of students listed and the actual attendance in private learning institutions such as the Salugpongan.
2. DepEd should establish a system to monitor regularly the operation of the private learning institutions upon issuance of permit to operate.
3. DepEd should be stringent in the issuance of permit to operate to private learning institutions.
4. DepEd, in coordination with the Armed Forces of the Philippines, Philippine National Police, and other government agencies involved in providing peace and order and national security to the country, should conduct first a background investigation on the members of the governing body of the private learning institutions applying for permit to operate prior to issuance of the aforementioned permit.

**Legislative Actions:**

1. A proposed legislation should be drafted institutionalizing DepEd Memorandum No. 59, s. 2019, prioritizing the development of the last mile schools to reach out and close the gap of those geographically isolated and disadvantaged areas (GIDA) in order to provide learners access to education.

2. Congress should request DepEd for an annual report on the implementation of DepEd Order No. 22, s. 2014 (Implementing Guidelines on the Allocation and Utilization of the Indigenous Peoples Education Program Support Fund) which are being given annually through the General Appropriations Act.
3. Congress should request DepEd for a report on the implementation of DepEd Memorandum No. 59, s. 2019 (Prioritizing the Development of the Last Mile Schools in 2020-2021: Reaching Out and Closing the Gap) which was given a budget for the fiscal year 2020 under Republic Act No. 11465, otherwise known as the "General Appropriations Act of 2020",
4. Propose amendments to Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", such as defining the term "exploitation" by including teaching, indoctrinating, or brainwashing children to commit detrimental and illegal acts such as those committed against the IP children subject of the subject proposed senate resolutions.
5. Amendments to Republic Act 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003". A legislative proposal should be initiated to consider recruitment of children for the purpose of engaging him or her in armed combat as falling within the ambit of "qualified trafficking in person" where a higher penalty is meted out to those who will be held liable.<sup>12</sup>

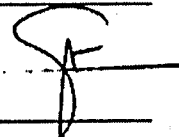
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<sup>12</sup> Committee Report No. 10, jointly prepared and submitted by the Committees on Public Order and Dangerous Drugs; and on National Defense and Security on October 1, 2019, page 37.

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Introduced by Senator Maria Lourdes Nancy S. Bihay

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**RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE GOVERNMENT'S LONG-TERM PLAN OF ACTION ON THE DISPLACED STUDENTS OF THE 55 SCHOOLS FOR INDIGENOUS CHILDREN TEMPORARILY SUSPENDED BY THE DEPARTMENT OF EDUCATION, WITH THE END IN VIEW OF ENACTING LEGISLATIVE MEASURES ADDRESSING THE PLIGHT OF DISPLACED STUDENTS**

WHEREAS, Department of Education (DepEd) Region XI issued an order to temporarily suspend the permits to operate of 55 Lumad schools in Davao Region<sup>1</sup>;

WHEREAS, DepEd Region XI issued the suspension order to the affected Lumad schools based on the recommendation of National Security Adviser (NSA) Hermogenes Esperon, Jr. who alleged that these schools are teaching left-leaning ideologies<sup>2</sup>;

WHEREAS, Education Secretary Leonor Briones, in a press conference, explained that the main reason for suspending the permits to operate of the schools owned by Salugpungan Ta'Tanu Igkanogon Community Learning Centers is that they failed to comply with the requirements set by the DepEd<sup>3</sup>;

WHEREAS, according to DepEd Undersecretary Nepomuceno Malaluan, that while the suspension order was issued to 55 schools, only about 22 schools are affected, for some of these schools have been closed even before the suspension order was issued due to lack of students, among others<sup>4</sup>;

WHEREAS, data from DepEd Region XI showed that at least 1, 142 learners are affected in the 55 schools<sup>5</sup>;

WHEREAS, in an effort to ensure that the displaced learners will continue their studies. DepEd has directed nearby public schools to accept the students<sup>6</sup>;

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<sup>1</sup> Manila Bulletin News Website, DepEd explains suspension of 55 Lumad schools, <https://news.mb.com.ph/2019/07/18/deped-explains-suspension-of-55-lumad-schools/>

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Manila Bulletin News Website, Students displaced by closure of lumad schools will be taken in by other schools – DepEd, <https://news.mb.com.ph/2019/07/19/students-displaced-by-closure-of-lumad-schools-will-be-taken-in-by-other-schools-deped/>

<sup>6</sup> Ibid.

**WHEREAS**, DepEd Undersecretary Atty. Nepomuceno Malaluan cited that part of the order issued by DepEd Region 11 Officer-in-Charge Evelyn Fetalvero was to “ensure that the students shall be accommodated in all nearby DepEd schools<sup>7</sup>;

**WHEREAS**, this directive, Malaluan said, was the same arrangement for learners who were displaced by months-long siege in Marawi City in 2017<sup>8</sup>;


**WHEREAS**, according to the Child Right’s Network, these children are among those who have the least access to schools and in dire need of culturally appropriate institutions that offer free basic education<sup>9</sup>;

**WHEREAS**, there is a need to assess the present policies and mechanisms regarding displaced students;

**WHEREAS**, the national interest requires that the government undertake necessary and appropriate steps to ensure the provision of accessible and quality education to all Filipinos;

**BE IT RESOLVED, AS IT IS HEREBY RESOLVED** to direct the appropriate Senate committees to conduct an inquiry, in aid of legislation, on the government’s long-term plan of action on the displaced students of the 55 schools for indigenous children temporarily suspended by the Department of Education, with the end in view of enacting legislative measure addressing the plight of displaced students.

Adopted,

  
**MARIA LOURDES NANCY S. BINAY**  
Senator

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<sup>7</sup> Manila Bulletin News Website, Students displaced by closure of Lumad schools will be taken in by other schools – DepEd, <https://news.mb.com.ph/2019/07/19/students-displaced-by-closure-of-lumad-schools-will-be-taken-in-by-other-schools-deped/>

<sup>8</sup> Ibid.

<sup>9</sup> Manila Bulletin News Website, Children’s welfare group asks DepEd to lift suspension of 55 lumad schools in Davao, <https://news.mb.com.ph/2019/07/27/childrens-welfare-group-asks-deped-to-lift-suspension-of-55-lumad-schools-in-davao/>

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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**

**DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED CLOSURE OF 55 LUMAD SCHOOLS FOR INDIGENOUS CHILDREN IN THE DAVAO REGION WITH THE END IN VIEW OF CRAFTING LEGISLATION TO PROTECT THE CHILDREN'S RIGHT TO EDUCATION AS WELL AS THEIR RIGHTS AS INDIGENOUS PEOPLES PURSUANT TO THE UNITED NATIONS DECLARATION OF RIGHTS OF INDIGENOUS PEOPLES AND R.A. NO. 8371, OTHERWISE KNOWN AS THE "INDIGENOUS PEOPLE'S RIGHTS ACT OF 1997"**

1           WHEREAS, the 1987 Constitution in Article II, Section 13 states that, "[t]he  
2 State recognizes the vital role of the youth in nation-building and shall promote and  
3 protect their physical, moral, spiritual, intellectual, and social well-being. It shall  
4 inculcate in the youth patriotism and nationalism, and encourage their involvement in  
5 public and civic affairs";

6           WHEREAS, the Constitution also states in Article II, Section 14 that, "[t]he  
7 State shall give priority to education, science and technology, arts, culture, and sports  
8 to foster patriotism and nationalism, accelerate social progress, and promote total  
9 human liberation and development";

10           WHEREAS, the United Nations adopted on 13 September 2007 during its 61<sup>st</sup>  
11 regular session, the Declaration of Rights of Indigenous Peoples (UNDRIP), for which  
12 the Philippines voted in favour;

13           WHEREAS, said UNDRIP states in Art. 14<sup>1</sup>:

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<sup>1</sup> *United Nations Declaration on the Rights of Indigenous Peoples*. Retrieved from:  
[https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP\\_E\\_web.pdf](https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf)

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**Article 14**

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

WHEREAS, Republic Act No. 8371, otherwise known as the "Indigenous People's Rights Act of 1997", Sec. 2(e) thereof, provides that "[t]he State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;"

WHEREAS, Sections 27 and 28 of the same law provides:

**SECTION 27. Children and Youth.** — The State shall recognize the vital role of the children and youth of ICCs/IPs in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. Towards this end, the State shall support all government programs intended for the development and rearing of the children and youth of ICCs/IPs for civic efficiency and establish such

1 mechanisms as may be necessary for the protection of  
2 the rights of the indigenous children and youth.

3 SECTION 28. Integrated System of Education. —  
4 The State shall, through the NCIP, provide a complete,  
5 adequate and integrated system of education, relevant  
6 to the needs of the children and young people of  
7 ICCs/IPs.

8 WHEREAS, it was reported on 15 July 2018 that the Department of Education  
9 (DepEd), through DepEd-Davao regional officer-in-charge Evelyn Fetalvero, issued an  
10 order suspending the permit to operate of 55 schools for indigenous children in the  
11 Davao region operated by Salugpongan Ta' Tanu Igkanogon Community Learning  
12 Center Inc. allegedly for teaching "left-leaning ideologies"<sup>2</sup>;

13 WHEREAS, the order said the schools were being temporarily shut down  
14 because of accusations by National Security Adviser Hermogenes Esperon, Jr. that the  
15 schools deviated from the DepEd curriculum, used children in protests and taught  
16 them "ideologies that advocate against the government" and that same were "serious  
17 enough to warrant immediate action"<sup>3</sup>;

18 WHEREAS, Bayan Muna Rep. Eufemia Cullamat, herself a Lumad and a  
19 Manobo leader, said that it was only right that indigenous people were taught to resist  
20 intrusion by mining and logging companies on their ancestral land that caused  
21 environmental destruction<sup>4</sup>;

22 WHEREAS, Rep. Cullamat further claims that, "[The] DepEd wants the Lumad  
23 not to wake up to realities and to keep them fooled, victimized and deprived of their  
24 rights so it will be easier to rob them of their ancestral land, which is their life";

25 WHEREAS, Lumad schools like the Salugpongan exist as avenues for children  
26 of the IPs (indigenous peoples) to have access to education, despite being in remote

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<sup>2</sup> Reyslo-Cruz, Matthew. *DepEd shuts down 55 'lumad' schools*. Philippine Daily Inquirer. (15 July 2019).  
Retrieved from: <https://newsinfo.inquirer.net/1141670/deped-shuts-down-55-lumad-schools>

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

1 areas. These places have also become alternatives to mainstream institutions that  
2 “tend to downgrade IP culture.”<sup>5</sup>;

3 WHEREAS, DepEd Secretary Leonor Briones claims that “none of the 55  
4 [suspended schools] were issued permits to operate [last year] because they could not  
5 comply with the requirements,” while 11 of the schools have applied for a new permit  
6 to operate for this year”<sup>6</sup>;

7 WHEREAS, the allegations of not having valid and subsisting permits only  
8 came after the schools were suspended following Sec. Esperon’s report;

9 WHEREAS, the report of Sec. Esperon and Sec. Briones echoed President  
10 Rodrigo Duterte’s pronouncement during the press conference after his State of the  
11 Nation Address last year in which he said, “*Bobombahan ko ‘yan. Isali ko ‘yang mga*  
12 *istraktura ninyo. I will use the Armed Forces, the Philippine Air Force. Talagang*  
13 *bobombahan ko ‘yung mga...lahat ng ano ninyo. Because you are operating illegally*  
14 *and you are teaching the children to rebel against government”;*

15 WHEREAS, there is need to ensure that the Lumad children are not deprived  
16 of their right to education because of the ongoing efforts of the government against the  
17 New People’s Army;

18 WHEREAS, there is also need to ensure that the right of the Lumads, as a  
19 recognized IP group in the Philippines, to protect their ancestral lands, as well as their  
20 right to preserve their culture and way of life, are duly considered in determining the  
21 appropriate education for their children;

22 WHEREAS, there is need to isolate the culture-appropriate education of the  
23 Lumads from the so-called “red-tagging” of the government in order to avoid violating  
24 their constitutionally protected rights;

25 WHEREAS, the DepEd must ensure that the access of the Lumad children,  
26 especially those residing in remote areas, are not unduly prejudiced by this suspension  
27 order;

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<sup>5</sup> Galang, Jelou. *Yikes, the DepEd just suspended 55 lumad schools*. Scoutmag.ph (15 July 2019). Retrieved from: <https://www.scoutmag.ph/issues/yikes-the-deped-just-suspended-55-lumad-schools-jeloug-20190715>

<sup>6</sup> *Lumad schools suspended over ‘recycled lies, unverified reports,’* Karapatan says. Philippine Star (16 July 2019). Retrieved from: <https://www.philstar.com/headlines/2019/07/16/1935179/lumad-schools-suspended-over-recycled-lies-unverified-reports-karapatan-says>



1           RESOLVED BY THE SENATE, as it hereby Resolved, To direct the proper  
2 Senate committee to conduct an inquiry, in aid of legislation, on the reported closure  
3 of 55 Lumad schools for indigenous children in the Davao region with the end in view  
4 of crafting legislation to protect the children's right to education as well as their rights  
5 as indigenous peoples pursuant to the United Nations Declaration of Rights of  
6 Indigenous Peoples and R.A. No. 8371, otherwise known as the "Indigenous People's  
7 Rights Act of 1997."

Adopted,

  
LEILA M. DE LIMA