

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



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SENATE
P.S. RES. No. 280

RECEIVED BY:

Introduced by Senator Robinhood Padilla

RESOLUTION

DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES AND MUSLIM AFFAIRS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON WHETHER THE RIGHT TO STAY IN THE TERRITORIES UNDER REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLE'S RIGHTS ACT (IPRA) OF 1997, WAS COMPLIED WITH IN THE RELOCATION OF THE TEDURAY TRIBE AND POSSIBLY AMENDING REPUBLIC ACT NO. 8371

1 WHEREAS, the State recognizes and promotes the rights of indigenous
2 cultural communities within the framework of national unity and development
3 (Section 22, Article II of the 1987 Constitution) and protects their rights to ancestral
4 lands to ensure their economic, social, and cultural well-being (Section 5, Article XII
5 of the 1987 Constitution);

6 WHEREAS, pursuant to these constitutional mandates, Republic Act No. 8371,
7 otherwise known as the IPRA, was enacted to provide for the legal framework that
8 recognizes, protects, and promotes the rights of Indigenous Peoples (IPs), including
9 their ancestral domains and creates the National Commission of Indigenous Peoples
10 (NCIP) as the implementing agency;

11 WHEREAS, the right to stay in the territory and not to be removed therefrom
12 is a guaranteed right pursuant to Section 7(c) of the IPRA. Where relocation is
13 considered necessary as an exceptional measure, such relocation shall take place
14 only with free and prior informed consent of the concerned Indigenous Cultural
15 Communities/Indigenous Peoples (ICCs/IPs), and whenever possible, they shall be

1 guaranteed the right to return to their ancestral domains, as soon as the grounds
2 cease to exist;

3 WHEREAS, when such return is not possible, as determined by an agreement
4 or through appropriate procedures, ICCs/IPs shall be provided in all possible cases
5 with lands of quality and legal status at least equal to that of the land previously
6 occupied by them, suitable to provide for their present needs and future
7 development. Likewise, persons relocated shall be fully compensated for any
8 resulting loss or injury;

9 WHEREAS, even as mandated under the "right to stay in territories" clause in
10 Section 7(c) of RA 8371, Chieftain Timuay Alim Bandara of Tribal Indigenous Group
11 Community Teduray said that the tribal community was forced out of their coastal
12 homes to Sitio Tabunon, Barangay Kusiong, Datu Odin Sinsuat, Maguindanao del
13 Norte in 2020 despite their protests. Such forced relocation was allegedly caused by
14 a 'powerful person' who wanted to convert the place into a resort. He further belied
15 the reports stating that the tribe relocated to Sitio Tabunon because of fear of the
16 tsunami;

17 WHEREAS, that place where they were relocated was at the foot of Mount
18 Minandar which is an area later found to be prone to landslide;

19 WHEREAS, an undisclosed source in a Philippine Daily Inquirer (PDI) article
20 published on 7 November 2022 and written by Germelina Lacorte stated that at least
21 one hundred twenty-seven (127) out of the three hundred (300) families affected by
22 the forced relocation in December 2020 signed the petition addressed to the NCIP
23 opposing their relocation to the foot of Mt. Minandar;

24 WHEREAS, the PDI source stated that the NCIP, the agency tasked to take
25 care of the indigenous peoples' concerns, did not respond to the latter's request to
26 intervene. The source disclosed that the NCIP allegedly did not conduct any
27 investigation nor send any fact-finding team to the area considering that their plea
28 was urgent as they were merely given fifteen (15) days to leave their coastal homes
29 and relocate to the foot of Mt. Minandar in Sitio Tabunon;

30 WHEREAS, on 26 October 2022, Severe Tropical Storm "Paeng" brought
31 torrential rains that caused landslides and floods in Luzon, Visayas, and Mindanao.

1 Based on reports, it was the province of Maguindanao del Norte that had the most
2 reported number of deaths;

3 WHEREAS, it was reported that on 28 October 2022, the relocated Teduray
4 community succumbed to landslide when they were swept by the rushing floods
5 emanating from Mount Minandar. As a result, the catastrophe killed twenty-four (24)
6 members of the Teduray tribe and injured more than thirty (30) others;

7 WHEREAS, it is imperative for the Senate to examine whether the rights of
8 the Teduray tribe as guaranteed by the 1987 Constitution and IPRA, specifically the
9 Right to Stay in Territories under Section 7(c) of RA 8371, among others, have been
10 recognized and respected. Thus, there is a need to resolve the issues surrounding
11 the alleged forced relocation of the Teduray tribe;

12 WHEREAS, in view of the foregoing, there is a need to examine and review
13 the IPRA as well as the mandate of the NCIP of protecting the rights and welfare of
14 the IPs with the end in view of amending the provisions of the IPRA. Now, therefore,
15 be it

16 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the Committee
17 on Cultural Communities and Muslim Affairs to conduct an inquiry, in aid of
18 legislation, on whether the Right to Stay in the Territories under Republic Act No.
19 8371, otherwise known as the Indigenous People's Rights Act (IPRA) of 1997 was
20 complied with in the relocation of the Teduray Tribe and possibly amending Republic
21 Act No. 8371.

Adopted,



ROBINHOOD PADILLA
Senator