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Senate  
Office of the Secretary

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SENATE  
P. S. R. No. **1158**

FILED BY: *[Signature]*

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Introduced by Senator Miriam Defensor Santiago

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RESOLUTION  
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID  
OF LEGISLATION, ON THE REPORT THAT CONGRESS NEEDS TO REVIEW THE  
INDIGENOUS PEOPLE'S RIGHTS LAW

WHEREAS, the Constitution, Article 2, Section 22 provides: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development";

WHEREAS, PhilStar.com, posted a news article on 12 January 2015 recommending Congress to review the constitutionality of the Indigenous Peoples' Rights Act (IPRA), which is reportedly hampering the development of an island in Coron as an international resort destination;

WHEREAS, Orlando Sacay, an investor, said lawmakers should revisit the IPRA 18 years after it was enacted into law;

WHEREAS, Sacay questioned the principle of self-delineation, wherein indigenous peoples shall by themselves identify and delineate ancestral domains;

WHEREAS, according to him, this provision deprives land owners of due process, as it violates vested rights of ownership guaranteed by the Constitution;

WHEREAS, he also noted that the Tagbanua Tribe of Coron Island Association, with about 30 members, is claiming all the land in Barangay Bulalacao as their ancestral domain;

WHEREAS, he reportedly said that only six percent could be actually owned by the indigenous peoples in the community, and the rest of the lands they are claiming are owned by the national and local governments and some private individuals;

WHEREAS, Sacay further claimed that indigenous peoples do not recognize the authority of the national and the local governments, and that tax declaration is not recognized as proof of physical possession since the IPRA law does not require actual possession in applications for ancestral land title;

WHEREAS, Sacay allegedly said that the constitutionality of the IPRA law was raised in the Supreme Court a few years ago but the vote was a standoff at 7-7, and that the implementing rules and regulations of the law were unconstitutional;

WHEREAS, it is the National Commission on Indigenous Peoples (NCIP), an agency under the Office of the President, which implements Republic No. Act 8371, the IPRA of 1997;

WHEREAS, he cited the role of the NCIP in blocking the construction of a 2,000-room hotel in the town of Busuanga due to a claim by the indigenous peoples that the land eyed for development is ancestral property;

WHEREAS, the area was eyed for development by the Correos Internacionale Inc., a company affiliated with Manila Ocean Park, but the firm shelved its plan after a temporary restraining order (TRO) was issued two years ago;

WHEREAS, it is imperative that the Congress examine the key points in the Indigenous Peoples' Rights Act to address the concerns of private land owners who want to develop their lands for tourism purposes;

WHEREFORE, BE IT HEREBY RESOLVED BY THE PHILIPPINE SENATE to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the report that Congress needs to review Indigenous Peoples' Rights Law.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO  
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