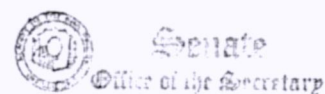


SEVENTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



'18 SEP -4 P5 :34

SENATE
S.B. NO. 1977

Introduced by Senator Maria Lourdes Nancy S. Binay

**AN ACT
MANDATING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES
TO PROVIDE TRANSPORTATION, FOOD AND NON-MONETARY
ASSISTANCE TO INDIGENT LITIGANTS WHO ARE MEMBERS OF
INDIGENOUS CULTURAL COMMUNITIES WHILE IN ATTENDANCE OF
HEARINGS OR PROCEEDINGS IN THE NCIP**

EXPLANATORY NOTE

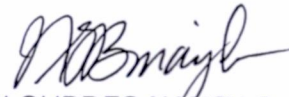
It has come to our attention that many of our poor countrymen who are members of the Indigenous Cultural Communities (ICC)/Indigenous Peoples (IP) are not able to adequately protect their rights under Republic Act 8371 or the Indigenous Peoples Rights Act ("IPRA") on account of lack of transportation from their respective residences or even their inability to pay for transportation from their respective residence to Regional Hearing Offices of the National Commission of Indigenous Peoples ("NCIP"). Moreover, as many of the Regional Hearing Offices are located in cities, they can barely afford to pay for their food while attending to the hearings on their complaints and other legal concerns.

Given the above situation, it appears that many of the cases of our ICC/IP brothers and sisters have been dismissed for lack of interest to prosecute. In essence, justice is being denied to them solely on the account of their poverty or inability to attend to the most basic necessities while attending hearings.

We note that the NCIP is sufficiently clothed with authority to charge reasonable administrative fees and charges, the funds of which can be diverted or allocated

to support the intent of this proposed legislation. We understand that majority of those requesting for Certificate Precondition pursuant to Section 59 of the IPRA for instance, can pay for said reasonable fees and charges. The NCIP should be expressly given authority to allocate funds from this source.

For the above stated reasons, the passage of this bill is earnestly requested.



MARIA LOURDES NANCY S. BINAY
Senator

'18 SEP -4 P5 :33

SENATE
S.B. NO. 1977

RECEIVED

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HEARINGS OR PROCEEDINGS IN THE NCIP

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 Section 1. Section 44 of Republic Act 8371 is hereby amended to read as
2 follows:

3 Section 44. *Powers and Functions.* – To accomplish its mandate,
4 the NCIP shall have the following powers, jurisdiction and
5 functions:

- 6 a) To serve as the primary government agency through
7 which ICCs/IPs can seek government assistance and as
8 the medium, thorough which such assistance may be
9 extended [;], AND TO PROVIDE TRANSPORTATION,
10 FOOD, AND OTHER NON-MONETARY ASSISTANCE TO
11 INDIGENT ICCS/IPS WHO ARE LITIGANTS BEFORE ANY
12 PROCEEDINGS;
- 13 b) To review and assess the conditions of ICCs/IPs including
14 existing laws and policies pertinent thereto and to
15 propose relevant laws and policies to address their role in
16 national development;

- 1 c) To formulate and implement polices, plans, programs and
2 projects for economic, social and cultural development of
3 the ICCs/IPs and to monitor the implementation thereof;
- 4 d) TO request and engage the services and support of
5 experts from other agencies of government or employ
6 private experts and consultants as may be required in the
7 pursuit of its objectives;
- 8 e) To issue certificate of ancestral land/domain title;
- 9 f) Subject to existing laws, to enter into contracts,
10 agreements, or arrangement, with government or private
11 agencies or entities as may be necessary to attain the
12 objectives of this Act, and subject to the approval of the
13 President, to obtain loans from government lending
14 institutions and other lending institutions to finance its
15 programs;
- 16 g) To negotiate for funds and to accept grants, donations,
17 gifts and/or properties in whatever form and from
18 whatever source, local and international, subject to the
19 approval of the President of the Philippines, for the
20 benefit of ICCs/IPs and administer the same in
21 accordance with the terms thereof; or in the absence of
22 any condition, in such manner consistent with the
23 interest of ICCs/IPs as well as existing laws;
- 24 h) To coordinate development programs and projects for
25 the advancement of the ICCs/IPs and to oversee the
26 proper implementation thereof;
- 27 i) To convene periodic conventions or assemblies of IPs to
28 review, assess as well as propose policies or plans;
- 29 j) To advise the President of the Philippines on all matters
30 relating to the ICCs/IPs and to submit within sixty (60)

- 1 days after the close of each calendar year, a report of its
2 operations and achievements;
- 3 k) To submit to Congress appropriate legislative proposals
4 intended to carry out the policies under this Act;
- 5 l) To prepare and submit the appropriate budget to the
6 Office of the President;
- 7 m) To issue appropriate certification as pre-condition to the
8 grant of permit, lease, grant, or any other similar
9 authority for disposition, utilization, management and
10 appropriation by any private individual, corporate entity
11 or any government agency, corporation or subdivision
12 thereof on any part or portion of the ancestral domain
13 taking into consideration the consensus approval of the
14 ICCs/IPs concerned [;] AND TO IMPOSE REASONABLE
15 ADMINISTRATIVE CHARGES AND FEES FOR SUCH
16 CERTIFICATIONS TAKING INTO CONSIDERATION THE
17 ABILITY TO PAY OF THE APPLICANT FOR
18 CERTIFICATION;
- 19 n) To decide all appeals from the decisions and acts of all
20 the various offices within the Commission;
- 21 o) To promulgate the necessary rules and regulations for
22 the implementation of this Act;
- 23 p) To exercise such other powers and functions as may be
24 directed by the President of the Republic of the
25 Philippines; and
- 26 q) To represent the Philippine ICCs/IPs in all international
27 conferences and conventions dealing with indigenous
28 peoples and other related concerns.

1 Sec. 2. *Funding and Appropriations.* – A budget of Twenty Million Pesos
2 (P20,000,000.00) is hereby appropriated for the implementation of the program
3 of indigent ICC/IP litigants. The NCIP is hereby empowered to allocate collections
4 from administrative fees and charges for purpose of the program for indigent
5 litigants.

6
7 Sec. 3. *Repealing Clause.* – All laws, decrees, executive orders,
8 proclamations, rules and regulations, and other issuances, or parts thereof
9 inconsistent with the provisions of this Act are hereby repealed or modified
10 accordingly.

11
12 Sec. 4. *Separability Clause.* – If, for any reason, any section or provision
13 of this Act is held unconstitutional or invalid, the other sections or provisions
14 hereof shall not be affected thereby.

15
16 Sec. 5. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
17 after its complete publication in at least two (2) newspapers of general
18 circulation.

Approved,