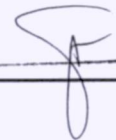


SENATE

'19 JUL 25 A11 :05

P.S. Res. No. 34

RECEIVED BY: 

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

**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>:

<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)

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> Reysio-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,

  
DEILA M. DE LIMA