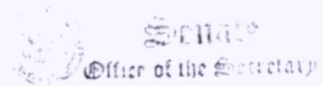


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )



**SENATE**  
**S. No. 405**

'19 JUL 11 P4:19

RECEIVED BY: \_\_\_\_\_

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Introduced by Senator Francis "Tol" N. Tolentino

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**AN ACT**  
**PROVIDING FOR A PROPORTIONATE SCHOOL ADMISSION AND ACCEPTANCE SHARE IN THE PHILIPPINE MILITARY ACADEMY AND THE PHILIPPINE NATIONAL POLICE ACADEMY FOR MEMBERS OF THE INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES, AND FOR SUCH OTHER PURPOSES**

EXPLANATORY NOTE

Article 2, Section 22 of the 1987 Constitution provides that: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

It is the expressed policy of the state to promote the rights of the Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) in formulating policies for the development of the nation. Due to peculiarities inherent in their culture, circumstances arise where their members automatically become excluded in policies and programs for national unity and development. Included in these policies are the recruitment programs for the Philippine Military Academy and Philippine National Police Academy, the primary security academic institutions of the country. The members of the ICCs/IPs are overlooked and sometimes discriminated upon, and not given the chance to serve, protect and defend the country simply because of their culture. Instead, culture must be celebrated, brought into the light and integrated into society for it is something that brings honor and pride to the country.

Section 1, Article XIII of the 1987 Constitution provides that the Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To give effect to this Constitutional mandate, this bill aims to accommodate ICC/IP members by providing a proportionate recruitment share specially allocated for them in the Philippine Military Academy and the Philippine National Police Academy in view of the peculiarities brought about by their beautiful culture.

Considering the foregoing, the immediate enactment of this bill is respectfully requested.




**FRANCIS "TOL" N. TOLENTINO**

Senator

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

1 Section 1. *Short Title.* – This Act shall be known as the "Katutubong  
2 Tagapagtanggol Act of 2019."

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State:

4 a) to recognize and promote the civil, political, economic, social and cultural  
5 rights of indigenous cultural communities or indigenous peoples in accordance  
6 with the Constitution and applicable norms and principles;

7 b) to recognize the distinct characteristics and identity of the indigenous cultural  
8 communities or indigenous peoples which the State must take special  
9 measures to ensure that they are afforded rights, protections and privileges  
10 with regard to recruitment and employment; and

11 c) to involve the indigenous cultural communities or indigenous peoples in the  
12 national defense and national law enforcement as part of national unity amidst  
13 diversity.



1           Sec. 3. *Definition of Terms.* - For purposes of this Act, the following terms shall  
2 mean:

3           a) *Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs)* - shall  
4 refer to a group of people or homogenous societies identified by self-  
5 ascription and ascription by others, who have continuously lived as  
6 organized community on communally bounded and defined territory,  
7 and who have, under claims of ownership since time immemorial,  
8 occupied, possessed and utilized such territories, sharing common bonds  
9 of language, customs, traditions and other distinctive cultural traits, or  
10 who have, through resistance to political, social and cultural inroads of  
11 colonization, non-indigenous religions and cultures, became historically  
12 differentiated from the majority of Filipinos. ICCs/IPs shall, likewise  
13 include peoples who are regarded as indigenous on account of their  
14 descent from the populations which inhabited the country, at the time  
15 of conquest or colonization or at the time of inroads of non-indigenous  
16 religions and cultures or the establishment of present state boundaries  
17 who retain some or all of their own social, economic, cultural and political  
18 institutions, but who may have been displaced from their traditional  
19 domains or who may have resettled outside their ancestral domains.

20           Sec. 4. *Recruitment of ICCs/IPs in Law Enforcement and National Defense.* -  
21 The Philippine National Police Academy and the Philippine Military Academy are hereby  
22 mandated to admit and enlist members of ICCs/IPs into their academic program. At  
23 least ten percent (10%) of the new cadets shall belong to ICCs/IPs.

24           Sec. 5. *Rights of Enlisted Members of ICCs/IPs.* - Members of ICCs/IPs admitted  
25 in the academic program shall not be discriminated by reason of their physical, social,  
26 cultural backgrounds and religious beliefs.

27           Sec. 6. *Penalties.* - Any person, public official or employee who discriminates in  
28 any manner members of the ICCs/IPs, by reason of their membership in the ICCs/IPs,  
29 shall immediately be subjected to the proper disciplinary action or proceedings of the  
30 service.

1 Willful failure, refusal or negligence by the disciplining authority in the initiation,  
2 investigation and disposal of disciplinary proceedings due to violations of this Act shall  
3 be a cause for dismissal from the service of the disciplining authority.

4 Any sanctions for violations provided under this Act shall be without prejudice  
5 to the criminal penalties and sanctions provided under the Republic Act No. 8371 or  
6 otherwise known as The Indigenous Peoples' Rights Act of 1997.

7 *Sec. 7. Implementing Rules and Regulations.* - The Department of National  
8 Defense and the Department of Interior and Local Government shall collaborate and  
9 issue within thirty (30) days from the effectivity of this Act the Implementing Rules  
10 and Regulations for the effective implementation of this Act.

11 The implementing rules and regulations shall provide accommodations for  
12 members of the ICCs/IPs regarding their admission and shall avoid qualifications and  
13 disqualifications that discriminates them due to their diverse qualities.

14 *Sec. 8. Separability Clause.* - If any provision of this Act shall be held  
15 unconstitutional or invalid, the other provisions not otherwise affected shall remain in  
16 full force and effect.

17 *Sec. 9. Repealing Clause.* - All laws, decrees, executive orders, proclamations  
18 and other executive issuances which are inconsistent with or contrary to the provisions  
19 of this Act are hereby amended or repealed accordingly.

20 *Sec. 10. Effectivity Clause.* - This Act shall take effect fifteen (15) days following  
21 its complete publication in the Official Gazette or in two (2) national newspapers of  
22 general circulation.

Approved,