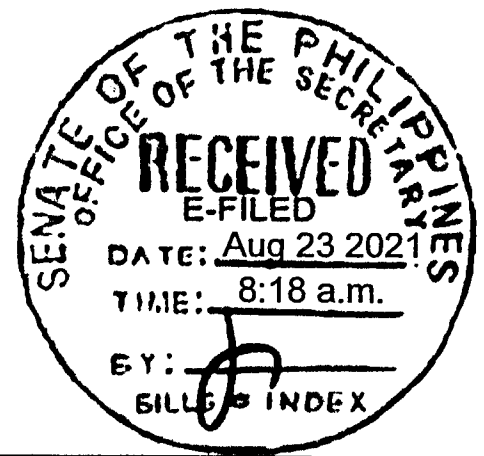


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )

SENATE  
P.S. Resolution No. 841



Introduced by **SENATOR IMEE R. MARCOS**

**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE**  
**TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,**  
**ON THE ATTEMPT TO MONETIZE AND APPROPRIATE THE BUTBUT**  
**KALINGA TRADITIONAL TATTOO KNOWN AS 'BATOK' WITHOUT THE FREE**  
**AND PRIOR INFORMED CONSENT OF THE BUTBUT TRIBE WITH THE END**  
**VIEW OF IDENTIFYING NECESSARY LEGISLATIONS THAT WILL PROMOTE**  
**AND PROTECT THE RIGHTS OF THE INDIGENOUS PEOPLES TO THEIR**  
**COMMUNITY INTELLECTUAL PROPERTY, CULTURE AND TRADITIONS**

***WHEREAS***, Article II, Section 22 of the Constitution provides that "*the State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development;*" Article XIV, Section 17 further provides that "*the State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies*";

***WHEREAS***, Section 32 of Republic Act No. 9371, also known as 'The Indigenous Peoples' Rights Act of 1997' (IPRA), provides that, "the indigenous cultural communities or indigenous peoples (ICCs/IPs) have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs";

***WHEREAS***, Section 3(g) of the IPRA, defines "*free and prior informed consent*" (FPIC) as the "consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any

external manipulation, interference and coercion, and obtain after fully disclosing the intent and scope of the activity, in a language and process understandable to the community”;

**WHEREAS**, Nas Academy, an online learning platform, offered a course called “Whang-Od Academy”. According to the course page of Nas Academy’s website, the *Dangal ng Haraya* Awardee and oldest living *Mambabatok*, Apo Whang-Od, would “reveal all the rituals, tools, and methods for making traditional tattoos”. The course was offered for a fee of P750.00;

**WHEREAS**, on August 4, 2021, Ms. Grace Palicas, grandniece of Apo Whang-Od, posted on her social media that Apo Whang-Od did not sign any contract with “Nas Daily” (Nuseir Yassin, Chief Executive Officer of Nas Academy) to do any academy. She also stated that some people are taking advantage of their culture and called for people to help them stop the disrespect towards the legacy of Apo Whang-od and the Butbut Tribe;

**WHEREAS**, on August 5, 2021, Nas Academy denied the claims of Ms. Palicas in a social media post and asserted that Apo Whang-Od’s niece, Ms. Estella Palangdao, was present and translated the content of the contract prior to Apo Whang-Od affixing her thumb print, signifying her alleged consent to the Whang-Od Academy project. Nas Academy also showed the video of the oldest living *Mambabatok* affixing her thumb mark on the contract;

**WHEREAS**, the controversy provoked an outrage in social media directed at Nusier Yassin, an Arab-Israeli vlogger, founder of the Nas Academy, accusing him of “exploiting Filipino culture;” However, Nas Academy maintained that they care deeply about the Philippines and respect the many cultures and traditions that exist across the country;

**WHEREAS**, Nas Academy pulled out the course offering albeit temporarily, allegedly “out of respect for Whang Od’s family” and to handle the matter internally with them;

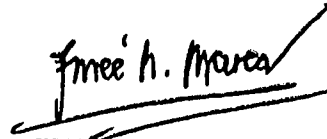
**WHEREAS**, the National Commission on Indigenous Peoples (NCIP) in the Cordillera Administrative Region (CAR), through its Regional Director, Marlon Bosantog, issued a statement that appropriate intervention is initiated and they will investigate whether the free and prior informed consent process of the Kalinga community was secured prior to the incident;

**WHEREAS**, Director Bosantog also pointed out that indigenous peoples have intellectual property claims in Whang Od's art, adding that the Kalinga community has also opposed the use of their tattoo design by a clothing brand;

**WHEREAS**, the incident is a stark reminder that the fast-paced world of social media, online content creators and digital learning platforms is becoming not only as an effective tool in the promotion of, but also as a threat of exploitation on the right to community intellectual property, culture and traditions of the Indigenous Cultural Communities/Indigenous Peoples and that necessary legislation needs to be introduced to protect and promote these rights;

**NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, by the Philippine Senate, that the appropriate Senate Committee be directed to conduct an inquiry, in aid of legislation, on the attempt to monetize and appropriate the Butbut Kalinga traditional tattoo known as 'batok' without the free and prior informed consent of the Butbut tribe with the end view of identifying necessary legislations that will promote and protect the rights of the indigenous peoples to their community intellectual property, culture and traditions.

*Adopted,*

  
**IMEE R. MARCOS**