

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Cotabato City

BANGSAMORO TRANSITION AUTHORITY
Proposed Resolution No. 104

Introduced by All MILF BTA Members

PROPOSED RESOLUTION

**RESOLUTION PROTESTING THE DELINEATION PROCESS IN
MAGUINDANAO PROVINCE URGING THE NATIONAL COMMISSION ON
INDIGENOUS PEOPLES TO CEASE AND DESIST THE DELINEATION
PROCESS AND THE PROCEEDING FOR THE ISSUANCE OF CERTIFICATES
OF ANCESTRAL DOMAIN TITLE IN THE PROVINCE OF MAGUINDANAO,
BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO**

WHEREAS, Section 2, Article V of Republic Act No. 11054 provides for the powers of the Bangsamoro Government to exercise authority over, among others: ancestral domain and cadastral land survey. The pertinent provision provides:

SEC. 2. Powers of the Bangsamoro Government. – Subject to Section 20, Article X of the Constitution and this Organic Law, the Bangsamoro Government shall exercise its authority over the following matters without prejudice to the general supervision of the President of the Republic of the Philippines:

xxx

(d) Ancestral domain and natural resources;

xxx

(h) Cadastral land survey;

xxx

WHEREAS, Section 3, Article IX of Republic Act No. 11054 recognizes the rights of indigenous peoples over native titles and mandates the creation of a ministry for indigenous peoples to promote the indigenous peoples well-being in recognition of their ancestral domain and their rights thereto, viz:

SEC. 3. Indigenous Peoples' Rights. – The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights:

(a) Native titles or *fusaka inged*;

xxx

The Bangsamoro Government shall create a ministry for indigenous peoples and shall have the primary responsibility to formulate and implement policies, plans, and programs to promote the well-being of all indigenous peoples in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

xxx

WHEREAS, the Tedurays have applied for certificates of ancestral domain title before the National Commission on Indigenous Peoples who, in response to the application, conducted delineation process on the ancestral domain of Maguindanao particularly in the municipalities of Talayan, Sharif Aguak, Guindulungan and Datu Odin Sinsuat which areas are parts of the Bangsamoro Autonomous Region in Muslim Mindanao.

WHEREAS, the Ministry of Indigenous Peoples Affairs has exclusive power and authority over Indigenous Peoples rights and affairs including their ancestral domain in the BARMM as expressly provided in R.A. No. 11054.

WHEREAS, the National Commission on Indigenous Peoples has no power and authority to conduct delineation process and issue Certificate of Ancestral Domain Title (CADT) in the BARMM.

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Bangsamoro Transition Authority to urge the National Commission on Indigenous Peoples to cease and desist from conducting delineation processes on the jurisdictional area of the Bangsamoro Autonomous Region in Muslim Mindanao.

Adopted: _____

AUTHOR: ALL MILF BTA MEMBERS

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
Bangsamoro Transition Authority Parliament
OFFICE OF THE SECRETARY GENERAL

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