

Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim Mindanao  
Bangsamoro Transition Authority  
BARMM Compound, Cotabato City

SECOND PARLIAMENT  
First Regular Session

BILL No. 166

Bangsamoro Autonomous Region in Muslim Mindanao  
Parliament  
BILLS AND INDEX DIVISION  
**RECEIVED**  
Name: SONAYA BALINDONG Signature: [Signature]  
Date: APR 11 2023 Time: 10:31AM

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Introduced by: MP FROILYN T. MENDOZA

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EXPLANATORY NOTE

This bill seeks to recognize, respect, and protect the rights of Indigenous Peoples to preserve and develop their cultures, traditions, and institutions, particularly the Non-Moro Indigenous Peoples (NMIPs) of the *Tëduray*, *Lambangian*, *Dulangan Manobo/Mënuhu Dulangan*, *Blaan*, and *Higaonon*, and other Indigenous Peoples that ascribe as NMIPs in the Bangsamoro Autonomous Region in Muslim Mindanao.

This is anchored on our national policy to recognize and promote the rights of Indigenous Peoples within the framework of national unity and development. Likewise, the proposal empowers our constitutional duty to protect the rights of Indigenous Peoples to their ancestral lands, cultures, traditions, and institutions to ensure their economic, social, and cultural well-being.

As stated in the Republic Act No. 11054, otherwise known as the "*Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*", the Bangsamoro Government recognizes the rights of the Non-Moro Indigenous Peoples and shall adopt measures for the promotion and protection of the following rights: (a) Native titles or *fusaka ingëd*; (b) Indigenous customs and traditions; (c) Justice systems and indigenous political structures; (d) Equitable share in revenues from the utilization of resources in their ancestral lands; (e) Free, prior, and informed consent; (f) Political participation in the Bangsamoro Government including reserved seats for the Non-Moro Indigenous Peoples in the Parliament; (g) Basic political and social services; and (h) Freedom of choice as to their identity.

Our Bangsamoro Organic Law further mandates the creation of a Ministry for Non-Moro Indigenous Peoples with the primary responsibility of formulating and implementing policies, plans, and programs to promote the well-being of all Non-Moro Indigenous Peoples in the Bangsamoro Autonomous Region, in recognition of their ancestral domain as well as their rights thereto.

This measure attempts to be faithful to the aforesaid directives of the Constitution and of our Bangsamoro Organic Law. This bill also aims to ensure that our Parliament shall in no way diminish the rights and privileges granted to Non-Moro Indigenous Peoples by virtue of the United Nations Declaration of the Rights of Indigenous Peoples and the Universal Declaration on Human Rights, and other laws pertaining to Non-Moro Indigenous Peoples in the Bangsamoro Autonomous Region.

This bill will play a crucial role in the development of Non-Moro Indigenous Peoples. It is thus imperative for the Parliament to give its full and unwavering support to them.

In view of the foregoing, the immediate passage of this bill is earnestly sought.



Republic of the Philippines  
Bangsamoro Autonomous Region in Muslim  
Mindanao  
Bangsamoro Transition Authority  
BARMM Compound, Cotabato City

Bangsamoro Autonomous Region in Muslim Mindanao  
Parliament  
BILLS AND INDEX DIVISION  
**RECEIVED**  
Name: SONAYA BALINDONG Signature: [Signature]  
Date: APR 11 2023 Time: 10:21am

SECOND PARLIAMENT  
*First Regular Session*

BILL No. 166

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Introduced by: MP FROILYN T. MENDOZA

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*Be it enacted by the Bangsamoro Transition Authority in Parliament assembled*

**AN ACT RECOGNIZING, RESPECTING, PROTECTING, PROMOTING, AND SUPPORTING THE RIGHTS OF NON-MORO INDIGENOUS PEOPLES, FORMALLY CREATING THE NON-MORO MINISTRY OF INDIGENOUS PEOPLES AFFAIRS, ESTABLISHING THE IMPLEMENTING MECHANISMS, AND APPROPRIATING FUNDS THEREFOR**

**CHAPTER I: GENERAL PROVISIONS**

**SECTION 1. *Short Title.*** This Act shall be known as the “**Non-Moro Indigenous Peoples Rights Act in the Bangsamoro Autonomous Region in Muslim Mindanao.**”

**SECTION 2. *Declaration of Policy.*** The Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) reaffirms the policies embodied in the 1987 Philippine Constitution, Republic Act 8371 (Indigenous Peoples Rights Act of 1997 or IPRA), Muslim Mindanao Act 241 or the Tribal Peoples Rights Act, Republic Act 11054 (Organic Act), and international treaties and agreements concerning indigenous Peoples, such as, but not limited to, the International Labor Organization Convention No. 169 (ILO) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as adopted by the General Assembly on September 13, 2007.

It is hereby declared that the policy of the Bangsamoro Government recognizes the inherent right of the Non-Moro Indigenous Peoples (NMIPs) to self-governance and self-determination, and to respect the integrity of their values, practices, and institutions;

The Bangsamoro Government shall guarantee the rights of NMIPs to freely pursue their economic, social, and cultural development. The Bangsamoro Government shall consequently establish the means for the full development and empowerment of the NMIPs' own institutions and initiatives and, where necessary, provide resources,

therefore, respecting their native titles;

To ensure NMIPs have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity. There shall be no discrimination on the basis of identity, religion, and ethnicity;

To recognize, respect, protect, promote, and support the rights of NMIPs within the framework of the 1987 Philippine Constitution, national laws, and regional unity and development;

To protect the rights of the NMIPs to their ancestral domains and to ensure their economic, social, and cultural well-being;

The Bangsamoro Government shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains;

To recognize, respect, protect, promote, and support the rights of NMIPs to preserve and develop their cultures, traditions, and institutions. The Bangsamoro Government shall uphold these rights in the formulation of its regional plans and policies;

To ensure the development, protection, and well-being of all NMIPs within the Bangsamoro Autonomous Region in Muslim Mindanao;

To guarantee that members of the NMIPs, regardless of gender, shall equally enjoy the full measure of human rights and freedoms without discrimination;

To take measures, with the participation of the NMIPs concerned, to protect their rights, guarantee respect for their cultural integrity, and to ensure that NMIPs benefit from rights and opportunities which Bangsamoro laws and regulations grant other members of the population; and

The Bangsamoro Government recognizes its obligations to respond to the clamor of the NMIPs for cultural integrity, by involving the full participation of NMIPs in the direction of education, health, and other services for NMIPs, in order for said services to be responsive to their needs and aspirations.

Towards these ends, the Bangsamoro government shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration the customs, traditions, values, beliefs, interests, and institutions of NMIPs, and to adopt and implement measures to protect their rights to their ancestral domains e.g. *fusaka ingëd*, *fusaka tana*, or *tanong buwis*.



## CHAPTER II: DEFINITION OF TERMS

**SECTION 3. *Definition of Terms.*** —For purposes of this Act, the following terms shall mean:

- a. **Ancestral Domain / *Fusaka Ingöd*** — refers to all areas generally belonging to NMIPs comprising lands, inland waters, coastal areas, and natural resources therein, which are necessary for ensuring their economic, social, and cultural welfare, held under a claim of ownership and occupied or possessed by NMIPs, by themselves or through their ancestors, communally or individually, since time immemorial continuously to the present, except when interrupted by war, force majeure, displacement by force, deceit, stealth, or as a consequence of government projects or voluntary dealings entered into by government and private individuals or corporations. It shall include ancestral lands; forests; pasture; residential, agricultural, and other lands individually owned, whether alienable and disposable or otherwise; hunting grounds; burial grounds; places of worship; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by NMIPs but from which they traditionally had access to for their livelihood and traditional activities. Ancestral domains serve not only the physical but cultural basis for ethnic identity and organization.
- b. **Certificate of Ancestral Domain Title** — refers to a title formally recognizing the rights of possession and ownership of NMIPs over their ancestral domains, identified and delineated in accordance with this law;
- c. **Communal Claims** — refer to claims on land, resources, and rights thereon belonging to the whole community within a defined territory;
- d. **Customary Laws** — refer to a body of written and/or unwritten rules, usages, customs, living experiences, and practices traditionally and continuously recognized, accepted, and observed by concerned NMIPs;
- e. **Free and Prior Informed Consent (FPIC)** — refers to the consensus decision of affected NMIP communities, to be determined in accordance to their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the NMIPs, in a language and process understandable to them;
- f. **Indigenous Political Structures (IPS)** — refer to organizational and cultural leadership systems, institutions, relationships, patterns, and processes for decision-making and participation, identified by NMIPs such as, but not limited to, the Council of Elders, Council of *Timuay*, *Timuay Justice and Governance*, *Gempa te Kalindaan ne Kamal*, *Kena Menuwa*, or any other tribunal or body of similar



nature;

- g. **Individual Claims** — refer to claims on land and right therein which have been devolved to individuals, families, and clans including, but not limited to, residential lots, rice terraces or paddies, and tree lots;
- h. **Non-Moro Indigenous Peoples' Education** — refers to an educational system based on Indigenous Knowledge Systems and Practices (IKSPs) that interfaces with other educational systems;
- i. **Ministry for Non-Moro Indigenous Peoples Affairs (MNMIPA)** — refers to the office created under this Act that shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to recognize, protect, and promote the rights of NMIPs in the Bangsamoro;
- j. **Non-Moro Indigenous Peoples (NMIPs)** — refer to the group of Indigenous Peoples as stated in the Section 8, Article 7 of Republic Act No. 11054, particularly the *Tëduray, Lambangian, Manobo Dulangan/Mënuhu Dulangan, Blaan, Higaonon*, and other Indigenous Peoples that ascribe as NMIPs. These are Indigenous Peoples, each having their own separate and distinct political identity in the BARMM.
- k. **Native Title** — refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by NMIPs and have never been public lands or public domain and are thus indisputably presumed to have been held that way since before the Spanish conquest;
- l. **Non-Government Organization (NGO)** — refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to NMIP communities and has an established track record for effectiveness and acceptability in the community where it serves;
- m. **Non-Moro Indigenous Peoples Organization (NMIPO)** — refers to a private, non-profit voluntary organization of members of NMIPs which is accepted as representative of such NMIPs;
- n. **Sustainable Traditional Resource Rights (STRRs)** — refer to the rights of NMIPs to sustainably use, manage, protect, and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing, and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial, and aesthetic value in accordance with their indigenous knowledge, principles, beliefs, values, systems, and practices;



- o. **Time Immemorial** — refers to a period of time when as far back as memory can go, certain NMIPs were known to have occupied, possessed, in the concept of owner, and utilized a defined territory devolved to them, by customary law or inheritance from their ancestors, in accordance with their customs and traditions.

### **CHAPTER III: RIGHTS TO ANCESTRAL DOMAINS OR FUSAKA INGĒD**

**SECTION 4.** *Concept of Ancestral Domains/ Lands/ Waters* — Ancestral domains/ lands/ waters shall include such concepts of territories which cover, not only the physical environment, but the total environment including the spiritual and cultural bonds to the areas which the NMIPs possess, occupy, and use and to which they have claims of ownership since time immemorial

**SECTION 5.** *Indigenous Concept of Ownership.* — Indigenous concept of ownership maintains the view that ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of NMIPs. The indigenous concept of ownership generally holds that ancestral domains are the NMIPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, transferred, alienated, destroyed or conveyed in any form to another, individually or collectively. It likewise covers sustainable traditional resources rights.

**SECTION 6.** *Composition of Ancestral Domains/ Lands/ Waters.* — Ancestral domains, lands and waters shall consist of all areas generally belonging to NMIPs as referred under Sec. 3, items (a) of this Act.

**SECTION 7.** *Rights to Ancestral Domains.* — The right to ownership and possession of ancestral domains by NMIPs shall be recognized and protected. Such rights shall include:

- a) **Right of Ownership** — The right to claim ownership over lands, bodies of water traditionally and actually occupied by NMIPs, sacred places, and traditional hunting and fishing grounds, and all improvements made by them at any time within the ancestral domains;
- b) **Right to Develop Lands and Natural Resources** — The right to develop, control, and use lands and territories traditionally occupied, owned, or used by NMIPs; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and



implementation of any project, government or private, that will affect or impact the ancestral domains. It shall also include the right to receive just and fair compensation for any damages that the affected and surrounding areas might sustain as a result of the project; and the right to effective measures by the government to prevent any interference, alienation, and encroachment upon these rights;

- c) Right to Stay in the Territories — The right to stay in the territory and not be removed therefrom. No NMIP shall be relocated without their Free and Prior Informed Consent (FPIC), nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the FPIC of the NMIPs concerned; whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, NMIPs shall be provided, in all possible means, with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;
- d) Right in Case of Displacement - In case of displacement as a result of human-made disasters and natural hazards, the Bangsamoro Government shall resettle the displaced NMIPs in suitable areas where they are provided or can access food, water, shelter, health, and other basic services: Provided; that the displaced NMIPs shall have the right to return to their abandoned lands when the normalcy and safety of such lands have been determined: Provided; further, that should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced NMIPs shall enjoy security of tenure over lands to which they have been resettled: Provided finally, that basic services and livelihoods shall be provided to them to ensure that their needs are adequately addressed;
- e) Right to Regulate Entry of Migrants — NMIPs have the right to regulate the entry of migrant settlers and organizations into the domains. It shall also include a review and negotiations between existing migrants and organizations;
- f) Right to Safe and Clean Air, Water, and Environment — For this purpose, the NMIPs must have access to integrated management systems of their inland waters, environment, and air space;
- g) Right to Claim Parts of Reservations — The right to claim parts of the ancestral domains which have been reserved for various purposes when not being utilized by the institutions concerned;



- h) Right to Resolve Conflict — The right to resolve land conflicts in accordance with customary laws of the area where the land is located and only in default thereof, shall the complaints be submitted to amicable settlement or alternative dispute resolution and to the Courts of Justice.
- i) Right to Delineation of Ancestral Domains of the NMIPs shall be recognized and protected;
- j) Right to speedy processing of Certificate of Ancestral Domain Titles (CADT) of NMIPs shall be ensured by the MNMIPA, based on native title and customary laws, among others;
- k) Right to transfer land or property — Such right shall include the right to transfer land or property to/among members of the same NMIPs, subject to their customary laws and traditions.
- l) Right to Redemption — In cases where it is shown that the transfer of land or property, by virtue of any agreement or devise, to a non-member of NMIPs is tainted by the vitiated consent of the NMIPs, or is transferred for an unconscionable consideration or price, NMIPs shall have the right to redeem the land or property, subject to their customary laws and existing laws.

**SECTION 8.** *Responsibilities of NMIPs to their Ancestral Domains.* —NMIPs occupying ancestral domains shall have the following responsibilities in accordance with their customary laws:

- a) Maintain Ecological Balance — To preserve, restore, and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- b) Restore Denuded Areas — To actively initiate, undertake, and participate in the reforestation of denuded areas and in other development programs and projects subject to just and reasonable remuneration; and
- c) Observe Laws — To observe and comply with customary laws, other relevant laws, the provisions of this Act, and the rules and regulations for its effective implementation.

**SECTION 9.** *Unauthorized and Unlawful Intrusion.* —Unauthorized and unlawful intrusion upon and use of any portion of the ancestral domain, or any violation of the rights herein enumerated, shall be punishable under this law. Furthermore, the Bangsamoro Government shall take measures to prevent Non-Indigenous Peoples from taking advantage of the NMIPs' customs and concept of ownership, or their lack of understanding of laws to secure ownership and possession of land belonging to said



NMIPs.

**SECTION 10. *Recognition of Ancestral Domain Rights.*** —The rights of NMIPs to their ancestral domains by virtue of Native Title shall be recognized and respected. Formal recognition, when solicited by NMIPs concerned, shall be embodied in a Certificate of Ancestral Domain Title (CADT), which shall formally recognize the ownership of the concerned NMIPs over the territories identified and delineated.

**SECTION 11. *Share of the Indigenous Communities.*** – NMIPs and communities shall have an equitable share of the revenues generated from the exploration, development, and utilization of natural resources that are found within the territories covered by a native, traditional, or customary title in their favor, which shall be no less than fifty percent (50%) of the revenues, to be determined by the Ministry of Non-Moro Indigenous Peoples Affairs to be created under this law: Provided, that the rights and privileges granted to Non-Moro Indigenous Peoples by Republic Act No. 8371 and other laws pertaining to Non-Moro Indigenous Peoples shall not be diminished.

#### **CHAPTER IV: RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT**

**SECTION 12. *Self-Governance.*** — The Bangsamoro Government recognizes the inherent right of NMIPs to self-governance and to self-determination and respects the integrity of their values, practices, and institutions. Consequently, the Bangsamoro government shall guarantee the right of NMIPs to freely pursue their political, economic, indigenous political structures, social, and cultural development as legitimate systems of determining policies and arriving at key decisions.

Building on traditional practice of self-reliance, the indigenous political structures (IPS) shall develop their own resource-generation strategies. The IPS shall establish a Mutual Support Fund that builds on existing traditions of mutual support (e.g., *umun* among various NMIPs).

**SECTION. 13. *Indigenous Political Structures.***

- a) NMIPs have the authority, power, and jurisdiction over their respective Indigenous political structure (IPS), which governs their economic, political, and social relations. It must be strengthened in line with human rights principles.
- b) The IPS has the right and authority to confer tribal titles to those chosen through their customary practices.
- c) There shall be an NMIP Coordinating Council (NMIPCC) composed of representatives from different IPS and Non-Moro Indigenous Peoples' Organizations (NMIPOs) throughout the BARMM. The NMIPCC shall coordinate matters directly or indirectly affecting NMIP communities.



## **POWER RELATIONS WITH THE BANGSAMORO GOVERNMENT**

**SECTION 14.** *Exclusive Powers of NMIPs.* — NMIPs have inherent exclusive powers over their respective indigenous political structures within their ancestral domains. Such powers encompass the ancestral domains and territories of NMIPs; their self-governance and justice systems, administration of customary laws, and fiscal autonomy; inherent powers of administration of internal governance; the management of lands and assets, culture and language, membership, marriage, health, education, and basic social services; including the regulation of domestic relations between NMIPs members, to exercise jurisdiction over matters occurring on the domains and security, among others.

**SECTION 15.** *Concurrent Powers with the Bangsamoro Government.* — NMIPs have concurrent powers with the Bangsamoro Government to solemnize and issue birth certificates, marriage contracts, and death certificates.

**SECTION 16.** *Reserved Seats of Non-Moro Indigenous Peoples* — NMIPs shall have reserved seats in the Bangsamoro Parliament. Pursuant to the Republic Act No. 11054, the NMIPs shall select among themselves their representatives with adherence to their customary laws and indigenous processes, that shall be incorporated in the Bangsamoro Electoral Code, based on the following:

- a. Primacy of customary laws and practices;
- b. Primacy of consensus building;
- c. Acceptability to the community;
- d. Inclusivity and full participation;
- e. Representation of the collective interests and aspirations of Non-Moro Indigenous Peoples;
- f. Sustainability and strengthening of indigenous political structures;
- g. Track record and capability; and
- h. Gender equality.

**SECTION 17.** *The Establishment of Tribal Halls.* — The Bangsamoro Government shall establish Tribal Halls in various locations for the use of the NMIPs. The establishment of said Tribal Halls shall be done in consultation with the NMIP concerned.

**SECTION 18.** *Traditional Justice Systems.* — The Non-Moro Indigenous Peoples shall have the right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms, and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights.

**SECTION 19.** *Right to Participate in Decision-Making* — NMIPs have the right to



participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the NMIPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

The Non-Moro Indigenous Peoples' Mandatory Representative (NMIPMR) shall be non-partisan. The NMIPMR shall be nominated by the tribal leaders and community that NMIPMR represents without the influence of any political person and/ or political parties. The minimum qualifications of NMIPMR shall be the following:

- a) The aspiring IPMR must be a natural born Filipino citizen;
- b) The aspiring IPMR must be a registered voter in the barangay, municipality, city, province, or barangay
- c) where he/she intends to assume office;
- d) The aspiring IPMR must be a bona fide NMIPs by blood or consanguinity, an acknowledged leader of the NMIP communities of which the aspiring IPMR is a member, and has continuously engaged in NMIP communities undertakings setting up a track record of services for NMIP communities in a given local government unit as certified by the MNMIPA;
- e) The aspiring IPMR must be able to read and write; and;
- f) The aspiring IPMR must be knowledgeable of and practices the customary ways of NMIP communities of which the aspiring IPMR is a member;
- g) The aspiring IPMR must be conversant with the culture of the community he/she represents;
- h) The aspiring IPMR must be a resident in the community for the last ten (10) years continuously without interruption for the period immediately preceding the time of selection, without prejudice to the community providing the requirement of domicile to its local guidelines

**SECTION 20.** *NMIP Representative in the Local Executive Body.* Each local government unit in the BARMM with an NMIP population of at least 4% of the total population of the barangay, municipality, city and province concerned, there shall be an appointed a) Deputy Barangay Chairperson for NMIPs, b) Deputy Municipal Mayor, c) Deputy City Mayor and, d) Deputy Provincial Governor. NMIP Representatives in the Local Executive Body shall be selected in accordance with the customary laws of the NMIP he/ she represents.

**SECTION 21.** *Free Prior and Informed Consent.* — The NMIPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights of NMIPs shall be protected in the introduction and implementation of policies, plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their economic, social, and cultural well-being.



The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within ancestral domains. The Bangsamoro Government shall also uphold benefit-sharing between concerned NMIP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines.

The procedure and the standards in the conduct of any field-based investigations and FPIC process, charging of fees, compensation for damages, and imposition of administrative sanctions for intentional commission of prohibited acts and omissions shall be imposed.

In ensuring that FPIC process is protected, it shall be the policy of the Ministry for Non-Moro Indigenous Peoples' Affairs to:

- a) Uphold the intent and purpose of the law in requiring the FPIC of NMIPs in connection with activities, programs, and projects affecting ancestral domains, such as government projects and any application for lease, license, permit, agreement, and/or concession;
- b) Ensure that the process of securing the FPIC of NMIPs and the corresponding issuance of Certificate Precondition (CP) shall be conducted with utmost regard for the right of NMIPs to the management, development, and utilization of their land and resources within their own ancestral domains. Once a decision has been reached by NMIPs, their FPIC becomes final and no longer subject to further consultations or appeals;
- c) Exercise its visitorial powers and safeguard the rights of the NMIPs regarding resource utilization contracts or agreements;
- d) Guarantee that no concession, license, permit, lease, production-sharing agreement, or other undertakings affecting ancestral domains shall be granted or renewed without going through the process laid down by law and FPIC guidelines.

The Ministry shall adopt FPIC guidelines. The following principles shall be observed:

- a) Empowerment. The NMIPs shall freely pursue their economic, social, and cultural development through their full participation in decision-making, determination of priorities, and the practice of their justice system and peace-building processes.
- b) Consensus-Building and Decision-Making Process. The NMIPs shall fully participate in the decision-making processes, primarily through their indigenous



socio-political structures. They shall likewise affirm the decisions of their duly authorized representatives.

- c) **Peace-Building.** The FPIC is a peace-building measure as it promotes the genuine involvement of NMIPs in decision-making. Adherence to the process guarantees harmony, understanding, unity, and security.
- d) **Primacy of Cultural Integrity.** Within ancestral domain/lands, the holistic and integrated adherence of IPs to their respective customs, beliefs, traditions, indigenous knowledge systems and practices (IKSP), and the assertion of their character and identity as peoples shall assume an important consideration in the decision-making processes required for the issuance of the Certificate Precondition (CP) as a prerequisite to the introduction, implementation or operation of plans, programs, projects or activities in ancestral domains to ensure that the culture and traditions of the concerned Indigenous Peoples are recognized and respected in the process and their general well-being promoted.
- e) **The right to own and manage land and other resources within the ancestral domains.** The right of the NMIPs to manage and develop their own land and other resources within their ancestral domains shall be respected.

The Ministry shall ensure that all pertinent information is provided, such as:

1. The nature, size, pace, reversibility, and scope of any proposed project or activity;
2. The reason/s or purpose of the project and/or activity;
3. The duration of the above;
4. The locality of areas that will be affected;
5. A preliminary assessment of the likely economic, social, cultural, and environmental impact, including potential risks and fair and equitable benefit-sharing in a context that respects the precautionary principle;
6. Personnel likely to be involved in the execution of the proposed project (including Indigenous Peoples, private sector staff, research institutions, government employees, and others); and
7. Procedures that the project may entail.

**SECTION 22.** *Right to Determine and Decide Priorities for Development.* — The NMIPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well being, and the lands they own, occupy, or use. They shall participate in the formulation, implementation, and evaluation of policies, plans, and programs for national, regional, and local development which may directly affect them.

**SECTION 23.** *Role of Non Moro Indigenous Peoples' Organizations.* — The State shall recognize and respect the role of independent NMIP organizations to enable the



NMIPs to pursue and protect their legitimate and collective interests and aspirations through peaceful and lawful means.

**SECTION 24.** *Means for Development/ Empowerment of NMIPs.* — The Government shall establish the means for the full development/empowerment of the NMIPs own institutions and initiatives and, where necessary, provide the resources needed thereto.

**SECTION 25.** *Establishment of Tribal Barangays and Municipalities* – NMIPs have the right to self-determination in accordance with the United Nations Declaration on the Rights of the Indigenous Peoples and existing national, regional, and their customary laws. By virtue of that right, they are allowed to establish NMIP barangays and municipalities within the BARMM where the NMIP population is at least 4% of the total population of the barangay and municipality concerned.

**SECTION 26.** *Declaration of Non-Working NMIP Holiday* – The Bangsamoro Government, through the Bangsamoro Parliament, shall enact a law or policy that will declare a non-working NMIP holiday in consultation with the NMIPs commemorating the passage of this code.

## **CHAPTER V: TRADITIONAL OR TRIBAL JUSTICE SYSTEM**

**SECTION 27.** *Primacy of Customary Laws and Practices* – Customary laws, traditions, and practices shall be used to resolve the disputes involving NMIPs of the same group.

**SECTION 28.** *Justice System and Peacebuilding Processes.* — The NMIPs have the right to use their own justice systems, conflict resolution institutions, peacebuilding processes, and other customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted to amicable settlement and to the Courts of Justice, whenever necessary. The customary laws, traditions, and practices of NMIPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members of such peoples.

Alternative Dispute Resolution (ADR) shall also be explored in the resolution of disputes, to promote goodwill, and repair or strengthen ties or relationships among NMIPs and non-NMIPs.

**SECTION 29.** *Non-Moro Indigenous Structures.* — The Bangsamoro Government shall recognize indigenous structures or systems which promote peace, law and order. Such indigenous structures or systems shall include indigenous local peace enforcers, such as, but not limited to, *Diyaga Fénuwo* and *Agubalang* among the *Tëduray*, *Lambangian* and *Dulangan Manobo/Menubu Dulangan* and similar indigenous structures of other NMIPs



in the BARMM.

**SECTION 30. *Tribal Courts.*** The Bangsamoro Government shall recognize and respect the NMIPs' justice system, including its courts. Furthermore, it shall assist and provide resources for establishing and strengthening of said indigenous courts and support the customary justices or jury (e.g. panel of *Këfëdëwan*). These courts shall determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the NMIPs concerned, in accordance with their customary laws.

**SECTION 31. *Establishment of Tribal Appellate Courts.*** - There is hereby created a system of tribal courts, which may include a Tribal Appellate Court, for the indigenous cultural communities in the autonomous region. These courts shall determine, settle, and decide controversies and enforce decisions involving family and property rights of members of the indigenous cultural community concerned in accordance with the tribal codes of these communities. These courts may also exercise exclusive jurisdiction over crimes committed by members of indigenous cultural communities where the imposable penalty as prescribed by the Revised Penal Code or other pertinent law does not exceed imprisonment of six (6) years or a fine not exceeding Fifty thousand pesos (P50,000) or both such imprisonment and fine and where the offended party or parties are also members of the indigenous cultural community concerned.

**SECTION 32. *Coordination with Law Enforcement Agencies.*** — The NMIPs, through the tribal courts, shall coordinate with law enforcement agencies of the Bangsamoro Government and local government units concerned, in criminal cases mentioned in the foregoing section. Said law enforcement agencies shall respect the jurisdiction of the tribal courts.

## **CHAPTER VI: SOCIAL JUSTICE AND HUMAN RIGHTS**

**SECTION 33. *Equal Protection and Non-discrimination of Non-Moro Indigenous Peoples.*** — Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Bangsamoro Organic Law, IPRA, the Charter of the United Nations, the Universal Declaration of Human Rights, including, the International Human Rights Law, and United Nations Declaration on the Rights of Indigenous Peoples, the Bangsamoro Government shall, with due recognition of their distinct identity, accord to the members of the NMIPs the rights, protections, and privileges enjoyed by the rest of the citizenry. It shall extend to them the same political, conomic, social, and cultural rights available to every member of the society. Accordingly, the Bangsamoro Government shall likewise ensure that the employment of any form of force or coercion against NMIPs shall be dealt with by the law.

The Bangsamoro Government shall ensure that the fundamental human rights and freedoms as enshrined in the Constitution, relevant international instruments, such as



the Convention on the Elimination of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Magna Carta of Women, are guaranteed also to indigenous women. By virtue thereof, no provision in this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

**SECTION 34. *Rights During Armed Conflict.*** — NMIPs have the right to special protection and security in periods of armed conflict. The State shall observe international standards, in particular, the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the NMIPs against their will into the armed forces, and in particular, for use against other NMIPs ; nor recruit children of NMIPs into the armed forces under any circumstance; nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

**SECTION 35. *Freedom from Discrimination and Right to Equal Opportunity and Treatment.*** — It shall be the right of the NMIPs to be free from any form of discrimination, with respect to recruitment and conditions of employment, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment.

Toward this end, the Bangsamoro Government shall, within the framework of national laws and regulations, and in cooperation with the NMIPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.

NMIPs shall have the right to association and freedom for all trade union activities and the right to conclude collective bargaining agreements with employers' organizations. They shall likewise have the right not to be subject to working conditions hazardous to their health, particularly through exposure to pesticides and other toxic substances.

**SECTION 36. *Unlawful Acts Pertaining to Employment.*** — It shall be unlawful for any person:

- a) To discriminate against any NMIPs with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to NMIPs and IPs for work of equal value; and



- b) To deny any NMIPs employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

**SECTION 37. *Basic Services.*** — The NMIPs have the right to special measures for the immediate, effective, and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the Bangsamoro Government shall guarantee the right of NMIPs to government's basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure.

**SECTION 38. *Women.*** — The Bangsamoro Government shall endeavor to address all forms of discrimination against Non-Moro Indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination (CEDAW) and the Magna Carta of Women, (Republic Act 9710), Regional Action Plan on Women Peace and Security (UNSCR 1325), Expanded Anti-Trafficking in Persons Act (Republic Act 11862), and Safe Spaces Act (Republic Act 11313). Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

The right to participation of Non-Moro Indigenous women in the decision-making process at all levels shall be promoted and institutionalized. As far as possible, the Bangsamoro Government shall endeavor to implement gender balance in convening committees, bodies, and other mechanisms that decide on matters that affect Indigenous Peoples, such as the following key bodies: NMIP Mandatory Representative (NMIPMR), Development Councils, Peace and Order Council represented by IP Women Arbiter, Disaster Risk Reduction and Management Council, Lupong Tagapamayapa represented by Spiritual Leader, Barangay Peacekeeping Action Team, Local School Board, and Local Health Board represented by Tribal Birth Attendant, among others.

The Bangsamoro Government shall endeavor to promote the right to decent work of indigenous women and create opportunities for them to meaningfully participate in the economy. This includes access to credit and capital and access to technologies. Likewise, social services shall also be provided to support the economic participation of women.

The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to, but not imposed upon, Non-Moro Indigenous women.



The Bangsamoro Government shall also promote the right to education of Non-Moro Indigenous women. Vocational, technical, professional, and other forms of training shall be provided to enable these women to fully participate in all aspects of social life. As far as possible, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages. The Bangsamoro Government shall include Non-Moro Indigenous women as beneficiaries of programs and projects funded by the Gender and Development (GAD) which represents 5% of the total budget, and not less than 5% of the total annual budget of MNMIPA.

**SECTION 39. *Children and Youth.*** — The Bangsamoro Government shall recognize the vital role of the children and youth of NMIPs in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. Towards this end, the Bangsamoro government shall support all government programs intended for the development and rearing of the children and youth of NMIPs for civic efficiency and establish such mechanisms as may be necessary for the protection of the rights of the indigenous children and youth. The MNMIPA shall allocate not less than 10% of total annual budget for plans and programs.

**SECTION 40. *Integrated System of Education.*** — The Bangsamoro Government shall, through the NMIPA, provide a complete, adequate, and integrated system of education, relevant to the needs of the children and the youth of NMIPs.

**SECTION 41. *Disaster Risk Reduction and Climate Change Adaptation.*** — The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). A percentage of funds for this program of the Bangsamoro Government shall be provided for DRR to NMIPs. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment (VRA), information dissemination campaigns, disaster management plans, among others. Indigenous Peoples shall have access to humanitarian relief, recovery, and rehabilitation in the event of disasters.

The Bangsamoro Government shall recognize, promote, and support indigenous climate change adaptation practices and include Indigenous Peoples in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of NMIPs, including to loss and damage, or impacts that cannot be absorbed by adaptation. This may include projects on sustainable agriculture, agro-ecology, and other mechanisms which support the food security requirements, and ultimately food sovereignty, of NMIPs, who belong predominantly to the agriculture sector.

The Bangsamoro Government shall assist NMIPs to directly access the People's Survival Fund by helping to streamline its processes.



The Bangsamoro Government shall also endeavor to develop programs that promote green jobs and green growth in accordance with Philippine Green Jobs Act of 2017, or RA 10771. NMIPs shall also be prioritized for renewable energy projects which are climate-proof, culturally appropriate, democratically determined, and in line with their development needs.

## **CHAPTER VII: CULTURAL INTEGRITY AND IDENTITY OF INDIGENOUS PEOPLES**

**SECTION 42.** *Protection of Non-Moro Indigenous Culture, Traditions and Institutions.* — The Bangsamoro Government shall respect, recognize, and protect the right of NMIPs to safeguard their culture, traditions, and institutions. It shall consider this right in the formulation and application of regional plans and policies.

**SECTION 43.** *NMIP Educational Systems.* —The Bangsamoro Government shall provide NMIPs' access to all levels of education where the medium of instruction is the local indigenous language and the teaching methods sensitive and appropriate to non- Moro indigenous culture. The Bangsamoro government shall also ensure the equitable access of NMIPs to public and private educational and cultural facilities, adequate scholarships, grants, and other incentives. However, this does not prejudice the rights of NMIPs to establish and control their own educational systems and institutions.

**SECTION 44.** *Tribal State University.* —The Bangsamoro Government may create a Tribal State University system within the BARMM to address the higher educational needs of the NMIPs. The Ministry of Basic, Higher and Technical Education, the MNMIPA, and the NMIP Coordinating Council shall undertake studies on how to efficiently and effectively establish the Tribal State University in the Bangsamoro Autonomous Region.

The Tribal State University shall be founded upon Indigenous Knowledge Systems and Practices (IKSPs). It shall develop educational programs appropriate and relevant to the needs and aspirations of the NMIPs, and geared towards the respect, promotion, and protection of their cultures and practices. The University shall have programs in the natural and social sciences and the arts to support these aspirations. It shall endeavor to inspire young NMIPs to serve and be leaders in their ancestral domains. It shall involve the training of teachers to effectively carry out the mandates of the Tribal State University.

**SECTION 45.** *Recognition of Cultural Diversity.* —The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the NMIPs appropriately reflected in educational curricula, public information materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take effective measures, in consultation with NMIPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and



good relations between NMIPs and all segments of society. Furthermore, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. The Bangsamoro Government shall likewise ensure the participation of recognized Non-Moro Indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. As a repository of traditional knowledge, indigenous leaders, and individuals of exemplary skills will be given due recognition.

The Bangsamoro government shall build the Banobo Center as a “*kakap dulunan*” site to memorialize the founding of relations and to emphasize the kinship between the Mamalu and Tabunaway. The Banobo Center shall facilitate cultural exchanges between the Non-Moro, migrant settlers, and Moro youth to celebrate and strengthen common heritage and inter-peoples cooperation.

**SECTION 46. *Community Intellectual Rights.*** —NMIPs have the right to practice and revitalize their own cultural traditions and customs. The Bangsamoro Government shall protect, preserve, and promote Indigenous heritage and culture, and enforce the right to the restitution of cultural, intellectual, religious, and spiritual property taken in violation of their laws, traditions, and customs, or without their FPIC. Their proprietary, exclusive, economic, and moral rights over their traditional knowledge and expressions shall be protected.

**SECTION 47. *Rights to Religious, Cultural Sites and Ceremonies.*** —NMIPs have the right to manifest, practice, develop, and teach their spiritual and religious traditions, customs, and ceremonies; the right to maintain, protect, and access their religious and cultural sites; the right to use and control ceremonial objects; and the right to the repatriation and reburial of human remains. Accordingly, the Bangsamoro Government shall take effective measures, in cooperation with the NMIPs concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected, and protected. To achieve this purpose, it shall be unlawful to:

- a) Explore, excavate, or dig in archaeological sites of the NMIPs for the purpose of obtaining materials of cultural values, including human remains, without the Free and Prior Informed Consent of NMIPs; and
- b) Deface, remove, or otherwise destroy artifacts which are of great importance to the NMIPs in the conservation of their cultural heritage.

**SECTION 52. *Right to Indigenous Knowledge Systems and Practices, Science and Technology.*** — NMIPs have the right to the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop, and protect their indigenous science and technology. These include genetic resources, such as seeds and medicinal plants, animals, and minerals. These also cover



traditional medicine and health practices; indigenous knowledge systems and practices; knowledge of the properties of fauna and flora; traditional medical knowledge; traditional ecological knowledge; oral traditions; literature; and visual and performing arts. A NMIP museum shall be established as a repository of cultural heritage.

**SECTION 48.** *Access to Biological and Genetic Resources.* — Access to biological and genetic resources and their derivatives, including digital sequence information, and to indigenous knowledge related to the conservation, utilization, and enhancement of these resources, shall be allowed within ancestral domains of the NMIPs only when the FPIC is obtained in accordance with customary laws of the concerned NMIP. The Bangsamoro Government shall ensure that benefits arising from the use of such resources and knowledge are shared with the communities in accordance with mutually agreed terms.

**SECTION 49.** *Agro-ecological Principles and Practices.* — The Bangsamoro Government shall recognize and support the agro-ecological practices of NMIPs. Agro-ecology draws upon ecological and social practices to manage food and agricultural systems.

Agro-ecology seeks to optimize the relationships between plants, animals, humans, and the environment while factoring in social aspects in promoting a sustainable and fair food system. Agro-ecological practices are often in themselves strategies for climate change adaptation.

The Bangsamoro Government shall likewise support the bio-genetic and resource management systems of the NMIPs and shall encourage cooperation between government agencies to ensure the successful sustainable development of NMIPs.

**SECTION 50.** *Funds for Archaeological and Historical Sites.* — The Bangsamoro Government shall allocate funds and the NMIPs shall have the right to receive from the Bangsamoro Government all funds especially earmarked or allocated for the management and conservation of their archaeological and historical sites and artifacts with financial and technical support from Bangsamoro Government agencies.

## **CHAPTER VIII: MINISTRY OF NON-MORO INDIGENOUS PEOPLES AFFAIRS (MNMIPA)**

**SECTION 51.** *Ministry for Non-Moro Indigenous Peoples Affairs.* — There shall be created the Ministry for Non-Moro Indigenous Peoples, which shall be the primary government agency responsible for the formulation and implementation of policies, plans, and programs to promote and protect the rights and well-being of the NMIPs and the recognition of their ancestral domains as well as their rights thereto consistent with the RA 11054, RA 8371, Muslim Mindanao Autonomy Act number 241 or the “Tribal Peoples Rights Act”, and other Bangsamoro laws, customs, and traditions of NMIPs in the aspect of autonomy.



**SECTION 52. Powers and Functions.** — To accomplish its mandate, the MNMIPA shall have the following powers, jurisdiction, and functions:

- a) Serve as the primary Bangsamoro government agency to assist Non-Moro Indigenous Peoples in the BARMM;
- b) To review and assess the conditions of NMIPs, including existing laws and policies pertinent thereto, and to propose relevant laws and policies to address their role in Bangsamoro development;
- c) Issue Certificate of Ancestral Domain Titles (CADT) / Certificate of Ancestral Land Titles (CALT) / *fusaka ingëd* to NMIPs in the Bangsamoro Government, and register such CADTs in the appropriate Register of Deeds;
- d) To formulate and implement policies, plans, programs, and projects for the economic, social, and cultural development of the NMIPs and monitor the implementation thereof;
- e) To request and engage the services and support of experts from other agencies of government or employ private experts and consultants as may be required in the pursuit of its objectives;
- f) Subject to existing laws and the FPIC of the NMIPs, to enter into contracts, agreements, or arrangement with government or private agencies or entities, as may be necessary to attain the objectives of this Act, and to obtain loans from government, non-government, private, and international lending institutions to finance its programs, subject to the approval of the Chief Minister of the Bangsamoro Government;
- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source (local, national and international), subject to the approval of the Bangsamoro Government, for the benefit of NMIPs; and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interest of NMIPs and existing laws;
- h) To coordinate development programs and projects for the advancement of the NMIPs and oversee the proper implementation thereof in coordination with other agencies, government or private if so required;
- i) To convene periodic conventions, congresses, summits, or assemblies of NMIPs to review, assess, and propose policies or plans;



- j) To advise the Chief Minister of the Bangsamoro Government on all matters relating to the NMIPs, and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- k) To submit to the Bangsamoro Parliament appropriate legislative proposals intended to carry out the policies under this Act;
- l) To prepare and submit the appropriate budget to the Office of the Chief Minister;
- m) To facilitate the conduct of consultations on the FPIC process and issue appropriate certification as a precondition to the grant of permit, lease, grant, or any other similar authority for the disposition, utilization, management, and appropriation by any private individual, corporate entity, or any government agency, corporation, or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the NMIP concerned;
- n) To promulgate the necessary rules and regulations for the implementation of this Act;
- o) To issue Certificates of Accreditation and Certificates of Dissolution of marriages contracted and solemnized in accordance with the customs, culture, and tradition of NMIPs in the celebration and solemnization of marriages. To recognize Solemnizing officers as endorsed by the IPS and to endorse the same to the local civil registry;
- p) Provide legal and paralegal assistance to NMIP communities;
- q) Develop appropriate plans and programs to respond to gender issues and concerns as these relate to the full realization and protection of Non-Moro Indigenous women's rights for maximum participation in community and nation-building. The ministry shall ensure that at least 10% of the annual budget of the ministry be allocated for these plans and programs.
- r) Develop appropriate plans and programs for the need of Non-Moro Indigenous youth and students, including but not limited to the Institutionalized Scholarship for Non-Moro Indigenous Peoples, and allocating at least 10% of the annual budget of the ministry, for this purpose;
- s) Develop appropriate programs for the elderly and Persons With Disabilities;
- t) Accredite existing local NMIP organizations and non-government organizations operating in the areas of NMIPs;



- u) To exercise such other powers and functions as may be directed by the Chief Minister of the BARMM;
- v) Perform such other related functions as may be provided by law, such as issuance of tribal membership or Certificates of Confirmation to IP applicants for any legal purpose.

**SECTION 53. *Composition.*** — The Ministry of the Non-Moro Indigenous Peoples shall be headed by the Minister and assisted by two (2) Deputy Ministers, one for Administration and one (1) for Operations. It shall have an Executive Director and appropriate offices for the following: 1) Director for the Office on Policy Planning and Research; 2) Director for Administrative and Finance Office; 3) Director for the Office for Ancestral Domains/Native Title; 4) Director for the Office for Empowerment, NMIP Governance and Human Rights; 5) Director for the Office for Socio-Economic Services and Special Concerns; 6) Director for the Office for Education, Culture and Health; and 7) Director for Legal Affairs Office. 8) Director for the Office of Women Affairs. 9) Director for Children and Youth

Provincial Officers for Maguindanao and Lanao del Sur and a cluster of Barangays in North Cotabato and City Officer for the City of Cotabato.

Community Development Officers for Community Services Centers in municipalities and clustered municipalities where NMIPs are dominant.

**SECTION 54. *Qualifications, Tenure, Compensation.*** — The Minister must be a natural-born Filipino citizen, a full-blooded member of any Non-Moro Indigenous Peoples resident of the BARMM as certified by the tribe he/she comes from and must have worked for at least ten (10) years in ancestral domains or in agencies involved with NMIP concerns. The Minister must either come from the NMIP Members of Parliament chosen and endorsed by the NMIP IPS as provided in the BOL or non-Member of the Parliament; provided that he/she shall be chosen and endorsed by NMIP communities. He/she must have proven honesty and integrity and must not have been convicted in any court of any crime. The Minister for Non-Moro Indigenous Peoples shall hold office for a period of three (3) years, and may be subject to re-appointment upon confirmation by the appointing authority for another term if they are chosen and endorsed by Non-Moro Indigenous Peoples; provided, that no person shall serve for more than three (3) terms subject to selection and endorsement by NMIP communities; provided further that in case of vacancy, appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity; provided, finally that the Minister and other personnel shall be entitled to compensation in accordance with the Salary Standardization Law.

**SECTION 55. *Appointment of Personnel.*** — Personnel of lower rank shall be appointed



by the Minister for Non-Moro Indigenous Peoples. As long as the necessary qualifications are met, preferential employment shall be extended to members of the NMIP for the positions of Minister, Deputy Minister, Directors, and ADO.

Officials and employees of the defunct Office for Southern Cultural Communities who are qualified may apply for appointment with the Ministry for Non-Moro Indigenous Peoples and treated as the same with the new applicants, passing the same process; provided that, their appointment is subject to confirmation by the Civil Service Commission in the BARMM; provided further, that in the case where there is a Non-Moro indigenous person and a non-indigenous person with similar qualifications applying for the same position, priority shall be given to the former.

**SECTION 56. *Removal from Office.*** — The Minister in the MNMIPA may be removed from office by the Chief Minister, on his/her own initiative or upon recommendation by at least 30% of each NMIP community, for cause before the expiration of his/her term for flagrant violation of the NMIP Code and customary laws, betrayal of public trust, corruption, conviction of a crime, and after complying with due processes requirement of law.

**SECTION 57. *Fiscal Autonomy*** — the Ministry shall have fiscal autonomy. It shall be provided with adequate funding, which shall be regularly and automatically released. Annual appropriation of funds to the Ministry shall not be reduced from the amount it received in the preceding fiscal year. The compensation, emoluments, privilege, or any other benefits enjoyed by all its officials and employees under this act shall not be decreased.

**SECTION 58. *No Restraining Order or Preliminary Injunction.*** — No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the MNMIPA or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of this Act and other pertinent laws relating to NMIPs and ancestral domains.

**SECTION 59. *Offices within the MNMIPA.*** — In addition to the Office of the Minister, the Office of the Deputy Minister for Administration, and the Office of the Deputy Minister for Operation, the following offices shall also be created:

- a. Office of the Executive Director — The MNMIPA shall create the Office of the Executive Director that shall lead the day-to-day operation of the office. The office shall be headed by an Executive Director, who shall be appointed by the Minister upon recommendation of the NMIPs. The staffing pattern of the office shall be determined by the MNMIPA subject to existing rules and regulations;
- b. Office for Ancestral Domains/Native Title — The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral



domains upon the request of NMIP communities based on self-delineation process. It shall also be responsible for the management of ancestral domains in accordance with a master plan as well as the implementation of the ancestral domains right of the NMIPs as provided for in this Act. It shall also review, determine and recommend issuance of certificate of precondition to the Minister for MNIMPs, upon the free and prior informed consent of the NMIPs concerned, prior to the grant of any license, lease, or permit for the exploitation of natural resources affecting the interests of NMIPs or their ancestral domains and to assist the NMIPs in protecting the territorial integrity of all ancestral domains. It shall likewise perform such other functions as the Ministry may deem appropriate and necessary;

- c. Office on Policy, Planning and Research — The Office on Policy, Planning, and Research shall be responsible for the formulation of appropriate policies and programs for NMIPs, such as, but not limited to, the development of a master plan for the NMIPs. The plan shall undergo a periodic process of review and assessment and make revisions based on the changing context.

The Office shall also undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a repository of ethnographic information for monitoring and evaluation and policy formulation. It shall assist the Minister for NMIPs in the formulation of appropriate legislation benefiting NMIPs;

- d. Office of Education, Culture and Health — The Office on Education, Culture and Health shall be responsible for the effective implementation of the education, cultural, and health and related rights as provided in this Act. It shall assist, promote, and support community schools, both formal and non-formal, for the benefit of NMIPs, especially in areas where existing educational facilities are not accessible to members of NMIPs. It shall administer all scholarship programs and other educational rights intended for NMIPs beneficiaries in coordination with the Ministry of Basic, Higher and Technical Education (MBHTE). It shall undertake a special program which includes language and vocational training, public health, and family assistance programs and related subjects.

It shall also assist and recommend appropriate legislations inherent to the educational, cultural and health needs of NMIPs.

Appropriate educational programs relevant to the needs and aspirations of the Non-Moro Indigenous Peoples shall also be supported which includes, but is not limited to, the establishment of Schools for Living Traditions intended to preserve, promote, and protect indigenous knowledge, systems and practices of the NMIPs. Coordination with the MBHTE in the indigenization of the educational curriculum shall be initiated;



- e. Office for Socio-Economic Services and Special Concerns — The Office on Socio-Economic Services and Special Concerns shall serve as the Office through which the MNMIPA shall coordinate with pertinent government agencies charged with the delivery of basic socio-economic services, policies, plans, and programs to NMIPs. It shall also be responsible for other such functions as the MNMIPA may deem appropriate and necessary;
- f. Office of Empowerment, NMIPs Governance and Human Rights — The Office of Empowerment NMIP Governance and Human Rights shall ensure that indigenous socio-political, cultural, and economic rights are respected and recognized. It shall ensure that capacity-building mechanisms are instituted, and NMIPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making. It shall likewise ensure that the basic human rights and other pertinent rights as the NMIPs may determine, subject to existing laws, rules, and regulations, are protected and promoted;
- g. Office of Women Affairs — The Office of Women Affairs shall ensure the gender mainstreaming and transformation of programs for NMIP communities. It shall lead the implementation of women's agenda for NMIP women in the BARMM.
- h. Office of Children and Youth. The Office of Children and Youth shall ensure the promotion and development of programs for children and youth. It shall facilitate the establishment of a consultative mechanism for dialogue with the youth. In order to develop their full potential as partners in nation building, the office shall ensure the youth's active participation in various programs through linking with government and non-government organizations both at the national and international level.
- i. Administrative and Finance Office — The Administrative and Finance Office shall provide the MNMIPA with economical, efficient, and effective services pertaining to personnel, finance, records, equipment, security, supplies, and other related services. It shall also administer the Ancestral Domains Fund;
- j. Legal Affairs Office — There shall be a Legal Affairs Office that will advise MNMIPA on all legal matters concerning NMIPs and provide them with legal assistance in litigation involving community interest. It shall conduct preliminary investigations on the basis of complaints filed by NMIPs against a natural or juridical person believed to have violated the rights of NMIPs. On the basis of its findings, this Office shall initiate the filing legal action to appropriate agencies of the Government.
- k. Provincial and City Offices — There shall be provincial offices and city offices to be established in provinces and cities of the Bangsamoro Autonomous Region in



Muslim Mindanao where the dominant population of NMIPs shall be headed by a Provincial Director or City Director.

1. Community Service Center — Community Service Centers shall likewise be established in municipalities where NMIPs are of significant number or cluster of municipalities where NMIPs are residing in an intact community. The Community Service Centers shall be headed by Community Development Officers.

**SECTION 60. *Other Offices.*** — The MNMIPA shall have the power to create additional offices if may deem necessary, subject to existing rules and regulations.

**SECTION 61. *Accessibility and Transparency.*** — Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all official records, documents, and papers pertaining to official acts, transactions, or decisions, as well as research data used as basis for policy development of the MNMIPA shall be made accessible to the public.

**SECTION 62. *Relationship with Other Offices.*** — The MNMIPA shall establish a mechanism for effective coordination and shall ensure harmonious relationships with other offices of the Bangsamoro Regional and National Governments in the implementation of programs and policies for the benefit of the NMIPs in the BARMM.

## **CHAPTER XI: DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS**

**SECTION 63. *Delineation and Recognition of Ancestral Domains.*** — Self-delineation shall be the guiding principle in the identification and delineation of ancestral domains. As such, the NMIPs concerned shall have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders as to the scope of the territories and agreements or pacts made with neighboring NMIPs, if any, will be essential to the determination of these traditional territories. The MNMIPA shall take the necessary steps to identify lands which the NMIP concerned have traditionally occupied, and guarantee effective protection of their rights of ownership and possession thereto. Measures shall be taken in appropriate cases to safeguard the right of the NMIPs concerned to land which may no longer be exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities

**SECTION 64. *Delineation Process.*** — The identification and delineation of ancestral domains/ancestral lands shall be done in accordance with the following procedures:

- a. Ancestral Domains/ Ancestral Lands delineated Prior to This Act. The Ministry shall recognize ancestral domains already delineated or titled in accordance with existing National Law;



- b. Ancestral Domains/ Ancestral Lands in the process of delineation. The Bangsamoro Government shall recognize ancestral domains that are still in the process of delineation prior to this Act and shall be considered as vested right of the NMIPs.
- c. Petition for Delineation. The process of delineating a specific perimeter may be initiated by the NMIPs through the petition of the claimants to the MNMIPA by a majority of the members of the NMIPs or through their IPS;
- d. Delineation Proper. The official delineation of ancestral domain boundaries, including census of all community members therein, shall be immediately undertaken by the Ancestral Domains Office upon filing of the application by the NMIP concerned. Delineation shall be done in coordination with the NMIP concerned and shall at all times include genuine involvement and participation by the members of the NMIP concerned;
- e. Proof Required. Proof of Ancestral Domain/ Ancestral Lands Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such NMIPs in the concept of ownership which shall include:
1. Written accounts of the NMIPs' customs and traditions
  2. Written accounts of the NMIPs' political structures and institutions; and, in addition, any three (3) of the following pieces of evidence:
  3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places, and old villages
  4. Historical accounts, including pacts and agreements concerning boundaries entered into by an NMIP concerned with other NMIPs
  5. Survey plans and sketch maps
  6. Anthropological data
  7. Genealogical surveys
  8. Pictures and descriptive histories of traditional communal forests and hunting grounds
  9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces, and the like
  10. Write-ups of names and places derived from the local language of the community.
- f. Preparation of Maps. On the basis of such investigation and the findings of fact based thereon, the Ancestral Domains Office shall prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein;



g. Report of Investigation and Other Documents. A complete copy of the preliminary census and a report of investigation, shall be prepared by the Ancestral Domains Office of the MNMIPA;

h. Notice and Publication. A copy of each document, including a translation in the native language of the NMIP concerned, shall be posted in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted in the local, provincial and regional offices of the MNMIPA, and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from date of such publication:

Provided, that in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute: Provided, further, that mere posting shall be deemed sufficient if both newspaper and radio station are not available;

i. Endorsement to MNMIPA. Within fifteen (15) days from publication and within the period of the inspection process, the Ancestral Domains Office shall prepare a report to the MNMIPA endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Ancestral Domains Office shall require the submission of additional evidence: Provided, that the Ancestral Domains Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification: Provided, further, that in case of rejection, the Ancestral Domains Office shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. The denial shall be appealable to the MNMIPA; Provided, further, that in cases where there are conflicting claims between NMIPs on the boundaries of ancestral domain claims, the Ancestral Domains Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the section below.

j. Turnover of Areas Within Ancestral Domains/ Ancestral Lands Managed by Bangsamoro and National Government Agencies. The Minister of the MNMIPA shall certify that the area covered is an ancestral domain. The Minister of the Ministry of Agrarian Reform, Ministry of Environment and Natural Resources, Ministry of the Interior and Local Government, and Shariah Court, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;

k. Issuance of Certificate of Ancestral Domain/ Ancestral Lands Titles. NMIPs whose ancestral domains have been officially delineated and determined by the MNMIPA shall be issued a CADT/ CALT in the name of the community



concerned, containing a list of all those identified in the census; and

- I. Registration of Certificate of Ancestral Domain Titles/ Certificate of Ancestral Land Titles. The MNMIPA shall register issued CADTs/ CALTs before the Register of Deeds in the place where the property is situated.

**SECTION 65.** *Camps within the Ancestral Domain Areas.* — NMIPs, as the rightful owners of the ancestral domains which have been part of camps, shall have full ownership, control and management of these said areas. They shall also be given priority in the provision of any assistance to improve their economic productivity. The government agencies tasked with implementing the Normalization process shall coordinate with the Indigenous Peoples Structure of the Non-Moro Indigenous Peoples to ensure that the rights of the Non-Moro Indigenous Peoples to their ancestral domain will be protected.

**SECTION 64.** *Fraudulent Claims.* — The Ancestral Domains Office may, upon written request from the NMIPs, review existing claims that have been fraudulently acquired by any person or community. Any claim found to be fraudulently acquired by, and issued to any person or community, shall be canceled by the MNMIPA after due process.

**SECTION 65.** *Communal Rights.* — Areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: Provided, that communal rights under this Act shall not be construed as co-ownership as provided in Republic Act. No. 386, otherwise known as the New Civil Code.

**SECTION 66.** *Existing Property Rights Regimes.* — Legitimately acquired property rights within and forming part of the ancestral domains, already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

**SECTION 67.** *Natural Resources within Ancestral Domains.* — The NMIPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the NMIPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years, renewable for not more than ten (10) years:

Provided, that a formal and written agreement is entered into with the NMIP concerned, pursuant to its own decision-making process, has agreed to allow such operation: Provided, that the NMIPs shall enjoy full royalties arising from such agreements. The royalty from use of natural resources found within ancestral domains shall not be less than 20% of the gross income. Provided, finally, that the MNMIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the NMIPs under the same contract.

**SECTION 68.** *Mining Application in Ancestral Areas.* — Mining applications for ancestral



domains or lands shall be subject to approval by all affected NMIPs through their IPS, with the strict compliance of FPIC. The IPS of affected NMIPs shall approve exploration permits, choose mining companies, and decide to suspend mining activities when these prove to be disadvantageous to the NMIPs, after due notice and hearing are accomplished; provided, that any action or inaction on the part of the mining company did not suffice in addressing the subject disadvantage. Such disadvantages shall include health risks and negative environmental impacts, such as the pollution of water sources and the threat to agriculture and food security. This IPS may also decide to suspend mining operations when a mining company is found culpable of human rights abuses, after due notice and hearing.

Mining host communities shall be entitled to equitable shares from the gross income of mining operations pursuant to Republic Act No. 11054 aside from the 1% royalty as provided for under the Mining Act of 1975 and corporate social responsibility of the companies to the communities.

Mining shall not be allowed in areas that will unduly harm shared commons, including critical watersheds, key biodiversity areas (KBAs), prime agricultural lands, and other areas.

The Free Prior and Informed consent of the affected NMIPs shall be respected and sought before any exploration will take place.”

**SECTION 69. *Agriculture, Fisheries, and Aquatic Resources.*** — Consistent with the Philippine Fisheries Code of 1998, Republic Act. No. 8550, NMIPs shall enjoy preferential fishing rights in areas that belong to ancestral domains. The MNMIPA shall grant permits to commercial fishing companies intending to fish in waters within ancestral domain upon the issuance of consent by the NMIPs and NMIPs shall be entitled to 20% royalties arising from commercial fishing activities.

NMIPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities.

**SECTION 70. *Environmental Considerations.*** — Ancestral domains or portions thereof, which are found to be necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by appropriate agencies with the FPIC and full and effective participation of the NMIPs concerned, shall be conserved and developed for such purposes. The NMIP shall have the authority to conserve and develop such areas with the full assistance of government agencies.

Should the NMIP decide to transfer the responsibility over the areas, said decision must be made in writing. The Free and Prior Informed Consent (FPIC) of the NMIPs should be obtained in accordance with its customary laws without prejudice to the basic



requirements of existing laws and guidelines on FPIC: Provided, that the transfer shall be temporary and will ultimately revert to the NMIPs in accordance with a program for technology transfer: Provided, further, that no NMIP shall be displaced or relocated for the purpose enumerated under this section without their FPIC.

**SECTION 71. *Certification Precondition.*** — All Ministries and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license, or lease, or entering into any production-sharing agreement, or carry out any project without prior certification from the MNMIPA that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: Provided, that no certification shall be issued by the MNMIPA without the Free and Prior Informed and Consent of NMIPs concerned: Provided, further, that no department, government agency, or government-owned and controlled corporation may issue new concession, license, lease, or production-sharing agreements while there is a pending application for a Certification of Ancestral Domain Title: Provided, finally, that the NMIPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied FPIC guidelines.

**SECTION 72. *Exemption from Taxes.*** — All lands certified to be ancestral domains shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains are actually used for large-scale agriculture, commercial forest plantation, and residential purposes or upon titling by private persons: Provided, that all exactions shall be used to facilitate the development and improvement of the ancestral domains.

**SECTION 73. *Resolution of Conflicts.*** — In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan that cannot be resolved, the MNMIPA shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: Provided, that if the dispute is between NMIPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. Provided, further, that any decision, order, award or ruling of the MNMIPA on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of this Act may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from receipt of a copy thereof.

**SECTION 74. *Applicable Laws.*** — Customary laws, traditions, and practices of the NMIPs of the land where the conflict arises shall be applied first with respect to property rights, claims and ownerships, hereditary succession, and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the NMIPs.

**SECTION 75. *Remedial Measures.*** — Only in exceptional cases and in genuine need,



Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good." The MNMIPA shall take appropriate legal action for the cancellation of documented titles that were acquired illegally: Provided, That such procedure shall ensure that the rights of possessors in good faith shall be respected: Provided further, that the action for cancellation shall be initiated within five (5) years from the effectivity of this Act: Provided, finally, that the action for reconveyance shall be within a period of fifteen (15) years. Provided furthermore, that action for cancellation of titles acquired through fraud are imprescriptible.

**SECTION 76.** *Pending Ancestral Domain/ Native Title/ Fusaka Ingöd Claim.* – Ancestral Domain Claims that are currently being processed by the NCIP for issuance of Certificate of Ancestral Domain Title such as, but not limited to, the Teduray Lambangian Ancestral Domain Claim shall be recognized and respected. Any matters related to these claims, the Ministry on Non-Moro Indigenous Peoples shall coordinate with the National Commission on Indigenous Peoples.

## **CHAPTER X: JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF IP RIGHTS**

**SECTION 77.** *MNMIPA Adjudicatory Board* – The board has have the original and exclusive jurisdiction on the following cases:

- a. To promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of this Act;
- b. To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other document of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of this Act;
- c. To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- d. To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic activity.

## **CHAPTER XI: ANCESTRAL DOMAINS FUND/ *Funds and Annual Appropriation***

**SECTION 78.** *Ancestral Domains Fund.* — There shall be created an Special Fund to be known as Ancestral Domain Fund, an initial amount of Two Hundred Million Pesos (P200,000,000) shall be set aside to cover for the compensation for expropriated lands,



delineation and development of ancestral domains of the Non-Moro Indigenous Peoples in the Bangsamoro to be taken from Block Grant of the Bangsamoro Government.

## CHAPTER XII: PENALTIES

**SECTION 79.** *Punishable Acts and Applicable Penalties.* — Any person who commits a violation of any of the provisions of this Act and other existing laws, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral domains or shall commit any of the prohibited acts mentioned hereof, shall be punished in accordance with the customary laws of the NMIPs concerned:

Provided, that no such penalty shall be a cruel, degrading, or inhuman form of punishment: Provided, further, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any NMIPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than fifteen (15) years or a fine of not less than Five hundred thousand pesos (P500,000) nor more than One Million Pesos (P1,000,000) or both such fine and imprisonment upon the discretion of any competent court. In addition, they shall be obliged to pay to the NMIP concerned whatever damage may have been suffered by the latter as a consequence of the unlawful act.

**SECTION 80.** *Persons Subject to Punishment.* — If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be liable and punishable by law, in addition to the cancellation of certificates of their certificate precondition, registration and/ or license: Provided, that if the offender is a public official or are public employees, they may be punished in accordance with any existing laws after due process has been exhausted.



### CHAPTER XIII: INTER-GOVERNMENTAL RELATIONS (IGR)

**SECTION 81. *Creation of the NMIP Council or Consultative Bodies.*** — To foster inter-tribal unity and cooperation among the diverse NMIPs, the BARMM shall support the creation of the Council or Consultative Bodies per NMIP tribe with membership duly selected pursuant to their customary laws. There shall be a NMIP Council or Consultative Bodies that shall advise the Minister on matters affecting the NMIPs in the Bangsamoro Autonomous Region Muslim Mindanao. The Council or Consultative Bodies shall lobby with the Chief Minister should there be policies that violate the rights of NMIPs in the BARMM. The MNMIPA shall provide financial resources for the convening of this Council or Consultative Bodies.

**SECTION 82. *MNMIPA relations with other Ministries of the Bangsamoro Government*** — Appropriate mechanisms shall be established to foster and maintain mutual and harmonious relationships with other Ministries in the BARMM.

**SECTION 83. *MNMIPA's relation to the NCIP and other National Line Agencies*** — Appropriate mechanisms shall be established to arrange the administrative relations of the Ministry for Non-Moro Indigenous Peoples with other national government agencies having related concerns for the Non-Moro Indigenous Peoples in the Bangsamoro Autonomous Region.

### CHAPTER XIV: FINAL PROVISIONS

**SECTION 84. *Appropriations.*** — An Initial Amount of at least Ten Billion Pesos (P10,000,000,000) annually shall be set aside to fund the implementation of this law to be taken from the Annual Block Grant Allocation of the Bangsamoro Autonomous Region in Muslim Mindanao.

**SECTION 85. *Implementing Rules and Regulations.*** — Within sixty (60) days immediately after passage of this law, the MNMIPA shall formulate the necessary implementing rules and regulations, in consultation with the Committee on Indigenous Peoples Affairs of the Bangsamoro Parliament and with the representation of the IPOs and IPS of the Non-Moro Indigenous Peoples, for the effective implementation of this Act.

**SECTION 86. *Saving Clause.*** — This Act shall not in any manner adversely affect the rights and benefits of the NMIPs under other conventions, covenants, international treaties, national laws, awards, customs, and agreements.



**SECTION 87. Separability Clause.** — In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereof. The remaining provisions that are not affected shall continue to be in full force.

**SECTION 88. Repealing Clause.** — Previous Laws, issuances that are incompatible with this act are hereby repealed and modified accordingly.

**SECTION 89. Effectivity.** — This Act shall take effect fifteen (15) days upon its publication in the official Gazette or in any two (2) newspapers of general circulation.

*Approved,*

AUTHOR:

  
FROILYN T. MENDOZA  
*Member of Parliament*

Certified correct:

PROF. RABY B. ANKAL  
*Secretary General*

Attested by:

HON. PANGALIAN M. BALINDONG  
*Speaker*