



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

SECOND PARLIAMENT
First Regular Session

Parliament Bill No. 273

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
RECEIVED
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Date: JAN 25 2024 Time: 4:35 PM

Introduced by:

THE GOVERNMENT OF THE DAY

**AN ACT TO RECOGNIZE, DEVELOP AND PROTECT THE
INDIGENOUS PEOPLES IN THE BANGSAMORO
AUTONOMOUS REGION IN MUSLIM MINDANAO,
STRENGTHENING THE MINISTRY OF INDIGENOUS
PEOPLES' AFFAIRS, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

CHAPTER I

Title and Declaration of Policy

Section 1. Short Title. This Act shall be known as "Bangsamoro Indigenous Peoples Development Act of 2024"

Section 2. Purpose. Pursuant to the mandate provided for under the Bangsamoro Organic Law, the purpose of this Act is to protect, promote and preserve the collective rights of Indigenous Peoples in the Bangsamoro Region, to recognize and develop their ancestral domain, strengthen their indigenous political structure and political participation, and to protect minority Indigenous Cultural Communities from marginalization and discrimination.

Section 3. Coverage. This act shall apply to all native indigenous peoples within the Bangsamoro Autonomous Region in Muslim Mindanao, such as but not limited to the indigenous cultural communities (ICCs) belonging to the *Téduray*, *Lambangian*, *Dulangan Manobo*, *Erumanun Ne Menuvu*, *Higaonon*, *B'laan*, *Sama Dilaut*, *Sama Jama Mapun*, *Sama Bangingi*, *Sama Pangutaran* and such other marginalized and minority ICCs that are ascribed as indigenous peoples by the Ministry of Indigenous Peoples Affairs.

Section 4. Declaration of Bangsamoro Government Principles and Policies. The Bangsamoro Government reaffirms the policies embodied in the 1987 Philippine Constitution, national and regional laws, and international treaties and agreements concerning the protection and development of indigenous peoples. It is hereby declared the policy of the Bangsamoro Government:

- a. To recognize, respect, protect, promote, preserve, and support the rights of the ICCs in the Bangsamoro Autonomous Region within the framework of national unity, sustainable development and social justice;
- b. To recognize the inherent right of the ICCs/IPs to self-governance and self-determination, and to respect the integrity of their values, practices, and institutions;
- c. To guarantee the rights of the ICCs/IPs to freely pursue their economic, social, and cultural development. Further, it shall consequently establish the means for the full development and empowerment of the ICCs/IPs' own institutions and initiatives, provide resources, and respect their native titles;
- d. To ensure that the ICCs/IPs have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity;
- e. To protect the rights of the ICCs/IPs over their ancestral domains including their right to the natural resources found therein;
- f. To recognize the applicability of customary laws governing persons and family relations, and property rights or relations in determining the ownership and extent of ancestral domains;
- g. To guarantee that members of the ICCs/IPs, regardless of sex and gender, shall equally enjoy the full measure of human rights and freedom without discrimination;
- h. To take measures, with the participation of the ICCs/IPs concerned, to protect their rights, to guarantee respect for their cultural integrity, and to ensure that ICCs/IPs benefit from progress and opportunities which Bangsamoro laws and regulations grant to other members of the population;
- i. To adopt the United Nations Declaration on the Rights of Indigenous Peoples as part of its regional policy framework in the protection and recognition of the rights of all indigenous and native inhabitants in the Autonomous Region;
- j. To recognize the Moro-IP Kinship as a living tradition between and among the native inhabitants of the Bangsamoro Autonomous Region in Muslim Mindanao as both trace their common ancestry from Mamalu and Tabunaway;
- k. To declare the entire Bangsamoro Territory as the shared Ancestral Domain of all native inhabitants of the Bangsamoro Region pursuant to their common ancestry and pre-colonial history; and

1. To recognize that the indigenous peoples were victims of historical injustice as a result of colonization, armed conflict, and dispossession of their lands, territories and resources, which prevented them from freely exercising their indigenous political structure and customary laws and traditional practice.

CHAPTER II

Definition of Terms

Section 5. *Definition of Terms.* For purposes of this Act, the following terms shall mean:

- a. **Ancestral Domain/Fusaka Inged** – refers to all areas generally belonging to ICCs/IPs, comprising of lands, marshlands, inland waters, coastal areas, shores, bays, lakes, rivers, and natural resources therein, that have inured or vested ancestral rights on the basis of native title, which are necessary for ensuring their economic, social, and cultural welfare, held under a claim of ownership and occupied or possessed by ICCs/IPs, 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 ICCs/IPs but from which they traditionally had access to for their livelihood and traditional activities. Ancestral domains, also referred to as *fusaka ingëd*, encompasses not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.
- b. **Ancestral Lands** – refer to lands belonging to members of the Indigenous Cultural Community which are private, yet communal, and cannot be the subject of sale, encumbrance, disposition or transfer to non-members of the ICC/IPs; except if it is between and among members of the same tribe in accordance with their customary law and practices.
- c. **Indigenous People’s Organization** - refers to a private, non-profit voluntary organization duly registered with the Ministry of Indigenous Peoples Affairs, composed of Indigenous Peoples, and provides for programs and services to IPs.
- d. **Certificate of Fusaka Inged Title (CFIT)** - refers to a title formally recognizing the rights of possession and ownership of IPs over their fusaka inged/ancestral domains identified and delineated in accordance with this law.
- e. **Certificate of Ancestral Lands Title (CALT)** - refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral lands.
- f. **Certificate of Affirmation** - refers to a certificate issued by the Ministry of Indigenous Peoples Affairs (MIPA) to a selected Indigenous Peoples Mandatory Representative (IPMR) who has complied with all the requirements prescribed by the Ministry as well as that of the community he/she represents.

- g. **Certificate Precondition** - refers to the Certification of Compliance issued by the Ministry of Indigenous Peoples Affairs (MIPA) attesting that the applicant has complied with the requirements for securing the affected ICC/IP's FPIC in accordance with the provisions of this Act.
- h. **Communal claims** - refer to claims on land, resources, and rights therein belonging to the whole community within a defined territory.
- i. **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 IPs.
- j. **Free, prior and informed consent (FPIC)** - refers to the consensus decision of affected IP communities, to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference, or coercion, regarding any proposed public or private project, activity, enterprise, or agreement, the intent and scope of which shall be disclosed to the IPs, in a language and process understandable to them.
- k. **Indigenous Cultural Communities/Indigenous Peoples** — Indigenous Cultural Communities/Indigenous Peoples — refer to a group of people or homogenous societies identified by self- ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains. For purposes of this Act, ICCs/IPs in the Bangsamoro belong to communities whose members share a common language and practice diverse cultures and ways of life that are distinct and different from the mainstream. ICCs/IPs define themselves (self-ascription) and are defined by others (ascription by others) as belonging to a distinct cultural group that have lived in a defined territory, which they describe as their ancestral domain or ancestral land, since pre-colonial or colonial times. ICCs/IPs have been marginalized because of their resistance to assimilation by colonization and continue to suffer marginalization and are disadvantaged in the processes of development.
- l. **Indigenous peoples' education** - refers to an educational system based on indigenous knowledge systems and practices (IKSP) that interfaces with other educational systems.
- m. **Indigenous political structures** - refer to organizational and cultural leadership systems, governance institutions, relationships, patterns, and processes for decision-making and participation, identified and practiced by IPs such as, but not limited to, Council of Elders, Council of *Timuays*, *Timuay* Justice and Governance, *Gempa te Kalindaan ne Kamal*, *Kena Menuwa*, *Alimbubungan* or such other governance mechanism of similar nature which is

exercised in a defined territory.

- n. **Individual claims** - refer to claims on land and rights therein which have been devolved to individuals, families, and clans belonging to a recognized ICCs/IP including, but not limited to residential lots, rice paddies, tree lots and aqua farms.
- o. **Local legislative councils** - refer to those offices exercising local legislative power such as Sangguniang Panlalawigan for the Province, Sangguniang Panlungsod for the City, Sangguniang Bayan for the Municipality and Sangguniang Barangay for the Barangay.
- p. **Ministry of Indigenous Peoples' Affairs (MIPA)** - refers to the primary government agency responsible for the formulation and implementation of policies, plans, and programs to recognize, protect, and develop the indigenous peoples within their identified ancestral domain in the autonomous region.
- q. **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 ICCs/IPs 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.
- r. **Non-government organization** - refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the IPs and has an established track record for effectiveness and acceptability in the community where it serves.
- s. **Sustainable traditional resource rights** - refer to the rights of ICCs/IPs 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.
- t. **Time immemorial** - refers to a period of time when as far back as memory can go, certain ICCs/IPs 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, notwithstanding dispossession of said territory due to war, armed conflict, civil disturbance, force majeure, or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by the government and private individuals, corporate entities or institutions.

CHAPTER III

Ancestral Domain, Ancestral Lands and Fusaka Inged

Section 6. Concept of Ancestral Domain Ownership. Ancestral domains cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the ICCs/ IPs possess, occupy, and use and to which they have claims of ownership. Ancestral domains and all resources found therein shall serve as the material bases of the cultural integrity of ICCs/IPs.

Section 7. Concept of Ancestral Land Ownership. Ancestral lands and all resources found therein shall constitute the identifiable share or portion of the ancestral domain held and possessed

by a member, family or a clan belonging to the ICCs. Buying and selling of ancestral lands, except among bonafide members of the tribe, is strictly prohibited and punishable under this Act. Any other form of transfer of rights, donation, leasehold and other forms of conveyance in circumvention of this law is null and void.

Section 8. Indigenous Concept of Ownership. The indigenous concept of ownership generally holds that ancestral domains are the ICCs/IPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights. Buying and selling of ancestral domains is strictly prohibited and punishable under this Act. Any other form of transfer of rights, donation, leasehold and other forms of conveyance in circumvention of this law is null and void.

Section 9. Rights to Ancestral Domains. The right to ownership and possession of ancestral domains by ICCs/IPs shall be recognized and protected. Such rights include:

- a. **Right of ownership** — The right to claim ownership over lands, bodies of water traditionally and occupied by ICCs/IPs, sacred places, burial grounds, ethnomedicinal conservation areas, and traditional hunting and fishing grounds, and all improvements made by them at any time within the ancestral domains.
- b. **Right to Self Determination** - Indigenous peoples have the right to self-determination, by virtue of which, they determine their political status and pursue their economic, social and cultural development.
- c. **Right to Equitable Share** – The right to receive from the Bangsamoro Government their equitable share in the revenues generated from exploration, development and utilization of natural resources found within their ancestral domain.
- d. **Right to develop lands and natural resources** — The right to develop, control, and use lands and territories traditionally occupied, owned, or used by ICCs/ IPs; 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 their ancestral domain. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the Bangsamoro Government to prevent any interference, alienation, and encroachment upon these rights.
- e. **Right to stay in the territories** — The right to stay in the territory and not be removed therefrom. No ICCs/IPs shall be relocated without their free, prior and 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 ICCs/IPs 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, the

Bangsamoro Government shall ensure that the ICCs/IPs 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.

- f. **Rights during Armed Conflict** - ICCs/IPs have the right to special protection and security in instances and periods of armed conflict. The Bangsamoro Government 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 ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs; nor recruit children of ICCs/IPs into the armed forces under any circumstances; nor force indigenous individuals and communities to abandon their lands, territories, and means of subsistence, or relocate them to special centers for military purposes under any discriminatory condition without proper consultation and coordination with the Indigenous Political Structure concerned.
- g. **Right in case of displacement** - In case of displacement that poses actual and imminent dangers to their own life and safety as a result of armed conflict, human-induced and natural hazards and disasters, the Bangsamoro Government shall resettle the displaced ICCs/IPs in suitable areas where they are provided or can access food, water, shelter, health, and other basic services: *Provided*; that the displaced ICCs/IPs 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 ICCs/ IPs shall enjoy security of tenure over lands to which they have been resettled: *Provided* finally, that basic services and livelihoods shall be immediately provided to them to ensure that their needs are adequately addressed.
- h. **Right to regulate entry of migrants** — ICCs/IPs through their IPS shall have the right to control, regulate, and limit the entry of migrant settlers and organizations into the domains to ensure the preservation of their cultural and territorial integrity. This includes the right to review, assess, and renegotiate the terms of entry of existing migrants and organizations.
- i. **Right to safe and clean air, water, and environment** — For this purpose, the ICCs/IPs must have access to integrated management systems of their inland waters, environment, and air space.
- j. **Right to claim parts of reservations** — The right to claim parts of the ancestral domains which have been reserved for various purposes when it has not been utilized in accordance with the purpose for which it was intended by the institutions concerned.
- k. **Right to resolve land conflict** — The right to resolve land conflicts in accordance with customary laws and tribal justice system of the ICC where the land is located, and only in default thereof shall the complaints be submitted for amicable settlement or alternative dispute resolution and to the courts of justice.
- l. **Right to Resolve All Other Conflicts** –The right to resolve all other conflicts between and among members of the ICC in accordance with customary laws and their tribal justice system.

- m. **Right to free and speedy issuance of Certificate of Ancestral Lands/Fusaka Inged Titles (CALT/CFIT)** - The right to free and speedy issuance of CALT/CFIT shall be observed by the Ministry of Indigenous Peoples' Affairs, provided all the requirements prescribed by the Ministry has been complied with.
- n. **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 ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICCs/IPs shall have the right to redeem the land or property within a period not exceeding fifteen (15) years from the date of transfer. This is without prejudice to the processes and procedures on land review under the transitional justice and reconciliation mechanism.

Section 10. Rights to Ancestral Lands. The right to ownership and possession of the ICCs/IPs to their ancestral lands shall be recognized and protected. These rights include, but are not limited to, the following:

- a. **Right to transfer land or property** — Such right shall include the right to transfer land or property to/among members of the same IPs, subject to their customary laws and traditions.
- b. **Right to redemption** — In cases where it is shown that the transfer of ancestral land or property by virtue of any agreement or devise, to a non-member of ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the said agreement shall be null and void. The ICCs/IPs shall have the right to redeem the land or property in accordance with due process.

Section 11. Responsibilities of ICCs/IPs to their Ancestral Domains. ICCs/IPs occupying ancestral domains shall have the following duties and responsibilities in accordance with their customary laws:

- a. **Actively participate in the protection and development of ancestral domain** – To attend meetings and actively support activities, projects and community processes for the protection and development of ancestral domain.
- b. **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.
- c. **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
- d. **Observe laws** — To observe and comply with customary law, other relevant regional laws, including this Act, as well as its implementing rules and regulations.

Section 12. Unauthorized and Unlawful Intrusion. Unauthorized and unlawful intrusion upon or use of any portion of the ancestral domain, or any violation of the rights herein enumerated, shall be punishable under this law. Failure to provide a Certificate Precondition secured through FPIC shall be a *prima facie* presumption of unauthorized or unlawful intrusion. Furthermore, the

Bangsamoro Government shall take measures to prevent non-indigenous peoples from taking advantage of the ICCs/IPs' customs and concept of ownership or their lack of understanding of national and other related laws, to secure ownership and possession of land belonging to said ICCs/IPs.

When the unauthorized and unlawful intrusion is committed by a public officer, the imposable penalty shall be one degree higher without prejudice to other civil or administrative actions.

Section 13. *Recognition of Ancestral Domain Rights.* The rights of ICCs/ IPs to their ancestral domains by virtue of native title shall be recognized and respected. Formal recognition, when solicited by ICCs/IPs concerned, shall be embodied in a Certificate of Fusaka Inged Title (CFIT), subject to compliance with the set of requirements provided under this Act, which shall formally recognize the ownership of the concerned ICCs/IPs over the territories identified and delineated.

CHAPTER IV

Self Governance and the Indigenous Political Structure

Section 14. *Right to Determine and Decide Priorities for Development.* The ICCs/IPs have the right to determine and decide their own priorities for development that affect their lives, beliefs, institutions, spiritual well-being, and the ancestral domain they own, occupy, or use. They shall participate in the formulation, implementation, and evaluation of policies, plans, and programs for regional, and local development which may directly affect them and their socio-political and economic development.

Section 15. *Right to Participate in Decision-Making.* ICCs/IPs have the right to full and effective participation at all levels of decision-making of the Bangsamoro Government in matters that may affect their rights and interests, and to maintain and develop their own indigenous political structures even as they participate in processes outside these structures.

Section 16. *Self-Governance.* The Bangsamoro Government recognizes the indigenous peoples' inherent right to self-determination, and in the exercise thereof, shall afford the ICCs/IPs meaningful autonomy on matters relating to their socio-economic and cultural development.

Section 17. *Recognition of Indigenous Political Structures.* The Bangsamoro Government hereby recognize and affirm the existing Indigenous Political Structures (IPS) of ICCs/IPs within the autonomous region such as, but not limited to *Council of Elders, Council of Timuays, Timuay Justice and Governance, Gempa te Kalindaan ne Kamal, Kena Menuwa, Alimbubungan*, as the governing body that will define policies, leadership, direction and consensus-building on key decisions affecting all members of the ICCs/IPs. The Bangsamoro Government shall provide the necessary resources and opportunities to strengthen, develop and empower the Indigenous Political Structures (IPS).

Section 18. *Self-reliance and mutual support among IPS.* Building on traditional practice of self-reliance, the IPS shall develop their own resource-generation strategies. The IPS shall establish a mutual support fund that further develop and strengthen existing traditions of mutual support and mutual help among various IP groups.

Section 19. Powers, Duties and Functions of Indigenous Political Structures. The Indigenous Political Structure (IPS) shall have the following powers:

- a. Resolve conflict between and among the ICCs/IPs;
- b. Strengthen structure and customary laws;
- c. Confer tribal titles in accordance with their customary practices;
- d. Solemnize marriage and assist in the issuance of birth certificates, certificates of tribal marriage, certificate of tribal membership, and death certificates, subject to related rules and regulations of MIPA and other concerned government agencies;
- e. Recommend the duly selected indigenous peoples mandatory representatives by the concerned ICCs/IPs to the local legislative bodies or sanggunians, as well as, representatives in other policy-making bodies;
- f. Administer customary laws within their ancestral domains and territories; and
- g. Negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and conservation measures, pursuant to national and customary laws.

Section 20. Fusaka Inged Development Authority. - There is hereby created a Fusaka Inged Development Authority (FIDA), which shall have the primary mandate to promote, coordinate, facilitate the active participation of Indigenous Political Structures, LGUs, private sectors and other stakeholders, to effect inclusive growth and socio-economic development of ancestral domains in the autonomous region.

Section 21. Powers Duties and Functions of the FIDA. - The FIDA shall serve as the governing body of a region-wide federation of Indigenous Political Structures within the autonomous region. It shall have the following powers, duties and functions:

- a. To formulate and implement systems for the sustainable use, protection and conservation of the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in accordance with their indigenous knowledge systems and practices (IKSPs), customary laws and traditions, and duly adopted ADSDPP, if any;
- b. To revitalize and strengthen ICCs/IPs own institutions, systems and standards for protecting their natural resources, taking into consideration the national minimum standards. For this purpose, the ICCs/IPs may be authorized by the appropriate government agency to exercise powers to prevent, apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains in accordance with the Bangsamoro Indigenous People's Code;
- c. To help negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and conservation measures, pursuant to national and customary laws;
- d. To regulate activities that may adversely affect the ICCs/IPs' airspace, bodies of water and lands. Any violation of environmental laws adversely affecting the integrity of the

ecological systems in ancestral domains shall be sanctioned according to customary laws of the ICCs/IPs concerned;

- e. To assist the various IPS to seek redress and or compensation for any loss, injury or damage caused to its culture and the ancestral domain;
- f. To uphold the Free and Prior Informed Consent (FPIC) process relative to all activities involving the utilization, extraction or development of natural resources;
- g. To assist the various IPS to source out, manage, disburse or use any funds, appropriations or donations from any legal entity, for the development of the domain/land and to ensure individual and collective accountability and responsibility for such funds, appropriations or donations;
- h. To serve as the custodian or depository for funds owed to the diverse Indigenous Political Structures (IPS) by virtue of their entitlement to a share in the revenues generated from the exploration, development, and utilization of natural resources within territories covered by a native, traditional, or customary title, as conferred upon them;
- i. To assist the community in filing the petition for, and lead the community in, the delineation and identification of ancestral domains in accordance with the Principle of Self Delineation rights by virtue of Native Title;
- j. To assist the community in working for the de-establishment of reservations made by executive fiat or law overlapping ancestral domains/lands, or parts thereof;
- k. To cause the formulation of programs and projects on the role of women based on a gender analysis framework to strengthen and promote participation of indigenous women in decision-making processes on sustainable resource management;
- l. To ensure their domains as special zones of peace and life, and advocate recognition and respect thereof;
- m. To develop programs and projects in the practice and revitalization of their own cultural traditions and customs;
- n. To regulate entry of migrants and other entities in accordance with their consensus-building processes, community practices, customs and traditions and upon the free, prior and informed consent of the community members; and
- o. Other traditional roles or functions analogous to the foregoing.

Section 22. Indigenous Peoples Council. There shall be established an Indigenous Peoples' Council which shall serve as an advisory and consultative body that will assist the MIPA with the following:

- a. Implementation and delivery of programs and services to ICCs/IPs;
- b. Advise the Minister of MIPA on policy issues, programming, enforcement of FPIC process, the delineation of Ancestral Domain/Lands and conflict resolution; and

- c. Formulation of guidelines on the selection of IP representatives in local sanggunians and other policy-making bodies, including IP representation in the executive branch of local government units.

The MIPA shall provide financial resources for the periodic convening of this Council.

Section 23. *Composition of the Indigenous Peoples Council.* The Indigenous Peoples Council shall be composed of representatives from recognized indigenous peoples' tribes duly registered with MIPA. Each tribe is entitled to one (1) seat in the Indigenous Peoples Council.

Section 24. *Selection of members.* The process of selecting the representatives of each tribe shall be in accordance with their customary law and tradition. The Indigenous Peoples Structure of the said tribe shall endorse and submit the name of their representative to MIPA. MIPA shall not intervene nor unduly influence in the internal process of selection of the tribe's Representative.

Section 25. *Term.* The term of office of the members to the Indigenous Peoples Council shall be for three (3) years unless duly removed for cause by the tribe he is representing.

Section 26. *Honorarium.* Members of the Indigenous Peoples Council shall not receive regular compensation but will be entitled to honorarium, *per diems* and necessary expenses in attending the meetings and activities of the Council.

Section 27. *Creation of Tribal Local Government Units.* There may be created tribal local government units in the Bangsamoro Autonomous Region in areas with substantial population of non-Moro IPs as provided in the Bangsamoro Local Governance Code.

CHAPTER V

Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy Making Bodies

Section 28. *IP Mandatory Representative (IPMR).* The Bangsamoro Government shall guarantee and strengthen the mandatory representation of IPs in local policy making bodies of local government units within the autonomous region taking into consideration the following:

- a. Where there exists an ancestral domain (AD) or ancestral land (AL) in a given LGU, whether or not with CFIT/CALT, IP representation is mandatory. The IPMR shall be selected from qualified traditional or actual owners/rights holders of the ancestral domain/ancestral land through consensus among the members of the Indigenous Political Structures.
- b. Where there are no AD/AL, there shall be IPMR when at least five percent (5%) of the population of the local government unit is composed of ICCs/IPs. Provided further that not more than fifty percent (50%) of its local elective officials is composed of ICCs/IPs.

- c. Where the situations in paragraphs a and b above are not obtaining, the concerned LGU may still allow representation upon the initiative of ICCs/IPs therein, provided that in no case shall the population of ICCs/IPs be less than 5% of the total population of such LGU.

Section 29. *Non-interference in the selection of IPMR.* It shall be unlawful for the local chief executive or the concerned Sanggunian to intervene, directly or indirectly, in the selection of the IP Mandatory Representative.

Section 30. *Mandatory duty of Sanggunian Officials and Local Chief Executives to recognize IPMR.* It shall be mandatory and ministerial on the part of the appropriate Sanggunian to accept and recognize the IPMR duly endorsed by the IPS and certified by the MILG. Willful refusal to recognize and install the IPMR within the legislative body shall be a ground for disciplinary action.

Section 31. *Appointment of IP Deputies in Local Government Units.* The appointment of Deputy Governor/Mayor for Indigenous Peoples shall be mandatory in Provinces and Municipalities with at least five (5%) of the population of indigenous peoples. The Deputy shall be appointed by the respective local chief executive, upon recommendation of the concerned Indigenous Political Structure.

Section 32. *Representation of women in tribal and local special bodies.* The Bangsamoro government shall ensure that women are duly represented in the peace and order council and all local special bodies at the regional, provincial, city, municipal levels.

CHAPTER VI

Tribal Justice System

Section 33. *Primacy of Customary Laws and Practices.* Customary laws, traditions, and practices shall be used to resolve claims and disputes between and among ICCs/IPs. However, ICCs/IPs belonging to different groups may voluntarily agree to resolve their disputes using the customary laws, traditions, and practices of either of the parties.

In case one of the parties to the dispute is a non-IP, the dispute may still be resolved using customary laws, traditions and practices if the latter voluntarily submits himself/herself to the jurisdiction of the traditional justice system.

Section 34. *Justice System and Peace building Processes.* The ICCs/IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peace building 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 for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of ICCs/ IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof, subject to the immediately preceding Section.

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

Section 35. *Indigenous Peoples' Traditional Tribal Justice System.* The traditional tribal justice system shall determine, settle, and decide controversies and enforce decisions involving personal and family relations and property rights of the ICCs/IPs, in accordance with their customary laws.

The Bangsamoro Government shall recognize and respect the ICCs/IPs' traditional tribal justice system. It shall assist and provide resources for establishing and strengthening the tribal justice council.

Section 36. *Applicable Laws.* Customary laws, traditions, and practices of the IPs 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 IPs.

CHAPTER VII

Social Justice

Section 37. *Equal Protection and Non-discrimination of ICCs/ IPs.* Consistent with the equal protection clause of the 1987 Philippine Constitution, related laws, and international treaties and agreements, the Bangsamoro Government shall, with due recognition of their distinct identity, accord to the ICCs/ IPs the rights, protections, and privileges enjoyed by the rest of the citizenry. It shall extend to them the same political, economic, 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 ICCs/IPs shall be dealt with by the law.

Section 38. *Basic Services.* The IPs 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 given 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 IPs to access basic services which shall include, but are not limited to, water and electric facilities, education, health, and infrastructure. Moreover, The Bangsamoro Government shall provide a mechanism for the use of medical facilities that is sensitive to the culture of the IPs in the Bangsamoro Autonomous Region.

The relevant Ministries shall provide in their total budget, a specific appropriation intended for Indigenous Peoples to ensure that basic services shall be reserved especially for them.

Section 39. *Indigenous Employment Affirmative Measure.* In areas where there is a substantial IP population, Ministries, Agencies, Offices of the regional government, shall prioritize, in the hiring and selection process, IP applicants residing in the area, who meet the prescribed minimum qualifications.

Section 40. *Unlawful Acts Pertaining to Employment.* It shall be unlawful for any person:

- a. To discriminate against any IPs with respect to the terms and conditions of employment on account of their ethnicity or identity. Equal remuneration shall be accorded to IPs for work of the same value; and
- b. To deny IPs employees any right or benefit herein provided, or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

CHAPTER VIII

Women, Children and Youth

Section 41. *Policy on IP Women.* The Bangsamoro Government shall ensure that the fundamental human rights enshrined in the Constitution, national and other regional laws, and international laws, are guaranteed and afforded 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.

The Bangsamoro Government shall address all forms of discrimination against indigenous women, in keeping with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Magna Carta of Women, and other existing laws or those that may be passed. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

Section 42. *Gender Balance.* The right to participation of indigenous women in politics, policy-making and decision-making processes shall be promoted. The Bangsamoro Government shall endeavor to implement gender balance in creating offices, committees, bodies, and other mechanisms that decide on matters that affect indigenous peoples.

Section 43. *Bangsamoro Regional Action Plan for IP Women.* The Bangsamoro Government, through the Bangsamoro Women Commission and the concerned IP women representatives, shall develop a program that shall facilitate empowerment of IP women. Active support for the preservation of women's knowledge of the tribe shall be incorporated in the program.

Section 44. *IP Women's Right to Health.* The Bangsamoro Government shall also promote the right to health of indigenous women, which includes access to maternal and childcare, 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, indigenous women. As far as applicable, the Bangsamoro Government shall ensure that access to services for women are communicated in the local languages.

Section 45. *Primary Maternal and Childcare Providers.* In areas where there is a predominant IP population, IP-women shall be employed as the primary providers for maternal and childcare to promote indigenous health practices and birthing methods.

Section 46. *Gender and Development Budget.* The Bangsamoro Government shall ensure that indigenous women will directly benefit in the implementation and utilization of the Gender and Development (GAD) budget under existing law.

Section 47. *Children and Youth.* The Bangsamoro Government shall recognize the vital role of the IP children and youth 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 programs intended for nurturing of children and indigenous youth to help them develop into productive members of society and establish mechanisms as may be necessary for the protection of their rights.

Section 48. *Integrated System of Education.* The Bangsamoro Government shall, through the Ministry of Basic, Higher, and Technical Education (MBHTE), in coordination with the Ministry of Indigenous Peoples' Affairs (MIPA), provide a complete, adequate, and integrated system of education, relevant to the needs of the indigenous children and youth.

CHAPTER IX

Indigenous Knowledge, Systems and Practices

Section 49. *Protection of Indigenous Culture, Traditions and Institutions.* The Bangsamoro Government shall respect, recognize, protect, and preserve the right of IPs to safeguard their culture, traditions, and institutions. It shall consider this right in the formulation and application of regional plans and policies.

Section 50. *Right to Indigenous Knowledge Systems and Practices, and to Develop Own Science and Technology.* ICCs/IPs 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.

Section 51. *Indigenous Peoples' Educational Systems.* The Bangsamoro Government shall provide the ICCs/IPs equal access to all levels of education where the medium of instruction is the local indigenous language and the teaching methods sensitive and appropriate to indigenous culture. The Bangsamoro Government shall also ensure the equitable access of indigenous learners to public and private educational and cultural facilities, adequate scholarships, grants, and other incentives. However, this does not preclude the rights of ICCs/IPs to establish and control their own educational systems and institutions.

Section 52. *Tribal University System.* A Tribal University shall be created which shall be founded upon indigenous knowledge systems and practices (IKSP). The Ministry of Indigenous Peoples Affairs, the Ministry of Basic, Higher and Technical Education, and the indigenous political structures shall undertake comparative studies on how to establish the Tribal University System efficiently and effectively in the Bangsamoro Autonomous Region.

The Tribal University's Board of Trustees shall develop competitive and standardized educational programs appropriate and relevant to the needs and aspirations of IPs, and geared towards respect, promotion, protection, and preservation of their cultures and practices. The Tribal University shall have programs in arts and sciences to support these aspirations. It shall endeavor to inspire young IPs to serve and become leaders in their ancestral domains and indigenous communities. It shall involve training of teachers to carry out effectively the mandates of the Tribal University.

Section 53. *Inclusive Tribal University Education.* The Tribal University in the autonomous region shall be open to all students regardless of their religion, ethnicity and nationality. In pursuit of MBHTE's principle of "no learner will be left behind", it should maintain open admission and be accessible to all.

Section 54. *Recognition of Cultural Diversity.* The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the IPs appropriately reflected in educational curricula, public information materials, and cultural exchanges. Consequently, the Bangsamoro Government shall take effective measures, in consultation with IPs concerned, to eliminate prejudice and discrimination and to promote tolerance, understanding and good relations between IPs 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 indigenous leaders in schools, communities, and international cooperative undertakings, such as festivals, conferences, seminars, and workshops, to promote indigenous heritage and values. Indigenous leaders and individuals of exemplary skills shall be given due recognition.

Section 55. *Indigenous Cultural Guardians.* The Bangsamoro Government recognizes indigenous peacekeeping and safety mechanisms to protect ICCs/IPs and their ancestral domain and to enforce compliance with customary laws. Such indigenous local structures shall include indigenous local peacekeepers, such as, but not limited to, *Diyaga Fénuwo Agubalang, Balagan, Bagani* and similar indigenous structures in the Bangsamoro Autonomous Region.

Section 56. *Creation of Banobo Center.* The Bangsamoro Government, through the Bangsamoro Commission on the Preservation of Cultural Heritage (BCPCH), in coordination with the Ministry of Indigenous Peoples' Affairs, shall build the *Banobo* Center as a "*kakap dulunan*" site to memorialize the founding of relations between the Mamalu and Tabunaway. The *Banobo* Center shall facilitate cultural exchanges between the non-Moro and Moro youth to celebrate and strengthen common heritage, kinship and mutual cooperation.

Section 57. *Community Intellectual Rights.* Indigenous Knowledge, System and Practices shall be the Intellectual Property Right of the ICCs/IP concerned. As such, they shall have the right to practice and revitalize their own cultural traditions and customs. Public dissemination or exhibition of the said Intellectual Property Right must go through the Indigenous Political Structure.

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 Free, Prior and Informed Consent (FPIC).

Section 58. *Rights to Religious, Cultural Sites and Ceremonies.* ICCs/IPs have the right to manifest, practice, develop, and teach their youth 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 ICCs/IPs 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 ICCs/IPs for the purpose of obtaining materials of cultural values, including human remains, without the free, prior and informed consent of ICCs/IPs;
- b. Deface, remove, or otherwise destroy artifacts which are of great importance to the ICCs/IPs in the conservation of their cultural heritage;
- c. Undertake logging, cutting of trees, and mining in the identified areas and localities of IP; and
- d. Desecrate and destroy sacred places and burial grounds.

Section 59. *Funds for Archaeological and Historical Sites.* The Bangsamoro Government shall especially earmark or allocate funds for the management and conservation of ICC/IPs archaeological and historical sites such as Kakap Dulunan and artifacts.

CHAPTER X

Ministry of Indigenous Peoples Affairs

Section 60. *Powers and Functions.* In addition to those already provided the Bangsamoro Administrative Code, the Ministry of Indigenous Peoples' Affairs shall have the following powers and functions:

- a. Delineate and issue Certificates of Fusaka Inged Title (CFIT)/ Ancestral Land Title (CALTs) to ICCs/IPs in the Bangsamoro Autonomous Region and register such CFIT with the appropriate Register of Deeds. In the process of delineation, the MIPA shall coordinate with MENRE and MAFAR to verify the existence of adverse or pending claims and avoid overlapping of issuance of titles;
- b. Subject to existing laws and the FPIC of the ICCs/IPs, 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;
- c. Facilitate the conduct of consultations on the FPIC process and issue appropriate certification as a pre-condition 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 IP concerned;

- d. Provide legal and paralegal assistance to IP communities;
- e. Use gender lens in developing its plans and programs to highlight gender issues and concerns of IP women and men, as these relate to the full realization and protection of indigenous women's rights for maximum participation in community and nation-building;
- f. Work with different Ministries and agencies in developing and/or implementing programs and projects intended to address the needs of indigenous women, youth, students, children, senior citizens, persons with disabilities, internally displaced persons (IDPs), and other poor and vulnerable sectors who are part of the ICCs/IPs. The MIPA may directly implement these projects as part of its outreach program;
- g. Accredite existing local IP organizations and non-government organizations operating in the areas of IPs for the purpose of inclusion in the Ministry's consultations, if any;
- h. Strengthen and capacitate Indigenous Political Structures and Indigenous Peoples Organizations; and
- i. Consult periodically and convene the annual Indigenous Peoples Council.

Section 61. *Provincial and City Offices.* The MIPA shall establish offices in every Province and City in the autonomous region which will be headed by a Provincial/City Officer.

Section 62. *Community Service Centers.* In order to ensure direct access to programs and services of the regional government, there shall be established Indigenous Community Service Centers shall be established in identified ancestral domain areas.

CHAPTER XI

Delineation and Recognition of Ancestral Domains/Lands

Section 63. *Delineation and Recognition of Ancestral Domains/Fusaka Inged.* Self-delineation shall be the guiding principle in the identification and delineation of ancestral domains/fusaka inged. As such, the IPs 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 IPs, if any, will be essential in the determination of traditional territories.

The Ministry of Indigenous Peoples' Affairs, through the Bureau of Ancestral Domain, shall take the necessary steps to identify lands which the IP 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 IPs 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.

The Bangsamoro Government shall provide the adequate budget for the conduct of surveys for delineation of ancestral domain claims.

Section 64. *Ancestral Domains Delineated Prior to This Act.* The Bangsamoro Government shall recognize ancestral domains already delineated or titled in accordance with existing national law.

Section 65. *Unified Ancestral Domain Claims Covering Areas Outside of BARMM.* Where only a small portion of the ancestral domain is found in the autonomous region and the substantial portion thereof is situated outside, the application and delineation process already filed with the NCIP shall be recognized. This is without prejudice to the power of MIPA to issue Certificate of Ancestral Land Title with respect to such a portion of the ancestral domain situated within its jurisdiction.

Section 66. *Delineation Process* The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

- a. **Petition for Delineation.** The process of delineating a specific perimeter area may be initiated by the Indigenous Political Structure, representing the ICCs/IPs, through a Petition for Delineation, filed with the MIPA, by a majority of the members of the ICCs/IPs.
- b. **Delineation Proper.** The official delineation of ancestral domain boundaries, including census of all community members therein, shall be immediately undertaken by the Bureau of Ancestral Domains upon filing of the application by the ICCs/IPs concerned. Delineation shall be done in coordination with the ICC/IP community concerned and shall at all times include genuine involvement and participation by the members of the ICCs/IPs concerned.
- c. **Proof Required.** Proof of Ancestral Domain 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 ICCs/IPs in the concept of owners which shall be any one (1) of the following authentic documents:
 1. Written accounts of the ICCs/IPs' customs and traditions
 2. Written accounts of the ICCs/IPs' political structures and institutions
 3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places, ritual areas, and old villages
 4. Historical accounts, including pacts and agreements concerning boundaries entered into by an ICCs/IPs concerned with other ICCs/IPs
 5. Survey plans and sketch maps
 6. Anthropological data
 7. Genealogical surveys
 8. Pictures and descriptive histories of traditional communal forests, hunting and fishing grounds, agri and aqua farms, fields containing medicinal plants whenever applicable
 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.
- d. **Coordination with MAFAR and MENRE.** The MIPA shall properly communicate and coordinate with MAFAR, MENRE and the Registry of Deeds located in the area where the

pending ancestral domain claim is located, to verify the existence of any title, tenurial instrument or such other land claims that may overlap within the specific area being claimed by the ICCs/ IPs. The written response of the said Ministries, together with documents therefrom, shall be part of the documentary evidence to be considered by the MIPA in the application and delineation process.

- e. **Preparation of Maps.** On the basis of such investigation and the findings of fact based thereon, the Bureau of Ancestral Domains shall conduct a survey and prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein.
- f. **Report of Investigation and Other Documents.** A complete copy of the preliminary census and a report of investigation shall be prepared by the Bureau of Ancestral Domains.
- g. **Notice and Publication.** A copy of each document, including a translation in the native language of the IPs concerned, shall be posted for at least fifteen (15) days, in a prominent place within the ancestral domain area that is subject of application. A copy of the document shall also be posted at the provincial and regional office of MIPA 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. A copy of the document shall be published in the official website of the Bangsamoro Government.
- h. **Endorsement to MIPA.** Within fifteen (15) days from publication and of the inspection process, the Bureau of Ancestral Domains shall prepare a report to the Office of the Minister endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Bureau of Ancestral Domains shall require the submission of additional evidence: *Provided*, That the Bureau of Ancestral Domains shall reject any claim that is deemed patently false or fraudulent after inspection and verification: *Provided*, further, That in case of rejection, the Bureau of Ancestral Domains shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. That in cases where there are conflicting claims between IPs on the boundaries of ancestral domain claims, the Bureau of Ancestral Domains 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.
- i. **Turnover of Areas Within Ancestral Domains Managed by Other Ministries, Agencies and LGUs.** Once an area is certified as an ancestral domain, the Minister of the MIPA shall, within a period of thirty (30) days, issue a certification and notify the MENRE, MAFAR, MILG, MBHTE, MTIT, MOH and any other Ministry and agency claiming jurisdiction over the area. Such notification shall terminate any legal basis for the jurisdiction previously claimed.
- j. **Issuance of Certificate of Fusaka Inged Title (CFIT).** ICCs/IPs whose ancestral domains have been officially delineated and determined by the MIPA shall be issued a CFIT in the name of the community concerned, containing a list of all those identified in the census.

- k. **Registration of CFIT/CALT.** The MIPA shall register issued CFIT/CALTs before the Register of Deeds in the place where the property is situated.

Section 67. Identification, Delineation and Certification of Ancestral Lands. The identification, delineation and certification of Certificate of Ancestral Land Titles (CALT) shall proceed as follows:

- a. The allocation of lands within any ancestral domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions.
- b. Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ministry of Indigenous Peoples' Affairs, through the Bureau of Ancestral Domain. An individual or recognized head of a family or clan may file such application in his behalf or on behalf of his family or clan, respectively;
- c. Proof of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Sec. 62 of this Act, including tax declarations and proofs of payment of taxes;
- d. The Bureau of Ancestral Domain may require from each ancestral claimant the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;
- e. Upon receipt of the applications for delineation and recognition of ancestral land claims, the Bureau of Ancestral Domain shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document 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 the date of such publication: *Provided*, that in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute. A copy of the document shall be published in the official website of the Bangsamoro Government.
- f. Fifteen (15) days after such publication, the Bureau of Ancestral Domain shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Bureau of Ancestral Domain shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Bureau of Ancestral Domain shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. In case of conflicting claims among individuals or indigenous corporate claimants, the Bureau of Ancestral Domain 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 Sec. 83 of this Act.

In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Division Chief of the Land Management Services of MENRE shall represent the interest of the Bangsamoro Government.

- g. The Bureau of Ancestral Domain shall prepare and submit a report on each and every application surveyed and delineated to the Office of the Minister, which shall in turn, evaluate the report. If the Office of the Minister finds such a claim to be meritorious, it shall issue a certificate of ancestral land title, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

Section 68. *Fraudulent Claims.* The Bureau of Ancestral Domain may, upon written request from the ICCs/IPs, review existing claims that have been fraudulently acquired by any person or community. The Bureau shall conduct an investigation and submit its report to the Office of the Minister. The Office of the Minister shall convene the Indigenous Peoples Council and evaluate the claim collegially. Any claim found to be fraudulently acquired by, and issued to, any person or community may be canceled after due notice and hearing. Provided that such case for cancellation is filed within one (1) year from the date of registration with the Register of Deeds.

Section 69. *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 70. *Existing Property Rights Regimes.* Legitimately acquired property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected, without prejudice to land review under the transitional justice mechanisms.

Existing contracts, licenses, concessions, leases and permits for the exploration, development, and utilization of natural resources within the ancestral domain may continue to be in force and effect until they expire. Thereafter, such contracts, licenses, concessions, leases and permits shall not be renewed without free prior and informed consent of the IP community members and upon renegotiation of the terms and conditions thereof. All such existing contracts, licenses, concessions, leases and permits may be terminated for cause upon violation of the terms and conditions thereof.

Section 71. *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 72. *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 MIPA 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 Indigenous Political Structures 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 MIPA on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of this Act may be brought to the proper courts

of justice.

Section 73. Remedial Measures. Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the "common good." The MIPA 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.

CHAPTER XII

Equitable Share in Natural Resources and Priority Rights of ICCs/IPs

Section 74. Share of Indigenous Communities. - Indigenous peoples 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, based on a mutually agreed percentage ratio in favor of the indigenous peoples but in no case shall it be less than ten percent (10%), and shall be directly given by the Bangsamoro Government to the communities. *Provided*, That the rights and privileges granted to indigenous peoples under Republic Act No. 8371 and other laws pertaining to indigenous peoples shall not be diminished.

Section 75. Priority Rights in the Extraction, Development and Utilization of Natural Resources. The ICCs/IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the ICCs/IPs 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 twenty-five (25) years: *Provided*, that a Memorandum of Agreement is entered into with the ICCs/IPs concerned, who has agreed to allow such operation in accordance with the FPIC process. *Provided* further, That the ICCs/IPs shall enjoy full royalties arising from such agreements. The concerned parties shall agree on a royalty payment for the concerned ICCs/IPs which shall not be less than one percent (1%) of the gross income. *Provided*, finally, That the MIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract.

Section 76. Exploration, Development and Utilization of subsoil resources in Ancestral Domain areas. Applications for exploration, development and utilization of subsoil resources in the ancestral domains shall be certified by the Minister of Indigenous Peoples' Affairs to the Ministry of Environment, Natural Resources and Energy (MENRE), upon favorable recommendation of the concerned tribal council and the Indigenous Peoples Council after the FPIC process has been properly complied with.

Section 77. Fisheries and Aquatic Resources. The ICCs/IPs shall enjoy preferential rights in fishing areas situated within ancestral domains. Application permits filed by private corporations intending to explore, develop or utilize aquatic resources found in waters within ancestral domains may granted by MAFAR or the municipality/city government, as the case may be, only upon the issuance of Certification Precondition by the MIPA obtained through the FPIC process. *Provided*, That the ICCs/IPs shall enjoy full royalties arising from such agreements. The concerned parties shall agree on a royalty payment for the concerned ICCs/IPs which shall not be

less than one percent (1%) of the gross income.

Issuance of permits without the required Certificate Precondition shall be deemed an administrative and criminal offense under this Act.

On the basis of the FPIC process, the ICCs/IPs shall have the authority to enter into or deny proposals for Agribusiness Venture Agreements (AVAs) with individuals or corporate entities.

Section 78. *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, shall be conserved and developed for such purposes, provided that such efforts shall be undertaken with the full and effective participation of the ICCs/IPs concerned and subject to the FPIC process.

The ICCs/IPs shall have the preferential option to protect and conserve such areas with the full assistance of government agencies.

The free, prior and informed consent (FPIC) of the ICCs/IPs shall 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 IPs in accordance with a program for technology transfer: *Provided*, further, that no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this section without their free and prior informed consent.

Section 79. *Access to Biological and Genetic Resources*. The access and study of biological and genetic resources and their derivatives, including digital sequence information, and the indigenous knowledge related to the conservation, utilization, and enhancement of the resources within ancestral domains of the ICCs/IPs shall be allowed; *Provided*, That, the FPIC is obtained in accordance with customary laws of the IPs concerned. Proper attribution to the ICCs/IPs shall be ensured. The Bangsamoro Government shall ensure that benefits arising from the use of such resources and knowledge are shared with the communities in accordance with the mutually agreed terms.

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

Section 80. *Agro-ecological Principles and Practices*. The Bangsamoro Government shall recognize and support the agro-ecological practices of indigenous peoples as a traditional method for food security and climate change adaptation and mitigation.

CHAPTER XIII

Free, Prior and Informed Consent

Section 81. *Free Prior and Informed Consent*. The ICCs/IPs shall exercise their right to self-determination and decision-making through Free and Prior Informed Consent (FPIC). The rights shall be protected in the introduction and implementation of plans, programs, projects, activities, and other undertakings that will impact upon their ancestral domains to ensure their

economic, social, and cultural well-being.

It shall be unlawful for public or private institutions or enterprises to implement their plans, programs, projects or activities without securing the necessary Certificate Precondition obtained through FPIC.

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 IP communities and prospective investors, government agencies, local government units, non-government organizations, and other entities interested in any partnership, following FPIC guidelines.

Section 82. *Duty to Consult.* The Bangsamoro Government has a duty to consult and, where appropriate, accommodate when it contemplates conduct that might adversely impact potential or established Indigenous Peoples Rights.

Section 83. *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 MIPA 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 Bureau of Ancestral Domains of MIPA: *Provided*, That no certification shall be issued by the MIPA without the FPIC of ICCs/IPs concerned and the participation of the Indigenous Peoples Council: *Provided*, further, That no ministry, 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 Fusaka Inged Title: *Provided*, finally, That the ICCs/ IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied FPIC guidelines.

Violation of this Section shall be ground for administrative and criminal sanctions.

Section 84. *Unlawful interference in the FPIC Process.* Any person, public official or employee, local government unit or entity, who is not part of the affected ICCs/IPs community, that directly or indirectly interferes with the FPIC process shall be administratively and criminally liable under this Act.

Section 85. *Process on the application for Certification Precondition.* The application process for Certification Precondition shall be as follows:

- a. The application for Certification Precondition for plans, projects, programs or activities sought to be undertaken within the ancestral domain/land shall be endorsed by the appropriate regulatory agency/ministry or unit of government to the MIPA Regional Office, provided however, that for plans, programs, projects or activities affecting ancestral domains that do not require a permit, license or agreement from any government agency/ministry/instrumentality, the application shall be filed directly with the MIPA Regional Office

No two (2) or more applications of similar subject shall be simultaneously entertained at any given time covering the same area while an application is being processed therein,

neither shall another be given due course while a previous application is being processed.

- b. The applicant shall submit a company and project profile which shall include: the nature and purpose of the project; location with an indicative map showing the names of Sitios and/or barangays that will be affected; Abstract of proposed project describing the size, pace, reversibility and scope; duration; preliminary assessment of the likely economic, social, cultural and environmental effects, including potential risks and how these will be addressed; Indicative budget; Persons to be involved in implementation; Operational Plan and activities; and the Profile of the applicant.

The Bureau of AD shall prepare the standard and appropriate checklist for the above purpose. At any time, the FBI/FPIC Team may require additional but pertinent document/s from the applicant, e.g EIS from the MENRE, if available.

- c. The MIPA Minister shall constitute a Team for Field-Based Investigation, to be composed of the following: the Community Development Officer (CDO) as Team Leader; the FBI Focal Person to be selected by the Minister, at least (2) community leaders and a representative of the IPS.

The composition of the team may be revised or enhanced by the Minister upon the agreement of the FBI team as the need arises in order to cope with existing work conditions or circumstances.

- d. The Pre-FBI conference shall act upon the following matters: Orientation on the requirements of the FBI process; identity and basic information about the proponent/applicant; detailed project profile; and Work and Financial Plan.
- e. If the Field-Based Investigation Team finds that the implementation of the proposed projects/programs does not in any way affects any ADs/ALs, the MIPA shall issue Certificate of Non-Overlap (CNO).
- f. Nevertheless, if the Field-Based Investigation Team finds that the implementation of proposed projects/programs affects AD/AL or publicly known to be inside the AD/AL, it shall proceed to undergo the Free and Prior Informed Consent process.
- g. The Pre-FPIC Conference shall take up the following: the FBI Report; Finalization & Approval of WFP; Remittance of FPIC fee; Setting of schedules and tasking; Orientation on the FPIC process, protocols, and prohibited acts; Submission by the applicant of an undertaking, written in a language spoken and understood by the community concerned, that it shall commit itself to full disclosure of records and information relevant to the plan/programs/projects that would allow the IPs/ICCs full access to records, documents, material information and facilities pertinent to the same; Submission of the applicant of an Environmental and Socio-Cultural Impact Statement detailing the possible impact of the plan/program/project to the ecological, economic, social and cultural aspects of the IPs/ICCs along with its mitigation mechanism; Opinion of invited experts, if applicable; and Others as may be required by the FPIC Team or as may have been surfaced during the conduct of FBI.
- h. The Minister shall constitute a Free and Prior Informed Consent Team that shall composed of the following: Public Relation Officer; Section Head of Ancestral Domain Section; CDO

(Head of FBI Team); and 2 IP leaders selected by the community during the 1st Assembly.

- i. The Community Assemblies shall be followed if the activities/programs/projects/plans to be undertaken shall fall under large scale.
- j. The Community Meetings shall be followed if the activities/programs/projects/plans to be undertaken shall fall under small scale.
- k. The consensus-building process takes place when the IPs/ICCs shall proceed to consult among themselves, employing their own customary practices to further understand and discern the advantages and disadvantages of the proposal in order to intelligently arrive at a consensus.
- l. The IPs/ICCs decision on the proposed activities/plans/projects/programs may either grant or refuse FPIC by issuing Resolution of Consent or Resolution of Non-Consent for the latter.
- m. The issuance of Resolution of Consent shall be followed by the finalization of the terms and condition of the Memorandum of Agreement between the proponent and the IPs/ICCs subject for review by the Regional Review Team constituted by the Minister that comprises the following: Chief, Special Public Assistance and Legal Aid Division, Chief, Ancestral Domain Division, and Bureau Director of Ancestral Domain.
- n. On the issuance of Resolution of Non-Consent, the proponent shall file a request to MIPA for the IPs/ICCs to reconsider their decision, if the IPs/ICCs decision is in affirmative, they shall finalize the MOA, if not, then the final refusal of the FPIC.

CHAPTER XIV

Jurisdiction and Procedures for Enforcement of Rights

Section 86. Jurisdiction of the Regional Adjudicators Bureau. - The Regional Adjudicators Bureau shall exercise original and exclusive jurisdiction to hear and decide cases involving the following:

- a. Adverse claims and border disputes arising from the delineation of ancestral domains/lands, regardless of the parties are non-ICCs/IPs, or members of different ICCs/IPs;
- b. Petition for cancellation of fraudulently-issued CFIT/CALTs, in relation to Section 68 of this Act;
- c. Petition for cancellation of issued Certification Precondition on the ground of irregularities in the issuance thereof or violation of the provisions of Memorandum of Agreement entered into by the ICCs/IPs and proponent;
- d. Cases involving violations of the Free Prior and Informed Consent Procedures under this Act; and
- e. Cases involving disqualification and protest filed against Indigenous Peoples Mandatory Representative (IPMR).

Section 87. *Quasi-Judicial Powers of MIPA.* The Ministry of Indigenous Peoples' Affairs (MIPA), through the Regional Adjudication Bureau shall have the power and authority:

- a. To summon the parties to a controversy, administer oaths, 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;
- b. To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor;
- c. 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; and
- d. To promulgate rules and regulations governing the hearing and disposition of cases, as well as those necessary to carry out its functions.

Section 88. *Regional Adjudicators Bureau.* There shall be established a Regional Adjudicators Bureau (RAB) which shall be composed of Attorney VI, as Regional Adjudicator, Attorney IV, as Hearing Officer, and Special Investigator.

Section 89. *Proceedings before the Regional Adjudicators Bureau.* The Regional Adjudicators Bureau shall not be bound by the technical rules of procedure and evidence but shall proceed to hear and decide all cases, disputes or controversies in a most expeditious manner, employing all reasonable means to ascertain the facts of every case in accordance with justice and equity and the merits of the case.

Section 90. *Appeal.* Decisions, awards or orders of the Regional Adjudicators Bureau shall be final and executory unless appealed to the Office of the Chief Minister within fifteen (15) calendar days from receipt of such decisions, awards or orders.

Section 91. *Execution of Decisions, Awards, Orders.* Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Regional Adjudicators Bureau on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the proper officer to execute such final decisions, orders or awards thereof.

CHAPTER XV

Miscellaneous Provisions

Section 92. *Disaster Risk Reduction and Climate Change Adaptation.* The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction (DRR). 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 indigenous peoples. This may include projects on sustainable agriculture, agro-ecology, systems of rice intensification (SRI), and other mechanisms which support the food security requirements, and ultimately food sovereignty, of indigenous peoples, who belong predominantly to the agriculture sector.

The Bangsamoro Government shall support the IP's traditional knowledge and other technologies to find solutions which may help their indigenous communities at large to cope with impending climate-change related alterations of their immediate environment.

Section 93. *Indigenous Peoples' Day.* In recognition of the rich cultural heritage of indigenous peoples, an Indigenous People's Day is hereby declared in accordance with the Bangsamoro Holidays Act. The Ministry of Indigenous Peoples Affairs shall allocate funds and spearhead the conduct of different activities fitting for this purpose.

Section 94. *IP Settlements and Presidential Proclamations.* The Bangsamoro Government shall proclaim settlements for IPs and affirm the existing settlements and Presidential Proclamations thereof within the Bangsamoro Autonomous Region.

CHAPTER XVI

Penalties

Section 95. *Punishable Acts and Applicable Penalties.* Any person who violates 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 ICCs/IPs 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 ICCs/IPs 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 twelve (12) years or a fine of not less than one hundred thousand pesos (P100,000.00) nor more than Five Hundred Thousand pesos (P500,000.00) or both such fine and imprisonment upon the discretion of any competent court. In addition, they shall be obliged to pay to the ICCs/IPs concerned whatever damages may have been suffered by the latter as a consequence of the unlawful act.

Section 96. *Persons Subject to Punishment.* Officers and employees, such as, but not limited to, the president, manager, or head of office of a juridical entity and who are responsible for its unlawful acts shall be held liable and subjected to the applicable penal provisions provided herein. In addition, the said juridical person shall be subject to the cancellation of its certificate of precondition, registration and/or license: *Provided*, that if the offender is a public official or employee, s/he may be punished in accordance with existing administrative laws after the observance of due process.

CHAPTER XVII

Appropriations

Section 97. *Ancestral Domains Fund.* There shall be created a Special Fund to be known as Ancestral Domain Fund, with an initial amount of Two Hundred Million Pesos (P200,000,000) to cover for the compensation for expropriated lands, redemption, delineation, titling and development of ancestral domains of the ICCs/IPs in the Bangsamoro Autonomous Region. Appropriations for succeeding years shall be included in the budget of the MIPA.

Section 98. *Appropriations.* An initial amount of Two Hundred Million Pesos (P200,000,000.00) shall be set aside to fund the implementation of this law. This amount excludes the amount appropriated for ancestral domains, as provided in the above section. Thereafter, the pertinent funds required for the implementation of this law shall be provided in the Bangsamoro Appropriations Act.

CHAPTER XVIII

Transitory Provisions

Section 99. *Implementing Rules and Regulations.* Within ninety days (90) immediately after passage of this law, the MIPA shall formulate the necessary implementing rules and regulations in consultation with the different Indigenous Peoples Structures, for the effective implementation of this Act.

Section 100. *Pending Ancestral Domain/Native Title/Fusaka Inged Claims.* Within ninety (90) days from the passage of this law, pending ancestral domain applications that are currently being processed by the NCIP such as the Teduray Lambangian Ancestral Domain Claim, shall be turned over to the MIPA for further action.

CHAPTER XIX

Final Provisions

Section 101. *Saving Clause.* This Act shall not in any manner adversely affect the rights and benefits of ICCs/IPs under other conventions, covenants, international treaties, national laws, awards, customs, and agreements.

Section 102. *Separability Clause.* If any part of this Act is declared unconstitutional, other sections or provisions which are not affected by such declaration shall continue to be in full force and effect.

Section 103. *Repealing Clause.* All regional laws, rules, and regulations or parts thereof inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 104. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the BARMM.

APPROVED,

A handwritten signature in blue ink, consisting of stylized, overlapping loops and lines, positioned above a horizontal line.

HON. AHOD B. EBRAHIM

Chief Minister