

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:07

SENATE

RECEIVED BY: 

S. No. 24

Introduced by Senator Flavier

EXPLANATORY NOTE

The *Bodong* is a territorially-based bilateral covenant of non-aggression between Kalinga villages, the centerpiece of which is an indigenous unwritten mechanism for processing its breach and regulating inter-village relations. Its objective is to maintain peace and stability within the village and create bonds of amity between villages.

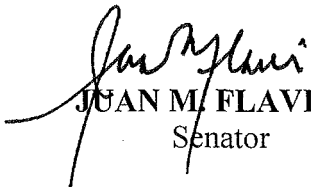
The duty and obligation of *Bodong* holders in the community is paramount. While it may be accurate to say that the *Bodong* holder cannot guarantee complete safety, there are many things that the *Bodong* holder actually guarantees, such as the following: 1) swift investigation of an injury or death allegedly caused by a co-villager against a *kabodong*; 2) final determination of the identity of the covenant violator and consequent punishment commensurate to the gravity of the violation or as provided by the covenant; 3) indemnity for loss, injury or death due to the violation; 4) assistance to a *kabodong* who gets sick within the village territory; 5) return of a *kabodong's* body who died of illness within its territory; and 6) assurance of village hospitality.

In the *Pagta* or law of the *Bodong*, the *Bodong* holder shall faithfully enforce and execute the provisions of the *Pagta*; prosecute with dispatch cases brought to his attention until the same have been settled to the satisfaction of both parties; not allow the severance of the *Bodong* without complying with the provisions of *Pagta*; and arrest or cause the arrest of the violator of the *Pagta*.

For most Kalinga, the *Bodong* is not only the result of the creation of a binding legal relationship but it is also an important social activity. The convergence of both is what they poignantly equate as the essence of life itself not only because peace insures the perpetuation of their lives but also because the very activity itself makes them feel alive.

The Peace Pact Holders or the *Bodong* holders are revered members of the community, more than a barangay captain or a law enforcer. It is for this reason that they should be accorded recognition and legal status as recognition and legal status as persons in authority in their own tribal barangay.

Immediate passage of this bill is therefore earnestly requested.


JUAN M. FLAVIER
Senator

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AN ACT

ACCORDING OFFICIAL STATUS AND LEGAL RECOGNITION TO TRIBAL PEACE PACT HOLDERS IN THE PROVINCE OF KALINGA AND OTHER AREAS WITH SIMILAR PRACTICE AS PERSONS IN AUTHORITY IN THEIR OWN TRIBAL JURISDICTIONS, AMENDING FOR THE PURPOSE ARTICLE ONE HUNDRED AND FIFTY-TWO OF ACT NUMBERED THIRTY-EIGHT HUNDRED AND FIFTEEN AND FOR OTHER PURPOSES

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

SECTION 1. Upon recognition by the members of his or her tribe and certification as such by the National Commission on Indigenous Peoples (NCIP), Peace Pact Holders are hereby accorded official status and legal recognition as persons in authority in their own jurisdictions.

SEC. 2. Article One Hundred and Fifty-Two of Act Numbered Thirty-Eight Hundred and Fifteen, as amended, is hereby further amended to read as follows:

“ART. 152. Person in Authority and Agents of Persons in Authority. – Who shall be deemed as such. – In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction whether as an individual or a member of some court or government-owned or controlled corporation, board, or commission, shall be deemed a person in authority.

“Any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as barangay councilman, barangay policeman, barangay leader, officers and members of the Community Brigades, and any person who comes to the aid of persons in authority, shall be deemed an agent or person in authority. A barangay captain and/or barangay chairman AND TRIBAL PEACE PACT HOLDERS

IN THEIR OWN JURISDICTIONS shall also be deemed as persons in authority. In applying the provisions of Articles 148 and 151 of this Code, teachers, professors, and persons charged with the supervision of public or duly recognized private schools, colleges and universities, shall be deemed persons in authority.”

SEC. 3. All laws, decree, rules and regulations inconsistent herewith are hereby repealed, amended or modified accordingly.

SEC. 4. This Act shall take effect upon its approval.

Approved,