SIXTEENTH CONGRESS OF THE REPUBLIC) OF THE PHILIPPINES) Second Regular Session)

14 DEC 17 P5:04

SENATE S.B. NO. **2524**



Introduced by Senator Maria Lourdes Nancy S. Binay

AN ACT MANDATING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES TO PROVIDE TRANSPORTATION, FOOD AND NON-MONETARY ASSISTANCE TO INDIGENT LITIGANTS WHO ARE MEMBERS OF INDIGENOUS CULTURAL COMMUNITIES WHILE IN ATTENDANCE OF HEARINGS OR PROCEEDINGS IN THE NCIP

EXPLANATORY NOTE

It has come to our attention that many of our poor countrymen who are members of the Indigenous Cultural Communities/Indigenous Peoples are not able to adequately protect their rights under Republic Act 8371 or the Indigenous Peoples Rights Act ("IPRA") on account of lack of transportation from their respective residences or even their inability to pay for transportation from their respective residence to Regional Hearing Offices of the National Commission on Indigenous Peoples ("NCIP"). Moreover, as many of the Regional Hearing Offices are located in cities, they can barely afford to pay for their food while attending to the hearings on their complaints and other legal concerns.

Given the above situation, it appears that many of the cases of our ICC/IP brothers and sisters have been dismissed for lack of interest to prosecute. In essence, justice is being denied to them solely on the account of their poverty or inability to attend to the most basic necessities while attending hearings.

We note that the NCIP is sufficiently clothed with authority to charge reasonable administrative fees and charges, the funds of which can be diverted or allocated to support the intent of this proposed legislation. We understand that majority of those requesting for Certificate Precondition pursuant to Section 59 of the IPRA for instance, can pay for said reasonable fees and charges. The NCIP should be expressly given authority to allocate funds from this source.

For the above reasons, the passage of this bill is earnestly requested.

MARIA LOURDES NANCY S. BINAY

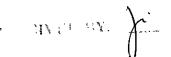
Senator



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TO	PROVIDE TRANSPORTATION, FOOD AND NON-MONETARY ASSISTANCE TO
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	THE NCIP
	t enacted by the Senate and House of Representatives of the Philippines in Congress
asse	mbled:
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SEC	TION 1. Section 44 of Republic Act 8371 is hereby amended to read as follows:
	Section 44. Powers and Functions To accomplish its mandate, the NCIP shall have
	the following powers, jurisdiction and function:
	the following powers, juntours and remotion.
	a) To serve as the primary government agency through which ICCs/IPs can seek
	government assistance and as the medium, thorough which such assistance may be
	extended[;], AND TO PROVIDE TRANSPORTATION, FOOD, AND OTHER
	NON-MONETARY ASSISTANCE TO INDIGENT ICCS/IPS WHO ARE
	LITIGANTS BEFORE ANY PROCEEDINGS;
	b) To review and assess the conditions of ICCs/IPs including existing laws and
	policies pertinent thereto and to propose relevant laws and policies to address their
	role in national development;
	c) To formulate and implement policies, plans, programs and projects for the
	economic, social and cultural development of the ICCs/IPs and to monitor the
	implementation thereof;
	The production should be a second of the production of the product
	d) To request and engage the services and support of experts from other agencies of
	government or employ private experts and consultants as may be required in the
	pursuit of its objectives;
	e) To issue certificate of ancestral land/domain title;
	O. C. Lind to misting laws to enter into contracts agreements or arrangement with
	f) Subject to existing laws, to enter into contracts, agreements, or arrangement, with government or private agencies or entities as may be necessary to attain the objectives
	government or private agencies of childes as may be necessary to attain the objectives

of this Act, and subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs;

- g) To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/IPs and administer the same in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with the interest of ICCs/IPs as well as existing laws;
- h) To coordinate development programs and projects for the advancement of the ICCs/IPs and to oversee the proper implementation thereof;
- i) To convene periodic conventions or assemblies of IPs to review, assess as well as propose policies or plans;
- j) To advise the President of the Philippines on all matters relating to the ICCs/IPs and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- k) To submit to Congress appropriate legislative proposals intended to carry out the policies under this Act;
- 1) To prepare and submit the appropriate budget to the Office of the President;
- m) To 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 ICCs/IPs concerned[;] AND TO IMPOSE REASONABLE ADMINISTRATIVE CHARGES AND FEES FOR SUCH CERTIFICATIONS TAKING INTO CONSIDERATION THE ABILITY TO PAY OF THE APPLICANT FOR CERTIFICATION;
- n) To decide all appeals from the decisions and acts of all the various offices within the Commission:
- o) To promulgate the necessary rules and regulations for the implementation of this Act;
- p) To exercise such other powers and functions as may be directed by the President of the Republic of the Philippines; and
- q) To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns.

SECTION 2. Funding and Appropriations. A budget of Twenty Million Pesos (P20,000,000.00) is hereby appropriated for the implementation of the program of indigent ICC/IP litigants. The NCIP is hereby empowered to allocate collections from administrative fees and charges for purposes of the program for indigent litigants.

SECTION 3. *Repealing Clause*. All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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5 SECTION 4. Separability Clause. If, for any reason, any section or provision of this Act is 6 held unconstitutional or invalid, the other sections or provisions hereof shall not be affected 7 thereby.

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9 SECTION 5. *Effectivity*. This Act shall take effect fifteen (15) days after its complete publication in at least two (2) newspapers of general circulation.

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12 Approved,