



MIPA Administrative Order No. 001, Series of 2022

2022 MIPA REVISED GUIDELINES FOR THE MANDATORY REPRESENTATION OF INDIGENOUS PEOPLES IN LOCAL LEGISLATIVE COUNCILS AND POLICY MAKING BODIES

Pursuant to Section 3 Article IX of Republic Act 11054 (R.A. 11054) otherwise known as Bangsamoro Organic Law (BOL) in relation to Section 4 of the Muslim Mindanao Autonomy Act No. 241 (MMA Act No. 241) and Section 16 of Republic Act 8371 (R.A. 8371), otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997, the following guidelines are promulgated in lieu of MIPA Administrative Order No. 01, Series of 2021.

TITLE I. PRELIMINARY

SECTION 1. Title. This shall be known as the "2022 Revised MIPA Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy-making Bodies".

SECTION 2. Legal Bases. Section 3, Article IX of R.A.11054 provides that the Bangsamoro Government recognizes the rights of the Indigenous Peoples and shall adopt measures for the promotion and protection of the their rights, to include but not limited to Indigenous customs and traditions, Justice systems and indigenous political structures, Political participation in the Bangsamoro Government including reserved seats for the non-Moro indigenous peoples in the Parliament.

Also, Section 4, Article XVI of R.A. 11054 provides that the Bangsamoro Transition Authority shall enact law to recognize, protect, promote, and preserve the rights of indigenous peoples in the Bangsamoro Autonomous Region. Until the law enacted, subsisting regional laws on the indigenous peoples in the Bangsamoro shall be operational. These rights shall be promoted, protected, and enforced by the Ministry of Indigenous People's Affairs as provided under Section 8 of this Article.

Relatedly, Section 4 (5) of MMA Act No. 241 provides that the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the Regional Government shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

Additionally, Section 16 of R.A. 8371 provides that the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

SECTION 3. Definition of Terms. For purposes of this policy Guidelines, the following terms shall mean:

- a. **Ancestral Domains (AD)** - refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, 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 or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, subject to the existing property rights already existing and/or vested.
- b. **Ancestral Lands (AL)** - refer to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by

government and private individuals/corporations including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots, subject to the existing property rights already existing and/or vested.

- c. **Certificate of Affirmation (COA)** - is a certificate issued by the Minister to a selected Indigenous Peoples Mandatory Representative (IPMR) who has complied with all the requirements enumerated under this Guidelines as well as that of the community he/she represents.
- d. **Elders/Leaders** - elder/leader emerges from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. They are recognized as authority in conflict resolution and peace-building processes, on spiritual rites and ceremonies and in doing so, possess the attributes of wisdom and integrity. They lead and assist the community in decision-making processes towards the protection and promotion of their rights and the sustainable development of their ancestral domains.
- e. **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)** - 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, became 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 tradition.
- f. **IPMR Monitoring Body (IMB)**- refers to a body created and tasks to monitor the performance and accomplishment of duly selected IPMR in the Local Legislative Councils and Policy Making Bodies and such other duties provided in this Guidelines.
- g. **Indigenous Political Structure (IPS)**- refers to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified and accepted by ICCs/IPs.
- h. **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.
- i. **Resettled ICCs/IPs**- ICCs/IPs who are not native to the ancestral domain or not part owner of an ancestral land but were either forcibly or have voluntarily resettled, opted to occupy and utilize portions of the ancestral domains/lands and have since established residence therein.
- j. **Policy-making Bodies** - refer to bodies created by laws and ordinances tasked to formulate policies that relate to or will affect the rights, lives and destinies of ICCs/IPs.

SECTION 4. Declaration of Policy. Pursuant to the provisions of the Constitution and international instruments as well as the Bangsamoro Organic Law, it is the policy of the MIPA to:

- a. Recognize and promote the rights of ICCs/IPs within the framework of national unity and development.
- b. Promote and protect the political, civil, economic, social and cultural rights of ICCs/IPs through participation in the Government and in the conduct of public affairs.
- c. Ensure the fulfilment of the ICCs/IPs right to full participation in the political, economic, social and cultural life of the State as well as the right to participate in decision-making through their chosen representatives.
- d. Adopt, coordinate and enforce the provision of Section 3, Article IX of RA 11054 in relation to Section 16 of RA 8371 on the mandatory representation of IPs/ICCs in local legislative councils and policy-making bodies.

SECTION 5. Operating Principles. In the implementation of this Guidelines, the following principles shall be observed:

- a. **Primacy of Customary laws and practices.** Customary laws and practices shall prevail upon mainstream mechanism in the manner of selecting the mandatory representatives. Accordingly, it shall be used primarily to resolve disputes in the selection process.

- b. **Consensus Building.** The MIPA shall ensure that the process of arriving at a decision by the ICCs/IPs on issues and concerns affecting them was in accordance with their own traditional decision-making processes.
- c. **Inclusivity and full participation.** The MIPA shall ensure that all ICCs/IPs residing within the political jurisdiction of a given Local Government Unit (LGU) within the Bangsamoro Region shall be informed of the importance of their active participation in the selection process.
- d. **Representation of the collective interests and aspirations of IPs/ICCs.** The IP mandatory representative to the legislative council shall represent the collective aspirations, interests, and welfare of all the Indigenous Peoples. Therefore, representatives shall be qualified and chosen by their own communities in accordance with a process to be determined by them.
- e. **Inter-Ministry/Agency/Office collaboration.** In consultation with ICCs/IPs, the MIPA in close coordination with the Ministry of the Interior and Local Governments (MILG) and other concerned ministries, agencies and/or office shall come up with appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their development. Such measures shall also include the provision of technical assistance to develop the ICC/IP representative's knowledge of traditional socio-political systems, customary laws, justice system and skills in interfacing with non-IP governance and policy-making bodies.

SECTION 6. Coverage. This Guidelines shall cover the mandatory representation of ICCs/IPs in the local legislative councils and policy making bodies within the political jurisdiction or boundaries of Local Government Units (LGUs) in the Bangsamoro Region. The representation of ICCs/IPs shall be in accordance with the following:

- a. Where there exists an AD/AL in a given LGU, IP representation is mandatory. The IPMR shall be selected from qualified traditional or actual owners/rights holders of the AD/AL whether or not with issued CADT.
- b. Where there are no AD/AL, the rule on threshold applies. This is determined by the total population of an LGU divided by the number of Sangguniang members as prescribed in the existing regional guidelines of the MILG and other related laws, with the result/quotient to serve as the minimum number to be met by an ICC/IP population in such LGU to qualify as IP Mandatory Representative for a seat in the Sanggunian.
- c. Where the situations in paragraphs a and b above are not obtaining, the concerned LGU may still allow representation in accordance with this Guidelines 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.

TITLE II. THE ICC/IP MANDATORY REPRESENTATIVE

SECTION 7. Powers, Duties, and Functions. The authority of the IPMR emanates from the community. As a regular member of the Local Legislative Councils, and Policy-Making Bodies, it is the primary duty of the IPMR to carry out at all times the collective interests and aspirations of the community. To accomplish the foregoing, the IPMR shall:

- a. Formulate the IP agenda with the community and submit the same to the MIPA.
- b. Conduct regular meetings and consultations with all IPs in his area of jurisdiction in coordination with the IPS/Council of Leaders/Elders or in the absence thereof, the duly Recognized Tribal Leaders/Elders by the community as certified by the MIPA;
- c. Facilitate provisions for financial support for the implementation of the IP Agenda, to include:
 - 1. Delineation and titling of Ancestral Domains;
 - 2. IPS documentations;
 - 3. ADSDPP formulation and implementation of ADSDPP identified programs/projects;
 - 4. Selection of IPMR;
 - 5. Community-based IEC on IPs' Rights;
 - 6. Convening of the community for agenda formulation, periodic reporting, and assessment on the IPMR's performance;
 - 7. Sponsor an ordinance for the creation of a Standing Committee on Indigenous Peoples;
 - 8. Sponsor ordinances and resolutions to include the conduct of other activities that will advance the IPs' rights; and
- d. Sponsor ordinances and resolutions and conduct committee hearings that will promote and protect the well-being and interests of his/her community and inclusion to the LGU annual budget the implementation of programs and projects relevant to the community;
- e. Closely coordinate and collaborate with the MIPA on implementation of projects and programs;

- f. Submit a monthly accomplishment report on his initiatives or activities for the advancement of any of the IPs' rights under the BOL and other related laws to be certified by the concerned ICCs/IPs through their IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elders. The Accomplishment Report shall be validated by the duly authorized personnel of MIPA before submitting the same to the Minister. The IPMR shall furnish a copy of the accomplishment report to the head of the local legislative council for information and guidance.
- g. Support conduct of IP census within his/her area of responsibility during the first year of his/her term. The IPMR shall regularly report to and consult with the IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elders in his area of jurisdiction at least once every month;
- h. Conduct an Annual IP Address (AIPA) to be termed in the local language which shall be rendered during the IP Month celebration; and
- i. Perform such other powers and functions as the community may deem appropriate.

SECTION 8. Qualifications. The following shall be the minimum requirements for one to qualify as IPMR:

I. General Requirements. The selected IPMR must be:

- a. A *bona fide* member of the Indigenous Peoples community he/she seeks to represent, supported by a certification of tribal membership issued by MIPA or certification from his/her IPS;
- b. Able to read and write;
- c. Physically, mentally and morally fit;
- d. A natural born Filipino citizen;
- e. At least 18 years of age on the date of assumption; and,
- f. Such other qualifications that the community may prescribe in their Local Guidelines.

II. Special Requirements. In addition to the above, an aspiring IPMR should possess the following qualifications:

- a. Conversant with the culture of the community he/she represents;
- b. A resident in the community for the last ten (10) years continuously without interruption for the period immediately preceding the time of selection, without prejudice to the community providing the requirement of domicile to its Local Guidelines;
- c. A registered voter in the barangay, municipality, city or province where he or she intends to hold office; and
- d. At least a high school graduate.

SECTION 9. Disqualifications. The following circumstances shall disqualify an aspiring IPMR from selection:

- a. Found guilty by the IPS of violating their customs and traditions;
- b. Sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by imprisonment of one (1) year or more, within two (2) years after serving sentence;
- c. Removed from office as a result of administrative case;
- d. Convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- e. Fugitive from justice;
- f. Should not have held any office in the Government one year prior to the selection process. Provided, that job order contract and co-terminus employees are not included. Provided further, that the IPMRs who have previously held office as IPMRs are not covered by this prohibition;
- g. Affiliation to any political party or soliciting support from politicians;
- h. Supporter of any activity prejudicial to the interest of the ICCs/IPs;
- i. Insane or feeble-minded based on the findings of competent authorities;
- j. Losing candidate to any immediately preceding national or local election within one (1) year after said national or local election.
- k. Such other disqualifications as the community may impose in their Local Guidelines.

SECTION 10. Local Guidelines. Each community shall formulate its guidelines for the Selection of their IPMR in consonance with their customary laws. The Local Guidelines must at least contain the following:

- a. Definitions of Terms;
- b. Composition of IPs Indigenous Political Structure/ Council Leaders/Elders or Recognized Tribal Leaders/Elders;
- c. Qualifications of selectors and mode of replacing the selectors;
- d. Selection process which identify representation levels;
- e. Selection in policy making bodies;
- f. Re-Selection Process;
- g. Qualifications;
- h. Disqualifications;
- i. Community Confirmation and Nomination;
- j. Vacancy;
- k. Disciplinary Action;

- l. Grounds for Disciplinary Action;
- m. Term of Office;
- n. Term Rotation, if applicable;
- o. Removal Processes;
- p. Grievance and redress mechanism;
- q. Hold-over Capacity;
- r. Special Provisions, if any;
- s. Amendment; and,
- t. Effectivity Clause.

SECTION 11. Selection and Assumption to Office. The selection process shall be in accordance with their Local Guidelines that is consistent with their customary laws and this Guidelines. In the event that the community has no existing Local Guidelines, the selection process shall be made in accordance with their customary practices of selecting their community tribal leaders/elders.

Upon receipt of the verified validation report and/or copy of the Local Guidelines, the chosen IPMR shall personally appear before the Office of the Minister before to the issuance of his/her COA. Thereafter, the chosen IPMR shall take the appropriate oath before an authorized officer. The MIPA shall then notify the appropriate bodies/office of his/her assumption to office.

Within six (6) months upon actual assumption of office, the IPMR who has been selected through customary practices due to the absence of Local Guidelines shall, in coordination with MIPA and IPS/Council of Leaders/Elders or Recognized Leaders/Elders facilitate the formulation of their Local Guidelines. Failure to comply the same without justifiable reason may be a ground for the revocation of his/her COA upon petition by the community.

SECTION 12. Term of Office. The term of office of the IPMR in the local legislative councils shall be for a period of three (3) years and shall commence from the time of actual assumption to office and can be re-endorsed for another term by the ICCs/IPs constituents, but in no case shall the representative serve for more than three (3) consecutive terms, except in LGUs where a term rotation agreement has been reached by several IP groups limiting the holding of office to one term for every community.

Actual assumption to office shall be reckoned from the time when the IPMR reports and physically conducts business at the designated office.

Section 13. Incumbent IPMR who has been issued a COA by the NCIP or OSCC. Incumbent IPMR who has been issued a COA by the National Commission on Indigenous Peoples (NCIP) or Office of the Southern Cultural Communities (OSCC) prior to the institutionalization of the MIPA, shall continue to hold office/representation of his/her unexpired term, unless he/she remove from office by the IPs/ICCs based on the grounds indicated in their Local Guidelines or this Guidelines.

He/she can be re-endorsed for another term by the ICCs/IPs constituents, but in no case shall the representative serve for more than three (3) consecutive term, which shall be reckoned from the time he actually assumed office.

SECTION 14. Holdover Capacity. The incumbent IPMR in the concerned Sanggunian/policy making-body may continue to hold office/representation beyond his/her term upon resolution by the community, through the IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elders for a period not exceeding one month, evidenced by a Certificate of Holdover Authority, or until such time that his/her successor has been issued a Certificate of Affirmation, whichever comes first.

However, where there exists a state of a public health emergency, state of calamity, including manmade disasters/events and other force majeure causes, that would necessitate the suspension of activities or restrict movement, the following shall be followed:

- a. Any IPMR whose term is to expire at the time of the declaration of the pandemic shall continue to hold office in holdover capacity upon the issuance of Certificate of Holdover Authority by the Minister, for a non-extendible period of three (3) months, from the date of the declaration of such pandemic and/or state of calamity by the President/Chief Minister/ Local Chief Executive.
- b. During the 3-month extension, the selection process shall immediately be conducted to avoid a vacuum in the public office after the lapse of the 3-month holdover; Provided, that activities or movement/mobility are duly allowed by the local government units and local IATF Guidelines on health protocols are strictly observed.

SECTION 15. Term Rotation. Should there be several ICCs/IPs within an LGU jurisdiction, they may agree on a term rotation but in no case will a term be for a period of less than three (3) years.

Section 16. Compensation and Benefits. Compensation, benefits, and other emoluments of the IPMR shall be the same with that of the regular members of the concerned legislative bodies as prescribed in RA 7160 and other applicable laws.

TITLE III. THE MINISTRY OF INDIGENOUS PEOPLES' AFFAIRS

SECTION 17. Responsibilities of MIPA. It shall be the responsibility of the MIPA to:

- a. Facilitate the conduct of general assemblies for Information-Education- Consultations (IECs) of this Guidelines and other relevant policies and issuances, provided that a notice of such activities be posted in conspicuous areas twenty (20) days before the IEC. The activities shall be conducted in partnership with the MILG, concerned LGUs, and Non-Government Organizations (NGOs)/Civil Society Organizations (CSOs);
- b. Facilitate and assist in the formulation of Local Guidelines and its adoption;
- c. Facilitate and assist in the selection process and its documentation and certify the validity of the resulting documents;
- d. Create an IPMR monitoring body (IMB) which shall be composed of duly designated MIPA personnel and representative from the IPs of concerned communities or IPS/ Council of Leaders/Elders or Recognized Tribal Leaders/Elders;
- e. Conduct an orientation for IPMRs regarding their duty as set forth in this Guidelines;
- f. Develop a training program for IPMRs;
- g. Make representations with LGUs, MILG counterparts, and policymaking bodies within their area of jurisdiction relative to Indigenous Peoples Representation to local legislative bodies and policy-making bodies; and
- h. Lobby to other Ministries, Offices, and Agencies in order that the IPMR may be extended the same rights and privileges enjoyed by elected officials, to include Civil Service Eligibility.

SECTION 18. Duties of the IPMR Monitoring Body (IMB). It shall be the duty of the IMB, to do the following:

- a. **Selection Process**
 - 1. Convene a general assembly, with due notice to the concerned ICCs/IPs, representatives of the MILG, and concerned LGU, for the purpose of undertaking an Information, Education, Communication (IEC) on IPs' rights, this Guidelines, and holding of selection activities;
 - 2. Assist in the facilitation of the selection process upon request of the community;
 - 3. Within twenty (20) days from the termination of the selection process, submit to the Minister, a verified validation report on the processes undertaken, copy of the Local Guidelines.

The above processes shall be conducted at least six months before the end of every term for the purpose of facilitating the selection of the successor.

- b. **Validation of Complaints** - Assists or validates, upon request of the concerned ICC/IP, the latter's exercise of its authority to recall or remove a sitting IPMR, and fifteen days thereafter, submit a report to the Minister for appropriate action.

Should a complaint arise by reason of the selection process, the Section Head of Customary Laws and Traditional Justice System or authorized representative, as the case maybe, shall validate the facts and issues raised and shall submit a report and recommendation to the Minister within fifteen days from receipt of the complaint.

SECTION 19. Duties of the Minister. It shall be the tasks of the Minister to:

- a. Create a Regional Review Body (RRB) to review the verified and comprehensive report submitted by the Head of Customary Laws and Traditional Justice System Section or authorized representative in accordance to the Local Guidelines and this Guidelines and recommend for the issuance or non-issuance of the COA.

The RRB shall be composed of Director of Bureau of Ancestral Domain, Chief of Special Public Assistance and Legal Aid Division, and Section Head of Legal and Legislative Liaison. However, any member of the Board shall inhibit from being such if a nominee is related to him/her within the third degree of consanguinity or affinity.

- b. Issue a COA within fifteen days from receipt of the RRB Report, if the recommendation for its issuance is in order and found meritorious. Otherwise, the said report shall be returned within the same period to IMB with specific instructions for compliance;
- c. Furnish copies within fifteen (15) days from the issuance of COA the MILG, the concerned LGU, and the IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elders;
- d. Resolve any petition for recall or removal of an incumbent IPMR within thirty working days from receipt of the report from the Section Head of Customary Laws and Traditional Justice System or authorized representative as mentioned in Section 17c above; and

- e. Issue Certificate of hold-over authority in favor of the incumbent IPMR for a period not exceeding one (1) month, with the corresponding directive to the concerned IMB to fast track the selection process within the same period.
- f. Where the circumstances in paragraph 2 of Section 14 exists, to issue a Certificate of Holdover Authority in favor of the incumbent for a non- extendible period of three (3) months, with the corresponding directive to the concerned IMB to fast track the selection process within the first month of the 3-month holdover period; Provided that activities or movement/mobility are duly allowed by the local government units and local IATF Guidelines on health protocols are strictly observed.

TITLE IV. HUMAN RESOURCE DEVELOPMENT

SECTION 20. The skills and capacities of IP mandatory representatives to engage effectively and efficiently in mainstream governance as well as to preserve and operationalize their Indigenous Political Structures in their respective communities shall be enhanced through culture-sensitive training modules that may include, gender equality, women, youth, and children's rights taking into primary consideration the cultural diversities of the ICCs/IPs, to be developed and regularly implemented by the MIPA in partnership with the IPS/Council of Leaders/Elders or Recognized Leaders/Elders, Ministry of Interior and Local Governments (MILG) and concerned LGUs, other government agencies and the civil society. The same shall include the upholding of traditional socio-political systems, customary law, the justice system, dispute and conflict resolution, interface of pertinent laws, policies, and programs. Trainings shall be spearheaded by MIPA in partnership with MILG, LGU, responsible NGOs/CSOs, and recognized community elders/leaders.

TITLE V. DISQUALIFICATION AND PROTEST

SECTION 21. Disqualification and Protest. A petition for disqualification or protest may be filed before the Office of the Minister and shall be treated liberally, with the technical rules of evidence applied only in suppletory character. In case of doubt, it shall be resolved in favor of the issuance of the COA. If the act complained of involves violation of customary laws, the matter shall be remanded to the community or IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elders for dispute resolution.

I. Contents of the petition/protest.

- a. Names of the parties;
- b. Facts;
- c. Issues;
- d. Specific violations or grounds for disqualification or protest; and
- e. Signed and under oath.

Absence of any of the foregoing requirements may be a ground for dismissal.

II. Grounds for petition for disqualification.

- a. Those who are not qualified and who are disqualified under the Local Guidelines duly adopted and approved by the concerned community.
- b. Those who are not qualified and who are disqualified under this Guidelines ;
- c. Commission of any of the prohibited acts under Section 22; and
- d. Analogous circumstances.

III. Grounds for Protest:

- a. Irregularity in the selection process; and
- b. Validity of the COA

IV. Fact-Finding.

Upon receipt of the petition/protest, the IMB, shall endorse the complaint to the Minister. If the petition/protest is not verified, the Minister may dismiss it.

Upon initial evaluation, the Minister may, at his/her option, order any MIPA lawyer/s and employees from the Regional Office who in any way did not, directly or indirectly, take part in the process to conduct a fact-finding investigation and submit their recommendations.

V. Resolution and Motion for Reconsideration.

The Minister shall resolve the petition/protest within thirty (30) working days from the time the verified petition/protest shall have been received in the Regional Office unless extended for meritorious reasons. In the event the Minister resolved in favor of the petitioner/protestant, issuance of the COA is correspondingly withheld and remands all the documents to the IMB for its disposition. In case of dismissal of the

petition/protest, the Minister may forthwith issue the COA without prejudice to the right of the petitioner/protestant to file a motion for reconsideration.

TITLE VI. PROHIBITED ACTS

SECTION 22. Prohibited Acts and Sanctions. The following are prohibited during the selection process:

- I. By the qualified Nominee:**
- a. Employment or use of force, threat, coercion, intimidation, at any degree or in any manner;
 - b. Bringing of firearm/s and explosives at the venue;
 - c. Bribery or promise of money, privilege, benefit or reward in exchange for selection; and
 - d. Holding of meetings with the MIPA official and personnel and/or members of the selectors, with the intention of unduly influencing the result of the Selection process.
- II. By the MIPA Officer or Employee:**
- a. Direct or indirect acceptance or receipt of money, gifts, or other valuables, to unduly influence the outcome of the Selection process;
 - b. Deliberate failure to act appropriately on complaints coming from the community concerning prohibited acts committed by the nominee;
 - c. Gross negligence or deliberate omission to perform his/her duty required of him/her by this Guidelines;
 - d. Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee;
 - e. Unduly influencing the outcome of the selection process including holding of unauthorized meetings;
 - f. Use of falsified narration of facts in reports, attachments, or any supporting documents in the reports submitted with respect to Selection Process; and
 - g. Participating directly or indirectly in the selection process of IPMRs within their respective jurisdictions when their relatives within the second civil degree of consanguinity or affinity signify their intention to submit themselves to participate in the selection process.
- III. By the Selector:**
- a. Direct or indirect solicitation and acceptance or receipt of gifts, money, or other valuables to unduly influence the outcome of the Selection process; and
 - b. Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee.
- IV. By officers or representatives of LGUs, NGOs, CSOs, Gas, and Other Groups.**
- a. Undue influence or interference with the selection process or to the community, either to the members, selectors/elders or their representatives, exerted by officers or representatives of LGUs/NGOs or CSOs or Gas and including those made by other entities or groups with religious affiliations;
 - b. Complaints against erring community member shall be processed following the customary procedure of the community, without prejudice to the filing of civil and/or criminal case if appropriate.
 - c. In case of commission by MIPA, MILG and/ or LGU employee/sand elective officer/s, they shall be proceeded against in accordance with existing laws, rules and regulations.
 - d. On the other hand, if the prohibited act/s is committed by any member of NGOs and other groups or individuals, the complaint shall be processed in accordance with Section 21 hereof. Existence of substantive findings shall be a ground to cite the person in contempt or declare him/her persona non-grata by the community, and/or exclude him/her from IPMR selection proceedings.

TITLE VII. REMOVAL OR SUSPENSION FROM OFFICE AND SUCCESSION

Section 23. Process of Removal or Suspension of an IPMR. The concerned ICCs/IPs/IPS/Council Leaders/Elders or Recognized Tribal Leaders/Elders and other IPS/IPO of other IP Groups, may remove the IPMR based on the grounds indicated in their Local Guidelines. The Minister or authorized representative shall:

- a. Direct the Section Head of Customary Laws and Traditional Justice System, through the IMB, to conduct an investigation on the alleged/discovered violation/s within seven (7) days from receipt of the Community Resolution suspending or removing the IPMR.
- b. If found to have violated the provision/s in the Local Guidelines and/or this Guidelines after verification and/or investigation, the Section Head of Customary Laws and Traditional Justice

System shall notify the concerned LGU, MILG, and Minister through the RRB of the decision of the community and/or the result of the verification/investigation for their information and disposition.

- c. The aggrieved party may file a motion for reconsideration on the findings of the Minister within fifteen (15) days from notice.
- d. Pending motion, the suspension, as the case may be, shall not be enjoined/stopped unless directed by the Minister.

Section 24. Grounds for Removal. In addition to those specified in their Local Guidelines, the following shall be ground for removal:

- a. Commission of the prohibited acts and/or having any of the disqualifications enumerated under Section 9 of this Guidelines;
- b. Violation of IPs rights, this Guidelines, the Local Guidelines, existing MIPA policies and issuances and customary laws;
- c. Display of behavior that besmirch the integrity and respectability of the good character of his/her ancestors and the ICCs/IPs;
- d. Loss of confidence;
- e. Engaging in political partisan activities; and
- f. Such other grounds specifically provided and duly adopted in the Local Guidelines.

Section 25. Vacancy. A permanent vacancy which occurs by reason of death, incapacity, removal, or resignation, shall be filled up in accordance with the Local Guidelines. The successor shall serve the unexpired term. However, if the unexpired term is less than six months, the concerned ICCs/IPs shall instead select a successor for a full term of office.

The IPMR selected shall have the same powers, duties, and functions as well as entitlements and privileges accorded to the predecessor.

TITLE VII. FINAL PROVISIONS

SECTION 26. Construction and Interpretation. This guideline shall be construed liberally in favor of the ICCs/IPs.

SECTION 27. Transitory Provisions. For purposes of synchronization, the term of office herein provided shall apply to incumbent IP mandatory representatives whether in the barangay, municipal, city, or provincial sanggunian, the period of which will commence only upon the approval of this Guidelines. Hence, all existing Local Guidelines shall be reformulated and harmonized with the provisions of this Guidelines.

All existing Local Guidelines shall be modified.

SECTION 28. Repealing Clause. This Administrative Order repeals MIPA Administrative Order No. 1, Series of 2021. The provisions of Administrative Orders, issued by this Ministry, inconsistent herewith or contrary to the provisions hereof are hereby repealed or modified accordingly.

SECTION 29. Separability Clause. In case any provision or portion of this Guidelines is declared unconstitutional by a competent court, other provisions shall not be affected.

SECTION 30. Effectivity. This Guidelines shall take effect immediately after its publication in the Newspaper of Regional Circulation.

Approved this 14th day of July 2022, Cotabato City, Philippines.


MELANIO U. ULAMA
Minister