

**COMPREHENSIVE RULES AND REGULATIONS IMPLEMENTING
THE BANGSAMORO AUTONOMY ACT NO. 64, OTHERWISE
KNOWN AS THE BANGSAMORO INDIGENOUS PEOPLES' ACT OF
2024 (BIPA)**

The Ministry of Indigenous Peoples Affairs (MIPA), in consultation with relevant rights holders and stakeholders, hereby issues the following rules and regulations to effectively implement the provisions of the *Bangsamoro Autonomy Act No. 64*, otherwise known as the *Bangsamoro Indigenous Peoples' Act of 2024 (BIPA)*:

**RULE I
PRELIMINARY PROVISIONS**

SECTION 1. Title. These Rules shall be known and cited as “The Comprehensive Rules and Regulations Implementing the *Bangsamoro Indigenous Peoples' Act of 2024 (BIPA)*”.

SECTION 2. Purpose. The MIPA, in coordination with the Committee on Indigenous Peoples' Affairs, formulated these Rules within ninety days (90) after the passage of the *BIPA* pursuant to Section 100 of the *BIPA*. These Rules are promulgated to prescribe the procedures and guidelines for the effective implementation of the *BIPA*, consistent with Section 2 of said law, the 1987 *Constitution*, and *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*.

SECTION 3. Coverage. The *BIPA* and these Rules shall apply primarily to all native Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), including, but not limited to, the ICCs/IPs belonging to the *Tëduray*, *Lambangian*, *Mënûbû Dulangan/Dulangan Manobo*, *Erumanen Ne Menuvu*, *Higaonon*, *Blaan*, *Badjao*, *Sama Dilaut*, *Jama Mapun*, *Sama Bangingi*, *Sama Pangutaran*, and other marginalized and minority ICCs/IPs who identify, both through self-ascription and ascription by others as ICCs/IPs. Marginalized in this regard shall consider communities identifying as ICCs/IPs that experience discrimination and exclusion emanating from unequal power relationships across economic, political, social and cultural dimensions.

The *BIPA* and these Rules shall also apply to non-ICCs/IPs in the Bangsamoro based on their specific interactions with ICCs/IPs and its effect on the recognition, promotion, protection, and preservation of the rights of these communities and their members as provided under the 1987 *Philippine Constitution*, *Republic Act No. 8371*, or the *Indigenous Peoples Rights Act of 1997 (IPRA)*, the *BIPA*, and other national and regional laws, the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, and other international treaties and agreements.

SECTION 4. General Principles and Policies. In implementing the policies and principles enumerated in the *BIPA* and these Rules, the following operating guidelines shall be adhered to:

a) The Bangsamoro Government reaffirms the policies embodied in the *1987 Philippine Constitution*, *Republic Act No. 8371*, or the *IPRA*, other national and regional laws, the *UNDRIP* and other international treaties and agreements concerning the protection and development of ICCs/IPs.

b) The Bangsamoro Government declares that it is its policy to:

1) Recognize, respect, protect, promote, preserve, and support the rights of the ICCs/IPs in the Bangsamoro Autonomous Region within the framework of national unity, sustainable development, and social justice;

2) Recognize, respect, protect, promote, and preserve the inherent right of the ICCs/IPs to self-governance and self-determination, and the integrity of their values, practices, and institutions;

3) Recognize, respect, protect, promote, and preserve the rights of the ICCs/IPs to freely pursue their economic, social, and cultural development. Further, it shall establish the means for the full development and empowerment of the ICCs/IPs' institutions and initiatives, provide resources, and respect their native titles;

4) Recognize, respect, protect, promote, and preserve the rights of the ICCs/IPs to have the freedom to freely retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity;

5) Recognize, respect, protect, promote, and preserve the rights of the ICCs/IPs over their Ancestral Domains/*Fusaka Inged*, including their right to the natural resources found therein;

6) Recognize, respect, protect, promote, and preserve the applicability of customary laws governing personal and family relations, as well as property rights or relations, in determining the ownership and extent of Ancestral Domains/*Fusaka Inged*;

7) Guarantee that members of the ICCs/IPs, regardless of sex and gender, fully and equally enjoy all human rights and freedom without any form of discrimination;

8) 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;

9) Affirm and adopt the *UNDRIP*, which provides the minimum standards for the survival, dignity and well-being of ICCs/IPs, as part of its regional policy framework in the protection and recognition of the rights of all indigenous and native inhabitants in the Bangsamoro Autonomous Region;

10) Recognize the Moro-IP kinship as a living tradition shared among the native inhabitants of the Bangsamoro Autonomous Region, rooted in their common ancestry from *Mamalu* and *Tabunaway*;

11) Acknowledge the entire Bangsamoro Territory as the shared homeland of all peoples and communities with precolonial and historic ties to the Bangsamoro Autonomous Region. Within this homeland, the various tribes have their own distinct and separate Ancestral Domains or *Fusaka Inged*, and ancestral lands which are hereby recognized, respected, protected, and are guaranteed to remain inviolable by the Bangsamoro Government; and

12) Provide the ICCs/IPs the recognition and respect, along with the rights, privileges, resources, means, benefits, opportunities, institutions, and mechanisms necessary to empower themselves from political, economic, social, and cultural marginalization. This will enable them to attain equal standing, esteem, rights, capacities, and political, economic and social opportunities equal to those of other peoples and cultures in the Bangsamoro Autonomous Region.

c) As the beginning of unity is difference, the diversity of cultures, traditions, beliefs and aspirations of ICCs/IPs shall be encouraged and fostered in openness, mutual respect for, and active defense of the equal and inalienable dignity and universal, indivisible, interdependent and interrelated rights of every human being, in the spirit of inter-people cooperation. The MIPA shall ensure that the distinctiveness of each ICCs/IPs are respected and recognized.

d) In resolving conflicts or disputes affecting or pertaining to ICCs/IPs, any determination or decision thereon shall be reached through dialogue and consensus as far as practicable.

e) Within Ancestral Domains/lands, the holistic and integrated adherence of ICCs/IPs to their respective customs, beliefs, traditions, indigenous knowledge systems and practices (IKSP), and the assertion of their character and identity as peoples shall remain inviolable.

f) The inherent and inalienable distinct character, sacred human dignity, and unique identity of ICCs/IPs shall be respected.

g) In the pursuit of civil, political, economic, social and cultural development, the human person shall be the central subject thereof and its active participant and beneficiary. Everyone has duties to the community and to fellow Indigenous people. In the exercise of rights and freedoms, everyone shall be subject only to such limitations as are determined by custom or law, solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

h) The MIPA shall perform its tasks on the basis of transparency and active support and participation by the ICCs/IPs, and shall take a proactive strategy in empowering ICCs/IPs and in the fulfillment of its mandate.

i) 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:

1) Self-delineation shall be the guiding principle in the identification and delineation of Ancestral Domains/lands. The ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto.

2) In the Resolution of all conflicts involving ADs/ALs, the primacy of customary laws shall be observed.

3) Cultural Integrity of every ICCs/IPs shall at all times be sacrosanct. The holistic and integrated adherence of ICCs/IPs to their respective IKSPs, their character, their identity as a people and their assertion over their territory shall remain inviolable. All activities pertinent to the identification, delineation and recognition of the Ancestral Domains/lands of ICCs/IPs shall be in consultation with them and Free, Prior, and Informed Consent (FPIC) must be undertaken to ensure that the culture and traditions of the concerned ICCs/IPs are respected, applied and/or utilized in the process consistent with the interest of the community. The protection of cultural integrity shall include the consultation of ICCs/IPs concerning possible changes in place names and other geographical designations. No project, plan, or activity shall proceed without an FPIC obtained in accordance with Rule XIII of these Rules. Further, the MIPA shall regularly discuss with ICCs/IPs about the proper names and designation that they desire to be used in all official communications and publications that will be produced by the ministry, including its Annual Report. Such designations and names, including the proper spelling, shall be relayed to all government agencies, including NGAs and BARMM MOAs.

4) The participation of the concerned ICCs/IPs is indispensable and the collaboration of other government agencies in the process of delineation shall be greatly encouraged and vigorously pursued. The Non-Government Organization (NGO/s) actively assisting, and/or formally authorized by the ICCs/IPs and duly accredited by the MIPA may collaborate in specified areas/levels of the delineation process. The respective roles of all participating groups or agencies shall be specified in a MOA executed for the purpose. All MOAs shall be posted on the MIPA website and furnished to the affected ICCs/IPs within fifteen (15) days from the date of signing.

5) The delineation and recognition of ADs/ALs should foster national unity, peace and development.

6) The decision-making of the ICCs/IPs in the conduct of the FPIC is a measure to promote peace, harmony, understanding, unity and security.

7) Indigenous concept of ownership sustains the view that ADs and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ADs 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.

8) The indigenous concept of ownership sustains the view that ADs are considered community property which belong to all generations and therefore cannot be sold, disposed, or destroyed. The ICCs/IPs shall have priority rights to manage and pursue sustainable and responsible development plans, programs, projects or activities within their ADs.

j) The primacy of customary law shall at all times be respected. This principle shall be applied in the conduct of all matters involving ICCs/IPs, such as the FBI, FPIC, selection of mandatory representatives, resolution of all conflicts involving ADs/ALs, dispute resolutions and decision-making processes.

k) The processes under these Rules shall be transparent to all stakeholders. The applicant of any service or procedures shall make a full and accurate disclosure of information concerning the proposed program, project or activity in a manner that is both accessible and understandable to the concerned community. The same shall be expected of the MIPA, BARMM MOAs, NGAs, and parties interacting with ICCs/IPs.

l) Existing and/or vested rights shall continue to be recognized pursuant to Section 56 of the *IPRA* and its Implementing Rules and Regulations. Existing contracts, licenses, concessions, leases, and permits for the exploration, development, and utilization of natural resources entered into before the effectivity of the *IPRA* on 22 November 1997, within the Ancestral Domain/*Fusaka Inged* may continue to be in force and effect until they expire. Thereafter, such contracts, licenses, concessions, leases, and permits shall not be renewed without FPIC of the ICCs/IPs and upon renegotiation of the terms and conditions consistent with the requirements under *IPRA* and the *BIPA*. All such existing contracts, licenses, concessions, leases, and permits may be terminated for cause upon violation of the terms and conditions of the agreement.

m) An Ancestral Domain/*Fusaka Inged* shall be recognized and treated, as one or undivided unit.

n) The participation of the concerned ICCs/IPs is indispensable and the collaboration of other government agencies, including BARMM MOAs in the process of delineation shall be greatly encouraged and vigorously pursued. The NGO/s actively assisting, and/or formally authorized by the ICCs/IPs and duly accredited by the MIPA may collaborate in specified areas/levels of the delineation process. The respective roles of all participating groups or agencies shall be specified in a MOA executed for the purpose. All inter-agency or NGO collaboration shall be embodied in a MOA disclosed to the concerned ICCs/IPs and posted on the MIPA website within one (1) month from the date of signing.

o) Property rights within the Ancestral Domains/*Fusaka Inged* already existing or vested upon effectivity of *BIPA* on 15 January 2025, shall be recognized and respected. However, this shall not diminish the protection of ICCs/IPs rights and the prescription of ownership claims of non-ICCs/IPs after the effectivity of the *IPRA* on 22 November 1997.

p) The inherent right of ICCs/IPs to self-governance and self-determination includes the right to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision-making and participation.

q) The ICCs/IPs shall freely pursue their economic, social and cultural development through their participation in decision-making, determination of priorities, as well as the practice of their justice system and peace-building processes.

r) The ICCs/IPs shall always be part of the decision-making processes primarily through their indigenous socio-political structures. They shall likewise affirm the decisions of their duly authorized representatives.

s) The Bangsamoro Government respects, promotes, and protects the deeply rooted spiritual and cultural bonds of ICCs/IPs to the Ancestral Domains/lands which they possess, occupy and use as basic to their existence and to all their beliefs, customs, traditions and culture.

t) The pursuit of ICCs/IPs to their collective identity in their economic, social and cultural development shall be through their Ancestral Domain Sustainable Development and Protection Plans (ADSDPP). It also embraces preservation of cultural values and institutions; control over their own development; and genuine consultation on all issues, programs and projects that will affect them, including the preservation of indigenous place names and other geographical designations.

u) The IPS shall be recognized and strengthened as the basic governance unit of the ICCs/IPs.

v) The ICCs/IPs, through their IPS, occupying their Ancestral Domain/*Fusaka Inged* shall preserve, restore, and maintain a balanced ecology in the Ancestral Domain/*Fusaka Inged* by protecting the flora and fauna, watershed areas, and other reserves and to actively initiate, undertake and participate in the reforestation of denuded areas and other development programs and projects subject to just and reasonable remuneration.

w) ICCs/IPs, consistent with their IPS, are mandated to provide for gender-responsive initiatives to respond to gender issues and concerns that will allow the full realization and protection of women's rights for maximum participation in community and nation-building. Proper information dissemination shall be provided by the MIPA to ICCs/IPs to explain the significance of women participation and empowerment. The Council of Elders/Leaders shall provide appropriate and full support to women's groups/organizations to conduct research and document IP women's traditional roles in marriage, family, community, political and economic life to determine gender issues and concerns among ICCs/IPs. The IPS shall be strongly encouraged to adopt the requirements for gender balance as provided for under Section 110, Part I, Rule VIII of these Rules. Women members of ICCs/IPs shall always be represented in consultations and dialogues affecting the IPS. The MIPA shall collect data regarding the representation of women, children, youth, senior citizens, and other marginalized sectors of ICCs/IPs in its activities and present the results in its Annual Report.

x) In consultation with ICCs/IPs, the MIPA in close coordination with the Ministry of the Interior and Local Government (MILG) shall come up with additional appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their rights. Such measures shall also include the provision of technical assistance to develop the ICCs/IPs representative's knowledge of traditional socio-political systems, customary laws, justice system and skills in interfacing with non-IP governance and policy-making bodies.

y) The IPS has the right to organize and associate for collective actions. For this purpose, the IPS shall determine the creation, organization and structure of the Indigenous Peoples Organizations (IPO). The MIPA shall recognize the vital role of IPOs as autonomous partners in development and shall fully support the development and empowerment of indigenous peoples organizations, or associations to pursue and protect their legitimate and collective interests and aspirations. ICCs/IPs have the right to establish IPOs which shall have legal capacity to ensure their collective rights to their Ancestral Domains and to strengthen their political, economic and social systems or institutions. IPOs registered under this Guidelines and other government registering or accrediting agencies/institutions such as the Local Government Units (LGUs), Cooperative and Social Enterprise Authority (CSEA) for areas within the BARMM, Cooperative Development Authority (CDA) for areas outside the BARMM, and the Securities and Exchange Commission (SEC) shall be subject to verification, validation, registration or confirmation as the case may be.

z) The authentic indigenous political leadership emerged from the dynamics of customary laws and practices in the maintenance and development of their own indigenous governance and decision-making institutions. The authenticity of the Indigenous Political Leadership and Traditional Leadership shall be certified through the procedure provided for under the IPS. Any contested claim shall be resolved by the RAB in accordance with Rule XIV of these Rules.

aa) The interfacing of indigenous systems of governance to the mainstream legal system to effectively carry out the ICCs/IPs' collective right to self-governance and self-determination. An interface output may not diminish the primacy of the application of customary laws affecting the Ancestral Domain/*Fusaka Inged* of ICCs/IPs and matters affecting their rights.

bb) All activities involving ICCs/IPs should foster national unity, peace and development. The MIPA shall integrate conflict-sensitivity and peace-building indicators into every delineation plan, in coordination with the Bangsamoro Human Rights Commission (BHRC). The MIPA shall recommend to BARMM MOAs to establish an Indigenous Peoples Monitoring Desk to review all plans, programs, projects, and concerns in their office. Such desk will also assist engagements between the respective BARMM MOAs and ICCs/IPs. The MIPA recommendation shall be annually reiterated to all BARMM MOAs and data regarding the number of BARMM MOAs with Indigenous Peoples Monitoring Desks shall be included in their Annual Report.

cc) All departments 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, without prior certification from the MIPA that the area affected does not overlap with any AD. A Certificate of Non-Overlap (CNO) shall only be issued after a field-based investigation (FBI) is conducted by the requirement of the FPIC consultation process.

dd) Corollary to the Certificate of Non-Overlap (CNO) is a Certificate Precondition (CP) that is necessary for plans, programs, projects, and activities that require a FPIC of affected ICCs/IPs. The CP is issued by the MIPA and details that the FPIC has been undertaken and consent has been provided after appropriate compliance with the requirements provided for Rule XIII of these Rules and customary laws. A CP is required before any concession, license, lease, agreement or project can be approved, implemented, or renewed within or affecting Ancestral Domains/*Fusaka Inged*, serving as a key mechanism to protect IPs' rights over their lands and resources. No project, program, or activity that will directly affect ICCs/IPs or their Ancestral Domains shall proceed unless FPIC has been secured in accordance with Rule XIII of these Rules, except in life-saving emergency situations expressly allowed under Section 92 of the *BIPA*, after which FPIC shall be sought at the earliest practicable time when the condition has been lifted. A CP is also a requirement for the grant or renewal of permit, concession, license, lease, production sharing agreement, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity any government agency, corporation or subdivision thereof on any part or portion of the Ancestral Domain of the concerned ICCs/IPs.

ee) The Bangsamoro Government recognizes and supports the agroecological concept and practices of ICCs/IPs as a traditional method for food security and climate change adaptation. The Bangsamoro Government, through the MIPA, shall seek from the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR) all existing agricultural awards, titles, and tenurial instruments. The MIPA shall then develop standards for use of information for the benefit of ICCs/IPs. Further, the MIPA shall assist in accessing administrative and judicial services for the protection of ICCs/IPs right to Ancestral Domains/*Fusaka Inged* and cultural integrity.

ff) The MIPA shall ensure that all ICCs/IPs residing within the political jurisdiction of a given LGU shall be informed of the importance of their active participation in the selection process.

gg) The IP mandatory representative to the legislative council shall represent the collective aspirations, interests, and welfare of all the ICCs/IPs. Therefore, representatives shall be qualified and chosen by their own communities in accordance with a process to be determined by them.

hh) These Rules shall be liberally construed in favor of ICCs/IPs and all doubts in the interpretation of the provisions of these Rules or any ambiguity in their application shall similarly be resolved for their benefit. Consistent thereto, it shall not in any manner diminish the rights and benefits of the ICCs/IPs as provided under the rules issued by the National Commission on Indigenous Peoples (NCIP) that give life to the provisions of *Republic Act. No. 8371*, otherwise known as the *Indigenous Peoples' Rights Act of 1997* unless the rules are in conflict with the rights of ICCs/IPs. Further, in applying the provisions of these Rules and in relation to other national laws and rules, the integrity of the Ancestral Domains/*Fusaka Inged*, culture, values, practices, institution, customary laws and traditions of the ICCs/IPs, shall be the paramount consideration. Thus, the primacy of customary laws shall be upheld in resolving all disputes involving ICCs/IPs. Moreover, in resolving cases involving ICCs/IPs, the customary laws, traditions and practices of the ICCs/IPs in the Ancestral Domain/*Fusaka Inged* where the conflicts arise shall first be applied with respect to property rights, claims of ownership, hereditary succession and settlement of land disputes, subject to due process. Finally, these Rules are intended

to promote justice and not to defeat it, as a result substantial compliance and reasonable delays by ICCs/IPs in the observance of these Rules is sufficient if justice is promoted. Substantial rights of ICCs/IPs shall not be sacrificed for purely technical considerations.

RULE II DEFINITION OF TERMS

SECTION 5. Definition of Terms. For purposes of the *BIPA* and these Rules and Regulations the following terms shall mean:

- a) Ancestral Domains/*Fusaka Inged* (ADs) refers to all areas generally belonging to ICCs/IPs, including lands, marshlands, inland waters, coastal areas, shores, bays, lakes, rivers, coastal seas, and natural resources within them, which have inured or vested ancestral rights on the basis of native title. These areas are necessary for ensuring the economic, social, and cultural welfare, held under a claim of ownership and occupied or possessed by them, communally or individually, through their ancestors since time immemorial, except when interrupted by war, force majeure, displacement by force, deceit, stealth, or as a result of government projects or voluntary dealings entered into by government and private individuals or corporations. This includes 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 that 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/*Fusaka Inged* for *Tëduray* and *Lambangian*, also refers to *Pusaka’ Kamattoahan* for *Sama Delaut*, *Sama Bangingi*, *Sama Pangutaran*, *Jama Mapun* and *Badjau*, *Fusaka’ Bugta* for the *Higaonon*, *Tana Tufû* for *Mënûbû Dulangan/Dulangan Manobo*, *Pusaka ne Tana* for *Erumanen ne Menuvu*. It shall encompass 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 (ALs) refers to lands that are privately yet communally owned since time immemorial that have been continuously occupied, possessed, and utilized by individuals, families, and clans who are members of a particular ICCs/IPs. The continuous occupation, possession, and utilization of such lands shall not be deemed broken if interrupted by events such as war, force majeure, or displacement by force, deceit, stealth, or the implementation of government projects, as well as by voluntary dealings entered into by the government and private individuals or corporations.
- c) Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) refers to the comprehensive framework formulated by the ICCs/IPs in collaboration with the Ministry of Indigenous Peoples’ Affairs (MIPA), for the sustainable management, protection, and development of Ancestral Domains/*Fusaka Inged* and the development of human and cultural resources based on ICCs/IPs’ IKSP. It includes provisions for environmental conservation, resource utilization, and cultural preservation. Collaboration with the MIPA pertains to the provision of any support services that the ministry can provide to ICCs/IPs in the formulation of their ADSDPP. The ICCs/IPs remain independent and free to formulate their comprehensive framework for their ADSDPP.

d) Area Affected refers to area/s in the Ancestral Domain/*Fusaka Inged* which will be overlapped or affected by the proposed plan, program, project or activity, including areas that will sustain effects or impact to be determined by the FBI Team.

e) Bio-prospecting refers to the research, collection, and utilization of biological and genetic resources and substances, with the view of applying the knowledge derived therefrom for medicinal, commercial and other purposes.

f) Certificate of Non-Settlement refers to a certificate issued to indicate that attempts at conciliation or mediation to resolve a dispute have failed or been refused. This shall be issued by the Tribal Justice Council or IPS.

g) Communal Claims refers to claims on land, resources, and rights thereon that belong to the whole community within a specified territory.

h) Certificate of Affirmation (COA) refers to a certificate issued by the MIPA to a selected Indigenous Peoples Mandatory Representative (IPMR) upon the determination of the ICCs/IPs of their representative, and who has fulfilled all the requirements prescribed by the ministry and by the community he/she represents following the parameters set forth in these Rules and those previously determined under set forth in the *IPRA*, and Section 16, Section 6, Part I, Rule IV of the *National Commission on Indigenous Peoples (NCIP) Administrative Order No. 1, Series of 1998*, or the Implementing Rules and Regulations of *R.A. No. 8371*, and *Administrative Order No. 1, Series of 2009*, which sets forth the National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils. The selection process shall be spearheaded by the IPS with support from the MIPA for affirmation.

i) Certificate of Ancestral Domain Title (CADT) refers to a title that formally recognizes the rights of ownership, possession and management of ICCs/IPs over their Ancestral Domains, as identified and delineated in accordance with the *IPRA*, prior to the *BIPA* taking effect, and the *BIPA* upon its effectivity on 15 January 2025.

j) Certificate of Ancestral Lands Title (CALT) refers to a title that formally recognizes the rights of ownership, possession, and management of ICCs/IPs over their ancestral lands, as identified and delineated in accordance with the *IPRA* prior to the *BIPA* taking effect, and the *BIPA* upon its effectivity on 15 January 2025.

k) Certificate of Non-Overlap (CNO) refers to a certification issued by the NCIP or the MIPA attesting to the fact that the area where the particular plan, program, project or activity that will be done does not overlap with, or affect, any Ancestral Domain.

l) Certification Precondition (CP) refers to a certification issued by the MIPA, attesting that the FPIC of affected ICCs/IPs has been obtained after appropriate compliance with the requirements provided for in these Rules and customary laws. A CP is required before any concession, license, lease, agreement or project can be approved, implemented, or renewed within or affecting Ancestral Domains/*Fusaka Inged*, serving as a key mechanism to protect IPs' rights over their lands and resources. No project, program, or activity that will directly affect ICCs/IPs or their Ancestral Domains shall proceed unless FPIC has been secured in accordance with Rule XIII of these Rules, except in life-saving emergency situations expressly allowed

under Section 92 of the *BIPA*, after which FPIC shall be sought at the earliest practicable time when the condition has been lifted. A CP is also a requirement for the grant or renewal of permit, concession, license, lease, production sharing agreement, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity any government agency, corporation or subdivision thereof on any part or portion of the Ancestral Domain of the concerned ICCs/IPs.

m) Communal Claims refers to claims on land, resources, and rights thereon that belong to the whole community within a specified territory.

n) Consensus-Building refers to that part of the decision-making process undertaken by the ICCs/IPs through their indigenous socio-political structures and practices in arriving at a collective/communal decision.

o) Customary Laws refers to a body of written and/or unwritten rules, usages, customs, living experiences, and practices that are traditionally and continuously recognized, accepted, and observed by respective ICCs/IPs. Customary laws shall also refer to the customs and practices of the ICCs/IPs, which shall refer to norms of conduct and patterns of relationships or usages of a community over time accepted and recognized as binding on all members. The customary laws shall also be understood to refer to the rights of ICCs/IPs to own, control, develop and protect the past, present and future manifestations of their cultures, such as but not limited to:

- 1) Archeological and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts and literature as well as religious and spiritual properties;

- 2) Science and technology including, but not limited to, human and other genetic resources, seeds, medicine, health practices, vital medicinal plants, animals and minerals, IKSP, resource management systems, agricultural technologies, knowledge of the properties of fauna and flora, oral traditions, designs, scientific discoveries; and

- 3) Language, script, histories, oral traditions, folklore and teaching and learning exploration, development, exploitation, utilization of land, energy, mineral, forest, water, marine, air, and other natural resources requiring permits, licenses, lease, contracts, concession, or agreements e.g., production-sharing agreement, from the appropriate national or local government agencies, including feasibility studies related thereto.

p) Elders/Leaders refers to emerging 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, in 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 recognition, protection, and promotion of their rights and the sustainable development of their Ancestral Domains.

q) Environment Impact Statement (EIS) refers to the document which aims to identify, predict, interpret, and communicate information regarding changes in

environmental quality associated with a proposed project and which examines the range of alternatives for the objectives of the proposal and their impact on the environment.

r) Extractive or Large-Scale Activities refers to the following plans, projects, programs, and activities are considered large scale/extractive/intrusive:

- 1) Those that may lead to the partial or total displacement and/or relocation of ICCs/IPs;
- 2) Resettlement programs or projects by the government or any of its instrumentalities that may introduce migrants;
- 3) Declaration and management of protected and environmentally critical areas, and other related undertakings;
- 4) Bio-prospecting and related activities;
- 5) Activities that would affect their spiritual and religious traditions, customs and ceremonies, including ceremonial objects, archeological exploration, diggings and excavations and access to religious and cultural sites;
- 6) Industrial land use including the establishment of economic zones;
- 7) Large scale agricultural and forestry management projects;
- 8) Carbon trading and related activities;
- 9) Large-scale or mass tourism projects;
- 10) Large-scale projects that are extractive or intrusive;
- 11) Establishment of temporary or permanent military facilities; conduct of military exercises, or organizing para military forces;
- 12) Issuance of land tenure instrument or resource use instrument by any government agency and related activities, including Integrated Social Forestry (ISF), Community-Based Forest Management (CBFM), and Integrated Forest Management Agreement (IFMA);
- 13) Others analogous to the foregoing, except small-scale quarrying.

s) Field-Based Investigation (FBI) refers to the ground investigation undertaken to determine whether or not the plan, program project or activity overlaps with, or affects, an Ancestral Domain/*Fusaka Inged*, the extent of the affected area, and the ICCs/IPs whose FPIC is to be obtained.

t) Free, Prior and Informed Consent (FPIC) refers to the consensus decision made by affected ICCs/IPs in accordance with their respective customary laws and

practices, that is free from any external manipulation, interference, or coercion. An FPIC shall be required for any proposed plan, program, project or activity that affects ICCs/IPs. The intent and scope of such proposal shall be disclosed to the ICCs/IPs, in a language and process that they can clearly understand. An FPIC should be obtained in accordance with customary decision-making processes. Any entity, private or public that requires an FPIC, pursuant to their plan, program, project or activity, shall be immediately informed by the MIPA of existing ICCs/IPs, their IPS, and their customary laws.

u) Independent Expert refers to a person specializing in a related field whose education and/or experience can be a source of invaluable information pertaining to a particular issue and who is expected to give an objective information or opinion that will help the ICCs/IPs to reach a sensible, intelligent and well-informed decision.

Individual Claims refers to claims on land and rights thereon, which have been devolved to individuals, families, and clans belonging to recognized ICCs/IPs, including, but not limited to residential lots, rice paddies, tree lots, and aqua farms.

v) Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized communities within communally bounded and defined territories, occupying, possessing, and utilizing such territories under claims of ownership since time immemorial while sharing common bonds of language, customs, traditions, and other distinctive cultural traits, or who, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, have become historically differentiated from the majority of Filipinos. Furthermore, ICCs/IPs shall likewise include peoples regarded as indigenous due their descent from the populations inhabiting the country, at the time of conquest or colonization, during the advent of non-indigenous religions and cultures, or upon the establishment of present state boundaries, retaining some or all of their own social, economic, cultural, and political institutions, even if they have been displaced from their traditional domains or resettled outside their Ancestral Domains/*Fusaka Inged*. The application of ICCs/IPs in the Bangsamoro shall consider the identification concerning the Marginalized Moro Peoples or Communities (MMPs) and Non-Moro Indigenous Peoples/Non-Moro Indigenous Cultural Communities (NMIPs).

w) Indigenous Elder/Leader refers to an indigenous elder/leader emerging 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, in 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 recognition, protection, and promotion of their rights and the sustainable development of their Ancestral Domains/*Fusaka Inged*.

x) Indigenous Knowledge Systems and Practices (IKSPs) refers to systems, institutions, mechanisms, and technologies that comprise a unique body of knowledge evolved over time, which embodies patterns of relationships both among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious spheres, and which are the direct outcome of the ICCs/IPs, responses to

certain needs consisting of adaptive mechanisms which have allowed ICCs/IPs to survive and thrive within their given socio-cultural and biophysical conditions.

y) Indigenous Peoples' Education refers to an educational system based on IKSPs, which interfaces with other educational systems.

z) Indigenous Peoples' Mandatory Representative (IPMR) refers to an individual chosen through consensus by the IPS to represent the ICCs/IPs in local legislative bodies. The IPMR ensures the representation of ICCs/IPs' interests in policy-making and governance, particularly regarding Ancestral Domains/*Fusaka Inged* and cultural preservation.

aa) Indigenous Peoples' Organization (IPO) refers to a private, non-profit voluntary organization, duly recognized by the MIPA that is composed of ICCs/IPs, and provides programs and services to them.

bb) Indigenous Political Structures (IPS) refers to organizational and cultural leadership systems, governance institutions, relationships, patterns, and decision-making processes practiced by ICCs/IPs. These include, but are not limited to systems such as the Council of Elders, Council of *Timuays*, *Timuay* Justice and Governance, *Gempa te Kelindaan ne Kamal*, *Kena Menuwa/ Mënûbû Dulangan* Tribal Justice and Self-Governance, *Alimbubungan*, or any other similar tribal governance mechanism exercised within a defined territory.

cc) 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 these Rules.

dd) Local Legislative Councils refers to offices that exercise 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.

ee) Marginalized Moro Peoples or Communities (MMPs) refers to historically Moro ICCs/IPs who are politically, economically, or socio-culturally disadvantaged within the Bangsamoro Autonomous Region. MMPs ascribe to the Moro identity, nonetheless, pursuant to their self-ascription and the ascription of others as to the identification of ICCs/IPs they are considered as such.

ff) Ministry of Indigenous Peoples' Affairs (MIPA) refers to the primary government agency responsible for the formulation and implementation of policies, plans, and programs aimed at recognizing, protecting, and developing IPs within their identified Ancestral Domain/*Fusaka Inged* in the Bangsamoro Autonomous Region.

gg) Moro-Indigenous Peoples (Moro-IP) Kinship refers to the living tradition between Moro and IPs in the Bangsamoro Autonomous Region, recognizing their shared ancestry from the forebears *Mamalu* and *Tabunaway*. This kinship serves as a foundation for cooperation and solidarity. Other historical accounts provided by ICCs/IPs that highlight their unique Moro and Indigenous Peoples relationship shall also be recognized, respected, promoted, and protected by the Bangsamoro Government.

hh) Native Title refers to pre-conquest rights to lands and domains, which, as far back as memory can recall, have been held under a claim of private ownership by ICCs/IPs. These lands have never been considered public lands or public domain, and as such, they are indisputably presumed to have been held in this manner since before the Spanish conquest.

ii) Natural Resources refers to life support systems such as, but not limited to, the sea, coral reefs, soil, lakes, rivers, streams and forests as well as useful products found therein such as minerals, wildlife, trees and other plants, sequestered carbon stock, including the aesthetic attributes of scenic sites that are not man-made.

jj) Non-Extractive and/or Small Scale Activities refers to the following plans, projects, programs, and activities:

- 1) Activities not considered to be Extractive or Large-Scale Activities;
- 2) Feasibility studies that do not cover exploration, development, exploitation, utilization of land, energy, mineral, forest, water, marine, air, and other natural resources and does not disrupt the ICCs/IPs or their Ancestral Domains;
- 3) Non-extractive exploitation and utilization of land, water and natural resources as defined under existing laws, rules and regulations of governing or regulating agencies. ISF, CBFM, and IFMA do not fall under this classification;
- 4) Programs/projects/activities not requiring permits from government agencies;
- 5) Other Small-scale quarrying; and
- 6) Such other activities analogous to the foregoing.

kk) Non-Government Organization (NGO) refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs. It has an established track record for effectiveness and acceptability in the community it serves.

ll) Non-Moro Indigenous Peoples/Non-Moro Indigenous Cultural Communities (NMIPs) refers to groups of people or homogenous societies identified by self-ascription and ascription by others. These communities have continuously lived as organized societies on communally bounded and defined territories, which they have occupied, possessed, and utilized since time immemorial under claims of ownership, 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. NMIPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations that 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/*Fusaka Inged*. They do not ascribe to the Moro identity.

mm) 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.

nn) Resettled ICCs/IPs refers to ICCs/IPs who are not native to the Ancestral Domain or not part owner of 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.

oo) Resolution of Consent refers to the written resolution adopted by the affected ICCs/IPs by themselves or through their duly authorized elders/leaders expressing their acceptance of the plan, program, project or activity.

pp) Resolution of Non-Consent refers to the written resolution adopted by the affected ICCs/IPs by themselves or through their duly authorized elders/leaders expressing their non-acceptance of the plan, program, project or activity and the reasons therefor.

qq) Revenue refers to the monetary income derived from the exploration, development, and utilization of natural resources, including royalties, taxes, fees, and similar payments.

rr) Royalty refers to payment derived from the utilization of natural resources, including other access to the natural resources such as fishing, genetic resources and biological resources, and even use of the IKSP of ICCs/IPs within the Ancestral Domain and said royalty forms part of trust fund for the socio-economic development of the community concerned.

ss) Self-Governance refers to the right of ICCs/IPs to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision making and participation, such as, but not limited to, Council of Elders, Council of *Timuays*, *Timuay* Justice and Governance, *Gempa te Kelindaan ne Kamal*, *Kena Menuwa/Mënûbû Dulangan* Tribal Justice and Self-Governance, *Alimbubungan* or any other tribal governance mechanism of similar nature which is exercised in a defined territory.

tt) Sustainable Traditional Resource Rights refers to the rights of ICCs/IPs to sustainably utilize, manage, protect, and conserve:

- 1) Land, air, water, and minerals;
- 2) Plants, animals, and other organisms;
- 3) Collecting, fishing, and hunting grounds;
- 4) Sacred sites; and

5) Other areas of economic, ceremonial, and aesthetic value in accordance with their indigenous knowledge, principles, beliefs, values, systems, and practices.

uu) Technology Transfer refers to the process of transferring knowledge, skills, and technologies to ICCs/IPs for the development of Ancestral Domains/*Fusaka Inged*. This transfer is contingent on the FPIC process, ensuring that ICCs/IPs retain control over how external technologies are applied in their communities.

vv) 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.

ww) Unlawful or Unauthorized Intrusion refers to the occupation or use of ancestral-domain lands and resources without the ICCs/IPs' FPIC, whether by force, intimidation, threats, stealth, or any other unauthorized entry.

xx) Usurpation of Real Rights in Property or Occupation of Real Property refers to Article 312 of the Penal Code and is committed by any person who, by means of violence against or intimidation of persons, shall take possession of any real property belonging to another.

RULE III

RIGHTS TO ANCESTRAL DOMAIN/*FUSAKA INGED* AND ANCESTRAL LANDS

PART I

POLICIES AND CONCEPTS

SECTION 6. Constitutional and Legal Framework. The Bangsamoro Government shall recognize, respect, protect, and promote the rights of ICCs/IPs to their Ancestral Domains/*Fusaka Inged* to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of Ancestral Domains/*Fusaka Inged*.

SECTION 7. Concept of Ancestral Domain/*Fusaka Inged* Ownership. Ancestral Domain/*Fusaka Inged* 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/*Fusaka Inged* and all resources found therein shall serve as the material bases for the cultural integrity of ICCs/IPs.

Ancestral Domain/*Fusaka Inged* and the rights associated therewith shall be held by ICCs/IPs in perpetuity, and may not be sold, transferred, or otherwise alienated to any LGU, agency, office or public official or non-government entity, institution, group, private corporation, or individual, except as provided under the subsequent section concerning intra-ICCs/IPs transfer of ancestral lands.

SECTION 8. Concept of Ancestral Land /*Fusaka Fantad* Ownership. Ancestral Land /*Fusaka Fantad* and all resources found therein shall constitute the identifiable share or portion of the Ancestral Domain/*Fusaka Inged* held and possessed by a member, family or a Clan belonging to the ICCs/IPs. Buying and selling of ancestral lands, except among genuine members of the tribe, is strictly prohibited and punishable under the *BIPA* and Rule XVI of these Rules. Any other form of transfer of rights, donation, leasehold, and other forms of conveyance in circumvention of this law shall be null and void.

Buying and selling of Ancestral Land among genuine members of the tribe should be consistent with the concerned IPS and be approved by the ICCs/IPs Elders/Leaders. Such authorization should be recorded with the MIPA and will be subject to the right of reversion to the ICCs/IPs Clan.

SECTION 9. Composition of Ancestral Domains /*Fusaka Inged* and Ancestral Lands. Ancestral Domains /*Fusaka Inged* or Ancestral Lands /*Fusaka Fantad* are all areas generally belonging to the ICCs/IPs, owned, occupied or possessed by themselves or through their ancestors, communally or individually since time immemorial.

Ancestral Lands/*Fusaka Fantad* and Ancestral Domains/*Fusaka Inged* shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Ancestral Domains/*Fusaka Inged* consists of lands, inland waters, coastal areas, and coastal seas. Inland waters, coastal areas, coastal seas include fishing grounds, collecting grounds, and bodies of water.

Lands within Ancestral Domains/*Fusaka Inged* shall include, but not limited to, Ancestral Lands, forests, pasturelands, residential lands, agricultural lands, hunting grounds, burial grounds, worship areas, land no longer occupied by the ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, and other lands individually owned whether alienable and disposable or otherwise. Ancestral Lands shall consist of, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots. Provided that property rights within the Ancestral Domain/*Fusaka Inged* already existing and/or vested upon effectivity of the *IPRA* on 22 November 1997, within, shall be respected and recognized. The MIPA may, nonetheless, review and nullify permits or titles proven fraudulent, forcibly obtained, or issued in violation of FPIC, within a five-year transitional justice window.

SECTION 10. Indigenous Concept of Ownership. Ancestral Domain/*Fusaka Inged* and Ancestral Lands and all resources found therein form the material bases of the ICCs/IPs' cultural integrity. The indigenous concept of ownership generally holds that Ancestral Domain/*Fusaka Inged* 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.

The present generation who are today's occupants have the intergenerational responsibility of conserving the land and natural resources for future generations of ICCs/IPs to enjoy. Buying and selling of Ancestral Domain/*Fusaka Inged* is strictly prohibited and punishable unless the said transaction is among genuine members

of the same tribe and is consistent with the IPS. Such transfer should be approved by the ICCs/IPs Elders/Leaders and be recorded with the MIPA. Any other form of transfer of rights, donation, leasehold and other forms of conveyance in circumvention of *BIPA* and these Rules shall be null and void.

SECTION 11. Recognition of Ancestral Domain/*Fusaka Inged* and Land Rights. The rights of the ICCs/IPs to their Ancestral Domains/ *Fusaka Inged* and lands by virtue of native title shall be recognized and respected. Native title to Ancestral Domains/ *Fusaka Inged* and lands may be formally recognized or established through the issuance of corresponding CADT or CALT by the MIPA pursuant to Section 69 of the *BIPA*.

The concept of ownership and title for ICCs/IPs are not dependent on the issuance of CADT/CALT which simply represents the formal recognition of the ICCs/IPs title to ICCs/IPs' ancestral lands and domains. The application for issuance of a CADT/CALT pending before the MIPA is akin to a registration proceeding. The said process seeks an official recognition of ICCs/IPs' claim to a particular land and shall be considered as a proceeding *in rem*. The titling process shall not vest ownership upon the applicant but only recognizes ownership that has already vested the applicant by virtue of his/her or his/her predecessor-in-interest possession of the property since time immemorial.

All areas within Ancestral Domain/*Fusaka Inged* whether delineated or not, are presumed to be communally owned and, pursuant to the indigenous concept of ownership, could not be sold, disposed nor destroyed, subject to the exception provided in the preceding Sections. The presumption of communal ownership may be disputed on the grounds that there exist property rights regimes prior to the passage of the *IPRA* in accordance with Rule XI of these Rules.

SECTION 12. Destruction of Ancestral Domains/ *Fusaka Inged*. Areas and resources in the domains are deemed destroyed if on account of an activity conducted or applied:

- a) The area or resource could no longer serve its normal or natural functions; or
- b) That the area or resource is used in a manner not consistent with customary laws or agreements of the concerned ICCs/IPs; or
- c) That the area or resource is used or gathered in a wasteful or excessive manner resulting in irreversible loss or irreparable damage.

Any person causing or authorizing such destruction shall be criminally, civilly, and/or administratively sanctioned consistent with Section 96 of the *BIPA* and Rule XVI of these Rules, without prejudice to the filing of additional sanctions under other laws and regulations.

PART II
RIGHTS TO ANCESTRAL DOMAINS/*FUSAKA INGED*

SECTION 13. General Principle. The right to ownership and possession of Ancestral Domains/*Fusaka Inged* by ICCs/IPs shall be recognized and protected. The rights shall include the enumerations provided in the subsequent sections.

SECTION 14. Right of Ownership. The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, burial grounds, ethnomedicinal conservation areas, traditional hunting and fishing grounds, and all improvements made by them at any time within the Ancestral Domains/*Fusaka Inged*. These rights shall include, but are not limited to, the rights over the fruits, to possess, use, exclude and recover ownership. The right to recover shall be particularly applied to lands lost through fraud or any form of vitiated consent or transferred for an unconscionable price.

SECTION 15. Right to Self Determination. IPs have the right to self-determination, by virtue of which, they determine their political status, and pursue their vision and plans for economic, social and cultural development.

SECTION 16. 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/*Fusaka Inged* that has been provided for by various industries and the government. It includes all extractive, energy, agricultural, forestry, water, fishery, processing and manufacturing, tourism and mineral resource projects operating within the Ancestral Domains of ICCs/IPs in the Bangsamoro Autonomous Region, regardless of whether such projects are public, private or foreign entity conducted under any contractual arrangements recognized by law, including those with foreign equity. Further, it shall also include the right to equitable share shall also embrace the right to receive a share for the use of IKSP and matters that affect the cultural integrity of ICCs/IPs from the Bangsamoro Government, government agencies, and private entities. Equitable share shall mean the value to be provided by the ICCs/IPs, released directly to the IPS-approved treasury account within sixty (60) days of collection, subject to public disclosure through the posting in the MIPA webpage and its Annual Report. ICCs/IPs may request assistance from the MIPA and other subject experts to determine the proper equitable share that should be received by them. A fiduciary agreement shall be entered into by subject experts, the ICCs/IPs, and the MIPA.

The entitled rights under this section shall be determined through the agreement with ICCs/IPs and the *BIPA*, these Rules, and other applicable laws. The share under this section is distinct and in addition to the benefits and entitlements to basic and social services that the government is duty-bound to provide under the *BIPA* and other existing laws. The share of ICCs/IPs shall be computed and disbursed in a transparent, timely, and accountable manner as provided under these Rules.

SECTION 17. 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 themselves that include the:

- a) Right to manage and conserve natural resources within the territories and uphold the responsibilities for future generations;
- b) Right to benefit from and share the profits from allocation and utilization of the natural resources found therein;
- c) Right to 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, regional, and customary laws. Such right to negotiate include the right to withhold consent and

veto any proposal that threatens the respective ICCs/IPs cultural integrity or their Ancestral Domain's ecological balance;

d) Right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact their AD; and

e) 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 seek and receive effective measures by the Bangsamoro Government to prevent any interference, alienation, and encroachment upon these rights. Compensation shall be assessed by a panel composed of the MIPA, Ministry of Environment, Natural Resources and Energy (MENRE) and IPS, and shall be based on full-replacement cost and be enforceable before the Regional Adjudication Bureau (RAB) or regular courts.

SECTION 18. 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 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 and upon payment of just compensation in accordance with Article III, Section 9 of the *1987 Constitution*.

Temporary relocation is deemed an exceptional measure if, after exhausting all legal remedies, it stands as the only option to avoid loss of lives, and to safeguard the health and safety of the populations affected. Temporary relocation shall generally occur as a result of *force majeure*, natural calamities or catastrophes. The justification for the relocation shall be provided alongside the timeline for return and standards to determine the continued existence or extinguishment of the justification. If temporary, ICCs/IPs shall be guaranteed the right to return to their Ancestral Domains, as soon as the grounds for relocation cease to exist. However, 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, through all possible means, lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present and future needs and located in areas where the community can maintain their cultural, social, and economic integrity. The transfer shall be done within one (1) year from the time of the loss or the impossibility to return to the Ancestral Domain/*Fusaka Inged* or ancestral land has been determined. The relevant Bangsamoro agency shall provide the land and register its title in the name of the ICCs/IPs or affected Clans. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury.

A Relocation Oversight Committee shall be created by the MIPA composed of relevant BARMM MOAs and constituent LGUs, representatives of concerned ICCs/IPs and Civil Society Organizations (CSOs) to monitor and evaluate any relocation process. It shall continuously determine if the cause for temporary relocation, if applicable, still persists alongside ICCs/IPs. The committee shall also ensure and determine if ICCs/IPs are provided with habitable relocation sites and adequate shelter, food, and other basic services, as well as livelihood opportunities to ensure that their needs are effectively addressed. Any violation of this Rule may be subject to administrative liabilities.

SECTION 19. 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. Accordingly, the Bangsamoro Government shall not:

- a) Recruit members of the ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs;
- b) Recruit children of ICCs/IPs into the armed forces under any circumstances;
- c) Force ICCs/IPs to abandon their lands, territories, and means of subsistence; and
- d) Relocate them to special centers for military purposes under any discriminatory condition without proper consultation and coordination with the ICCs/IPs concerned.

In consultation with the ICCs/IPs who are victims of armed conflict, the MIPA in collaboration with national and international specialized agencies shall implement an integrated emergency program for the victim families' and communities' relief and rehabilitation. Such integrated programs shall take special attention on the impact of armed conflict activities to the indigenous children's psycho-social functioning and development. The MIPA, in partnership with affected ICCs/IPs, shall commence the program immediately or within two (2) weeks of cessation of hostilities. Such emergency program shall be funded under the Bangsamoro contingency appropriation through the MIPA, in partnership with the MILG and the MSSD.

SECTION 20. 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.

a) **Right to Return to Ancestral Domain/*Fusaka Inged*.** 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.

b) **Right in case of Permanent Relocation/Displacement.** Should their Ancestral Domain/*Fusaka Inged* be lost 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 shall, upon their, be accorded the following:

- 1) Relocation to a site, which shall, in all possible cases, be of equal quality and legal status as that previously occupied, and which shall be suitable to provide for their present needs and future development;
- 2) Security of tenure and title over lands to which they will be resettled or relocated; and
- 3) Compensation for loss, injury or damage as a consequence of such relocation or displacement, consistent with Section 21, Part II, Rule III of these Rules. Compensation shall follow the full-replacement-cost

standard and be claimable before the IPS tribal justice system or, on appeal, the RAB.

If return is impossible, ICCs/IPs shall receive free patents or other applicable land titles over the relocation site, recorded within a reasonable time.

c) The Ministry of Social Services and Development (MSSD) and other relevant BARMM MOAs, in coordination with the MIPA, shall deliver basic services within ninety (90) days. That basic services and livelihoods shall be consistent with the IPS and customary laws and shall ensure that the ICCs/IPs' needs are adequately addressed. Basic services provided in consideration of displacement shall be separate from the regular services that should be provided to ICCs/IPs.

d) Intersectional concerns of Indigenous women, children, youth, Persons with Disabilities (PWD), senior citizens, and other marginalized groups shall be determined through specific consultations with these sectors. Their individual needs shall be included by the MIPA in a report that will be submitted to the relevant BARMM MOAs and constituent LGUs for inclusion in their response program. The MIPA Report shall be provided as soon as practicable or within two (2) weeks from the cessation of the cause of displacement. The MIPA shall also generate their specific plans covering these specific concerns and provide relevant services consistent to that.

e) That the right mentioned herein shall be without prejudice to the rights afforded to ICCs/IPs by other regional and national laws, particularly Sections 6, 7, 8, 9, 10, 11 and 12 of the *Bangsamoro Autonomy Act No. 62 or the Rights of Internally Displaced Persons of the Bangsamoro Autonomous Region Act of 2024*.

SECTION 21. Compensation for Loss, Injury or Damage. Compensation for loss, injury, or damage as provided in the preceding section shall be obtained through the following procedures:

a) Who may file. The following shall be entitled to compensation for loss, injury or damage:

- 1) Any individual in the event of loss of life, injuries or damage to property;
- 2) Duly authorized ICCs/IPs Elders/Leaders representing their communities, as provided in the IPS, in case of damage to burial grounds, worship areas, hunting grounds, or any other parts or communal structures within the Ancestral Domain/*Fusaka Inged*; or
- 3) The MIPA may *motu proprio* file the claim for loss, injury or damage for and on behalf of the ICCs/IPs, subject to the validation of the concerned ICCs/IPs.

b) Notification to the MIPA. In case the claim is filed by the affected ICCs/IPs, the MIPA must be notified through its field office, of such loss, injury or damage suffered as a result of the relocation or displacement.

c) Filing of claim. The MIPA or affected ICCs/IPs with the assistance of the MIPA shall file the claim for compensation of loss, damage or injury before the RAB, which

shall implead the responsible agency which has caused such relocation or displacement as respondents. In case jurisdiction does not fall under the RAB as provided under the *BIPA*, a claim shall be filed before the regular courts. The MIPA Special Public Assistance and Legal Aid Division (SPALAD) shall assist ICCs/IPs in the filing of their claims.

d) Payment of compensation. If the jurisdiction falls under the quasi-judicial powers of the RAB, the Bureau shall ensure that such claim for payment is given due consideration and that the claimant is duly compensated within a reasonable time, subject to the procedures provided in Rule XIV of these Rules.

SECTION 22. 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 their Ancestral Domain 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.

For this purpose, the following shall be applicable:

a) Migrants, for purposes of these Rules, refers to a person who is not a native to the Ancestral Domain/*Fusaka Inged* or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to natural disasters, armed conflict, population pressure, or search for seasonal work, opted to occupy and utilize portions of the Ancestral Domains/*Fusaka Inged* or lands and have since established residence therein after the passage of the *IPRA*. Subject to the ICCs/IPs customary laws, a person that has been lawfully adopted into the community through marriage or custom shall not be deemed as a migrant.

b) Other entities, for purposes of these Rules, include all organizations, corporations, associations or persons who intend to enter the Ancestral Domains/lands for the purpose of doing business, development or other activities therein; and

c) The procedure for regulating entry of migrants and other entities requires all migrants and other entities to first secure the express permission of the ICCs/IPs' council of elders/leaders who shall, in accordance with their consensus building process, community practices, customs and traditions and upon the FPIC of the community members agree to accept such migrant or entity within the domains, subject to the following conditions:

1) Said persons and entities can be allowed to perform activities as are expressly authorized and which are not inimical to the development of the Ancestral Domains/*Fusaka Inged* and cultural integrity of the ICCs/IPs, and

2) The ICCs/IPs shall maintain the right to impose penalties for violation of the conditions in accordance with their customary laws, the *BIPA* or these Rules.

The ICCs/IPs, with the assistance of the MIPA, shall take appropriate action to ensure the effective implementation and enforcement of these rights. Further, a

denied applicant may elevate the matter to the MIPA for proper mediation. However, the MIPA may not override the ICCs/IPs decision.

SECTION 23. Unauthorized and Unlawful Intrusion. Unauthorized and unlawful intrusion upon or use of any portion of the Ancestral Domain/*Fusaka Inged*, or any violation of the rights herein enumerated, shall be punishable under the *BIPA*. Failure to provide a Certification Precondition secured through the FPIC process shall be prima facie evidence of unauthorized or unlawful intrusion. Furthermore, the Bangsamoro Government shall take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs’ customs and concept of ownership or the use of machinations to vitiate their consent to secure ownership and possession of land belonging to said ICCs/IPs.

When the unauthorized and unlawful intrusion is committed by or with the assistance of a public officer, the imposable penalty shall be one degree higher, as prescribed under Section 96 of the *BIPA* without prejudice to the filing of civil or administrative actions.

SECTION 24. Right to Safe and Clean Environment. ICCs/IPs have the right to clean air, water, and lands within their Ancestral Domains/*Fusaka Inged* and lands. They shall have the right to participate and have their customary practices considered in the development of the government policies that affect the environment which shall include inland waters and airspace. This recognition follows the respect and acknowledgment that ICCs/IPs through their IKSP and their customs and traditions have preserved the environment and have demonstrated their capability to conserve and protect the integrity of their ecological systems. Thus, to enable these ecologically-sound and sustainable practices to flourish, the ICCs/IPs have the right to regulate activities that may adversely affect their airspace, bodies of water and lands. Any violation of environmental laws adversely affecting the integrity of the ecological systems in Ancestral Domains/territories shall be penalized according to customary laws of the ICCs/IPs and other national laws.

The right to a safe and clean environment further respects and acknowledges that ICCs/IPs are entitled to take the necessary steps to source out adequate and effective technical and financial support to protect the environment. The Bangsamoro Government shall adopt effective measures to implement environmental laws that will preserve the quality of freshwater, surface and ground water and minimize air pollution and other forms of pollution that may affect the domains

The MIPA and the MENRE shall establish an Indigenous Environmental Monitoring Desk to review Environmental Impact Assessments (EIAs) and ensure ICCs/IPs participation.

SECTION 25. Right to Claim Parts of Reservations. The right to claim parts of the Ancestral Domains/*Fusaka Inged* 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.

a) Procedure for reclaiming Ancestral Domains/*Fusaka Inged* or parts thereof Proclaimed as Reservations.

- 1) For purposes of the enforcement of this right, the MIPA shall review all existing Executive Orders, Administrative Orders, and Presidential Proclamations covering reservations within Ancestral

Domains/*Fusaka Inged* to determine the actual use thereof. The review shall be commenced within one (1) month from the approval of these Rules.

2) The MIPA shall, after securing the FPIC and coordinating with the NCIP and the MENRE, cause the disestablishment of the reservation or the segregation and reconveyance of Ancestral Domains/*Fusaka Inged* or portions thereof to the concerned ICCs/IPs.

b) Conditions for Continued Use of Ancestral Domains/*Fusaka Inged* as Part of Reservations. ICCs/IPs whose Ancestral Domains/*Fusaka Inged* or portions thereof continue to be used as part of reservations, have the right to negotiate the terms and conditions thereof in a MOA. The ICCs/IPs may negotiate for such use, including the grant of benefits such as, but not limited to, preferential use of facilities in the area and free access to basic services being dispensed therefrom, through appropriate IP desks to be established by the administrator of the reservation.

SECTION 26. Right to Resolve Land Conflict. The right to resolve land conflicts in accordance with customary laws and tribal justice system of the ICCs/IPs where the land is located, and only in default thereof shall the complaints be submitted for amicable settlement, alternative dispute resolution and to the courts of justice. The period shall follow the IPS of the concerned ICCs/IPs or if not possible, within ninety (90) days from the time the complaint was filed.

SECTION 27. Right to Resolve All Other Conflicts. The right to resolve all other conflicts between and among members of the ICCs/IPs in accordance with their customary laws and their tribal justice system.

If the conflict between or among ICCs/IPs is not resolved, through such customary laws, traditions and practices, the Council of Elders/Leaders who participated in the attempt to settle the dispute shall certify that the same has not been resolved. Such certification shall be a condition precedent for the filing of the complaint with the MIPA, through RAB. If the Council of Elders/Leaders decline to certify due to matters not supported by the IPS, the complainant may seek certification from the RAB upon proof of request and unjustified inaction.

SECTION 28. Right to Free and Expeditious Issuance of Certificates of Ancestral Domains or Land Titles. ICCs/IPs have the right to free and expeditious processing and issuance of CADT and/or CALT, provided that all legal requirements prescribed by the MIPA are duly complied.

PART III RIGHTS TO ANCESTRAL LANDS

SECTION 29. General Principle. 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 subsequent sections.

SECTION 30. Right to Transfer Land or Property. Holders of ancestral lands have the right to transfer land or property to other members of their own ICCs/IPs, as may be provided by their customary laws. All other actual or constructive sales or transfers of all or part of ancestral lands are prohibited by the *BIPA* and these Rules.

In case of marriage between an Indigenous and non-Indigenous person or between persons from different communities, the IPS governing the Ancestral Domain/land shall prevail as to the ownership of the non-member over the land. However, if by chance or accident the ancestral lands shall be conveyed from the non-Indigenous or non-member of the tribe to another non-Indigenous or non-member of the community, such transfer shall be prohibited. The ancestral lands shall revert to the community consistent with the recognition of communal ownership over the same, with preference to the next of kin in the descending line of the spouse who is a member of the community or under the rules provided in the IPS.

SECTION 31. 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, particularly the lawful members of the Clan of the heirs of the transferor, 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.

Consent is deemed vitiated when given through error or mistake, violence, intimidation, undue influence, fraud or deceit. The price is considered unconscionable when the amount compared to the value of the property is so disproportionate as to be revolting to human conscience.

The transferor or his/her heirs shall exercise his/her right to redeem within fifteen (15) years from date of transfer. The MIPA shall provide, as part of its Rules of Procedures, the process for the exercise of this right within ninety (90) days from the passage of these Rules and decide Petitions for Redemption within one (1) year of filing. It shall include the filing of a petition therefore stating the circumstances of vitiated consent or unconscionable price, due notice and hearing, and the reconveyance of the property to the transferor ICCs/IPs.

It is reiterated that the sale of Ancestral Domains/*Fusaka Inged* and lands through any form of transfer of rights, donation, leasehold, and other forms of conveyance in circumvention of the aforementioned right shall be null and void. Such void or inexistent transfer has no force and effect from the very beginning and has no civil effect. The transfer cannot be validated either by ratification or prescription. Restitution in favor of the ICCs/IPs can be effected, granted that the same does not involve any burden to the ICCs/IPs concerned.

PART IV
RESPONSIBILITIES OF ICCs/IPs TO THEIR ANCESTRAL DOMAIN/*FUSAKA INGED*

SECTION 32. Duties and Responsibilities of ICCs/IPs as Owners of Ancestral Domains/*Fusaka Inged*. ICCs/IPs, as owners of the respective Ancestral Domains/*Fusaka Inged*, shall have the duty and responsibility, in accordance with their customary laws, to actively participate in the protection and development of Ancestral Domains/*Fusaka Inged*. To attend meetings and actively support activities, projects and community processes for the protection and development of the Ancestral Domains/*Fusaka Inged*.

SECTION 33. Maintain Ecological Balance. ICCs/IPs, as owners of the respective Ancestral Domains/*Fusaka Inged* shall have the duty and responsibility to preserve, restore, and maintain a balanced ecology in the Ancestral Domains/*Fusaka Inged* by protecting the flora and fauna, watershed areas, and other reserves.

Based on their indigenous and traditional practices, ICCs/IPs shall formulate and implement their respective systems for protecting and conserving the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in order to preserve, restore and maintain a balanced ecology within their Ancestral Domains/*Fusaka Inged*. To ensure biological diversity, sustainable indigenous agriculture shall be encouraged while the system of mono-cropping shall be discouraged.

The ICCs/IPs shall establish their own institutions, systems and standards for protecting their natural resources. Such standards shall consider the national standards as the minimum, without prejudice to imposing stricter standards that are consistent with the customary laws. Where stricter indigenous standards are adopted from ICCs/IPs, the MENRE shall recognize those standards in the issuance of their Environmental Compliance Certificate and permit issuances. Further, for the purpose of protecting the environment and maintaining ecological balance, the ICCs/IPs shall be deputized by the MIPA and MENRE as Indigenous Environmental Wardens, consistent with Sections 56 of the *BIPA* Section 150, Rule IX of these Rules, with powers to conduct citizen's arrest and evidence preservation, for violations of environmental and natural resources laws within Ancestral Domains/*Fusaka Inged* in accordance with Section 96 of the *BIPA* and Rule XVI of these Rules.

The ICCs/IPs shall have access to government funds earmarked for environmental protection in relation to their domains, including the annual Environment Protection Fund that shall be automatically appropriated for ICCs/IPs-led programmes and released within the fiscal year. The MIPA, upon consultation with ICCs/IPs shall determine the percentage that should be automatically appropriated, which should not be less than 50% annual Environment Protection Fund. For this purpose, the IPO or community, with the assistance of the MIPA, shall negotiate and enter into agreements with concerned agencies for the effective transfer of funds appropriated for such purposes to the concerned ICCs/IPs.

The ICCs/IPs may, on their own initiative, likewise secure funds for such purposes from other local and foreign sources.

SECTION 34. Restore Denuded Areas. ICCs/IPs, as owners of the respective Ancestral Domains/*Fusaka Inged* shall have the duty and responsibility 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.

The concerned ICCs/IPs, in collaboration with appropriate government agencies, shall restore denuded areas within their Ancestral Domains/*Fusaka Inged*.

In cases where the denudation of areas within the domains is caused by identified natural resource licensees, the ICCs/IPs through the MIPA shall make the proper representation to the appropriate government agency for the enforcement of the licensees' obligation under the contract to reforest said areas. Should the licensee fail to implement a restoration program, the concerned government agency shall cause the execution of the bond and apply the same in favor of the ICCs/IPs, without

prejudice to payment of compensation for damages to the Ancestral Domains' eco-systems.

Through their own IPOs, the concerned ICCs/IPs shall develop their own systems for undertaking reforestation projects under such terms and conditions that will ensure the application of IKSPs and customary laws, and the recognition, promotion and propagation of indigenous species as well as those of ecological importance. All such projects shall be considered an integral part of the domains and are therefore communally-owned by such ICCs/IPs. The MIPA shall maintain a register and share it with the MENRE Cadastral Registry, with the consent of the ICCs/IPs concerned. The MENRE shall also be mandated to inquire with the MIPA to determine the existence of reforestation projects implemented by ICCs/IPs, to avoid conflicts and adverse claims.

The management of all existing government reforestation projects within the Ancestral Domains/*Fusaka Inged* shall be transferred to the MIPA through the execution of the appropriate instruments. The MIPA, in turn, shall execute Memoranda of Agreement with concerned ICCs/IPs for the implementation of the projects.

SECTION 35. Observance of Laws. ICCs/IPs, as owners of the respective Ancestral Domains/*Fusaka Inged* shall have the duty and responsibility to observe and comply with their respective customary laws as the primary norm, together with relevant regional laws, including the *BIPA*, as well as these Rules.

SECTION 36. Recognition of Ancestral Domain/*Fusaka Inged* 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 CADT, subject to compliance with the set of requirements provided under the *BIPA* and these Rules which shall formally recognize the ownership of the concerned ICCs/IPs over the territories identified and delineated.

RULE IV
RIGHT TO SELF-GOVERNANCE AND THE INDIGENOUS POLITICAL
STRUCTURE

PART I
RIGHT TO SELF-GOVERNANCE

SECTION 37. Right to Determine and Decide Priorities for Development. The ICCs/IPs have the right to determine and decide their own priorities, visions and plans for their political, economic, social, and cultural development including their right to FPIC. They have the right to participate in the formulation, implementation, and evaluation of policies, plans, and programs for regional and local development that may directly affect them and their Ancestral Domains/*Fusaka Inged* and lands. Further, no project, policy, plan, or program affecting the Ancestral Domain or makes use of IKSP may proceed without the FPIC of the affected ICCs/IPs obtained in accordance with the FPIC processes provided under Rules IX and XIII.

SECTION 38. Recognition of Authentic Leadership. In pursuance of the right to self-governance and self-determination, the ICCs/IPs, in coordination with the MILG, through the MIPA, shall formulate measures to ensure that:

- a) The socio-political structures, systems and institutions of ICCs/IPs are strengthened;
- b) The indigenous structures, systems, and institutions are not supplanted by other forms of non-indigenous governance; and
- c) Mechanisms that allow the interfacing of indigenous systems of governance with the national systems are established. The MIPA and MILG shall issue the joint guidelines within one hundred eighty (180)-days from the date of approval of these Rules for the interface and shall allocate yearly funds for capacity-building of ICCs/IPs

SECTION 39. Right to Participate in Decision-Making. 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. Furthermore, the Bangsamoro Government shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies. Consequently, the MIPA shall ensure that the ICCs/IPs shall be given mandatory representation in other local legislative councils and policy-making bodies.

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 IPS. For this purpose, the Bangsamoro Government, through the MIPA, shall take effective measures to ensure that the ICCs/IPs can understand and be understood in political, legal, judicial, and administrative proceedings. Guidelines shall be provided by the MIPA to all relevant BARMM MOAs to explain the legal and moral underpinning of the right to self-determination of ICCs/IPs.

SECTION 40. Self-Governance. The Bangsamoro Government recognizes the ICCs/IPs’ 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. The decisions of Indigenous Political Structures (IPS) shall guide and be given preferential consideration by all BARMM MOAs, and LGUs, consistent with *Republic Act No. 11054* and the *BIPA*.

PART II

INDIGENOUS POLITICAL STRUCTURE (IPS)

SECTION 41. Recognition of Indigenous Political Structures (IPS). The Bangsamoro Government hereby recognize and affirm the existing IPS of the ICCs/IPs within the Bangsamoro Autonomous Region such as, but not limited to Council of Elders, Council of Timuays, Timuay Justice and Governance, *Gempa te Kelindaan ne Kamal*, *Kena Menuwa/Mënûbû Dulangan* Tribal Justice and Governance, *Alimbubungan*, as the governing body that will define policies, leadership, direction, and consensus-building on key decisions affecting all members of the ICCs/IPs.

All existing IPS as confirmed by the NCIP and defined under Section 5 (bb), Rule II of these Rules shall be affirmed by the MIPA within one hundred eighty (180) days from the effectivity of these Rules, subject to the submission of the necessary documents as may be required by the MIPA. Additional IPS, through their respective members may request for the confirmation of the MIPA through the procedure provided under these Rules.

The ICCs/IPs have the right to use their traditional justice systems, conflict resolution institutions or peace building processes which are oriented to settlements, reconciliation and healing, and as may be compatible with national laws and accepted international human rights, in all conflict situations between and among IP Individuals and between and among other ICCs/IPs.

The Bangsamoro Government through the MIPA shall provide the necessary resources and opportunities to strengthen, develop and empower the IPS including providing assistance to ICCs/IPs to document cases resolved under the indigenous justice systems, conflict resolution mechanisms and peace building processes in order to provide references to be used in resolving conflicts involving ICCs/IPs.

In the absence of an IPS, the MIPA, in consultation with the ICCs/IPs involved, shall provide alternative representation to ensure that the right to participation of ICCs/IPs is protected. This alternative representation does not in any way diminish the right provided under these Rules and other applicable rights related thereto.

SECTION 42. Self-Reliance and Mutual Support among Indigenous Peoples Structures (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 will further develop and strengthen existing traditions of mutual aid and cooperation among various ICCs/IPs groups. ICCs/IPs may seek the support of the Bangsamoro Government and other entities in the realization of their right to development that is in accordance with their own needs and interests.

SECTION 43. Powers, Duties, and Functions of Indigenous Political Structures (IPS). The IPS shall have the following powers:

- a) Resolve conflict between and among the ICCs/IPs;
- b) Strengthen the structure and customary laws of the ICCs;
- 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 the MIPA and other concerned government agencies;
- e) Recommend the duly selected IPMR 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/*Fusaka Inged* and territories;

- 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, regional, and customary laws;
- h) Other traditional roles or functions analogous and consistent with the customary laws of the ICCs/IPs; and
- i) Perform such other powers and functions as the community may deem appropriate.

This section covers all ICCs/IPs in Ancestral Domains/*Fusaka Inged* and lands and ICCs/IPs resettled in Ancestral Domains /*Fusaka Inged* or Ancestral Lands /*Fusaka Fantad* outside the territorial jurisdiction of the Bangsamoro Autonomous Region.

SECTION 44. Confirmation of IPS. The confirmation should be through the ICCs/IPs’ initiative. The concerned ICCs/IPs may request the assistance of the MIPA for their IPS confirmation. Subsequently, the prior status of the IPS may be included as part of the Ancestral Domain Sustainable Development Protection Plan (ADSDPP), Certificate of Ancestral Domain Title/Certificate of Ancestral Land Title (CADT/CALT), FPIC, Certificates of Confirmation (COC) of Tribal Membership and other valid sources of information. The application for confirmation shall be filed with the Programs and Operations Division (POD).

SECTION 45. Affirmative Action of the MIPA. The affirmative action of the MIPA shall be in the form of a MIPA Resolution signed by the Minister and the consequent issuance of COC to be signed by the Division Chief of the POD. The COC shall be maintained in the POD.

Persons claiming to be members of ICCs/IPs shall be asked to secure a certification from the authorized persons in the community, consistent with the IPS. The Division Chief of the POD may request additional evidentiary proof in support of the request for the issuance of a COC. It shall deny applications that are palpably and patently fraudulent.

SECTION 46. Requirements for IPS Confirmation. The following documents shall be required for the processing of the Confirmation of IPS:

- a) A Genealogical Survey;
- b) Written accounts not limited to customs and traditions including the interfaced customary practices on the following:
 - 1) Social organization — a profile of the IPS including information on traditional and emerging elders/leaders; norms and social stratification based on access to prestige and power; succession (birthright); the leadership structure including the roles and functions of the elders/leaders of the IPS;
 - 2) Basic social processes:
 - i) Dispute resolution and conflict management;
 - ii) Consensus-building and decision-making processes towards cooperation, unity and harmony;
 - iii) Mutual help and defense systems;
 - iv) Specialized functions in relation to observance of rituals.

3) Access to resources:

- i) Applicable community imperatives in accordance with customary law as well as on the access and benefit-sharing agreements/wealth management on resources;
- ii) Monitoring and evaluation as well as indicators on sustainable development of resources;
- iii) Role of women in the sustainable development of the domain.

c) Written and verified oral accounts of customs and traditions on governance system and how these have responded to the changing socio-political order; and

d) Other relevant anthropological/historical data.

Authorized authorities under the IPS may submit oral testimony that is duly recorded and properly verified through the members of ICCs/IPs and their Council of Elders/Leaders. All necessary assistance shall be provided by the MIPA to ICCs/IPs as they establish their genealogical or anthropological surveys. ICCs/IPs may request the assistance of NGOs and CSOs to establish the requirements provided under these Rules.

SECTION 47. Application Process for IPO Registration. The following shall be the processes for registration:

a) General requirement. The application for registration shall be filed by the IPO duly endorsed by the concerned IPS to the MIPA through the POD.

b) ICCs/IPs with existing IPOs prior to these Rules. Notices shall be issued by the MIPA through the POD for them to comply with these Rules.

c) ICCs/IPs living outside their Ancestral Domain/*Fusaka Inged* areas. IPOs may be organized outside Ancestral Domains/*Fusaka Inged* and can register with the MIPA after compliance with the requirements provided in these Rules.

SECTION 48. Registration Requirements for IPO. To be officially recognized, the IPO shall submit the following:

a) Application Form for IPO Registration provided by the POD.

b) IPS Resolution stating to the effect that they are affirming that the applicant being registered is their duly organized IPO, which Resolution must contain the following information:

- 1) Purposes and goal of the IPO in relation to the collective aspiration of ICCs/IPs;
- 2) Target beneficiaries;
- 3) Roles and functions of IPO as far as coordination on working relations;
- 4) Location and area of operations;

- 5) Targeted major programs, activities and projects of the IPO.
- 6) Such other relevant documents as may be required.

In the absence of one, any ICCs/IPs through the duly authorized representative of the IPS may provide an Affidavit with the profile indicating the qualifications of the IPO Head/Chairperson, which includes, but are not limited to, the following:

- 1) Proof of Tribal Membership;
- 2) Proof of actual residence in the domain/land for at least five (5) years immediately preceding his/her selection;
- 3) Resolution/affirmation by the ICCs/IPs endorsing that he/she is a practitioner/advocate of the customs and traditions; and narrative of his/her advocacy and struggle on IP rights; and
- 4) Public knowledge of skills/expertise necessary to carry out the objectives of the IPO.

The affidavit shall also include or attach the written internal rules prescribing regulations binding the officer and members in accordance with the objectives of the IPO including the grounds for voluntary dissolution of the IPO, the term of the IPO, and the complaint mechanism or grievance procedure. A list of officers/leaders and members recognized by the IPO shall also be included.

- c) If applicable, other relevant requirements at the discretion of the POD, including the latest Audited Financial Statement of the IPO, as may be required.

SECTION 49. Where to File Application. Filing of the application registration shall be made with the POD. The authorized representative shall submit three (3) complete and duly accomplished sets, one (1) original and two (2) duplicate copies. The original shall be kept with the applicant ICCs/IPs to be stamped as received while the POD shall keep the duplicates to be stamped as Certified True Copies. The application shall also be digitized for the MIPA database and monitoring.

SECTION 50. Verification and Validation. The verification and validation shall be conducted in the following manner:

- a) The Community Development Officer (CDO) shall immediately be furnished with a copy of the application. The CDO shall evaluate the application by visiting the community and conducting necessary interviews or other means with the applicant leaders/elders of the IPS and other key informants.
- b) The evaluation shall serve as the basis for an assessment of the authenticity of the application and/or for requesting additional requirements and other relevant information to be provided by the applicant.
- c) If assessed to be authentic, the applicant, upon receipt of the assessment shall, with the assistance of the MIPA, complete all relevant information. If found to be dubious or fraudulent, the CDO shall inform the Chief of the POD and recommend the denial of the application and give notice with an explanation of the basis to the applicant.

d) If necessary, the evaluation shall be followed by the conduct of field-based verification by the VVT, composed of the CDO III, Tribal Affairs Assistant I, and Tribal Affairs Assistant II.

e) The verification/validation shall be undertaken within fifteen (15) calendar days or at the earliest practicable time with notice to the applicant. After the evaluation or field verification and validation, the VVT shall submit its report with recommendations, if any, to the Chief of the POD, copy furnished to the applicant. If satisfied, the Chief of the POD shall make his/her endorsement to the MIPA Minister, copy furnish the Legal and Legislative Liaison Section (LLLS).

f) If the application is found to be meritorious, a recommendation for its approval shall be provided by the CDO. Upon verification, the Chief of the POD shall recommend the issuance of a COR to be issued by the Minister to the applicant IPS or IPO and copies furnished to the MIPA Bureau of Ancestral Domain/Native Title.

SECTION 51. Renewal of Registration. The IPO registration shall be renewable every after two (2) years or consistent with the customary laws of the community. The IPO should submit its re-endorsement from the IPS for renewal and furnish the MIPA with its periodic financial reports and duly audited annual financial statements duly audited, annual assembly Minutes of the Meeting and Reports.

SECTION 52. Effect of IPO Registration. The registration of the IPO with the MIPA confers to it a juridical personality to represent the ICCs/IPs in pursuing and securing their collective rights over their Ancestral Domains/*Fusaka Inged*.

SECTION 53. Suspension and Revocation of IPO Registration. In addition to grounds as provided in the IPO internal rules and grounds for voluntary dissolution, the POD, upon recommendation of the IPS, may recommend the suspension or revocation of the COR of any IPO, after due investigation, based on the following grounds:

a) Unauthorized negotiation with natural or juridical persons relative to land development, resource use, harvest and exploitation of natural resources;

b) Misrepresentation and entering into agreement or compromise with investors without community consultation;

c) Accepting bribes such as project contracts, gifts, or donations in exchange of favors;

d) Loss of trust and confidence of the members of the community;

e) Violation of customary processes and community collective decision- making;

f) Misuse of a right or condition for its creation conferred by the IPS or as provided by its internal rules, violation of a right of the community, or commission of acts against customary laws;

g) When the continuance of the IPO will not work to the best interest of the ICCs/IPs on the basis of findings and recommendations of the conflict mechanism system under the IPS;

- h) When the IPO is guilty of fraud which violates the collective interest of the community;
- i) Refusal or defiance of the IPO to comply with an order of the IPS restraining its commission of acts which will amount to grave violation of interests of the community;
- j) When it has offended against a provision or condition provided by the IPS for its creation;
- k) Violation of community protocols as provided in the ADSDPP;
- l) Failure to submit annual financial statements to the IPS and the MIPA;
- m) Other analogous grounds.

The IPO will be given sufficient opportunity to answer the allegations raised against it and they may seek reconsideration before the RAB.

SECTION 54. Effect of Suspension and Revocation. During the period of suspension, the IPO shall not have any personality to engage in any transaction until the suspension is lifted. In case of revocation, the IPO shall not have any personality to engage in any transaction as such, but shall wind up its affairs in accordance with existing laws. In both cases, failure of the IPO to clear itself of any obligation, its officers shall be subject to appropriate legal action.

SECTION 55. Dissolution of IPO. Subject to the consent of the IPS and in accordance with the internal rules of the IPO, if the IPO voluntarily dissolved itself and funds were used/disbursed by the IPO, a personal oath administered by the Chief of the POD, stating that they shall personally answer for any outstanding obligation shall be undertaken. The oath shall be submitted to the MIPA and to the IPS. Further, the IPO shall also submit the latest audited financial statement before they take their oath.

SECTION 56. Resolution of Complaints Against IPOs. Complaints against the IPO or any of its representatives shall be resolved in accordance with traditional conflict mechanism systems. If customary mechanisms are exhausted and the conflict/dispute remains unresolved, the aggrieved party may elevate the same to the MIPA through the RAB.

SECTION 57. Revitalization and Strengthening of IPS. The MIPA, in its programs such as the delineation and titling of Ancestral Domains/*Fusaka Inged* and the formulation of ADSDPP, FPIC and the Exercise of Priority Rights (EPR) and other processes, shall prioritize the revitalization and strengthening of the IPS. If the IPS decides to establish the IPOs, the Chief of the POD shall assist the ICCs/IPs to enable them to comply with the requirements as provided in these Rules for the filing of the petition for confirmation and/or registration.

To avoid weakening the IPS, the Council of Elders/Leaders, IPOs, or authorized representatives, consistent with their IPS, should device mechanisms to validate the membership within the community and assist the MIPA in validating the same for the proper issuance of their COC.

SECTION 58. Database. The MIPA, through the POD in collaboration with the Information and Communication Section, shall establish their own mechanics of creating a regional database for IPS and registered IPOs. It shall also ensure an effective tracking, releasing, controlling and filing of data at the Regional Office. The Information and Communication Section shall furnish a copy of the database to the MIPA for their records.

SECTION 59. Training and Technical Assistance. The POD shall conduct or facilitate training for its staff who will form part of the VVT as well as provide technical assistance for the empowerment of the IPOs. The MIPA shall include this program in their annual work and financial plans.

SECTION 60. Monitoring and Evaluation Mechanisms. The POD shall closely coordinate to establish a quarterly monitoring and evaluation mechanism for the implementation and enhancement of the Rules on IPS and IPO. The Community Service Centers (CSC) shall document, through conduct of meetings and workshops, the process flow of verification and validation. They shall maintain databases and logbooks of all applications received, endorsed and approved including documentation and recording of interviews, questions asked and responses made by the interviewees. All this information shall be submitted annually to the MIPA Information and Communication Section commencing from the effectivity of these Rules. The MIPA shall appropriate funds to sustain the operations and effective implementation of these Rules.

SECTION 61. MIPA Consultation. The MIPA shall confirm the IPS representatives that are already recognized by the NCIP prior to the passage of the *BIPA*, such as the Council of Elders, Council of Timuays, Timuay Justice and Governance, *Gempa te Kelindaan ne Kamal*, *Kena Menuwa/Mënûbû Dulangan* Tribal Justice and Self-Governance, *Alimbubungan*. The MIPA shall further consult with all ICCs/IPs in the Bangsamoro Autonomous Region to determine the acceptable qualification and disqualifications of IPS that will be recognized consistent with the *BIPA*. Additional implementing rules and regulations shall be provided consistent to the consultations conducted by the MIPA.

PART III
FUSAKA INGED DEVELOPMENT OFFICE (FIDO)

SECTION 62. *Fusaka Inged* Development Office (FIDO). There is hereby created a *Fusaka Inged* Development Office as an attached agency of the MIPA which is granted with fiscal autonomy.

The FIDO shall prepare its budget and allocate funds in accordance with an annual appropriations law passed by the Parliament. This fiscal autonomy also allows the automatic and regular release of FIDO's approved annual appropriations from the Bangsamoro Budget subject to accounting and auditing rules and regulations. It shall have the primary mandate to promote, coordinate, and facilitate the active participation of IPS, LGUs, private sectors, and other stakeholders, to effect inclusive growth and socio-economic development of ICCs/IPs in the BARMM.

The policy making body of FIDO shall be its Board of Directors, which shall be composed of the representatives of the different IPS as regular members; and the Minister of the MIPA, the two Members of the Parliament representing the Non-Moro IPs, and the Director of FIDO as *ex-officio* members. Further, pursuant to

Section 43 of the *BIPA*, the FIDO shall ensure that women are duly represented in the Board. ICCs/IPs without an existing IPS shall also be represented in the FIDO in accordance with the right to representation and participation. Additional rules shall be issued to ensure their participation.

The MIPA may issue additional rules governing the procedures of the FIDO.

SECTION 63. Powers, Duties, and Functions of the FIDO. The FIDO shall assist the region-wide federation of IPS within the Bangsamoro Autonomous Region. It shall have the following powers, duties, and functions:

- a) Provide assistance, should this be required by the ICCs/IPs, 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 IKSPs, customary laws, practices, and traditions, and duly adopted ADSDPP, if any;
- b) 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 such as the MENRE, MAFAR and MILG, to exercise powers to prevent, apprehend and prosecute all persons violating environmental and natural resources laws within Ancestral Domains/*Fusaka Inged* in accordance with the *BIPA*;
- c) Provide assistance, should this be required by the ICCs/IPs, in negotiating 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, regional, and customary laws;
- d) 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/*Fusaka Inged* shall be sanctioned according to customary laws of the ICCs/IPs concerned;
- e) Assist the various IPS to seek redress and/or compensation for any loss, injury or damage caused to its culture and Ancestral Domain/*Fusaka Inged*;
- f) Uphold the FPIC process relative to all activities involving the utilization, extraction or development of natural resources;
- g) 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 Ancestral Domain/land and to ensure individual and collective accountability and responsibility for such funds, appropriations or donations;
- h) Serve as the custodian or depository of the funds owed to the diverse 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. The FIDO shall, without delay, process the transfer, and release the funds to the ICCs/IPs or the designated IPO not more than sixty (60) days from its receipt. The FIDO shall establish a system for transparency, revenue tracking and disclosure, in relation to

all revenues derived from exploration, development and utilization of natural resources within the Ancestral Domain, in partnership with ICCs/IPs. Private resource developers or investors shall be required to submit reports to the IPS concerned and FIDO that include financial reports on income generated, taxes paid, and shares distributed to ICCs/IPs. The agency shall also ensure that the ICCs/IPs have ready access to financial literacy and capacity-building programs to manage revenues sustainably and enable them to engage the transparency and accountability mechanism.

- i) Assist the community in filing the petition for, and lead the community in, the delineation and identification of Ancestral Domains/*Fusaka Inged* in accordance with the Principle of Self Delineation rights by virtue of Native Title;
- j) Assist the formulation of programs and projects on the role of ICCs/IPs women based on a gender analysis framework to strengthen and promote participation of indigenous women in decision-making processes on sustainable resource management;
- k) Ensure their domains as special zones of peace and life, and advocate recognition and respect thereof;
- l) Develop programs and projects in the practice and revitalization of ICCs/IPs own cultural traditions, customs, and practices;
- m) Regulate entry of migrants and other entities in accordance with their consensus-building processes, community practices, customs and traditions and upon the FPIC of community members. Such regulation shall be in the form of assistance to ICCs/IPs and shall follow the principle of self-governance; and
- n) Perform other traditional roles or functions analogous to the foregoing.

The FIDO shall at all times respect the right to self-determination of each ICCs/IPs. Decisions as to the implementation of plans, programs, projects, and activities shall be spearheaded by the individual IPS with the support of the FIDO. Any conflict between the decision of the Board of Directors and specific ICCs/IPs and their IPS shall be resolved in support of the primacy of the right to self-determination and self-governance of the IPS and member ICCs/IPs.

Any violation of this provision shall be subject to administrative sanctions and be punishable under Section 96 of the *BIPA*, Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, *Republic Act No. 6713*, otherwise known as the *Code of Conduct and Ethical Standards for Public Officials and Employees*, and other related laws. Further, members of the FIDO shall also be subject to criminal liabilities covering public officials and personnel.

PART IV
INDIGENOUS PEOPLES' COUNCIL

SECTION 64. Indigenous Peoples Council. There shall be established an IPs Council herein referred to as the 'Council' which shall serve as an advisory and consultative body to the MIPA on the following matters:

- a) Programs and services of the Ministry to ICCs/IPs;
- b) Policy issues, programming, enforcement of FPIC process, delineation of Ancestral Domain/Land and conflict resolution;
- c) Additional guidelines on the selection of IP representatives in local *Sanggunians* and other policy-making bodies, including IP representation in the executive branch of constituent LGUs; and
- d) Effective mechanisms for prevention of, and redress for:
 - 1) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - 2) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - 3) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - 4) Any form of forced assimilation or integration;
 - 5) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

The MIPA shall allocate funds for the periodic convening of this Council.

Nothing precludes ICCs/IPs that are not part of the Council from raising matters that may be considered by the MIPA consistent with its powers under the *Bangsamoro Autonomy Act No. 13* or the *Bangsamoro Administrative Code* and Section 62 of the *BIPA*.

SECTION 65. Composition of the Indigenous Peoples Council. The IPs Council shall be composed of representatives from recognized IPs' tribes duly registered with the MIPA. Each tribe is entitled to one (1) seat in the IPs Council.

ICCs/IPs that are already recognized by the NCIP and those that have not been recognized shall be encouraged to register with the MIPA. The MIPA shall confirm the existing registration with the NCIP upon the application before the ministry.

SECTION 66. Selection of Members. The process of selecting the representatives of each tribe shall be under their customary law and tradition. The IPS of the said tribe shall endorse and submit the name of their representative to the MIPA. The MIPA shall neither intervene nor unduly influence the internal selection process of the IPS' Representative to the IPs Council. ICCs/IPs may challenge the designation of their IPs Council Representative before the MIPA due to violations of their customary law and tradition.

The MIPA shall provide alternative mechanisms for ICCs/IPs that have no confirmed IPS to determine their manner of representation. Any violation of this provision shall be subject to administrative sanction and be punishable under

Section 96 of the *BIPA*, Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, and other related laws.

SECTION 67. Term. The term of office of the members to the IPs Council shall be for three (3) years unless duly removed for a cause by the IPS he/she is representing.

SECTION 68. Honorarium. Members of the IPs Council shall not receive regular compensation but will be entitled to honorarium, per diems, and necessary expenses in attending meetings and activities of the Council.

SECTION 69. Regular Meetings. The MIPA shall convene the IPs Council meeting at least quarterly per year.

PART V
TRIBAL LOCAL GOVERNMENT UNIT

SECTION 70. Creation of Tribal Local Government Units. There may be created tribal LGUs in the Bangsamoro Autonomous Region in areas with substantial populations of non-Moro ICCs/IPs as provided in the *Bangsamoro Autonomy Act No. 49*, otherwise known as the *Bangsamoro Local Governance Code of 2023*.

The MIPA shall provide the Supplemental Rules for creating Tribal Local Government Units, in cooperation with the MILG.

RULE V
**MANDATORY REPRESENTATION OF INDIGENOUS PEOPLES IN LOCAL
LEGISLATIVE COUNCILS AND POLICY MAKING BODIES**

PART I
INDIGENOUS PEOPLES MANDATORY REPRESENTATIVE (IPMR)

SECTION 71. IP Mandatory Representative (IPMR). The Bangsamoro Government shall guarantee and strengthen the mandatory representation of ICCs/IPs in local legislative council and policy-making bodies of constituent LGUs within the BARMM taking into consideration the following:

- a) Where there exists an Ancestral Domain/*Fusaka Inged* or ancestral land in a given constituent LGU, whether or not with CADT/CALT, the ICCs/IPs 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 IPS and in accordance with a process determined by them.
- b) When there is no Ancestral Domain/*Fusaka Inged* or ancestral land, ICCs/IPs representation shall still be mandatory when at least five percent (5%) of the population of the constituent LGU is composed of ICCs/IPs; Provided, that not more than fifty percent (50%) of its local elective officials is composed of ICCs/IPs.
- c) When the situations in paragraphs (a) and (b) do not exist, a constituent LGU may allow for mandatory IPs representation in its *Sanggunian* through a *Sanggunian* resolution, even if the population of ICCs/IPs in the said LGU is less than five percent (5%) of its total population. Constituent LGUs which allow for mandatory

IPs representation under this paragraph shall be entitled to financial support from the Bangsamoro Government to augment possible budget deficits that may arise due to such allowance.

The IPMR provided under the *BIPA* does not include the reserved seats and sectoral representatives that shall constitute at least ten percent (10%) of the members of the Parliament, which shall include two (2) reserved seats for NMIPs. This shall also not include the traditional leaders that shall have one sectoral seat each that shall in no case be less than eight (8) seats under *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*.

SECTION 72. 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 selecting the IPMR. The tradition and custom of the ICCs/IPs involved shall be given primacy in the selection of the IPMR. Violations of this section shall give rise to criminal and administrative sanctions under Section 30 in relation to Section 96 of the *BIPA*, Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, and other Civil Service and related laws.

SECTION 73. Mandatory Duty of Sanggunian Officials and Local Chief Executives (LCE) to Recognize IPMR. It shall be mandatory and ministerial on the part of the appropriate *Sanggunian* to accept and recognize the IPMR who is duly endorsed by the IPS, affirmed by the MIPA and confirmed by the MILG. Willful refusal to recognize and install the IPMR within the legislative body shall be a ground for administrative sanctions pursuant to Section 70 of *Bangsamoro Autonomy Act 49*, otherwise known as the *Bangsamoro Local Governance Code of 2023* and Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, and Section 31 in relation to Section 96 of the *BIPA*, and other related laws.

The acceptance of the appropriate *Sanggunian* requires the enactment of Annual Appropriations covering the salaries and/or emoluments of the IPMR. The IPMR shall have the same privileges as the regular members of the *Sanggunian*. The unjustified failure or refusal by the Local Chief Executive (LCE) and/or *Sanggunian* to include an item in the Appropriations Ordinance covering the salaries and appropriate benefits and/or emoluments of the IPMR shall be considered as a failure to recognize and constitutes a violation of Section 31 of the *BIPA*. The recognition shall be compellable through a Writ of Mandamus pursuant to the *Revised Rules of Court* and shall subject the concerned local elective official similarly to administrative charges under Section 70 of *Bangsamoro Autonomy Act 49*, otherwise known as the *Bangsamoro Local Governance Code of 2023* and Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*.

SECTION 74. IPMR Support. 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 should 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, the MILG, constituent LGUs, other national government agencies and the civil society. The same shall include the upholding of traditional socio-political systems, customary law, justice system, dispute and conflict resolution, interface of pertinent laws, policies and programs. Training shall be spearheaded by the MIPA in

partnership with the MILG, constituent LGUs, NGAs, partner NGOs/CSOs, and recognized community elders/leaders.

SECTION 75. 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. If there are several ICCs/IPs in the constituent LGU, the IPMR shall include the concerns of the different ICCs/IPs and undertake the necessary consultations for its inclusion in the IP agenda.

b) Conduct regular meetings and consultations with all IPs, including other concerned ICCs/IPs in his/her 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 Information Education Campaign (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 all IPs' rights in the *1987 Constitution*, *IPRA*, *BIPA*, *UNDRIP*, other national and international laws and agreements.

d) Sponsor ordinances and resolutions and conduct committee hearings that will promote and protect the well-being and interests of his/her community and concerned ICCs/IPs in his/her area of jurisdiction 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 *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao* 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 76. Qualifications. The following shall be the minimum requirements for one to qualify as IPMR:

General Requirements – The selected IPMR must be:

a) A genuine member of the ICCs/IPs he/she seeks to represent, supported by a certification of tribal membership issued by the 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.

Special Requirements – In addition to the abovementioned requirements, 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. This special requirement may be waived by the IPS/Council of Leaders/Elders or Recognized Tribal Leaders/Elder or through the consensus of the concerned ICCs/IPs, consistent with their customary laws.

SECTION 77. 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 coterminous 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; and
- k) Such other disqualifications as the community may impose in their Local Guidelines.

SECTION 78. Local Guidelines. Each ICCs/IPs shall formulate its guidelines for the Selection and Removal 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) Amendments; and
- t) Effectivity Clause.

The MIPA shall assist ICCs/IPs, when requested, in the formulation of the Local Guidelines.

SECTION 79. Selection and Assumption to Office. The selection process shall be in accordance with their Local Guidelines that is consistent with their customary laws and these Rules. 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 IPS/Council of Leaders/Elders or Recognized 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 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 the MIPA and IPS, facilitate the formulation of their Local Guidelines. Failure to comply with the same without justifiable reason may be a ground for the revocation of his/her COA upon petition by the community.

SECTION 80. 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 81. 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 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 COA, whichever comes first.

SECTION 82. Term Rotation. Should there be several ICCs/IPs within an LGU jurisdiction, the concerned communities may agree on a term rotation but in no case will a term be for a period of less than three (3) years.

Section 83. 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 the *Bangsamoro Autonomy Act No. 49*, otherwise known as the *Bangsamoro Local Governance Code of 2023*, and other applicable laws.

Section 84. IPMR for Decision Making Bodies. ICCs/IPs shall at all times be consulted in matters that may affect their rights. To ensure their full and effective participation, BARMM MOAs and other relevant government agencies are mandated to allow ICCs/IPs or their representatives to raise their support or concerns and to submit communications detailing the same. In representation of the ICCs/IPs, they may send their duly selected IPMR consistent with the preceding rules and their customary laws. ICCs/IPs may determine lighter or more stringent requirements for authorization of their representative/s in different government decision-making bodies.

PART II
RESPONSIBILITIES OF THE MINISTRY OF INDIGENOUS PEOPLES' AFFAIRS
(MIPA)

SECTION 85. Responsibilities of the MIPA. It shall be the responsibility of the MIPA to:

a) Facilitate the conduct of general assemblies for Information Education Campaigns (IECs) for these IPMR rules and other relevant policies and issuances, provided that a notice of such activities be posted in conspicuous areas within twenty (20) days before the IEC or shall be furnished through other means acceptable to the ICCs/IPs. The activities shall be conducted in partnership with the MILG, concerned constituent LGUs, NGOs, and CSOs;

- b) Facilitate and assist the *Sanggunian* policy making-body and ICCs/IPs in the formulation of Local Rules and its adoption;
- c) Facilitate and assist ICCs/IPs 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 a 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 these Rules;
- f) Develop a training program for IPMRs that shall consider matters that shall be raised by ICCs/IPs;
- 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) Enjoin and reiterate to other Ministries, Offices, and Agencies about the rights and privileges of IPMRs and the possibility of extending to them other privileges enjoyed by elected officials, including their Civil Service Eligibility.

SECTION 86. 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 Campaign (IEC) on IPs' rights, these Rules, and holding of selection activities;
 - 2) Assist in the facilitation of the selection process upon request of the community; and
 - 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 Rules.

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 ICCs/IPs, 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 may be, 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 87. Duties of the Minister of the MIPA. 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 with the Local Guidelines and these Rules and recommend for the issuance or non-issuance of the COA.

The RRB shall be composed of the Director of the Bureau of Ancestral Domain, Chief of SPALAD, and Section Head of LLLS. 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 (15) 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) 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.

PART III
HUMAN RESOURCE DEVELOPMENT

SECTION 88. Capacity Building. The skills and capacities of IP mandatory representatives to engage effectively and efficiently in mainstream governance as well as to preserve and operationalize their IPS 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, the MILG, and concerned constituent 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 the MIPA in partnership with the MILG, LGU, responsible NGOs/CSOs, and recognized community elders/leaders

PART IV
DISQUALIFICATION AND PROTEST

SECTION 89. Disqualification and Protest. A petition for disqualification or protest may be filed before the RAB 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.

Section 90. Contents of the petition/protest. The petition or protest shall contain the following:

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

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

Section 91. Grounds for Petition for Disqualification and for Protest. The following are the grounds for a 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 these Rules;
- c) Commission of any of the prohibited acts under Section 94, Part V, Rule V of these Rules; and
- d) Analogous circumstances.

The following are the grounds for a protest:

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

Section 92. Fact-Finding. Upon receipt of the petition/protest, the IMB, shall endorse the complaint to the RAB. If the petition/protest is not verified, the RAB may dismiss it. Upon initial evaluation, the RAB may 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.

Section 93. Resolution and Motion for Reconsideration. The RAB 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 RAB resolves 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.

PART V PROHIBITED ACTS

SECTION 94. Prohibited Acts and Sanctions. The following are prohibited during the selection process:

a) By the qualified Nominee:

- 1) Employment or use of force, threat, coercion, intimidation, at any degree or in any manner;
- 2) Bringing of firearm/s and explosives at the venue;
- 3) Bribery or promise of money, privilege, benefit or reward in exchange for selection; and
- 4) 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.

b) By the MIPA Officer or Employee:

- 1) Direct or indirect acceptance or receipt of money, gifts, or other valuables, to unduly influence the outcome of the Selection process;
- 2) Deliberate failure to act appropriately on complaints coming from the community concerning prohibited acts committed by the nominee;
- 3) Gross negligence or deliberate omission to perform his/her duty required of him/her by these Rules;
- 4) Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee;
- 5) Unduly influencing the outcome of the selection process including holding of unauthorized meetings;
- 6) Use of falsified narration of facts in reports, attachments, or any supporting documents in the reports submitted with respect to Selection Process; and
- 7) 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.

c) By the Selector:

- 1) Direct or indirect solicitation and acceptance or receipt of gifts, money, or other valuables to unduly influence the outcome of the Selection process; and

- 2) Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege, or benefit from the Nominee.

d) By officers or representatives of LGUs, NGOs, CSOs, NGAs, and Other Groups:

- 1) 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 Government Agencies, including those made by other entities or groups with religious affiliations;
- 2) Complaints against erring community members shall be processed following the customary procedure of the community, without prejudice to the filing of civil and/or criminal cases if appropriate;
- 3) In case of commission by the MIPA, MILG and/ or LGU employee/s and elective officer/s, they shall be proceeded against in accordance with existing laws, rules and regulations; and
- 4) 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 89, Part IV, Rule V of these Rules. 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.

PART VI

REMOVAL OR SUSPENSION FROM OFFICE AND SUCCESSION

Section 95. 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) working 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 these Rules after verification and/or investigation, the Section Head of Customary Laws and Traditional Justice System shall notify the concerned LGU, MILG, and the MIPA through the RAB 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 through the RAB 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 96. Grounds for Removal. In addition to those specified in their Local Guidelines, the following shall be grounds for removal:

- a) Commission of the prohibited acts and/or having any of the disqualifications enumerated under Section 77, Part I, Rule V of these Rules;
- b) Violation of IPs rights, these Rules, 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 97. 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.

PART VII
IP DEPUTIES IN LGU

SECTION 98. Appointment of IP Deputies in Constituent Local Government Units (LGUs). The appointment of Deputy Governor/Mayor for IPs shall be mandatory in provinces and municipalities where at least five percent (5%) of its population consists of IPs. The LCE shall appoint the Deputy upon recommendation of the concerned IPS.

The population requirement shall be confirmed by the MIPA in cooperation with the MILG and in partnership with the ICCs/IPs.

The concerned *Sanggunian* shall enact Annual Appropriations covering the salaries and/or emoluments of the Deputy Governor/Mayor for IPs. The unjustified failure or refusal by the LCE and/or *Sanggunian* to include an item in the Appropriations Ordinance covering the salaries and appropriate benefits and/or emoluments of the IPMR is compellable through a Writ of Mandamus according to the *Rules of Court* and shall subject the concerned local elective official/s to administrative charges under Section 70 of *BAA No. 49*, otherwise known as the *Bangsamoro Local Governance Code of 2023*, and Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*.

PART VIII
GENDER REPRESENTATION

SECTION 99. 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, and barangay levels. The MIPA shall collect data regarding the representation of women in all Tribal and Local Special Bodies in the Bangsamoro and present the results in its Annual Report. It shall also provide recommendations for the Bangsamoro Government for the inclusion of women in other government bodies. The MIPA shall advocate for the recognition of the rights of indigenous women to representation in the passage of laws and policies, including the Gender and Development legislations and programs.

RULE VI TRIBAL JUSTICE SYSTEM

SECTION 100. 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-ICCs/IPs, the dispute may still be resolved using customary laws, traditions and practices if the latter voluntarily submits himself/herself to the jurisdiction of the tribal justice system.

SECTION 101. 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/*Fusaka Inged* 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. If, after thirty (30) days from written request, the IPS or Tribal Justice Council issues a Certificate of Non-Settlement, the complaint shall first be elevated to the RAB in accordance with Rule XIV of these Rules. Recourse to the regular courts shall lie only after exhaustion of this administrative remedy.

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

SECTION 102. Indigenous Peoples' Traditional Tribal Justice System. The traditional tribal justice system shall determine, settle, and decide controversies as well as 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 traditional tribal justice system of the ICCs/IPs. It shall assist and provide resources for establishing and strengthening the tribal justice council. Within one (1) year from the effectivity of these Rules, the Bangsamoro Government, through the MIPA, shall establish and fund at least one (1) Tribal Justice Council Capacity-Building Programme per province, with an annual operating allocation chargeable against the *General Appropriations Act of the Bangsamoro (GAAB)*.

Recognizing the diversity of cultures, traditions, beliefs and aspirations of ICCs/IPs, the MIPA shall encourage and foster inter-people cooperation. The MIPA, upon consultation with all ICCs/IPs in the Bangsamoro shall implement inter-ICCs/IPs forums and issue additional Implementing Rules and Regulations for inter-ICCs/IPs dispute mechanisms, consistent with the Traditional Tribal Justice System.

SECTION 103. Applicable Laws. Customary laws, traditions, and practices of the ICCs/IPs of the Ancestral Domain/*Fusaka Inged*, where the conflict arises, shall be applied first with respect to property rights, claims and ownership, hereditary succession, and settlement of land disputes. Projects, programs or activities that require an FPIC shall give rise to the presumption that the executor was duly informed of the customary laws, traditions, and practices of the community. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs/IPs.

In cases involving non-ICCs/IPs or non-members of the specific ICCs/IPs that involve transactions that required an FPIC with said parties, it shall be presumed that the parties have been informed of the customary laws and traditions concerning the transaction. The non-ICCs/IPs or non-member may then be covered by the relevant Traditional Tribal Justice System and when relevant, the jurisdiction of the MIPA.

RULE VII SOCIAL JUSTICE

SECTION 104. 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, with due recognition of the distinct identity of the ICCs/IPs, shall grant them the same rights, protections, and privileges enjoyed by the rest of the citizenry. It shall extend to them the same political, economic, social, cultural, and labor rights available to every member of the society, including the right to fully enjoy all labor protections, such as equal treatment, fair wages, safe working conditions, and protection from all forms of discrimination in the workplace. Furthermore, 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. Affirmative action or measures that rectify existing inequalities and promote equality for specific groups, are not deemed as discrimination.

The intersectional concerns of indigenous women, children, youth, persons with PWD, and other marginalized groups within their communities shall also be covered by the policy of equal protection and non-discrimination.

SECTION 105. Basic Services. The ICCs/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. Basic services shall further encompass social services designed to aid ICCs/IPs experiencing hardship, vulnerability, or disadvantage. Particular attention shall be given to the rights and special needs of indigenous women, the elderly, youth, children, and PWD, and other marginalized sectors. Accordingly, the Bangsamoro Government shall ensure ICCs/IPs' access to basic services, including, but are not limited to, water and electric facilities, education, health, and infrastructure. Moreover, the Bangsamoro

Government shall establish a mechanism for the provision on the use of medical facilities that is sensitive to the culture of the ICCs/IPs in the Bangsamoro Autonomous Region.

The Bangsamoro Government, through relevant ministries, shall implement programs for the economic empowerment of ICCs/IPs, focusing on employment, skills training, vocational education, and sustainable livelihoods. In partnership with private sectors and development agencies, they shall promote job creation within Ancestral Domains/*Fusaka Inged*. Pursuant to this, the MIPA, in partnership with the Ministry of Labor and Employment (MOLE), shall develop and launch an ICCs/IPs Jobs and Employment Program within six (6) months from the approval of these Rules, including skills mapping and placement services. The implementation of ICCs/IPs Jobs and Employment Program shall be provided in the MIPA Annual Report, including the number of beneficiaries and disaggregated data regarding the gender, age, and other relevant details of the beneficiaries.

The relevant ministries shall include in their total budget a specific appropriation intended for ICCs/IPs to ensure that basic services shall be reserved especially for them. The MIPA shall collect data regarding the participation of indigenous women, the elderly, youth, children, and PWD, and other marginalized sectors as recipients of basic services and present the data in its Annual Report.

SECTION 106. Security and Access to Justice Assistance. In furtherance of the duty of the Bangsamoro Government to respect, recognize, promote, and protect ICCs/IPs, the MIPA shall undertake to enjoin the PRO BAR, constituent LGUs, NGAs, BARMM MOAs and other relevant government agencies to establish ICCs/IPs desks in areas deemed to be hotspots of violence as determined by the local law enforcement bodies. The ICCs/IPs security desk shall facilitate investigations and assist in the prosecution of violations and offenses.

The MIPA shall conduct a quarterly assessment meeting and develop plans of action to address concerns surrounding violations of the rights of ICCs/IPs, principally for violent attacks against ICCs/IPs. The first quarterly assessment shall be done within thirty (30) days from the passage of these Rules. Further, it shall coordinate with BARMM MOAs and NGAs, such as the DOJ and CHR for the prosecution of perpetrators and the protection of relevant witnesses. Furthermore, it shall collaborate with local mediation bodies to prevent escalation of conflict in ICCs/IPs areas, particularly against NMIPs. Moreover, they shall further provide for mechanisms for financial and legal assistance to victims/ families of ICCs/IPs affected. The legal assistance mechanism shall include monitoring of the progress of cases filed and coordination with Prosecutors and counsels for the ICCs/IPs.

SECTION 107. Indigenous Employment Affirmative Measure. In areas with a substantial population of ICCs/IPs, the BARMM MOAs shall prioritize ICCs/IPs by implementing preferential hiring by favoring applicants from the concerned ICCs/IPs in hiring decisions, when qualifications are comparable. BARMM MOAs shall also be encouraged to prioritize hiring of ICCs/IPs from specific ICCs/IPs with equivalent qualifications for employment that requires knowledge of IKSP and ICCs/IPs' IPS. This includes, among others, the employment of teachers, personnel for Schools of Living Tradition, forest rangers and guards, and social workers.

The MIPA shall develop targeted recruitment strategies that reach out to Indigenous communities through community-based recruitment efforts, cultural events, and partnerships with ICCs/IPs, IPOs, and ICCs/IPs organizations.

SECTION 108. Unlawful Acts Pertaining to Employment. It shall be unlawful for any person:

- a. To discriminate against any ICCs/IPs with respect to the terms and conditions of employment on the account of their ethnicity or identity. Equal remuneration shall be accorded to IPs for work of the same value; and
- b. To deny ICCs/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 the *BIPA*.

Violation of this provision shall be penalized under Section 96 of the *BIPA* and other relevant laws.

**RULE VIII
WOMEN, CHILDREN AND YOUTH**

**PART I
WOMEN**

SECTION 109. Policy on ICCs/IPs Women. The Bangsamoro Government shall ensure that the fundamental human rights enshrined in the Constitution, as well as in national, regional, and international laws, are guaranteed and afforded to indigenous women. By virtue thereof, no provision in these Rules 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 MIPA, in coordination with the Bangsamoro Women Commission (BWC) and other BARMM MOAs, shall address and ensure full protection and provide guarantees against all forms of violence and discrimination against indigenous women, in accordance with the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, Republic Act No. 9710, otherwise known as the *Magna Carta of Women*, and other existing laws. Within six (6) months, the MIPA, BWC, and the MSSD shall establish an ICCs/IPs Women Help-Desk in every province to receive, document and monitor such cases. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

SECTION 110. Gender Balance. The right to participation of ICCs/IPs 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 IPs. It shall actively work towards achieving substantive gender equality by addressing the root causes of inequality and ensuring equal access, opportunities, and outcomes for all genders. It shall also ensure that stereotypes and violence against women shall be eliminated and prohibited. The MIPA shall ensure accountability for any gender-based violence committed particularly against indigenous women and will assist them in the filing of administrative or criminal cases.

Pending the passage of the Bangsamoro Gender and Development Code, the MIPA shall in good faith make an effort to undertake temporary special measures to accelerate the participation and equitable representation of women in all spheres of

society particularly in the decision-making and policy-making processes in government and private entities to fully realize their role as agents and beneficiaries of development. The ministry shall institute the affirmative action mechanisms so that women can participate meaningfully in the formulation, implementation, and evaluation of policies, plans, and programs for regional and local development, consistent with Section 11 of *Republic Act No. 9710* otherwise known as *The Magna Carta of Women*. These efforts shall include at the least an assurance that there are indigenous women shall always be part of government offices, committees, bodies, and other mechanisms that decide on matters that affect IPs. Further, the ministry shall also incrementally increase the number of women in third level positions to achieve a fifty-fifty (50-50) gender balance and the composition of women in all levels of development planning and program implementation to at least 40 percent. Data regarding the composition of women in all levels of development planning and program implementation and its percentage shall be included in the MIPA's Annual Report. Any barrier to their participation shall also be addressed by the concerned BARMM MOAs.

SECTION 111. Bangsamoro Regional Action Plan for ICCs/IPs Women. The Bangsamoro Government, through the Bangsamoro Women Commission (BWC) and the relevant ICCs/IPs women representatives, shall develop a program that shall facilitate the empowerment of ICCs/IPs women. The MIPA shall formulate, within one (1) year from the effectivity of these Rules, a Bangsamoro Regional Action Plan for ICC/IP Women, with cost programmes to be reflected in the annual Bangsamoro Appropriations Act.

Active support for the preservation of indigenous women's knowledge of the tribe shall be incorporated into the program.

The MIPA shall ensure the implementation of inclusive and participatory processes that actively involve all stakeholders, with particular emphasis on the engagement of indigenous women. It shall develop necessary skills, resources, and support mechanisms to facilitate such participation, including but not limited to training, mentorship, and access to relevant information. Measures shall be taken to identify and directly address potential barriers to participation of indigenous women. A safe, supportive, and respectful environment shall be established and maintained to ensure that women's voices are meaningfully heard, respected, and valued, and that they are empowered to contribute confidently and effectively to decision-making processes.

SECTION 112. IP Women's Right to Health. The Bangsamoro Government shall promote the right to health of indigenous women, including access to maternal and child care, information on infant care and nutrition, comprehensive services for survivors of abuse and violence, promotion of breastfeeding, responsible family planning, indigenous health practices and birthing methods, and other essential services. These services shall be offered to indigenous women but not imposed upon them. Whenever applicable, the Bangsamoro Government shall ensure that access to these services for indigenous women is communicated in the local languages.

SECTION 113. Primary Maternal and Child Care Providers. In areas with a predominant ICCs/IPs population, ICCs/IPs-women shall be employed as the primary providers for maternal and child care to promote indigenous health practices and birthing methods. The Ministry of Health (MOH), in coordination with the MIPA, shall ensure equitable and culturally appropriate access to reproductive, maternal and newborn health care for women ICCs/IPs, including mobile birthing clinics and trained indigenous midwives.

SECTION 114. Gender and Development Budget. The Bangsamoro Government shall ensure that indigenous women directly benefit from the implementation and utilization of the Bangsamoro Gender and Development (GAD) budget in accordance with existing laws and their customary laws and tradition. The MIPA shall advocate for the relevant government agencies to ensure that indigenous women and their peoples organizations shall be part of the planning of the budget covering women. Further, the ministry shall ensure that the Gender and Development Code shall mandate the inclusion of indigenous women in the regular planning and implementation of the Bangsamoro budget for gender and development. At least five percent (5%) to thirty percent (30%) of every Ministry's annual Gender-and-Development (GAD) budget shall be earmarked for programmes addressing women ICC/IP's priorities, with utilization reported to the MIPA and the Bangsamoro Parliament's Committee on IP Affairs.

The MIPA, in cooperation with the Bangsamoro Women Commission, shall establish a mechanism for consultation with women and local communities to further ensure the allocation and proper utilization of development funds. It shall identify and implement special development programs and laws for Indigenous women.

PART II CHILDREN AND YOUTH

SECTION 115. Children and Youth. The Bangsamoro Government shall recognize the vital role of the ICCs/IPs children and youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. Furthermore, in consultation and cooperation with ICCs/IPs, it shall implement specific measures to ensure full protection and guarantees against all forms of violence, discrimination, economic exploitation, and hazardous work, particularly any work that interferes with their education or harms their health, development, or well-being. Towards this end, the Bangsamoro Government shall support all programs aimed at nurturing indigenous children and youth to help them develop into productive members of society and establish mechanisms necessary for the protection of their rights. No ICCs/IPs child shall be engaged in hazardous labour or trafficked for any purpose, in accordance with *Republic Act No. 11188*, or the *Special Protection of Children in Situations of Armed Conflict Act* and Section 48 of the *BIPA*.

The MIPA may enter into Memoranda of Agreement with any government agency or instrumentality dealing with the youth, such as the Bangsamoro Youth Commission (BYC), BWC, and MSSD, as well as with any indigenous youth or youth-serving organization or institution, in the planning and/or implementation of any or all aspects of any program, project or activity concerning to the youth. The MIPA shall register and accredit indigenous youth and youth-serving organizations. The MIPA, within twelve (12) months from the passage of these Rules, together with the BYC, shall convene an ICCs/IPs Provincial Youth Council in every province. Gender balance shall be ensured with at least 50% of its members being women. The MIPA shall annually accredit legitimate ICCs/IPs youth organizations.

The MIPA shall also establish a consultative mechanism which shall provide a forum for continuing dialogue between the government and indigenous youth sector on the proper planning and evaluation of policies, programs and projects affecting the

indigenous youth, and to convene for this purpose, representatives of all indigenous youth organizations and institutions. Programs, such as youth advocacy knowledge about nature, shall also be protected by the MIPA.

Projects for children and the youth shall be included in the MIPA's Annual Report, which shall include a list of all programs and the number of children assisted by the ministry. Data provided shall also include the disaggregated information as to the gender of the participants of implemented projects.

SECTION 116. Civil Registration. Services for children and the youth shall include efforts to provide for their civil registration. The MIPA shall coordinate with the Philippine Statistics Authority and the respective Local Civil Registrar of constituent LGUs. Partnerships may also be entered into by the MIPA with NGOs and CSOs to implement civil registration efforts that may also include other marginalized groups. Efforts for civil registration shall be included in the MIPA's Annual Report alongside data regarding the number and gender of assisted ICCs/IPs.

RULE IX

INDIGENOUS KNOWLEDGE, SYSTEM AND PRACTICES (IKSP)

SECTION 117. Integrated System of Education. The Bangsamoro Government, through the Ministry of Basic, Higher, and Technical Education (MBHTE), in coordination with the MIPA, shall provide a complete, adequate, and integrated system of education that addresses the needs of the indigenous children and youth. The government shall at all times conduct necessary consultations with ICCs/IPs in the Bangsamoro for the creation and implementation of education policies. Within twenty-four (24) months from effectivity of these Rules, the MBHTE, in coordination with the MIPA and ICCs/IPs, shall design and pilot an Indigenous Curriculum Framework and mother-tongue learning materials for each recognized tribe, such framework shall be incorporated into the regional basic-education program.

SECTION 118. Protection of Indigenous Culture, Traditions, and Institutions. The Bangsamoro Government shall respect, recognize, protect, and preserve the rights of ICCs/IPs to safeguard their culture, traditions, and institutions. It shall consider this right into account in the formulation and application of regional plans and policies. The MIPA shall prescribe protection mechanisms at the international, national and regional government levels and within the context of relevant customary laws. The ministry shall also ensure and guarantee the due exercise by the concerned ICCs/IPs of their right to allow or reject, through FPIC, research and documentation of their IKSPs and customary laws and their derivatives, including the regulation of the use of IKSPs and customary laws, and ensure that the ICCs/IPs benefit from the use of research output/outcome.

The MIPA shall ensure that an FPIC is obtained for any research, documentation or commercial utilization of IKSPs and that the parties execute an Access-and-Benefit-Sharing Agreement (ABSA) which (a) recognizes community intellectual-property rights, (b) allocates not less than ten percent (10 %) of gross revenue to the IPS Development Fund, and (c) vests all raw data and recordings in the community-managed Indigenous Knowledge Registry, if desired. The FPIC and ABSA shall not apply to community initiated, solicited or conducted research subject to the validation requirement provided in the subsequent rules.

SECTION 119. Right to Indigenous Knowledge Systems and Practices (IKSP), and to Develop Own Science and Technology. ICCs/IPs have the right to the full ownership, control, and protection of their cultural and intellectual rights. This includes the right to revitalize, use, develop, and transmit their language, music, dances, script, oral traditions, conflict resolution mechanisms, peace building processes, philosophies, and teaching and learning systems to future generations.

ICCs/IPs shall have the right to special measures to control, develop, and protect their indigenous science and technology. These measures encompass genetic resources, such as seeds, medicinal plants, animals, and minerals. They further cover traditional medicine and health practices, knowledge of the properties of fauna and flora, traditional ecological knowledge, oral traditions, literature, designs, and visual and performing arts.

The IKSP of the ICCs/IPs are their collective intellectual rights and are an inherent part of their cultural patrimony. Individuals or specific families may serve as custodians of these IKSP on behalf of the community in accordance with customary laws. ICCs/IPs have the right to regulate access of IKSP for research and documentation, including the requirement for an FPIC.

Any violation of these provisions shall be subject to criminal and administrative sanctions under Section 84, in relation to Section 96 of the *BIPA*, Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, and other related laws.

SECTION 120. IKSP Projects Requiring Approval. The following researches/documentation shall require approval pursuant to these Rules:

- a) Academic Researches. Those conducted pursuant to a scholastic program and/or researches required to earn a particular academic accreditation or degree;
- b) Researches in Aid of Policy. All researches conducted for the purpose of developing policies or programs affecting ICCs/IPs;
- c) Social Researches. These are researches conducted for the purpose of understanding the historical and cultural heritage, as well as nature, social relations and dynamics of ICCs/IPs, and those involving their various traditional cultural expressions; and
- d) Biological and genetic prospecting and commercial research in Ancestral Domains or covering recognized IKSP.

SECTION 121. Procedures/Processes/Methods. The procedure outlined herein shall apply to all researches and documentations, except for the category outlined in:

- a) Researches and documentations in aid of delineation and titling of AD/ALs conducted by the MIPA, the ICCs/IPs themselves or accredited private entities or individuals; and
- b) Researches and documentations in aid of formulation conducted by the MIPA personnel or accredited private entities or individuals.

SECTION 122. Filing of Application and Payment of Fees. Researchers/project proponents shall file with the MIPA Bureau of Ancestral Domain/Native Title an application letter and pay the required filing fee in the amount of Five Hundred Pesos (Php500.00).

The application letter should provide the following:

- a) Research proposal containing the following:
 - a. Identity of the researcher;
 - b. Purpose/rationale of the research;
 - c. Methodologies or methods;
 - d. Materials to be used and data-gathering instruments;
 - e. Scope and limitation of the study;
 - f. Source of research fund;
 - g. Period of research and chronology of activities involved;
 - h. A manifestation agreeing to shoulder the administrative costs incidental to the research activities; and
 - i. Person/Entity benefitted by the research.
- b) An undertaking in good faith executed by the applicant that he/she will abide by the Rules and requirements provided by the ICCs/IPs. The filing fee may be waived subject to the request of the applicant.

SECTION 123. Review and Evaluation of the Application. The Bureau of Ancestral Domain/Native Title, shall review and evaluate the application, attachments and other supporting documents to determine the sufficiency thereof. If on the basis of objective evaluation, the research work proposal is lacking in material points or there is a need to revise the same to make it culturally appropriate, it shall be communicated and remanded to the researcher for compliance. Approved or disapproved applications shall be published in the website of the MIPA and be included in the MIPA Annual Report.

SECTION 124. Grounds for Denial. The MIPA shall deny the application on any of the following grounds:

- a) The research involves the intrusive and actual experimentation of human persons that will pose an imminent threat to their life and limb;
- b) It involves the excavation or destruction of sacred places or worship grounds or other culturally sensitive areas restricted by tradition;
- c) Those that may violate the rights of ICCs/IPs; and
- d) Those that ICCs/IPs have already identified as unacceptable research.

SECTION 125. IKSP Team. Upon finding that the application is sufficient and meritorious, the Bureau of Ancestral Domain/Native Title shall immediately form the IKSP Team. The team shall be composed of personnel identified by the Bureau with the CSC that has jurisdiction over the area subject of the research. The team shall facilitate the proceedings provided in these Rules.

SECTION 126. Transmittal. If the application is sufficient, the Bureau of Ancestral Domain/Native Title shall send a notice of the sufficiency of the proposed research application to the applicant and the ICCs/IPs through their elders/leaders or authorized representatives, consistent with their IPS. A meeting shall be called for the purpose of the assembly in consultation with the ICC/IP elders/leaders. The participants shall schedule a conference between the community members and the applicant on a date and at a venue agreed upon by all concerned. The conference shall be held in order to allow the applicant to present the following:

- a) The purpose/s of the research;
- b) Parameters;
- c) Methodologies;
- d) Materials;
- e) Cost and source of fund of the research;
- f) Related information on the intended research;
- g) Benefits that the community may derive from the research activity;
- h) Data gathering tools;
- i) Research work plan; and
- j) Other matters deemed necessary by the ICCs/IPs and the MIPA.

SECTION 127. Community Decision-Making. The ICCs/IPs shall be given enough period but not more than thirty (30) days from the termination of the conference within which to decide and issue a resolution expressing their consent or denial, and the grounds thereof to the said research application.

In case the ICCs/IPs accept the research application, they shall, during the decision-making process, identify the selected key informant/s, the extent of the information that may be disclosed to the researcher, possible restrictions and such terms and conditions which the community may deem appropriate, and the authorized signatory to the MOA. Whenever appropriate, youth and women IP leaders from the community shall be involved in the research activities.

In case of denial by the ICCs/IPs, the IKSP Team shall submit to the MIPA Minister a report on proceedings conducted together with the resolution of denial by the community.

SECTION 128. Memorandum of Agreements (MOAs) Preparation. Within five (5) days from the manifestation by the concerned ICCs/IPs of their consent to the

research application, a MOA shall be prepared and negotiated by the parties. The MIPA IKSP Team shall facilitate and assist in the drafting and negotiation of the terms and conditions of the agreement.

The terms and conditions of the MOA agreed to by all the parties shall be written in the primary language or dialect spoken and understood by the ICCs/IPs, and translated into English or Filipino. After final review of the MOA by all the parties, the same shall be signed by the authorized ICC/IP representative/s and the researcher. The MIPA Minister shall sign the MOA after submission by the IKSP Team of their report. The MOA shall be the basis for the issuance of the CP issued by the Bureau of Ancestral Domain/Native Title.

SECTION 129. Contents of the Memorandum of Agreement (MOA). The MOA shall stipulate, among others, the following:

- a) The detailed premises of the agreement;
- b) All parties involved;
- c) Inclusive dates/duration of the agreement;
- d) Rights and responsibilities of the parties;
- e) The extent of the information that may be disclosed to the researcher, possible restrictions and such terms and conditions which the community may deem appropriate;
- f) The benefits to be received by the community;
- g) Dispute resolution mechanisms and sanctions for non-compliance with the agreement; and
- h) Other terms and conditions agreed to by the parties.

SECTION 130. Submission of Report. Within ten (10) working days from the conduct of the MOA negotiation and signing, the IKSP Team shall submit to the Bureau of Ancestral Domain/Native Title their report and recommendations, together with the resolution of consent issued by the ICCs/IPs and the MOA signed by the parties for his/her appropriate action.

SECTION 131. Issuance of the Certification Precondition (CP). Within ten (10) working days from the submission by the IKSP Team of their report and favorable recommendation, the MIPA shall issue the CP.

SECTION 132. Extension of Time. In case the applicant fails to complete the research within the period stipulated, a request for extension may be filed through a letter addressed to the elders/leaders of the community. The grant or denial of said motion shall be embodied in a resolution. A copy of said letter and resolution shall be furnished to the MIPA.

SECTION 133. Output Validation. Within ten (10) days from the completion of the research, the researcher shall present the output to the community for validation. The IKSP Team shall facilitate the conduct of validation. The result of the validation shall be contained in a resolution to be issued by the community indicating therein

the ICCs/IPs' general impression on the genuineness of the output and compliance to the MOA and research process. A Certificate of Validation shall also be issued by the ICCs/IPs immediately after the conduct of the validation process.

SECTION 134. Certificate of Validation. The certificate of validation refers to the certification issued by the authorized ICC/IP representatives evidencing that the researcher presented his/her research output to the community for validation and that the ICCs/IPs are fully satisfied with the content, extent and manner of presentation of the information or knowledge that may be published or communicated.

SECTION 135. Submission of Output. A copy of the validated and approved research output shall be submitted to the community registry and the MIPA.

SECTION 136. Publication. The community shall have the sole and exclusive right to determine the extent, content or manner of presentation of the information or knowledge that may be published or communicated if the research output. Such determination must be clearly outlined in the MOA or in any document appended thereto and referred to therein.

Before a research can be published, the researcher must provide a translation of his/her major findings and recommendations, as well as the pertinent research documentation, to the ICCs/IPs concerned who shall have the right to comment and/or to correct factual data. A Certificate of Validation shall be necessary before publication.

SECTION 137. Benefits. The community shall be entitled to material benefits as royalty, user fees and other benefits as herein below provided:

a) Final research output. The researcher shall furnish the community a copy of the final and approved version of the research output.

b) Royalty. This fee is the share of the community from the income derived from the use of the research output in an amount as provided in the MOA. Royalty must be paid to the ICCs/IPs from any income derived from the use of the research output. Any commercial use shall require additional discussion with the assistance of the MIPA and if requested by the ICCs/IPs, an expert to discuss the proper application and valuation of the IKSP's use.

c) User Fees. This fee is due from commercial users of various IKSPs or unprotected materials that are not subject to copyright or any derivative thereof. The requirement in the previous provision shall also apply for the user fees.

d) Other benefits that redound to the benefit of the entire community. Non-monetary forms that are acceptable to all parties should be explored.

SECTION 138. Exception to the Process. The above requirements on benefits shall not apply to researches undertaken by pupils and high school students to complete requirements for subject courses or in finishing basic education.

SECTION 139. Community Initiated or Solicited Researches. Research activities solicited, commissioned or conducted by the concerned ICCs/IPs themselves to be undertaken within or effecting the Ancestral Domain shall be approved by the ICCs/IPs through their council of elders/leaders, consistent with

their IPS. The local IP researcher or community solicited researcher shall fully disclose the content and extent of his/her research to the council of elders/leaders. The council shall ascertain and attest if indeed the researcher is a local IP and/or that the research is solicited, commissioned or conducted by their community. The authorization shall be provided to the Bureau of Ancestral Domain/Native Title. The Bureau shall issue a notice to proceed.

After the research documentation, the research output will undergo a thorough validation process within the community. A MOA shall be entered into outlining the rights and responsibilities of all parties involved in the research and its output.

After the successful implementation of the output validation process, the researcher shall submit to the Bureau of Ancestral Domain/Native Title the community certificate of validation, MOA, and other pertinent documents. A CP, which signifies that the local IP researcher has successfully fulfilled all the requirements outlined in the rules, shall be issued upon the validation of the documents.

SECTION 140. Primacy of Customary Laws. In case of conflict/dispute, the principle of primacy of customary laws shall apply. In all disputes, referral to the Council of Elders/Leaders is mandatory and the same shall be resolved in accordance with the customary mode of dispute settlement and the pertinent provisions contained in these Rules.

SECTION 141. Sanctions. Failure to comply with the terms and conditions of their agreements and violation of any of the provisions of these Rules shall be subjected to the following sanctions without prejudice to the filing of criminal, civil and administrative proceedings.

- a) Violation by the IP community shall be penalized in accordance with the customary law of the community;
- b) Violation committed by the Researcher shall constitute a ground for the termination of the research activity. An order of termination shall be issued by the Bureau of Ancestral Domain/Native Title after due notice and hearing; and
- c) Violation committed by MIPA officers or employees shall subject him/her to administrative liability.

SECTION 142. Establishment of a Registry of IKSP and Customary Laws. The MIPA may establish a registry of IKSP and Customary Laws with the approval of ICCs/IPs through the Research and Development Section. All research and documentations conducted, whether published or not, initiated or solicited by the community themselves or by a non-member of the community shall be filed, registered and recorded with the Research and Development Section.

The intellectual property rights of its owner and/or its author shall be of paramount consideration in its publication and/or use by the MIPA or any other Ministries within the Bangsamoro Autonomous Region.

SECTION 143. Ownership Rights. The rights to research and documentations whether published or unpublished, shall rightfully belong to:

- a) The community, whether initiated, solicited or conducted by the community themselves, undertaken within or affecting the Ancestral Domain.

b) The community and the research proponent, jointly, for research or documentations conducted by non-members of the community, undertaken within and affecting the community concerned and/or Ancestral Domain.

They shall have joint rights to all works and materials resulting from such research, whether the same is published or communicated in any medium. If the research or documentation output is sought to be protected by the research proponent such copyright shall involve the community concerned in the said research or documentation.

SECTION 144. Assistance of the Intellectual Property Office of the Philippines (IPOPHL). ICCs/IPs may seek the assistance of the MIPA to inform the IPOPHL of its protected IKSPs and its desire for IECs to develop their knowledge on the matter of intellectual property. The MIPA may seek for the IPOPHL's assistance in the protection and preservation of the rights of ICCs/IPs, particularly in the prohibition against the registration of IKSP by the public. The MIPA, through the Minister, may enter into a joint administrative order with the IPOPHL to assist the ICCs/IPs in the Bangsamoro.

SECTION 145. Indigenous Peoples' Educational Systems. The Bangsamoro Government shall provide the ICCs/IPs' equal access to education at all levels. The medium of instruction shall be the local indigenous language, and teaching methods shall be culturally sensitive and appropriate to indigenous traditions. Furthermore, the Bangsamoro Government shall also ensure the equitable access for 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 146. Tribal University System. A Tribal University shall be created, founded upon IKSP. The university shall be created through the collaboration of the MIPA, the MBHTE, and the IPS, which shall undertake comparative studies on how to establish the Tribal University System efficiently and effectively in the Bangsamoro Autonomous Region. The Bangsamoro Parliament, with the affirmation of ICCs/IPs, shall enact a law providing for the Charter of the Tribal University. The university at all times be categorized as an affirmative action institution and should be located in areas at or near ICCs/IPs Ancestral Domains/*Fusaka Inged*. Further, addressing the needs of non-Moro Indigenous Peoples are to be prioritized consistent with Article IX, Section 19 of *Republic Act No. 11054*, otherwise known as *the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*.

The Tribal University's Board of Trustees shall develop competitive and standardized educational programs that are appropriate and relevant to the needs and aspirations of ICCs/IPs. These programs shall be geared towards respecting, promoting, protecting, and preserving their cultures and practices. The Tribal University shall also establish programs in arts and sciences to support these aspirations. Furthermore, it shall endeavor to inspire young ICCs/IPs to serve and become leaders in their Ancestral Domains/*Fusaka Inged* and indigenous communities. The training of teachers shall be prioritized to effectively carry out the mandates of the Tribal University.

SECTION 147. Inclusive Tribal University Education. The Tribal University in the Bangsamoro Autonomous Region shall be open to all students, regardless of their religion, ethnicity and nationality, while prioritizing learners and teachers who are non-Moro ICCs/IPs to address historical inequalities and ensure equal opportunities in education. The Tribal University, who shall be composed of qualified representatives of ICCs/IPs and education specialists with expertise in indigenous education systems, shall adopt measures like scholarships, tuition subsidies, and quotas to increase Indigenous student enrollment and retention in schools of non-Moro ICCs/IPs. In pursuit of the MBHTE’s principle of “no learner will be left behind”, it shall maintain open admission and remain accessible to all. The university shall support indigenous educational programs, promote cultural sensitivity, and ensure education is relevant to Indigenous contexts.

SECTION 148. Interim Measures. Prior to the establishment of the Tribal University in the Bangsamoro Autonomous Region, the MIPA shall partner with other Higher Education Institutions, such as the Mindanao State University, to collaborate and determine possible indigenous educational programs and scholarships that may benefit ICCs/IPs in the Bangsamoro. Such partnership shall reiterate that Indigenous knowledge and traditions are respected, recognized, protected, and promoted and that discriminatory policies that enforce national integration and assimilation are rejected.

SECTION 149. Recognition of Cultural Diversity. The Bangsamoro Government shall endeavor to have the dignity and diversity of the cultures, traditions, histories, and aspirations of the ICCs/IPs appropriately reflected in educational curricula, public information materials, and cultural exchanges. To this end, the Bangsamoro Government, in consultation with ICCs/IPs concerned, shall take effective measures to eliminate prejudice and discrimination and while promoting tolerance, understanding, and good relations between ICCs/IPs and all segments of society. Additionally, the Bangsamoro Government shall take effective measures to ensure that Bangsamoro Government-owned media duly reflect indigenous cultural diversity. Furthermore, 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 150. Indigenous Cultural Guardians. The Bangsamoro Government recognizes indigenous peacekeeping and safety mechanisms to protect ICCs/IPs and their Ancestral Domain/*Fusaka Inged* 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.

The Indigenous Cultural Guardians shall be civilian in character and shall not be armed or conscripted as an extension of the Armed Forces of the Philippines, Philippine National Police, or non-state armed forces at any point in time.

Indigenous Cultural Guardians may stop or prevent actions by individuals or entities that negatively affect members of their communities and their Ancestral Domains/*Fusaka Inged* consistent with the IPS and customary laws. Any violation of this provision shall be subject to customary laws and administrative sanctions may be imposed consistent with the IPS.

SECTION 151. Statement of Policy for the Establishment of Cultural Centers.

The Bangsamoro Government upholds Section XVII, Article 17 of the *1987 Philippine Constitution*, which provides that the State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall also promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations and to ensure equal access to cultural opportunities through the educational system, public or private cultural entities and community cultural centers, and other public venues, pursuant to Article XIV, Sections 15 and 18 of the *1987 Philippine Constitution*.

SECTION 152. Creation of Banobo Center. The Bangsamoro Government, through the Bangsamoro Commission on the Preservation of Cultural Heritage (BCPCH) and in coordination with the MIPA, shall build the Banobo Center as a *kakap dulunan* site to memorialize the founding of relations between *Mamalu* and *Tabunaway*. It shall also provide for other historical narratives throughout the Bangsamoro that provide the Moro-IP kinship. The Banobo Center shall facilitate cultural exchanges between the non- Moro and Moro youth to celebrate and strengthen common heritage, kinship, and mutual cooperation. ICCs/IPs shall at all times be part of the planning and execution of the projects in the Banobo Center. If necessary, an FPIC shall also be conducted concerning the presentation of IKSP of concerned ICCs/IPs.

SECTION 153. Creation of Sama Center. The Bangsamoro Government, through the BCPCH and in coordination with the MIPA, shall establish the Sama Center for better understanding and upliftment of the Moro marginalized ICCs/IPs in the Bangsamoro Autonomous Region. The Sama Center shall facilitate cultural exchanges between the non-Moro and Moro youth, celebrating and strengthening common heritage, kinship, and mutual cooperation. ICCs/IPs shall at all times be part of the planning and execution of the projects in the Banobo Center. If necessary, an FPIC shall also be conducted concerning the presentation of IKSP of concerned ICCs/IPs.

SECTION 154. Functions of the Banobo and Sama Centers. The Banobo and Sama Centers shall, among others, have the following functions:

- a) Be repositories, *inter alia*, of the following materials on Bangsamoro History art, culture and language: books, digital video discs, compact discs, films, magazines, artworks, tourism promotion materials, information materials. All these shall be made available to the public;
- b) Organize cultural events and activities for the public, especially for non-Bangsamoro, hold fora on indigenous traditions and practices along with cultural heritage campaigns for ICCs/IPs in the Bangsamoro heritage promotions abroad;
- c) Coordinate the activities of visiting artists and performing groups from other ICCs/IPs in the Philippines to ensure maximum participation and community impact;
- d) Offer NMIP and MMP language courses, their study and appreciation thereof, for children and adults, as well as exhibits, small concerts, poetry reading and cuisine lessons; and

e) Other relevant functions that may be determined by ICCs/IPs, in coordination with the BCPCH and the MIPA.

SECTION 155. Community Intellectual Rights. IKSP shall be the Intellectual Property Right of the ICCs/IPs 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 IPS and follow the requisite FPIC procedures.

The Bangsamoro Government shall protect, preserve, and promote indigenous heritage and culture, while enforcing the right to the restitution of cultural, intellectual, religious, and spiritual property taken in violation of their laws, traditions, and customs, or without their FPIC. Any violation of this provision shall be subject to criminal, civil, or administrative sanctions, consistent with Section 84, in relation to Section 96 of the *BIPA*, Section 19 of *Republic Act No. 6770*, otherwise known as the *Ombudsman Act of 1989*, and other related laws.

SECTION 156. 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; their right to maintain, protect, and access their religious and cultural sites; their right to use and control ceremonial objects; and their right to the repatriation and reburial of human remains. Furthermore, the Bangsamoro Government, in cooperation with the ICCs/IPs concerned, shall take effective measures 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 FPIC 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) Engage in logging, cutting of trees, and mining within the identified areas and localities of ICCs/IPs; and
- d) Desecrate and destroy sacred places and burial grounds.

SECTION 157. Funds for Archaeological and Historical Sites. The Bangsamoro Government, through BCPCH, shall especially earmark or allocate funds for the management and conservation of ICCs/IPs' archaeological and historical sites, such as "*Kakap Dulunan*" and artifacts. ICCs/IPs shall at all times be consulted in the determination of the policies and allocation of funds affecting their Ancestral Domains/*Fusaka Inged*. FPIC procedures shall also apply over matters covering their Ancestral Domains/*Fusaka Inged*, including the resources that emanated from said land. This includes those that are repatriated to the Bangsamoro.

RULE X
MINISTRY OF INDIGENOUS PEOPLES' AFFAIRS

SECTION 158. Powers and Functions. In addition to those already provided in *Bangsamoro Autonomy Act No. 13* or the *Bangsamoro Administrative Code*, the MIPA shall have the following powers and functions:

- a) Delineate and issue CADT/CALTs to ICCs/IPs in the Bangsamoro Autonomous Region, and register such CADT with the appropriate Registry of Deeds (ROD). In the process of delineation, the MIPA shall coordinate with the MENRE and the 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, enter into contracts, agreements, or arrangements with government or private agencies or entities, as may be necessary to attain the objectives of the *BIPA*;
- c) Facilitate consultations on the FPIC process and issue appropriate certification as a pre- condition to the grant of permit, lease, grant, or any other similar authorities 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/*Fusaka Inged* taking into consideration the consensus approval of the ICCs/IPs concerned;
- d) Provide legal and paralegal assistance to ICCs/IPs;
- e) Use gender lens in developing its plans and programs to address gender issues and concerns of ICCs/IPs women and men, ensuring the full realization and protection of indigenous women's rights for their maximum participation in community and nation-building;
- f) Collaborate with different BARMM MOAs in developing and, when necessary, implement programs and projects intended to address the needs of ICCs/IPs women, youth, students, children, senior citizens, PWDs, internally displaced persons, and other vulnerable sectors. The MIPA may directly implement these projects as part of its services;
- g) Accredite existing local ICCs/IPs organizations and non-government organizations operating in the areas where there are ICCs/IPs present for inclusion in the Ministry's consultations, when applicable;
- h) Strengthen and capacitate IPS and IPs Organizations;
- i) Consult periodically and convene the annual IPs Council;
- j) Hear and decide cases in the exercise of its quasi-judicial powers;
- k) Undertake initiatives to study the IPS as well as the role of ICCs/IPs as progressing political actors and their impact on democracy and governance;
- l) Create a databank of IKSPs of all ICCs/IPs groups in the Bangsamoro Autonomous Region, subject to the FPIC process of the concerned ICCs/IPs; and

m) Issue certificates of affirmation as formal recognition of the IPMRs duly selected and endorsed by the IPS, in accordance with these Rules.

SECTION 159. Provincial and City Offices. The MIPA may establish provincial and city offices in the Bangsamoro Autonomous Region, which will be headed by a Provincial/City Officer. These provincial and city offices will serve as satellite offices of the MIPA within their respective territorial jurisdiction. Primarily, they shall assist the Office of the Minister in carrying out the mandate of *BIPA* and herein Rules and Regulations.

SECTION 160. Community Service Centers (CSC). To ensure direct access to the programs and services of the Bangsamoro Government, there shall be established ICCs/IPs Service Centers in designated Ancestral Domain areas.

SECTION 161. Relationship with Other Offices. The MIPA, within one (1) year from the passage of these Rules, shall establish a mechanism for effective coordination and shall ensure harmonious relationships with other offices of the Bangsamoro Regional and National Governments in the implementation of programs and policies for the benefit of the ICCs/IPs in the BARMM. This shall include mechanisms to address overlapping claims affecting ICCs/IPs in the Bangsamoro.

SECTION 162. Processing of Applications Requiring Approval of Other Government Entities. All applications or requests filed with the MIPA pursuant to these Rules that require the approval, concurrence, or endorsement of other BARMM MOAs, NGAs, or constituent LGUs shall be governed by the processing periods provided under *Republic Act No. 11032*, otherwise known as the *Ease of Doing Business and Efficient Government Service Delivery Act of 2018*.

SECTION 163. Allowable Suspension of Processing Periods. The prescribed processing periods under these Rules shall be suspended in the following circumstances:

- a) Occurrence of force majeure, or natural or man-made disasters;
- b) Failure or inaction on the part of any NGAs, BARMM MOAs, or constituent LGUs whose approval or participation is necessary for the resolution of the application or request.

In such cases, the MIPA shall make the necessary adjustments in the processing timeline.

SECTION 164. Notification of Delay. The MIPA shall notify the applicant or requesting party in writing and through other appropriate means of communication of the suspension of the processing period without undue delay. The notice shall state:

- a) The specific cause or causes of the delay; and
- b) The steps or actions being taken by the MIPA to address or remedy the delay.

If the delay is attributable to any NGAs, BARMM MOAs, or LGUs, the MIPA shall promptly coordinate and follow up with the concerned agency, office, or instrumentality and remind the same of its obligations under *Republic Act No. 11032*

Republic Act No. 11032, otherwise known as the *Ease of Doing Business and Efficient Government Service Delivery Act of 2018* and these Rules. The Ministry shall also furnish a copy of the notice of delay to the affected Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) and the Anti-Red Tape Authority (ARTA).

SECTION 165. Disposition of Applications or Requests. No application or request shall be returned to the applicant or requesting party without appropriate action. The appropriate action shall either provide:

- a) Approval of the application or request; or
- b) Disapproval or denial thereof.

SECTION 166. Notice of Disapproval. In cases where the application or request is disapproved or denied, the officer or employee rendering the decision shall notify the applicant or requesting party in writing within the prescribed processing period. The notice shall contain:

- a) The specific grounds or reasons for disapproval;
- b) Information on whether the application may be rectified; and
- c) The possibility of reapplication.

RULE XI

DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS/*FUSAKA INGED* AND ANCESTRAL LANDS

PART I

DELINEATION OF ANCESTRAL DOMAINS/*FUSAKA INGED*

SECTION 167. Delineation and Recognition of Ancestral Domains/*Fusaka Inged*. Self- delineation shall serve as the guiding principle in the identification and delineation of Ancestral Domains/*Fusaka Inged*. Accordingly, the ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto. The Sworn Statement of the Elders, detailing the scope of the territories and any agreements or pacts made with neighboring ICCs/IPs, if applicable, shall be essential in determining traditional territories.

The MIPA, through the Bureau of Ancestral Domain/Native Title shall take the necessary steps to identify lands or areas, which the ICCs/IPs concerned have traditionally occupied and guarantee effective protection of their rights of ownership and possession thereto. In appropriate cases measures shall be taken to safeguard the right of the ICCs/IPs concerned to the land that may no longer be exclusively occupied by them, but to which they have traditionally had access for their livelihood and traditional activities.

The Bangsamoro Government shall provide the adequate budget for conducting surveys for delineation of Ancestral Domain/*Fusaka Inged* claims.

If two (2) or more claims over similar territories are filed by members of the same ICCs/IPs, the application shall be returned by the Bureau of Ancestral Domain/Native Title for the community to resolve the conflict between and among their members in accordance with their customary laws and their tribal justice system. The SPALAD may provide recommendations to the community to achieve consensus. In case consensus may not be achieved, a certification shall be forwarded by the IPS, Council of Elders or affected ICCs/IPs stating such information to the Bureau of Ancestral Domain/Native Title. The applications shall subsequently be forwarded immediately by the Director I of the Bureau of Ancestral Domain/Native Title to the RAB for its prompt determination as to the legitimacy of one or more applications, subject to due process requirements provided under these rules.

Conversely, if the application over the same territory is filed by members of different ICCs/IPs, the matter shall be forwarded immediately by the Director I of the Bureau of Ancestral Domain/Native Title to the RAB for its prompt determination as to the legitimacy of one or more applications and the possibility of setting the necessary boundaries, if applicable.

Upon receipt of a complete petition of ICCs/IPs, the MIPA shall issue the CADT within one (1) year, subject to availability of funds. The MIPA, consistent with Title VII, Chapter I, Section 3 (f) of the *Bangsamoro Autonomy Act No. 13*, otherwise known as the *Bangsamoro Administrative Code*, may seek for funds and accept grants, donations, gifts, and/or properties in whatever form and from whatever source (local, national, and international) for this purpose. Any inaction or unreasonable delay on the part of the MIPA shall constitute neglect of duty punishable under Rule XVI of these Rules.

Complete petition refers to all the necessary or appropriate documents and/or materials that are required to be submitted together with the application or request by the ICCs/IPs, which constitute substantial compliance under these Rules. The fees for the issuance shall be borne by the MIPA's annual appropriation.

SECTION 168. Military Camps Within Ancestral Domain/*Fusaka Inged* Areas.

ICCs/IPs, as the rightful owners of their Ancestral Domains/*Fusaka Inged*, are hereby recognized as the owners of those parts of their Ancestral Domains/*Fusaka Inged* that have been occupied by military camps, including associated residential, livelihood areas, and infrastructures. As owners of these areas, ICCs/IPs enjoy all the rights of ownership, including but not limited to, the possession and the development of such areas. Furthermore, they shall also be given priority in the provision of any development, livelihood, or other socio-economic assistance in the area. The government agencies tasked with implementing the normalization process shall coordinate with the IPS of the concerned ICCs/IPs, and shall work together to be able to access financial resources from the Special Development Fund. The MIPA, in coordination with the relevant law enforcement agencies, shall ensure the safety and security of ICCs/IPs who are part of the camp transformation mechanism in the Bangsamoro Autonomous Region.

SECTION 169. Ancestral Domains/*Fusaka Inged* Delineated Prior to this Act.

The Bangsamoro Government shall recognize Ancestral Domains/*Fusaka Inged*, which are already delineated or titled in accordance with existing national laws. The MIPA shall coordinate with the NCIP to request for the transfer of documentations relating to the existing delineations.

SECTION 170. Unified Ancestral Domain/*Fusaka Inged* Claims Covering Areas Outside of BARMM. Where only a small portion of the Ancestral Domain/*Fusaka Inged* is found in the Bangsamoro 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 the MIPA to issue CALT with respect to such a portion of the Ancestral Domain/*Fusaka Inged* situated within its jurisdiction.

SECTION 171. Delineation Process. The identification and delineation of Ancestral Domain/*Fusaka Inged* shall be done in accordance with the following procedures:

a) Written Application/Petition for Delineation. The process of delineating a specific perimeter area may be initiated by the ICCs/IPs, consistent with the IPS, through a Petition for Delineation filed with the MIPA. The application shall provide the authority of the person/s filing the same. They shall also provide their acknowledgment of the obligation to assist the MIPA in the processing of the application and eventual delineation.

b) Delineation Proper. The official delineation of Ancestral Domain/*Fusaka Inged* boundaries, including census of all community members therein, shall be immediately undertaken by the Bureau of Ancestral Domain/Native Title upon filing of the application by the ICCs/IPs concerned. Delineation shall be done in coordination with the ICCs/IPs 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/*Fusaka Inged* 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, agricultural and aqua farms, and 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; and
- 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 ROD located in the area, where the pending Ancestral Domain/*Fusaka Inged* 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 and agency, 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 Domain/Native Title shall conduct a survey and prepare a perimeter map, complete with technical descriptions (TDs), 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/Native Title.

g) Notice and Publication. A copy of each document, including a translation in the language of the ICCs/IPs concerned, shall be posted for at least fifteen (15) days in a prominent place within the Ancestral Domain/*Fusaka Inged* area that is the 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 the date of such publication: Provided, that in areas where no such newspaper exists or the requirement shall cause significant hardships to the ICCs/IPs, broadcasting in a radio station will be a valid substitute. A copy of the document shall be published in the official website of the MIPA.

h) Endorsement to the MIPA. Within fifteen (15) days from publication or its alternative and inspection, the Bureau of Ancestral Domain/Native Title shall prepare a report to the MIPA Minister, that includes the endorsement for a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Bureau shall require the submission of additional evidence: Provided, that the Bureau shall reject any claim that is deemed patently false or fraudulent after inspection and verification: Provided, further, that in case of rejection, the Bureau shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. In cases where there are conflicting claims between ICCs/IPs on the boundaries of Ancestral Domains/*Fusaka Inged* claims, the Bureau 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 succeeding section. Provided, finally, that no endorsement shall be made, which directly benefits the endorsing authority. In such

case, the matter shall be referred to the Office of the Chief Minister (OCM) for appropriate resolution. Any violation of the provision shall be dealt with administrative sanctions.

i) Turnover of Areas Within Ancestral Domains/*Fusaka Inged* Managed by Other BARMM MOAs and Constituent LGUs. Once an area is certified as an Ancestral Domain/*Fusaka Inged*, the MIPA shall, within a period of thirty (30) days, issue a certification and notify the MENRE, MAFAR, MILG, MBHTE, Ministry of Trade, Investments and Tourism (MTIT), Ministry of Health (MOH), and any other BARMM MOAs claiming jurisdiction over the area. Such notification shall terminate any legal basis for the jurisdiction previously claimed.

j) Issuance of CADT. ICCs/IPs whose Ancestral Domains/*Fusaka Inged* have been officially delineated and determined by the MIPA shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census.

k) Registration of CADT/CALT. The MIPA shall register issued CADT/CALTs before the ROD in the place where the property is situated.

To expedite delineations, in the absence of necessary GE under the MIPA, the ICCs/IPs concerned may request support from other relevant government agencies or recommend a private GE. Surveys to be conducted by partner agencies, organizations shall be covered by a MOA with the MIPA. Private GE recommended by ICCs/IPs who intend to undertake AD/AL survey shall be requested to undergo normal bidding process in the engagement of services of private entities as prescribed by *Republic Act No. 12009*, otherwise known as the *New Government Procurement Act*, and Commission on Audit rules to be duly accredited. Ancestral Domains/lands survey shall be conducted by GE employed with the MIPA or accredited private GEs by the MIPA, or GEs employed in other agencies/organizations which have an agreement with the MIPA.

SECTION 172. Identification, Delineation, and Certification of Ancestral Lands. The identification, delineation, and certification of CALT shall proceed as follows:

a) The allocation of lands within any Ancestral Domains/*Fusaka Inged* to individual or indigenous family or Clan claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions and the plans agreed upon in the ADSDPP established by the concerned ICCs/IPs;

b) Individual and indigenous corporate claimants of ancestral land which are not within Ancestral Domains/*Fusaka Inged*, may have their claims officially established by filing applications for the identification and delineation of their claims with the MIPA, through the Bureau of Ancestral Domain/Native Title. An individual or recognized head of a family or clan may file such application on his/her behalf or on behalf of his/her 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 Section 68 of the *BIPA*, including tax declarations and proofs of payment of taxes;

d) The Bureau of Ancestral Domain/Native Title 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/Native Title 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 in the concerned barangay/s, municipality/s and in the MIPA Bulletin for at least fifteen (15) days. A copy of the document shall be published in a newspaper of general circulation in the Bangsamoro Autonomous Region 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 on the official website of the Bangsamoro Government;

f) Fifteen (15) days after such publication, the Bureau of Ancestral Domain/Native Title shall investigate and inspect each application, and if found to be meritorious, shall conduct a parcellary survey of the area being claimed. The Bureau of Ancestral Domain/Native Title shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Bureau of Ancestral Domain/Native Title shall give the applicant due notice, copy furnished to all concerned, containing the grounds for denial. In case of conflicting claims among individuals or indigenous corporate claimants, the Bureau of Ancestral Domain/Native Title 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 Rule XIV of these Rules. In all proceedings for the identification or delineation of the Ancestral Domains/*Fusaka Inged* as herein provided, the Land Management Services of the MENRE shall represent the interest of the Bangsamoro Government; and

g) The Bureau of Ancestral Domain/Native Title 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 land.

SECTION 173. Fraudulent Claims. The Bureau of Ancestral Domain/Native Title 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 IPs Council and evaluate the claim collegially. Any claim found to be fraudulently acquired by, and issued to, any person or community may be cancelled after due notice and hearing: Provided, That such case for cancellation is filed within one (1) year from the date of registration with the ROD. However, an action for cancellation filed before the Court shall remain imprescriptible if the Ancestral Domain/*Fusaka Inged* is acquired through mistake or fraud. Cancellation as a requirement for reconveyance of property shall be imprescriptible so long as

the ICCs/IPs, as the parties seeking reconveyance based on implied or constructive trust, remain in actual, continuous, and peaceful possession of the property covered by the registered title. Further, actions shall remain imprescriptible if the transfer is based on null and void contracts.

SECTION 174. Communal Rights. Areas within the Ancestral Domains/*Fusaka Inged*, whether delineated or not, shall be presumed to be communally held: Provided, That communal rights under *the BIPA* shall not be construed as co-ownership, as provided in *Republic Act. No. 386*, otherwise known as the *New Civil Code*.

SECTION 175. Existing Property Rights Regimes. Legitimately acquired property rights within the Ancestral Domains/*Fusaka Inged* already existing and/or vested upon effectivity of the *BIPA* on 15 January 2025 shall be recognized and respected, without prejudice to land review under available transitional justice mechanisms. The existing property rights regime covered under this provision does not diminish the protection of ICCs/IPs rights and the prescription of ownership claims of non-ICCs/IPs after the effectivity of the *IPRA* on 22 November 1997.

The MIPA recognizes the validity of the applications for CADT filed pursuant to Title VII, Chapter I, Section 3(c) of the *Bangsamoro Autonomy Act No. 13*, otherwise known as the *Bangsamoro Administrative Code*, including the Certificate of *Fusaka Inged* Claim. The Bureau of Ancestral Domain/Native Title shall proceed with the registration process for the claim subject to the procedures provided in these Rules. Consistent with due process, the individual claims shall remain subject to the collective claim of the whole community who may challenge the claim. The individual claimants with the issued Certificate of *Fusaka Inged* Claim (CFIC) may, nonetheless, move to convert such claim and join the unified Ancestral Domain/*Fusaka Inged*.

Existing contracts, licenses, concessions, leases, and permits for the exploration, development, and utilization of natural resources within the Ancestral Domain/*Fusaka Inged* may continue to be in force and effect until they expire. Thereafter, such contracts, licenses, concessions, leases, and permits shall not be renewed without FPIC of the ICCs/IPs and upon renegotiation of the terms and conditions consistent with the requirements under *IPRA* and the *BIPA*. All such existing contracts, licenses, concessions, leases, and permits may be terminated for cause upon violation of the terms and conditions thereof.

SECTION 176. Exemption from Taxes. All lands certified to be Ancestral Domains/*Fusaka Inged* shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the Ancestral Domains/*Fusaka Inged* that are 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/*Fusaka Inged*.

SECTION 177. Resolution of Conflicts. In cases of conflicting interest, where there are adverse claims within the Ancestral Domains/*Fusaka Inged* 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/*Fusaka Inged*: Provided, That if the dispute is between various IPS regarding the traditional boundaries of their respective Ancestral Domains/*Fusaka Inged*, customary process shall be followed. Provided, further, That any decision,

order, award, or ruling of the MIPA through the RAB on any Ancestral Domain/*Fusaka Inged* dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of these Rules may be brought to the proper courts of justice.

SECTION 178. Remedial Measures. The expropriation of Ancestral Domains/*Fusaka Inged* or ancestral lands shall only be a last resort after FPIC proceedings are conducted. Any relocation shall consider the possibility of return.

Expropriation shall be allowed in a manner consistent with the 1987 Constitution and national laws. Common good under the *BIPA* and these Rules refers to the use of Ancestral Domains/*Fusaka Inged* or cultural properties for public use subject to the payment of just compensation. The compensation must be a full and fair equivalent bearing in mind the ICCs/IPs' loss.

In consideration of the effect of the loss of Ancestral Domain/*Fusaka Inged* or cultural properties on the cultural integrity of ICCs/IPs, courts shall evaluate the socio-cultural aspects of the property involved and require an economic analysis of the Ancestral Domain/*Fusaka Inged* derived income and the cultural, financial, and other benefits provided by the land. The payment of just compensation by the expropriator should also be provided within a reasonable time.

SECTION 179. Cancellation of Illegally Acquired Titles. The MIPA shall take appropriate legal action for the cancellation of documented titles that were acquired illegally: Provided, 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 the *BIPA*. Provided, furthermore, That the action for reconveyance shall be within fifteen (15) years.

Nevertheless, if a property is acquired through mistake or fraud, the person obtaining it is, by force of law, considered a trustee of an implied trust for the benefit of the person from whom the property comes. The trustee must reconvey the property and its title in favor of the true owner. The reconveyance of property shall be imprescriptible if ICCs/IPs, as the parties seeking reconveyance based on implied or constructive trust, are in actual, continuous, and peaceful possession of the property covered by the documented title. Further, actions shall remain imprescriptible if the transfer is based on null and void contracts.

PART II
DELINEATION OF ANCESTRAL LAND COVERED BY REGISTERED
CERTIFICATE OF ANCESTRAL LAND TITLE (CALT)

SECTION 180. General Provision. This shall govern the subdivision survey of ancestral lands within the Bangsamoro Region covered by registered CALTs.

SECTION 181. Definition of Subdivision. Subdivision survey is the process of splitting a tract of land into smaller parcels. The term “subdivision of ancestral lands” will only apply to those covered with registered CALTs.

SECTION 182. Validation Team (VT). The VT shall be composed of at least three (3) MIPA personnel to be headed by the Chief of the ADD. The head of the validation team shall designate the other members that shall include the MIPA GE.

SECTION 183. Requirements/Documents. The following are the requirements in the filing of petition for subdivision survey:

- a) Petition by a duly authorized heir or clan member;
- b) Special Power of Attorney (SPA) or Resolution authorizing the representative, which SPA or Resolution shall contain a statement attesting to the fact that the constitution of the attorney-in-fact or that the Resolution is a clan/family decision. The names of the head/s of the clan/family members or other beneficiaries thereof must likewise be explicitly set out in the SPA or Resolution with their corresponding signatures;
- c) Subdivision scheme of the ancestral lands duly prepared by the owners with the assistance of the MIPA GE or the Accredited Private GE;
- d) Certified e-copy of CALT from ROD together with the owner's duplicate certificate;
- e) Names of beneficiaries/heirs identified in the Recognition Book, and additional heirs already validated upon previous petition for inclusion;
- f) Certification from that there are no pending cases involving such ancestral lands;
- g) Accreditation of private GE, if the survey is undertaken by such. The contract between the petitioner and the private GE must also be submitted; and
- h) In the establishment of access road, the following shall also be considered:
 - 1) Land classification (*e.g.*, residential, agricultural, forest, Alienable & Disposable land);
 - 2) Applicable pertinent customs and traditions, if any; and
 - 3) Mandatory introduction of road right-of-way for inner lots.

SECTION 184. Validation. The VT shall review and evaluate the submitted requirements. Likewise, the VT shall conduct field validation. If found sufficient, the team shall prepare and submit a validation report with recommendation to the Director I of the Bureau of Ancestral Domains/Native Title, and shall inform the applicant on the preparation of the Work & Financial Plan (WFP).

Should the VT find the application insufficient, it shall direct the applicant to submit additional proofs within a certain period, otherwise no further action shall be taken.

SECTION 185. Preparation of Work and Financial Plan (WFP). The WFP must be prepared by the GE, reviewed and recommended by the Director and approved by the Minister of the MIPA. The applicant who must conform to the WFP shall shoulder all the expenses related to the subdivision survey. The VT shall prepare and endorse the validation report for the issuance of WO/SA and the WFP to the Minister. The WFP must indicate the time frames within every aspect of the process and shall be accomplished for monitoring and other relevant purposes.

SECTION 186. Evaluation by the Bureau of Ancestral Domains/Native Title. Within a period of ten (10) working days, the Director I of the Bureau of Ancestral Domain/Native Title shall review the validation report prepared by the VT and shall prepare its evaluation with recommendation for consideration by the Minister in the issuance of WO/SA and in the approval of the WFP.

SECTION 187. Considerations in the Conduct of Survey. The following shall be observed in the survey activities:

- a) Posting of notices.
- b) The subdivision monuments shall be marked as “AL” — Size 15cm x 40cm cylindrical concrete monument.
- c) Contract out surveys shall be monitored by Engineers of the MIPA.

SECTION 188. Submission of Survey Returns (SR). The concerned GE shall submit the SR to the Director of the Bureau of Ancestral Domain/Native Title.

The SR must contain the following:

- a) Lot Data Computation (LDC)
- b) Traverse Computation (if applicable to type of survey instrument)
- c) Field notes with cover duly notarized
- d) Certified true copy of CALT from ROD upon submission of the application for subdivision survey
- e) Clearance from RAB or certificate of no pending case
- f) Affidavit or sworn statement of the registered CALT owner/s containing the following:
 - 1) No case filed or no pending case
 - 2) Number of lots
 - 3) Names of heirs
- g) Subdivision Plan. It shall be indicated in the notes in the survey plan that it is for the allocation of heirs, clan or family beneficiaries
- h) Original LDC
- i) Survey Authority (SA) issued by the Minister to accredited private GE or Work Order to MIPA GE
- j) Narrative TD
- k) Original subdivision scheme prepared by the CALT owner/s

l) Others as may be required by the verifier

SECTION 189. Verification of Survey Returns (SR). The SR shall be verified initially at the VT after which it shall be endorsed to the Bureau for final verification, numbering and projection to the database. The Minister of the MIPA shall thereafter seek the conformity of the subdivision plan by the owner. The validated subdivision plan shall be endorsed to the Office of the Minister.

SECTION 190. Approval of the Subdivision Plan. The subdivision plan signed by the GE who conducted the subdivision survey shall be approved by the Minister upon recommendation by the Director.

SECTION 191. Derivative Titles Covering Subdivision Lots. No derivative title should be issued for each subdivision lot.

PART III
AFFIRMATION OF ANCESTRAL LANDS WITHIN A TITLED ANCESTRAL DOMAIN/ *FUSAKA INGED*

SECTION 192. Coverage. This covers allocation and certification of ancestral lands within a titled AD.

SECTION 193. Allocation of Lands. The allocation of lands within a titled Ancestral Domains/*Fusaka Inged* to individual, family or clan shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions and the plans agreed upon in the ADSDPP established by the concerned ICCs/IPs.

SECTION 194. Filing of Application. Any individual, family or Clan may apply for the affirmation of their ancestral land within an Ancestral Domain/*PART 1* covered by a CADT by filing an application with the MIPA. The application shall contain the following:

- a) Proof of membership in the Ancestral Domains/*Fusaka Inged*;
- b) Recognition of such ancestral land by the ICCs/IPs pursuant to their customs and traditions; and
- c) Indicative Map or Survey Plan.

SECTION 195. Consistency with ADSDPP. The allocation of lands within a titled Ancestral Domain to individual, family or Clan and their use shall be in accordance with customary laws and in consonance with the plans set forth in the ADSDPP of the AD, when applicable.

SECTION 196. Validation of the Application and Issuance of Resolution of Affirmation. The Director I of the Bureau of Ancestral Domain/Native Title shall create a team to verify the application. If found sufficient, the team shall endorse their report and all pertinent documents to the office of the Director for final evaluation. The Director will then endorse to the Minister the petition for affirmation. Should they find merit to the petition, a resolution of affirmation shall be issued to the applicant.

RULE XII

EQUITABLE SHARE IN NATURAL RESOURCES AND PRIORITY RIGHTS OF ICCs/IPs

SECTION 197. Share of Indigenous Communities. ICCs/IPs 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 ICCs/IPs after undergoing the FPIC process, 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 ICCs/IPs under *Republic Act No. 8371*, otherwise known as the *Indigenous Peoples Rights Act of 1997*, and other laws on IPs shall not be diminished.

The mutually agreed percentage ratio in favor of the ICCs/IPs set at not less than ten percent (10%) is a floor value that may be raised accordingly through agreement and consistent with the IPS. Such share shall be automatically released by the Bangsamoro Government to the FIDO, which shall, without delay, process the transfer and release it to the IPO within sixty (60) days from receipt from the entity granted with the privilege to explore, develop, and utilize natural resources of ICCs/IPs.

The MIPA, in coordination with FIDO, the MFBM and relevant ministries and with the mandatory participation of ICCs/IPs, shall issue guidelines within ninety (90) days from the effectivity of these Rules. Such guidelines, shall among others, provide the formula for the standard computation of equitable share, taking into account the desired proportion of ICC/IP's participation and the frequency for disbursement and accounting of the revenue received through the FIDO. Customary laws and agreements entered into by ICCs/IPs may also guide local revenue-sharing arrangements, provided they do not fall below the minimum standards set by the *BIPA* and these Rules.

Further, the MIPA in coordination with other relevant BARMM MOAs shall monitor the compliance by any party to the agreement on all revenue-sharing provisions, and investigate any violations of the contractual obligations or failure to comply with regulatory standards. ICCs/IPs may file complaints or seek redress through the grievance mechanism under the agreement, the customary authorities, or when necessary, to the RAB pursuant to Rule XIV of these Rules. Violations of revenue-sharing agreements or FPIC processes shall result in administrative and criminal sanctions under Section 12 of the *BIPA*, these Rules, and other applicable laws.

Other measures may be adopted by the MIPA, in coordination with ICCs/IPs, to secure their lawful share.

SECTION 198. 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/*Fusaka Inged*. 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 MOA is entered into with the ICCs/IPs concerned, who has agreed to allow such operation in accordance with the FPIC process. Consent

may be withheld or reconsidered in case of changes in the project, program, or activity or violations of the conditions provided prior to the grant of the community's consent. Any renewal of the MOA shall require a new FPIC process.

Provided, further, That the ICCs/IPs shall enjoy full royalties arising from such agreements. ICCs/IPs concerned, consistent with their right to self-determination, may seek for royalty payment that shall be based on the gross output if deemed to be favorable to them, such amount should at all times result to a higher royalty payment and raise the floor value of less than one percent (1%) of the gross income. ICCs/IPs, may seek the advice of a person or entity, to assist in determining the reasonable amount of royalties. Provided, furthermore, That the MIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract.

SECTION 199. Exploration, Development, and Utilization of Subsoil Resources in Ancestral Domain/*Fusaka Inged* Areas. Applications for exploration, development, and utilization of subsoil resources in the Ancestral Domains/*Fusaka Inged* shall be certified by the MIPA to the MENRE, upon favorable recommendation of the concerned ICCs/IPs and the IPs' Council after the FPIC process has been properly complied with.

SECTION 200. Fisheries and Aquatic Resources. The ICCs/IPs shall enjoy preferential rights in fishing areas situated within Ancestral Domains/*Fusaka Inged*. Application permits filed by private corporations intending to explore, develop, or utilize aquatic resources found in waters within Ancestral Domains/*Fusaka Inged* may be granted by MAFAR or the municipality or city government concerned, as the case may be, only upon the issuance of CP 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. Such floor value may consider other fiscal regimes, such as gross output, or an amount that shall be beneficial to the community, consistent with their right to self-determination. ICCs/IPs, may seek the advice of a person or entity, to assist in determining the reasonable amount of royalties. Provided, furthermore, That the MIPA may take appropriate action to safeguard the rights of the ICCs/IPs under the same contract. Any renewal of the MOA shall require a new FPIC process.

SECTION 201. Environmental Considerations. Ancestral Domains/*Fusaka Inged* 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 the Bangsamoro Government.

The FPIC of the ICCs/IPs shall be obtained in accordance with its customary laws without prejudice to the basic requirements of existing laws and rules on FPIC: Provided, That the transfer shall be temporary and will ultimately revert to the ICCs/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 FPIC.

SECTION 202. Access to Biological and Genetic Resources. ICCs/IPs have the right to own, control, develop and protect the past, present and future manifestations of their cultures, to human and other genetic resources, seeds, medicines, health practices, vital medicinal plants, animals, mineral, IKSP, resource management systems, agricultural technologies, knowledge of the properties of flora and fauna, and scientific discoveries.

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/*Fusaka Inged* of the ICCs/IPs shall be allowed provided that:

- a) An FPIC is obtained in accordance with customary laws of the ICCs/IPs concerned.
- b) 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.
- c) Procedures for the protection of ICCs/IPs rights under applicable Intellectual Property Office of the Philippines (IPOPHL) Rules, such as Joint IPOPHL-NCIP Administrative Order No. 01, Series of 2016 are complied with.

The Bangsamoro Government shall likewise promote the bio-genetic and resource management systems and shall encourage cooperation between government agencies to ensure the recognition, promotion, and protection of ICCs/IPs rights.

SECTION 203. Agroecological Practices. The Bangsamoro Government recognizes and supports the agroecological concept and practices of ICCs/IPs as a traditional method for food security and climate change adaptation.

The Bangsamoro Government, through the MIPA, shall seek from the DAR and DENR and other NGAs, as well as all BARMM MOAs, all existing agricultural awards, titles, and tenurial instruments. The MIPA shall then develop standards for use of information for the benefit of ICCs/IPs. Further, the MIPA shall assist in accessing administrative and judicial services for the protection of ICCs/IPs right to Ancestral Domains/*Fusaka Inged* and cultural integrity.

SECTION 204. Indigenous Knowledge Systems and Practices (IKSP). ICCs/IPs have the right to receive compensation for the use of their IKSP or any matter affecting their cultural integrity. They should receive an equitable share from the revenues generated from the use of their IKSP or aspects of their culture. A person or entity that intends to use the IKSP or an aspect of an ICCs/IPs' culture should inform them of the intended use, its utilization, and expected revenues. They shall also inform the MIPA of their intention and the ministry shall determine the need for an FPIC. ICCs/IPs may request support from independent experts to determine the proper valuation of their IKSP or aspects of their culture.

RULE XIII
FREE, PRIOR AND INFORMED CONSENT (FPIC)

PART I
Policy

SECTION 205. Free, Prior, and Informed Consent (FPIC). The ICCs/IPs shall exercise their right to self-determination and decision-making through 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/*Fusaka Inged* to ensure their economic, social, and cultural well-being.

As a process, the FPIC shall involve consent given voluntarily and absent of coercion, intimidation or manipulation. The process is self-directed by the community from whom consent is being sought unencumbered by coercion, expectations or timelines that are externally imposed. The consent should be sought sufficiently in advance of any authorization or commencement of activities. Information regarding the project, program, or activity that affects the community should be accessible, clear, consistent, accurate, constant, and transparent and delivered in a language that is understandable and culturally appropriate. It shall be the duty of the proponent seeking an FPIC to inquire and be informed of the customary laws and practices of the community including the Council of Elders, if applicable. The consent gathered from the community should be through a consensus collective decision given by the ICCs/IPs through the customary decision-making processes of the communities. Consent may be withheld or reconsidered in case of changes in the project, program, or activity or violations of the conditions provided prior to the grant of the community's consent.

Women shall at all times be part of the FPIC process. They shall be engaged and actively involved in decisions and processes affecting their lives. They shall be empowered to contribute their perspectives and shape the FPIC process and outcome. At all times, their input shall be valued, considered, and be given equal weight.

Other vulnerable groups, such as persons with disabilities, shall also be empowered to equally participate in the FPIC process. The concerns of minors, such as children and the youth, shall also be considered.

It shall be unlawful for public or private institutions or enterprises to implement their plans, programs, projects, or activities without securing the necessary CP obtained through FPIC for matters directly affecting the rights of ICCs/IPs.

The Bangsamoro Government shall promote and ensure just and equitable partnerships in environmental management, land use, and the utilization of resources within Ancestral Domains/*Fusaka Inged*. The Bangsamoro Government shall also uphold benefit-sharing between concerned ICCs/IPs and prospective investors, national government agencies, constituent LGUs, non-government organizations, and other entities interested in any partnership, following these Rules.

The MIPA, within one (1) month from the approval of these Rules, shall cause the publication in the Bangsamoro Official Gazette and in its official website, a notice

to all potential public or private institutions or enterprises that prior to the implementation of their plans, programs, projects, or activities they are encouraged to conduct the necessary human rights due diligence that shall include efforts to identify, prevent, mitigate, and account for their potential and actual adverse impacts on human rights requirements, particularly for ICCs/IPs. The notice shall further provide that they are encouraged to review these Rules to guide them accordingly and that projects covering excluded areas as identified by ICCs/IPs, such as their sacred grounds and burial sites of indigenous communities; identified international and local cultural and heritage sites; critical areas identified or reserved by the ICCs/IPs for special purposes; and areas specifically identified by ICCs/IPs in their ADSDPP may not be covered by particular plans, programs, projects, or activities. This information shall serve as a notice to the public, in addition to the publication of these Rules.

SECTION 206. Objectives. The objectives and purpose of these rules on FPIC are to:

- a) Ensure genuine exercise by ICCs/IPs of their right to FPIC;
- b) Protect the rights of ICCs/IPs in the introduction and implementation of plans, programs, projects, activities and other undertakings that will affect them and their Ancestral Domains/*Fusaka Inged* to ensure their economic, social and cultural well-being;
- c) Provide, and ensure compliance with the procedure and the standards in the conduct of FBI and FPIC process, payment of fees, compensation for damages, execution of MOA, observance of Corporate Social Responsibility (CSR), and imposition of sanctions for the commission of prohibited acts and omissions as hereinafter provided;
- d) Ensure just and equitable partnership in environmental management, land use, development and resource use within Ancestral Domains/*Fusaka Inged* as well as benefit-sharing, between and among the concerned ICCs/IPs and the prospective investor, government agency, constituent LGUs, NGOs and other entities desiring to engage or collaborate in such undertaking;
- e) Ensure that when priority right to development and utilization of natural resources is validly exercised by the ICCs/IPs, the same shall be validated in accordance with the spirit and principles of FPIC;
- f) Ensure that any benefit derived after the grant of FPIC or as an EPR shall be managed and used properly by, for and with the concerned community not forgetting intergenerational obligations; and
- g) Guarantee protection of resettled/displaced ICCs/IPs.

SECTION 207. Declaration of Policy for the FPIC.

- a) The FPIC actualizes and strengthens the exercise by ICCs/IPs of their rights to Ancestral Domains/*Fusaka Inged*, Social Justice and Human Rights, Self-Governance and Empowerment, and Cultural Integrity.

b) The right of ICCs/IPs to the management, development, use and utilization of their land and resources within their own Ancestral Domains/*Fusaka Inged* shall be given primacy.

c) No concession, license, permit or lease, production-sharing agreement, or other undertakings affecting Ancestral Domains/*Fusaka Inged* shall be granted or renewed without going through the process laid down by the *BIPA* and these Rules.

SECTION 208. Development and Cultural Activities Subject to FPIC. Policies, programs, projects plans and activities subject to FPIC shall include but not limited to the following:

a) Exploration, development, exploitation and utilization of natural resources within Ancestral Domains/*Fusaka Inged* and ancestral lands;

b) Research in IKSP related to agriculture, forestry, watershed and resource management systems and technologies, medical and scientific concerns, biodiversity, bio-prospecting and gathering of genetic resources;

c) Displacement and relocation;

d) Archeological explorations, diggings and excavations and access to religious and cultural sites;

e) Policies affecting the general welfare and the rights of ICCs/IPs;

f) Entry of the Military or paramilitary forces or establishment of temporary or permanent military facilities within the domains; and

g) All other matters that directly affect the cultural integrity of the ICCs/IPs.

The MIPA shall prescribe terms and conditions regarding public presentation, display, performance and other forms of utilization of ICCs/IPs' lifeways and material culture.

SECTION 209. Memorandum of Agreement (MOA). As a component part of the process of securing the FPIC of the concerned ICCs/IPs a MOA shall be executed by and between the proponent, host ICCs/IPs, and the MIPA, written in the dialect or language of the concerned ICCs/IPs, with corresponding English and Filipino translation. The MOA shall stipulate, among others:

a) Benefits due the host ICCs/IP Communities;

b) Measures to protect IP's rights and value systems mentioned on FPIC part of these Rules;

c) Responsibilities of the proponent as well as those of the host ICCs/IPs and the MIPA;

d) In case of change of proponent as a result of partnership, joint venture, reorganization, merger, acquisition, sale, or transfer of rights, the terms and conditions of the MOA shall bind the new proponent without necessarily executing another MOA;

- e) Recognition and acknowledgment of the customary laws of the ICCs/IPs concerning the matter covered by the FPIC;
- f) Penalties for non-compliance and/or violation of the terms and conditions, including liabilities under the customary laws; and
- g) Grievance mechanisms in case of violations;

For the purposes of validity of the MOA referred to above, the signatories thereto shall be:

- a) For corporations, partnerships or single proprietorship entities, the authorized officers, representatives, or partners as per Board resolution;
- b) For the ICCs/IPs, all the authorized community elders or traditional leaders, who are registered with the MIPA; and
- c) The MIPA or its authorized representative. The MIPA shall keep a copy of the MOA for records and monitoring purposes.

The MOA may also provide that if the parties to the agreement belong to different ICCs/IPs which are recognized to have their own separate and distinct customary laws and Council of Elders/Leaders, they may agree to follow one of the distinct customary law or to join together for an alternative customary dispute resolution mechanism.

Similarly, if one of such parties to the MOA is a non-ICCs/IPs member, they may be asked to agree to follow the customary laws and Council of Elders as part of the agreement.

SECTION 210. Non-Transferability of Consent. The FPIC granted by the ICCs/IPs for a particular proposed policy, program, project or plan, as a general rule, shall not be transferable to any other party, except in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture. Provided; that there will be no changes in the original plan, program, project or policy. Provided further; that the same shall not prejudice the interest, rights and welfare of the concerned ICCs/IPs.

SECTION 211. Duty to Consult. The Bangsamoro Government and the relevant BARMM MOAs and constituent LGUs, have a duty to conduct an FPIC over matters that might adversely impact ICCs/IPs' Rights, including the alteration of Indigenous place, names and other geographical locations and structures.

However, if no FPIC process can be implemented due to an emergency, the government shall delay the plans, program, or project until an FPIC can be fully implemented. In the interim, if the plans and activities may not be delayed due to an emergency, the plan, program, or project should be altered or modified so as to not affect ICCs/IPs. If such consideration is totally impossible and there is an urgency and necessity that affects ICCs/IPs, a shortened FPIC may be commenced and the greatest good for the members of the affected ICCs/IPs shall be considered. The relevant Bangsamoro government BARMM MOAs shall provide the reason for the urgency and necessity prior to the shortened FPIC and inform the MIPA. When the emergency circumstance providing for the urgency and necessity passes, a

regular FPIC shall be commenced to reach a consensus. The subsequent FPIC shall be controlling.

SECTION 212. Certification Precondition (CP). All ministries, agencies, offices, and other national 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 carrying out any project without prior certification from the MIPA that the area affected does not overlap with any Ancestral Domain/*Fusaka Inged*. Such certification shall only be issued after a FBI is conducted by the Bureau of Ancestral Domain/Native Title of the MIPA: Provided, That no certification shall be issued by the MIPA without the FPIC of ICCs/IPs concerned and the participation of the IPs 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 CADT: Provided, furthermore, That the ICCs/IPs shall have the right to stop or suspend, in accordance with the *BIPA*, any project that has not satisfied the FPIC Rules and customary laws.

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

PART II PRELIMINARY ACTIVITIES

SECTION 213. Application for Issuance of Certification Precondition (CP). The application for CP shall be endorsed by the appropriate regulatory agency or unit of government to the CDO of the CSC that has jurisdiction over the area where the plan, project, program or activity is sought to be undertaken, provided however, that for plans, programs, projects or activities affecting Ancestral Domains/*Fusaka Inged* that do not require a permit, license or agreement from any government agency/instrumentality, the application shall be filed directly with the same Director I of the Bureau of Ancestral Domains/Native Title.

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. The resolution of a pending application, however, shall require an inquiry as to the legitimacy of similar applications.

SECTION 214. Documents Required to Accompany Application. 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 the Environmental Conservation and Protection Program (ECCP), stating in detail the environmental impact of such activities or projects proposed, control and rehabilitation measures and financial resource allocations therefor, implementation schedules, compliance guarantees, and evaluation and monitoring schemes. It shall also include potential risks and how these will be addressed; Persons to be involved in implementation and beneficial ownership of companies consistent with *Securities and Exchange Commission Memorandum Circular No. 15 (Series of 2022)*; Operational Plan and activities; and the Profile of the applicant.

The MIPA, in consultation with field offices, shall craft the standard and appropriate checklist for the above purpose. At any time, the FBI/FPIC Team (FPICT) may require additional but pertinent document/s from the applicant, such as the EIS from the DENR and/or MENRE, if available. Within twenty (20) working days, the Bureau of Ancestral Domain/Native Title shall conduct preliminary evaluation of the submissions. Based on its findings, the Bureau may order the submissions, including the ECPP, to be revised and/or additional requirements may be imposed and/or other documents be required. The Bureau shall endorse its recommendations to the Minister for his/her approval to proceed.

Detailed guidelines for the preparation and implementation of the ECPPs shall be prescribed by the Bureau of Ancestral Domain/Native Title based on principles underlying the ICCs/IPs framework for sustainable development of the Ancestral Domains and nationally defined environmental standards.

SECTION 215. Constitution and Composition of the FBI Team. The FBI Team shall be constituted, by the Minister of MIPA, by way of Memorandum, within ten (10) days from approval of these Rules, to be composed of the following:

- a. The CDO of the CSC as Team Leader;
- b. The FBI Provincial Focal Person from the Bureau of Ancestral Domains/Native Title;
- c. One (1) from representative from the SPALAD; and
- d. Two (2) IP elders/leaders identified by the CSC, with concurrence from the IPS or from the community.

The composition of the team may be revised or enhanced upon the agreement of the FBI team as the need arises in order to cope with existing work conditions or circumstances, with the approval of the Director I of the Bureau of Ancestral Domains/Native Title.

For CSCs in provinces without provincial offices, the Director I of the Bureau of Ancestral Domain/Native Title shall designate the leader and members of the FBI Team which shall be headed by the alternate that may be augmented from the nearest Provincial Office.

SECTION 216. Duties and Functions of the FBI Team. The duties and functions of the FBI team are:

- a) Consult with the ADD representatives if applicable;
- b) Conduct the pre-FBI Conference and along with the proponent, prepare the WFP for the FBI;
- c) Undertake the FBI to determine the particular area that will be affected, including the projection of the indorsed TD/geographic coordinates in the AD, the probable effects of the plan, program, project or activity, and the number of ICCs/IPs that will be affected;
- d) Identify the elders/leaders and determine presence of disputes/conflict with adjacent Ancestral Domains/*Fusaka Inged*;

- e) Prepare, under oath, and submit a report with recommendations to the CDO of the CSC;
- f) Liquidate all funds handled in accordance with standard accounting and auditing rules and regulations; and
- g) Perform such other functions as may be directed by higher authorities.

In consultation with the CSC, the Bureau of Ancestral Domain/Native Title shall craft the appropriate form/s, for the guidance of the FBI Team in the performance of its functions.

SECTION 217. Non-Appearance at Pre-FBI/Pre-FPIC Conference and Non-Payment of FBI/FPIC Fee. Should the applicant fail to appear in the Pre-FBI or Pre-FPIC conference, the CDO of the CSC shall schedule another conference with notice to, and at the expense of the applicant. If on the second schedule, the applicant still fails to appear, the CSC shall immediately inform the Director I of the Bureau of Ancestral Domain/Native Title of such failure.

Upon receipt of the information or report, the Director I of the Bureau of Ancestral Domain/Native Title shall order the suspension of the process with notice to the applicant. The order shall also direct the applicant to show cause, within a non-extendible period of ten (10) working days from receipt, why the application should not be deemed abandoned for lack or loss of interest. If after the lapse of ten (10) working days from receipt of the Order, as evidenced by a proof of receipt, and without justifiable reason formally communicated to the Director, the latter shall declare the application cancelled and shall return the application to the endorsing regulatory agency or the applicant, as the case may be. Thereafter, other applications, if any, may be given due course.

Failure on the part of the applicant to pay the FBI/FPIC fee or comply with the requirements as agreed upon during the Pre-FBI/Pre-FPIC conference/s shall likewise result in suspension or cancellation as provided in the preceding paragraph.

SECTION 218. Work and Financial Plan (WFP) for FBI/FPIC. The WFP shall be agreed upon by the applicant, the concerned ICCs/IP representatives, and the MIPA during the Pre-FBI/Pre-FPIC Conference. It shall include, among others, the estimated cost of:

- a) Food and snacks, lodging and transportation expenses of those who will be actually involved in the FBI process;
- b) Documenting the FBI activities i.e., photo and/or video, cassette recording and development, reproduction of documents; and
- c) Others as may be agreed by all the parties during the Pre-FBI/Pre-FPIC conference.

The computation of expenses or costs must be based on rates applicable in the particular area where the FBI/FPIC is to be undertaken. No subsequent cash advance by the person authorized to do so in behalf of the Team shall be allowed unless the previous one is fully liquidated. The FBI/FPIC Fee remitted or paid by the proponent or applicant shall be deposited in a Trust Account to be established for the purpose by the Regional Office. Cash advances and withdrawals therefrom, and the

utilization and liquidation of such advances and withdrawals shall be in accordance with the appropriate memorandum circular to be issued by the MFBM.

SECTION 219. Commencement and Conduct of the FBI. The Team shall commence the FBI within ten (10) working days from date of deposit/payment of the FBI fee and must be completed within ten (10) working days from actual commencement except when delayed by reason of fortuitous event or force majeure.

The FBI Team shall submit its report in accordance with these Rules. Should it be apparent from the report that an AD shall be affected by the proposed project, the Bureau of Ancestral Domain/Native Title shall immediately mobilize the FPICT, otherwise, a CNO shall be issued pursuant to Section 221, Part II, Rule XIII of these Rules.

SECTION 220. Contents of the Field-Based Investigation (FBI) Report. The FBI report must contain a narrative of what transpired during the ground or field investigation; findings and recommendations; and the pertinent attachments, in a standard pro forma form to be devised by ADD after consultation with field offices. The report shall be signed, under oath, by the team leader and members.

SECTION 221. Certificate of Non-Overlap (CNO); When Issued. When the area is patently and publicly known to be outside any AD, or the activity is determined, after FBI, not to affect an AD, the Director, with the concurrence of the Minister, shall issue a CNO, provided however, that the applicant shall execute an undertaking for the conduct of FPIC should it be discovered later that there is, in fact, an overlap with an AD, provided further, that special attention shall be given to ICCs/IPs who are shifting cultivators or traditionally nomadic so as not to prejudice their rights as such.

SECTION 222. The FPIC Team (FPICT). The FPICT in each province with CSC to be constituted by the Director, shall be composed of the following:

- a) The CSC CDO, as Team Leader;
- b) The FBI Provincial Focal Person from the Bureau of Ancestral Domains/Native Title;
- c) One (1) from representative from the SPALAD; and
- d) Two (2) IP elders/leaders identified by the CSC, with concurrence from the IPS or from the community.

In provinces without CSC, the Director I of the Bureau of Ancestral Domain/Native Title shall, constitute the FPICT to be led by the CSC CDO and with members from the same service center to be augmented from personnel of the Bureau of Ancestral Domain/Native Title and/or nearby CSC, and two (2) community elders/leaders selected by the community.

Substitution, re-arrangement, augmentation of membership in/of the FPICT may be done for good and valid reasons, upon the recommendation of the CSC with the approval of the Director I of the Bureau of Ancestral Domains/Native Title.

SECTION 223. Duties and Functions of the FPICT. The FPICT shall perform the following functions:

- a) Convene, with prior notice, the first general assembly to validate the following: (1) FBI Report; (2) Identity of the IP Elders and Leaders; (3) Decision-Making Process; (4) Census of IPs/Migrant IPs; (5) Area affected; (6) Existence of boundary conflict with other ADs;
- b) Document Conflict Resolution Mechanism and facilitate the conduct of the same by the chosen/selected Elders/Leaders, should there be any dispute/conflict to be resolved;
- c) Facilitate and document the proceedings of the assembly and be responsible for the interpretation, translation, clarification, or elaboration of matters discussed or taken up;
- d) Orient the participants on the pertinent provisions of the *BIPA* and these Rules at all stages and activities;
- e) Present the agreed WFP during the assembly;
- f) Invite the appropriate independent experts, if available, to give their opinions on any aspect of the project;
- g) Should the ICCs/IPs agree to the activity, help draft the Resolution of Consent and the MOA, or Resolution of Non-Consent should the ICCs/IPs reject the proposal;
- h) Make an accounting, in accordance with generally accepted accounting and auditing rules, of all monies and properties received in relation to the conduct of the FPIC; and
- i) Prepare and submit FPIC report with recommendation/s, and an executive summary of the same, both duly signed under oath by all the team leader and members, to the Director I of the Bureau of Ancestral Domains/Native Title, and copy furnished to the RAB.

The Bureau of Ancestral Domain/Native Title shall craft the appropriate *pro forma* form for FPIC Reports after consultation with MIPA provincial and city offices consistent with Section 63 of the *BIPA*.

PART III PLANS, PROGRAMS, PROJECTS, AND ACTIVITIES COVERED

SECTION 224. Extractive/Intrusive/Large Scale. Extractive/Intrusive/Large Scale shall be governed by the FPIC that involve community assemblies.

SECTION 225. Who Shall Exercise the Right to FPIC. All ICCs/IPs who are owners of the Ancestral Domains/*Fusaka Inged* have the right to FPIC on/for any of the activities listed in the immediately preceding section; Provided, that in case the AD is owned by two (2) or more ICCs/IPs sub-groups, or under a unified claim, provisions of their duly executed and validly existing agreement shall be followed, if any, otherwise, all ICCs/IPs sub-groups, tribes shall all participate in the decision-making in accordance with their applicable customary law/s; Provided further, that when there are two or more domains affected, the ICCs/IPs owning such domains shall exercise the right to FPIC separately; Provided furthermore, that affected

migrant IPs inside the domain/s may participate in the exercise of the right to FPIC if expressly allowed by the domain owners. Separate exercise of the right to FPIC shall be for each major phase of the proposed activity such as Exploration; Operation or Development; Contracting of Operator; and the like, unless specifically stated in the MOA.

Nothing in this provision may be interpreted to prejudice the rights of persons under other existing laws.

SECTION 226. Pre-FPIC Conference. The following shall be taken up, acted upon or accomplished during the Pre-FPIC Conference;

- a) The FBI Report;
- b) Finalization and approval of WFP;
- c) Deposit/Remittance of FPIC Fee;
- d) Setting of schedules and tasking;
- e) Preparation of Work Order;
- f) Orientation on the FPIC process, protocols, and prohibited acts;
- g) Arrangements for the payment of the bond;
- h) 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, program, project or activity, that would allow the community full access to records, documents, material information and facilities pertinent to the same;
- i) Submission by the applicant of an Environmental and Socio-cultural Impact Statement, detailing all the possible impact of the plan, program, project or activity upon the ecological, economic, social and cultural aspect of the community as a whole. Such document shall clearly indicate how adverse effects may be avoided, mitigated and/or addressed;
- j) Opinions of invited experts, if any; and
- k) Others as may be required by the FPICT or as may have been surfaced during the conduct of the FBI.

SECTION 227. Conduct of Community Assemblies and Other Activities. Two (2) community assemblies, known as First and Second Community Assembly, respectively, shall be held.

The First Community Assembly shall be held as soon as the proponent remits or pays the FPIC Fee and the corresponding amount is released to the concerned CSC for the purpose. It shall be held on a date and strategic place within the AD after the following are complied with by the FPICT:

- a) Formal notice to the Bureau of Ancestral Domain/Native Title with approval of the date and place secured;

- b) Posting of written notices seven (7) days before the activity in conspicuous places in and around the concerned ICCs/IPs Community, i.e., the Community Tribal and/or Barangay Hall/s;
- c) Personal service of formal notices to the AD representatives as appearing in the CADT Recognition Book or ADSDPP Book, if available, seven (7) days before the activity;
- d) Service of formal notice to the representative of the proponent/locator;
- e) Service of formal notice to the concerned LGU/s Chief Executive/s, concerned NGOs and invited experts, if any; and
- f) Service of notice to the Provincial Consultative Body (PCB), if existent.

During this assembly, the following matters shall be taken-up, discussed and/or acted upon;

- 1) Orientation on *BIPA* and the FPIC process;
- 2) Validation FBI report and the areas affected;
- 3) The Census of IPs/Migrant IPs/Non-IPs;
- 4) Identification and validation of IP Elders and Leaders;
- 5) Determination of the decision-making or consensus-building process/es;
- 6) Consensus on the involvement of NGOs/CSOs/experts/any other person assisting the community;
- 7) Validation of the members of the FPICT representing the community;
- 8) Presentation of the agreed WFP;
- 9) Option, selection and invitation of independent expert/s to conduct EIA or give their expert opinions;
- 10) Arrangements for conflict/dispute resolution mechanisms by the chosen/elected IP Elders/Leaders;
- 11) Date and place of Second community assembly; and
- 12) Other matters that may be necessary and pertinent.

The Second Community Assembly shall be held on a date and place within the AD decided upon during the First community assembly. In this assembly, the following shall be taken up or undertaken:

- a) Presentation by the applicant of the plan, program, project or activity that it seeks to undertake. The presentation shall include:

- 1) The Operation Plan and the scope and extent of the proposal;

2) The cost and benefits of the proposal to the ICCs/IPs and their Ancestral Domains/*Fusaka Inged*;

- b) The perceived disadvantages or adverse effects to the community;
- c) The measures adopted by the applicant to avoid or mitigate these and the matters provided in the ECCP;
- d) Sharing by an expert/s, if engaged or invited, to include presentation of the result of the EIA if available, expert opinion/s on any aspect, recommendation/s, and identification of affected area/s;
- e) Remarks or inputs of other stakeholders, that include concerned NGAs, constituent LGUs, NGOs, and CSOs;
- f) Open forum to give the ICCs/IPs the chance to ask questions and to speak out their concerns relative to the presentations and the project; and
- g) Other important matters that are agreed upon during the assembly, including possible time periods for the subsequent consensus-building period.

If it becomes obvious or apparent that there are other Ancestral Domains/*Fusaka Inged* that are affected, the FPIC process shall be undertaken in such area/s, either in one process or separately, depending on the obtaining facts and circumstances and the decision of the people of such affected area/s. Towards the end of the Second community assembly, the ICCs/IPs shall be left alone to agree on their decision-making/consensus-building schedules and when to come out with their decision. This activity must not be undertaken less than ten (10) days from the date of the Second community assembly and must be completed within a reasonable time but not more than two (2) months thereafter.

An additional community assembly may be conducted if it is determined that several matters to be covered during the Second Community Assembly have to be resolved.

If no additional community assembly is necessary, following the Second Community assembly shall be the consensus-building period. This is the period when the ICCs/IPs shall proceed to consult among themselves, employing their own traditional consensus-building processes, to further understand and discern the merits/advantages and demerits/disadvantages of the proposal in order to intelligently arrive at a consensus. Except for the MIPA representatives who shall document the proceedings, the applicant and non-members of the IP community are strictly enjoined from participating in the consensus-building activity or interfering in any manner in the decision-making process. Non-members of the concerned community, Non-IPs or migrant IPs who are residents of the AD may only participate if allowed by the AD owners in accordance with their customs and traditions, provided however, that the permission be made in writing and signed by the authorized elders/leaders. No period shall be provided to pressure the ICCs/IPs aside from those provided under the customary laws and the agreement during the second community assembly.

When the ICCs/IPs are already ready with their decision or consensus, consistent with their customary laws, the duly authorized Community Elders/Leaders shall communicate to the FPICT such consensus. If it appears to be favorable, the FPICT shall immediately notify the proponent and the community representatives for the negotiation of the terms and conditions that shall be embodied in the MOA. Once the parties agree on the terms and conditions, the MOA is forthwith drafted in the vernacular and English or vice versa. Thereafter, a validation assembly shall be convened within the AD, at which time the MOA provisions shall be explained to the community by the FPICT in a language that they speak and understand. After having understood the contents and implications of the MOA, the community may confirm the same. After confirmation, the same shall be forthwith signed by the authorized signatories of both parties. The negotiation of the terms and conditions and the signing by the duly authorized representatives of the proponent and the ICCs/IPs must be done within the AD. Along with the finalization of the MOA, the Resolution of Consent of the community shall also be prepared, signed and released.

If the consensus is not favorable, the Resolution of Non-consent shall be prepared, signed and released. The FPICT shall facilitate the conduct of, and document all, proceedings/activities under this section and shall be responsible for the translation, interpretation, clarification, or elaboration of matters taken up, and the explanation of pertinent provisions of the *BIPA*, to the best of their personal knowledge and ability. Views, pro and con, shall be summarized and documented as accurately as possible. The FPICT may also direct any participant in the assembly to submit written comments or objections which must be received by the FPICT within a non-extendible period of three (3) working days, to form part of its final report.

SECTION 228. Posting of Bond. After the issuance of written resolution of consent and before the start of any activity enumerated under Section 208 Part I, Rule XIII of these Rules, the applicant shall secure a bond with a reputable bonding company with the consent of the *BIPA*, or deposit a cash bond with the *MIPA*, to answer for damages, violation of terms and conditions which the ICCs/IPs may suffer and claim from on account of the said activity as may be agreed by the parties in the MOA and under other applicable laws. The kind, amount of bond to be secured or posted, and the terms and conditions thereof, shall be specified in the MOA.

SECTION 229. Non-Extractive/Small-Scale Activities. Non-extractive/small-scale shall require an FPIC process under this Section that include negotiation between the community, represented by its Council of Elders/Leaders, and the applicant, facilitated by the FPICT. There shall be two (2) separate meetings with the elders/leaders which are herein referred to as the First meeting and the Decision meeting. In the First meeting, the applicant will be given sufficient time to present and clarify its proposal. The presentation must include the operation plan, the scope and extent of the activity, the cost and benefits to the ICCs/IPs and their Ancestral Domains/*Fusaka Inged*, perceived disadvantages or adverse effects to the community, and measures adopted by the applicant to avoid or mitigate these. In said meeting, the ICCs/IPs shall prepare a schedule for their decision-making/consensus-building which must start not less than ten (10) days from the first meeting and completed not more than thirty (30) days thereafter. The First meeting shall be followed by the consensus-building period by and among the council of elders/leaders. They will also use this period to consult with their constituency in accordance with their customary mechanisms. After they are able to arrive at a consensus within the time frame they decided, they shall inform the FPICT of such consensus. If the decision/consensus is favorable, the Team shall forthwith convene the Decision meeting, with notice to the concerned parties.

During this meeting, the council of elders/leaders will formally proclaim their decision and the parties shall proceed to negotiate and finalize the terms and conditions of the MOA and thereafter consummate the same.

If the consensus is against the project, the leaders/elders shall issue a resolution of non-consent, however, if it is favorable, the Director shall within three (3) working days, from receipt of the resolution, prepare and sign the CP and transmit the same, including the FPIC Report, to the Minister for concurrence, copy furnished ADD once concurred.

The process herein provided shall be considered as an exception to the strict provisions on the requirement of the MOA. Conflicting interpretation of the agreement shall be resolved in favor of ICCs/IPs and the protection of their rights.

Research undertaken by government, private persons, or corporations or foreign entities for purposes intended directly or indirectly for any purpose shall be governed by the provision under these Rules on Research and Documentation of IKSPs and Customary Laws.

SECTION 230. Excluded Areas. The following areas are excluded from any activity except for the exclusive purposes for which they are identified:

- a) Sacred grounds and burial sites of indigenous communities;
- b) Identified international and local cultural and heritage sites;
- c) Critical areas identified or reserved by the ICCs/IPs for special purposes; and
- d) Other areas specifically identified by ICCs/IPs in their ADSDPP.

PART IV POST FPIC ACTIVITIES

SECTION 231. Submission of Report. Where the ICCs/IPs gave their consent in accordance with the foregoing provisions, The FPIC shall submit a formal report with recommendation/s, systematically prepared with pertinent and legible annexes, signed by the team leader and members under oath to the Director. An executive summary thereof shall also be prepared and copy furnished to the Minister.

In cases where EIA, EIS and/or ECC are required by the regulatory agency, and the same are not available at the time of the FPIC Process, the proponent/applicant shall execute an undertaking that should the same become available, the proponent/applicant shall furnish the MIPA a copy of the same, and undergo the FPIC process in areas included in said EIA, EIS and/or ECC as affected areas which were not included in the previously determined affected area/s.

In case of non-consent, the FPIC shall report the same to the Director I of the Bureau of Ancestral Domains/Native Title, and the latter shall forthwith inform the proponent, copy furnished to the RAB.

SECTION 232. Request for Reconsideration. The proponent/applicant may request for reconsideration of the resolution of non-consent within fifteen (15) days

from receipt of the said resolution of non-consent. The request for reconsideration shall be addressed to the ICCs/IPs through the Director. It must embody any new proposal to address the reason/s for the rejection. After receipt of the request for reconsideration, the Director shall direct the leader of the FPICT to serve copies upon the authorized representatives of the ICCs/IPs. Upon service to the ICCs/IPs elders/leaders, the FPICT Leader shall advise them to consult with the community. Should the leaders believe that there is a need for a community assembly to discuss the merit of the request, they shall inform the FPICT Leader with a proposal for the provision of funds for the holding of a community assembly. This shall then be communicated to the Director who shall then inform the proponent/applicant. Should the Elders/Leaders, after consultation with the community on their own, believe that there is no chance for reconsideration, they shall formally inform the FPICT Leader, who shall then formally inform the Director, copy furnished the proponent/applicant.

If the ICCs/IPs manifest their rejection of the plan, program, project or activity, in any written form signed by the members of the community and their elders/leaders before or during the FBI, the same shall be received by the FBI team and the Director shall be notified of the same. Upon receipt of the notice, the Director shall order the conduct of a validation assembly similar to a consensus-building activity as provided for in these rules to validate the rejection. However, if the rejection is received or made after the FBI, the matter shall be tackled in the mandatory activity on consensus-building.

If the rejection is affirmed during the validation assembly, the appropriate resolution of non-consent shall be made, adopted, and signed, and thereafter transmitted to the Director by the FPICT. The Director shall then return the application to the endorsing agency or the applicant, as the case may be, with a transmittal of the resolution of non-consent. As a consequence of the adoption of such resolution, all proceedings in the conduct of the FPIC shall *ipso facto* stop. No FPIC process for any similar proposal shall be undertaken within six (6) months from the issuance of non-consent.

SECTION 233. Application of FPIC before the MIPA. The FPIC process under the BIPA and these Rules shall be controlling to ICCs/IPs in the Bangsamoro and the Ancestral Domains/*Fusaka Inged* found therein. FPIC applications covering ICCs/IPs in the Bangsamoro and their Ancestral Domains/*Fusaka Inged* shall not be recognized unless adopted by the MIPA, with the concurrence of the ICCs/IPs involved. Further, it shall not be affected by Section 15 of *Republic Act No. 11234*, otherwise known as the *Energy Virtual One-Stop Shop Act (EVOSS)*, in relation to applications with the MIPA, consistent with the decentralization of power vested to the Bangsamoro and to the MIPA. Concurrently, the periods granting automatic approval of the power generation, transmission, and distribution projects provided under the *EVOSS* shall not apply.

SECTION 234. Regional Review Team (RRT) Review. After receipt of the report, the Director I of the Bureau of Ancestral Domain/Native Title shall direct the RRT to review the same within five (5) working days. Should the review report be favorable, and the Director finds nothing wrong with the same, he shall endorse the record of the FPIC Process undertaken, together with his/her recommendation/s to the ADD for appropriate action, otherwise he may direct appropriate action by the RRT or the FPICT before he makes his endorsement to the Bureau of Ancestral Domains/Native Title.

SECTION 235. Inaction. The inaction of the applicant within six (6) months from the last FPIC activity, without justifiable reason, shall be a ground for a termination of the FPIC process to be declared by the Director I of the Bureau of Ancestral Domain/Native Title with notice to the applicant.

SECTION 236. Dormant Certification Precondition (CP). If no activity is undertaken by the proponent within a year from the approval/issuance of permit, the CP is considered dormant and thus, upon the report of the Director, the Minister shall issue a show cause order directing applicant/proponent why the CP should not be cancelled. Failure of applicant to comply within a non-extendible period of fifteen (15) working days from receipt of the order, or to show justifiable reason, the CP shall be cancelled by Resolution of the MIPA, with notice to the concerned regulatory agency, proponent, and the ICCs/IPs.

PART V
Memorandum of Agreement (MOA)

SECTION 237. Preparation of the Memorandum of Agreement (MOA). When the consent of the concerned community is obtained, the terms and conditions agreed upon shall be embodied in a MOA to be executed between and among the ICCs/IPs, the applicant/proponent, the MIPA, and any other party that may be necessarily involved.

The MOA shall be prepared by the FPICT strictly in accordance with what has been agreed upon by the parties, written in the dialect or language of the ICCs/IPs concerned, and thereafter translated into English and/or Filipino. The drafting shall be the primary obligation of the LLLS. In the absence of the Section Head, the Minister shall designate the Attorney V of the SPALAD to assist the FPICT.

SECTION 238. Contents of MOA. The MOA shall include, but shall not be limited to, the following:

- a) Detailed benefit-sharing provisions in accordance with rules and regulations;
- b) Development projects based on the development priorities of the community;
- c) Monitoring of the implementation of MOA to be implemented by the MIPA in partnership with constituent LGUs and CSOs. This undertaking shall be paid for by the company;
- d) Mitigation and resettlement plan for potential risks;
- e) Redress mechanisms;
- f) Clause on the non-transferability of the MOA;
- g) Clause for renegotiation of the economic provisions;
- h) Whether the concerned ICCs/IPs shall require another FPIC to be conducted in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture;
- i) List of responsibilities of the company and the affected community;

- j) Inclusive dates/duration of agreement;
- k) Other than what has already been granted by law, the benefits to be derived by the host ICCs/IPs indicating the type of benefits, specific target beneficiaries as to sector and number, the period covered, and other pertinent information;
- l) Detailed use of all funds to be received by the host ICCs/IPs, ensuring that a portion of such funds shall be allocated for development projects, social services and/or infrastructures in accordance with their development framework and the Rules on the Management of Royalty Share and Other Benefits promulgated by the MIPA;
- m) Transparency mechanism on transfer and disbursement of funds;
- n) Detailed measures to protect IP rights and value systems;
- o) Detailed measures to conserve/protect any affected portion of the Ancestral Domain/*Fusaka Inged* critical for watersheds, mangroves, wildlife sanctuaries, forest cover, and the like;
- p) Responsibilities of the applicant as well as the host IP community;
- q) The monitoring and evaluation system of the MOA, to include submission of reports and creation of monitoring teams;
- r) Remedies and/or penalties for non-compliance or violation of the terms and conditions, which includes applicability of customary laws and imposition of sanction/s;
- s) Deposit of cash or surety bond;
- t) Provision to render assistance in the event of calamities/disasters in the community;
- u) Provision to undertake a new FPIC Process in case of mining activities, after the exploration stage;
- v) Provision on the effects of dormant CP;
- w) Membership of proponent in organizations requiring ethical standards in a particular line of activity; and
- x) Recognition and acknowledgment of the customary laws of the ICCs/IPs concerning the matter covered by the FPIC;
- y) Penalties for non-compliance and/or violation of the terms and conditions, including liabilities under the customary laws; and
- z) Other requirements provided in these Rules.

CSR, Social Development and Management Projects (SDMP), or Environmental, Social, and Governance (ESG) programs required under existing laws shall not be considered as part of benefits enumerated above.

SECTION 239. Signatories to the MOA. The signatories of the MOA shall be:

- a) Elders/leaders or their alternates who have been identified during the validation and authorized by the community to sign;
- b) For corporations, partnerships or single proprietorship entities, the authorized officers, representatives, or partners per Board Resolution; and
- c) The Minister shall sign the MOA on behalf of the MIPA as Third Party. For projects where the Director is authorized by these Rules to issue the corresponding CP, the MOA shall be signed by him/her on behalf of the MIPA as Third Party.

SECTION 240. MOA Signing. The signing of the MOA shall be done within the affected Ancestral Domain/*Fusaka Inged* by those duly authorized, during a general assembly called for the purpose, after its content is fully read aloud and explained by the FPICT, and understood and affirmed by the community. Should there be need for any change/s, the FPICT shall make the appropriate revision or amendment to the satisfaction of the community assembly.

Signing by those duly authorized may be done through actual writing/signing or the affixing of thumb marks, provided however, that in case of the latter, a member of the community who is able to read and write shall sign as an instrumental witness. Those authorized to sign on behalf of the community, including instrumental witnesses, shall thereafter present themselves before a notary for the appropriate notarial acknowledgment. If possible, the duly authorized notary public of the MIPA shall effectuate the necessary requirement under this rule.

SECTION 241. Final Review of the MOA by the LLLS. The MOA shall be reviewed by the LLLS and the ICCs/IPs, or their authorized representative/s, prior to the endorsement of the FPIC report by the Bureau of Ancestral Domain/Native Title to the Minister. ICCs/IPs may request the assistance of an expert in the review of the MOA. The legal advisory of the LLLS shall form part of the FPIC Report of the Bureau of Ancestral Domains/Native Title.

In cases where the Director I of the Bureau of Ancestral Domain/Native Title is authorized to issue the CP, the MOA shall be reviewed by the LLLS or any Legal Officer who has not participated in any stage of the FPIC Process with the ICCs/IPs or their authorized representative/s.

SECTION 242. Non-transferability of Free and Prior Informed Consent (FPIC). The consent of the ICCs/IPs for a particular proposal shall not be transferable except in cases of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture, to any other party, and the same is provided in the MOA. Provided, however, that the transferee shall assume the obligations of the transferor, otherwise another FPIC will be required. The transferee may improve the terms and conditions of the MOA affording or providing greater benefits for the ICCs/IPs other than those stated in the MOA, or may propose other terms and conditions that would uphold the interest and welfare of the concerned IP community. Such change/improvement in the MOA shall bear the approval of the Minister pursuant to these Rules.

In the circumstances mentioned in the immediately preceding paragraph, the transferee is required to execute a formal undertaking, with notice to the representatives of the ICCs/IPs concerned, that upon the effectivity of the new set-

up or relation brought about by the foregoing circumstances, the transferee shall faithfully comply with the terms and conditions of the MOA and that they shall observe and assume all the obligations stipulated in the said MOA. In this connection, it shall be the responsibility of the transferor to inform the transferee of the existence of MOA before the perfection of the new set-up or relation. Likewise, it shall be the duty of the transferee to inform, in writing, the ICCs/IPs concerned and the MIPA of the impending merger, reorganization, transfer, acquisition, or joint venture and shall be required to submit the necessary documents required under these Rules to the ADD and to the representative of the ICCs/IPs concerned.

The preceding paragraphs shall not apply when it is expressly provided in the MOA that a new FPIC is required in the event of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture.

SECTION 243. Complaints Related to the MOA. Any complaint involving the interpretation and implementation of the MOA shall be resolved first in the community using their traditional conflict resolution process. If the complaint is not resolved using the customary system, the complaint shall be filed with the RAB for disposition. The reconsideration of the decision may be sought before the RAB.

SECTION 244. Applicability of Customary Laws and Imposition of Sanctions for Violation of the Terms of the MOA. Any person/party who willfully violates or fails to comply with his/her duty or obligation under the provisions of the MOA may be held liable in accordance with the customary laws and practices of the host or concerned ICCs/IPs and sanctions may be imposed in accordance therewith: Provided, that the sanctions are not excessive, cruel and degrading, and without prejudice to the exhaustion of conciliation and mediation efforts by the MIPA, and the exercise of the latter's visitorial and injunctive powers. This is without prejudice to any action that any person or the community may take before the proper courts for the enforcement of civil, criminal or administrative liability.

PART VI OTHER PROCESSES

SECTION 245. Community-Solicited or Initiated Activities. Programs, projects and activities solicited or initiated by the concerned ICCs/IPs themselves where the activity is strictly for the delivery of basic services to be undertaken within or affecting the Ancestral Domain/*Fusaka Inged*, do not require compliance with the FBI/FPIC requirement as provided in these Rules, however, they shall be subjected to a validation process where the following shall be determined:

- a) The ICCs/IPs, in fact, voluntarily solicited or initiated the plan, program, project or activity to be undertaken;
- b) The plan, program, project or activity conforms with the community's ADSDPP or in the absence of the ADSDPP, the concerned community considers the same to form part already of the ADSDPP that they will formulate in the future;
- c) The ICC knows the extent of the plan, program, project or activity and its socio-cultural/environmental impact to the community;
- d) The parties acknowledge their obligations; or

e) The plan, program, project or activity is for the delivery of basic services or livelihood projects involving community.

SECTION 246. Projects, Programs and Activities Undertaken by MIPA or in Cooperation with Other Government Agencies and LGU Projects. Projects, programs and activities undertaken by the MIPA itself or in cooperation with other government agencies and LGU projects shall also be validated to determine if they coincide or complement with the development priorities of the community and will not in any way adversely affect their well-being.

SECTION 247. Foreign Funded Project Undertaken in Cooperation with the MIPA. Foreign Funded Projects Undertaken in Cooperation with the MIPA may enter into cooperation with foreign funding agencies for projects involving delivery of basic services or for the promotion of economic and sustainable development. The requirements for an FPIC may not be dispensed with unless it shall be adopted as a Community-Solicited or Initiated Activity that will only require validation under the preceding sections of these Rules. Projects undertaken by international funding agencies or institutions by themselves or in cooperation with non-government organizations or institutions shall also be subject to the appropriate FPIC process as provided in the applicable provisions of these Rules or other pertinent MIPA Guidelines.

SECTION 248. Exercise of Traditional Resource-Use Rights. Gathering, hunting and such other traditional use by members of the ICCs/IPs of natural resources found within their Ancestral Domain/*Fusaka Inged* including gathering of rattan and other forest products for family/personal consumption, subsistence and livelihood, do not require the conduct of the FPIC Process as provided in these Rules, provided, that the use shall be limited for the ICCs/IPs' traditional use. To avoid circumvention or abuse of this provision, the MIPA shall validate such utilization upon the complaint of any member of the council of elders/leaders.

SECTION 249. Objects and Process of Validation. Where validation is required to determine the consent of Community, the process shall be as follows:

- a) The Director I of the Bureau *motu proprio* or upon receipt of the written request for validation, shall constitute a team composed of not more than three (3) from the CSC to conduct a field validation;
- b) The team shall immediately conduct the validation and thereafter submit the appropriate report, prepared under oath, to the Director within ten (10) working days from commencement thereof;
- c) The process of validation shall be done through interviews of elders/leaders and other community members; and
- d) If the validation yielded a positive report, the Bureau of Ancestral Domain/Native Title shall within three (3) working days, from receipt, prepare the CP and validation documents to be endorsed to the Minister for confirmation.

Should the Minister do not concur, the Director shall return the documents to the applicant/petitioner.

The MIPA through the RAB, consistent with Section 91 of the *BIPA*, may exercise its injunctive powers upon a written complaint of any member of the affected

community to enjoin the conduct or continued implementation of the program, project, plan or activity in order to safeguard the rights and interests of the community.

SECTION 250. Emergency Cases. Where the conduct of plans, projects or activities of the government or any civic, religious, or similar organizations within Ancestral Domains/*Fusaka Inged* is in response to emergency situations involving public order, health, security or safety including military operations within Ancestral Domain/*Fusaka Inged* areas when made in connection with hot pursuit operations, securing vital government installations, programs and projects against clear and imminent danger FPIC shall not be required.

The relevant government office, within ten (10) days from intrusion shall provide a report to the MIPA and the ICCs/IPs providing for the justification for emergency consideration. If the emergency case persists, the relevant government office within the first ten (10) days of every month, likewise submit a monthly report to the MIPA and the ICCs/IPs of all acts performed pursuant to the emergency situation during the preceding month.

SECTION 251. Regulation of Entry of Migrants and Other Entities. All migrants and other entities must first secure the express permission of the community's Council of Elders/Leaders who shall, in accordance with their consensus building process, community practices, customs and traditions and upon the free and informed prior consent of the community members agree to accept such migrant or entity within the domains, subject to the following conditions:

- a) Said persons and entities can be allowed to perform activities as are expressly authorized and which are not inimical to the development of the Ancestral Domains/*Fusaka Inged* and cultural integrity of the ICCs/IPs; and
- b) The ICCs/IPs shall maintain the right to impose penalties for violations of the conditions in accordance with their customary laws subject to the proper dissemination of the customary laws of the community.

SECTION 252. FPIC of Resettled/Relocated or Displaced ICCs/IPs Within Public Domain. A group or a community of ICCs/IPs occupying a portion of public domain, whether as a result of a resettlement or relocation project of the government or as a result of displacement, has the right to be provided 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; hence, the said ICCs/IPs shall not be treated as migrants and can likewise exercise their right to FPIC.

SECTION 253. FPIC Rights of Resettled, Displaced and Relocated IPs as well as Migrant IPs Living in Co-Existence with the Original IPs Within the Ancestral Domain. In a particular ICCs/IPs where there exists resettled, displaced and relocated IPs or migrant IPs mingled or in co-existence with the owners of the AD, the right to FPIC of the resettled, displaced and relocated or migrant IPs will depend on the custom, practice or tradition of the owners of the AD allowing or disallowing the exercise thereof. Whether allowed or not allowed by the owners of the AD to participate in the FPIC proceedings, they shall likewise be entitled to the benefits by virtue of the MOA and to compensation for damages, loss or injury to them or their properties. The obligation to compensate the resettled, displaced and relocated IPs or migrant IPs of what is rightfully due them shall be recognized by

the applicant in writing either in the MOA or in a separate undertaking made as an integral part of the MOA.

SECTION 254. Small Scale Quarry Approved by the Constituent Local Government Unit (LGUs). The CP for small-scale quarries, whose permits are issued by Constituent LGUs shall be issued by the Director with the concurrence of the Minister of MIPA.

SECTION 255. Community-Initiated or Solicited Research. Research activities solicited, commissioned or conducted by the concerned ICCs/IPs themselves to be undertaken within or affecting the Ancestral Domain/*Fusaka Inged*, shall be governed by the provision of these Rules on IKSP/Customary Law research and documentation.

PART VII
EXERCISE OF PRIORITY RIGHTS (EPR)

SECTION 256. Steps in the Declaration of EPR by the ICCs/IPs. In the declaration of the EPR by a particular ICCs/IPs, the following must be observed:

a) Community Assembly. A community assembly of all members of the concerned ICCs/IPs shall be held, at the community's own initiative and expense. For purposes of these Rules, the community assembly of all members shall be deemed sufficient and shall proceed after complying with the following rules:

- 1) Every household is entitled to one representative and, at least, majority of them must be physically present during the community assembly;
- 2) Majority of the representatives of the community identified as responsible to make decisions for the community are also present;
- 3) If it involves a CADT area, the representative/s identified in the claim book or majority of them must also be present; and
- 4) Public officials, officers or employees who are members of the community may be allowed to participate in the community assembly but as ordinary members, elders/leaders or community representatives, as the case may be.

The community assembly shall take up the following, among others:

- 1) Review of the population of the concerned ICCs/IPs. Reference may be made to the CADT application, the ADSDPP formulated, and/or any other credible source of data/information;
- 2) IEC on *BIPA* and pertinent provisions of these Rules;
- 3) Identification of, and discussion on, the particular natural resource over which the community desires to exercise priority right, including its specific location; and
- 4) Customary processes of arriving at a community consensus.

b) Community Resolution. Should the community decide to exercise their priority right, after complying with the foregoing, a community resolution shall be drafted, discussed, finalized and approved by a majority of all the members of the concerned ICCs/IPs during the same assembly or in another assembly, as the case may be. The resolution shall, among others:

- 1) Identify the specific natural resource;
- 2) Delineate in detail the specific location and area where the subject natural resource is or may be found;
- 3) Describe the capability and/or capacity of the community to undertake the activity they seek to engage in as consequence of the EPR; and
- 4) List the names of community elders/leaders who are authorized to make the declaration of EPR.

The approval of the community resolution by all members of the concerned ICCs/IPs shall be deemed sufficient and approved if signed or thumb-marked by a majority of all the members and representatives physically present during the community assembly.

c) Declaration of EPR and EPR Plan. The elders/leaders named and authorized in the community resolution to make the declaration shall make the declaration of EPR. The declaration shall include an EPR Plan which shall contain, among others, the following:

- 1) General information about the Ancestral Domain/*Fusaka Inged* and the ICCs/IPs of the area, including indigenous land use plan, if existing and available;
- 2) Purpose of the declaration;
- 3) Natural resource for development, harvesting, extraction or exploitation;
- 4) Specific Location and area of the proposed site/s accompanied by maps, 3D maps, sketches and/or other material reference monuments as annexes;
- 5) Projects, programs, activities or undertakings to be pursued to realize the purpose of the EPR;
- 6) Scope and duration of operational plan/s for every activity;
- 7) Capability of the community to undertake the same or to engage a qualified partner;
- 8) Conformity with the existing ADSDPP and/or the ECPP of the concerned ICCs/IPs as provided for under these Rules;
- 9) Existence of a duly organized IPO registered and recognized;

- 10) Recognition and observance of IP Governance/Decision-making processes;
- 11) Existence and feasibility of EPR Plan & ECPP;
- 12) In the absence of a provision in an existing ADSDPP, or non-existence of an ADSDPP, a statement that it shall be so included in the existing ADSDPP or in the one that shall be subsequently formulated;
- 13) How income and/or benefits will be managed, shared, used and accounted for; and
- 14) Name and personal circumstances of the authorized elders/leaders who made the declaration and their signatures or thumb marks.

The community may request the assistance of the MIPA in the preparation of their EPR Plan, or a duly accredited NGO.

d) Where to File. The declaration of EPR, along with its annexes, including the community resolution, shall be filed, in five (5) legible copies, with the CSC that has administrative jurisdiction over the area declared for EPR.

SECTION 257. Validation of the EPR Declaration and Validating Team (VT).

The validation of the declaration of EPR shall be done by a VT to be constituted by the Director from among personnel of the appropriate CSC which must not be more than five (5) persons. The VT shall use as its reference and/or do the following, among others:

- a) CADT Claim book and/or ADSDPP record, if existing. Barangay census, or IP census.
- b) AD Profile, if existing, otherwise the team shall assist community in making one;
- c) Verify and validate the community resolution, the declaration, and other pertinent data/information;
- d) Get a copy and validate the Community EPR plan; and
- e) Verify and validate the capability of the community to undertake the activity which is the object of their EPR or their capacity to engage a qualified partner.

SECTION 258. Engaging a Partner. Should the community, during the process of validation, inform the VT that it does not have the financial or technical capability or capacity to undertake the activity relative to which they declared EPR and desires to engage a specific kind of partner, the VT shall advise and assist the community make a declaration to that effect, through the elders duly authorized in the community resolution and who filed the previous declaration. After such declaration is made, following the principles of FPIC, a community assembly must be held, at no expense to the MIPA except for personnel services, at which time the following matters shall be taken up and acted upon:

- a) Personality of the proposed partner who shall be a non-member of the community or a juridical person whose incorporators are non-members or a mixture

of members and non-members, validly organized and existing under Philippine laws;

b) Financial and technical capability, as well as track record of the proposed partner;

c) Proposed terms and conditions of the proposed partnership which must include, among others:

1) the duties and obligations of the parties; and

2) the determination, sharing, and release of benefits; the period of partnership; prohibited acts; and Conflict/Dispute resolution;

d) Sharing of expert opinions by persons invited by the community;

e) Open Forum;

f) Consensus-building period which must include a reasonable time frame of activities for such, the manner by which it will be done, and the date when the decision of the community will be made known to the VT, by the authorized elders; and

g) Other matters that the community may deem necessary.

The community may decide to accept or reject the proposed partner. If rejected, other potential partners may be considered. An appropriate MOA shall be drafted upon the acceptance of the ICCs/IPs.

SECTION 259. Memorandum of Agreement (MOA) on Partnership. The MOA between the community and the chosen partner shall be drafted and validated with the community in a validation assembly facilitated by the VT, at the expense of the proposed partner, to determine compliance with these Rules and other pertinent laws, rules and regulations, and the terms and conditions agreed upon during the community assembly.

SECTION 260. Report of the VT. The report of the VT, which shall be under oath, must include an executive summary with recommendations. It shall then be submitted to the Director within fifteen (15) working days from the termination of the validation period, who shall immediately refer the same to the Minister for review within three (3) working days. After receipt of the review report by the Minister, he/she shall take such appropriate action he deems necessary.

SECTION 261. Action by the Minister. After appropriate deliberation, the Minister may decide to issue the formal acknowledgment of EPR and/or direct otherwise, as it deems fit. CP shall be issued accordingly. Should the Minister decide not to confirm the EPR declaration, its denial and the grounds thereof shall be embodied in a Resolution. All such actions shall be transmitted by ADD to other appropriate government agencies, the community, the partner if applicable, and the field office/s.

SECTION 262. Limitation on Formal Acknowledgment of EPR. In no case shall the formal acknowledgment of a declaration of EPR by the Minister be presumed or considered as a grant of CADT to the community over their Ancestral

Domain/*Fusaka Inged* nor shall it exempt an AD claim from the process required under the law and the Rules on delineation and titling. It shall not also exempt the community from complying with the requirements imposed by concerned regulating agencies, nor the ripening into a MOA without undergoing the process provided above.

PART VIII
MANAGEMENT OF ROYALTIES & SIMILAR BENEFITS

SECTION 263. Nature of Royalties. Royalties shall be treated as economic benefits due ICCs/IPs and as a social justice measure. In the management of the same, the intergenerational rights of ICCs/IPs must be recognized, promoted and protected. These entitlements are considered as part of ICCs/IPs guaranteed rights under domestic laws and international agreements, conventions or declarations.

SECTION 264. Person Authorized to Manage. Only the duly organized, MIPA-registered IPO or those provided in the IPS by the concerned ICCs/IPs shall be authorized to receive and manage the royalties. Protection of the royalties that are received by it shall be provided in its by-laws and manual of operation, provided that the same shall be compliant, and not be contrary, to provisions of these Rules. ICCs/IPs, through their IPS, shall determine the use of revenue shares through a financial and resource sustainability plan, which may include, social enterprise and community-based development projects; social and education and health programs; cultural preservation and revitalization; climate change mitigation and adaptation mechanisms; man-made or natural emergency situations; disaster-risk reduction project; and environmental protection, conservation and rehabilitation.

A Community Development Trust Fund (CDTF) may be established to manage revenue shares in accordance with the ADSDPP, Maintenance and Other Operating Expenses (MOOE) of every IPS, customary practices and accounting rules and standards.

SECTION 265. Release of Royalty Fees. The share on royalties of ICCs/IPs shall be released immediately by the FIDO or other relevant BARMM MOAs:

- a) Directly to the account of the IPO of the ICCs/IPs duly established for the purpose, or
- b) To a Trustee Bank agreed upon which shall, in turn, be responsible for releases to the IPO account.

In both cases, no release shall be made directly by the company or government agency to the IPO, or the trustee bank to the IPO, without the concurrence of the Minister of MIPA duly secured by the IPO or IPS authorized personnel. The minister shall immediately issue a concurrence within one (1) week from the request of the ICCs/IPs. The use of the funds based on the duly allocated budget shall be published and included in the Ministry's Annual Report.

The SPALAD shall verify the receipt and proper disposition of the royalties, consistent with the customary laws and traditions of the concerned ICCs/IPs.

SECTION 266. Community Royalty Development Plan (CRDP). The ICCs/IPs receiving royalties and similar fees must formulate a development plan for the

management and use of the same to be known as the CRDP. In the formulation of the said plan, the ADSDPP must be considered, and the ICCs/IPs can engage the services of a reputable public or private agency to provide consultancy and/or technical services. The CRDP shall be subject to confirmation by the Minister of the MIPA after verification and validation by the concerned CSC.

SECTION 267. Use of Royalty. The royalties must be used for programs and projects that will redound to the well-being and benefit of the ICCs/IPs entitled to it. It should have allocations for: Emergency concerns; Investments which may be short, medium or long term; Livelihood and social development projects which must be allocated not less than 30% of each and every release; Education and training of members, basic or professional; Capitalization for cooperative development; Credit facility; Salaries or wages of persons engaged to perform professional services; Mutual assistance, and the like. It must never be used as payment for damages caused by the proponent/company's activities to the person and properties of an individual member, as this is a distinct obligation of the company and not part of royalties.

SECTION 268. Transparency Mechanism. The IPO shall prepare periodic financial reports, and annual financial statements duly audited, and furnish copies of the same to the MIPA. The same must also be reported to the general membership during the annual assembly that must be convened to tackle financial and other community or IPO concerns. The annual assembly, Minutes of the Meeting, and report shall also be made available to any member of the ICCs/IPs and furnished to the MIPA.

SECTION 269. Monitoring and Visitorial Powers. In the exercise of its mandate to protect the well-being and promote the rights of ICCs/IPs, the MIPA may *motu proprio* or upon the request of a member of ICCs/IPs, may the conduct or direct financial and management audits of IPOs managing royalties and other benefits or exercise its visitorial powers as provided for by law. The IPO shall also be required to issue the necessary bank secrecy waiver in favor of the MIPA and any duly authorized member of the ICCs/IPs, in relation to funds deposited before the concerned IPO's trustee bank/s.

PART IX PROHIBITED ACTS AND REMEDIES

SECTION 270. Prohibited Acts. After the filing of the application and during the period that the application is pending, any of the following acts or omissions are hereby declared either as acts prejudicial to the interest of the ICCs/IPs in the attainment of their consent or acts in circumvention of the intent of the law in requiring the FPIC of ICCs/IPs and are therefore prohibited:

- a) By the applicant:
 - 1) Employment or use of force, threat, coercion, intimidation, at any degree or in any manner, including those done by individuals or groups of persons acting for the applicant;
 - 2) Bringing of firearm/s in the community during visits by the applicant or group of persons acting for the applicant. When needed, armed security shall be obtained from local police

authorities or the Armed Forces of the Philippines (AFP) as requested by the MIPA;

- 3) Bribery or promise of money, privilege, benefit or reward other than what is presented by the applicant during the consultative community assembly/first meeting with the elders/leaders;
- 4) Clandestine or surreptitious negotiations with IP individuals, some members of the community concerned or leaders done, without the knowledge of the council of elders, leaders or majority of members of the community;
- 5) Donations to the community or to any of its members for the purpose of influencing the decision of the ICCs/IPs;
- 6) Holding of unauthorized meetings such as but not limited to wining and/or dining sessions, and the like or such other activities with the MIPA Official and personnel and/or members of the affected community, with the intention of unduly influencing the result of the FPIC process; and
- 7) Deliberately delaying the progress of the FPIC process which causes division among the concerned ICCs/IPs.

b) By the MIPA Officer or Employee:

- 1) Acceptance or receipt of money, gifts or other valuable thing from the applicant intended to unduly influence the outcome of the FPIC process;
- 2) Consorting with the applicant or with any person connected to or mediating for the latter intended to unduly influence the outcome of the FPIC process;
- 3) Deliberate failure to act appropriately on complaints coming from the community concerning prohibited acts committed by the applicant or the latter's representatives;
- 4) Gross negligence or deliberate omission to perform the duty required of them by these Rules;
- 5) Acting on or performing his/her duty in consideration of any offer, promise of future reward, privilege or benefit from the applicant;
- 6) Undue interference in the work of the FBIT/FPICT/RRT or doing the latter's work without being a member thereof;
- 7) Use of falsified narration of facts in reports, attachments or any supporting documents in the reports submitted with respect to FBI, and all other necessary documents covered by the FPIC;
- 8) Holding of unauthorized meetings such as but not limited to wining and dining drinking sessions, and the like or such other activities with the applicant and/or members of the affected

community, with the intention of unduly influencing the result of the FPIC process in favor of the applicant; and

- 9) Demanding or receiving from the applicant, IP community, or support institutions like NGOs, government agencies and institutions money, or any gift, donation or other valuable thing outside the approved work and financial and/or supplemental plan for the conduct of FBI and FPIC processes.

Any other acts or omissions by the MIPA officer or employee punishable or prohibited under any existing laws, rules and regulations governing public officers/employees.

c) By the IP Community or Member and/or Elders/Leaders:

- 1) Solicitation and acceptance or receipt of gifts, money or other valuable things from the applicant intended to unduly influence the outcome of the FPIC process in favor of the applicant;
- 2) Consorting with the applicant or with any person connected to or mediating for the latter intended to unduly influence the outcome of the FPIC process in favor of the applicant;
- 3) Negotiating or mediating or transacting business with the applicant without proper authority from the affected ICCs/IPs; and
- 4) Giving or promising to give his/her consent in consideration of any offer, promise, future reward, privilege or benefit from the applicant other than what has been provided for or explained by the applicant to the Council of Elders or Leaders and community members during the consultation meetings.

d) Other Prohibited Acts by NGOs, CSOs, LGUs, NGAs & Other Groups

Undue influence or interference with the FPIC process or to the community, either to the members, elders/leaders or their representatives, exerted by representatives of NGOs or CSOs or NGAs or local government instrumentalities, including barangay officials and their functionaries, and those made by other entities or groups with religious affiliations.

The ICCs/IPs, however, are not precluded from seeking assistance from persons or entities to help in understanding an existing projects, programs, or activities and its effect on their Ancestral Domains and cultural integrity. Such requests for assistance are consistent with the inherent right of ICCs/IPs to self-governance, self-determination, and cultural integrity.

SECTION 271. Sanctions. Sanctions shall be imposed only after due notice and after the parties are given the opportunity to be heard, as follows:

- a) Grave Violations. Commission of any of the prohibited acts by the applicant/s considered grave violations shall constitute a ground for the non-issuance of the certificate applied for.

The violation is considered grave when the commission of the prohibited act is intentional and has resulted to loss of life or serious damage to property of an IP member of the community, committed by means of, but not limited to, employment or use of force, threat, coercion, intimidation, violence, including those done by individuals or groups of persons acting for the applicant, including repeated commission of prohibited acts considered not grave.

Grave violations shall be a ground for disqualification on future applications for CP within Ancestral Domain/*Fusaka Inged* areas, without prejudice to filing of appropriate criminal action against the offender under the MIPA or the Revised Penal Code and other special laws. The imposition of disqualification can be lifted only upon petition by the individual or entity upon whom the disqualification was imposed, stating the grounds why the disqualification should be lifted. No such petition shall be entertained by the Ministry without the favorable recommendation of the IP community concerned whose rights were seriously violated.

b) Less Grave Violations. Commission of any of the prohibited acts by or attributable to the applicant, may constitute grounds for the suspension of the FPIC process by the Director I of the Bureau of Ancestral Domain/Native Title until such time that the violation is sufficiently addressed as certified to by the concerned elders/leaders, in which event, the Director I shall order the continuation of the FPIC process.

Less grave violations refer to the commission of prohibited acts intentionally committed, but which do not result in loss of life or serious damage to property of an IP member of the community. For deliberate delay in the conduct of the FPIC process, attributable to the applicant, the application shall, upon order of the Director I of the Bureau of Ancestral Domain/Native Title, be returned to the endorsing agency.

If the extent of the commission of the prohibited act would adversely affect the outcome of the community consent proceedings, the said proceedings shall, upon written request, be suspended by the Director I of the Bureau of Ancestral Domain/Native Title until it is shown that the prohibited act has already been addressed.

c) Commission of any of the prohibited acts by or attributable to the MIPA officers or employees will be proceeded against, and proper sanction shall be imposed, in accordance with existing laws, rules and regulations. In addition, he/she shall be, upon finding of prima facie evidence, immediately divested of his/her authority to be part of the proceedings upon order of the Director I of the Bureau of Ancestral Domain/Native Title and the former will be proceeded against criminally and/or administratively in accordance with the Civil Service Rules and Regulations on discipline.

Commission of any of the prohibited acts by or attributable to the MIPA officers or the Director I Bureau of Ancestral Domain/Native Title shall, upon finding of prima facie evidence, after hearing, immediately divest him/her of his/her authority to be part of the proceedings upon order of the Minister. In addition, the Minister shall file the necessary criminal and administrative charges against the erring officer.

d) Prohibited acts committed by any officer or employee of any BARMM MOAs and constituent LGUs will be proceeded against, and proper sanction shall be imposed, in accordance with existing laws, rules and regulations.

e) Prohibited acts committed by any member of NGOs and other groups or individuals shall be a ground for a warning, contempt or exclusion from the FPIC proceedings applying the RAB's subpoena and contempt powers.

f) Commission of any of the prohibited acts by or attributable to the IPs/ICCs/Elders/Leaders shall be first subjected to customary laws of the affected community. When there is no relief, a complaint may be filed by the aggrieved party with the RAB for the enforcement of the decision made under customary laws or for the award of damages. In no case shall the RAB issue an order or judgment for the suspension of the FPIC proceedings or for the non-issuance of the certificate applied for, or if already issued, an order or judgment for its revocation.

SECTION 272. Jurisdiction on FPIC Controversies. Violations of the requirement provided for the FPIC under these Rules shall be dealt with accordingly. For this purpose, cases involving violations of the MIPA officers or employees, or those conspiring with private persons or entities, may be proceeded against before the MIPA Minister, who has disciplinary powers over them. The Minister may personally investigate or designate a committee or officer to conduct such investigation. This is without prejudice to the jurisdiction of the government offices designated under *Bangsamoro Autonomy Act No. 49* otherwise known as the *Bangsamoro Local Governance Code of 2023* and the Office of the Ombudsman. All other parties not covered herein shall be placed under the jurisdiction of the RAB.

SECTION 273. Hearing of Complaints Before the MIPA. Complaints that are not to be resolved by the relevant ministries, offices and agencies under the *Bangsamoro Autonomy Act No. 17* otherwise known as the *Bangsamoro Civil Service Code of 2021* and *Bangsamoro Autonomy Act No. 49* otherwise known as the *Bangsamoro Local Governance Code of 2023*, that fall under the mandate of the RAB under Section 90 of the *BIPA*, shall be resolved within ninety (90) days from receipt of the answer or expiration of the period for filing thereof. The resolution shall address the irregularity or in case of commission of prohibited acts, impose appropriate sanctions. The RAB may also recommend the filing of necessary administrative or criminal actions to the relevant government agencies. A single motion for reconsideration shall be allowed.

The filing of the administrative complaint, consistent with Section 91 of the *BIPA* may give rise to the issuance of a Restraining Order to enjoin any or all acts involving or arising from the pending before, if the restrained act may cause grave or irreparable damage to any of the parties to the case or seriously affect social or economic activity.

SECTION 274. Unlawful Interference in the FPIC Process. Any person, public official or employee, constituent LGU, or entity, who is not part of the affected ICCs/IPs, that directly or indirectly interferes with the FPIC process shall be administratively and criminally liable under the *BIPA* and these Rules. A complaint may be filed against the public official consistent with the *Bangsamoro Autonomy Act No. 17* otherwise known as the *Bangsamoro Civil Service Code of 2021*, *Bangsamoro Autonomy Act No. 49* otherwise known as the *Bangsamoro Local Governance Code of 2023*, and other national and regional laws.

RULE XIV
PART I
REGIONAL ADJUDICATORS BUREAU (RAB) AND COMPOSITION

SECTION 275. Regional Adjudicators Bureau (RAB). There shall be established a RAB under the MIPA. The RAB shall be headed by an Attorney VI as Bureau Head, who shall automatically serve as permanent member and chief adjudicator.

To animate the provision, the MIPA invokes Title VII, Chapter 2, Section 6 of the *Bangsamoro Autonomy Act No. 13* otherwise known as the *Bangsamoro Administrative Code*, promulgates the guidance under these Rules to carry out Ministry's objectives, policies, functions, plans, programs, and projects and to properly execute the *BIPA*.

SECTION 276. Composition of the RAB. Consistent with the State policy to take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and in recognition of the State's obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICCs/IPs participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of their communities, the RAB shall be representative and equitable.

The Bureau shall be composed of five (5) Adjudicators.

There shall always be at least one (1) adjudicator from the mainland of the Bangsamoro and one (1) from the Bangsamoro island provinces. At least two (2) of the five (5) adjudicators must be women consistent with the policy to ensure gender balance. Of the four, at least two (2) adjudicators should be non-Moro ICCs/IPs in the Bangsamoro in recognition of their minority status.

The RAB shall also have a Secretariat to be headed by an Attorney IV. It shall have one Chief Clerk, one Administrative Assistants, one Stenographer, and a Sheriff. The Minister may also request for additional personnel, consistent with the laws in the Bangsamoro and relevant Civil Service Rules. In the interim, the Minister shall assign the LLLS as the RAB Secretariat and assign their designations.

The RAB Sheriff is primarily responsible for the speedy and efficient service of all RAB processes, judgments, orders, and decisions. He/she shall submit to the RAB a monthly report which shall indicate the number of processes, judgments, orders, and decisions issued and served, as well as those that are unserved, during the month. Unserved writs and processes shall be explained in the report. The RAB Sheriff may seek the assistance of Indigenous Cultural Guardians in matters affecting the Ancestral Domain and cultural integrity, consistent with Section 56 of the *BIPA*, in the performance of his/her duties.

SECTION 277. Appointment of Adjudicators. In constituting the RAB, the Minister, as the Head of Ministry, shall appoint the four (4) non-permanent adjudicators.

The Minister shall follow the mandatory consideration:

a) They shall come from the *Tëduray*, *Lambangian*, *Mënûbû Dulangan/Dulangan Manobo*, *Erumanen Ne Menuvu*, *Higaonon*, *Blaan*, *Badjao*, *Sama Dilaut*, *Jama Mapun*, *Sama Bangingi*, *Sama Pangutaran* and other marginalized and minority ICCs/IPs who identify, both through self-ascription and ascription by others as ICCs/IPs;

b) Appointment of at least one Member of the Philippine Bar as the permanent member and chief adjudicator of the RAB, with at least five (5)-year of legal practice, at least three (3) year-experience of ICCs/IPs related advocacies, and proven knowledge of customary laws;

c) The Adjudicators shall likewise be favorably recommended by authentic ICCs/IPs from their communities. For purposes of these Rules, recommendation by authentic ICCs/IPs shall be through a certification from community elders/leaders, IPOs, or ICCs/IPs sectoral groups that vouches for the exemplary experience, knowledge of customary laws and in ethnic affairs and proven honesty and integrity of the Indigenous person recommended;

d) At least two (2) of the five (5) adjudicators must be indigenous women to ensure gender balance; and

e) At least two (2) adjudicators should be non-Moro ICCs/IPs in the Bangsamoro.

The ICCs/IPs shall pro-actively participate in the selection of Adjudicators through such mechanisms as may be provided by them.

SECTION 278. Qualifications. The Four (4) non-permanent adjudicators shall possess the following qualifications and submit the required documents to the Office of the Minister as indicated:

a) He/she must be a natural born Filipino citizen.

b) He/she must be at least thirty-five (35) years of age at the time of appointment.

c) He/she must be a genuine member, by consanguinity, of the ICCs/IPs as certified by his/her tribe, through the attestation of the Council of Elders, or community barangay leaders or the IPOs. The aspirant must likewise submit anthropological proof of genuine ICCs/IPs membership, through the submission of his/her genealogy, at least, to the fourth generation in the ascending order, duly certified by traditional leaders in the role of key informants.

d) He/she must submit a sworn statement containing his/her experience in indigenous affairs for at least ten (10) years with their ICCs/IPs and/or any government agency involved with ICCs/IPs in the Bangsamoro.

e) He/she must be of proven honesty and integrity, and must not be convicted of any crime involving moral turpitude, graft and corruption or administrative charges. To this effect, the aspirant must submit clearances from the Ombudsman and/or National Bureau of Investigation; and in the case of aspirants in the public service, clearances from all liabilities and misconduct from the Commission on Audit and Civil Service Commission.

f) All documents submitted by the aspirant-adjudicator shall be verified by the Office of the Minister through field validation.

g) Any act of public or ethnic misrepresentation by an aspirant shall be penalized according to the customary law of the aggrieved tribe and/or other related laws.

SECTION 279. Authority of the Minister of the MIPA. The Minister of the MIPA shall have the authority to appoint the four (4) non-permanent Adjudicators of the RAB.

SECTION 280. Tenure. The four non-permanent appointed Adjudicators of the RAB shall hold office for a period of three (3) years and may be subject to re-appointment for another term. In no case shall an Adjudicator serve for more than two (2) terms, or six consecutive years. Appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity.

SECTION 281. Compensation. In the interim, the four adjudicators shall not receive regular compensation but will be entitled to honorarium, per diems, and necessary expenses in attending meetings and activities of the RAB.

The Minister of the MIPA shall immediately after the passage of these Rules request the Head of the Bangsamoro Budget Office to conceptualize and administer the RAB's compensation and position classification consistent with national standards. Subsequently, the compensation shall be provided for in the budget preparation for the succeeding years and onwards. The Compensation shall be immediately provided to the adjudicators in accordance with the classification provided by the Bangsamoro Budget Bureau.

SECTION 282. Removal from Office. The Minister of the MIPA may remove any member of the RAB from office for cause, after due notice and hearing, consistent with Civil Service Rules and after complying with the requirements of relevant laws.

SECTION 283. Requirements for Removal of Adjudicator from Office. The removal for cause of any Adjudicator shall require the following:

a) A formal petition or complaint shall be filed by any ICCs/IPs or any of its members to the Office of the Minister and;

b) The petition or complaint shall include, but not be limited to, a narration of facts and circumstances describing the crime, illegal act/s, or other act/s contrary to customary law which subject the indigenous community or person to unnecessary risks that threaten their territorial and cultural integrity, which were committed by the Adjudicator/s. The petitioners shall attach the necessary documents supporting the petition or complaint.

SECTION 284. Inhibitions Against Members of the MIPA. All prohibitions governing the conduct of public officers relating to prohibited business and pecuniary interests so provided in *Republic Act 6713*, otherwise known as the *Code of Conduct and Ethical Standards for Public Officials and Employees*, and other laws, rules and regulations shall also be applicable to the Adjudicators.

PART II

JURISDICTION – POWER AND AUTHORITY TO HEAR AND RESOLVE CASES

SECTION 285. Jurisdiction of the Regional Adjudicators Bureau (RAB). The RAB 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/*Fusaka Inged/lands* regardless of whether the parties are non-ICCs/, or members of different ICCs/IPs;
- b) Petition for cancellation of fraudulently-issued CADT/CALTS, in relation to Section 71 of the *BIPA*;
- c) Petition for cancellation of issued CP on the ground of irregularities in the issuance thereof or violation of the provisions of MOA entered into by the ICCs/IPs and proponent;
- d) Cases involving violations of the FPIC Procedures under the *BIPA* and these Rules;
- e) Cases involving challenges on the legitimate leadership of ICCs/IPs; and
- f) Cases involving disqualification and protest filed against IPMR.

The RAB shall exercise its quasi-judicial function after the ICCs/IPs involved certifies that the traditional tribal justice system is unable to determine, settle, and decide controversies as well as enforce decisions involving personal and family relations, and property rights of the ICCs/IPs, in accordance with their customary laws. The certification shall also provide that the parties to the controversy shall not commence any other action or proceeding involving the same issues in the Supreme Court, the Court of Appeals, or any other tribunal or agency. The parties shall also certify that to the best of their knowledge and belief, no such other action is pending before the courts or quasi-judicial agencies, and that if they learn later that another similar action or proceeding has been filed or is pending involving the same parties and the same cause of action, or act or omission by which a party violates the legal right of another, they shall undertake to promptly inform the RAB within five (5) days from knowledge. Failure to provide the above-mentioned certification or violation shall result in the immediate dismissal of the petition or complaint.

The MIPA shall respect, recognize, and promote the traditional tribal justice system of the ICCs/IPs. Transactions requiring an FPIC shall give rise to the disputable presumption that the non-ICCs/IPs or non-member of the aggrieved ICCs/IPs have been informed of the customary laws and traditions of the community relative to the plans, projects, programs or activities.

SECTION 286. Quasi-Judicial Powers of MIPA. The MIPA, through the RAB, shall have the power and authority to:

- a) 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 documents of similar

nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of the *BIPA*;

b) Hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor;

c) 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) Promulgate rules and regulations governing the hearing and disposition of cases, as well as those necessary to carry out its functions.

PART III

PROCEDURES FOR ENFORCEMENT OF RIGHTS

A. PRELIMINARY PROCEDURES

SECTION 287. Exhaustion of Remedies under Customary Laws and Certificate of Non-Resolution (CNR). No case shall be brought before the RAB unless the parties alleged that they have exhausted all remedies provided for under the customary laws or Indigenous Dispute Resolution processes of the ICCs/IPs. As proof thereof, the complainant/petitioner shall submit a CNR issued by the concerned Council of Elders/Leaders.

When a complaint/petition is filed without the required CNR, the RAB shall return the complaint/petition to the complainant/petitioner with an advice to secure the same from the Council of Elders/Leaders. If the reason for lack of CNR is there is no known Council of Elders/Leaders, or the Council of Elders/Leaders is not qualified or refuses to mediate, or if parties cannot agree to choose a mediator, the complainant shall submit an amended complaint reflecting the same if not already alleged. The RAB shall issue an order to comply with Sections 302 and 303 of these Rules within a prescribed period.

Failure to submit the CNR or submit the amended complaint required above despite advice from the RAB shall be a ground for the dismissal of the action. The dismissal shall be without prejudice to the re-filing of the case.

Any prayer for the issuance of a Temporary Restraining Order (TRO) or Writ of Preliminary Injunction (WPI) shall not exempt the parties from the required Indigenous Dispute Resolution process as provided herein.

SECTION 288. Referral to Mediators in Certain Cases. When a complainant/petitioner alleges that there is no known Council of Elders/Leaders who can mediate or if the Elders/Leaders refuse or are disqualified to mediate, the case shall be referred to a mediator/s chosen by them from an identified pool of accredited mediators or one mutually agreed upon by the parties. In case the parties fail to agree on who will mediate or when one or both of the parties refuse to submit to mediation, the RAB shall direct the MIPA Provincial Officer, the head of the CSC, or any qualified officer of the MIPA to mediate the case.

If parties fail to resolve their conflict using Indigenous Dispute Resolution processes referred to Section 102 of these Rules, the RAB shall direct the head of the CSC or

any competent field personnel assigned by the RAB, to facilitate negotiation sessions between or among the parties to try to arrive at a settlement.

SECTION 289. Result of Mediation or Negotiation. If no settlement or compromise is reached after mediation or negotiation, the assigned mediator/facilitator shall issue a certificate to that effect.

If a settlement has been reached, parties shall notify the RAB and submit their written agreement for approval. The RAB may also conduct a hearing to confirm such agreement. If the settlement is through an oral agreement, the mediator/facilitator shall assist to reduce the same in writing if required. The mediator/facilitator shall transmit the records of the case to the RAB for proper disposition.

SECTION 290. Mediation at Any Stage of the Proceedings. Parties may voluntarily undergo mediation to settle their disputes at any stage of the proceedings before the RAB, notwithstanding Sections 302 and 303 of these Rules. Subject to the consent of the parties, the RAB may also direct any qualified MIPA personnel to facilitate mediation if it determines, based on its assessment of the case and sound discretion, that parties can still settle their conflict amicably. Upon termination of the mediation proceedings, the mediator shall submit a report to the RAB, through the RAB Secretariat, specifying the results of the mediation.

B. FILING OF CASES

SECTION 291. Filing of Complaints or Petitions. Complaints or petitions which are cognizable by the RAB shall be filed with the MIPA or with the nearest MIPA Provincial Office or CSC.

Such filing with the nearest MIPA Provincial Office or CSC shall interrupt the running of the prescriptive or reglementary periods. The MIPA Provincial Office or CSC shall immediately transmit to the MIPA said Complaint or Petition within ten (10) calendar days from its date of receipt of the same.

SECTION 292. Venue of Actions before the RAB. Complaints or petitions involving Ancestral Domains/lands shall be filed before the MIPA. This applies even if the involved Ancestral Domain/land is already registered.

The MIPA receiving office shall not be required to docket the case. They shall, however, keep a record of all cases received and transmitted. Upon receipt of the complaint/petition with attached proof of payment of filing fees, as may be applicable, by the RAB Secretariat, the same shall be docketed and the date of receipt indicated by the MIPA, Provincial Office or CSC shall be considered as the official date of receipt of the complaint/petition.

SECTION 293. Parties to a Case. A case may be filed by any interested person/s who will be called as the “complainant” or “petitioner.” The person/s against whom the case is filed shall be referred to as the “defendant” or “respondent.” In cases involving community interest, the real party in interest shall be the ICCs/IPs, represented by person/s authorized through a community resolution and/or selected following their customary practices.

SECTION 294. Indigent Litigant. ICCs/IPs who are parties to a case may be authorized to litigate their case or defend themselves as indigent litigants if the RAB, upon application, is satisfied that they are indigent. Such authority shall exempt said parties from payment of docket, appeal, sheriff/process server fees, and other legal fees including transcripts of stenographic notes as well as injunctive bonds which the RAB may order to be furnished to them. The MIPA shall inform ICCs/IPs about the possible waiver of fees consistent with this Section.

C. PLEADINGS AND MOTIONS

SECTION 295. Complaint/Petition. A complaint or petition is a document stating clearly the act/s of a party which violates the rights of the complainant or petitioner (cause of action). The complaint or petition shall state and narrate clearly the following:

- a) The subject of the case which should be established to be within the jurisdiction of the RAB to resolve;
- b) The violations committed, the substance of the claim made, the grounds relied upon, and the relief sought;
- c) The names, residences, email addresses, if any, contact details of the plaintiff/s and defendant/s and the ICCs/IPs group to which they belong;
- d) Steps undertaken and efforts exerted for parties to undergo Indigenous Dispute Resolution pursuant to Section 102 of these Rules; and
- e) Certificate of no forum shopping or a statement that the complainant or petitioner has not filed or commenced any other case or proceeding involving the same issues in the Supreme Court, Court of Appeals, or any division thereof, or any court or tribunal; and in the event that he/she will file such case in the future, undertake to inform the MIPA of such fact within five (5) days from knowledge.

In the absence of a complaint or petition, ICCs/IPs may fill out a complaint/petition sheet which shall be in the form prepared and prescribed by the RAB Secretariat, with the assistance of the SPALAD.

The complainant/petitioner is required to attach a CNR as required by these Rules, if applicable; the affidavits of his/her witnesses, if any; and the resolution of authority from the community if filed in the name of the community.

SECTION 296. Answer. An answer is a document containing the defendant's/respondent's affirmative and negative defenses as well its relevant annexes. The answer shall state in paragraphs the facts denying the material allegations in the complaint/petition, including proof of service to the opposing party and all its attachments.

SECTION 297. Verification. The complaint/petition and the answer must both be verified by the parties. The RAB shall order the correction of the complaint/petition or answer if verification is lacking, or it may act on the pleading although it is not verified, if the attending circumstances are such that strict compliance with the rules may be dispensed with in order that the ends of justice may be served.

SECTION 298. Motions. A motion is a document containing a prayer for relief other than by a complaint/petition or answer. The RAB may grant or deny the relief prayed for without need of a hearing if it is evident that the applicant is entitled or not to the relief and the conduct of a hearing entails additional burden and delay to the parties.

SECTION 299. Attachments and Proof of Service. All submissions to the RAB shall include relevant annexes and unless it is an *ex parte* motion, with proof of service to the opposing party.

SECTION 300. Prohibited Pleadings. The following pleadings and motions shall not be allowed before the RAB:

a) Motion to Dismiss, except if based in the following grounds:

- 1) Lack of jurisdiction.
- 2) Prescription.
- 3) *Litis pendentia*.
- 4) *Res judicata*.

For this purpose, the RAB may require the submission of a comment to the Motion to Dismiss.

A motion to dismiss filed alleging grounds that are not covered by the above exceptions shall be treated as an Answer.

b) Motion for Bill of Particulars.

c) Motion for Reconsideration of an order not finally disposing a case.

d) A second Motion for Reconsideration of a decision or resolution finally disposing a case.

e) Motion for extension of time to file pleadings, affidavits or any other paper, except those filed due to clearly compelling reasons. Such motion must be verified and under oath.

f) Motion for postponement and other motions of similar intent, except those filed due to clearly compelling reasons. Such motion must be verified and under oath.

g) Other similar dilatory pleadings or motions.

D. PROCEEDINGS IN THE REGIONAL ADJUDICATORS BUREAU (RAB)

SECTION 301. Receipt of Complaint/Petition. Upon receipt, through personal service, of the complaint/petition with attached proof of payment of filing fees, as may be applicable, the RAB Secretariat shall specify the date of receipt, assign the case number, and immediately cause the issuance of an order to the

defendant/respondent an order to answer pursuant the applicable provision of these Rules.

SECTION 302. Order. The order shall direct the defendant/respondent to answer the complaint/petition within fifteen (15) days from receipt, or more, depending on the reasonable discretion of the RAB based on prevailing circumstances. It shall also contain a notice that unless the defendant/respondent so answers, resolution of the relief prayed for in the complaint/petition shall be rendered without his/her participation.

SECTION 303. Service of Order and Proof of Service. The order, together with a copy of the complaint/petition, shall be served upon the defendant/respondent personally. If personal service is not practicable, the order shall be served through registered mail or through a legitimate private courier at his/her given address. The process server or person duly authorized to cause service of the order shall certify on the manner, place, and date of service thereof. Such certification shall constitute proof of service.

SECTION 304. Failure to Answer. Upon failure of the defendant/s or respondent/s to file his/her/their answer within the prescribed period, the hearing shall proceed and the complainant/s or petitioner/s shall be allowed to present his/her/their evidence *ex parte*. The defendants/respondents shall still be entitled to subsequent notices or processes and may only participate in the succeeding proceedings upon motion and based on meritorious grounds.

SECTION 305. Electronic Filing of Subsequent Pleadings and Motions. Parties may choose to electronically file before the RAB their pleadings and motions subsequent to the initiatory complaint/petition and initiatory responsive pleading/answer, subject to the following guidelines:

- a) Parties opting for electronic filing of subsequent pleadings and motions must first register their email address by indicating the same in their complaint/petition or initial responsive pleading/answer;
- b) All filings by electronic transmittal must be made with any of the e-mail addresses of record of the filing party or counsel. Otherwise, the entire transmittal shall be deemed as not filed;
- c) A party who changes his/her email address of record while the action is pending must promptly file within five (5) calendar days from such change, a notice of change of email address with the RAB;
- d) The date of electronic submission shall be considered as the date of filing, unless otherwise shown;
- e) In the electronic filing, an affidavit containing the following shall be included:
 - 1) Attestation as to the filer's authority to file the pleading or motion electronically; and
 - 2) A statement that the documents submitted electronically are complete and true copies of the documents to be filed by personal/registered mail/private courier with the RAB.

f) The RAB or his/her staff shall acknowledge receipt of the electronic filing within two (2) working days, otherwise, it shall be presumed that the RAB received such electronic filing on the date of electronic submission; and

g) Hard copies of the documents filed electronically should still be transmitted to the RAB through personal, registered mail, or legitimate private courier services. However, compliance with the prescribed periods shall be based on when the pleading or motion was filed electronically.

SECTION 306. Electronic Service of RAB-issued Documents. All parties shall be asked if they prefer to receive and submit documents, pleadings, and motions through electronic service. Except for the Order issued by the RAB directing the defendant/respondent to answer, the RAB may electronically serve judgments, decisions, resolutions, other orders and documents to parties through their registered email addresses upon confirmation of preference. The electronic service shall be presumed valid unless parties notify the RAB of any change in their email addresses as above mentioned. A hard copy of the judgment, resolution, decision, other order or document electronically served shall be retained and attached to the record of the case. Assistance shall be provided by the SPALAD, if the ICCs/IPs requests for assistance in receiving all RAB-issued documents.

SECTION 307. Electronic Service of Pleadings. Service of pleadings and motions subsequent to the initiatory complaint/petition and initial responsive pleading/answer may be made electronically via their registered email addresses only if parties mutually agree to such mode of service.

The RAB shall always be copy furnished in the email by the party serving his/her pleading electronically to the other party.

All pleadings, motions, and documents that are electronically sent shall be responded to as received as soon as practicable.

SECTION 308. Format of Emails for Filing and Service of Pleadings by Parties. The subject of the email must follow the prescribed format: case number, case title, and the pleading/document title. The file name of each electronically served or filed pleading, as allowed by these Rules, shall contain the title of the document and the party filing or serving the same. All pleadings electronically served or filed must be in portable document format.

SECTION 309. Exceptions to Electronic Filing and Service. Notwithstanding the foregoing, the following orders, pleadings, and other documents may not be filed or served electronically:

- a) Initiatory complaints/petitions;
- b) Initiatory responsive pleadings such as an answer;
- c) Order directing respondent/defendant to answer;
- d) Appendices and exhibits to motions, or other documents that are not readily amenable to electronic scanning may at the option of the party filing such, be filed and served through personal or legitimate private courier services;
- e) Sealed and confidential documents or records; and

- f) Memorandum on Appeal of the Appellant.

SECTION 310. Use of Legitimate Private Courier Services. Legitimate private courier services may be used to file and serve pleadings and motions subsequent to the initial complaint/petition. The party shall attach the tracking receipt/waybill and an affidavit of service as proof of service.

The RAB may also choose to serve RAB-issued orders and other documents through legitimate private courier services instead of registered mail in order to expedite proceedings. Receipt of such pleadings, motions, RAB-issued orders and documents may be confirmed through the tracking system of the legitimate private courier service provider.

SECTION 311. Conference of Parties (COP). After the answer is filed and the case is not dismissed, the RAB shall calendar the case for a conference and shall issue an order directing the parties to appear to determine the following:

- a) The possibility of an amicable settlement, or referral to indigenous dispute resolution, mediation or conciliation. The RAB must take into consideration the application of customary laws in settling disputes;
- b) The issues to be resolved;
- c) The evidence, oral or written, and witnesses to be presented;
- d) The date or submission of any further written material;
- e) The fixing of a time and place for any inspection, if necessary;
- f) Manifestation of a party whether or not he/she/they will present oral evidence;
- g) Admissions and stipulations;
- h) Mode of service of pleadings; and
- i) Such other matters which may be necessary or relevant to the case.

Evidence to be presented shall be marked during the COP. For this purpose, a Conference Order will be issued indicating the stipulations made or agreement reached during said conference, the issues to be resolved, and the evidence to be presented. The Conference Order shall be signed by the parties and their respective counsels.

SECTION 312. Judgment Based on Settlement Under Customary Law or Indigenous Dispute Resolution Process. If a settlement is reached as a result of the application of customary laws or indigenous dispute resolution processes during the Conference of Parties (COP) or at any stage of the proceedings, the same shall be submitted to the RAB for the rendition of judgment based on the settlement. The minutes of the settlement proceedings, the certification signed by the elders/leaders who participated, or the certification of the mediator/conciliator or person or body that intervened in the conflict resolution, is deemed sufficient to prove that the settlement process occurred and that a resolution was reached thereon.

SECTION 313. Judgment Based on a Compromise. Where the parties agreed to settle the controversy during the COP or at any stage of the proceedings, an order shall be issued by the RAB directing the parties and their respective counsels to put in writing their compromise agreement within a period not exceeding ten (10) days. Judgment shall then be rendered based on the compromise agreement, which shall be considered as judgment on the merits.

SECTION 314. Hearings after Conference of Parties (COP). After the COP and upon the discretion of the RAB, hearings may be conducted face-to-face, virtually, or through a hybrid set-up.

SECTION 315. Submission of Position Papers; Judicial Affidavits. After the issues have been joined, the parties shall file their respective position paper simultaneously within twenty (20) days from the signing of the Conference Order. All documents and evidence must be attached to the position papers. The filing of the Position Papers may be extended for another twenty (20) days upon motion of either or both parties only for justifiable reasons.

The affidavits of the parties and their witnesses may serve as their direct testimonies. For this purpose, the RAB may direct the parties to submit their judicial affidavits, to expedite the proceedings.

SECTION 316. Mode of Presentation of Evidence by ICCs/IPs. Any party manifesting the presentation of their evidence following their customs, traditions and rituals must always be allowed as part of the proceeding and shall be treated in like manner as those evidence presented in documentary form. For this purpose, the RAB shall ensure that the manifesting party shall be afforded reasonable time and venue to make such presentation.

SECTION 317. Hearing Conducted Outside of the Office of the Regional Adjudicators Bureau (RAB). The RAB, taking into consideration the applicability of customary laws and practices, may conduct hearings and resolve motions or other incidents outside of the hearing office at a specified time, date and place.

SECTION 318. Opinions of *Amicus Curiae*. At any stage of the proceedings, the RAB at their own instance or upon the recommendation of the parties may invite *amicus/amici curiae* whose opinion/s on any question of fact concerning matters involving customs and tradition or the laws on ICCs/IPs may be solicited. These experts include among others, Indigenous knowledge holders from the ICCs/IPs and legal and educational experts from the University of the Philippines Law Center Institute of Human Rights Indigenous Peoples Law and Policy Program. The opinion of the *amicus curiae* may not be necessarily binding on the RAB but will serve as a guide or tool in resolving the case using customary laws or the application of domestic or international laws.

SECTION 319. When a Case is Deemed Submitted for Resolution. The case is deemed submitted for Resolution after the parties have finally rested their case and/or submitted their respective position paper, or after the lapse of period within which to file the same.

SECTION 320. Period to Render Judgment. The RAB shall decide the case within ninety (90) days from the date the case was submitted or deemed submitted for resolution.

SECTION 321. Quorum. Simple majority of all members of the RAB shall constitute a quorum.

SECTION 322. Vote Required for Judgment or Final Order. A simple majority vote of all members of the RAB shall be required for the pronouncement of a judgment or final order.

SECTION 323. Judgment. The decision, award, or order shall determine the merits of the case, stating clearly and distinctly the facts, the customary law and the law on which it is based, personally and directly prepared by the assigned member of the RAB and signed by all members indicating thereby their respective votes.

SECTION 324. Motion for Reconsideration. Only one motion for reconsideration on the RAB's decision, resolution or order which disposes of the case shall be allowed. Said motion shall be filed within fifteen (15) days from receipt of a copy of the assailed decision, resolution or order.

The timely filing of a Motion for Reconsideration shall interrupt the running of the period to appeal. A party is afforded a fresh period of fifteen (15) days from receipt of the resolution of the Motion for Reconsideration within which to file its appeal.

SECTION 325. Appeals before the Court of Appeals. Within fifteen (15) days from receipt of the judgment, decision or final order of the RAB, the aggrieved party may file a Petition for Review on Certiorari to the Court of Appeals consistent with Section 9 of *Batas Pambansa Blg. 129*, as amended, known as the *Judiciary Reorganization Act of 1980*.

SECTION 326. Finality of Judgment. A judgment rendered by the RAB shall become final and executory upon the lapse of fifteen (15) days from the receipt of all parties and/or their respective counsel/s of the decision, resolution, or order denying the motion for reconsideration. If the 15th day falls on a Saturday, a Sunday or a Holiday, the last day shall be the next working day.

SECTION 327. Execution of Judgment. Only judgments, decisions, or orders that finally dispose of the case shall be the subject of execution as a matter of right.

SECTION 328. Effective Enforcement of Judgments, Decisions, or Final Orders of the RAB. In order for the RAB to effectively enforce its decisions, resolutions or final orders, any suitable process or procedure may be adopted including issuance of supplementary writs or other processes, especially where no procedure to be followed in the exercise of the jurisdiction of the RAB is specified by law or these Rules, unless this does not conform with the spirit of the *BIPA*, or violates customary laws and practices. Aside from the appointed Sheriff under the MIPA, the RAB may seek the assistance of the designated Indigenous Cultural Guardians consistent with Section 56 of the *BIPA*, the Police Regional Office Bangsamoro Autonomous Region (PRO BAR), and other relevant BARMM MOAs.

All government bodies enforcing the RAB's judgments, decisions, or final orders personnel shall observe maximum tolerance and respect for human rights at all times. Dialogue with those who may be affected by the implementation of the decision, order or resolution is encouraged to prevent violence, and the assistance of local public officials, when warranted, should be requested. However, the Sheriff of the MIPA or duly designated officer in the absence of one, shall have the conclusive decision whether to proceed with the implementation of the

decision/order/resolution or not. The use of reasonable force shall only be resorted to for self-defense and in defense of strangers. The role of the PRO BAR shall be limited to the maintenance of peace and order, crowd control, and the security of the Sheriff or equivalent officer of a quasi-judicial or administrative body. In no case shall PNP personnel participate in the implementation of the decision/order/resolution by performing acts not provided under relevant PNP Rules.

E. PETITION FOR CANCELLATION OF CADTs/CALTs

SECTION 329. Receipt of Petition; Order to Answer. Upon receipt of the petition, with attached proof of payment of filing fees, as may be applicable, the RAB secretariat shall specify the date of receipt, assign the case number, and immediately cause the issuance of an order requiring the respondent/s to answer the petition within fifteen (15) days from receipt. The order shall contain a notice that unless the respondent/s so answers, resolution of the relief prayed for in the petition shall be rendered without his/her/their participation.

SECTION 330. Service of Order and Proof of Service. The order together with a copy of the petition, shall be served upon the respondent/s personally. If personal service is not practicable, the order shall be served through registered mail or through a legitimate private courier at his/her/their given address. If through personal service or registered mail, the process server or person duly authorized to cause service of the order shall certify on the manner, place, and date of service thereof, and such certification shall constitute proof of service.

SECTION 331. Verification and Certification of Non-Forum Shopping. The petition must be verified and shall contain a sworn certification of non-forum shopping. In case of non-compliance of these requirements, the RAB may order its return to the petitioner for compliance.

SECTION 332. Electronic Filing and Service of Subsequent Pleadings and Motions before the RAB; RAB-issued Documents. The procedures for electronic filing and service laid down above shall be applied analogously to petitions for cancellation of CADTs/CALTs and to their corresponding answers to be filed by respondents.

SECTION 333. Use of Legitimate Private Courier Services at the RAB Level. Legitimate private courier services may be used to file and serve pleadings and motions subsequent to the initial petition. The party shall attach the tracking receipt/waybill and an affidavit of service as proof of service.

The RAB Secretariat may also choose to serve RAB-issued orders and other documents through legitimate private courier services instead of registered mail in order to expedite proceedings. Legitimate private courier services shall be identified by the MIPA, such list shall be announced to the public and may be used by parties.

Receipt of such pleadings, motions, court-issued orders and documents may be confirmed through the tracking system of the legitimate private courier service provider.

SECTION 334. Dismissal of the Petition. The RAB may dismiss the petition if on its face it finds the same to be clearly without merit.

SECTION 335. Decision Based on Pleadings Submitted. The RAB may immediately render a decision based on the petition, answer and other pleadings filed by the parties. However, the RAB may require the submission of memoranda from the parties which shall be submitted within fifteen (15) days from the receipt of the order requiring such submission. All documents and evidence must be attached to the petition, answer, memoranda, or other pleadings submitted. The filing of memoranda may be extended for another fifteen (15) days upon motion of either/both parties only for justifiable reasons.

SECTION 336. Failure to Answer. Upon failure of the respondent/s to file his/her/their answer within the prescribed period, the RAB may refer the case to the Provincial Office for the reception of evidence *ex parte*. The respondent/s shall still be entitled to subsequent notices or processes and may only participate in the succeeding proceedings upon the discretion of the RAB upon motion and based on meritorious grounds.

SECTION 337. Investigative Power of the RAB. In its discretion, the RAB may *motu proprio* direct the MIPA personnel to conduct investigation or validation and submit reports in order to ascertain facts, which in the discretion of the RAB, is needed in order to judiciously resolve the case at hand. The findings in the investigation or validation report shall be made part of the records of the case once submitted.

The RAB may also seek the opinions of *amicus curiae*, similar to what is provided above and/or ask for the comments of the concerned bureaus and/or regional offices within the MIPA.

SECTION 338. Prayer for Reconveyance Not Allowed. Any prayer for reconveyance in the petition for cancellation of a registered CADT/CALT shall not be allowed. The proceeding shall not be used as a venue to substitute the procedures of delineation and recognition provided for under existing rules on delineation and titling of Ancestral Domains/lands.

SECTION 339. Decision. The RAB shall render its decision within ninety (90) days from receipt of the last memorandum/pleading or expiration of the period for filing the same.

SECTION 340. Motion for Reconsideration. Only one motion for reconsideration on the judgment, decision or order of the RAB that finally disposes of the case shall be allowed. Said motion shall be filed within fifteen (15) days from receipt of a copy of the assailed judgment, decision or order. The filing of a timely motion for reconsideration shall interrupt the running of the period to appeal to the Court of Appeals.

SECTION 341. Finality of Judgment. A judgment rendered by the RAB shall become final and executory upon the lapse of fifteen (15) days from the receipt of all parties and/or their respective counsel/s of the decision, resolution, or order denying the motion for reconsideration, and no appeal was filed. If the 15th day falls on a Saturday, a Sunday or a Holiday, the last day shall be the next working day.

Requests from parties needing Certificates of Finality of Judgment shall be made through the RAB Secretariat and not through a motion filed with the RAB.

SECTION 342. Appeal to the Court of Appeals. Judgements, decisions, or final orders of the RAB may be appealed to the Court of Appeals only by way of a petition for review on certiorari.

F. EVIDENCE

SECTION 343. Construction. These Rules shall be liberally construed in order to promote their objective in obtaining just, speedy, and inexpensive disposition of administrative cases in the manner that is consistent with the culture and tradition of ICCs/IPs. Administrative investigations shall be conducted without strict recourse to the technical rules of procedure and evidence applicable to judicial proceedings. The RAB shall not be bound by technical rules on evidence provided under the Rules of Court, but shall proceed to hear and decide all cases, disputes or controversies in the most expeditious manner, employing all reasonable means to ascertain the facts of every case with utmost regard to the manner or mode of presenting evidence by ICCs/IPs as their customs, traditions, and practices may allow. In the reception of evidence, relevance shall be the controlling test, taking into consideration the following:

- a) Oral tradition and history as attributed by ICCs/IPs experts or anthropologists;
- b) Self-ascription and ascription by others; and/or
- c) Current application of such customs, beliefs, or practices.

SECTION 344. Unwritten Customs and Traditions, Oral History. Unwritten customs and traditions or oral history of a certain ICCs/IPs shall be admitted in evidence for as long as they are relevant to the issue of the case and that they can be established as a fact by any of the expert witnesses and/or amicus/amici curiae.

SECTION 345. Test of Relevancy and Credibility. A testimony is relevant if it has a relation to the fact in issue as to induce a belief in its existence or nonexistence, it shall look at the logical connection with the issue raised. Testimonial evidence shall be deemed relevant, among others, if it is provided by a recognized and credible elder/leader of the community or that he/she has participated in the resolution of the dispute that is related to the fact in issue. Likewise, there is credibility when the witness's testimony is believable based on their reliability and truthfulness. The testimony of a recognized and respected elder/leader in the community and the fact that he/she has participated in the resolution of a dispute related to the fact in issue or a matter that he/she has witnessed shall be construed to be credible.

SECTION 346. Perpetuation of Testimonies Other than Judicial Affidavits. If an ICCs/IPs elder/leader is identified as a witness and is indisposed due to illness, old age, justifiable distance, or other related causes, his/her testimony may be in the form of a deposition or any other mode allowed by their customs, traditions or practices. The concerned party shall file a request or move for the conduct of such deposition with the assistance of the MIPA and in such request or motion, the questions to be propounded to the witness should already be included. The RAB may thereafter direct the Provincial Officer concerned or any officer of the MIPA to facilitate the deposition or taking of testimony. As much as possible, the process shall be recorded by the concerned officer taking the testimony.

SECTION 347. Oath or Affirmation. Witnesses shall be asked to take an oath or affirmation before testifying individually or as a group. Oath or affirmation shall be made by simply asking the witness or witnesses to affirm that when asked questions in the hearing, he/she will tell the truth.

SECTION 348. Members of ICCs/IPs as Expert Witnesses. Expert witnesses are qualified as such on account of their education or training, experience, and expertise. Education or training does not necessarily refer to formal education but also includes non-formal education or training received from elders or experts in the ICCs/IPs. A member of the ICCs/IPs possessing the appropriate non-formal education or training, experience, and expertise on matters relating to their customary laws and traditions may be considered as an expert witness. In case of conflict between the learned opinion of an anthropologist and the ICCs/IPs expert witness on customary law and traditions, the opinion of the latter shall prevail.

SECTION 349. Quantum of Evidence. Substantial evidence is necessary to establish a claim or defense under these Rules.

G. SUBPOENA AD TESTIFICANDUM AND SUBPOENA DUCES TECUM

SECTION 350. Power to Issue Subpoena. The RAB, in the exercise of its quasi-judicial function may issue *subpoena ad testificandum* and *subpoena duces tecum* to compel the attendance of a witness or persons in a proceeding before it and to require the production and presentation of documents during a hearing.

SECTION 351. Service of the Subpoena. The subpoena may be personally served to the person named therein or by registered mail or by private courier.

SECTION 352. Failure to appear. The failure by any person without adequate cause to obey a subpoena served upon him/her shall be deemed an act in contempt of the RAB that issued the subpoena. This provision shall not apply when the non-appearance is due to restraints imposed by customary law and/or tradition or for any other justifiable cause.

H. CONTEMPT

SECTION 353. Direct Contempt. The RAB may summarily pass judgment on acts of direct contempt committed in the presence of, or so near the Minister or any member of the RAB, as to obstruct or interrupt the proceeding before the same, including disrespect towards the members of the RAB, offensive behavior towards other parties, refusal to be sworn in or to answer as a witness, or to subscribe to an affidavit or deposition when lawfully required to do so. Those found to be in direct contempt shall be punished by a fine not exceeding Two Thousand Pesos (Php2,000.00) or imprisonment not exceeding ten (10) days, or both, if it be committed against the RAB or any of its members. The judgment on direct contempt shall be immediately executory and non-appealable. The RAB, through the Minister of the MIPA, shall forward the Order finding a party in direct contempt to the relevant law enforcement body.

SECTION 354. Indirect Contempt. The RAB may cite and punish any person for indirect contempt on any of the grounds, provided in the subsequent sections. The proceedings for punishment of indirect contempt are criminal in nature. This form

of contempt is conduct that is directed against the dignity and authority of the RAB acting under its authority to exercise its quasi-judicial function.

SECTION 355. Indirect contempt to be punished after charge and hearing. After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the RAB and to be heard by himself or counsel, a person found to have intent to obstruct the administration of justice based on evidence showing clearly that they intended to commit the act for such purpose shall be found guilty of any of the following acts and may be punished for indirect contempt:

- a) Misbehavior of an officer of a court in the performance of his/her official duties or in his/her official transactions;
- b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;
- c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under Section 353 of these Rules;
- d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice. *Sub-judice* statements may be covered subject to the existence of a clear and present danger that the utterance will harm the administration of justice. There should be no doubt that the utterances in question make a serious and imminent threat to the administration of justice and must constitute an imminent, not merely a likely, threat;
- e) Assuming to be an attorney or an officer of a court, or as a duly appointed representative of ICCs/IPs and acting as such even without proper authority; and
- f) Failure to obey a subpoena duly served.

Nothing in this Section shall be so construed as to prevent the RAB from issuing process to bring the respondent before the Bureau, or from holding him in custody pending such proceedings.

SECTION 356. How proceedings commenced. Proceedings for indirect contempt may be initiated *motu proprio* by the RAB against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of or are related to a principal action pending in the RAB, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the RAB in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.

SECTION 357. Where charge to be filed. Charge for indirect contempt shall be filed with the RAB.

SECTION 358. Penalties for Indirect Contempt. If the respondent is adjudged guilty of indirect contempt committed against the RAB or any of its members, he/she may be punished by a fine not exceeding Thirty Thousand Pesos (Php30,000.00) or imprisonment not exceeding six (6) months, or both. The RAB, through the Minister of the MIPA shall forward the Order finding a party in direct contempt to the relevant law enforcement body.

SECTION 359. Appeal from Indirect Contempt. Appeals from the RAB judgment on indirect contempt shall be made to the Court of Appeals following Rule 43 of the Rules of Court. An appeal on the order of indirect contempt shall not stay the proceedings of the main case.

I. PROVISIONAL REMEDIES

SECTION 360. Writ of Preliminary Injunction/Temporary Restraining Order (WPI/TRO). The RAB may issue a WPI/TRO in a case pending before it when it is established in the complaint or petition that the acts complained of, if not restrained, may cause grave or irreparable damage or injury to any of the parties, or seriously affect social or economic activity. Service of the WPI/TRO may be made through personal service, registered mail, or legitimate private courier services.

SECTION 361. TRO Issued *Ex Parte*. The RAB may issue *ex parte* a TRO for a period of seventy-two (72) hours from service to the party or person sought to be enjoined upon showing that the applicant would suffer great or irreparable injury before the matter can be heard on notice.

Thereafter, within the aforesaid seventy-two (72) hours, the RAB shall conduct a summary hearing to determine whether the TRO shall be extended until the application for preliminary injunction can be heard. In no case shall the total period of effectivity of the TRO exceed twenty (20) days, including the original seventy-two (72) hours provided herein.

SECTION 362. Period to Resolve the Prayer for a WPI. Within the twenty (20) days period of the TRO, the RAB shall order the respondent to show cause, at a specified time and place, why the preliminary injunction should not be granted. Within the same period, the RAB must resolve whether or not the WPI should be granted.

If there is no TRO prayed for or if a TRO is denied, the RAB shall decide on the request for a WPI within twenty (20) days from receipt of the complaint or order denying the TRO.

SECTION 363. Grounds for Dissolution of the WPI or TRO. The TRO or WPI may be dissolved on the following grounds:

- a) Upon proper showing of its insufficiency; or
- b) If it appears after hearing that although the applicant is entitled to the restraining order or preliminary injunction, the continuance thereof would cause

irreparable damage to the party enjoined while the applicant can be fully compensated for such damages as he/she may suffer; or

c) If after hearing, the RAB determines that the TRO/WPI no longer serves a purpose.

SECTION 364. Injunctive Bond. A WPI shall be issued only upon filing of the required bond as may be determined by the RAB, which bond shall answer for any damages that might be suffered by the adverse party. An indigent party may be exempt from payment of the injunctive bond as provided for hereof.

J. LEGAL FEES

SECTION 365. Filing Fees/Appeal Fees. The following shall be the prescribed filing fees/appeal fees to be charged by the RAB:

a) Real or personal actions, a filing fee/appeal fee of Five Hundred Pesos (PhP500.00) shall be required;

b) Actions involving community interest that is litigated in the name of the community, no filing fees/appeal fees shall be charged; and

c) If there is a prayer for a TRO and/or WPI is sought, an additional amount of One Thousand Five Hundred Pesos (PhP1,500.00) shall be required.

SECTION 366. Legal Fees. The following legal fees shall be charged and collected by the RAB:

a) For furnishing copies of transcript of proceedings or any part of the records, Ten Pesos (PhP10.00) per page; and

b) For every certification issued, One Hundred Pesos (PhP100.00).

The Rules on the waiver of fees shall be applied consistent with the Rules on Indigent Litigant.

SECTION 367. Sheriffs and Other Persons Serving Processes. The following fees shall be charged and collected:

a) For serving order/s and copy/ies of the complaint, One Hundred Pesos (PhP100.00) for each defendant;

b) For serving subpoenas, Eighty Pesos (PhP80.00) for each witness to be served;

c) For serving TRO, or Writ of Injunction, preliminary or final, Two hundred pesos (PhP200.00);

d) For filing bonds or other instruments of indemnity or security in provisional remedies, Eighty Pesos (PhP80.00) for each bond or instrument;

e) For executing a writ or process to place a party in possession of real estate, Four Hundred Pesos (PhP400.00).

In addition to the fees herein above fixed, the party requesting for the issuance of any process whether preliminary, incidental, or final, shall pay the Sheriff's expenses in serving, or executing the process, or safeguarding the property levied upon, attached or seized, including actual travel expenses by the regular means of transportation guard's fees, warehousing, and similar charges, in an amount estimated by the sheriff, subject to the approval of the RAB.

Upon approval of said estimated expenses, the interested party shall deposit such amount with the RAB Secretariat, who shall disburse the same to the sheriff assigned to effect the process. Any unspent amount shall be refunded to the party making the deposit. A full report shall be submitted by the Sheriff assigned with his/her return and the Sheriff's expenses shall be taxed as cost against the losing party.

SECTION 368. Applicability of the Rules of Court. The provisions of the Rules of Court which are not inconsistent herewith shall apply suppletory whenever practicable and convenient.

RULE XV MISCELLANEOUS PROVISIONS

SECTION 369. Disaster Risk Reduction and Climate Change Adaptation. The Bangsamoro Government shall recognize, promote, and support indigenous systems for disaster risk reduction. This shall include, but is not limited to, the conduct of Vulnerability and Risk Assessment, information dissemination campaigns, and disaster management plans, among others. ICCs/IPs 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 ICCs/IPs in mapping out climate change vulnerability and risk analyses. The Bangsamoro Government shall endeavor to provide funds for strengthening the resilience of ICCs/IPs. This may include projects on sustainable agriculture, agro ecology, systems of rice intensification, and other mechanisms that support the food security requirements, and ultimately food sovereignty, of ICCs/IPs, who belong predominantly to the agriculture sector.

The Bangsamoro Government shall support the IP's traditional knowledge and other technologies to find solutions that may help their indigenous communities at large to cope with impending climate- change-related alterations of their immediate environment. The support for ICCs/IPs include the adoption of remedies and mechanisms to prevent the misappropriation of IKSP.

Participation of indigenous women, children, persons with disabilities, and other marginalized sectors within the communities shall be assured in the development of the plans. Their distinct concerns shall at all times be included in the plans drafted.

SECTION 370. Indigenous Peoples' Day. In recognition of the rich cultural heritage of ICCs/IPs, an IPs' Day is hereby declared upon the enactment of the *BIPA* on 11 December 2024, in accordance with the *Bangsamoro Autonomy Act No. 39* otherwise known as the *Bangsamoro Holidays Act of 2023*. The MIPA shall allocate funds and spearhead the conduct of different activities fitting for this purpose.

The Indigenous Peoples’ Day in the BARMM shall be commemorated in addition to the National Indigenous Peoples Day in the Philippines that shall be observed on August 9 of each year consistent with *Republic Act No. 10689*.

SECTION 371. IP Settlements and Presidential Proclamations. The Bangsamoro Government may proclaim settlements for ICCs/IPs and affirm the existing settlements and Presidential Proclamations thereof within the Bangsamoro Autonomous Region, subject to the required FPIC.

**RULE XVI
PENALTIES**

**PART I
Unlawful Acts**

SECTION 372. Punishable Acts Related to Ancestral Domains/*Fusaka Inged* and Ancestral Lands. Any person found guilty of any of the following acts pursuant to Section 12 of the *BIPA* shall be penalized under Sections 376, 377 and 378 of these Rules:

- a) Unlawful or unauthorized intrusion into Ancestral Domains/lands;
- b) Misrepresentation in obtaining the free and prior informed consent of ICCs/IPs;
- c) Usurpation of real rights in property;
- d) Forcible displacement or relocation of ICCs/IPs from their ancestral lands/domains;
- e) Pollution of the air and bodies of water within the Ancestral Domain/Land; and
- f) Destruction of the natural resources within the Ancestral Domain/Land.

SECTION 373. Punishable Acts Related to Employment. Any person who commits any of the following acts are subject to punishment as prescribed in Section 41 of the *BIPA*:

- a) Exposure to hazardous working conditions;
- b) Non-payment of salaries, wages and other work benefits;
- c) Violation of the freedom of association and trade union activities;
- d) Exploitation of child labor;
- e) Sexual harassment; and
- f) Other analogous circumstances.

SECTION 374. Punishable Acts Related to Cultural Integrity. Commission of any of the following acts or violation of any of the following rights pursuant to

Sections 7 and 60 of the *BIPA* shall be penalized under Sections 376, 377 and 378 of these Rules:

- a) Exploring, excavating or making diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural value without the FPIC of the community concerned; and
- b) Defacing, removing or otherwise destroying artifacts which are of great importance and significance to the ICCs/IPs for the preservation of their cultural heritage;
- c) Failure to act on lawful applications for the registration and protection of Ancestral Domains/*Fusaka Inged* and ancestral lands; and
- d) Unlawful sale of Ancestral Domains/*Fusaka Inged* and ancestral lands.

PART II

Persons Liable

SECTION 375. Persons Liable. The following are liable for punishment for violation of the rights of ICCs/IPs enumerated of the *BIPA*:

- a) Any individual, whether a member of the same or different ICCs/IPs or not;
- b) Any individual who is non-IP, whether a Filipino or alien;
- c) In case of violation of rights committed by juridical persons, the Manager, President, Chief Executive Officer, or any of the officers of such juridical persons; and
- d) Government officials, officers or employees.

PART III

Penalties

SECTION 376. Imposable Penalties in Accordance With Customary Law. The ICCs/IPs or Indigenous person whose rights have been violated may penalize any violator in accordance with their customary law, except:

- a) Where the penalty is cruel, degrading or inhuman; or
- b) Where the penalty is death or excessive fine.

SECTION 377. Penalties Imposed by the *BIPA*. All violators shall be punished, as follows:

- a) Imprisonment for not less than nine (9) months but not more than twelve (12) years;
- b) Fine of not less than One Hundred Thousand Pesos (P 100,000.00) but not more than Five Hundred Thousand Pesos (P 500,000.00); or
- c) Both such fine and imprisonment at the discretion of the court.

SECTION 378. Accessory Penalties. In addition to the penalties referred to in the preceding article, the following may be imposed:

- a) For all violators, payment of damages suffered by the ICCs/IPs as a consequence of the unlawful act.
- b) For corporations or other juridical persons, cancellation of their registration certificate or license.
- c) For public officials, perpetual disqualification to hold public office.

**RULE XVII
APPROPRIATIONS**

SECTION 379. Ancestral Domains/*Fusaka Inged* Fund. There shall be created a Special Fund to be known as Ancestral Domain/*Fusaka Inged* Fund, with an initial amount of Two Hundred Million Pesos (PHP 200,000,000.00) to cover the compensation for expropriated lands, redemption, delineation, titling, and development of Ancestral Domains/*Fusaka Inged* of the ICCs/IPs in the Bangsamoro Autonomous Region, and other expenses necessary for the implementation of the provisions relating to Ancestral Domains/*Fusaka Inged*. Appropriations for succeeding years shall be included in the budget of the MIPA. The MIPA shall consider the concerns raised before the Council in determining the necessary budget allocations.

SECTION 380. Appropriations. The pertinent funds required for the implementation of the other aspects of these Rules shall be provided to the MIPA in the annual GAAB.

Consistent to that, the staffing requirements necessary for the operationalization of the Sections 20, 63, 64, and 89 of the *BIPA* shall be established with the effectivity of these Rules. Provided, that the additional personnel to be created within the MIPA shall be funded from available appropriations under the budget of the ministry in the Fiscal Year 2026 of the *GAAB* through the Bangsamoro Parliament, consistent with Article VII, Section 27 of *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*. The MIPA, upon approval of these Rules, shall immediately include the staffing requirements in its budget preparation and formulation of budget estimates consistent with Book VI, Title XVIII, Chapter 3, Section 26 of the *Bangsamoro Administrative Code*. It shall continuously seek for the necessary budget authorization and execution. It shall inform the stakeholders of the allocation provided by the Bangsamoro Parliament and include it in its Annual Report.

The MIPA shall request the Bangsamoro Parliament the budgeting for the staffing requirements provided above through the allocation of the block grant, consistent with Article XII, Section 19 of the *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao* that mandates the Bangsamoro Parliament to assign the highest budgetary priority to education, health, and social services.

Further, the Minister of the MIPA, consistent with Book V, Title VII, Chapter I, Section 3 of the *Bangsamoro Administrative Code*, may negotiate for funds and to accept grants, donations, gifts, and/or properties in whatever form and from

whatever source (local, national, and international), subject to the approval of the Bangsamoro Government, for the benefit of IPs. It shall also 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 and existing laws, as may be provided by the *BIPA* and other laws passed by the Bangsamoro Parliament. Corollary to this, BARMM MOAs, including the MAFAR, MBHTE, MENRE, MILG, MOLE, MSSD, and BWC, shall include in their annual budget a specific appropriation intended for ICCs/IPs to ensure that basic services granted by the BARMM MOAs shall be realized.

SECTION 381. Review of the Law. The Bangsamoro Parliament shall periodically review the implementation of the *BIPA* beginning five (5) years after its enactment and five (5) years thereafter without prejudice to the Parliament’s power to amend or repeal the same after the initial review. Provided further that any amendments or repeal of the *BIPA* shall in no way diminish the rights and privileges granted to ICCs/IPs by virtue of the *UNDRIP* and the *United Nations Declaration on Human Rights*, and other laws pertaining to ICCs/IPs in the Bangsamoro Autonomous Region, consistent with *Republic Act No. 11054*, otherwise known as the *Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*. Finally, any repeal or amendment of the *BIPA* shall be without prejudice to the power of the President of the Republic of the Philippines to exercise general supervision over the Bangsamoro Government to ensure that laws are faithfully executed.

If it shall be determined during the review of the *BIPA* that there are other laws, policies, programs, or activities that violate or undermine the rights of ICCs/IPs, the Bangsamoro Government, including the Bangsamoro Parliament, in partnership with ICCs/IPs, the BHRC, and other NGOs and CSOs, shall develop effective mechanisms to provide just and fair redress and preventive mechanisms for any violations identified.

SECTION 382. Pending Ancestral Domain/Native Title/*Fusaka Inged* Claims. Within ninety (90) days from the passage of the *BIPA*, pending Ancestral Domain applications that are currently being processed by the NCIP such as the *Tëduray Lambangian* Ancestral Domain Claim (TLADC), shall be turned over to the MIPA for immediate action.

The MIPA recognizes the NCIP’s recognition of the validity of the TLADC application, sufficiency of evidence or proofs supporting AD ownership and compliance with the requirements of IPRA, its IRR and pertinent guidelines. It shall immediately request for the NCIP’s Commission *En Banc*’s resolution of recognition proffering the following:

- 1) Recognition of the identity of the ICCs claiming the area;
- 2) Recognition of Native title;
- 3) Resolution of minor conflicts/disputes which do not involve boundary conflicts or adverse claim, if applicable;
- 4) Sufficiency of documents submitted; and
- 5) Sufficiency of proof of possession/ownership.

Consistent with Section 67 of the *BIPA*, the Bangsamoro Government recognizes the status of the Ancestral Domain/Native Title/*Fusaka Inged* Claims that are already delineated in accordance with the *Republic Act No. 8371*, otherwise known as *Indigenous Peoples Rights Act of 1997*. The MIPA shall confirm the delineation that will be submitted to its Ancestral Domain Office and shall proceed with the coordination with MAFAR and MENRE. The MIPA shall properly communicate and coordinate with MAFAR, MENRE, and the ROD 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 and agency, together with documents therefrom, shall be part of the documentary evidence to be considered by the MIPA in the application and delineation process.

In cases of overlaps, the MIPA shall determine the possibility of seeking for reparations through the Camp Transformation Process to be provided to the affected *Tëduray Lambangian*. Such reparations shall still maintain the recognition of the *Tëduray Lambangian's* prior ownership over the Ancestral Domains that are currently overlapping with other lawful titles and claims.

All other areas not covered by overlaps shall immediately be titled pursuant to these Rules. Such titling shall be started within one (1) month from the determination of no overlap.

The MIPA shall respect all findings and agreements entered between the ministry, NGAs, and the *Tëduray Lambangian* concerning the pending Ancestral Domain/Native Title/*Fusaka Inged* claim. This includes the MIPA's agreement with the NCIP under MOA, dated 10 February 2025, provided in the subsequent section.

SECTION 383. Upholding the MIPA-NCIP Memorandum of Agreement (MOA). The MIPA upholds and respects its MOA with the NCIP. The MOA that has a term of three (3) years, commencing on the date of signing on 10 February 2025, shall be subject to renewal by mutual consent of all Parties. The MOA provides that the MIPA shall:

- a) Allow the NCIP, on a case-to-case basis, to access information or reports concerning or related to ICCs/IPs within the BARMM, provided that a written request to such effect is submitted to the MIPA;
- b) Collaborate with the NCIP on cross-cutting concerns involving or related to ICCs/IPs within the BARMM;
- c) Provide periodic reports and recommendations on the implementation of national programs and services to the NCIP;
- d) Provide periodic reports on the ICCs/IPs within BARMM relative to the international obligations that the Philippines is a State signatory to; and
- e) Act upon concerns referred by the NCIP to the MIPA on issues that require immediate attention or on emergency situations.

The NCIP, pursuant to the MOA, shall:

- a) Provide information to the MIPA including, but not limited to, lists or maps of

areas covered by ancestral lands and domains within the BARMM, whether the areas already have approved CADT or CALT, are under application for CADT or CALT or have yet to be applied for under formal recognition, ADSDPP, and recognized IPS and their documentations;

- b) The inclusion of the MIPA in all national programs and services related to ICCs/IPs within the BARMM;
- c) Ensure the inclusion of the MIPA in all international engagements related to ICCs/IPs within the BARMM;
- d) Coordinate and verify with the MIPA all incident reports on IP-Human Rights Issues and Concerns (IP-HRIACs) in BARMM;
- e) Refer to the MIPA any dispute involving ICCs/Ps within the BARMM;
- f) Share best practices with the MIPA on policy-making, administration, and fieldwork related to the promotion and protection of the rights of ICCs/IPs within BARMM; and
- g) Consider ICCs/IPs proposals.

SECTION 384. MIPA-NCIP Joint Steering Committee. The MIPA and NCIP, pursuant to the MOA, dated 10 February 2025, shall establish a Joint Steering Committee (JSC) composed of representatives from the NCIP and the MIPA with the following responsibilities:

- a) Development of Inter-Agency Policies and Guidelines for Addressing Issues and Concerns of ICCs/IPs in the BARMM;
- b) Development of an action plan to capacitate and provide technical assistance to the MIPA;
- c) Development of specific policies, activities, programs, and projects to implement the provisions of this MOA;
- d) Assignment and designation of a focal person, for both Parties to ensure efficient copy right cooperation, collaboration, and communication;
- e) Coordination in the implementation of the MOA and taking necessary actions related thereto; and
- f) Monitoring and evaluation of the implementation of the MOA.

The JSC shall be constituted immediately and shall meet at least twice every year at a time and place agreed upon by both the NCIP and the MIPA.

SECTION 385. Composition of MIPA-NCIP Joint Steering Committee. The JSC shall be composed of the following:

- a) Co-Chairpersons (2): Chairperson of the NCIP and Minister of the MIPA;
- b) Co-Vice Chairpersons (3): Commissioners for Northern - Western Mindanao

and Central Mindanao & Deputy Minister of the MIPA;

c) Members:

- 1) Bangsamoro Director General (DG) (MIPA)
- 2) Director- Bureau of Ancestral Domain/Native Title (MIPA);
- 3) Division Chief-ADD (MIPA);
- 4) Division Chief-POD (MIPA);
- 5) Division Chief- SPALAD (MIPA);
- 6) Director-Ancestral Domains Office (NCIP);
- 7) Director-Office of Empowerment and Human Rights (NCIP);
- 8) Director-Legal Affairs Office (NCIP);
- 9) Regional Directors 9, 10, and 12 (NCIP);
- 10) Regional Technical Management and Services Division Chiefs of Regions 9, 10, and 12 (NCIP).

The JSC Secretariat shall be constituted and be composed of the following:

a) MIPA Secretariat

- 1) Head, Ancestral Domain Section (ADS);
- 2) Head, LLLS;
- 3) Head, Customary Law and Traditional Justice Section;
- 4) Attorney III and Legal Assistant, SPALAD.

b) NCIP Secretariat

- 1) Human Rights Division, Office of Empowerment and Human Rights

SECTION 386. Data Sharing Agreement. The MIPA and the NCIP, pursuant to the MOA, dated 10 February 2025, agree to sharing of data between the Ministry and Commission subject to the prior written consent of the Data Owner. Any data shared between and among the parties shall be kept confidential, and neither party shall use such data for any purpose not stated in the MOA without the consent of the respective agency. The MIPA and the NCIP shall be subject to the provisions of *Republic Act 10173*, or the *Data Privacy Act of 2012* and other applicable laws. Both the MIPA and the NCIP shall ensure compliance with all relevant data protection regulations and shall be liable for any breaches.

RULE XVIII FINAL PROVISIONS

SECTION 387. Non-Diminution of Rights and Benefits. The rights, privileges, and benefits granted to the ICCs/IPs in the Bangsamoro Autonomous Region by virtue of the *1987 Philippine Constitution*, *Republic Act No. 8371*, or the *Indigenous Peoples Rights Act of 1997 (IPRA)*, the *BIPA*, and other national and regional laws, the *UNDRIP*, *United Nations Declaration on Human Rights (UDHR)*, and other laws pertaining to indigenous peoples shall not be diminished. Existing IPS within the Bangsamoro Autonomous Region shall be recognized and allowed to participate in the implementation and decision-making processes of the FIDO, in accordance with the applicable guidelines. The MIPA shall extend appropriate assistance to these structures to facilitate their effective engagement and participation.

Similarly, ICCs/IPs within the Bangsamoro Autonomous Region who are not included in the specific coverage of the *BIPA* shall also retain the right to avail of the protections, rights, privileges, and benefits provided under the abovementioned laws and international treaties and agreements.

SECTION 388. Saving Clause. The *BIPA* and these Rules 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. ICCs/IPs recognized by the NCIP shall continue to be recognized. The MIPA upon the passage of these Rules shall immediately request within one (1) month the list of Certificates of Recognition that it has provided to ICCs/IPs in the Bangsamoro prior to the passage of the *BIPA*.

SECTION 389. Separability Clause. In case any clause, sentence, section, or provision of these rules and regulations or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other Sections or provisions hereof which are not affected thereby shall continue to be in full force or effect.

SECTION 390. Supplemental Issuances. The MIPA may issue such orders, circulars, guidelines, and/or regulations in order to supplement the implementation of any particular provision under these Rules

SECTION 391. Repealing and Amending Clause. The *BIPA* directly repeals *Muslim Mindanao Autonomy Act No. 241* or the *Tribal Peoples Rights Act*. The provisions of Title VII, entitled Indigenous Peoples' Affairs in the *Bangsamoro Autonomy Act No. 13*, otherwise known as the *Bangsamoro Administrative Code*, insofar as they are in conflict or inconsistent with the provisions of these Rules, are hereby repealed or amended.

All other Administrative Orders, Rules and Regulations, Memoranda, Circulars, and other Orders, which are inconsistent with these Rules, are hereby repealed or modified accordingly. Consistent with these, the Rules directly repeal *Ministry of Indigenous Peoples Affairs Administrative Order No. 001, Series of 2022* and Section 5 (d) of *Ministry of Indigenous Peoples Affairs Administrative Order No. 001, Series of 2024*.

SECTION 392. Information Education Campaigns. The MIPA shall devise IECs to spread awareness about the *BIPA* and these Rules throughout the Bangsamoro Autonomous Region. Further, the MIPA shall ensure that its officials and employees are capacitated so they may conduct IECs in their respective areas of jurisdictions.

Moreover, additional IECs should be provided when requested by ICCs/IPs, subject to reasonable limitations. The ministry may seek support from NGOs, CSOs, and other government agencies such as the University of the Philippines Institute of Human Rights – Indigenous Peoples Law and Policy Program, in fulfilling this mandate. The MIPA shall ensure the participation of women, children, the youth, senior citizens, and other marginalized communities in the IECs.

Annual Reports of the MIPA shall provide data showing the number of ICCs/IPs empowered through the IECs and monitor the implementation of the *BIPA*. Further, a copy of the *BIPA* and these Rules shall be translated in the *lingua franca* and the languages used by the different ICCs/IPs in the Bangsamoro.

SECTION 393. Effectivity. This Administrative Order shall take effect fifteen (15) days after its registration in the Office of the National Administrative Registrar, U.P. Law Center, Diliman, Quezon City, Philippines or publication in the Bangsamoro Official Gazette or a newspaper of regional circulation in the BARMM.

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Approved: June 9, 2025


MELANIO U. ULAMA
Minister