



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY PARLIAMENT
Bangsamoro Government Center, Cotabato City



THIRD REGULAR SESSION

BANGSAMORO AUTONOMY ACT NO. 64

Begun and held in Cotabato City, on Thursday, the 15th day of September 2022.

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

Be it enacted by the Bangsamoro Transition Authority Parliament assembled:

CHAPTER I

Title and Declaration of Policy

SECTION 1. *Short Title.* – This Act shall be known as the “*Bangsamoro Indigenous Peoples' Act of 2024.*”

SEC. 2. *Purpose.* – Pursuant to the mandate provided for under the Republic Act No. 11054, otherwise known as the “*Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao*” and the 1987 Philippine Constitution, the purpose of this Act is to recognize, promote, protect, and preserve the collective rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) in the Bangsamoro Autonomous Region; to preserve and develop their cultures, traditions, and institutions; to recognize and develop their ancestral domain; to strengthen their Indigenous Political Structures (IPS) and political participation, and to protect minority ICCs/IPs from marginalization and discrimination.

SEC. 3. *Coverage.* – This Act shall apply to all native IPs within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), including, but not limited to, the ICCs/IPs belonging to the Téduray, Lambangian, Dulangan Manobo, Erumanun Ne Menuvu, Higaonon, B’laan, 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 IPs.

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

- a) 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;
- b) Recognize the inherent right of the ICCs/IPs to self-governance and self-determination, and respect the integrity of their values, practices, and institutions;
- c) Guarantee 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;
- d) Ensure that the ICCs/IPs have the freedom to retain their distinct indigenous and ethnic identity in addition to their Bangsamoro political identity;
- e) Protect the rights of the ICCs/IPs over their ancestral domains, including their right to the natural resources found therein;
- f) Recognize 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;
- g) 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;
- h) Take measures, with the participation of the ICCs/IPs concerned, to protect their rights, to guarantee respect for their cultural integrity, and to ensure that ICCs/IPs benefit from progress and opportunities, which Bangsamoro laws and regulations grant to other members of the population;
- i) Adopt the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 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;

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;

- j) 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 ingëd*", and ancestral lands, which are hereby recognized and guaranteed protection by the Bangsamoro Government; and
- k) Provide the ICCs/IP 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 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.

CHAPTER II

Definition of Terms

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

- a) **Ancestral Domain/*Fusaka Ingëd*** – 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, either by 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, also referred to as *fusaka ingëd*, 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 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) to guide the management, protection, and sustainable development of ancestral domains. It includes provisions for environmental conservation, resource utilization, and cultural preservation.
- c) **Ancestral Lands** – refers to lands that, since time immemorial, have been continuously occupied, possessed, and utilized by individuals, families, and clans who are members of the ICCs/IPs. These lands are privately yet communally owned. 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.
- d) **Indigenous Peoples' Organization** – refers to a private, non-profit voluntary organization, duly registered with the MIPA, that is composed of ICCs/IPs, and provides programs and services to them.
- e) **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 this Act.
- f) **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 this Act.

- g) **Certificate of Affirmation** – refers to a certificate issued by MIPA to a selected Indigenous Peoples Mandatory Representative (IPMR) who has fulfilled all the requirements prescribed by the Ministry and by the community he/she represents.
- h) **Certification Precondition** – refers to a certification issued by the MIPA, attesting that an area does not overlap with any ancestral domain and that the Free, Prior and Informed Consent (FPIC) of affected ICCs/IPs has been obtained. It is required before any concession, license, lease, agreement or project can be approved or implemented within or affecting ancestral domains, serving as a key mechanism to protect IPs' rights over their lands and resources.
- i) **Communal Claims** – refers to claims on land, resources, and rights thereon that belong to the whole community within a specified territory.
- j) **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.
- k) **Free, Prior and Informed Consent (FPIC)** – refers to the consensus decision made by affected ICC/IP communities in accordance with their respective customary laws and practices, that is free from any external manipulation, interference, or coercion and pertain to any proposed public or private project, activity, enterprise, or agreement. This intent and scope of such proposal shall be disclosed to the ICCs/IPs, in a language and process they can clearly understand.
- l) **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.
- m) **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.
- n) **Indigenous Peoples' Education** - refers to an educational system based on IKSPs, which interface with other educational systems.

- o) **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 and cultural preservation.
- p) **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 Kalindaan ne Kamal*", "*Kena Menuwa*", "*Alimbubungan*", or any other similar tribal governance mechanism exercised within a defined territory.
- q) **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.
- r) **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.
- s) **Marginalized Moro Peoples or Communities** – refers to historically Moro ICCs/IPs who are politically, economically, or socio-culturally marginalized within the Bangsamoro Autonomous Region.
- t) **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 in the Bangsamoro Autonomous Region.
- u) **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.
- v) **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.
- w) **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.
- x) **Non-Moro Indigenous Peoples/Non-Moro Indigenous Cultural Communities** – 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. ICCs/IPs 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. They do not ascribe to the Moro identity.

- y) **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 Kalindaan ne Kamal, Kena Menuwa, Alimbubungan, or any other tribal governance mechanism of similar nature which is exercised in a defined territory.
- z) **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.
- aa) **Technology Transfer** – refers to the process of transferring knowledge, skills, and technologies to ICCs/IPs for the development of ancestral domains. This transfer is contingent on the FPIC process, ensuring that ICCs/IPs retain control over how external technologies are applied in their communities.
- bb) **Time Immemorial** – refers to a period of time when as far back as memory can go, certain ICCs/IPs were known to have occupied, possessed, in the concept of owner, and utilized a defined territory devolved to them, by customary law or inheritance from their ancestors, in accordance with their customs and traditions, notwithstanding dispossession of said territory due to war, armed conflict, civil disturbance, *force majeure*, or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by the government and private individuals, corporate entities or institutions.

CHAPTER III

Ancestral Domain, Ancestral Lands, and Fusaka Ingëd

SEC. 6. Concept of Ancestral Domain Ownership. – Ancestral domains cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy, and use, and to which they have claims of ownership.

Ancestral domains and all resources found therein shall serve as the material bases for the cultural integrity of ICCs/IPs.

Ancestral domains and the rights associated therewith shall be held by ICCs/IPs in perpetuity, and may not be sold, transferred, or otherwise alienated to any local government unit (LGU), agency, office or public official or non-government entity, institution, group, private corporation, or individual.

SEC. 7. *Concept of Ancestral Land Ownership.* – Ancestral lands and all resources found therein shall constitute the identifiable share or portion of the ancestral domain held and possessed by a member, family or a clan belonging to the ICCs/IPs. Buying and selling of ancestral lands, except among bonafide members of the tribe, is strictly prohibited and punishable under this Act. Any other form of transfer of rights, donation, leasehold, and other forms of conveyance in circumvention of this law shall be null and void.

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

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

- a) **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.
- b) **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.
- c) **Right to Equitable Share** – The right to receive from the Bangsamoro Government their equitable share in the revenues generated from exploration, development, and utilization of natural resources found within their ancestral domain.
- d) **Right to Develop Lands and Natural Resources** – The right to develop, control, and use lands and territories traditionally occupied, owned, or used by ICCs/IPs; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; and to benefit from and share the profits from allocation and utilization of the natural resources found therein. It shall include the right to negotiate the terms and conditions for the exploration of natural resources in the areas, for the purpose of ensuring ecological, environmental protection, and conservation measures, pursuant to national, regional, and customary laws; and the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact their ancestral domain. It shall also include the right to receive just and fair compensation for any damages which the areas might sustain as a result of the project; and the right to effective measures by the Bangsamoro Government to prevent any interference, alienation, and encroachment upon these rights.
- e) **Right to Stay in the Territories** – The right to stay in the territory and not be removed therefrom. No ICCs/IPs shall be relocated without their FPIC, nor through any means other

than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the FPIC of the ICCs/IPs concerned. Whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, the Bangsamoro Government shall ensure that the ICCs/IPs shall be provided in all possible means with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury.

- f) **Rights during Armed Conflict** – ICCs/IPs have the right to special protection and security in instances and periods of armed conflict. The Bangsamoro Government shall observe international standards, in particular the Fourth Geneva Convention of 1949, for the protection of civilian populations in circumstances of emergency and armed conflict, and shall not recruit members of the ICCs/IPs against their will into the armed forces, and in particular, for use against other ICCs/IPs; nor recruit children of ICCs/IPs into the armed forces under any circumstances; nor force ICCs/IPs to abandon their lands, territories, and means of subsistence, or relocate them to special centers for military purposes under any discriminatory condition without proper consultation and coordination with the Indigenous Political Structure concerned.
- g) **Right in Case of Displacement** - In case of displacement that poses actual and imminent dangers to their own life and safety as a result of armed conflict, human-induced and natural hazards and disasters, the Bangsamoro Government shall resettle the displaced ICCs/IPs in suitable areas where they are provided or can access food, water, shelter, health, and other basic services: *Provided*, That the displaced ICCs/IPs shall have the right to return to their abandoned lands when the normalcy and safety of such lands have been determined: *Provided, further*, That should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: *Provided, furthermore*, That basic services and livelihoods shall be immediately provided to them to ensure that their needs are adequately addressed, and *Provided, finally*, that the right mentioned herein shall be without prejudice to the rights afforded to ICCs/IPs by other regional and national laws.
- h) **Right to Regulate Entry of Migrants** – ICCs/IPs through their IPS shall have the right to control, regulate, and limit the entry of migrant settlers and organizations into their domains to ensure the preservation of their cultural and territorial integrity. This includes the right to review, assess, and renegotiate the terms of entry of existing migrants and organizations.
- i) **Right to Safe and Clean Environment** – ICCs/IPs have the right to clean air, water, and lands within their ancestral domains 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.
- j) **Right to Claim Parts of Reservations** – The right to claim parts of the ancestral domains which have been reserved for various purposes when it has not been utilized in accordance with the purpose for which it was intended by the institutions concerned.
- k) **Right to Resolve Land Conflict** – The right to resolve land conflicts in accordance with

customary laws and tribal justice system of the 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.

- l) **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.
- m) **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 MIPA are duly complied.

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

- a) **Right to Transfer Land or Property** – 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 this Act.
- b) **Right to Redemption** – In cases where it is shown that the transfer of land or property by virtue of any agreement or devise, to a non-member of ICCs/IPs is tainted by the vitiated consent of the ICCs/IPs, or is transferred for an unconscionable consideration or price, the transferor ICCs/IPs shall have the right to redeem the land or property within a period not exceeding fifteen (15) years from the date of transfer. This is without prejudice to the processes and procedures on land review under the transitional justice and reconciliation mechanism.

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

- a) **Actively participate in the protection and development of ancestral domain** – To attend meetings and actively support activities, projects and community processes for the protection and development of the ancestral domain;
- b) **Maintain ecological balance** – To preserve, restore, and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- c) **Restore denuded areas** – To actively initiate, undertake, and participate in the reforestation of denuded areas and in other development programs and projects subject to just and reasonable remuneration; and
- d) **Observe laws** – To observe and comply with customary law, other relevant regional laws, including this Act, as well as its implementing rules and regulations.

SEC. 12. Unauthorized and Unlawful Intrusion. – Unauthorized and unlawful intrusion upon or use of any portion of the ancestral domain, or any violation of the rights herein enumerated, shall be punishable under this Act. 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-ICC/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 a public officer, the impossible penalty shall be one degree higher without prejudice to the filing of civil or administrative actions.

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

CHAPTER IV

Self-Governance and the Indigenous Political Structure

SEC. 14. *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. 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 and lands.

SEC. 15. *Right to Participate in Decision-Making.* – ICCs/IPs have the right to full and effective participation at all levels of decision-making of the Bangsamoro Government in matters that may affect their rights and interests, and to maintain and develop their own IPS. For this purpose, the Bangsamoro Government shall take effective measures to ensure that the ICCs/IPs can understand and be understood in political, legal, and administrative proceedings.

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

SEC. 17. *Recognition of Indigenous Political Structures.* – 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 Kalindaan ne Kamal*, *Kena Menuwa*, Alimbubungan, as the governing body that will define policies, leadership, direction, and consensus-building on key decisions affecting all members of the ICCs/IPs. The Bangsamoro Government through the MIPA shall provide the necessary resources and opportunities to strengthen, develop and empower the IPS.

SEC. 18. *Self-Reliance and Mutual Support among Indigenous Peoples Structures.* – 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.

SEC. 19. Powers, Duties, and Functions of Indigenous Political Structures. – The IPS shall have the following powers:

- a) Resolve conflict between and among the ICCs/IPs;
- b) Strengthen structure and customary laws;
- c) Confer tribal titles in accordance with their customary practices;
- d) Solemnize marriage and assist in the issuance of birth certificates, certificates of tribal marriage, certificate of tribal membership, and death certificates, subject to related rules and regulations of MIPA and other concerned government agencies;
- e) Recommend the duly selected 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 and territories; and
- g) Negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and conservation measures, pursuant to national, regional, and customary laws.

SEC. 20. *Fusaka Ingëd Development Office.* – There is hereby created a *Fusaka Ingëd Development Office (FIDO)* as an attached agency of the MIPA which is granted with fiscal autonomy. 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 ancestral domains in the Bangsamoro Autonomous Region.

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

SEC. 21. 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) 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 Ancestral Domain Sustainable Development and Protection Plan (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 to exercise powers to prevent, apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains in accordance with this Act;

- c) Help negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and conservation measures, pursuant to national, 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 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;
- 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;
- i) Assist the community in filing the petition for, and lead the community in, the delineation and identification of ancestral domains in accordance with the Principle of Self Delineation rights by virtue of Native Title;
- j) 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; and
- n) Perform other traditional roles or functions analogous to the foregoing.

SEC. 22. 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/Lands and conflict resolution; and
- c) 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.

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

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

SEC. 24. *Selection of Members.* – The process of selecting the representatives of each tribe shall be in accordance with their customary law and tradition. The IPS of the said tribe shall endorse and submit the name of their representative to MIPA. MIPA shall not intervene nor unduly influence the internal process of selection of the IPS' Representative to the IPs Council.

SEC. 25. *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.

SEC. 26. *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.

SEC. 27. *Regular Meetings.* – The MIPA shall convene the IPs Council meeting at least every quarter.

SEC. 28. *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.*"

CHAPTER V

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

SEC. 29. *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 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.

- b) When there is no ancestral domain 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.

SEC. 30. *Non-Interference in the Selection of IPMR.* – It shall be unlawful for the local chief executive or the concerned Sanggunian to intervene, directly or indirectly, in the selection of the IPMR.

SEC. 31. *Mandatory Duty of Sanggunian Officials and Local Chief Executives to Recognize IPMR.* – It shall be mandatory and ministerial on the part of the appropriate Sanggunian to accept and recognize the IPMR who is duly endorsed by the IPS, affirmed by the MIPA and confirmed by the Ministry of the Interior and Local Government (MILG). Willful refusal to recognize and install the IPMR within the legislative body shall be a ground for administrative sanction.

SEC. 32. *Appointment of IP Deputies in Local Government Units.* – 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 Deputy shall be appointed by the respective local chief executive, upon recommendation of the concerned IPS.

SEC. 33. *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, or municipal levels.

CHAPTER VI

Tribal Justice System

SEC. 34. *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.

SEC. 35. *Justice System and Peace Building Processes.* – The ICCs/IPs have the right to use their own distinct tribal justice systems, conflict resolution institutions, peace building processes, and other

customary laws and practices within their respective communities, and as may be compatible with the national legal system and internationally recognized human rights instruments. The resolution of conflicts shall be in accordance with the customary laws of the ancestral domain where the conflict arose. Only in default thereof shall the complaints be submitted for amicable settlement and to the regular courts of justice, whenever necessary. The customary laws, traditions, and practices of ICCs/IPs on ancestral claims and ownership and settlement of disputes shall be implemented and enforced among the members thereof, subject to the immediately preceding Section.

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

SEC. 36. *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.

SEC. 37. *Applicable Laws.* – Customary laws, traditions, and practices of the ICCs/IPs of the ancestral domain, where the conflict arises, shall be applied first with respect to property rights, claims and ownership, hereditary succession, and settlement of land disputes. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs/IPs.

CHAPTER VII

Social Justice

SEC. 38. *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 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.

SEC. 39. *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. Particular attention shall be given to the rights and special needs of indigenous women, the elderly, youth, children, and persons with disability (PWDs). 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.

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.

SEC. 40. *Indigenous Employment Affirmative Measure.* – In areas with a substantial population of ICCs/IPs, the ministries, agencies, and offices of the Bangsamoro Government, shall prioritize ICC/IP applicants residing in the area, who meet the prescribed minimum qualifications, during the hiring and selection process.

SEC. 41. *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 ICC/IP employees any right or benefit herein provided, or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.

CHAPTER VIII

Women, Children and Youth

SEC. 42. *Policy on ICC/IP 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 this Act shall be interpreted so as to result in the diminution of rights and privileges already recognized and accorded to women under existing laws of general application.

The Bangsamoro Government shall address 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), the Magna Carta of Women, and other existing laws. Indigenous women shall enjoy equal rights and opportunities with men in the social, economic, political, and cultural spheres of life.

SEC. 43. *Gender Balance.* – The right to participation of ICC/IP 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.

SEC. 44. *Bangsamoro Regional Action Plan for ICC/IP 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 ICC/IP women. Active

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

SEC. 45. *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.

SEC. 46. *Primary Maternal and Childcare Providers.* – In areas with a predominant ICC/IP population, ICC/IP-women shall be employed as the primary providers for maternal and child care to promote indigenous health practices and birthing methods.

SEC. 47. *Gender and Development Budget.* – The Bangsamoro Government shall ensure that indigenous women directly benefit from the implementation and utilization of the Gender and Development (GAD) budget in accordance with existing laws.

SEC. 48. *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.

SEC. 49. *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.

CHAPTER IX

Indigenous Knowledge, Systems, and Practices

SEC. 50. *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.

SEC. 51. *Right to Indigenous Knowledge Systems and Practices, 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 histories, languages, philosophies, and writing systems to future generations. They 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.

SEC. 52. *Indigenous Peoples' Educational Systems.* – The Bangsamoro Government shall provide the ICCs/IPs' equal access to education 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.

SEC. 53. *Tribal University System.* – A Tribal University shall be created, founded upon IKSP. The MIPA, MBHTE, and the IPS shall undertake comparative studies on how to establish the Tribal University System efficiently and effectively in the Bangsamoro Autonomous Region. To this end, the Bangsamoro Parliament shall enact a law providing for the Charter of the Tribal University.

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 and indigenous communities. The training of teachers shall be prioritized to effectively carry out the mandates of the Tribal University.

SEC. 54. *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. In pursuit of MBHTE's principle of "*no learner will be left behind*", it shall maintain open admission and remain accessible to all.

SEC. 55. *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.

SEC. 56. *Indigenous Cultural Guardians.* – The Bangsamoro Government recognizes indigenous peacekeeping and safety mechanisms to protect ICCs/IPs and their ancestral domain and to enforce compliance with customary laws. Such indigenous local structures shall include indigenous local peacekeepers, such as, but not limited to, "*Diyaga Fénuwo Agubalang*", "*Balagan*", "*Bagani*", and similar indigenous structures in the Bangsamoro Autonomous Region.

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.

SEC. 57. *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 the “*Mamalu*” and “*Tabunaway*”. The Banobo Center shall facilitate cultural exchanges between the non-Moro and Moro youth to celebrate and strengthen common heritage, kinship, and mutual cooperation.

SEC. 58. *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.

SEC. 59. *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.

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.

SEC. 60. *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.

SEC. 61. *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.

CHAPTER X

Ministry of Indigenous Peoples' Affairs

SEC. 62. 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. In the process of delineation, the MIPA shall coordinate with the Ministry of Environment, Natural Resources, and Energy (MENRE) and the Ministry of Agriculture, Fisheries, and Agrarian Reform (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 this Act;
- 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 taking into consideration the consensus approval of the ICCs/IPs concerned;
- d) Provide legal and paralegal assistance to ICC/IP communities;
- 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 ministries, agencies, and offices in developing and, when necessary, implement programs and projects intended to address the needs of ICC/IP women, youth, students, children, senior citizens, PWDs, internally displaced persons, and other poor and 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 ICC/IP 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 this Act.

SEC. 63. *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.

SEC. 64. *Community Service Centers.* – 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.

CHAPTER XI

Delineation and Recognition of Ancestral Domains/Lands

SEC. 65. *Delineation and Recognition of Ancestral Domains (“Fusaka Ingëd”).* – Self-delineation shall serve as the guiding principle in the identification and delineation of ancestral domains (“*fusaka ingëd*”). 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 the determining traditional territories.

The MIPA, through the Bureau of Ancestral Domain, 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 claims.

SEC. 66. *Military Camps Within Ancestral Domain Areas.* – ICCs/IPs, as the rightful owners of their ancestral domains, are hereby recognized as the owners of those parts of their ancestral domains 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.

SEC. 67. *Ancestral Domains Delineated Prior to this Act.* – The Bangsamoro Government shall recognize ancestral domains, which are already delineated or titled in accordance with existing national laws.

SEC. 68. *Unified Ancestral Domain Claims Covering Areas Outside of BARMM.* – Where only a small portion of the ancestral domain is found in the Bangsamoro Autonomous Region and the substantial portion thereof is situated outside, the application and delineation process already filed with the National Commission on Indigenous Peoples Affairs (NCIP) shall be recognized. This is without prejudice to the power of MIPA to issue CALT with respect to such a portion of the ancestral domain situated within its jurisdiction.

SEC. 69. *Delineation Process.* – The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

- a) **Petition for Delineation.** The process of delineating a specific perimeter area may be initiated by the IPS, representing the ICCs/IPs, through a Petition for Delineation filed with the MIPA, by a majority of the members of the ICCs/IPs.
- b) **Delineation Proper.** The official delineation of ancestral domain boundaries, including census of all community members therein, shall be immediately undertaken by the Bureau of Ancestral Domains upon filing of the application by the ICCs/IPs concerned. Delineation shall be done in coordination with the 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 Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owners which shall be any one (1) of the following authentic documents:
 1. Written accounts of the ICCs/IPs' customs and traditions;
 2. Written accounts of the ICCs/IPs' political structures and institutions;
 3. Pictures showing long-term occupation such as those of old improvements, burial grounds, sacred places, ritual areas, and old villages;
 4. Historical accounts, including pacts and agreements concerning boundaries entered into by an ICCs/IPs concerned with other ICCs/IPs;
 5. Survey plans and sketch maps;
 6. Anthropological data;
 7. Genealogical surveys;
 8. Pictures and descriptive histories of traditional communal forests, hunting and fishing grounds, agri and aqua farms, 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 Registry of Deeds located in the area, where the pending ancestral domain claim is located, to verify the existence of any title, tenurial instrument, or such other land claims that may overlap within the specific area being claimed by the ICCs/IPs. The written response of the said ministries 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 Domains shall conduct a survey and prepare a perimeter map, complete with technical descriptions, and a description of the natural features and landmarks embraced therein.
- f) **Report of Investigation and Other Documents.** A complete copy of the preliminary census and a report of investigation shall be prepared by the Bureau of Ancestral Domains.
- g) **Notice and Publication.** A copy of each document, including a translation in the native language of the ICCs/IPs concerned, shall be posted for at least fifteen (15) days in a prominent place within the ancestral domain area that is subject of application. A copy of the document shall also be posted at the provincial and regional office of MIPA and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute. A copy of the document shall be published in the official website of the Bangsamoro Government.
- h) **Endorsement to MIPA.** Within fifteen (15) days from publication and of the inspection process, the Bureau of Ancestral Domains shall prepare a report to the Office of the Minister of Indigenous Peoples' Affairs, endorsing a favorable action upon a claim that is deemed to have sufficient proof. However, if the proof is deemed insufficient, the Bureau of Ancestral Domains shall require the submission of additional evidence: *Provided*, That the Bureau of Ancestral Domains shall reject any claim that is deemed patently false or fraudulent after inspection and verification: *Provided, further*, That in case of rejection, the Bureau of Ancestral Domains shall give the applicant due notice, copy-furnished all concerned, containing the grounds for denial. In cases where there are conflicting claims between ICCs/IPs on the boundaries of ancestral domain claims, the Bureau of Ancestral Domains shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the 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 Chief Minister for appropriate resolution. Any violation of the provision shall be dealt with administrative sanction.
- i) **Turnover of Areas Within Ancestral Domains Managed by Other Ministries, Agencies, Offices, and Constituent LGUs.** Once an area is certified as an ancestral domain, 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 ministry, agency, and office 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 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 Registry of Deeds in the place where the property is situated.

SEC. 70. 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 domain to individual or indigenous corporate (family or clan) claimants shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions;
- b) Individual and indigenous corporate claimants of ancestral lands which are not within ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the MIPA, through the Bureau of Ancestral Domain. 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 this Act, including tax declarations and proofs of payment of taxes;
- d) The Bureau of Ancestral Domain may require from each ancestral claimant the submission of such other documents, sworn statements, and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim;
- e) Upon receipt of the applications for delineation and recognition of ancestral land claims, the Bureau of Ancestral Domain shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein 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 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 shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Bureau of Ancestral Domain shall give the applicant due notice, copy furnished to all concerned, containing the grounds for denial. In case of conflicting claims among individuals or indigenous corporate claimants, the Bureau of Ancestral Domain shall cause the contending parties to meet

and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Section 85 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Land Management Services of MENRE shall represent the interest of the Bangsamoro Government; and

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

SEC. 71. *Fraudulent Claims.* – The Bureau of Ancestral Domain may, upon written request from the ICCs/IPs, review existing claims that have been fraudulently acquired by any person or community. The Bureau shall conduct an investigation and submit its report to the Office of the Minister. The Office of the Minister shall convene the 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 Registry of Deeds.

SEC. 72. *Communal Rights.* – Areas within the ancestral domains, whether delineated or not, shall be presumed to be communally held: *Provided*, That communal rights under this Act shall not be construed as co-ownership, as provided in Republic Act. No. 386, otherwise known as the New Civil Code, as amended.

SEC. 73. *Existing Property Rights Regimes.* – Legitimately acquired property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected, without prejudice to land review under available transitional justice mechanisms.

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

SEC. 74. *Exemption from Taxes.* – All lands certified to be ancestral domains shall be exempt from real property taxes, special levies, and other forms of exaction except such portion of the ancestral domains 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.

SEC. 75. *Resolution of Conflicts.* – In cases of conflicting interest, where there are adverse claims within the ancestral domains as delineated in the survey plan that cannot be resolved, the MIPA shall hear and decide, after notice to the proper parties, the disputes arising from the delineation of such ancestral domains: *Provided*, That if the dispute is between various IPS regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed. *Provided, further*, That any decision, order, award, or ruling of the MIPA on any ancestral domain dispute or on any matter pertaining to the application, implementation, enforcement, and interpretation of this Act may be brought to the proper courts of justice.

SEC. 76. Remedial Measures. – Expropriation may be resorted to in the resolution of conflicts of interest following the principle of the common good. The MIPA shall take appropriate legal action for the cancellation of documented titles that were acquired illegally: *Provided*, That such procedure shall ensure that the rights of possessors in good faith shall be respected: *Provided, further*, That the action for cancellation shall be initiated within five (5) years from the effectivity of this Act: *Provided, furthermore*, That the action for reconveyance shall be within a period of fifteen (15) years.

CHAPTER XII

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

SEC. 77. 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 and other laws pertaining to IPs shall not be diminished.

SEC. 78. Priority Rights in the Extraction, Development, and Utilization of Natural Resources. – The ICCs/IPs shall have priority rights in the harvesting, extraction, development, or utilization of any natural resource within ancestral domains. A non-member of the ICCs/IPs concerned may be allowed to take part in the development and utilization of the natural resources for a period of not exceeding twenty-five (25) years renewable for not more than twenty-five (25) years: *Provided*, That a Memorandum of Agreement is entered into with the ICCs/IPs concerned, who has agreed to allow such operation in accordance with the FPIC process. *Provided, further*, That the ICCs/IPs shall enjoy full royalties arising from such agreements. The concerned parties shall agree on a royalty payment for the concerned ICCs/IPs which shall not be less than one percent (1%) of the gross income. *Provided, furthermore*, That the MIPA may exercise visitorial powers and take appropriate action to safeguard the rights of the ICCs/IPs under the same contract.

SEC. 79. Exploration, Development, and Utilization of Subsoil Resources in Ancestral Domain Areas. – Applications for exploration, development, and utilization of subsoil resources in the ancestral domains shall be certified by the MIPA to the MENRE, upon favorable recommendation of the concerned tribal council and the IPs' Council after the FPIC process has been properly complied with.

SEC. 80. Fisheries and Aquatic Resources. – The ICCs/IPs shall enjoy preferential rights in fishing areas situated within ancestral domains. Application permits filed by private corporations intending to explore, develop, or utilize aquatic resources found in waters within ancestral domains may be granted by MAFAR or the municipality or city government concerned, as the case may be, only upon the issuance of Certification Precondition by the MIPA obtained through the FPIC process: *Provided*, That the ICCs/IPs shall enjoy full royalties arising from such agreements. The concerned parties shall agree on a royalty payment for the concerned ICCs/IPs which shall not be less than one percent (1%) of the gross income.

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

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

SEC. 81. *Environmental Considerations.* – Ancestral domains or portions thereof, which are found to be necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by appropriate agencies, shall be conserved and developed for such purposes, provided that such efforts shall be undertaken with the full and effective participation of the ICCs/IPs concerned and subject to the FPIC process.

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

SEC. 82. *Access to Biological and Genetic Resources.* – The access and study of biological and genetic resources and their derivatives, including digital sequence information, and the indigenous knowledge related to the conservation, utilization, and enhancement of the resources within ancestral domains of the ICCs/IPs shall be allowed: *Provided*, That the FPIC is obtained in accordance with customary laws of the ICCs/IPs concerned. Proper attribution to the ICCs/IPs shall be ensured. The Bangsamoro Government shall ensure that benefits arising from the use of such resources and knowledge are shared with the communities in accordance with the mutually agreed terms.

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

SEC. 83. *Agroecological Principles and Practices.* – The Bangsamoro Government shall recognize and support the agroecological concept and practices of ICCs/IPs as a traditional method for food security and climate change adaptation.

CHAPTER XIII

Free, Prior, and Informed Consent

SEC. 84. *Free, Prior, and Informed Consent.* – 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 to ensure their economic, social, and cultural well-being.

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

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

SEC. 85. *Duty to Consult.* – The Bangsamoro Government has a duty to consult and, where appropriate, consider when it contemplates conduct that might adversely impact Indigenous Peoples' Rights.

Where as a result of such consultation, it is deemed necessary to alter or modify all or part of its plans and activities, it shall do so in a manner that will ensure the greatest good for the members of the affected ICCs/IPs.

SEC. 86. *Certification Precondition.* – 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. Such certification shall only be issued after a field-based investigation is conducted by the Bureau of Ancestral Domains of MIPA: *Provided*, That no certification shall be issued by the MIPA without the FPIC of ICCs/IPs concerned and the participation of the 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 this Act, any project that has not satisfied FPIC guidelines.

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

SEC. 87. *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 this Act.

SEC. 88. *Guidelines on the FPIC Process and issuance of the Certification Precondition.* – The guidelines for the FPIC Process and issuance of the Certification Precondition shall be provided in the Implementing Rules and Regulations of this Act, with the active participation of the various IPS.

Thereafter, MIPA shall conduct a review of the said guidelines every three (3) years with the Indigenous Peoples Council and the various IPS to ensure that ICCs/IPs are fully informed and protected of plans, projects, programs, or activities sought to be undertaken within their ancestral domain/land.

CHAPTER XIV

Jurisdiction and Procedures for Enforcement of Rights

SEC. 89. *Regional Adjudicators Bureau.* – There shall be established a Regional Adjudicators Bureau under MIPA.

SEC. 90. *Jurisdiction of the Regional Adjudicators Bureau.* – The Regional Adjudicators Bureau

shall exercise original and exclusive jurisdiction to hear and decide cases involving the following:

- a) Adverse claims and border disputes arising from the delineation of ancestral domains/lands, regardless of whether the parties are non-ICCs/IPs, or members of different ICCs/IPs;
- b) Petition for cancellation of fraudulently-issued CADT/CALTS, in relation to Section 70 of this Act;
- c) Petition for cancellation of issued Certification Precondition on the ground of irregularities in the issuance thereof or violation of the provisions of Memorandum of Agreement entered into by the ICCs/IPs and proponent;
- d) Cases involving violations of the FPIC Procedures under this Act; and
- e) Cases involving disqualification and protest filed against IPMR.

SEC. 91. *Quasi-Judicial Powers of MIPA.* – The MIPA, through the Regional Adjudication Bureau, 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 this Act;
- 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.

CHAPTER XV

Miscellaneous Provisions

SEC. 92. *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 indigenous peoples 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, agroecology, 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.

SEC. 93. *Indigenous Peoples' Day.* – In recognition of the rich cultural heritage of ICCs/IPs, an IPs' Day is hereby declared upon the enactment of this Act in accordance with the Bangsamoro Autonomy Act No. 39 or Bangsamoro Holidays Act of 2023. The MIPA shall allocate funds and spearhead the conduct of different activities fitting for this purpose.

SEC. 94. *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.

SEC. 95. *Non-Diminution of Rights and Benefits.* – The rights, privileges, and benefits granted to ICCs/IPs in the Bangsamoro Autonomous Region by virtue of the United Nations Declaration of the Rights of Indigenous Peoples, the United Nations Declaration on Human Rights, Republic Act No. 8371, and other laws pertaining to indigenous peoples shall not be diminished. Indigenous political structures already existing may be allowed to participate in the FIDO to strengthen it and to receive assistance from MIPA.

CHAPTER XVI

Penalties

SEC. 96. *Punishable Acts and Applicable Penalties.* – Any person who violates any of the provisions of this Act and other existing laws, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral domains or shall commit any of the prohibited acts mentioned hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: *Provided*, That no such penalty shall be a cruel, degrading, or inhuman form of punishment: *Provided, further*, That neither shall the death penalty nor excessive fines be imposed. This provision shall be without prejudice to the right of any ICCs/IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One Hundred Thousand Pesos (PHP 100,000.00) nor more than Five Hundred Thousand Pesos (PHP 500,000.00) or both such fine and imprisonment upon the discretion of any competent court. In addition, they shall be obliged to pay to the ICCs/IPs concerned whatever damages may have been suffered by the latter as a consequence of the unlawful act.

SEC. 97. *Persons Subject to Punishment.* – Officers and employees, such as, but not limited to, the president, manager, or head of office of a juridical entity and who are responsible for its unlawful acts shall be held liable and subjected to the applicable penal provisions provided herein. In addition, the said juridical person shall be subject to the cancellation of his/her certificate of precondition, registration, and/or license: *Provided*, That if the offender is a public official or employee, he/she may be punished in accordance with existing administrative laws after the observance of due process.

CHAPTER XVII

Appropriations

SEC. 98. *Ancestral Domains Fund.* – There shall be created a Special Fund to be known as Ancestral Domain Fund, with an initial amount of Two Hundred Million Pesos (PHP 200,000,000.00) to cover the compensation for expropriated lands, redemption, delineation, titling, and development of ancestral domains of the ICCs/IPs in the Bangsamoro Autonomous Region, and other expenses necessary for the implementation of the provisions relating to Ancestral Domain. Appropriations for succeeding years shall be included in the budget of the MIPA.

SEC. 99. *Appropriations.* – The pertinent funds required for the implementation of the other aspects of this Act shall be provided to the MIPA in the annual General Appropriations Act of the Bangsamoro.

CHAPTER XVIII

Transitory Provisions

SEC. 100. *Implementing Rules and Regulations.* – Within ninety days (90) immediately after passage of this Act, the MIPA, in coordination with the Committee on Indigenous Peoples' Affairs, shall formulate the necessary implementing rules and regulations in consultation with the different IPS, for the effective implementation of this Act.

SEC. 101. *Review of the Law.* – The Bangsamoro Parliament shall periodically review the implementation of this Act 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.

SEC. 102. *Pending Ancestral Domain/Native Title/Fusaka Ingëd Claims.* – Within ninety (90) days from the passage of this Act, pending ancestral domain applications that are currently being processed by the NCIP such as the Téduray Lambangian Ancestral Domain Claim, shall be turned over to the MIPA for immediate action.

CHAPTER XIX

Final Provisions

SEC. 103. *Saving Clause.* – This Act shall not in any manner adversely affect the rights and benefits of ICCs/IPs under other conventions, covenants, international treaties, national laws, awards, customs, and agreements.

SEC. 104. *Separability Clause.* – If any part of this Act is declared unconstitutional, other sections or provisions which are not affected by such declaration shall continue to be in full force and effect.

SEC. 105. Repealing Clause. – Muslim Mindanao Autonomy Act No. 241 or the Tribal Peoples Rights Act is hereby repealed.

The provisions of Title VII, entitled Indigenous Peoples' Affairs of Bangsamoro Autonomy Act No. 13, insofar as they are in conflict or inconsistent with the provisions of this Act, are hereby repealed or amended.

All laws, orders, acts, executive orders, proclamations, rules and regulations, and all other issuances or parts thereof, which are inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 106. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the BARMM.


ATTY. PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Transition Authority Parliament on *Jumada Al-Akhira* 09, 1446/December 10, 2024.


PROF. RABY B. ANGKAL
Secretary-General

APPROVED:


AHOD B. ABRAHIM
Chief Minister
Date: Dec. 11, 2024

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