



Tutulan ang ChaCha ni Marcos!

Lupa at Teritoryo, Depensahan laban sa Imperyalistang Pandarambong!

Pebrero 2024

Kaming mga pambansang minorya - Katutubo at Bangsamoro - ng mga organisasyong Katribu Kalipunan ng Katutubong Mamamayan ng Pilipinas, Sandugo - Kilusan ng Moro at Katutubo para sa Sariling Pagpapasya, at Bai Indigenous Women's Network, ay mariing tinututulan ang isinusulong na pagbabago ng konstitusyon o Charter Change (ChaCha) sa ilalim ng rehimeng US-Marcos II.

Ang ChaCha ay may layong baguhin ang mga probisyong pang-ekonomiya ng Saligang Batas ng 1987, na nagbibigay pahintulot sa mga dayuhan na magmamay-ari ng 100% ng kalupaan, mga batayang serbisyong panlipunan, sistema ng edukasyon, at industriya ng advertising at mass media sa Pilipinas. Dagdag pa, ang kasalukuyang anyo ng pamahalaan at ang mga limitasyon sa termino ng mga nakaupong opisyal ng gobyerno ay nasa panganib, dahil maaaring baguhin ito para magsilbi sa kanilang mga pansariling interes. Ang mga pagbabagong ito ay maaaring maging pabor sa administrasyon ni Marcos Jr., na maaaring magresulta sa pagbawas o pag-alis ng mga probisyon ng Katipunan ng mga Karapatan o *Bill of Rights* na isa sa mga pinakamahalagang bahagi ng kasalukuyang Saligang Batas.

Bakit tutol ang mga Katutubo at Bangsamoro sa ChaCha?

A. Lalong titindi ang pang-aagaw sa lupa at paglabag sa karapatang pantao.

Mas lalong nanganganib mawala sa aming mga Katutubo at Moro ang aming mga lupain at teritoryo kapag naipasa ang mga mungkahing pagbabago sa Konstitusyon ng Pilipinas. Salungat na nga ang konsepto ng Regalian Doctrine sa kolektibong pag-aari ng mga Katutubo sa lupang ninuno, mas lalo pang malalabag ang aming karapatan kapag binigyang pahintulot ang dayuhang pagmamay-ari nito. Magpapatuloy ang sistema ng pang-aagaw, sa mukha ng pagtatayo ng mga mapanirang proyekto.

Matagal nang dinadambong ng mga dayuhan ang mga lupain at teritoryo ng mga Katutubo at Bangsamoro. Sa ilalim ng administrasyong Ferdinand Marcos Sr., nagsimulang itayo ang mga dambuhalang dam tulad ng Kaliwa Dam sa mga probinsya ng Quezon at Rizal, at Chico River Dam Project sa rehiyon ng Kordilyera.

Sa ilalim ng administrasyong Fidel Ramos, isinabatas ang Philippine Mining Act of 1995 na nagpahintulot sa operasyon ng *large-scale* at *open-pit mining* sa ating mga kabundukan. Kasama rin dito ang Indigenous Peoples Rights Act of 1997 (IPRA), na hindi tunay na naglilingkod sa interes ng Katutubong mamamayan, lalo na't itinatag nito ang National Commission on Indigenous Peoples (NCIP) na pangunahing lumalabag sa aming mga karapatan, partikular sa aming Free, Prior, and Informed Consent (FPIC).

Sa kasalukuyang Saligang Batas, ang pag-aari ng lupain ay hati sa pagitan ng 60% para sa mga Pilipino at 40% para sa mga dayuhan. Sa isinusulong na ChaCha ng administrasyon ni Ferdinand Marcos Jr., layong 100% na pag-arian ng mga dayuhan ang mga lupain at teritoryo sa Pilipinas, kasama ang lupain ng mga Katutubo at Moro. Uubusin sa pandarambong ang mga lupain, sapilitang aalisin ang mga residente sa kanilang mga komunidad, at tuluyang wawasakin ang kalikasan.

Sa kasalukuyan, mayroong labing-apat (14) na naitalang dayuhang kumpanya ang umu-okupa sa mga lupain ng Pambansang Minorya, at nagtatayo ng mga minahan, pasilidad pang-eko-turismo, dambuhalang mga dam, at iba pang proyektong pang-enerhiya.

Lalong manipulahin ang prosesong Free, Prior, and Informed Consent (FPIC): Ang 100% dayuhang pagmamay-ari ng mga pampublikong lupain ay magdudulot ng mas matinding pang-aagaw sa mga lupain ng mga Katutubo at Moro, o paglabag sa aming karapatan na pag-arian, pangasiwaan, at gamitin ang aming mga lupa at teritoryo. Samakatuwid, maaaring tanggalin

ang mga lupain at teritoryo ng mga Katutubo mula sa aplikasyon ng karapatan sa FPIC. Ito ay lalong magpapalala sa pang-aagaw sa lupa ng mga Katutubo sa pangalan ng pambansang pag-unlad at pambansang interes. Ngunit sa katotohanan, hindi ito magdudulot ng tunay na kaunlaran at hindi rin makikinabang ang karamihan.

Lalong paiigtingin ang militarisasyon at pambobomba sa mga komunidad: Laging kakambal ng pandarambong ang militarisasyon at pambobomba sa mga lupain at teritoryo ng pambansang minorya. Ginagamit ng estado ang Philippine National Police (PNP), Armed Forces of the Philippines (AFP), at National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) sa *harassment, red-tagging, terrorist-labeling*, ilegal na pag-aresto at pagkulong, pagdukot, at pagpaslang para supilin ang laban ng mamamayan sa mga mapangwasak na proyekto. Kasama na rito ang mga tuloy-tuloy na focused military operations (FMO) ng militar sa mga komunidad na balak agawan ng lupa, at pagpapatupad sa mga polisiya ng gobyerno tulad ng Barangay Development Plan (BDP) at Retooled Community Support Program (RCSP).

Malawakang pang-aagaw sa lupain ng Bangsamoro ang nangyari sa Marawi City nang ito ay bombahin ng limang buwan ng gobyerno noong 2017. Malawak na bahagi ng lupain ang nawasak, at nagdulot sa malawakang pag-bakwit ng mga Maranao sa kanilang tirahan kasabay ng kawalan ng kanilang kabuhayan. Hanggang ngayon, marami pa rin ang hindi nakakabalik at nakatira pa rin sa mga *temporary shelters*, dahil sa mga itinayong proyekto na hindi naman sila ang makikinabang. Kung nagawa ito ng gobyerno sa kaisa-isang “Islamic City” sa Pilipinas, hindi nalalayo na mangyayari pa ito sa iba pang komunidad ng mga Bangsamoro.

B. Lalong ipagkakait ang mga batayang serbisyong panlipunan na dapat natatamasa ng mamamayan, kasama na ang pambansang minorya.

Ang pagpapahintulot sa mga dayuhan at pribadong kumpanya na ariin ang mga batayang serbisyong panlipunan ay tuluyang pagtalikod ng gobyerno na magbigay ng mga makamasang serbisyo sa mamamayan. Kasama rito ang akses sa malinis na tubig, abot-kayang singil sa kuryente, pambansa, siyentipiko, at makamasang edukasyon, kalidad na serbisyong pangkalusugan, at pang-masang transportasyon. Malaking sagka ang makasariling interes ng mga dayuhan at pribadong sektor sa pagkakaroon ng mga kalidad na serbisyong panlipunan sa bansa.

Tubig at Kuryente: Sa kabila ng dami ng dam na nakatayo sa mga Katutubong lupain, hindi sumasapat o di kaya’y walang akses sa malinis na tubig at tirahang maliwanag ang mga naghihirap na Pilipino, lalo na ang Pambansang Minorya. Nananatili ring mataas ang singil sa kuryente, at nagkakaroon ng panahon na nauubusan ng tubig para sa irigasyon ng mga sakahan dahil sa mga nakatayong dambuhalang dam. Sa Mindanao, maraming mga residente ang pinagkakaitan ng ilaw at kuryente sa kabila ng mga *hydropower plants* na tinayo dito. Partikular sa Marawi, marami sa mga naninirahan sa *temporary shelters* ay nakakaranas ng kahirapan sa akses sa tubig at kuryente.

PUV Modernization Program: Susuhayan ng ChaCha ang tuluyang pag-*phaseout* ng mga public utility vehicles (PUV), na siyang tinututulan ng mga draybers, mananakay at iba pang mga sektor na nangangailangan ng serbisyong ito. Ang modernization program ay magbibigay-daan sa dayuhang pagmamay-ari at magdudulot ng lalong kahirapan sa akses lalo na naming mga Katutubo sa aming mga komunidad. Maging ang mga propesyunal at *advocates* na nagbibigay ng serbisyo sa amin ay lalong mahihirapan.

Malaking tulong ang mga jeep bilang pampublikong transportasyon para abutin ang mga malalayo at mabubundok na komunidad, na siya ring nagdadala ng mga ani at produkto ng Pambansang Minorya sa sentrong bayan. Sa modernization program, maraming bilang din ng mga drayber na mga Katutubo at Moro ang mawawalan ng kabuhayan dahil hindi kakayanin ang bagong pag-aayos ng prangkisa.

Edukasyon at Mass Media: Mahirap o di kaya’y walang akses ang mga komunidad ng Katutubo at Bangsamoro sa edukasyon. Sa pagbibigay daan sa dayuhang pagmamay-ari, mas madali na ang pagbabago sa kasaysayan na lalong magpapalaganap ng diskriminasyon na aming nararanasan, at paninira sa aming pakikibaka lalo na kung mga dayuhan ang magmamay-ari sa mga eskwelahan at mga industriya sa mass media.

Habang lantaran ang ginagawang diskriminasyon ng gobyerno sa pagkait sa mga Katutubo at Moro na magtayo ng mga paaralang Lumad at Madrasah, pinapayagan pa nila ang 100% na pag-aari ng mga kapitalistang dayuhan. Sa ganito, lalong lalala ang paglaganap ng mga maling impormasyon tungkol sa kultura ng Pambansang Minorya, na magpapatindi sa misrepresentasyon at diskriminasyon na aming nararanasan. Dagdag pang

atake ang kontra-terorismo at kontra-insurhengyong kampanya ng gobyerno na pinalaganap ng NTF-ELCAC sa pamamagitan ng mga eskwelahan at mass media.

Kalusugan: Hindi maipagkakaila ang lugmok na sistemang pangkalusugan sa bansa, lalo na at marami sa naghihirap na Pilipino ang hindi nakatatamasa ng kalidad na serbisyo nito. Sa kasalukuyan, kasama sa hirap o di kaya’y walang akses sa serbisyong ito ang mga Katutubo at Moro na nakatira sa malalayong lugar, kaya paano na lamang kung pagmay-arian ito ng mga dayuhan na kadalasan ay kita lamang ang habol.

Taong 2023, nakaranas ng *diarrhea outbreak* ang ilang komunidad ng mga Dumagat sa Rizal. Marami sa kanila ang kinailangang dalhin sa mga ospital ng iba’t ibang bayan dahil sa kakulangan ng mga pasilidad at serbisyong medikal sa kanilang mga komunidad.

Economic ChaCha nga lang ba?

Sa pangkalahatan, walang maidudulot na mabuti ang ChaCha sa kasalukuyang hirap na kalagayan ng pambansang minorya at ng buong sambayanang Pilipino.

Bukod dito, naniniwala kami na hindi titigil sa usaping pang-ekonomiya lamang ang “pagbabago” sa Saligang Batas. Hindi malayong gagamitin ang ChaCha upang panatilihin sa pwesto ang kasalukuyang mga nakaupo sa gobyerno. Gagamitin ang pagkakataong ito ng mga Marcos at mga tulad nila upang tumagal sa pagkakapwesto.

Sa buong balangkas ng ChaCha, ang mga dayuhang malalaking kapitalista—kasama ang mga panginoong maylupa at mga lokal na burukrata kapitalista—ang magkakaroon lamang ng ganansya. Lalo nitong palalalain ang pambansang pang-aapi sa Mamamayang Katutubo at Moro sa pamamagitan ng pandarambong sa aming mga lupain at teritoryo, militarisasyon sa aming mga komunidad, at paglabag sa aming mga karapatang-pantao.

Wala rin kaming kinikilingan sa awayang Marcos at Duterte sa usapin ng ChaCha, lalo na at ang parehong pamilya ay may matitinding kasalanan at krimen sa sambayanang Pilipino. Parehong makasarili ang kanilang mga

tindig—ang mga Duterte na kontra-ChaCha dahil walang ganansya, at ang mga Marcos na nasa posisyon at may aanihin malaong matuloy na baguhin ang Saligang Batas.

Ano ang panawagan ng pambansang minorya?

Tumindig laban sa ChaCha! Depensahan ang Lupa at Teritoryo! Labanan ang Imperyalistang Pandarambong!

Maliwanag na walang maiaambag na positibo ang ChaCha ni Marcos, hindi lamang sa mga Katutubo at Bangsamoro, ngunit sa buong sambayanang Pilipino. Malinaw na isasangkalan ng ChaCha ang karapatan sa lupa, kabuhayan, at sariling pagpapasya ng pambansang minorya, lalo na’t hindi kinakailangan ng mamamayan ang isang pagbabagong magsisilbi sa interes ng dayuhan at ng mga kasalukuyang gahaman sa kapangyarihan na nakaupo sa pwesto.

Sa kasalukuyan, umiiral ang mga neoliberal na polisiya sa impit ng Imperyalismong US sa bansa kung saan nakabalangkas ang Charter Change na lalong nagpapahirap sa sambayanang Pilipino. Lalo nitong pinapanatili ang atrasadong kalagayang pang-agrikultural sa kanayunan, bukod pa sa lalong pandarambong sa lupa ng mga pambansang minorya.

Tutol ang mga Katutubo at Bangsamoro sa huwad na kaunlaran na hatid ng ChaCha. Ang pagsulong nito ay nakikita naming paatras at traydor sa mamamayan. Kaya sa panahon na kinakailangan, bukas kami sa **malaya, progresibo, at makamasang pagbabago** ng Konstitusyon: **malaya** mula sa dayuhang kontrol, **progresibo** para sa tunay na pag-unlad ng sistemang pang-ekonomiya ng bansa, at **makamasa** para sa pagtugon sa batayang pangangailangan ng mamamayan. Kasama na rito ang pagpapatupad sa tunay na repormang agraryo, pagsusulong ng pambansang industriyalisasyon, at pagtataguyod sa karapatang-pantao ng mamamayan, kasama na ang pagkilala sa aming karapatan sa sariling pagpapasya.



Bisitahin ang link o i-scan ang QR code para sa mga karagdagang impormasyon: tinyurl.com/NatMinChaChaKit



Attachment A

Foreign-owned mining, eco-tourism, dam and other energy projects built on ancestral domains

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
MINING		
<p>Citinickel's Pulot Sofronio mine</p> <p>Location: Sofronia Espanola, Southern Palawan</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> King Crown Group Limited (Hong Kong SAR, China); Fuying Holdings Limited from (Hong Kong SAR, China) <p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> Hongkong Shanghai Banking Corp. LTD (Hong Kong SAR, China); Deutsche Bank (Germany). 	<ul style="list-style-type: none"> Despite promises of progress, Citinickel's mining operation since 2010 has caused significant environmental and social harm, pushing indigenous communities into poverty. FPIC and MOA were obtained against indigenous rights, with Citinickel failing to fulfill royalty payments and compensation for damages. A silt spill in 2014 led to the suspension of CMDC by MGB and a fine for polluting water bodies. Despite this, mining operations resumed in 2014. Palawan's indigenous people, supported by environmental groups, strongly oppose CMDC's mining. Despite protests and calls for government intervention, the pro-mining stance hampers environmental justice efforts.¹ Citinickel, under MPSA 229-2007-IVB, faced a suspension order on Feb. 8, 2017, due to multiple breaches, including failure to comply with land use submissions, quarterly reports, SEP clearance, tree-cutting permits, absence of a Community Relations Officer, and incomplete implementation of the Social Development and Management Program. DENR's field validation confirmed the impairment of the watershed. The order cited violations of RA 7942 (Philippine Mining Act of 1995) and DAO 2010-21 as grounds for the suspension.²
<p>Didipio Gold and Copper Mine</p> <p>Location: Barangay</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> Oceana Gold Philippines (Australia); Oceana Gold Corp 	<ul style="list-style-type: none"> The mine, situated in an indigenous-majority area, faces extensive criticism for alleged human rights violations and environmental damage, with accusations of obtaining Free Prior Informed

¹ [Citinickel's Pulot Sofronio mine in Palawan, Philippines](#)

² [PCIJ Mine Audit Series](#)

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
<p>Didipio, 270 km North of Manila Nueva Vizcaya and Quirino, Luzon</p>	<p>(Australia);</p> <ul style="list-style-type: none"> • Trafigura (Netherlands) <p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> • ANZ Bank New Zealand Limited New Zealand banking • HSBC Bank Australia Limited (Australia) 	<p>Consent (FPIC) through questionable means.</p> <ul style="list-style-type: none"> • Reports in 2009 detailed forceful eviction of local villagers, destruction of houses, and violence during the company's operations, leading to tensions and opposition. • In 2012, two opponents of large-scale mining, members of DESAMA, were killed, raising concerns. Formal petitions against the FTAA were dismissed in 2006. • Environmental and Social Impact: <ul style="list-style-type: none"> ◦ Since the start of commercial production in 2013, the mine has faced criticism for heavy metal contamination in rivers, exceeding safety limits, affecting local livelihoods, fish stocks, and agricultural fields, and causing noise and air pollution. Protests and petitions persist against the mine and government permits.³ • Recent Updates: <ul style="list-style-type: none"> ◦ The standoff between the people of Didipio, Nueva Vizcaya, and OGPI escalated on April 6, 2020, when police used force to disperse the barricade, injuring numerous Indigenous Peoples, the majority of them were women. Fifteen (15) persons have been accused of disobeying quarantine, isolation orders, and civil disobedience, while a Didipio Earth Saver's Movement Association (DESAMA) activist has been arrested. The renewal of OGPI's FTAA to prolong its "permission to operate" for another 25 years "under the same terms and conditions" has been underway. The renewal application was submitted without informing or engaging the impacted community or the local government entity. Because of the lack of FPIC and a long list of environmental and human rights violations committed against inhabitants in the area, the latter and the impacted communities have passed position papers and appealed

³ [Didipio Gold and Copper mine, Nueva Vizcaya, Philippines](#)

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>against the mining permit renewal.⁴</p> <ul style="list-style-type: none"> ○ President Rodrigo Duterte permitted the admission of 63,000 liters (16,600 gallons) of petroleum to the Didipio mining site in January 2020, after the company's FTAA expired on June 20, 2019. Almost a hundred police officers escorted three OGPI diesel tankers as they made their way through the people's blockade. The provincial administration has previously voiced concern about the fuel supply, stating that it should only be used to power generators for dewatering efforts such as removing or pumping groundwater from the mining site. However, the amount of fuel permitted by the President was sufficient for OGPI to maintain operation. The provincial government ordered OGPI to "restrain any activity" in June 2020, which OGPI appealed to the Court of Appeals. Although the latter ruled in favor of the local government, the OGPI continued its operations.⁵
<p>Ipilan and MacroAsia nickel mines in Brooke's Point, Palawan, Philippines</p> <p>Location: Brooke's Point town, Palawan</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> ● Baiyin International Investment Ltd (China); ● Nippon Mining Company of Japan (Japan). 	<ul style="list-style-type: none"> ● Several nickel mines in Palawan, an ecologically valuable island, are embroiled in conflicts. In April 2017, the local government of Brooke's Point in Palawan announced plans to file charges against Ipilan Nickel Corporation (INC) for allegedly resuming mining operations without the required Environmental Compliance Certificate (ECC) and local permits. Mayor Mary Jean Feliciano stated that they intended to push for the cancellation of INC's Strategic Environmental Plan (SEP) Clearance issued by the Palawan Council for Sustainable Development (PCSD). The situation escalated in May 2017 when reports emerged of Ipilan Nickel Corp cutting thousands of century-old trees, sparking criticism from the local community and a Catholic bishop who emphasized the need for environmental protection in Palawan, known as the "last ecological frontier" due to its unique

⁴ Turtogo, P., Beyer, T., Cariño, J., Macalanda, M., & Clemente, G. (2021). *THE PHILIPPINES. Defending Our Lands, Territories and Natural Resources Amid the COVID-19 Pandemic: Annual Report on Criminalization of, Violence and Impunity Against Indigenous Peoples*. *Indigenous Peoples Rights International*. pp. 48-54.

⁵ Ibid.

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>biodiversity.</p> <ul style="list-style-type: none"> • By May 19, 2017, Natividad Bernardino, DENR director of the Mimaropa Region, canceled INC's tree-cutting permit, citing a violation of the suspension of their ECC. Despite INC's defense claiming the validity of their ECC due to a pending appeal, Mining and Geosciences Bureau Director Roland de Jesus clarified that the government had explicitly prohibited the company from conducting any activities following the ECC suspension. The company, affiliated with Global Ferronickel Holdings Inc., now faces potential permit cancellations, including the SEP clearance, as sought by the Brooke's Point government. Additionally, INC is confronting charges of illegal logging and violations of Republic Act No. 9175, the Chainsaw Act of 2002. • Recent Updates: <ul style="list-style-type: none"> ○ Ipilan Nickel Corporation (INC) dismantled people's barricades in Brooke's Point, Palawan, and violently arrested protesters. Save Palawan Movement (SPM) reports that INC security guards forcibly removed individuals, including women and senior citizens, from the barricade, leading to six residents being detained and transferred to Puerto Princesa. ○ Residents have been protesting INC's mining operations since February, citing environmental risks and lack of consultation. The barricade, known as "Barikada ng Bayan," aims to prevent the transport of nickel ore. The project area, located in Mount Mantalingahan-Pulot Range, a protected area since 2009, is rich in biodiversity and considered sacred by indigenous Pala'wan communities. ○ The dispersal occurred a day after the local government issued a cease and desist order, prompting Church leaders to call for accountability, respect for constitutional rights, and a permanent halt to INC's mining operations in Palawan.
King-King copper	<u>Company:</u>	<ul style="list-style-type: none"> • The project endangers numerous endangered

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
<p>and gold mine</p> <p>Location: Pantukan, Compostela, Mindanao</p>	<ul style="list-style-type: none"> St. Augustine Gold and Copper Limited (SAGCL) (United States of America) 	<p>species and the Philippine eagle. It also affects coastal and marine ecosystems, impacting sea turtles, dolphins, whales, and seabirds.</p> <ul style="list-style-type: none"> Killings and red-tagging: <ul style="list-style-type: none"> Teresita Navacilla, a 60-year-old human rights defender, was killed in January 2016 for opposing the King-King project. Soldiers from the 46th Infantry Battalion, assigned to secure the mining project, were implicated in the attack. Navacilla's death was the fourth extrajudicial killing in Southern Mindanao in January 2016. The attack is seen as an attempt to silence opposition to Nadecor and St. Augustine's mining activities. Environmentalists in the region, accused of being part of the New People's Army, face repression from the military, contributing to a pattern of harassment against activists opposing large-scale mining projects.⁶
<p>Rio Tuba and Coral Bay nickel mining and processing</p> <p>Location: Bataraza, Palawan Island</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> Rio Tuba Mining Corporation (Japan); Sumitomo Metal Mining Corporation (Japan). <p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> Japan Bank for International Corporation (JBIC) (Japan) Nippon Export and Investment Insurance (NEXI) (Japan) 	<ul style="list-style-type: none"> Environmental Impact: Large open-pit nickel mines in Palawan are causing deforestation, endangering old-growth forests, precious plants, and animals. Water Contamination: Reports from 2012 blame nickel mining in Palawan for contaminating the Palawan river system, with unsafe levels of carcinogenic chemicals, particularly hexavalent chromium,⁷ originating from mining and refinery operations. Expansion Conflicts: Plans to expand mining operations into untouched virgin forest areas in southern Palawan sparked conflicts between local officials and environmental groups, with protests against reclassification and challenges to the Palawan Council for Sustainable Development's decisions.⁸ Recent Updates: <ul style="list-style-type: none"> The push for renewable energy and

⁶ [King-King copper and gold mine in Pantukan, Compostela, Mindanao, Philippines](#)

⁷ Hexavalent chromium, a toxic form produced by industrial processes, is found in Rio Tuba's wastewater. Known as a human carcinogen, it can cause respiratory conditions and skin lesions. Despite company measures, testing by different organizations confirmed elevated hexavalent chromium levels, raising concerns about potential health hazards and environmental impact on rice paddies and communities downstream. ([Unsafe Levels of Hexavalent Chromium Found in Rio Tuba Waterways](#))

⁸ [Rio Tuba and Coral Bay nickel mining and processing in Palawan, Philippines](#)

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>electric vehicles, driven by the Western world, raises concerns in the Philippines due to increased mineral extraction for batteries and renewable storage, leading to environmental destruction and human rights abuses in mining.</p> <ul style="list-style-type: none"> ○ Environmental activists argue that new green technologies contribute to "extractivist violence and worker exploitation," causing displacement of communities, loss of habitats, water and air pollution, and noise pollution. The Philippines, including Palawan, is particularly vulnerable. ○ Critics highlight the unfairness of the clean energy transition, emphasizing that affected communities, like indigenous peoples and farmers, bear the impacts while not benefiting directly. The environmental lawyer Grizelda Mayo-Anda calls it an issue of inter-generational equity and justice.
<p>Tampakan Mining</p> <p>Location: South Cotabato, Sarangani, Sultan Kudarat, Davao del Sur</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> ● Glencore Public Limited Company (Switzerland); ● Glencore-Xstrata (Switzerland); ● Alsons Group of Companies (unknown). 	<ul style="list-style-type: none"> ● The mining project directly affects watersheds, approximately 3,000 hectares of forest, and sacred ancestral domains. An estimated 5,000 people, mostly indigenous, face resettlement, posing risks to their livelihoods, food, and water sources, potentially leading to social unrest. ● The mining operations pose significant environmental risks, including pollution, erosion, siltation, flash floods, landslides, and seismic geo-hazards. The Bla'an people and other indigenous tribes have actively protested against the project. ● In response to local opposition, military forces, and paramilitary groups have been deployed in defense of the investment, resulting in human rights violations, including the killing of anti-mining and indigenous leaders. ● Recent Updates: <ul style="list-style-type: none"> ○ Regulatory concerns, previously a hindrance to the project, have been significantly reduced, and the company anticipates minimal delays, aiming for the earliest start in Q4 2026. With a project life exceeding 40 years and estimated development costs of \$1.1 billion, Sagittarius is open to new investors,

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		<p>including foreigners, as the lifting of the country's ban on open-pit mining signals a new era for the mining sector and invites international collaboration.⁹</p> <ul style="list-style-type: none"> ○ Roman Catholic bishops from south central Cotabato filed a petition urging the Office of the President to declare the extension of the Financial or Technical Assistance Agreement (FTAA) for the Tampakan copper-gold project illegal. The bishops argue that the Mines and Geosciences Bureau (MGB), an agency of the Department of Environment and Natural Resources (DENR), exceeded its jurisdiction in "unconstitutionally" approving the FTAA extension in 2020 for Sagittarius Mines, Inc. (SMI). They claim that the decision and document are void, emphasizing the need for consultations, environmental impact assessment, and regulatory compliance for renewal to ensure accountability in natural resource utilization.
Mankayan Project	<p><u>Company:</u></p> <ul style="list-style-type: none"> ● Bezan Resources PLC, and IDM Mankayan Pty Ltd. (Australia).¹⁰ IDM International is the international partner in this project located in Benguet. 	
DAMS		
<p>GENED-1 Hydroelectric Power Plant (Gened Dams)</p> <p>Location: Apayao Province, Cordillera Region, Luzon</p>	<p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> ● Japan Bank for International Cooperation (Japan) ● Bank of China (China) 	<ul style="list-style-type: none"> ● Pan Pacific's Gened Dam 1 hydroelectric project poses threats to Isnag communities, causing potential flooding downstream and impacting biodiversity in Apayao. ● The proposed dam along the Apayao-Abulug River would submerge several barangays, displacing over 4,600 individuals and affecting biodiversity in a key area. ● The dam's impact area is home to 105 plant species, 51 bird species, and 11 amphibians and reptiles, posing a risk to indigenous Isnags' food, water, livelihood, and culture.

⁹ [Philippines' Tampakan copper-gold mine may begin operations in 2026](#)

¹⁰ [Mankayan Project Update](#)

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<ul style="list-style-type: none"> • Despite the Isnag people's rejection in 2019 and 2021, the National Commission on Indigenous People (NCIP) approved the Certificate of Precondition for the project, violating the right to Free, Prior, and Informed Consent (FPIC). • Tensions rise as Pan Pacific plans three additional dams, and Isnag opposition faces red-tagging, military presence, and challenges with the NCIP, revealing concerns about the protection of indigenous rights and the inadequacy of the FPIC process.¹¹
<p>Jalaur River Multi-Purpose Project (JRMPP) Phase II Dam</p> <p>Location: Iloilo</p>	<p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> • Export-Import Bank of Korea (KEXIM) (Republic of Korea) 	<ul style="list-style-type: none"> • The project's financing, partly through the Disbursement Acceleration Program (DAP), has raised legal issues following the program's declaration as unconstitutional. The dam's construction involves various contractors, including the Newington Company, and is linked to alleged bribery in securing free prior informed consent (FPIC) from indigenous communities. Apart from social and economic challenges, the dam's environmental impact has drawn significant opposition. Concerns range from the lack of assessments for natural disasters like earthquakes and floods, potential breaking of the dam, and massive flooding downstream cities to the flooding of biodiverse habitats and the creation of a large artificial lake.¹² • The Tumandok communities have been active in resisting the construction of the Jalaur mega-dam in Calinog, Iloilo, and the Pan-ay mega-dam in Tapaz, Capiz. Also known as the Jalaur River Multipurpose Project Phase 2 (JRMP II), the project is expected to displace 17,000 Tumandok individuals, affecting 16 indigenous communities. The building of the dam will submerge houses and agricultural lands of the Tumandok. Because of their opposition to these development projects, the police and military tag them as members and supporters of the CPP-NPA. Earlier before the killings and arrest, in November 2020, some members of the Tumandok from two villages sought help from the Commission on Human Rights due to threats from the military and PNP. The military and PNP were forcing them to sign documents supposedly

¹¹ [GENED-1 Hydroelectric Power Plant in Apayao-Abulug River, Cordillera Region, The Philippines](#)

¹² [Jalaur River Multi-Purpose Project \(JRMPP\) Phase II Dam, Iloilo, Philippines](#)

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>to "surrender" and "clear their names" as assurance that they were not members of the CPP-NPA. They refused to sign the documents since they were not members or supporters of the CPP-NPA. Threats against them mounted, with soldiers saying they could be charged under the Anti-Terrorism Act and warning them for more stringent operations.</p> <ul style="list-style-type: none"> • In an operation by the Philippine police and military in various Tumandok towns in Tapaz, Capiz, and Calinog, Iloilo, on December 30, nine indigenous Tumandok were slain, and 16 others, including six (6) women, were captured.¹³ The victims were leaders and members of the Tumandok group, representing 17 indigenous villages in the provinces of Capiz and Iloilo. Roy Giganto, the chairperson of Tumandok and a barangay councilor in Lahug, Tapaz, Capiz, is one of them. They were "well-known indigenous leaders" in their respective barangays, active in the struggle against land grabbing and the construction of the Jalaur Mega Dam in Calinog, Iloilo, and fought militarization and human rights violations in their villages.¹⁴ • Atty. Angelo Karlo Guillen, the Tumandok case's lawyer and one of the petitioners against the Anti-Terrorist Act of 2020, was stabbed in the head and shoulder by unidentified men around 9:15 AM near the Ferri Mar Hotel in Barangay Villa Anita.¹⁵ Julie Catamin, chief of the Roosevelt Tumandok village, was shot dead by riding-in-tandem assailants on her way home while driving a motorcycle in Calinog town in Iloilo on February 28, 2021.¹⁶ Garry Catamin, 29, a farmer, was arrested on May 11, 2021, after Tapaz police served an arrest warrant issued by Judge Judith Orendain Tonogbanua of the Mambusao Capiz Regional Trial Court (RTC), 6th Judicial Region, Branch 20. Garry Catamin is the son of Garson Catamin, the former Barangay Captain of Barangay Nayawan in Tapaz, Capiz, who was

¹³ Some of the 16 arrested were charged with violating either R.A. 10591, known as the "Comprehensive Firearms and Ammunition Regulation Act," or R.A. 9516, an act amending the provisions of P.D. 1866, known as "Codifying the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition, of firearms, ammunition or explosives or instruments used in the manufacture of firearms, ammunition or explosives, and imposing stiffer penalties for certain violations thereof and for relevant purposes." Others were charged with violating both.

¹⁴ Ibid. p. 21

¹⁵ Gavilan, J. (2022, August 9). *Lawyer who survived slay attempt in Iloilo wins human rights award*.

¹⁶ Business & Human Rights Resource Centre. (2021, February 28). *Julie Catamin*.

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		killed in the Tumandok Massacre on December 30, 2020. ¹⁷
<p>Kaliwa Dam – New Centennial Water Source Project (NCWS)</p> <p>Location: Rizal and Quezon provinces</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> • Obrascón Huarte Lain S.A. (Spain); • Abengoa Abeinsa Business Development (Spain). <p>The Duterte government secured a 283.2 million US dollar loan deal from China.</p>	<ul style="list-style-type: none"> • It will be built on the ancestral domain of Dumagat-Remontados in the provinces of Rizal and Quezon.¹⁸ The project purports to address the increasing demand for water supply in Metro Manila, with a "recent water crisis" used to justify the project. The proposal was rejected by five out of six community clusters in Quezon province.¹⁹ However, in January 2022, Katribu Kalipunan ng Katutubong Mamamayan ng Pilipinas received information that a MOA was signed in one week, a validation procedure that comprised 116 Dumagat elders designated by the NCIP. This event prevented several members of the Dumagat-Remontado tribe from participating. The National Commission on Indigenous Peoples facilitated an event despite an Alert Level 3 Coronavirus disease (COVID-19) in the area and without the full and effective participation of affected communities in exercising their right to FPIC processes.²⁰ Even the House Committee on Indigenous Cultural Communities and Indigenous Peoples issued a Cease and Desist Order, stating that "FPICs in both Rizal and Quezon were not consummated" and that "continuing operations with regard thereto is tantamount to a violation of existing laws, in particular R.A. 8371, wherein our ICCs/IPs' rights are enshrined."²¹ • At least 5,000 indigenous Dumagat-Remontados would have their ancestral lands affected by the project. It will devastate the biodiversity and habitat of 126 species across 300 hectares of Sierra Madre, putting 100,000 people at risk of severe flooding downstream. Failure to pay will result in the country's resources being ceded, in addition to a 10.37 billion peso loan. The National Economic Development Authority (NEDA) had warned that because of the high sedimentation rate, the Kaliwa Dam could have a "perhaps short dam lifespan." NEDA emphasized that the project's rate of return (i.e., 18%-20%) was "just

¹⁷ Celino, F. (2021, May 11). *Ex-village chief's son arrested for attempted homicide raps*.

¹⁸ Haribon Foundation (2019, June 25). *STOP KALIWA DAM*.

¹⁹ Ibid.

²⁰ Jocson, L. M. J. (2022, February 3). *Indigenous peoples seek to overturn Kaliwa Dam deal*.

²¹ Mangaoang, Allen Jesse. Chairperson, House Committee on ICCs/IPs in a letter to the Board of Trustees of MWSS. Mitra Building, House of Representatives, constitution hills, Quezon city. June 14, 2021.

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>above the government's passing rate of 15% economic evaluation" and "did not account for environmental and ecological expenses, as well as social and heritage costs." The World Bank (WB) foresaw the NEDA study in advance. The WB found that the average cost of the Kaliwa Dam was P9.28 per cubic meter, making it "the most expensive per unit among the Nine" Metro Manila Water Projects. It cited evidence as early as 2012 that the Kaliwa Dam "may be unfavorable for consumers."²²</p>
<p>Cabacanan Small Reservoir Irrigation Project (CSRIP)</p> <p>Location: Brgy. Dampig, Pagudpud, Ilocos Norte</p>	<p><u>Financial Institution:</u></p> <ul style="list-style-type: none"> • Japanese Firm (Unnamed) 	<ul style="list-style-type: none"> • The Isnag-Yapayao people are deeply concerned about the CSRIP's impact on the mountains of Barangay Saguigui in Pagudpud. The project will be built on ancestral property in a "disputed area" between the Isnag-Yapayao tribe of Barangay Dampig and Caunayan and persons claiming to be indigenous to Barangay Saguigui. • Cabacanan Dam, part of the ₱837-million CSRIP project, is 95.10 meters high and 248 meters wide at its base. It has a capacity of 2.87 million cubic meters. According to the minorities, when the dam pours water into the 9.88-meter-wide spillway, which is the width of a four-lane road, it will flood and maybe destroy the barangays downstream. It is also located near the Bangui and Vigan-Aggao fault lines, which run along Pagudpud, making it earthquake-prone. • The Isnag Yapayao Balangon Tribal Council Inc (IYBTC) and the Isnag Yapayao Ugayam Tribal Council (IYUTC) of Barangay Dampig and Caunayan have expressed significant resistance to the project. To railroad the project, NIA uses Emilio Rabago, who claims ownership of the ancestral land and misrepresents himself as a "tribal chieftain" in Barangay Saguigui. • The groups chastised the National Commission on Indigenous Peoples (NCIP)-Ilocos Norte for deception and for hastening the process of acquiring free, prior, and informed consent (FPIC) for the CSRIP. "Pressure like this on national minorities trample on our right to self-determination". • They contend that the NIA did not comprehensively and truthfully explain the

²² Panaghiusa Philippine Network (2022, February 22). *"Statement on the Railroaded of the Destructive Kaliwa Dam Project in Rizal and Quezon, Philippines."*

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>project's objectives and contents. The NIA suppressed that CSRIP is a hydropower and tourism project developed by a Japanese firm. The NCIP and NIA ignored the IYBTC and IYUTC resolutions, which sought to terminate the FPIC to resolve the "disputes".</p> <ul style="list-style-type: none"> • Isnag-Yapayao leaders experience constant harassment as a result of their opposition. Since December 18, 2023, they have documented instances of "visits" and "dialogues" by police that are tactics of intimidation against Isnag-Yapayao leaders. Police accuse Isnag-Yapayao of "being exploited by left-leaning groups" for his words. • Reference: <ul style="list-style-type: none"> ◦ Dam projects bring twin disasters to people of Ilocos Norte
PLANTATION		
<p>Palawan Oil Palm Plantations</p> <p>Location: Municipality of Soforino Española, Brooke's Point, Bataraza, Rizal, Quezon, Aborlan and Narra, Southern, Palawan Island</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> • Agusan Plantations Group (Malaysia) • Agumil Philippines, Inc (Philippines & Malaysia) • Palawan Palm & Vegetable Oil Mills Inc (Singapore & Philippines) 	<ul style="list-style-type: none"> • Local organizations, led by indigenous group ALDAW and the Coalition Against Land Grabbing (CALG), have actively opposed the project, citing negative impacts such as economic collapse, loss of biodiversity, and health hazards. They have initiated various efforts, including petitions, affidavits, and international campaigns, to raise awareness and challenge the project's socio-ecological consequences.
ECO-TOURISM		
<p>New Clark City</p> <p>Location: Tarlac province in the Central Luzon Region</p>	<p><u>Companies:</u></p> <ul style="list-style-type: none"> • Vivapolis (France) • Japan Overseas Infrastructure Investment Corp (unknown); • Al Ahli Holding Group (unknown) 	<ul style="list-style-type: none"> • The New Clark City (NCC), a 9,450-hectare smart city in the hills of Capas town in Tarlac province developed by the Bases Conversion and Development Authority (BCDA) commenced construction of the first phase in 2018 without the FPIC of affected Ayta indigenous communities. The Ayta communities were kept away from consultations on the project's extent even as bulldozers proceeded to level their crops. The multibillion-dollar project, one of President Rodrigo Duterte's Build Build Build (BBB) program's showpiece infrastructure projects, is designed to attract foreign investors to establish enterprises in NCC. However, the project threatens to displace at least 65,000 people from

Project	Foreign Support/Ownership	Violations of Land and and Human Rights
		<p>12 villages, including 18,000 indigenous Ayta people. The sports complex that hosted the 2019 Southeast Asian Games built in Phase 1-A of NCC evicted 300 families. On December 2, 2019, at least 500 Ayta households in Aranguren village in Capas, Tarlac were issued a seven-day notice to leave their lands to construct an access road from NCC to Clark International Airport.²³</p>
OTHER ENERGY PROJECT		
<p>Solar UV Farm Project</p> <p>Location: Sitio Tutuduken, Brgy. Agaga, Burgos, Ilocos Norte and Sitio Sidaga, Brgy. Payac, Bangui, Ilocos Norte.</p>	<p><u>Financial Institutions:</u></p> <ul style="list-style-type: none"> • Berkeley Energy (Kenya) 	<ul style="list-style-type: none"> • Up to 300 hectares of solar UV farm were built on their ancestral domain without Free, Prior, and Informed Consent (FPIC); the facilities were gated off, and they were not permitted to enter to tend their crops. Last 2019, when the project was discovered they reported it to the National Commission on Indigenous Peoples (NCIP), the agency came to check if the project covered their ancestral land. • According to the Masamuyao community, the ELPI and NCIP committed a clear violation of indigenous people’s rights. In their recent statement, they raised some questions about the process of allowing the project to their area, “Why did the NCIP issue a CNO even though we have been living in our lands for a long time? Even though NCIP said that they corrected the issued CNO and obliged ELPI to submit documents, why is ELPI still able to enter our land? Why is the process of resolving this issue so slow, especially now that there is ELPI’s plan for the expansion of solar UV farms?” • References: <ul style="list-style-type: none"> ○ English Translation of Masamuyao Isneg Yapayao Tribal Council 's Statement ○ Indigenous rights clash with solar power project in Ilocos Norte

²³ Beltran, B. (2020, January 8). *Philippines’ ‘Smart City’ Threatens Tribal Displacement.*



Attachment B

Laws and policies that are harmful to Indigenous and Moro Peoples in the Philippines

1. RA 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997¹

On ancestral land rights. Despite the act's intention to promote the rights of Indigenous Peoples, the IPRA's concept of ancestral land is that it remains wedded to the oppressive system of land ownership that exists in the country. IPRA only pays lip service to indigenous land concepts. It avoids any clear-cut provision that may be used to challenge the very basis of the present bourgeois-feudal land system. It pushes existing indigenous land systems into a legal framework that makes them fully compatible with the nationwide system of land ownership, which prevents ancestral lands from being truly and fully recognized. Nowhere in IPRA does the state explicitly declare full recognition of our absolute rights of ownership over our ancestral domains.

IPRA grants the "right to negotiate the terms and conditions" for others to exploit the natural resources in our areas, but not the explicit right to refuse to negotiate, nor the explicit right to refuse to participate especially when our participation is being used to fabricate our consent. We are granted the "right to receive just and fair compensation for any damages" that we suffer as a result of a project but not the explicit right to prevent such damages before they are incurred.

IPRA is being implemented in the absence of genuine regional autonomy—and therefore in the absence of the structures and process of self-rule by IP. Thus, its main provisions on "self-governance" and empowerment are all just decorations as far as we are concerned.

On NCIP. IPRA created the NCIP, and the nature of the commission violates the principles of self-governance and empowerment. It is anti-democratic and misrepresentative and beholden only to the Office of the President and their own loyalties, not to the masses of Indigenous Peoples. The NCIP is given too many powers and functions, making it even superior to autonomous regions and LGUs in several aspects. One of these powers includes the NCIP's authority to enter into contracts, agreements, and arrangements with private or public entities, and obtain loans to finance its programs. It can negotiate for funds and accept and administer "grants, donations, gifts and/or properties in whatever form and from whatever source. Thus, the NCIP can easily become a ground for graft and corruption.

The NCIP is also authorized to represent the Philippine IP in international conferences and conventions. It can insist that it take over the seats held by IP organizations and non-government advocacy groups. This is an usurpation of our rights as IP to represent ourselves.

¹ Following passages taken from "IPRA Critique" by the IPRA writing group, CPA-Ditneg (August 31, 1998).

IPRA does not provide the solution to our long-standing problem of oppression. It does not provide the comprehensive legal framework for truly recognizing and respecting our full range of rights. It is deceptive because it seems progressive, but in reality, it is part of the same system that exploits IP.

IP call to review the IPRA, to scrap the provision regarding recognizing prior rights to private individuals and corporations before enacting the said law. We call to abolish the NCIP and punish and penalize NCIP officials (and involved corporations, local and government officials, military and police officers/personnel involved) complicit in selling gout certificates of precondition, manipulating the FPIC process, violating FPIC guidelines, and violating IP rights in the process. We call for the upholding of the country's commitment to UN Human Rights Mechanisms and international treaties.²

2. RA 7942 or the Philippine Mining Act of 1995

The PMA of 1995 contains provisions that allow for the exploration, development, and utilization of mineral resources in ancestral lands without the consent of IP communities. It liberalizes countries to “strengthen” the Philippine economy and opens the way for large corporations to steal and destroy natural resources, most of which are in the lands of our indigenous communities. This favoring of foreign investments exacerbates the seizure of ancestral lands that leads to mass displacement of our IPs.

Aside from human deaths, large-scale mining has caused damaged dams, soil, and water pollution due to excessive tailings, siltation, contamination and damage to agricultural lands, fish kill and other damages to marine life, buried or damaged houses in tailings and flash floods, isolated villages, dust fallout and air pollution, massive evacuation, and various illnesses. Moreover, more than 90% of Philippine mineral production is exported for use by other countries' steel industries while the country has none. This is despite the Philippines being one of the world's top producers of gold, copper, and nickel.³

We call to scrap the Philippine Mining Act of 1995. We call to pass and enact House Bills 112 and 254, which will usher in a new, pro-Filipino, more environmentally sound, and human rights-based mining policy.⁴

3. Anti-Terror Act (ATA) of 2020

The ATA of 2020 arbitrarily designated four Indigenous Peoples rights defenders through the Anti-Terror Council's Resolution No. 42 (2023). This resolution was issued under Sec. 25 of the ATA which permits the ATC to unilaterally designate individuals and groups as terrorists without trial, prior notice, or an opportunity to be heard. With Sec. 25 of the ATA, the military and the ATC can bypass the court system, ignore even rudimentary concepts of fairness and due process, and act as judge, jury, and executioner at the same time.

IP and IP rights advocates were part of the 37 petitions filed with the Supreme Court challenging the constitutionality of the ATA. This law is used against individuals, organizations, and communities who are actively defending their lands from plunderers and destructive development frameworks.

² Calls taken from the Electoral Agenda of National Minorities 2022, prepared by Sandugo - Movement of Moro and Indigenous Peoples for Self-determination

³ [Duterte admin should stick to mines closure - IBON](#)

⁴ Electoral Agenda of National Minorities 2022

4. Executive Order No. 70

The Executive Order 70 (EO 70) created the National Task Force to End Local Communist Armed Conflict or NTF-ELCAC, a task group created by the Philippine government to respond and to raise awareness about the country's ongoing communist rebellion.⁵

However, due to its "whole-of-nation" counter-insurgency operation plan with an "Indigenous People-centric" approach, the attack on the Indigenous Peoples worsened.

1. Many of indigenous communities have been called terrorist areas.
2. Militarization, aerial strikes, and forced evacuations have been intensified.
3. IP leaders and organizations are called terrorists and fronts of underground revolutionary movements.
4. There are many fake and false surrenderees.
5. This led to extra-judicial killings, trump-up charges, criminalization and harassment.

Since its establishment in 2018, the NTF-ELCAC has been repeatedly exposed by the Indigenous Peoples and human rights groups as a culprit of human rights abuses. The NTF-ELCAC red-tagging before and after the massacre of nine and the illegal arrest of 16 Tumanduk leaders served to justify the killing by the Armed Forces of the Philippines, and Philippine National Police in Iloilo last December 30, 2020. It has also emboldened the arbitrary designation of four indigenous Cordillera Peoples Alliance (CPA) leaders as terrorists and the criminalization of IP and advocates, including Julieta Gomez, Niezel Velasco, and the Northern Luzon 7.

The NTF-ELCAC has not and will never bring peace and development to far-flung and indigenous communities. The NCIP is also active in the NTF-ELCAC, which labels Indigenous Peoples who defend their land, territory and FPIC as "anti-development" and rebels.

5. Barangay Development Program (BDP) and Retooled Community Service Program (RCSP)

According to the Department of Interior and Local Government's (DILG) memorandum circular (MC) 2021-813, the Barangay Development Plan is a three-year multi-sectoral plan that is formulated through an inclusive and participatory approach led by its development council and approved by its Sanggunian.⁶ Meanwhile, the Retooled Community Service Program (RCSP), according to DILG MC 2019-169, is a convergence mechanism for local government units (LGUs) particularly in the barangay for the identification of issues and needed government interventions.⁷

However, both of these policies operate under the guise of enhancing peace and development in targeted barangays, but exacerbate the assaults on indigenous communities. Through BDP and RCSP, Indigenous Peoples defending their land and territories are falsely-labeled as anti-development and members of the New People's Army (NPA). The RCSP even involves the National Commission on Indigenous Peoples (NCIP).

Additionally, police and military operations in communities are intensified, aided by focused military operations (FMO) and the Philippine National Police's (PNP) implementation of their local synchronized enhanced management of police operations (SEMPO).

⁵ [Executive Order No. 70](#)

⁶ [DILG MC 2021-813](#)

⁷ [DILG MC 2019-169](#)



Attachment C
Indigenous and Moro Peoples Agenda

1. On Economic Demands

MORO

1. Pursue a people-oriented rehabilitation program for the city of Marawi and allow the thousands of displaced Maranao families/bakwits of the 2017 Marawi Siege to return to their respective barangays to rebuild their houses and exercise their day-to-day economic activities.
2. Provide a workable solution for the return of Internally Displaced Persons or groups to their original abode or communities with proper housing or resettlement. These IDPs from different tribes and abodes have become unwilling victims of sporadic conflict from the 1970s up to the present.
3. Prioritize the food security of the people over profit-oriented activities by the local and foreign capitalists. Stop the massive conversion of agricultural lands into cash crops plantations by multinational agro-companies.

IP

1. Stop the plunder of resources in ancestral lands! Disallow destructive projects and uphold the rights of indigenous peoples to Free, Prior and Informed Consent (FPIC) with regards to projects implemented in their territories.
 - Junk the Philippine Mining Act of 1995 (RA 7942). Pass and enact House Bills 112 and 254, which will usher in a new, pro-Filipino, more environmentally sound, and human rights-based mining policy. Reject the Financial and Technical Assistance Agreement (FTAA) renewal with OceanaGold Philippines, Inc. Disapprove the Application for Financial Technical Assistance by the Sagittarius Mines Inc. in SOCCSKSARGEN and Cordillera Exploration Inc. in Benguet, Mt. Province, and Ilocos Sur. Declare a moratorium on large-scale mining and cease existing mining operations until a new mining law is passed. Implement the DENR's suspension and cancellation orders for several mining companies in 2017. Revoke EO 130 passed by Pres Duterte.
 - Stop building large dams in indigenous territories. Discontinue the construction of Kaliwa Dam, Jalaur Dam, Gened 2 Dam, among others. Disallow the construction of the Alimit Hydropower Complex in Ifugao, Pulangi V in Bukidnon and Cotabato, and other projects in the New Centennial Water Source Project (Kanan and Laiban Dams). Investigate the FPIC processes carried out for these projects. Make accountable those who violated FPIC guidelines and indigenous peoples' rights in the process.
 - Stop the building of destructive energy projects, such as coal-fired power plants. Geothermal, natural gas, wind farms, and large solar farms are in indigenous peoples' territories.

- Stop building economic zones at the expense of farmers and indigenous peoples' lands, livelihoods, and homes. Stop the New Clark City and compensate those affected by the APECO and other economic zones established.
- Stop crop conversion in favor of monocrop and industrial plantations. Cease the expansion and extension of permits for oil palm, fruit, biofuel (sugar cane and cassava), and rubber plantations.
- Review policies regarding conservation, reforestation, and protected areas such as the NIPAS Act. Uphold indigenous peoples' rights to several resources such as medicinal plants, hunting games, and wood for houses and public structures.
- Halt the issuance of logging permits. Strengthen policies against heavy extractive logging activities.
- Uphold the right to Free Prior Informed Consent in all projects and investments concerning indigenous peoples, territories, and resources. Make accountable those who violated FPIC guidelines and indigenous peoples' rights in the process.
- Uphold international Business and Human Rights principles. Make corporations accountable for violation of FPIC and human rights of indigenous peoples.
- Review the processes and requirements and the whole policy of providing Certificate of Ancestral Domain Titles (CADT) and Certificate of Ancestral Land Titles (CALT).
- Provide compensation to communities that experienced the negative impacts of destructive projects such as mining, illegal logging, plantation, among other things.

2. On Social Services

MORO

1. Pursue a people-oriented rehabilitation program for the city of Marawi and allow the thousands of displaced Maranao families/bakwits of the 2017 Marawi Siege to return to their respective barangays to rebuild their houses and exercise their day-to-day economic activities;
2. Provide a workable solution for the return of Internally Displaced Persons or groups to their original abode or communities with proper housing or resettlement. These IDPs from different tribes and abodes have become unwilling victims of sporadic conflict from the 1970s up to the present.

IP

1. Recognize and promote indigenous peoples' health care systems, including birthing and child care. Review policies regarding these, such as the No Home Birthing Policy.
2. Provide appropriate and sufficient aid, relief, and rehabilitation services to indigenous peoples who survived natural and artificial disasters. Provide training on disaster risk management while enhancing their indigenous knowledge and practices in mitigating risks and adapting to the effects of natural and artificial disasters.
3. Enhance Indigenous Peoples' capacities in forest management to help preserve watersheds and mitigate climate change risks.
4. Ensure social justice and provide basic services to indigenous peoples that will aid Indigenous Peoples towards genuine development
 - a) Recognize indigenous community schools such as those run and established by Mindanao Interfaith Services Foundation, Inc. (MISFI), Tribal Filipino Program for Surigao del Sur (TRIFPSS), Alternative Center for Agricultural and Livelihood Development (ALCADEV), Blaan Literacy

School and Learning Center (BLSLC), Salugongan Ta Tanu Igkanugon Community Learning Center (STTICLC), (SilangangDapit sa Habagatang Sidlakang Mindanao o SILDAP-SEM sa broad). Stop the attacks and closure of these schools and spreading lies regarding being training grounds for the NPA. Uphold the rights of the children who continue their education through Bakwit schools. These schools and their curriculum should be promoted and supported with government education funds.

b) Provide sufficient, affordable, and accessible health services to indigenous communities. Recognize, support, and enhance indigenous health care knowledge and practices, including medicinal plants.

c) Provide appropriate infrastructure and technology support for energy (CBRES), water and irrigation systems, farm-to-market roads, bridges, and public gathering facilities.

d) Implement genuine land reform and stop land monopolization. Prohibit the full ownership of land by foreign individuals and corporations.

e) Advance a national industry that will make good use of our rich natural resources for genuine national development. Promote the proper utilization of resources while respecting the rights of indigenous peoples to those resources and their sources.

3. On Human Rights and Peace

MORO

1. Uphold and defend the Bangsamoro People's rights and safety.
 - a. PULL OUT military units in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) that continue to conduct aerial bombing and ground operations in Moro communities in the guise of anti-terrorism and war on drugs campaign. These operations always result in the forced displacement of residents, deaths of innocent civilians, including children and elderly, illegal arrests and detention. The victims of 2017 Marawi siege and aerial bombings in Maguindanao during Eid'l Fitr in 2018 are still crying for justice for the transgression of their basic human rights.
 - b. STOP the indiscriminate terrorist-tagging of the Bangsamoro which victimizes poor farmers, fishermen, street vendors, tricycle drivers, students and out-of-school youth.
 - c. REVIEW trumped-up cases and torture of Bangsamoro detainees and prisoners. They were falsely accused of being members of the terrorist Abu Sayyaf Group (ASG).
 - d. RELEASE the sick and elderly Bangsamoro political prisoners who were accused and wrongfully convicted of trumped-up cases of the ASG-committed kidnapping and illegal detention.
 - e. CONDUCT INDEPENDENT INVESTIGATION on the December 31, 2021 military and police operation in Brgy. Gukotan, Pikit, North Cotabato, an MILF community, purportedly to serve a warrant of arrest for a murder case. The operation resulted in the deaths of six persons, arrests and detention of three civilians, and the wounding of a 17-year old boy. The residents who were forced to flee their homes during the attack found their personal properties when they were able to return to their community. The AFP and PNP used the "nanlaban" narrative to justify the tragedy.
2. Uphold and ensure the successful implementation of the GPH-MILF peace agreements
INVESTIGATE the repetitive ceasefire violation issues committed by the AFP and PNP by conducting uncoordinated anti-terrorist military operations in remote Bangsamoro communities in Maguindanao, island provinces and Lanao areas, the recent incident was

the raid in Pikit, North Cotabato by the joint PNP AND 6th ID PA last December 31, 2022 Ceasefire violation issues must be addressed as these created tensions on the ground and will affect the smooth implementation of the peace agreements.

IP

1. Uphold Indigenous Peoples' Rights. Stop the Criminalization against Indigenous Peoples' Human Rights Defenders
 - a. Stop the extrajudicial killings of Indigenous Peoples by state security forces and paramilitary groups.
 - b. Stop the vilification, red-tagging, and terrorist labeling against IP activists and their organizations. Stop allowing state security forces to commit atrocities and criminalize dissent to destructive projects.
 - c. Free all IP detainees who have been detained indefinitely due to fabricated charges and political motivations.d) Revoke and repeal all policies that have been proven to violate or may violate the human rights of indigenous peoples, particularly the right to organize and protest anti-people policies. Repeal the Anti-Terrorism Act of 2020 and Oplan Kapanatagan and other policies and programs similar to it. Abolish the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).
 - d. Pull out military troops from indigenous communities. Stop the encampment in schools, barangay halls, health centers, and residences located in indigenous communities. Ensure the safe return of evacuees to their communities which are under intense military operations and activities.
 - e. Disband paramilitary groups such as the Alamara, Bagani Force, CPLA, among others, and make them accountable for crimes against indigenous peoples. These groups are used as attack dogs against legitimate indigenous leaders and organizations, and they are a significant cause of community disunity among indigenous peoples.
 - f. Punish and penalize all military personnels who were instrumental in committing heinous human rights violations against indigenous leaders, activists, and even ordinary community members. Justice for the Lake Sebu Massacre victims, the Tumandok Massacre, the Dumagat Bloody Sunday victims, the Lianga Massacre 2, and all indigenous peoples killed in extrajudicial killings. Ensure that their families are fairly compensated.

ON NCIP

- Abolish the NCIP and put up an indigenous consultative body with oversight functions in its place (selected by indigenous peoples, not local government executives, district representatives, or the President). If not, revamp the NCIP and put officials duly selected by Indigenous Peoples (not local government executives, district representatives, or the President).
- Punish and penalize NCIP officials complicit in selling out certificates of precondition (paper permit given after FPIC process), manipulating the FPIC process, violating FPIC guidelines, and violating indigenous peoples' rights in the process. Penalize as well involved corporations, local government officials, military and police officers/personnel involved.
- Stop giving military or former military officers positions in the NCIP bureaucracy, e.g., Ret. Col Allen Capuyan.

4. On Media, Culture, and the Arts

1. Respect and promote the self-identity, culture and indigenous knowledge systems and practices (IKSP) of indigenous peoples a) Stop the misrepresentation and mislabeling of indigenous peoples in mass media, educational materials, and government policies and processes. Consult them in all matters involving them in crafting public materials.
2. Respect the rights to ancestral lands and self-determination, and recognize indigenous peoples in the Bangsamoro territories.
3. Promote indigenous knowledge and practices of indigenous peoples in agriculture, caring for the environment, and protecting biodiversity. If needed, integrate appropriate modern technology to enhance these practices and increase production in terms of food and resources.
4. Uphold community intellectual property rights of indigenous peoples in medicinal plants, wildlife, arts and crafts, music, dances, engineering, and architecture, among others. May these be recognized for eternity unless otherwise decided by indigenous groups through their decision-making processes. Punish unlawful patenting of indigenous knowledge and endemic resources with potential industrial purposes.
5. Recognize and respect existing indigenous governance and justice systems. Let them resolve first inter-and intra- tribal/community conflicts and offenses. Indigenous peoples also have the right to penalize non-indigenous peoples with grave offenses towards their people and territories.

5. On Sovereignty and Foreign Policy

1. The Philippine Embassy should put up a Consulate Office in Sabah, Malaysia, to effectively assist the undocumented Moro migrants or refugees. Provide legal aid and oversee the determination of their status and safety in that state.
2. Uphold the country's commitment to UN Human Rights Mechanisms and international treaties. Invite a special rapporteur on the rights of indigenous peoples to the Philippines. Encourage the participation of indigenous peoples in the submission of reports to the International Convention on the Elimination of Racial Discrimination (ICERD) or recognize and act upon their shadow reports.
3. Defend its sovereignty over its territory, including the West Philippine Sea, against the Chinese government. Abrogate unequal military and trade treaties and agreements such as the Visiting Forces Agreement (VFA), Mutual Defense Treaty (MDT), General Agreement on Tariffs and Trade (GATT) - World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC), among others. Push for an independent foreign policy based on defending national sovereignty and a robust national industry. Stop the use of indigenous peoples' lands for military exercises with US troops.