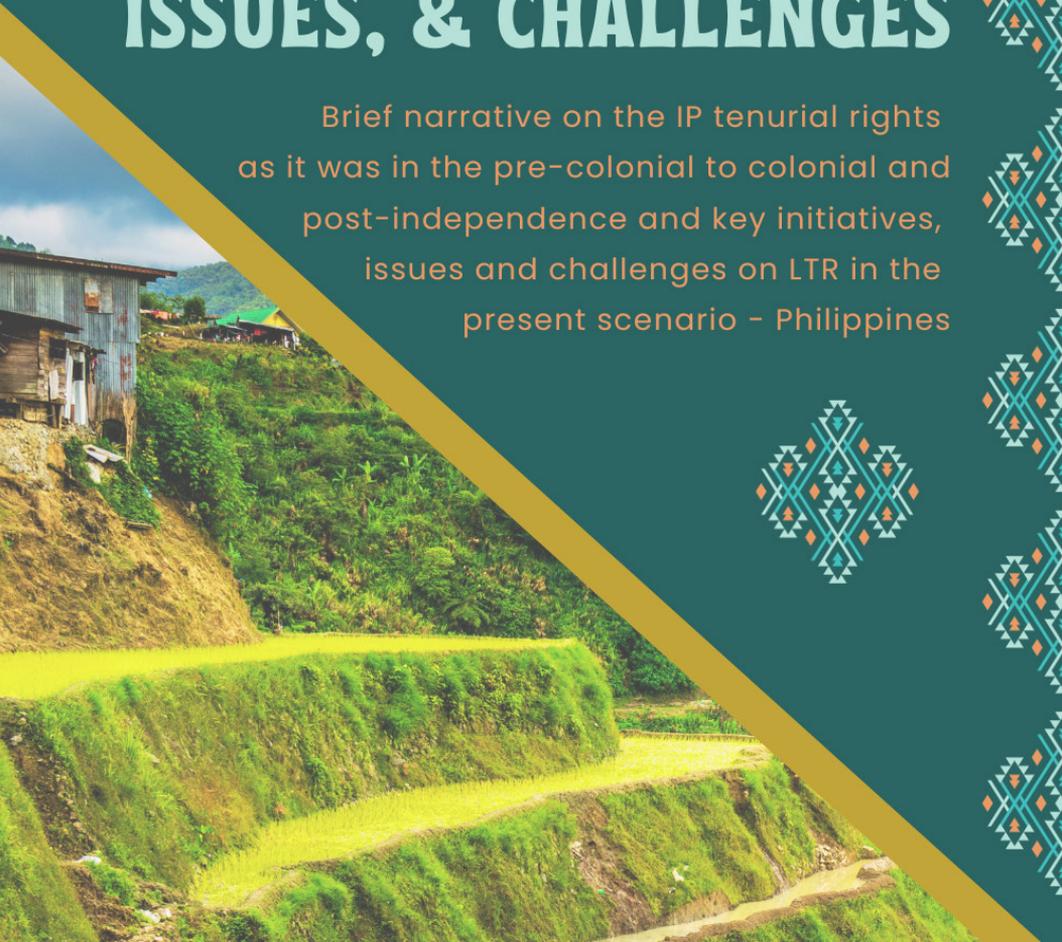




IP TENURIAL RIGHTS, KEY INITIATIVES, ISSUES, & CHALLENGES

Brief narrative on the IP tenurial rights as it was in the pre-colonial to colonial and post-independence and key initiatives, issues and challenges on LTR in the present scenario - Philippines



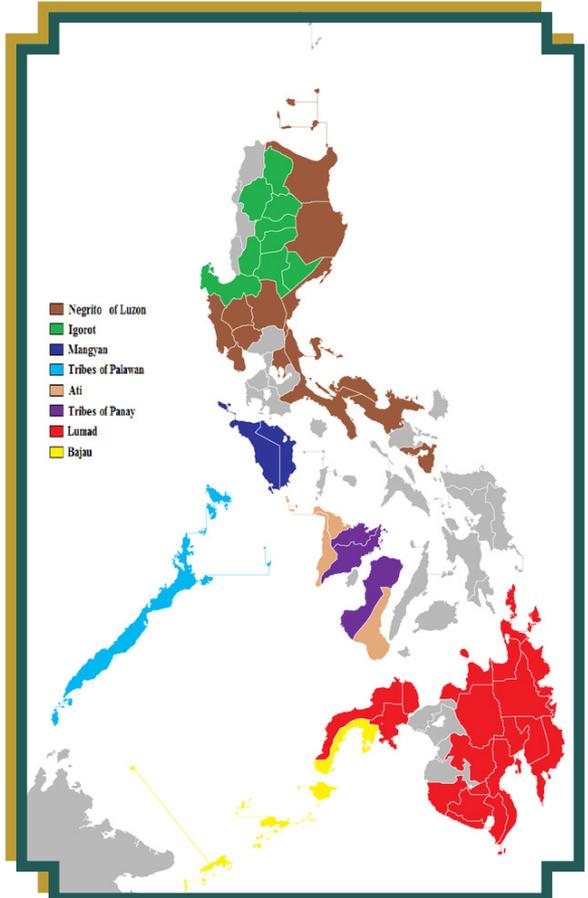
I. IP TENURIAL RIGHTS

(Precolonial, colonial, post-independence)

A. Short Overview of the Philippine Indigenous Peoples

The Indigenous Peoples of the Philippines are grouped into 110 groups, comprising around 15 million people of the country's 114 million people (Worldometer, 2023). They comprise about 12% of the population, but their territories take up as much as 44% of the country's total land area (LRC, 2022).

The biggest projected IP population in the country are the non-Islamized indigenous peoples of Mindanao, collectively called the Lumad. Along with the Moro people, they comprised 63% of the country's IP population; followed by the indigenous peoples of Luzon at 34% of which the Igorot peoples of Northern Luzon is of significant number. The indigenous peoples of the Visayas group of islands comprise 3% of the country's IP population.





B. The Concept of Land Among the Philippine Indigenous Peoples

Drawing heavily from Karl M. Gaspar's summation of the customary law of the Philippine Indigenous Peoples, the following are the commonalities in the concept of land among the Philippine Indigenous Peoples:

1. Who may own the land

No one can own the land. Land and everything in it comes from the Creator and is therefore of divine origin. As it is of divine origin, land therefore is sacred, and being sacred, it is not subject to ownership (Molintas, 2004).

For the Cordillera peoples, communal use and ownership, based on the concept of communal property are emphasized under customary law.

The Moro people also adhere to the concept of land as *pusaka* (heirloom or ancestral property) which then allows one to right to uncultivated or seemingly abandoned land that really is an ancestral property or domain belonging to the old sultanate (Fianza, 2004).

The Lumads, likewise, have no concept of private ownership, believing that the natural resources within their ancestral lands are collectively owned by

the communities and therefore the lands can never be sold for profit.

For the Tumandok people, the forests and rivers within and along Central Panay Mountain Range belonged to the whole people and the future generations, these territories are considered *ang duta sang kamal-aman*, or ancestral lands. Customary laws and agreements between the different clans of the Tumandok people govern the use and management of the rivers and forests. Clan-based management of agricultural lands are within their so-called *redor*.

2. Treatment of the land and resource management

The indigeous peoples of the Cordillera have a system of ensuring that forested areas are maintained, not only for fuel wood and timber but also for agricultural economy (*muyung / tayan*). They have a resource management system known as *lapat* whose underlying purpose is to ensure biodiversity regeneration within the declared area. They also have traditional systems of water resource management – *dapat* and *mananum* -- that are based on cooperative rehabilitation, quality and quantity maintenance and respect for life (Molintas, 2004).

The Lumad peoples' great respect for the environment stems from their belief that all things in this world have guardian spirits. They believe that people were created



to defend the environment and it is forbidden to plunder or destroy the natural resources (Pacificar et al, 2013).

For the Philippine indigenous peoples, land IS life; for land will not only sustain the community, but will also ensure that survival of the next generation, of the people itself.



3. Criteria for acquisition and forfeiture of land use rights

The right to use land is primarily a matter of actual use and occupancy. Persons assert control over land and acquire land-use rights by virtue of their membership in an indigenous community and the labor they expend clearing the land and continuing to cultivate.

Moro adat dictates that land which is inherited are not to be alienated as lands are collectively owned by the family or related families, the possession — that is, usufruct — of which may revolve around particular members upon prior agreement (Fianza, 2004).

4. Governance and decision making

Traditional political structures of community leaders are determined by the members of the community. Decision-making and conflict processes are done by the Council of Elders and other key political figures in the IP communities.

Philosophical and economic perspective

The underlying philosophy of customary laws is rooted in a way of life that is deeply and closely linked with their beliefs and which has evolved out of kinship-based and communal mode of production.

Land is not mere commodity but a sacred and valuable possession. The basic policy is preservation, rather than alienation, of the property, for the property is seen as a domain, rather than just a piece of land.

For the Lumad the mode production is based on an ideology of reciprocal exchange, worked for the sharing and redistribution of goods and resources, thus enabling the survival not merely of individuals, but more significantly, of the community. (Gaspar, 2011, cited by Gaspar, 2015)



For the Moro peoples, land is amanah (trust), loaned to man only for his use or stewardship for his survival.

Perhaps the words of the Kalinga warrior chief, Macliing Dulag, can capture the entirety of the Indigenous Peoples' relationship to their ancestral lands, territories and resources:

[T]o claim a place is the birthright of every man. The lowly animals claim their place, how much more man. Man is born to live. Apu Kabunian, lord of us all, gave us life and placed us in this world to live human lives. And where shall we obtain life? From the land. To work the land is an obligation, not merely a right. In tilling the land you possess it. And so land is a grace that must be nurtured. Land is sacred. Land is beloved. From its womb springs our Kalinga life." (Parpan-Pagusara, cited by Molintas, 2004)

C. Dispossession and Oppression of the Philippine Indigenous Peoples Under Spanish Colonization (1565–1898)

The indigenous peoples history of dispossession of their ancestral homelands began with a colonizer's arrogant presumption, with the regalian doctrine.

The regalian doctrine or *jura regalia* is a Western medieval legal term which denoted rights that belonged exclusively to the king. By fiction of law, the King was regarded as the original proprietor of all lands, and the true and only source of title (Project Jurisprudence, 2023).

According to this legal fiction, it was deemed that by virtue of conquest, the entire Philippine islands belonged to the Spanish crown, and this was introduced and implemented in the Philippines through the Law of the Indies and the Royal Cedula.

The Law of the Indies is the entire body of laws promulgated by the Spanish crown during the 16th, 17th and 18th century for



the governance of its colonies outside Europe, chiefly in the Americas, as well as in Asia and Oceania. The Spanish corpus juris provided that all lands which are held without proper and true deeds of grant belonged to the Spanish crown.

Relevant Royal Cedula's that impacted the Philippine Indigenous Peoples' customary laws over their lands, territories and resources include:

1. The Royal Decrees of 1880 which required landholders to secure formal titles from the Spanish crown;
2. The Mortgage Law of July 1893 which called for the writing of individual record for every parcel or tract of land through registration of land titles and deeds;
3. But it was the Royal Decree of 1894 or the Maura Law that laid down the framework for the present Philippine State policy. The law arrogated to the State the power to deny legal recognition of customary property rights.

"Maura Law provided the legal basis by which the U.S. colonial regime denied any effective recognition of the

ancestral property rights. More significantly, the philosophy behind the Maura Law provided the legal foundation for the prevailing 20th century version of the regalian doctrine.” [Lynch, cited by Fianza, 2004]

D. The American “Benevolence” (1898–1946)

What began as the end of a global colonial empire at the start of the 19th century, the Spanish empire finally met its demise in a skirmish with territory-hungry and emerging imperialist United States at the end of the century. After the Spanish–American War of 1898, Spain lost what remained of its overseas empire -- Cuba, Puerto Rico, the Philippine islands, Guam, and other islands -- to the United States,



On December 10, 1898 the Treaty of Paris of 1898 between the United States and Spain. Through this treaty, Spain ceded the Philippines to the United States.

As a footnote however it should be noted that by the time the Treaty of Paris of 1898 was signed, the Filipino people had already put an end to the Spanish rule in the Philippines.

Meanwhile, the Treaty of Paris of 1898 declared that all lands vested in the Spanish crown became the property of the United States. Thus, the infamous treaty became an iterated expression of the regalian doctrine, albeit with an American flavor.

The United States Congress then proceeded to enact the Philippine Organic Act of 1902 to establish its colonial rule in the Philippines. But more than that, the Act granted the American colonial government the authority to formulate laws needed to administer the extensive public lands.

Notable of these American colonial land laws are as follow, by order of enactment:

1. The Philippine Organic Act of 1902, also known as the Philippine Bill of 1902, gave the American government the mandate to expropriate all public lands;
2. The Land Registration Act of 1902 required all private lands to be formally registered under the Torrens Titling System, and thus made said system the sole basis for land ownership in the country;
3. The Public Land Act of 1903 introduced the homesteading system in the Philippines which would later open vast tracts of ancestral lands, particularly in Mindanao, to landless farmers from the northern and central Philippines and American business corporations, disregarding the rights of the indigenous peoples to their ancestral domain (Gaspar, 2015);
4. The Public Land Act of 1905 then declared all previously unregistered lands as public lands under the administration of the State; and,

5. The Mining Law of 1905 which gave Americans the right to acquire public land for mining purposes.

The public land acts enacted during the American occupation operated under the same regalian doctrine concept which presumed that ancestral domains belong to the State, unless the indigenous peoples and their communities apply for recognition of their right to said domains, and such recognition shall be granted by the State.

By the end of American occupation in 1945, the stage would have been set for American business and their Filipino counterparts so that they can log, mine, or transform into plantations vast tracts of ancestral lands.

Between 1960 and 1980, the area planted to food crops for domestic consumption in the country would increase by 37%, but land planted to crops for export (sugarcane, tobacco, coconut, pineapple, and rubber) would expand by 146% (Gaspar, 2015).

E. Post-Colonial IP Tenurial Rights

The regalian doctrine has been entrenched in the Philippine Constitutions since 1935 (Commonwealth Constitution) and carried over in the Philippine Constitutions of 1973 and 1987. Present national laws and development plans operate within the doctrine's presumptions. Thus, the State still has power to deny legal recognition of customary property rights, resulting to the continued dispossession of indigenous peoples of their lands.

And even with the passing of the Indigenous Peoples Rights Act, the Philippine land and tenure scene "is strewn with disputes arising from policy conflicts regarding the determination of land and resource use and the rights of different stakeholder-groups over these uses" (Fianza, 2004).

The regalian doctrine underpins the land laws which the Philippine state governs the indigenous peoples' lands, territories and resources with. Thus, it is not surprising that there exist laws in the Philippines as incongruous and contradictory as the IPRA, the Philippine Mining Act of 1995, Comprehensive Agrarian Reform Program, the National Integrated Protected Areas System, et cetera.

For as long as this legal fiction holds sway and is the imprimatur that shapes the Philippine state's governance and its dealings with the indigenous peoples of the country, the dispossession and the disenfranchisement of the Philippine Indigenous Peoples will continue.

II. ISSUES AND CHALLENGES

1. Ancestral Lands and Ancestral Domains

Land tenure laws imposed on indigenous peoples during the colonial period have laid the ground for continuing conflict over ancestral lands and ancestral domains. Indigenous communities view their ancestral lands as sacred and integral to their way of life. The state views ancestral lands as resources for maximization and profit.

As a result of these conflicting views on ancestral lands and ancestral domains, many indigenous communities, rich in natural resources, find their lands encroached upon by corporate interests and state-funded projects.



According to estimates, Environmentally Critical Projects (ECPs), projects that pose hazardous effects to the environment, overlap with 21% of all formal ancestral domains. Extractive industries comprise an estimated 51% of these documented ECP's found in Certificate of Ancestral Domain Titles CADTs. (Legal Rights and Resources Center, 2022).

Many of these business interests in the form of mining, logging, and agro-plantation projects are hounded by issues of questionable Free, Prior and Informed Consent (FPIC) processes with affected indigenous communities. Many indigenous communities lament that state policies and mechanisms have made it easier for corporate interests to encroach upon ancestral lands. This is seen in the lifting of the open-pit mining ban and the lifting of the moratorium on new mining applications under the Duterte administration.

These issues faced by indigenous peoples with respect to their ancestral lands and ancestral domain are best illustrated in the following cases:

Mining

Oceana Gold – Nueva Vizcaya

In Didipio, Nueva Vizcaya, local residents face the Australian-Canadian mining giant Oceana Gold Corporation. In 2021, the wholly foreign-owned Oceana Gold Corporation announced the extension of its Financial and Technical Agreement (FTAA) for mining operations in Brgy. Didipio, Kasibu, Nueva Vizcaya. This extension was granted a by the government despite opposition from residents and the local government unit.



An estimated 4,000 indigenous people in Didipio and Alimit oppose the ongoing operations of the mine which employed the open-pit method. The FTAA renewal which allows the mine to continue operations until 2044 covering 27,000 hectares of land in Nueva Vizcaya and Quirino. The land was originally occupied by the Bugkalot tribe. The area was later occupied by the Ayangan and Tawali tribes of Ifugao, and Kalanguya and Ibaloy of Benguet. The Commission on Human Rights itself urged the government to “consider probable withdrawal” of OceanaGold’s FTAA due to human rights violations related to a violent demolition in 2008.

Tampakan Project – South Cotabato

In South Cotabato, Mindanao, the open-pit Tampakan Project owned by Sagittarius

Mines Inc. targets to start its operations in 2026 despite opposition by local residents. The proposed mine estimated to cover 10,000 hectares overlaps with the ancestral lands of 5 tribal councils of the Blaan. The \$5.9 billion Tampakan project is touted as the largest untapped copper-gold minefield in the whole of Southeast Asia.

Indigenous Blaan residents are split on their stand on the Tampakan Project, with some Blaan residents supporting the mine site. The Tampakan Project however has been linked to a long history of grave human rights abuses against indigenous people including the massacre of 3-months pregnant community leader Juvy Capion and her two sons.

In 2022, members of the local Sangguniang Panlalawigan moved to lift its local ban on open-pit mining. This decision was vetoed by the Governor of South Cotabato. In an August 2022 decision which was only made public in 2023, the Court of Appeals declared that the ban on open-pit mining in South Cotabato was valid, however the prohibition covered only small-scale mining. It further



clarified that the local open-pit mining ban did not apply to large-scale mining projects, giving way to the continued operations of the Tampakan project.

Ipilan Nickel Corporation - Palawan

In Brooke's Point, Palawan, indigenous Pala'wan and local residents protest the mining operations of Ipilan Nickel Corporation threatening the forests of Mount Mantalingahan-Pulot Range for nickel ore extraction.

Chinese incursions of the West Philippine sea threaten the scaled-up entry of mining companies in ancestral lands. There is growing interest in mining the Zambales Mt. Range with Chinese-owned mining companies such as Jiangzi Rare Earth and Rare Metal Tungsten Group



Company Limited eyeing the nickel, coal, and chromite deposits in the area.

Mineral-rich areas in the country remain some of the poorest regions. Caraga region in Mindanao, identified as the Mining Capital of Asia, is known for its vast gold and nickel ore deposits. Despite being touted as the mining capital, Caraga is home to some of the country's poorest provinces, with a majority of the mining permits located within ancestral domains of the Manobo-Mamanwa tribes.

At least 230 of the 447 approved mining applications are in ancestral territories, encroaching in at least 542,245 hectares of ancestral lands, which covers 72% of the 748,590 hectares by approved mining applications. (Cariño & Dekdeken, 2019)

Dam Projects

Issues of questionable FPIC process abound in various dam projects in ancestral lands. This is best illustrated in the notorious Kaliwa Dam Project in Rizal and Quezon province. Leaders from the Agta-Dumagat-Remontado tribes raised grievances over irregularities in public hearings and consultations in relation to the China-funded Dam project. Local indigenous leaders have urged the NCIP to stay true to its mandate and refrain from being partial to the Dam Project Proponents.

In the Cordilleras, the Gened 1 and 2 Dams threaten to submerge Isnag communities, sacred burial grounds, farms, and

traditional fishing grounds in Kabugao, Apayao. The Pan Pacific Renewable Power Philippines Corp. plans to build these two hydropower plants despite allegations of collusion and corruption. Members of the Isnag community have filed complaints against the NCIP for alleged manipulation of the FPIC process.

The same issues surrounding the construction of destructive Dam projects hound indigenous people in Visayas and Mindanao. In Iloilo Province, the Philippine Government imposed the construction of the Jalaur River Multipurpose Project Stage 2, popularly known as the Jalaur Dam, despite opposition from indigenous residents and complaints of violations to the FPIC Process. The project encroaches on part of the ancestral land of the indigenous



Tumandok. Civil society organizations estimate around 800 hectares of farmland and forests, sacred sites and burial grounds would be affected by the dam project.

In Central Mindanao, a proposed \$800 million China-backed South Pulangi Hydroelectric Power Plant in the Pulangi River includes a dam and reservoir project that threatens to flood at least 2,800 hectares of indigenous land.

Common among all these proposed and ongoing business and construction projects is the encroachment of ancestral lands, questionable steps in the FPIC process, and ensuing rights violations against indigenous resistance. These issues on ancestral lands and domains persist despite laws enacted to supposedly protect indigenous peoples.





2. Killings, Harassment, Criminalization

The Philippines has been identified as the deadliest country in Asia for land and environmental defenders, according to a report by Global Witness. In 2019, a total of 43 environmental defenders were killed, primarily in the resource-rich regions of Mindanao and Negros. The report highlights that nearly half of the killings since President Rodrigo Duterte assumed power in 2016 were linked to the armed forces or paramilitary groups. Among the victims are indigenous leaders, farmers, and state employees responsible for protecting the environment.

In response to development aggression, encroachment of ancestral lands, and threats to life and livelihood, indigenous peoples are forced to mount resistance to defend their communities. These resistance efforts are often met with different forms of harassment.

For indigenous peoples, these can come in various forms: vilification and disinformation, persona-non-grata declarations, red-tagging, and terrorist-tagging. These attacks escalate to

fabricated charges, shoot-to-kill orders, unlawful detainment on trumped-up charges, fake and forced surrenders, torture, and extrajudicial killings.

From 2016–2021, the climate of impunity has paved the way for a growing number of rights violations against indigenous peoples:

- 92 extrajudicial killings
- 160 frustrated extrajudicial killings
- 6 enforced disappearances
- 227 illegal arrests, detention, and abduction
- 27 cases of torture
-



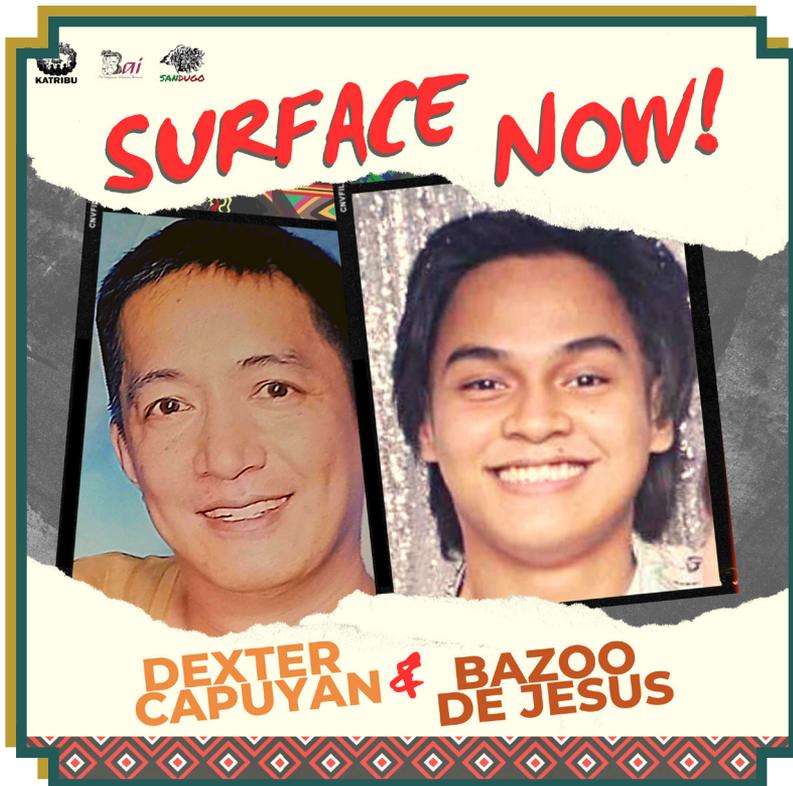
Enforced Disappearances and Massacres

Under the current Marcos Jr. administration, there has been a concerning trend of consecutive **enforced disappearances**

among indigenous rights advocates and human rights defenders. On April 24, two (2) IP rights defenders from BALATIK (Bond and Strength of Indigenous Peoples in Southern Tagalog) went missing in Oriental Mindoro. They were later surfaced in Rizal, Manila in the custody of the Philippine Military and accused as alleged armed rebels. A few days after, on April 28, IP rights advocate Bazoo de Jesus and Cordillera-based Bontoc-Ibaloi-Kankanaey activist Dexter Capuyan were allegedly taken by operatives of the Criminal Investigation and Detection Group and have yet to be found after a month and a half.

Among the gravest attacks against indigenous peoples in recent years is the **Tumandok massacre** under the Duterte administration. In December 2020, 9 indigenous Tumandok were killed and 16 more were arbitrarily arrested in a pre-dawn operation by the Philippines police and military. Among those killed were leaders and members who campaigned against the Jalaur River mega-dam project.

In 2017, the **Lake Sebu Massacre** took place where 8 Lumad from the T'boli tribe were killed by elements of the Philippine Army in Barangay Ned, Lake Sebu, South Cotabato. Among the casualties was Lumad leader Victor Danyan, his two sons, and 5 others. The victims were Lumad farmers who had been resisting displacement by the mega-corporation David M. Consunji Inc. (DMCI), which intended to utilize their ancestral lands for coffee plantations.



Lumad Schools

Over the past five years, more than 200 Lumad schools, including all 55 Salugpongan Schools, were forcefully closed by government forces, denying over 5,000 indigenous youth the education they deserve.

Under the new Marcos administration, Lumad youth continue to be targeted. During President Ferdinand “Bongbong” Marcos’ first State of the Nation Address in 2022, brothers Mawing and Ismael Pangadas, Salugpongan students, were unlawfully arrested for peacefully protesting the militarization of Lumad

lands. They were unjustly charged and only recently released from jail.

The persecution of Salugpongan Schools has extended to their evacuee or bakwit schools, as demonstrated by a raid on a bakwit school in Cebu City in 2021. Despite baseless accusations of being rebel training grounds, the court dismissed all of the charges against the detained individuals. Nevertheless, these accusations have led to widespread campus closures and served as a pretext for further militarization, harassment, and state-led violence in Lumad ancestral domains.

In February 2022, Lumad school volunteer teachers Chad Booc and Jurain Ngujo II were killed by elements of the 1001st Infantry Brigade, Philippine Army in what is known as the “New Bataan Massacre”. They were killed along with health worker Elgyn Balo-



nga and their two drivers. Prior to the brutal killing, Booc was heavily red-tagged by the NTF-ELCAC and received harassment and death threats.

Despite the adversity, Lumad schools remain a symbol of resilience and determination in the struggle for the defense of ancestral lands.

Militarization, forced displacement, aerial bombardment

On top of direct attacks against indigenous land defenders and leaders, entire communities face militarization of their ancestral lands. Military checkpoints and military encampment in and around indigenous communities limit the mobility and affect the livelihood of indigenous people, especially indigenous farmers, for fear of being falsely tagged as rebels.

The situation is compounded by airstrikes and

bombings in indigenous communities that have indiscriminately ravaged farms and endangered IP civilians and farmers. Former President Rodrigo Duterte's declaration for the Philippine military to "flatten the hills" encouraged the indiscriminate bombing of the countryside, including ancestral lands.



Militarization and airstrikes directly impact the lives and livelihood of indigenous communities. Previous rights abuses and killings have caused forced mass evacuations of indigenous communities, especially in Mindanao.

Attacks against indigenous peoples have worsened with state policies and laws such as the creation of the NTF-ELCAC through Executive Order 70, and the enactment of the Anti-Terror Law of 2020. These are seen to worsen with the entry of large-scale mining projects and other big business interests in ancestral lands.

3. Disenfranchisement of Basic Rights and Social Services

Although there is no recent and country-wide data available on the population and statistics of indigenous peoples, a few studies illustrate the state of IP's in the country.

A 2022 study published by the Philippine Journal of Science (2022) analyzing the nutrition and health





of IPs based on national nutrition surveys showed that more than half of indigenous peoples were among the poorest 20% of the country's population. Based on 2021 poverty incidence data of the Philippine Statistics Authority, indigenous areas in Luzon and Mindanao had higher poverty incidence compared to urbanized regions in Greater Metro Manila. (Legal Rights and Resource Center, 2022)

Literacy rates for indigenous peoples (86.8%) were lower compared to non-indigenous populations (95.5%) according to a study by the Philippine Institute for Development Studies (Reyes, et.al., 2017). The same study by PSJ found that only 30% of IPs reach education at the tertiary level. Only 8% are able to graduate from college. This disparity shows the lack of access to basic services to indigenous communities such as education. Indigenous communities also face lower rates of access to electricity and direct access to potable water compared to non-indigenous communities.

The situation is aggravated by state attacks against initiatives by indigenous peoples for community-run basic education. Across different regions in Mindanao, around 215 Lumad schools were built by Lumad

Duterte to AFP: Drop bombs on NPA rebels, flatten hills

President rules out peace talks with communist rebels after Davao ambush

By: **Allan Nawal, Eldie Aguirre** - @inquirerdotnet Inquirer Mindanao / 04:46 PM March 09, 2017



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communities in partnership with civil society organizations to cater to indigenous Lumad youth. These schools offered an educational curriculum based on the needs of indigenous communities and strengthened indigenous peoples' capacity to defend their ancestral lands. Under the Duterte regime, all of the 215 Lumad schools in Mindanao were forcibly closed down leaving an estimated 10,000 students disenfranchised of their right to education. These closures were aggravated by violent raids, trumped-up charges, illegal detention, red-tagging, and extrajudicial killings against Lumad students, volunteer teachers, and advocates.

Indigenous communities who have been historically deprived of social services by the state face greater vulnerability to allow entry of business interests from extractive industries into ancestral domains. These corporations offer the promise of social services that the government has historically failed to provide.



4. Identity and Culture

Indigenous peoples in the Philippines also face attacks on their identity and culture. In 2021, the NCIP issued Resolution No. 08-009 which denounced the use of the term “Lumad” in reference to indigenous peoples in Mindanao. In the resolution, the NCIP alleged that the emergence and continued use of the term “Lumad” was associated with the Communist Party of the Philippines, National Democratic Front (NDF) and the New People’s Army (NPA).

The same claims were made against Igorot and Tumandok indigenous peoples by NCIP Commissioner Gaspar Cayat in an activity in Baguio. The NCIP commissioner maliciously alleged that the terms “Igorot”, “Tumandok”, and “Lumad” were words used by the CPP-NPA-NDF.

This malicious linking to armed resistance movements puts indigenous peoples at risk. It undermines Indigenous Peoples right to self-ascription rooted in their right to self-determination.

Development aggression and forced displacement threaten the loss of indigenous peoples’ culture

and heritage. One clear manifestation is the language loss among indigenous communities. According to the Katig Collective Ethnologue, of the 175 indigenous languages in the country, 47 are at risk, 35 are endangered, 11 are on the edge of extinction, and 2 are extinct.

5. Laws and Policies threatening Indigenous Peoples

These attacks have intensified with the creation of the National Task Force to End Local Communist Armed Conflict or the NTF-ELCAC, through Executive Order 70 under the Duterte administration. The said task force has even declared that it would explore the use of the Indigenous People’s Rights Act (IPRA) to sue more progressive groups and individuals supporting indigenous community-run schools.

Indigenous people’s vulnerability to attacks has been compounded by the enactment of the Anti-Terrorism Act of 2020. The law has been





criticized for its overly broad and vague definition of terrorism which puts indigenous peoples and human rights defenders in greater vulnerability. In the first year of the said law, the first individuals charged were two indigenous Aeta farmers who were reportedly interrogated, tortured, and forced to declare themselves as members of the New People's Army. Charges against the two have since been dropped.

Policies paving the way for the entry of extractive industries such as mining continue to threaten indigenous peoples' land and resources. In April 2021, the Duterte government issued Executive Order No. 130 which lifted the moratorium on new mining applications that was imposed since 2012. This was in line with the government's pronouncement to pursue mining as one of the supposed strategies towards recovery from the Covid-19 pandemic. In December of the same year, the Department of Environment and Natural Resources (DENR) lifted the ban on open-pit mining that had been in place since 2017.

III. KEY INITIATIVES

National Level

- Strengthening of National Formations – National formations such as KATRIBU, BAI Indigenous Women’s Network and other formations continue to strengthen its ranks, providing support to regional and local member organizations and indigenous communities



- Formation of SANDUGO Movement of Moro and Indigenous Peoples for Self-determination, the first national minority alliance in the Philippines, in October 2016
- Formation of the Philippine IPHRD Group, coalition of indigenous peoples major organizations and support groups to campaign against criminalization and to end impunity in the PH
- Nationwide advocacy and campaigns against the plunder and destruction of ancestral land, state repression and fascism, and to advance the peace talks to resolve the roots of armed conflicts (i.e. petition signing, formation and expansion of networks and support organization, local and national caravans, international speaking tours, protest actions). National actions that reflect the legacy and history of the valiant struggle of the indigenous peoples' ancestors and indigenous martyrs
- Legal Action - as a move against the Anti-Terrorism Act of 2020 (ATA) Indigenous and Moro leaders along with IP advocates and civil society leaders filed a petition before the Supreme Court to declare the ATA as unconstitutional
- In an effort to push for more pro-IP and pro-people legislation on the mining industry, indigenous peoples' organizations have lobbied for alternatives to the current mining regime, such as the People's Mining Bill and Alternative Minerals Management Bill

- In the bid towards the 2022 national elections, indigenous peoples from different tribes across the country came together under the banner of ISambubungan to put forward an Indigenous Peoples electoral agenda. Through a town-hall style discussion, participants from 18 indigenous tribes from Luzon, Visayas, and Mindanao deliberated on key issues relevant to indigenous peoples and came up with concrete demands

International Level

- Engagement with international human rights mechanisms and United Nations bodies
 - September 2018 - indigenous peoples testified to the International Peoples' Tribunal that convicted Duterte and Trump guilty of gross violation of the civil, political, social, cultural and economic rights, right to self-determination of the Filipino people and international humanitarian law.
 - Submissions to the UN OHCHR on HR violations against IPs in PH
 - Engagement with the United Nations Human Rights Council's Universal Periodic Review. These serve as platforms to amplify the calls of IPs
 - Engagement with global and regional formations



Local and Community Level

- People's Barricades – In response to the operation of extractive industries in ancestral lands, indigenous communities have initiated and led Peoples' Barricades against questionable and destructive mining operations. Examples of these are the peoples' barricade in Nueva Vizcaya against Oceanagold and the more recent peoples' barricade in Brooke's Point, Palawan in February 2023 demanding a stop to Ipilan Nickel Corporation mining operations.
- In March of this year, hundreds of Dumagat-Remontados marched for nine days from General Nakar, Quezon to Metro Manila to call for the Marcos Jr. administration to put a stop to the Kaliwa Dam project. Pres.



Bongbong Marcos Jr. did not hold a dialogue with the indigenous Dumagat-Remontados. The campaign to stop the Kaliwa Dam project was brought to schools and churches to gain support for the call to halt the dam operations.

- Local protests to call for environmental protection and protection of IPs rights. In 2017, a massive protest rally attended by an estimate 3,000 advocates and indigenous peoples was held in different parts of Caraga region in Mindanao.
- Bakwit Schools (2017-2020) - community schools serving the Lumad youth and peasant communities set up a “Bakwit School” in Metro Manila to continue the education of the Lumad youth and lead a wider advocacy campaign to uphold the right to education, recognize the community schools as part of the right to self-determination of the indigenous peoples.

- Bakwit communities, who returned home in Surigao del Sur, Saranggani, Bukidnon and Davao del Norte strived to rebuild their communities and livelihood, continued collective farms and asserted their right for relief and rehabilitation from the government.
- Throughout this year, the opposition rally against San Miguel Corporation's coal mining operations in Lake Sebu has gained substantial momentum, with active participation from the Lumad people and other residents of Mindanao. Church leaders and environmental activists have fervently urged government officials to enforce a provincial ordinance that strictly prohibits open-pit mining in Barangay Ned, Lake Sebu. The rally has highlighted pressing environmental concerns, including the formation of sinkholes, erosion, and the displacement of local communities, disrupting their way of life.



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