



SENATE  
P. S. Res. No. 803

JUL 25 10:39

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Introduced by SENATOR LOREN LEGARDA

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**A RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE/S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALLEGED VIOLATION OF THE INDIGENOUS PEOPLE'S RIGHTS ACT (IPRA), PARTICULARLY THE PROVISION ON THE FREE PRIOR AND INFORMED CONSENT, RELATIVE TO THE RENEWAL OF AN INDUSTRIAL FOREST MANAGEMENT AGREEMENT (IFMA) IN LAKE SEBU, SOUTH COTABATO, WHICH RESULTED IN THE DEATH OF EIGHT (8) LUMADS, WITH THE END IN VIEW OF FORMULATING POSSIBLE AMENDMENTS TO THE LAW TO STRENGTHEN THE PROTECTION OF THE RIGHTS OF THE INDIGENOUS PEOPLES**

1 WHEREAS, the Indigenous People's Rights Act of 1999 was enacted to  
2 provide for a comprehensive legal framework that will promote the welfare and  
3 protect the rights of the indigenous peoples;

4 WHEREAS, through the principle of "free prior and informed consent" or FPIC,  
5 the law guarantees that members of the indigenous cultural communities will be  
6 consulted, informed and be given the opportunity to give their consent or otherwise  
7 their disapproval to any undertaking, whether by public or private entities, that will  
8 be implemented in their ancestral domains;

9 WHEREAS, the T'boli Manobo S'daf Claimants Organization (TAMASCO), an  
10 organization based in Brgy. Ned in Lake Sebu, South Cotabato, acquired the  
11 approved Certificate of Ancestral Domain Title last October 2013 through the  
12 National Commission on Indigenous People (NCIP) En Banc Resolution No. 160-  
13 2013-AD series of 2013 that covers more or less 1,681.3603 hectares in barangays  
14 of Monteverde and Sto. Nino in Bagumbayan, Sultan Kudarat and Barangay Ned in  
15 Lake Sebu, South Cotabato;

1           WHEREAS, said ancestral domain includes three hundred (300) hectares of  
2 land that is also being utilized by the Dawang Coffee Plantation under Industrial  
3 Forest Management Agreement (IFMA) 022 as approved by the Department of  
4 Environment and Natural Resources;

5           WHEREAS, according to the OND HESED Foundation, actual visual estimates  
6 indicated that the coffee plantation extended to more or less a thousand hectares,  
7 including around 600 hectares of a Tasaday Reservation, thus, leaving the  
8 community members with no land to till;

9           WHEREAS, according to available records, Dawang Coffee Plantation is being  
10 operated by Silvicultural Industries (SII) by virtue of IFMA 022 awarded in 1992,  
11 covering about 11,000 hectares of land in the provinces of Sultan Kudarat and  
12 South Cotabato;

13           WHEREAS, said IFMA was supposed to have expired in December 2016;

14           WHEREAS, it has come to TAMASCO's knowledge that SII was able to renew  
15 their IFMA until 2032 without any FPIC from the members of the affected  
16 communities as required by law. Hence, TAMASCO has since been advocating to get  
17 back their ancestral lands from Dawang Coffee Plantation;

18           WHEREAS, on 3 December 2017, at around 1:00 PM, eight (8) T'boli and  
19 Dulangan Manobo farmers, all members of TAMASCO, died in an incident reportedly  
20 involving a joint team composed of elements from the 27<sup>th</sup> and 33<sup>rd</sup> Infantry  
21 Battalions of the Philippine Army and Philippine Marines, while they were about to  
22 harvest their produce from their farms within their ancestral domain in Sitio  
23 Datalbong, Brgy. Ned, Lake Sebu, South Cotabato;

24           WHEREAS, Datu Victor Danyan Sr., Victor Danyan Jr., Artemio Danyan,  
25 Reymundo Pato Ceralbo, Samuel Angkoy, Toto Danyan Diamante, Mating Bantal,  
26 and Bobot Lagase died during the incident, while two were wounded, namely Luben  
27 Laod and Teteng Laod;

28           WHEREAS, prior to this incident, then TAMASCO head Datu Victor Danyan  
29 had expressed the frustration of his members over the wanton disregard for their  
30 rights in a protest, for which he was criminally charged for malicious mischief, and  
31 was even accused as being a member of the New People's Army (NPA);

1           WHEREAS, TAMASCO members also stated that their houses had also been  
2 ransacked and a number of important documents were lost, including important  
3 TAMASCO documents;

4           NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, that the  
5 appropriate Senate committee/s are directed to inquire, in aid of legislation, into the  
6 alleged violation of the IPRA Law, particularly the provision on the FPIC, relative to  
7 the renewal of an Industrial Forest Management Agreement (IFMA) in Lake Sebu,  
8 South Cotabato, which resulted in the death of eight (8) Lumads, with the end in  
9 view of formulating possible amendments to the law to strengthen the protection of  
10 the rights of the indigenous peoples.

Adopted,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form the name 'LOREN LEGARDA'.

**LOREN LEGARDA**

Senator