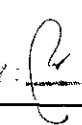


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SENATE
P.S. Res. No. 65

RECEIVED BY: 

Introduced By Senator Loren Legarda

RESOLUTION

CREATING AN OVERSIGHT COMMITTEE ON CULTURAL COMMUNITIES TO MONITOR AND OVERSEE THE COUNTRY'S COMPLIANCE WITH INTERNATIONAL COMMITMENTS AND NATIONAL LAWS ADDRESSING INDIGENOUS PEOPLES AND CULTURAL COMMUNITIES' RIGHTS

WHEREAS, the members of the Indigenous Peoples (IPs) and Indigenous Cultural Communities (ICC) of the Philippines, totaling to about 14 million or 15.76% of the total population of the country since 2009, have historically suffered from chronic and continuing injustices, such as dispossession of their lands, violence, poverty, malnutrition, discrimination and lack of basic services; thus preventing them from exercising their right to development and self determination;

WHEREAS, the 1987 Constitution recognized these injustices and enshrined the rights of our indigenous brothers and sisters in numerous provisions, such as in Article II, Section 22 which provides: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development";

WHEREAS, the 1987 Constitution in Article XII, Section 5 also provides that: "The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being";

WHEREAS, the 1987 Constitution in Article XIV, Section 17 further provides: "The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies";

WHEREAS, these rights were bolstered by the passage of Republic Act No. 8371 otherwise known as the Indigenous People's Rights Act of 1997, a landmark piece of legislation that brought to life the Constitutional provisions on IPs and ICCs and provided for the creation of the National Commission on Indigenous Peoples (NCIP);

WHEREAS, R.A. No. 8371 protects the right of IPs/ICCs to their ancestral domains and ensures their economic, social and cultural well-being, as well as respects the use of customary laws to determine the ownership and extent of their ancestral domains;

WHEREAS, R.A. No. 8371 protects the rights of IPs/ICCs to preserve and develop their cultures, traditions and institutions; as well as respect for their cultural integrity;

WHEREAS, R.A. No. 8371 guarantees: "The members of the ICCs/IPs, regardless of sex, shall equally enjoy the full measure of human rights and freedoms without distinction

or discrimination”;

WHEREAS, despite the positive developments and protection guaranteed by the Philippine Constitution as well as the Indigenous Peoples' Rights Act, our ethnic brothers and sisters continue to experience the same injustices and human rights violations that they have suffered for decades, particularly: poverty, malnutrition, dispossession of lands, which had already been rightfully awarded to them by virtue of Certificates of Ancestral Domain Titles and Certificates of Ancestral Land Titles, forced relocation, violence by private as well as government entities, discrimination with regard to the right to vote, right to education, food, and other basic services and necessities. These injustices have been further compounded by serious obstacles brought about by climate change and extractive activities, namely, displacement due to disasters, forced relocation and environmental degradation due to extractive activities undertaken on their ancestral domains/lands, among others;

WHEREAS, the Declaration on the Rights of Indigenous Peoples was finally adopted by the General Assembly on September 13, 2007 by a majority of 144 states in favor, 4 votes against, with the Philippines being a signatory to said declaration;

WHEREAS, with the Declaration of the international community's stand to recognize and give effect to the rights of Indigenous Peoples and with the State being a signatory to such Declaration, the Philippines ought to be compelled to give not only paper rights to IPs/ICCs, but to ensure that these international and national rights are exercised to its fullest extent, in the least possible time;

WHEREAS, it is an imperative to monitor the country's compliance with our international commitments as well as national laws concerning IP rights;

WHEREAS, Section 14, Rule X of the Rules of the Senate provides that: “Whenever necessary, special committees shall be organized, the membership and jurisdiction of which shall be determined by the Senate President”;

NOW THEREFORE BE IT RESOLVED, as it is hereby resolved, that an Oversight Committee on Cultural Communities be created composed of five (5) members to be appointed by the Senate President, which shall monitor and oversee the country's compliance with international commitments as well as national laws on IPs/ICCs.

PROVIDED FURTHER, that to attain its objectives, the Committee shall have the following powers and functions:

- a) To closely monitor, and review all activities undertaken pursuant to international commitments on IPs/ICCs in particular the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, as well as the Convention on the Elimination of All forms of Racial Discrimination;
- b) To prescribe and adopt guidelines that will govern its work;
- c) To conduct hearings, investigations, receive testimonies and reports relevant to its mandate;
- d) To summon by subpoena ad testificandum any witnesses to testify before it, or

require by subpoena duces tecum to produce documents, books, records, and other papers as may be necessary in the performance of its functions;

e) To secure from any department, bureau, office, or instrumentality of Government any assistance as may be needed including technical information, preparation and production of reports and submission of recommendations and plans as it may require;

f) To recommend the passage of legislative measures pursuant to its fundings;

g) To organize its staff, hire, and appoint its employees and personnel to approve the budget for the work of the committee and all disbursements therefrom including compensation of personnel; and

h) Generally, to exercise such other acts necessary and appropriate to carry out its purposes.

RESOLVED, FINALLY, that the mandate given to the oversight committee under this Resolution shall be without prejudice to the performance of the duties and functions by the respective existing oversight and standing committees of the Senate.

Adopted,


LOREN LEGARDA
Senator