

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL ASSEMBLY
Cotabato City

FIFTH LEGISLATIVE ASSEMBLY
(First Regular Session)

[MUSLIM MINDANAO AUTONOMY ACT NO. 241]

AN ACT TO RECOGNIZE, RESPECT, PROTECT AND PROMOTE THE RIGHTS, GOVERNANCE AND JUSTICE SYSTEMS, AND CUSTOMARY LAWS OF THE INDIGENOUS PEOPLES/TRIBAL PEOPLES OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO.

Be it enacted by the Regional Assembly in session assembled:

Section 1. Title. – This Act shall be known as the “Tribal Peoples Rights Act.”

Sec. 2. Coverage. - This Act shall apply to all members of the indigenous cultural communities / indigenous peoples/tribal peoples [ICCs/IPs/TPs] within the Autonomous Region of Muslim Mindanao, which includes the Teduray, Lambangan, Dulangan Manobo and other tribes/peoples.

Sec. 3. Declaration of Policy. – The Regional Government of the Autonomous Region of Muslim Mindanao [ARMM] reaffirms the policies embodied in the 1987 Philippine Constitution, Republic Act 8371 [Indigenous Peoples Rights Act of 1997 (IPRA)], Republic Act 9054 [Organic Act], and international treaties and agreements concerning indigenous people, such as, but not limited to, the International Labor Organization Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly on September 13, 2007. It is hereby declared the policy of the Regional Government:

1. To recognize and promote the rights of ICCs/IPs/TPs within the framework of national and regional unity and development.
2. To recognize, respect, and protect the rights of ICCs/IPs/TPs to preserve and develop their cultures, traditions and institutions. The Regional Government shall consider these rights in the formulation of regional plans and policies.
3. To ensure the development, protection, and well-being of all ICCs/IPs/TPs within the Autonomous Region of Muslim Mindanao.

4. To recognize the inherent right of the ICCs/IPs/TPs to self-governance and self-determination and to respect the integrity of their values, practices and institutions. Consequently, the Regional Government shall guarantee the right of indigenous peoples to freely pursue their economic, social and cultural development and establish the means for the full development/empowerment of the ICCs'/IPs'/TPs' own institutions and initiatives and, where necessary, provide the resources needed therefore.
5. To protect the rights of the ICCs/IPs/TPs to their ancestral domain to ensure their economic, social and cultural well being. The Regional Government shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

Sec. 4. Recognition of Rights. – The Regional Government shall recognize and promote the rights of ICCs/IPs/TPs as defined in, but not limited to, the 1987 Constitution, the Organic Act [RA 9054], the Indigenous Peoples Rights Act [RA 8371], the United Nations Declaration on the Rights of Indigenous Peoples, and the International Declaration on Human Rights. Said rights shall include, among others, the following:

1. The right to practice and revitalize their own cultural traditions, indigenous beliefs and customs, including the free exercise of their religions.
2. The right to use their own commonly accepted justice systems, conflict resolution institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and other internationally recognized human rights.
3. The right to be free from any form of discrimination.
4. The right to self-governance and self-determination, including, the right to determine and decide their own priorities for development, and to maintain and develop their own indigenous political structures.
5. The right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them, and to participate in the formulation, implementation and evaluation of policies, plans and programs for regional and local development. Consequently, the Regional Government shall ensure that the ICCs/IPs/TPs shall be given mandatory representation in policy making bodies and other local legislative councils.
6. The right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project. The OSCC shall facilitate the conduct of said fora/consultation with the ICCs/IPs/TPs. Provided, that such should be conducted within the affected area of the ICCs/IPs/TPs. Provided, furthermore, that the consent of the ICCs/IPs/TPs concerned shall be mandatory prior to any intervention or project/program implementation.

7. The right of the ICCs/IPs/TPs to protect their culture, traditions and institutions, including, the right to establish schools of living tradition and to control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning.

The Regional Government shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration the ICCs/IPs/TPs customs, traditions, values, beliefs, and right to their ancestral domains.

Sec. 5. Self-Governance. - The Regional Government shall recognize, respect and support the indigenous systems of leadership and governance, in all levels, of the ICCs/IPs/TPs in pursuance of the latter's right to self-determination.

Existing systems of governance include, but are not limited to, the following: the Timuay Justice and Governance [TJG] of the Teduray and Lambangian peoples with the Ukit and Tegudon or customary law as their governing laws; the Guyudan among the Dulungan Manobo and other types of tribal based self-governance.

Sec. 6. Relationship with Barangay Officials. – The indigenous systems of governance are most visible at the village level. As such, Barangay Officials and the traditional leaders of the ICCs/IPs/TPs, such as Timuays, Datus, among others, should work closely with each other in addressing the common concerns of the community.

In matters relating exclusively to members of the ICCs/IPs/TPs, the jurisdiction and decision of such traditional leaders shall be respected by the Barangay Officials concerned.

Sec. 7. Establishment of Tribal Halls. — The Regional Government shall establish Tribal Halls in various locations for the use of the ICCs/IPs/TPs. The establishment of said Tribal Halls shall be done in consultation with the ICCs/IPs/TPs concerned.

Sec. 8. Resolution of Conflicts; Primacy of Customary Laws and Practices. – In recognition of the ICCs'/IPs'/TPs' right to resolve conflicts in accordance with their customary laws, only in default thereof shall the complaints be submitted to amicable settlement (i.e. Katarungang Pambarangay) and to the Courts of Justice, whenever necessary.

The customary laws traditions and practices of indigenous cultural communities on land claims and ownership and settlement of land dispute shall be implemented and enforced among the members of such communities. When disputes involve ICCs/IPs/TPs, customary laws, traditions and practices shall be used to resolve the dispute.

Sec. 9. Tribal Courts. — The Regional Government shall recognize and respect the ICCs'/IPs'/TPs' justice system, including tribal courts, that had already been in existence since time immemorial. Furthermore, it shall provide assistance in the establishment and strengthening of said tribal courts, and provide support for the tribal justices or jury (e.g. panel of Kéfédúwan).

These courts shall determine, settle, and decide controversies and enforce decisions involving personal and family and property rights of members of the ICCs/IPs/TPs concerned in accordance with the customary law of these communities.

These courts may also exercise exclusive jurisdiction over crimes committed by members of ICCs/IPs/TPs where the imposable penalty as prescribed by the Revised Penal Code [RPC] or other pertinent laws is imprisonment not exceeding six (6) years or a fine not exceeding Fifty Thousand Pesos (P50,000.00) or both such imprisonment and fine and where the offended party or parties are also members of the indigenous cultural community concerned.

Sec. 10. Coordination with Law Enforcement Agencies. - The ICCs/IPs/TPs, through the tribal courts and their leaders, shall coordinate with law enforcement agencies of the Regional Government and local government unit concerned, in criminal cases mentioned in the foregoing section.

Said law enforcement agencies shall respect the jurisdiction of the tribal courts.

Sec. 11. Indigenous Structures. — The Regional Government shall recognize indigenous structures or systems which promote peace, law, and order.

Such indigenous structures or systems shall include local peace enforcers, such as, but not limited to, Dyaga Fénuwo and Agubalang.

Sec. 12. Rights during Armed Conflicts. – Indigenous peoples have the right to special protection and security in periods of armed conflict. The Regional Government shall observe international standards for the protection of civilian populations in circumstances of emergency and armed conflict.

The Regional Government shall not recruit members of the ICCs/IPs/TPs against their will in any military, paramilitary and/or other armed groups, especially, when said recruitment is for the use against other ICCs/IPs/TPs. Furthermore, it shall not recruit children of ICCs/IPs/TPs into the armed forces under any circumstance. Nor force indigenous individuals to abandon their lands, territories and means of subsistence, or relocate them in special centers for military purposes under any discriminatory condition.

Sec. 13. Saving Clause. – This Act will not in any manner adversely affect the rights and benefits of the Indigenous Peoples under Republic Act 8371, otherwise known as the *Indigenous Peoples Rights Act of 1997*, other conventions, recommendations, international treaties, regional and national laws, awards, customs and agreements.

Sec. 14. Separability Clause. – Should any provision of this Act is declared unconstitutional by a competent court, other provisions shall not be affected thereby shall remain in full force and effort.

Sec. 15. Repealing Clause. – All laws, issuances, decrees, or any part or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Sec. 16. Effectivity Clause. – This Act shall take effect within fifteen (15) days following the completion of its publication in at least two (2) newspapers of regional circulation.

Approved.

(SGD) PAISALIN P. TAGO
Speaker

This Act was passed by the Regional Assembly on June 11, 2008.

(SGD) DATU MAMA M. AMPATUAN
Secretary General

APPROVED:

(SGD) DATU ZALDY PUTI AMPATUAN
Regional Governor
Date signed: