

TABLE OF CONTENTS

CP-Senate
TCM - CULTURAL COMMUNITIES
June 11, 1996

Attendance	1-8
Consideration of SBN 343, 618, 1476, 1486	9-113
Statements of:	
Sen. Flavier	9-113
Mr. Iral	15-16;59-63;93-94
Mr. Dunuan	17-1;53;97-100
Mr. Deles	32-35;54;106-107
Mr. Sagubay	35-39
Mr. Baya	39-42
Mr. MOrdeno	43-44
Mr. Sulang	45-47
Mr Kinoc	47-51;80-87
Fr. Remigio	55-59
Mr. Pandian	64-67
Mr. Lorenzo	67-69
Mr. Floranda	70;91-92
Mr. Austria	71-74;94-95
Mr. Aliten	75-80;95-96
Mr. Sulang	87-90
Ms Concepcion	103-106
Mr. Raiz	110-112
Adjournment	113

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COMMITTEE ON CULTURAL COMMUNITIES

DATE : June 11, 1996 (Tuesday)
VENUE : Session Hall, Old Legislative Bldg., Mla.
TIME : 2:00 P.M.

AGENDA: SBN 343, SBN 618, SBN 1476, and SBN 1486.

MEMBERS PRESENT:

Hon. Juan M. Flavier - Chairman

MEMBERS REPRESENTED:

Hon. Heherson T. Alvarez, by Ms. Resi Mariñas
Hon. Juan Ponce Enrile, by Ms. Perpi Alipon

EX-OFFICIO MEMBER REPRESENTED:

Hon. Edgardo J. Angara, by Mr. Ricky Tana

MEMBERS OF SENATORS' STAFF PRESENT:

Atty. Michael C. Abas, Office of Sen. Maceda
Mr. Archie C. Cortez, Office of Sen. Gonzales

GUESTS/RESOURCE PERSONS INVITED:

ASEC Oswald Lorenzo, Dept. of Energy & Natural Resources
Mr. Joey Austria, Department of Agrarian Reform
Mr. Nestor Floranda, Director, DENR
Atty. Rodolfo Rosales, Commission on Human Rights
Dir. Bae Trinidad Sibug, OSCC
Dep. Exec. Dir. Roberto Tima, OSCC
Atty. Arturo Chan, Director, Legal Services, ONCC
Mr. Ronald Adamat, Sectoral Representative
Atty. Evelyn Dunuan, Cordillera Peoples Forum
Datu Manahan Sulang, Vice-Pres., FMTC (Federation of Matigsalug Manobo Tribal Councils)
Rev. Fr. Ted Remigio, Episcopal Commission on Indigenous Peoples
Atty. Francis Concepcion, PANLIPI
Mr. Henry Aliten, CADC
Ms. Teresita Quintos-Deles, Exec. Dir., Gaston Z. Ortigas Peace Institute
Mr. Timuel Ruel Baya, Tribal Communities Assn. of the Philippines
Datu Renato Pandian, TRICAP
Datu Eduardo Inda, TRICAP
Datu Vic Buyante, Bureau Director, OSCC
Atty. Manuel E. Iral, Chief, Legal Div., OSCC
Datu Deogracias T. Raiz, Dep. Exec. Director, OSCC
Ms. Bae Silonganan Matilde Mordeno, Over-all Tribal Coordinator, Office of the President
Datu Manipahaluna D.L. Sagubayso, Consultant, Region 10, Cagayan de Oro
Ms. Bae Anamag L. Adela Mance, TRICAP, NCR
Ms. Timuay Rolando Adamat, TRICAP Youth Coordinator
Ms. Ma. Fe C. Abad, DMO II, OSCC
Ms. Ofelia L. Lingating, DMO V, OSCC

Datu Makahusay Samuel Liyawa, Tribal Leader
Mr. Catalino Amban, Tricap Coordinator
Ms. Elena J. Damaso, Gaston Ortigas Peace Institute
Ms. Rebecca Dichoso, Observer of House of
Representatives
Mr. Joe S. Daproza, Chief of Staff, OSCC
Atty. Emmanuel Q. de Guzman, OSCC VI, Iloilo City
Ms. Grace Chavez, Director III, OSCC
Mr. Elmer Pedaegosa, OPAPP
ms. Angela C. Reyes, OPAPP

LEGISLATIVE COMMITTEE SECRETARIAT:

Mr. Ambrosio M. Manaligod, Legislative Committee
Secretary
Mr. Celerino B. Abad, Legislative Com. Stenographer
Ms. Clemencia G. Castro, -do-
Ms. Remedios L. Tumamos, -do-
Ms. Cecilia T. Sotto, -do-
Ms. Cleofe P. Caturla, -do-
Ms. Cielito E. de Guzman, -do-
Mr. Jess Nuñez, Legislative Page
Ms. Sheila Payumo, -do-
Ms. Mirrah Peñaranda, -do-
Ms. Angela B. Nicolas, Clerk, Cte. "A"



AT 2:30 P.M., THE CHAIRMAN OF THE
COMMITTEE ON CULTURAL COMMUNITIES,
HON. JUAN M. FLAVIER, CALLED
THE MEETING TO ORDER.

THE CHAIRMAN. Ladies and Gentlemen, I am calling the meeting of the Committee on Cultural Communities to order. My fellow Senators will be joining us shortly. Alam nyo, katatapos ng Congress kahapon eh, kaya medyo seguro, nagsesyesta pa. Ako, hindi na ako nagsesyesta't malake na ako, I don't have to sleep to grow. Kaya kuwan.

Oh, thank you very much for coming, and as you know, I am determined to hear everybody to discuss so that finally, we can have a bill that I can present to Congress. This is a bill that is long overdue.

Alam nyo naman, Atty. ~~Dunuan~~ kailan pa ba ito, Eight Congress pa lang yata, meron na nito. And it is mandated by the Constitution. Kaya lang hindi umaandar dahil it is a difficult bill, masalimuot at maraming mga punto de vista. But I believe firmly that if we can discuss openly ang bawa't issues, eh tayo'y magkakasunduan, and the composition of the invitees today is such that this is the third hearing.

In the first hearing, dalawang bills ang ating pinagusapan -- 'yong bill ni Senator Macapagal and the bill of Senator Mercado. In the second hearing, we added one more, and that is the Flavier Bill, which is 1476. Today, we are adding one more which is the Tatad Bill, which is Bill No. 1486.

Now, the idea is to put together what all of us can agree upon, but the emerging model is the one that I filed because it is the result of the most extensive consultation. Not that I wrote it, no. It is just that I was fortunate na sa aking in-entrust ng mga NGOs and

others that met to produce that. Okay.

By way of introduction, I want to mention that in the first two hearings, the idea was to listen to all of you. It is your position that we listened, and they are all in our documentation. Today, I would like to move one step forward, that is to say, let us now focus on specific issues in the bill, and I propose that we take up four (4) specific issues.

One will be the educational dimension. Two, is the human rights dimension. Meron bang taga Human Rights Commission dito? Wala pa ano ha, nandito. Okay, good, I hope you are ready to make comments on that light. Kaya human rights, number two is the educational dimension; three is the delineation issue which is one of the most difficult because there are two views. One view is to have the DENR retain that, and the other view is to have the new structure. And I am open, /my own bias, but I am willing to listen. Four, is the matter of the structure or the organizational set-up. There are those who are in favor of the commission, there are those that are not, and we are going to discuss them.

So, this four (4) are our main line of discussion. Ito bang mga kaibigan ko rito, okay ba sa inyo ang English o Tagalog, o Ilocano, Pangasinan o Visaya? Ano ba ang salita nyo, ha?

VOICE. Tagalog.

THE CHAIRMAN. Tagalog, okay.

VOICE. Visaya.

THE CHAIRMAN. Visaya. Anong klaseng Visaya, Cebuano?

VOICE. Cebuano.

THE CHAIRMAN. Di alam mo 'yon letseng yawa, alam mo 'yon mga 'yon. Puwede 'yon, ha? Oh, sigue. Because kung

meron tayong ginagamit na salita na hindi naintindihan, sabihin nyo lang. So, the more, okay lang kung tagalog ang gamitin natin, the more dialect it is, the better for us, because I want our brothers and sisters to understand kung ano ang pinaguusapan. Kami ni Atty. Dunuan, kami, ano ba ang salita mo, Ilocano, puwede? Ifugao, Kalinga, marunong ka?

MS. DUNUAN. Ifugao.

THE CHAIRMAN. Eh papaano ka mananalo sa election kung hindi mo alam lahat ang kuwan doon?

So, 'yon four. Now, in the fourth hearing, I proposed that we discuss the financial dimension, dahil sa meron tayong trust fund eh, at saka 'yong funding nito, importante, kung magkakaroon tayo ng grupo for the delineation of the ancestral domain, Ang tanong dyan eh, how will it be funded? Two, meron tayong ambitious trust fund. Tanong, where do we get that?

So, in the next hearing, we will invite the Department of Budget and Management, we will invite the Ways and Means, we will invite the Committee on Finance, para na sa gayong maliwanag ang usapan natin. And then, if there is need for one more hearing, I will be game, pero I hope that by the time the second year of the tenth Congress opens, eh, we will be ready to report this out in the form of a Committee Report, so that it can then be taken up in the second session.

Ang style ko, I am not filing too many bills. I am selective, kaya for the first year, my main bill was the traditional and alternative medicine. For the second year, my pet bill, the bill that I will take care of, will be the ancestral domain bill. And they say that it is a sensitive bill, it will ~~unmake~~ or make a politician. I am not a politician, I will push for what is correct. I am

not running for reelection, so what is important is your welfare, that before the term is over, that we have a bill that at least we can begin with. Far too long, nawala tayo niyan, and I think it is not fair na masyado ng matagal na nakabitin yan.

So that is my informal commitment to all of you, and my way of thanking you for coming, because the bill that is good is the product of all our collective endeavors. I am not an expert in cultural minorities, I have my heart with the cultural minorities. But with all of you and your collective contribution, I am confident, we will come up with a good bill that I can hopefully defend on the floor of the Senate.

So, with that as my introduction, I will now begin with our four (4) topics. And we will call the groups that are involved, and after you hear their presentation, we will welcome any comments from anybody para meron tayong more or less, emerging consensus. 'Yong ang gagawin natin. So, apat uli yan -- human rights, education, delineation and structure. Yan ang apat natin. Okay?

So, I am happy that Atty. Rosales of the Human Rights is here. Who else wants to speak about human rights based on at least the bill? Oh, sigue, si Atty. Rosales muna, if you can pass the mike, we will listen to your views.

MR. ROSALES. Good afternoon, Mr. Senator.

THE CHAIRMAN. Yes.

MR. ROSALES. We wish to inform your goodselves, Sir, that.....

THE CHAIRMAN. Di ba puwedeng tagalog para maintindihan namin?

MR. ROSALES. Nais ko pong ipaalam sa inyo na kahapon lamang namin tinanggap ang kopya ng mga apat/bills

Sa Human Rights Commission.

THE CHAIRMAN. I see.

MR. ROSALES. Humihingi po kami ng supisyenteng sapat na panahon para... napaka-importante po nitong bill na ito. At nais po namin pag-aralan mabuti ito, but essentially, nais ko pong iparating sa inyo na ang aming opisina ay pabor na pabor sa batas na ito.

THE CHAIRMAN. Okay.

MR. ROSALES. Kung maaari lang po ay bigyan nyo kami ng at least mga labinlimang araw para magawa namin ang magandang position papers namin dito.

THE CHAIRMAN. Oh sigue, ganito lang ang pakiusap ko. Kung puwede, pagaralan nyo 'yong apat na bills -- 'yon Macapagal, Mercado, Flavier at saka Tatad bills.

MR. ROSALES. 'Yong nga po.

THE CHAIRMAN. At pangalawa, kung puwedeng isulat nyo at ipadala sa amin because that will be very....

MR. ROSALES. 'Yong nga po, magbibigay po kami ng written position paper sa inyo sa loob po ng labinlimang araw. Maraming Salamat po.

THE CHAIRMAN. Oo, because that will be very useful for us. Kaya nasa inyo naman 'yong.

Ang hinihingi ko pa ay isama ninyo sa pagaaral nyo,

.....



THE CHAIRMAN. ... ay isama ninyo sa pag-aaral ninyo iyong human rights ng indigenous peoples at saka indigenous cultural communities, pero including the angle of situations of arm conflict, dahil sa kung minsan malaki ang nagiging problema ng human rights o karapatang pagkatao ninyo. Pag meron conflicting eh dalawang batong nag-uumpugan, tayo ang nasa in-between, tayo ang tinatamaan.

Tanong: Ano ang ating mga karapatan? Pangalawa, karamihan sa atin sa mga cultural communities eh we are basically a peaceful people kaya hindi tayo sumasama sa mga giyera-giyera at patayan. Ang tanong eh, ano ba ang posisyon natin, human rights way, tungkol sa forced conscription in the military na dapat kang pumasok sa army upang ikaw ay isasabak sa labanan, meron dapat tayong mga nakasulat na karapatan ng ating mga kapatid na katutubo? Paki pa-aral lang ninyo iyon, Atty. Rosales, ano ha.

Oh me isang nasa likod. Puwede bang lumapit ka rito para sa mike. Ano ba ang pangalan po ninyo? Kanina ka pa taas nang taas ng kamay ninyo, nahalata mo yatang pareho ang barong tagalog natin.

MR. IRAL. Magandang umaga po kagalang-galang na Senador.

THE CHAIRMAN. Hapon na sa Senado.

MR. IRAL. Magandang hapon.

THE CHAIRMAN. Ano ho ang pangalan ninyo?

MR. IROL. Ako po si Atty. Manuel E. Iral, isang Manobo-Kamayo sa Surigao.

THE CHAIRMAN. Ah, good. Oh sige.

MR. IRAL. I'm employed with the Office for Southern

Cultural Communities, Chief of the Legal Division.

THE CHAIRMAN. Okay.

MR. IRAL. Akin lang pong-- sa pagbabasa ko nung mga proposed bills na ito ay nakatuon ang-- tama naman ang proteksiyon doon sa ancestral domain. Subalit parang nakalimutan iyong pag-aaruga o pagtatanggol sa karapatan ng mga-- the beneficiary of the bill, the indigenous people.

THE CHAIRMAN. I see.

MR. IRAL. Dahil dito sa OSCC meron kaming legal-- our legal services ay nagbibigay ng libreng pag-aasiste sa mga tribal communities na nasasangkot sa mga kaso sa husgado. Katulad kung sila ay nakakademanda sa mga murder, ganyan o inaagaw ang kanilang lupa wala silang abogado. Mabuti ang mga lowlanders na non-community members, meron silang nahihingan ng tulong sa PAD, Public Assistance Office. Dito sa mga bill na ito, parang nakalimutan itong free legal service na ito, sapagkat talagang lahat ng aking napuntahan, sila ay nagpapasalamat na ang Office for Southern Cultural Communities may mga abogado na sa kanila ay tutulong kung sila ay magdedemanda o kaya sila ay nadedemanda.

THE CHAIRMAN. I see.

MR. IRAL. Bibigyan sila ng PAD ayaw nila, sapagkat PAD talo na kung sa mahjong pa.

THE CHAIRMAN. At saka siyempre hindi nila kilala.

MR. IRAL. Oo nga po. At saka iyon eh teritoryo ng mga non-cultural communities iyon kaya hindi pareho ang laban. Kaya sa aking experyensiya, kawawa po ang beneficiary ng bill na ito kung walang free legal service.

Iyon lang po ang aking masasabi.

THE CHAIRMAN. Okay, thank you, Attorney. Ang naririnig kong sinabi mo ay kung puwede pag nag-react ang Human Rights group ay ipasok doon ang karapatan ng mga katutubo na mabigyan ng tulong sa kanilang legal problems?

MR. IRAL. Opo, katulad nang serbisyo na binibigay ng Office for Southern Cultural Communities.

THE CHAIRMAN. Okay. Narinig naman ni Atty. Rosales iyon, pakilagay lang ano.

Okay. Any other reactions to this?

MR. IRAL. Salamat po.

THE CHAIRMAN. Bah, talagang iba yata iyong umuulan o nagtuturuan pa si Miss Deles at saka si Miss Dunuan. Oh, sige, briefly. But after we have made the rounds of the four, mago-open for all tayo, ha.

Oh, Attorney, sige.

MS. DUNUAN. Good afternoon, sir. Good afternoon everyone.

THE CHAIRMAN. You will react on the human rights muna, iniisa-isa natin eh.

MS. DUNUAN. Opo. Tungkol po doon sa mga provisions on human rights, sa lahat ng mga bills na nandito ngayon sa Senado, ito pong bill 1476 ang merong provisions on human rights. To be very ...

THE CHAIRMAN. Sabihin mo naman na iyan ang Flavier bill.

MS. DUNUAN. Iyong Flavier bill po, sir. Very specifically po sa Chapter 5 sa social justice and human rights.

THE CHAIRMAN. Ayan, oo.

MS. DUNUAN. Tungkol doon sa women, child rights, doon po sa labor, employment, pati na rin po sa provisions against forced military recruitment.

THE CHAIRMAN. Iyong sinabi ko kanina.

MS. DUNUAN. Opo.

THE CHAIRMAN. Kayo ba ay sang-ayon sa sinabi ko na as a general statement, tayo ay-- we are peace-loving people, hindi ba? Ngayon kung pipilitin tayong pumasok sa military upang pumatay, labag iyan sa ating pinapanindigan. Ilagay natin iyan diyan, ha? Oh, sige.

MS. DUNUAN. In addition po, meron ding tungkol doon sa provision na ang dapat ang mga civilian-- protection ng mga civilian population in times of emergency and arm conflict.

THE CHAIRMAN. I see.

MS. DUNUAN. Meron din tayong provision na dapat mga indigenous individuals ay hindi dapat silang mapuwersa na mag-abandon ng ancestral homelands or domains nila.

That is just to mention a few provisions doon sa social justice and human rights.

Iyong concern po ni Attorney tungkol doon sa free legal assistance, which is really available also under different agencies of the government katulad ng PAO. Dito rin sa Flavier bill sa structure ng ...

THE CHAIRMAN. Na pini-prepare nila Atty. Dunuan, ayan ...

MS. DUNUAN. ... sa structure ng Commission on Indigenous Peoples, meron pong office or proposed office for empowerment and human rights.

THE CHAIRMAN. Idadagdag natin iyon doon. Okay.

MS. DUNUAN. Oo, na magbibigay ng legal assistance not only to indigenous communities but even to indigenous individuals para sa mga proteksiyon ng mga karapatan po nila.

THE CHAIRMAN. Very good point.

Miss Deles, kayo naman. I received your written position paper kaya akala ko tuloy hindi ka darating. Pero nagbigay ka na dumating ka pa, kaya sige.

MS. DELES. Dapat ho, importante ho ito.

THE CHAIRMAN. Importante ang hearing o importante ang chairman?

MS. DELES. Magkadugtong ho iyon.

THE CHAIRMAN. Magkarugtong iyon oh, sige.

MS. DELES. Sinasangayunan ko ho iyong mga tinukoy ni Atty. Dunuan na bilang ito nga iyong draft bill na nagmula sa mga indigenous peoples mismo na siguro ho nagpapakita iyong pagkahalaga ng konsepto ng human rights sa kanila. At iyong mga karapatan na ito kung hindi nga maibibigay lalung-lalo na iyong pagkakilala sa ancestral domains eh iyong kanilang pagkatao na mismo ang na ba-violate at iyong kanilang karapatan sa pagpapatuloy ng kanilang-- bilang isang sambayanan ay nate-threaten.

At hindi lang ho iyon doon sa Chapter 5 na lumalabas, pati ho doon sa mga general provisions. At siguro nga ho pinatitibayan lang iyung kahalagahan nung laging pagbabanggit ng equal rights of women and men; na hindi lang nandito sa chapter on human rights, kung hindi doon sa general provisions mismo sa chapter; na ang lahat ng

naririto applies equally to the women and men of the indigenous population.

THE CHAIRMAN. Isang tanong sa aking mga kaibigan. Sa atin bang kultura sa mga katutubo parehas ba ang pagtingin sa babae at lalake? Dahil sa mga ibang nasyon at sa ibang mga kultura karaniwan iyong babae ay mas mababa ang pagtingin. Pero sa mga katutubo ba ano ang karaniwan, Miss dela Manca? (Woman from Dela Mancha) Ha, tama ba iyong dela Manca, ha? Ano ho ba ang kultura natin sa inyo? Ang babae ba at lalake parehas ang pagtingin o ano? Dahil sa I'm trying to gauge kung gaano ka importante iyong punto ni Miss Deles, dahil kung parehas na ay it is not as important. Pero kung ang pagtingin-- me mga ganoon /cgc



COMMITTEE ON CULTURAL COMMUNITIES

Tunampos III-1 June 11, 1996 2:49 p.m.

1

THE CHAIRMAN...Pero kung ang pagtingin--may mga ganoon e, may mga kultura pa at may mga sibilisasyon na ang babae kuwan talagang masyadong mababa ang pagtingin, ha? Sa atin ba, ano?

MS. DE LA MANCA. Parehas, sir.

THE CHAIRMAN. A, talagang parehas.

MS. DE LA MANCA. Mayroon kasi kaming iba-ibang role. Yung mga lalaki mayroon silang ibang role; mga babae, mayroon din.

THE CHAIRMAN. I see.

MS. DE LA MANCA. Pero parehas ang ano nila sa status ng civilization yung mga role.

THE CHAIRMAN. I see. Dahil sa aming bahay ang misis ko ang presidente, ako vice presidente. (Laughter.) Kaya ako ang may problema, hindi ang misis ko e.

Ah, that's a good point.

Oh, one more before we move on to education.

O, Ms. Chavez, kanina ka pa taas ng taas ng kamay.

Apat na araw nang nakataas ang kamay mo.

MS. CHAVEZ. Hindi. Okay, good afternoon again, sir.

THE CHAIRMAN. Oo.

MS. CHAVEZ. Sir, nagagalak po kami sa OSCC na mayroong sa Bill 1746 yung office for empowerment and human rights.

Actually, sa Philippine Human Rights plan ngayon, may naisama kami na ICC action plan on human rights

protection. In fact, it--yung pag-implement noon--the priming of its implementation has already been approved by no less than our President, through Memorandum Order 335. So, ang recommendation ko lang po, kung puwede, sa aspetong ito, puwede bang ipasok yung planong yun dito.

THE CHAIRMAN. I see.

MS. CHAVEZ. Kasi nakasaad doon lahat yung calls for national action. And in fact--yeah, and in fact, we placed ancestral domain as a human right issue doon.

THE CHAIRMAN. I see. Ano bang ang sinasabi mo, Ms. Chavez, na yung directive na yan comes from the President of the Philippines?

MS. CHAVEZ. Yes. Priming for its implementation. Actually....

THE CHAIRMAN. Oo, pero permado ni Presidente?

MS. CHAVEZ. Yes, sir.

THE CHAIRMAN. What is that, ordering the OSGC?

MS. CHAVEZ. No, priming the implementation of the Philippine Human Rights Plan which includes action plans from the women sector, from all other sectors.

THE CHAIRMAN. I see.

MS. CHAVEZ. In fact, sir, ito kasama namin sila Attorney Dunuan, PANLIPI, ONCC.

THE CHAIRMAN. And that exists already yung document?

MS. CHAVEZ. Yes, sir.

THE CHAIRMAN. And what I hear you saying is, isama na natin--

MS. CHAVEZ. Kung puwede, sir, ma e-reconcile.

THE CHAIRMAN.--para kung maging part ng bill, it is enshrined in a law rather than a directive.

MS. CHAVEZ. Yes, at least ma-concretized.

THE CHAIRMAN. I see.

MS. CHAVEZ. Yes, sir.

THE CHAIRMAN. O, Attorney Rosales, kung puwede isama natin lahat dito, ha? Dahil sa kung nandiyan na, the beauty of a law is that enshrined na yan. Yang mga directive mapapalitan yan overnight e, depending...yes.

MR. ROSALES. Totoo po yun, Gingoong Senador, dahilan po lahat po ng sector ay covered po nung kung tawagin ay Philippine Human Rights Plan.

THE CHAIRMAN. I see.

MR. ROSALES. Lahat mayroon pong sector tungkol sa mga indigenous minorities, mayroon po sa mga displaced persons, mayroon po sa political detainees.

THE CHAIRMAN. Oo. I see.

MR. ROSALES. Kaya tama po yung sinabi niya na kung maari lang isama natin ito lalo na sa....

THE CHAIRMAN. Okay, but what is exciting, Attorney Rosales, is this, totoo nga'ng applicable to many. Pero to me, it is more important for the cultural communities dahil sa karamihan sa atin sa mga katutubo ay hindi natin alam yan. Kaya they need more protection.

MR. ROSALES. Tama po yun.

THE CHAIRMAN. Dahil sa kung minsan, kaya tayo naabuso e because of that. Kaya ilagay natin doon, ha?

MR. ROSALES. Tama po yun.

THE CHAIRMAN. Areglado. Okay, at least we can....

MR. ROSALES. Sang-ayon po ako.

THE CHAIRMAN. So, yung inyong dokumento and your study will be important for this.

MR. ROSALES. In fact, sir, doon po sa aming opisina mayroon kaming isang abogado roon na humahawak ng mga--itong sector na ito sa mga indigenous people.

THE CHAIRMAN. I see. And then you'll be working with the OSCC, and then DNCC for this purpose so that we have a total picture.

MR. ROSALES. Yes, sir.

THE CHAIRMAN. Okay, thank you.

O, ngayon--oy, si mister ano ka ba?

MR. SULANG. Sulang. Sulang.

THE CHAIRMAN. Sino ka, si Silang ka o si Baya?

MR. SULANG. Datu Manahan Sulang, sir.

THE CHAIRMAN. Silang?

MR. SULANG. Sulang. Sulang.

THE CHAIRMAN. Sulang.

MR. SULANG. Sulang.

THE CHAIRMAN. Sulang.

MR. SULANG. Sulang. Yes, Mr. Chairman.

THE CHAIRMAN. Ikaw ba ang may-ari ng Silang, Cavite? (Laughter.) Sulang.



MR. SULANG. I would like to comment--

THE CHAIRMAN. O, sige.

MR. SULANG.--regarding the women's rights. Kasi hindi lahat na tribo na parehas yung mga--

THE CHAIRMAN. I see.

MR. SULANG.--rights. Like for example in our tribe....

THE CHAIRMAN. Anong tribo ka?

MR. SULANG. Matigsalug, one-half Manobo.

THE CHAIRMAN. Oo.

MR. SULANG. Our tribe, usually the women--the woman is only a housekeeper. And the head of the family is always the men or the man.

THE CHAIRMAN. I see.

MR. SULANG. When it comes to leadership, ang--kasi may mga succession yun e, ang priority talaga yung man.

THE CHAIRMAN. I see.

MR. SULANG. Pero it does not also preclude the rights of the woman to become a leader. Depend sa achievement niya.

THE CHAIRMAN. I see.

MR. SULANG. But in our case, as Matigsalug Tribe and Manobo Tribe, very rare na mayroon kaming tribal leader o leader na babae.

THE CHAIRMAN. I see.

MR. SULANG. Kung mayroong man, really she deserves as a leader, parang ganoon.

THE CHAIRMAN. Yun, I see. Oh, thank you for that. That makes your point important na ilagay natin para parehas. Pero dito daw kina Ms. De la Manca, e medyo iba. But you are right, iba-iba yan e, kaya we need to put it. Okay.

So, that is the human rights dimension.

Let's now go to the second which is very important. Inumpisahan na nating pag-usapan ito last time, pero ito ay yung educational opportunities for our indigenous brothers and sisters. To me this is very important dahil sa kung ang ating mga kapatid na katutubo ay aangat ang kanilang kinatatayuan, kailan-gang sila ay mapag-aral. At hindi lang mapag-aral sa elementarya at sa high school, ang aking panaginip, bigyan sila ng pagkakataon sa mga scholarship sa tinatawag nating college level. Because we need these critical mass ng leader at educational opportunities.

Ang problema, at least in the last hearing, may kaunting hindi maliwanag kung sino ang magpapalakad niyan. May isang grupo na ang gusto ang magpalakad ay ang Department of Education and Culture o kaya ang CHED o Commission on Higher Education. Yun namang isa, ang sabi dapat daw Office of Southern or Northern Cultural. Kaya itong dalawang ito ay importante. kaya pag-usapan natin ngayon kung ano ang magaling na gawin. Ako ay open, ang gusto ko lang ay yung something na yung talagang it will be workable. Dahil sa kung hindi workable, e huwag.

Ngayon, gusto ko mapakinggan, mayroon bang DECS dito ngayon o Department of Education, Culture and Sports or CHED? O narinig na sila last time? A, wala pa rito.

Ngayon, sino sa inyo ang mayroong mga eksperyensya sa pagpapalakad ng mga scholarship para sa mga katutubo sa inyo?

O, ito muna, tapos noon ikaw. Attorney, naka-boundary ka na ng isa e. Mamaya kana muna, ano ha? Si kuwan muna, si--ano ba ito? Datu, ano ba, Inda? Tama ba yun? Inda.

MR. INDA. Magandang hapon po sa inyong involvement....

THE CHAIRMAN. O, Filipino po. Hindi magandang Hapon, Filipino. (Laughter.)

MR. INDA. Ganito ang sa aking eksperyensya, sir.

THE CHAIRMAN. Oo.

MR. INDA. Noong provincial officer ako sa Office for Southern Cultural Communities, sa katagalan ng ilang beses na nag-ano ng scholarship nag-conduct ang DECS, ang naka-confuse sa amin, sir, dahil noong na-approve ang scholarship na yun, ay hanggang ngayon ay hindi man mabigyan ng tulong galing sa higher education. So, napapansin po namin na, yung last week lang, noong nag-follow-up ako ng mga scholarship dito sa--dito na ako, sir, sa Central Office dahil doon sa aming region wala, walang nangyari. Pagdating dito i-refer din nila yung mga approval at saka yung funding doon sa region.

THE CHAIRMAN. So, nagpapasa-pasahan.

MR. INDA. Pagkatapos pabalik-balik naman.

THE CHAIRMAN. Oo.

MR. INDA. At yun ang--hanggang ngayon, ewan ko, we have 21 scholars from the cultural communities as SIGYAP (?) grant. And until now walang nangyari.

THE CHAIRMAN. Sino ba ang may hawak ng scholarship management ngayon--

MR. INDA. Ang DECS.

THE CHAIRMAN.--OSCC ba o ang CHED o DECS?

MR. INDA. DECS po, sir. Kaya tamang-tama lang mag-survey ang mga taga OSCC. Pero ang mag-go-govern din ang ano yung sa DECS. Parang walang coordination na mahusay.

So, yun ang problem.

THE CHAIRMAN. I see. Kung kayo ang tatanungin, Datu Inda--

MR. INDA. Yes.

THE CHAIRMAN.--sino ang dapat magpalakad ng scholarship natin?

MR. INDA. Yung organization ng cultural communities, tulad ng OSCC o ano pa man. Basta yung talagang mga tao na nakaka-alam doon sa sitwasyon sa mga cultural communities.

THE CHAIRMAN. I see.

MR. INDA. Kasi hindi nila alam ang mga ganyan na patakaran, sir.

THE CHAIRMAN. O, kayo ang nakaka-alam e.

O, pangalawang tanong ko sa iyo: Ilan yung sinabi mong scholar na kuwan, twenty...

MR. INDA. Twenty-one (21).

THE CHAIRMAN...twenty-one.

MR. INDA. Yes, sir.

THE CHAIRMAN. Yan bang 21, yan lang ang may interest na mag-aral o marami pang mga katutubo na gusto?

MR. INDA. Marami pa, sir. Marami masyado ngunit--

THE CHAIRMAN. Okay, kung sa 21.....

MR. INDA.--kung minsan--

THE CHAIRMAN. Do.

MR. INDA.--hindi maabutan, sir, ng information. Kasi, halimbawa, maipa-abot nila yung information, bukas..../rlt



MR. INDA. ... information, bukas i-implement na tulad sa examination, papaano maka-alam doon sa bundok. Iyon ang isa.

THE CHAIRMAN. I see. Ngayon, iyon bang mga kabataan, lahat ay pumapasok sa elementary school?

MR. INDA. High school graduate, sir.

THE CHAIRMAN. Meron?

MR. INDA. Yes, sir.

THE CHAIRMAN. Lahat ng mga kabataan nakakaabot ng high school?

MR. INDA. Mayroon din.

THE CHAIRMAN. Kulang ba ang eskuwelahan, dahil iyan ang mga tanong diyan eh. Kung kulang ay we have to do something?

MR. INDA. Kulang ang eskuwelahan lalo na sa mga bundok.

THE CHAIRMAN. Eh pero baka naman dadalawa ang estudyante, eh mahirap naman magkaroon ng eskuwela doon. Do we have enough pupils?

MR. INDA. Maraming estudyante, sir, pero walang guro, hindi makakaabot doon sa mga hinterlands, tulad ng mga gurong kristiyano, ay mga tatlong araw lang sa isang linggo, bumababa naman.

THE CHAIRMAN. I see, O Mrs. Sibug, this is a very important na project. Ang hinihingi ko sa iyo pag-aralan ninyo ng staff ninyo ang pangangailangan ng eskuwelahan at saka ng guro at bigyan natin ng priority iyan. Sabihin ninyo sa aking kung ilang eskuwelahan iyan at iyan ang ating ika nga'y i-push. Dahil iyong sa mga lowland eh sabi tayo

ng sabing wala, they are already over attended, kayo ang hindi napapansin. Pero I need facts. Sabihin ninyo we need five hundred classrooms, we need five hundred teachers, ipaglalaman ko. There are ways of getting the budget, but I must know, apart from this bill. Ang pinag-uusapan natin dito ay management, isa iyan.

Fangalawa, meron tayong bill na ako ang isa sa co-author, na getting money from the PAGCOR para sa scholarship ng college. Kung narining ko iyan di ipipilit ko na X number of the scholars must be from the cultural communities. Eh ang hinihingi natin malaki, two percent of the income of PAGCOR which is about one hundred million. Oh di kunin natin iyong two million or ten million niyan na para dito sa mga kapatid natin na nandoon. You know hindi lang natin napag-iisipan. Buti na lang meron kayo ngayong Senador na cultural communities at talagang iyan naman ang itatanong ko sa ano mang usapan, kung nasaan iyan. Eh kung kayo iyon ang kailangan, may mga allocation din kami sa mga buildings. Oh iyong mga classrooms ko sa inyo ko ibibigay. But I must know. Kaya gumawa kayo ng pag-aaral para ito ay mapagaralan natin, because pag hindi tayo makapag-aaral, we will be eternally subjugated, we will be eternally marginalized. I am speaking from experience.

I grew up in the mines na high school na ako bago ako nakakita ng dagat. Noong nakita ko iyong tubig naiyak ako, dahil ang sabi ko ang laki naman ng ilog na ito, iyon pala China Sea na pala. No, I am telling you the truth at hindi ko ikinahihiya because that is my background. I was born in the slum area. We were very poor. What brought me up?

Education. Of course guwapo rin ako kaya nakatulong ng kaunti iyon. But this is very important for the cultural communities, kaya tulungan ninyo kami. But I can only move if you help me. Ito nga si Ms. Sibug at saka iyong iba pa. May sasabihin ka, Ms. Sibug at tatawagin ko rin si Ronald at si Bai Moreno. Tapos Attorney, hindi kita nakakalimutan, kaya lang naka-boundary ka na kanina kaya inuna ko itong mga hindi pa nakakapagsalita. Sila muna, ah nasabi na.

MS. SIBUG. (Speaking in dialect), Senator Flavier. Alam mo nagpapasalamat ako. You know this is really a breakthrough kapag napasa itong bill and I hope talagang mapasa itong bill. Kasi nandidito iyon sa education na to supervise and control the activities of the pertinent agencies especially the DECS. Kasi po ito talaga ang problema namin sa pagpapaaral sa mga katutubo. In fact, ang program po namin ngayon is kung puwedeng dalahin ang eskuwelahan right in the village, talagang doon sa kabundukan dahil iyong mga katutubo po, ang experience namin, mahirap nilang mapag-aral iyong mga kabataan nila kasi bababa sa lowland. It will take hours for them to go down. So, ang pinakamabuti po nito dahil dito nga sa aming office, Office for Southern Cultural Communities, ay purely collaboration lang and coordination ang nagagawa ng aming office. So, kung baga kung manghingi kami ng eskuwelahan, talagang hindi nangyayari na maibibigay kaagad sa amin. So, what we do, we request, of course nakakahingi kami ng indigenous materials na doon na lang tinatayo iyong mga eskuwelahan na parang hall lang, tribal hall na doon na

ilalagay. Ang problema lang po, pagkatapos iyong bata, ay hanggang elementary lang kasi kung high school naman, sa lowland pa rin. So, that is it, iyong problema po iyong eskuwelahan.

THE CHAIRMAN. I see. Pero you are comfortable with the provision ...

MS. SIBUG. Yes, and I am very happy about this.

THE CHAIRMAN. Ngayon ang gawin natin, pag-aralan din natin kung ano ang puwedeng magawa. Because it's one thing to say itong problema. More important, is ano ang magagawa natin and let's do it two ways:

(1) Through this bill. But I cannot wait. We can do something now. Sa mga kuwan, iyong mga budgeting natin ngayon. Iyon nga, iyong sa PAGCOR scholarship. It takes only one amendment na sasabihin ko five percent of the money will go to cultural communities, may pera na tayo without waiting for this. I got your point pero tulungan ninyo ako sa number and data. Congressman Adamat.

MR. ADAMAT. Thank you, Mr. Chairman, good afternoon and thank you for this opportunity to be present in this hearing. Yeah, we are discussing matters on education, napakahalaga po ito dahil tulad din ng human rights, education is one of the basic needs of indigenous peoples, pero based on my observation, meron pong isang nakakaligtaan na hindi nabibigyan ng pansin ng mga authorities among DECS people, iyong tinatawag na relevantize education.

THE CHAIRMAN. Ano, ano?

MR. ADAMAT. Relevantize education. I call it relevantize education.

THE CHAIRMAN. Masyado yatang mahabang word iyon. Relevantize, masyadong mahaba.

MR. ADAMAT. I would like to explain that, Mr. Chairman.

Kasi, tama nga't basic need iyong education. Pero minsan hindi po cultural base or culture base.

THE CHAIRMAN. Sa Tagalog, hindi angkop.

MR. ADAMAT. Hindi angkop. Kung baga ...

THE CHAIRMAN. Ayun. Iyon palang relevantize ay angkop na sinasabi.

MR. ADAMAT. Kailangan relevant.

THE CHAIRMAN. Relevant, angkopize. [Laughter]. Mahirap kang kausapin. Sige Congressman, but that is very important point. Very important kasi kung minsan ang itinuturo, iyong tinuturo sa tagababa, eh ang tinuturo doon ay pagkain ng bigas, eh ang kinakain namin eh kamote, eh mali iyang usapan natin. Ang pinag-uusapan ay Johnny Walker, ang iniinom namin eh tapoy, ibang usapan iyan.

MR. ADAMAT. It's an input dahil na-observe ko, cultural communities or indigenous peoples little by little lost their sense of pride, dahil nga hindi nabibigyan ng pansin iyong napaka-unique na cultural heritage which can be a very important subject matter in school. Eh ako ay isang educator din, kaya't alam ko kung ano iyong mga punto na ganyan. So, siguro we can incorporate that as a substance in this bill and at the same time we can do it right now. Maybe calling the attention of DECS and/or through your stewardship, maybe, Mr. Chairman, we can put somebody in the

DECS from the indigenous peoples itself to monitor and supervise such a thing as this.

THE CHAIRMAN. Iyon yata ang nakalagay sa bill natin. Kaya I wanted them to be here to ask whether that set up is acceptable to them. They may not want it, but that is the way it is.

MR. ADAMAT. But there is a precedence here, Mr. Chairma. Like in the case of the Muslim Communities, mayroon silang inilagay diyan, undersecretary who will take care of the Madrasa which is catering to the education and needs of Muslim.

THE CHAIRMAN. Maski lang naman sa regional level, okay na sa akin because that is really the problem. Oh, nakuha na iyong punto mo ... cts



THE CHAIRMAN. ... punto mo 'yong kuwan
"angkopize" ano ha.

REP. ADAMAT. "Angkopize", yeah, that is the...

THE CHAIRMAN. But we have to go beyond that and
that is sometime in the future let us all get together
and really talk about what kind of education we want
for our people.

REP. ADAMAT. That's true.

THE CHAIRMAN. Dahil sa the most tragic thing is
for this young people to be educated and after that fly
away and worst be ashamed of where they come from.

REP. ADAMAT. Yeah, wala silang appreciation.

THE CHAIRMAN. Dahil sa-- di ba ganon kung minsan
na kuwan. Mayron akong kilala doon sa kuwan doon sa
Quiangan na ka-eskuwela ko, o pag-uwi niya ngayon ay
mas magaling siya mag pronounce. Kaya e kuwan ang
tawag sa kanya ay Lobelt, "Lobelt", sabi sa kanya--
Robert ang pangalan e. Sabi "Lobelt" sabi sa kanya.
Nagalit siya, sabi "Bakit, hindi mo ba mai-pronounce
ang letter 'al'?" sabi niyang ganon. E, siya pala'y
ganon din e. But this kind of identity that you are
saying we have to discuss.

REP. ADAMAT. Yeah, yeah.

THE CHAIRMAN. Because we can not leave it
entirely to the DECS because de kahon 'yan e. So, we
can agree on that ha. O ayan si-- sino ba ito, si
Sagubay ba, Sagubay?

MR. SAGUBAY. Sagubay, Chairman. Datu
Mampahaluna.

THE CHAIRMAN. Bakit kayo puro datu? Ako ba puwede datu rin?

MR. SAGUBAY. Depende sa katutubo.

THE CHAIRMAN. Uy, Team "Y" yata ako, Team "Y" ako. Sugpa-- ano 'yong sa Zamboanga, ano 'yon? Sagbaw, ano?

MR. SAGUBAY. As far as my observation is concerned, Chairman, you are more than qualified to be a datu.

THE CHAIRMAN. Team "Y" ako e, sa ano.

MR. SAGUBAY. Subanon?

THE CHAIRMAN. Ano, Subanon?

MR. SAGUBAY. Subanon.

THE CHAIRMAN. Subanon. Kaya kuwan ako'y Subanon, Team "Y".

MR. SAGUBAY. Team "Y".

THE CHAIRMAN. O, sige Datu.

MR. SAGUBAY. Mr. Chairman, maayong hapon kanimo.

THE CHAIRMAN. Maayo. (litseng yawa)

MR. SAGUBAY. Chairman, dili lang kay ikaw ang nahimo nga Chairman dinhi sa atong Komite, but you are the Chairman among the members of the cultural community when sa atong past election ikaw ang unang-una binuto namin dahil sa among-- dahil sa kay Sibog.

THE CHAIRMAN. Aba, marunong ka ring sumipsip.

MR. SAGUBAY. Sipsip kana pero dili sipsip, tinuod nga sipsip. Sir:

THE CHAIRMAN. O.

MR. SAGUBAY. I think this is a very human right

violation when it comes to the cultural communities concerned kay sa among experience, our executive director Mrs. Sibog, she is trying to work hard for the cultural communities and especially when it comes to the cultural scholarship. But this is a very sad experience, Mr. Chairman, kay didto sa among lugar ang among mga directors...

THE CHAIRMAN. Saang lugar 'yan?

MR. SAGUBAY. Sa Region X.

THE CHAIRMAN. Region X.

MR. SAGUBAY. This is a sad experience. When the cultural community takes their scholarship examination, nakapasa sila, they got the highest average.

THE CHAIRMAN. Yes.

MR. SAGUBAY. Pagkatapos binigyan sila ng CTM Cultural Tribal Membership pagkatapos, sir, pagkalabas iba ang na scholar, 'yong na scholar 'yong not a member of cultural community. So, that is very-- a violation of a cultural community and it is also a human right violation.

THE CHAIRMAN. Also unfair, unjust.

MR. SAGUBAY. Yes. Mao kana, sir, na importante gayod and it is very important na kaming katutubo tagaan mo gayod kaming importansiya nga ang scholarship funds ihatag diha sa among lider, diha sa among executive, like our executive secretary...

THE CHAIRMAN. Apat na beses mo ng sinabi siya e.

MR. SAGUBAY. Diha sa among opisina. Kay abi mo, sir, didto sa amo ang nagkupert sa kuwarta is only the

DECS, na kung birung-birungon na nila, sir. So, kung bibirung-birung...

THE CHAIRMAN. Dapat kayo ang manage.

MR. SAGUBAY. Yes.

THE CHAIRMAN. Kayo. Hindi lang 'yon pati 'yong pagpili kayo. Pero you must prove to me na hindi niyo gagawin 'yong ginagawa nila.

MR. SAGUBAY. Tinuod, sir.

THE CHAIRMAN. Talagang 'yong mga 'ika nga'y deserving. So, we will put a quota.

MR. SAGUBAY. Yes.

THE CHAIRMAN. Sasabihin natin, like in the College of Medicine sa U.P. hundred twenty ang kinukuha but dalawa diyan reserved for cultural minorities. Ang galing. So, we will kuwan keep this in mind, ilagay natin, ipalagay sa batas...

MR. SAGUBAY. 'Andito pa, sir.

THE CHAIRMAN. ...ilalagay natin sa implementing rules and regulations.

MR. SAGUBAY. Nandito pa, sir, 'yong...

THE CHAIRMAN. O, 'yon namang kabila sa...

MR. SAGUBAY. ... batas natin na una, so binigyan kami ng kuwan na 'yong mga uneligible teachers binigay sa amin noon, sa ngayon nawala na. So, I hope naibalik 'yong unassemble civil service eligibility for non-- for the cultural communities, unassemble civil service. 'Yan ang gusto ko, sir, na ibabalik natin 'yan.

THE CHAIRMAN. Tapos, magpa-scholarship tayo ng mga cultural communities dahil sa mayrong bagong law na

sinuportahan ko na ang author niyan ay si Senator Roco, na ang preference sa pag hire ng teacher, first preference 'yong taga doon. Kaya kung ikaw ay cultural community from a certain barangay ikaw ang priority sa pag hire as teacher. Galing 'yan, it will protect also.

MR. SAGUBAY. Thank you, sir.

THE CHAIRMAN. May isa pang kaninang naka-kuwan e. Sino 'yong nakaupo diyan kanina, wala ka diyan kanina, ha. Sino ba 'yong una? Di kuwan in the order of raising the hands e. Sino ba? May isa diyan. Ikaw ba o ito? Ikaw, ikaw ba? Sino ba 'yong nagsalita, ikaw? 'Yong katabi ang nagtaas ng kamay e. Ikaw ba 'yon? Hindi ikaw e. Pero hindi bale, sige pagbibigyan kia. O, sige.

MR. BAYA. Thank you, Mr. Chairman.

THE CHAIRMAN. O lakasan mo lang.

MR. BAYA. This is in relation sa sinasabi ni Datu Pampalo na ito ang problema na encounter namin sa Region IX, I am talking particularly in Region IX tungkol sa scholarship ito e.

Way back in 1995, kung hindi ako nagkamali, mayron kaming quota one hundred fifty (150) scholarship grant pero ang masakit doon, Mr. Chairman, out of one hundred fifty (150) ang na benefited lang dalawa lang. So, ang one hundred forty-eight (148)...

THE CHAIRMAN. Dalawa lang?

MR. BAYA. ...pumunta sa brother naming christian.

THE CHAIRMAN. Non-cultural community, ano 'yan?

MR. BAYA. Dalawa lang out of one hundred fifty (150) ang slots para sa quota sa cultural communities ang nag-enjoy dalawang cultural communities...

THE CHAIRMAN. Wala bang taga DECS dito?

MR. BAYA. ...and the rest was given sa brother naming christian.

THE CHAIRMAN. Now, can you document this and give it to me?

MR. BAYA. Oo. That's why I will produce the documents tapos...

THE CHAIRMAN. I-document mo at ibigay mo sa akin.

MR. BAYA. ...isa-submit namin sa iyo 'yan. Yes.

THE CHAIRMAN. Dahil sa during the hearing for the education budget, we are giving them the biggest budget.

MR. BAYA. Yes.

THE CHAIRMAN. But implicit in that big budget is that they will also make big impact on the cultural communities. They have to show me na part of that money is going to schools for cultural communities, teachers and scholarships that will truly go to cultural communities, I mean, the...

MR. BAYA. Second, Mr. Chairman...

THE CHAIRMAN. O, sige.

MR. BAYA. ...dahil ang nagdi-distribute sa 'yong form para ibibigay sa mga kabataan na cultural communities are from the DECS also with 'yon-- siyempre in fairness to them, ang uunahin nila 'yong mga relatives nila rather than 'yong mga cultural

communities.

THE CHAIRMAN. Hindi, pero para sa cultural communities ito e.

MR. BAYA. Kaya nga kawawa sila.

THE CHAIRMAN. Unless the relatives are cultural communities. But even that, it's not fair, it must be based on the most deserving. Kaya nga may examine tayo, hindi ba?

MR. BAYA. Yes.

THE CHAIRMAN. Anyway, these are some of the problems. Ibigay mo sa akin, ha?

MR. BAYA. Yes, sir.

THE CHAIRMAN. Sige.

MR. BAYA. Mr. Chairman, ang next nito dahil nakikita natin ganito ang problema, since the DECS ngayon sila ang humahawak sa scholarship, I propose i-submit itong scholarship grant, it must be transferred dito sa proposed commission kung magiging batas ito, magkaroon tayo ng Bureau of Education Affairs para sila ang hahawak sa scholarship grant para maganda.

THE CHAIRMAN. Nasaan 'yong Bureau of Educational Affairs, sa DECS rin?

MR. BAYA. Hindi sa-- itong proposed bill mo sinasabi mo itong commission kung magiging batas ito.

THE CHAIRMAN. Ah, dito, dito ilalagay natin. Anong relationship ng DECS at saka ng CHED? Because it is not-- while I understand the spirit of your point and that is self-rule tayo ang magpapalakad, let us not also lose the competitive advantage kailangan 'yong

connection nandoon dahil sa they have the budget e. So we have to put it together. But what I hear you saying, a Bureau of Educational Affairs dito sa ating bill na ito, pero think through how it can be related to the DECS and the CHED. 'Yon ang pag-isipan natin, ganon.

O, sino pa.

MR. BAYA. Thank you, Mr. Chairman.

THE CHAIRMAN. Sige si Miso lang muna, si Miso lang muna.

MS.MORDENO. I'm Bae Matilde...cpc



MS. MORDENO. I am Bae Matilde Mordeno Bagusan.

THE CHAIRMAN. Morteno? Tabi nang tabi kay Sulang, akala ko tuloy eh ...

MS. MORDENO. In addition to that about scholarship, Mr. Senator, you know, there is really a need, an urgent ...

THE CHAIRMAN. Puwede bang Tagalog, para naming maintindihan?

MS. MORDENO. Eh maintindihan nila nila, sir, 'yan, alam nila ang Ingles.

THE CHAIRMAN. Understand niyo ba ang Ingles?

MS. MORDENO. Alam nila 'yan, sir. I know they could speak English.

THE CHAIRMAN. Ah, they can, ha, sige. Ikaw ang nagsabi eh. Ikaw ang babae eh.

MS. MORDENO. Yes, I know them. All, personally, I know them very well.

THE CHAIRMAN. They can ha, they are only pretending they do not understand English ...

MS. MORDENO. They could speak and they could say in English.

In addition to that, there is an urgent need for the government or through this bill to become a law and transfer and return the scholarship to the OSCC and ONCC or to the Commission because if it is the DECS to continue, having that, then, the selection only will be made by the Guidance Counsellor and the Guidance Counsellor of the school, the different schools, Mr. Senator, do not belong to the cultural communities. So,

there is the tendency that really they enjoy, the relatives enjoy that scholarship grant.

So, I think that should be returned to the Office of Southern Cultural Communities and the ONCC.

THE CHAIRMAN. I see. Is that the reason for that problem, na 'yung 148 ...

MS. MORDENO. Yes, ...

THE CHAIRMAN. ... because of the selection process.

MS. MORDENO. Yes, that's one, that's one, sir. That's why ...

THE CHAIRMAN. That's one important point why it should be returned.

MS. MORDENO. That's the very most important point why it should be returned.

THE CHAIRMAN. Yes, but don't forget my point, ha? Do not allow it to be completely severed because we are going to lose. Dahil sa ang funding source sa kanila. Ang technical advantage nasa kanila. So, let us capitalize on the advantage but give to this group 'yun ngang, at least, the selection and, at least, a say. Kaya let us think through how this Bureau of Educational Affairs can be inputed into our ...

MS. MORDENO. But the one ... Mr. Senator, the one to take charge of the selection must belong to the cultural communities because they do not know whether that child or that student ...

THE CHAIRMAN. Yes.

MS. MORDENO. ... is really a member of the cultural communities.

THE CHAIRMAN. So, let's have a structure then, na mayroon local participation para nang sa gayon eh hindi na kuwan.

Oh, last comment from that left side.

MR. SULANG. I would like, Mr. Chairman, to take advantage of this forum. Well, speaking of education, most of the indigenous people's community don't have an adequate education, despite of the fact that the DECS, having that program quality of education but how could be the indigenous people appeal or take advantage the quality education.

Kasi, Mr. Chairman, most of ... duon mismo sa lugar namin, iyung mga teacher duon, 'yung sinasabi kanina, the previous speaker, that instead of teaching five days, they only teach two to three days. Kasi uwi sila sa lugar nila and one of the reasons, sabi nila, 'yung mga suweldo daw, kung minsan, three months hindi pa dumarating 'yung suweldo nila. Kasi most of the teachers in the hinterlands are those who are not eligible teachers.

Kasi iyung mga eligible teachers, they don't want to go to the mountain and render teaching services. Ang karamihan kasi iyung mga eligible duon sila nag-a-apply sa mga accessible by roads. So, iyun ang mga problema.

Kaya kung titignan mo, 'yung mga members ng cultural communities, although they are claiming that they have already graduated from elementary and secondary education, i-compare mo sa urban area, talo pa rin sila. Kasi, walang ... inadequate education ang nakukuha niya

during the ...

THE CHAIRMAN. O sige, di pag-isipan din natin itong important problem na ito. It's a problem ba of accessibility plus the earlier point about ilan eskwelahan ang kailangan, pero kailangan pag-isipan natin ang realistic.

Halimbawa, we can say there should be a school in barangay "A", pero kung ang papasok naman diyan ay lima lang, we have to be realistic also in combining it maybe with the adjacent barrio para talagang the economies of scale are achieved, but in this bill of ours, na I want you to think through a little bit, duon sa agency, like DECS or CHED, maglalagay tayo ng representative nitong agencing ito duon.

I know it will be resisted a little bit but that is how we protect our people and I want that to be considered generically because education is not only our problem. Ganyan din ang problema sa kuwan, sa health. Ganyan din an problem sa agriculture but of course, in education, eh 'yung nga sa scholarship ang importanteng angle that makes even more acute and important.

Okay, o, mayroon pang nasa likod na likod.

MR. SULANG. Another point, Mr. Senator.

THE CHAIRMAN. O, sige. (?) halika.

MR. SULANG. One na lang, another point, Mr. Senator, is that the establishment of the college education to the cultural communities' area should be considered also.

Like for example in our area, it's very far place

to the univerisites, state universities ...

THE CHAIRMAN. Right, right, right.

MR. SULANG. ... and yet, there are so many members of the indigenous people who are qualified for college education ...

THE CHAIRMAN. Oo.

MR. SULANG. ... only the problem nga 'yun lang walang college education.

THE CHAIRMAN. Right, right.

MR. SULANG. So, if possible, in a selective basis or case-to-case basis, dito sa ating gagawin na batas, dapat i-ko-consider iyan.

THE CHAIRMAN. Oo. In other words, make it clear, not only case-to-case basis, but there's a system na talagang maliwanag para ... and transparent so everybody is clear.

THE CHAIRMAN. O, sino 'yung nag-re-raise ng hands? Is it related to education ang sasabihin mo? Ano ka bang agency, sir?

Pakibigay lang nga 'yan. Oo.

MR. KINOC. I am a tribal leader belonging to the Blaan Tribe.

THE CHAIRMAN. Blaan?

MR. KINOC. Yes. I am also a Tri Cap in the National Consultative Assembly.

THE CHAIRMAN. Okay, o sige.

MR. KINOC. Medyo kaunti lang iyung Tagalog ko, sir.

THE CHAIRMAN. O, sige lang. Anong gusto mo?

MR. KINOC. Puwede English na lang?

THE CHAIRMAN. Visaya.

MR. KINOC. I would like to comment on this scholarship program because I myself, I am a product also of the Commission on National Integration Scholarship Program.

THE CHAIRMAN. Wonderful, so you know the system. Uuh.

MR. KINOC. The system during the CNI and even before that when the scholarship was under the President, the budget for the scholarship program is handled by the office. You see, if you will place the budget with the Department of Education and Culture and Sports and then another will be ... the screening process will be taken by the OSCC or the OMA or the ONCC, there is always this problem of, you know, one holding the budget, the other one holding the screening.

THE CHAIRMAN. Right.

MR. KINOC. But if the budget will be lumped up with the office, then, we can manage. In the past, there is no problem because we choose the scholars, we conduct the examination, the office conducts the examination and then what are appointed are true members of the tribe.

THE CHAIRMAN. I see.

MR. KINOC. Now, the problem comes during the OMACC and now the OICC.

THE CHAIRMAN. Okay.

MR. KINOC. You know, we cannot entirely put the blame on the DECS. First, the DECS do not know whether these people are really tribal.

THE CHAIRMAN. Okay.

MR. KINOC. But when the fieldmen of both the ONCC and the OSCC and the OMA, for example, certify that so and so is a member of this tribe, the DECS cannot do anything but accept. So, if you will look at the problem, there has also a blame on the people of OICC in the field because sometimes iyung padrino, padrino; kompadre, kompadre, ...

THE CHAIRMAN. 'Yan, yan ang sisira sa atin.

MR. KINOC. Pero, if we will create this Commission and then we will eradicate from the Commission those people who do not belong to the tribe, what we will appoint only are people who are members of the tribe. I think, like in my case, the Blaans, nobody can fake our tribe.

First, we can identify easily whether you are a Blaan or not ...

THE CHAIRMAN. I see.

MR. KINOC. ... because when I ask you in the Blaan and you cannot answer, so, you are not Blaan.

THE CHAIRMAN. I see.

MR. KINOC. But there are ...

THE CHAIRMAN. How about the money, you want it in the ...

MR. KINOC. It must be with the officer.

THE CHAIRMAN. Yeah.

MR. KINOC. Because, you know, we cannot rely on ... there will be haggling later on if we ... The DECS will say, "Okay, I'll approve your scholar, but you also

certify this guy as my scholar. Because, anyway, I hold the money."

It's very hard...

THE CHAIRMAN. I see. I know, I know. That is the problem.

MR. KINOC. ... somebody is holding the purse.

THE CHAIRMAN. That is why in this bill, we should have a mechanism na it will not be based on haggling.

Halimbawa, duon sa PAGCOR bill, I will try, I don't know if it's too late, pero if they get 100 million and we put in the bill that five or ten million of that is for the cultural communities, you don't have to haggle. Nakalagay duon.

So, let us look for creative ways of making sure na ito eh mangyayari. The reason is that I see your point but mahirap iyung nasa inyo ang pera lang dahil sa mangyayari you have to get it from your own funds and yet, the national budget put aside the biggest number or amount for education. So, we must access to that.

MR. KINOC. No, what we mean here is ...

THE CHAIRMAN. Oo.

MR. KINOC. ... you know, we have already in our previous conferences in Mindanao, we have passed a Resolution requesting the President himself to direct the Department of Budget and the DECS to transfer the administration of the scholarship program from the DECS or the CHED to the three offices.

THE CHAIRMAN. Oo.

MR. KINOC. The ONCC, the OMA.

THE CHAIRMAN. 'Yung administration, we are agreed.

MR. KINOC. Including the budget.

THE CHAIRMAN. I want to clarify the budget dahil sa the budget when you say "transfer", is not clear. So sasabihin ngayon, "O, nasa inyo na 'yung budget, get it from your own, we did not gain, we lost." So, iyun ang pag-isipan natin, ha, but I am in favor of transferring.

MR. KINOC. Eh, kasi, sir, mayroon man budget 'yung DECS for scholarship talaga because we have three programs, I think.

THE CHAIRMAN. Oo.

MR. KINOC. ... the national, the INSGP, the National Indigenous Scholarship Program, and the so-called SEGYAP -- the Select Ethnic Group Educational Assistance Program. These are administered by the DECS.

THE CHAIRMAN. I understand.

MR. KINOC. But these are for ...

THE CHAIRMAN. Ililipad natin 'yung administration?

MR. KINOC. Yes, sir, including 'yung budgetary item.

THE CHAIRMAN. Ang problema ko ... iyun ang mahirap dahil sa you can put it that way but what is the mechanics? You will follow?

MR. KINOC. Well, perhaps, in the bill that you are now considering, ilagay duon na the next budget mawala na sa DECS 'yung item na 'yan, malipad na dito sa Commission or whatever office will take over.

THE CHAIRMAN. Okay, it depends on how that is written.

MR. KINOC. Yes, sir.

THE CHAIRMAN. Kaya you help us craft it para maliwanag because ang fear ko is sabihin natin na ilipad na 'yan, and then you find out that you have no money. Dahil sa in the budget, which is done every year, very, masalimuot 'yang parteng 'yan eh, 'yang sa pera. Pagka iyung nailipad na, they will not care about you anymore. That's the way it is written, ha?

O, sige, thank you very much.

MR. PANDIAN. Mr. Chairman ...

THE CHAIRMAN. Oh, any other ...

MR. PANDIAN. Observation, Mr. Chairman.

THE CHAIRMAN. Oh, yes, Mr. Dunuan muna, beauty before waif.

MS. DUNUAN. Mr. Chairman, with regard to these many ... (ceg)



MS. DUNUAN. ... Mr. Chairman, with regard to these many questions on scholarship, etcetera, in your bill...

THE CHAIRMAN. Our bill.

MS. DUNUAN. Our bill, Chapter VII, Section 65, paragraph(b), number 1, which provides the functions for the Office on Policy, Planning, Research, Culture and Education. Subparagraph (b-1), precisely provides that this office will supervise and control the activities of the pertinent agencies of a government, particularly the DECS, which is charged with the implementation of various programs affecting the IPs and to ensure that the same are directly enjoyed by these designated recipients. And we're talking about how to manage these programs. And it is suggested in this paragraph, Mr. Chairman, that the Commission will deploy a representative in these other government agencies precisely to take care of that problem.

/with regard to the other concerns and issues which were raised by the other resource persons, particularly that raised by Congressman Adamat on relevant education, our bill, Chapter VI, on Cultural Integrities, Section 46, precisely provides for education which is formal education through the schools or the established educational systems, which should take into consideration the language of the IPs and other appropriate methods of teaching, as well as informal education, through recognition of indigenous management system or indigenous knowledge system of the people.

THE CHAIRMAN. Is that in the bill 'no?

MS. DUNUAN. It is already there in the bill.

THE CHAIRMAN. Beautiful, beautiful, oo. We just need to maybe make it more precise in terms of the budget, and maybe make it a little more generic so that the the other agencies are also treated the same way that, hindi lang education ang ating problema.

One last remark. We have to go to the other topic.

MR. ADAMAT. Before I go to the main point that I would like to raise, siguro, Eveylyn, medyo i-relate natin konti, closer to the preservation of culture, 'yong maise-center, ma-i-focus doon sa culture, it's culture based, 'yong ating program sa education.

THE CHAIRMAN. I see. Let's keep that in mind.

MR. ADAMAT. Yeah.

THE CHAIRMAN. But this needs a more in-depth study and discussion so that we can really/something very specific, clearly in our minds, And not only that, kasama ang DECS, dahil sa if they do not agree, we are in trouble. They must agree to it, because that is part of the... and not only for the south, also for the north, and all others because this is also the problem in the Cordilleras. Okay, we will do that, okay.

Okay, we will now move on to the.... because of the time, we will now go to the structure. Itong structure of eh, the bills, almost all the four (4) are in favor/a commission. Now, that means that it will integrate both the north and the south offices. And in this integration, the main thicklish issue, ah there are two. One, is the position of the DENR, which later we can listen to, and the other one is the whole issue of whom do we retain and what is the phraseology. The emerging lines in the bills is to make a fresh view that we are going to re-evaluate those that are there, so that we can have a fresh start. I am open but I am trying to summarize what is in our bill. But the current thinking, even in the consultations, and I was surprised, even with the Catholic Bishop Conference, and with the Episcopal Commission, the inclination, if I may use that word, Fr. Remigio, is really for a commission. 'Yon ang intind ko from the

documents.

So, I will now entertain comments ~~on~~ on this particular... I don't know whether I should ask Fr. Remigio and the rest first, or the DENR, to make a case for whatever model they are thinking about.

Would you like to start, or you would rather comment on the others later?

FR. REMIGIO. I...

THE CHAIRMAN. You are not ready with your sermon?

FR. REMIGIO. Mr. Chairman, well, good afternoon, Your Honor, and to the assembly.

When we tried to disseminate the bill to our network, we asked them to comment, to make feedbacks, or react on the bill. So far, we have received some comments, but they are positive comments. And we have not received any negative comment as of the moment.

There are, however, some suggestions, suggestions which are more in the structure, perhaps, or not necessarily structure but the one aspect is the language that has been used. So, some of those areas where we have gone through, they asked for translation into local languages, specifically Tagalog or Filipino, and there are also those who asked for, if it is possible, that they be translated also into their own dialects, into their own language. But the other... so that this would be more understandable to those beneficiaries or to the constituents, because parang ang request is, if we could study deeper, and more

MR. REMIGIO. ... study deeper and more intensively the bill so that we really see the flaws and the other matters that may not be beneficial to the katutubo or to the indigenous peoples. But basically the common agreement is that when we tried to summarize ng mga contents of the bill, they see their aspirations in the bill so that even in the structure we did not find any negative comments except that there are agencies which are already existing which became the trouble itself. Once they have felt their presence in those areas, then the trouble in those areas started.

Well, there seem to have-- I mean mga-- these issues must be addressed in a way that-- I was saying they were peaceful before the agencies entered into their areas. They were living a peaceful life. But when agencies entered, then problems started.

THE CHAIRMAN. Is there any way we can do something about that by way of the bill? Should there be a system of accreditation or a system of clearance? I don't know, I'm just ...

MR. REMIGIO. Actually what we are planning or what we have been doing is to go to-- when we were asked to go and clarify or present the bill to the different areas or to some dioceses it's more of-- parang kailangan is a primer, the need of a primer.

THE CHAIRMAN. I see.

MR. REMIGIO. So that in disseminating this bill to them every aspect, every consideration or provision of the bill is explained and clarified.

THE CHAIRMAN. I see. Thank you for that. May I-- this will be a tremendous contribution to us and to the country if your group can help us translate some of these and if there are any additional reactions later, you can give it us in writing to guide us.

Meanwhile, I take it that the general initial reaction is positive. Of course, I'm not surprised because you were also involved in the consultation at least to the extent that the leaders are concerned. Is that a fair statement?

MR. REMIGIO. Well, yes, Your Honor.

THE CHAIRMAN. Thank you.

MR. REMIGIO. And practically we have to explain from our process.

THE CHAIRMAN. Right, because you have to relevantize the whole thing with their level.

Oh, Attorney.

MR. REMIGIO. May I just add some more aspect to this?

THE CHAIRMAN. Yes, please.

MR. REMIGIO. Regarding the bills that are now in the Senate, sometime when the draft bill was produced we tried to present these bills to some other institutions especially within our church structure, so we have commission meetings at certain times. And there was a time in January or February that we had a commission meeting and we were still trying to explain from our point the presence or the existence of the bill. So that some of those commission members, executive secretaries, got copies of the bill, draft bill then. And then some had the idea of soliciting sponsors from both Houses. And I quite remember that Mrs.

Tatad was there in that meeting then. And she got hold of one of those copies which might have resulted to the filing by Senator Tatad ...

THE CHAIRMAN. ... of the fourth bill, yes.

MR. REMIGIO. ... of this 1486.

THE CHAIRMAN. Right.

MR. REMIGIO. So basically as far as I can -- I see these bills they are both the same only edited. There was more edition on the part of Senator Tatad. I was expecting that Senator Tatad would be around to explain also his bill so that he should explain how it came to his hand.

THE CHAIRMAN. I see. Unfortunately Senator Tatad is, I think, abroad.

But the way to look at it is this. We will consolidate the four. The more sponsors they are the more better for us, because for every sponsor we get that is one additional ally we have. But as Chairman of the Committee, of course, I have a bias and that is the bill that you already produced through extensive consultation. But we will incorporate all the good features of the other three and we will make them all co-authors so that we will have allies.

MR. REMIGIO. I have some other things to comment, Your Honor. Some time the other week we visited the Lower House and we tried to update ourselves regarding the bill or House Bill No. 33. And we talked to Congressman Andolana and he suggested that the Senate Committee should make a substitute bill. And he was suggesting that this bill will be endorsed by the Committee as a substitute bill.

THE CHAIRMAN. Which particular bill?

MR. REMIGIO. This Flavier bill, or at least the one that has been submitted to them.

THE CHAIRMAN. Yes. And I hope that they will also adopt the same bill because it will simplify our life. Dahil kung sa kung ang ma-pass dito ay iba, sa kanila iba, madugo ang bicameral. But if itong bill natin na 1476 at iyong kanila the same, minor na lang magkakaiba, pag binacameral iyan eh mas madali. So, that is good news.

MR. REMIGIO. Actually we tried also to talk with Congressman Cosalan because he is the Vice Chairman in the absence of Congressman Zapata. Well, he reacted positively to the suggestion.

THE CHAIRMAN. Wonderful, okay that is good news.

Oh, Attorney.

MR. IRAL. Now, Mr. Chairman, with due respect to the Gentleman, I would like to take exception or react to the

THE CHAIRMAN. To what issue? Which one? Which one?

MR. IRAL. ... the statement that when the agency enters into the area, trouble arises. If I am not mistaken he is referring to the agencies of the government, the OSCC or the DNCC or DENR. Because actually when we go or when we went to the areas, the tribal communities always complain about how the NGO make them a capital or an excuse to get funds abroad. And after these funds have been gotten or coming to the Philippines into the hands of these NGOs, there is nothing to show that this or a portion of this went to the benefits of the tribal communities. Many will say, "Not even the ballpen got into our hands."

One example is in Lake Sibuyan where the Santa Cruz mission always complains, always say bad comments against the OSCC. But this is because the OSCC when the encounter or when we go to the areas and tell them the project of the President and their eyes are open, they become active in the community and they refuse to listen to this Santa Cruz mission.

THE CHAIRMAN. I see.

MR. IRAL. And when the Senate came to-- because of the complaints of these tribal communities when we enter there, their complaints began to seep in. And there was a Senate investigation and it was found out /cgc



MR. IRAL...And there was a Senate investigation and it was found out that this mission are utilizing the tribal communities in their nefarious activities. They use them as guides, cargador for transporting radios, arms into the hinterlands--

THE CHAIRMAN. Yes.

MR. IRAL.--for maybe lifttest purposes.

And then, one incident came out, when these people became free to speak up, one tribal community was raped by the priest himself. There were members of the Santa Cruz Commission. There were other....

THE CHAIRMAN. That is not Father Remigio, ha? (Laughter.)

MR. IRAL. I don't know.

THE CHAIRMAN. You don't know?

Did you or did you not do it? (Laughter.)

MR. IRAL. But I'm trying to say, that the NGOs are maybe not all--

THE CHAIRMAN. Okay.

MR. IRAL.--I'm trying to blame the agency, Your Honor.

THE CHAIRMAN. O sige, attorney, we heard your point.

MR. IRAL. But it is not true. It is not true.

THE CHAIRMAN. Yes, okay. But that is not the issue. The issue is that--well, let's look at it generically.

MR. IRAL. Yes, Your Honor, it is the structure,

the structure.

THE CHAIRMAN. There is always a problem. Hintay muna at kuwan, si Chairman muna. (Laughter.)

MR. IRAL. Yes, Mr. Chairman.

THE CHAIRMAN. There are bad and good agencies.

MR. IRAL. Yes, Your Honor.

THE CHAIRMAN. Whether an accusation is right or not, true or false, we have to listen.

MR. IRAL. Yes, Your Honor.

THE CHAIRMAN. Two. There are bad and good NGOs. And that is a reality of life. The point is that, in this particular bill, let us incorporate as much features that will do good for the cultural communities.

MR. IRAL. Yes, Your Honor.

THE CHAIRMAN. Puwede bang i-recommend natin kuwan...?

MR. IRAL. And I can see, the writing on the wall, Your Honor, this will be a product of the NGOs.

THE CHAIRMAN. Of all of us.

MR. IRAL. If it is for the good of the communities, no objection.

THE CHAIRMAN. Sure. And it is the product of our common--

MR. IRAL. Yes, Your Honor.

THE CHAIRMAN.--efforts. Lahat tayo.

MR. IRAL. But I can say, Your Honor, that, with due respect to the Chairman, there seems to be a transformation of the original objective of this bill.

This, instead of preserving, there is a tendency to alienate the cultural objective of this bill.

THE CHAIRMAN. Then, let us....

MR. IRAL. It becomes a bill for all human rights, when in fact we should--the attack should be the maintenance and the improvement, development of the culture of the tribal communities.

THE CHAIRMAN. Fine. If there are features that you feel can be enriched with your views, they are welcome.

MR. IRAL. Because I'm afraid, Your Honor, the mass even the powerful intervention or influence of some of the NGOs, we may lose our--we lose our identity.

THE CHAIRMAN. That's one. There is also another side to the coin.

MR. IRAL. That's a caution only, Mr. Chairman.

THE CHAIRMAN. Because there are bad NGOs, there are good NGOs. The same way, there are bad and good government agencies.

MR. IRAL. Thank you, Mr. Chairman.

THE CHAIRMAN. But our focus will be the good of the cultural minorities. And the draft that we have is one and it is not curved in stone. Anything that will improve it, we will welcome.

Oh, last comment from Datu Pandian. Dahil sa the last topic is going to be the most difficult and that is the delineation of the ancestral domain. I have not

forgotten.

MR. PANDIAN. Maayong hapon, Mr. Chairman, sir.
Ako nag--

THE CHAIRMAN. You may sit down. Sit down. I don't want anybody to be taller than I am. (Laughter.)

MR. PANDIAN.--ako'y isang tribal consultant sa South Cotabato, si Renato Pandian.

THE CHAIRMAN. Okay.

MR. PANDIAN. Una, maayo kay nahisgot tungod niining mga NGOs didto sa amo. Hangtud karon naa pod giyerang ginagmay didto sa amoa. Tungod ang among mga tribo, giingin nako sa ila, ngano man--ang uban adto pod sa mga NGOs, sa mga pari. Didto, pag-gikan nako dinhi kay Ma'am--among Undersecretary, kay Ma'am Neneng Sibug, pag promote nako tribal consultant dire sa Manila, wa--pag-abot nako sa Kapitolyo namo sa Marville sa South Cotabato, wa pa mahuman ang mga gamay nga problema, tungod nila na sa mga NGOs. Sa didto nag--kuwan mi didto sa sulod sa among gimitingan, ingon nako, "Kamo mga pari, madre mo, diha lang sa mo, o OSCC ka, diha sa ka. Nia man ko kunsultahan nila sa mga tribo nako. Ako'y decision sa ila." Kay ug naa ang pari, didto pod ang among mga ubang tribo tungod sa ilang maayong mga propaganda sa ila.

So, didto kami maglisud magbuo sa among tribo. Ngano man, usa sila unta mosulod ug dili namo kaya puwede dawaton namo na sila. Naa man kami presidente dire, naa kami undersecretary namo si Ma'am Sibug.

So, mao nay maghatag sa among--so, kaming mga tribal leader adto sa mga chieftain namo sa mga consultant. Kinsa may himoon namong mata dinhi sa inyo nga diha ang batas ninyo ihatag sa iya. Didto mi magtoo sa iya. 'Di mi magtoo ug kung kinsay magsulod sa among mga barangay ug municipal aron mabuo ang among tribo. Pero ug maminaw didto, maminaw dire, wala na, ha?

Hangtud karon ang isa namo ka kriminal nga tawo wa nako gitago sa imo. Mr. Chairman, wa namo nakita si Lewahen--Datu Lewahen, taga-Datalbiao, gitago sa mga NGOs, sige interview. Hangtud karon ang tribal leader nga wala nahibal-an nasayop sa iyang sulti, ha?

So....

THE CHAIRMAN. Okay, o sige. Tama na yung privilege speech mo. Okay.

MR. PANDIAN.--ang kuwan nako karon--

THE CHAIRMAN. Tapusin mo na. Tapusin mo na. Tapusin mo na. Because it is not relevant to the point.

MR. PANDIAN.--kaya nabati namo sa South Cotabato, Mr. Chairman, si Ma'am Undersecretary Neneng Sibug, ang bati namo sa South Cotabato, giwala nila ang OSCC. So, naningkamot ako nah-abot ngari sa Manila sa iyang opisina nga mangutana ko ug tinuod. Kay ug tinuod, mag peoples me sa South Cotabato, Hiblaan o Tibuli, nga dili namo puwede iwala ang iyang position. Bahala kaming netibo nga maghimo sa iyang position. Kay

tungod naglingkod na siya tungod sa mga netibo ang nagpalingkod sa iya, ha?

So, dinhi lang kutob siguro ang akong mag-estorya sa imo, Mr. Chairman.

THE CHAIRMAN. Okay, sige. Ang problema ko lang kasi, nadinig ko ang sinabi mo, pero ito ang pinag-uusapan natin ay structure. Kaya medyo--I'm willing to listen kaya lang we have to be systematic. Ang sa akin--

MR. PANDIAN. So, ipalabas ko lang. Ngayon wala na. Gilabas ko lang.

THE CHAIRMAN.--whether Ms. Sibug is good or not, pag nagkamali siya, ay tatanggalin ko.

I make it very clear. Kaya nag hearing kami the other time ng Blue Ribbon.

MR. PANDIAN. So.....

THE CHAIRMAN. Okay, we will give you a fair chance. Kung papalagay ninyo magaling siya, tuwang-tuwa ako.

MR. PANDIAN. Salamat, Mr. Chairman.

THE CHAIRMAN. Pero ang nakarating sa akin na mga mali, whether true or not, it is my duty in the Blue Ribbon to look into it. At ang aming findings, some of the allegations are true. There is some misdeeds in the purchase of the medicines of 10 million. Okay.

MR. PANDIAN. Salamat, Mr. Chairman, ikaw man ang gisaligan namo.

THE CHAIRMAN. Okay, thank you very much.

We'll go now to the most difficult, and that is

the delineation of the ancestral domain. And for this, I will ask the DENR and maybe the DAR to help us and also give your views on the Commission. Pero here, we must understand how best to do the delineation and there are two views: one is to leave it with you, the other one is to put it under the Commission.

So, this is what we will discuss and I will listen to all of you. Okay, sino ba ang mauna, according to color or according to height? Sino ang unang magsasalita? Si Asec ba?

Asec Lorenzo, the floor is yours. O sige.

MR. LORENZO. Good afternoon, Mr. Chairman.

THE CHAIRMAN. Kaya mo ba ang Tagalog para ma intindihan namin?

MR. LORENZO. Maraming salamat po sa pag imbita ninyo po sa DENR--

THE CHAIRMAN. Okay.

MR. LORENZO.--sa session--sa meeting ngayong hapon.

In line with our commitment last time, Mr. Chairman, to draft a bill on ancestral domain, we already have it with us.

THE CHAIRMAN. I see. Oo.

MR. LORENZO. But this has to be validated in multisector-wide consultation next week during the social reform quarterly flagship sectoral forum to be conducted by the DENR.

THE CHAIRMAN. I see.

MR. LORENZO. This will be participated by, at least, 50 IPs and 50 participants from other NGOs.

THE CHAIRMAN. So, you are not yet ready to submit it. I would prefer na the consultation is done first, and then you will let us know.

MR. LORENZO. Yeah. But I'll just give you, Mr. Chairman, an advance copy.

THE CHAIRMAN. Okay, go ahead.

MR. LORENZO. Now, briefly, in the delineation issue, the DENR is supportive of a bill that does not..../rlt



MR. LORENZO. ... that does not create another office or transfer it's power to delineate ancestral lands to other agencies. But we support the delineation issue should be implemented together with the ONCC and the OSCC. Our reasons are as follows:

(1) The DENR has already the technical expertise to conduct all types of surveys whether it is aerial, its ground or the use of the global positioning system which is linked up with the satellite, up in the sky; and

(2) The DENR has enough personnel who are well trained in surveys; and

Lastly, it has an existing structures from the Central Office down to the municipal or the CENRO offices, Mr. Chairman.

So, in so far as the structure is concerned, may we reiterate our position that the DENR should retained jurisdiction over these ancestral lands for the reason that a bill that does not create a commission will expedite discussion on the rights in the Flavier bill, as well as resolution of substantial aspects of this bill. So, the DENR believes that it has jurisdiction, it has to retain its jurisdiction over the ancestral lands or domain considering the role of this Department in the conservation and protection of natural resources, Mr. Chairman.

THE CHAIRMAN. Do you have anything to add, Mr. Austria, so that's it? You don't want to lose your job, that's why siya na lang ang magsalita. Do you want to say your piece now, Mr. Floranda of the DAR, then later I will call the hands that have been raised there and to the left. O, sige.

MR. FLORANDA. Thank you, Mr. Chairman, good afternoon. Doon po sa delineation issue, earlier ang Department of Agrarian Reform po ay nagbigay ng position na hindi naman gaanong kontra sa pagbibigay sa commission ng poder sa delineation issue. Ngunit ang tinitignan po ng Department ay sana hindi naman po bigla or abrupt na ma-cut ang processong ito dahil ang Department of Environment and Natural Resources admittedly ay talagang may technical expertise. Meron silang tao at capacity to do it. So, ito po ang dapat na isaalang-alang sa isyung ito.

THE CHAIRMAN. Mr. Floranda, iyon bang unang statement mo eh you are not necessarily against a commission?

MR. FLORANDA. Yes, Your Honor.

THE CHAIRMAN. Okay. But the second point is that, you recognize the technical and personnel strength and capability of the DENR?

MR. FLORANDA. Yes, Your Honor. Ngunit kung sakali pong itong delineation ay talagang sa commission, iyon pong pagbibigay talatas sa iyong certification ng jurisdiction ang may hawak na ay ang commission, ay nakikiusap po ang Department of Agrarian Reform na anoman mga ginawa noong nakaraan at these are legally instituted, ay dapat pong igalang ng commission at huwag po basta-bastang gagalawin.

THE CHAIRMAN. Ano ang igagalang?

MR. FLORANDA. Iyon pong mga ginawa ng Department of Environment and Natural Resources, including the Department of Agrarian Reform at ibang agencies tungkol po sa mga delineated lands, delineated areas tulad po ng related po sa issuance of CUDC ay dapat pong igalang ito ng commission..

THE CHAIRMAN. Yes, which is already done. So, ang mga issues bago ko kayong tawagin ay kailangan nating masagot are exactly that. Halimbawa: (1) it is my impression that the mandate given to the DENR is a product of DAO No. 2. Ito ay lumabas na rin noong last hearing natin, hindi ba? But on that particular DAO, meron kayong life span and that is you are supposed to do this only up to 1998, correct me if I am wrong. Na in 1998, diyan ninyo ikukumpleto iyong two million hectares na ating dapat idelineate. Tama ba iyon o hindi? I seem to be wrong. Oh, sige, Joey.

MR. AUSTRIA. Magandang hapon po, Mr. Chairman. Iyon pong DAO No. 2 ay walang sinasabing deadline. Ngayon, we are just setting a target para naman hindi habangbuhay magde-delineate tayo.

THE CHAIRMAN. Ah, so that is self-imposed.

MR. AUSTRIA. Yeah. 1998. And our estimates is that may minimum na two million hectares, minimum, it would go up as high as five million or six million, considering that most of these ancestral domains are within the forest lands. And forest lands cover about fifty million hectares. So, it's statistically possible that puwede naman iyong fifty million hectares. But for our purposes, we are setting the limit at the minimum, two million hectares.

THE CHAIRMAN. Thank you for the correction. But is my data correct na of the two million self-imposed target, eh ang nagagawa palang natin is really about eight hundred thousand?

MR. AUSTRIA. Yes, it's about seven hundred fifty-nine thousand hectares. Before the end of this year, it will about one million hectares.

THE CHAIRMAN. Go. Ngayon, so, we still have about one point three thereabouts that we need to do.

MR. AUSTRIA. We are within the target.

THE CHAIRMAN. Ah, you are within the target. You mean between now and 1998, matatapos ninyo iyong one point three million,

MR. AUSTRIA. Yes, Your Honor.

THE CHAIRMAN. Malakas kang mag-yes. Hahanapin kita kapag hindi mo nagawa.

MR. AUSTRIA. Kaya po dahil iyon pong seven hundred fifty hectares, that was finished in less than two years.

THE CHAIRMAN. Okay. My next question is this. What process are you using in the delineation? Is it a system of indigenous peoples approach where they are the ones really who by enlarge are the ones who tell you, ito ang ating ancestral domain or not. In which case, I then ask the question, is it an instrumentation approach or is it a peoples approach. Anyway if that is the case, then the point of Director Floranda will not be as serious, because kung indigenous people rin ang nagsasabi sa delineation, eh that means it does not have to be done by DENR. I am just raising a question.

MR. AUSTRIA. Ganito po iyon, Your Honor. The delineation in terms of determining iyong boundary, ang gumagawa po ay iyong community. Because sila mismo ang nagtuturo kung saan ang hangganan. We call that the

community mapping. It's there in DAO No. 2. Sila ang nagsasabi kung hanggang saan ang hangganan. Ang ginagawa ng DENR at saka iyong inter-agency task force which is composed of DOCC or ONCC or OMA or the LGUs, NGOs, and POs, bina-validate lang nila kung tama iyong itinuro. Baka itinuro iyong mountain, iba ang pangalan, kino-correct nila iyon. So, it's actually community and gumagawa.

Ngayon ang ginagawa ng DENR, iyong technical group ng DENR, iyong pag-survey mismo. Gagamitan ng instrumento iyong tinuro ng mga community kung saan para magkaroon ng technical description.

THE CHAIRMAN. So, it is both.

MR. AUSTRIA. Yeah, both, sir, both.

THE CHAIRMAN. It's a combination of the two.

MR. AUSTRIA. At hindi po DENR ang nagde-determine kung saan ang hangganan, mismong pamayanan, mga katutubo ang nagsasabi kung saan ang hangganan. At sila rin mismo ang nagre-resolve that conflicts between tribes.

THE CHAIRMAN. Pero iyong technical description is a product of instrumentation.

MR. AUSTRIA. Yes. Kasi may batas po tayo diyan kung ano iyong mga -- may standards na tayo sa batas.

THE CHAIRMAN. How do you treat now the problem of those covered by the Agrarian Reform? And second, how do you treat the problem of the areas under the 18 percent or the 18 percent in slope problem which will determine whether this land that is alineable and the problem of problem of fit for agriculture? Di ba may mga ganyang mga nuances tayo na dapat pag-usapan ... cts

THE CHAIRMAN. ... pag-usapan e. Kaya we need to clarify that so that in crafting the bill e mai-factor natin 'yan.

MR. AUSTRIA. Ang unang-una po para malaman ng lahat ano po, ang bidder sa CAD-DAR ay mayroong agreement na may-- may MDA 'yan Memorandum of Agreement na isa sa mga provisions ay iku-consider lahat ng ancestral domain claim areas ay ERCs para makinabang sila doon sa benefits 'no, benepisyo na nanggagaling sa Agrarian Reform. 'Yon po ang-- kaya walang conflict po 'yan.

Ngayon, sa punto naman ng mga A & D areas na alienable and disposable na may titulo na hindi po 'yan sinasama doon sa claims kasi po kung ang titulo po ay legal na nakuha under torrens titles-- torrens system o kaya'y judicial process, 'yan po ay mahirap na usap-usapin 'yan, matagal 'yan, kaya iri-respeto 'yan sa ngayon.

THE CHAIRMAN. I see.

MR. AUSTRIA. Kaya ang i-ano lang natin na ang batas ang magsasabi kung anong gagawin sa lupa na nagkakaroon ng titulo. Pero sa mga lupa sa forest land, 'yong public land po ay wala pong limit 'yan. Basta ma prove ng pamayanan na 'yan ay kanila, maibibigay 'yan.

THE CHAIRMAN. I see.

MR. AUSTRIA. Sa katunayan po sa Quirino inabot po ng hundred eight thousand hectares ang nai-isyu sa mga Bugkalot na tribo.

THE CHAIRMAN. I see. O, ngayon ang next question at kailangan kong tulong ng mga katutubo nating mga kapatid ay 'yong puntong sinabi ni Joey, that is realistically, I can understand na itong ancestral domain sinsaklaw ito ng nung mga ninuno pa ninyo ay sa inyo 'yan as a preface statement. However, realistically may mga lugar na titulado na ng mga taga iba. Ano ba ang inyong punto de vista because dalawa 'yan e. Ang isa is what Joey said which is what somebody who is very experienced in the Cordillera, si Dilbert Rice also advised to me na 'yong mga meron na huwag na natin galawin sapagkat 'yan ay nandoon na. Ang ating asikasuhin ay 'yong mga areas na wala pa, let us make sure that that is delineated for you. There is a third view and that the view is basta ancestral amin kukunin namin, 'yan ang medyo madugo at medyo masalimuot.

Ano ang inyong-- what is your reaction? O, 'yong nasa corner. Ano ba ang pangalan mo? Are you a TRICAP also o ano ang kuwan mo?

MR. ALITEN. Director Aliten of the DAR, sir.

THE CHAIRMAN. Saan?

MR. ALITEN. DAR.

THE CHAIRMAN. Ah, DAR. Hindi ikaw ang tinatanong ko. Ano ba ang sasabihin mo, related ba?

MR. ALITEN. In connection with what Joey have said because we are partners in tribe.

THE CHAIRMAN. Pero ang tanong ko is, ano ang relasyon ng katutubo doon sa sinabi ni Joey?

MR. ALITEN. At ako po ay katutubo rin from Apayao Province, it's not tribe.

THE CHAIRMAN. Ah, ganon ba? Bakit kamukha mo si Richard Gomez kung talagang katutubo ka?

MR. ALITEN. Talagang guwapo naman ho ang mga snag kagaya mo.

THE CHAIRMAN. O, ikaw naman naninawala ka naman. Ang kamukha mo si kuwan Rene Requiastas. Sige, go ahead.

MR. ALITEN. 'Yon ang malapit sa katotohanan.

THE CHAIRMAN. O, katutubo ka ha?

MR. ALITEN. Opo.

THE CHAIRMAN. You react to that point because that's important e.

MR. ALITEN. Opo.

THE CHAIRMAN. And if we can agree then it will be easier for me to defend the bill na sasabihin ko na 'yong mga katutubo ito ang sinabi. O, sige you start...

MR. ALITEN. Well, the position of the DAR have already been stated to you by Director Floranda, so I am now speaking as a katutubo here.

THE CHAIRMAN. I see. Not as DAR.

MR. ALITEN. Opo.

THE CHAIRMAN. Okay.

MR. ALITEN. Ang sinabi ni Joey kanina na mayron kaming MOA actually which is true if they give the CADC or Certificate of Ancestral Domain Claim in the supplementary agreement that we signed together kung

mayrong agricultural areas developed within the domain and it is alienable and disposable then we give the CLOA. 'Yan ho ang nangyayari.

THE CHAIRMAN. Ano ang binibigay niyo?

MR. ALITEN. Title ho, Certificate of Log Ownership Award title.

THE CHAIRMAN. Nandoon na 'yong mga-- nandoon.

MR. ALITEN. Doon sa agricultural land within the domain.

THE CHAIRMAN. Okay.

MR. ALITEN. Kaya mayron na ho kaming na bigyan ng title na ganyan. I just came from Cotabato yesterday, mayron na ho.

THE CHAIRMAN. Pero ito ang tanong ko. O, ito ang ancestral domain na delineate na...

MR. ALITEN. In the concept of ancestral domain...

THE CHAIRMAN ...at sinabi nila kanila, pero within that may kahiraso na legally it was acquired through the torrens title system. Ano ang gagawin natin diyan?

MR. ALITEN. 'Yon nga.

THE CHAIRMAN. Ipapaubaya na, ibigay na lang?

MR. ALITEN. Ibigay na lang ho, ibigay na lang ho.

THE CHAIRMAN. Okay.

MR. ALITEN. Except those that are obtained unscrupulously just like those that happened to our ancestral land in Marag Valley e nagkaroon ng conflict at saka madugo doon.

THE CHAIRMAN. Dahil doon. Dahil sa akin, kaya



bilisan na natin ang pag-delineate niyan para huwag ng madagdagan pa nung legitimately acquired titles dahil sa 'yon ang problema. Okay.

Kayo po, kayo. Mamaya ka muna Congressman Adamat, naka-tatlo ka na e, naka boundary ka na.

MR. ALITEN. Hindi pa ho ako tapos e. Puwede po one more?

THE CHAIRMAN. Oo, one more point. O, sige.

MR. ALITEN. Dito po sa Section 7, to keep a registry of the Certificate of Ancestral Domain...

THE CHAIRMAN. Okay.

MR. ALITEN. ...tapos dito sa second page parang recognition na naman. Now my question is, is this registry for Certificate of Ancestral Domain, will it be the same with ROD, or will it be subordinate WAR-ODs registry of lands? 'Yan po ang aking tanong, Senator.

THE CHAIRMAN. I don't know what is the intent. Pero sa akin a registry is only a listing and a listing is based on whatever certification we make. Kung 'yan ay CADC o CALC o ano, depende. Pero...

MR. ALITEN. So that the Certificate of Ancestral Domain that we are giving is not yet a title equal to that of torrens title as far as this bill is concerned.

THE CHAIRMAN. No. Well, ganito. 'Yong sa registry listahan lang 'yon. Ngayon, depende nga kung whether ang binigay natin ay 'yong tinatawag nating CADC o CALC, it will defer. But when you have that, that is equivalent to already your acquiring the property kaya lang magkakaiba sa ditalye especially in

the light of disposition.

MR. ALITEN. I'd like to bring the true sentiments of indigenous people like me.

THE CHAIRMAN. Okay.

MR. ALITEN. If we still attach the "C" after the CAD meaning, Certificate of Ancestral Domain Claim, sana wala na 'yong claim. It's a title, real title that should be equal or even more-- kung mayron pang mas maganda sa torrens title na-ibibigay nating titulo sa amin, 'yon po ang kailangan namin.

THE CHAIRMAN. I see. In other words, what I hear you saying is that, 'yong CAD o 'yong CAL ay maging as-- is equal o co-terminus to a torrens title? 'Yon ang naririnig kong sinabi mo.

MR. ALITEN. Parang ganon na ho.

THE CHAIRMAN. I see. Now, if that is...

MR. ALITEN. Pero it should be on a collective basis to avoid...

THE CHAIRMAN. Right. Ngayon, we will look into the technical feasibility of this kung 'yan ay allowed by law or not we will look into it but we will put on the record.

MR. ALITEN. That's why we are-- I think may I suggest now...

THE CHAIRMAN. Oo.

MR. ALITEN. ...that that should be adopted by this bill so that it will be turned into law...

THE CHAIRMAN. Yes.

MR. ALITEN. ...na huwag naman subordinate doon sa mga torrens title na-ibibigay natin sa mga katutubo.

THE CHAIRMAN. Oo. I have no problem with that. All I am saying is that, while we are open we want to make sure we are not violating any law or preempting what the law says. But if, it is contrary to law, we will specifically say na this is what it is and revises whatever. Ganon ang gawin natin.

MR. ALITEN. I agree with you, sir.

THE CHAIRMAN. Okay. Sige, o si kuwan naman, si Datu-- ano ka ba? Datu ka rin ba o hindi?

MR. KNOC. Atty. Knoc, sir.

THE CHAIRMAN. Ha? Ano ka, are you also cultural community?

MR. KNOC. Yes, sir, I am a Blaan.

THE CHAIRMAN. Blaan, oo. Sige.

MR. KNOC. I would like to touch the issue first on the position of the DENR. I understand that the DENR their main objection on the creation of the Commission on Ancestral Domain is that the ancestral domain portion of the bill will remove from the DENR their role in the delineation of the ancestral domain.

From two points, we can understand that.

From the standpoint of the budgetary allocation, they have really to cling on that.

Another is on personnel matter, they said that they are the only persons who are technically capable

of delineating the ancestral domain, which is true.
That is like telling us that all the cultural
communities who will be members of the commission are
ignoramus as far as technical matter is concerned. So,
there is no room for us to be educated.

I put forward this point because it is useless to
be creating a Commission on...cpc



MR. KINOC. ... to be creating a Commission on ancestral domain and yet that Commission cannot undertake the delineation of the very domain that we own. Who are these people in the DENR to teach us where is our domain?

THE CHAIRMAN. Okay.

MR. KINOC. Who are they to teach us how to delineate our own domain?

THE CHAIRMAN. Hindi naman.

MR. KINOC. We can operate the GPS, we can operate the ...

THE CHAIRMAN. Tinatanong din naman kayo, pero ito ang tanong ko. What I hear you saying is that you are more in favor of the delineation being under the Commission?

MR. KINOC. Yes, sir, because they have been fighting this for ...

THE CHAIRMAN. Sandali, sandali lang.

MR. KINOC. ... many years.

THE CHAIRMAN. Oh, I know. Question No. 2. Sa palagay mo kaya ay kaya na ng Commission to do that because they are not trying to insult you. We are just trying to be ...

MR. KINOC. Exactly, sir. We do not want to grab it immediately.

MR. CHAIRMAN. Sandali lang, sandali lang, we will kuwan, we will clarify this, 'no? Kaya lang, we have to be realistic. There are certain things we can do immediately; there are something we can do in the future because I would hate a law that will give this under the

Commission but it will be a stalemate dahil hindi pa kaya, at least, for the moment. At least, this is the spirit in which I hear it.

Ngayon, ito ba'y something you would entertain on the basis of a transitional period?

MR. KINOC. That should be the approach, sir.

THE CHAIRMAN. Oo.

MR. KINOC. That, you know, not everybody of us knows how to handle a typewriter.

THE CHAIRMAN. Okay.

MR. KINOC. But, when we start, you know, tinkering with the keys, later on we know how to type.

THE CHAIRMAN. Correct.

MR. KINOC. The same thing that for the first year, perhaps, the DENR will help us ..

THE CHAIRMAN. Yes.

MR. KINOC. ... second year, third year, fourth year, and then later on, they will just fade away.

THE CHAIRMAN. I see.

MR. KINOC. So, you have ...

MR. KINOC. ... And then it will go to the ... of course, we cannot argue with them that in matters of -- like the records of the Bureau of Lands or the titles, that is within the domain of the Department of Environment and Natural Resources.

THE CHAIRMAN. I see.

MR. KINOC. And as a matter of procedure, the law will always have that safety clause, that all those that are covered by previous laws cannot just be eliminated.

So, this bill or this law will always look at with the phrase, "Subject to private rights."

So, titled properties within the ancestral domain will be respected but titled properties or title issued spuriously or through deceit, this can be handled by the courts.

THE CHAIRMAN. Fine, oo.

So, okay. Just to summarize what you said, you are in favor of the delineation to be under the Commission, 1. 2. However, you feel that there must be realistically a transition period.

MR. KINOC. Yes, sir.

THE CHAIRMAN. Tama ba 'yun?

MR. KINOC. Because ...

THE CHAIRMAN. How long will that transition period be, more or less?

MR. KINOC. Well, until such time that these people in the OICC, or what law or bureau or what office, can already handle the issue of delineation.

THE CHAIRMAN. Okay, fine, okay. Let me complicate

MR. KINOC. Maybe two years or ...

THE CHAIRMAN. Let me complicate it a little bit, in an effort to really get at a good model, ito. How about this model, because you see, let me preface by saying, after the delineation, there is the management of these areas. I feel that that part belongs to the Commission. Tapos na eh, alam na natin na ito ang sa Manobo, ito ang sa Blaan, eh, huwag na natin ibigay sa DENR. Why? Marami na silang problema eh.

'Yan lang problema ng Marinduque at saka ng Boracay eh nasa kuwan eh.

Now, in fact, that is the other argument why huwag ibigay sa kanila even the delineation. Dahil sa marami silang problema but I hear them saying they like to do it.

My point is this. If we agree na kung na-delineate na under the Commission, so one model will be we will leave the delineation to them but as soon as it is delineated, sa Commission na.

Is that a viable option?

MR. KINOC. Oh, it will still ... with the involvement of the Commission because, sir, there are some ...

THE CHAIRMAN. Pati 'yung delineation.

MR. KINOC. I think even Joey here will agree with me that there are some areas that they have delineated and when we look at the technical description, you know, province apart.

THE CHAIRMAN. I see. Oh, ...

MR. KINOC. There were some problems because we have to admit this and these people in the DENR top management will agree with me, that their people in the field do not even know sometimes what is "DAO-2".

THE CHAIRMAN. What?

MR. KINOC. They do not know what is "DAO-2".

THE CHAIRMAN. I don't know also, what is that?

MR. KINOC. Yes, they keep on telling the people that, "You apply for CADC because you will own the land,"

which is not true.

THE CHAIRMAN. I see.

MR. KINOC. Because CADC refers to a communal-based ancestral domain claim.

THE CHAIRMAN. So, there are bureaucratic problems and there are human errors coming in.

MR. KINOC. That's why, sir ...

THE CHAIRMAN. That's why, they told us earlier na, at least, in intent, they also consult naman the tribal communities for the original description and what they do is they make the technical description through instrumentation.

Tama ba 'yun, Joey? O, ...

MR. KINOC. You know, sir, ...

THE CHAIRMAN. Tumungo ka naman at nahihirapan na ako rito, eh. (Laughter.)

Ang tumutungo lang eh si Lorenzo. Okay.

MR. KINOC. You know sir, what we are afraid is, that the DENR, because of that two million hectares self-imposed ceiling ...

THE CHAIRMAN. Goal, o, sige.

MR. KINOC. ... what we are afraid is that, you know, it will just be done hastily, just to comply with the two million hectares.

THE CHAIRMAN. I see. Oh, those are the dangers.

MR. KINOC. Just like the DAR also. They keep on applying for issuing of these CLOA ...

THE CHAIRMAN. I see.

MR. KINOC. ... because their people in the field

are report-oriented and accomplishment-oriented.

THE CHAIRMAN. That's the problem with government. I seem to feel you don't like the DENR, ha? Mukhang hindi mo yata gusto ang DENR.

MR. KINOC. Gusto natin 'yan, sir.

THE CHAIRMAN. Mamaya pag labas, magpatayan kayo sa labas. (Laughter.)

O, sige. O, 'yun naman. O, kuwan, one by one. O, sige.

Si Datu Sulang. O, sige.

MR. SULANG. Actually, Mr. Chairman ...

THE CHAIRMAN. You were also raising your hands, ano, Attorney? Attorney, nag-re-raise ka ba ng hand, o hindi na?

O, later, tapusin lang 'to, then we will call you ha?

MR. SULANG. Actually, Mr. Chairman, this ... pursuant to the DAO-2, the DENR DAO-2, Department Administrative Order No. 2, Series of 1993, 'yung grupo namin, 'yung Federation of Matigsalo-Manobo Tribal Councils is one of the beneficiaries. In fact, we were able to get 77,134 hectares CADC.

However, Mr. Chairman, going back to the issue, kung ano talaga ang ... anong klaseng lupa ang subject sa bill na ito -- 'yung bang public land or 'yung the titled land?

In our group, 'yung sa Matigsalo-Manobo, 'yung Federation namin, we agreed to the fact na dapat 'yung public lands ang priority natin. Kasi, duon sa public lands, there is no enemy really.

However, under this proposed bill, this bill, the Flavier bill, a bill, Senate Bill 1476, there is a provision here that qualifies the issue and it was already mentioned by Datu Kinoc here of Blaan na 'yung mga titled lands, so long as it is acquired through war, by force majeure, force, deceit, stale, consequence of government project or any other voluntary dealings entered into by the government, private individuals, corporations and which are necessary to ensure the economy, 'yun ang ... kahit titled na 'yun, nobody could prevent us to run after that.

THE CHAIRMAN. Yes, nakalagay sa bill 'yun.

MR. SULANG. And this is already clearly mentioned in this proposed bill.

THE CHAIRMAN. O, maliwanag 'yun.

MR. SULANG. O, maliwanag 'yun ...

THE CHAIRMAN. Oo.

MR. SULANG. ... Mr. Chairman. So, for us, the issue on what kind of land to be subjected by this bill is already resolved.

Kasi, mayroon nang standing CADC's area ngayon, and that will be added, 'yung sinasabi ko kanina, 'yung mga kinuha sa amin through force.

In fact, late '80s, mayroong malaking hacienda sa Bukidnon, run by a certain businessman from Zamboanga, but through our advocacies, we were able to get that land,

THE CHAIRMAN. I see.

MR. SULANG. ... because we proved for a fact that

the land, the tract of land was taken from us through force.

THE CHAIRMAN. Okay.

MR. SULANG. So, siguro, Mr. Chairman, there is no such problem on that. Only the problem, maybe, because the DENR do not want to believe us, to believe our capability in doing such, Mr. Chairman.

THE CHAIRMAN. Hindi naman siguro.

MR. SULANG. However, Mr. Chairman, ...

THE CHAIRMAN. They will believe you later.
(Laughter.)

MR. SULANG. Going back to the position of DENR, that there shall be no creation of new Commission, such as indigenous people's Commission, kasi ang intensiyon nila is, the management of ancestral domain shall remain in their functions of power.

Mr. Chairman, siguro, the Senate Bill ... (ceg)



MR. SULANG. ...

Mr. Chairman, siguro, the Senate Bill 1476, known as Flavier Bill version, Mr. Chairman, it does not prevent the Commission to hire any expert persons from their pick. Like for example, the delineation. If ever the DENR is afraid na mawala 'yong functions nila and the displacements of the personnel, Perhaps, Mr. Chairman, upon approval of this bill into law and the creation of Indigenous People's Commission, will be created, then, maybe, puwede naman siguro i-hire 'yong mga experts doon sa DENR. Like for example, Mr. Joey Austria, we could even hire him and the others.

THE CHAIRMAN. Yan, mukha naman cultural minority yan eh. Okay.

MR. SULANG. And also the fact, Mr. Chairman.

THE CHAIRMAN. Sigue, nakapunto ka na.

MR. SULANG. It was also mentioned by Datu Kinoc that in a transitory process, maybe during that transitory period, maybe we could hire/to employ our commission, that later on the indigenous people should be given a self-governance in that commission, Mr. Chairman.

THE CHAIRMAN. Okay, maybe even become a Senator. (laughter) Now, I am still calling them, but may I request the drafting committee to be very alert because at the end of their comments, I want to get your feedback, to give me a feel of whether you are comfortable with what you are hearing or not. Because if you are not, we have a problem. But if you are comfortable, I think, we are beginning to jell the mechanics of the bill.

Oh, sino 'yon susunod. Dito muna, dito muna, and then we will let you react. Meron bang isa? Oh, connected to the question ha, Datu? Dahil sa 'yon mga iba, privilege speech ang binibigay eh. Ako lang ang

allowed to make a privilege speech. (laughter)

MR. INDA. I would like to be clarified, Mr. Chairman, about the provisions of the DAR, that in our place in the Province of Cotabato, there is an area covered by DAR. And what I would like to know is that the cultural communities, who have been claimant in that area was not given the priority. But because they said ^{is} that whoever person/found in the area, they are entitled to claim.

I would like to know, because what can we get out of this DAR provision if we will be eliminated, if we will be deprived of our rights now, Mr. Chairman.

THE CHAIRMAN. I understand. / ^{Now,} it is a technical problem so I will refer to the DAR.

MR. FLORANDA. Your Honor.

THE CHAIRMAN. Sandali lang, sandali lang, at saka nandito ang Boss mo eh.

MR. FLORANDA. I am knowledgeable of the problem, Sir.

THE CHAIRMAN. Okay, I will call him first, and then later you can. Because to me this is a technical problem, I don't know the answer. But what I am hearing is that, how does DAR proposed to handle areas that are/considered ^{being} ancestral domain, yet have been subjected to the Comprehensive Agrarian Reform Law? 'Yon ang narinig kong sinasabi. Can you comment on that, and if kailangan dagdagan, we can ask the gentleman also.

MR. FLORANDA. Thank you, Mr. Chairman. As a matter of policy, the ancestral lands are part of the Comprehensive Agrarian Reform Law. However, in our selection of agrarian reform beneficiaries, we follow an order of priority.

The first priority are the upland occupants. These

are the farm workers or the farmers tilling....

THE CHAIRMAN. Regardless of whether they are cultural communities or not?

MR. FLORANDA. ^{of whether} Regardless / they are cultural communities or not. As long as they are there on the land, upon the effectivity of the Comprehensive Agrarian Reform Law, they are qualified.

THE CHAIRMAN. I see.

MR. FLORANDA. But we do recognize the rights of the indigenous people. There are instances that this has been overlooked. For example, with regards to the Bilaan tribes in Polomoloc, South Cotabato wherein part of their ancestral domain has been subjected to the Comprehensive Agrarian Reform, and has been distributed to the DOLE Agrarian Reform Beneficiaries Cooperative.

But upon representations, as we recognized some errors in the distribution, we let go off a portion of that area, and has been returned back to the Bilaan tribes. Of course, may problema pang konti dyan, meron natitirang lupa pa na until now has not been resolved, because part noon, may DENR...that is a part of the public lands.

But we would like to point out that the CARP is not against the rights of the indigenous people. We are for the protection of your rights.

THE CHAIRMAN. Okay, na-cover na ba o me gusto ka pang idagdag doon sa issue?

MR. AUSTRIA. Partly, Sir.

THE CHAIRMAN. Partly? Oh you want to complete it in thirty seconds?

MR. AUSTRIA. Thirty seconds?

THE CHAIRMAN. Yes.

MR. AUSTRIA. Tama ho yan sinabi ni Dir. Floranda.

THE CHAIRMAN. Tama, oo.

MR. AUSTRIA. Sometimes really ~~our~~ fieldmen, who are implementing CARP in the field, are not indigenously sincere also in giving priority to indigenous people.

THE CHAIRMAN. Kaya nagkakamali.

MR. AUSTRIA. And actually, our Secretary have already suspended one PARO for that matter.

THE CHAIRMAN. I see.

MR. AUSTRIA. So, I think our Secretary has taken the necessary step to protect the indigenous people. Thank you, Sir.

THE CHAIRMAN. One last comment, then I will ask the drafting committee. Oh sigue, Attorney. Ah, hindi pala, si Joey de Leon, magre-react. Tapos noon ililipat natin kay kuwan, sa ating drafting committee. Oh sigue, briefly lang, ha.

MR. IROL. Mr. Chairman, I think we can strike compromise.

THE CHAIRMAN. Okay.

MR. IROL. I really believe that the DENR personnel have the technical capability and the financial capability ~~to do~~ ~~the~~ delineating of the ancestral domain. However, there should be qualified geodetic engineers from the Commission to participate in the delineation, and the qualified tribal consultant from the area, to see to it that the delineation is properly done.

THE CHAIRMAN. In other words, nanggaling sa commission, pero assigned or co-opted to the DENR....

MR. IROL. Oo, member of the task force.

THE CHAIRMAN. The same way as the DECS model, is that what I hear you saying?

MR. IROL. Yes, Your Honor. With the power to sign the project, so that the integrity of the delineation

would be safeguarded.

THE CHAIRMAN. I see. I think they will welcome that because katulong ninyo sila, di ba? No problem sa inyo.

MR. IROL. No delineation should be valid without the proper signatures of the representatives in the commission.

THE CHAIRMAN. Yes, so, 'yon ang kuwan ano. Because that is, I think, inherent in the system, na 'yong indigenous people, first delineation is the basis for the technical description. Kaya I think, that's no problem.

Oh, sigue, Joey, reaction.

MR. AUSTRIA. Meron pong isa pang issue na gusto kong i-ventilate, ano po. This does not only concern with delineation, pero it 'yong mismong issue ng, 'yong reason kung bakit ang DENR, ang stand niya, kung puwede sana ay huwag ng commission because, kadamihan siguro 90 percent to 99 percent ng mga ancestral domains ay critical watersheds or watersheds, national parks, forest lands, mining areas. At sa ngayong pamamaraan, mayroon tayong sinusunod na sustainable development at ang management po, holistic ang management dito. Kung ibibigay ang ancestral domain na more than 2 million hectares sa isang independent body, palagay ko magkakaroon ng problema dyan sa terms of implementing ang isang holistic approach sa management of with natural approach.

THE CHAIRMAN. I see. Okay. So, that is very important.

Ito 'yong watershed which is the source of our water supply.

Now, that is one view. There is, however, another view which you can contest but I was told that that is precisely one argument fore giving it to the indigenous peoples because they are better stewards of the watersheds than the DENR. .../cba

THE CHAIRMAN. ... than the DENR, let's make it ...

MR. AUSTRIA. Wala pong problema dun. Sa ngayon the indigenous knowledge systems and practices ng cultural communities are recognized. Ang inaano lang po namin sa DENR ay meron tayong national framework, ano, especially mga commitments natin sa, halimbawa, Agenda 21, ano, then sa mga environmental rules and regulations. But in terms of site specific management ay kinikilala po ang pamamaraan ng katutubong Filipino.

THE CHAIRMAN. I see. How about that earlier point na kayo magde-delineate, kayo ang magi-instrumentation or in the words of Congressman Adamat, you will instrumentate or instrumentize. (Laughter) But later it is the Commission that will have, more or less, overall jurisdiction because they are by-and-large cultural communities?

MR. AUSTRIA. Sa palagay ko ho. Mr. Chairman, is that-- basta ang jurisdiction ng Commission ay hindi kontra doon sa ating national policies or sustainable development, environmental protection, wala pong problema.

THE CHAIRMAN. I see. So you want that reconciled?

MR. AUSTRIA. Yes, Your Honor.

THE CHAIRMAN. You have no problem with that. Oh, me isa pa ba?

MR. ALITEN. Sir, reaction. I should like to propose that as far as the delineation or the instrumentation is concerned, I think we adopt the DAR way wherein the DENR have given the DAR engineers to instrumentalize or conduct surveys.

THE CHAIRMAN. Mas bago iyon ah, instrumentize,

instrumentalize. (Laughter)

MR. ALITEN. Then approve by the DENR-- ganoon ho ang ginagawa namin sa DAR. Ang DAR people will give it to expert surveyors, but the approval will be again the DENR because that is their domain.

THE CHAIRMAN. Sa DENR?

MR. ALITEN. Opo. I see.

THE CHAIRMAN. I see.

MR. ALITEN. Kung gawin natin iyan sa NICEP later on, hindi maganda.

THE CHAIRMAN. I understand. Ang tanong ko ito, eh. Puwede ba iyong sistema na ang instrumentalizing eh sa kanila pero pag na delineate na ito ngayon ay under the domain, supervision, management ng Commission?

MR. ALITEN. Opo.

THE CHAIRMAN. Puwede ba iyong ganoon?

MR. ALITEN. Opo.

THE CHAIRMAN. Si Mr. Joey naman okay sa kanya, but he has a legitimate concern that this must be consistent with the national sustainable environment concept which the nation mandates to them.

MR. ALITEN. Okay, maganda ho iyon.

THE CHAIRMAN. Kaya kung mapa kuwan natin iyan eh siguro maganda naman iyan.

Tama na muna at we will get a reaction. Then after that dahil sa medyo napabayaang ko itong si Miss PANLIPI, tapos nun later on iyong sa north at saka iyong-- ikaw ba sa kuwan eh makabigay din ng kanilang mga pieces.

Kayo muna and then after that, we will ask a reaction

from others whatever aspect.

Oh, sig Attorney, iyong drafting committee.

MS. DUNUAN. Mr. Chairman, in drafting our bill we took cognizance also of our experiences under DAO-2. That is Department Administrative Order No. 2 of the DENR with regard to this ongoing identification, delineation and recognition of ancestral domain claims.

The procedure is like this, Mr. Chairman. It is upon the instance of the community which one is ancestral domain claim delineated. And if that community can delineate it on its own according to its indigenous systems, well and good.

THE CHAIRMAN. Yes.

MS. DUNUAN. Now, under DAO-2 the technical assistance is provided by the Department of Environment and Natural Resources. So, there shouldn't be any problem if under the National Commission on Indigenous Peoples there could be in the meantime a memorandum of agreement which also suits the DENR and DAR arrangement that if a community wishes to delineate its ancestral domain and it can do so, then by all means it should do it on its own. But if ...

THE CHAIRMAN. So, it's consistent with what we have heard?

MS. DUNUAN. Yes. But if it should require the technical assistance of DENR experts, then that could be covered by a memorandum of agreement between the DENR and the Commission.

THE CHAIRMAN. Okay, one side question. Who will issue the CAD or the CAL?

MS. DUNUAN. It should be the National Commission on

Indigenous Peoples.

THE CHAIRMAN. Ngayon ba sino ang nag-i-issue ng CAD at saka ng CAL? DENR okay,

MS. DUNUAN. CAD is DENR.

THE CHAIRMAN. DENR, okay.

Why don't we cover that in the memorandum of agreement because to me that is a side issue? Who signs that is to me something you can work together. But I am comfortable with what you say. That is exactly what's happening, eh. Dini-delineate ninyo but you want something that will make it more technically feasible as a step toward CARL or CAL, eh kailangan ito, okay iyon?

MS. DUNUAN. Opo. But the point, Mr. Chairman, is that the bill does not only provide for delineation and recognition of ancestral domains. It covers a whole lot more of the rights of indigenous peoples which should be taken care of by the Commission.

THE CHAIRMAN. Okay iyan, fine.

MS. DUNUAN. And part of it is only ancestral domain.

THE CHAIRMAN. Yes.

MS. DUNUAN. But to justify that we should not have a commission and turn over the functions of that commission to an ancestral domains bureau only under the Department of Environment and Natural Resources would not be responsive to the needs of the indigenous peoples as a whole.

THE CHAIRMAN. Okay, so that is the view of the drafting. But insofar as that issue of the delineation and the technical instrumentation, it can be solved by that memo of agreement?

MS. DUNUAN. Yes, Your Honor.

THE CHAIRMAN. Okay, fine. Pero i-separate natin iyong Commission for and against because that is another issue.

MS. DUNUAN. Yes, Your Honor.

THE CHAIRMAN. Pero to me if we can solve that portion, eh, we are in business because to me that is the name of the game and yet it is realistic. They themselves admit that they cannot instrumentalize without you dahil sa kayo ang unang step, eh, kaya you are saying that.

MS. DUNUAN. Yes, yes.

THE CHAIRMAN. Continue, next point.

MS. DUNUAN. Now, in relation also to the other classifications of lands and other laws which inevitably affect ancestral domains such as the Comprehensive Agrarian Reform Law...

THE CHAIRMAN. That's one.

MS. DUNUAN. ... the Mining Law, which is widely criticized ...

THE CHAIRMAN. The sloping land...

MS. DUNUAN. Yes.

THE CHAIRMAN. Iyong 18 percent, parks, reservations...

MS. DUNUAN. Yes, also the NIPAS ...

THE CHAIRMAN. Ano, ano?

MS. DUNUAN. The NIPAS. That's the National Integrated Protected Areas Laws.

THE CHAIRMAN. NIPAS?

MS. DUNUAN. Yes. All these affect ancestral lands. But, for example, in the CARL, that's Comprehensive Agrarian Reform Law, there is a provision which always says "subject

to the rights of indigenous cultural communities to their ancestral lands."

THE CHAIRMAN. This is an existing law, iyong NIPAS?

MS. DUNUAN. Yes, yes.

THE CHAIRMAN. So, we'll have to live with that. Now, if we feel strongly na that is not the case, we can also repeal that but there is also something to be said of certain other laws that we need to recognize. And again because of the same issue that we can then recognize in the bill.

MS. DUNUAN. Those various laws, Mr. Chairman, have been considered and reviewed in relation to this draft bill.

THE CHAIRMAN. I see, very good. Any more points? Kung wala na I will call-- part of the drafting ka ba?

MS. DELES. Oho. GCO was part of the ...

THE CHAIRMAN. Susog lang, dadagdagan mo lang. Oh, sige, Ms. Deles.

MS. DELES. Oho. I just want to underscore ho iyong dito sa debate sa delineation. Na iyong delineation kasi is only a technical-- it is only a technical process that in fact can be undertaken by any technically competent group under such a MOA; na ang importante ho talaga kung sino iyong nago-oversee nito has to be the Commission which has the integrated and holistic view of the indigenous peoples and ancestral domains to prevail. Kasi at the present time nga there is no agency in government that takes that as a primary concern.

THE CHAIRMAN. Pero would you agree that that can be covered by the phraseology and spirit of the MOA?

MS. DELES. Oho.

THE CHAIRMAN. Dahil sa iyong sa DECS ganoon din, eh.

MS. DELES. Pero ang inaano ko ho, maaari nga ho itong DENR, maaari rin ho itong kahit na ibang mga ahensiya. Baka maaari rin hong NGO basta it is technically competent and judged as so. But iyong overview nito, ang importante eh sino iyong nagbibigay ng philosophy at ng ano behind the technical process, and that's the Commission.

THE CHAIRMAN. Yes. But what I hear you saying na bago eh iyong role ng NGO. I have nothing against that except that ultimately the Commission and the DENR must come into the picture for certification purposes. Pero kung kaya ng NGO and they are willing to do /cgc



THE CHAIRMAN...kung kaya ng NGO, and they are willing to do some of it, including instrumentation, kung may kakayahan sila.

MS. DELES. Which is presently, ho, recognized and ano, an arrangement that words under DENR.

THE CHAIRMAN. Fine, oo. Pero my only addition is, we have to protect also the integrity of the process by making the government, at least--at least, yung may tatakbohan ka. Dahil sa NGO is good, but we are not institutionalized because no matter what we said, it's the government that runs it.

So, if we can reconcile that, as an NGO man, excellent.

MS. DELES. In fact, nga ho, yung Commission talaga ang dapat na nag-ju-judge nito.

THE CHAIRMAN. Okay. O sige. So, sa MOA natin ilalagay. Okay.

So, I will now call on those mga hindi pa nakabigay ng privilege speech. Umpisahan natin sa, kay Ms. Panlipi, Attorney Concepcion. Ano ang ibig sabihin ng "PANLIPI?"

MS. CONCEPCION. Ito po yung Tanggapang Panlegal Para sa mga Katutubong Filipino.

THE CHAIRMAN. Ano, ano?

MS. CONCEPCION. Tanggapang Panlegal para sa mga Katutubong Filipino.

THE CHAIRMAN. Ano yung "Pan?" "Pan..." e.

MS. CONCEPCION. Panlegal.

THE CHAIRMAN. Ano?

MS. CONCEPCION. Panlegal. Legal Center
for--Legal Assistance Center for Indigenous Filipinos.

THE CHAIRMAN. Oo, nga, ano nga'ng ibig sabihin
noon sa kuwan, "Pan...?" Ano yung "Pan...?"

MS. CONCEPCION. Panlegal.

THE CHAIRMAN. Panlegal....

MS. CONCEPCION. Tanggapang Panlegal para sa mga
Katutubong Filipino.

THE CHAIRMAN. 'Di dapat "TANLIPI." Hindi ba?
(Laughter.)

O sige, hindi ako makikipag-away sa iyo. Alam mo,
nagugutom na ako e. O sige, Ms. Concepcion.

MS. CONCEPCION. Yes, Mr. Chairman.

Bale, I have not much to say kasi halos lahat was
thoroughly discussed na earlier. But then, we just
like to reiterate the significance or the importance of
having a commission, the National Commission on
Indigenous Peoples. Kasi ang--before, during the
previous hearing, there was a clamor to have two
separate bills - one on the substantive aspect and the
other on having the--on the establishment of this
Commission.

However, we believe that in order to fully
implement the rights, the substantive rights of the
indigenous Filipinos, we must have a commission and an
independent office which will take charge of the rights
of the indigenous Filipinos.

Hindi naman po natin totally or entirely ina-alis sa DENR yung kanilang task, particularly when it comes to delineation. Kasi tulad nga po ng nasabi ni Attorney Dunuan, we can do the same at least during a transitory period through a memorandum of agreement. We can do the same in coordination with the DENR.

THE CHAIRMAN. I see.

MS. CONCEPCION. But after such time na, for example, magkaroon na ng sufficient expertise and enough personnel and ibang structures pa yung Commission, we can eventually do away with the assistance. But, at least, during the transitory period, we need them.

THE CHAIRMAN. We need. Oo.

MS. CONCEPCION. Yes.

THE CHAIRMAN. In fact, there is a point earlier made na a time will be reached na the Commission itself will have the technical expertise, why not?

MS. CONCEPCION. Yes.

THE CHAIRMAN. So, yung punto ninyo is that, you are in favor of a more comprehensive piece and it's a commission.

MS. CONCEPCION. Yes, Your Honor.

THE CHAIRMAN. And I'll open my cards to you. I am getting advice that are also of the same nature. I was advised that it is more difficult to pass a bill which is comprehensive. Parang yung Comprehensive Tax Reform Law yan, e, na we favor a comprehensive because they are interrelated. But in the House, ang ginawa

nila, pinutul-putol. Mayroong oil excise, mayroon yung sa income tax, mayroon yung sa tariff, kaya separate. But I was told na it is easier na kung putul-putulin, kaya ang mangyayari it will be a bill on ancestral domain only, another one on the structure only, another one on the human rights only, and the other one is the education only. It might be easier. But I want to open my cards to you - I am going to opt for the more difficult comprehensive bill. Because whether we get it as a whole, at makipagpatayan ka rin lang, 'di die only once. We'll get this. It may be more difficult, but you have to be patient, you have to help me. Pero yun ang buo. Why? Para gagawin mo na lang, do it well.

MS. CONCEPCION. Yes.

THE CHAIRMAN. That is why your contribution is very important.

MS. CONCEPCION. Yes, Your Honor.

THE CHAIRMAN. So, we are in agreement with that.

MS. CONCEPCION. Yes, Your Honor. Because....

THE CHAIRMAN. Kaya, ano ka ba, Attorney Concepcion? Ayaw ko ng Ms. Concepcion e. Medyo may ibig sabihin sa family planning yun e, yung "misconception." (Laughter.) E kung kaya Attorney Concepcion na lang, ano ha?

MS. CONCEPCION. Yes, Your Honor.

To add more to that, Your Honor, we believe that to do otherwise, that is to have two separate bills,

would be to render inutile only some of the provisions on the substantive aspect.

THE CHAIRMAN. Right, right. Oo. So, you are in favor of the integrative part?

MS. CONCEPCION. Yes, Your Honor.

THE CHAIRMAN. Oo. Now, let's listen now to the North--

MR. ADAMAT. Mr. Chairman, just in passing....

THE CHAIRMAN.--mga rah, rah ng mga South ang kanina pa....

Ikaw ba ang nagdala sa kanila?

MR. ADAMAT. Ho?

THE CHAIRMAN. Dahil sa kanina pa puro Ms. Sibug, Ms. Sibug e. Ikaw ba ang boss nila? O, is it--kanina ka pa nagsalita e.

MR. ADAMAT. Mr. Chairman, thirty seconds.

THE CHAIRMAN. Okay, twenty, sige.

MR. ADAMAT. Twenty.

THE CHAIRMAN. Oo.

MR. ADAMAT. I would like to comment on that issue, parang binigyan ng diin yung technical capability nung whoever will man the Commission, especially on the delineation aspect.

Sa tingin ko sa ngayon, e maraming qualified and expert members of the cultural communities that are already employed with DENR. Maybe we can tap them when the time comes--

THE CHAIRMAN. I see. So we get....

MR. ADAMAT.--especially people from the northern part of the country.

THE CHAIRMAN. I see.

MR. ADAMAT. The Igorots, we have already there, and down Mindanao mayroon ding mga ano. So, hindi masyadong problem yung technical issue.

THE CHAIRMAN. I see. Okay, fine. If we can do that, that is the best of both worlds na kuwan.

MR. ADAMAT. Yeah.

THE CHAIRMAN. By the way, we are not called "Igorots," we are called "Torogi."

MR. ADAMAT. Just the reverse.

THE CHAIRMAN. Yes. (Laughter.)

MR. ADAMAT. Just in my tribe we can....

THE CHAIRMAN. Mas magandang pakinggan e. "Torogi," pero Igorot din yun.

MR. ADAMAT. Pero mahirap sa amin, Mr. Chairman, "Tiroray."

THE CHAIRMAN. Oo.

MR. ADAMAT. Because if you mispronounced that, that will become "Terrorist." So....

THE CHAIRMAN. Oo, iba na man sa inyo, terrorist talaga. (Laughter.)

North, North. North naman. O, ikaw naman, Mr. Timá.

MR. TIMA. In behalf of the Office for Norther Cultural Communities, we would just like to reiterate our support to the Flavier Bill even it would mean the

abolition of the office.

THE CHAIRMAN. "Flover Velle," ha? (Laughter.)
Huwag na lang "Flover Velle," "Lover Velle."
(Laughter.)

MR. TIMA. However, we would appeal, if possible,
that the personnel of the two offices, if this bill
becomes a law, will be absorbed to the Commission.
Because....

THE CHAIRMAN. Automatically? Everybody?

MR. TIMA. Yes, sir.

THE CHAIRMAN. But this is your chance to clean
up the place.

MR. TIMA.--because all of these are also members
of the cultural communities.

Thank you, sir.

THE CHAIRMAN. I don't care. Membership in the
cultural should not be the excuse. There are minimum
requirements also. Because if we are going to be
competitive, we must compete in the open market.

Kaya, try to--I understand your problem, as a
manager na siyempre, they all cry on your shoulders.
Pero that is one view, that is the humanistic view na
these are cultural community people. Kaya pag
na-merge, if we ever merge, lahat kunin, ha? That's
one way.

My own view is that, we must now clean the place
because, as I said during our hearing with Ms. Sibug,
when the Office of Southern and Northern Cultural

Communities proved to be incompetent and corrupt, you are doing a disservice to all cultural communities. Because if our own agency is tainted, then we are minimizing the advancement of all cultural communities.

In my case, why am I so heft up trying to be a good and useful senator? Because I represent the cultural communities. So that they will say, "Magaling pala ang mga cultural communities, hindi lang marunong, guwapo pa." O, 'di naka-score na tayo. (Laughter.)

So, this is the argument for the other side na it's a chance to clean up. But I am not prejudging. Kung ang ma-accept natin e yung all are accepted, that is one way. But there must be a provision.

We are not going to be very arbitrary. All I'm saying is that, they must go through a process so that the Civil Service will help us. Because it is also a chance for us to be able to get good qualified and effective personnel. Yun ang bias ko. But I heard what you said about the appeal that you are making.

O, sino pa sa North? Okay na? Sino pa ba yung hindi narinig na mayroon pang gustong sabihin na pag hindi niya nasabi, hindi siya makakatulog mamayang gabi, ha? Sino pa?

Father, nakasalita ka na, 'no? Nakasalita na ba lahat?

O, ikaw na namam..../rit

COMMITTEE ON CULTURAL COMMUNITIES

ctsotto

IV-3

June 11, 1996

4:59 p.m.

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THE CHAIRMAN. ... Oh, ikaw na naman. O sige, thirty seconds.

MR. ALITEN. From Apayao to Cotabato, iisa lang ho ang nakita kong kailangan ng katutubo, itong bill na ito, sana you pass that please, and please, be on guard of people who are fronting to be supportive but actually they are destroying. Iyon lang po.

THE CHAIRMAN. I see. Okay. That's very encouraging. It is just as good a time to adjourn because, you know, the rule in adjournment is that you must adjourn at the high peak of our motivation. Sisirain mo pa ba, Congressman Adamat? Ang ganda na ating ending.

MR. ADAMAT. I will add ingredient to it. Mr. Chairman, I am glad that DENR finally come up with a schedule of a sectoral forum which according to them is only 19 to 22 of this month. And to that effect, if we can request the presence of any or one of your secretary to be present on that forum, and/or your presence is highly appreciated.

THE CHAIRMAN. Where will this be?

MR. ADAMAT. At the Dinarra Hotel.

THE CHAIRMAN. I see. You know I would rather not be in it because I want to be as neutral as possible because I am going to be defending this. And if they are going to present the DENR view, let them do it because I think they are capable. Pero if we have an available technical person, that's what I will do then.

You are raising your hand, Mr. Raiz?

MR. RAIZ. This is in connection with the delineation of ancestral domain which is very important to the members

of cultural communities. Dito nasaad na ang DENR po kung sila ang mag-delineate, eh tinatanong din po nila ang member ng cultural communities kung saan iyong mga lupa na dapat i-delineate. Ngayon, ang nahiwatigan ko po sa kanila, na ayaw nila na bitawan iyong ancestral domain na isa sa function nila sa DENR. So, kung magkaroon po tayo ng commission, eh ano po ang saysay ng commission ng indigenous people kung wala iyong ancestral domain?

Ang sa akin po, kung meron tayong ancestral domain at commission, then the ancestral domain must also go with the commission.

THE CHAIRMAN. I see. Sa iyo, you feel that the delineation should be under the commission.

MR. RAIZ. Yes, Your Honor.

THE CHAIRMAN. Iyon ang iyong preference?

MR. RAIZ. Yes, Your Honor.

THE CHAIRMAN. Realizing that there are technical problems, there are national issues, and all that. Sige, we will consider all of that.

Let me end with two. Ay, Daprozo, may gusto ka pang sabihin? Makakalbo ka na nito. Sige halika. He was my classmate in UP. Ako kahit magdamag tayo rito, okay lang, nahihiya ako sa inyo, baka sabihin ninyo inaabuso ko kayo.

MR. DAPROZA. Your Honor, last but not the least, I'd like to take this opportunity, in behalf of the participants who came this afternoon, to thank you for your wit, as well as your intellectual prowess to spearhead this affair among people from different sectors of society. We congratulate you, sir, in your tribing _____ and with your

leadership, there is no reason that this bill will not turn into reality. Thank you, sir, and may your tribe increase.

THE CHAIRMAN. Pasensiya na kayo kay Daprozo, classmate ko iyan sa UP, kaya sipsip iyan. Ang ibig sabihin ng sipsip, eh, severely insecure person seeking immediate promotion. Sipsip, iyan.

Let me end with two things.

(1) is that I want to thank you for your coming, I know your time is very precious but we need all the help. This is a process of legislation and this hearing will enable to fortify me. Don't forget that down the line, I have to defend this bill and therefore you must pardon the time I take and the learning attitude I take.

Having said that finally, after thanking all of you, I would like to invite all of you to help me when I finally defend this on the floor. Dahil sa when I defend it, there will be questions that most of you will be the one who can answer. Some of them very difficult. Because alam mo iyong mga twenty-three senators, will try to test whether we know our business, and so, I will need all of you to help me on some questions that, you know, I will give you an example. They'll say, how many tribes are there in the Philippines, Dr. Flavier? Mabobola ko, sasabihin ko eighty-seven point five. But is that the correct one? You have to guide me. So, what will happen, I will probably take that platform, I will need some of you to come here and you have to be very patient because it takes several days. Why, because I need all the ammunitions inorder to defend this.

Conviction, no problem. I believe in it. We'll fight for it. But that's not enough to win a kuwan -- kung nalaman kong papalakpakan ninyo iyon di kanina ko pa sinabi. But I will need you to fortify me because the debate is based on intellectual jawsting(?) and information. Kaya please help me when the time comes and together we will fight for this. I have no doubt that we will make it. We will pass it but I need your help. So, thank you again for coming, I'll see you in the next hearing on the 20th for the financial part of this particular bill.

Maraming salamat po. Daghan salamat sa imong tanan. Kahit na ang inyong lagay ay palabyog-labyog, okay lang. Salamat.

[The hearing ended at 5:05 p.m.].



RA: _____

SENATE OF THE PHILIPPINES
OFFICIAL SEAL