



CEB RESOLUTION NO. 08-008-2020
Series of 2020

A RESOLUTION AMENDING SECTIONS 9 (F), 12 ,13 and 18 (d) OF NATIONAL COMMISSION ON INDIGENOUS PEOPLES ADMINISTRATIVE ORDER NO. 3, SERIES OF 2018, OTHERWISE KNOWN AS THE “REVISED GUIDELINES FOR THE MANDATORY REPRESENTATION OF INDIGENOUS PEOPLES IN LOCAL LEGISLATIVE MAKING BODIES,” AND AMENDING ALL REFERENCES THERETO FROM “ASPIRANTS” TO “NOMINEES” AND THEREBY MAKING ADDENDUM TO CEB RESOLUTION NO. 08-006-2020

WHEREAS, Section 16 of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” provides that ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

WHEREAS, in order to fulfill the above provision and to set up the processes and mechanisms for the mandatory for the mandatory representation of ICCs/IPs in local legislative councils, the National Commission on Indigenous Peoples (NCIP) promulgated NCIP Administrative Order No. 3, series of 2018, otherwise known as the Revised National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils and Policy Making Bodies.

WHEREAS, Section 12 of NCIP A.O No. 3, series of 2018 provides:

Section 12. Term of Office. The term of office of the IPMR in the local legislative councils shall be for a period of three (3) years and shall commence from the time of actual assumption to office and can be re-indorsed for another term by the ICCs/IPs constituents, but in no case shall the representative serve for **more than two (2) consecutive terms**, except in LGUs where a term rotation agreement has been reached by several IP groups limiting the holding of office to one term for every community.

WHEREAS, the NCIP received complaints and comments opposing the two-term policy considering that it restricted the opportunity of the IPMRs to serve their communities.

WHEREAS, finding merits on the complaints and oppositions, the Commission en banc agreed to amend Section 12 to integrate that IPMRs shall have term of three (3) years and can be re-indorsed for another term but in no case shall be more than three (3) consecutive terms.

WHEREAS, Section 9 (f) of A.O No. 3, series of 2018 provides:

Section 9. Disqualifications. The following circumstances shall disqualify an aspiring IPMR from selection:

- f) Should not have held any office in the Government one year prior to the selection process.

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WHEREAS, there is need to amend Section 9 (f) above in order to clarify and incorporate that the real intent of the provision is for the one-year prohibition to apply to NCIP employees.

WHEREAS, IPMRs throughout the country in this trying times of a national crisis amid the COVID-19 pandemic have been front liners in their own right in ensuring that their respective indigenous cultural communities receive their fair share of aid, rations, social ameliorations, and other preventive measures. In addition, IPMRs becomes the focal person of the Local Government Units (LGUs) in identifying, validating, delivery of the needs and necessary assistance required by their respective indigenous cultural communities.

WHEREAS, currently, a large number of IPMRs have expiring terms and in holdover capacity for a period of one (1) month, in light of the Enhanced Community Quarantine (ECQ) imposed in all regions of the Philippines the conduct of selection process and validation for extension of terms is unlikely and not feasible due to prevailing circumstances, thereby depriving numerous indigenous cultural communities of representation and valuable access to their respective local government units.

WHEREAS, allowing the IPMRs whose terms, regular term or in holdover capacity, are to expire during the period of public health emergency, such as the COVID pandemic, or state of calamity to continue holding office in a holdover capacity until the national public health emergency or state of calamity is lifted would thus ensure that their respective indigenous cultural communities have continued access, a channel for assistance, and policy representation in LGUs plans and action during the public health emergency period or state of calamity.

WHEREAS, the preparation for the selection process after the national public health emergency is lifted would also take time to adjust to the new normal that may be promulgated by the National and Local Government including requisite preparatory activities to ensure compliance to local and national guidelines and to insure safety to the all IPs in the community;

NOW THEREFORE, above premises considered, WE, the members of the 8th Commission present, on unanimous accord, hereby **RESOLVED**, as it is hereby **RESOLVED**:

1. To **AMEND** Section 9 (f) of A. O No. 3, series of 2018, to now read as:

Section 9. Disqualifications. The following circumstances shall disqualify an aspiring IPMR from selection:

f) NCIP personnel currently holding office or NCIP personnel who have held office one year prior to the selection process.

2. To **AMEND** Section 12 of A.O No. 3, series of 2018, to now o read as:

Section 12. Term of Office. The term of office of the IPMR in the local legislative councils shall be for a period of three (3) years and shall commence from the time of actual assumption to office and can be re-indorsed for another term by the ICCs/IPs constituents, but in no case shall the representative serve for **more than three (3) consecutive terms**, except in LGUs where a term rotation agreement has been reached by several IP groups limiting the holding of office to one term for every community.

3. That the above new term limit shall apply retroactively to incumbent selected IPMRs.

4. To **AMEND** Section 13 of A. O No. 3, series of 2018 to include a new paragraph, to now read as:

Section 13.
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However, where there exists a state of public health emergency, state of calamity, including manmade disasters/events and other force majeure causes, that would necessitate suspension of activities or restrict movement, 1) an IPMR whose term is to expire during such period shall continue to hold office in holdover capacity from the date his/her term expired (automatic holdover), and 2) an IPMR holding office in holdover capacity before declaration of public health emergency or state calamity and the 1-month period is to expire during the period of public health emergency or state of calamity shall continue to hold office in the same capacity (extended holdover). Furthermore, the IPMR shall continue to hold office in the same capacity for a period of one (1) month, without extension, from the date the state of public health emergency or state of calamity has been lifted.

The declaration and lifting of a state of public health emergency or state of calamity shall be by the President, or the local chief executive/local sangunian of the concerned local government unit, and/or those officials authorized by existing laws.

5. To **AMEND** Section 18 (d) of A. O No. 3, series of 2018 to include a new paragraph, to now read as:

Section 18. Duties of the Regional Director

Xxx

d. xxx

Where the circumstances in paragraph 2 of Section 13 exists, he/she shall issue the certificate of holdover, with the corresponding directive to the concerned PO or CSC to fast track the selection process within 1 month from the date the state of public health emergency or state of calamity has been lifted.

6. The new provisions in items 4 and 5 above shall apply retroactively to IPMRs whose regular terms or whose holdover capacity terms are to expire on or after March 17, 2020.
7. To **AMEND** all references from "aspirants" in the guidelines to "NOMINEES;"
8. To **DIRECT** the Office of Empowerment and Human Rights (OEHR) to conduct the following activities within one (1) month from approval of this Resolution geared towards the enhancement of the whole NCIP A.O No. 3, series of 2018 guidelines:
- To review the local guidelines to strengthen the selection process and recall/suspension mechanisms, including strengthening the capacity of the ICCs/IPs to use these mechanisms;
 - To establish monitoring and reporting mechanisms on the progress of IPRM selection; as well as to collect best practice experiences for dissemination to other Regional Offices;
 - To place a mechanism ensuring that the Indigenous Political Structure (IPS) will have total control on the term of the IPMR;
 - To formulate training and capacity-building modules for IPS and IPMRs focusing on their respective functions and responsibilities, and inculcating in them to prioritize the best interest of the ICCs/IPs; and
 - To proactively monitor and submit reports on the implementation of these Guidelines, as well as the performance of selected IPMRs, and submit report and recommendation to the CEB for possible amendment of the Guidelines.

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EFFECTIVITY. This Resolution shall take effect immediately.

RESOLVED, FURTHER, to **DIRECT** the Office of the Executive Director to furnish copy of this Resolution to the Department of Interior and Local Government, Local Government Units, NCIP Central Offices, NCIP Regional Offices, and the Office of the Clerk of the Commission for information and guidance.

APPROVED This 5th day of June, 2020 in Quezon City.



GASPAR H. CAYAT

Commissioner, CAR and Region 1



NORBERTO M. NAVARRO

Commissioner, Region 2



ROLANDO M. RIVERA

Commissioner, Region 3 and rest
of Luzon



GEORGE M. LARGADO

Commissioner, Island groups and
rest of Visayas



DOMINADOR M. GOMEZ

Commissioner, Northern and
Western Mindanao



JENNIFER SIBUG-LAS

Commissioner, Central Mindanao



HON. ALLEN A. CAPUYAN

Chairperson
Southern and Eastern Mindanao

ATTESTATION

I attest that this Resolution was approved by the Commission during its Regular Session on the date as above stated.



ROGELIO FRANCISCO M. BANTAYAN, JR.

Executive Director and Head Secretariat

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