



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS NA YAMAN



MEMORANDUM

TO : ALL REGIONAL EXECUTIVE DIRECTORS

FROM : THE UNDERSECRETARIES
Field Operations and Supervising Undersecretary for EMB and MGB –
Luzon and Visayas
Field Operations and Supervising Undersecretary for EMB and MGB –
Mindanao

SUBJECT : REQUEST OF INDIGENOUS PEOPLES TO RESPECT, PROTECT
AND PROMOTE THEIR CONSTITUTIONAL RIGHTS AND SELF
GOVERNANCE IN ACCORDANCE WITH THE 1987
CONSTITUTION AND IPRA R.A. 8371

DATE : SEP 24 2024

This is in reference to the document from Jose Romel Agustin Murio, Indigenous Tribal Prime Minister under Customary Laws and Tradition, on the above-mentioned subject.

For appropriate action in accordance with the existing laws, rules and regulations on the matter. Directly reply to the parties concerned and furnish this Office of any actions taken citing document tracking number DENR/CO - AS RMD-2024-020162 for record and monitoring purposes.

For consideration.


ATTY. JUAN MIGUEL T. CUNA, *CESO I*


JOSELIN MARCUS E. FRAGADA, *CESO III*

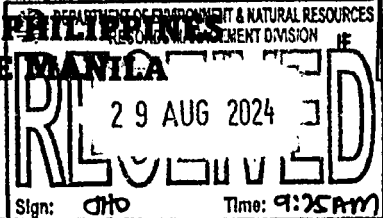
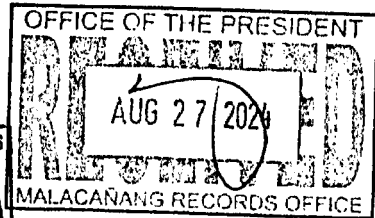
cc: Jose Romel Agustin Murio
Indigenous Tribal Prime Minister under Customary Laws and Tradition
joseromel_murio@yahoo.com

Office of the Secretary
DENR

MEMO NO. 2024 - 882

Date: 27 August 2024

**MAJESTY FERDINAND R. MARCOS JR.
AND BELOVED PRESIDENT
OF REPUBLIC OF THE PHILIPPINES
MALACAÑANG PALACE MANILA**



THROUGH:

✓ HON. SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND ALL THEIR BUREAUS INCLUDING THEIR BRANCHES IN LUZON, VISAYAS AND MINDANAO

TITLE: BEING THE COMMANDER-IN-CHIEF OF THE ARMED FORCES OF THE PHILIPPINES MAY HUMBLY SUPPORT AND ASSIST THE SELF-GOVERNANCE CHAPTER IV SECTION 13 REPUBLIC ACT 8371 REQUESTING YOUR MERCIFUL AND KINDNESS UNDERSTANDING AND CONSTITUTIONAL POWER TO INSTRUCT THE RESPECTIVE HON. SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND ALL THEIR BUREAUS INCLUDING THEIR BRANCHES IN LUZON, VISAYAS AND MINDANAO TO SUPPORT AND PROTECT THE SELF-GOVERNANCE.

Dear President,

The Undersigned Superior Leader of the Indigenous Peoples and Recognized by the "State" through the National Commission on Indigenous Peoples (NCIP) representing the Chairman of the Commissioner Atty. Roque N. Agton Jr., as Indigenous Tribal Vice Governor and NCIP Deputy Officer on April 13, 2011 and Deputization Order April 06, 2011 would heartily requesting the merciful and kindness understanding and constitutional instruction to the respective HON. SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES (DENR) AND ALL THEIR BUREAUS INCLUDING THEIR BRANCHES IN LUZON, VISAYAS AND MINDANAO to support and assist the self-governance Chapter IV Section.13 Republic Act 8371.

1987 CONSTITUTION ARTICLE VII SECTION.17 AND 18

Section 17. The President shall have control of all the executive departments, bureaus, and offices. He shall ensure that the laws be faithfully executed.

Section 18. The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. xxx

REPUBLIC ACT 8371 INDIGENOUS PEOPLES RIGHTS ACT (IPRA) OF 1997 SECTION.13

CHAPTER IV

Right to Self-Governance and Empowerment

SECTION 13. Self-Governance. — The State recognizes the inherent right of ICCs/IPs to SELF-GOVERNANCE and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.

INHERENT RIGHT UNDER SELF GOVERNANCE

1.ABSOLUTE GOVERNMENT OF THE ANCESTORS INHERITED RIGHTS BY THE INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES ICCs/IPs EMBODIED IN THE INTEGRAL OPINION OF JUSTICE PUNO IN CRUZ VS. DENR SECRETARY G.R. NO. 135385 DECEMBER 06, 2000, 347 SCRA 128 provide as follows;

The written laws were those that the chieftain and his elders promulgated from time to time as the necessity arose.⁵⁵ THE OLDEST KNOWN WRITTEN BODY OF LAWS WAS THE MARAGTAS CODE BY DATU SUMAKWEL AT ABOUT 1,250 A.D., WHETHER CUSTOMARY OR WRITTEN, THE LAWS DEALT WITH VARIOUS SUBJECTS, SUCH AS INHERITANCE, DIVORCE, USURY, LOANS, PARTNERSHIP, CRIME AND PUNISHMENT, PROPERTY RIGHTS, FAMILY RELATIONS AND ADOPTION.

2.The Customary laws and Republic Act 8371 Section.3 (f) which read as follows;

REPUBLIC ACT 8371 SECTION.3 (F)

f) *Customary Laws* - refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;

THE CREATION AND PURPOSE OF SELF-GOVERNANCE

1.To use the land and all Natural Resources embodied in Republic Act No.8371 IPRA.

2.To implement the inherent Right of Maragtas Code by Datu Sumakwel at 1,250 A.D. under Justice Reynato S. Puno in his integral opinion in Cruz vs. DENR Secretary December 06, 2000, 347 SCRA 128.

3.To enter all kinds of Business which is not contrary to law and the Constitution in 1987 and to maintain the peace and order.

4. To implement the School for Indigenous Education and Hospitalization including Health Sanitation and to exercise the rights of Indigenous Peoples embodied by the Republic Act 8371 the Special law of the lands and Domains declared by the Supreme Court and the United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP) 13 September 2007 Article.1 to Article.46 is part of the law of the land pursuant to Section.2 Article.II of the 1987 Constitution recognized by the Supreme Court En Banc in G.R. No. 183591 October 14, 2008 and G.R. No. 224469 January 05, 2021. The United Nation Declaration on the Rights of Indigenous Peoples (UNDRIP) 13 September 2007 attached as **ANNEX "A"** and the **IPRA LAW 8371 OF 1997** attached as **ANNEX "B"**

5.To Stop illegal activities such as; Smuggling, Land grabbing coming from private person including public official, drug syndicate, Rebellion, illegal gambling, illegal

recruiting and other kinds of unlawful Acts or violence of any person either private or public officer or Individual, Association or Corporation that cause perdition and Damages of the Rights of the Indigenous Peoples of which right is under the umbrella of the "State" or the Republic of the Philippines.

6. That the Self-Governance shall be recognized by the State of which is under the umbrella of the Republic of the Philippines and shall be protected and assisted of all government agencies of the Republic of the Philippines which is the responsible to comply the obligation and responsibilities pursuant to the power of the President the commander in chief of the armed forces of the Philippines.

THE JUDICIAL POWER OF THE SUPREME COURT UNDER THE MANDATES OF THE 1987 CONSTITUTION ARTICLE VIII

3.The Supreme Court Ruled the concept of ownership of the Indigenous Peoples in **DIOSDADO SAMA Y HINUPAS AND BANDY MASANGLAY Y ACEVEDA, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES**, Supreme Court EN BANC IN G.R. No. 224469, January 05, 2021 provide to wit;

THIS IP CONCEPT OF OWNERSHIP IS BASED ON CUSTOMARY LAW AND TRACED ITS ORIGIN TO TIME IMMEMORIAL "NATIVE TITLE."

4.Base on the Supreme Court Rights Power and Function the Supreme Court En Banc Decision ruled that registration of Title and Taxation is not a proof of ownership it is only considered as good indicia it cannot defeat Native Title which has been described as ownership since time immemorial The Supreme Court ruled in the case of **Arnolfo A.Daco, Petitioner Vs., Ruben E. Cabajar, Respondent** G.R. No. 222611 Dated November 15, 2021 which read;

Moreover, that a certificate has yet to be released does not contradict the indigenous concept of ownership. This Court has held that the concept of ownership and title for indigenous people are not dependent on a piece of paper, instead, a paper title is merely seen as a formal recognition of native title.

In *Lamsis, et al. v. Dong-e*,⁸² we held –

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Registering land under the Torrens system does not create or vest title because registration is not a mode of acquiring ownership. A certificate of title is merely an evidence of ownership or title over the particular property described therein.⁸³ (Emphasis supplied, citations omitted)xxx xxx xxx

On the contrary, petitioner's lone proof to support his claims that he, along with his siblings, are the legitimate owners of the subject parcel of land were tax declarations in the name of their father. Unfortunately, these tax declarations, coupled with unsubstantiated claims of possession over the land, are not sufficient. This Court has time and again held that tax declarations are not conclusive evidence of ownership or the right to possess land when not supported by other evidence to substantiate the claim.⁸⁵ While it may be considered as GOOD INDICIA OF OWNERSHIP,⁸⁶ it cannot DEFEAT NATIVE TITLE WHICH HAS BEEN DESCRIBED AS OWNERSHIP SINCE TIME IMMEMORIAL.

5.The Supreme Court En Banc Ruled that the Native Title IS A SUI GENERIS TITLE AND ARE DIFFERENT FROM A GOOD INDICIA OF OWNERSHIP in *Diosdado Sama Y Hinupas And Bandy Masanglay Y Aceveda, Petitioners, Vs. People OF THE PHILIPPINES G.R. No. 224469*, January 05, 2021 provide to wit;

The justification is found in the Latin maxim *salus populi est suprema lex* (the welfare of the people is the supreme law) and SIC UTERE TUO UI ALIENUM NON LAEDAS (SO USE YOUR PROPERTY AS NOT TO INJURE THE PROPERTY OF OTHERS). XXX

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Professor (now Justice) Leonen, a highly esteemed scholar in constitutional law and the law on land and natural resources, shares this understanding about the foregoing limitations to THE SUI GENERIS IP TITLE. XXX

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⁹² IP title gives the right to exclusive use and occupation of the land for a variety of purposes not confined to traditional or distinctive uses.⁹³ It is a beneficial interest in the land - the right to use it and profit from its economic development. But IP title is subject to the communal limitations as discussed above.⁹⁴

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IN CONTRAST, IP TITLE IS SUI GENERIS AS IT CARRIES AN IMPORTANT RESTRICTION — it is collective and communal title held not only for the present generation but for all succeeding generations.⁸⁵ What IPs have is the concept of mutual sharing of resources wherein no individual, regardless of status, is without sustenance. XXX

IP title entitles the right to choose the uses to which the land is put and to enjoy its economic fruits.⁹⁰ XXX

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Justice Caguioa vigorously posits as well that "[considering the foregoing, I have, from the very beginning, and still am, of the view that the 'authority' contemplated in PD 705, as amended, should no longer be limited to those granted by the DENR. Rather, SUCH AUTHORITY MAY ALSO BE FOUND IN OTHER SOURCES, SUCH AS THE IPRA."

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The members of the Court may argue one way or the other, but no length of legal debate will remove from the fact that this case is still about two men who acted pursuant to precisely the kind of cultural choice and community-based environmental agency that they believe IPRA CONTEMPLATED THEY HAD THE FREEDOM TO EXERCISE.

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The 1987 Constitution devotes six (6) provisions "which insure the right of tribal Filipinos to preserve their way of life":

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At the other end of the spectrum, there is the IP title itself.⁸⁰ IP title confers more than the right to engage in site-specific activities which are aspects of the practices, customs, and traditions of distinctive IP cultures.⁸¹ IP site-specific rights can be made out even if IP title cannot; what IP title confers is the right to the land itself.⁸²

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BUT INDIGENOUS PEOPLE IP
TITLE IS NOT THE SAME AS THE CONCEPT
OF OWNERSHIP IN THE CIVIL CODE.

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Professor Sedfrey M. Candelaria, clarified that the civil law concept of land ownership is non-existent within the IP sector.

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⁸⁸Professor (now Justice) Leonen, a highly esteemed scholar in constitutional law and the law on land and natural resources, shares this understanding about the foregoing limitations to the sui generis IP title.

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⁸⁹He stressed that IPRA introduced a new package of ownership rights DISTINCT FROM THOSE UNDER CIVIL LAW. Subject to this limitation, IP title entitles the right to choose the uses to which the land is put and TO ENJOY ITS ECONOMIC FRUITS.⁹⁰

THIS IP CONCEPT OF OWNERSHIP IS BASED ON CUSTOMARY LAW AND TRACED ITS ORIGIN TO TIME IMMEMORIAL "NATIVE TITLE."

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Even without yet a paper title, the State has already formally recognized the rights of the Iraya-Mangyan IPs approaching title to use and enjoy their ancestral domains.

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the international covenants like the United Nations Declaration on the Rights of Indigenous Peoples, of which our country is a signatory, and Philippine and international jurisprudence which identifies the forms and contents of IP rights. In addition, we have the ever growing respect, recognition, protection, and preservation accorded by the

State to the IPs, including their rights to cultural heritage and ancestral domains and lands. XXX

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It is engendered by the more expansive definition of authority under the law, the bundle of petitioners' IP rights both under the Constitution and IPRA, and a host of others like the ones mentioned by Justice Leonen in his Opinion, the sundry administrative regulations which seek to RECONCILE the regalian doctrine and the civilist concept of ownership with the indigenous peoples' sui generis ownership of ancestral domains and lands, the international covenants like the United Nations Declaration on the Rights of Indigenous Peoples, of which our country is a signatory, and Philippine and international jurisprudence which identifies the forms and contents of IP rights. In addition, we have the ever growing respect, recognition, protection, and preservation accorded by the State to the IPs, including their rights to cultural heritage and ancestral domains and lands.

6.The Supreme Court En Banc Decision ruled that the International law is part of the law of the land G.R. No.183591 October 14, 2008, provides as follows;

Article II, Section 2 of the Constitution states that the Philippines "adopts the generally accepted principles of international law as part of the law of the land."

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In a historic development last September 13, 2007, the UN General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples (UN DRIP) through General Assembly Resolution 61/295.

7.The Supreme Court Ruled in **Mariano Tanenglian vs. Silvestre Lorenzo et.al G.R. NO. 173415 March 28, 2008** to wit;

However, A Special Law, Republic Act No. 8371, otherwise known as the Indigenous People's Rights Act of 1997, specifically governs the rights of indigenous people to their ancestral domains and lands.

8.The Integral Opinion of Justice Puno in the Supreme Court En Banc in **Cruz vs. DENR Secretary** G.R. No. 135385 December 6, 2000, 347 SCRA 128, expounding that all lands, minerals, residential and all natural resources and other resources stated in the ancestral land and Ancestral Domains are covered by the concept of Native Title provide to wit;

THE CONCEPT OF NATIVE TITLE

*Native title refers to ICCs/IPs' pre conquest rights to lands and domains held under a claim of private ownership as far back as memory reaches. These lands are deemed never to have been public lands and are indisputably presumed to have been held that way since before the **Spanish Conquest**. The rights of ICCs/IPs to **their ancestral domains (which also include ancestral lands)** by virtue of native title shall be recognized and respected.¹²⁷*

IPRA R.A. 8371 Section .3 (a)

- a) **Ancestral Domains** — Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

IPRA R.A. 8371 Section .3 (b)

b) *Ancestral Lands* - Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots;

NATIVE TITLE IS EXCEPTION OF REGALIAN DOCTRINE AND EXCLUDED FROM THE MASS OF LANDS FORMING PART OF THE PUBLIC DOMAIN

9. The **REPUBLIC OF THE PHILIPPINES**, Petitioner, **VS. PASIG RIZAL CO., INC.**,* Respondent In G.R. No. 213207. February 15, 2022 the Supreme Court En Banc ruled to wit;

As explained in the recent case of *Federation of Coron, Busuanga, Palawan Farmer's Association, Inc. v. The Secretary of the Department of Environment and Natural Resources*⁶⁰ (*Federation*), and as cogently pointed out by

ASSOCIATE JUSTICE MARVIC M.V.F. LEONEN, THIS GENERAL RULE ADMITS OF A SINGLE EXCEPTION: NATIVE TITLE TO LAND. CLAIMS OF PRIVATE OWNERSHIP PURSUANT TO NATIVE TITLE ARE PRESUMED TO HAVE BEEN HELD EVEN BEFORE THE SPANISH CONQUEST. THUS, LANDS SUBJECT OF NATIVE TITLES ARE DEEMED EXCLUDED FROM THE MASS OF LANDS FORMING PART OF THE PUBLIC DOMAIN.

The Court's ruling in *Federation* elucidates:

The only exception in the Regalian [d]octrine is native title to land, or ownership of land by Filipinos by virtue of a claim of ownership since time immemorial and independent of any grant from the Spanish Crown. In *Cariño v. Insular Government*, the United States Supreme Court at that time held that:

It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way from before the Spanish conquest, and never to have been public land.

As pointed out in the case of *Republic v. Cosalan*:

Ancestral lands are covered by the **concept of native title** that "refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest." To reiterate, they are considered to have never been public lands and are thus indisputably presumed to have been held that way.

The CA has correctly relied on the case of *Cruz v. Secretary of DENR*, which institutionalized the concept of native title. Thus:

Every presumption is and ought to be taken against the Government in a case like the present. It might, perhaps, be proper and sufficient to say that when, as far back as testimony or memory goes, the land has been held by individuals under a claim of private ownership, it will be presumed to have been held in the same way before the Spanish conquest, and never to have been public land.

From the foregoing, it appears that lands covered by the concept of native title are considered an exception to the Regalian [d]octrine embodied in Article XII, Section 2 of the Constitution which provides that all lands of the public domain belong to the State which is the source of any asserted right to any ownership of land.⁶¹ (Emphasis supplied; original emphasis omitted) xxx.

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Excepted from the scope of public domain are lands subject of a claim of ownership based on native title as explicitly recognized in *Cariño v. Insular Government*.⁶⁸

Retroactive application of RA 11573

As stated, RA 11573 took effect on September 1, 2021, or fifteen (15) days after its publication on August 16, 2021.¹⁰² Notably, RA 11573 does not expressly provide for its retroactive application.

AS A GENERAL RULE, LAWS shall have no retroactive effect, unless the contrary is provided.¹⁰³ However, this rule is subject to certain **RECOGNIZED EXCEPTIONS**, as when the statute in question is curative in nature, or **CREATES NEW RIGHTS**, thus:

As a general rule, laws have no retroactive effect. But there are certain **RECOGNIZED EXCEPTIONS**, such as when they are remedial or procedural in nature. This Court explained this exception in the following language:

"It is true that under the Civil Code of the Philippines, '(l)aws shall have no retroactive effect, unless the contrary is provided.' But there are **SETTLED EXCEPTIONS TO THIS GENERAL RULE**; such as when the statute is **CURATIVE** or **REMEDIAL** in nature or when it **CREATES NEW RIGHTS**."¹⁰⁴ (Italics omitted).

THE RIGHTS OF INDIGENOUS PEOPLES IS THE LAW OF THE LAND

10. In Accordance to the Supreme Court Decision the United Nation Declaration on the Rights of Indigenous People UNDRIP September 13, 2007 are parts of the law of the land and the Republic Act 8371 Indigenous Peoples Rights Act (IPRA) is special law of the Supreme Court specifically governs the lands and Domain therefore all the rights, inherent rights, priority rights and other Rights embodied in the United Nation Declaration on the Rights of Indigenous People UNDRIP September 13, 2007 and the Republic Act 8371 Indigenous Peoples Rights Act (IPRA) are the laws of the land and special laws that governs the lands and domains in general.

TERITORIAL BOUNDARY UNDER SELF - GOVERNANCE

11. The separate opinion of Justice REYNATO S. PUNO is an integral part or an integral law of the Supreme Court En Banc Resolution in **Cruz vs. DENR Secretary** G.R. No. 135385 December 6, 2000, 347 SCRA 128, in favor for the Indigenous Cultural Communities / Indigenous Peoples ICCs / IPs territories provides as follows.

HOW THESE INDIGENOUS PEOPLES CAME TO LIVE IN THE PHILIPPINES GOES BACK TO AS EARLY AS 25,000 TO 30,000 B.C.

Before the time of Western contact, the Philippine archipelago was peopled largely by the Negritos, Indonesians and Malays.¹ Footnote did not enable them to overcome the pressures from the second wave of people, the Indonesians A and B who came in 5,000 and 3,500 B.C.

They are represented today by the Kalinga, Gaddang, Isneg, Mangyan, Tagbanua, Manobo, Mandaya, Subanon, and Sama.

The first group was pushed inland as the second occupied the coastal and downriver settlements.

A second view is postulated by Robert Fox, F. Landa Jocano, Alfredo Evangelista, and Jesus Peralta. Jocano maintains that the Negritos, Indonesians and Malays stand co-equal as ethnic groups without any one being dominant, racially or culturally.

The last wave involved Malay migrations between 500 B.C. and 1,500 A.D. they had a more advanced culture based on metal age technology.

ICCs/IPs also include descendants of ICCs/IPs who inhabited the country at the time of conquest or colonization, who retain some or all of their own social, economic, cultural and political institutions but who may have been displaced from their traditional territories or who may have resettled outside their ancestral domains.

1. Indigenous Peoples: Their History

Presently, Philippine indigenous peoples inhabit the interiors and mountains of Luzon, Mindanao, Mindoro, Negros, Samar, Leyte, and the Palawan and Sulu group of islands. They are composed of 110 TRIBES.

1. In the Cordillera Autonomous Region- Kankaney, Ibaloi, Bontoc, Tinggian or Itneg, Ifugao, Kalinga, Yapayao, Aeta or Agta or Pugot, and Bago of Ilocos Norte and Pangasinan; Ibanag of Isabela, Cagayan; Ilongot of Quirino and Nueva Vizcaya; Gaddang of Quirino, Nueva Vizcaya, Itawis of Cagayan; Ivatan of Batanes, Aeta of Cagayan, Quirino and Isabela.

2. In Region III- Aetas.

3. In Region IV- Dumagats of Aurora, Rizal; Remontado of Aurora, Rizal, Quezon; Alangan or Mangyan, Batangan, Buid or Buhid, Hanunuo and Iraya of Oriental and Occidental Mindoro; Tadyawan of Occidental Mindoro; Cuyonon, Palawanon, Tagbanua and Tao't bato of Palawan.

4. In Region V- Aeta of Camarines Norte and Camarines Sur; Aeta-Abiyan, Isarog, and Kabihug of Camarines Norte; Agta, and Mayon of Camarines Sur; Itom of Albay, Cimaron of Sorsogon; and the Pullon of Masbate and Camarines Sur.

5. In Region VI- Ati of Negros Occidental, Iloilo and Antique, Capiz; the Magahat of Negros Occidental; the Corolano and Sulod.

6. In Region VII- Magahat of Negros Oriental and Eskaya of Bohol.

7. In Region IX- the Badjao numbering about 192,000 in Tawi-Tawi, Zamboanga del Sur; the Kalibugan of Basilan, the Samal, Subanon and Yakat.

8. Region X- Numbering 1.6 million in Region X alone, the IPs are: the Banwaon, Bukidnon, Matigsalog, Talaanding of Bukidnon; the Camiguin of Camiguin Island; the Higaunon of Agusan del Norte, Agusan del Sur, Bukidnon and Misamis Occidental; the Tigwahanon of Agusan del Sur, Misamis Oriental and Misamis Occidental, the

Manobo of the Agusan provinces, and the Umayamnon of Agusan and Bukidnon.

9. In Region XI- There are about 1,774,065 IPs in Region XI. They are tribes of the Dibabaon, Mansaka of Davao del Norte; B'laan, Kalagan, Langilad, T'boli and Talaingod of Davao del Sur; Mamamanua of Surigao del Sur; Mandaya of the Surigao provinces and Davao Oriental; Manobo Blit of South Cotabato; the Mangguangon of Davao and South Cotabato; Matigsalog of Davao del Norte and Del Sur; Tagakaolo, Tasaday and Ubo of South Cotabato; and Bagobo of Davao del sur and South Cotabato.

10. In Region XII- Ilianen, Tiruray, Maguindanao, Maranao, Tausug, Yakan/Samal, and Iranon.⁴³

12. The Supreme Court En Banc Ruled in DIOSDADO SAMA Y HINUPAS AND BANDY MASANGLAY Y ACEVEDA, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, Supreme Court EN BANC IN G.R. No. 224469, January 05, 2021 provide to wit;

IPs in the Philippines inhabit the interiors and mountains Luzon, Mindoro, Negros, Samar, Leyte, Palawan, Mindanao and Sulu group of islands.³¹ In Cruz v. Secretary of Natural Resources,³² the Court recognized the following ICCs residing in Region IV: Dumagats of Aurora, Rizal; Remontado of Aurora, Rizal, Quezon; Alangan or Mangyan, Batangan, Buid or Buhid, Hanunuo, and Iraya of Oriental and Occidental Mindoro; Tadyawan of Occidental Mindoro; Cuyonon, Palawanon, Tagbanua and Tao't bato of Palawan.³³.XXX

⁹⁰THIS IP CONCEPT OF OWNERSHIP IS BASED ON CUSTOMARY LAW AND TRACED ITS ORIGIN TO TIME IMMEMORIAL "NATIVE TITLE.

13. In Addition the R.A.8371 IPRA Section.40 Stated that the NCIP Commissioner was assigned in Luzon, Visayas and Mindanao of the Indigenous Peoples and it is clear that the Philippines was occupied by the Indigenous Ancestors namely the negritos, the Indonesian A and B and Malay and inherited at the present of 110 Tribes generation.

14. The Indigenous Cultural Communities / Indigenous Peoples ICCs/IPs are maintain and remain under the umbrella of the "State" or the Republic of the Philippines but in accordance to the 1987 Constitution and the IPRA shall

have the Right to implement the special provision of R.A. 8371 IPRA Chapter IV Section.13 self governance in which the State through their **ALL NATIONAL GOVERNMENT AGENCY OR EXECUTIVE DEPARTMENTS, AND THEIR BUREAUS AND ALL LOCAL GOVERNMENT UNITS (LGU), INCLUDING, PROVINCIAL, MUNICIPAL AND CITY GOVERNMENT AND ALL THEIR BRANCHES AND INSTRUMENTALITIES AGENCY** to have the ever growing respect, recognition, protection, and preservation accorded by the State to the IPs, rights ancestral domains and lands entire Philippine Archipelago.

15.RECOGNITION OF ATTY. ROQUE N. AGTON JR., NCIP CHAIRMAN WAS EMBODIED BY THE R.A. 8371 SECTION. 2(a), b, c, e, and f provide as follows;

Section 2. a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;

b)The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain;

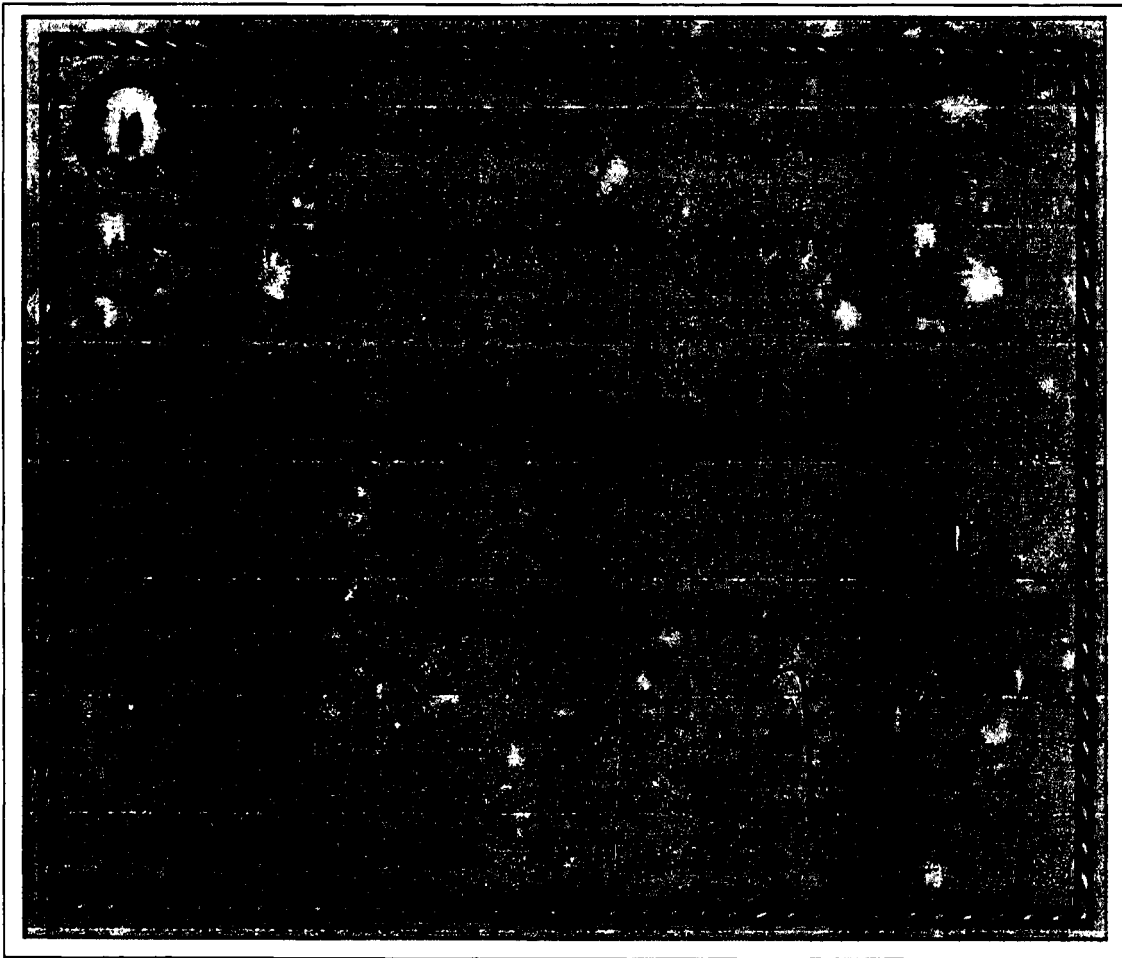
c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;

e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population and

f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.




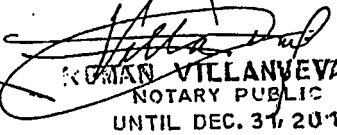
Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, their rights to their ancestral domains.

16.The Above special R.A.8371 IPRA LAW expressing the State Recognition through the primary agency the NCIP headed by Chairman **ATTY. ROQUE N. AGTON JR.** recognizing the undersigned as Tribal Vice Governor and NCIP Deputy Officer the Recognition provide as follows;



17.The NCIP Deputy Officer, the Certification of Recognition is herewith attached as **ANNEX "C"**.

18. Before the recognition **ATTY. ROQUE N. AGTON JR.** on April 13, 2011 he issued the **Deputization Order** on April 6, 2011 provide as follows;

	<p>Republic of the Philippines OFFICE OF THE PRESIDENT NATIONAL COMMISSION ON INDIGENOUS PEOPLE 2nd Floor N. Dela Merced Building, Cor. West and Quezon Avenues, Quezon City</p>
	<p>April 6, 2011</p>
<p>DEPUTIZATION ORDER</p>	
<p>To : DATU ROMEL "KASALIGAN" MURIO,</p>	
<p>You are hereby deputized to perform the following to wit;</p>	
<ol style="list-style-type: none">1. To conduct SOCIAL INVESTIGATIONS with in my area of coverage, Including illegal activities, that violates the rights of the INDIGENOUS PEOPLE,2. To execute warrantless arrest, to all illegal operators with in our ancestral domain and to file complaints to the proper authorities with the coordination of NCIP office of any the area of my jurisdiction,3. To report directly to my office including evaluations and status of the indigenous people,4. To act as immediate action officers in times of crisis and disasters for the indigenous People,5. The office will be expecting frequent reports for the consumption of the NCIP Chairman6. This deputization is effective immediately upon receipt.	
<p>Noted by:  ATTY. ROQUE N. AGTON JR. NCIP CHAIRMAN</p>	<p> CHRISLER TANCINCO CABARRUBIAS NCIP CONSULTANT for MINDANAO</p>
<p>DOC. NO. <u>38</u> PAGE NO. <u>27</u> BOOK NO. <u>30</u> SERIES OF 2011</p>	<p> NORMAN VILLANUEVA, JR. NOTARY PUBLIC UNTIL DEC. 31, 2011 TAX NO. 872732 / 1-13-10 TR NO. 1212025-NADN ROLL NO. 19531 FILE NO. 0954 / 4-28-08 NO. 0221 / 2-19-09 NO. 2102 / 7-13-10</p>

19. The Deputization Order on April 6, 2011 is herewith attached as **ANNEX "D"**.

20.The Picture of **ATTY. ROQUE N. AGTON JR.** Recognizing the Undersigned as Tribal Vice Governor and NCIP Deputy Officer, the Photo Copy provides as follows, and attached as **ANNEX "E"**.



21. The 110 Tribe representing through their leaders issued a resolution allowing me to act in-behalf of them to protect the rights covered by Native Titles, the **Resolution** is hereto attached as **ANNEX "F"**. The **Joint Irrevocable Power of Attorney** is hereto attached as **ANNEX "G"**.

22. In R.A. 8371 in IPRA reveals that not only the NCIP Agency of the State is responsible for the protection of the Indigenous Peoples but also includes the other agencies of the State or Agencies of the Republic of the Philippines in the R.A.8371 Section.7(b), 44(m), 52, 58, 59, 77 provides as follows;

REPUBLIC ACT 8371 (IPRA) SECTION.7(b)

b. Right to Develop Lands and Natural Resources. - Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights;

REPUBLIC ACT 8371 (IPRA) SECTION.44(m)

Section.44- (m) To issue appropriate certification as a pre-condition to the grant of permit, lease, grant, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned;

REPUBLIC ACT 8371 (IPRA) SECTION.52

Section.52 (i) *Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies* - The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;

REPUBLIC ACT 8371 (IPRA) SECTION.58

Section 58. *Environmental Consideration.* - Ancestral domains or portion thereof, which are found necessary for critical watersheds, mangroves wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by the appropriate agencies with the full participation of the ICCs/IPs concerned shall be maintained, managed and developed for such purposes. The ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of the government agencies. Should the ICCs/IPs decide to transfer the responsibility over the areas, said decision must be made in writing. The consent of the ICCs/IPs should be arrived at in accordance with its customary laws without prejudice to the basic requirement of the existing laws on free and prior informed consent: Provided, That the transfer shall be temporary and will ultimately revert to the ICCs/IPs in accordance with a program for technology transfer: Provided, further, That no ICCs/IPs shall be displaced or relocated for the purpose enumerated under this section without the written consent of the specific persons authorized to give consent.

REPUBLIC ACT 8371 (IPRA) SECTION.59

Section 59. *Certification Precondition.* - all department and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certificate shall only be issued after a field-based investigation is conducted by the Ancestral Domain Office of the area concerned: Provided, That no certificate shall be issued by the NCIP without the free and prior informed and written consent of the ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is pending application CADT: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

REPUBLIC ACT 8371 (IPRA) SECTION.77

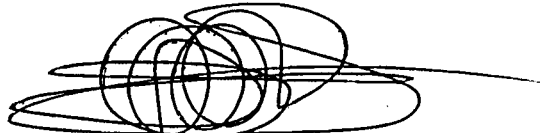
Section 77. *Placement Committee.* - Subject to rules on government reorganization, a Placement Committee shall be created by the NCIP, in coordination with the Civil Service Commission, which shall assist in the judicious selection and placement of personnel in order that the best qualified and most deserving persons shall be appointed in the reorganized agency. The placement Committee shall be composed of seven (7) commissioners and an ICCs/IPs representative from each of the first and second level employees association in the Offices for Northern and Southern Cultural Communities (ONCC/OSCC), nongovernment organizations (NGOs) who have served the

community for at least five (5) years and peoples organizations (POs) with at least five (5) years of existence. They shall be guided by the criteria of retention and appointment to be prepared by the consultative body and by the pertinent provisions of the civil service law.

23. Along this point, it is highly requesting to your good office ordering all government agencies of the Republic of the Philippines and their Branches from Luzon, Visayas and Mindanao to respect, promote and protect the Constitutional Rights and self governance in accordance to the 1987 Constitution and IPRA R.A. 8371.

Your Action and Acknowledgement is highly appreciated to all Indigenous Filipino People.

Very Truly Yours,



JOSE ROMEL AGUSTIN MURIO

A.K.A DATU KASALIGAN

Indigenous Tribal Prime Minister

Under Customary Laws and Tradition

Contact No. 09283781144; 09952782162

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Email; joseromel_murio@yahoo.com