



FIRST REGULAR SESSION

RESOLUTION NO. 38

**RESOLUTION PROTESTING THE DELINEATION PROCESS
IN MAGUINDANAO PROVINCE URGING THE
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
TO CEASE AND DESIST THE DELINEATION
PROCESS AND THE PROCEEDING FOR THE
ISSUANCE OF CERTIFICATES OF ANCESTRAL
DOMAIN TITLE IN THE PROVINCE OF
MAGUINDANAO, BANGSAMORO AUTONOMOUS
REGION IN MUSLIM MINDANAO**

WHEREAS, Section 2, Article V of Republic Act No. 11054 provides for the powers of the Bangsamoro Government to exercise authority over, among other: ancestral domain and cadastral land survey. The pertinent provision provides:

SEC. 2. Powers of the Bangsamoro Government. – Subject to Section 20, Article X of the Constitution and this Organic Law, the Bangsamoro Government shall exercise its authority over the following matters without prejudice to the general supervision of the President of the Republic of the Philippines:

xxx

(d) Ancestral domain and natural resources;

xxx

(h) Cadastral land survey;

xxx

WHEREAS, Section 3, Article IX of Republic Act No. 11054 recognizes the rights of indigenous peoples over native titles and mandates the creation of a ministry for indigenous peoples to promote the indigenous peoples' well-being in recognition of their ancestral domain and their rights thereto, viz:

SEC. 3. **Indigenous Peoples' Rights.** – The Bangsamoro Government recognizes the rights of the indigenous peoples and shall adopt measures for the promotion and protection of the following rights:

(a) Native titles or *fusakainged*;

xxx

The Bangsamoro Government shall create a ministry for indigenous peoples and shall have the primary responsibility to formulate and implement policies, plan and programs to promote the well-being of all indigenous peoples in the Bangsamoro Autonomous Region in recognition of their ancestral domain as well as their rights thereto.

xxx

WHEREAS, the Teduray have applied for certificates of ancestral domain title before the National Commission on Indigenous Peoples who in response to the application conducted delineation process on the ancestral domain of Maguindanao particularly in the municipalities of Talayan, Sharif Aguak, Guindulungan and Datu Odin Sinsuat which areas are parts of the Bangsamoro Autonomous Region in Muslim Mindanao;

WHEREAS, The Ministry of Indigenous Peoples Affairs has exclusive power and authority over Indigenous Peoples' rights and affairs including their ancestral domain in the BARMM as expressly provided in R.A. No. 11054;

WHEREAS, the National Commission on Indigenous Peoples has no power and authority to conduct delineation process and issue Certificate of Ancestral Domain Title (CADT) in the BARMM;

WHEREAS, the National Commission on Indigenous Peoples has no power and authority to conduct delineation process and issue Certificate of Ancestral Domain Title (CADT) in the BARMM.

NOW, THEREFORE, be it

RESOLVED, as it is hereby resolved by the Bangsamoro Transition Authority, to urge the National Commission on Indigenous Peoples to cease and desist from conducting delineation processes on the jurisdictional area Bangsamoro Autonomous Region in Muslim Mindanao.

Adopted, September 25, 2019.

Certified Correct:


PROF. RABY B. ANGKAL

Secretary-General

Attested:


ATTY. ALI PANGALIAN M. BALINDONG

Speaker

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