

MALACAÑANG ADMINISTRATIVE ORDER NO. 108

CREATING A PRESIDENTIAL TASK FORCE ON INDIGENOUS PEOPLES TO ENSURE THE IMMEDIATE IMPLEMENTATION OF THE INDIGENOUS PEOPLES RIGHTS ACT AND DEFINING THE FUNCTIONS THEREOF

WHEREAS, the indigenous peoples belong to the most marginalized sector of our society;

WHEREAS, the Indigenous Peoples Rights Act or IPRA, Republic Act. No. 8371, was enacted into law to provide the urgent attention needed by indigenous peoples for the delivery of basic government services premised on the full recognition of their rights;

WHEREAS, the constitutionality of the IPRA has been questioned in a pending case in the Supreme Court, “Isagani Cruz and Cesar Europa vs. Sec. of DENR, et al. G.R. 135385”;

WHEREAS, the pendency of the case has resulted in the delay of basic services delivery to the indigenous peoples, and created an ambiguity regarding the protection and recognition of their ancestral domain rights;

WHEREAS, legal issues have been raised regarding the interpretation of the law and its implementation such that the National Commission on Indigenous Peoples (NCIP) has not been able to function fully in accordance with the IPRA;

WHEREAS, the further delay in the delivery of basic services, especially those concerning the rights of indigenous peoples, will defeat the purpose of the IPRA and the Estrada Administration's poverty eradication program;

WHEREAS, the poverty eradication program of this Administration, in accordance with the Social Reform and Poverty

Alleviation Act, Republic Act No. 8425, has included the indigenous peoples as among the fourteen basic sectors that require focused, comprehensive and integrated assistance;

NOW THEREFORE, I, JOSEPH EJERCITO ESTRADA, President of the Philippines, by virtue of the powers vested in me by law, hereby, order the creation of the Presidential Task Force on Indigenous Peoples (PTFIP) to ensure that the National Commission on Indigenous Peoples (NCIP) is able to fulfill its mandate so that the rights of the indigenous peoples are protected and recognized in accordance with the Constitution and the IPRA.

Section 1. The PTFIP shall be headed by a Chairman, designated by the President, from among the seven representatives of the following ethnographic regions, all of whom shall be appointed by the President:

Cordillera and Region I
Region II
Region III and the Rest of Luzon
Visayas and other Island Groups
Central Mindanao
Northwestern Mindanao
Southeastern Mindanao

The two other members shall be the Presidential Assistant for Poverty Eradication, NGO and PO (OPAPE/NGO/PO), pursuant to Memorandum Order No. 5, s. 1998, and the Executive Director of the National Commission on Indigenous Peoples.

Section 2. The powers and functions of the Task Force are:

- (1) to assist the NCIP in the formulation of a comprehensive and integrated sustainable development plan for the indigenous peoples, focusing on the development of ancestral domains, particularly those that are covered by Certificates of Ancestral

Domain Claim issued by the Dept. of Environment and Natural Resources, and such other official tenure instruments;

- (2) to ensure that the NCIP is able to screen, review and validate the applications for all the NCIP positions as provided for in the IPRA;
- (3) to provide the necessary technical and financial assistance to the NCIP regarding its recommendations to the President to resolve all conflicting issues, especially regarding resource use, within ancestral domains, officially declared or otherwise;
- (4) to ensure that the formulation of the implementing rules and regulations of the IPRA by the NCIP is in accordance with the procedures provided for in the IPRA; and
- (5) to perform such other functions as may be determined by the President.

Section 3. The PTFIP shall meet once a month and shall submit its monthly report to the President, through the OPAPE/NGO/PO.

Section 4. The OPAPE/NGO/PO and the NCIP shall provide the necessary secretariat services as well as technical assistance that the PTFIP may require. In view thereof, the amount of SIX MILLION PESOS is hereby ordered released to the OPAPE/NGO/PO from the Organizational Adjustment Fund to implement this Order.

Section 5. The PTFIP shall cease to exist as soon as the Supreme Court renders its decision in the case of Isagani Cruz and Cesar Europa vs. Sec. of DENR, et al. G.R. 135385”, or as may be earlier ordered by the President.

This Order takes effect immediately.

DONE in Manila, this 10th day of February, in the Year of
Our Lord Two Thousand.

(Sgd.) JOSEPH EJERCITO ESTRADA

By the President:

(Sgd.) RONALDO B. ZAMORA
Secretary