

# Exploring the Decolonial Aspects of Bangsamoro IP Code Bill and Its Comparisons with the IPRA Law

6 August 2024 | 1:30 PM – 3:30 PM  
Online via Zoom



UNIVERSITY OF THE PHILIPPINES  
CENTER FOR  
INTEGRATIVE AND  
DEVELOPMENT  
STUDIES

# **Exploring the Decolonial Aspects of Bangsamoro IP Code Bill and Its Comparisons with the IPRA Law**

---

**6 August 2024 | 1:30 PM – 3:30 PM**  
**Online via Zoom**



**UP CIDS Proceedings**

is published by the

**University of the Philippines****Center for Integrative and Development Studies**

Lower Ground Floor, Ang Bahay ng Alumni  
Magsaysay Avenue, University of the Philippines  
Diliman, Quezon City 1101

**Telephone:** (02) 8981-8500 loc. 4266 to 4268 / (02) 8426-0955

**Email:** [cidspublications@up.edu.ph](mailto:cidspublications@up.edu.ph)

**Website:** [cids.up.edu.ph](http://cids.up.edu.ph)



[cids.up.edu.ph](http://cids.up.edu.ph)

---

Copyright 2025 by the  
UP Center for Integrative and Development Studies.

The views and opinions expressed in this discussion paper are those of the author/s and neither reflect nor represent those of the University of the Philippines or the UP Center for Integrative and Development Studies. No copies can be made in part or in whole without prior written permission from the authors/editors and the publisher.

**ISSN 2718-9295 (Print)**

**ISSN 2718-9309 (Online)**

---

**Cover image credit**

"Publication material for the roundtable discussion "The Indigenous Peoples' Rights Act & BARMM's IP Development Act," organized by the UP CIDS Decolonial Studies Program, held online via Zoom on 06 August 2024."

Credit: "Colony of Samal Moros from the Philippines in a Department Of Anthropology exhibit at the 1904 World's Fair" by Jessie Tarbox Beals. Missouri History Museum.

# Table of Contents

---

## 1 The Speakers

---

## 3 Presentations

3      **Bangsamoro Indigenous Peoples Development Act of 2024 (BTA Bill No. 237)**

*Mr. Abdul Wahid I. Tucalo*

6      **Legal Review of the Bangsamoro Indigenous Peoples Act (BIPDA)**

*Atty. Raymond Marvic Baguilat*

8      **Policy Research Review of the BIPDA 2024**

*Kebart Licayan*

*Atty. Pinky Grace Pabelic*

*Amira Lidasan*

---

## 13 Open Forum

13      **Encouraging IP Advocacy in the Youth**

16      **Navigating the Conflict Between IP Customs and National Legislation**

20      **Role of Ethnographic Research in Enhancing IPs' Participation in Governance**

21      **Consultation with IPs for the Proposed IP Code in the Bangsamoro Region**

Download related policy papers





for free

Proceedings 2025-23

# Opening the Gates

## A Case for Philippine Englishes

28 September 2024 | 1:00 PM – 4:00 PM  
Online via Zoom

Opening the Gates: A Case for Philippine Englishes

ISSN 2619-7276 (Print)  
ISSN 2619-7280 (Online)

Policy Brief  
2024-10

■ DECOLONIAL STUDIES PROGRAM

# Resolving Energy Problems in Mainland BARMM

Mc Erschad D. Pabilan and Dr. Nassef Manablang Adiong

### Abstract

The Department of Finance (DOF) ordered the government-owned agency Power Sector Assets and Liabilities Management Corporation (PSALM) to cut off the power supply to Lanao del Sur Electric Cooperative, Inc. (LASURECO) and restrict Maguindanao Electric Cooperative, Inc. (MAGELCO) from providing electricity. LASURECO and MAGELCO failed to pay their combined outstanding debts, amounting to P16.16 billion (Yang 2022). Compounding interest, financial mismanagement, alleged corruption among staff members of electric cooperatives (ECs), low efficiency in collecting from consumers, and high system loss due to illegal electrical tapping and politicizing are considered the root causes of the huge debt problems of MAGELCO and LASURECO. These are persistent issues that have plagued energy cooperatives for decades. Some policy proposals have begun to consider creating a condonation bill in Congress, paying the representatives of the affected districts, given that the reported "P16.16 billion obligation is a carry-over from the past" and "has accumulated due to the leniency and laxity of the collecting agencies" (Lanto 2022, A4). Additionally, BARMM has the option to pay the huge debt of the two ailing ECs, as well as to assume control by restructuring the management immediately. Lastly, since there are already local government-owned distribution utilities in the Philippines, it is also advised

### Background

The people of Maguindanao and Lanao del Sur were on the verge of darkness after the 2022 national elections. Their electric power was about to be disconnected until the Marawi City Regional Trial Court granted them a reprieve by issuing a timely temporary restraining order (TRO) (Sison 2022). In addition, through an appeal by the Chief Minister of BARMM for the planned measure to be put on hold (Ferrermande 2022), Maguindanao and Lanao del Sur were temporarily allowed to have electricity.

On 8 June 2022, the Department of Finance (DOF) ordered Power Sector Assets and Liabilities Management Corporation (PSALM) to suspend the access of Lanao del Sur Electric Cooperative, Inc. (LASURECO) to the power grid and stop Maguindanao Electric Cooperative, Inc. (MAGELCO) from providing electricity. The cooperatives failed to pay outstanding debts, amounting to over P16.16 billion (Yang 2022). The DOF maintains that PSALM should not provide MAGELCO and LASURECO with free electricity because (1) "it is not PSALM's mandate to

Resolving Energy Problems in Mainland BARMM

[cids.upcid.edu.ph/collection-database](https://cids.upcid.edu.ph/collection-database)

**Get your policy papers published.**

**Download open-access articles.**

The Philippine Journal of Public Policy: Interdisciplinary Development Perspectives (PJPP), the annual peer-reviewed journal of the UP Center for Integrative and Development Studies (UP CIDS), welcomes submissions in the form of full-length policy-oriented manuscripts, book reviews, essays, and commentaries. The PJPP provides a multidisciplinary forum for examining contemporary social, cultural, economic, and political issues in the Philippines and elsewhere. Submissions are welcome year-around.

*For more information, visit [cids.up.edu.ph](http://cids.up.edu.ph).*

*All issues/articles of the PJPP can be downloaded for free.*

**Get news and the  
latest publications.**

Join our mailing list to get our publications delivered straight to your inbox! Also, you'll receive news of upcoming webinars and other updates.

***[bit.ly/signup\\_cids](http://bit.ly/signup_cids)***

**We need  
your feedback.**

Have our publications been useful?  
Tell us what you think.

***[bit.ly/dearcids](http://bit.ly/dearcids)***



## About the Proceedings

The University of the Philippines Center for Integrative and Development Studies (UP CIDS) Decolonial Studies Program (DSP) organized the roundtable discussion, “Exploring the Decolonial Aspects of Bangsamoro IP Code Bill and Its Comparisons with the IPRA Law” on August 6, 2024 through Zoom.

This two-part roundtable discussion aimed to explore the possible decolonial aspects of Bill 273 of the Bangsamoro Transition Authority (Bangsamoro Indigenous Peoples’ Development Act of 2024) in relation to Republic Act No. 8371 (the Indigenous Peoples’ Rights Act [IPRA] of 1997). The event was moderated by Dr. Nassef Manabilang Adiong.

## A Concept Note

The Bangsamoro region is home to the numerous communities of the Meranao, Maguindanaon, Tausug, Iranun, Yakan, Sama, Badjao, Jama Mapun, Kagan/Kalagan, Kalibugan, Sangi, Molbog, Palawanon, Teduray, Lambangian, Manobo Dulangan, Visaya, Tagalog, and Chinese who have their unique traditions and practices.

Article IX, Section 24 of Republic Act No. 11054 (Bangsamoro Organic Law) states that the Bangsamoro government shall preserve the history, culture, arts, traditions, and the rich cultural heritage of the Bangsamoro people and their Sultanates of Sulu, Maguindanao, Kabuntalan, Buayan, the Royal Sultanate Houses of Ranao and of the Iranun, and the non-Moro indigenous peoples (NMIPs) of the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM).

To review this regional mandate, this two-part roundtable discussion aimed to explore the possible decolonial aspects of Bill 273 of the Bangsamoro Transition Authority (Bangsamoro Indigenous Peoples’ Development Act of 2024) in relation to Republic Act No. 8371 (the Indigenous Peoples’ Rights Act [IPRA] of 1997). The former is vital to the inclusive growth and development of the Indigenous Cultural Communities (ICCs) who are ascribed as such by the BARMM’s Ministry of Indigenous Peoples Affairs (MIPA). These include the Teduray, Lambangian, Dulangan Manobo, Erumanun Ne Menuvu, Higaonon, B’laan, Sama Dilaut, Sama Jama Mapun, Sama Bangingi, Sama Pangutaran, and other marginalized and minority ICCs.





# The Speakers

1. **Atty. Raymond Marvic C. Baguilat** is a prominent indigenous Tawali human rights lawyer from Ifugao who currently serves as the Head Legal Officer at the University of the Philippines Law Center's Institute of Human Rights. He is also the Lead Researcher for the Indigenous Peoples Law and Policy Program. His significant contributions include authoring numerous publications on marginalized groups and serving as a senior lecturer at the UP College of Law, where he teaches courses on IP Law, property law, and legal ethics. In addition to his academic pursuits, Atty. Baguilat actively engages in litigation, serves as Corporate Secretary for the *Aliansa ng mga Abogado ng Bayan* (LAWYERS), and holds a trustee position for the international non-governmental organization (NGO) Indigenous Peoples' Rights International.
2. **Mr. Kebart Licayan** was presented as the next speaker. Mr. Licayan serves as a Legislative Staff Officer III within the Legislative Research Division of the Policy Research and Legal Services of the Bangsamoro Transitional Authority (BTA) in BARMM. He holds a bachelor's degree in Political Science from Rizal Technological University, a master's degree in International Relations from the S. Rajaratnam School of International Studies, a certificate in Terrorism Studies from the same institution, and a program certificate in Peace and Conflict Resolution Education from Europe College. Mr. Licayan's research interests reflect a focus on the interdisciplinary connections between peace and security, international relations, and regional/local governance within the Bangsamoro Autonomous Region.
3. **Ms. Amira Lidasan** is a prominent Bangsamoro human rights defender and national minority rights activist. Ms. Lidasan identifies with the Bangsamoro National Minority Group in Mindanao, particularly the Iranun people of Maguindanao. She currently serves as co-chairperson of the Sandugo Alliance of Moro Indigenous Peoples for Self-Determination and the Alliance of National Minority Groups in the

Philippines. Additionally, Ms. Lidasan also plays a key role in interfaith dialogue as the Secretary General of the Moro Christian People's Alliance (CMPA) Interfaith Network, working to foster unity between Muslims and Christians.

4. **Atty. Pinky Grace Pavelic** is a graduate of Bachelor of Laws from the Ateneo de Cagayan Xavier University. Affectionately referred to as Commissioner Pinky, she is a prominent second-generation leader of the Manobo Indigenous Cultural Communities/Indigenous Peoples (ICCs) of Konawaan, Agusan del Sur. Additionally, she serves as a second-generation official of the National Commission on Indigenous Peoples (NCIP).
5. **Mr. Abdul Wahid Tucalo** previously served as a faculty member within the Professional Education Department of the College of Education at Notre Dame University (NDU). This position was secured through scholarships provided by the Commission on Higher Education. Tucalo holds an undergraduate degree in Secondary Education, majoring in English, from NDU and a Master of Arts in English Language Education from De La Salle University in Manila, where he was recognized for his outstanding master's thesis. He has presented research papers at various international conferences and published several articles in Scopus-indexed journals. His research interests primarily focus on corpus linguistics, World English language teaching, discourse analysis, and academic and legal writing. Mr. Tucalo is currently pursuing a Juris Doctor degree at NDU and is affiliated with the Policy Research Legal Services under the Legislative Measures and Legal Assistance Division of the Bangsamoro Transition Authority.

# **Presentations**

## **Bangsamoro Indigenous Peoples Development Act of 2024 (BTA Bill No. 237)**

---

*Mr. Abdul Wahid I. Tucalo*

Mr. Tucalo began by emphasizing that his presentation was a collective effort of the Legislative Measures and Legal Services (LeMLab) team of the Policy Research and Legal Services of the Bangsamoro Transition Authority. He then gave an overview of the comparative legal review of the Indigenous Peoples Rights Act (IPRA) and the Bangsamoro Indigenous Peoples Development Act (BIPDA). According to him, every time they [the LeMLab team] attempt to conduct a comparative legal review, they try to look at whether the proposed measures of the parliament are new, amended, or merely lifted from a certain model framework. He then clarified the distinction between the “new, amended, and lifted” provisions, with “new” referring to entirely introduced provisions, “amended” indicating provisions that had been adapted from existing laws, and “lifted” referring to provisions replicated in form or substance. Hence, for the crafting of BIPDA, they used the IPRA law as a model and compared the IPRA and the BIPDA to ensure alignment with national laws.

As a result, they noted that the BIPDA introduced 47 new provisions out of its total 104 provisions, representing 45.2 percent of the law. Additionally, 50 provisions (48.1 percent) were amended, whereas seven provisions were lifted from existing laws, including the IPRA.

CATEGORY	AS COMPARED TO THE TOTAL NUMBER OF PROVISIONS OF THE BIPDA	PERCENTAGE
New	47 out of 104	45.2%
Amended	50 out of 104	48.07%
Lifted	7 out of 104	6.73%

Mr. Tocalo also acknowledged the significant efforts of the Bangsamoro Parliament in crafting a framework that addresses the unique needs of IPs in BARMM, as evidenced by the high percentage of new and amended provisions. This indicated that the BIPDA sought to adapt the national model to better suit the context of the Bangsamoro region. Furthermore, aside from the IPRA, the analysis considered other legislative sources, such as the Organic Law for BARMM (Republic Act No. 11054), the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the 1987 Constitution, and the Bangsamoro Administrative Code as frameworks in providing context and guidance in evaluating the provisions of BIPDA.

Mr. Tocalo proceeded to share some key findings from the review. For instance, Section 3 of the BIPDA was a brand-new provision defining its scope.

#### Section 3 of the BIPDA

This act shall apply to all native indigenous peoples within the Bangsamoro Autonomous Region in Muslim Mindanao, such as but not limited to the indigenous cultural communities (ICCs) belonging to the Teduray, Lambangian, Dulangan, Manobo, Erumanun Ne Menuvu, Higaonon, B'laan, Sama Dilaut, Sama Jama Mapun, Sama Bangingi, Sama Pangutaran and such other marginalized and minority ICCs that are ascribed as indigenous peoples by the Minority of Indigenous Peoples Affairs.

Although this provision mentioned Indigenous Peoples generally, the BIPDA itself listed specific groups, including both Moro and non-Moro Indigenous Peoples in the Bangsamoro region.

Moreover, Mr. Tocalo noted that there was a call for clarification whether BIPDA applies to all IPs, including Moro groups such as the Sama Dilaut and

Sama Pangutaran, since the current version of the BIPDA raises concerns that these Moro groups might be overlooked due to the focus on non-Moro IPs. He emphasized that these Moro groups are also minorities within the larger minority in the context of the BARMM region and should be included in the law's protections.

In addition, Mr. Tocalo further discussed several sections of BIPDA and provided recommendations for improvement. For instance, He highlighted inconsistencies between Sections 7 and 8 of the BIPDA regarding the sale and purchase of ancestral lands and domains in which he recommended aligning these provisions to avoid confusion.

#### Section 8 of the BIPDA

The indigenous concept of ownership generally holds that ancestral domains are the ICCs/IPs' private but community property, which belongs to all generations and therefore cannot be sold, disposed, or destroyed. It likewise covers sustainable traditional resource rights. Buying and selling of ancestral domains is strictly prohibited and punishable under this Act. Any other form of transfer of rights donation, leasehold and other forms of conveyance in circumvention of this is null and void.

In which, Section 7 of the BIPDA permits the buying and selling of ancestral lands, but only among bona fide members of the tribe, while Section 8 adopts a stricter position by explicitly prohibiting any transactions involving ancestral domains, with no exceptions mentioned. This contrast highlights a significant difference in the approaches reflected within the BIPDA.

Additionally, Mr. Tocalo suggested clarifying the supervising agency for the newly established Pusaka Inged Development Authority (PIDA) and including it in the code's definition of terms for better understanding. He also proposed specific timeframes for appeals, integrating customary processes, and clarifying court jurisdiction among others. In order to protect Indigenous Peoples' rights, he emphasized the importance of recognizing Free, Prior, and Informed Consent rights (FPIC) and consolidating unlawful acts and penalties. Although acknowledging the BIPDA's positive steps, Mr. Tocalo stressed the need for clarity, consistency, and alignment with international human rights standards.

# Legal Review of the Bangsamoro Indigenous Peoples Act (BIPDA)

---

*Atty. Raymond Marvic Baguilat*

Atty. Raymond Baguilat began his presentation by providing context to a legal review that delved into the intricacies of BTA Bill No. 273 also known as Bangsamoro Indigenous Peoples Development Act (BIPDA) where he highlighted the similarities between BTA Bill No. 273 and the IPRA. He noted specific provisions that were mirrored or slightly modified.

Atty. Baguilat emphasized a critical distinction in the title of BTA Bill No. 273, which focuses on "Indigenous Peoples Development" where he argued that the concept of "development," particularly in the context of minority groups, can be problematic. This is because development initiatives often align with extractive industries that operate within IPs' ancestral domains, which could potentially harm their environment and way of life. He proposed that the bill should prioritize the protection of Indigenous peoples' rights over development goals, as the latter could jeopardize the former's sustainability and integrity.

Moreover, BTA's Bill 273 focus on development creates new agencies that push development projects in this area, making it seem like development is more important than protecting the rights of Indigenous Peoples. He pointed out that laws for marginalized groups in the Bangsamoro region should be about justice, and there is a need to recognize the historical mistreatment of IPs which includes the minority within the minority. Some groups, even within the larger Indigenous groups according to him, continue to struggle and most of them do not have the power or access to legal protection.

Atty. Baguilat then stressed the need to safeguard smaller groups and efforts should be made to avoid situations that could further marginalize them. In relation to this, he also explored the Bangsamoro Organic Law, noting its recognition of the rights of non-Moro Indigenous Peoples within BARMM.

He emphasized the potential confusion surrounding the term "non-Moro Indigenous Peoples," explaining that it encompasses Indigenous groups who may identify as Muslim but maintain distinct cultural practices and identities. Recognizing and protecting these minority groups within the broader Indigenous community according to him is important to ensure their rights are preserved.

Atty. Baguilat noted that although the IPRA remains in effect, some provisions, especially those on education, have been amended. He also acknowledged the continued role of the NCIP in the region.

He raised concerns about BTA Bill 273, particularly its weakening of provisions on employment and education, which threatens NMIP rights. Atty. Baguilat also criticized the concept of a "unitary ancestral domain" within the BARMM, warning that it could undermine Indigenous groups' rights and self-determination. He questioned whether the Ministry of Indigenous Peoples Affairs would be able to effectively protect these rights, especially regarding land.

Although Atty. Baguilat acknowledged some positive aspects of BTA Bill 273, including enhanced protections for women, children, and youth, as well as measures to prevent local government interference; he expressed concern over the bill's overall emphasis on development over the protection of rights. In conclusion, he stressed the critical importance of ensuring that the rights of all Indigenous Peoples, including NMIPs, are fully protected and upheld.



# Policy Research Review of the BIPDA 2024

---

## *Kebart Licayan*

Mr. Licayan began his presentation with a comprehensive discussion on various laws designed to protect Indigenous Peoples (IPs) in BARMM. He highlighted key legislative measures, including the 1987 Philippine Constitution, the IPRA of 1997, Republic Act No. 11054 (which talks about the recognition of the rights of non-Moro IPs), and the Bangsamoro Organic Law. These laws aim to safeguard the rights and welfare of IPs within the region.

Mr. Licayan emphasized the critical need to differentiate between Moro and non-Moro IPs, noting that these groups have distinct cultural identities and varying needs in the context of policy-making. This distinction is crucial to ensure that the laws and policies created address the unique concerns of each group.

Further, Mr. Licayan raised concerns regarding the gaps in existing research and data related to the population of non-Moro IPs in BARMM. For instance, the 2013 Indigenous Peoples Population Survey conducted in the mainland ARMM revealed that the Teduray were the largest IP group, followed by the Lambingan and Dulangan Manobo. However, Mr. Licayan pointed out that this data is outdated and that more current surveys are necessary to accurately reflect the IP population. Additionally, Mr. Licayan noted discrepancies in how certain groups, such as the Teduray and Sama Dilaut, are classified simultaneously as both Muslim and Indigenous, highlighting inconsistencies in data categorization.

Turning to the proposed 2024 BIPDA, Mr. Licayan outlined the expansion of the list of NMIP groups under the bill, which includes groups like the Teduray, Lambingan, Dulangan Manobo, Iruanene, and others. He explained that the bill aims to protect their ancestral domains, ensure self-governance, preserve their cultural heritage, and foster socio-economic development.

Environmental stewardship was also highlighted as an important provision of the bill, emphasizing the sustainable management of ancestral lands. Furthermore, the establishment of the Ministry of Indigenous Peoples Affairs was discussed as a vital institutional framework to support the implementation of the bill's provisions.

In closing, Mr. Licayan called for improvements in the documentation and research of Indigenous cultures, languages, and traditions to better support the objectives of the BIPDA. He proposed the creation of a dedicated funding program within BARMM for cultural studies and preservation. He also emphasized the importance of ratifying the BIPDA, noting that its passage would be a historic step towards empowering IPs in the region. Mr. Licayan concluded his presentation by stressing the need for meaningful participation of IPs in governance and ensuring an equitable share of benefits derived from resources on their ancestral lands. This discussion marked a significant contribution to the ongoing dialogue on IPs' rights and the formulation of policies to support their development and protection within BARMM.

---

***Atty. Pinky Grace Pabelic***

***National Commission on Indigenous Peoples (NCIP)***

Atty. Pinky Pabelic emphasized the importance of Indigenous Peoples' participation in the formulation of policies and laws that directly affect them. She stressed the principle of "nothing about us without us," advocating for the active involvement of IP communities in the creation of the BIPDA. According to Atty. Pabelic, from the inception to the approval of the BIPDA, the IP communities must have been consulted to ensure that their interests and rights are adequately represented.

Atty. Pabelic, representing both the National Commission on Indigenous Peoples (NCIP) and indigenous communities across the Philippines, underscored that the Bangsamoro Basic Law includes provisions recognizing IP rights, such as the right to ancestral domains, self-governance, and empowerment. However, she expressed concerns that the current draft of

the BIPDA could compromise these rights, particularly regarding ancestral lands. She pointed out the absence of key provisions, such as the recognition of “time immemorial possession” of ancestral lands and the intergenerational responsibility to peacefully occupy these lands, passed down from one generation to the next. This, she argued, is a vital element of IP culture that ensures ancestral domains cannot be sold or transferred, as such actions violate Indigenous customary laws.

Another area of concern for Atty. Pabelic was the Free, Prior, and Informed Consent process. She emphasized that FPIC is not just a mechanism to assess the environmental impact of development projects but is central to Indigenous peoples’ right to self-determination. The FPIC process allows communities to decide which developments they want to welcome into their ancestral lands. Atty. Pabelic highlighted that Indigenous communities must be fully engaged in these processes, as it is integral to their identity and governance.

Regarding self-governance and empowerment, Atty. Pabelic discussed the challenges posed by the diversity of Indigenous political structures across different communities. The proposed Code mentions the creation of a body to resolve conflicts within these structures, but Atty. Pabelic raised concerns about how these structures would be confirmed and what processes would be involved in their resolution mechanisms. She also referenced the Indigenous Peoples Mandatory Representative (IPMR), which is mentioned in both the legislative and executive branches of government, and the need for clear guidelines on its implementation.

Atty. Pabelic also highlighted the potential overlapping jurisdiction between NCIP and the Ministry of Indigenous People’s Affairs (MIPA), particularly in Region 12, where there have been instances of conflicting authority over delineation efforts. She pointed out that this overlap needs careful management to ensure that no community is left behind in the development process.

In conclusion, Atty. Pabelic stressed that the development of the Bangsamoro IP Code must be inclusive, ensuring that all Indigenous cultural communities are recognized, respected, and involved in decision-making. She urged that the rights of NMIPs be upheld alongside the development initiatives in the BARMM, highlighting the importance of collaboration between different sectors to protect and promote IP rights.

Atty. Pabelic then expressed her sincere gratitude for the opportunity to voice these concerns and reaffirmed the NCIP's commitment to working with stakeholders to protect the rights of Indigenous peoples in the BARMM and across the Philippines.

---

### *Amira Lidasan*

The last speaker, Amira Lidasan initiated her discussion with a critique of the BIPDA. She underscored its connection to the Bangsamoro Organic Law, which recognizes Indigenous Peoples' rights within the Bangsamoro Autonomous Region in Muslim Mindanao. However, Lidasan expressed concern over its provisions, which she noted were modeled after the Indigenous Peoples Rights Act of 1997—a law criticized by grassroots organizations for its divisive and exploitative nature.

Lidasan highlighted how the IPRA facilitated large-scale land grabbing and the sale of ancestral domains, prioritizing corporate and mining interests over indigenous rights. She emphasized the destructive consequences of development projects, including oil exploration, mining, and plantation expansion, which have exacerbated poverty and environmental degradation in indigenous territories. These projects, she argued, have been supported by both national and regional development plans that fail to respect indigenous communities' rights.

Moreover, one of Lidasan's key criticisms also centered on the introduction of the Certificate of Pusaka Inggid titles under the BIPDA, which mirrors the IPRA's Certificates of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT). She argued that such mechanisms make it difficult for IPs to prove native titles due to stringent and costly requirements, as well as boundary disputes between tribes, Moros, Christians, and settlers. These issues, she asserted, have historically facilitated the exploitation and manipulation of IPs by corporations and government institutions.

Lidasan also detailed the role of the National Commission on Indigenous Peoples in perpetuating these injustices, citing cases where the NCIP

manipulated the Free, Prior, and Informed Consent process to favor corporate interests. She condemned the NCIP's involvement in red-tagging IPs, labeling them as insurgents, and subjecting them to human rights violations, including forced displacement and extrajudicial killings. She mentioned several examples, such as the Dumagats' protest against the Kaliwa Dam project and mining operations in Mindanao, like those in Tampakan and Zamboanga, which resulted in significant environmental and social harm.

Ms. Lidasan called for a cautious approach in crafting the Bangsamoro IP Code, stressing the need to learn from the IPRA's failures. She emphasized that Indigenous Peoples must have a meaningful role in the development process, ensuring their voices and needs are prioritized over corporate and state interests. She also noted the ongoing tensions between Moro and indigenous communities, particularly in areas like Maguindanao, and warned against provisions that could further exacerbate these divisions.

In conclusion, Lidasan appealed for unity between Moro and Indigenous Peoples, highlighting their shared history of discrimination and land dispossession. She urged the BARMM to adopt a participatory and inclusive approach in crafting the Bangsamoro IP Code to genuinely address the rights and needs of Indigenous Peoples while fostering solidarity between communities.

# Open Forum

## ENCOURAGING IP ADVOCACY IN THE YOUTH

The open forum began with a question: “How can you or we possibly inculcate to the younger generation to take interest in learning and advocating for the rights of our IPs in general?”

In Atty. Baguilat’s response, emphasized the critical role of youth participation in the advocacy for IP rights, particularly in the context of the Bangsamoro region. He referenced BTA Bill 273, which explicitly highlights the inclusion of the youth in the development process within the Bangsamoro. However, he observed a lack of visible youth engagement during recent committee consultations in Manila, and he expressed his hope that similar consultations held within the BARMM will involve youth voices and actively seek their opinions on the provisions of BTA Bill 273.

He pointed out that many provisions in BTA Bill 273 directly impact the youth, such as the proposed tribal universities aimed at NMIPs. These institutions were intended to cater specifically to the educational and developmental needs of IPs who are minorities within the Bangsamoro. However, the language in the proposed legislation shifted to a broader inclusivity, encompassing all members of the Bangsamoro, including settlers. Although inclusivity is vital, this change diluted the original intent to prioritize marginalized IP communities. He then underscored the importance of ensuring that resources and opportunities are directed toward IP youth, as they often lack the empowerment and resources available to other groups.

Further, Atty. Baguilat raised concerns about the creation of the Pusaka Inged Development Authority, a body proposed under BTA Bill 273 tasked with delineating ancestral domains and determining development programs. He highlighted the ambiguity surrounding this authority, particularly its composition and representation. He argued for the inclusion of youth representatives and other groups within this body to ensure it is inclusive and reflective of the needs of all stakeholders. He also questioned how this

new structure aligns with existing indigenous political structures, calling for clearer definitions and rationalizations to avoid unnecessary overlaps or contradictions.

To effectively engage the youth, Atty. Baguilat stressed the need to create more opportunities for participation, where young people are not only included, but are encouraged to critically analyze and voice their opinions on policies affecting them. He advocated for fostering an environment of tolerance and mutual respect, ensuring that youth voices are valued and not dismissed. He cautioned against practices that may alienate or intimidate young participants, emphasizing the need for value-based approaches that genuinely appreciate and recognize their contributions.

Atty. Baguilat reiterated the significance of empowering the next generation to safeguard the rights and heritage of IPs, emphasizing that their active involvement is crucial for sustaining the advocacy for IP rights and ensuring that future policies reflect their needs and aspirations.

Similarly, Atty. Pabelic focused on youth empowerment in sharing her insights on encouraging IP youth participation, especially starting at the community level. She shared their experience based on their educational assistance programs, where she identified that the lack of participation in community affairs is a key barrier to the youth's development and empowerment.

She highlighted one of the challenges of encouraging IP youth participation, which was due to tribal leaders facing difficulties because of traditional customs. According to Atty. Pabelic, overcoming this challenge is crucial, as engaging youth in local affairs allows them to understand and address both local and national issues. She stressed the need for programs that integrate IP youth into decision-making roles, which will empower them to contribute to broader solutions. She noted that the NCIP is working on such initiatives, aiming to create an environment where IP youth feel empowered and responsible for their community's future. She also emphasized the importance of balancing tradition with progress to ensure the voices of Indigenous youth are heard and valued.

Correspondingly, Ms. Lidasan acknowledged the importance of respecting the existing governance systems within the Indigenous communities, which often involve a council of elders. These councils are pivotal in decision making, yet according to her, the customary laws exclude the youth from participating and engaging in discussions. Although Ms. Lidasan pointed out that while some communities are more open to youth involvement, others maintain strict boundaries where only the elders participate in decision-making.

Similar to Atty. Baguilat and Atty. Pabelic, Ms. Lidasan stressed the necessity of including indigenous youth in decision-making processes to ensure their active engagement in matters concerning their future. However, she emphasized the challenge of integrating them into established customs, where the Council of Elders holds authority and the youth's role is often limited. She suggested that while respecting these traditional structures, communities should still find ways to open venues for youth participation, particularly in discussions that directly affect their lives and future. She also raised the importance of education for indigenous youth, as it plays a crucial role in instilling critical awareness of the laws, which will help them become responsible, informed citizens who are not only aware of their community's traditions but also capable of participating in broader dialogues about rights and governance. She shared the experience of Lumad schools in which it plays a key role in bridging the gap between traditional and modern education. These schools provide the youth with opportunities to learn how to read, understand laws, and become more engaged in their communities' welfare. These educational spaces allow young people to gain the necessary skills to become active contributors to their communities while respecting the integrity of customary law, and serve as a platform where youth can engage in decision-making without undermining the elders' authority.

This dual approach of respecting customary traditions while empowering youth through education enables a harmonious relationship between the generations, fostering a more inclusive and progressive approach to community governance.

Ms. Lidasan concluded by advocating for the recognition of these educational institutions by the state, viewing them as important venues for empowering Indigenous youth. These schools, she argued, not only contribute to the personal development of the youth but also ensure their involvement in



decisions related to their ancestral domains, rights, and self-determination. Through education and active participation, Indigenous youth can play a critical role in shaping the future of their communities and in preserving their cultural heritage.

## **NAVIGATING THE CONFLICT BETWEEN IP CUSTOMS AND NATIONAL LEGISLATION**

Building on this discussion, Dr. Adiong raised two pertinent questions, steering the conversation toward issues of governance and legal frameworks. Firstly, he inquired about the coordination mechanisms between the National Commission on Indigenous Peoples (NCIP) and the Mindanao Indigenous Peoples Association (MIPA), particularly in matters of jurisdiction. He posed the scenario of a complaint being filed with the NCIP after the MIPA had failed to address it, asking how such cases are managed and resolved.

Atty. Pabelic responded in relation to the first question where she explained that a technical working group has been established to address the overlapping jurisdictions between the two entities. This group is working on a joint memorandum circular to ensure that both the NCIP and MIPA can collaborate more effectively and resolve jurisdictional issues. Atty. Pabelic mentioned that the group is continuously working on provisions that will allow both organizations to support indigenous communities better, ensuring that their concerns are addressed more efficiently. Hence, on the issue of resolving conflicts between customary laws and national laws, she emphasized that while the NCIP is working to protect indigenous rights, especially under the IPRA and the Bangsamoro IP Code, challenges arise when these laws conflict with community-specific customs. She noted that the NCIP is actively discussing how to reconcile these laws, ensuring that the interests of IPs are respected without compromising their traditions. The ongoing dialogue and collaboration between various organizations aim to find solutions that balance the protection of Indigenous rights while respecting customary practices.

Secondly, Dr. Adiong posed a question to seek clarity on the reconciliation of customary laws with national legal frameworks, particularly in the implementation of the IP Code of the Bangsamoro. Dr. Adiong emphasized the importance of understanding how conflicts between these legal systems are addressed to ensure that both cultural integrity and legal protections

are upheld. Addressing both Atty. Baguilat and Ms. Lidasan, Dr. Adiong then reiterated his points, asking how customary laws can be reconciled with national legislation, particularly considering the ongoing implementation of the IP Code of the Bangsamoro. Given that the IP Code aims to protect and promote the rights, cultural practices, and legal traditions of both Moro and non-Moro Indigenous Peoples in the region, Dr. Adiong highlighted the potential for conflict between national laws, such as the Indigenous Peoples' Rights Act, and the customary laws of individual communities. He sought clarity on the mechanisms and processes in place to address such conflicts, emphasizing the importance of ensuring that both legal protections and cultural integrity are upheld in cases where contradictions arise.

In response, Atty. Baguilat addressed the complexities surrounding the delineation of IP lands and the reconciliation of conflicting laws in the Bangsamoro Autonomous Region in Muslim Mindanao. He began by citing the Bangsamoro Parliament's issuance of Resolution No. 38 in 2019, which acted as a cease-and-desist order against the National Commission on Indigenous Peoples regarding the delineation of Teduray and Lambangian ancestral domains in Maguindanao. He noted the problematic nature of this resolution, as the Parliament lacks the authority to mandate such actions. Despite this, the NCIP appeared to comply, treating the resolution more as a request.

Atty. Baguilat highlighted the broader issue of determining the NCIP's jurisdiction within BARMM and its role in resolving land conflicts. He emphasized that legal consistency is critical, asserting that any legislation enacted by the Bangsamoro Transition Authority must align with the Bangsamoro Organic Law, the Philippine Constitution, and international frameworks like the United Nations Declaration on the Rights of Indigenous Peoples. He explained that since the BOL explicitly states that it does not diminish IP rights, any BTA actions inconsistent with these laws could be struck down as unconstitutional, though this process would involve lengthy court proceedings.

Focusing on BTA Bill No. 273, Atty. Baguilat underscored the importance of ensuring that the law does not conflict with existing legal protections under the IPRA and UNDRIP. He noted overlapping issues, such as the shrinking of ancestral domains in areas like Camp Omar due to settler encroachment, and the recognition of pre-existing rights under the IPRA, which complicates

the situation. He stressed that the bill must take the time to consider public input to avoid future legal challenges. The lack of consultation and perceived dismissal of IP concerns during previous discussions raised significant apprehension among Indigenous groups.

Atty. Baguilat further emphasized the importance of genuine and inclusive participation in legislative processes. He urged the Bangsamoro Parliament to listen to IP communities and incorporate their feedback to ensure the bill aligns with the intent and spirit of the BOL. He pointed out specific provisions in the BOL dedicated to the protection of non-Moro Indigenous Peoples, which must be upheld to avoid further marginalization.

Additionally, Atty. Baguilat highlighted the growing international attention on these issues. He mentioned that during a recent academic forum with the UN Special Rapporteur on Indigenous Peoples, concerns raised by the Teduray and Lambangian communities were discussed, including the potential threats posed by extractive industries under BTA Bill No. 273. He encouraged stakeholders to leverage this international spotlight to advocate for stronger safeguards and accountability in the region.

Atty. Baguilat called for collaborative efforts to reconcile conflicting laws and ensure that no group is left behind. He reminded participants that the ultimate goal is peace and urged them to honor prior agreements that uphold IP rights. By fostering inclusivity and transparency, he asserted, the Bangsamoro government could build trust and avoid the return of past conflicts.

Ms. Lidasan then noted that although national laws are designed to serve the entire population, they often overshadow the voices of minority groups, such as IPs. She stressed that the struggle of IPs to assert their rights is rooted in their lived experiences and historical marginalization. Without this resistance, frameworks like the IPRA would not have emerged, as they are the product of the continuous fight of Indigenous communities to protect their ancestral domains and cultural heritage.

Ms. Lidasan pointed out that the dominant concept of development embedded in national laws frequently fails to recognize the unique relationship IPs have with their lands. She argued that the focus on majority-driven development often disregards grassroots realities, resulting in laws that facilitate the

encroachment upon Indigenous ancestral domains. To address this, she called for both the national government and the Bangsamoro government to listen to IP voices and recognize the wisdom inherent in protecting ancestral lands. For Ms. Lidasan, this protection is crucial not only for the survival of IPs but for the future of society as a whole.

Drawing parallels to the struggle of the Moro people, Ms. Lidasan emphasized the importance of perseverance in fighting for rights. She highlighted international examples where IPs successfully regained their rights and achieved recognition after decades, or even centuries, of oppression. She argued that the state must bend to acknowledge and protect these rights, adding that this process should include an apology for historical injustices against IPs.

Ms. Lidasan also critiqued the tendency of national laws to claim representation of the so-called “majority,” which often prioritizes elite interests rather than the needs of marginalized communities. She advocated for a more inclusive approach to governance, one that uplifts the struggles of minorities and integrates their rights into the broader framework of societal rights. She underscored the need to redefine the concept of “majority” to truly reflect the collective rights and voices of all members of society, not just the privileged few.

In conclusion, Ms. Lidasan urged for solidarity in defending the rights of IPs. She called for collective action to ensure that their rights are recognized and upheld alongside the rights of other marginalized groups. By fostering inclusivity and respecting the voices of grassroots communities, society can move toward a more equitable and just future.

## **ROLE OF ETHNOGRAPHIC RESEARCH IN ENHANCING IPS' PARTICIPATION IN GOVERNANCE**

Mr. Licayan responded to a question from a participant from Ateneo de Manila University regarding the role of ethnographic research in enhancing the participation of IPs in the governance of the Bangsamoro Autonomous Region in Muslim Mindanao. He began by acknowledging the limitations faced by the Legislative Research Division of the Policy Research and Legal Services in conducting ethnographic research, primarily due to restricted funding and resources. This lack of financial support has hindered their ability to collaborate with anthropologists and conduct primary data collection. Instead, their work relies heavily on open-source data, which he admitted is often inadequate and does not fully represent the cultural realities of many indigenous groups.

Mr. Licayan highlighted the need for intensive ethnographic studies to better understand the cultural perspectives of underrepresented Indigenous communities within BARMM. While groups like the Blaan, Higaonon, and Labiangan have been relatively well-documented, other communities, particularly those in the island provinces, remain under-researched. He emphasized that understanding the unique cultural heritage and practices of these communities is crucial for their effective integration into the governance structure and for fostering their active participation in political and social processes.

Addressing the broader implications of ethnographic research, Mr. Licayan stressed the importance of democratizing knowledge and making research findings accessible to a wider audience. By doing so, policymakers and stakeholders can gain deeper insights into the lived experiences of Indigenous cultural communities. This, in turn, can inform more inclusive and evidence-based legislation. He underscored that effective legislation should be grounded in thorough research to ensure it genuinely addresses the needs and aspirations of the communities it aims to serve.

Mr. Licayan also called attention to the essential role of research in policy-making, noting that it provides the necessary foundation for creating inclusive and well-informed laws. He expressed hope that future collaborations with

anthropologists and researchers, both locally and internationally, could enrich the understanding of Bangsamoro Indigenous communities and their integration into governance. By incorporating ethnographic findings, the BARMM government could better reflect the diverse voices and perspectives of its constituents in its policies and programs.

Mr. Licayan reiterated the importance of investing in ethnographic research to bridge knowledge gaps and promote inclusivity in governance. He expressed optimism that greater access to research data and collaboration with experts would lead to more genuine and inclusive political participation for Indigenous Peoples in the BARMM region. Through such efforts, he believed that governance in the region could more effectively address the unique cultural contexts and needs of its diverse Indigenous communities.

## **CONSULTATION WITH IPS FOR THE PROPOSED IP CODE IN THE BANGSAMORO REGION**

Dr. Adiong addressed a question raised by a participant regarding the consultation process with IPs for the proposed Indigenous Peoples Code in the Bangsamoro region. He clarified that public consultations were conducted; however, the central issue lies in the transparency of integrating the feedback from consultations into the drafting of the bill. He noted that consultation responses often end with generic remarks like "We will take note of your position," which raises concerns about how well the perspectives of stakeholders, particularly IPs, are incorporated into the final legislation.

Dr. Adiong highlighted the importance of ensuring that the voices of those consulted, especially IPs, are meaningfully integrated into the proposed IP Code. This transparency is crucial to reflect the diverse concerns and aspirations of stakeholders in the legislative process.

Another challenge Dr. Adiong discussed was the political representation of IPs within the Bangsamoro Parliament. He observed that the current structure provides only two IP representatives, which underscores the need for stronger political alliances. In a parliamentary system, forming alliances is critical for promoting specific interests, including those of IPs. For example, these alliances could focus on shared concerns such as climate change, health, and security.

Looking ahead to the 2025 elections, Dr. Adiong emphasized the need for elected members of Parliament to prioritize and align the interests of IPs with broader legislative goals. This requires forging alliances that can amplify IP concerns and ensure their integration into policymaking processes.

Dr. Adiong also recognized key figures, such as Atty. Pabelic, Ms. Lidasan, and Atty. Baguilat, noting that they were consulted during the development of the IP Code. However, he reiterated the importance of questioning how transparent the integration of position papers and feedback has been in the law-making process. This transparency is essential for fostering trust and ensuring that the proposed IP Code genuinely reflects the needs and rights of Indigenous communities.

In conclusion, Dr. Adiong called for a more transparent and inclusive legislative process that integrates the inputs of IPs into the proposed IP Code. He stressed the importance of political representation and alliances in ensuring that IP interests are adequately addressed in the Bangsamoro Parliament.

Atty. Baguilat then shared his own observations regarding the consultation process for the proposed IP Code in the Bangsamoro region. He recounted his participation in a consultation held in Metro Manila, where representatives, including one from his institute, were invited to present their position papers. However, the process was limited to merely stating their positions without any meaningful discussion or debate. He noted that participants' contributions were simply acknowledged and recorded, with no further engagement or assurance of integration into the legislative process.

He also highlighted the critical challenge of ensuring that the feedback from consultations is reflected in the legislative drafting process. He pointed out that the true test of whether stakeholder concerns are integrated will come during the second reading of the proposed bill in the Bangsamoro Parliament. This stage, which involves parliamentary debate, will reveal if the concerns raised during consultations were meaningfully incorporated or ignored.

However, Atty. Baguilat expressed concerns over the public messaging surrounding the consultation process. He noted that press releases often present a narrative of full support and harmony, creating the impression that

there are no unresolved concerns. This, he warned, can be misleading and could obscure genuine issues raised during consultations. Such portrayals may undermine trust in the process and lead to apprehension among stakeholders.

Despite these concerns, Atty. Baguilat remained hopeful. He emphasized his belief in the system and its commitment to the success of the IP Code. He urged stakeholders to remain vigilant during the parliamentary debates and second reading of the bill. Monitoring these discussions will be critical to ensuring that the voices of IPs and other stakeholders are adequately represented and that the legislative process remains transparent and inclusive.

In conclusion, Atty. Baguilat stressed the importance of both trust in the system and active vigilance by stakeholders to ensure that the proposed IP Code genuinely addresses the needs and rights of Indigenous Peoples.



---

# CENTER FOR INTEGRATIVE AND DEVELOPMENT STUDIES

Established in 1985 by University of the Philippines (UP) President Edgardo J. Angara, the UP Center for Integrative and Development Studies (UP CIDS) is the policy research unit of the University that connects disciplines and scholars across the several units of the UP System. It is mandated to encourage collaborative and rigorous research addressing issues of national significance by supporting scholars and securing funding, enabling them to produce outputs and recommendations for public policy.

The UP CIDS currently has twelve research programs that are clustered under the areas of education and capacity building, development, and social, political, and cultural studies. It publishes policy briefs, monographs, webinar/conference/forum proceedings, and the Philippine Journal for Public Policy, all of which can be downloaded free from the UP CIDS website.

---

## THE PROGRAM

The **Decolonial Studies Program (DSP)** focuses on the varying dimensions of coloniality/modernity that continue to impact the Global South societies and hinder their institutions from achieving their liberating potential. The term modernity/coloniality is often used with reference to continuing and often deleterious processes, conditions, and altitudes brought about by the colonial period that, Anibal Quijano and Walter Mignolo argue, are inextricably linked to the epistemology of modernity.

---

# EDITORIAL BOARD

Rosalie Arcala Hall  
EDITOR-IN-CHIEF

Honeylet L. Alerta  
DEPUTY EDITOR-IN-CHIEF

## PROGRAM EDITORS

### ■ EDUCATION AND CAPACITY BUILDING CLUSTER

Dina S. Ocampo  
Lorina Y. Calingasan  
EDUCATION RESEARCH PROGRAM

Fernando dIC. Paragas  
PROGRAM ON HIGHER EDUCATION  
RESEARCH AND POLICY REFORM

Marie Therese Angeline P. Bustos  
Kevin Carl P. Santos  
ASSESSMENT, CURRICULUM, AND  
TECHNOLOGY RESEARCH PROGRAM

Ebinezer R. Florano  
PROGRAM ON DATA SCIENCE FOR  
PUBLIC POLICY

### ■ SOCIAL, POLITICAL, AND CULTURAL STUDIES CLUSTER

Rogelio Alicor L. Panao  
PROGRAM ON SOCIAL AND  
POLITICAL CHANGE

Darwin J. Absari  
ISLAMIC STUDIES PROGRAM

Herman Joseph S. Kraft  
Francis Rico C. Domingo  
STRATEGIC STUDIES PROGRAM

Marie Aubrey J. Villaceran  
Frances Antoinette C. Cruz  
DECOLONIAL STUDIES PROGRAM

### ■ DEVELOPMENT CLUSTER

Annette O. Balaoing-Pelkmans  
PROGRAM ON ESCAPING THE  
MIDDLE-INCOME TRAP: CHAINS FOR CHANGE

Antoinette R. Raquiza  
Monica Santos  
POLITICAL ECONOMY PROGRAM

Eduardo C. Tadem  
Ma. Simeona M. Martinez  
PROGRAM ON  
ALTERNATIVE DEVELOPMENT

Leonila F. Dans  
Iris Thiele Isip-Tan  
PROGRAM ON HEALTH  
SYSTEMS DEVELOPMENT

### ■ NEW PROGRAMS

Maria Angeles O. Catelo  
FOOD SECURITY PROGRAM

Weena S. Gera  
URBAN STUDIES PROGRAM

Benjamin M. Vallejo, Jr.  
CONSERVATION AND BIODIVERSITY

Rosalie B. Arcala Hall  
LOCAL AND REGIONAL STUDIES NETWORK

---

## EDITORIAL STAFF

Jheimeel P. Valencia  
COPYEDITOR

Alexa Samantha R. Hernandez  
EDITORIAL ASSISTANT

Jessie Feniquito  
Mikaela Anna Cheska D. Orlino  
LAYOUT ARTISTS

