

Silenced Narratives: Assessing the Human Rights Situations of Indigenous Peoples in the Philippines

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Abstract. This article presents an analysis of the human rights situations experienced by many indigenous peoples (IPs) throughout the Philippines. Through an analysis of various sources, it uncovers a range of alarming violations of human rights confronted by IPs, including forced evictions and land grabbing, as well as the degradation of their cultural heritage. It also emphasizes the historical and inherent rights of IPs concerning ancestral territories and self-determination, as protected by national and international laws. A meticulous evaluation of the Philippine government, particularly the National Commission on Indigenous Peoples, exposes substantial inadequacies when it comes to fulfilling their duty to safeguard these rights and combat human rights violations. Drawing on these revelations, this article emphasizes the imperative for the Philippine government to take resolute action in acknowledging and preserving the rights of IPs. Additionally, this calls for the adoption of an approach based on human rights to effectively tackle the challenges confronted by indigenous communities. Above all, this article underlines the utmost significance of ensuring the complete realization of these rights for IPs in the country. It ardently advocates for unwavering monitoring and dedicated advocacy endeavors in this pivotal sphere, aiming to instigate substantial transformations and address the systemic issues that persist.

Keywords: Indigenous peoples; Human rights violations; Philippines; Ancestral territories, Advocacy efforts.

1.0 Introduction

As per the 2015 national census, a notable segment of the Philippines' population is identified as indigenous, ranging from 10% to 20% of the overall national population, amounting to 100,981,437 individuals (IWGIA, 2022). IPs globally continue to rank among the most poor, most excluded, and the most marginalized sectors of the population, facing a variety of issues such as poverty, human rights abuse, suffering disproportionately in domains like education and healthcare, and regularly facing systematic prejudice and exclusion (Bamba et al., 2021).

Human rights are as old as human civilization. They are necessary for a dignified and respectable existence, as well as the proper development of human personality. But what are our indigenous brothers and sisters going through? Isn't it only fair that indigenous communities deserve the same rights that others have been fortunate enough to enjoy? How can we take meaningful action to support them in exercising their fundamental rights as human beings?

It is undeniable that the Philippines has shown its commitment to the rights of indigenous peoples by supporting the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and ratifying the Indigenous

Peoples Rights Act (IPRA) of 1997, which draws heavily from the ILO Convention No. 169 (Doyle, 2020). Despite various initiatives, cases of discrimination, unfair treatment, exclusion from political involvement and economic advantages, exclusions, and loss of ancestral lands are still felt by many of the IPs. There are challenges in implementing these rights, particularly in the context of the Philippines' colonial and post-colonial legal frameworks (Doyle, 2020). Doyle (2020) compares the Philippines' recognition of indigenous peoples' rights with the provisions of ILO Convention 169, which suggests that ratification of the convention could benefit the indigenous peoples by enhancing the implementation of their rights.

The human rights situation of indigenous peoples in the Philippines was marked by a range of challenges. Rodriguez et al. (2022) highlighted the need for ethical guidelines in genetic research among indigenous communities, which emphasizes the importance of respecting their rights and autonomy. Bamba et al. (2021) proposed a culturally sensitive approach to community organizing that would involve indigenous knowledge and participation. Sinay et al. (2021) identified inconsistencies in the protection of indigenous rights in the management of coastal areas and small islands, calling for policy advocacy and empowerment. Eduardo and Gabriel (2021) underscored the barriers to education faced by the Dumagat community, including poverty and the use of English as the primary medium of instruction. These studies collectively point to the need for a more comprehensive and rights-based approach to addressing the challenges faced by indigenous peoples in the Philippines.

The main objective of the paper is to offer an assessment that is thorough about the country's indigenous peoples' human rights condition. A review of current laws, how they are implemented, and experiences with them will be covered, as well as the implementation or enforcement of the same. Moreover, the paper aims to identify key elements of the current institutional and legal framework as well as means for advancing and upholding human rights.

2.0 Methodology

2.1 Research Design

This study uses a systematic review framework as its research methodology. This involved a comprehensive as well as structured examination of the available literature, reports, and documents related to indigenous peoples in the country and their human rights conditions. This systematic review ensures a rigorous and transparent analysis of the available evidence, allowing a comprehensive assessment of the human rights situations affecting indigenous communities.

2.2 Data Source

The research data for this study encompasses various sources of literature, reports, and documents related to indigenous peoples' human rights conditions in the country. These sources may include national and international databases, government publications, academic journals, and reports from non-governmental organizations (NGOs) and human rights agencies.

The selection criteria for the systematic review were based on the relevance of the studies to the topic, their publication in peer-reviewed journals, and their focus on indigenous communities. Bamba (2021) and Ninomiya et al. (2017) both emphasized the importance of community engagement and the inclusion of indigenous perspectives in research, which likely influenced the selection of sources. Huria et al. (2021) and Roche (2017) highlighted the need for a comprehensive understanding of the social, cultural, and structural factors affecting indigenous communities, which have also influenced the selection of sources.

2.3 Data Gathering Procedure

The data-gathering procedure involves several steps. Firstly, relevant literature, reports, and documents about the human rights conditions of indigenous peoples were identified through comprehensive searches of databases and repositories. Next, these sources were systematically reviewed and analyzed using predetermined criteria to extract pertinent information. The extracted data were then synthesized and interpreted to provide insights into the human rights situation affecting indigenous communities.

2.4 Ethical Considerations

In conducting this systematic review, the researcher adheres to principles of integrity, confidentiality, and respect for intellectual property rights. Moreover, meticulous attention is given to proper citation and attribution practices when utilizing information from existing sources.

3.0 Results and Discussion

3.1 Demographic Profile of IPs in the Philippines

Indigenous Peoples: Distribution Across the Philippines

The indigenous communities in the country trace their roots back to a rich and diverse array of origins. There are more than a hundred ethnic communities, comprising the lineage of the Philippines, with around 14 to 17 million indigenous peoples, reflecting the incredible diversity of biological and ecological systems that the nation's more than 7,000 islands can truly boast (UNDP, 2013). IPs and cultural communities, as diverse as the archipelago's entire flora and fauna, have made their home in the different ecological territories. Moreover, the classifications of IPs in the Philippines are composed of eight (8) significant groups, which comprise around 100 ethnolinguistic groups and are dispersed throughout about sixty (60) provinces of the country (Tindowen, 2016).

The Lumads, who are non-Muslim IP groups of Mindanao, comprise the largest current population, while Cordillera's IP groups, the "Igorots," also make up a large part of the IP populace. Caraballo tribes from the mountain ranges of Eastern Central Luzon, Central Luzon's Agta and Aeta or Negrito, the Mangyans from Mindoro, the hill tribes of Palawan, the IPs of the Visayas regions, and the Mindanao's Islamic IP comprise the other major groups of IPs in the country (FPE, n.d.).

Table 1 reflects the top ten indigenous peoples in the country as identified by NCIP, wherein about 48.3% of all IPs in the Philippines were made up by the top 10 IP groups (Philippine Statistics Authority, 2023).

Table 1. Top 10 Indigenous Peoples in the Philippines

Rank	Indigenous Peoples	Number	Percent to Total Ips
	<i>Total IPs</i>	<i>9,841,785</i>	<i>100%</i>
	<i>Total of Top Ten IPs</i>	<i>4,754,694</i>	<i>48.3%</i>
1	Subanen/Subanon	758,499	7.7%
2	Manobo	644,904	6.6%
3	Mandaya	523,475	5.3%
4	Kankanaey	466,970	4.7%
5	Ibanag	463,390	4.7%
6	Higaonon/Higa-onon	452,338	4.6%
7	Sama/Samal*	398,666	4.1%
8	Blaan	373,392	3.8%
9	Cuyonen/Cuyunon	339,606	3.5%
10	Iranun/Iraynun*	333,454	3.4%

Note: *Declared by the NCMF as a Muslim tribe

Source: Philippine Statistics Authority, 2020

Who are the Indigenous Peoples?

As defined in Republic Act No. 8371, indigenous peoples are those with a unique identity recognized by both them and others. They live in organized groups on communal lands, where they've continuously lived, sharing a common language, customs, and traditions. Some have maintained their distinctiveness through resistance to

outside influences, while others trace their lineage back to pre-colonial times, preserving their ways despite potential displacement.

3.2 Realizing Indigenous Peoples' Human Rights

Equality and Discrimination

International Human Rights Legislation

The inherent and undeniable human rights precepts of equality as well as nondiscrimination are ingrained in legal frameworks, necessitating no further validation. Numerous international laws encompassing the rights of IPs derive their foundation from human rights conventions. Among these, UNDRIP stands as the most extensive tool, intricately outlining the rights of IPs and establishing essential benchmarks for their acknowledgment, safeguarding, and advancement.

National Legislation

1. The 1987 Philippine Constitution

The primary legal foundation for all legislation and ordinances relating to IPs is the 1987 Philippine Constitution. It talks about four important sections about the State's acceptance of IPs/ICCs rights (Official Gazette, 1987):

- Section 22 of Article II talks about how the rights of the ICCs are being acknowledged and upheld as far as national unity as well as development are concerned.
- Article XII, specifically under Section 5, discusses the responsibility of the State to safeguard ICCs' rights to their ancestral lands and to guarantee their cultural, economic, and social well-being.
- Article XIII, particularly Section 6, states that the government must follow rules for sharing or using natural resources like land. It mentions considering the rights of small farmers and ICCs to their ancestral lands; and
- Section 17 of Article XIV talks about how the government must protect as well as respect ICCs' rights to keep their institutions, traditions, and cultures alive. It also says that these rights should be considered when making national plans and policies.

2. Republic Act No. 8371

R.A. No. 8371 (Indigenous Peoples' Rights Act, or IPRA) is a significant legal framework aimed at protecting the rights of IPs in the Philippines. The law acknowledges the presence of IPs as a unique sector within the country and outlines their rights. It categorizes these rights into four distinct clusters (Official Gazette of the Philippines, 1997). These rights include social justice and human rights, rights to ancestral lands, right to self-governance or autonomy, as well as cultural integrity.

Under this law, the IPs are entitled to own and control the land and resources in their ancestral domain (Official Gazette of the Philippines, 1997). In addition, this law also grants them the right to govern themselves, ensures social justice, and protects human rights, along with preserving their cultural integrity (Official Gazette of the Philippines, 1997). It is also provided under this law their right to approve or disapprove of specific development projects in their communities (Official Gazette of the Philippines, 1997). Here are some specific requirements under IPRA (Official Gazette of the Philippines, 1997):

- a.* The law requires the Free, Prior, and Informed Consent (FPIC) of every IP/ICC member. There is a need for the proponent of the project to secure FPIC following the community's procedures, and it is specifically required from the affected community.
- b.* The law ensures that IPs have complete access to project records and information through an agreement on full disclosure.
- c.* Submitting an environmental and socio-cultural impact statement is necessary, following DENR's standard procedure known as the Environmental Impact Statement (EIS) System.
- d.* The project author must agree with IPs on compensation, bonds, benefit sharing, and protecting indigenous rights and values.

3. Republic Act No. 8425 (Enacted December 11, 1997)

RA No. 8425 establishes and strengthens the 'Social Reform Agenda' to address poverty. It highlights the creation of the National Anti-Poverty Commission (NAPC) as part of this initiative. It followed a sector-based,

area-based approach to tackling poverty that aims to give every Filipino family the avenue they need to meet the most basic requirements in terms of housing, income security, food and nutrition, water and environmental sanitation, security, education, family support, and mental well-being. To combat poverty, social change must take a multifaceted, cross-sectoral strategy that respects and acknowledges the fundamental beliefs, cultural integrity, and spiritual variety of the sectors and communities. One of the sectors represented in the NAPC is indigenous peoples.

4. NCIP Administrative Issuances

The NCIP has released several administrative orders, circulars, and programs, including the ones listed below:

Administrative Order No. 1, s. 1998. IPRA's Implementing Rules and Regulations (IRR) are included in this Administrative Order of NCIP. The FPIC process is the main regulatory instrument for safeguarding. The following must undergo FPIC:

- a. Activities like exploring, developing, exploiting, and using natural resources in ancestral domains/lands.
- b. Research of native practices, processes, and knowledge in the fields of forestry, agriculture, and resource management, as well as in the fields of medicine and science, biodiversity, bioprospecting, and the collection of genetic resources.
- c. Relocation, access to sacred sites, and archaeological research.
- d. Policies that would impact the well-being and rights of IPs/ICCs, as well as military operations in ancestral lands.

Administrative Order No. 3, s. 1998, acknowledges and honors all pre-existing agreements and other concessions within ancestral domains that were established before the effective date of Administrative Order No. 1, issued in 1998. In response to the prospect of several mining corporations withdrawing their investments because they think some of the provisions of the IRR are unfavorable, NCIP issued supplemental guidelines. These businesses were particularly worried that Section 1 of this administrative order (A.O. No. 3) would void any existing agreements established in ancestral lands. To address these allegations, a mining task group was set up by the Office of the President inside the Economic Mobilization Group (The World Bank, 2007). Therefore, NCIP Administrative Order No. 3, s. 1998 can be seen as a resolution of a disagreement with the mining advocacy group. Because of these rules, mining companies with agreements, permits, and contracts that were approved before 1998 can already proceed with their mining activities without needing FPIC approval (The World Bank, 2007). Instead, they need to get a certification from the NCIP beforehand, which streamlines the process and allows them to proceed with their mining activities in compliance with the new regulations (The World Bank, 2007).

Administrative Order No. 1, issued in 2002, establishes a Special Committee to review and verify ancestral domain and land titles approved by the previous NCIP Commissioners (The World Bank, 2007). Suspicions of irregularities in the issue of these certifications led to the establishment of the special committee. Upon conducting its investigation, the special committee will propose the most suitable course of action regarding the certificates of ancestral domain titles to the commission, considering its findings (The World Bank, 2007). This directive comprehensively lists the various types of instances considered anomalous that the Committee will investigate, encompassing cases involving significant flaws, infirmities, fraud, coercion, threats, and misrepresentations. According to the administrative order, if the ancestral domain certificates or certificates of ancestral land titles are proven to be anomalous, it is obligatory to revoke or reject them (NCIP Administrative Order No.1, 2022)

Administrative Order No. 2 (2002) necessitates a detailed review of DENR records related to ancestral domain and land claims certificates. Furthermore, it stipulates the establishment of Special Provincial Task Forces to conduct on-site validations of these claims, with the Ancestral Domains Office (ADO) overseeing the process. The following must receive special attention during the field validation: the veracity of the claimants' names as they appear in the previous census if there is any; the communities' confirmation regarding their actual consent to the

conversion is sought; the validation process involves verifying the authority of the community representative in the conversion application; and presenting to the community the survey plan for their confirmation.

Administrative Order No. 3, issued in 2002. The implementation of this supersedes A.O. No. 3 by introducing new guidelines for CP/FPIC issuance. In the past AO, certification was given for areas that were not inhabited by IPs, and FPIC for those areas with IPs. Nevertheless, the updated guidelines address this by clarifying that the certification will be issued by NCIP, and the FPIC will be issued by the IP community. Additionally, the NCIP has the authority to impose a certification requirement on projects, irrespective of whether they are found inside or outside of the territories traditionally inhabited or owned by IPs.

Administrative Circular No. 1 from 2003 declares that NCIP holds original and exclusive jurisdiction, through its Regional Hearing Officer, over various types of cases (Republic of the Philippines, n.d.). These encompass a range of conflicts and contentions concerning ancestral lands of IPs/ICCs, transgressions against the FPIC requirement, legal actions about decisions made by IPs/ICCs for breaking customary laws or disrespecting sacred places, as outlined in RA 8371 specifically in Section 8(b), and other analogous cases. Moreover, it emphasizes the primary role of the IP community's council elders in attempting to resolve cases internally. If a resolution cannot be reached, they can ask the Regional Hearing Officer for help by giving a written statement explaining why.

Administrative Order No. 3, issued in 2003. This aims to establish a multi-level consultative body at the different administrative tiers or scales within the country's governance structure (national, regional, provincial), with similar structures to be set up at the community level. Coordinating committees will assist the NCIP in organizing this consultative body.

Administrative Order No. 1 from 2004. This underscores the gradual and methodical approach involved in formulating the Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs). These plans embody the aims, purposes, policies, and approaches of the IPs to sustainably manage and develop their ancestral domains, including everything within, like people and their cultural knowledge and practices. The ADSDPP also encompasses a comprehensive list as well as a schedule of programs and/or projects focused on sustaining and safeguarding ancestral lands. It serves as a powerful tool for empowering IPs and as a blueprint for their overall development plan.

Administrative Order No. 1, issued in 2006. This revokes A.O. No. 3 (s. 2002), introducing fresh guidelines for FPIC. The new guidelines distinguish between the certification requirement and non-overlap certificate. The former pertains to the NCIP-issued certificate, affirming the applicant's compliance with FPIC requirements from affected IPs/ICCs. On the other hand, the non-overlap certificate is provided by the NCIP Regional Director, confirming that the proposed initiative does not intersect with any ancestral land. In contrast to the previous administrative order, the issuance of both certificates is now the responsibility of the NCIP Regional Director. The earlier order stipulated that the certification precondition would be issued by the ADO, but this has been revised, and the authority now rests with the NCIP Regional Director. Verification of non-overlaps with ancestral domain areas involved cross-referencing the suggested project location together with the approved ancestral domain areas list. As for the approval of any initiative by the indigenous community, a "resolution of consent" is used to document it, whereas a "non-consent resolution" is used to conclude the FPIC refusal.

5. Other Philippine Laws

The following are some other pieces of legislation that partly discuss indigenous peoples' rights and contribute to Philippine jurisprudence on IPs' rights:

Commonwealth Act No. 141, or the Public Land Act. Although this was approved in the time of the Commonwealth in the country, this law is still in effect. As provided under Sections 7 and 8 of the said law, confirming titles that are incomplete or imperfect can be achieved through two avenues. Titles can be confirmed either through court proceedings (judicial legalization) or administrative processes, which is known as the free patent. To qualify for either option, the applicant must demonstrate continuous, uninterrupted, and sole ownership of the land since 1945. Nevertheless, for the former, the area that can be legalized is limited to 144 hectares, while for the second,

the limit is not to exceed more than 24 hectares. Indigenous peoples have the option to utilize either of the two ways mentioned.

The Philippine Environmental Impact Statement System of 1978, also known as Presidential Decree 1586. Under this legislation, projects with significant environmental importance or those located in environmentally sensitive and/or critical areas are classified as those for which an Environmental Impact Statement (EIS) must be submitted. Section 4 requires individuals, partnerships, or corporations to acquire a certificate on environmental compliance before starting or running any part of environmentally critical projects in environmentally critical areas.

Republic Act No. 4846. As modified by PD 374, this legislation stipulates that exclusive authority for archaeological explorations, assessments, and excavations lies with the National Museum of the Philippines. Any violation of this law is subject to fines. The National Museum asserts that this law applies nationwide. Consequently, agencies or individuals, including those in the academe, intending to engage in archaeological practice must obtain a permit from the National Museum to conduct their work.

Republic Act 6657, or the Comprehensive Agrarian Reform Law (CARL). This law, which has implications for IPs, offers legal safeguards for ancestral domains and lands. Paragraph 5 under Section 2 of this law stipulates that the government will be utilizing the guiding principles underlying the structuring of land ownership and distribution when managing natural resources, as appropriate, particularly public lands suitable for agriculture. It also highlights the indigenous communities' rights to ancestral land. This legislation signifies the primacy of the IPs' rights when it comes to ancestral domain/land compared to those of farmers. Additionally, the law says that when renting out undeveloped public lands to eligible entities for farming, whether it's traditional crops or new ones that need a lot of investment, particularly for export, IPs' rights to their native lands shall also be duly acknowledged (Section 2, paragraph 12).

Republic Act 7076, or the People's Small-Scale Mining Act of 1991. This law permits citizens of the Philippines to establish cooperatives, which need approval from the DENR to extract minerals. However, indigenous peoples will be prioritized for obtaining licenses or contracts within designated ancestral lands. Republic Act 7076 doesn't cover active mining areas, which exposes indigenous peoples to the intrusion of established large-scale miners into their indigenous lands.

The 1991 Local Government Code, or R.A. No. 7160. This law allows ICCs to decide if they want to create 'tribal barangays.' As per Section 386 of this Code, Congress can pass a law to create barangays in indigenous cultural communities, aiming to improve basic service delivery, in disregard of the prerequisites for the establishment of a barangay. This alternative is duly acknowledged in the IPRA (Section 18), wherein it is specified that IPs or ICCs hailing from areas where they are the main population but not the majority in a city, municipality, or province, can create a separate barangay following the Local Government Code's guidelines for forming tribal barangays.

The 1992 National Integrated Protected Areas System Act, also known as R.A. No. 7586. This law is tailored to ensure the preservation of protected areas against additional encroachments while permitting development projects that align with their purpose or bolster their safeguarding. It also encompasses explicit clauses safeguarding the cultural communities' rights to their ancestral lands. According to this legislation, IPs are protected from eviction within these conservation areas.

"Strategic Environment Plan for Palawan," also known as R.A. No. 7611. This serves as a comprehensive framework plan for all the islands within Palawan. The framework plan guides government agencies in creating and carrying out programs, projects, and plans that affect Palawan's natural resources. It introduces a system called the Environmentally Critical Areas Network, which aims to oversee the protection and development of Palawan as a whole. One of the key goals of this network is to safeguard the IPs' rights and preserve their rich cultural heritage.

The 1995 Philippine Mining Act, also known as R.A. No. 7942. This legislation gives ICCs the authority to approve or reject mining projects that are being proposed in their areas through FPIC. It establishes clear definitions of ICCs as well as ancestral lands, explicitly banning mining on ancestral lands without ICCs' consent. Moreover, it ensures that the ICCs receive royalty payments for mineral usage, directing these royalties to a trust fund dedicated to the ICCs' socio-economic development.

Republic Act No. 9054. RA 6734 was amended by this law and created the Autonomous Region in Muslim Mindanao (ARMM), which assumes authority and control over a diverse range of matters. These encompass administrative organization, revenue generation, ancestral lands and resources, personal and family matters, regional planning, social, economic, and tourism growth, policies on education, preservation of cultural heritage, eminent domain, and powers previously handled by national government departments. In the context of ARMM, special considerations are given to the indigenous peoples. Notably, the establishment of tribal courts, including the possibility of a Tribal Appellate Court, is outlined. These courts have the important role of adjudicating disputes, rendering decisions, and implementing judgments concerning family as well as property rights, all guided by the indigenous community rules. As a result, the law requires the Regional Assembly to make local laws that mandate collecting and organizing indigenous laws and customs within the region.

Department Administrative Order 2003-30. According to this, locations that have historically been inhabited by tribal or cultural groups are considered environmentally significant areas. As mentioned in the manual (Part 2.2E), this covers all ancestral lands that belong to the National Cultural Communities, as defined under Presidential Decree No. 410 (Section 1). Moreover, this encompasses areas designated as settlements established, executed, and maintained by PANAMIN for national minorities, specifically referring to the non-Muslim hill tribes as stated in PD No. 719. The definitions given might change due to RA 8371 and its corresponding rules and regulations. This applies to areas currently used or asserted as ancestral lands or domains by ICCs, or officially recognized as such through certificates according to Administrative Order No. 2 of DENR, issued in 1993, which outlines the process for identifying and marking claims to ancestral land or domain.

Situation and Assessment

Despite the existence of IPRA, their rights' protection under the 1987 Constitution, as well as the profusion of covenants and treaties at the international level, IPs in the country still face economic marginalization, social discrimination, and a lack of political empowerment (News, 2015). This can be understood within the context of structural inequalities and historical injustices. Drawing on critical theoretical perspectives, such as critical race theory and postcolonial theory, we can analyze how economic marginalization, social discrimination, and political disenfranchisement persist among IPs, particularly in conflict-affected regions like Mindanao. Many have faced difficulties in the development discourse, human rights, peace, and security, especially those in the Mindanao region, where there has been armed conflict, and the socio-economic indicators are at their lowest (News, 2015).

According to the Indigenous Peoples Rights Monitor (n.d.), 120 Indigenous Peoples have been killed outside of the judicial process since 2001, during the presidency of former President Arroyo. Among the victims, there were 13 women, including four who were pregnant, and 16 minors who were affected (Indigenous Peoples Rights Monitor, n.d.). Due to their political views or advocacy to protect their rights as a group from government projects and policies, indigenous peoples have become victims of politically motivated killings. IP leaders and community members continue to feel threatened as they assert their collective rights. From 2010 to 2016, human rights defenders had reportedly been the target of harassment and killing, with a total of 76 documented cases involving indigenous human rights defenders (Tebtebba Foundation, n.d.). Many people have encountered difficulties in discussions about development, human rights, peace, and security, especially those in the Mindanao region, where prolonged armed conflict, and socio-economic measures are typically at their lowest levels.

It is disheartening to discover that extrajudicial killings and threats targeting indigenous peoples in the Philippines have intensified during Duterte's administration. Regrettably, his aggressive "war on drugs" campaign has led to the deaths of numerous individuals, primarily impoverished Filipinos, including a significant number from indigenous communities (Human Rights Watch, 2020). Furthermore, the government

stands accused of engaging in the disturbing practice of "red tagging," where indigenous leaders and activists are unjustly branded as communists or terrorists, resulting in their harassment, arrest, torture, and even loss of life (Amnesty International Public Statement Philippines: End Attacks Against Indigenous Peoples, 2021). This underscores the systemic challenges faced by IPs in asserting their rights and challenging dominant power structures. In response to these distressing circumstances, organizations advocating for indigenous peoples' rights are steadfastly demanding an end to these assaults and seeking justice and accountability for the victims (Amnesty International Public Statement Philippines: End Attacks Against Indigenous Peoples, 2021).

The extra-judicial killings and ongoing threats to IP leaders have given rise to several adverse social impacts, including heightened conflicts, fear, and deepened distrust within indigenous communities, ultimately undermining their system of cooperation as well as solidarity. The IP's efforts to gain respect and acknowledgment of their collective rights have been weakened by the impact of the killings they have faced.

3.3 Conflict Between the IPRA and Other Laws

According to Josefo B. Tuyor et al. (2007), there are perceptions of conflict about some parts of the IPRA law and NCIP rules with other laws like the R.A. No. 8942 (National Museum Act), the R.A. No. 7942, and the R.A. No. 7586. These could be classified as jurisdictional issues, procedural issues, or substantive issues. In terms of the legal system in the Philippines, the more recent the law and its provisions are, the more binding they usually are. The resolution of conflicting implementing rules and regulations (IRR), which are considered subsidiary laws, can be achieved through either harmonization of the agencies' IRR or court proceedings in cases of litigation.

Ancestral Domain vs. Public Domain

The Public Land Act (RA 2874) does not acknowledge original or pre-conquest vested rights comparable to a native title. Instead, the acquisition of ownership of ancestral domains or lands is solely dependent on the "administrative grace" of the State. This poses a direct contradiction to the IPRA, which acknowledges the possibility for IPs to obtain a title certificate per Commonwealth Act 141, subsequently revised as the Public Land Act.

Native Title vs. Private Title

Within the struggle between ancestral domains or lands and Torrens titles, the Comprehensive Agrarian Reform Law tends to lean towards prioritizing the titles of lands registered through the Torrens System. Within the provisions under the Comprehensive Agrarian Reform Law (Section 9), lands that have undergone the Torrens System of titling are given precedence over ancestral domains/lands.

Right to Traditional Practice vs. Right to Modernize

There is conflict about the self-determination of IPs as emphasized by the IPRA versus what the IRR of the NIPAS Act means by "traditional." Section 10 of the IRR states that it involves not using machinery in extraction, following traditional production methods. The decision to retain traditional practices or embrace modernization within their ancestral domains is ultimately left to the discretion of the IPs themselves.

State Law vs. Customary Law

There is confusion between the country's Local Government Code and the IPRA law about the resolution of conflict between ICC/IP members and non-IP. Although it is stipulated under Philippine jurisprudence that new laws prevail over older laws, as such, IPRA does. Nevertheless, there has never been a particular provision under IPRA as to how disputes involving indigenous and non-indigenous peoples could be resolved.

3.4 Ancestral Domain/Land Right

International Legislation

The UNDRIP tackles various land rights, like traditional activities, resources, and managing indigenous lands. Indigenous peoples are entitled to the resources, territories, and lands that they have traditionally owned or used, as stated in Article 26.

National Legislation

As specified under the 1987 Philippine Constitution under Article XII, particularly in Section 5, it says that the government must safeguard the indigenous groups' rights to their ancestral lands, in line with the Constitution and national development policies. In addition, Republic Act No. 8371 of 1997 (Chapter III, Section 7) focuses on the eight rights to the ancestral domain, emphasizing the recognition and safeguarding of entitlements belonging to ICCs/IPs as the rightful owners of ancestral lands.

Situation and Assessment

Land is crucial for indigenous peoples because it determines their existence. Ancestral domain titling, which is facilitated by the NCIP as mandated by IPRA, has been a burden as there is no signification or streamlining of the process. Making the process worse was the issuance of Joint Administrative Order No. 01-12 (JAO 01-10) of DAR, DENR, LRA, and NCIP. The aim was to resolve issues related to jurisdiction as well as operations among government bodies or organizations responsible for issuing titles or deeds that officially recognize land ownership or rights that resulted in delays in the issuance and registration of Certificates of Ancestral Domain Titles (CADTs). The registration of CADTs with the Land Registration Authority (LRA) has been completed for less than 50 out of the 182 CADTs that have been issued (Indigenous Peoples in the Philippines, n.d.). IPs would find it difficult to prevent any intrusion made by migrants or corporations if they were unable to register their ancestral domain with the LRA.

To date, it can be noted that IPs are still denied their lands and resource rights. According to IPRA, ancestral domain refers to lands, water bodies, as well as forests within the territory or jurisdiction of an indigenous community, while ancestral land refers to land that is owned collectively by clans or families within the domain of an indigenous community. This framework is, to some extent, suggesting the essentiality of private land ownership to ensure security. Additionally, what IPRA acknowledges is solely the so-called 'surface right' of the villages, stating that minerals under the ground are still owned by the public or government.

Indigenous peoples' rights to their ancestral lands and resources are crucial for their cultural and physical survival (Wiersma, 2005). Denial of these rights can lead to human rights violations and conflicts (Northcott, 2012). The communal ownership of these lands is integral to the cultural survival of indigenous communities (Perera, 2009). However, indigenous peoples are often excluded from the right to use, manage, and control the water on their lands (Macpherson, 2019).

3.5 Rising Militarization in Indigenous Peoples' Territories

International Legislation

Article 30 of the UNDRIP says that military activities should not happen in indigenous peoples' lands or territories unless there's a valid public interest or the indigenous peoples agree to it freely.

National Legislation

Section 22 of the IPRA says that ICCs and IPs have special protection rights during armed conflict. The State is required to adhere to standards that are recognized and accepted at a global level, such as those outlined in 1949's Fourth Geneva Convention, ensuring the protection of civilians during emergencies and armed conflicts. It's prohibited to forcibly recruit IPs into the armed forces, to enlist minors from ICCs/IPs into the military under any circumstances, or to make IPs leave their lands for military purposes in a discriminatory manner.

Situation and Assessment

The government has deployed military forces in indigenous territories as a response to ongoing armed conflicts within the region and the proliferation of big development projects, which reflects a broader pattern of state intervention driven by armed conflicts and development agendas. Harassment of IPs by the military groups had been reported because of the suspected association of the former with the New People's Army (NPA). Rebel groups are believed to be more active in rugged terrain and areas with poor infrastructure, which are common features of many indigenous territories. In the Cordillera region, four indigenous hunters were killed from 2003 to 2006, in separate incidents, as many IPs have been wrongly accused of being rebels due to some of their indigenous practices, like hunting, where they carry "weapons" (IPR-Monitor, n.d.). The presence of paramilitary groups, specifically Civilian Armed Force Geographical Units (CAFGU), within indigenous areas

has intensified the problem of militarization, with instances of forced recruitment of indigenous peoples to meet recruitment quotas set by the military, as seen in Kalinga Province (IPR-Monitor, n.d.). Just to draw recruits, the absence of employment opportunities, conflicts over tribal lands, and various other disputes have been the military's ways. Consequently, this has resulted in the erosion of cooperation, unity, as well as cohesion among indigenous communities. As reported by an ally of the IPs, the "Kalipunan ng mga Mamamayan ng Pilipinas" (KATRIBU), the military had encamped in 12 villages in the town of Talaingod (Ayroso, 2015).

Manobo chiefs in Talaingon town claimed harassment by soldiers from the Army's 68th Infantry Battalion, according to a mission conducted in many provinces. The troops coerced them into joining Alamara, a Lumad paramilitary group operating in the districts surrounding Davao del Norte and its highlands (Ayroso, 2015). As presented by Silverio (2012), the "Rural Missionaries of the Philippines in Northern Mindanao Region" (RMP-NMR) had charged the CAFGU under the 26th Infantry Battalion (IB) of the Philippines for killing a 23-year-old indigenous leader and an anti-mining advocate. Soldiers of the 26th IB of the Philippine Army together with Bagani Forces, an identified paramilitary group, threatened to massacre a certain village in La Paz, Agusan del Sur, causing several 118 families to flee from their homes (Ellao, 2014). These incidents underscore the complex interplay between security imperatives, development pressures, and indigenous rights, which emphasizes the need for a more subtle comprehension and approach informed by theories of state violence, conflict resolution, and indigenous rights frameworks.

These are just a few of the reported incidents involving indigenous peoples who have, in a way, experienced unfortunate dealings with military/paramilitary groups. The militarization of communities involves the presence of military forces within ancestral territories, either permanently or temporarily, conducting regular military operations that include unwarranted searches of houses, interrogation, and harassment of suspected rebels, and forcing people to join the paramilitary, which violates IP rights, both individual and collective, even though there is a rule for FPIC.

3.6 Right to Health

International Legislation

Article 21 of the UNDRIP says that indigenous peoples are entitled to better social and economic circumstances, without discrimination, in areas like social security, healthcare, work, housing, and education.

National Legislation

Section 25 of R.A. 8371 states that ICCs/IPs are entitled to specific measures, such as jobs, training, housing, health care, and social security, to improve their economic and social circumstances. The State needs to focus on the specific needs of youth, children, the elderly, and women of indigenous descent. Additionally, it ensures that ICCs and IPs can utilize government services like infrastructure, water and power, health care, and education.

Situation and Assessment

The "No Home-Birthing Policy" enforced by the Department of Health (DOH) in collaboration with Local Government Units (LGUs) has led to the creation of ordinances that impose penalties on traditional birth attendants and women who opt for home births. Indigenous women face additional challenges due to the lack or absence of basic social services, such as limited access to health centers, particularly considering the remote locations of indigenous communities (Rishworth et al. 2016; Ruiz et al. 2013; Greeson et al. 2016). This further compounds the difficulties experienced by indigenous women. They face significant challenges accessing healthcare, often having to endure long hikes to reach the nearest health facility. Regrettably, this challenge has contributed to the issue of low birth registration rates among indigenous children. Moreover, the enforcement of a six thousand peso fine for women who opt for home births with the help of traditional attendants serves as a deterrent, discouraging them from registering their children. These policies and their enforcement are detrimental to maternal and child health, as they often disregard the cultural, social, and emotional risks and realities faced by these women (Rishworth et al., 2016). The lack of access to culturally appropriate care and sustainable funding further exacerbates the situation (Ruiz et al., 2013). Additionally, the imposition of penalties for home births can create new financial burdens and widen health, economic, and gender inequities in these communities (Greeson et al., 2016).

As a response to the non-existence of health facilities in many IP communities, the Modified Conditional Cash Transfer (MCCT) program was introduced by the Department of Social Welfare and Development (DSWD), which could be considered one of the most effective government programs as it is meant to address problems identified with the Pantawid Pamilyang Pilipino Program (4Ps). These challenges encompass the inadequacy of catering to cultural and language requirements, the isolation due to geographical seclusion, and the insufficient education and health facilities in the indigenous communities. As per DSWD's identification of geographically isolated and disadvantaged areas, all MCCT beneficiaries, including IPs, are automatically signed up and included as indigent members under the National Health Insurance Program (NHIP) as specified through PhilHealth Circular No. 2015-040. A total of 663,616 indigenous families benefit from the Pantawid Pamilyang Pilipino Program (4Ps) (Cudis, 2020). This approach aligns with theories of social welfare and indigenous rights frameworks, which emphasize the importance of culturally sensitive interventions to address systemic inequities.

3.7 Right to Education

International Legislation

UNDRIP's Article 14 says that education must be made accessible to the IPs, especially children, and this education should be given to them fairly and without any form of discrimination. Additionally, Article 21 of the same Declaration highlights the entitlement of indigenous communities to enhance their economic and social circumstances, including health, and education, without facing unfair treatment.

National Legislation

Section 30 of IPRA guarantees that ICCs and IPs have fair access to cultural opportunities, education support like scholarships and grants, and the ability to run their educational systems. It ensures that education is provided in their language and cultural methods, and indigenous children and youth can attend all levels of education offered by the government.

Situation and Assessment

The indigenous peoples, together with the Lumads (native tribes in the Mindanao region) in the country, have experienced a lot of challenges in terms of accessing education. It may not be that clear to most of us, but the specific needs and interests of IPs have not been seriously taken into consideration by the government when formulating policies, even with the establishment of an IP Education Office under the DepEd to help implement education programs for IPs. Frequently, they are the least prioritized recipients of vital services from the government, which hampers possibilities for indigenous children, particularly in the realm of education. As presented by Castro (2016), compared to non-IPs, IPs have a 12.7% lower percentage of school participation. In her speech about indigenous children, Senator Loren Legarda, as part of the press release of the Philippine Senate (19th Congress) on October 18, 2016, emphasized the difference in enrollment numbers. The enrollment of IP children in Kinder to Grade 6 is only around 1.9 million, and in Grade 7 to 11, it is about 500,000 (Senate of the Philippines, 2016). However, there are an estimated 4 to 5 million school-aged children who are supposed to be enrolled in Kinder to Grade 9 using NCIP estimates and data from the 2010 Philippines Census (Senate of the Philippines, 2016).

The distance of indigenous lands, poverty, discrimination, and the relatively high cost of schooling have made indigenous children the least served in terms of education access. Indigenous children comprise the majority of out-of-school children (State of the World's Minorities and Indigenous Peoples 2009, n.d.). Philippine statistics show that in Mindanao, 9 out of 10 children lack education access, and several indigenous communities do not have schools (Ambay, 2017). The ongoing battle between the Philippine Armed Forces and the NPA remains a threat to IP areas. Alternative schools established by non-government organizations for IPs have been utilized by the military's counterinsurgency program, known as "Oplan Bayanihan" or the Internal Peace and Security Plan, leading to increased violations in IP areas (Urgent appeal to keep children in school, n.d.). Between July 2016 and July 2017, approximately 68 attacks targeted 89 Lumad schools, impacting thousands of indigenous children, with at least 2,500 affected. Notably, 80% of these attacks occurred in southern Mindanao (Urgent appeal to keep children in school, n.d.). Government and military officials often perceive many Lumad or IP schools as being operated by the CPP-NPA and serving as breeding grounds for subversion.

In the face of numerous assurances for change and peace, it seems that the government remains steadfast in pursuing a "policy of repression" against many indigenous communities. Several policies aimed at improving indigenous peoples' education have not been effectively implemented or allocated adequate funding.

3.8 Freedom from Violence and Abuse Among Indigenous Women and Children

International Legislation

Article 22, Paragraph 2, of the UNDRIP, says that the State must work with IPs to safeguard women and children from any form of violence and discrimination.

National Legislation

RA No. 8371 emphasizes the need to ensure that women and children of indigenous descent have the right to be treated fairly and equally without facing unjust or prejudicial treatment and have equal opportunities. This shouldn't lessen the rights and benefits already given to them under existing laws. (Official Gazette, 1997). The government, via NCIP, should strongly back organizations that have aimed at empowering women and youth, encouraging their active involvement in community and nation-building.

Section 50 of the IRR of RA 9262 (Anti-VAWC Act of 2004) emphasizes that other relevant agencies, including the NCIP, must include violence against women and children (VAWC) issues in their planning and programs and provide services to prevent and stop VAWC and protect victim-survivors.

The Magna Carta for Women acknowledges women's rights more comprehensively, encompassing equal access to education, protection from violence, the right to health, which includes food security and maternal health, social protection, and all aspects related to marriage and family relations.

Situation and Assessment

Indigenous women play a central role in their communities, dedicating their lives to land cultivation, development, and resource management for their survival. They have the natural right to self-rule, allowing them to govern their ancestral lands and determine their development. Throughout history, indigenous women have actively participated in the collective struggles of their communities, defending their land, resources, and dignity. It is imperative to empower these indigenous women, as the communities need to have their leadership characterized by their nurturing nature (Phillips, 2024). Regrettably, the heavy militarization in indigenous and cultural community areas, particularly where mining companies operate, disproportionately affects women and children. These communities bear the adverse impacts of such operations, wherein women and children are often the most affected. Their resilience and perseverance in the face of these challenges highlight the need to tackle the intersecting concerns of gender, indigenous rights, and environmental justice to advocate a more equitable and just society.

The dominant aggressive development models, notably driven by extractive industries like mega hydropower plants, alongside the presence of armed forces, and compounded by inadequately carrying out policies and programs, have led to the erosion of women's dignity and identities in the region. The violence against Indigenous women is deeply intertwined with their collective and individual rights to land, territories, and resources, just as it impacts their identities, cultures, and well-being. The aggressive development models have caused widespread damage not only to our lands and resources but also to our people, fostering a culture of unequal gender norms, marriage dynamics, as well as family relationships, which in turn contributes to domestic violence.

Furthermore, an intersection of conflicting realities arises when considering the status of indigenous women. In this context, a disparity arises between the rules outlined under R.A. No. 7160 and the stance of the national government. For example, the customary practice of early marriage (as young as 12 years old) and pregnancy (as young as 15 years old) among indigenous peoples poses a constitutional dilemma that has yet to be resolved. Even though the law sets the minimum marriage age at 18, it is embedded in the Philippine Constitution, specifically under Section 22 of Article II, to respect and support the rights of ICCs. The Magna Carta for Women ensures protection in marriage and family matters, while the IPRA respects the applicability of customary laws. This complex situation demands thorough examination and resolution, safeguarding the rights and well-being of indigenous women, while harmonizing constitutional principles with cultural practices.

On the other hand, due to continuing militarization in many indigenous communities as well as extra-judicial killings, children have not been spared from these atrocities. A substantial number of violations against indigenous peoples, many of whom are children, were recorded in 2015. From May to July 2015, a 14-year-old indigenous girl was raped by three soldiers on three separate occasions (Legarda, 2016), but the case was dropped because the alleged perpetrators and the victims' families reached an agreement outside of court.

The Children's Rehabilitation Center reported 23 incidents in 2013 to 64 in 2014 of violations against children in Mindanao, and 19 documented incidents in 2015 involving thousands of children (Espina-Varona, 2015). Schools have not been spared from militarization. The UN's concern over the surge in attacks on indigenous schools in the Philippines, particularly after 2015, reflects the broader issue of violence in educational settings. Hillis et al. (2017) highlight the enduring consequences of such violence on children, including physical as well as mental health repercussions. Reddy et al. (2018) emphasize the need for improved measurement and research on educator safety, while Moon et al. (2019) underscore the importance of effective school interventions in addressing violence against teachers. Sivaraman et al. (2019) further underscore the need for evidence-based anti-bullying interventions in low- and middle-income countries, where such attacks are prevalent.

A range of studies have highlighted the prevalence of attacks on education and children in conflict-affected areas. Bennouna (2018) and Bennouna (2016) both underscore the need for improved surveillance and response mechanisms, with the former emphasizing the importance of local knowledge and the latter proposing a method for real-time monitoring. Grisales (2020) and Briceño-León (2019) further underscore the challenges in providing protection and inclusion for children affected by armed conflict, with the former noting a gap in institutional capacity. These studies collectively underscore the urgent need for improved protection and support for children in conflict-affected areas.

3.9 Right to Self-Governance and Empowerment

International Legislation

Article 3 of the UNDRIP gives IPs self-determination rights, allowing them to freely decide their political status and advance economically, socially, and culturally. *Article 4* also allows IPs to have autonomy in their local affairs and provides ways to fund their self-governing functions while practicing their right to self-determination.

National Legislation

Chapter IV (Sections 13 to 20) of RA No. 8371 talks about the empowerment rights and self-governance of the ICCs/IPs, as presented below:

Section 13. The government acknowledges the ICCs'/IPs' inherent right to govern themselves and make their own decisions. It also respects their traditions and institutions. As a result, the government ensures that ICCs/IPs can freely develop economically, socially, and culturally. (Official Gazette of the Philippines, 1997).

Section 14. The government will keep supporting self-governing areas as needed. It will also encourage other ICCs/IPs to live according to their traditions while respecting basic rights and global human rights standards (Official Gazette of the Philippines, 1997).

Section 15. ICCs/IPs are entitled to utilize the justice systems that are native to them, approaches to resolving conflicts, and customary laws within their communities. These ought to be compliant with both domestic legislation and global standards for human rights (Official Gazette, 1997).

Section 16. ICCs/IPs are entitled to get involved in making decisions that affect them, using their procedures. Additionally, they can preserve and enhance their native political systems. It is a must for the government to guarantee that ICCs/IPs will be represented in policy-making and legislative councils at the local level (Official Gazette, 1997).

Section 17. ICCs/IPs have the autonomy to decide what aspects of development are most important for their communities and to be involved in planning and carrying out programs that affect them (Official Gazette, 1997).

Section 18. ICCs/IPs hailing together in areas where they are predominantly populated but not the majority can create their own separate barangay or local administrative unit following the guidelines set out in the Local Government Code for establishing tribal barangays (Official Gazette, 1997).

Section 19. The government will respect the ICCs/IPs' role as independent organizations, allowing them to pursue their interests peacefully and lawfully (Official Gazette, 1997).

Section 20. The State will support the empowerment and development of ICCs'/IPs' institutions and projects by providing resources when needed (Official Gazette, 1997).

Situation and Assessment

The experiences of many indigenous peoples about their self-determination rights have shown that the government has failed them. The IPRA and government agencies haven't effectively safeguarded the rights of indigenous peoples or stopped development projects that negatively affected them. This right of the national minorities has been undermined further because companies prioritize their interests, with the government aiding in the process. The experience they have had with the previous administration of then President Benigno Aquino is a concrete example of how the government prioritized the extraction of mineral reserves through large-scale investment. Many mining companies were competing in mining applications. 900,000 hectares, or 3% of the 9 million hectares identified with high mineral reserves, have been occupied by mining residences (Contributors, 2016). Still, a great number of mining applications are in process by the government.

The endorsement of 'development aggression' by the government has flagrantly violated the rights of the IPs to decide for themselves and govern their affairs, leaving them deprived of their autonomy. For example, the Philippine Mining Act permits both local and foreign mining companies to explore and use ancestral lands. The so-called National Integrated Protected Areas System claims to protect ecosystems, but it has led to indigenous peoples losing their homes and livelihoods. Similarly, the Forestry Code imposes restrictions on indigenous peoples, prohibiting them from using forest products or cutting trees for household or small community needs in forested areas, while turning a blind eye to industrial and illegal logging perpetrated by influential individuals. These laws contradict the interests of the IPs, a significant number of whom inhabit designated protected areas, mineral lands, and forests. It is tantamount to saying that state laws and policies have made the IPs "squatters of their own "lands" – mining companies have taken advantage of and invested in the lands that belong to indigenous communities for their profit. The implementation of the Regalian Doctrine, wherein all resources, including aquaculture, wildlife, and other public lands, waterways, oil, coal, and minerals in the Philippines, are owned by the government, has facilitated this practice. There has been State control and imposition of power over these mineral-rich territories, thus causing the overthrow of indigenous socio-political institutions and governance systems.

4.10 Poverty and Sufficient Quality of Life

International Legislation

As outlined in the *Universal Declaration of Human Rights, Article 25 (Paragraph 1)*, everybody is entitled to a decent quality of life that ensures their family's well-being and overall health (United Nations, 1948). The right to a sufficient quality of life entails access to fundamental necessities like food, clothing, housing, healthcare, and essential social benefits, providing security even in situations where individuals face circumstances beyond their control that result in a loss of livelihood. The main idea is that everyone should be able to engage fully in daily interactions with others without feeling ashamed or facing unnecessary obstacles. Hence, people ought to be able to fairly fulfill their necessities.

Every person's entitlement to a decent quality of life is recognized in Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (United Nations, 1966). This encompasses accessibility to fundamental necessities as well as the continuous enhancement of living circumstances. Additionally, it imposes a duty on nations to collaborate to eradicate global hunger.

National Legislation

Article 2 (Section 9 of the Philippine Constitution of 1987 mandates the government to create a fair and vibrant society that guarantees the nation's prosperity and independence while freeing its citizens from poverty. This is to be achieved through policies aimed at providing adequate social services, promoting employment opportunities for all, improving living standards, and enhancing the overall quality of life for everyone (Official Gazette, 1987).

Situation and Assessment

It cannot be denied that ICCs/IPs that have experienced relocation from their traditional cultural communities, lost their land, resources, and other properties, and individuals who have had their means of earning a living affected by mining, logging, and related extractive operations, have suffered from poverty as well as socio-cultural deprivation.

It is noteworthy that there is not much available data at the national level about ethnicity and poverty. The proportion of the Filipino population that was impoverished for the year 2015, or 23.3%, was estimated (updated from 21.6% announced on October 27, 2016), which corresponds to 23.5 million Filipinos (up from 21.9 million) who did not meet the poverty line in 2015 (Mapa, 2019). If not for the natural disasters ravaging the country, like the super typhoon Yolanda in 2013, as well as the major shocks, the poverty reduction could have resulted in a bit faster and in a greater percentage. As emphasized in the said report, Regions XI and XII have recorded the largest drops in poverty reductions among regions, with 8.7 percent and 7.4 percent reductions, respectively. Essentially, the decrease was observed in all regions. Furthermore, it is noteworthy that although Regions XI and XII belong to those with a high population of indigenous peoples, they have managed to decrease poverty incidences in their respective regions.

The MCCT for IPs (MCCT-IP), which is a component of the Pantawid Program implemented by the DSWD, has the purpose of empowering, supporting, and safeguarding indigenous peoples from the adverse impacts of development in remote and marginalized regions. This initiative has benefited many indigenous communities across the country and has played a role in lowering poverty rates among them.

Table 2 shows how indigenous households, and their members are spread across different regions. As per DSWD (2023), among the total 3,798,151 households, 580,382 (15.28%) are IPs. The DSWD (2023) data in Table 2 shows that most IP households, precisely 415,331 (71.56%), are in Mindanao. In Luzon, there are 146,173 (25.19%) IP households, and in Visayas, there are 18,878 (3.25%).

Additionally, when it comes to regional distribution, it is worth noting that Region XI has the most IP households and members, with 94,935 households (16.36%) and 499,551 household members (15.79%) (DSWD, 2023). BARMM (15.83%) and Region XI (15.79%) came next, respectively (DSWD, 2023).

According to the latest poverty statistics (Philippine Statistics Authority, 2022), the Bangsamoro Autonomous Regions in Muslim Mindanao (BARMM) had the highest poverty rate at 37.2%, followed by the Bicol Region at 26.9%. These regions topped the list for the most poverty among families in 2021. The Philippine Statistics Authority (2022) also noted a reduction in poverty among families from 12.1% in 2018 to 13.2% in 2021 and a decrease in poverty among the population from 16.7% to 18.1% during the same period. However, these figures might not accurately depict the COVID-19 pandemic's effects, which likely worsened the situation for many poor Filipinos.

The BARMM and Bicol regions' susceptibility to both natural and man-made calamities contributed greatly to this. The battle that happened in Marawi City, Lanao del Sur, between Islamic State terrorists and Philippine government forces was one great example of a man-made-caused disaster that greatly affected many of our Muslim countrymen and increased the number of poor families in the region, which catapulted Lanao del Sur to remain the province with the highest poverty incidence (71.9%) among families in 2021 (Philippine Statistics Authority, 2022). Conversely, the Bicol region is prone to typhoons, floods, landslides, volcanic eruptions, and droughts that can damage crops, infrastructure, and livelihoods.

Table 2. Regional distribution of IP households and household members' counts

Island/Region	No. of IP Households	Percentage (%)	No. of IP Household Members	Percentage (%)
NCR	452	0.08%	2,616	0.08%
CAR	31,827	5.48%	189,534	5.99%
I	9,994	1.72%	56,039	1.77%
II	26,740	4.61%	172,104	5.44%
III	11,275	1.94%	60,905	1.92%
IV-A	2,444	0.42%	13,473	0.43%
MIMAROPA	56,981	9.82%	320,996	10.15%
V	6,460	1.11%	34,513	1.09%
Luzon	146,173	25.19%	850,180	26.87%
VI	15,656	2.70%	97,536	3.08%
VII	2,979	0.51%	15,528	0.49%
VIII	243	0.04%	1,159	0.04%
Visayas	18,878	3.25%	114,223	3.61%
IX	76,932	13.26%	398,286	12.59%
X	49,975	8.61%	268,762	8.49%
XI	94,935	16.36%	499,551	15.79%
XII	66,579	11.47%	353,591	11.18%
Caraga	32,929	5.67%	178,538	5.64%
BARMM	93,981	16.19%	500,841	15.83%
Mindanao	415,331	71.56%	2,199,569	69.52%
Grand Total	580,382	100.00%	3,163,972	100.00%

Source: (DSWD, 2023)

Climate change may have made these hazards occur more often and become stronger. IPs play a crucial role in environmental protection, climate change combat, disaster preparedness, and the preservation of valuable indigenous knowledge (Reyes et al., 2020; Bernardo et al., 2014; Hiwasaki et al., 2014). Their unique knowledge, such as the ability to predict natural disasters and mitigate their impact, is a valuable resource for disaster risk reduction (Reyes, 2020). However, these communities are also susceptible to climate change's impacts, and there is a need to enhance their resilience through culturally appropriate strategies (Bernardo et al., 2014).

It is noteworthy that these are some of the possible causes of poverty in both regions, but they are not exhaustive or definitive. Addressing poverty requires a comprehensive and inclusive approach. The government, in coordination with the local communities, the private sector, and civil society groups, needs to work hand in hand to find appropriate and sustainable solutions.

The NCIP's budget for the year 2017 was around Php1.21 billion (Cayabyab, 2017). As presented by Cayabyab (2017), the House of Representatives had approved a Php1,000.00 budget for 2018 for NCIP accordingly due to its failure to address the acquisition of ancestral territories and the execution of indigenous leaders. Though it was not yet final as this needed to get through the Senate to approve, disapprove, and recommend a higher

budget for the commission for 2018, it cannot be denied that the insufficient budget has contributed to numerous impoverished living conditions and a higher poverty incidence, especially in those regions with a high concentration of indigenous peoples.

Furthermore, indigenous peoples face significant concerns regarding food security (Lugo-Morin, 2020). It is noted in the country's strategic plan for 2024-2028 that susceptible communities will become more resilient as far as insecurity in food and nutrition is concerned and can effectively manage risks inclusively and equitably ("Philippines Country Strategic Plan," 2024). Indigenous peoples have their own distinct cultures, languages, traditions, and food systems that are closely linked to their lands and resources. The displacement resulting from development activities in indigenous communities has led to the loss of ancestral lands, contributing to food insecurity. Environmental degradation, including deforestation, water pollution, and the loss of agrobiodiversity caused by development programs and extractive undertakings, further exacerbates the issue. Consequently, indigenous peoples are already struggling to survive, as their daily livelihoods have traditionally relied on their lands.

Also, the introduction of agricultural modernization, spearheaded by the Department of Agriculture, has promoted the adoption of high-yielding crop varieties that often rely on the use of fertilizers and harmful chemicals, which exacerbates the traditions and food systems of the indigenous peoples. Moreover, the shift from traditional crops to genetically modified alternatives has led to the extinction of valuable traditional crop varieties.

The food shortages experienced among indigenous communities have led them to develop coping measures. They engage in domestic labor in the nearby urban areas; others diversify food crops and resources; some families resort to borrowing food or money; they reduce the consumption of their foods; and they sell a portion of their lands as part of their emergency measures to be able to survive. According to a study by the International Labour Organization (2010), there are about 1.9 million domestic workers in the Philippines, of whom some are indigenous women from various ethnolinguistic groups, such as Igorot, Mangyan, T-boli, Manobo, and Subanen.

The study conducted by the International Labour Organization (2010) revealed that indigenous women engage in domestic labor in urban areas for several reasons. Firstly, they face limited livelihood opportunities and food insecurity in their ancestral domains due to factors like land grabbing, displacement, environmental degradation, and armed conflict. Secondly, they undertake domestic work to support their families' basic needs, including food, education, healthcare, and housing. Additionally, indigenous women aspire to learn new skills and gain urban experience. Moreover, the influence of relatives or friends already working as domestic workers also plays a role in their decisions. However, the study also clarifies the difficulties and risks faced by indigenous women in domestic work in urban areas. The challenges involve low pay, extended work hours, insufficient social security and labor entitlements, discrimination and abuse from employers and co-workers, as well as feelings of isolation and loss of cultural identity.

4.0 Conclusion

The indigenous peoples have been living independently, away from the mainstream way of life of most of the country's population. Their long-lasting peace as unique people and as unique communities has long been indoctrinated in their natural, pre-existing, and inalienable rights to ancestral territories and to their integral, interdependent, and interrelated self-determination rights, which the government is supposed to protect and uphold under national and international laws, declarations, and treaties.

Considering the numerous cases of human rights abuses perpetrated against IPs in the Philippines, it can be said that the government, through the office of the NCIP, has failed to fulfill its obligations as enshrined in RA 8371, the UNDRIP, and all UN Human Rights instruments that it has been part of ratifying. Several development aggressions, specifically mining activities, have been done to ICCs/IPs that the government ought to protect and preserve. The government has allowed mining activities in indigenous territories, which perpetuates the violation of the IPs' right to FPIC and their rights to ancestral territories. Although there had been a few instances where violators had been prosecuted nonetheless, this is not tantamount to the many cases of human

rights violations concerning IPs as victims where perpetrators have not been prosecuted and convicted, especially those involving military and/or paramilitary forces. The complacency of the government in taking concrete steps to address these concerns is ubiquitous.

Policymakers, advocacy groups, and stakeholders are urged to adhere to a comprehensive roadmap aimed at addressing the complex difficulties encountered by IPs in the Philippines. Firstly, there is an urgent need for the acknowledgment, observance, and respect of rights, which include their inherent rights to ancestral territories and self-determination, as mandated by national and international laws. Additionally, immediate action must be taken to investigate, and redress reported human rights abuses against indigenous communities, particularly those documented by credible sources. Furthermore, biased laws and policies that undermine indigenous rights should be reformed or abolished, with specific attention given to repealing the Mining Act of 1995 and enacting the People's Mining Bill to protect indigenous territories from development aggressions. Prioritizing peace negotiations over counter-insurgency efforts with militant groups like the NPA and MNLF is essential for resolving conflict and promoting peace in affected regions. Legislative examination and compliance with existing laws and international standards are paramount to ensuring the protection of indigenous rights. Establishing effective complaint mechanisms in collaboration with independent bodies will provide avenues for addressing violations and ensuring redress for affected indigenous communities. Lastly, a dedicated budget allocation for indigenous upliftment, integrated into the country's long-term development plan, is crucial for supporting the empowerment and well-being of indigenous individuals and communities. Through concerted efforts guided by this roadmap, stakeholders can work together to promote indigenous rights, autonomy, and holistic development in the Philippines.

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