

REPUBLIC OF THE PHILIPPINES
Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
Quezon City

<p>NCIP Administrative Order No. 1, Series of 2003</p>

**SUBJECT: GUIDELINES FOR THE CONSTITUTION AND
OPERATIONALIZATION OF THE CONSULTATIVE BODY AS
PROVIDED FOR IN SECTION 50, R.A. NO. 8371**

The following guidelines are promulgated to set up the processes and mechanisms for the convening of the Consultative Body, pursuant to Section 50 of Republic Act 8371, otherwise known as the Indigenous Peoples' Rights Act of 1997 (IPRA), and other related provisions.

TITLE I. PRELIMINARY PROVISIONS

Section 1. Title. This shall be known as the "Rules Governing the Indigenous Peoples Consultative Body"

Section 2. Statutory Basis. Sec. 50 of R.A. 8371 provides that a body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.

Section 3. Objectives. These guidelines are hereby promulgated for the purpose of setting up, selecting and organizing the Consultative Bodies and its facilitating structures. Specifically:

- a. To provide for the mechanism and guidelines for the constitution of the Indigenous Peoples Consultative Body and to operationalize the same as mandated under Section 50 of Republic Act 8371;

- b. To ensure multi-level IP consultations; and
- c. To clarify and/or amend related provisions found in the Implementing Rules and Regulations of the IPRA.

Section 4. Definition of Terms. When used in this Order, the following terms shall be defined as follows:

- a. **NCIP/Commission.** The terms NCIP and Commission for purposes of these rules shall be used interchangeably and shall mean the National Commission on Indigenous Peoples;
- b. **Consultative Body.** The term Consultative Body shall refer to the body consisting of traditional leaders, elders and representatives from the women and youth sectors of the different Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs). The term may be further qualified to refer to as the National, Regional or Provincial Consultative Body, as the case may be.
- c. **Traditional Leader.** The term Traditional Leader shall refer to a leader of an IP community who is knowledgeable in the customs, traditions and the history of the people, practices the same, and because of his or her authority and commitment is acknowledged by the community as its leader/elder;
- d. **Region.** The term Region shall refer to the following ethnographic areas, as defined in Chapter VII, Section 40 of the IPRA: Region I and the Cordilleras; Region II; the rest of Luzon; Island Groups including Mindoro, Palawan, Romblon, Panay and the rest of the Visayas; Northern and Western Mindanao; Southern and Eastern Mindanao; and Central Mindanao;
- e. **Ancestral Domain Areas.** The term Ancestral Domain Areas as used in this Order shall refer to all commonly accepted or publicly known ancestral domains or territories whether or not issued with a CADC or a CADT, or whose application for issuance of CADT is still pending before the Commission or is not actually applied for;

- f. **Resettled ICCs/IPs** - Refer to peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of colonization , or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who have resettled outside their ancestral domains.

TITLE II. COORDINATING COMMITTEES

Section 5. Creation of Coordinating Committees. To assist the Commission in convening the consultative body, there shall be created coordinating committees at the provincial, regional and national levels.

Section 6. Composition of Coordinating Committees. The Coordinating Committees shall be composed as follows:

1. **National Coordinating Committee (NCC)** - The NCC shall be composed of the NCIP Chairperson, the Director of the Office of Empowerment and Human Rights (OEHR) and the representatives from IPOs with national and regional formations, and NGOs whose advocacy and/or development work for ICCs/IPs is nationwide as recommended by IPOs. The NCIP Chairperson shall *ipso facto* be the Chairperson of the NCC; The membership shall select two (2) Co-Vice Chairpersons from among themselves.

Unless otherwise increased or decreased by the membership after its constitution, the NCC shall initially be composed of not more than two (2) representatives from each IPO and one (1) from each NGO.

2. **Ethnographic Regional Coordinating Committees (ERCC)** - The ERCC shall be composed of the NCIP Regional Directors, the Technical Management Chiefs and Administrative Officers from each NCIP regional office within the ethnographic regions and such number of representatives as the case may be from major formations of IPOs and

NGOs working with IPs in the region. The ERCC membership shall choose a Chairperson from the NCIP officers named herein and one co-chairperson from IPOs. Unless otherwise increased or decreased by the membership after its constitution, the ERCC shall initially be composed of not more than two (2) representatives from each IPO and one (1) from each NGO.

3. **Provincial Coordinating Committees (PCC).** The PCC shall be composed of the NCIP Provincial Officer and two (2) Administrative Officers of the province and such number of representatives as the case may be, from major formations of IPOs and NGOs working with IPs in the province. The PCC membership shall choose a Chairperson from the NCIP officers named herein and one co-chairperson from IPOs. Unless otherwise increased or decreased by the membership after its constitution, the PCC shall initially be composed of not more than two (2) representatives from each IPO and one (1) from each NGO

Section 7. Functions of the Coordinating Committees.

a) The functions of the NCC shall be as follows:

1. To assist the Commission in the sourcing of funds and provide technical support;
2. To be responsible in ensuring the execution of the action plans of the ERCCs;
3. To prepare the primer or other information materials, and appropriate forms as may be necessary;
4. Other similar functions analogous to the foregoing and other functions as may be directed by the Commission.

b) The functions of the ERCC shall be as follows:

1. To be responsible in ensuring the execution of the action plans of the PCCs;

2. To constitute and convene the ERCB;
3. To certify the authenticity of the list of representatives of ERCBs for NCB to the Commission;
4. To decide by consensus emerging questions on representations that cannot be addressed by this Order or are peculiar to the region and whose decision shall be final unless modified or revoked by the Commission;
5. To translate and reproduce copies of the primer or other information materials, and appropriate forms as may be necessary;
6. To document the proceedings of the convention, keep records and submit reports to the NCC and the Commission;
7. Other similar functions analogous to the foregoing and other functions as may be directed by the Commission.

c) The functions of the PCC shall be as follows:

1. To hold provincial Indigenous Peoples Caucuses in accordance with this Order;
2. To disseminate the primers produced by the ERCC during the conduct of IP caucuses;
3. To constitute and convene the PCB;
4. To certify the authenticity of the list of representatives of PCBs for ERCBs;
5. To decide by consensus emerging questions on representations that cannot be addressed by this Order or are peculiar to the province and whose decision shall be final unless modified or revoked by the Commission;

6. To document the proceedings of the convention, keep records and submit reports to the ERCC;
7. Other similar functions analogous to the foregoing and other functions as may be directed by the Commission.

Section 8. Procedure in Creating Coordinating Committees.

The following shall be the procedure in the creation of the coordinating committees:

- a. The NCIP Chairperson shall send written communications to all known IPOs with national and regional formations inviting them to (1) participate in the formation of coordinating committees for the purpose of constituting the IP consultative bodies and (2) recommend to the Commission NGOs with national or regional advocacy/development work for IPs who may be invited to assist in the formation of the consultative bodies.
- b. Thereafter, the NCIP shall call all national and regional IPOs and NGOs who have responded to and accepted the invitation in writing to a national meeting for the purpose of constituting the NCC and the ERCCs. In the same meeting, the constituted NCC and ERCCs shall then proceed to draw up an action plan to implement this Order.
- c. Within a reasonable time after the national meeting or as may be provided in the action plan prepared jointly by the NCC and ERCCs, duly approved by the Commission, the ERCCs shall call a regional meeting of all concerned NCIP provincial officers and administrative officers and all known IPOs and NGOs with advocacy/development work for IPs in all provinces within their respective regions for the purpose of creating the PCCs. In the same meeting, the constituted PCCs shall formulate their respective provincial action plans for the conduct of IP caucuses preparatory to the creation of the Provincial Consultative Bodies and the holding of the first PCB conventions.

Section 9. Responsibility of the NCIP Chairperson. The Chairperson as the Chief Executive Officer of the NCIP shall be responsible for the creation of the coordinating committees and shall issue appropriate directives as may be necessary for the execution of this Order.

Section 10. Role of the Commission. The Commission members shall exercise oversight functions over the coordinating committees within their respective ethnographic regions;

Section 11. Termination of the Role of the Coordinating Committees. The Coordinating Committees shall cease to exist after the first assembly or convention of the NCB.

TITLE III. CONSULTATIVE BODIES

Section 12. Structure and Nature of Consultative Bodies. There shall be Consultative Bodies to be constituted at the Provincial, Regional and National levels. Other similar structures may be set-up at the community level for the purposes of holding focused consultations. The NCIP shall serve as the secretariat of the Consultative Bodies at all levels, however, the Consultative Bodies may opt to be assisted in their activities by constituting their own secretariat.

Section 13. Tenure of Consultative Bodies. The PCBs and the ERCBs are constituted with permanency and shall continue to exist until otherwise provided by the Commission. The NCB is to be constituted by the Commission from time to time.

Section 14. Composition of the Consultative Bodies.

a). **Provincial Consultative Bodies.** The Provincial Consultative Bodies (PCBs) shall be composed of the representatives from the following:

1. Five (5) IP representatives from ancestral domain areas provided that the women, elderly, and youth shall have at least one (1) representative each. In case an ancestral domain area straddles more than one province, the inhabitants thereof may be represented in the consultative body of each province.

2. Resettled IP communities shall also be entitled representation in like manner as ancestral domain holders.
3. One (1) IP representative from each Municipal and Provincial IPO, including IP women and youth organizations, if any, that have existed for at least three (3) years continuously up to the present for IP rights advocacy and common welfare;
4. One (1) IP representative from each Municipal and Provincial/City Tribal Council duly organized pursuant to issuances of predecessor agencies and NCIP that have existed for at least three (3) years continuously up to the present.

b) . **Ethnographic Regional Consultative Bodies.** Each Ethnographic Regional Consultative Body (ERCB) shall be composed of five (5) representatives from each PCB; Provided, that the representatives shall, as far as practicable, be equitably distributed among the tribes within the province; Provided further, that at least one (1) is a woman and one (1) a youth. In cases where all the tribes cannot be represented by the five (5) representatives, provincial representation shall be rotated among the different ICCs/IPs.

c) . **National Consultative Body.** The number of delegates per Ethnographic region will vary from time to time depending on the agenda and need for wider participation. However, in no case will the regional representations to the NCB be less than five (5) representatives, two (2) of whom should be their representative for women and youth.

The ERCB representatives to the NCB shall, as far as practicable be equitably distributed among the tribes within the ethnographic regions. In cases where all the tribes cannot be represented by the selected representatives, ethnographic regional representation shall be rotated among the different ICCs/IPs.

In addition, the Commission may select at large not more than seven (7) individual IPs to form part of the membership of the NCB chosen because of their

outstanding expertise and achievements on indigenous peoples' rights advocacy.

Section 15. Mandatory Activities Preparatory To The Constitution Of The Consultative Bodies.

- a). **The Indigenous Peoples Caucus.** In every Province publicly known to be inhabited by IPs, there shall be held an Indigenous Peoples caucus which shall serve as the venue to disseminate information for the implementation of these guidelines.

In preparation for the holding of the IP caucus, the PCC shall:

1. collectively compose a list of participants for the IP caucus by way of identifying ancestral domain areas/resettled IP communities, if any, as appearing in the list of ancestral domain claimants in the records of the concerned NCIP Provincial Office and from publicly known ancestral domain areas that have not at present filed their applications for CADT; identifying Indigenous Peoples Organizations (including IP women and youth organizations); and existing tribal councils (Barangay, Municipal or Provincial) within the province.
2. The PCC shall thereafter proceed to send written communications to the heads of the foregoing groupings about the purposes of holding the Indigenous Peoples Caucus and the need for them to send not more than two (2) representatives from each group, specifically stating therein the importance of their attendance and participation and the date and place where the IP caucus is to be held.
3. The PCC shall prepare a program for an orderly and efficient conduct of the IP caucus and may create working committees to take charge for the various concerns.

The IP caucus proper should accomplish/attain the following objectives:

- a. information dissemination of the guidelines;
- b. to generate interest from the IP participants and secure their commitment to support the objectives, purposes and processes of the Consultative Body;
- c. to approve the work plan prepared by the PCC for the calling of the PCB; and
- d. to encourage the IP participants to move their respective communities and organizations for the selection of their representatives to the PCB in accordance with this Order within the period provided therein.

After the conduct of the Indigenous Peoples caucus, the PCC shall put in place a follow-through mechanism and utilize ways and means to ensure and verify that the participants in the IP caucus have indeed disseminated the information in their respective groupings within the period provided for consensus building.

- b). **Consensus Building**. Within a period of thirty (30) days after the conduct of the IP Caucus, the participants shall hold meetings in their respective ancestral domain areas and/or organizations and choose their representatives to the PCB in accordance with their own consensus building processes and submit the list of names of their representatives to the PCC.

Section 16. Convention and Constitution of the Consultative Bodies.

a) **The PCB**

The PCC, after receiving the list of names of representatives to the PCB, shall set the date and place for the convention of the PCB and serve written notices to all the representatives as appearing in the list submitted. The notice shall contain the following:

1. Information of their nomination by their respective communities/ organizations/ councils as official representatives/delegates to the PCB;

2. Informing them of the place, date and time of the first meeting; and

3. the Agenda and purpose of the meeting.

The PCB is deemed constituted only after the members thereof are convened and organized.

The PCC shall immediately submit to ERCC the certified list of names of representatives of the PCB for the ERCB as identified and chosen by the PCB in the said convention. The PCB shall choose by and from among themselves five (5) representatives to the ERCB, at least one of whom shall be a woman and one (1), a youth.

c). **The ERCB**

The ERCB shall be constituted by the ERCC by convening the representatives coming from the different PCBs in the ethnographic region. For this purpose, the ERCC shall set the place and date of the constitution of the ERCB within ten (10) days from the date of their receipt of the last list of representatives from the PCBs. Written notice of such constitution shall be served each representative of PCBs.

d). **The NCB**

Unlike the PCB and the ERCB, the National Consultative Body (NCB) is constituted only from time to time by the Commission to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs. The delegates to the NCB shall be chosen by the ERCB from among themselves in a convention called for the purpose pursuing the call of the Commission to constitute the NCB at a given time. The agenda that the Commission would discuss in consultation with the NCB will have to be deliberated by the ERCB in the same convention in preparation for the NCB convention.

Section 17. Special Constitution and Convention of the NCB.

In cases where there are urgent or pressing matters that threaten the well-being and interest of ICCs/IPs in general, and the Commission be unable, for one reason or another, to call and convene a National Consultation, the

ERCBS may, by a majority decision, petition the Commission to immediately constitute and call the NCB to a convention. Upon failure of the Commission to do so within a reasonable time, or upon the denial of the Petition without sufficient justification, the ERCBS may, by themselves jointly, proceed to call and constitute the NCB and to hold the special convention to address their concerns.

Section 18. Functions of the Consultative Bodies. The Consultative Bodies shall have the following functions:

1. To organize and choose its officers;
2. To determine its internal rules;
3. To deliberate on important IP issues and concerns and give inputs or make recommendations of policies for adoption by the Commission;
4. To recommend programs and projects to the Commission;
5. To act/serve as a monitoring body for the implementation of policies, projects and programs of the Commission and other government agencies affecting IPs;
6. To define the cause/s and processes for removal and suspension of its members;
7. To assist in the management and resolution of conflicts/disputes in accordance with customary rules and processes;
8. To document proceedings, keep records and submit reports to the Commission; and
9. Perform such other functions as may hereafter be agreed and/or authorized.

TITLE IV. MEETINGS AND CONVENTIONS

Section 19. PCB Meetings and Conventions. The PCB shall hold regular conventions once a year. In its first convention, the PCB shall have in its agenda, among others: the organization of the PCB for purposes of selecting their officers, defining and understanding the duties and responsibilities of the officers and members; choose their representatives to the ERCB; and discuss and act on important issues and concerns that they wish to be considered by the Commission. The PCB shall promulgate its own internal rules of procedure, pertaining to meetings, notices, quorums, accountability and consensus building and whenever possible, it shall use consensual and other

traditional decision making processes during sessions, assemblies or meetings.

The PCB Officers shall be the Chairman as the presiding officer, Vice Chairman, Secretary, Treasurer and such other officers as they may thereafter decide to have. The Officers shall meet at least once every four (4) months to consider important issues and concerns of the PCB provided however, that special meetings may be held at any time to address extremely urgent concerns.

Whoever is chosen as the Chairman of the PCB shall automatically be recognized as the official liaison of the PCB to the Commission and shall be provided with a desk at the NCIP Provincial Office. He/she shall be entitled to privileges for the full exercise of the right of the CB to be informed of the operations and ensure beneficial implementation of policies, projects and programs of the Commission that may affect their interest as may hereafter be provided.

Section 20. Meetings and Conventions of the ERCB. The ERCB shall meet and hold regular convention once a year provided that the annual convention shall be held after the conduct of all provincial conventions in the region for the year. In the first convention of the ERCB, the matters similarly provided for PCBs shall be acted upon. They will choose their representative to the NCB only when called upon by the Commission and in such number as the Commission shall require from time to time.

The ERCB Officers shall be the Chairman as the presiding officer, Vice Chairman, Secretary, Treasurer and such other officers as they may thereafter decide to have. The ERCB Officers shall meet at least once every six (6) months to consider important issues and concerns of the ERCB provided however, that special meetings may be held at any time to address extremely urgent concerns. The ERCB shall promulgate its own internal rules of procedure, and whenever possible, it shall use consensual and other traditional decision making processes during sessions, assemblies or meetings.

The Chairman of the ERCB shall likewise be entitled to privileges similarly accorded to PCB Chairman in the NCIP Regional Office.

Section 21. NCB Meetings and Conventions. The NCB shall promulgate its own internal rules of procedure, and whenever possible, it shall use consensual and other traditional decision making processes during sessions, assemblies or meetings.

TITLE V: QUALIFICATIONS, SELECTION AND TERM OF OFFICE

Section 22. Qualifications. All members of the consultative bodies must:

- a. be a natural-born Filipino citizen;
- b. be a bonafide IP, and an acknowledged leader of his/her IP community or a bonafide member of the IP organization that he/she represents;
- c. be of good moral character and must not have been convicted of any crime involving moral turpitude;
- d. be able to speak the native language of the IP community represented;
- e. preferably be able to read and write, except IP elders;
- f. be a resident of the communities for at least five (5) consecutive years immediately prior to his/ her selection except representatives of IPOs;
- g. possess a good track record in dispute settlement, capability to facilitate resolution of issues, as well as problems brought about by external programs, projects, laws, rules, regulations and policies.
- h. In the case of youth representatives they must not be less than 15
nor more than 25 years of age at the time of selection.

Section 23. Term of Office. The term of office of PCB members shall be for a period of two (2) years and can be re-confirmed for another term by his/her constituents in the case of ancestral domain area representatives or by the membership in the case of IPOs in accordance with their respective processes; provided however that no Provincial consultative body member shall be serving for more than two (2) consecutive terms. The term of office of ERCB and NCB members shall depend on his/her term as a member of the PCB.

The term of office of the first set of the members of the Consultative Bodies shall commence immediately upon certification by the coordinating committees and shall end on the 30th day of December 2005.

Section 24. Removal from Office. Any member of the Consultative Bodies may be removed as member thereof on grounds and processes defined and established by the corresponding Consultative Body provided however that nothing in this Administrative Order shall be interpreted to remove the inherent right of IP communities/tribes to recall their representative/s in accordance with customary values, practices and processes.

Section 25. Vacancy. In case of permanent vacancy in any of the Consultative Bodies, the same shall be filled up upon recommendation of the community/Tribal Council/IPO/Sectoral Group concerned. Appointments to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity.

TITLE VI. DISQUALIFICATIONS

Section 26. Disqualification of NCIP Employees. No NCIP employee may qualify as a member of the Consultative Bodies.

Section 27. Disqualification of Coordinating Committee Members. Members of Coordinating Committees who intend to become members of the Consultative Bodies must first relinquish their role and membership in the Coordinating Committees prior to the constitution of the PCBs by way of formal written notice to the NCC.

TITLE VII. SPECIAL PROVISIONS

Section 28. Representation of ARMM IPs. For purposes of implementing ARMM Regional Legislative Body Resolution No. 269 dated August 15, 2003, allowing the application of the IPRA to non-moro IPs within the ARMM areas, the IPs in said areas shall be treated as one region for purposes of representation in the Consultative Body.

Section 29. Mandatory Agenda for the first Convention of PCBs & ERCBs. Among other matters in the agenda of the first convention of PCBs & ERCBs, there shall be included policy discussions on tribal barangays, mandatory representation in policy making bodies and other local legislative councils, and the accreditation of IPOs.

Section 30. First Constitution & Convention of the NCB. For the purpose of policy recommendations to the Commission on matters as provided in the preceding paragraph, the Commission shall call to constitute and convene the first National Consultative Body within two (2) months from the convention of the last ERCB.

TITLE VIII. FINAL PROVISIONS

Section 31. Separability Clause. In case any clause, sentence, section, provision or any portion hereof is declared unconstitutional or invalid by a competent court, the sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 32. Repealing Clause. The provisions of all administrative orders, circulars, special orders, office orders or others issuances inconsistent herewith are hereby repealed or modified accordingly.

Section 33. Effectivity, These guidelines shall take effect fifteen (15) days from the date of filing with the University of the Philippines Law Center.

Approved this 17th day of October, 2003.

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