

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE
P.S. RES. No. 149

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Introduced by Senator Robinhood Padilla

RESOLUTION

DIRECTING THE COMMITTEE ON CULTURAL COMMUNITIES AND MUSLIM AFFAIRS TO INVESTIGATE, IN AID OF LEGISLATION, THE JOINT MANAGEMENT AGREEMENT (JMA) BETWEEN THE CLARK DEVELOPMENT CORPORATION (CDC), NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP), AND THE TRIBONG AYTA ENTERED INTO ON DECEMBER 6, 2007 CONCERNING THE DEVELOPMENT OF THE CLARK SUB-ZONE

1 WHEREAS, the State recognizes and promotes the rights of indigenous cultural
2 communities within the framework of national unity and development (Section 22,
3 Article II of the 1987 Constitution) and protects their rights to ancestral lands to ensure
4 their economic, social, and cultural well-being (Section 5, Article XII of the 1987
5 Constitution);

6 WHEREAS, pursuant to these constitutional mandates, Republic Act No. 8371,
7 otherwise known as the Indigenous Peoples' Rights Act (IPRA) of 1997, was enacted
8 which provides for the legal framework that recognizes, protects, and promotes the
9 rights of Indigenous Peoples (IPs) including their ancestral domains and it also created
10 the National Commission of Indigenous Peoples (NCIP) as the implementing agency;

11 WHEREAS, Republic Act No. 7227, otherwise known as the Bases Conversion
12 and Development Act of 1992, as amended by Republic Act No. 9400, established the
13 Bases Conversion and Development Authority (BCDA) to adopt, prepare and
14 implement a comprehensive and detailed plan for the conversion of the Clark military
15 reservations;

16 WHEREAS, Aytas, interchangeably used as Aetas, are IPs that inhabit the
17 Central Luzon particularly Zambales Mountain Ranges, the provinces of Bataan,

1 Zambales, Pampanga, and Tarlac. These tracts of land are considered their ancestral
2 domain, where a Certificate of Ancestral Domain Title (CADT) is issued to them;

3 WHEREAS, the Aytas organized themselves into three (3) groups, namely: the
4 Bamban Ayta Tribal Association (BATA), the Mabalacat Ayta Tribal Association (MATA),
5 and the Sangguniang Tribong Aeta (STA);

6 WHEREAS, the CDC was established as an operating and implementing arm of
7 the BCDA to manage the Clark Special Economic Zone (Section 1, Executive Order No.
8 80, s. 1993);

9 WHEREAS, a Joint Management Agreement (JMA) was signed on 6 December
10 2007 between three (3) parties: the CDC, the NCIP, and the *Tribong Ayta* represented
11 by BATA Chairman Oscar Rivera for the rent or use of the ancestral domain;

12 WHEREAS, in the JMA, the following terms were agreed upon:

- 13 a) The *Tribong Ayta* is entitled to twenty percent (20%) of the net income
14 arising from rentals and use of the ancestral domain which shall be
15 utilized for the development of the community and directly deposited to
16 the Aeta Development Fund (ADF);
- 17 b) The Joint Development Council shall be created to serve as the policy-
18 making body for purposes of administration and use of the ADF which
19 shall be composed of one representative per contracting party; and
- 20 c) The term of the agreement is for a period of 75 years.

21 WHEREAS, fourteen (14) years since the signing of the JMA, the *Tribong Ayta*
22 are yet to receive their full share of the 20% of the net income arising from rentals
23 and use of the ancestral domain as reported by the Aytas of Sitio Haduan, Mabalacat,
24 Pampanga during an audience on 2 August 2022 with Office of Senator Robinhood
25 Padilla in Pasay City;

26 WHEREAS, this prompted the Office of Senator Padilla to conduct a separate
27 dialogue with the Aytas and the CDC on 4 August 2022 to listen to the parties and to
28 inquire into the protection of the rights of the Aytas vested to them under the
29 Constitution and IPRA;

30 WHEREAS, on behalf of the CDC, President Manuel Gaerlan revealed to the
31 Office of Senator Padilla that the CDC was not able to release the 20% share of the

1 *Tribong Ayta* under the JMA due to Ayta's lack of sole and recognized representative
2 from the three (3) Ayta groups—BATA, MATA, and STA;

3 WHEREAS, as a result, the CDC decided to put the 20% share in a trust fund
4 with the Land Bank of the Philippines;

5 WHEREAS, based on a letter dated 14 January 2020 issued by the Commission
6 on Audit, the total share of the *Tribong Ayta* has already reached P19,203,635.02 as
7 of 31 October 2019 based on CDC's books;

8 WHEREAS, there were other issues that were raised pertaining to the protection
9 and welfare of the Aytas, as follows:

10 a) NCIP Administrative Order No. 2, Series of 2012, provides rigid
11 requirements for the process of confirmation of the Indigenous Political
12 Structures and registration of Indigenous Peoples Organizations. Despite
13 NCIP's affirmation of the appointment of the *STA ng CADT 025-A* as the
14 sole and recognized representative in dealing with the management of
15 the ancestral domain as stated in the Commission En Banc Resolution
16 No. 07-127-2018 dated 14 August 2018, this stringent regulation led to
17 the non-recognition of *STA ng CADT 025-A* by the CDC;

18 b) While the JMA states that one of the responsibilities of the CDC is to
19 serve as the administrator for the development of the area which
20 involves, but not limited to, the construction of public infrastructures or
21 facilities, it failed to repair and maintain the Haduan Hanging Bridge
22 which is a vital structure linking the Ayta community of Sitio Haduan to
23 Clark Freeport and the rest of Pampanga and Tarlac. Furthermore, the
24 lack of development of the unpaved roads hinders access of Aytas to
25 outside communities for the transport of their commerce and agricultural
26 products, immediate medical emergency response, and safe passage
27 during the rainy season; and

28 c) Tribal Chieftain Roy Tanglao and Barangay Kagawad Robert Serrano
29 from Sitio Haduan said that the original metes and bounds of their
30 ancestral domain was reduced by 361 from 10,684 hectares under CADT
31 No. RO3-BAM-1104-025, dated 12 November 2004, to 10,323 hectares
32 under CADT No. RO3-BAM-1204-025-A dated 17 April 2009 despite the

1 fact that the JMA itself explicitly states that the area amounts to 10,684
2 hectares;

3 WHEREAS, it is incumbent upon the Senate to determine whether the rights of
4 the Aytas granted by the Constitution and IPRA have been recognized and respected.
5 In line with this, there is a need to clear the confusion and issues surrounding the
6 implementation of the JMA for the protection of all parties concerned;

7 WHEREAS, in view of the foregoing issues, there is a need to examine and
8 review the IPRA as well as the mandate of the NCIP in the protection of the rights and
9 welfare of the IPs with the end in view of improving the provisions of the IPRA. Now,
10 therefore, be it

11 RESOLVED BY THE SENATE, as it is hereby resolved, To direct the Committee
12 on Cultural Communities and Muslim Affairs to investigate, in aid of legislation, the
13 Joint Management Agreement (JMA) between the Clark Development Corporation
14 (CDC), National Commission on Indigenous Peoples (NCIP), and the *Tribong Ayta*
15 entered into on December 6, 2007 concerning the development of the Clark Sub-Zone.

Adopted,



ROBINHOOD PADILLA
Senator