



**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)**

'22 DEC -5 P1 :29

**SENATE
S. No. 1586**

RECEIVED BY:

Introduced by SENATOR FRANCIS "TOL" N. TOLENTINO

**AN ACT
PROVIDING FOR A PROPORTIONATE SCHOOL ADMISSION AND
ACCEPTANCE SHARE IN THE PHILIPPINE MILITARY ACADEMY AND THE
PHILIPPINE NATIONAL POLICE ACADEMY FOR MEMBERS OF THE
INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES, AND
FOR SUCH OTHER PURPOSES**

EXPLANATORY NOTE

Article 2, Section 22 of the 1987 Constitution provides that: "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

It is the expressed policy of the state to promote the rights of the Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs) in formulating policies for the development of the nation. Due to peculiarities inherent in their culture, circumstances arise where their members automatically become excluded in policies and programs for national unity and development. Included in these policies are the recruitment programs for the Philippine Military Academy and Philippine National Police Academy, the primary security academic institutions of the country. The members of the ICCs/IPs are overlooked and sometimes discriminated upon, and not given the chance to serve, protect and defend the country simply because of their culture. Instead, culture must be celebrated, brought into the light and integrated into society for it is something that brings honor and pride to the country.

Section 1, Article XIII of the 1987 Constitution provides that the Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To give effect to this Constitutional mandate, this bill aims to accommodate ICC/IP members by providing a proportionate recruitment share specially allocated for them in the Philippine Military Academy and the Philippine National Police Academy in view of the peculiarities brought about by their beautiful culture.

Considering the foregoing, the immediate enactment of this bill is respectfully requested.



FRANCIS "TOL" N. TOLENTINO



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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **Section. 1. Short Title.** - This Act shall be known as the "Katutubong
2 Tagapagtanggol Act of 2022."

3 **Section 2. Declaration of Policy.** – It is hereby declared the policy of the
4 State:

5 a. To recognize and promote the civil, political, economic, social and cultural rights
6 of indigenous cultural communities or indigenous peoples in accordance with the
7 Constitution and applicable norms and principles;

8 b. To recognize the distinct characteristics and identify of the indigenous cultural
9 communities or indigenous people which the State must take special measures to
10 ensure that they are afforded rights, protections and privileges with regard to
11 recruitment and employment; and

12 c. To involve the indigenous cultural communities or indigenous peoples in the
13 national defense and national law enforcement as part of national unity amidst
14 diversity.

15 **Section 3. Definition of Terms.** – For purposes of this Act, the following terms
16 shall mean:

17 a. *Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs)* - shall refer
18 to a group of people or homogenous societies identified by self-ascription and
19 ascription by others, who have continuously lived as organized community on
20 communally bounded and defined territory, and who have, under claims of ownership
21 since time immemorial, occupied, possessed and utilized such territories, sharing
22 common bonds of language, customs, traditions and other distinctive cultural traits,
23 or who have, through resistance to political, social and cultural inroads of colonization,

1 non-indigenous religions and cultures, became historically differentiated from the
2 majority of Filipinos. ICCs/IPs shall, likewise include people who are regarded as
3 indigenous on account of their descent from the populations which inhabited the
4 country, at the time of conquest or colonization or at the time of inroads of non-
5 indigenous religions and cultures or the establishment of present state boundaries
6 who retain some or all of their own social, economic, cultural and political institutions,
7 but who may have been displaced from their traditional domains or who may have
8 resettled outside their ancestral domains.

9 **Section 4. Recruitment of ICCs/IPs in Law Enforcement and National**
10 **Defense.** - The Philippine National Police Academy and the Philippine Military
11 Academy are hereby mandated to admit and enlist members of ICCs/IPs into their
12 academic program. At least ten percent (10%) of the new cadets shall belong to
13 ICCs/IPs.

14 **Section 5. Rights of Enlisted Members of ICCs/IPs.** - Members of
15 ICCs/IPs admitted in the academic program shall not be discriminated by reason of
16 their physical, social, cultural backgrounds and religious beliefs.

17 **Section 6. Penalties.** - Any person, public official or employee who
18 discriminates in any manner members of the ICCs/IPs, by reason of their membership
19 in the ICCs/IPs, shall immediately be subjected to the proper disciplinary action or
20 proceedings of the service.

21 Willful failure, refusal or negligence by the disciplining authority in the initiation,
22 investigation and disposal of disciplinary proceedings due to violations of this Act shall
23 be a cause for dismissal from the service of the disciplining authority.

24 Any sanction for violations provided under this Act shall be without prejudice
25 to the criminal penalties and sanctions provided under the Republic Act No. 8371 or
26 otherwise known as The Indigenous Peoples' Rights Act of 1997.

27 **Section 7. Implementing Rules and Regulations.** - The Department of
28 National Defense and the Department of the Interior and Local Government shall
29 collaborate and issue within thirty (30) days from the effectivity of this Act the
30 Implementing Rules and Regulations for the effective implementation of this Act.

31 The implementing rules and regulations shall provide accommodations for
32 members of the ICCs/IPs regarding their admission and shall avoid qualifications and
33 disqualifications that discriminates them due to their diverse qualities.

34 **Section 8. Separability Clause.** - If any provision of this Act shall be held
35 unconstitutional or invalid, the other provisions not otherwise affected shall remain in
36 full force and effect.

37 **Section 9. Repealing Clause.** - All laws, decrees, executive orders,
38 proclamations and other executive issuances which are inconsistent with or contrary
39 to the provisions of this Act are hereby amended or repealed accordingly.

1 **Section 10. Effectivity Clause.** - This Act shall take effect fifteen (15) days
2 following its complete publication in the Official Gazette or in two (2) national
3 newspapers of general circulation.

Approved,