

**REPORT ON THE HUMAN RIGHTS SITUATION OF THE INDIGENOUS PEOPLES
IN THE PHILIPPINES**

Submission to the United Nations Special Rapporteur on the Rights of Indigenous Peoples

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INTRODUCTION

In the Philippines, the Indigenous Peoples (IP) belong to 110 ethnolinguistic groups, comprising around 15 million people, or 12% of the 114 million of the country's population. Their territories cover as much as 44% of the country's land area. The Indigenous Peoples of Mindanao, collectively called the Lumad, are projected to be the largest collective group, at 63% of the country's total IP population. 34% of the Indigenous Peoples are from the collective group of the Igorot in Northern Luzon, while there are also diverse groups in Central Luzon, the Palawan Islands, Mindoro, and along the Sierra Madre Mountain Range, which spans through numerous provinces across Luzon. At least 3% of the country's Indigenous People's population are in the Visayas region.¹

The Territories of Life Report demonstrated how 1,440,000 hectares of ancestral domains (ADs) under Certificate of Ancestral Domain Titles (CADTs) overlap with Protected Areas, while 1,345,198 hectares of Key Biodiversity Areas (KBAs) or an estimated 29% of the total likewise overlap with CADTs. It further showed that 75% of our remaining forest cover is within ADs. The report's spatial analysis noted how Indigenous community conservation serves as a de facto governance regime in most KBAs not covered by protected areas, demonstrating the invaluable role of Indigenous People in sustaining our nation's ecological health and natural wealth.²

Indigenous Peoples of the Philippines have long experienced discrimination and oppression under the Philippine Government (GPH). The GPH also continues to allow private corporations to conduct destructive projects in Indigenous Peoples' ADs and territories. Moreover, the GPH has implemented laws and policies that exacerbate the violations of the IPs' individual and collective rights. Businesses are allowed to circumvent protective laws and policies and consider mere consultations as the Free, Prior, and Informed Consent (FPIC) of the IP communities.

¹ Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL) (2023, June 14-16). *IP Tenurial Rights, Key Initiatives, Issues, & Challenges* [Report]. Fighting the Big Fight: Regional Workshop on Lands, Territories, and Resources (LTR) Strategy, Chiang Mai, Thailand.

² The Philippine ICCA Consortium. (2021) *The Philippines: A national analysis on the status of territories of life*. From <https://report.territoriesoflife.org/national-and-regional-analysis/philippines/>

The 2023 State of Indigenous Peoples Address (SIPA) report³ revealed at least 1.3 million hectares of ADs faced various land and environment conflicts. This was a net increase of over 70,345 hectares or a +6% increase compared to the previous iteration of the report. Mining was the biggest driver of this surge of conflicts.

The report cited data from the National Commission on Indigenous Peoples (NCIP), the Philippine government agency tasked to address Indigenous concerns, which revealed serious gaps in the recognition and protection of ancestral domains. Only 33% of the NCIP's target of 1,531 ADs were issued formal titles, and only 30% of a targeted 980 Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs) were assisted and accomplished. A recent report by the World Bank (WB)⁴ further showed that only 22% of these approved Certificate of Ancestral Domain Titles (CADT) were fully registered with the Land Registration Authority, leaving the remaining 78% vulnerable to overlapping land tenures.

The World Bank report further delves into the socio-economic status of the Indigenous Peoples in the country, showing that at least 59% of Indigenous households perceive themselves as poor, with 81% reporting that they are unable to transition out of poverty. In terms of food poverty, hunger, illiteracy, and inaccessibility of education, health services, employment, and social services, the IP rate significantly worse compared to non-Indigenous Peoples.

In terms of civil and political rights, the SIPA 2023 report raised alarm over the increasing number of IP who suffered human rights abuse compared to the previous year. At least 45,070 people, or a 62% increase, were monitored to have been forcibly evacuated, affected by militarization, or subjected to threats, harassment, intimidations, and various other human rights violations.

These widespread violations of Indigenous rights persist despite the adoption of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the enactment of the Indigenous Peoples Rights Act of 1997 (IPRA), and the Government of the Philippines' (GPH)

³ Taqueban, E.M. and Dulce, L. (December 2023). State of Indigenous Peoples Address 2023 Report. Legal Rights and Natural Resources Center. <https://www.lrcksk.org/publications>

⁴ The World Bank. (May 2024). No Data, No Story: Indigenous Peoples in the Philippines. From <https://thedocs.worldbank.org/en/doc/baa43cc91ec55266a538e9023c528bd7-0070062024/no-data-no-story-indigeno-us-peoples-in-the-philippines>

acceptance of the previous Universal Periodic Review (UPR) recommendations on Indigenous Peoples. In the 41st session of the Universal Periodic Review in 2022, the GPH has supported recommendations to ensure the respect for the Free, Prior, and Informed Consent of Indigenous Peoples, and their full and meaningful participation in all the stages of development projects that affect them, especially in mining and energy. It further supported recommendations to protect Indigenous Peoples Human Rights Defenders from harassment and intimidation and promote the protection of law of Indigenous Peoples.⁵

The following sections summarize this report's compiled cases of threats to ancestral lands and domains, militarization in Indigenous territories, and the criminalization and red-tagging of Indigenous Peoples and Indigenous Peoples' Human Rights Defenders across the Philippines.

Territories under threat

Majority of cases compiled in this report raise concerns over land and environment conflicts encroaching into ancestral domains, affirming the longstanding trend of governments and businesses denying the Indigenous right to Free, Prior, and Informed Consent (FPIC) that should be a guaranteed condition before any project should be able to start within Indigenous territories.

An observed trend across many of the cases indicates that under the Pres. Ferdinand Marcos Jr.'s administration (from 2022 to the present), the race to transition to renewable energy and harness 'energy transition' minerals have already begun to escalate violations of the IPs' right to Free, Prior and Informed Consent (FPIC) and worsen the encroachment on IP territories. Public authorities were oftentimes found to be the perpetrators of human rights violations themselves, heightening the distrust of IPs. The National Commission on Indigenous Peoples (NCIP), the government agency mandated to "protect and promote the interest and well-being of the ICCs/IPs," Department of Environmental and Natural Resources (DENR), Department of Agrarian Reform (DAR), Land Registration Authority (LRA), Department of Energy (DOE), National Irrigation Authority (NIA), Department of Public Works and Highways (DPWH), the

⁵ UPR of Philippines (4th Cycle - 41st Session). United Nations Human Rights Council. Universal Periodic Review - Philippines. From <https://www.ohchr.org/en/hr-bodies/upr/ph-index>.

Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), and various Local Government Units, are among the agencies that have become instrumental in FPIC violations and the land-grabbing of ancestral domains.

The FPIC guidelines state that the Indigenous communities are allowed to determine and utilize their customary laws in decision-making. Submitted cases, however, report how fast-tracks and other time constraints set by the national government pressure the Indigenous communities, cause division, and allow the NCIP to ultimately neglect the genuine FPIC process. The NCIP's recent efforts to revise FPIC guidelines went without proper consultations with IP communities, in essence disregarding the IPs' Right to Self-determination.⁶

The numerous cases of violations against the Indigenous Peoples' Right to FPIC have snowballed into ever-multiplying violations of their individual and collective rights, from their socio-economic rights to their right to practice and develop their cultures.

In Kalinga province in the region of Cordillera, the Department of Energy (DOE) has awarded numerous hydroelectric power generation projects to private firms, such as the DPJ Engineers and Consultants and the JBD Water Power, Inc., in Indigenous territories which will affect several Kalinga tribes. The NCIP excluded opposing communities in the consultations, hand-picked the Council of Elders, pressured the opposing communities to reconsider their positions, and disregarded petitions and resolutions filed by the opposition. To further silence the opposition, the 5th Infantry Division of the AFP has militarized several barangays, harassing and intimidating the civilians, and bombing, aerial strafing, and mortar shelling their territories. Anti-dam activists are also being red-tagged by the military.

Numerous projects in Central Luzon threaten to eject the Ayta out of their Ancestral Lands. These are the New Clark City, Crow Valley Military Complex, Balog-balog Dam, and APECO project, which will cover a vast expanse of Ayta territory. The New Clark City covers 9,450 hectares of Capas and Bamban in Tarlac and Mabalacat in Pampanga. With this project, 60,000 peasants and Indigenous People will be evicted. The Crow Military Complex, under the

⁶ A Call for Effective and Genuine Consultations on the Revised FPIC Guidelines. (May 2024). Joint Statement signed by 68 indigenous people's and civil society organizations in the Philippines. From <https://iprights.org/index.php/en/all-news/a-call-for-effective-and-genuine-consultations-on-the-revised-fpic-guidelines>.

Philippine Air Force Development Plan , will cover 17,814 ha of Ancestral Lands in Sta. Juliana, Capas, Tarlac. The Balog-Balog Dam will cover 26,000 ha of ancestral lands in Brgy. Maamot, San Jose and 13,400 ha in Brgy. Sta, Juliana in Capas Tarlac. 2,000 IP families will be displaced and around 500 families residing above the dam structure will also be affected. A large area of the APECO project, a 122,923-hectare special economic zone established by the Philippine government in Aurora, will cover Ancestral Lands of the Agta-Dumagat. This project was established without prior consultation with the local government units.

In the tri boundary area of the provinces of South Cotabato, Sultan Kudarat, and Maguindanao, the Taboli Manobo, Teduray, and Dulangan Manobos' right to their ancestral domains is undermined by the continuing usurpation of the Magsaysay & Sons Company (M&S) of their lands through the intervention of the DENR. This is instrumentalized under the IFMA No. 18-2007, which covers the aforementioned area. The Indigenous communities are being harassed by the Magsaysay and Sons Co. the Special Citizen Armed Forces Geographical Units (CAFGU) and the Special CAFGU Active Auxiliary (SCAA) paramilitary groups. Members of the three Indigenous communities have been red-tagged, threatened, and prevented from utilizing their own ancestral domain.

The Non-Moro Indigenous Peoples (NMIP) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), specifically, the Teduray, the Lambangian, and the Dulangan Manobo, have long been experiencing land disputes in their ancestral domains caused by various resource interests and development projects by the BARMM government. Such are plantations, logging and mining, and the expansion of Moro Islamic Liberation Front (MILF) camps. The NMIP also experienced harassment from various armed groups, such as the Bangsamoro Islamic Armed Forces (BIAF), AFP, and other local armed groups. Such land conflicts have led to forced displacement, disruption and loss of their traditional livelihood, cultural degradation, red-tagging, and numerous extrajudicial killings.

Since 2005, the Teduray tribe has lobbied for formal recognition of their ancestral domain. Tragic landslides triggered by Severe Tropical Storm Paeng in October 2022, killing 27 Tedurays, highlight their plight. The death of Jocelyn Palao, a passionate Teduray advocate, further exemplifies the dangers of fighting for indigenous land rights. The Teduray-Lambangian

Ancestral Domain Claim (TLADC), spanning 208,258.58 hectares, remains unrecognized, leading to continuous displacement and violence. Despite receiving housing units in July 2023, many survivors remain homeless. Calls for an IP Code to facilitate the processing of claims face bureaucratic delays and political inaction.

Militarization in Indigenous territories

Throughout the nation, military operations follow after the entry of corporate projects or after the intentions of companies to enter IP communities are known. Across the cases compiled in this report, various internal security forces of the GPH such as the AFP, PNP, and CAFGU are documented as the chief suspects of human rights violations against the Indigenous Peoples. Their conduct of counterinsurgency operations are seen to be instrumentalized for stifling criticism and dissent, especially in areas where opposition from the communities and the defense of their rights to their ancestral lands and self-determination are robust and steadfast.

Forms of militarization in Indigenous territories range from the deployment of military troops, military encampment and the use of public and civic spaces, armed military operations, indiscriminate bombings and strafings, the formation of paramilitary troops, recruitment of civilians as intelligence agents, and forced and faked surrenders of civilians—a form of red-tagging where civilians are made to appear as parties to insurgencies—through manipulation or threat.

As the expansive projects in Ayta Ancestral Lands in Central Luzon threaten to evict numerous Indigenous Peoples, intensified Focus Military Operations take place in Aurora; the farmers and the Indigenous Peoples are barred from going to their farms, coconut plantations, and vegetable gardens. After an alleged encounter between the 71st ID and members of the New People's Army in Brgy. Toytoy in May 2024, 9 barangays were hit by bombs and missiles by a T129 attack helicopter. More than 200 families were evacuated due to the military operations.

In Rizal province, two Dumagat community members who actively opposed the Kaliwa-Kanan-Laiban Dam project and other environmentally destructive projects were shot to death in their home by joint elements from the Criminal Investigation and Detection Group Regional Field Unit 4A (CIDG RFU-4A), PNP Special Action Force (SAF), and the Rizal

Provincial Mobile Force Company (PMFC). The armed elements attacked their home in the night, forced the family of the victims out, and killed the two victims left inside. The armed elements planted a gun and grenade in the scene, which the family denied to have in possession of, as there are 4 minor children in their household. The minor children also witnessed the violence. The huge dam project threatens to destroy the ancestral lands and farms of the Dumagat and Remontado communities. The NCIP has manipulated the FPIC process in order to allow the project to push through.

In Sultan Kudarat province, more than 20 elements of the 7th Infantry Battalion in full battle gear led by Lt. Col. Tristan Rey Vallescas opened fire at a group of Dulangan Manobo youth, mostly of minor age, resulting in the death of a 16-year old. The soldiers even planted a Garand rifle near his deceased body, to claim that the youth and his companions were a group of insurgents with whom they had an armed encounter. Contrary to the story posed by the Armed Forces of the Philippines on national media, the youth was due to enroll at the local school on that day. Moreover, soldiers from the same unit arrived in the community on the same day of the killing, and established an encampment at the local church.

Criminalization and red-tagging of Indigenous Peoples Human Rights Defenders and Indigenous Peoples' rights advocates

As with previous administrations, Pres. Marcos Jr. identified Indigenous Peoples as among focus sectors in his 'whole of nation' National Security Policy.⁷ Through the implementation of Executive Order No. 70, the NTF-ELCAC and its regional counterparts, coincided with the enactment of the Anti-Terrorism Law, numerous Indigenous Peoples Organizations, Indigenous Peoples Human Rights Defenders (IPHRDs), and advocates for Indigenous Peoples rights, are continuously being vilified and criminalized using trumped-up charges and accusations of terrorism. The NTF-ELCAC has also caused fear of reprisals and being red-tagged among the IP, causing incidents of human rights abuses to remain unaddressed. Impunity thus continues to worsen as perpetrators remain at large.

⁷ National Security Policy 2023-2028. National Security Council. From https://nsc.gov.ph/images/NSS_NSP/National_Security_Policy_Manual_FINAL_E-COPY_with_WATERMARK_140823.pdf

On May 14, 2018, Rocky Torres and his uncle, Avelardo “Dandoy” Avellaneda, Dumagat farmers from Quezon province, were illegally arrested by the 80th IB and subjected to torture. The military elements forced them to admit that they were members of the New People's Army (NPA) and that they killed a soldier during an encounter between the Armed Forces of the Philippines and the NPA. They were falsely charged with murder and illegal possession of firearms and explosives. On May 15, 2018, they were flown to the Southern Luzon Command in Lucena City and later transferred to Camp Bagong Diwa in Taguig City. Human rights workers found them with bumps and bruises, and they suffered pulmonary tuberculosis while in detention. Avellaneda and Torres remain in detention for 6 years.

Recommendations

Continuing under the Marcos Jr. administration, Indigenous Peoples Human Rights Defenders (IPHRDs) staunchly opposed to destructive and extractive projects continue to experience harassment, threats, intimidation, vilification in the form of red-tagging, criminalization through trumped-up charges and terrorist-tagging, enforced disappearances, torture, and extrajudicial killings. Their communities face militarization that exacerbates the human rights violations they face. Domestic remedies through government agencies and even the judicial system fall short of non-negotiable human rights standards and norms, oftentimes further aggravating the already dangerous situation of Indigenous Peoples.

Due to the worsening human rights crisis of the Indigenous Peoples of the Philippines, we therefore urgently request the support of Hon. José Francisco Calí Tzay, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, to:

1. **Request an invitation for an official country visit** from the Philippine Government to conduct a full-scale, on-site investigation of the concerns raised in this submission and throughout the academic visit;
2. **Issue a communication** to the Philippine Government, should the 60-day deadline for a response lapse without a positive reply, to raise the following recommendations of Indigenous Peoples in the Philippines:
 - a. To uphold the Indigenous Peoples’ right to genuine Free, Prior, and Informed Consent, particularly through expanding the duration and scope

of the government's public consultations on revising the country's FPIC guidelines;

- b. To address the tenurial overlaps, land and resource grabbing, and various other land and environmental conflicts that beset ancestral domains and undermine Indigenous Peoples' Right to Self Determination and Right to Clean and Healthy Environment;
 - c. To cease the militarization of Indigenous communities, and the red-tagging and criminalization of Indigenous Peoples' Human Rights Defenders (IPHRDs) and Indigenous Peoples' rights advocates;
 - d. To abolish the NTF-ELCAC through the repeal of Executive Order No. 70, and to repeal the Anti-Terrorism Law, the chief policy infrastructure for red-tagging and criminalizing IPHRDs; and
 - e. Ensure the speedy and impartial trials of illegally arrested and detained IPHRDs and IP rights advocates.
3. **Facilitate technical and advocacy support** for local initiatives of Indigenous Peoples in the Philippines in their defense for their rights, such as through a **issuing a press release** together with other Special Mandate holders to raise global attention around the plight of Indigenous Peoples in the Philippines, or through coordinating with other United Nations offices to provide **humanitarian assistance** direct to Indigenous Peoples Organizations and Indigenous communities that continue to suffer human rights abuses, militarization, and displacement; and
4. **Provide technical advice** to the Philippine Legislature and the Philippine Commission on Human Rights with recommendation to **conduct national inquiries** on the Rights of Indigenous Peoples.

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