



## PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES TO THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS, GENEVA

### NV-EPG-507-2022

**Subject:** The Philippine Government's Response to the Joint Communication of Special Rapporteurs on the alleged unlawful occupation of the Manobo-Pulangiyan tribe's ancestral land by Kiantig Development Corporation (KDC) and alleged violence and persecution of Manobo-Pulangiyan tribe and support groups members

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights – Special Procedures Branch and, with reference to the Joint Communication of the Special Rapporteurs on the rights of Indigenous Peoples; the Special Rapporteur on the rights to freedom of peaceful assembly and association; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on the human rights of internally displaced persons with reference AL PHL 3/2022 dated 18 October 2022, has the honor to provide the following information on the alleged unlawful occupation of the Manobo-Pulangiyan tribe's ancestral land by Kiantig Development Corporation (KDC) and alleged violence and persecution of Manobo-Pulangiyan tribe and support groups members while taking part in a peaceful protest on 19 April 2022 in Kiantig, Quezon, Bukidnon:

1. Due to the continued operation of KDC on the ancestral land of the Manobo-Pulangiyan tribe despite the tribe's lack of free and prior informed consent, the National Commission on Indigenous Peoples (NCIP), issued on 08 February 2019 a Notice to Vacate against KDC. When KDC failed to heed the Notice to Vacate, NCIP issued several show-cause letters to KDC which were similarly disregarded by KDC.

Eventually, the NCIP issued and served on KDC a Cease and Desist Order (CDO) with the assistance of other government agencies namely, the National Intelligence Coordinating Agency (NICA), Department of Environment and Natural Resources (DENR), Commission on Human Rights (CHR), Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Philippine Army (PA), Philippine Information Agency (PIA), members of the local media, and representatives from the provincial and municipal local government units.

2. KDC challenged the validity of the CDO by filing with the Supreme Court a Petition for Certiorari and Prohibition with urgent application for temporary restraining order and writ of preliminary injunction and other injunctive reliefs. The NCIP, through its counsel, the Office of the Solicitor General, was set to file its comment on the petition last 13 December 2022.
3. The National Task Force to End Local Communist Armed Conflict (NTF ELCAC) through its Legal Cooperation Cluster (LCC) will provide quality legal representation to the tribe in the said case.

4. The NTF ELCAC LCC is closely coordination with the NCIP in the possible filing of cases against individuals who allegedly harassed the tribe. The NTF ELCAC is also working with relevant government agencies in creating a task force to expedite the resolution of the issues surrounding the protection of the rights of Indigenous Peoples in Bukidnon.
5. On 29 September 2022, a meeting was held between the Manobo-Pulangiyan community, representatives of Amnesty International Philippines (AIPh) and NCIP officers. The NCIP informed that it is exerting efforts to complete the Recognition Book of the Community, which is one of the requirements for the issuance of a Certificate of Ancestral Domain Title (CADT) in the name of the Manobo-Pulangiyan Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs). The NCIP gave assurances on the issuance of the CADT, and, on a best effort basis, the establishment of a temporary resettlement site for the members of the community who were forced to stay by the roadside.

NCIP and AIPh agreed to cooperate in conducting a case build-up in order to file the appropriate cases against the responsible officers of KDC and other individuals for the acts of violence and intimidation committed against the Community.

6. The following measures have been taken or envisaged for the protection of the Manobo-Pulangiyan community and their access to effective, adequate and timely remedies:
  - Fast tracking the processing of the Manobo-Pulangiyan CADT application
  - Coordination for the establishment of a resettlement site
  - Issuance of Cease-and-Desist Order through a whole-of-nation and whole-of-government approach
  - Conduct of continuous coordination and collaboration meetings
  - Addressing the issues affecting the community such as:
    - (a) forging partnership through a Memorandum of Agreement (MOA) to identify deliverables of the Joint Regional Task Force to End Local Armed Conflict (JRTF) in protecting the rights of the Manobo-Pulangiyan ICCs/IPs;
    - (b) development of an action plan to establish continued dialogue with KDC towards a peaceful occupation of the vacant and unutilized area near KDC boundary of operations which is also part of the ancestral domain; and
    - (c) provision of sustainable socio-economic activities of the affected members of the Manobo-Pulangiyan ICCs/IPs who are staying/living near the perimeter fences of KDC, and the building of houses in coordination with the National Housing Authority and other concerned agencies.
7. The following steps have been taken or are under consideration to prevent human rights abuses by business enterprises domiciled in ICCs/IPs territories:
  - It is legally required by the Indigenous Peoples Rights Act (Republic Act No. 8371) that businesses operating in ICCs/IPs territories to first secure the free, prior and informed consent (FPIC) of the concerned ICCs/IPs before they operate in ancestral domains/lands.
  - This requirement is reinforced in the Revised Guidelines on the FPIC and Related Processes of 2012. At the moment these guidelines are being enhanced to respond to current issues affecting ICCs/IPs. To date, there are 449 Certificate Preconditions (CP) issued so far. The CP certifies that

businesses and corporations implementing projects or programs within the ancestral domains of ICCs/IPs have undergone the FPIC processes as required by law.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights – Special Procedures Branch the assurances of its highest consideration.

Geneva, 16 December 2022

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