

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**SEVENTEENTH CONGRESS**  
First Regular Session

House Bill No. 391



**Introduced by Rep. JOSE T. PANGANIBAN, JR.**  
**of ANAC-IP Partylist**

EXPLANATORY NOTE

Article II, Section 22 of the 1987 Constitution provides that "(T)he State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." Hence, the promotion of a society recognizing and promoting the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of the 1987 Constitution and Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997. Section 46 of Republic Act 8371 provides that "*(T)he Ancestral Domains Office... shall issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploration of natural resources affecting the interests of ICCs/IPs or their ancestral domains.*" Thus, without the free and prior informed consent (FPIC) of the concerned indigenous community and appropriate Certification Precondition from the NCIP, no permit should be issued by the DENR and other concerned agencies for the exploration of natural resources affecting the interests of ICCs/IPs or their ancestral domains.

The said provision of the Indigenous Peoples Rights Act, however, has created confusion among the stakeholders in the mining sector because the Philippine Mining Act of 1995 and its implementing guidelines do not explicitly provide for such requirement. Further, Section 17 of Republic Act No. 7942 provides that royalty payments shall be agreed upon by the parties which shall form part of a trust fund for the socio-economic well-being of the ICCs/IPs without indicating the exact amount to be paid by the contractor, permit holder or mining operator. This particular provision has likewise led to disagreements concerning the royalty payment.

This Bill seeks to make the appropriate amendments to the Philippine Mining Act of 1995 in order to protect the rights of the members of ICCs/IPs and ease the confusion regarding said provisions.

In view of the foregoing, urgent approval of this bill is earnestly sought.

  
**JOSE T. PANGANIBAN, JR., CPA, Lib**  
Representative, ANAC-IP Partylist

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**AN ACT**  
**TO PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS PEOPLES**  
**AFFECTED BY MINING OPERATIONS IN ANCESTRAL DOMAINS,**  
**AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 7942,**  
**OTHERWISE KNOWN AS THE "PHILIPPINE MINING ACT OF 1995"**

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

**SECTION 1.** Section 16 of Republic Act No. 7942, otherwise known as the "*Philippine Mining Act of 1995*," is hereby amended to read as follows:

"SEC. 16. *Opening of Ancestral Lands for Mining Operations.* – No ancestral land shall be opened for mining operations without the FREE AND prior INFORMED consent of the indigenous cultural community [concerned] AND A CERTIFICATION PRECONDITION ISSUED FOR THE PURPOSE BY THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES, AS SPECIFIED UNDER SECTION 59 OF REPUBLIC ACT NO. 8371."

**SECTION 2.** Section 17 of the same Act is also hereby amended to read as follows:

"SEC. 17. *Royalty Payments for Indigenous Cultural Communities.*– In the event of an agreement with an indigenous cultural community pursuant to the preceding section, [the] A royalty payment upon utilization of the minerals shall be [agreed upon by the parties] GIVEN TO THE INDIGENOUS CULTURAL COMMUNITY BY THE CONTRACTOR, PERMIT HOLDER, OR MINING OPERATOR. The said royalty SHALL BE TWENTY PERCENT (20%) OF THE

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GROSS OUTPUT AND shall form part of a trust fund for the socioeconomic well-being of the MEMBERS OF THE indigenous cultural community”

**SECTION 3.** This Act shall take effect fifteen (15) days following its publication in at least two (2) national newspapers of general circulation

Approved,

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