

Republic of the Philippines  
**DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT**  
A Francisco Gold Condominium II, EDSA, Dilimar, Quezon City

OFFICE OF THE SECRETARY

October 20, 2010

MEMORANDUM CIRCULAR  
NO. 2010-119

TO : ALL PROVINCIAL GOVERNORS, CITY MAYORS, MUNICIPAL MAYORS, PUNONG BARANGAYS, DILG REGIONAL DIRECTORS, THE REGIONAL GOVERNOR OF THE AUTONOMOUS REGION IN MUSLIM MINDANAO, AND OTHERS CONCERNED

SUBJECT : MANDATORY REPRESENTATION OF INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES IN POLICY-MAKING BODIES AND OTHER LOCAL LEGISLATIVE COUNCILS

Pursuant to Section 16 of Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997, quote:

"ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils."

In addition, Section 6, Part I, Rule IV of the National Commission on Indigenous Peoples Administrative Order No. 1, series of 1998, or the Implementing Rules and Regulations of Republic Act No. 8371 provides that the ICCs/IPs shall be provided mandatory representation in all policymaking bodies and in local legislative councils. ICCs/IPs representation shall be proportionate to their population, and shall have the same privileges as the regular members of the legislative bodies and/or policy making bodies.

The qualification and selection processes for ICC/IP representative in local legislative bodies are embodied in NCIP Administrative Order No. 001, series of 2009, titled, *National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Councils*, as follows:

**A. Coverage (Section 5, Title I, Preliminary Provisions, NCIP AO No. 001, s., 2009)**

All ICCs/IPs residing with the ancestral domains or resettled communities within the political jurisdiction or boundaries of concerned LGUs may be represented in the local legislative councils of the LGUs exercising jurisdiction over the area. However, in cases where an ancestral domain or resettled community is overlapped by two (2) or more political boundaries of LGUs, only the members of the ICCs/IPs whose residence are covered by the concerned LGU may take part in the selection of IPs mandatory representative for the said LGU.

**B. Minimum Qualifications (Section 9, Title II, NCIP AO No. 001, s., 2009)**

The following shall be the minimum requirements for one to qualify as ICC/IP representative in the local legislative councils:

- (a) Natural-born Filipino citizen;
- (b) Registered voter in the barangay, municipality, city, province, or district where he or she intends to assume office;
- (c) Bona fide ICC/IP by blood or consanguinity;
- (d) Acknowledged leader of the ICCs/IPs of which he or she is a member;
- (e) NCIP certified as continuously engaged in ICCs/IPs in a given LGU;
- (f) Able to read and write; and

(g) Knowledgeable of, and practices the customary ways of the ICCs/IPs of which he/she is a member.

**C. Disqualifications (Section 10, Title II, NCIP AO No. 001, s., 2009)**

Any person suffering from or characterized by any one of the following circumstances shall not be eligible to represent the ICCs/IPs:

- (a) Convicted by final judgment by the council of elders of concerned ICCs/IPs for violating their customs and traditions;
- (b) Sentenced by final judgment for an offense involving moral turpitude or for an offense punishable by one (1) year or more of imprisonment, within two (2) years after serving sentence;
- (c) Removed from office as a result of administrative case;
- (d) Convicted by final judgment for violating the oath of allegiance to the Republic of the Philippines;
- (e) Possession of dual citizenship;
- (f) Fugitive from justice, inside or outside the country;
- (g) Permanent resident in a foreign country or has acquired the right to reside abroad and continues to avail of the same right; and
- (h) Insane or feeble-minded based on the findings of competent authorities.

**D. Term of and Removal from Office (Section 11, Title II, NCIP AO No. 001, s., 2009)**

The term of office of the ICC/IP mandatory representative in the local legislative councils shall be for a period of three (3) years from the date of assumption to office and can be re-indorsed for another term by the ICCs/IPs constituents but in no case shall the representative serve for more than three (3) consecutive terms. For LGUs with more than one (1) ICCs/IPs residing within its jurisdiction, all ICCs/IPs tribes in said LGU may agree on a term-sharing agreement based on population ratio, or on whatever local arrangement they may deem suited and applicable to address the cultural peculiarities in that LGU.

The ICC/IP mandatory representative can be replaced anytime by the ICCs/IPs who selected him/her to the position in accordance with their local guidelines on recall or removal from office.

**E. Selection and Assumption to Office (Section 12, Title II, NCIP AO No. 001, s., 2009)**

The selection of the particular ICC/IP representative to the legislative council shall be in accordance with the Local Guidelines that the concerned ICCs/IPs shall adopt and promulgate.

Assumption to office shall take place as soon as the selection process is formally certified by the concerned NCIP Regional Director, upon recommendation of the Provincial or Community Service Center Head, as the case may be, in accordance with Administrative Order No. 001, s., 2009, and the person chosen takes the appropriate oath before an authorized officer and informs the appropriate body of his or her assumption.

**F. Powers, Duties and Functions (Section 8, Title II, NCIP AO No. 001, s., 2009)**

The powers, duties and functions of an ICC/IP mandatory representative shall be the same as that of the regular members of local legislative councils as provided in the Local Government Code of 1991, and other applicable laws. However, ICC/IP mandatory representatives shall focus on the representation of the collective interests of ICCs/IPs; ensure support for the sustained constitution and operations of the IPCB in their respective areas of jurisdiction; and maintain the development and practice of ICCs/IPs traditional leadership titles and structures, justice systems, conflict resolution institutions, and peace building mechanisms and processes that are compatible with the national legal system and with internationally recognized human rights.

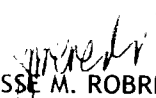
**G. Compensation and Benefits (Section 11, Title II, NCIP AO No. 001, s., 2009)**

Compensation, benefits and other emoluments of the ICC/IP representative shall be the same with that of the regular members of the concerned legislative bodies as prescribed in RA 7160 and other applicable laws.

In view of the above, all Local Chief Executives are hereby directed to strictly observe the mandate of Republic Act No. 8371, specifically, ICC/IP mandatory representation in the local sanggunian, in accordance with the *National Guidelines for the Mandatory Representation of Indigenous Peoples in Local Legislative Council*, as embodied in this Circular.

All DILG Regional Directors and the ARMM Regional Governor are directed to cause the immediate and widest dissemination of this Memorandum Circular to all local government units within their regional jurisdictions, and to provide technical assistance to local government units, if necessary.

For information and guidance.

  
JESSE M. ROBREDO  
Secretary

