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BARMM JURISDICTION OVER ANCESTRAL DOMAINS: AN ARGUMENT FOR RESTRAINT

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for Restraint**

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1. Introduction

In 2018, Congress enacted the Organic Law¹ for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). This law was the product of years spent attempting to replace the organic charter of the Autonomous Region for Muslim Mindanao (ARMM), which was established under Republic Act No. 6374, later amended by Republic Act No. 9054.

Aquino's predecessor Gloria-Macapagal Arroyo made her own attempt at crafting a new organic act, but the Supreme Court ended the effort at an early stage of the process.²

President Benigno Aquino III called the ARMM “a failed experiment”³ and his administration set out to write a new organic act to govern Muslim Mindanao.⁴ Rebels-turned-leaders of the ARMM failed to maintain their legitimacy and sustain their authority because they failed to deal with the resilience of clan leaders who ignored the political institutions, preferring instead to navigate multiple and rival institutions.⁵ The ARMM was undermined by poor governance, perceptions of widespread corruption, and a lack of financial support from the central government. These challenges discredited the MNLF, leading to a new round of insurgency by the MILF, which since 1976 has adopted a more overtly Islamic position.⁶

Aquino's efforts with the MILF were proceeding well when, unfortunately, an incident between the 55th Special Action Company and the Moro Islamic Liberation Front (MILF), led to the death of many soldiers, and eroded support for the project.⁷ Prior to the Mamasapano incident, in a survey conducted June 2014, only 27 percent of Filipinos were against the proposed Bangsamoro Basic Law. At that time, 44 percent of Filipinos were for the approval of the proposal.⁸ After the incident in Mamasapano, the survey showed 48 percent of Filipinos are against the approval of the draft Bangsamoro Basic Law, while 23 percent want the draft law to be approved.

The ad hoc committee tackling the bill suspended deliberations “indefinitely” to give way to the House probe into the clash in Mamasapano.⁹ Severely wounded in Mamasapano, the BBL

died on the floor of the legislature—“its blood spreading on the marble, as absent lawmakers fanned themselves in their partitioned offices.”¹⁰

Relatives of those who died in the Mamapasano incident sought to hold Aquino and former police heads accountable, but they were eventually absolved by the Supreme Court.¹¹ The Duterte Administration’s own drive for a new organic act was successful. Provinces under the ARMM except Sulu voted to ratify Republic Act No. 11054. The official tabulation revealed that a total of 1,540,017 approved the BOL, while 198,750 residents rejected the law.¹²

2. Bangsamoro

A major sub-category of Indigenous Peoples is the Moros of Mindanao island and the Sulu archipelago. Moro is the generic term that has long been applied to the archipelago’s indigenous Muslims, and has been embraced by this population in recent decades. However, Moros are sometimes excluded from discussion of Indigenous peoples because they tend to avoid using “IP” as a term of self-reference. Moros are also dominant politically and demographically in some parts of Mindanao and Sulu, such that their situation is quite distinct from that of their Lumad neighbors and other Indigenous minorities. Nevertheless, like other IPs, Moros have become minorities in their own land due to the influx of Filipino settlers into the southern Philippines since the early twentieth century.¹³

The distinction between Moro and Indigenous peoples has placed tension between these peoples where the Lumad fear they would become “second-order minorities” in the “Bangsamoro homeland.”¹⁴ IP communities sometimes regard the Moro as historically feudal overlords who are prone to the same forms of neopatrimonialism found in other developing countries, including perceptions of the private gains possible through public office.¹⁵

The interaction of several political and economic causes aggravates the conditions of conflict in the Lumad struggle.¹⁶ These include the Philippine government’s counter-insurgency programs, Moro armed groups who regard the Lumads as second-class citizens, and business interests who exploit resource-rich lands. The Lumad tribes suffer the most through systemic discrimination and oppression from these actors.

Moros consist of thirteen or so diverse ethnic groups that have historical association with Islam.¹⁷ The term “Moro” comes from the Spanish word for Moor (or Muslim), which then became the official colonial-era designation for the Indigenous Muslims in the Philippines. Although initially derogatory, it has been embraced by many Moros as a way of acknowledging commonalities of their colonial experiences and of fostering political unity across diverse ethnic and linguistic groups. It allows them to distinguish themselves from relatively recent converts but who are members of the dominant Filipino majority groups. The term “Bangsamoro” or “Moro nation” was proposed by former Moro secessionists in a concerted bid for territorial autonomy currently being negotiated with the national government.¹⁸

Moros avoid using “indigenous peoples” politically, although they do not regard themselves as Indigenous in a literal sense, at least in the Southern Philippines. Instead they prefer to differentiate themselves, both administratively and culturally, from the IPs. Given their pre-colonial association with the “great tradition” of Islam, with royal families ruling over socially stratified societies that engaged in international trade, most Moro ethnic groups prefer to maintain their distinctiveness from the Lumads, who were largely animists, small-scale, and much less developed politically. These were societies targeted by Moro sultanates for slave-raiding in previous centuries.¹⁹

In Western Mindanao, Moro and Lumad communities co-existed, with the former dominating the latter politically, militarily, economically, and socially. The Lumads were “little brothers” of the presumably more advanced Moros.²⁰

3. The Problem

This distinction between the Moro and the IPs recently came to light when it was reported that the Bangsamoro Transition Authority (BTA)²¹ issued a resolution asking the National Commission on Indigenous Peoples (NCIP) to keep its hands off the processing and granting of certificates of ancestral domain titles (CADTs) in Maguindanao.²²

The resolution would further delay the granting of the title to their ancestral domain claim — which covers 208,258 hectares in eight towns of Maguindanao and six villages of Lebak, Sultan Kudarat and some 14,000 hectares of water.²³

The BTA approved a resolution protesting the land delineation conducted by the NCIP in Maguindanao, urging the NCIP to “cease and desist” from it and from issuing certificates of ancestral domain titles in the province which falls under the jurisdiction of the BARMM.²⁴ The resolution also calls for the setting up of the Ministry on Indigenous Peoples in the BARMM, to take over what used to be NCIP’s task of delineating lands, conducting cadastral surveys and processing CADT to Indigenous peoples in the autonomous region.²⁵

Within the context of the ancestral domain claims, the “Bangsamoro homeland” (as they initially called it) becomes a contentious issue, since sizeable portions of non-Muslim IPs’ ancestral domains “currently in application” are located within this so called homeland.²⁶

IPRA was never implemented within the ARMM.²⁷ Understandably, non-Muslim indigenous peoples are apprehensive that their applications under the BARMM will not prosper.

4. Legal Issues

These developments raise certain issues.

- a. May the BARMM direct the NCIP to desist from applications for ancestral domains titles?
- b. What is the extent of the power of the BARMM over ancestral domains? May they enact legislation that is inconsistent with national laws such as the Indigenous Peoples' Rights Act?

A reading of the organic act for the BARMM will show that the BARMM cannot prevent the NCIP from processing applications while the BARMM is in transition. Even after the transition is completed, laws enacted from the BARMM cannot be inconsistent with the IPRA, or at least, cannot provide less rights that are recognized by IPRA.

4.1 Autonomy

The BARMM cannot cite the Constitution's provisions on autonomy as basis for directing the NCIP to desist from processing title under the IPRA.

The 1987 Constitution strengthened autonomy for local governments in general, and for Muslim Mindanao and the Cordilleras, in particular. The latter were giving them an option to create autonomous regions, subject to limitations in Article X.

However, these changes do not empower local governments to do as they please. According to the Supreme Court, the Philippines still has a unitary form of government, not a federal state. As such, "any form of autonomy granted to local governments will necessarily be limited and confined within the extent allowed by the central authority. Besides, the principle of local autonomy under the 1987 Constitution simply means 'decentralization.'²⁸

The Constitution did not intend to create an imperium in imperio and install an intra sovereign political subdivision independent of a single sovereign state.²⁹

Addressing the extent of autonomy to Muslim Mindanao, the Court held that Section 20, Article X of the Constitution expressly provides that the legislative powers of regional assemblies are limited "[w]ithin its territorial jurisdiction and subject to the provisions of the Constitution and national laws," The Preamble of the ARMM Organic Act (R.A. 9054) itself states that the ARMM Government is established "within the framework of the Constitution". This follows Section 15, Article X of the Constitution which mandates that the ARMM "shall be created . . . within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines."³⁰



4.2 Restrictions under the BARMM Organic Act

4.2.1 Constitution

These principles should apply to the organic act for the BARMM. To remove any doubt on the limits of the BARMM's powers, two kinds of restrictions on the powers of the regional government were emplaced. The first is an emphasis on adherence to the Constitution. The BARMM is not a separate republic and despite the autonomy granted to the BARMM, it is not a sovereign political subdivision.

The BARMM is tethered to the Constitution. The Preamble of Republic Act No. 11054 provides:

PREAMBLE

Imploring the aid of Almighty God, in recognition of the aspirations of the Bangsamoro people and other inhabitants in the autonomous region in Muslim Mindanao to establish an enduring peace on the basis of justice, balanced society and asserting their right to conserve and develop their patrimony, reflective of their system of life as prescribed by their faith, in harmony with their customary laws, cultures and traditions, within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines, and the accepted principles of human rights, liberty, justice, democracy, and the norms and standards of international law, and affirming their distinct historical identity and birthright to their ancestral homeland and their right to chart their political future through a democratic process that will secure their identity and posterity, and allow genuine and meaningful self-governance, the Filipino people, by the act of the Congress of the Philippines, do hereby ordain and promulgate this Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao.

The purpose of the law provides for meaningful self-governance “within the framework of the Constitution,” thus:

ARTICLE I

SECTION 3. Purpose. — The purpose of this Organic Law is to establish a political entity, provide for its basic structure of government in recognition of the justness and legitimacy of the cause of the Bangsamoro people and the aspirations of Muslim Filipinos and all indigenous cultural communities in the Bangsamoro Autonomous Region in Muslim Mindanao to secure their identity and posterity, allowing for meaningful self-governance *within the framework of the Constitution* and the national sovereignty as well as territorial integrity of the Republic of the Philippines. (Emphasis supplied)

The references to the Constitution is meant to emphasize that the regional government remains a part of the Republic and that it is bound by the Constitution.

4.2.2 The Emphasis on IPRA

The second restriction is that the rights of Indigenous peoples will be recognized within the framework of the Constitution and “national laws.” Article IV provides:

ARTICLE IV

SECTION 9. *Rights of Non-Moro Indigenous Peoples.* — The Bangsamoro Government shall recognize and promote the rights of non-Moro indigenous peoples within the framework of the Constitution and national laws.

Article V grants the Bangsamoro government power over

SECTION 2. *Powers of the Bangsamoro Government.* — Subject to Section 20, Article X of the Constitution and this Organic Law, the Bangsamoro Government shall exercise its authority over the following matters without prejudice to the general supervision of the President of the Republic of the Philippines...

(d) Ancestral domain and natural resources;

This cannot be construed as an absolute grant of power over ancestral domains. Section 3 of the same Article provides that the Bangsamoro Government recognizes the rights of Indigenous peoples, and adds that:

Any measure enacted by the Parliament shall in no way diminish the rights and privileges granted to indigenous peoples by virtue of the United Nations Declaration of the Rights of Indigenous Peoples and the United Nations Declaration on Human Rights, and other laws pertaining to indigenous peoples in the Bangsamoro Autonomous Region.

This Organic Law shall not in any manner diminish the rights and benefits of the non-Moro indigenous peoples in the Bangsamoro Autonomous Region under the Constitution, national laws, particularly Republic Act No. 8371, otherwise known as the "Indigenous Peoples' rights Act."

Section 12 secures the rights of Indigenous peoples in relation to their rights over natural resources, thus:

SECTION 12. Rights of Indigenous Peoples to Natural Resources. — The Parliament shall enact a law recognizing the rights of indigenous peoples in the Bangsamoro Autonomous Region in relation to natural resources within the areas covered by a native title, including their share in revenues as provided in this Organic Law, and priority rights in the exploration, development, and utilization of such natural resources within their area.

The right of indigenous peoples to free, prior and informed consent in relation to development initiatives and the exploration, development, and utilization of the natural resources within ancestral domains covered by Certificate of Ancestral Domain Title shall be respected.

Apart from the provisions of the organic act, case law also sheds light on the extent of the legislative powers of the autonomous regions.

4.2.3 Case Law

In a case challenging the constitutionality of the Responsible Parenthood and Reproductive Health Act of 2012,³¹ Petitioners claimed that the law infringed upon the autonomy of local governments.³² The Court first explained that the law did not infringe upon the powers of local governments in general:

As for the autonomy of local governments, the petitioners claim that the RH Law infringes upon the powers devolved to local government units (LGUs) under Section 17 of the Local Government Code. Said Section 17 vested upon the LGUs the duties and functions pertaining to the delivery of basic services and facilities, as follows:

SECTION 17. *Basic Services and Facilities.* —

(a) Local government units shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to,

While the aforementioned provision charges the LGUs to take on the functions and responsibilities that have already been devolved upon them from the national agencies on the aspect of providing for basic services and facilities in their respective jurisdictions, **paragraph (c) of the same provision provides a categorical exception of cases involving nationally-funded projects, facilities, programs and services.** Thus:

(c) Notwithstanding the provisions of subsection (b) hereof, **public works and infrastructure projects and other facilities, programs and services funded by the National Government** under the annual General Appropriations Act, other special laws, pertinent executive orders, and those wholly or partially funded from foreign sources, **are not covered under this Section, except in those cases where the local government unit concerned is duly designated as the implementing agency** for such projects, facilities, programs and services. [Emphases supplied]

According to the Court,

The essence of this express reservation of power by the national government is that, unless an LGU is particularly designated as the implementing agency, it has no power over a program for which funding has been provided by the national government under the annual general appropriations act, even if the program involves the delivery of basic services within the jurisdiction of the LGU. A complete relinquishment of central government powers on the matter of providing basic facilities and services cannot be implied as the Local Government Code itself weighs against it.

In this case, a reading of the RH Law clearly shows that whether it pertains to the establishment of health care facilities, the hiring of skilled health professionals, or the training of barangay health workers, it will be the national government that will provide for the funding of its implementation. Local autonomy is not absolute. The national government still has the say when it comes to national priority programs which the local government is called upon to implement like the RH Law.

Moreover, from the use of the word “endeavor,” the LGUs are merely encouraged to provide these services. There is nothing in the wording of the law which can be construed as making the availability of these services mandatory for the LGUs. For said reason, it cannot be said that the RH Law amounts to an undue encroachment by the national government upon the autonomy enjoyed by the local governments.

The Supreme Court proceeded to address the alleged infringement of the Reproductive Health Law on the ARMM:

The fact that the RH Law does not intrude in the autonomy of local governments can be equally applied to the ARMM. The RH Law does not infringe upon its autonomy. Moreover, Article III, Sections 6, 10 and 11 of R.A. No. 9054, or the organic act of the ARMM, alluded to by petitioner *Tillah* to justify the exemption of the operation of the RH Law in the autonomous region, refer to the policy statements for the guidance of the regional government. These provisions relied upon by the petitioners simply delineate the powers that may be exercised by the regional government, which can, in no manner, be characterized as an abdication by the State of its power to enact legislation that would benefit the general welfare. After all, despite the veritable autonomy granted the ARMM, the Constitution and the supporting jurisprudence, as they now stand, reject the notion of *imperium et imperio* in the relationship between the national and the regional governments. Except for the express and implied limitations imposed on it by the Constitution, Congress cannot be restricted to exercise its inherent and plenary power to legislate on all subjects which extends to all matters of general concern or common interest.

Following the Court’s ruling, the IPRA applies to the autonomous regions. There are no “express or implied limitations imposed on it by the Constitution,” so Congress cannot be restricted to legislate on all subjects which extends to all matters of general concern.

May the BARRM argue that the constitution vests with the autonomous region the power to legislate on ancestral domains? This grant of power is found under Article X, section 20:

SECTION 20. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over:

- (1) Administrative organization;
- (2) Creation of sources of revenues;
- (3) *Ancestral domain and natural resources*;
- (4) Personal, family, and property relations;
- (5) Regional urban and rural planning development;
- (6) Economic, social, and tourism development;
- (7) Educational policies;
- (8) Preservation and development of the cultural heritage; and
- (9) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.

The fact is that the BARMM has not enacted a law on Indigenous peoples' rights. There is, therefore, no legal basis for the BARMM to order the NCIP to desist from processing applications for titles under the IPRA. And even if the BARMM does legislate on ancestral domains, such a law cannot diminish the rights granted under the IPRA.

The organic act for the BARMM may restrict the legislative powers of the regional government. The enumeration of powers under the Constitution, including the power to legislate on "ancestral domain and natural resources" is "subject to the provisions of this Constitution and national laws."³³

Republic Act No. 11054 amends only section 30 of the IPRA.³⁴ This means that Congress intends to preserve all the other parts of IPRA.

Regional governments created under the 1987 Constitution do not have absolute authority to rewrite the laws on the rights of indigenous peoples. The frequent references to the IPRA in the BARMM organic act shows that Congress intended to constrict this power so that it does not depart from the rights recognized under IPRA.

4.2.4 Intergovernmental Functions

The BARMM's directive, in essence, ordering the NCIP to stop the performance of their duties under the IPRA also fails to appreciate the structure of power relations written into the BARMM organic act.

The President exercises direct supervision over the BARMM, and may in fact suspend the Chief Minister for violating the Constitution, national laws, or the BARMM Organic Act.³⁵ Clearly,



the regional government is not superior or equal to the national government. The latter cannot issue “cease and desist orders” against the agencies of the national government. Moreover, intergovernmental issues should be resolved by the Intergovernmental Relations Mechanism.³⁶ Coordination of legislation should be carried out through the Philippine Congress-Bangsamoro Parliament Forum.³⁷

5. Conclusion

The Bangsamoro Transition Authority’s decision to write the NCIP was ill-advised, and contrary to law. The BARMM does not have the power to issue a “cease and desist” order to the NCIP. There are mechanisms in the BARMM organic act that addresses the need to reconcile the work of the regional and national governments. The regional government cannot compel a national government agency to perform any act.

While the BARMM has not enacted a law on ancestral domains, the NCIP may continue to process applications. IPRA applies to the BARMM as it did to the ARMM. There is nothing in IPRA that suggests that it does not apply to the autonomous regions. There is nothing in the organic act for the Bangsamoro that exempts the new autonomous region from the application of IPRA. Rather, the organic act, as shown earlier, is tethered to IPRA, severely constricting the BARMM’s discretion in enacting legislation on ancestral domains.

Even if the BARMM enacts a law on ancestral domains, that law is limited by the organic act.

Endnotes

- 1 Republic Act No. 11054, July 27, 2018.
- 2 Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain, G.R. Nos. 183591, 183752, 183893, 183951 & 183962, October 14, 2008.
- 3 President Aquino claimed that many of the people continue to feel alienated by the system, and those who feel that there is no way out “will continue to articulate their grievances through the barrel of a gun.” Speech of President Aquino on the Framework Agreement with the MILF, October 7, 2012, Official Gazette, available at <http://www.officialgazette.gov.ph/2012/10/07/speech-of-president-aquino-the-framework-agreement-with-the-milf-october-7-2012-full-english/>
- 4 For a summary of these efforts, see Miriam Coronel Ferrer, *Forging a Peace Settlement for the Bangsamoro: Compromises and Challenges*, in *Mindanao: The Long Journey to Peace and Prosperity* 99-131 (Paul D. Hutchcroft, ed. 2016).
- 5 Francisco J. Lara, Jr., *Insurgents, Clans, and States: Political Legitimacy and Resurgent Conflict in Muslim Mindanao*, Philippines (2014).
- 6 Ashley South & Christopher M. Joll, From Rebels to Rulers: The Challenges of Transition for Non-state Armed Groups in Mindanao and Myanmar, 48 *Critical Asian Studies* 168–174 (2016).
- 7 Edilberto C. de Jesus & Melinda Quintos de Jesus, *The Mamasapano Detour*, in *Mindanao: The Long Journey to Peace and Prosperity* 159, 159 (Paul D. Hutchcroft, ed. 2016).
- 8 ABS-CBN news, *How Mamasapano tragedy affected BBL*, May 15, 2015 available at <https://news.abs-cbn.com/nation/05/15/15/how-mamasapano-tragedy-affected-bbl>.
- 9 Angela Casauay, *Mamasapano clash delays passage of Bangsamoro law*, Rappler, February 9, 2015, available at <https://www.rappler.com/nation/special-coverage/peacetalks/83444-mamasapano-clash-delays-passage-of-bangsamoro-law>.
- 10 *The casualty: BBL*, Editorial, Philippine Daily Inquirer, February 10, 2016, available at <https://opinion.inquirer.net/92746/the-casualty-bbl#ixzz616KA9nEE>.
- 11 Nacino v. Office of the Ombudsman, G.R. Nos. 234789-91, September 3, 2019.
- 12 CNN Philippines Staff, *Comelec announces ratification of Bangsamoro law*, January 25, 2019, available at <http://cnnphilippines.com/news/2019/01/25/Bangsamoro-Organic-Law-ratified-ARMM.html>.
- 13 Oona Paredes, *Between Rights protection and Development Aggression* in *Routledge Handbook of the Contemporary Philippines* 341, 345 (Mark Thompson and Eric Vincent C. Batalla eds., 2018)
- 14 R. Rutten, *Indigenous People and Contested Access to Land in the Philippines and Indonesia: Guest Editor's Introduction*, 30-31 *Kasarinlan* 1, 12 (2016).
- 15 South & Joll, *supra*, note at 179.
- 16 Jose Mikhail Perez, *Greed and Grievances: A Discursive Study on the Evolution of the Ethnic Struggle in Mindanao*, 6 *Journal of Ethnic and Cultural Studies* 41, 50 (2019).
- 17 *Id.*
- 18 *Id.* at 346.
- 19 *Id.*
- 20 *Id.*
- 21 The Bangsamoro Transition Authority is the interim government in the Bangsamoro Autonomous Region during the transition lead by the Moro Islamic Liberation Front. See Republic Act No. 11054, Art. XVI, sec. 2, July 27, 2018.
- 22 Germelina Lacorte, *Indigenous peoples hit BTA rule on ancestral domain*, Phil. Daily Inquirer, October 13, 2019, available at <https://newsinfo.inquirer.net/1177132/indigenous-peoples-hit-bta-rule-on-ancestral-domain>.
- 23 *Id.*
- 24 *Id.*
- 25 *Id.*
- 26 Dennis S. Erasga, *Ancestral Domain Claim: The Case of the Indigenous People of Muslim Mindanao*, 8 *Asia-Pacific Social Science Review* 33, 39 (2008).
- 27 Mick Basa, *Why the Lumad are asking for another Version of BBL*, Rappler, September 2, 2017, available at <https://www.rappler.com/nation/180913-lumads-want-new-bangsamoro-basic-law>
- 28 Lina, Jr. v. Paño, G.R. No. 129093, August 30, 2001.
- 29 Land Transportation Office v. City of Butuan, G.R. No. 131512, January 20, 2000.
- 30 Sema v. Commission on Elections, G.R. Nos. 177597 & 178628, [July 16, 2008], 580 PHIL 623-689.
- 32 Spouses Imbong v. Ochoa, Jr., G.R. Nos. 204819, 204934, 204957, 204988, 205003, 205043, 205138, 205478, 205491, 205720, 206355, 207111, 207172 & 207563, April 8, 2014.
- 33 Const. (1987), Art. X, sec. 20.
- 34 The affected provision reads:
SECTION 30. Educational Systems.— The State shall provide equal access to various cultural opportunities to the ICCs/IPs through the educational system, public or private cultural entities, scholarships, grants and other incentives without prejudice to their right to establish and control their educational systems and institutions by providing education in their own language, in a manner appropriate to their cultural methods of teaching and learning. Indigenous children/youth shall have the right to all levels and forms of education of the State.
- 35 Rep. Act No. 11054, Art. VI, sec. 1.
- 36 Rep. Act No. 11054, Art. VI, sec. 2.
- 37 Rep. Act No. 11054, Art. VI, sec. 3.

