

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 1

**CREATING THE OFFICE OF THE PRESIDENTIAL ADVISER FOR
INDIGENOUS PEOPLES' AFFAIRS, DELINEATING ITS FUNCTIONS
TO ENSURE EFFECTIVE IMPLEMENTATION OF THE INDIGENOUS
PEOPLES' RIGHTS ACT OF 1997**

WHEREAS, the Indigenous Peoples' Rights Act or IPRA (R.A. Act No. 8371) was enacted to provide the urgent attention needed by the indigenous peoples for the delivery of basic services premised on the full recognition of their rights;

WHEREAS, the National Commission on Indigenous Peoples or NCIP has been mandated by law to ensure the genuine and effective implementation of IPRA;

WHEREAS, the law took effect on November 22, 1997, but no Certificate of Ancestral Land or Domain Title has yet been issued;

WHEREAS, the Presidential Task Force on Indigenous Peoples created under Administrative Order No. 108, February 10, 2000, submitted a Terminal Report recommending that (a) legal action be taken against officials of the defunct ONCC and the OSCC for unliquidated cash advances, (b) the recall of all appointments of rank and file employees at the NCIP made illegally by the Chair of the Commission, (c) the appointment of genuine and competent representatives from indigenous peoples' communities and organizations, (d) the setting up of the consultative body of indigenous elders and leaders as mandated by Section 50 of R.A. No. 8371, and (e) the revocation of all Free and Prior Informed Consent Certifications issued from 1998 for grave and serious legal defects;

WHEREAS, the term of office of five (5) of the Commissioners will expire on February 23, 2001;

WHEREAS, administrative complaints have been filed against certain NCIP commissioners by complainants from the NCIP rank and file;

WHEREAS, Section 42 of R.A. No. 8371 states that any member of the NCIP may be removed from office by the President, on her own initiative or upon the recommendation by any indigenous community, before the expiration of his term for cause and after complying with the due process requirement of law;

WHEREAS, indigenous peoples' groups, following the spirit of People Power II, have recommended strongly that a new set of leaders in the NCIP be designated;

WHEREAS, there has been a strong clamor to revitalize and strengthen the NCIP to achieve renewed vigor;

WHEREAS, the current administration, with its commitment to good governance, intends to fully implement the provisions of R.A. No. 8371, and to work with leaders of indigenous peoples communities in the spirit of transparency, openness, and genuine participation.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by the Constitution and by law, hereby create the Office of the Presidential Adviser for Indigenous Peoples' Affairs.

SECTION 1. Functions. – The Presidential Adviser for Indigenous Peoples' Affairs shall –

- (a) Initiate and conduct a performance review of all members of the National Commission on Indigenous Peoples as well as all its officers and staff;
- (b) Cause a thorough investigation of all Commissioners and NCIP officials with the end in view of evaluating their fitness for their respective positions;
- (c) Create, convene, and oversee a search committee for purposes of assessing nominations for positions in the National Commission on Indigenous Peoples;
- (d) Create and oversee a new placement committee that shall assist in providing clear criteria for the recommendation and appointment of staff to the National Commission on Indigenous Peoples;
- (e) Institute a process for the creation of an Indigenous Peoples' Consultative Committee as mandated by R.A. No. 8371 as well as appointments thereof;
- (f) Recommend to the President a prioritized shortlist of nominees to the National Commission on Indigenous Peoples as well as to all its positions;
- (g) Review all acts of the National Commission on Indigenous Peoples since its inception, including the issuances of "Free and Prior Informed Consent Certifications" and act or make recommendations accordingly;
- (h) Ensure the safekeeping of all documents, files, and records of the National Commission on Indigenous Peoples pending the appointment of its new Chair;

- (i) Coordinate with the NCIP, act, and/or advise the President on all matters pertinent to the indigenous peoples sector;
- (j) Perform such other functions as the President may order.

SEC 2. *Cooperation from the National Commission on Indigenous Peoples.* -

The current membership of the National Commission on Indigenous Peoples is hereby specifically directed and ordered to cooperate fully and efficiently with the Presidential Adviser for Indigenous Peoples' Affairs. Any failure to disclose relevant information in connection with any investigation conducted by the Presidential Adviser for Indigenous Peoples' Affairs or any action or inaction to delay such investigation shall be considered as insubordination and subject to such penalty as may be provided by applicable law, rules or regulations.

SEC 3. *Cooperation from Other Departments, Agencies and Instrumentalities of Government.* - All executive departments, bureaus, offices, agencies and instrumentalities of the government shall provide full cooperation to the Presidential Adviser for Indigenous Peoples' Affairs.

SEC 4. *Secretariat Support.* - The National Commission on Indigenous Peoples (NCIP) as well as the National Anti-Poverty Commission (NAPC) are hereby directed to provide additional secretariat support to the Presidential Adviser for Indigenous Peoples' Affairs.

SEC 5. *Coordination with Civil Society.* - Consistent with the policy of this administration, the Presidential Adviser for Indigenous Peoples' Affairs shall coordinate closely with indigenous peoples representatives, their support groups, and other concerned sectors in the performance of his duties and functions.

SEC 6. *Budget.* - The Office of the President shall provide the appropriate funding support from the Organizational Adjustment Fund for the implementation of this Order.

SEC 7. *Disqualification of the Presidential Adviser for Indigenous Peoples Affairs.* - Any person designated as Presidential Adviser for Indigenous Peoples' Affairs shall not be eligible for appointment to any office in the National Commission on Indigenous Peoples Affairs for a period of six (6) years from the date of the expiration of her/his appointment.

SEC 8. *Interpretation.* - Nothing in this Executive Order shall be interpreted to supplant any of the provisions of the Indigenous Peoples' Rights Act (IPRA) or R.A. No. 8371 and other laws relevant to indigenous peoples' concerns.

SEC. 9. Repeal. – Administrative Order No. 108, s. 2000; Memorandum Order No. 52, s. 1999; Memorandum Order No. 21, s. 1998; Memorandum Order No. 5, s. 1998; and all Executive Orders, Administrative Orders, Memorandum Orders, Memorandum Circulars, or Presidential Issuances inconsistent with this Order shall be deemed repealed or modified accordingly.

SEC. 10. Effectivity of Designation. – The term of the Presidential Adviser for Indigenous Peoples Affairs shall cease upon the appointment and assumption into office of a new Chair of the National Commission on Indigenous Peoples which shall not be later than October 31, 2001.

SEC. 11. Report. - The Presidential Adviser for Indigenous Peoples' Affairs shall make a formal report on its activities every two (2) months or at such interval as the President may require.

SEC. 12. Effectivity. - This Executive Order shall take effect immediately.

Done in the City of Manila, this 20th day of February, in the year of Our Lord, Two Thousand One.

By the President:


RENATO S. DE VILLA
Executive Secretary

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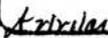
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