

PHILIPPINES' TRIBAL GOVERNMENT
(Gobyerno sa Tribu sa Filipinas)

THE FIRST NATION OF MAISIA (FILIPINAS)
PEOPLE, TERRITORY, GOVERNMENT, RELIGION, ASCRIPTION, CULTURE, RACE, LANGUAGE



SUPREME COUNCIL OF DATUS-ALIMAONG
Tribal Confederacy

Visayas Wide: 0214 Nivel Hills, Busay, Cebu City, Philippines

Mindanao Wide: Katipunan, Villanueva, Misamis Oriental, Phils.
Tribal Shrine, Kamilon, San Martin, Villanueva, Misamis Oriental, Phils.

Accredited by UN International Special Court of Arbitration and Human Rights Inter-Governmental Court per UN-IGO (UNICETRAL), EU-QA and ICC-ICA of UN Diplomatic Corps, European Union, Government of Commonwealth and International Court of Arbitration: Recognition Number: 036-30CDRADSI/12-2019

OPISINA SA GILING (OFFICE OF THE GRAND CHIEF)

INDIGENOUS PEOPLES MANDATORY REPRESENTATIVE IN THE DEPARTMENT OF NATIONAL DEFENSE (DND)

Pursuant to Section 16 of R.A. 8371 "Right to Participate in Decision-Making. — 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."

and DILG Memorandum Circular 2002-89 dated June 06, 2002 entitled "Strict Implementation of Republic Act No. 8371 or the Indigenous Peoples Right Act of 1997 (IPRA).

IPMR-DND MEMORANDUM

MC-003 29 Hidapdapon (July) 2021

TRIBAL PROCEDURE OF VACCINATION AGAINST COVID-19 per R.A. 8371 "The Indigenous Peoples Rights Act (IPRA) of 1997" R.A. 8423 "Traditional and Alternative Medicine Act (TAMA) of 1997", United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007 and International Treaties for Indigenous Peoples

TO: All Government Offices and Agencies, all Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and other paramilitary units, all Private Entities, and to all concerned

1. The rights of Indigenous Cultural Communities (ICCs) / Indigenous Peoples (IPs) must be considered in the formulation of national plans and policies for the fullest conformity of the International Treaties.

What are these treaties?

- a.) *International Covenant on Economic Social and Cultural Rights (ICESCR) was signed and ratified by the Philippine Government on December 19, 1966 and on June 7, 1974 respectively.*
- b.) *International Covenant on Civil and Political Rights (ICCPR) was signed and ratified by the Philippine Government on December 19, 1966 and on October 23, 1986 respectively.*
- c.) *International Labour Organization (ILO) Convention No. 107, Indigenous and Tribal Populations Convention, 1957*
- d.) *International Labour Organization (ILO) Convention No. 169, an Indigenous and Tribal Peoples Convention of 1989.*
- e.) *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted September 13, 2007.*

2. The provisions in the 1987 Philippine Constitution with respect to the rights of Indigenous Peoples were derived from these International Treaties that were honed in years and decades of studies and conventions. Consequently, the Republic Act No. 8371 "The Indigenous Peoples Rights Act (IPRA) of 1997" and the Republic Act No. 8423 "The Alternative Medicine Act (TAMA) of 1997" were also enacted.

1987 Philippine Constitution

Article II, SECTION 22

The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.

Article XII, SECTION 5

The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.

[Emphasis supplied]

Article XIV, SECTION 17

The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies. [Emphasis supplied]

R.A. 8371 "The Indigenous Peoples Rights Act of 1997"

SECTION 2. Declaration of State Policies. — *The State shall recognize and promote all the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) hereunder enumerated within the framework of the Constitution:*

a) The State shall recognize and promote the rights of ICCs/IPs within the framework of national unity and development;

xxx

c) The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national laws and policies;

xxx

e) The State shall take measures, with the participation of the ICCs/IPs concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population; and

f) The State recognizes its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICC/IP participation in the direction of education, health, as well as other services of ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

Towards these ends, the State shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

SECTION 3 paragraph (g) Free and Prior Informed Consent — *as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and*

practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

SECTION 13. Self-Governance. — *The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development.*

SECTION 16. Right to Participate in Decision-Making.

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.

SECTION 17. Right to Determine and Decide Priorities for Development.

The ICCs/IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use. They shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them.

SECTION 21. Equal Protection and Non-discrimination of ICCs/IPs.

*Consistent with the equal protection clause of the Constitution of the Republic of the Philippines, the Charter of the United Nations, the Universal Declaration of Human Rights including the Convention on the Elimination of Discrimination Against Women and International Human Rights Law, the State shall, with due recognition of their distinct characteristics and identity, accord to the members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. It shall extend to them the same employment rights, opportunities, basic services, educational and other rights and privileges available to every member of the society. Accordingly, the **State shall likewise ensure that the employment of any form of force or coercion against ICCs/IPs shall be dealt with by law.** [Emphasis supplied]*

SECTION 23. Freedom from Discrimination and Right to Equal Opportunity and Treatment. *It shall be the right of the ICCs/IPs to be free from any form of discrimination, with respect to **recruitment and conditions of employment**, such that they may enjoy equal opportunities for admission to employment, medical and social assistance, safety as well as other occupationally-related benefits, informed of their rights under existing labor legislation and of means available to them for redress, not subject to any coercive recruitment systems, including bonded labor and other forms of debt servitude; and equal treatment in employment for men and women, including the protection from sexual harassment. [Emphasis supplied]*

Towards this end, the State shall, within the framework of national laws and regulations, and in cooperation with the ICCs/IPs concerned, adopt special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to these communities, to the extent that they are not effectively protected by laws applicable to workers in general.

SECTION 24. Unlawful Acts Pertaining to Employment.

It shall be unlawful for any person:

a) *To discriminate against any ICC/IP with respect to the terms and conditions of employment on account of their descent. Equal remuneration shall be paid to ICC/IP and non-ICC/IP for work of equal value; and*

b) *To deny any ICC/IP employee any right or benefit herein provided for or to discharge them for the purpose of preventing them from enjoying any of the rights or benefits provided under this Act.*

SECTION 25. Basic Services. — *The ICCs/IPs have the right to special measures for the immediate, effective and continuing improvement of their economic and social conditions, including in the areas of employment, vocational training and retraining, housing, sanitation, health and social security. Particular attention shall be paid to the rights and special needs of indigenous women, elderly, youth, children and differently-abled persons. Accordingly, the State shall guarantee the right of ICCs/IPs to government's basic services which shall include, but not limited to, water and electrical facilities, education, health, and infrastructure.*

SECTION 29. Protection of Indigenous Culture, Traditions and Institutions. — The State shall respect, recognize and protect the right of ICCs/IPs to preserve and protect their culture, traditions and institutions. It shall consider these rights in the formulation and application of national plans and policies.

SECTION 32. Community Intellectual Rights. — ICCs/IPs have the right to practice and revitalize their own cultural traditions and customs. The State shall preserve, protect and develop the past, present and future manifestations of their cultures as well as the right to the restitution of cultural, intellectual, religious, and spiritual property taken without their free and prior informed consent or in violation of their laws, traditions and customs.

SECTION 34. Right to Indigenous Knowledge Systems and Practices and to Develop own Sciences and Technologies. — ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, knowledge of the properties of fauna and flora, oral traditions, literature, designs, and visual and performing arts.

Implementing Rules and Regulations of R.A. 8371

Rule IV Part 1, sec 1 para b

b) The indigenous structures, systems, and **institutions are not supplanted** by other forms of non-indigenous governance; [Emphasis supplied]

Rule IX, section 2

Section 2. Rules of Interpretation. In the interpretation of the provisions of the Act and these rules, the following shall apply:

a) All doubts in the interpretation of the provisions of the Act, including its these rules, or any ambiguity in their application **shall be resolved in favor of the ICCs/IPs.** [Emphasis supplied]

b) In applying the provisions of the Act in relation to other national laws, the integrity of the ancestral domains, **culture, values, practices, institutions, customary laws and traditions** of the ICCs/IPs shall be considered and given due regard. [Emphasis supplied]

R.A. 8423 "Traditional and Alternative Medicine Act (TAMA) of 1997."

Section 2. Declaration of Policy. - It is hereby declared the policy of the State to improve the quality and delivery of health care services to the Filipino people through the development of traditional and alternative health care and its integration into the national health care delivery system.

It shall also be the policy of the State to seek a legally workable basis by which indigenous societies would own their knowledge of traditional medicine. When such knowledge is used by outsiders, the indigenous societies can require the permitted users to acknowledge its source and can demand a share of any financial return that may come from its authorized commercial use.

Section 3. Objectives. - The objectives of this Act are as follows:

(a) To encourage scientific research on and develop traditional and alternative health care systems that have direct impact on public health care;

(b) To promote and advocate the use of traditional, alternative, preventive and curative health care modalities that have been proven safe, effective, cost effective and consistent with government standards on medical practice;

xxx

(e) To formulate policies for the protection of indigenous and natural health resources and technology from unwarranted exploitation, for approval and adoption by the appropriate government agencies;

(f) To formulate policies to strengthen the role of traditional and alternative health care delivery system; and

(g) To promote traditional and alternative health care in international and national conventions, seminars and meetings in coordination with the Department of Tourism, Duty Free Philippines, Incorporated, Philippine Convention and Visitors Corporation and other tourism-related agencies as well as non-government organizations and local government units.

Section 4. Definition of Terms. - As used in this Act, the following terms shall mean:

xxx

(b) "**Traditional medicine**" - the sum total of knowledge, skills, and practice on health care, not necessarily explicable in the context of modern, scientific philosophical framework, but recognized by the people to help maintain and improve their health towards the wholeness of their being, the community and society, and their interrelations based on culture, history, heritage, and consciousness.

xxx

(h) "**Traditional healers**" - the relatively old, highly respected people with a profound knowledge of traditional remedies.

(i) "**Intellectual property rights**" - is the legal basis by which the indigenous communities exercise their rights to have access to, protect, control over their cultural knowledge and product, including, but not limited to, traditional medicines, and includes the right to receive compensation for it.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) of 2007

Article 5

"Indigenous peoples have the right to maintain and strengthen their **distinct** political, legal, economic, social and **cultural institutions**,xxx." [Emphasis supplied]

Article 7 paragraph 1.

Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

Article 8 paragraph 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; xxx

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the **right to be**

actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions. [emphasis supplied]

Article 24

1. *Indigenous peoples have the **right to their traditional medicines and to maintain their health practices**, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services. [emphasis supplied]*

Article 31

1. *Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*
2. *In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.*

Article 34

*Indigenous peoples have the right to **promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.** [Emphasis supplied]*

Article 37

"Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements." [Emphasis supplied]

Article 38

"States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration."

With the above mentioned domestic laws and international treaties, and in connection with pandemic COVID-19 and its variants, it is hereby declared that the Indigenous Cultural Communities (ICCs) / Indigenous Peoples (IPs) under the **Supreme Council of Datus-Alimaong (SCODA) Tribal Confederacy-Tribal Government of Maisia (Philippines)** MUST NOT BE SUBJECTED with MANDATORY VACCINATION, as we Indigenous Peoples have our own sciences and technologies in addressing this pandemic. As early as January 2021, our ICCs/IPs had been given HERBAL DOSAGE AND METAPHYSICAL TRIBAL INJECTION, that served as Tribal immunization/vaccination, which we also issued a corresponding TRIBAL VACCINATION CERTIFICATE (please see attached). No one of our ICCs/IPs has died caused of COVID-19 and its variants.

This TRIBAL VACCINATION CERTIFICATE must be recognized, respected and honored in all Government Offices and Agencies, all Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and other paramilitary units, all Private Entities, and all concerned.

The bill that promotes mandatory vaccination violates provisions of the Constitution as enumerated in page 2 of this document. It is unconstitutional to pass this bill with proposed measure, ***"no persons who are covered by this Act, as determined by the Department of Health, shall be allowed to enter, convene or occupy public places, whether or not government or privately owned."***

Please be reminded with the Article XIV, section 17 of 1987 Philippine Constitution

"The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies." [Emphasis supplied]

IGNORANCE OF THE LAW EXCUSES NO ONE.

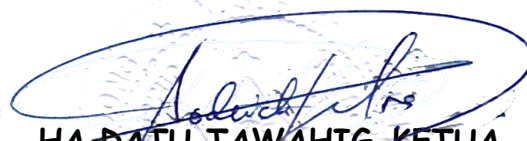
R.A. 8371, SECTION 72. Punishable Acts and Applicable Penalties.

"Any person who commits violation of any of the provisions of this Act, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral lands or domains as stated in Sec. 10, Chapter III, or shall commit any of the prohibited acts mentioned in Sections 21 and 24, Chapter V, Section 33, Chapter VI hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: Provided, That no such penalty shall be cruel, degrading or inhuman punishment: Provided, further, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any ICCs/IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000) nor more than Five hundred thousand pesos (P500,000) or both such fine and imprisonment upon the discretion of the court. In addition, he shall be obliged to pay to the ICCs/IPs concerned whatever damage may have been suffered by the latter as a consequence of the unlawful act."

R.A. 8371, section 73-Persons Subject to Punishment.

"If the offender is a juridical person, all officers such as, but not limited to, its president, manager, or head of office responsible for their unlawful act shall be criminally liable therefor, in addition to the cancellation of certificates of their registration and/or license: Provided, That if the offender is a public official, the penalty shall include perpetual disqualification to hold public office." [Emphasis supplied]

For widest information, dissemination, and implementation.



HA DATU TAWAHIG-KETUA
(Engr. Roderick D. Sumatra, EE, ME, GSC)
Philippine Air Force GSC Class Nr. 8
Apo Amay (Grand Chief) and Vicegerent,
SCODA Tribal Confederacy
Tribal Government of MAISIA (Philippines)
IPMR*, Department of National Defense
effective November 26, 2016.

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*IPMR-Indigenous Peoples Mandatory Representative per R.A. 8371, Section 16 and Department of the Interior and Local Government (DILG), Memorandum Circular No. 2002-89 dated June 6, 2002 issued by Acting Secretary Alipio Fernandez Jr., with the subject; Strict Implementation of Republic Act No. 8371 or the Indigenous Peoples Right Act of 1997 (IPRA).

"Likewise, all DILG Regional and Field Officers shall cause the widest dissemination of this Circular and provide assistance to concerned Local government units with their respective jurisdictions. Monitoring reports on LGU compliance hereof shall reflect specific LGU activities undertaken to respond to and implement the IPRA and this Circular, and shall be submitted to this level attention: Bureau of Local Government Development, every end of each month starting June 2002, for prompt monthly reporting to the Office of the President as instructed.

For strict compliance. "

IPMR-DND is a consultant to Ancestral Domains on matters with regards to policy making body of DND that may affect the lives, way of life, and destinies of ICCs/Ips.

Copy Furnished:

1. President Rodrigo Roa Duterte
Malacañang Palace, Manila
2. Sen. Vicente C. Sotto III
Senate President, Republic of the Philippines
3. Hon. Lord Allan Velasco
Speaker, House of Representatives
4. Hon. Delfin Negrillo Lorenzana
Secretary, Department of National Defense,
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5. Lieutenant General Jose Faustino Jr., AFP
Chief of Staff, Armed Forces of the Philippines, Camp. General Emilio Aguinaldo
6. Lt. Gen. Guillermo Eleazar
Chief, Philippine National Police, Camp Crame, Quezon City
7. Hon. Eduardo M. Año
Secretary, Department of Interior and Local Government
DILG-NAPOLCOM Center, EDSA, corner Quezon Avenue, West Triangle, Quezon City, Philippines 1104
8. Hon. Jose Luis Martin C. Gascon
Chairperson, Commission on Human Rights
9. Hon. Francisco T. Duque III
Secretary, Department of Health
IATF Chairperson
10. Hon. Karlo Alexei B. Nograles
Cabinet Secretary, Office of the Cabinet Secretary
IATF Co Chairperson
11. Hon. Allen A. Capuyan
Chairperson, NCIP

SAMPLE TRIBAL VACCINATION CERTIFICATE

FRONT PAGE

PHILIPPINES' TRIBAL GOVERNMENT
(Gobyerno sa Tribu sa Filipinas)

THE FIRST NATION OF MAISIA (FILIPINAS)
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SUPREME COUNCIL OF DATUS-ALIMAONG
Tribal Confederacy

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OPISINA SA GILING (OFFICE OF THE GRAND CHIEF)


CERTIFICATE of COVID-19 TRIBAL VACCINATION

Date: Jan 15, 2021

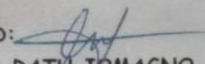
To: ALL GOVERNMENT AGENCIES

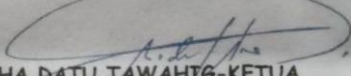
This is to certify that (DATU) KALASAG ELLIE D. MAGNANAO
of 0214 NIVEL HILLS, BUSAY, CEBU CITY, had been given a herbal dosage and metaphysical tribal injection for anti-CORONA VIRUS DISEASE-19 (COVID-19) on JANUARY 15, 2021 as practiced by the Indigenous Cultural Communities (ICCs)/ Indigenous Peoples (IPs) per RA 8423 "The Alternative Medicine Act (TAMA) of 1997" sec 2, sec 3, sec 4 and RA 8371 "The Indigenous Peoples Rights Act of 1997" sec 34.

 RA 8423, sec 4 (i)
(i) "Intellectual property rights" - is the legal basis by which the indigenous communities exercise their rights to have access to, protect, control over their cultural knowledge and product, including, but not limited to, traditional medicines."

 RA 8371, sec 34
"Right to Indigenous Knowledge Systems and Practices and to Develop own Sciences and Technologies. — ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. They shall have the right to special measures to control, develop and protect their sciences, technologies and cultural manifestations, including human and other genetic resources, seeds, including derivatives of these resources, traditional medicines and health practices, vital medicinal plants,"

BAE SALWAKA
(Hon. Myrna Magnanao-Galapin)
Head, Mangunguyamo (Tribal Medicine Woman)
Visayas

CONFIRMED: 
DATU JOMAGNO
(Hon. Joel T. Magnanao)
Vice-Chairman for Visayas

NOTED: 
HA DATU TAWAHIG-KETUA
(Engr. Roderick D. Sumatra, EE, ME, GSC)
Apo Amay (Grand Chief) and Vicegerent,
SCODA Tribal Confederacy
Tribal Government of MAISIA (Philippines)
IPMR*, Department of National Defense
effective November 26, 2016

*IPMR- Indigenous Peoples Mandatory Representative per R.A. 8371, Section 16 and Department of the Interior and Local Government (DILG), Memorandum Circular No. 2002-89 dated June 6, 2002 issued by Acting Secretary Alipio Fernandez Jr., with the subject: Strict Implementation of Republic Act No. 8371 or the Indigenous Peoples Right Act of 1997 (IPRA).

-is an institution chosen by the IPs to participate and issue corresponding memorandum in case the Treaties (ICESCR, ICCPR, ILO Convention 169 and UNDRIP) are threatened from time to time or when it is supplanted by State laws or actions.

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