

Council of elders of the Batak communities of Sitio Kalakuan, Barangay Tanabag, Sitio Kayasan, Barangay Tagabinit, sitio Manggapin, Barangay Langogan, Sitio Ryandakan, Barangay Maoyon, Sitio Timbuan, Barangay Abaroan, sitio Nanabo, Barangay Caramay, Sitio Tagnipa, Barangay Tinian located in Puerto Princesa and Roxas Municipalities (Northern Palawan)



Board members of the *Bayaan it Batak kat Palawan* - BBKP (Batak Federation)



RESOLUTION NO. 28414 (also known as the 'Uma Resolution'), REQUESTING THE IMMEDIATE ASSISTANCE OF THE PROVINCIAL, REGIONAL AND NATIONAL OFFICES OF THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) TO SUPPORT BATAK CUSTOMARY RIGHTS TO KAINGIN (UMA) AND TO ADOPT ALL MEASURES TO DECLARE THE PRIMACY OF IPRA LAW OVER OTHER MINOR LAWS IMPOSING A BAN ON INDIGENOUS PEOPLES' TRADITIONAL FARMING PRACTICES.

28 April, 2014

WHEREAS, we the Batak tribe are traditionally practicing sustainable shifting cultivation (*kainging*) and take all necessary precautions to avoid soil impoverishment and erosion through control-fire measures and the implementation of fallow periods which allow forest regeneration;

WHEREAS, our traditional native crops, and over 70 varieties of upland rice, selected and passed to us by our ancestors, are now completely disappearing because of the implementation of the Puerto Princesa City Ordinance that strictly forbids *kainging*;

WHEREAS, the implementation of the City Ordinance is in violation of Sec. 36 (Chapter VI) of the IPRA law (R.A. 8371) “*recognizing the right of ICCs/IPs to a sustainable agro-technological development*” and in contradiction with Sec. 34 mandating that “*ICCs/IPs are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights*” such as “*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... knowledge of the properties of fauna and flora...*” etc; **Whereas**, the imposition of the ‘*bawal sa kaingin*’ (prohibition on shifting cultivation) also violates other rights stated in the Indigenous Peoples Rights Act of 1997 and specifically the: 1) *Rights of Ownership* (Chapter III, Sec. 7, item a); 2) *Rights to Religious, Cultural Sites and Ceremonies* (Chapter VI, Section 33); 3) *Right to Develop Lands and Natural Resources*. (Chapter III, Sec. 7, item b); 4) the *Rights to Ancestral Lands* (Chapter III, Sec. 8); 5) *the Right to Determine and Decide Priorities for Development* (Chap. IV, Sec. 17), etc;

WHEREAS, the Puerto Princesa City Ordinance makes no distinction between the destructive *kaingin* practices of Filipino migrants and the centuries old sustainable upland farming practices of our indigenous Batak communities;

WHEREAS, rice occupies a central position in our mythology. Some of our most sacred rituals and religious activities take place inside the *kaingin*;

WHEREAS, the ‘*bawal sa kaingin*’ imposed by the City Government and further implemented in collaboration with other government agencies such as CENRO and PENRO, has contributed to the impoverishment of our diet and food-intake, causing widespread malnutrition and a higher mortality rate especially amongst children and infants;

WHEREAS, because of the ‘*bawal sa kaingin*’ we can no longer cultivate our rice and crops and thus we are forced to purchase imported rice, through the sale of NTFPs. To do so, we must gather more *almaciga* resin, rattan and honey than we did in the past. This means that, often, in spite of our own wishes, NTFPs are overexploited because we don’t have alternative means to obtain cash for purchasing rice. In the past we were able to produce our own upland rice and roots crops, which sustained our families. Nowadays because of the City Government ban on *kaingin* we can no longer rely on our agricultural production;

WHEREAS, the staff of ‘Bantay Gubat’ (Forest Guards) is requesting us to cut only small diameter trees during the clearing of our agricultural fields. According to our traditional knowledge, the presence of small trees indicates that the soil has not regenerated sufficiently due to short fallow periods. If we use these areas for agriculture, as the ‘Bantay Gubat’ is encouraging us to do, then the soil will become poorer and poorer after the first harvest, the forest will never grow back and only grasses such as *cugun* will colonize such fields;

WHEREAS, DENR staff is encouraging us to convert some of our agricultural fields under fallow into tree plantations. We believe this is not a good idea because after such areas are planted with perennial trees we can no longer use them rotationally for our farming practices. If the area available for our farming practices is reduced in size, then we will have fewer fields to be used rotationally. This also means that we would be forced to apply short fallow periods to our agricultural plots and this, as a result, will also lead to soil degradation;

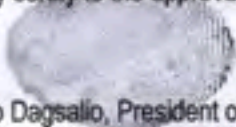
WHEREAS, Resolution no. 15813 (also known as 'The Roxas Resolution') authored by the representatives of the Batak tribes was already protocolled on November 2013 with the Office of the President and with the national and provincial offices of DENR, NCIP, DA, as well with the office of the National Commission for Culture and the Arts (NCCA), Commission on Human Rights, Palawan Council for Sustainable Development (PCSD), Governor of Palawan, Office of Hon. Mayor Bayron Lucilio, with no actions taken by such agencies to respond to our complaints;

NOW THEREFORE, on unanimous motion of the Batak Communities of Puerto Princesa and Roxas Municipalities, we are requesting the assistance of the National Commission on Indigenous Peoples (NCIP) and its legal offices to:

- 1) Support and forward our requests directly to the Mayor of Puerto Princesa and to all concerned agencies and bodies (e.g. City ENRO, CENRO, PENRO, 'Bantay Gubat' under the Provincial Government Office, PCSD, etc.);
- 2) Assist us in negotiating a revision of the Puerto Princesa City Ordinance by proposing the necessary amendments so that our indigenous communities will be exempted from the prohibition on *kaingin*;
- 3) Activate all necessary measures and plans to speed up the recognition and demarcation of Batak ancestral lands in Puerto Princesa and Roxas Municipalities;
- 4) Facilitate and speed up the release of legal permits to indigenous communities for the collection, transportation and sale of NTFPs.

PLACE AND DATE: Sitio Kalakuasan, Bgy. Tanabag, P.P.C. 27 April, 2014


I hereby certify to the approval of the forgoing resolution


Ernesto Dagsalio, President of the Batak Federation

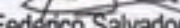
SIGNED BY:


Edilberto Madija

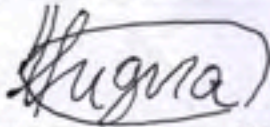
Edilberto Madija, Vice-Chairman Batak Federation, Sitio Tagnipa, Barangay Tinitian

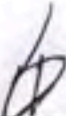
NESTOR SAAVEDRA

Nestor Saavedra, Secretary Batak Federation, tribal leader Sitio Ryandakan, Barangay Maoyon


Berto Madamay, Treasurer Batak Federation, Tribal Leader Sitio Manggapin, Barangay Langogan


Fedenco Salvador, Board Member Batak Federation, Batak tribal leader Sitio Kayasan, Barangay Tagabinet


Danilo Bonales, Board Member Batak Federation and Tribal Leader Sitio Nanabo, Caramay


Felizardo Tugnao, Board Member Batak Federation and tribal leader, Sitio Timbuan, Barangay Abaroan


Dorico Villanueva, Board Member Batak Federation and tribal leader, Sitio Kalakuasan, Barangay Tanabag


Florencio Alcantara ('Padaw') – Babalyan (Batak Spiritual Leader)


Mamerto Dagsalio 'Pawat' - Assistant Babalyan

HERNANDO PRIMITIVO

Hernando Primitivo, Chairman Community Based Forest Management Agreement (CBFMA) of Kalakuasan, Bgy Tanabag

R.M.
RUSTICO D. MAURICIO, BOARD (BBKF), TRIBAL LEADER SITIO TAGANAYA, Bgy. CONCEPTION

Copy Furnished:

Dr. Marlea Pinor Muñoz, Executive Director National Commission on Indigenous Peoples (NCIP)

Hon. Dionisia Banua, Commissioner Island Groups & Rest of Visayas, National Commission on Indigenous Peoples (NCIP)

Eng. Roldan Parangue, Provincial Officer NCIP-Palawan

Hon. Joycie Dorado Alegre, Commissioner, National Commission for Culture and the Arts (NCCA)

Hon. Jose Chaves Alvarez, Governor of Palawan

Hon. Lucilio, R. Bayron Mayor of Puerto Princesa Municipality

Hon. Maria Angela D. Sabando, Mayor of Roxas

Engineer Nelson P. Devanadera, Executive Director, Palawan Council for Sustainable Development (PCSD)

Mr. Leonard Caluya, Head of the FMS-PENRO
Santa Monica, PPC – Palawan

Mrs. Teresita S. Guian
Provincial Agriculturist
PPC, Palawan

Hon. Florencio S. Loreno, Indigenous People Mandatory Representative (IPMR),
City of Puerto Princesa

NOTE: Please reply to Ernesto Dagsalio, President of the Batak Federation c/o NATRIPAL (UNITED TRIBES OF PALAWAN), Macawili Road, Banca-Bancao, Puerto Princesa City, Palawan. Telefax (048) 4336573. Email: batak.federation@gmail.com - For additional information and set appointments with Batak Federation representative, pls. contact: JohnMart Salunday (Batak Foundation Paralegal Focal Person) **cell. 09295723138.**