

Office of the President
of the Philippines
Malacañang

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EXECUTIVE ORDER NO. 122-C

CREATING THE OFFICE FOR SOUTHERN CULTURAL COMMUNITIES

RECALLING that the reorganization of the government is mandated expressly in Article II, Section I (a), and Article III of the Freedom Constitution;

HAVING IN MIND that, pursuant to Executive Order No. 5 (1986), it is directed that necessary and proper changes in the organizational and functional structures of the government, its agencies and instrumentalities, be effected in order to promote efficiency and effectiveness in the delivery of public services;

BELIEVING that the new government is committed to formulate more vigorous policies, plans, programs and projects for Tribal Filipinos, otherwise known as Indigenous Cultural Communities, taking into consideration their communal aspirations, customs, traditions, beliefs and interests in order to promote and preserve their rich cultural heritage and insure their participation in the country's development for national unity;

AFFIRMING that the creation of a specialized agency duly vested with appropriate powers and functions has become necessary to effectively implement such policies, plans, programs and projects;

NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Philippines, by virtues of the powers vested in me by the sovereign will of the Filipino People and the Freedom Constitution, do hereby order:

SECTION 1. Title. This Executive Order shall otherwise be known as the Act Creating the Office For Southern Cultural Communities.

SEC. 2. Office For Southern Cultural Communities. The Office for Southern Cultural Communities, encompassing all members of tribal groups in Regions IV, V, VI, VII, IX, X, XI and XII hereinafter referred to as Office is hereby created, in accordance with the provisions of this Executive Order and subject to the supervision and control of the President.

SEC. 3. Declaration of Policy. It is henceforth the policy of the State to ensure the rights and well-being of Southern Cultural Communities, which consist of non-Muslim hilltribes and ethnolinguistic minority groups, with due regard to their beliefs, customs, traditions and institutions, as well as to further ensure their contribution to national goals and aspirations and to make them active participants in nation-building.

SEC. 4. Mandate. The Office shall preserve and develop the culture, traditions, institutions and well-being of the southern cultural communities, in conformity with the country's laws and in consonance with national unity and development.

SEC. 5. Powers and Functions. To accomplish its mandate, the Office shall have the following powers and functions:

- (a) Provide advice and assistance to the President in the formulation, coordination, implementation, and monitoring of policies, plans, programs and projects affecting the southern cultural communities; serve as the link between the President and agencies, public or private, internal or external, involved in such programs and projects; and, recommend such affirmative actions as may be necessary for their efficient and effective implementation;
- (b) Undertake and coordinate development programs and projects for the advancement of southern cultural communities, including designing, implementing and maintaining settlements for them;
- (c) Serve as the primary government agency through which the southern cultural communities can seek government assistance and serve as the medium through which such assistance may be extended to them;
- (d) Serve as the custodian and administrator in charge of all existing Office for Southern Cultural Communities settlements, subdivisions, allocations and distribution of public lands and those which shall hereinafter be reserved by the President of the Philippines for the southern cultural communities including ancestral lands as provided for by law;
- (e) Enter, subject to existing laws, policies and guidelines, into such contracts, agreements, or arrangements, with government or private agencies or entities as may be necessary to attain the objectives of the Office, including obtaining loans from lending institutions, subject to the approval of the President of the Philippines, which shall finance the implementation of the provisions of this Executive Order;
- (f) Accept grants, donations, gifts, funds and/or properties in whatever form and from whatever source, for the benefit of the southern cultural communities, and administer the same in accordance with the terms thereof, or in the absence of any condition, in such manner consistent with the interests of the southern cultural communities as well as existing laws;
- (g) Undertake studies, formulate policies and plans and implement programs and projects for the preservation and development of the historical and cultural heritage of southern cultural communities as well as establish and maintain ethnographic research centers and museums on the culture and institutions of the southern cultural communities as may be necessary;
- (h) Certify, whenever appropriate, membership of persons belonging to the southern cultural communities for purposes of establishing qualifications for specific requirements of government and private agencies and for other benefits as may be provided by law;

- (i) Coordinate the enforcement of policies and laws protecting the rights of the southern cultural communities to their ancestral lands, including the application of customary laws governing property rights and relations, in determining the ownership and extent of ancestral lands, subject to procedures and standards established by the Legislature or any other duly constitutional authority and for this purpose enlist the assistance of appropriate government agencies, including those concerned with law enforcement;
- (j) Acquire, lease or own such properties or assets in whatever form as may be necessary, and sell or otherwise dispose of the same and serve as the custodian or administrator of such lands or areas and other properties or assets as the President may reserve for the benefit of the southern cultural communities;
- (k) Conduct inspections or surveys jointly with other appropriate agencies, and issue necessary certifications prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interests of the southern cultural communities or areas occupied by them; and, in case of conflicts, recommend to the President such action as may be appropriate under the circumstances;
- (l) Provide legal and technical services for the survey, adjudication, titling and development of tribal ancestral lands as well as settlements proclaimed by the government for the southern cultural communities;
- (m) Provide medical assistance and health programs at the sub-office and service center levels in coordination with the Ministry of Health;
- (n) Coordinate the formulation, design, integration and the implementation, where applicable, of development plans which will assist members of the southern cultural communities in developing their ancestral lands with respect to contiguous areas occupied by members hereof, incorporating therein livelihood programs and ecological or environmental considerations consistent with national plans or guidelines, river basin or area development plans, including environmental protection for traditional tribal domains, tribal hunting grounds and sacred ancestral places or tribal cultural assets;
- (o) Assist, promote and support community schools, both formal and non-formal, for the benefit of members of the southern cultural communities, incorporating therein the cultural values of the beneficiary communities consistent with the Filipino values of good citizenship and love of country, preferably in areas where existing educational facilities are not accessible to members of the southern cultural communities, in coordination with the Ministry of Education, Culture and Sports;
- (p) Encourage trade fairs and market center to serve as outlets for the agricultural and handicraft products of the southern cultural communities; support the establishment of other marketing assistance and credit facilities for the promotion of trade and entrepreneurship among southern cultural communities;

- (q) Promote peace and harmony within, between and among the southern cultural communities by acting as mediator and encouraging the peaceful settlement of tribal disputes in accordance with prevailing customary laws of each particular tribe; for such purpose, the Office shall codify the customary laws of each particular tribe, specially those on the conduct of adjudication councils;
- (r) Submit to the Legislature, upon approval of the President, appropriate legislative proposals intended to carry-out the policy declared under this executive order;
- (s) Perform such other functions as may be provided by law.

SEC. 6. Membership. The Office shall be composed of an Executive Director and two (2) Deputy Executive Directors, all of whom shall be appointed by the President.

SEC. 7. Rules and Regulations. The Office is hereby authorized to establish and prescribe the rules and regulations governing the conduct of its operations.

SEC. 8. Administrative Supervision and Control. The administrative supervision and control over the personnel, other than the Deputy Executive Directors, and the properties of the Office shall be vested in the Executive Director. Except presidential appointees, the appointment of and the imposition of disciplinary measures on the same personnel shall likewise be vested in the Executive Director who shall accomplish the same in consultation with the Deputy Executive Directors, except that, when the administrative charge entails, considering the circumstances alleged in the complaint, the penalty of dismissal from the service, the decision thereon shall be by the majority of all the members of the Office. The Executive Director shall exercise administrative supervision over the Deputy Executive Directors. The Deputy Executive Directors shall assist the Executive Director in the performance of his functions, who may assign or delegate specific and substantive or administrative responsibilities to either of them.

SEC. 9. Structural Organization. The Office for Southern Cultural Communities, comprising the Offices of the Executive Director and Deputy Executive Directors and their immediate staffs, shall consist of the Services, Units, Regional Offices, Field Offices and Sub-offices and Service Centers as may be established in accordance with this Executive Order.

SEC. 10. Services. The Staff of the Office shall consist of the Administrative Service, Planning Service, Finance and Management Service and the Legal Service, each of which shall be headed by a Staff Director.

SEC. 11. Administrative Service. The Administrative Service shall be responsible for providing the Office with efficient and effective staff services relating to personnel, information, records, supplies, equipment, collection, disbursement, security and custodial work.

SEC. 12. Planning Service. The Planning Service shall be responsible for providing the Office with economical, efficient and effective services relating to planning, monitoring and project development.

SEC. 13. Finance and Management Service. The Finance and Management Service shall be responsible for providing the Office with efficient and effective staff advice and assistance on budgetary, financial and management matters.

SEC. 14. Legal Service. The Legal Service shall be responsible for providing the members of the southern cultural communities with the legal education and assistance in case of litigations involving their persons or interests; undertake research, compilation and codification of customary laws and traditions of each tribe of the southern cultural communities as well as existing legislations; assist the Legislative Branch of the national government in initiating and enacting legislation benefitting the southern cultural communities; extend technical assistance for the organization and orderly conduct of tribal adjudication councils; coordinate with duly constituted authorities in providing protective service to members of the southern cultural communities; act as legal counsel of the Office; investigate cases involving the Office's personnel; recommend to the Office appropriate recommendations pertaining thereto.

SEC. 15. Units. The Units of the Office shall consist of the Economic Affairs Unit, Cultural Affairs Unit and of Tribal Relations and External Affairs Unit.

SEC. 16. Economic Affairs Unit. The Economic Affairs Unit shall have the following functions:

- (a) Promote and develop economic livelihood projects and programs through the extension of loans, entrepreneurship, trade and marketing assistance to the members of the southern cultural communities;
- (b) Undertake researches and studies which would serve as inputs to policy and plan formulation and program and project implementation relative to the economic well-being of southern cultural communities, including the development, protection and conservation of the physical environment within their ancestral lands for the maintenance of ecological balance and for the conservation of their patrimony;
- (c) Implement economic development projects and coordinate relief assistance of whatever nature to the southern cultural communities;
- (d) Formulate and implement manpower training and community self-help projects for the economic development of the southern cultural communities;
- (e) Conduct feasibility studies regarding the provisions of medical assistance, including health and nutrition services to the southern cultural communities;
- (f) Oversee or supervise the effective and efficient implementation of policies, plans, programs and projects of the Office on economic community livelihood development by Regional and Field Offices;
- (g) Design, formulate and implement land-use development policies and plans for ancestral and tribal lands including resettlement areas for the southern cultural communities;

Manage, administer and supervise settlement projects for the southern cultural communities.

SEC. 17. Cultural Affairs Unit. The Cultural Affairs Unit shall have the following functions:

- (a) Conduct researches and studies relative to the cultural development of the southern cultural communities, the result of which would serve as the basis for policy and plans formulation and program and project implementation. Correspondingly, it shall maintain research centers and tribal cultural centers as may be necessary;
- (b) Establish and maintain a central library, museum and audio-visual center to serve as repositories of information regarding the southern cultural communities
- (c) Develop procedures and pursue a systematic dissemination of information about the various ethnic tribes and communities comprising the southern cultural communities for the purpose of promoting better understanding and goodwill between the tribes and communities and the mainstream populace;
- (d) Formulate and implement an education program especially designed to improve the literacy level of adult and out-of-school youth members of the southern cultural communities, subject to the approval of the Ministry of Education, Culture and Sports;
- (e) Develop and maintain a scholarship program for poor but deserving members of the southern cultural communities who wish to pursue high school and higher education;
- (f) Oversee and supervise the effective and efficient implementation of policies, plans, programs and projects of the Office on matters pertaining to the preservation and development of the culture, traditions, institutions and well-being of the southern cultural communities
- (g) Coordinate its activities and provide assistance to the appropriate national agencies concerned with national cultural programs and objectives

SEC. 18. Tribal Relations and External Affairs Unit. The Tribal Relations and External Affairs Unit shall have the following functions:

- (a) Serve as the political arm of the Office;
- (b) Plan, conceptualize, formulate, implement and monitor program and projects on affirmative actions and positive cultural values related to the southern cultural communities;
- (c) Serve as the linkage between the Office and local as well as international private and non-government organizations;
- (d) Serve as the negotiating arm of the Office with local, regional national and international government agencies;

- (e) Formulate and design programs on symposia among tribal groups instill in them their place in contemporary Philippine society;
- (f) Initiate the organization of tribal adjudication councils among the different tribal communities and federate them into mother organizations;
- (g) Act as the catalyst in the strengthening of the indigenous tribal institutions governing inter-tribal relations;
- (h) Accept grants, gifts, donations of funds and properties from source, pursuant to Section 5 (f) of this Executive Order;
- (i) Act as the public relations and information center of the Office.

SEC. 19. Consultation and Coordination with Office. The governing boards, councils or committees of various national and regional units as well as local government units shall consult and coordinate with the Office in the formulation and execution of their policies, plans, programs and projects, whenever the welfare and interest of the southern cultural communities within their planning area or operational jurisdiction are being affected or would result in their displacement. Should the Office find compelling reasons, after due investigation, that the welfare, interest or well-being of the southern cultural communities are prejudiced, the Office shall submit to the President its recommendations for appropriate reliefs or remedies, as the case may be. Whenever necessary, the President may designate the Executive Director of the office or his duly authorized representative to such boards, councils, or committees of various national and regional development units to effect better policy, plans, program and project coordination between the Office and such units.

SEC. 20. Joint Investigation with Bureau of Forest Development. The Office shall conduct, jointly with the Bureau of Forest Development, inspection of areas covered by applications for licenses, leases or permits, granted under the Revised Forestry Code (Presidential Decree No. 705) in provinces and cities which, according to the latest official population census, are inhabited by the southern cultural communities with the objective of determining the extent to which said license, lease or permit applications affect the rights of members of the southern cultural communities residing therein, and on the basis of said inspection, issue certification of such findings. No such license, lease or permit shall be granted without such prior joint inspection being made. The Office may interpose objections, or present petitions for exclusion of or for recognition of specific parliamentary rights with specific areas which are inhabited by southern cultural communities.

SEC. 21. Consultative Body. The Executive Director may create a consultative body which shall be composed of the Deputy Executive Directors and representatives from the southern cultural communities the number of which shall be determined by the Executive Director. The function of such body is to advise the Executive Director on matters relating to the problems and aspirations of the southern cultural communities. The body shall meet quarterly or whenever called by the Executive Director.

SEC. 22. Preference in Employment. The Executive Director shall, for the extent practicable, appoint deserving members of the southern cultural communities to appropriate positions in the Office even if such appointees do not possess the required civil service eligibility pursuant to Section 23 of Presidential Decree No. 807, in consonance with the provisions of Presidential Decree No. 1414; provided, however, that priority consideration shall be given to qualified members of the southern cultural communities who possess civil service eligibility; and provided, further, that in the filling up of positions in the approved position structure and staffing pattern of the Office, preference shall be given to qualified and eligible personnel of the former Bureau of National Minorities.

SEC. 23. Regional Office, Field offices, Sub-offices. The Office is hereby authorized to establish, operate and maintain Regional offices in such appropriate administrative regions of the country, each of which shall be headed by a Regional Director. A Regional Office shall have, within its administrative region, the following functions:

- (a) Implement laws, rules, regulations, policies, plans, programs and projects of the Office;
- (b) Provide efficient and effective service to the southern cultural communities;
- (c) Coordinate with regional offices of departments, offices and agencies in the administrative region;
- (d) Coordinate with local government units;
- (e) Perform such other functions as may be provided by law

The Office is likewise authorized as may be provided by law, maintain field offices and sub-offices and service centers and whenever necessary, appropriate and feasible, the functions of which shall be determined by the Office.

SEC. 24. Contracts Agreements and Obligations. All existing legitimate contracts, agreements, and other obligations entered into or incurred by the defunct Office of Muslim Affairs and Cultural Communities and other affected offices, as maybe pertaining to such powers and functions which may have been succeeded to by the Office, shall continue to be in force, subject, insofar as the law may allow, to review by the Office and to subsequent legal action as may be proper, just and fair.

SEC. 25. New Structure and Pattern. The new structure and staffing pattern of the Office shall be approved and prescribed by the Executive Director within one hundred twenty (120) days from the approval of this Executive Order and the authorized positions created thereunder shall be filled with regular appointments by him or by the President as the case may be. Those incumbents of the defunct Office of Muslim Affairs and Cultural Communities whose positions are not included therein or who are not appointed shall be deemed separated from the service. Those separated from the service shall receive the retirement benefits to which they may be entitled under existing laws, rules and regulations. Otherwise, they shall be paid the equivalent of one-month basic salary for every year of service or equivalent nearest fraction thereof favorable to them on the basis of the highest salary received, but in no case

shall, such payment exceed the equivalent of twelve (12) months salary.

No court or administrative body shall issue any writ of preliminary injunction or restraining order to enjoin the separation/replacement of any officer (the term "officer" as used in this executive Order is intended to be within the meaning of the term "official" as used in the Freedom Constitution and the succeeding constitution) or employee effected under this Executive Order.

SEC. 26. Periodic Performance Evaluation. The Executive Director is hereby required to formulate and enforce a system of measuring and evaluating periodically and objectively the performance of the Office and submit the same annually to the President.

SEC. 27. Prohibition Against Change. No change in the reorganization herein prescribed shall be valid except upon prior approval of the President for the purpose of promoting efficiency and effectiveness in the delivery of public service.

SEC. 28. Funding. Funds needed to carry out the provisions of this Executive Order shall be taken from funds available in the Office of Muslim Affairs and Cultural Communities.

SEC. 29. Implementing Authority of Executive Director. The Executive Director shall issue such rules, regulations and other issuances as may be necessary to ensure the effective implementation of the provisions of this Executive Order.

SEC. 30. Separability. Any portion or provision of this Executive Order that may be declared unconstitutional shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

SEC. 31. Repealing Clause. All laws, ordinances, rules, regulations, other issuances or any parts thereof, inconsistent with this Executive Order, are hereby repealed or modified accordingly.

SEC. 32. Effectivity. This Executive Order shall take effect immediately upon its approval.

APPROVED in the City of Manila, Philippines, this 30th day of Jan. in the Year of Our Lord, Nineteen Hundred and Eighty - Seven.

By the President:

Prayon B. Aquino

[Signature]
ROKER P. ARROYO
Executive Secretary