



Republic of the Philippines
Department of the Interior and Local Government
Region 13 (Caraga)

August 22, 2017

DATU/LIKID CARLOS ROURA
Municipal Tribal Chieftain
MANDAYA/LAMAYO
Tagbina, Surigao del Sur

Dear Datu:

This refers to your letter dated August 14, 2017 asking whether or not Resolution No. 598-17 (Series of 2017) of the Sangguniang Panlalawigan of Surigao del Sur is valid in so far as it stated that "the newly created position of the Indigenous Peoples Mandatory Representative (IPMR) in the Sangguniang Bayan has no legal basis" and thus, Appropriation Ordinance No. 02 dated March 31, 2017 of the Municipality of Tagbina, Surigao del Sur was declared inoperative in part subject to the condition: "the creation of the position of Indigenous Peoples Mandatory Representative (IPMR) should be supported by a duly enacted Ordinance by the Sangguniang Bayan concerned prior to its inclusion in the Annual Budget", among others.

At the outset, this Office has no authority to declare any resolution or ordinance as valid or not. However, we may discuss matters of concern without necessarily passing upon the validity of a resolution or ordinance.

May we invite you to read DILG Legal Opinion No. 01, S. 2015 dated 12 Jan 2015. The opinion reiterated the legal basis of the IPMR as member of the sanggunian, viz:

The Department has consistently opined that RA 8371 and its Implementing Rules and Regulations issued by the NCIP are already sufficient as an enabling law to install the indigenous peoples representatives in the different sanggunians of LGUs.

Hence, among the different sectors mentioned in Section 41 (1) and 467 (b) of the Local Government Code of 1991, only the sector of indigenous cultural minorities has an enabling law to install them in the different sanggunians of LGUs. (Emphasis supplied)

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The same opinion recapped the requirements for an IPMR to assume office based on NCIP Administrative Order No. 001, series of 2009 as follows:

xxx the Indigenous Mandatory Representative (IPMR) may already assume as such in the local sanggunian upon compliance with or issuance of the following:

- a. A formal certification by the concerned Regional Director, upon recommendation of the Provincial or Community Service Center head, as the case may be, that the selection process is in accordance with NCIP Administrative Order No. 001, series of 2009;
- b. The IPMR takes appropriate oath before an authorized officer;
- c. The IPMR informs the appropriate body/ies of his/her assumption;
- d. The NCIP Regional Office issues a Certificate of Affirmation (COA) in favour of the IPMR;
- e. On the basis of such NCIP issued COA, the DILG – Regional Office issues a Certificate of Recognition in favour of the IPMR.

Corollarily, DILG Legal Opinion No, 52 s. 2012 dated Jul 18 2012 already stated that:

xxx the above-mentioned NCIP Administrative Order No. 001, series of 2009 clearly enumerated the requirements of the assumption to office. Hence, the LGU must not require what is not provided in the said NCIP Administrative Order.

Finally, DILG Opinion No. 20 s. 2011 dated May 31 2011, emphasized that:

xxx the local sanggunian concerned has to enact an Ordinance providing for the appropriation of funds for the salaries and other emoluments to be given to the concerned ICC/IP representative.

Based on your presentation and on the information from our local government operations officer, you and the LGU appeared to have fully satisfied all the foregoing requirements for the assumption to office, as well as the allotment of funding for the same office.

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Copies of all cited DILG Legal Opinions are attached hereto for your easy reference and guidance.

This opinion is rendered without prejudice to any contrary decision or opinion of competent higher authorities and the courts.

Thank you and God bless!

Truly yours,

(ORIGINAL SIGNED)
LILIBETH A. FAMACION, CESO III
Regional Director

cc: Hon. Manuel O. Alameda
Vice Governor
Province of Surigao del Sur

Hon. Henrich M. Pimentel
Member of the Sangguniang Panlalawigan
Chair, Committee on Appropriations

PD Pedrito P. Alacaba
Provincial Director
DILG – Surigao del Sur

Ian Reigh Elimanco
MLGOO – Tagbina, Surigao del Sur

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