

## Diverting the Mainstream: An Attempt to Reconcile Local Administration with IP's Right to Self-Governance

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47 *ATENEO L.J.* 731 (2002)

*SUBJECT(S):* INDIGENOUS PEOPLES RIGHTS ACT, BARANGAYS, PANAY

*KEYWORD(S):* INDIGENOUS PEOPLES RIGHTS ACT, IPRA, BARANGAYS, PANAY

The Indigenous Peoples Rights Act (IPRA) or Republic Act No. 8371 recognizes the right to self-governance and self-determination of the indigenous peoples. In order to pursue their economic, social, and cultural development, the IPRA provides for the formation of a separate tribal *barangay* in accordance with the provisions of the Local Government Code (LGC).

The Article, however, argues that the LGC is inadequate in providing for guidelines in two respects: first, the creation of a tribal *barangay*; and second, the structures and fiscal policies that should govern the tribal *barangays*.

In order to address these issues, focus group discussions and interviews were conducted by the author in select indigenous people communities in Panay. As to the first issue, It suggests that a conversion of regular *barangays* into tribal *barangays* is less problematic than an outright creation of new ones. As to the matter of the internal administration of the *barangay*, the study yields the results that the participants prefer the tribal chieftain be the head of the *barangay*.

It then recommends the following: that rules be promulgated to facilitate the conversion of regular to tribal *barangays*; that the distribution of the Internal Revenue Allotment be based on the level of the development of the *barangay* instead of its population; and that the indigenous peoples be brought together in a tribal together regardless of their locations within the municipality. These measures would ensure the smooth formation of a tribal *barangay* which will benefit the indigenous peoples.