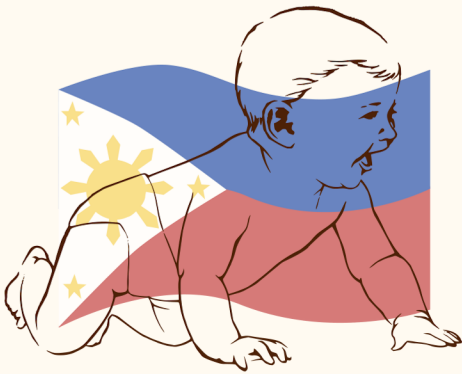


# SALIGAN Batas

## Upholding the best interest of the child: Law Recognizes Foundlings as Natural-Born Citizen of the Philippines

**O**n May 6, 2022, R.A. 11767, otherwise known as the "Foundling Recognition and Protection Act," was signed into law. The new law promotes the rights of a foundling and provides greater protection for deserted or abandoned children with unknown parents. The law intended to address cases of infant abandonment in dangerous places and conditions. It gives parents an option to relinquish their children properly and safely to "safe haven" institutions so that they might find their way to meet a parent who can provide love and care for their safety and well-being without any criminal liability. Also, it will fill the gap that foundlings are no longer stateless as they are considered Filipino citizens from the time of their birth.



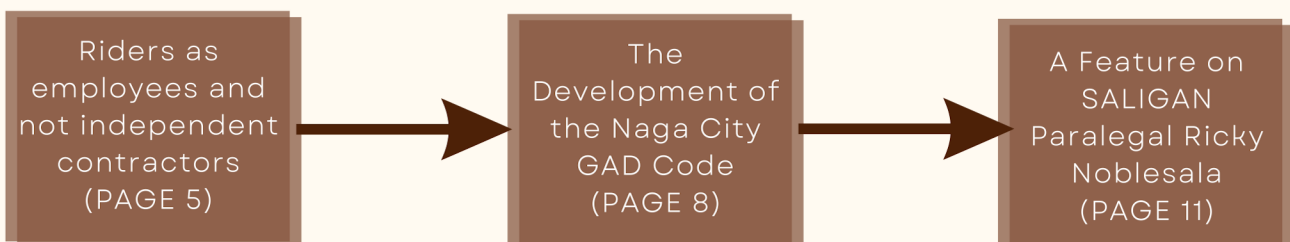
Nationality is generally understood as the legal bond between a person and a particular state. It gives them membership in the country and makes them a citizen, who are entitled to basic human rights and should be treated with respect and protected from equal protection under the constitution. The Philippines abides by the jus sanguinis principle, a principle of nationality by which citizenship is determined or acquired by the nationality or ethnicity of one or both parents.

Under past laws, foundlings were issued certificates that did not explicitly indicate their citizenship, thus hindering their access to certain rights and government services. This situation counters Art.15 (1) of the Universal Declaration of Human Rights (UNCRC), which provides that everyone has a right to nationality and no one shall be arbitrarily deprived of his nationality or denied the right to change his nationality. This law, R.A. 11767, will realize the UNCRC provision and retroactively confirm all foundlings' citizenship and address their risk of statelessness.

### Status and legitimacy of a foundling

The law defines foundling as a deserted or abandoned child or infant with unknown facts of birth and parentage. This shall also include those who have been duly registered as a foundling during their infancy, but have reached the age of majority without benefitting from adoption procedures upon the passage of this law. [1]

### WHAT'S INSIDE?



When a foundling is found in the Philippines or in Philippine embassies, consulates, offices, and territories abroad, it is presumed to be a natural-born Filipino citizen, regardless of the status or circumstances of birth. As a natural-born citizen of the Philippines, a foundling is accorded rights and protection at the moment of birth equivalent to those belonging to such a class of citizens whose citizenship does not need any further act.

The presumption of the natural-born status of a foundling may not be impugned in any proceeding unless substantial proof of foreign parentage is shown and that the foreign citizenship may be transmitted from the parents to the foundling. The natural-born status of a foundling should not be affected by the fact that the birth certificate was simulated, that the person was legally adopted, that there was an absence of a legal adoption process, or that there was inaction or delay in reporting, documenting, or registering a foundling.

### **Procedure for the Registration of a Foundling**

The finder shall report within forty-eight (48) hours upon discovery of the child to the nearest local social welfare and development office (LSWDO) or any safe haven provider to inform them of the incident and circumstances. The law enumerates the procedure for the registration of a foundling and issuance of certificate of live birth (COLB). The following procedure shall be observed:

- a.** The social worker or safe haven shall submit an application for registration to the local civil registrar (LCR), which shall issue a certificate of live birth;
- b.** The LCR shall review and approve the COLB;
- c.** Issuance and recording of the COLB in the Registry of Book of Foundlings;
- d.** Providing copies of the COLB;
- e.** Verification of the documents by the PSA-OCRG; and
- f.** Uploading of the COLB in the civil registration service database.

### **Effects of the adoption of a foundling**

A foundling minor shall be declared legally available for

adoption by the National Authority for the Child Care (NACC) subject to existing laws, rules, and regulations, taking into consideration the best interests of the child. The relevant provisions of R.A. 11642, otherwise known as the Domestic Administrative Adoption and Alternative Child Care Act, shall apply to the adoption of foundlings.

Consistent with Section 41 of Republic Act 11642, once the adoption is finalized, the adopted foundling shall be considered the legitimate child of the adopter for all intents and purposes and entitled to all the rights and obligations provided by law to legitimate children born to them without discrimination of any kind. The adoptee is entitled to love, guidance, and support in keeping with the means of the family. The legitimate filiation that is created between the adopter and adopted foundling shall be extended to the adopter's parents, legitimate siblings, and legitimate descendants. The adopter is also given the right to choose the name by which the adopted foundling is to be known, consistent with the best interests of the child.

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<sup>1</sup> Sec 3, R.A. 11767 [from front page]

However, if biological parents appear, the NACC or the LSWDO may file a petition with the LCR for the revocation of the Certificate of Live Birth where the foundling was registered on the following grounds: (a) parentage of the foundling has been established; or (b) fraud to conceal the material facts of birth or parentage of the person that would otherwise not render the person as a foundling. [2] But if the parentage of one foundling is established and the foundling cannot acquire the citizenship of the parents, which will result in statelessness, the foundling shall retain Philippine citizenship until such time that it can be established that the foundling is able to benefit from the citizenship of either parent.

To recover parental authority and legal custody, the biological parent or legal guardian of a foundling should file a petition with NACC. But if the child was (1) voluntarily committed or (2) pending with the NACC, the petition for the issuance of a certificate declaring a child legally available for adoption (CDCLAA), (3) supervised trial custody, or (4) petition for adoption, the "Domestic Administrative Adoption and Alternative Child Care Act"

shall apply. It means that NACC shall ensure that the petitions, and all other matters involving alternative child care, including the issuance of CDCLAA, and the process of adoption will redound to the best interest of the child involved.

If the child is already adopted, all legal ties between the biological parents or legal guardian and the child are severed and the same shall be vested on the adopters. The best interest of the child shall be paramount consideration of the NACC in deciding all cases and shall provide necessary counselling, programs, and services to the biological parents.

### **Duties and responsibilities of the implementing agencies**

The National Authority for Child Care (NACC), local government, Community Police, Local Social Welfare and Development Office (LSWDO), Department of Health and any accredited child-caring or child-placing agency shall ensure that foundlings are accorded with available government program and services for survival and development and protection of their rights.

The specific roles and responsibilities of the agencies are the following:

Barangay Officials:

1. Take custody of the foundling and referral to the LSWDO;
2. Conduct search and inquiry into the circumstances surrounding the discovery of the foundling within twenty-four (24) hours;
3. Report and refer the case of the foundling to the LSWDO;
4. Ensure the execution of an affidavit of the finder;
5. Issue a blotter report on the result of the search and inquiry and endorse the same to the LSWDO; and
6. Submit a Quarterly report to the LSWDO.

Community Police Assistance Center (COMPAC)/Police Stations:

1. Conduct a search and inquiry to investigate the circumstances of the foundling within twenty-four (24) hours;
2. Report and refer the case of the foundling to the LSWDO;
3. Assist the barangay officials and the LSWDO in the conduct of search and inquiry;

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<sup>2</sup> Sec 11, R.A. 11767

4. Issue a blotter report on the result of the search and inquiry and endorse the same to the barangay officials and/or LSWDO;
5. Issue a certification on the circumstances surrounding the foundling's discovery, and the results of the search and inquiry conducted; and
6. Submit a Quarterly report to the LSWDO.

**LSWDO:**

1. Submit an initial report to the NACC through the RACCO regarding the presence of a foundling within their jurisdiction;
2. Coordinate with the NACC through the RACCO and facilitate the provision of appropriate care and services in line with the foundling's needs and best interests;
3. Prepare a comprehensive and exhaustive report on the circumstances of the foundling;
4. Coordinate and facilitate the provision to foundlings of appropriate government care and services; and
5. Submit a Quarterly report to the NACC through the RACCO with a summary of cases of foundlings reported to their office.

DOH Accredited Health facilities - Within twenty-four (24) hours, they shall report

and refer the foundling to the LSWDO, residential care facilities and/or registered, licensed and accredited child caring agency/child-placing agencies together with the medical report on the foundling.

**Child-Caring/Child-Placing Agency:**

1. Report to the LSWDO regarding the admission of the foundling in their facility;
2. Provide appropriate care and services in line with the foundling's needs and best interest;
3. Prepare a comprehensive and exhaustive report on the circumstances of the foundling;
4. Coordinate and facilitate the provision to foundlings of appropriate government care and services; and
5. Submit a Quarterly report to the NACC through the RACCO with a summary of cases of foundlings admitted in their facility.

Department of Foreign Affairs (DFA) - shall coordinate with the Philippine Embassy/Consulate or Offices abroad for the return of the foundling to the Philippines, and to the NACC for the referral of the

foundling to a registered, licensed and accredited child caring agency or a residential care facility.

This new development will uphold the rights of children who suffered from injustice and discrimination by being marked as foundlings. Now, a certificate of live birth can be issued to a foundling, guaranteeing access to assistance, proper care, nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to the development of every child.

**References**

- R.A. 11767 also known as the Foundling Recognition and Protection Act
- Implementing Rules and Regulations of R.A. 11767



*Development in Jurisprudence****Riders as employees and not independent contractors*****An update on the jurisprudence as to relationship between delivery riders of e-Commerce platforms**

Contracts cannot conclusively determine employer-employee relationship but only the law.

As repeatedly decided by the Supreme Court, the relationship between an employer and an employee is not defined by a contract but only by law. [1] Likewise, the kind of employment cannot be determined by relying solely on contractual provisions to the possible detriment of a worker. Employers cannot circumvent the law by renaming contracts of employment to conceal the true nature of the relationship.

In September 21, 2022, the Supreme Court through the Honorable Justice Marvic Leonen, ruled that the delivery riders of an online marketing and shopping, Lazada E-Services Philippines Inc. are their regular employees. [2]

**Riders vs. Lazada E-Services**

Chrisden Ditiangkin, Hendrix Molines, Harvey Juanio, Joselito Verde and Brian Anthony Nabong were hired

in February 2016 as riders by Lazada E-Services Philippines through an Independent Contract Agreement (Contract). Their contract states that they will be paid a daily service fee and that they will be engaged for a period of one year.

In January 2017, petitioner riders were told that they were removed from their usual routes and will no longer be given schedules. Later, they found that their routes were given to other employees.

The riders filed a complaint before the National Labor Relations Commission (NLRC) alleging that as regular employees who were unjustly dismissed, they are entitled to their monetary claims as well as damages. The Labor Arbiter dismissed the complaint and ruled that the riders are not regular employees and have control over their means and method of their work. This was affirmed on appeal to the NLRC and dismissed before the Court of Appeals. Hence, the petition upon the Supreme Court under Rule 45.

**The Ruling of the Court**

Aside from the technical issues pertaining to the Rules of Court, the decision addressed the following specific issues which proved that the riders are indeed regular employees.

(1) Are the delivery riders of Lazada independent contractors?

On the first issue, the court held that the “Independent Contractor Agreement” signed by the riders do not show the riders falling in either type of an independent contractor under laws and jurisprudence. There two recognized contractors in the Philippines: **legitimate job contractors** and **independent contractors** who possess unique skills and talent.

*Article 106 of the Labor Code govern legitimate job contractors:*

*ARTICLE 106. Contractor or Subcontractor. - Whenever an employer enters into a contract with another person for the performance of the farmer's work, the employees*

1 Paguio v. NLRC, G.R. No. 147816, May 9, 2003

2 Ditiangkin v. Lazada E-Services Philippines Inc. G.R. No. 246892 dated September 21, 2022

of the contractor and of the latter's subcontractor, if any, shall be paid in accordance with the provisions of this Code.

In the event that the contractor or subcontractor fails to pay the wages of his employees in accordance with this Code, the employer shall be jointly and severally liable with his contractor or subcontractor to such employees to the extent of the work performed under the contract, in the same manner and extent that he is liable to employees directly employed by him. Xxx

To be considered a legitimate contractor, the contractor must have a substantial capital or investment. It must also have a distinct and independent business uncontrolled by the principal and compliant with all the rights and benefits for the employees. [3]

Section 8 of DOLE Department Order no. 174-2017 lays down the conditions for permissible contracting or subcontracting:

*SECTION 8. Permissible Contracting or Subcontracting Arrangements. - Notwithstanding Sections 5 and 6 hereof, contracting or subcontracting shall only be allowed if all the following circumstances concur:*

a) The contractor or subcontractor is engaged in a distinct and independent business and undertakes to perform the job or work on its own responsibility, according to its own manner and method;

b) The contractor or subcontractor has substantial capital to carry out the job farmed out by the principal on his account, manner and method, investment in the form of tools, equipment, machinery and supervision;

c) In performing the work farmed out, the contractor or subcontractor is free from the control and/or direction of the principal in all matters connected with the performance of the work except as to the result thereto; and

d) The Service Agreement ensures compliance with all the rights and benefits for all the employees of the contractor or subcontractor under the labor laws.

In sum, when a principal engages with a legitimate contractor, a trilateral relationship is created together with the employees of the latter.

The second type of an **independent contractor consist of individuals who possesses unique skills and talents which set them apart from ordinary employees**

**and whose means and method of work are free from the control of the employer.** [4] This type of contracting does not show an employer-employee relationship hence, it is governed by the provisions of the Civil Code.

In this case, Lazada failed to prove that the delivery riders are independent contractors. First, the riders are not hired by a contractor or subcontractor since each of the riders signed individual contract with Lazada who also paid them directly. Clearly, there is no trilateral relationship made.

Likewise, the riders cannot be considered independent contractors under the second type as the work did not require a special skill or talent. **Picking up and delivering goods from the warehouse to buyers do not call for a specific expertise. The riders were not hired due to their unique ability and competency.**

(2) Did the delivery riders satisfy the requirements of the four-fold test?

Yes. The court in applying the four-fold test for determining employer-employee relationship

3 Mago v. Sun Power Manufacturing Limited, 824 Phil. 464(2018) [Per J. Reyes, Jr., Second Division].

4 Bernarle v. Philippine Basketball Association, 673 Phil. 384 (2011) [Per J. Carpio, Second Division].

between the delivery riders and Lazada substantially found the required factors to be present in the case.

The four-fold test requires the following factors:

(1) selection and engagement of employee; (2) payment of wages; (3) power of dismissal; and (4) power to control the means and method by which the work is to be accomplished (**control test**). [5]

First, petitioners are directly employed by respondent Lazada as evidenced by the Contracts they signed. Petitioner's former employer, RGSERVE, Inc., is not a party to the Contract with respondent Lazada. Second, as indicated in the Contract, petitioners receive their salaries from respondent Lazada. Petitioners are paid by respondent Lazada the amount of P1,200.00 for each day of service. Third, respondent Lazada has the power to dismiss petitioners. In their contract, respondents can immediately terminate the agreement if there is a breach of material provisions of the Contract. Lastly, respondent Lazada has control over the means and methods of the performance

of petitioners' work.

(3) Lastly, is there economic dependence in the riders' employment with Lazada?

Yes. The court has also applied another test to determine the employer-employee relationship between the parties to the case, namely, the **"economic dependency test"**. This refers to whether the worker is dependent on the alleged employer for his continued employment in that line of business. This is determined by two approaches: first, the employer's power to control employee with respect to the means and method of work; second, the underlying economic realities of the activity or the relationship. [6]

The facts of the case admitted that the Contract itself states *"The method by which Contractor is to perform such Services shall be as instructed by, and which the discretion and control of the Company."* Even if the instructions are to be treated as guidelines, the circumstances of the whole economic activity between petitioners and respondents confirm the existence of an employer-employee relationship.

Also, the delivery of items is an integral part of the services offered by Lazada that without which their business cannot be performed with ease as marketed them. The fact that the routes and time of delivery is decided by Lazada further shows the latter's control over the riders' work. The riders are also found to be dependent on the continued employment in Lazada's business as they are hired directly by the latter.

While Lazada maintain that the Contract signed by the riders explicitly state that there is no employer-employee relationship between them, **the protection of the law afforded to labor precedes over the nomenclature and stipulations of the Contract.**



5 Pacific Consultants International Asia Inc. v. Schonfeld, G.R. No. 166920, February 19, 2007  
6 Francisco v. NLRC, G.R. No. 170087, August 31, 2006

**“Employment contracts are imbued with public interest”**

The Contract petitioners signed is not as ordinary as respondents purport it to be.

Thus, it is patently erroneous for the labor tribunals to reject an employer-employee relationship simply because the Contract stipulates that this relationship does not exist.

The High Court finally resolved that given all the present circumstances, the riders are regular employees of Lazada Inc.

*Advocacy Update*

***Strengthened Policy on Gender Equality: The Development of the Naga City GAD Code***

**Mandate for the Formulation of the GAD Code**

The Magna Carta of Women (MCW or RA No. 9710) calls upon all stakeholders to implement the women’s rights and entitlements enumerated under said law. In particular, the LGUs are mandated to develop and pass a GAD Code based on the gender issues in their respective localities identified through a process of consultations with women constituents. LGUs are further mandated to integrate the same in local plans and agenda, such as the Executive and Legislative Agenda, Comprehensive Land Use Plan, Comprehensive Development Plan of all LGUs and the Annual Investment Plan.

Memorandum Circular No. 2009-1 [1] defines the GAD Code as a comprehensive piece of local legislation to

support the local government units (LGUs) efforts in promoting, protecting and fulfilling women’s human rights towards the attainment of women’s empowerment and gender equality in the locality.

**Essential Elements of a GAD Code**

All LGUs are encouraged to tailor-fit their GAD Code in order to respond to their respective local situation. The guideline, however, provides that the LGU must strive to include all the essential contents of a GAD Code, such as:

- a. The full title of the ordinance;
- b. The legal mandates which provide the framework for the content, adoption and promulgation of the GAD Code. It also includes local GAD-related policies previously adopted by the LGU and which do

not discriminate against women and are consistent with the other provisions of the GAD Code;

c. The GAD principles, policies and strategies which the LGU adheres to and will adopt in the implementation of the provisions of its GAD Code;

d. The definition of terms found in the GAD Code;

c. The development areas and GAD-related interventions which articulates the specific areas of concern that the GAD Code seeks to address;

e. The penal provisions which identify the punishments that will be imposed by the LGU to violators of the GAD Code;

f. The implementation, monitoring and evaluation scheme which refer to the LGU’s specific strategies, mechanisms, key players and their respective

1 Guidelines on the Formulation, Implementation, Monitoring and evaluation of a Gender and Development (GAD) Code



g. The implementation, monitoring and evaluation scheme which refer to the LGU's specific strategies, mechanisms, key players and their respective roles in the implementation and monitoring of the policies and programs provided under the GAD Code;

h. The budget allocation, possible sources of funding and funding utilization;

i. The provision on the development of implementing rules and regulations that will carry-out the GAD Code; and,

j. The administrative provisions of an ordinance, such as the separability clause, repealing clause, and effectivity clause.

### **Naga City as a Gender-Responsive LGU**

The City of Naga has been identified by the Philippine Commission for Women (PCW) as one of the LGUs having noteworthy GAD initiatives. Naga City passed the Women Development Code in 2003, which criminalizes domestic abuse even before the Anti-Violence Against Women and Their Children Act (RA 9262) was passed. In order to handle and manage cases of abuse and violence against women, it established the

Anti-Violence Against Women Referral System in 2008. This system was eventually adopted nationally under the MCW and DILG JMC No. 2010-2. The PCW consistently commended Naga City for its GAD innovations in policies and programs. It was recognized as "the most gender-responsive" in 2009 and in 2015, it was certified as one of the GAD Local Learning Hubs for the (1) Bantay Familia Program, (2) Barangay Grow Negosyo and, (3) Naga City Breastfeeding Program.

Despite the multiple recognition and pioneering innovations related to GAD, the Naguenos saw the need to gather all programs and policies pertaining to women, evaluate their functionality and effectiveness while taking the current socio-cultural, political, and economic context into account. Interventions that will address the gaps and other issues currently faced by women, girls, and LGBTQIA+ people were then identified.

In order to discuss the actual gender related issues and concerns faced by women, children, and LGBTQIA+ persons in their respective communities, SALIGAN organized a series of consultation, validation

sessions, and focus group discussions (FGDs) in 2018. These were conducted with the 27 barangay councils for women and most of these women participated in SALIGAN's paralegal formation program or attended its series of learning sessions. It was followed by a series of policy writeshop with the members of the Naga City Council for Women. [2] The writeshop resulted in a draft ordinance which was then discussed with various community groups to determine whether the highlighted problems and the related remedy could be put into effect by the relevant government agencies. [3]

In 2019, Ordinance No. 2019-037, otherwise known as the GAD Code of Naga was enacted into law. The GAD Code helped in ensuring the sustainability of programs and policies initiated by the women's council despite the changes in administration and focus of the local government. It harnessed the partnership between and among stakeholders to bring forward innovative programs and services to promote and realize gender equality in Naga City. Among the many highlights of the code which are now being enjoyed by its constituents are the following:

*2 Composed of key local government officials, aggrupation representatives and representatives from the field offices of government agencies.*

*3 The Naga City Chamber of Commerce, student government members from several public and private schools in Naga City and concerned local government officer were among the groups consulted.*

- To realize the right to be protected from all forms of violence, the GAD Code institutionalized the strengthening of the VAW Protocol System and the barangay VAW Desk including its personnel. To complement this, a pool of advocates was created through the creation of the Gender and Development Champions from elective and appointed government officials and the Lalaki Laban sa Karahasan, a community-based advocacy group composed of men who will partner with the city in achieving gender equality in their respective communities;
- Increase participation and representation of women in decision-making processes through the strict implementation of the required 40% membership of women in local special bodies, local development council, and other decision-making bodies,

such as the Naga City Labor and Management Council, to ensure that their specific concerns and issues are tackled and resolved accordingly. The Sangguniang Panglungsod Committee on Accreditation and People Empowerment and the Naga City People’s Council were specially tasked to assist in the organization and sectoral strengthening of women organizations in the community;

- Intensification of the programs on productive services and food security given that these problems are often face-on by women. Among the implemented project are the development of economic opportunities for rural women and women-friendly and sustainable agricultural technology designed based on accessibility and viability for women and LGBTQIA+ persons;
- Elimination of discriminatory provisions of the *Kaantabay sa Kauswagan* Program to ensure equal access by unmarried women and LGBTQIA+ persons to said housing program with ensured provisions for basic services, employment and livelihood opportunities and affordable amortization;

- Sexual harassment, commercial exploitation of women and men, girls and boys and LGBTQIA and sex tours were expressly prohibited and penalized with imprisonment and fine; and
- Lastly, the Naga City Council for Women was reorganized and designated to become the Naga City Gender and Development Council tasked to lead in catalyzing and accelerating gender mainstreaming efforts of Naga City.

The Naga experience affirms how policy reform, a vigilant civil society organization and an actively engaged other societal institutions can greatly help advance the empowerment of women, children and LGBTQIA+ persons and the realization of their rights and empowerment.



*A Feature on SALIGAN Paralegal Ricky Noblesala****Realizing people's participation in local governance:  
SALIGAN's graduate-paralegal as IPMR***

**R**icky Noblesala, 30, is a graduate of the "Paralegal Formation Program for the Kabihug (Manide) Tribe Empowerment and Development". He is the chairperson of the Board of Directors of the of the "Boses at Ugnayan ng Lapian at Wastong Adhikain ng mga Katutubo" (BULWAK), a people's organization of the Manide Tribe located in the Municipality of Jose Panganiban in the province of Camarines Norte. As a youth leader, Ricky raises awareness in his community about indigenous people's rights and provides assistance to children who experience discrimination and bullying. Ricky is also a volunteer at the Social Action Center (SAC) in the province.

**Legal Knowledge and skills as empowering tool used by the Manide Tribe**

SALIGAN, in collaboration with the province's social action center, facilitated a paralegal training to help the Manide tribe understand their rights, recognize their claim to ancestral land, and protect them from harassment and discrimination.

The collaboration between SALIGAN and SAC in the implementation of the paralegal formation program brought about changes on how the Manide Tribe viewed their roles in creating social change in their communities. After the paralegal formation, the following were noticeable in the community: peace and order have improved; domestic issues have been addressed; traditional rules and regulations have been implemented; and everyone is treated with respect.

The skills training prepared Ricky to draft letters and write affidavits. His facilitation skills were developed, which helped him gain confidence and overcome his fear of public speaking. He was able to talk to representatives of local government units and other stakeholders to present the tribe's issues. He took this opportunity to ask for assistance with their needs and development in the community. Ricky used advocacy and lobbying strategies to bring the causes of the Manide Tribe to the attention of government agencies. Also, he represented the Manide Tribe in regional and national activities, which helped him further develop his interpersonal skills and enrich their culture and traditions.

The legal empowerment of the Manide paralegals strengthened their claim over the ancestral land and encouraged them to participate in all stages of the ancestral land claim process. They were able to maximize the mechanisms available to fast-track the issuance of their Certificate of Ancestral Domain Title (CADT). In 2018, the CADT was issued in favor of the Manide tribe. Tenurial security over the ancestral do-



*Ricky of Manide Tribe*

main is very important for the Manide. As Ricky said, "Land is our life; we are tired of being dispossessed of our lands, moving from one place to another, and living on other people's property in the lowlands." Along with the other paralegals, he now understands the whole procedure for the processing of their claims and that they have to wait patiently for the release of the title.

All these were made possible by the paralegal training program, and Ricky emphasized this during his interview when he said, "Dahil sa paralegal training, mas lalo ko pang naintindihan ang mahahalagang probisyon ng IPRA law at mas lumalim ang kaalaman namin sa aming mga karapatan" (because of the paralegal training, I understood even more the important provisions of the IPRA law. We now have a deeper knowledge of our rights). The paralegal training made Ricky realize that the voice of an IP can make a difference for the community.

The Manide Tribe is resilient and the paralegal training undergone by its members only enhanced this. During the pandemic they were able to adapt by coordinating and collaborating with government offices, NGOs and private institutions by lobbying for sustainable projects that provide economic empowerment and social development without compromising the traditional and cultural practices of the tribe.

### Maximizing participation in local governance

"Indigenous peoples shall have the right to participate at all levels of decision-making, especially in matters that may affect their rights and lives. Also, they shall be given mandatory representation in policy-making bodies and other local legislative councils." [1] This provision of the law was realized when Ricky was elected as the first indigenous people mandatory representative (IPMR) to the Sangguniang Panlalawigan of Camarines Norte. He was elected in accordance with the DILG Memorandum Circular No. 2010-119. [2]

As a Board Member, Ricky's representation now focuses on the collective interest of the Manide Tribe to ensure the preservation of their traditional leadership title, the traditional jus-

tice system, and conflict resolution and peacebuilding mechanisms. His background in local governance processes and knowledge of people's participation prepared him to serve as the Sanggunian's representative. He will help ensure that IPs are not neglected, they are recognized, heard, and not left behind, and that the government meets their needs through programs and services.

As he embarked on a new chapter of his life in the Sanggunian, his representation and the legality of being an IPMR were being questioned by the majority of the



*The Manide Paralegal with SALIGAN and SPACFI during the paralegal training in 2015.*

1 Sec. 16, R.A. 8371, *Indigenous Peoples Rights Act*

2 *Mandatory Representation of ICCs and Ips in Policy Making Body and other Local Legislative Council*


members of the Sanggunian, which may have resulted in the Manide tribe being underrepresented. But with the character of Ricky, who is ready for all battles, he will continue to serve and represent his tribe in different arenas to advance their rights and status in life. He still hopes to have a good and peaceful community in the Manide tribe with sustainable development and economic empowerment in order to continue enriching the ancestral land where culture, traditions, and indigenous practices are observed.

As Ricky shared in a session that "hindi hadlang ang kahirapan para matuto at makatulong, wala man kaming yaman kagaya ng iba, ang kaalaman ko sa batas ang nagbibigay sa amin ng lakas para manindigan at magpatuloy para sa mga susunod na henerasyon ng mga katutubo"



Ricky Noblesa took his oath as the new IPMR in the Sangguning Panlalawigan of Camarines Norte before Gov. Dong Padilla on Nov 4, 2022.

(poverty is not an obstacle to learn and help, even if we don't have the same wealth as others, my knowledge of the law gives us the strength to stand up and continue for the next generations of indigenous people). Ricky is determined to finish college and be the first Manide to have a college degree. He is taking up Bachelor of Science in Information Technology and is currently working for the strengthening and empowerment of its members and in implementing programs and services for the improvement of the welfare of the Manide Tribe as the leader of BULWAK.



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