

DRAFT

RESOLUTION NO. _____
(Series of 2025)

Item No. _____
For 2nd Reading
16th Regular Session
October 21, 2025
Tandag City 21

AUTHORIZING HON. JOHNNY T. PIMENTEL, PROVINCIAL GOVERNOR, THIS PROVINCE TO ENTER INTO AND SIGN A MEMORANDUM OF AGREEMENT (MOA), FOR AND IN BEHALF OF THE PROVINCIAL GOVERNMENT OF SURIGAO DEL SUR, BY AND AMONG THE MANOBO INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES OF BARANGAY BAGYANG AND BARANGAY BITAUGAN, SAN MIGUEL, THIS PROVINCE REPRESENTED BY ITS TRIBAL LEADERS, HAWUDON JIMMY I. GUINSOD AND HAWUDON RICO H. MACA AND THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES REPRESENTED BY ITS REGIONAL DIRECTOR, DIR JULIUS L. MABINI, ON THE CONSTRUCTION OF BARANGAY BAGYANG TO BARANGAY BITAUGAN ROAD, PHASE I AND II

SPONSORS:

HON. JOSE DUMAGAN, JR., HON. GINES RICKY J. SAYAWAN, SR., HON. ANTONIO C. AZARCON, HON. RAUL K. SALAZAR, HON. ANTHONY JOSEPH P. CAÑEDO, HON. JOEY S. PAMA, HON. MARGARITA G. GARAY, HON. JOHN PAUL C. PIMENTEL AND HON. JIMMY I. GUINSOD

WHEREAS, the Provincial Government of Surigao del Sur (~~First Party~~) with the support of the Office of the Presidential Adviser on Peace, Reconciliation and Unity (OPAPRU) through the Payapa at Masaganang Pamayanan (PAMANA) Program, intends to implement the construction of Barangay Bagyang to Barangay Bitaugan Road, Phase I and Phase II;

WHEREAS, the said project would significantly assist the Manobo ICCs/IPs in developing their community to enable them to earn a sustainable livelihood for their families. *If also* The project aims to establish a passable, all-weather passageway to transport farm produce to the market;

WHEREAS, in compliance with the existing laws, the ~~First Party~~ *provincial Government of Surigao del Sur* is required to obtain the Free and Prior Informed Consent (FPIC) from the above-mentioned Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) where the project is being implemented;

WHEREAS, the ~~Second Party~~ *ok* are the Manobo Indigenous *Cultural* Communities/Indigenous Peoples who are the Ancestral Domain Rights Holder of Barangay Bagyang and Barangay Bitaugan territory within CADT 116;

WHEREAS, the National Commission on Indigenous Peoples (NCIP), ~~Third Party~~ *as the* is the primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the Manobo Indigenous Cultural Communities/Indigenous Peoples (~~Second Party~~);

WHEREAS, the Provincial Government of Surigao del Sur acknowledges that it has the obligation to protect and respect the rights of the Second Party, as provided for under R.A. 8371 and other related laws;

WHEREAS, Hon. Johnny T. Pimentel, Provincial Governor, this Province in his letter dated October 2, 2025 addressed to the Sangguniang Panlalawigan thru Hon. Manuel O. Alameda, Sr., Vice Governor requested this August Body for the passage of a Resolution authorizing him to enter into and sign a Memorandum of Agreement (MOA), for and in behalf of the Provincial Government of Surigao del Sur, by and among the Manobo Indigenous Cultural Communities /Indigenous Peoples of Barangay Bagyang and Barangay Bitaugan duly represented by its Tribal Leaders, Hawudon Jimmy I. Guinsod and Hawudon Rico H. Maca and the National Commission on Indigenous Peoples duly represented by its Regional Director, Dir Julius L. Mabini, on the said purpose;

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WHEREAS, pursuant to Section 465 (1) (vi) of the Local Government Code of 1991, the Provincial Governor shall represent the province in all its business transactions and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the Sangguniang Panlalawigan or pursuant to law or ordinance;

WHEREAS, in view of the foregoing and to make the Memorandum of Agreement legal and binding and on motion of _____ and duly seconded by _____;

NOW THEREFORE

BE IT RESOLVED by the Sangguniang Panlalawigan of Surigao del Sur to authorize Hon. Johnny T. Pimentel, Provincial Governor, this Province to enter into and sign a Memorandum of Agreement (MOA), for and in behalf of the Provincial Government of Surigao del Sur, by and among the Manobo Indigenous Cultural Communities /Indigenous Peoples of Barangay Bagyang and Barangay Bitaugan duly represented by its Tribal Leaders, Hawudon Jimmy I. Guinsod and Hawudon Rico H. Maca and the National Commission on Indigenous Peoples represented by its Regional Director, Dir Julius L. Mabini, on the construction of Barangay Bagyang to Barangay Bitaugan Road, Phase I and II, provided that the parties mutually agree to the following terms and conditions, to wit:

The Provincial Government of Surigao del Sur shall:

1. shoulder the cost for the ritual to be performed by the Second Party before the implementation of the project inside the ancestral domain as a sign of respect to the custom and tradition of the community;
2. conduct a joint venture together with the leaders of the Second Party in establishing the path where the road will pass by. This will be done before the project enters the ancestral domain to avoid sacred places, burial grounds and other places where the tribal community will not allow or prohibit anyone to enter. This shall be embodied in a Resolution by the concerned Council of Elders to be conformed by the concerned Tribal Chieftains or IPMRs and to be seconded by the Barangay Official;
3. give priority of employment in favor of the members of the Second Party provided that the latter are qualified. This shall be embodied in a Resolution by the concerned Council of Elders to be conformed by their Tribal Chieftains or IPMRs and to be seconded by the Brgy. Official;
4. install signages together with the Second Party to mark the possible sacred grounds (burial grounds) in order to preserve the area and keep it away from disturbance;
5. provide facilities for the project engineer in favor of the Second Party as assistance to the construction of a tribal hall. The location of the same shall be determined by the concerned Council of Elders in a form of a Resolution to be conformed by the Tribal Chieftains or IPMRs;
6. pay all the trees (natural and planted), and lots/lands which *is/are* identified that will be affected by the implemented project accordingly base on the assessment of the authorized person or government agency from the Local Government of San Miguel, Surigao del Sur. The payment for the affected lots will be paid upon the resolution of the council of elders of the *directly* affected community to be conformed by their Tribal Chieftains or IPMRs stipulating the benefit sharing scheme;

7. conduct identification of the affected land owner together with the SECOND PARTY before the implementation of the project inside the territory of the concerned community. The list of land owner will be identified by the concerned Council of Elders through a resolution to be conformed by their Tribal Chieftains or IPMRs and to be seconded by the Barangay Official; and
8. ensure that the payment of the damages of the affected trees/plants can be directly given to the endorsed individuals after the inventory and after completion of the following requirements: 1. Certification of Residency (CEDULA); 2. Certification from the Barangay attesting to the ownership of the affected improvements and 3. Endorsement or Resolution of Tribal Council of Elders on the list of affected individuals.

The Manobo Indigenous Cultural Communities/Indigenous Peoples of Barangay Bagyang and Barangay Bitaugan shall:

1. submit and provide resolution of Consent/FPIC, for the issuance of the Certificate Precondition to the First Party on the implemented project, upon signing of the Agreement;
2. warrant that reasonable effort/s within the bounds of the law, and customary tradition, will be exerted to the project activities of the First Party will be peaceful and free from harassment and unlawful interference from among its members;
3. clarify and resolve any conflicting claims of the sectors based on the custom and tradition in relation to land within their ancestral domain, where the project is being implemented between and among their members which may unduly or adversely affect the project;
4. assures the identification of the owner of the site or sector where the project be implemented to avoid conflict. The identified sector owner will be recognized thru a resolution from the tribal council of each community; and
5. manage their ancestral domain base on their cultural practices or Indigenous Knowledge System and Practices (IKSP).

The National Commission on Indigenous Peoples (NCIP) shall:

1. monitor the terms and conditions of the agreement and other responsibilities shall be done by each party.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Johnny T. Pimentel, Provincial Governor, to Hawudon Jimmy I. Guinsod, Tribal Leader, Barangay Bagyang, San Miguel, Surigao del Sur, Hawudon Rico H. Maca, Tribal Leader, Barangay Bitaugan, San Miguel, Surigao del Sur and to Dir Julius L. Mabini, Regional Director, NCIP, Ground Floor, Samping Building, J.C. Aquino Avenue, Butuan City for their information, guidance and appropriate action.