

Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 56TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, JULY 26, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Nelson R. Dayanghirang, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Anna Cheryl N. Castro
Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Harold A. Montes
Hon. Rotchie M. Ravelo
Hon. Daud V. Linsag

Ex-Officio Members:

Hon. Joselito B. Villademoso

President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Indigenous Peoples Mandatory Representative (IPMR)

Hon. Eleuterio C. Manaytay

ABSENT:

Hon. Shella Marie S. Go
Hon. Stephen Paul L. Uy
Hon. Rustan R. Castillones

SP Member, District II – Vacation Leave
SP Member, District II – OIC Governor
President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter – OB – Boston
Sangguniang Kabataan Provincial Federation President (SKPPF)

Hon. Ronald T. Lara, Jr.

PROVINCIAL ORDINANCE NO. 17-21-07-2023

Author : Hon. Eleuterio C. Manaytay

Sponsor : Hon. Eleuterio C. Manaytay

AN ORDINANCE DECLARING “PAG’GUBUKAN FESTIVAL” AS THE OFFICIAL ANNUAL EVENT OF THE INDIGENOUS CULTURAL COMMUNITIES/ INDIGENOUS PEOPLES ICCs/IPs OF DAVAO ORIENTAL EVERY MONTH OF AUGUST IN CELEBRATION TO THE INTERNATIONAL INDIGENOUS PEOPLES DAY AND APPROPRIATING FUNDS THEREFOR.

WHEREAS, the enactment of Republic Act No. 8371, otherwise as known as the “Indigenous Peoples Rights Act of 1997” on October 29, 1997 empowers the indigenous peoples not only in terms of their rights to ancestral domain but more so with their rights to self-expression, governance, and many other areas that truly define their existence and protect their interests;

WHEREAS, in the face of continuing adversities confronting the Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs), the above law provides institution that would work to secure their protection, preservation, and promotion of cultures, traditions, beliefs, practices and hierarchy;

Eleuterio C. Manaytay

[Signature]

WHEREAS, the Province of Davao Oriental is known for its historical background, its ethnicity that has prevailed over the years as its indigenous cultural communities who have marked their existence today, as they were in the beginning, and the beautiful tourist destinations uniquely defining its essence;

WHEREAS, PAG'GUBUKAN Festival is an annual event to be celebrated every 2nd Wednesday and Thursday of August. It is an expression of the ICCs/IPs to manifest solidarity in celebration of the International IP Day;

WHEREAS, in line with the tourism which is one of the priority programs of the Provincial Local Government Unit, PAG'GUBUKAN Festival offers an alternative yet interesting opportunity to sow awareness among IPs and non IPs alike, thus, creating a huge and direct experience of Davao Oriental's rich cultural heritage;

WHEREFORE, on motion of SP Member Eleuterio C. Manaytay, duly and jointly seconded by SP Members Rotchie M. Ravelo, Harold A. Montes, Marietta D. Palmera, and Andy A. Monday, it was

Be it ordained by the 17th Sangguniang Panlalawigan of Davao Oriental, in session duly assembled that:

SECTION 1. Title. - This ordinance shall be known as the "**PAG'GUBUKAN FESTIVAL ORDINANCE OF THE PROVINCE OF DAVAO ORIENTAL**".

SECTION 2. Declaration- It is hereby declared that:

- a) PAG'GUBUKAN Festival shall be the official annual event of Mandaya and Kagan and other Indigenous Cultural Communities ICCs / Indigenous Peoples IPs of the Province of Davao Oriental in accordance to the International IP Day Celebration.
- b) PAG'GUBUKAN Festival shall be celebrated every month of August each year in consonance with the International IP Day Celebration.
- c) Local Special Working Holiday shall be declared during PAG'GUBUKAN Festival with the special permission and authority to be granted by the higher authority.

SECTION 3. General Provisions- The general provisions are as follows:

- a) The state shall recognize, respect, and protect the rights of IPs/ICC to preserve and develop their cultures, traditions, and institutions;
- b) The state shall take measures, with the participation of the ICCs/IPs concerned to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of ICCs/IPs benefit on equal footing from the rights and opportunities which national laws and regulations grant to each member of the population;
- c) The state shall endeavor to have the dignity and diversity of cultures, traditions, histories, and aspirations, of the ICCs/IPs approximately reflected in all forms of education, public information, and cultural-

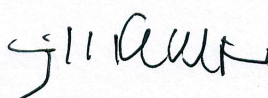
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educational exchange. Furthermore, the state shall likewise ensure the participation of indigenous people in schools and community undertakings like festivals, seminars, and workshops to promote and enhance their distinctive heritage and values;

- d) The government shall establish the means for the full development and empowerment of the indigenous cultural communities/indigenous people's own institution and initiative when or where necessary, and providing the resources needed therefore;
- e) The Indigenous People have the right to practice and revitalize their own cultural traditions and customs. Likewise, the state will ensure that this right is protected.

SECTION 4. Definition of Terms-

- a) **Pag'gubukan** is a Mandaya and Kagan term derived from the root word 'Gubuk' (means 'gathering to help'). This means gathering of Mandaya and Kagan and all other ICCs/IPs in the Province of Davao Oriental helping one another to achieve the common goal of unity - that is to continuously promote peace and solidarity expressed in an annual celebration with different activities that will showcase the cultural heritage of Mandaya and Kagan and all other ICCs/IPs in the Province of Davao Oriental.
- b) **Indigenous Cultural Communities (ICCs)/ Indigenous Peoples (IPs)** when used in this ordinance shall refer to Mandaya and Kagan who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of languages, customs, and traditions;
- c) **Customary Laws** refer to a set of customs, practices and beliefs that are traditionally and continually recognized and accepted as obligatory rules of conduct by the ICCs/IPs.
- d) **Ancestral Domain** refers to all areas generally belonging to ICCs/IPs which comprise lands, inland waters, coastal areas, and all natural resources therein, held under the claim of ownership, occupied and possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually owned since time immemorial up to the present. It includes ancestral lands, forests, agricultural, residential, and other lands situated within, whether alienable and disposable or otherwise such as: hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to, for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.
- e) **Provincial IPMR** when used in this ordinance shall refer to the Provincial Indigenous Peoples Mandatory Representative, a Board Member selected by the ICCs/IPs through Indigenous Peoples





Leaders during the selection process to represent the ICCs/IPs in the Sangguniang Panlalawigan.

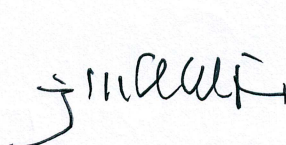
- f) **PTC** shall refer to the **Provincial Tribal Council**, it is the highest governing body of the ICCs/ IPs within the province of Davao Oriental, which is composed of the Municipal Tribal Chieftains, coming from different Municipalities and the City Tribal Chieftain of Mati.
- g) **PLGU; Province or Davao Oriental** when used in this ordinance shall refer to the Province of Davao Oriental
- h) **Mandaya** refers to a tribe or ethnic group with rich cultures, customs and traditions which predominantly inhabited the upland Barangays of the Municipalities and a City in the Province of Davao Oriental.
- i) **Kagan** derived from the word 'KAG' which means to inform or to warn. Since one of the Kagan practices is to inform the people upstream when visitors or intruders arrived by means of using instrument such as "Agong" or "Bojong". Kagan refers to a tribe commonly occupying the coastal areas of Davao Oriental particularly in the City of Mati, Municipalities of Tarragona, San Isidro, Governor Generoso, Lupon, and Banaybanay. Kagan is also known as Kalagan.

SECTION 5. *Concept-* PAG'GUBUKAN Festival will be celebrated every second Wednesday and Thursday of August. This annual event in coordination with the International IP Day Celebration shall be participated by the Mandaya and Kagan and other Indigenous Cultural Communities ICCs / Indigenous Peoples in the Province of Davao Oriental. This shall be a celebration promoting solidarity among the Mandaya and Kagan and other ICCs/ IPs within the Province of Davao Oriental through sharing of ideas and experiences as well as showcasing the abundance of the cultures, customs and traditions of Mandaya and other Indigenous Cultural Communities ICCs / Indigenous Peoples in the Province of Davao Oriental.

There shall be a general theme that will define the annual celebration which will be written in Mandaya and Kagan language with English translations.

SECTION 6. *Scope and Management.* It is provided that:

- a) The Provincial IPMR together with his Municipal counterparts and the Provincial Tribal Councils of Mandaya and Kagan shall manage, oversee, and spearhead the annual celebration of PAG'GUBUKAN Festival.
- b) Mandaya and Kagan and other Indigenous Cultural Communities ICCs/ Indigenous Peoples IPs in the Province of Davao Oriental spearheaded by their respective IP Leaders shall be the major players of the event.
- c) Administrators, teachers and students/pupils of all schools within the ICCs including all those IP schools or schools integrating the IP Curriculum shall participate in the celebration by sending their delegations to the event that shall be expressed in the Memorandum of



Agreement to be entered into and signed between the Provincial Governor and the Department of Education represented by the Schools Division Superintendents of Davao Oriental and Mati City.

- d) All private sectors, religious, and civic groups are encouraged to observe and witness the activity.
- e) All contingents may be grouped into clusters to participate orderly and to guarantee a smooth flow of the celebration.
- f) There will be a technical working group which includes the Provincial Tribal Councils of Kagan and Mandaya, Provincial Culture and the Arts and Provincial Tourism Office, to ensure the organized and seamless flow of the Festival.

SECTION 7. *Component Activities*-The festival will be a two- day celebration which shall be composed of but not limited to the following activities:

- 1. Cultural presentation of the Participating ICCs/IPs.
- 2. Exhibition of Cultural Properties of all participating ICCs/IPs
- 3. Information, Education and Communication (IEC) about any updates to be conducted by NCIP Provincial Office
- 4. Community Lunch of all the Participating ICCs.
- 5. Dialogue among the participating ICCs to provide suggestions, best practices, raise concerns that needs to be addressed for the development and the promotion of solidarity among the ICCs/IPs of the Province of Davao Oriental.

SECTION 8. *Appropriations*- The funding requirements necessary to carry out the implementation of this Ordinance shall be included in the annual or supplemental of the Provincial Government upon the approval hereof.

SECTION 9. *Repealing Clause*.- If in any case, a provision or any portion of this ordinance is inconsistent with the existing laws, rules and regulations, the said section or provision is automatically repealed of and or amended accordingly.

SECTION 10. *Separability Clause*- Should any part of this ordinance declared invalid or unconstitutional by the competent court, the remaining part or parts thereof shall remain in full force.

SECTION 11. *Effectivity*- This ordinance shall take effect upon its approval.

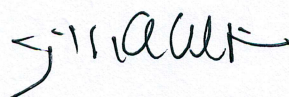
ENACTED: JULY 26, 2023

CARRIED, by nine (9) affirmative votes of SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Daud V. Linsag, Marietta D. Palmera, Andy A. Monday, Joselito B. Villademoso, and Eleuterio C. Manaytay; negative votes – none; and abstention - none.

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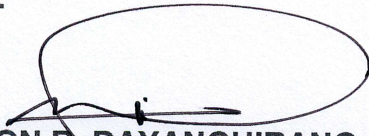


**I hereby Certify to the Correctness
of the foregoing Ordinance.**



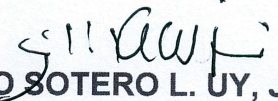
MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**Attested and Certified
to be duly Adopted:**



NELSON R. DAYANGHIRANG, JR.
Vice Governor and Presiding Officer

APPROVED:



NIÑO SOTERO L. UY, JR.
Governor

Date approved
and signed **AUG 09 2023**