

[REPUBLIC ACT NO. 8438, December 22, 1997]

AN ACT TO ESTABLISH THE CORDILLERA AUTONOMOUS REGION

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

P R E A M B L E

We, the people of the Cordillera, imploring the Aid of Divine Providence exercising our fundamental and constitutional right to self-determination in faithfulness to the struggle of our forbears for the defense of our patrimony and cultural heritage, in order to secure for ourselves and our posterity a region of peace founded on truth, freedom, justice, love and human solidarity and establish a Regional Autonomous Government that shall ensure our human rights, our human development, and our participation in the affairs of the Filipino nation, do proclaim this Charter of the Cordillera Autonomous Region.

ARTICLE - I

TERRITORY AND PEOPLE

SECTION 1. There is hereby created an autonomous region in the Cordilleras to be known as the "Cordillera Autonomous Region (CAR)."

SEC. 2. (a) The area of the Cordillera Autonomous Region shall consist of the city and provinces that shall vote favorably in the plebiscite called for the ratification of this Organic Act pursuant to Section 18, Article X of the Constitution.

(b) The area of the plebiscite shall be the provinces of Benguet, Mountain Province, Ifugao, Abra, Kalinga, Apayao, and the chartered City of Baguio.

SEC. 3. The term Cordillerans shall apply to all Filipino citizens who are domiciled within the territory of the CAR.

ARTICLE - II

DECLARATION OF PRINCIPLES AND POLICIES

SECTION 1. The Cordillera Autonomous Region is an integral and inseparable part of the territory of the Republic of the Philippines.

The people of the autonomous region shall uphold the Constitution as the fundamental law of the land and unequivocally owe allegiance and fidelity to the Republic of the Philippines.

The autonomous region shall be governed and administered in accordance with this Organic Act.

SEC. 2. Autonomy ensures for the people of the Cordillera the right to secure for themselves their ancestral domain, develop their economy, promote their cultural heritage, and establish a system of self-governance within the framework of the Philippine Constitution and national sovereignty, as well as the territorial integrity of the Philippines.

SEC. 3. Wherever applicable, and whenever it is useful, without contravening morals and public policies, local indigenous customs, traditions, practices, and institutions are hereby recognized and may be availed of by appropriate parties.

SEC. 4. It is the primary duty of the regional government to ensure and protect the basic individual and collective rights of its constituents and general welfare of all the people as enshrined in the Constitution and this Organic Act.

SEC. 5. The exploitation, exploration, development, enjoyment and utilization of natural resources of the region shall be consistent with the conservation and protection of ecological balance and, in any case, shall be for the benefit and advantage of the Cordillerans.

SEC. 6. The CAR shall promote social justice by enacting and implementing measures to minimize disparities between the rich and the poor, and the rural and urban areas by providing equal or equitable access to essential services, employment and other opportunities and equitable sharing of wealth and resources.

SEC. 7. The people of the Cordilleras aspire for peace founded on justice and reverence for human life and dignity. The promotion of peace shall include the renunciation of all forms of lawlessness, violence, cruelty, vengeance, and discrimination.

SEC. 8. The common good requires equal access to resources, employment, and services by all ethnic, social, and economic sectors and the adoption of measures for the democratic sharing of wealth, power and opportunities without distinctions based on ethnic origin, sex, language, political conviction, economic or social status or religious belief. The regional government shall adopt policies necessary to minimize the disparities between the rich and the poor, rural and urban areas and among territorial subdivisions.

SEC. 9. The people of the Cordillera have the right, especially through their voluntary organizations and movements, to participate and be equitably represented at appropriate levels of social, economic, and political decision-making and in the formulation and implementation of local, regional, and national priorities, plans, programs and projects, and to monitor their implementation.

SEC. 10. The development of the region requires the creation of an environment that shall provide for the basic human needs and ensure a rising standard of living for all.

The people of the region shall have prior right to the utilization and development of

the natural, material, and fiscal resources of the region. The natural, material, and fiscal resources of the region shall be put to optimum and just use primarily for the benefit of the people of the Cordillera.

The conservation and protection of the natural environment by the Cordillera Autonomous Region and its people is an essential dimension of regional development.

The regional government shall promote a balanced sustainable economic growth and development in the region.

SEC. 11. It is the task of the Cordillera Autonomous Region to establish within the framework of the national system of education, as defined in the Constitution and national laws, an educational system, both formal and nonformal, that provides for its people an education of the best quality within its means; responds to the needs of Cordillera communities; encourages creativity and critical thinking; promotes science and appropriate technology; respects indigenous culture; inculcates respect for human rights and the dignity of work; fosters love of God and neighbor, self-reliance, nationalism, solidarity and other desirable Filipino values; and contributes to the common good.

SEC. 12. The development of the youth is a prime duty of the Cordillera Autonomous Region. Their effective participation and representation in public affairs shall be guaranteed.

SEC. 13. Civilian authority shall remain supreme at all times for the protection of the freedom of the people and for the promotion of their safety and welfare.

SEC. 14. The national government shall provide financial assistance to the Cordillera Autonomous Region by appropriating such sums as may be necessary to accelerate the development of the region.

SEC. 15. The regional government shall pursue a policy of holding consultation or public hearings on matters of local and regional priorities, plans and programs as well as transparency in the implementation of projects affecting the constituents of the local government units concerned.

SEC. 16. The regional government shall pursue a policy of devolution of powers and functions whereby lower levels of government are entrusted with functions appropriate to them: Provided, however, that until a regional law implementing this provision is enacted, the Local Government Code shall be applicable.

The local government units shall enjoy autonomy and continue to exercise the powers granted them under the Local Government Code.

SEC. 17. The regional government shall recognize the role of organized sectors and groups to initiate the monitoring and investigation of fund utilization, work contracts and project implementation, and the filing of charges for irregularities.

SEC. 18. The regional government shall adopt measures to free the people from poverty, generate employment and develop a self-reliant economy effectively controlled by Filipinos.

SEC. 19. It is the policy of the Cordillera Autonomous Region to prohibit the development, storage, use or transport of nuclear, biological or chemical weapons within the region.

SEC. 20. The regional government shall be consistent with the Constitution and national laws, provide incentives to investors, corporation and business but shall adopt measures to prevent the exploitation of natural and human resources and to ensure that such activities contribute to the development of wealth and income among the inhabitants and local government units.

SEC. 21. Subject to the Constitution and national laws, the regional government shall review all forms of future aid loans to local government units in order to safeguard autonomy and enhance development.

SEC. 22. Subject to the Constitution and national laws, the regional government shall set rules and guidelines for energy production, public transportation and communication.

SEC. 23. The regional government shall promote and harmonize the interests of both labor and capital and shall protect their respective rights.

SEC. 24. The regional government shall ensure that women and men enjoy equality before the law and shall in particular, prevent sex discrimination in the practice of professions, in conditions of and opportunities for employment or promotion.

SEC. 25. The regional government shall enact laws to protect children against all forms of neglect, cruelty and exploitation particularly in employment harmful to their moral, physical, or mental health.

SEC. 26. Except under a state of emergency, no active military personnel shall be appointed or designated to any public position which is civilian in character, including government-owned or-controlled corporations or any of their subsidiaries under the control, supervision and management of the regional government.

SEC. 27. The regional government shall take measures to prevent torture; other cruel, inhuman, and degrading treatment or punishment; and illegal detention and extra-judicial executions.

SEC. 28. Subject to the Constitution and national policies, the regional government shall pursue reconciliation efforts and promote peace and demilitarization in the region.

ARTICLE - III

THE CORDILLERA AUTONOMOUS REGION

SECTION 1. The Cordillera Autonomous Region is a territorial and political subdivision administered by the Regional Autonomous Government consisting of the regional government and local government units, under the general supervision of the President of the Republic of the Philippines.

SEC. 2. The regional government shall exercise powers and functions necessary for the proper governance and development of all provinces, cities, municipalities, and barangays within the autonomous region consistent with the declared constitutional policy on regional and local autonomy and decentralization: Provided, That nothing in this Act shall be construed as to authorize the diminution of the powers and functions already enjoyed by local government units.

SEC. 3. The President of the Philippines shall exercise general supervision over the regional autonomous government and all local government units in the area of autonomy through the head of the regional autonomous government to ensure that laws are faithfully executed.

SEC. 4. The regional government may exercise the power of eminent domain.

SEC. 5. The autonomous region is a corporate entity with jurisdiction in all matters devolved to it by the Constitution and this Organic Act as herein enumerated:

- (1) Administrative organization;
- (2) Creation of sources of revenues;
- (3) Ancestral domain and natural resources;
- (4) Personal, family and property relations;
- (5) Regional urban and rural planning development;
- (6) Economic, social and tourism development;
- (7) Educational policies;
- (8) Preservation and development of the cultural heritage;
- (9) Powers, functions and responsibilities now being exercised by the departments of the national government, except:
 - (a) Foreign affairs;
 - (b) National defense and security;
 - (c) Postal service;
 - (d) Coinage, and fiscal and monetary policies;
 - (e) Administration of justice;
 - (f) Quarantine;
 - (g) Customs and tariff;
 - (h) Citizenship;