

[NCIP CEB RESOLUTION NO. A-32, S. 2011, May 18, 2011]

RESOLUTION ADOPTING AND PROMULGATING THE REVISED INTERNAL RULES OF THE COMMISSION EN BANC OF 2011

WHEREAS, it is urgent and important that the commission *en banc* be guided by an updated and enhanced internal rules of procedure in its deliberations as it exercises its powers and functions under R.A. 8371 (IPRA), its implementing rules and regulations (IRR), and other pertinent laws;

WHEREAS, the technical working group (TWG) created for the purpose of drafting the updated and enhanced internal rules, with the honourable Percy A. Brawner as oversight commissioner, have reported out to the CEB and the latter, after due deliberation, approved the same.

WHEREFORE, the CEB resolves, as it hereby resolved, to approve, adopt and promulgate the following revised internal rules.

"The Revised Internal Rules of the Commission En Banc of 2011"

Section 1. Title. This Rules shall be known as The Revised Internal Rules of the Commission *en banc* (CEB), National Commission on Indigenous Peoples (NCIP).

Section 2. Scope. This Rules shall govern the sessions/deliberations of the CEB as a collegial body performing quasi-judicial, quasi-legislative and administrative functions.

Section 3. Construction. This Rules shall be liberally construed in order to promote the spirit and purpose of the Indigenous Peoples Rights Act (IPRA) and to make government service accessible to the Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs) and other stakeholders.

Section 4. Definitions. The terms and phrases defined under Section 3(a) to (p) of R.A. 8371, Section 4(a) and (b), of Administrative Circular No. 1, Series of 2003, and NCIP Administrative Order No. 1, Series of 2008 shall be given the same meaning when used herein.

As used herein, CEB shall mean Commission *En Banc*, OED as Office of the Executive Director, CoCC as Clerk of Court of the Commission, LAO as Legal Affairs Office, ADO as Ancestral Domains Office, RHO as Regional Hearing Officer, RRT as Regional Review Team, RRB as Regional Review Board, CSC as Community Service Center, CNO as Certificate of Non-Overlap, CP as Certification Precondition, FPIC as Free and Prior Informed Consent, FBI as Field-based Investigation. These acronyms shall be without prejudice to new ones or revisions thereof.

Section 5. Powers, Functions, Responsibilities of the CEB. All powers, functions and responsibilities of NCIP as provided for in R.A. 8371, its Implementing Rules and Regulations, and other relevant laws are lodged solely in the CEB. To give full meaning and understanding to the IPRA, the CEB as a collegial body shall exercise administrative, quasi-legislative, and quasi-judicial functions and shall arrive at decisions after extensive consultation and deliberation. The OED/Secretariat and the CoCC, in their respective functions and duties, shall see to it that all decisions, orders, resolutions, judgments and others, emanating from the CEB are strictly implemented and properly disposed of.

Section 6. Composition and the Chairman. The CEB is composed of seven (7) Commissioners appointed from the seven (7) Ethnographic Regions. The Chairman shall preside over all sessions of the CEB, In case of his/her effective absence or incapacity, he/she shall alternately delegate that authority to the other Commissioners.

Section 7. Nature of Deliberations. Proceedings before the Commission shall be consultative and deliberative in nature and must afford all members of the CEB to freely express their ideas or views on any matter subject of consideration. In making a collective decision, it must adhere to the primacy of consensus.

Section 8. Quorum. The presence of a majority of all the members of the Commission shall constitute a quorum. The vote or concurrence of a majority of the members constituting a quorum shall be the decision or resolution of the CEB except as otherwise provided hereafter.

Section 9. Sessions of the CEB. Sessions of the CEB may either be regular or special. The CEB Regular sessions shall be held every second week of each month for four (4) consecutive days beginning from Tuesday and ending Friday. The first two (2) days shall be devoted primarily to all matters outside quasi-judicial concerns while the remaining two (2) days shall be devoted primarily for quasi-judicial concerns/cases. Special sessions may be called by the Chairman or a majority of all the Commissioners whenever necessary, to consider matters that they deem urgent.

CEB sessions are open to the public, subject to regulation due to constraint of space, except when, in the exercise of sound discretion and for good reason/s, the CEB decides to convene in executive session on particular subject/s or case/s.

Section 10. Matters to be taken-up during CEB Sessions. Any administrative, quasi-legislative, quasi-judicial and other concerns may be the subject of deliberation during regular sessions.

Section 11. Venue of CEB Sessions. The official venue for sessions of the CEB shall be at the conference room in the central office, provided however, that the CEB may, in the exercise of sound discretion, decide to hold the same elsewhere to better serve the interest of the ICCs/IPs and for efficiency, effectivity and economy,

Section 12. Notice of Sessions. All concerned persons must be served written notice of *en banc* sessions attaching thereto the approved provisional agenda, and sent by appropriate memorandum transmitted through the fastest means, such as personal delivery, e-mail, fax transmission, or messengerial service, whichever is

applicable. Notices for special sessions may be done through landline or mobile phone calls or text messaging or other similar expedient means of communication. Receipt of such notice by the person invited or directed to appear must be confirmed by the staff of the OED or the CoCC, as the case may be.

In quasi-judicial deliberations, before the inclusion of a particular case in the agenda, all appropriate notices, subpoenas, summonses, and/or orders pertinent thereto must have been served or caused to be served, whenever applicable, by the CoCC.

Section 13. Call for and Setting of the Provisional Agenda. The call for, and drafting of the provisional agenda shall be done by the OED. All requests for inclusion of items or concerns in the agenda from the Commissioners, Bureau, Directors, or other proponents shall be done in writing and supported by pertinent documents, if any, and transmitted to the OED at least ten (10) days before a regular session. Matters emanating from field offices in the various Ethnographic Regions proposed to be included in the agenda must be sent through the Commissioner from that Ethnographic Region, to afford the latter the opportunity to review the same, copy furnished the concerned bureau or bureaus, for appropriate evaluation.

Quasi-Judicial cases sought to be included is the responsibility of the CoCC and must also be done at least ten (10) days before the regular session.

Other matters of exceptional or urgent character, may be included in the agenda under "other matters" upon the consensus of the CEB.

Section 14. Approval of the Provisional Agenda. The proposed provisional agenda prepared by the OED shall be subject to the approval of the Chairman.

Section 15. Proper Decorum. Proper decorum must at all times be observed during en banc sessions. The Members of CEB are expected to be in business attire that is culturally sensitive. Resource persons must also be in the appropriate attire or uniform, as the case may be.

Cellular phones must be shut down or placed in silent mode and no still, mobile or video cameras and tape recording may be used without the express permission of the Chairman.

Section 16. Language to be used and Speaking Turns. The official languages to be used during CEB sessions shall be English and Pilipino. Use of other languages, whenever necessary, must be translated to English or Pilipino for documentation purposes. The use of intemperate language must be avoided at all times. Only those recognized by the Presiding Officer/Chairman are allowed to speak during sessions.

Section 17. Attendance/Absences. Attendance to CEB sessions by NCIP officials and/or personnel, when directed or invited as resource persons or presenters shall, as a rule, be given top priority, by such official/personnel.

Section 18. Order of Business. The Order of business shall be as follows:

A. For sessions other than for/on quasi-judicial matters:

1. Prayer
2. Determination of quorum
3. Call to order
4. Acknowledgment of guests/resource persons, if any
5. Consideration of the Provisional Agenda
6. Consideration of the minutes of the previous session
7. Consideration of matters arising from the minutes
8. Consideration of matters tabled during the previous session
9. Consideration of matters/items stated in the current agenda
10. Consideration of other matters
11. Suspension or Adjournment

Recess, Suspension of session, adjournment. If the en banc session is scheduled for two or more days, at the end of each day, except the last, a motion for suspension is in order. Motion to adjourn is at the end of the last day, Recess may be done at any time during a day's session.

A call for action by any member of the CEB must be in the form of a motion and must be duly seconded. The Chairman must always re-state any motion when calling for a consensus or vote and must also declare the result of consensus or vote.

B. For sessions on quasi-judicial matters:

B.1 Where the CEB deliberates only by itself:

1. Prayer
2. Determination of quorum
3. Call to Order
4. Reading of the title of the case/s set for deliberation
5. Discussion
6. Determination of consensus or majority opinion
7. Assignment of ponente
8. Writing of the ponencia (on later date/s)
9. Signing by those who concur (On later date/s)
10. Promulgation of the decision (On later date)

Any member may opt to write a separate concurring opinion or dissenting opinion.

B.2 Where the CEB calls for actual hearing for the parties to