

Philippine Multiculturalism: IPRA & Equal Representation in the Philippines

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Article History:

Date Received: May 19, 2026

Date Revised: May 28, 2026

Date Accepted: May 29, 2026

Date Published: June 10, 2026

DOI:

<https://doi.org/10.5281/zenodo.20621311>

Document ID: 2026IJROMS0118

Recommended Citation:

Tabernero, R. M. S. (2026). Philippine Multiculturalism: IPRA & Equal Representation in the Philippines. *International Journal of Research on Multidisciplinary Studies*, 1(5), 10-21. <https://doi.org/10.5281/zenodo.20621311>

Abstract. Republic Act 8371 known as the Indigenous Peoples Rights Act of 1997 is a law that promotes the rights of indigenous peoples and cultural indigenous communities. This law also created the government agency that protects and promotes the rights of our IPs which is the National Commission on Indigenous People (NCIP). The law is noble in its very nature. However, there are many challenges that this law is facing in its implementation. Moreover, this law is also considered as one of the multicultural policies of the country. In creation of this law, the cultural minorities were given a voice to be heard their redress and needs. This became the reason why the Philippines is one of the champions of multiculturalism. Through Ethnology and Document Analysis, one could understand the law by investigating the following themes (1) the connection between multiculturalism and IPRA, (2) the different rights of the cultural minorities under this law, and (3) the mandate of NCIP and the challenges in implementing the law. It was found out that there was lack of representation on matters of equal representation in local governance as required in RA 8371 and there was no equal representation in the Partylist Systems Act as required by the law. Moreover, the rights of the indigenous people were not directly protected most especially the right to ancestral domain. With all the results gathered, studies read and examined, principles interpreted according to the political and cultural realities we have right now that, indeed our multicultural policies like IPRA and the Party-list systems Act are just some of the laws that protect the rights of the IPs/ICCs and promote direct and proportional representation. However, no matter how noble they are as laws, there are still gaps in the implementation because there are provisions that overlap other laws which hinders the full and proper implementation of the law. Because of this, the legal mandates that are vested in the concerned agencies were not lived.

Keywords: Indigenous People; IPRA; Multiculturalism; Right to Representation; Policy

Introduction

Multiculturalism is a multifaceted concept interpreted across various disciplines. In sociology, it describes a framework of cultural diversity rooted in the assumption of peaceful coexistence, mutual respect, and the active preservation of distinct cultural identities. Politically, it manifests as a set of policies designed to ensure the equitable treatment of diverse cultural groups (Longley, 2021).

Multiculturalism typically develops at both national and community levels, often catalyzed by immigration or geopolitical shifts. The concept, however, is not without debate; proponents argue that minority groups must retain their distinct cultural features, whereas opponents view multiculturalism as a threat that dilutes a nation's core identity and predominant culture (Longley, 2021). Beyond mere ethnicity, true multiculturalism requires an active awareness of intersecting dimensions, including race, language, sexual orientation, gender, age, disability, socioeconomic class, and religion (Banks, 2009). From a political science perspective, it measures a state's capacity to effectively govern and accommodate this inherent plurality through diverse ideological frameworks (Harper, 2011).

Prior to Western colonization, the Philippine archipelago was inherently pluralistic, consisting of fragmented, localized tribes akin to European kingdoms (Demeterio, 2009). Colonization consolidated these diverse tribes under a unified territory and centralized government while allowing them to retain their distinct ethnic practices. Consequently, the region transitioned into a complex multicultural state, categorized today by its linguistic, ethnic, and religious diversity (Lorenzo, 2007).

To manage this diversity, the Philippines has adopted proactive multicultural strategies, primarily through language and educational policies designed to forge national unity while celebrating plurality (Yamamoto, 2007; Nagy, 2014).

Despite its progressive stance, the Philippines faces significant structural flaws in executing its multicultural policies. According to the Philippine Development Plan (PDP), the current institutional framework for cultural development is inadequate. While the government legally recognizes the role of culture in nation-building, conflicting legislative provisions frequently compromise policy implementation. A glaring example of this systemic failure is the underrepresentation of marginalized sectors in both local and national legislative bodies, which severely hinders inclusive governance.

Concurrently, the Philippines stands as a prominent model of multiculturalism in the Asia-Pacific region, demonstrating a capacity for unity amid diversity across religion, gender, age, and socioeconomic status. Religious freedom is robustly protected by the non-establishment and non-prohibition clauses of the 1987 Philippine Constitution (Art. II, Sec. 6).

The nation also displays progress in gender diversity; recognized regionally as a champion for SOGIE (Sexual Orientation, Gender Identity, and Expression) rights, a study by the McKinsey Global Institute cited the Philippines as a top regional performer in gender equality. Nevertheless, significant institutional gaps remain, and there is substantial room for improvement in safeguarding these rights.

To achieve this, the study evaluates the Philippine state through the lens of Will Kymlicka's Theory of Liberal Multiculturalism. This framework establishes clear indicators and benchmarks for a genuinely open, multicultural state. By applying Kymlicka's theory, this paper will gauge the trajectory of the Philippines' multicultural evolution and provide actionable insights to bridge the identified policy gaps.

Research Questions

This study focuses specifically on the following problems:

1. What are the Gaps in the implementation of multicultural policies in the Philippines in terms of:
 - 1.1. Basic Rights in relation to cultural and ethnic group
 - 1.1.1. Right to Ancestral Domain
 - 1.1.2. Right to Self Determination
 - 1.1.3. Equal Representation
 - 1.1.4. Basic Services
 - 1.2. Legal Mandates based on:
 - 1.2.1. Party-List System Act
 - 1.2.2. Indigenous Peoples' Rights Act (IPRA)
 - 1.2.3. Bangsamoro Organic Law (BOL)
 - 1.2.4. Sexual Orientation, Gender Identity and Expression (SOGIE) Bill
2. How will the Philosophy of Will Kymlicka be used as a cure to the gaps in the implementation of multicultural policies in the Philippines?

Scope and Delimitation of the Study

This study assessed the implementation of multicultural policies like the Party-List Systems Act, Republic Act No. 8371, the Bangsamoro Organic Law and the Sogie Bill. This study also assesses the basic fundamental rights of Indigenous People.

Literature Review

Implementation

Implementation is defined by common vocabulary as an act or instance of making something effective. Social Policy implementation is explained by Niedzwiecki (2018) in different variables--- attribution of responsibility, political alignments, territorial infrastructure, and policy legacies. In terms of responsibility and alignments, it depends on the government. If the national government has a clear alignment, it is the local governments that obstructs the implementation and does not align with the national government. In addition, policy legacies and infrastructures affect the implementation. It enhances implementation if they are empowered and compatible. The success of implementation heavily relies on vertical political alignment. Even with clear directives from the national government, local governments can obstruct progress if their political interests do not align with central mandates. Conversely, policy implementation is significantly enhanced when existing territorial infrastructures and institutional legacies are compatible, empowered, and supportive of the policy goals.

Standards of Multiculturalism

Multiculturalism is commonly associated with identity politics, the politics of difference, and the politics of recognition, and is generally justified through four interrelated principles: recognition, equality, freedom from domination, and the rectification of historical injustices (Song, 2005). The principle of

recognition is rooted in an ontological understanding of collective identities. According to Taylor (1994), individuals do not develop their identities in isolation but through continuous dialogue and interaction with others. His concept of the "politics of recognition" emphasizes that cultural identities are shaped by social relationships and that all cultures should be accorded equal respect and worth. The principle of equality is grounded in liberal multiculturalism, particularly in the works of Kymlicka (1989, 1995, 2001), who argues that cultural membership is a fundamental condition for individual autonomy and equality. He views culture as a "primary good" that provides individuals with a meaningful context for making choices and pursuing life goals, while also serving as an essential component of personal identity and self-understanding. The principle of freedom from domination is derived from the civic republican tradition advanced by Pettit (1997) and Skinner (1998). This perspective defines freedom not merely as the absence of interference but as protection from arbitrary power and domination. Lovett (2009) contends that domination constitutes a significant barrier to human flourishing, while Bachvarova (2014) argues that a non-domination approach to multiculturalism is particularly valuable because it highlights power imbalances within and between cultural groups and promotes more equitable social relationships. Finally, multiculturalism seeks to address historical injustices experienced by marginalized communities, particularly indigenous peoples. Scholars such as Ivison (2006), Ivison et al. (2000), Moore (2005), and Simpson (2000) emphasize that indigenous claims for recognition, self-determination, and sovereignty must be understood within the context of historical dispossession, denial of political autonomy, and the erosion of cultural traditions. Together, these four principles provide a normative foundation for multicultural policies that promote cultural recognition, substantive equality, protection from domination, and restorative justice for historically marginalized groups.

Cultural Policies in the Philippines

There are a total of 64 cultural laws in the Philippines according to the National Commission for Culture and the Arts (NCCA). These laws all acknowledge the cultural identity of the Philippines and are crafted to preserve our cultural practices. The Philippines also has what we considered as multicultural laws acknowledging the existence and the rights of our cultural minorities. RA 8371 of 1997 known as Indigenous Peoples Rights Act of 1997 (IPRA). The Act makes provision for the promotion and recognition of the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/Ips), with a view to preserve their culture, traditions and institutions and to ensure the equal protection and non-discrimination of members.

Minority Rights

In the orthodox liberalism, it created an individualistic liberal set of rights but it excluded the community as a "locus of normativity" (Provost and Sheppard, 2013:2). However, Mookherjee (2009:155) asserted that rights should be "interpreted in light of actual human beings experience". In this case, multiculturalism translates abstract and broad human rights standards into the vernacular of everyday life, transplanting these norms into ordinary human relations so that they can achieve their potential (Provost and Sheppard, 2013:1). Moreover, Kymlicka provided a context to the concept of rise of the paradigm of human rights. He argues that there are stages for the development of human rights culture. The first stage was the decolonization period (1948-1966); the second stage was racial desegregation (1955-1965). Third stage, multiculturalism (minority rights movement) (Kymlicka, 2001: 77).

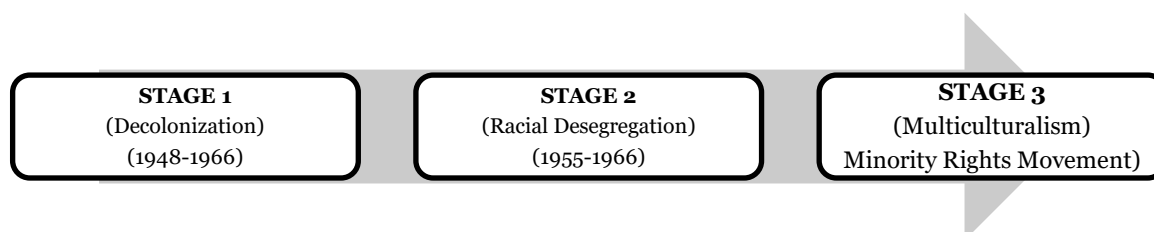


Figure 1. Shift in Minority Rights Paradigm

Where orthodox liberalism focused exclusively on an individualistic set of rights, it neglected the community as a valid locus of normativity (Provost & Sheppard, 2013). Modern multiculturalism corrects this by interpreting abstract, universal human rights through the lived, daily experiences of actual human beings (Mookherjee, 2009). By translating these broad standards into the vernacular of everyday life, multiculturalism integrates human rights norms directly into ordinary human relations to maximize minority potential.

Methodology

Research Design

The researcher used a Qualitative Method. Qualitative research focuses in understanding a research query as a humanistic or idealistic approach. Qualitative study enhances the involvement of everyone related to the study. The researcher works on the social parameters in addition to the quantitative measures in the study. The subjects also have an empowering experience in the study (Pathak, Jena, & Kalra, 2013). Qualitative research is the process of collecting, analyzing, and interpreting non-numerical data, such as language. Qualitative research can be used to understand how an individual subjectively perceives and gives meaning to their social reality (McLeod, 2019). In particular, the research uses two methods, the Document and Content Analysis and Ethnography. First, the researcher will look for multicultural policies in the Philippines and find the gap in its implementation. Second is the ethnography. The researcher will trace the different challenges met by the tribe/s in Cebu City making the Ati Tribe in Naga City as a model through the conducted studies and existing documents available. Third, in verifying the data gathered, the researcher will use hermeneutics in interpreting the data.

Research Instrument

The researcher will be utilized the existing data, literature, related studies and laws available in the different domain may it be printed or digital.

Data Gathering Procedure

This study employed a systematic process of data gathering and analysis. Initially, the researcher conducted an extensive review of relevant laws, literature, and related studies concerning multiculturalism and multicultural policies. Through this review, gaps in the implementation of multicultural policies in the Philippines were identified and analyzed. Subsequently, the researcher examined and analyzed the contents of the collected legal documents and scholarly literature to determine their relevance and implications to the study. The analysis focused on understanding existing multicultural frameworks, their strengths and limitations, and their impact on Philippine society. Finally, the study explored how the philosophy of Will Kymlicka can contribute to strengthening and enhancing multicultural policies in the Philippines by providing a theoretical foundation for the recognition and protection of cultural diversity. To ensure the integrity and validity of the data, the researcher maintained strict adherence to academic and ethical standards. All sources were properly acknowledged and cited, and the manuscript underwent multiple rounds of plagiarism detection and grammar checking to ensure originality, accuracy, and scholarly quality. These measures helped guarantee that the study's findings and discussions were based on credible, authentic, and ethically sourced materials.

Results and Discussions

The Philippines as a Multicultural State

Prior to Spanish colonization, the status of our society is monocultural in nature due to the concept of tribe. The concept of government is already pre-existing; it is only that it is categorized as mini kingdoms and a city-state of the Europeans. However, these are colonized by the Spaniards under one colony while maintaining their distinct ethnic differences. Therefore, from being monocultural tribes, the land became a multicultural territory (Demeterio, 2001).

Status of ethnic minorities

According to the NCIP, there are at least 110 ethno-linguistic groups comprising of Indigenous Cultural Communities (ICCs)/Indigenous Peoples (Ips). The population of these ethno-linguistic groups is about 14 million based on the Philippine population growth (NCIP, 2019).

CORDILLERA & REGION I

Bontoc; Balangao, Isneg, Tinggian, Kankanaey, Kalanguya, Karao, Ibaloi, Ayangan, Ifugao, Tuwani, Kalingan, Bago, Applai

ISLAND GROUPS

Agutaynen, Tagbanua, Cagayanen, Batak, Pala'wan, Molbog, iraya mangyan, Hanuno Mangyan, Alangan Mangyan, Buhid Mangyan, Tadyawan Mangyan, Batangan Mangyan, Gubatnon Mangyan, Ratagnon Mangyan. Ati, Ati Sulod/Bukidnon, Magahat Korolanos, Ata, Bukidnon, Escaya, Badio, Kongking

NORTHERN & WESTERN MINDANAO

Manobo, Subanen, Arumanen Manobo, Arakan Manobo, Teduray, Dibabawon, Banwanon, Bagobo, Ubo Manobo, Tagakaolo, Talaingod, Langilan, Mamanwa, Higaonon, Blaan, T'boli, Kalagan, Tagabawa, Manobo, Blit, Matigsalog,

REGION II, CARABALLO MOUNTAINS

Agta, Kalanguya, Bugkalot, Isinai, Gaddang, Aggay, Dumagat, Ibanag, Itawis, Ivatan

REST OF LUZON, SIERRA MADRE MOUNTAINS

Aeta, Negrito. Baluga, Pugot, Abelling, Agta, Dumagat, Remontado, Bugkalot, Cimaron, Kabihug, Tabangnon, Abiyan, Isarog, Itom

SOUTHERN & EASTERN MINDANAO

Manobo, Mandaya, Mnsaka, Dibabawon, Banwaon, Bagobo, Ubo, Manobo, Tagakaolo, Talaingod, Langilan, Mamanwa, Higaonon, Blaan, T'boli, Kalagan, Tagabawa, Mangguangan, Tigwahanon, Sangil, Agusan Manobo

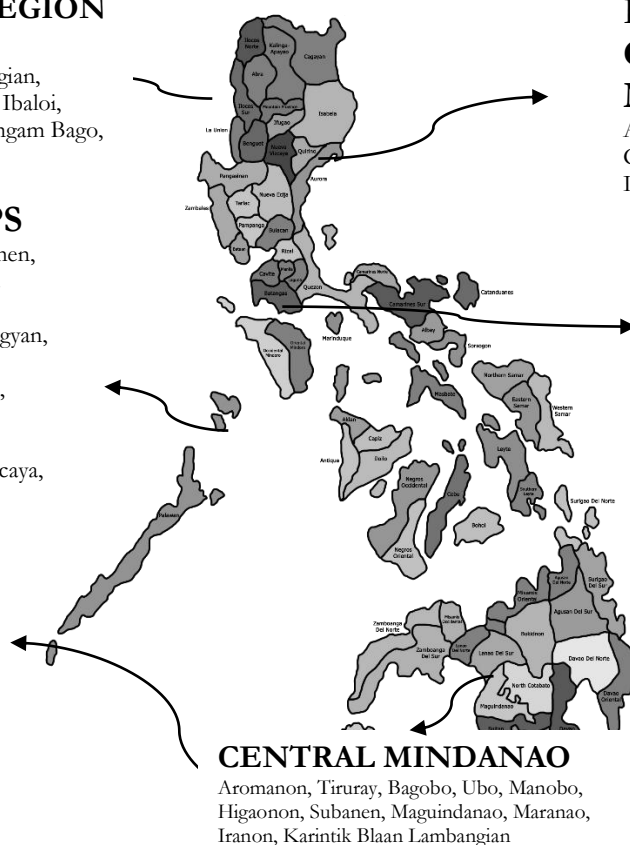


Figure 2. Ethnographic Location of ICCS/IPS

Basic Rights of Indigenous Minorities

Art. III Sec. 1 of the 1987 Constitution provides that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. I will be dealing with the different basic rights of the cultural and ethnic minorities: (1) Right to Ancestral Domain; (2) Right to Self Determination; (3) Right to Direct representation.

Right to Ancestral Domain

IPRA guaranteed this right for the ICCs/IPs. However, there are gaps with regards to the implementation in terms of the protection of the Ancestral Domain of the ICCs/IPs. The gaps of IPRA goes to its core. In this case, this paper will be dealing with substantive and procedural gaps as well. In the substantive matter and procedural matter, the views of Prof. Walden Bello on matters of the rights of minorities and it will also be based on the Philippine Action Plan 2019-2022 will be given light. In assessing the implementation of IPRA, Prof. Bello saw three main factors why the IPRA was not implemented effectively. These are: (1) Bureaucratic differences and rivalry; (2) Anti-poor prices of titling and slow process of titling procedure; (3) the free, prior and informed consent (FPIC), becoming the cause of division among communities; and (4) Overlapping of IPRA and Mining Act.

First, the bureaucratic rivalries. According to professor Bello (2020), there is a rivalry between NCIP and DENR. The NCIP, although created through the IPRA, is a small commission and its decisions are mostly disregarded. In fact, in 2012 and 2017, the DENR issued an administrative order promoting mining interests. However, there's a conflict with the NCIP, the titling process can only be continued if an agreement between the two agencies is reached and the delineation must be conducted by DENR-NCIP teams. However, this move was a failure because it freezes the titling procedure throughout the country. The NCIP was formed to promote and protect the rights of the IPs interests against the government's agenda, especially on issues

relating to activities of hazardous and extractive industries which most of the times affects the IPs. TH NCIP are unable to perform their mandate in distributing Certificates of Ancestral Domains (CADT).

Second, the anti-poor prices of titling. The process of delineating and titling ancestral domains is tedious and expensive. The process costs 1 million pesos. According to the leaders of the indigenous peoples' advocacy group, there are cases that interested corporations shoulders the process which begs the question of integrity.

Third, the free, prior and informed consent (FPIC) is now becoming the cause of division among communities. This division often leads to violence. The FPIC is supposed to be one of the protected rights of the Ips. Unfortunately, this right is now becoming a commodity. A commodity born from coercion, manipulation, violence within communities. FPIC being a cause of further division and built-up elite of leaders, prioritizing structure over members. This has also made the indigenous women more marginalized from decision-making, creating gender inequality.

Fourth, the overlapping of the Mining Act and the IPRA. A PIDS study on the Philippine Mining Act (PMA) of 1995 and the Indigenous Peoples' Rights Act (IPRA) discovered significant institutional inadequacies influencing the country's mining law implementation and contributing to deterioration of the environment. It reveals various concerns with the implementation of PMA and IPRA, such as (1) the circumvention of permit regulations; (2) delays in the declaration of indigenous peoples' (IPs) rights; and (3) institutional issues within the National Commission on Indigenous Peoples (Clemente, 2019).

Circumvention of Permit Regulation

The mingling of agencies tasked with handling mining issues leads in overlapping functions. This allows for cracks to form, which are then filled in illegally by ambitious government staff.

Delays in the declaration of indigenous peoples' (IPs) rights

The PMA included a provision for paying the Social Development Management Program of the communities affected by the mining contract. Any intellectual property in the area benefits from the company's royalty payments. The NCIP's function in establishing the legitimacy of an IP's claim to the area is a disputed topic.

Institutional issues within the National Commission on Indigenous Peoples

NCIP has a significant gap in addressing poverty in IP communities. With the current deficiencies in logistics support. The government does not have sufficient staff members to maintain the specified organizational framework throughout all regions. There are multiple tasks. Assigned to workers who do not have mentors or higher-level supervisors. Deficiencies in capacities are visible and causes complications in the processing of mandatory paperwork.

Right to Self Determination

Under liberal multiculturalism, one of the characteristics of multiculturalism is freedom from control. The Bangsamoro Organic Law is a perfect example of a policy that seeks freedom from external control. The Bangsamoro Organic Law was implemented to promote unity between the National Government and Muslim Mindanao. Undeniably, the ARMM is the best example of a self-determined community. Socio-culturally and politically, the Muslim Mindanao is a very good example of what an autonomous government is. Although it took them many years to reach the self-government that they are pushing through, went through a lot of rebellion and insurgencies, they are now in the verge of reaching that goal. However, there are challenges in implementing this law. These are: (1) political divisions in Muslim Mindanao; (2) problems in the Bangsamoro Transition Authority (BTA); and (3) challenges in the New Political Reality.

Political Division in Muslim Mindanao

Everyone believed that the BOL was agreed by majority in the Muslim Mindanao. However, this is a wrong misconception. The Bangsamoro Freedom Fighters (BIFF) is a faction of MILF, opposed to the establishment of BARMM. The Maute Group also opposed to MILF. In fact, Gov. Abdusakar Tan II filed a case with the Supreme Court claiming the unconstitutionality of the BOL (Cook, 2018). Although the Supreme Court upheld the constitutionality of the BOL, that does not deny that many is still skeptical against the BOL. The BARMM indeed was swift with creating new ministries and agencies which leads me to the next gap.

Problems in the Bangsamoro Transition Authority (BTA)

Initially, the transition period would last three years, from 2019 to 2022. But in the timescale set forth in the BOL, this time span is just insufficient for the BTA to attain significant political, legal, and normalizing

significance. There have been issues with this shift that keep coming up. One of them is the ongoing conflict between extremists and militants, who are divided along religious and political lines. The BTA must also give priority to certain urgent matters. These are:

1. Establishing the Indigenous People's Law and immediately defining the non-Moro indigenous people's ancestral domain;
2. Enacting laws prohibiting child labor and labor contractualization, as well as the Bangsamoro Labor Code, which concerns the labor sector;
3. Putting in place measures for transparency in the use of the Normalization Trust Fund, Social Development Fund, and Block Grant to give civil society access to information about the allocation and use of public funds;
4. Establishing an anti-corruption office and implementing moral governance principles, ethics, and practices in all BARMM ministries, departments, bureaus, and local government entities;
5. Increasing CSOs' and community-based groups' involvement in plans and projects under the GPH-MILF peace agreement's normalization track;
6. Including more women in the upcoming stages of the deactivation of former soldiers.

In BTA Resolution No. 95, s. 2022 released by the Bangsamoro Transition Authority, the BTA requested to identify the gaps and to give a course of action. In this resolution, it also includes the creation of different ministries and sub offices (BTA Res. No. 95, s. 2022). The status of this resolution as of January 19, 2023 is that, it was already been referred to a committee. However, there has to be swift action on this so that everyone can reap the benefits of this extension period.

Challenges in the New Political Reality

The issue here does not lie with financial grants or issues on the budget since the BOL was designed to have an automatic budgetary allocation for the autonomous region. However, the issue here is that, there might be a problem in the continuity of development plans and projects that has already been laid out. Another consideration is a question of capacity. It is in question if the interim government be capable in facing the problems and challenges in having an effective political and moral governance.

Right to Representation

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions (Art 18, UNDRIP). Under RA 8731, the ICCs/IPs have the right to direct representation. But there is a problem when it comes to representation.

Another substantive problem of IPRA is its weak implementation of one of its core purposes, which is direct representation. Section 16 of RA 8371 reads:

The Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives and destinies through procedures determined by them as well as to maintain and develop their own indigenous political structures. Consequently, the State shall ensure that the ICCs/IPs shall be given mandatory representation in policy-making bodies and other local legislative councils.

In fact, in during the consultations conducted by the NCIP in the 2016 Indigenous People's Conferences with almost 2000 IP leaders who participated the Open Government Partnership Consultations, these are the gaps that were identified: (1) the non-acceptance of the LGUs of the selected Indigenous People Mandatory Representative (IPMR); (2) lack of information dissemination between government issuances and the IPs; (3) problematic provisions in the IPMR guidelines; and (4) lack of budget.

The first objective of IPMR is to help ensure that the government agencies, local government units, and the IP communities will be made aware of the rights of the Indigenous Peoples to representation so that there will be less resistance from the locality and policy-making bodies. Second, to assure to the IP communities that they are protected under the law and that in understanding this, it may lead to further empowerment.

First, the non-acceptance of LGUs of the selected Indigenous People Mandatory Representative. The LGU's unwillingness to comply inhibited the full implementation of the IPMR. Some of the LGUs are resistant to IP representations because of misconceptions that IPs might just be checking boxes just to meet the requirements. Some LGUs lack an understanding of how IP representation seeks to correct injustices.

Second, lack of information dissemination between government issuances and the IPs. Other IP communities and stakeholders all over the country does not even know that IPRA exists. Because of lack of dissemination, the implementation of these issuances is also affected. There are issuances of the government that the IPs didn't hear of, or if they did, they don't have full knowledge about it. For instance, in a study conducted by the University of the Philippines in Mt. Malindang National Park in the study of the knowledge of the Subanen community with regards to the existence of IPRA, they found out that the lack of knowledge of the IPRA may be connected back to the National Commission for Indigenous Peoples, the provincial lead agency for indigenous peoples, failing to spread information about the legislation in the study sites, as well as the lack of a Subanen organization in the area (Gomez & Roxas, n.d.).

Third, there are problematic provisions in the IPMR guidelines. One of the concerning provisions of the IPMR is the selection process. The ICCs/IPs seeks to make the entire IPMR selection to make it more participatory and inclusive. Section 8 of AO No.3 s. 2018 states the qualifications of an IPMR.

Section 8, AO No. 3 s. 2018 states

A. General Conditions. The chosen IPMR needs to be:

1. Legitimate representative of the Indigenous Peoples community, as attested to by an IPS certification;
2. Ability to write and read;
3. Ethically, intellectually, and physically sound;
4. A Filipino citizen by birth;
5. On the assuming date, at least eighteen years old; and,
6. These additional requirements, which the community can incorporate into its local norms.

B. Special Requirements. In addition to the above, an inspiring IPMR should possess the following qualifications:

1. IPMR in regional legislatures:

- a. conversant in the language of the group that they represent;
- b. a community member who has lived there for a minimum of ten (10) years straight, uninterrupted during the time leading up to the selection process, without affecting the community's ability to provide the required residence in accordance with local regulations; and,
- c. a voter who is officially registered in the province, city, municipality, or barangay in which they plan to run for office.

2. IPMRs in groups that make policy:

- a. having completed at least high school; and,
- b. a citizen of the province, city, municipality, or barrio in which the position will be held.

Fourth, lack of budget. A lack of government funding for NCIP will significantly be a hurdle to the enforcement and implementation of the milestones of the NCIP. The commission further states that the implementation of their programs is highly dependent to the logistical and financial support from the national government (DBM).

In fact, in a study conducted by Baticuang et.al (2023), they studied the lived experiences through the Narrative of the Ati Chieftain of the Ati Tribe that lived in Naga City, Cebu. One of the narratives of the chieftain is their right to participation in decision-making. The chieftain is clear that they want to directly participate in the decision-making process through direct representation.

On matters of general requirements stated in Section 8(A) of AO No. 3, s. 2018, it is problematic in a sense that it is not inclusive because of the literacy test. In this case, most of the elder members of the Ati tribe cannot read and write. They cannot converse in front of others. Most of the times, they are subject to discrimination and their right to free, prior and informed consent (FPIC) are seldom violated by letting them sign papers that are written in English without explaining to them the content of the document/s. Moreover, access to and benefit from education for IPs is limited (Villanueva et al., 2017).

Here are the May 2022 election results that justifies that there is lack of representation of the IPs in the Congress. We can see who may register for the party-list candidates (*see table 2*). According to the Comelec, last 2021, there are 118 old party-lists and 60 new party-lists, a total of 171 party-lists. As shown in table 2, there are 56 party lists who won the election, only a few have a clear connection to the sectoral party, organizations, neither political party nor a coalition.

Legal Mandates

RA 8731 is also the law that created the National Commission on Indigenous Peoples (NCIP). The NCIP's mandate is to protect and promote the interest and well-being of indigenous peoples with due regard to their beliefs, customs, traditions, and institutions within the framework of national unity and development (Sec.22, Art II, 1987 Constitution). Under RA 7941, the ICCs or the Indigenous Cultural Communities is one

of those who can participate and be represented in congress. ICCs/IPs is included in the categories on who can participate as a party-list. However, if we are going to examine table 1, only 1 party-list for the ICCs/IPs made it through the seat. These are party-lists under the Sectoral Party:

a. Labor, fisherfolk, and peasant.

Trade Union Congress of the Philippines (TUCP). This party-list gained the 53rd spot in the 2022 polls with a 0.71% of votes. The Anakpawis party-list, the party-list for the fisherfolks did not make it through the 2022 polls.

b. Women

Gabriela garnered the 21st spot in the 2022 polls with 1.15 % of votes. They get 1 seat in the congress.

c. Urban poor

ALAGAD party-list did not made it through the 2022 polls.

d. Youth.

Kabataan party-list garnered the 14th spot with 1.46% of votes. Duterte Youth garnered the 12th spot with 1.64% of votes. Bagong Henerasyon garnered the 34th spot with 0.34% of votes.

e. Indigenous Cultural Communities.

Only Kusug Tausug made it through the 2022 polls garnering the 26th spot with 1.05% votes.

f. Oversees workers

OFW garnered the 43rd spot with 0.80%. Kabayan garnered the 46th with 0.76%.

g. Veterans

Veterans Federation Party did not register during the 2022 elections.

h. Professionals

ACT Teachers garnered the 35th with 0.90%, MARINO in the 16th with 1.44% and Manila Teachers in the 53rd with 0.68%.

i. Handicapped

P3WD, although a new party-list in the pollical arena, still managed to garner the 24th spot with 1.06%.

j. Elderly

The Senior Citizens Party-list garnered the 11th spot with 1.67%. The United Senior Citizen garnered the 38th with 0.87% votes.

Above, we can clearly see that there are only a handful of party-lists who actually represented the sectoral groups. In this case, the ICCs/IPs were not well represented in the national government, so much more in the local government units.

In this study, I arrived into three determinants for a better multicultural policy in the Philippines. These are: (1) Equal Representation; (2) Better interpretation and implementation of the Partylist Systems Act as focal policy; and (3) A better interpretation of the Free Prior Informed Consent.

Table 1. List of elected Party - Lists last May 2022 Election

Rank	Party-List	Votes Garnered	Percentage
1	ACT-CIS	2, 111, 091	5.74%
2	1-RIDER PARTYLIST	1, 001, 243	2.72%
3	TINGOG	886, 959	2.41%
4	4PS	848, 237	2.30%
5	AKO BICOL	816, 445	2.22%
6	SAGIP	780, 456	2.12%
7	ANG PROBINSYANO	714, 634	1.94%
8	USWAG ILONGGO	689, 607	1.87%
9	TUTOK TO WIN	685, 578	1.86%
10	CIBAC	637, 044	1.73%
11	SENIOR CITIZENS PARTYLIST	614, 671	1.67%
12	DUTERTE YOUTH	602, 196	1.64%
13	AGIMAT	586, 909	1.59%
14	KABATAAN	536, 690	1.46%
15	ANGAT	530, 485	1.44%
16	MARINO	530, 382	1.44%
17	AKO BISAYA	512, 795	1.39%
18	PROBINSYANO AKO	471, 904	1.28%
19	LPGMA	453, 895	1.23%
20	API	451, 372	1.23%
21	GABRIELA	423, 891	1.15%
22	CWS	412, 333	1.12%
23	AGRI	393, 987	1.07%
24	P3WD	391, 174	1.06%
25	AIA	387, 086	1.05%
26	KUSUG TAUSUG	385, 770	1.05%

27	AN WARAY	385,460	1.05%
28	KALINGA	374,308	1.02%
29	AGAP	367,533	1.00%
30	COOP NATCO	346,341	0.94%
31	MALASAKIT@BAYANIHAN	345,199	0.94%
32	BHW	335,598	0.91%
33	GP PARTY	333,817	0.91%
34	BH (Bagong Henerasyon)	330,937	0.90%
35	ACT TEACHERS	330,529	0.90%
36	TGP	327,912	0.89%
37	BICOL SARO	325,371	0.88%
38	UNITED SENIOR CITIZEN	320,627	0.87%
39	DUMPER PTDA	314,618	0.85%
40	PINUNO	299,990	0.82%
41	ABANG LINGKOD	296,800	0.81%
42	PBA	294,619	0.80%
43	OFW	293,301	0.80%
44	ABONO	288,752	0.78%
45	ANAKALUSUGAN	281,512	0.76%
46	KABAYAN	280,066	0.76%
47	MAGSASAKA	276,889	0.75%
48	1-PACMAN	273,195	0.74%
49	APEC	271,380	0.74%
50	PUSONG PINOY	262,044	0.71%
51	TUCP	260,779	0.71%
52	PATROL	252,571	0.69%
53	MANILA TEACHERS	249,525	0.68%
54	AAMBIS-OWA	246,053	0.67%
55	PHILCREA	243,487	0.66%
56	ALONA	238,704	0.65%

Equal Representation

Equal representation is guaranteed by the Constitution itself and was strengthened by the Partylist Systems Act. The Constitution expressly provides that Partylist Representatives shall consist of the marginalized sectors. In this case, even those listed in the law were not represented in the congress. Perhaps, there should be a better mechanism in choosing partylists through the COMELEC.

Better interpretation and Implementation of Partylist system

The mechanism of the COMELEC in registering and accepting partylists is poor. Whoever, whensoever mechanism is applied without looking at the tests whether such partylist truly represents the marginalized sectors. The COMELEC should revisit the Partylist Systems Act and see to it that sectors listed in the law are at least being represented.

A better interpretation of Free Prior and Informed Consent

The Free Prior and Informed Consent is very important for the IPs. In this case, the Mining Act should be revisited on matters of mining that might encroach to the ancestral lands and ancestral domains. From there, the Mining Act can be in congruence with IPRA.

Ethical Considerations

When conducting ethnographic research involving Indigenous Peoples (IPs) within the Philippines, the ethical framework must explicitly transition from generalized academic guidelines to strict legal compliance with Republic Act No. 8371 (Indigenous Peoples Rights Act of 1997 or IPRA). Chief among these requirements is securing formal Free, Prior, and Informed Consent (FPIC) through the administrative oversight of the National Commission on Indigenous Peoples (NCIP) before any field observations begin. The researcher is ethically bound to respect the community's customary laws, governance structures, and self-determination. This means ensuring that the research objectives are transparently communicated to the tribal council or elders in their native language, guaranteeing that the study serves to validate, rather than exploit, their cultural knowledge and practices. Furthermore, the dual approach of ethnography and document analysis requires heightened sensitivity toward Intellectual Property Rights and the protection of sacred or sensitive communal knowledge. In accordance with Kymlicka's principles of minority rights and the IPRA mandate, any community-specific documents, traditional histories, or customary laws reviewed during the study will be handled with absolute textual integrity and proprietary care. To prevent cultural

misrepresentation or exploitation, the researcher will implement a collaborative validation process, sharing preliminary observational findings and document interpretations with community leaders. This ensures that the final narrative accurately reflects the lived realities and dignity of the Indigenous Cultural Communities (ICCs), while strictly preserving individual and communal anonymity through secure, encrypted data management.

Conclusion

Based on the data, comparative literature, and the practical application of political and cultural principles, this study demonstrates a stark divergence between legislative intent and bureaucratic reality in the Philippines. Landmark multicultural laws specifically the Indigenous Peoples Rights Act (IPRA) and the Party-List System Act—were engineered with noble intents: to safeguard the fundamental rights of Indigenous Cultural Communities (ICCs/IPs) and secure direct, proportional political representation. However, their execution is systemically hindered. Statutory overlaps and conflicting legislative provisions across different codes create legal friction, ultimately preventing key government agencies from fully realizing their explicit legal mandates. This implementation deficit is driven primarily by institutional fragmentation and a lack of standardized governance. Under current departmental administrative orders, central authorities delegate excessive discretion to regional directors. This decentralized autonomy allows individual regional offices to develop siloed, inconsistent implementation strategies. Because rules are frequently relaxed or modified based on regional tendencies, the uniform protection intended by national policy is compromised. To bridge these gaps, government agencies must adopt a holistic approach that considers the broader, cross-office ramifications of localized procedures. Rather than permitting fragmented regional adaptations of a single national policy, the state must establish unified, standardized implementing guidelines across all administrative levels. Eliminating arbitrary regional discretion is a critical prerequisite to achieving consistent, equitable, and effective multicultural governance throughout the archipelago.

Recommendations

Based on the findings of this study, it is recommended that the Philippine government strengthen the implementation of multicultural policies through comprehensive legal, institutional, and administrative reforms that promote the protection of fundamental rights and the inclusion of marginalized groups. Legislative measures should harmonize conflicting provisions between the Indigenous Peoples' Rights Act (RA 8371) and the Philippine Mining Act of 1995 (RA 7942) to ensure the primacy of Free, Prior, and Informed Consent (FPIC) and safeguard ancestral domains from unauthorized exploitation, while financial assistance programs should be established to facilitate the acquisition of Certificates of Ancestral Domain Title (CADTs). Inclusive governance mechanisms should be strengthened within the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) by ensuring meaningful participation of Non-Moro Indigenous Peoples (NMIPs) and enhancing the capacity of regional institutions. The enforcement of Indigenous Peoples Mandatory Representative (IPMR) policies should be intensified, and reforms to the party-list system should be considered to improve the representation of marginalized sectors. Furthermore, government agencies should modernize the delivery of social welfare services through digitalization and community-based monitoring systems to ensure equitable access to benefits, particularly among vulnerable populations. Legal frameworks should also be refined by establishing clearer qualifications for party-list nominees, increasing institutional support and funding for the National Commission on Indigenous Peoples (NCIP), and enacting comprehensive anti-discrimination legislation, including the SOGIE Equality Bill. Finally, policymakers and academic institutions should explore the application of the multicultural theory of Will Kymlicka as a guiding framework for future legislation and governance reforms, while engaging in comparative policy studies with countries that have successfully implemented multicultural policies, thereby promoting a more inclusive, equitable, and culturally responsive system of governance in the Philippines.

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