

# A Historical Backdrop on the Indigenous Peoples

The term "indigenous" traces its origin to the Old Latin word *indu*, meaning "within." In the sense the term has come to be used, it is nearer in meaning to the Latin word *indigenus*, which means "native."<sup>[3]</sup> "Indigenous" refers to that which originated or has been produced naturally in a particular land, and has not been introduced from the outside.<sup>[4]</sup> In international law, the definition of what constitutes "indigenous peoples" attains some degree of controversy. No definition of the term "indigenous peoples" has been adopted by the United Nations (UN), although UN practice has been guided by a working definition in the 1986 Report of UN Special Rapporteur Martinez Cobo:<sup>[5]</sup>

“ Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sections of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sections of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.

This historical continuity may consist of the continuation, for an extended period reaching into the present, of one or more of the following factors:

- (a) Occupation of ancestral lands, or at least of part of them;
- (b) Common ancestry with the original occupants of these lands;
- (c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, life-style, etc.);
- (d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);
- (e) Residence in certain parts of the country; or in certain regions of the world;
- (f) Other relevant facts.<sup>[6]</sup>

In Philippine constitutional law, the term "indigenous peoples" pertains to those groups of Filipinos who have retained a high degree of continuity from pre-Conquest culture.<sup>[7]</sup> Philippine legal history, however, has not been kind to the indigenous peoples, characterized them as "uncivilized,"<sup>[8]</sup> "backward people,"<sup>[9]</sup> with "barbarous practices"<sup>[10]</sup> and "a low order of intelligence."<sup>[11]</sup>

Drawing inspiration from both our fundamental law and international law, IPRA now employs the politically-correct conjunctive term "indigenous peoples/indigenous cultural communities" as follows:

“ Sec. 3. *Definition of Terms.*-- For purposes of this Act, the following terms shall mean:

x x x

(h) *Indigenous peoples/Indigenous cultural communities.*— refer to a group of people or homogenous societies identified by self-ascription and ascription by others, 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 language, customs, traditions, and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. Indigenous peoples shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present State boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains x x x.

Long before the Spaniards set foot in these islands, the indigenous peoples were already plowing our soil and hunting in our forests. The Filipinos of Aeta and Malay stock, who were the original inhabitants of our archipelago, were, at that time, practicing a native culture. From the time the Spaniards arrived up to the early part of the American regime,<sup>[12]</sup> these native inhabitants resisted foreign invasion, relentlessly fighting for their lands. Today, from the remote uplands of Northern Luzon, to Palawan, Mindoro and Mindanao, the indigenous peoples continue to live on and cultivate their ancestral lands, the lands of their forefathers.

Though Filipinos today are essentially of the same stock as the indigenous peoples, our national culture exhibits only the last vestiges of this native culture. Centuries of colonial rule and neocolonial domination have created a discernible distinction between the cultural majority and the group of cultural minorities.<sup>[13]</sup> The extant Philippine national culture is the culture of the majority;

its indigenous roots were replaced by foreign cultural elements that are decidedly pronounced, if not dominant.<sup>[14]</sup> While the culture of the majority reoriented itself to Western influence, the culture of the minorities has retained its essentially native character.

One of every six Filipinos is a member of an indigenous cultural community. Around twelve million Filipinos are members of the one hundred and ten or so indigenous cultural communities,<sup>[15]</sup> accounting for more than seventeen *per centum* of the estimated seventy million Filipinos<sup>[16]</sup> in our country. Sadly, the indigenous peoples are one of the poorest sectors of Philippine society. The incidence of poverty and malnutrition among them is significantly higher than the national average. The indigenous peoples are also among the most powerless. Perhaps because of their inability to speak the language of law and power, they have been relegated to the fringes of society. They have little, if any, voice in national politics and enjoy the least protection from economic exploitation.

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