

MEMORANDUM OF UNDERSTANDING

KNOWN ALL MEN BY THESE PRESENTS:

This Memorandum of Understanding entered into this 2nd day of April 2003, in Davao City, Philippines, by and between the 4th INFANTRY (DIAMOND) DIVISION, PHILIPPINE ARMY - represented by its Commanding General, MAJOR GENERAL CRISTOLITO P BALAOING AFP, and herein after referred to as *FIRST PARTY*; and the PANAGTAGBO Mindanao Sub-Regional Council of Davao City represented by its Chairman, Datu Joel Unad, herein after referred to as *SECOND PARTY*;

WITNESSETH:

Whereas, the *FIRST PARTY* is mandated to protect public interest and pursue lawless elements;

Whereas, the *SECOND PARTY* still live in their ancestral lands and are subjected to exploitation and human rights violations by the Local Communist Movement, secessionists groups and/or homegrown terrorist groups;

Whereas, the *FIRST PARTY*, realizing the need to deepen their understanding of the *SECOND PARTY'S* culture and pursuant to the attainment of its mandate has initiated to establish IP Desks in its Battalions and Divisions;

Whereas, the *FIRST PARTY* desires to engage the assistance of the Tribal Leaders of the *SECOND PARTY* to effectively implement the duties and functions of the AFP-IP Desk;

Whereas, the *SECOND PARTY'S* support the AFP-IP Desk;

Now therefore, for and in consideration of the foregoing premises, be it resolved as it is hereby resolved that the parties bind themselves with the following terms and conditions:

That the AFP IP Desk shall be a coordinating center for the *FIRST PARTY* and the IP for peace and development efforts in the IP communities with the following functions:

1. Collect, process and distribute data and information concerning the IP, subject to First and Prior Informed Consent (FPIC);
2. Recommend to the AFP guidelines, direction and operational framework on handling the IP and operations in IP communities;
3. Initiate lateral and horizontal coordination to encourage cooperation and convergence in the context of the National Framework for Peace and Development;
4. Provide analysis and strategic policies regarding the role of IP concerns in the overall Internal Security Operations;
5. Ensure a vibrant and dynamic symbiotic relations between the DND/AFP and IP Tribal councils in the conduct of NISP and peace and development effort;
6. Recognize and enhance contribution of established institutionalized mechanism and civil societies participation in the peace and development program concerning IPs;
7. To come up with a clear and implementable tactical and strategic programs regarding IPs in the national and local level, subject to FPIC;

Datu Joel Unad
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8. Conduct research, studies and presentation on IPs geopolitical significance in relation Internal Security Operations, subject to FPIC.

That the **SECOND PARTY** shall select representatives to compose the *IP Speakers Bureau* who shall facilitate/conduct information dissemination in the **FIRST PARTY** Area of Operations on the Indigenous Peoples Culture, Customs and Tradition of their respective tribes subject to the requirement of FPIC.

That the **FIRST PARTY** through the IP Desk shall assist the **SECOND PARTY** in sourcing out funds intended for peace and development projects in the IP communities;

That the signing of this Memorandum of Understanding should not be construed as a waiver of the requirement of Free and Prior Informed Consent;

IN WITNESS WHEREOF, the PARTIES hereto have signed this Memorandum of Understanding in the City of Davao, Philippines, this 02 April 2003.

FOR THE FIRST PARTY:

Cong
MGEN CRISTOLITO BALAOING AFP
Commanding General
4th Infantry Division, PA

SECOND PARTY

Joel Unad
DATU JOEL UNAD
CHAIRMAN, PANAGTAGBO
MINDANAO SUB-REGIONAL
COUNCIL OF DAVAO OF CITY

Signed in the presence of:

1. *[Signature]*

2. *[Signature]*

REPUBLIC OF THE PHILIPPINES
CITY OF DAVAO

S.S.

Datu Israel

BEFORE ME, this 2nd day of April 2003 in the City of Davao, personally appeared, MGEN CRISTOLITO BALAOING AFP, WITH Com Tax Cert. No. 14482480 issued on 1 April at Makati and _____ with Com Tax Cert. No. _____ issued on _____ at _____; known to me to be the same persons who executed the foregoing instrument and acknowledged to me that the same is their free and voluntary act and deed.

This instrument consisting of two (2) pages including this page is signed by the parties concerned.

WITNESS MY HAND AND NOTARIAL DRY SEAL.

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