



## **BRUTALLY FRANK: Is marriage by indigenous law legal or illegal?**

Posted on 12 Oct 2010 at 11:37am

Mary Ann Manja Bayang

[www.nordis.net](http://www.nordis.net)

When the media released coverage of an alleged Ibaloi wedding between actor Robin Padilla and actress Mariel Rodriguez, it created so much fuss, not just in the entertainment world who either felt elated or disappointed, but among the indigenous peoples in the country. Some criticized the procedure done in the ceremony. Some would feel proud that Robin has again been proud of his Igorot roots. Still, some would deny indigenous affiliations to Robin. A lot of statements have been issued on whether the wedding was recognized by law or not. Various local lawyers have said their pieces on the matter, and most of them would posit that the marriage between Robin and Mariel in the Ibaloi tradition is not recognized by law unless solemnized by either a priest, a mayor or a judge.

Putting aside the issue of proper procedure of indigenous marriage rituals and of whether Robin or Mariel or both are indigenous persons, is marriage between and among indigenous peoples recognized by law?

Yes!

The respect and recognition of indigenous peoples' rights gained momentum in the recent years as shown by various international and national laws recognizing the rights of indigenous peoples to their customs, traditions and religious practices.

The 1987 Constitution declared it a policy of the State to recognize and promote the rights of indigenous cultural communities. Ten years later, the Indigenous Peoples Rights Act (IPRA) was passed which affirms the right of indigenous peoples to "manifest, practice, develop teach their spiritual and religious traditions, customs and ceremonies". In 2007, the Philippines signed the UN Declaration on Indigenous Peoples (UNDRIP) which reiterates the rights of indigenous peoples specially "right to practise and revitalize their cultural traditions and customs."

The Family Code itself provides that marriages among "members of the ethnic cultural communities may be performed validly without the necessity of marriage license, provided they are solemnized in accordance with their customs, rites or practices."

The implementing rules of the IPRA, Rule VI, Section 8 thus provides: “Marriages performed in accordance with customary laws, rites, traditions and practices shall be recognized as valid. As proof of marriage, the testimony of authorized community elders or authorities of traditional socio-political structures shall be recognized as evidence of marriage for purposes of registration.”

In 2004, the National Statistics Office (NSO) released Administrative Order No. 3, series of 2004 giving further application to the above provision, further provides that marriages among indigenous peoples “performed in accordance with customary laws, rites, traditions, and practices, shall be reported within thirty (30) days after the date of marriage by the person authorized to solemnize marriage, or in his default, by the parties to the marriage, to the C/MCR of the city or municipality where the marriage ceremony was celebrated.” The solemnization of the marriage should be done in accordance with indigenous peoples’ customary laws of either contracting party.

In the same NSO administrative order, Rule 9 thereof provides that the dissolution of marriage among indigenous peoples done pursuant to customary laws shall be recognized and can be directly registered with the Civil Registry without any need of Court intervention. Indigenous peoples therefore do not need to go to Court for declaration of nullity or annulment of marriage.

Even with these laws and rules however, I still have to hear of an actual case using these rules.

A lot of indigenous peoples and lawyers are still not aware of these rules. For us working in indigenous peoples’ region, this is a much easier way to go rather than the rigorous, long and expensive court litigation. ([nordis.net](http://nordis.net))