NATIONAL ADMINISTRATIVE REGISTER · APRIL 23, 2002

AMENDING SECTION 39 OF NCIP ADMINISTRATIVE ORDER NO. 3, SERIES OF 2002, TO INCLUDE THE REQUIREMENT OF ITS PUBLICATION IN A PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN T...

NCIP RESOLUTION NO. 13, S. OF 2002, APRIL 23, 2002, April 23, 2002

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EN BANC

WHEREAS, on February 19, 2002, the Second Commission en banc, resolved to promulgate NCIP Administrative Order No. 3, Series of 2002, otherwise known as the Revised Guidelines for FPIC and Issuance of Certification Precondition;

WHEREAS, Section 9 of NCIP Administrative Order No. 3, Series of 2002, provides that it shall take effect fifteen (15) days from its registration in the Office of the National Administration Registration, U.P. Law Center, Diliman, Quezon City, Philippines;

WHEREAS, existing laws provide that administrative issuances with administrative sanctions to be legally valid, effective, and enforceable, are required to be published in the manner provided for by law, as a requirement of due process;

WHEREAS, Section 39 of NCIP Administrative Order 3, Series of 2002, carries with it administrative sanctions for certain prohibited acts as enumerated therein, and in order for the said Administrative order to be legally valid and enforceable, there is a need to effect the necessary amendment for its effectivity;

WHEREAS, in order set the date of effectivity of NCIP Administrative Order No. 3 Series of 2002, there is a need for the Commission to officially lift the moratorium imposed by the Memorandum dated 28 February 2001, issued by the Office of the President Adviser for Indigenous Peoples Affairs or OPAIPA;

NOW THEREFORE, on motion of Commissioner Reuben Dasay A. Lingating, duly seconded by Commissioner Norma M. Gonos, be it

RESOLVED, as it is hereby done, that Section 39 of the 39 of the said Administrative order be amended to read as follows:

"SECTION 39. Effectivity. — This Administrative Order shall be registered in the office of the National Administration Register, U.P. Law Center, Diliman Quezon City, Philippines, and shall take effect fifteen (15) days following the date of its complete publication in a newspaper of general circulation in the Philippines.

RESOLVED FURTHER, that the chairperson is hereby authorized to cause the immediate publication of NCIP Administrative Order No. 3 Series of 2002, in a newspaper of general circulation in the Philippines, incorporating and applying therewith the specific amendment to Section 39 as embodied in this Resolution, including the simultaneous publication of this resolution;

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RESOLVED FINALLY, that the moratorium imposed for the issuance of certification precondition and compliance of the requirement of free and prior informed consent, will automatically be lifted on the date of effectivity of NCIP Administrative Order No. 3, Series of 2002, as provided in this Resolution. Upon its effectivity, all pending applications for issuance of Certification Precondition and the Free and Prior Informed Consent, shall have to go through the process as provided for under NCIP Administrative Order No. 3, Series of 2002.

Adopted: 23 Apr. 2002

(SGD.) CORAZON M. ESPINO
Commissioner

(SGD.) NORMA MAPANSA-GONOS
Commissioner

(SGD.) LAGTUM A. PASAG
Commissioner

(SGD.) EDTAMI P. MANSAYAGAN
Commissioner

(SGD.) REUBEN D. A. LINGATING
Commissioner

(SGD.) PABLO SANTOS
Commissioner

(SGD.) EVELYN S. DUNUAN
Chairperson

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