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POLICY GUIDELINES ON REQUESTS FOR DOCUMENTS AND/OR PHOTOCOPIES OF DOCUMENTS IN THE POSSESSION AND CUSTODY OF THE ANCESTRAL DOMAINS OFFICE (ADO)

NCIP RESOLUTION NO. A-062, S. 2011 (MEMORANDUM NO. ADO-OG-09-2011-291), December 02, 2011

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WHEREAS, the ADO is besieged with letters and demands from individuals, organizations and associations, private entities, foreign and government agencies and instrumentalities and the like requesting original or certified or photocopies of documents or those in electronic and digital files in its custody and possession.

WHEREAS, Sec. 1 of Part V of the Implementing rules and regulations of the IPRA provides that:

> "Section 1. Accessibility and Transparency. Subject to such limitations as may be provided by law or by rules and regulations promulgated pursuant thereto, all records, documents and papers pertaining to official acts, transactions or decision, as well as research data used as basis for policy development of the Commission shall be made accessible to the public."

WHEREAS, while this office adheres or even advocates the principle of transparency, it recognizes several limitations like the fact that there are papers and documents that are considered privately owned by IPs/ICCs and other individuals and thus cannot just be given to anybody without their free and informed consent. Thus, a mechanism must be in place to regulate the access of the same.

WHEREAS, in addition, the possibility of these vital documents falling into the wrong hands to be used for other purposes is not farfetched, i.e., a spurious CADT/CALT, ADSDPP or a CP can be borne out of imitation.

WHEREAS, since the afore-stated provision of law allows for limitations on accessibility and transparency as long as there are rules and regulations, this Commission thus deems it necessary to adapt the hereunder guidelines.

GUIDELINES ON REQUESTS FOR DOCUMENTS

Coverage

Matters related to the release of CADTs/CALTs are covered by CEB Resolution No. 032, series of 2011, as expounded by Memorandum Circular 002 Series of 2011. CPs are to be released by the ADO in accordance with Section 35 of said Resolution No. 032.

There are five (5) basic documents to be covered by these rules, including supporting papers, even in electronic and digital files. These are:

a) CADT
b) CALT
c) CP
d) ADSDPP

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e) CNO

Policy Guidelines

No original document can be obtained from the files. Only certified copies [provided the original is on file] or photocopies can be issued.

Certificates of Non-Overlap [CNO] are issued by the regional Office and affirmed by the ethnographic Commissioner, ADO is merely copy-furnished of the documents. It does not verify or validate the same, hence, it cannot issue any document relative to said CNO unless ordered by a court of competent jurisdiction.

Only registered CADTs/CALTs or approved CPs, or their supporting documents can be photocopied. The same rule applies to its supporting documents [CEB Resolution, Survey Plans, MOA, etc., even in electronic and digital files]. Approved but unregistered titles, incomplete CPs and supporting documents are disallowed. For ADSDPP, only those officially transmitted and accepted by the ADO can be photocopied.

Any IP, in so far as his/her CADT/CALT, ADSDPP or CP is concerned, can gain access or obtain any document relative to the same, subject to the filling out of request form. His/her personal appearance and validated identity will suffice. Similar privilege is afforded non-IPs but who are parties to the MOA, subject to a letter request.

The reproduction costs shall be shouldered by the requesting party except if the IP himself personally appears and requests for the same. No document shall be taken out for reproduction without the accompanying authorized ADO personnel.

Procedure for non-IPs or non-parties

- For NCIP personnel, a letter-request or filled out request slip, signed by the concerned director, will suffice.

- For other government agencies, the same must be upon the request of a director or one of equivalent rank.

- no CADTs/CALTs, CPs and ADSDPP documents shall be released by ADO to private individuals, organizations and associations, private entities, foreign and government agencies and instrumentalities who are not parties to the document or are not IPs or members of ICCs, unless the following conditions are complied with:

- A letter-request addressed to the Commission stating with particularity and detail the description of the document to be reproduced accompanied by any acceptable identification card or document.

- For CADTs/CALTs and ADSDPP, there must be a document authorizing or attesting conformity by a legitimate claimant or beneficiary, as appearing in the validated list in the claim/recognition book and duly attested by concerned community service center, provincial or regional employee.

- The request must be accompanied by an authorization showing conformity of the claimant or beneficiary appearing in the validated list in the claim/recognition book and duly attested by concerned Service Center, Provincial Officer, regional division Chief or regional director for CADTs/CALTs and ADSDPP.

For CPs, there must be a document authorizing or attesting conformity by a party whose signature appears in the MOA. If the person providing authority is the IP/ICC, the same must be attested by concerned community service center, provincial or regional division chief or director.

Adopted: 02 December 2011

Approved.

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