NATIONAL ADMINISTRATIVE REGISTER · [, FEBRUARY 18, 2002]

REVISED GUIDELINES FOR THE CONVERSION OF CERTIFICATE OF ANCESTRAL DOMAIN/LAND CLAIMS TO CERTIFICATE OF ANCESTRAL DOMAIN/LAND TITLES DELINEATED PRIOR TO R.A. 8371

Read online (full-text search, related cases, audio case brief): https://batas.org/library/788bbb7fb759/

Pursuant to the provisions of paragraph a), Section 52, Republic Act. No. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 and other related provisions, the following guidelines are hereby promulgated revising NCIP Memorandum Circular No. 1-99, Series of 1999, as follows:

I. Preliminary Provisions

SECTION 1. Title. — These rules shall be known as the "Revised Guidelines On Conversion".

SECTION 2. Statutory Basis. — Section 52 paragraphs (a) and (j) of IPRA provides that ICCs/IPs whose ancestral lands/domains were officially delineated prior to its enactment shall have the right to apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the delineation process provided therein, and for those whose ancestral domains have been officially delineated and determined by the NCIP shall be issued a CADT in the name of the community concerned, containing a list of all those identified in the census; And in the case of ancestral land claims, Section 53 (g) provides that if NCIP finds such claims meritorious, it shall issue a Certificate of Ancestral Land declaring and certifying the claim of each individual or corporate (family of clan) claimant over ancestral lands. In both cases, paragraph (k) of Section 52 further provides that NCIP shall register issued certificates of ancestral domain titles and certificates of ancestral land titles before the Register of Deeds in the place where the property is situated. NHENCE, these guidelines.

SECTION 3. Declaration of Policy. — The IPRA recognizes all ancestral domains/lands delineated according to the DENR Administrative Order No. 2, Series of 1993, and earlier directives implementing community/ancestral domain program. Acknowledging, therefore, the initiative of the DENR in the identification and delineation of the ancestral domains/lands of the ICC/IPs to ensure their socio-economic and cultural well-being, and in order to afford full protection to ICC/IPs of their right to their ancestral domain/lands covered by CADC/CALC, it is the policy of the NCIP that the same shall be converted to CADT/CALT, if such claims are proven meritorious, without going through the process provided in the law but shall be reviewed and evaluated in accordance with the appropriate DENR directive and validated through the guidelines promulgated hereunder.

SECTION 4. Objective. — These Guidelines for the Conversion of CADCs and CALCs to CADTs and CALTs aim to:

a) Provide the process through which the right of ICCs/IPs to apply for the issuance of a CADT/CALT may be exercised and implemented expediently, over all ancestral land and ancestral domain claims delineated prior to the effectivity of R.A. 8371;

b) Review the process of issuance of CALCs/CADCs to ensure the correctness of the delineation made, the sufficiency and regularity of the process undertaken, for it to be considered as one officially delineated in conformity with their respective sources of authority providing for their delineation, before their CADT or CALT is issued and awarded;

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

c) Enable the registration of the CADTs and CALTs issued and awarded with the Register of Deeds of the province in which the lands or domains are situated to confirm and record the titles vested over ancestral lands and domains pursuant to these Guidelines and the pertinent provisions of the IPRA.

SECTION 5. Coverage. — These Guidelines for Conversion of CADCs/CALCs to CADTs/CALTs will cover:

a. All Ancestral Land Claims officially delineated under DENR Special Order No. 31 and No. 31-A, as amended, both series of 1990, with coverage in the Cordilleras; except those claims validated pursuant to NCIP Special Order No. 1, Series of 1999 that were approved for titling by the First Commission but were not issued by reason of the moratorium imposed by Executive Order No. 1, Series of 2001, the validation and conversion of which will be covered by NCIP-AO-01, Series of 2002;

b. Ancestral Land Claims delineated pursuant to DENR Administrative Order No. 61, Series of 1991 with coverage in Palawan;

c. All Ancestral Lands and Domains officially delineated under DENR Department Order No. 2, Series of 1993 on the Identification, Delineation and Recognition of Ancestral Domain & Ancestral Land Rights; except those claims validated pursuant to NCIP Special Order No. 1, Series of 1999 that were approved for titling by the First Commission but were not issued by reason of the moratorium imposed by Executive Order No. 1, Series of 2001, the validation and conversion of which will be covered by NCIP-AO-01, Series of 2002;

SECTION 6. Operating Principles. — In implementing the guidelines set forth in this Administrative Order, the following operating principles shall be adhered to:

a. Voluntary Application — The concerned ICCs/IPs whose Ancestral domain/land were officially delineated in accordance to the DENR Special Order No. 31 and 31-A, both Series of 1990, Administrative Order No. 61, Series of 1991, and Administrative Order No. 2, Series of 1993, may voluntarily apply for the conversion of their CADC/CALC to CADT/CALT.

b. Recognition of Original Claimants — the original claimants indicated in the CADC/CALC shall continue to be recognized by the Commission provided that they are authentic members of the concerned ICC/IP community or family/clan concerned, without prejudice of including in the list those who, under IPRA have the right to make the claim but were previously omitted by inadvertence or for lack of knowledge of the filing and processing of the claim. In such case, their inclusion in the list shall be made pursuant to the guideline set forth under Section 16 below. In case an original CADC has been approved under the name of an individual, family, clan, association or organization, it shall be appropriately corrected to be named after the claimant IP community in the specific location pursuant to Rule VIII, Section 2, Par. (o) of the IRR.

c. Non-transferability of Claim — claims over officially delineated ancestral domain/lands are non-transferable except in cases of transfer between and among members of the same IC/IP community or family/clan in accordance with their customary law or practice.

d. Self-Delineation — the ancestral domain/lands shall be identified and delineated by the ICC/IPs themselves through their respective council of elders/leaders whose members are identified by them by customary practice. The metes and bounds of ancestral domains shall be established through traditionally recognized physical landmarks, such as, but not limited to, burial grounds, mountain ridges, hills, creeks, stone formations and the like.

e. Cultural Integrity — within ancestral domain/lands, the holistic and integrated adherence of indigenous peoples to their respective customs, beliefs, traditions, indigenous knowledge systems and practices, and the assertion of

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

their character and identity as peoples shall remain inviolable. All activities pertinent to the identification, delineation and recognition of the ancestral domain/lands of ICC/IPs shall be in consultation with them and measures must be taken to ensure that the culture and traditions of the concerned ICC/IPs are applied or utilized in the process.

f. Inter-agency and NGO Collaboration and Community Support. — The collaboration of other government agencies and the involvement and participation of the ICCs/IPs in the process shall be greatly encouraged and vigorously pursued. NGOs who have actively assisted a particular ICC/IP in the processing of their claim is given preference over any other NGOs desiring to collaborate, subject to the written consent of the ICC/IP through their recognized elders/leaders for this particular undertaking.

g. Peace Building. — The validation of CADCs/CALCs and the consequent issuance of CADTs/CALTs as well as the delineation and recognition of ancestral land/domain claims shall foster peace among ICC/IPs and between IPs and non-IPs.

h. Adherence to Philippine Reference System of 1992. — Conduct of actual ground survey to complete the delineation process to be had for the purpose of conversion of a CADC/CALC applied for, whether to be surveyed by the government, private surveyors or by collaborating NGOs and other mapping institutions, shall conform with the Philippine Reference System of 1992.

i. Policy on Survey and the Survey Manual. — Upholding the principle of Self-delineation and in deference to existing laws on surveys, NCIP shall formulate and adopt its own policies on surveys that would harmonize both concerns. The same shall be embodied in the Survey Manual to be adopted by the Commission to govern the validation of surveys already had or to be had. For this purpose, the manual shall provide, among others, the procedure for the correction of erroneous, irregular, incomplete surveys, or defective surveys for want of authority. In no case shall the policy of self-delineation be defeated by this operating principle

SECTION 7. Definition of Terms. — For guidance, the terms defined in the Indigenous Peoples Rights Act and its Implementing Rules and Regulations are hereby adopted, including the terms defined herein below:

a) Officially Delineated Ancestral Domain/Land Claim — refers to an ancestral domain/land claim that has been applied for conversion which, after undergoing the evaluation and validation process provided for under this guideline, is found to have been properly identified, the process for the delineation was sufficiently, correctly and regularly undertaken, pursuant to and in conformity with, its appropriate delineation authority or directive, or, if found to be irregular, deficient or incorrect in some material aspect, that the regular process has already been complied with, the deficiency has been supplied for or corrected pursuant to this guideline and therefore qualifies for issuance of a CADT/CALT as certified to by ADO.

b) DENR — this refers to the Department of Environment and Natural Resources.

c) Private Mapping Institution — this refers to private institution and or non-government organizations doing the survey and delineation of ancestral domains whether before or after the issuance of CADCs/CALCs, whose instruments used are certified by the NAMRIA, issued with Survey Authority by the NCIP and recognized by the ICC/IP through a written community resolution of the concerned ICCs/IPs.

d) DAO No. 2 — this refers to DENR Administrative Order No. 02, series of 1993 that was promulgated to identify and delineate the ancestral lands and domains of indigenous cultural communities to ensure their social, economic and cultural well-being.

e) DAO No. 61 — this refers to DENR Administrative Order No. 61, series of 1991 that was promulgated to

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

identify and delineate the ancestral lands of indigenous cultural communities in the province of Palawan.

f) Special Order No. 31 — this refers to DENR Special Order No. 31, series of 1990 that was promulgated to identify and delineate the ancestral lands and domains of indigenous cultural communities within the City of Baguio and the rest of the Cordilleras.

g) Certificate of Ancestral Domain/Land Claim (CADC/CALC) — refers to the land tenure instrument issued by the DENR recognizing the claim of indigenous cultural communities on land, resources and rights thereon within a defined territory.

h) Certificate of Ancestral Domain/Land Title (CADT/CALT) — as defined in Section 1, (c), (d) Rule II of the Implementing Rules and Regulations of the IPRA.

i) Customary Laws — as defined in Section 1(h), Rule II, of the Implementing Rules and Regulation of the IPRA.

j) Indigenous Cultural communities/indigenous peoples — as defined in Section 1(k), Rule II, of the Implementing Rules and Regulations of the IPRA.

k) Indigenous Political structures — as defined in Section 1(m), Rule II of the Implementing Rules and Regulations of the IPRA.

l) Time immemorial — as defined in Section 1(x) of the Implementing Rules and Regulations of the IPRA.

m) Defective Surveys for Want of Authority — refer to past surveys initiated by the claimant ICC/IP, family/clan or individual, done by a private mapping institution or collaborating non-government organization but without the required authority and MOA from NCIP, or those with Survey Authority and MOA but the survey was done without the participation of a duly licensed Geodetic Engineer. Nevertheless, in both instances, the instruments used for the survey of the CADC/CALC should appear to have been previously certified to by NAMRIA.

n) Special Provincial Task Force — refers to a task force created by the Provincial Office to assist the Provincial Officer in the execution of directives of ADO for field validation and production of lacking documents, papers and proofs required for the processing of applications for conversion.

o) Collaborating Non Government Organization (NGO) — refers to NGOs assisting a specific ICC/IP applying for conversion who have properly obtained the consent of the ICC/IP concerned and is duly accredited with NCIP as an NGO in good standing as provided for in Section 4, Part II, Rule IV of the IPRA Implementing Rules and Regulations.

p) Regional Ancestral Domain Team — refers to the team constituted by the Regional Director in accordance with the provisions hereunder as counterpart of ADO central office.

II. Phases of Conversion

SECTION 8. Phases of Conversion. — The procedure for conversion of CADCs to CADTs and CALCs to CALTs shall have the following phases:

1. Information Dissemination. — The NCIP, mainly through the ADO Office, through the various field offices (Community Service Centers, Provincial and Regional Offices) under a Special Provincial Task Force hereinafter created, shall conduct widespread and massive information in all CADC/CALC areas covered by these guidelines.

2. Review and Field validation of CADC/CALC. — The NCIP, through the ADO in collaboration with the Special Provincial Task Force will conduct the necessary review and evaluation of the documents and records supporting the CADC/CALC applied for conversion issued prior to the enactment of R.A. 8371, and determine the

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

correctness of the delineation made and sufficiency and regularity of the process undertaken through the process of field validation and authentication.

3. Actual Survey and Validation of Survey. — If actual survey of the domains covered by the CADC or CALC applied for conversion has not been undertaken, or has been undertaken but the result was found to be erroneous, incorrect, incomplete or is defective for want of authority, or is done contrary to the system mentioned in paragraph h Section 6 above, ADO shall order the Regional AD Team, through the Regional Director, to conduct and facilitate the actual survey of the CADC/CALC concerned in accordance with the NCIP Survey Manual. Within twenty (20) days after the conduct of the actual survey, the surveyor or surveying party shall submit the survey returns and the map complete with technical descriptions to the Regional Director through the Regional Ancestral Domain Team, who shall submit the same to the community concerned for field validation to be completed in ten (10) days from date of submission by the surveyor or surveying party. Within two (2) days after the validation of the survey, the Regional Director shall transmit to the ADO the validated survey returns and the map complete with technical descriptions. The transmittal shall be accompanied with a certification from the community that they have validated the survey returns and the map, duly signed by the representative of the community;

4. Endorsement to the Commission. — ADO within fifteen (15) days from receipt of the result of the field validation made for each CADC/CALC and the survey returns submitted by the Regional Ancestral Domain Team, shall complete and submit its final report and endorsement to the Commission, recommending appropriate action;

5. Issuance and Registration of Title. — The NCIP shall issue the Certificate of Ancestral Domain Title or Ancestral Land Title and shall cause its original registration with the Registry of Deeds of the province where the land is situated, in accordance with the Memorandum of Agreement executed between the Land Registration Authority and the NCIP.

III. Procedure of Conversion

SECTION 9. Information Dissemination. — Immediately after the effectivity of these Guidelines, the ADO Office, through the Special Provincial Task Force hereinafter created, shall conduct widespread and massive information dissemination and IEC on IPRA in general and on the Identification, Delineation and Recognition of Ancestral Domain Rights; concept of Ancestral Domain Communities (ADC) and the process of conversion herein provided in particular, in all CADC/CALC areas covered by these guidelines. The NCIP Provincial Officer shall notify the community through its Council of Elders/Leaders five (5) days in advance, that an information dissemination shall be conducted on such a date and time and that their presence is required.

SECTION 10. Transfer of Records. — The transfer of records from the DENR to NCIP must be made official and documented to establish all the necessary facts of the transfer made for purposes of accountability in the custody of records.

SECTION 11. Applications Already Filed. — Applications for conversion of CADCs/CALCs already filed shall be evaluated by ADO to determine whether the same has substantially complied with the requirements laid down under the subsequent section.

SECTION 12. Procedure and Requirements for New Application For Conversion. — Applications for the issuance of CALT/CADT over ancestral lands/domains already delineated prior to IPRA will be processed in accordance with the following procedure and requirements:

a. Petition to File Application. — The concerned ICC/IP community/clan/family or individual shall give their

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

consent to file application as property embodied in a Resolution to support the Petition, duly signed by a majority or all of the members. They shall be required to authorize any of their members to file their application to represent the community/clan or family. Both the consent and authorization of a representative must be in writing using the native language or local dialect and signed by majority of the members. In case of death of one or any of original claimants, his/her heirs shall submit a Notice of Substitution with attached copy of the Death Certificate of the deceased original claimant or by a Joint Affidavit of Two Disinterested Persons attesting and establishing the fact of death before the substitution is effected in the records.

b. Completion of Application Form (Attachment A) — the applicant-representative shall accomplish in three copies the application form provided. The same shall be executed under oath by the representative assisted by an NCIP employee. The Oath shall be administered by those authorized by law to administer oath. The fees required for notarization shall be shouldered by NCIP. The application form shall indicate the following basic information:

1. Name of ethnic group;

2. Specific location/coverage of area proposed for CALT/CADT issuance;

3. Name/address of authorized leader to file application, indicating nature of authority and date given;

4. General information on the land tenure instrument to be converted, e.g., control number, date of issuance, name of claimant/holder, total aggregate area in hectares;

5. Survey information such as the nature or type of survey, control number of survey authority, name and position of approving official, and date approved;

6. Signatures of all members of the Council of Elders/Leaders for CADT application and the individual, clan/family for CALT application as the case may be.

c. Submission of Application Form — The application form with attachments may be filed in the Service Center, Provincial Office, Regional Office having jurisdiction over the ancestral domain/land claim applied for, or directly to the NCIP-Central Office through the ADO, whichever is convenient to the applicant ICCs/IPs for conversion. Whenever the same is filed before any of the Community Service Center or Provincial Office, the receiving officer shall, within five (5) days from receipt thereof, transmit to the NCIP Regional Office through the RAD Team, who in turn, shall immediately transmit said application to ADO within five (5) days from receipt thereof. No application shall be transmitted without ensuring the complete and due execution of the application form and the required attachments and supporting documents. The following documents shall be attached to the application form upon submission:

1. Original copy of the Petition/Resolution (attachment B) of the IC/IP community concerned for the conversion of their CADC to CADT signed by at least majority of the IP members;

2. Original copy of the written authorization from the IC/IP community, concerned for the applicant-representative to file as well as follow-up the application;

3. Census of the population of the concerned IC/IP community;

4. In case of death of one or any of the original claimants, the required submission of Notice of Substitution by any of the heirs. and the corresponding Death Certificate of the deceased original claimant or Joint Affidavit of Two Disinterested Persons; and

5. Authenticated copies of records or documents supporting the application pursuant to the aforementioned DENR Orders to include the following:

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

(a) Certificate of Ancestral Domain Claim or Certificate of Ancestral Land Claim

(b) Blueprint copy of the approved perimeter survey plan

(c) Copy of the list of claimant/beneficiaries attached to the CADC/CALC

(d) Copy of the resolution of such conflict, in case an ancestral domain/land was subject of conflict settlement

(e) Copy of the evaluation report and endorsement of the concerned Special Task Force created under DENR S.O. 31, A.O. 61 and A.O. 2.

(f) Copy of the affidavit of publication of the claims in two newspapers of general circulation

(g) Copies of any or all, but not limited to the following documents of proof of claim over ancestral domain/land:

Required attachments for application of CALT issuance:

1. Genealogical surveys

2. Historical accounts

3. Write-ups of customs and traditions

4. Pictures of old improvements such as trees, stone walling, farms, rice fields, orchards, monuments, houses and other old structures

5. Survey plans and/or sketch maps

6. Ancient documents

7. Tax declaration and proofs of payment of taxes

For application of CADT issuance:

1. Genealogical surveys

2. Historical accounts

3. Write-ups of customs and traditions

4. Anthropological data

5. Written and oral testimonies under oath of living witnesses

6. Written accounts of the indigenous community's political structure and institutions or traditional structures of indigenous social and government systems, with names of recognized leaders

7. Pictures showing long term occupation such as those of old improvements, burial grounds and sacred places

8. Pictures and descriptive histories of traditional communal forest and hunting grounds

9. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills and terraces

10. Write-ups of names and places derived from the native dialect of the community

11. Survey plans and/or sketch maps

12. Ancient or Spanish documents

13. Other documents directly or indirectly attesting to the long term occupation of the area which show possession since time immemorial, or through their predecessors-in-interest, in the concept of owners and in accordance with their customs and traditions

SECTION 13. Reception and Recording of Application. — The ADO, upon receipt of the application form and pertinent documents, shall:

1. Ascertain the completeness of the application form including attachments and will not receive any application with incomplete entries or documents;

2. Stamp and sign "received" all pages of the submitted documents, marking the time and date of receipt;

3. Stamp and sign "copy authenticated" the photocopies of documents after presentation of the original copies;

4. Issue receipt (Attachment C) to the applicant, indicating checklist of documents received;

5. Enter the time and date of the receipt and docketing of the documents in a logbook maintained for the purpose of recording applications — one logbook for CADC conversion and another logbook for CALC conversion;

SECTION 14. Review and Evaluation of all documents supporting the application for conversion. — ADO shall review and evaluate all documents supporting each application for conversion of CADC/CALC to determine the completeness and due execution of the documents as required by the applicable DENR directive/order that issued the Certificate. If found complete, ADO shall immediately require the Special Provincial Task Force concerned to conduct the field validation for such application to be completed within the period of five (5) consecutive days. If incomplete, the ADO, through the Provincial Office concerned, shall require the applicant to complete the same within a reasonable period of time, after which, field validation shall follow. Evaluation of new CADC/CALC applications for conversion shall likewise be had under the same consideration as stated above for pending applications, but giving preference to the latter in the order of review and evaluation.

SECTION 15. Field Validation. — After review and evaluation, ADO shall cause the field validation to be conducted by the Special Provincial Task Force on site to effect the determination of correctness, sufficiency and regularity of the process of delineation undertaken in accordance with the applicable DENR directive/order. The NCIP Provincial Officer shall notify the community through its Council of Elders/Leaders, adjoining communities through their elders or leaders, and other affected entities, five (5) days in advance, that a field validation shall be conducted on such a date and time and that their presence is required especially on the verification of the metes and bounds thereof. The field validation shall give special emphasis on the following:

a. The authenticity of the names of claimants as appearing in the census previously made if there is any, and if none, conduct the census, and when necessary, facilitate the inclusion/exclusion of claimants in the list as provided for under Section 16 below.

b. Seek confirmation from the community/family/clan whether they have actually given their consent to convert their CADCs/CALCs into CALTs/CADTs.

c. Validate whether a person presenting himself in the application for conversion as the representative of the community/clan or family or individual, as the case may be, was properly authorized by the concerned community/clan or family.

d. Verify and ascertain on site the proofs and basis of the extent of the claim on ground as contained in the records submitted and applied for conversion by ICCs/IPs, whether the area applied for conversion rightfully belongs to the claimant for purposes of issuing the title.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

e. Present the survey plan to the applicant ICC/IP community for validation. If not validated, proper corrections may be made or another may be conducted.

SECTION 16. Inclusion/Exclusion from the List of Claimants. — For purposes of Section 6, paragraph (b) above, those who, under the IPRA, have the right to make the claim but were previously omitted by inadvertence or for lack of knowledge of the filing and processing of the claim shall be considered. In such case, their names shall be included in the new list to be prepared by the community. Their inclusion in the list shall be authenticated by the signatures of the identified council of leaders and/or elders, or in the case of CALCs, by the head of the family/or clan. Conversely, where there are persons whose names are fictitious or non-existent, or are not entitled to be included in the list pursuant to IPRA, their names shall be deleted from the list as recommended by the council of identified leaders and/or elders, or in the case of CALCs, by the head of the family/or clan. The exclusion shall be made only after those concerned are duly notified in writing and given the opportunity to prove their membership in a proceeding that will be had by the council or by the head for the purpose.

SECTION 17. Survey Manual. — The Commission shall promulgate its own rules on surveys which shall be referred to as the Survey Manual that would apply to all surveys of ancestral domains and lands for purposes of these guideline and the survey required by the IRR of the IPRA. The manual shall also set the procedure upon which errors of past surveys of CALCs/CADCs applied for conversion maybe corrected. The operating principle as stated in paragraph (h) of Section 6 above shall be observed in the formulation of the Survey Manual.

SECTION 18. Absence or Lack of Actual Survey of CADCs/CALCs Applied for Conversion. — In cases where no actual survey of the ancestral domains covered by the CADC has been undertaken, the ADO through its Regional Director shall issue a Survey Authority within ten (10) days from the last day for filing opposition as stated in the Publication, and shall assist the applicant community in the actual ground survey. The ADO, through the Regional Director concerned, shall cause the preparation of the perimeter map complete with technical descriptions together with the description of the natural features and landmarks embraced therein.

SECTION 19. Completion of Survey Result and Approval Thereof. — Within twenty (20) days after the conduct of the actual survey, the surveyor or surveying party shall submit the survey returns and the map complete with technical descriptions to the Regional Director through the Regional Ancestral Domain Team, who shall submit the same to the community concerned for field validation to be completed in ten (10) days from date of submission by the surveyor or surveying party. Within two (2) days after the validation of the survey, the Regional Director shall transmit to the ADO the validated survey returns and the map complete with technical descriptions. The transmittal shall be accompanied with a certification from the community that they have validated the survey returns and the map, duly signed by the representative of the community. The ADO shall cause the approval of the result of the survey in accordance with the Survey Manual. No survey plan shall be submitted to ADO without being validated by the ICC/IP community concerned.

SECTION 20. Errors or Irregularities in the Survey of CALC/CADC Areas Applied for Conversion. — In case of errors or irregularity in the conduct of the survey, such as, but not limited to: An error in the technical description of the survey; lack of actual ground survey; incomplete survey; defective surveys for want of authority; the ADO shall effect remedial and corrective measures, as follows:

a. Erroneous Technical Description — whenever there is an error in the technical description in the survey of ancestral lands or domains, and the same is considered as typographical, said error must immediately be corrected by the person authorized to enter the correction and duly noted on record. However, if the correction would result to a substantial alteration of the size of the area as originally recorded, ADO shall remedy the same in the manner and method provided in the Survey Manual. Nonetheless, if vested rights of adjacent property owners are affected

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

by the correction, the same shall be considered as a case of boundary conflict and shall be disposed of in accordance with the provision provided below for resolution of boundary conflicts.

b. Incomplete Survey — where there was survey authority issued but no survey was completed, the survey shall be completed immediately;

c. Defective Surveys for Want of Authority — Applications with defective surveys for want of authority shall not be rejected outright. ADO shall determine whether the defect can be cured in accordance with the Survey Manual.

SECTION 21. Resolution of Protests or Opposition to the Conversion. — For purposes of conversion, only those conflicts that were not resolved during the field validation process shall be entertained, and the subject of the protest shall be limited only to those matters appertaining to the updating of list of claimants and the validation of the survey already made, provided that in the latter case, the protestant is not otherwise estopped applying the rules of the DENR directive/order that issued the CADC or CALC. Boundary conflicts or conflicting claims arising from new surveys for purposes of conversion not resolved during the field validation process can also be made subject of protest or opposition. For this purpose, the protest shall be made within five (5) days from the time of the declaration of non-resolution of the conflict by the community. The Special Provincial Task Force or the Regional Ancestral Domain Team conducting the field validation and the survey, respectively, shall immediately refer the same to ADO, who shall act on it through the Regional Hearing Officer concerned. After a finding of prima facie case, only then that ADO shall direct the Regional Hearing Officer to conduct the hearing in a summary procedure within the time and in the manner provided for in the special rules of adjudication promulgated by the Commission especially for resolution of protests or oppositions for purposes of conversion. The existence of protest or opposition shall be included in the report to ADO. The pendency of any protest or opposition where the subject merely involves inclusion or exclusion of claimants, shall not prevent the process of issuing the title which can proceed independently of the protest. The ADO shall decide all protests and opposition to the conversion of CADCs to CADTs. The ADO shall have a period of thirty (30) days after submission of all pleadings/evidence within which to resolve protests or oppositions. Provided that all decisions of the ADO may be appealed to the NCIP within ten (10) days from receipt of the decision of the ADO. The decision of the NCIP shall be appealable to the Court of Appeals by way of Petition for Review within fifteen (15) days from receipt of the decision.

SECTION 22. Resolution of Boundary Conflicts. — In case where, as a result of the actual ground survey, boundary conflicts among indigenous peoples communities arise, the ADO office through the Provincial Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to the special rules on adjudication mentioned in the immediately preceding paragraph applying Sec. 62 of the IPRA as follows:

a. In cases where boundary conflicts arising from the actual ground survey of the domains cannot be resolved by the parties themselves, the NCIP in accordance with the its own rules and procedures, shall hear and decide, after notice to the proper parties, the disputes arising from the actual ground survey. Such decision shall be rendered within 30 days after receipt of the last pleading.

b. If the dispute is between and/or among ICCs/IPs regarding the traditional boundaries of their respective ancestral domains, customary process shall be followed.

c. Any decision, order or award or ruling of the NCIP on any ancestral domain dispute may be brought for Petition for Review to the Court of Appeals within fifteen (15) days from the receipt of a copy thereof.

IV. Issuance of Title And Registration

SECTION 23. Preparation and Submission of Final Report to the Commission. After receipt of both the results of the field validation and the result of the survey from the Regional Office, the ADO shall have fifteen (15) days within which to prepare and submit the final report to the Commission concerning the CADC/CALC already validated and surveyed. The report shall contain the summary of its findings. For every application for conversion of CADC/CALC found by ADO to be officially delineated, a recommendation for the issuance of the corresponding CALT or CADT shall be made in the final report. In case where an application for conversion is proven to be patently false or fraudulent, the ADO shall reject the application. In case of rejection, the ADO shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the Commission within fifteen (15) days from receipt of the notice of denial. The Commission shall study the final report and the recommendations made by ADO.

SECTION 24. Action by the Commission En Banc. — Within thirty (30) days from receipt of the final report and the recommendation made by the ADO, the Commission shall meet en banc to discuss the merits of the CADC/CALC applied for conversion based on the report and the documents accompanying the endorsement, and may either decide to approve or disapprove the application for conversion, or return the report together with its comments to the ADO, for further consideration. The decision taken by the Commission for each application submitted by ADO for consideration shall be embodied in a Resolution.

SECTION 25. Issuance of CALT/CADT. — In case of approval, the Commission shall immediately transmit the Resolution approving the application to ADO directing the latter to prepare the corresponding Certificate of Title in the name of the claimant/IP community in a specific location, together with all its necessary annexes, who shall have five (5) days from receipt thereof within which to prepare and submit the same to the Commission. The CADT or CALT shall be issued by the Commission and signed by all the Commissioners. No CADT shall be issued in the name of a person, family, clan, association or organization. The issuance of the CALT/CADT shall be done through a ceremony whereby the ICCs/IPs concerned shall be reminded of their corresponding obligations and responsibilities.

SECTION 26. Disapproval of Application for Conversion. — In case of disapproval, ADO within five (5) days from date of receipt of the resolution disapproving the application for conversion, shall notify the applicant concerned of the disapproval. Attached to the notice will be the applicant's copy of the Resolution. The notice shall indicate, among others, the remedy available to the applicant. If returned by the Commission for further consideration, ADO shall act on the comment in the manner and within the period stated in the Resolution. The decision of the NCIP shall be appealable to the Court of Appeals by way of Petition for Review within fifteen (15) days from receipt of the notice.

SECTION 27. Registration of CADT/CALT. — The ADO through the Provincial Office concerned shall assist the recipient ICC/IP community/clan/family in the registration of the CALT/CADT with the Registry of Deeds in the Province where the land is situated

SECTION 28. Submission of Maps. — A copy of the Official Map of the ancestral domain or ancestral land shall be submitted to the appropriate government agency for records and control purposes.

V. Special Provincial Task Force

SECTION 29. Constitution of Special Provincial Task Force of SPTF. — There shall be created in each Provincial Office a Special Provincial Task Force to assist the Provincial Office in the execution of directives of ADO for field validation and production of lacking documents, papers and proofs required for the processing of applications for conversion. The Special Provincial Task Force shall be headed by the NCIP Provincial Officer, who shall immediately constitute the Task Force by first designating two (2) Tribal Affairs Assistants and two (2)

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Community Affairs Officers as members. The Team Leader from the Regional Ancestral Domain Team shall automatically be a member of the task force. In addition, the membership shall be complemented by one (1) representative from the assisting NGO chosen and recognized by the applicant-community, one (1) DENR Field Officer, two (2) members from the applicant-community, and one (1) representative from the LGU of the area, preferably the Municipal Planning Officer.

VI. Regional Ancestral Domain Team

SECTION 30. Constitution of Regional Ancestral Domain Team or RADT. — To expedite the flow of coordination and execution of the directives from ADO, there shall be created in each Regional Office a Regional Ancestral Domain Team. Accordingly, the NCIP Regional Director shall immediately constitute the team by designating the Head of the Technical Division as the Team Leader, Legal Officer, and two (2) Engineers of the Region as team members. In their absence, the Regional Director shall choose the most qualified to be given the designation.

SECTION 31. Referral of Disapproved Applications to the Requirements of Regular Delineation Process. — If after validation and evaluation of an application for conversion of CADC/CALC to CADT/CALT by ADO, the latter would find out that no proper delineation was had (like community consultations/census/proper documentation and production of proofs, identification of the metes and bounds of ancestral domains and lands) on the basis of the applicable delineating authority or directive, ADO shall recommend to the Commission the re-delineation of the claim. If decided by the Commission to be re-delineated, the ADO shall notify the applicant thereof. The re-delineation shall be done following the regular delineation process pursuant to Rule VIII of the IRR of the IPRA.

VII. Administrative Sanctions

SECTION 32. Administrative Discipline Over NCIP Personnel. — Appropriate administrative sanction shall be imposed upon any employee or personnel or officer of the NCIP, who through willful and malicious acts, or who through negligence fail to observe the reglementary periods required to be observed in these guidelines. The appropriate sanction/penalty will be imposed in accordance with the NCIP and Civil Service Rules on Discipline.

VII. Funds

SECTION 33. Sources of Funds. — The funding requirements of the activities as indicated in this Guideline shall be sourced from the amount intended for the Management/Development of Ancestral Lands per item A.III.a.2 in the Annual Budget of NCIP and from the Ancestral Domains Fund identified in Section 71 of the IPRA, and the amount committed by the Office of the President from its Presidential Operational Funds and other sources that the Office of the President may determine.

SECTION 34. Policy Guidelines for Fund Allocation and Disbursement. — To ensure the prudent and effective utilization of funds, a separate Policy Guidelines for Fund Allocation and Disbursement shall be formulated and promulgated by the Commission in due time to govern the allocation and disbursements of all funds as mentioned above.

SECTION 35. Approval of ADO Work and Financial Plan. — ADO shall prepare a Work and Financial Plan to be approved by the Commission in accordance with the Policy Guidelines mentioned in the immediately preceding paragraph.

IX. Special Provisions

SECTION 36. Special Coverage. — All applications for the identification, delineation and recognition of ancestral

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

lands and domains filed by claimants in the City of Baguio pursuant to S.O. No. 31, series of 1990, as amended, and DAO No. 2, series of 1993, shall be covered by this Order.

X. Final Provisions

SECTION 37. Separability Clause. — In case any clause, section, sentence, or provision of this Administrative Order or any portion hereof is held or declared unconstitutional or invalid by a competent Court, the other sections or portions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 38. Repealing Clause. — This Administrative Order repeals NCIP Memorandum Circular No. 1, Series of 1999. The provisions of other Circulars, Memoranda, Administrative Orders, issued by this Commission, inconsistent herewith or contrary to the provisions hereof are hereby repealed or modified accordingly.

SECTION 39. Effectivity. — This Administrative Order shall take effect fifteen (15) days from its registration in the Office of the National Administrative Register, U.P. Law Center, Diliman, Quezon City, Philippines.

APPROVED.

(SGD.) CORAZON M. ESPINO

(SGD.) NORMA MAPANSA-GONOS

Commissioner

Commissioner

(SGD.) LAGTUM A. PASAG

(SGD.) EDTAMI P. MANSAYAGAN

Commissioner

Commissioner

(SGD.) REUBEN D. A. LINGATING

(SGD.) PABLO SANTOS

Commissioner

Commissioner

(SGD.) EVELYN S. DUNUAN
Chairperson

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.