RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF SECTION 12 OF THE INDIGENOUS PEOPLES RIGHTS ACT (R.A. 8371)

NCIP Administrative Order No. 01, s. 2015, May 12, 2015

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Adopted: 12 May 2015
Date Filed: 21 July 2015
Pursuant to Section 12 of R.A. No. 8371 otherwise known as "Indigenous Peoples Rights Act of 1997," and Commonwealth Act 141 (Public Land Act), as amended the following rules and regulations are hereby promulgated.

Section 1. Basic Policy. It is the policy of the State to recognize and promote the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of national unity and development, particularly the right of ownership of ancestral lands, which, by custom and long association, is regarded as their own private property.

Sec. 2. Principles.

2.1

Individual members of ICCs/IPs have the optional right to secure title under CA 141, as amended; and

2.2

Ancestral land is recognized as a valuable resource requiring management in accordance with the customs and traditions of the ICC/IP;

Sec. 3. Objectives. These rules and regulations are hereby promulgated in order to define the process by which individual, family, clan members of the ICCs/IPs may secure title to their ancestral lands under the provisions of CA, 141 (Public Land Act), as amended.

Sec. 4. Definition of Terms.

4.1

Ancestral Land – subject to existing property rights regime, land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.

4.2

Agricultural Land – refers to land suitable or devoted for cultivation of food crops and for raising farm animals.

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4.3

Ancestral Domain – refers to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which they traditionally had access to their subsistence and traditional activities, particularly the home ranges of the ICCs/IPs who are still nomadic and/or shifting cultivators.

4.4

Time immemorial – refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

4.5

Migrants – refer to ICCs/IPs who relocated or resettled themselves to other ancestral domains or territories claimed by other indigenous groups by reason of work, better living conditions or other economic reasons.

4.6

Community or ICCs – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

4.7

Family – For this purpose, it refers to the basic unit of the ICC consisting of persons living together under one roof or occupying separate dwellings, related by blood or by customary law and who subscribe to the recognized indigenous land tenure systems of the ICCs that govern and define ownership, transfer, access, use and control of ancestral lands.

4.8

Clan – For this purpose, it refers to a traditional social unit consisting of families or households tracing descent from a common ancestor and who follow the recognized indigenous land tenure systems or the applicability of customary laws governing property rights of ICCs/IPs.

4.9

Traditional Agreements – For this purpose, it refers to the recognized practices or arrangements of the ICCs/IPs governing the use, access, control and management of lands and resources in the ancestral domains of ICCs/IPs which are binding to all members due to their reliability and effectiveness for a long period of time.

Sec. 5. Coverage. These rules and regulations shall apply to individually-owned ancestral lands which have been

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continuously possessed and occupied by the individual members of cultural communities either by themselves or through their predecessors-in-interest in the concept of owner since time immemorial.

The total area of the ancestral landholding that may be covered for the process under these rules and regulations must not exceed an aggregate area of four (4) hectares for each ICC/IP applicant.

Section 6. Delimitation. This rules and regulations shall not apply to the following:

- Ancestral Lands within Ancestral Domains issued with Certificates of Ancestral Domain Titles (CADTs);

- Ancestral Lands with approved CALTs;

- Areas covered by traditional agreements such as, Pakang, Safa, Dyandi, tampuda ha balagon being observed by ICCs/IPs in the island of Mindanao;

- Lands held by migrants in ancestral domains/lands of ICCs/IPs.

- Lands not actually used for agricultural, residential, pasture, tree farming purposes

Sec. 7. Process. In the exercise of option to secure title pursuant to Section 12 of IPRA, the following processes shall be observed by the applicant and NCIP:

7.1

Filing of Application – Any individual, family or clan member of the ICCs/IPs may file a verified application with the concerned NCIP Provincial Office (PO) or Community Service Center (CSC) in areas with no Provincial Office and shall pay a filing fee of five hundred pesos (Php500.00). The applicant shall indicate his/her/their intention to secure title pursuant to the provisions of Section 12 of R.A. 8371.

7.1.1

Individual applicants must secure the written consent of their surviving parent/s and their brothers and sisters. Deceased brothers or sisters of ages.

7.1.2

Family applicants must secure the written consent of the leaders/elders of the clan where they belong.

7.1.3

Clan applicants must secure the written consent of the leaders/elders of the community where they belong.

7.2

Evaluation of Application – The PO/CSC shall immediately make a preliminary determination if the applicant is qualified and if the area is an ancestral land within the purview of Sec. 12 of R.A. No. 8371 and Sections 5 and 6 of these Rules.

If upon evaluation, the application is found insufficient, the applicant shall be directed to submit additional proofs, otherwise, no further action shall be taken.

The PO/CSC must verify the authenticity of the documents submitted and the signatures of the personalities involved.

7.3

Docketing and Notification – If the application is in order, the PO/CSC shall then docket and number the application and shall immediately furnish the concerned CENRO with a copy of the same.

7.4

The processing of applications must comply with NCIP A.O. No. 4, S. 2012 or known as the Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands of 2012. Should the Commission after final deliberation determine that the application is meritorious and has complied with this rules, it shall issue a resolution containing its findings and final disposition. Thereafter, the ADO shall notify the applicant of the resolution.

Sec. 8. Separability Clause. In case any clause, section, sentence or provisions 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.

Sec. 9. Repealing Clause. All other Administrative Orders, Circulars, Memoranda issued by the NCIP which are inconsistent herewith are hereby repealed or otherwise modified accordingly.

Sec. 11. Effectivity. This Administrative Order shall take effect fifteen (15) days after its registration with the Office of the National Administrative Register, UP Law Center, Diliman, Quezon City, Philippines and its publication in any newspaper of national circulation.

APPROVED this 12[th] day of May, 2015.

(SGD) HON. ZENAIDA BRIGIDA G. PAWID
Commissioner

(SGD) HON. DIONESIA O. BANUA
Commissioner

ATTY. PERCY A. BRAWNER
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(SGD) HON. BAYANI D. SUMAOANG
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(SGD) HON. ERA C. ESPANA
Commissioner

(SGD) ATTY. LEONOR T. ORALDE-QUINTAYO
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