

RULES AND REGULATIONS GOVERNING THE ISSUANCE OF CARP BENEFICIARY CERTIFICATES (CBCS) TO INDIGENOUS CULTURAL COMMUNITIES AND PEOPLES PURSUANT TO SECTION 9 OF REPUBLIC ACT NO. 6657

DAR ADMINISTRATIVE ORDER NO. 04, s. 1996, August 20, 1996

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I. PREFATORY STATEMENT

Section 22 of Article II, Section 5 of Article XII, and Section 6 of Article XIII of the 1987 Constitution provide for the recognition and protection of the rights of the Indigenous Cultural Communities (ICCs) to their ancestral lands to ensure their economic, social and cultural well-being.

Section 9 of Republic Act (R.A.) No. 6657 further provides that ancestral lands of each Indigenous Cultural Community shall include, but not limited to, lands in the actual, continuous, and open possession and occupation of the community and its members, Provided that the Torrens System shall be respected.

To operationalize the above provisions and pursuant to the Memorandum of Agreement dated 10 December 1993 and the Supplemental Agreement dated March 1994, executed by and between the Department of Agrarian Reform (DAR) Secretary Ernesto D. Garilao and Department of Environment and Natural Resources (DENR) Secretary Angel C. Alcala, these rules and regulations are hereby prescribed.

II. POLICY STATEMENT

A. The rights of each indigenous cultural community to their ancestral lands shall be protected to ensure their economic, social and cultural well-being.

B. In the implementation of the Comprehensive Agrarian Reform Program (CARP), the DAR is mandated to improve the tenure of indigenous cultural communities in their ancestral lands, in accordance with Section 9 of R.A. 6657.

C. In recognition of their right to their ancestral lands, the DAR shall issue CARP Beneficiary Certificates (CBC) to member/s of the Indigenous Cultural Communities engaged in agricultural activities, in coordination with the issuance to them of Certificate of Ancestral Domain Claim (CADC) or Certificate of Ancestral Land Claim (CALC) by the DENR.

D. The CBC issued to the indigenous community claimant shall be placed under the custody of its recognized indigenous socio-political leadership or people's organization.

The CBC may be issued to tribes and sub-tribes as a whole, or to individual indigenous farmers, depending on the situation existing in the area or locality. However, the majority decision of the indigenous community shall prevail.

E. A Task Force shall be created by the Provincial Agrarian Reform Officer (PARO) to undertake the

identification of indigenous farmers and agricultural lands in the area, the preparation of Parcellary Map Sketch Plan based on the CADC or CALC issued by the DENR, and extend support in the identification, delineation and recognition of ancestral land/domain claims pursuant to the Memorandum of Agreement between the DAR and the DENR.

It shall assist in the development of ICCs who are recipients of CBCs under CARP into Agrarian Reform Communities (ARCs), the whole range of support services under CARP being hereby made available thereto and the same being hereby qualified for foreign assistance programs given to Agrarian Reform Beneficiaries (ARBs).
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III. COVERAGE

Public agricultural lands occupied by Indigenous Cultural Communities which have been or shall be covered under CADC or CALC from the DENR.

IV. OPERATING PROCEDURE

A. The Task Force on Indigenous Cultural Communities (TFICC) shall:

1. With the assistance of the DAR Municipal Office (DARMO), conduct an inspection of the property covered by CADC or CALC to determine the areas utilized by the ICCs for farming purposes;
2. Prepare a Parcellary Map Sketch (PMS) of areas actually occupied by ICC members, delineate agricultural areas and indicate in the PMS the names and approximate areas actually tilled by each member;
3. Advise the identified ICC members to file an application for the issuance of CBC as a community or individually as indigenous farmers, depending on the existing situation in the area and the decision of the majority thereof.
4. Prepare a list of ICCs or individual members thereof, by specific location of the property and its approximate area in the PMS; and
5. Prepare ICC Documentation Folder (ICCDF) and, together with its recommendation, submit the same to the PARO for the issuance of CBC.

B. The Provincial Agrarian Reform Officer shall:

1. Review and evaluate the documents submitted by the Task Force and, if found in order, process and generate CBC either for the community or individual members thereof. If the CBC is to be issued in the name of the community, the names of the individual farmers belonging thereto shall be listed at the back of the CBC; and
2. Transmit the ICCDF, together with his/her recommendation, to the Regional Director.

C. The Regional Director shall:

1. Review and evaluate the documents submitted by the PARO and, if found in order, sign the CBC; otherwise, return the ICCDF to the Task Force through the DARPO for further action; and
2. Forward the signed CBC to the Task Force, through the DARPO, for distribution, in collaboration with the DARMO, to the concerned ICCs or individual members thereof.

V. REPEALING CLAUSE

This Administrative Order supplements A.O. No. 11, Series of 1991. All other previous orders, circulars, memoranda and other issuances inconsistent herewith are hereby revoked or modified accordingly.

VI. EFFECTIVITY

This Administrative Order shall take effect ten (10) days after its publication in two (2) newspapers of general circulation pursuant to Section 49 of R.A. No. 6657.

Adopted: 20 Aug. 1996

(SGD.) ERNESTO D. GARILAO
Secretary

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