

**Rules on Delineation and Recognition of Ancestral Domains and
Ancestral Lands of 2020 and Other Processes**

Pursuant to Article II Section 22, Article XII Section 5, Article XIV Section 17 of the Philippine Constitution of 1987 and the provisions of R.A. No. 8371 and its implementing rules and regulations, the National Commission on Indigenous Peoples (NCIP) hereby adopts and promulgates the following Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands (ADs/ALs) of 2020.

PART I

PRELIMINARIES AND DELINEATION PROPER

GENERAL PROVISIONS

Section 1. Title. This Rules shall be known as the "Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2020 and Other Processes."

Section 2. Coverage. This Rules shall cover the following:

- a. Applications for CADT/CALT pursuant to Republic Act No. 8371, Indigenous Peoples Rights Act (IPRA) and its Implementing Rules and Regulations (IRR);
- b. Other Processes
 - b.1. Accreditation of Geodetic Engineers
 - b.2. Subdivision of Registered CALTs
 - b.3. Reconstitution of Lost CADTs/CALTs
 - b.4. Affirmation of Ancestral Lands within a Titled Ancestral Domain

Section 3. Definition of Terms. The following terms as used in this Rules shall mean:

- a. **Ancestral Domains** – refer 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 may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

- b. **Ancestral Lands** - refers to 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;
- c. **Certificate of Ancestral Domain Claim (CADC)/Certificate of Ancestral Land Claim (CALC)** - refers to that Certificate issued by the Department of Environment and Natural Resources (DENR) recognizing the claims of ICCs/IPs to their ADs/ALs;
- d. **Certificate of Ancestral Domain Title (CADT)** - refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with R.A. No. 8371 or IPRA of 1997; The issuance of a CADT to the ICCs/IPs shall give the ICCS/IPs the responsibility to have and to hold in ownership the ancestral domain described in the CADT as their private but community property which belongs to all generations of the concerned Indigenous Cultural Community/Indigenous Peoples. The ICCs/IPs shall develop, control, manage and utilize collectively the ancestral domain issued with a CADT with all the rights, privileges and responsibilities subject to the condition that the said ancestral domains or portions thereof shall not be sold, disposed or destroyed.
- e. **Certificate of Ancestral Lands Title** - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands. Any issued CALT shall be subject to the condition that the said ancestral land cannot be sold, disposed or destroyed except with respect to the ICCs/IPs' right to transfer land or their property rights to/among members of the same ICCs/IPs in accordance with their customary laws and traditions, as provided for under Section 8a of IPRA and its IRR.
- f. **Chief of Survey Party (COP)** - refers to the Geodetic Engineer (GE) who heads the survey team;
- g. **Communal Claims** - refers to claims on land, resources and rights thereon belonging to the whole community within a defined territory;
- h. **Community Delineation Team (CDT)** - refers to that group constituted in the Community Service Center (CSC) which is not under any Provincial Office that is tasked to gather, process, and field validate proofs, produce or re-produce pertinent documents and papers for the processing of CADT/CALT applications;
- i. **Community** - refers to a group of people living in the same place or having a particular characteristic in common. There could be more than two (2) communities within an ancestral domain;

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- j. **Customary Laws** - refer to a body of written and /or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;
- k. **Customs and Practices** - refers to norms of conduct and patterns of relationships or usages of a community over time accepted and recognized as binding on all members.
- l. **Elder/leader** - An elder/leader emerges from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. They are recognized as authority in conflict resolution and peace-building processes, on spiritual rites and ceremonies and in doing so, possess the attributes of wisdom and integrity. They lead and assist the community in decision-making processes towards the protection and promotion of their rights and the sustainable development of their ancestral domains;
- m. **Ethno-history** - is the study of cultures and indigenous peoples customs by examining historical records as well as other sources of information on their lives and history. It is also the study of the history of various ethnic groups that may or may not still exist;
- n. **Indigenous Cultural Communities/Indigenous Peoples** - 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, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- o. **Indigenous Political Structures** - refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;
- p. **Individual Claims** - refer to claims on land and rights thereon which have been devolved to individuals, families and clans including, but not limited to, residential lots, rice terraces or paddies and tree lots;
- q. **IP Representative** - refers to a member of the ICCs/IPs community, family or clan, and of legal age, duly authorized in writing and under oath, to represent them in the filing and processing of the appropriate application for the issuance of CADT/CALT;
- r. **Native Title** - refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/Is, have never been

public lands and are thus indisputably presumed to have been held that way since before the Spanish conquest;

- s. **Non-government Organization** - refers to a private, nonprofit voluntary organization that has been organized primarily for the delivery of various services to the ICCs/IPs and has an established track record for effectiveness and acceptability in the community where it serves;
- t. **Notice to Proceed** - refers to the notice issued by the concerned Regional Director to the Survey Team ordering to commence the survey or other related activities;
- u. **Patently illegal and fraudulent applications** - an application for CADT or CALT is considered patently illegal where a mere evaluation of the documents supporting the application readily shows that the application is contrary to law, rules and regulations or established guidelines. An application is considered fraudulent when the applicant uses false information and/or falsified documents in order to conceal true facts or information regarding the true state of the property subject of the application with a view of securing favorable recommendation from the PDT/CDT or Regional Office and/or the Commission for the issuance of a CADT/CALT.
- v. **Perimeter Survey** - refers to the type of survey used to determine the distance and direction of boundary lines and the total land area of the ADs/ALs;
- w. **Provincial Delineation Team (PDT)** - refers to that group constituted on the Provincial level that is tasked to gather, process, and field validate proofs, produce or re-produce pertinent documents and papers for the processing of CADT/CALT applications;
- x. **Regional Review Body (RRB)** - refers to that body constituted at the regional level that shall review and evaluate documents related to the delineation and recognition of ADs/ALs before any endorsement by the Regional Director.
- y. **Self-delineation** - refers to the identification and determination of the metes and bounds of the ADs/ALs by the ICCs/IPs.
- z. **Sketch map** - an outline map drawn from observation rather than from exact survey measurements and showing only the main features of the area.
- aa. **Survey Authority (SA)** - refers to an order issued by NCIP authorizing a duly accredited Geodetic Engineer or those under the employ of partner agencies/institutions to conduct surveys of ADs/ALs.
- bb. **Sustainable Traditional Resource Rights** - refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices;

- cc. **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.
- dd. **Witness Corner Monuments (WCM)** - refers to two or more points, with known position, used to define the location of an inaccessible/submerged boundary corner.
- ee. **Work Order (WO)** - refers to an order issued by the NCIP that authorizes its Geodetic Engineer (GE) to conduct surveys on ADs/ALs.

Section 4. Objectives. This Rules aims to:

- a. Promote and protect the native title and other rights of ICCs/IPs to their ADs/ALs;
- b. Affirm and defend the cultural integrity of the ICCs/IPs in order to ensure their economic, social and cultural well-being;
- c. Consolidate and enhance issuances, guidelines, and/or rules promulgated by the Commission in order to make it more efficient, effective and economical in the delineation and recognition of ADs/ALs;
- d. Identify roles and accountabilities of the ICCs/IPs, NCIP and other stakeholders; and
- e. Enhance the harmonization of various government policies affecting ICCs/IPs.

Section 5. Guiding and Operating Principles. In implementing this Rules, the following operating principles shall be observed:

- a. **Self-delineation.** Self-delineation shall be the guiding principle in the identification and delineation of ADs/ALs. As such, the ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto.
- b. **Indigenous Concept of Ownership.** Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICCs/IPs private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.
- c. **Primacy of Customary Law.** In the resolution of all conflicts involving ADs/ALs, the primacy of customary laws shall be observed.
- d. **Cultural Integrity.** The holistic and integrated adherence of ICCs/IPs to their respective IKSPs, their character, their identity as a people and their assertion over their territory shall remain inviolable. All activities pertinent to the identification, delineation and recognition of the ADs/ALs of ICCs/IPs shall be in consultation with them and measures must

be undertaken to ensure that the culture and traditions of the concerned ICCs/IPs are respected, applied and/or utilized in the process.

- e. **Inter-agency and Non-Government Organization/s (NGO/s) collaboration and Community Support.** The participation of the concerned ICCs/IPs is indispensable and the collaboration of other government agencies in the process of delineation shall be greatly encouraged and vigorously pursued. The NGO/s actively assisting, and/or formally authorized by the ICCs/IPs and duly accredited by the NCIP may collaborate in specified areas/levels of the delineation process. The respective roles of all participating groups or agencies shall be specified in a Memorandum of Agreement (MOA) executed for the purpose.
- f. **Peace-Building.** The delineation and recognition of ADs/ALs should foster national unity, peace and development.
- g. **Existing Property Rights Regimes.** Property rights within the ancestral domains already existing or vested upon effectivity of IPRA shall be recognized and respected.
- h. **Certification Precondition.** All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: Provided, That no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for a CADT: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

Section 6. Application and Construction. This Rules shall be liberally construed in order to promote the protection of ICCs/IPs

COMPOSITIONS, ROLES, AND FUNCTIONS OF KEY PARTICIPANTS IN THE DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS AND LANDS

Section 7. ICCs/IPs/Clan/Family and the elders/leaders. The applicant ICCs/IPs/Clan/Family, through their authorized elders/leaders, shall submit their written intention to apply for CADT/CALT which shall be made as an attachment of the application. They shall identify, from among themselves the person/s who shall be their authorized representative/s in the filing and processing of their application. Such elders/leaders shall likewise assist the PDT/CDT and the survey team in all undertakings related to the delineation and provide the PDT/CDT all necessary information in support of their application.

The duly authorized representative/s of the applicant/s, who should be a resident of the applied AD/AL, shall file and sign the CADT/CALT

application and other pertinent documents supporting the application in behalf of the community/clan/family. He/She shall serve as liaison only between and among the community/clan/family, the NCIP and other stakeholders in all undertakings in the delineation, and extend the needed assistance to the PDT/CDT. Such authority of the representative shall automatically cease upon the approval of CADT/CALT application by the Commission unless earlier revoked at the instance of the community/clan/family granting said authority.

The ICCs/IPs occupying a duly certified ancestral domain shall have the following responsibilities:

- a. Maintain Ecological Balance - to preserve, restore, and maintain a balance ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves;
- b. Restore Denuded Areas - to actively initiate, undertake and participate in the reforestation of denuded areas and other development programs and projects subject to just and reasonable remuneration; and
- c. Observe Laws - In maintaining ecological balance and restoring denuded areas within their ancestral domains, the ICCs/IPs shall adhere to the letter, spirit and intent of IPRA.
- d. To have and to hold in ownership the ancestral domain described in the CADT as their private but community property which belongs to all generations of the concerned Indigenous Cultural Community/Indigenous Peoples.
- e. To develop, control, manage and utilize collectively the ancestral domain issued with a CADT with all the rights, privileges and responsibilities subject to the condition that the said ancestral domain shall not be sold, disposed nor destroyed.

Section 8. Provincial Delineation Team (PDT) or Community Delineation Team (CDT). The PDT shall be composed of three (3) to six (6) NCIP personnel to be headed by the Provincial Officer (POr) with members from among the Community Development Officers (CDOr), Community Affairs Officers (CAOs), Tribal Affairs Assistants (TAAs), Legal Officer, and Engineer. The membership of the engineer in the composition of PDT/CDT shall be mandatory. The POr, as the Team Leader, is authorized to designate a substitute in cases where temporary or permanent vacancy exists in any of the foregoing position. He/She may request the Regional Director to provide him/her with a substitute member, from among the personnel in the Regional Office.

In the case of Provinces without Provincial Offices, the CDT shall be constituted and organized by the Community Development Officer (CDOr) composed of three (3) to five (5) members, with him/her as Team Leader. The members shall be designated from among the personnel of the CSC to be augmented by personnel from the nearest Provincial Office to be designated by the Regional Director, upon request by the concerned CDOr.

The PDT/CDT shall perform the following functions:

- a. Evaluate the completed application form, and pertinent attachments, if there be any
- b. Prepare the Project Proposal and Work and Financial Plan (WFP)
- c. Coordinate with all stakeholders
- d. Plan and undertake the Information, Education and Consultation (IEC) activities
- e. Validate identified leaders/elders in each and every community within the applied area as ancestral domain

- f. Assist the community in the preparation of an indicative map of the entire AD/AL applied for and indicating communities, internal and adjacent boundaries of each community.
- g. Gather and document information/data including census and genealogical survey in each and every community within the applied area for ancestral domain
- h. Conduct community validation of all information/data in each and every community as proof of native title
- i. Provide support to the Survey Party during conduct of survey
- j. Prepare, compile and complete the AD/AL Recognition Book
- k. Facilitate resolution of issues and concerns
- l. Evaluate and validate proofs supporting the claim
- m. Such other functions related to the foregoing

There may be as many PDTs/CDTs as there are applications being processed. In all cases, the POr/CDOr shall always act as the Team Leader.

In case the application transcends two or more provinces with separate POr/CDOr exercising jurisdiction, the nearest office rule shall apply and in case it cannot be determined whose office is near the applied area/s or when both offices are accessible, the POr/CDOr who exercises jurisdiction over the largest area being applied shall be preferred. Provided, that if the areas applied are politically/administratively contested, the Regional Director shall, as far as practicable, constitute a composite team duly represented by the Field Offices affected

Section 9. Regional Review Body (RRB). The Regional Director shall constitute the RRB composed of the Technical Management Services Division (TMSD) Chief, the Regional Legal Officer (RLO), and one other personnel from the regional office. The Regional Director shall designate the Head of the RRB as he/she sees fit in the best interest of the service.

The RRB shall review the PDT/CDT report, Recognition Book and other related documents and prepare and submit its findings to the Regional Director.

Section 10. The Assistors. The Assistors, who may be the representative/s of those mentioned below, may assist the PDT/CDT in all its responsibilities in the delineation process, except in the validation and evaluation of evidence/proofs:

- a. **Indigenous Peoples Organization (IPO) in accordance with the NCIP Rules on IPO Accreditation.** Provides support/assistance to the NCIP during the delineation process.
- b. **LGU/s.** Provide available data and technical and financial support in the conduct of the delineation. The IP mandatory representative shall be the LGU representative; otherwise, the person should be somebody acceptable to the community.
- c. **NGO/s and/or CSO/s or any private entity actively present in the applicant community duly authorized by them and accredited by NCIP.** Assist in all stages of the delineation process or aspects in support of the same.

Section 11. Survey Party. The Survey Party, is composed of team or teams headed by a Geodetic Engineer authorized by the NCIP to conduct surveys over ancestral domains/lands. The Regional Director may issue memorandum order composing the Survey Party or augmentation team composed of other PDT/CDT members and other Technical Support staff for the conduct of the survey.

PROOFS REQUIRED IN CADT/CALT APPLICATION

Section 12. Proofs Required. Proofs of Ancestral Domain/Land claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owner/s which shall be any one (1) of the following authentic documents:

- a. Written accounts of the ICCs/IPs customs and traditions;
- b. Written accounts of the ICCs/IPs political structure and institutions;
- c. Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- d. Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with others ICCs/IPs;
- e. Survey plans and sketch maps;
- f. Genealogical surveys;
- g. Pictures and descriptive histories of traditional communal forests and hunting grounds;
- h. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; or
- i. Write-ups of names and places derived from the native dialect of the community.

The PDT/CDT, RRB, Regional Director, ADO or Commission, in the exercise of sound discretion, may require the submission of additional proofs.

Section 13. Sworn Testimony of Elders/ Leaders or Community under oath. Sworn testimonies shall be given by at least four (4) elders/leaders, attesting, among others, to the following:

- a. The identity of the ICCs/IPs, including their leaders and original settlers, based on ethno-history;
- b. The fact that they have possessed, occupied, claimed and used the territory and the resources therein as AD/AL claim since time immemorial;
- c. the description of the metes and bounds or traditional landmarks in all communities within the applied area and all adjacent to the entire AD/AL; history, including pacts and agreements concerning boundaries; Customary practices on boundary conflict resolutions
- d. Customs and traditions related to land and its land use practice;



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e. Indigenous political structure and indigenous institutions

The PDT/CDT shall adopt appropriate techniques to draw from the elders/leaders substantial and additional facts through searching questions, Focused Group Discussions (FGDs), Key Informant Interview (KII), timelines, sketches and such other information that the elders/leaders could voluntarily and freely communicate, to be made part of their sworn testimonies.

The PDT/CDT shall help the elders/leaders or communities execute their testimonies in proper form. Such testimonies shall then be read and translated to each of them in the language/dialect he/she speaks and understands. After affirming the contents of his/her testimony placed in proper form to be true and correct, he/she shall sign or thumb-mark the same and have it subscribed before a person authorized to administer oath. Where the elders/leaders could not sign and can only affix his/her thumb-mark, a community member who knows how to read and write must sign as witness.

Testimonies that may be electronically-recorded shall be subsequently transcribed in English or Tagalog and certified by the NCIP documenter. All photographs and/or video coverage taken during the documentation must be properly labeled and certified by the NCIP photographer/video operator.

Testimonies of persons who are not co-applicants but with in-depth or authoritative knowledge of the history and culture of the ICCs/IPs may also be secured as corroborative evidence.

The concerned elders/leaders or community must provide the PDT/CDT with accurate information and data surrounding the ancestral domain in the execution of the testimony of elders/leaders.

Section 14. Community's Testimony. If in the case that available elders cannot provide data on section 13 a-e, the PDT/CDT should go for the testimony of the community under oath.

Section 15. Written Accounts. These are accounts in writing about the particular ICCs/IPs, their customs and traditions, political structures and institutions, other lifestyles or cultural expressions, which may include anthropological data, etymology of names and places derived from the native dialect of the community and such other records in writing containing a recitation of the community's history.

Other sources of secondary data or information shall be properly named/cited or acknowledged.

Section 16. Indicative Maps. These are graphic representations of the ancestral domain/land actually occupied, possessed and accessed in the past and/or at present by the community and its corresponding use, the traditional and natural landmarks marking the boundaries of each of the communities and the entire AD/AL and its adjacent areas.

- a. To be prepared by each of the community who joined the application. The indicative map must be the manifestation of self-delineation or self-description of each of the community.
- b. Narrative description should be included. Basing from the indicative map it will start from one traditional boundary or landmark to the next traditional boundary until it closes with

the first traditional boundary and stating therein, the importance or reasons that the landmark is their traditional boundary.

c. Maps generated from NAMRIA and others may be used as references.

Section 17. Genealogical data. This consists of a chart showing the relationships between/among present claimants and their predecessors, who lived in the same territory at least three (3) generations earlier than the present generation, the latter being the ego, for CALT application.

In the case of CADT, applying the three-generation rule, the genealogical charts of at least five (5) informants composing the majority of the ICC population must be submitted.

The Genealogical Charts shall be presented to the ICCs/IPs for validation. The head/s of the clan/s whose genealogy was illustrated shall affix his/her signature/thumb-mark to attest to the truth of the information therein and certified to and witnessed by the PDT/CDT members present during the validation.

The Genealogical Verification Report shall then be prepared by the PDT/CDT. It shall include pictures evidencing the conduct of the genealogical survey.

Section 18. Pictures. Photographs depicting and illustrating the ff.:

- a. traditional landmarks such as mountains, rivers, creeks, lakes, ridges, terraces, sacred places, hunting/ fishing grounds, and the traditional use of resources with detailed description of their importance to the lives of the claimants;
- b. physical evidence of long-term occupation or settlements such as old structures and improvements, burial grounds and sacred places; and,
- c. artifacts owned by the ICCs/IPs.

The pictures of the places and objects taken with the ICC representative/s in the foreground or background to establish authenticity, describing in a label what the picture depicts, identifying therein the date when it was taken as well as the photographer.

Section 19. Census and List. For purposes of this Rules, census shall refer to the process of coming up with the list of community members found within and outside the ADs/ALs without prejudice to the inclusion of the names of non-resident members if available. The census may include the following:

- a. ADs/ALs rightsholders per community territory.
 - a.1 ADs/ALs rightsholders living within the AD/AL
 - a.2 ADs/ALs rightsholders living outside the AD/AL
- b. migrant IPs residing within the ancestral domain/land, and,
- c. non-IPs residing within the ancestral domain/land.

The list shall be validated by the applicants through their recognized elders/leaders per community who shall affix their signatures/ thumb-marks in all the pages thereof. Any member of the PDT/CDT present during the validation shall certify that the list was presented to the community

for validation by affixing his/her signature in all pages. Updating of the census record should be every ten (10) years.

Section 20. Supporting Documents. The following may be considered as documents in support of the CADT/CALT application:

- a. The community resolution recognizing the elders/leaders who served as key informants, together with the minutes of the said assembly, certified by PDT/CDT;
- b. The resolution by the council of elders recognizing the NGOs/LGUs as assisting partners in the delineation. The council of elders are and must be represented by all community elders in each and every communities who consented to be part of one CADT;
- c. Minutes/Report/s on conflict or dispute resolution conducted or documented by PDT/CDT;
- d. Minutes of all activities conducted and facilitated by the PDT/CDT during the delineation process;
- e. MOAs relevant to delineation process, executed between the community and assisting NGOs, LGUs or other entities;
- f. Pacts or agreements between the applicant community and the adjacent community/ies or private property owner/s;
- g. Photographs documenting the activities relative to the delineation.

PROCEDURES AND REQUIREMENTS FOR THE ISSUANCE OF CERTIFICATE OF ANCESTRAL DOMAIN TITLE/ CERTIFICATE OF ANCESTRAL LAND TITLE (CADT/CALT)

A. DELINEATION OF ANCESTRAL DOMAINS/LANDS

The processing of CADT/CALT applications shall be governed by the herein timeframe. However, the timeframe for each activity may vary depending upon the attending circumstances like, but not limited to the following circumstances, that may affect the timeframe:

- a. hectarage;
- b. number of barangays of coverage of the application;
- c. number of communities; and
- d. accessibility of the domain

Section 21. Filing of CADT/CALT Application. All applications under oath shall be filed at the concerned Provincial Office or community service center without PO following the prescribed form (NCIP-ADO Form AD-1 for AD and NCIP-ADO Form AL-1 for AL). In case the application is received through a letter of intent or community resolution, formal petition or any other form, the NCIP shall assist the applicant in filling up the prescribed form. The application shall be accompanied by the following documents;

For CADT application:

1. community resolution of the IP elders/leaders attesting that the application is a community decision arrived at in accordance with

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customary practices, and that the assigned representative is duly authorized

2. Authorization/ Special Power of Attorney of the AD Representative to file and follow-up the application duly notarized
3. letter of intent of every family within a community
4. indicative map with narrative description
5. other documents to prove their since time immemorial possession

For CALT application:

1. Special Power Attorney (SPA) authorizing the representative and containing a statement attesting to the fact that it is a clan/family decision
2. complete names of the head/s of the clan/family and the members or other beneficiaries thereof
3. indicative map with narrative description
4. complete names of the head/s of the clan/family and the members or other beneficiaries thereof
5. other documents to prove their since time immemorial possession

With respect to CALT applications commenced by individuals, a Special Power of Attorney (SPA) shall no longer be required. However, should the applicant(s) authorize(s) another person(s) or legal entity(ies) to act in his/her behalf, a SPA shall be required.

Section 22. Recording of the Application. The records officer or designated records officer of the concerned office shall, upon receipt of the application, record the same in the CADD/CALT Application Record Book (CARB) indicating therein the time and date of receipt, name and address of the applicant, assigned control number and the signature of the personnel making the said entry.

Section 23. Assessment of the Application. Within fifteen (15) working days from receipt of the application, the POr/CDOr without PO, with the assistance of legal officer and engineer and CDOr, shall make an assessment of the application and its attachments.

If upon review and evaluation of the application, it is found to be false and/or fraudulent, the POr/CDOr without PO shall deny/reject the application and issue the notice of rejection of the application. However, if the said CADD/CALT is found to be in order, the POr/CDOr without PO shall inform through correspondence the concerned ICCs/IPs or clan/family through the CADD/CALT representative or the individual CALT applicant that said application shall be processed upon the availability of funds.

Such notice of rejection shall include the grounds for denial and shall be sent to the ICCs/IPs applicant. The applicant may bring the denial on appeal with the Regional Director within fifteen (15) days from receipt of notice on grounds of arbitrary and/or erroneous appreciation of law and facts. The decision of the Regional Director is appealable to the ADO within 15 days from receipt of the decision, which decision is appealable to the Commission within 15 days from receipt thereof.

Section 24. Constitution of Provincial Delineation Team (PDT) or Community Delineation Team (CDT). If the application is found to be in order, the Provincial Officer (POr) or CDOr shall, within the day, constitute and organize the PDT or CDT headed by the POr/CDOr and minimum of three other members with a legal officer and engineer as mandatory members. In the absence of an engineer and or a legal officer in said

jurisdiction, the Regional Director shall designate who will further constitute the team.

Section 25. Preparation and approval of Project Proposal and Work and Financial Plan (WFP). Within five (5) working days from the constitution and organization of the PDT/CDT, the said PDT/CDT shall prepare and sign the Project Proposal/WFP of the CADT/CALT application in accordance with NCIP ADO Form No. 02. The WFP shall be endorsed by the concerned PDT/CDT to the Regional Director thru the RRB. The RRB shall, within five (5) working days from receipt of the WFP and project proposal, review the said documents. If found sufficient, the Regional Director shall, within five (5) working days from the review of the WFP and project proposal, approve the same and furnish copies thereof to the ADO and to the concerned Ethnographic Commissioner.

In cases of application fully/partially funded by the applicants or from sources other than the NCIP, the third-party provider shall specify in the MOA the conditions and purposes of the funding, which shall in no case prejudice the rights of the ICCs/IPs. WFP shall be prepared by the PDT/CDT with the participation of the third-party provider.

The duly accomplished WFP should be reflective of the principles of economy, sufficiency and efficiency and shall constitute the agreement between and among the parties.

Section 26. Notice to Stakeholders. In applications for identification and delineation of Ancestral Domains/Lands funded by the NCIP, Notices shall be issued within seven (7) working days from the availability of funds as certified to by the concerned office's accountant. However, in applications which are fully or partially funded by other entities other than the NCIP, Notices shall be issued within seven (7) working days from the availability of funds in consonance with the provision in the MOA pertaining to disbursement of funds. The said Notices shall include, but not limited to, the following:

- a. Adjacent communities/lot owners;
- b. Regional Directors of DENR, DAR and LRA through the concerned ROD;
- c. Government agencies claiming jurisdiction over the area applied for, if any; and
- d. Concerned LGUs.

The notice shall attach a copy of the application for recognition and delineation and other supporting documents.

Section 27. Community-wide Information, Education and Consultation (IEC). Within five (5) working days from the completion of the posting of Notices, the conduct of the Community-wide Information, Education and Consultation (IEC) shall ensue. Notices on the conduct of the IEC shall be sent to the ICCs/IPs concerned and to the stakeholders at least three (3) days prior to the conduct of the community-wide IEC.

The said IEC shall be conducted within thirty (30) working days from the service of Notices of its conduct, which 30-day period may be extended due to considerations of larger areas or numerous barangays covered in the application, fortuitous event or *force majeure*. During the conduct of IEC with the ICCs/IPs and stakeholders, discussion of the salient features of R.A. No. 8371, with emphasis on the principles of self-delineation, communal ownership, cultural integrity, native title, rights, and responsibilities of the ICCs/IPs relative to their

AD/AL, as well as the metes and bounds of such AD/AL, and the contents of the WFP, including tasks, responsibilities and counterparts of the applicant and such other matters related to the delineation process shall be done.

Section 28. Data Gathering and Documentation. Within thirty (30) working days from the conduct of the IEC, the PDT/CDT shall assist the ICCs/IPs in the gathering of the testimony of elders/leaders or the community in accordance with Part I, Sections 12-20 of this rule, of historical accounts, genealogical data, census of population, and in the preparation of the indicative map and other secondary data. This 30-day period may be extended due to fortuitous event or *force majeure*. The PDT/CDT shall likewise conduct research and documentation on the ICCs/IPs' socio-political structure/institution or indigenous governance.

A certified copy or list of any of the following data issued by the concerned agency shall be secured by the Engineer who is a member of the PDT/CDT if the same affects/involves the applied area:

- a. Resource use permits, grants and other instruments entered into/ issued by the government through its agencies/LGU;
- b. Proclamations, laws, orders, zoning ordinances, decisions of courts and other tribunals involving the ancestral domain/ land or portion thereof.
- c. Proof of ownership over land within the ancestral domain which has been vested prior to the effectivity of IPRA;
- d. Public/ private agreements/ contracts entered into by ICCs/ IPs involving transfer of rights over land, prior to the effectivity of IPRA;
- e. Institutions or entities having interest in the ancestral domain/land which may affect the ICCs/IPs' right to effectively exercise acts of ownership;
- f. Sketch maps, approved survey plans and/or other records to identify boundaries or adjacent owners; and
- g. Applications for issuance of title or certification on fact of absence of application.

Section 29. Ocular Inspection. Within five (5) working days from the completion of the conduct of data gathering and documentation, the PDT/CDT, together with the applicant/s, Council of Elders/Leaders or their representatives shall conduct ocular inspection of the AD/AL to:

- a. Verify traditional, physical and cultural landmarks or boundaries of the AD/AL asserted by the ICCs/IPs as indicated in the indicative map.
- b. Determine the existence of boundary conflicts, if any;
- c. Verify and confirm the actual location of sacred/worship places, burial, hunting, gathering, collecting, fishing grounds and other proofs of long-time possession and ownership within the AD/AL;
- d. Ascertain the presence of holders of existing and/or vested property rights in the applied area. In case there is such a holder, the same shall be required to submit evidence thereof.

Section 30. Validation of Proofs. Within fifteen (15) working days from the conduct of ocular inspection, all documents/proofs supporting the CADT/CALT application shall be validated in an assembly convened for the purpose and facilitated by the PDT/CDT to secure the appropriate confirmation. The PDT/CDT shall also validate the list of elders/leaders or authorized representative/s.

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Section 31. Preparation and Submission of the PDT/CDT Report. For both applications, the PDT/CDT shall prepare its report within fifteen (15) working days from the conduct of validation of proofs, which report shall contain the following:

- a. Introduction, consisting of brief description of the project and its purpose.
- b. Background, describing and identifying the rightsholders; history of the people and the area, including its geography and access thereto; political, social and economic situation; and availability of infrastructures and communication facilities.
- c. Discussion and Recommendation: (1) Preliminary Activities which should include meetings conducted; coordination with applicants, government agencies, non-government agencies and other entities having direct or indirect interests in the area, partnerships and other relevant activities undertaken; (2) Social Preparation - a narrative description in the implementation and conduct of the activities including the problem/s encountered and how it was resolved, and if not, what are the planned actions to be undertaken, hindering factors as well as other factors that aided the accomplishment of the activity, status of each activity, extent of the accomplishment, involved entities and other relevant information useful for evaluation and assessment. Special emphasis must be given the following: IEC, validation of proofs, genealogical survey, census, conflict resolution or documentation, narrative description based on the indicative map and research particularly on survey related data and information.

The PDT/CDT Report shall also contain as annexes the following attachments:

1. Application as duly filed;
2. Indicative Map with narrative descriptions prepared by the community;
3. Proofs under Part I, Section 12 to 20 of this rule;
4. Research studies/documentations of anthropologist or other experts related to the ICCs/IPs;
5. Attachments/Annexes, which shall include copy of approved MOA/MOU signed by the NCIP Regional Director, if any, in cases where there are counterparts from the applicant, NGO, NGAs, LGUs, or other entities; copy of the agreements/s on the Resolution/s of boundary conflicts/disputes or tenurial concerns; photo documentations or photocopy thereof; and other relevant documents

The PDT/CDT report shall be submitted to the RRB within fifteen (15) days from the last activity.

Within fifteen (15) working days from receipt of the PDT/CDT Report, the RRB shall review and evaluate the same and shall consequently submit its recommendation to the Regional Director. If the Regional Director agrees to the recommendation of the RRB that the PDT/CDT Report is sufficient, he/she shall within five working (5) days from receipt thereof shall endorse the said report to the CEB through the ADO for deliberation. The Regional Director may simultaneously issue a Work Order/Survey Authority.

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On the other hand, if the RRB finds that the PDT/CDT is insufficient, it shall also recommend to the Regional Director of its findings. If the Regional Director agrees to this recommendation, he/she shall inform the PDT/CDT of such insufficiency for the latter to comply or submit within ten (10) days from receipt the lacking documents/evidence. The said period maybe extended on reasonable grounds.

Section 32. Review of the PDT/CDT Report. Within fifteen (15) working days from receipt of the endorsement by the Regional Director, the ADO shall review the PDT/CDT Report. Should ADO find the PDT/CDT Report sufficient, it shall then be endorsed to the Commission through the Office of the Executive Director for deliberation. The ADO shall notify the Regional Director of such endorsement with instruction for the PDT/CDT to reproduce seven (7) additional certified photocopies of such PDT/CDT Report to be submitted 15 days before the actual date of deliberation.

On the contrary, should ADO find the PDT/CDT Report to be lacking in material form or substance, it shall return the PDT/CDT Report for further compliance, if necessary. All compliance to the above findings and recommendations shall not exceed more than thirty (30) days.

Section 33. Deliberation of the CADT Application/ Issuance of resolution of recognition. The Commission shall deliberate and determine the validity of the application, sufficiency of evidence or proofs supporting AD ownership and compliance with the requirements of IPRA, its IRR and pertinent guidelines. If the CEB finds the application meritorious, it may issue a resolution of recognition tendering on the following:

1. Recognition of the identity of the ICCs claiming the area.
2. Recognition of Native title.
3. Resolution of minor conflicts/disputes which do not involve boundary conflicts/adverse claim.
4. Sufficiency of documents submitted.
5. Sufficiency of proofs of possession/ownership.

Section 34. Issuance of Certificate of Recognition of Ancestral Domain by the Chairperson. By virtue of the approval of the resolution of recognition as stated in the immediately preceding paragraph, the Chairperson shall issue a Certificate of Recognition of Ancestral Domain.

Section 35. Commencement of Survey Activities. Based on the favorable recommendation of the RRB in accordance with Part I, Section 31 hereof, the Regional Director shall direct the commencement of survey activities through the issuance of the WO/SA with notice pursuant to Part I, Section 26 of this Rule, provided that funds are already available for this purpose.

Section 36. Commencement of Survey Activities for Ancestral Land Applications. Whenever an application for issuance of a Certificate of Ancestral Land Title is found sufficient upon endorsement of the RRB in accordance with Part I, Section 31 hereof, the Regional Director shall immediately direct the commencement of survey activities through the issuance of the WO/SA with notice pursuant to Part I, Section 26 of this Rule, provided that funds are already available for this purpose.

PROCEDURES FOR THE SURVEYS OF ADs/ALs

Section 37. General Procedure. The survey of ADs/ALs covered by applications for the issuance of CADT/CALT without an approved survey plan shall undergo the following procedures:

a. Issuance of the Work Order/Survey Authority. Within five (5) working days from receipt of the PDT/CDT Report, which report the said Regional Director finds as sufficient in form and substance, the Regional Director concerned shall issue the Work Order/ Survey Authority to the concerned geodetic engineers/contracted geodetic engineer.

Work Order/Survey Authority shall be effective for a period of six (6) months from issuance and may be renewed for the same period, provided however, that the authority shall automatically cease to be in effect upon approval of the ancestral domain survey plan within the six- month period.

b. Constitution of Survey party and issuance of notice to proceed. The Regional Director shall, within five (5) working days from the issuance of the Work Order/ Survey Authority, constitute the survey party composed of at least one (1) PDT member, a Chief of Party (COP), and members of the community. The survey party may be further augmented when necessary. Thereafter the Regional Director shall issue a notice to proceed to the survey party and the remaining members of the PDT/CDT.

c. Mission Planning. Within fifteen (15) working days from the receipt by the survey party of the notice to proceed, the mission planning shall be conducted. During the Mission Planning, the Geodetic Engineer, together with the PDT/CDT, shall discuss with the stakeholders the procedures involved in the survey activities and their respective functions and responsibilities.

Before the start of the survey (establishment of project controls and perimeter survey) the COP must ensure that data on approved surveys by other agencies including maps and other information within or near the ancestral domain made available to the survey team. They may secure this from the PDT/CDT or he/she may conduct his/her own research with other agencies.

If the area to be surveyed is adjacent to another ancestral domain area, representatives from the adjoining area shall be invited to attend the Mission Planning.

d. Survey Notification. Within ten (10) working days from the completion of mission planning, all stakeholders shall be notified of the intended survey in accordance with Part I, Section 26, hereof using ADO Form No. 08. The notice, signed by the COP and noted by the POr/CDOr, shall state the date/s when the areas may be traversed by the survey team, the names of the concerned Geodetic Engineers, and Section 56 of R.A. No. 8371.

e. Reconnaissance. Within ten (10) working days from the service of the Survey Notification, a field reconnaissance shall be carried out by the Survey Team prior to the survey in order to identify the location and existence of previously established control/reference points and possible location of project control points to be established and route for the survey.

f. Establishment of Project Controls. In the establishment of project controls, the Survey Team shall look for existing controls/reference points within or near the ancestral domain/land and thereafter establish new controls for the ancestral domain

boundaries. At least two (2) inter-visible control points are necessary in the establishment of control points, provided, that the distance to be maintained in between each pair of control points shall not be less than one hundred (100) meters. The survey of project control is made using survey grade Global Positioning System (GPS) equipment or conventional survey instruments.

The project control monuments shall be placed in pairs using standard concrete monuments measuring 30 cm x 30 cm by 100 cm, set at 70 cm on the ground, centered by a galvanized iron spike/copper nail. The label on top of the monument shall specify: (a) the name of the station, which may be derived from the first three (3) letters of the province where it is located, subject to the approval of ADO, numbered accordingly or in coordination with DENR-FNSP; (b) the year of establishment; and, (c) the acronym of NCIP. These project controls are installed at an interval of 5 km distance.

Two or more Geodetic Control points shall be used in the densification of horizontal controls using GPS.

Project controls established using GPS instrument must at least comply with the third (3rd) order positional accuracy requirement set by NAMRIA.

In case of project controls established using Total Stations or similar equipment, the area, measured in hectares, of the ancestral domain shall be the basis in determining the type of control to be used. Under such condition, the following type of control as prescribed under DENR Memorandum Circular (DMC) No. 2010-13 (Revised Manual of Land Surveying Regulations in the Philippines):

<u>Area</u>	<u>Type of Control</u>
Less than 1,500 hectares	Tertiary
More than 1,500 to 15,000 hectares	Secondary
More than 15,000 hectares	Primary

Within thirty (30) days from the conduct of Reconnaissance, the Survey Team shall establish project controls. The Perimeter Survey shall be in accordance with Part I, Section 37 g of this Rules, and undertaken with the participation of the duly authorized ICC/IP representative/s.

g. Perimeter Survey. The survey shall be conducted within thirty (30) working days from the establishment of project controls and must be tied with existing reference points of acceptable accuracy established by NAMRIA, DENR, NCIP, and other government instrumentalities pursuant to the Philippine Reference System of 1992 (PRS-92). The 30-day period may be extended depending on the coverage of the AD/AL or other reasons beyond the control of the survey team.

During the establishment of project control and conduct of perimeter survey, the survey team shall observe tie points or reference points of the approved surveys such as but not limited to BLLMs, MBMs etc. to ensure whether the said approved surveys and titled properties overlaps or falls within the surveyed AD/AL.

The collection of survey data for each corner shall be made only after the installation of the monuments. Installation of monuments shall be supervised by PDT/CDT member and/or Survey Team. The survey team must indicate on the record sheets all observations

and findings such as daily weather conditions, persons/entities met/coordinated with, daily activities as well as problems encountered affecting the conduct of the survey and the corresponding actions taken in response thereto.

The conduct of perimeter survey shall adhere to the principle of self-delineation in which the traditional boundaries shall be established to determine the metes and bounds of the ancestral domains/lands. However, if due to more recent agreements and community consensus, the applicant community decides that its claim is congruent to or delimited by political or administrative boundaries, the approved technical descriptions of these boundaries shall be adopted. Such agreements or community consensus shall be in the form of written resolution signed by the elders/leaders.

Community members knowledgeable of the boundaries of the ancestral domain/land shall point out the sites/location where the monuments are to be installed. The survey team shall thereafter prepare a sketch showing the relative location of the markers and other related information such as traditional names of places. Documentation thereof shall include pictures explicitly showing the community representative pointing to the installed monuments and identified markers.

If the area to be surveyed adjoins another ancestral domain/land, the representative/s from the adjoining ancestral domain/land, aside from being notified, may send a community member knowledgeable of the boundaries of their ancestral domain/land to join the survey team. The agreement during the boundary conflict resolution shall be followed.

For surveys to be conducted by accredited private GEs or GEs employed with other organization & government agencies in the conduct of survey shall be monitored by a member of the PDT/CDT preferably GE, as designated by the PDT/CDT chair. Monitoring provision conducted randomly shall be included in the MOA.

h. Data Processing, Preparation of Survey Returns and Technical Report. The data processing, preparation of survey returns and technical description shall be conducted within thirty (30) working days from the conduct of Perimeter Survey. The survey plan shall be prepared in accordance with cartographic standards and specific details prescribed in Part II, Section 40 hereof. It shall indicate the orientation, final boundaries, technical descriptions, footnotes, marginal information, natural landmarks/features, technical marks and other relevant details. It shall be conformed to by the authorized representatives of the applicant community.

All documents that form part of the survey return shall be prepared in prescribed ADO Forms described in Part II, Section 41 of this Rule.

Survey Returns of AD/AL shall be prepared by the COP and shall be endorsed by the POr/CDOr to the Regional Office for initial verification.

i. Initial Evaluation/Verification of Survey Returns. The RO shall, within twenty (20) working days from receipt of the survey returns, verify the survey returns transmitted by the survey team/geodetic engineer, which process includes:

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1. Preliminary evaluation through the checking of the completeness of the survey returns
2. Initial projection of the survey plan to determine any overlap between the subject area and the adjoining ancestral domains/lands
3. Checking the correctness of computations and preparation of survey returns
4. The Regional GE shall affix his/her signature in the SR. In case of unavailable GE in the RO to verify the SR, the Regional Director may assign GE from the province.

The verification by examination of the survey returns shall determine the completeness and/or correctness of the following in accordance with specifications prescribed herein:

- a. Position derivation: solar/stellar observations, GPS observations
- b. Computation sheets, including fieldnotes
- c. Cartographic standards in the preparation of the survey plan
- d. NAMRIA certification of equipment calibration and GPS data evaluation, in cases where GPS instrument was used
- e. Preparation of supporting documents that form part of the survey returns

Upon initial verification, should it be discovered that error was committed in the preparation of the survey returns, the concerned geodetic engineer shall be directed to cause the correction or rectification of the same otherwise, it shall be endorsed to ADO for final verification and projection to database.

The RO may remand survey returns based on the following reasons, but not limited to:

1. Lack of evidence or documents showing the resolution of boundary conflicts, if there be any; and
2. Upon complaint of ICCs/IPs concerned and sufficient evidence showing that the results of the delineation do not actually reflect the area being applied for, or the survey was attended by fraud, force, intimidation, threats, deceit or stealth.

k. Submission/Transmittal of Survey Returns (SR) to ADO. Within five (5) working days from the verification of survey returns (SR), the RO shall submit the SR as described in Section 39 Part II of this rules containing the hard and electronic copy of said SR and ensure that all survey returns are properly authenticated and prepared by the Geodetic Engineer following the prescribed forms.

1. Final Verification of SR. The ADO shall, within twenty (20) working days (first in, first out) from receipt of the submitted survey returns, verify the same, which process includes:

1. Recording and receiving of survey returns by assigning survey numbers
2. Final evaluation through the checking of the completeness of the survey returns
3. Final projection of the survey plan to determine any overlap between the subject area and the adjoining ancestral domains/lands
4. Checking the correctness of computations and preparation of survey returns

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5. Endorsement/recommendation to ADO Director for approval of the survey plan

Upon final verification, should there be error committed in the preparation of the survey returns, the concerned geodetic engineer shall be directed to cause the correction or rectification of the same. Otherwise, the survey plan shall be endorsed to RO for projection.

PROCEDURE FOR THE VERIFICATION OF PREVIOUSLY APPROVED SURVEYS AS WELL AS THOSE PENDING WITH THE DENR UPON THE PASSAGE OF IPRA.

Section 38. General Provision. All survey plans submitted in connection with ancestral domain/land claims previously approved for registration or titling purposes by the DENR or LRA (formerly Land Registration Commission), including those approved by NCIP First Commission but were not issued with either CADT or CALT, shall be reviewed and verified by ADO. On the other hand, unapproved survey plans submitted for the same purpose are not subject to such review and verification, and the same shall be governed by Part I, Section 37, 40 to 45 of this rules.

The procedure for review and verification of previously approved survey plans are as follows:

a. Review of Survey Returns. The review of survey returns shall be done to determine the correctness and completeness of the approved data or record on hand and to ascertain the availability of the necessary data that can be used as reference for the conduct of verification survey.

In cases where delineation survey was conducted using GPS instruments, review of GPS data shall be conducted by examination of the GPS electronic files and other GPS supporting documents.

In the absence of data necessary for verification, research shall be undertaken for the purpose of gathering pertinent documents.

b. Verification Survey. Only NCIP geodetic engineers and/or accredited geodetic engineers shall conduct verification survey. This verification shall include, among others, actual inspection as to the presence of corner monuments and survey/observation of strategic corners to determine if indeed an actual survey was conducted and to test the positions of corner stones/monuments. As such, the geodetic engineer shall conduct test traverse, point positioning, and such other activities provided under Sec. 146-155 (Verification Survey) of DMC 2010-13.

Ground verification shall likewise be undertaken and this involves consultation between and among the geodetic engineer who conducted the first survey, the community-claimant, and other concerned entities.

c. Preparation of Reports and Recommendations. Within twenty (20) days from the completion of the ground verification survey, the NCIP geodetic engineer and/or accredited geodetic engineer directed/contracted to conduct verification survey shall prepare and submit a report to ADO detailing his/her observations and findings on the review of survey returns, and the result of his/her ground verification survey including such specific recommendations as to the necessity of conducting resurvey, amendment survey or correction, as the case may be.

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d. **Conduct of Re-Survey or Amendment Survey.** Any re-survey or amendment survey shall comply with the requirements provided in Part I, Section 38 of this rules.

Section 39. Defective Surveys for Want of Authority. Defective surveys for want of authority refers to past surveys conducted at the instance of ICC/IP claimant, undertaken by private geodetic engineers, but without the required authority from the NCIP or the DENR. Defective Surveys for want of authority shall be verified by ADO following the process in Part I, Section 38, and if found to be in order, the defect for want of authority shall be cured through the approval of the plan by ADO. Otherwise, Part I, Section 37, 40 to 45 of this rules shall be applied.

Section 40. Projection of Survey Plan. Within twenty (20) days after the final verification and projection of the survey returns, a copy of the sketch plans shall be furnished to the DENR, DAR and LRA for purposes of common projection in order to determine if there are titled properties and lands with approved surveys that overlap with the surveyed AD/AL. Consequently, said agencies shall issue either a certification or comments/remarks on the result of the projection.

Section 41. Research and Segregation. In cases of overlap, the NCIP, DAR, DENR, and LRA, as the case maybe, shall meet to resolve the matter.

Section 42. Validation of Survey Plan by the Community. Within twenty (20) working days from receipt of the final survey plan from ADO, the geodetic engineer or any member of the survey team, with the assistance of the PDT/CDT shall present the survey plan to the applicant community/clan/family and adjacent community/ies for map validation. The applicant community/clan/family may invite a resource person who can assist them in analyzing the survey plan, if they so desire. Any expressed doubts or comments shall be addressed and documented. If corrections are to be made, the geodetic engineer shall cause the rectification and subject the survey plan for revalidation by the community/clan/family. The identified/authorized elders/leaders of the community or the head/s/representative/s of the clan/family shall affix their signatures/thumb-marks on the survey plan as confirmation. Said process shall be properly documented.

The community-validated/conformed survey plan shall be endorsed to ADO for approval.

Section 43. Notice and Publication of the Technical Description of the CADT/CALT Application. The PDT/CDT shall cause the publication and posting of the corresponding technical description of the CADT/CALT application in the manner provided for under Section 52(g) of IPRA. In the event of any opposition after publication was received by the PDT/CDT, the PDT/CDT through the Regional Director shall submit report with recommendation to ADO for its resolution.

Section 44. Submission of Survey Activity Completion Report. The Survey Team through the PDT/CDT and Regional Director shall, within fifteen (15) working days from the completion of the survey, submit a Survey Activity Completion Report summarizing the activities conducted in the conduct of the survey.

This activity completion report and other documents that will form part of the RB shall be included.

Section 45. Authority to Approve Survey Plans. The ADO Director shall, within five (5) working days from receipt of the survey plan, approve the survey plan generated in accordance with this Rules.

Section 46. Preparation of the Recognition Book. The PDT/CDT shall prepare three (3) original copies of the Recognition Book. Within twenty (20) working days from the completion of the survey activities, the PDT/CDT shall now prepare and endorse to the Regional Director, thru the RRB, one original copy of the Recognition Book which shall contain the following: (1) PDT/CDT report and annexes as mentioned in Part I, Section 31 hereof; (2) the record generated during the CEB proceeding as required in Part I, Section 31 hereof; and (3) the submitted survey activity completion report and annexes. Within 15 working days from receipt of the Recognition Book, the RRB shall review and evaluate the same and shall consequently submit its recommendation to the Regional Director. If the Regional Director agrees with the recommendation of the RRB that the Recognition Book is sufficient, he/she shall within five (5) days from receipt thereof endorse to the CEB thru the ADO for final deliberation.

On the other hand, if the RRB finds that the Recognition Book is insufficient, it shall also recommend to the Regional Director of its findings. If the Regional Director agrees to this recommendation, he/she shall inform the PDT/CDT of such insufficiency for the latter to comply or submit within twenty (20) working days from receipt the lacking documents/evidence. The said period maybe extended on reasonable grounds.

Within fifteen (15) working days from receipt of the endorsement by the Regional Director, the ADO shall review the Recognition Book and transmit a copy of the same to the Legal Affairs Office (LAO) for review. Should ADO and LAO find the Recognition Book sufficient, it shall then be endorsed to the Commission through the Office of the Executive Director for deliberation.

The ADO shall notify the Regional Director of such endorsement with instruction for the PDT/CDT to reproduce seven (7) additional certified photocopies of such Recognition Book to be submitted 15 days before the actual date of deliberation.

On the contrary, should ADO and LAO find the Recognition Book to be lacking in material form or substance, it shall return the PDT/CDT Report for further compliance, if necessary. All compliance to the above findings and recommendations shall not exceed more than thirty (30) days.

For CALT application, all activities of the delineation process, shall form part of the Recognition Book.

Section 47. Final Deliberation by the Commission. The Commission shall finally resolve the merits of the CADT/CALT applications, which necessarily includes the disposition of the following matters:

- a. Technical correctness of the AD/AL claim (Survey Plan).
- b. Resolution of pending disputes/conflicts.
- c. For CADT applications, other issues or observations of the commission that were raised during the previous deliberation.
- d. For CALT applications, determination of the validity of the application, sufficiency of evidence or proofs supporting AL ownership and compliance with the requirements of IPRA, its IRR and pertinent guidelines

The ADO shall ensure that concerned Regional Director, TMSD, POr/CDOr, legal officer and COP shall attend the deliberation.

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After the final deliberation, the Commission shall issue a resolution containing its findings and final disposition on the subject CADT/CALT application. Copies of the Recognition Book shall be given to the following:

- a. ADO - one (1) original copy and one duplicate thereof
- b. ICCs/IPs or clan/family/individual- one (1) original copy;
- c. Regional Office - one (1) original copy and 1 duplicate copy and the rest of the duplicate copies shall be given to the PO and CSC.

Pursuant to Sec. 52(i) of IPRA, the Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of the Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed.

Section 48. Documentation and Report on the Deliberation. The Office of the Executive Director, acting as secretariat of the Commission, shall, as far as practicable, record and document all deliberations of the Commission and shall prepare the minutes for each of the readings.

Section 49. Preparation and Signing of CADT/CALT. The appropriate CADT/CALT in the name of the owner/s shall be prepared by ADO. The CADTs/ CALTs shall be signed by the Chairperson and the concerned Commissioner.

In the issuance of CADTs, the said title shall bear the provision that the said ancestral domain or portion thereof cannot be sold, disposed or destroyed. In the same manner, CALTS shall bear the provision that the said ancestral land cannot be sold, disposed or destroyed, subject to the provision of section 8a of IPRA and its IRR regarding their right to transfer land or property rights to/among members of the same ICCs/IPs, subject to the customary laws and traditions of the community concerned.

Section 50. Registration of CADT/CALT. The ADO through the concerned RO and PO/CDO shall assist the owner/s in the registration of the CADT/CALT with the concerned Registry of Deeds (ROD).

After the registration of CADT/CALT, the concerned PO/CDO shall request from the ROD a certified photocopy of the registered title and subsequently submit the same to the RO and ADO for record keeping.

Section 51. Awarding of CADT/CALT. The CADT/CALT shall be formally awarded to the concerned ICCs/IPs after its registration.

Section 52. Record keeping of CADT/CALT. All unregistered CADTs/CALTs shall be in custody of the ADO, and shall likewise keep a record of certified true copy of all registered CADTs/CALTs.

Section 53. Recording of Approved Survey Plan with the Land Management Services-DENR Regional Office and Land Registration Authority. Certified copy of the approved Survey Plans of ADs/ALs with registered title shall be furnished the LMS-DENR Regional Office and LRA, for incorporation in their projection map and for records purposes.

Section 54. Filing of Opposition. At any time during the delineation process but within fifteen (15) days from the last day of the

publication, a verified opposition to the application, attached to which is a certified copy of documentary evidence including affidavit of witnesses, if there be any, may be filed with the PDT/CDT, Regional Director or ADO as the case may be, by one whose interest is affected by the delineation, on any of the following grounds:

- a. The application is false or fraudulent;
- b. The area being claimed or portion thereof, is not an AD/AL;
- or
- c. The area being applied for, or portion thereof, has encroached into the adjacent or another AD/AL.

No opposition/protest shall be entertained if filed outside the prescriptive period or after fifteen (15) days from the publication.

Section 55. Disposition of Oppositions. Upon receipt of the opposition, the PDT/CDT shall exert diligent efforts to facilitate resolution of issues in accordance with Part I, Section 5c of this Rules. If unresolved, the PDT/CDT shall endorse the matter to the Regional Director for resolution within a period not exceeding thirty (30) days. For this purpose, the Regional Director may designate a Provincial Legal Officer or the Regional Attorney to conduct investigation and recommend proper action to the Regional Director. The decision of the Regional Director shall be furnished to the concerned parties. If any one of the parties feels aggrieved by the decision, he/she may appeal within ten (10) days from receipt thereof to ADO. The notice of appeal shall be filed with the Regional Director, who shall thereafter forward the pertinent documents to the ADO Director. The ADO Director shall refer the matter to the LAO for legal opinion and guided by the opinion issued, the former shall issue his/her decision thereon. The decision of the ADO Director shall be considered as one of the incidents to be passed upon by the Commission during its deliberation on the subject application. Any action on the opposition taken by the ADO Director shall be communicated to the concerned party.

Whenever the opposition lodged before the concerned office is disposed of, the PDT/CDT, Regional Director or ADO Director, as the case may be, shall issue a certification to the effect that the matter in controversy was already resolved or that a settlement agreement was reached by the parties, attaching thereto a copy of the same.

The pendency of the investigation shall not suspend the delineation process.

In no case shall the RHO assume jurisdiction over oppositions pertaining to the foregoing.

Section 56. Motu Proprio Cognizance. The foregoing Sections notwithstanding, should the Commission En Banc (CEB) finds the urgency of taking cognizance of the opposition pending before the ADO or the Office of the Regional Director, and in their evaluation, the matter is of transcendental importance, they shall order the ADO or the Office of the Regional Director to submit all the necessary documents/pleadings that have been filed. The CEB may decide to further require submission of additional pleadings from the contending parties or order the creation of a composite/investigation team to conduct hearings, receive further evidence and submit its recommendation within a time frame that they may see fit.

If the pleadings or other documents submitted or filed are already enough for the CEB to decide on the merits of the Opposition, a resolution shall henceforth be issued accordingly.

The following are considered of transcendental importance and circumstances which the CEB may take cognizance of the Opposition and need not wait for the First Reading;

1. To wait further will wreak economic havoc in the lives of the Filipino people;
2. Loss of taxes to the government;
3. Loss of livelihood opportunities of IPs and non-IPs alike;
4. Delay will sow more divisiveness and discord among the parties, IPs and/or non-IPs and the possibility of committing crimes against each other is evident;
5. Patently irregular and fraudulent application;
6. The application of the CADT/CALT is being spearheaded by a claimant who is not a real owner of the AD/AL;
7. The application is merely an afterthought after a major Project, Program and Activity has been discovered or started and becomes a potential racket for extortion from the proponent;
8. Any other circumstances analogous to the foregoing.

Section 57. Appeal. In case of dismissal of the Petition or Application, the process of delineation shall now be totally stopped, otherwise, it shall continue. In all cases, the losing party shall have the right to appeal.

Section 58. Resolution of Conflicts/Disputes among and between ICCs/IPs of the same Ancestral Domain. Should the conflict/dispute be between and among ICCs/IPs of the same ancestral domain, the primacy of customary law shall be observed in the resolution of the same. The PDT/CDT shall, as far as practicable, undertake the following:

- a. determine the nature of the conflict/dispute.
- b. initiate the customary conflict-resolution process and document the same.
- c. assist the parties in the execution of a MOA in case an agreement/settlement is reached. In case no settlement is reached, the parties may agree in writing to segregate the contested area or enter into some other forms of arrangement in the meantime so as not to unduly delay the CADT/CALT processing without prejudice to future settlements or the full adjudication of the dispute before the proper body.
- d. in case of non-inclusion from the list of rightsholders, said persons whose names were inadvertently omitted as members of the community/clan/family shall be included in the list upon request, and the updated list, duly authenticated by the council of leaders/elders or head of the family/or clan, shall be submitted by the applicant to the PDT/CDT.
- e. the council of leaders/elders/clan/family may exclude persons who are not entitled to be included in the list and shall thereafter submit the amended list to the PDT/CDT. Any aggrieved person/s may ask for reconsideration of the above recommendation. Should it be granted, the original list shall remain, otherwise, the matter shall be subject to conflict resolution facilitated by the PDT/CDT.

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In no case shall the request for inclusion or exclusion affect the processing of the application.

If after the exercise of diligent efforts, no settlement or agreement is arrived at, the conflicts/disputes shall be submitted to the Commission to be included as one of the incidents to be tackled during the deliberation pursuant to Part I, Section 33 hereof.

APPLIED AD OVERLAPPED BY PROPERTY RIGHTS

Section 59. Vested and Existing Property Rights. Vested and existing property rights referred to in Sec. 56 of R.A. No. 8371 shall be fully recognized in accordance with the legal terms contained therein but shall not be a bar to delineation and recognition of ADs/ALs.

A vested right/existing right is some right or interest in property that has become fixed or established and no longer open to doubt or controversy. Vested Rights include Free Patent, Homestead Patent, Sales Patent, Emancipation Patent, Certificate of Land Ownership Award and Judicially Decreed Titles. Lands covered by such titles shall be segregated and excluded from the ADs/ALs.

The vested or existing rights of any person within the AD/AL shall be respected provided, however, that the rightsholder shows and submits proof/s of such rights to the PDT/CDT.

Section 60. Resource Use Instrument (RUI). Existing contracts, licenses, concessions, leases, and permits for the exploitation of natural resources within the ancestral domain may continue to be in force and effect until they expire. Thereafter, such RUIs shall not be renewed without the Free and Prior Informed Consent of the concerned ICCs/IPs. All such existing RUIs may be terminated for cause or upon showing that there exists a violation of the terms and conditions contained in the MOA executed relative to said operation.

Section 61. Possessory Rights of Migrants. Possessory rights of migrants within the AD/AL existing at the time of filing of CADT application, may be respected when any one of following circumstances exists:

a. There is a duly verified written document or resolution from the council of elders/leaders or ICCs/IPs recognizing the possession and continuous presence of these migrants and the extent of the area they possess.

b. There is a narrative of how the applicant ICCs/IPs gave their consent or acquiescence to the entry of such migrants identified in the Recognition Book; or

c. The concerned ICCs/IPs have validated such rights.

To facilitate the recognition of their rights, the migrants may be directed to provide proofs of possession.

Section 62. Resource Use Instrument (RUI) not a Bar to Delineation. In no case will a RUI bar the delineation of AD/AL, provided that its nature and scope is determined and duly recorded.

RESERVATIONS

Section 63. Ancestral Domain/Land Overlapped by Reservations. The ICCs/IPs have the right to claim parts of reservations or proclamations,

except those reserved or intended for common and public welfare and service.

In the delineation of ADs/ALs overlapped by existing reservations, the NCIP will proceed to process the application for formal recognition following the principle of self-delineation and the processes prescribed under the law and existing guidelines which include the issuance by the Chairman of a Certification declaring that the land is an AD which shall be transmitted to the head of the appropriate government department or agency mentioned in Section 52 (i) of IPRA. The transmittal of such certification, which shall also be furnished to the Office of the Executive Secretary, Office of the President, shall include a recommendation that the reservation be de-established corresponding to the area overlapped, provided that, if the overlapped area will still continue to be for common and public welfare and services, the recommendation shall include just compensation by the government to the AD/AL owner/s until such use ceases.

Section 64. Cessation of Public Use. Public use is deemed to have ceased or withdrawn wholly or partially if so de-established by subsequent proclamation or if any of the following conditions is present prior to the filing of petition for CADT:

- a. No overt activities related to the purpose of the proclamation is manifested or being actually pursued;
- b. Managing agency/designated institution has abandoned or failed to use the area; or
- c. Proclaimed area was left idle for at least five (5) years.

PART II

B. OTHER PROCESSES

B.1. ACCREDITATION OF GEODETIC ENGINEERS

Section 1. Mandate. The NCIP is authorized by law to issue survey authority or work order and execute and approve survey of ADs/ALs.

Section 2. Who are authorized to Conduct Survey. All AD/AL surveys shall be conducted by Geodetic Engineers employed with or contracted by the NCIP or those under the employ of an agency or organization which has an agreement with NCIP relative to the delineation process. Geodetic engineer's validly authorized to engage in private practice or members of a partner agency or organization who desire to conduct the survey of ADs/ALs may be accredited and authorized by the Commission.

Surveys to be conducted by partner agency/organization shall be covered by a MOA with the NCIP. Private Geodetic Engineers who intend to undertake AD/AL survey shall go through the normal bidding process in the engagement of services of private entities as prescribed by R.A. No. 9184, otherwise known as Government Procurement Reform Act of 2003 and Commission on Audit (COA) rules. Ancestral domains/lands survey shall be conducted by geodetic engineers employed with NCIP or accredited private geodetic engineers by NCIP, and accredited private geodetic engineers by NCIP employed in other agencies/organizations which have an agreement with NCIP.

Section 3. Who is/are authorized as Chief/s of Party (COP). Those geodetic engineers holding permanent positions in NCIP or accredited

private geodetic engineers, and accredited private geodetic engineers employed in other agencies/organizations which have an agreement with NCIP.

Section 4. Process of Accreditation. The accreditation of Geodetic Engineers shall undergo the following process:

1. Filing of application with required documents at the nearest Regional Office. The application shall be processed by a team headed by the Chief of the TMSD, Engineer III, and at least one (1) Geodetic Engineer, as members. For purposes of accreditation, the following are the requirements:

For individual private GE accreditation:

- a. Competence to conduct AD/AL survey evidenced by a list of surveyed projects;
- b. Possession of survey equipment's duly registered and calibrated by NAMRIA and LMB-DENR;
- c. Certification by the NCIP that he/she has undergone orientation on the conduct of AD/AL surveys and salient features of the IPRA on delineation and this shall be conducted by CDO/PO/RO; and
- d. Certification of Good Moral Standing from the Geodetic Engineers of the Philippines (GEP).

For GEs employed with NGOs, the certificate of accreditation to be issued will be specific/limited only to a particular project subject of the MOA or Partnership, the following are the requirements:

- a. Type of business (sole proprietorship, partnership and others)
- b. Track record in the engagement on land surveying (at least 1 project for titling purposes) evidenced by a list of completed/approved surveyed projects (at least 1 approved survey project for titling purposes) evidenced by certification from concerned entity;
- c. Proof of financial capacity
- d. Business permit issued by appropriate regulatory agencies
- e. Certification by the NCIP that he/she has undergone orientation on the conduct of AD/AL surveys and Salient features of the IPRA on delineation and this shall be conducted by CDO/PO/RO; and
- f. Certification of Good Moral Standing from the Geodetic Engineers of the Philippines (GEP).

If the application is sufficient, the team shall endorse the same to the Regional Director for the issuance of the certificate of accreditation otherwise, the team shall notify the applicants of the lacking requirements or deficiencies.

The Regional Director shall sign and issue the certificate of accreditation for regionwide application. The RO shall furnish the ADO copy of all issued accreditation. For accreditation of nationwide application, the Regional Director shall endorse the certificate of

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accreditation to ADO for confirmation/affirmation. The nationwide certificate of accreditation shall be furnished to all Regional Offices.

Questions/complaints against any accredited geodetic engineer may be raised within thirty (30) days from issuance of the accreditation before the concerned Regional Director, whose decision on the matter shall be final.

The validity of certificate of accreditation is five (5) years.

Section 5. Grounds for revocation and cancellation of accreditation

1. Violation of GE Code of Ethics
2. Violation of this rules
3. Decisions of Regional Director on protest Part II, Section 4 of this rules

Section 6. Bond of Accredited Geodetic Engineer/Contractor Geodetic Engineer. Upon issuance of certificate of accreditation, the concerned GE shall post a bond to be fixed by the RO to guaranty the faithful and efficient execution of the survey. It shall also cover expenses that may be incurred resulting from rectification of errors in the survey committed by the geodetic engineer, without prejudice to the collection of additional charges should the extent of damages amount to more than the posted bond.

The bond shall continue to be in force until the surveys are completed and approved. The bond shall be released if the survey returns are satisfactory. However, if the ADO Director issues an order rejecting or cancelling the survey on justifiable grounds, such order shall become final after ten (10) days from receipt by the concerned geodetic engineer, should no motion for reconsideration be filed by the latter within said period.

The performance bond shall be in the form of a Cash Bond, to be deposited with the concerned Regional Office, or surety bond procured from a bonding company. Posting of bond shall be in accordance with R.A. No. 9184 and its applicable implementing rules.

B.2. GUIDELINES OR PROCEDURE FOR THE SUBDIVISION SURVEY OF ANCESTRAL LAND COVERED BY REGISTERED CERTIFICATE OF ANCESTRAL LAND TITLE (CALT)

Section 7. General Provision. This shall govern the subdivision survey of ancestral lands covered by registered CALTs.

Section 8. Definition. Subdivision survey is the process of splitting a tract of land into smaller parcels. The term "subdivision of ancestral lands" will only apply to those covered with registered CALTs.

Section 9. Validation Team (VT). The validation team (VT) shall be composed of three (3) to four (4) NCIP personnel to be headed by the Provincial Officer (POr), or Community Development Officer (CDOr). The head of the validation team shall designate the other members which shall include the NCIP Geodetic Engineer.

Section 10. Requirements/Documents. The following are the requirements in the filing of petition for subdivision survey;

- a. Petition by a duly authorized heir or clan member;
- b. Special Power of Attorney (SPA) or Resolution authorizing the representative, which SPA or Resolution shall contain a

statement attesting to the fact that the constitution of the attorney-in-fact or that the Resolution is a clan/family decision. The names of the head/s of the clan/ family members or other beneficiaries thereof must likewise be explicitly set out in the SPA or Resolution with their corresponding signatures.

- c. Subdivision scheme of the ancestral land duly prepared by the owners with the assistance of the NCIP Geodetic Engineer or the Accredited Private GE;
- d. Certified e-copy of CALT from ROD together with the owner's duplicate certificate.
- e. Names of beneficiaries/heirs identified in the Recognition Book, and additional heirs already validated upon previous petition for inclusion;
- f. Certification from the Regional Hearing Officer (RHO) that there are no pending cases involving such ancestral land;
- g. Accreditation of private GE, if the survey is undertaken by such. The contract between the petitioner and the private GE must also be submitted;
- h. In the establishment of access road, the following shall also be considered:
 - 1. Land classification (residential, agricultural, forest, A & D, etc.)
 - 2. Applicable pertinent customs and traditions, if any; and
 - 3. Mandatory introduction of road right-of-way for inner lots.

Section 11. Validation. The Validation Team (VT) shall review and evaluate the submitted requirements. Likewise, the PDT/CDT shall conduct field validation. If found sufficient, the team shall prepare and submit a validation report with recommendation to the Regional Director, and shall inform the applicant on the preparation of the Work & Financial Plan.

Should the VT find the application insufficient, it shall direct the applicant to submit additional proofs within a certain period, otherwise no further action shall be taken.

Section 12. Preparation of Work and Financial Plan (WFP). The WFP must be prepared by the Geodetic Engineer (GE), reviewed by the Provincial Officer or the CDO, as the case may be; recommended for approval by the TMSD, and approved by the Regional Director. The applicant who must conform to the WFP shall shoulder all the expenses related to the subdivision survey.

The VT shall prepare and endorse the validation report for the issuance of WO/SA and the WFP to the Regional Director for approval through the Regional Review Body (RRB). The WFP must indicate the time frames within every aspect of the process and shall be accomplished for monitoring and other relevant purposes.

Section 13. Evaluation by the Regional Review Body (RRB). Within a period of ten (10) days, the RRB shall review the validation report prepared by the VT and shall prepare its evaluation with recommendation for consideration by the Regional Director in the issuance of WO/SA and in the approval of the WFP.

Section 14. Issuance of Work Order. The Regional Director shall endorse the RRB's report to the CEB through the ADO and thereafter, but not

later than five (5) days after endorsement thereof, the Regional Director shall issue the WO/SA, copy furnished the Ancestral Domains Office (ADO).

Section 15. Considerations in the Conduct of Survey. The following shall be observed in the survey activities:

- a. Posting of notices
- b. The subdivision monuments shall be marked as "AL"- Size 15cm x40cm cylindrical concrete monument.
- c. Contract out surveys shall be monitored by Engineers of the NCIP.

Section 16. Submission of Survey Returns (SR). The concerned Geodetic Engineer shall submit the SR to the PO or CDO who shall endorse to the RO. The SR must contain the following:

- a. Lot Data Computation (LDC)
- b. Traverse Computation (if applicable to type of survey instrument)
- c. Fieldnotes with fieldnotes cover duly notarized
- d. Certified true copy of CALT from ROD upon submission of the application for subdivision survey.
- e. Clearance from RHO or certificate of no pending case.
- f. Affidavit or sworn statement of the registered CALT owner/s containing the following;

- No case filed or no pending case
- Number of lots
- Names of heirs

- g. Subdivision Plan. It shall be indicated in the notes in the survey plan that it is for the allocation of heirs, clan or family beneficiaries.
- h. Original Lot Data Computation (LDC)
- i. Survey Authority issued by the Regional Director to accredited private GE or Work Order to NCIP GE
- j. Narrative TD (ADO Form)
- k. Original subdivision scheme prepared by the CALT owner/s
- l. Others as may be required by the verifier

Section 17. Verification of Survey Returns. The Survey Returns (SR) shall be verified initially at the Regional Office after which it shall be endorsed to ADO for final verification, numbering and projection to database. The ADO shall thereafter transmit to RO/PO for conformity of the subdivision plan by the owner. The validated subdivision plan shall be endorsed to ADO.

Section 18. Approval of the Subdivision Plan. The subdivision plan signed by the GE who conducted the subdivision survey shall be approved by the ADO Director upon recommendation by the Regional Director.

Section 19. Conformity by the Commission En Banc (CEB). The subdivision plan shall be presented to the CEB by ADO, Regional Director, validation team and concerned GE together with the applicant for its conformity. Should the CEB grant favorable conformity, it shall issue the appropriate resolution confirming the approved subdivision plan and inform the Registry of Deeds (ROD) through the Regional Office concerned for the annotation of the subdivided lots on the CALT.

Section 20. Derivative Titles Covering Subdivision Lots. No derivative title should be issued for each subdivision lots.

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B.3. GUIDELINES ON THE RECONSTITUTION OF LOST UNREGISTERED CADTs/CALTs AND JUDICIALLY DECREED LOST TITLES

B.3.a. RECONSTITUTION OF LOST UNREGISTERED CADTs/CALTs

Section 21. Coverage - This covers CADTs/CALTs duly issued by the Commission which are not yet registered with the Register of Deeds.

Section 22. Hearing of the Petition for the Reconstitution of Lost CADT/CALT - A verified petition by the CADT/CALT rightsholders shall be filed with the CEB indicating the fact of loss and circumstances surrounding said loss, with attached pertinent documents evidencing the same.

Should the CEB find the need for further substantiation of the allegations, an order shall be issued. The CEB may designate the Regional Hearing Officer to conduct an ex parte proceeding to receive and evaluate evidence that will establish the fact of loss. He/She will thereafter submit a report to the CEB together with the complete set of documents resulting from the proceedings.

The CEB shall then consider all documents submitted. Should they find merit to the petition, a resolution ordering the reconstitution shall be issued, expressly declaring the original title to be lost and ordering the ADO to prepare the replacement title.

Section 23. Issuance of the Reconstituted CADT/CALT. The reconstitution of any lost CADT/CALT shall be in accordance with resolution of the Commission approving the CADT/CALT application and shall not vary in any degree what was decreed in such CADT/CALT resolution. The resolution ordering the reconstitution shall expressly declare that should the lost title resurface, the same shall be considered, for all intents and purposes, mere scrap of paper and without any force and effect.

Section 24. Printing of the CADT/CALT Form. The ADO shall cause the reproduction and printing of the new title in favor of the petitioner which shall retain the original text of the lost title including the following:

1. The names of the signatories appearing in the lost title, stamped with "signed" (to indicate that the original was actually signed);
2. Names of representatives, beneficiaries, or owners named in the lost title;
3. The date of approval;
4. Other entries appearing in the lost CADT/CALT;

Section 25. Annotation. There shall be annotated in the lower portion of each and every page of the CADT/CALT an indication that the title issued is a reproduction of the lost CADT/CALT issued pursuant to the resolution of the Commission, specifically citing therein the resolution number.

B.3.b. RECONSTITUTION OF LOST REGISTERED TITLE BY JUDICIAL ACTION

Section 26. Commencement of the Process. An order issued by the court ordering the NCIP to issue a replacement title will commence the process.

Section 27. Presentation to the CEB and Issuance of a Resolution. Upon receipt of the order, with finality, the ADO shall present the order to the CEB, for the purpose of issuance of a Resolution declaring the NCIP-issued title as lost and ordering the issuance of a replacement.

Section 28. Preparation and Printing of the Title. The ADO shall then proceed with the preparation of a replacement title, to indicate all details as reflected in the original.

Section 29. Transmittal to the Register of Deeds. Once the CADT/CALT form is completed, the said document shall be transmitted to the concerned ROD for registration. The Registrar of Deeds shall reflect that the same is a reconstituted title by indicating "RT" in the registry number.

It shall be the obligation of the requesting-party to secure the said document from the ADO, for transmittal to the ROD.

B.4. AFFIRMATION OF ANCESTRAL LANDS WITHIN A TITLED AD

Section 30. Coverage. This covers allocation and certification of ancestral lands within a titled AD.

Section 31. Allocation of Lands. The allocation of lands within a titled ancestral domain to individual, family or clan shall be left to the ICCs/IPs concerned to decide in accordance with customs and traditions.

Section 32. Filing of Application. Any individual, family or clan may apply for the affirmation of their ancestral land within an ancestral domains covered by a CADT by filing an application with the concerned NCIP PO. The application shall contain the following:

- a. Proof of membership in the ancestral domain;
- b. Recognition of such ancestral land/s by the ICCs/IPs pursuant to their customs and traditions; and
- c. Indicative Map or Survey Plan

Section 33. Validation of the Application and Issuance of Resolution of Affirmation. The Provincial Officer, or in the case of provinces without Provincial Office, the CDOR exercising jurisdiction over the AD shall create a team to verify the application. If found sufficient, the team shall endorse their report and all pertinent documents to the office of the Regional Director through the RRB for final evaluation. The Regional Director will then endorse to the CEB through ADO the said petition for affirmation. Should they find merit to the petition, a resolution of affirmation shall be issued to the applicant.

STANDARDS FOR DELINEATION OF ANCESTRAL DOMAINS/LANDS

Section 34. Methods of Delineation. The delineation of ancestral domains/lands shall be conducted using conventional survey methods, GPS or a combination of both. Delineation of ancestral waters shall be done through GPS; for smaller areas, conventional methods may likewise be used.

Section 35. Survey Instruments/Equipment. The following instruments/equipment may be used in the conduct of surveys of ancestral domains/lands: theodolite, total station, Electronic Distance Measurement (EDM) instrument and GPS. To ascertain that these instruments are fit for use and capable of achieving the prescribed survey accuracy for registration purposes and conform to the survey standards provided under Sec. 200 to 202, Part 4, Chapter X of DMC 2010-13, a certification to that effect shall be issued by the Lands Management Bureau (LMB-DENR) or NAMRIA.

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Section 36. Standard of Accuracy. Surveys that will require the use of relative positioning technique shall follow the provisions provided under Annex XV of DMC 2010-13.

Section 37. Survey Rules in the AD/AL Delineation. In locating corners for purposes of delineating ancestral domains/lands the following rules and techniques shall be observed:

- a. Where the AD/AL area being surveyed adjoins other ADs/ALs with issued CADT/CALT, the corners or boundaries of the latter shall be adopted as boundary of the former.
- b. When natural features like bodies of water define the boundaries of an ancestral domain/land, the first and last corners situated along natural features shall be marked with monuments prescribed in Part II, Section 38, items a-c. Intermediate corners along the natural features may be marked with monuments described in Part II, Section 38, items b-d.
- c. In cases where bodies of water serve as the boundary between adjoining AD/AL claim/s and its claimants opted to use the inaccessible location of the same as their boundary, at least two (2) witness monuments shall be established on the ground following Part II, Section 38, item e hereof.
- d. When peaks and ridges constitute the boundary of the AD/AL, the corners shall be placed at appropriate distances following the general curves of the natural features.
- e. The distance between succeeding corner monuments should not exceed 500 meters for AL.
- f. For AD, a 1,000 meter-distance between succeeding corner monuments, preferably inter-visible, shall be observed. In excess of 1,000 meters, a written justification shall be submitted putting in detail the cause and effect of such undertaking.
- g. Where the AD covers coastal areas, the portion of the AD constituting the land area shall be surveyed/delimited separate from the water area and the respective technical descriptions shall be described in the survey plan. The corners defining the boundary between the land and water portion of the AD may be used as witness monuments to the submerged/inaccessible corners.

CORNER MARKERS OF ANCESTRAL DOMAINS/LANDS

Section 38. Types of Monuments or Markers. The position of points and corners of ancestral domain/land shall be defined and marked on the ground by monuments or markers of permanent nature, except when corners lie near physiographic or natural features. The mixture for concrete monuments consists of one (1) part cement, two (2) parts sand, and four (4) parts gravel or broken stone.

The following objects shall be considered as monuments/markers of permanent nature:

- a. **Boundary Monuments.** For ADs, rectangular parallelepiped concrete monuments measuring 25 cm x 25 cm x 100 cm, set 80 cm. on the ground shall be installed, with "ADBEM NCIP" (Ancestral Domain Boundary Monument NCIP) inscribed on top.

For ALs, cylindrical concrete monuments measuring 20 cm. in diameter and 80 cm. in height or rectangular parallelepiped concrete monuments measuring 20 cm. x 20 cm. x 80 cm., set 60 cm. on the ground shall be installed, with "ALBM" (Ancestral Land Boundary Monument) inscribed on top.

The foregoing monuments shall be centered with a galvanized iron spike, nail, rod or conical hole (not exceeding 2 cm in diameter and not less than 1 cm in depth). Inscriptions shall be at least 0.50 cm deep.

- b. **Intermediate corners.** Intermediate corners shall be defined by rectangular parallelepiped concrete monuments measuring 15 cm x 15 cm x 60 cm, set 50 cm on the ground and inscribed on top with "ADBM" for AD or "ALBM" for AL and centered with galvanized iron spike, nail, rod or conical hole (not exceeding 2 cm in diameter and not less than 1cm in depth). Inscriptions shall be at least 0.50 cm deep.
- c. **Immovable or Fixed Hard Rocks/Boulders.** The corners of the AD/AL may be defined by immovable or fixed hard rocks or boulders with surface exposed measuring not less than one (1) meter in diameter. The same shall be marked either with an "x" chiseled thereon or patched with cement putty centered with a hole, spike, or nail, and labeled correspondingly.
- d. **Other Monuments.** The following objects shall also be considered as monuments of permanent nature:
 - 1. Concrete posts of fences with outside diameters measuring at least twenty (20) cm.
 - 2. Living edible fruit trees or trees belonging to the first group measuring at least fifteen (15) centimeters in diameter
 - 3. Points on masonry or concrete walls
- e. **Witness Corner Monuments (WCM).** When the AD/AL being surveyed involves inaccessible/submerged corners, at least two (2) "witness monuments" shall be established as near as possible to the said corner/boundary. The corners defined by the witness points should be visible from the inaccessible points. The witness corner may be set using a cylindrical concrete monument that is 15 cm diameter and 60 cm long and set 40 cm on the ground. The letters "WCM" shall be engraved in such monuments.

The location of witness monuments shall be indicated on the surveyplan.

PRESCRIBED SURVEY RETURNS AND FORMS/FORMATS

Section 39. Survey Returns. The following documents shall form part of the survey returns of AD/AL surveys:

- a. Transmittal Letter
- b. Work Order or Survey Authority
- c. Receiving copy of the Survey Notification Letters
- d. Original Field Notes, with pagination, the cover of which is dry sealed by the geodetic engineer, notarized and stamped
- e. Original and duplicate copy of the Astronomical Computation Sheets completely filled up and signed by the geodetic engineer

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- f. Original and duplicate copy of the Traverse Computation Sheets completely filled up and signed by the geodetic engineer
- g. Original and duplicate copy of the Lot Data Computation Sheets completely filled up and signed by the geodetic engineer
- h. Indicative Maps
- i. Monument description sheets
- j. Photo documentation of monuments and other survey activities with caption
- k. Sketch plan of the survey drawn on appropriate scale
- l. Survey plan
- m. GPS survey returns signed and sealed by the geodetic engineer
- n. Certificate of GPS Data Evaluation issued by the NAMRIA
- o. Certified True Copy of Reference Points issued by NAMRIA/DENR
- p. Certificate of Equipment Calibration issued by NAMRIA for GPS and by the NCIP/DENR-LMB for other survey instruments
- q. Lot description
- r. Notarized documents embodying agreements between and among the stakeholders relative to the resolution of conflicts
- s. Survey Activity Completion Report signed by the geodetic engineer/s and noted by the concerned NCIP Provincial Officer
- t. Other related supporting documents

Section 40. Survey Plans. Maps and plans of all AD/AL surveys shall be plotted on appropriate standard base maps projected upon spheroidal quadrangles of Clarke's Spheroid of 1866. The AD/AL survey plan shall contain the following:

- a. Name of claimants for ALs and ICCs/IPs for ADs
- b. Actual location of the AD/AL, identifying therein the Barangay/s, Municipality/ies and Province/s covered
- c. Area of AD (in hectares); AL (in square meters)
- d. Technical Description
- e. System of survey used
- f. Scale used
- g. Inclusive dates when the survey was undertaken
- h. Name and signature of the geodetic engineer who conducted the survey
- i. Name and signature of the Regional Director endorsing the survey plan
- j. Name and signature of the designated geodetic engineer who verified/checked the survey returns
- k. Name and signature of the Chief of the Recognition Division recommending the approval of the plan
- l. Name and signature of the ADO Director approving the plan
- m. Name/s and signature/s of the identified/authorized elders/leaders of the community or head/s/representative/s of the clan/family
- n. Annotations indicating Section 56 of IPRA, authority to execute survey, description of corners, adverse claims, relation with any cadastral or public land surveys or reservations, land classification and other information relevant to the surveyed area.

They shall be drawn on the Philippine Plane Coordinate System-Transverse Mercator (PPCS-TM)/PRS '92 to an appropriate scale using drafting materials of stable base and of uniform size prescribed as follows:

The sizes of AD/AL plans are as follows:

	Ancestral Domain	Ancestral Land
Size:	100 cm x 83 cm	74 cm x 57 cm

Working space:	80 cm x 80 cm	54 cm x 54 cm
Title block:	17 cm x 80 cm	17 cm x 54 cm
Margin:	1.5 cm	1.5 cm

Section 41. Codes for AD/AL Survey Forms. The Survey Forms shall be identified using the following codes:

ADO-Form 01	- Survey Plan for AD
ADO-Form 01-A	- Survey Plan for AL
ADO-Form 02	- Lot Data Computation Sheet
ADO-Form 03	- Traverse Computation Sheet
ADO-Form 04	- Astronomical Observation
ADO-Form 05	- Field Notes Cover
ADO-Form 06	- Field Notes
ADO-Form 07	- Monument Description Sheet for GPS Controls
ADO-Form 07-A	- Monument Description Sheet for Boundary Monuments
ADO-Form 08	- Survey Notification Letter
ADO-Form 09	- Lot Description for Ancestral Lands
ADO-Form 10	- Transmittal of Survey Returns
ADO-Form 11	- Progress Notes of Survey Verification
ADO-Form 12	- GPS Observation/Field Sheets

Section 42. Numbering System and Symbols for ADs/ALs Survey. The numbering system for the survey of ADs/ALs shall be followed:

ADs-1401-0020-D	1. original survey of AD made by a private Geodetic Engineer
ALs-1401-0020-D	2. original survey of AL made by a private Geodetic Engineer
ADs-1401-0020-Gni	3. original survey of AD made by NCIP Geodetic Engineer
ALs-1401-0020-Gni	4. original survey of AL made by NCIP Geodetic Engineer
AD-1401-0020-D (Amd)	5. amendment survey of AD conducted by private Geodetic Engineer
AL-1401-0020-D (Amd)	6. amendment survey of AL conducted by private Geodetic Engineer
AD-1401-0020-Gni (Amd)	7. amendment survey of AD conducted by NCIP Geodetic Engineer
AL-1401-0020-Gni (Amd)	8. amendment survey of AL conducted by NCIP Geodetic Engineer
AD-1401-0020-D (Rs)	9. re-survey of AD made by Private Geodetic Engineer
AL-1401-0020-D (Rs)	10. re-survey of AL made by private Geodetic Engineer
AD-1401-0020-Gni (Rs)	11. re-survey of AD made by NCIP Geodetic Engineer
AL-1401-0020-Gni (Rs)	12. re-survey of AL made by NCIP Geodetic Engineer

AL-1401-0020-D (Psd)	13. subdivision survey of AL made by private Geodetic Engineer
AL-1401-0020-Gni (Gsd)	14. subdivision survey of AL made by NCIP Geodetic Engineer
AL-1401-0020-D (Vs)	15. verification survey of AL made by private Geodetic Engineer
AL-1401-0020-Gni (Vs)	16. verification survey of AL made by NCIP Geodetic Engineer

FINAL PROVISIONS

Section 43. Non-waiver of Native Title. The decision of the AD/AL claimant/s to have only those uncontested portions of their claim surveyed shall not be deemed a waiver of their right over the contested area.

Section 44. Contracting out of Delineation Process. The delineation process (i.e. Social Preparation activities up to the preparation of the recognition book) of ADs/ALs may be contracted out to qualified third persons or entities in accordance with a contract between and among the concerned ICCs/IPs, the prospective contractor, and the concerned NCIP Regional Director subject to the approval of the CEB.

Section 45. Administrative Discipline over NCIP Personnel. Any employee, personnel or officer of the NCIP violating any of the provisions of this rules shall be sanctioned or dealt with in accordance with the Civil Service Rules on Discipline.

Section 46. Sources of Funds. The funding requirements for the activities indicated in these rules shall be sourced from the General Appropriation Act (GAA), Foreign Aid and Grants, Presidential Operational/Social Funds, PCSO Fund, and other sources.

Section 47. Policy Guidelines for Fund Allocation. The Commission shall observe prudence to ensure efficiency, equity, economy and transparency in fund allocation for the delineation and recognition of ADs/ALs, taking into account the Provincial Delineation Action Plan (PDAP).

FINAL CLAUSES

Section 48. Applicability of DENR DMC 2010-13. The provisions of DENR Memorandum Circular No. 2010-13 shall apply in suppletory manner, whenever practicable and convenient and in so far as the same is consistent with the provisions of IPRA.

Section 49. Separability Clause. In case any clause, sentence, section, or provision of this rules or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 50. Repealing Clause. All Circulars, Memoranda, and Administrative Orders issued by the Commission, Resolutions or parts thereof, inconsistent with the provisions of this rules are hereby repealed or modified accordingly.

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Section 51. Effectivity. This Rules shall take effect fifteen (15) days after its filing with the Office of the National Administrative Register, U.P. Law Center, Diliman, Quezon City, Philippines.

Approved this 11th day of June, 2020, Quezon City, Philippines.


GASPAR H. CANAT
Commissioner


NORBERTO M. NAVARRO
Commissioner


ROLANDO M. RIVERA
Commissioner


GEORGE M. LARGADO
Commissioner



DOMINADOR M. GOMEZ
Commissioner


JENNIFER SIBUG-LAS
Commissioner


HON. ALLEN A. CAPUYAN
Chairperson

ATTESTATION

I attest that this Resolution was approved by the Commission En Banc during the regular session on the date as above stated.


ROGELIO FRANCISCO M. BANTAYAN, JR.
Executive Director
Secretariat of the Commission