



#### Foreign Supreme Courts

- [Korea, South](#)
- [Malaysia](#)
- [Singapore](#)
- [United States of America](#)



[View printer friendly version](#)

(NAR) VOL. 9 NO. 4 / OCTOBER - DECEMBER 1998

## [ NCIP ADMINISTRATIVE ORDER NO. 1, SERIES OF 1998, June 09, 1998 ]

### **RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS "THE INDIGENOUS PEOPLES' RIGHTS ACT OF 1997"**

Pursuant to Section 80 of Republic Act No. 8371, otherwise known as "The Indigenous Peoples' Rights Act of 1997" (IPRA), the following rules and regulations are hereby promulgated for the guidance and compliance of all concerned.

#### **RULE I Preliminary Provisions**

**SECTION 1. Title.** These rules shall be known and cited as "The Rules and Regulations Implementing The Indigenous Peoples' Rights Act of 1997" (IPRA).

**SECTION 2. Purpose.** These rules are hereby promulgated to prescribe the procedures and guidelines for the implementation of Republic Act No. 8371, otherwise known as "The Indigenous Peoples' Rights Act of 1997" (IPRA) in order to facilitate compliance therewith and achieve the objectives thereof.

**SECTION 3. Declaration of Policy.** The State recognizes the inherent dignity and equal and inalienable rights of all members of Philippine society as the foundation of freedom, justice and peace. The rights of indigenous cultural communities/indigenous peoples are universal, indivisible, interdependent and interrelated. It is, therefore, the policy of the state to recognize and promote all individual and collective rights of ICCs/IPs within the framework of national unity and development in accordance with the Constitution and applicable norms and principles.

**SECTION 4. Operating Principles.** In implementing the policies enumerated in these Rules, the following operating principles shall be adhered to:

- Cultural Diversity.** As the beginning of unity is difference, the diversity of cultures, traditions, beliefs and aspirations of indigenous peoples shall be encouraged and fostered in openness, mutual respect for, and active defense of the equal and inalienable dignity and universal, indivisible, interdependent and interrelated rights of every human being, in the spirit of inter-people cooperation;
- Consensus and Peace-Building.** In resolving conflicts or disputes affecting or pertaining to indigenous peoples, any determination or decision thereon shall be reached through dialogue and consensus as far as practicable;
- Cultural Integrity.** Within ancestral domains/lands, the holistic and integrated adherence of indigenous peoples to their respective customs, beliefs, traditions, indigenous knowledge systems and practices, and the assertion of their character and identity as peoples shall remain inviolable;
- Human Dignity.** The inherent and inalienable distinct character, sacred human dignity, and unique identity of indigenous peoples as peoples shall be respected;
- Subsidiarity, Solidarity and Total Human Development.** In the pursuit of civil, political, economic, social and cultural development, the human person shall be the central subject thereof and its active participant and beneficiary. Everyone has duties to the community. In the exercise of rights and freedoms, everyone shall be subject only to such limitations as are determined by custom or law, solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society; and
- Transparency and Capacity Building.** The Commission shall perform its tasks on the basis of transparency and active support and participation by the ICCs/IPs, and shall take a pro-active strategy in empowering ICCs/IPs and in the fulfillment of its mandate.

#### **RULE II Definition of Terms**

**SECTION 1. Definition of Terms.** For purposes of these Rules and Regulations the following terms shall mean:

- a. **Ancestral Domains.** Refers to all areas generally belonging to ICCs/IPs, subject to property rights within ancestral domains already existing and/or vested upon the effectivity of the Act, 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 voluntary dealings entered into by the 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, subject to property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, 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 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 this law.
- d. **Certificate of Ancestral Land Title (CALT).** Refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands.
- e. **Culture Sensitive.** Refers to the quality of being compatible and appropriate to the culture, beliefs, customs and traditions, indigenous systems and practices of ICCs/IPs.
- f. **Communal Claims.** Refer to claims on land, resources and rights thereon belonging to the whole community within a defined territory.
- g. **Commercial Forest Plantation.** Refers to any land planted to timber producing species, including rubber, and/or non-timber species such as rattan and bamboo, primarily to supply the raw material requirements of existing or proposed public or private forest-based industries, energy-generating plants and related industries.
- h. **Customary Laws.** Refer to a body of written or unwritten rules, usages, customs and practices traditionally observed, accepted and recognized by respective ICCs/IPs.
- i. **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.
- j. **Community Intellectual Rights.** Refer to the rights of ICCs/IPs to own, control, develop and protect: (a) the past, present and future manifestations of their cultures, such as but not limited to, archeological and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts and literature as well as religious and spiritual properties; (b) science and technology including, but not limited to, human and other genetic resources, seeds, medicine, health practices, vital medicinal plants, animals and minerals, indigenous knowledge systems and practices, resource management systems, agricultural technologies, knowledge of the properties of fauna and flora, oral traditions, designs, scientific discoveries; and, (c) language, script, histories, oral traditions and teaching and learning systems.
- k. **Free and Prior Informed Consent.** As used in the Act, shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of an activity, in a language and process understandable to the community.
- l. **Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs).** 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, became historically differentiated from the majority of Filipinos. ICCs/IPs shall, likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization or at the time of inroads of 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.
- m. **Indigenous Peoples' Rights Act (IPRA) or Act.** Heretofore, the Act shall refer to Republic Act No. 8371.
- n. **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 Timuay, Bodong Holders, or any other tribunal or body of similar nature.
- o. **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.
- p. **Indigenous Knowledge Systems and Practices.** Refer to systems, institutions, mechanisms, and technologies comprising a unique body of knowledge evolved through time that embody patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious spheres, and which are the direct outcome of the indigenous peoples, responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.
- q. **Large Scale Agriculture.** Refers to any commercial or profit making business activity or enterprise, involving the cultivation of soil, planting of crops, growing of trees, raising of livestock, poultry fish or aquaculture production including the harvesting of such farm products, and other farm activities and practices performed in conjunction with such farming operations, agribusiness or services, by natural or juridical persons whether single proprietorship, cooperative, partnership or corporation.
- r. **National Commission on Indigenous Peoples (NCIP).** Refers to the office created under the Act, which shall be under the Office of the President, and which shall be the primary government agency responsible for the formulation and implementation of policies, plans and programs to recognize, protect and promote the rights of ICCs/IPs.

- s. **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/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest.
- t. **Natural Resources.** Refer to life support systems such as, but not limited to, the sea, coral reefs, soil, lakes, rivers, streams and forests as well as useful products found therein such as minerals, wildlife, trees and other plants, including the aesthetic attributes of scenic sites that are not man-made.
- u. **Non-Government Organization (NGO).** Refers to a private, non-profit 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.
- v. **Peoples' Organization.** Refers to a private, non-profit voluntary organization of members of an ICC/IP which is accepted as representative of such ICCs/IPs.
- w. **Self Governance.** Refers to the right of ICCs/IPs to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision making and participation, such as, but not limited to, Council of Elders, Bodong Holders, Dap-ay, Ator, Council of Mangkatadong, or any other body of similar nature.
- x. **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, belief systems, and practices.
- y. **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 and utilized a defined territory devolved to them, by operation of custom law or inherited from their ancestors, in accordance with their customs and traditions.
- z. **Unlawful or Unauthorized Intrusion.** Refers to the occupation of lands and utilization of resources within the ancestral domain without the consent of the IP concerned or through invasion, violation, wrongful entry or entry by stealth or force or uninvited entrance upon the territorial domain of another.
- aa) **Usurpation.** Usurpation of real rights in property or occupation of real property as defined in Article 312 of the Penal Code is committed by any person who, by means of violence against or intimidation of persons, shall take possession of any real property belonging to another.

### **RULE III**

#### **Rights to Ancestral Domains/Lands**

##### *PART I. Policies and Concepts*

**SECTION 1. Constitutional and Legal Framework.** The State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains.

**SECTION 2. Composition of Ancestral Domains/Lands.** Ancestral Domains/Lands are all areas generally belonging to the ICCs/IPs, owned, occupied or possessed by themselves or through their ancestors, communally or individually since time immemorial.

Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Ancestral domain consists of lands, inland waters, coastal areas, minerals and other natural resources.

Lands within ancestral domains shall include, but not limited to, ancestral lands, forests, pasturelands, residential lands, agricultural lands, hunting grounds, burial grounds, worship areas, land no longer occupied by the ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, and other lands individually owned whether alienable and disposable or otherwise. Ancestral land shall consist of, but not be limited to, residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots. Provided that property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, within ancestral domains/lands, shall be respected and recognized.

Inland waters and coastal areas include fishing grounds, collecting grounds, and bodies of water.

**SECTION 3. Indigenous Concept of Ownership.** Ancestral domains/lands and all resources found therein form the material bases of the ICCs/IPs cultural integrity. The indigenous concept of ownership therefor, generally holds that ancestral domains are the ICCs/IPs private but communal property which belongs to all generations and shall not be sold, disposed nor destroyed. The present generation who are today's occupants have the inter-generational responsibility of conserving the land and natural resources for future generations of ICCs/IPs to enjoy.

**SECTION 4. Recognition of Ancestral Domain and Land Rights.** The rights of the ICCs/IPs to their ancestral domains and lands by virtue of native title shall be recognized and respected. Native title to ancestral domains and lands may be formally recognized or established through the issuance of corresponding Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) as provided in the Act.

All areas within ancestral domains, whether delineated or not, are presumed to be communally owned and, pursuant to the indigenous concept of ownership, could not be sold, disposed nor destroyed.

Areas and resources in the domains are deemed destroyed if on account of the activity conducted or applied:

- a. The area or resource could no longer serve its normal or natural functions; or
- b. That the area or resource is used in a manner not consistent with customary laws or agreements of the indigenous peoples concerned; or

- c. That the area or resource is used or gathered in a wasteful or excessive manner resulting to irreversible loss or irreparable damage.

## *PART II Rights of Indigenous Cultural Communities/Indigenous Peoples to Ancestral Domains*

**SECTION 1. Rights of Ownership.** ICCs/IPs have rights of ownership over lands, waters, and natural resources and all improvements made by them at any time within the ancestral domains/lands. These rights shall include, but not limited to, the right over the fruits, the right to possess, the right to use, right to consume, right to exclude and right to recover ownership, and the rights or interests over land and natural resources. The right to recover shall be particularly applied to lands lost through fraud or any form of vitiated consent or transferred for an unconscionable price.

**SECTION 2. Right to Develop Lands and Natural Resources.** Subject to property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, ICCs/IPs have the right to control, manage, develop, protect, conserve, and sustainably use: 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 systems and practices (IKSPS) and customary laws and traditions, and duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) where ADSDPPs have been adopted; and to equitably benefit from the fruits thereof. In all instances, ICCs/IPs shall have priority in the development, extraction, utilization and exploitation of natural resources.

- a. **Right to Benefits.** The ICCs/IPs have the right to benefit from the utilization, extraction, use and development of lands and natural resources within their ancestral lands/domains and to be compensated for any social and/or environmental costs of such activities.

Accordingly, the concerned ICC/IP community shall be extended all the benefits already provided under existing laws, administrative orders, rules and regulations covering particular resource utilization, extraction or development projects/activities, without prejudice to additional benefits as may be negotiated between the parties. The NCIP, as third party, shall, among others, assist the ICCs/IPs in the negotiation process to safeguard and guarantee that the terms and conditions of the agreement negotiated are not inimical to the rights of the ICCs/IPs.

The NCIP shall ensure that at least 30% of all funds received from such activities will be allocated to the ICC/IP community for development projects or provision of social services or infrastructure in accordance with their duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) whenever. In the absence of such ADSDPP, the NCIP shall assist the ICCs/IPs in the development of a program or project to utilize such funds.

In consultation with ICCs/IPs, the NCIP shall set guidelines for the utilization of funds accruing to ICCs/IPs.

- b. **Other Related Rights.** The rights of ICCs/IPs to develop their territories including all the natural resources therein shall further include, but not limited to, the following:

- (1) The right to source out, control, manage, disburse or use any funds or appropriations from any legal entity, for the development of the territories, provided that the community concerned shall have adequate systems to ensure individual and collective accountability and responsibility for such funds;
- (2) The right of ICCs/IPs through their Council of Elders/Leaders, subject to the principle of Free and Prior Informed Consent provided in these Rules and Regulations, to enter into agreement with any legal entity, for the utilization, extraction or development of natural resources, subject to a limited term of 25 years, renewable at the option of the ICCs/IPs for another 25 years, and to visitorial and monitoring powers of the ICCs/IPs and the NCIP for purposes of ensuring that the ICCs/IPs' rights and interests are adequately safeguarded and protected;
- (3) The right of ICCs/IPs to protect, conserve and manage portions of the ancestral domains/lands which they find necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover or reforestation, with the full and effective technical and financial support of concerned government agencies or other legal entities; and
- (4) Subject to the customary laws, and Free and Prior Informed Consent of ICCs/IPs concerned, the right to temporarily allow or permit appropriate government agencies to manage the areas enumerated in the preceding paragraph, under a written agreement that shall ensure that:
  - a) a program of technology transfer shall be pursued to enable the concerned ICCs/IPs to ultimately manage the area themselves; and
  - b) that no displacement or dislocation of ICCs/IPs shall occur as a result of the implementation of the project/activity.

**SECTION 4. Right to Stay in Territories and Not to be Displaced Therefrom.** The right of ICCs/IPs to stay in their territories shall remain inviolate. No ICCs/IPs shall be relocated without their free and prior informed consent nor through any means other than eminent domain. Relocation or displacement as an exceptional measure or as a result of calamity or catastrophe shall only be temporary. ICCs/IPs shall have the right to return to their ancestral domain as soon as the grounds for such relocation cease to exist, and shall have the right to be compensated for damages sustained as a consequence of the relocation.

- a. **Temporary Relocation as an Exceptional Measure.** Temporary relocation is an exceptional measure if, after exhausting all legal remedies, it stands as the only option to avoid loss of lives, and to safeguard the health and safety of the populations affected. Temporary relocation shall generally occur as a result of force majeure, natural calamities or catastrophes.

Where temporary relocation is determined by the ICC/IP concerned, in consultation with the NCIP and other appropriate government agencies as an exceptional measure, the concerned government agencies shall provide the affected ICCs/IPs with habitable relocation sites and adequate shelter, food, and other basic services, as well as livelihood opportunities to ensure that their needs are effectively addressed.

- b. **Right to Return to Ancestral Domain.** When the reason for the relocation ceases to exist as determined by the ICCs/IPs, in consultation with appropriate government agencies, the ICCs/IPs shall have the right to return to their ancestral domains.

- c. **Rights in Case of Permanent Relocation/Displacement.** Should the conditions for their return pose grave and long-term risks for the displaced ICCs/IPs, and normalcy and safety of the previous settlements are irreversibly lost, the displaced ICCs/IPs shall, upon their Free and Prior Informed Consent, be accorded the following:

- (1) Relocation to a site, which shall, in all possible cases, be of equal quality and legal status as that previously occupied, and which shall be suitable to

provide for their present needs and future development;

- (2) Security of tenure over lands to which they will be resettled or relocated; and
- (3) Compensation for loss, injury or damage as a consequence of such relocation or displacement.

d. **Compensation for Loss, Injury or Damage.** Compensation for loss, injury, or damage shall be obtained through the following procedures:

- (1) **Who may file.** The following shall be entitled to compensation for loss, injury or damage:
  - i) Any individual in the event of loss of life, injuries or damage to property;
  - ii) Concerned ICC/IP Elders/Leaders representing their communities, in case of damage to burial grounds, worship areas, hunting grounds, or any other parts or communal structures within the ancestral domains; or
  - iii) The NCIP may motu proprio file the claim for loss, injury or damage for and in behalf of the ICC/IP community.
- (2) **Notification to NCIP.** In case the claim is filed by the affected ICC/IP, the NCIP must be notified through its field office, of such loss, injury or damage suffered as a result of the relocation or displacement.
- (3) **Filing of claim.** The NCIP or affected ICC/IP with the assistance of NCIP shall file the claim for compensation of loss, damage or injury with the appropriate office of the agency which has caused such relocation or displacement.
- (4) **Payment of compensation.** The NCIP shall ensure that such claim for payment is given due consideration and that the claimant is duly compensated within a reasonable time.

**SECTION 5. Right to Regulate Entry of Migrants and Other Entities.** The collective right to use everything within the domain/land is limited only to the recognized members of the ICCs/IP community. Accordingly, the ICCs/IPs shall have the right to regulate the entry of migrants, including organizations who intend to do business, engage in development or other form of activities, in their ancestral domains/lands. For this purpose, the following shall be applicable:

- a. **Migrants.** For purposes of these rules, a migrant is a person who is not a native to the ancestral domain or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to natural disasters, armed conflict, population pressure, or search for seasonal work, opted to occupy and utilize portions of the ancestral domains/lands and have since established residence therein;
- b. **Other entities.** Other entities shall include all organizations, corporations, associations or persons who intend to enter the ancestral domains/lands for the purpose of doing business, development or other activities therein; and
- c. **Procedure for Regulating Entry of Migrants and Other Entities.** All migrants and other entities must first secure the express permission of the community's council of elders/leaders who shall, in accordance with their consensus building process, community practices, customs and traditions and upon the Free, Prior and Informed Consent of the community members agree to accept such migrant or entity within the domains, subject to the following conditions:
  - (1) Said persons and entities can be allowed to perform activities as are expressly authorized and which are not inimical to the development of the ancestral domains and cultural integrity of the ICCs/IPs, and
  - (2) The ICCs/IPs shall maintain the right to impose penalties for violation of the conditions in accordance with their customary laws, the Act or its rules and regulations.

The ICCs/IPs Council of Leaders/Elders, with the assistance of NCIP shall take appropriate action to ensure the effective implementation and enforcement of these rights.

**SECTION 6. Right to Safe and Clean Air and Water.**

- a. The ICCs/IPs through their indigenous knowledge systems and practices and their customs and traditions have preserved the environment and have demonstrated their capability to conserve and protect the integrity of their ecological systems. To enable these ecologically-sound and sustainable practices to flourish, the ICCs/IPs have the right to regulate activities that may adversely affect their airspace, bodies of water and lands. Any violation of environmental laws adversely affecting the integrity of the ecological systems in ancestral domains/territories shall be penalized according to customary laws of the ICCs/IPs concerned.

The ICCs/IPs shall take the necessary steps to source out adequate and effective technical and financial support to protect the environment. Government shall adopt effective measures to implement environmental laws that will preserve the quality of freshwater, surface and ground water and minimize air pollution and other forms of pollution that may affect the domains.

- b. **Environmental Conservation and Protection Program (ECP).** All persons or entities allowed under the Act to participate in land development, utilization, exploitation, and extraction of natural resources, and government offices or agencies allowed to undertake or implement infrastructure projects within ancestral lands/domains, shall submit to the NCIP, through the concerned Regional Office, a culture-sensitive Environmental Conservation and Protection Program (ECP) stating in detail the environmental impact of such activities or projects proposed, control and rehabilitation measures and financial resource allocations therefor, implementation schedules, compliance guarantees, and evaluation and monitoring schemes.

Within twenty (20) working days from receipt thereof, the concerned Regional Office shall conduct preliminary evaluation of the ECP. Based on its findings, the Regional Office may order the ECP to be revised and/or additional requirements may be imposed and/or other documents may be required. The concerned Regional office shall endorse the ECP, with recommendations, to the Commission.

Detailed guidelines for the preparation and implementation of the ECPs shall be prescribed by the Commission based on principles underlying the ICCs/IPs framework for sustainable development of the ancestral domains and nationally-defined environmental standards.

**SECTION 7. Right to Claim Parts of Reservations.** The dispossession of indigenous peoples from their ancestral domains/lands by operation of law, executive fiat or legislative action constitute a violation of the constitutional right to be free from the arbitrary deprivation of property. As such, ICCs/IPs have the right to claim ancestral domains, or parts thereof, which have been reserved for various purposes.

**a. Procedure for Reclaiming Ancestral Domains or Parts thereof Proclaimed as Reservations.**

- (1) For purposes of the enforcement of this right, the NCIP shall review all existing Executive Orders, Administrative Orders, Presidential Proclamations covering reservations within ancestral domains to determine the actual use thereof.
- (2) Thereafter, it shall take appropriate steps to cause the disestablishment of the reservation or the segregation and reconveyance of ancestral domains or portions thereof to the concerned ICCs/IPs.

**b. Conditions for Continued Use of Ancestral Domains as Part of Reservations.** ICCs/IPs communities whose ancestral domains or portions thereof continue to be used as part of reservations, have the right to negotiate the terms and conditions thereof in a Memorandum of Agreement. The ICC/IP community may negotiate for such use, including the grant of benefits such as, but not limited to, preferential use of facilities in the area and free access to basic services being dispensed therefrom, through appropriate IP desks to be established by the administrator of the reservation.

**SECTION 8. Right to Resolve Conflicts According to Customary Laws.** All conflicts pertaining to property rights, claims and ownership, hereditary succession and settlement of land disputes within ancestral domains/lands shall be resolved in accordance with the customary laws, traditions and practices of the ICCs/IPs in the area where the conflict arises.

If the conflict between or among ICCs/IPs is not resolved, through such customary laws, traditions and practices, the Council of Elders/Leaders who participated in the attempt to settle the dispute shall certify that the same has not been resolved. Such certification shall be a condition precedent for the filing of the complaint with the NCIP, through its Regional Offices for adjudication.

Decisions of the NCIP may be brought on Appeal to the Court of Appeals by way of a Petition for Review.

**PART III. Rights of the ICCs/IPs to their Ancestral Lands**

**SECTION 1. Right to Transfer Land or Property.** The various indigenous modes of acquisition and transfer of property between and among members of the ICCs/IPs shall be recognized as legal, valid and enforceable.

Indigenous property rights arising from marriages between IPs and non-IPs shall be governed by customary laws of the IP spouse. The non-IP spouse shall have usufructuary rights thereto for the maintenance and support of the family.

**SECTION 2. Right to Redemption.** Transfer of ancestral lands by IPs to non-IPs attended by vitiated consent or made for an unconscionable price shall, upon investigation and proof thereof, be declared null and void ab initio and the transferor has the right to redeem the property within a period of fifteen years from the date of transfer. In case of fraudulent transactions, the redemption period shall be reckoned upon the discovery of the fraud.

Consent is deemed vitiated when given through error or mistake, violence, intimidation, undue influence, fraud or deceit. The price is considered unconscionable when the amount compared to the value of the property is so disproportionate as to be revolting to human conscience.

The transferor shall exercise his right to redeem within fifteen years from date of transfer. The NCIP shall provide, as part of its Rules of Procedures, the process for the exercise of this right. It shall include the filing of a petition therefor stating the circumstances of vitiated consent or unconscionable price; due notice and hearing; and the reconveyance of the property to the transferor ICC/IP.

**SECTION 3. Option to Secure Patents Under Commonwealth Act No. 141, as Amended.** Formal recognition of native title to ancestral lands is secured through the issuance of a Certificate of Ancestral Land Title under the Act.

Members of the ICCs/IP communities who individually own ancestral lands shall have the option to secure Certificates of Title to such land pursuant to the provisions of Commonwealth Act No. 141, as amended, provided such option is exercised within twenty (20) years from approval of the Act.

Pursuant to Section 12 of the Act, all ancestral lands which have been individually owned and actually used continuously by ICCs/IPs for a period of at least thirty (30) years for agricultural, residential, pasture, or tree farming purposes, including those with slope of more than eighteen (18) degrees are hereby classified as alienable and disposable agricultural lands and may be titled in accordance with the provisions of Commonwealth Act No. 141, as amended.

Ancestral lands within ancestral domains shall remain an integral part thereof and can only be transferred or otherwise encumbered subject to customary laws and traditions of the community where the same is located.

**PART IV. Responsibilities of ICCs/IPs to their Ancestral Domains**

**SECTION 1. Maintain Ecological Balance.** Based on their indigenous and traditional practices, ICCs/IPs shall formulate and implement their respective systems for protecting and conserving the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in order to preserve, restore and maintain a balanced ecology within their ancestral domains. To ensure biological diversity, sustainable indigenous agriculture shall be encouraged while the system of mono-cropping shall be discouraged.

The ICCs/IPs shall establish their own institutions, systems and standards for protecting their natural resources. Such standards shall consider the national standards as minimum, without prejudice to imposing stricter standards. For this purpose, the ICCs/IPs shall be authorized by the government, through appropriate issuance, to exercise powers to apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains in accordance with Section 72 of the Act.

The ICCs/IPs shall have access to all government funds earmarked for environmental protection in relation to their domains. For this purpose, the NCIP shall negotiate and enter

into agreements with concerned agencies for the effective transfer of funds appropriated for such purposes to the concerned indigenous peoples' communities through the NCIP.

The ICCs/IPs may, on their own initiative, likewise secure funds for such purposes from other local and foreign sources.

**SECTION 2.** *Restore Denuded Areas.* The concerned ICCs/IPs, in collaboration with appropriate government agencies, shall restore denuded areas within their ancestral domains.

In cases where the denudation of areas within the domains is caused by identified natural resource licensees, the ICCs/IPs through the NCIP shall make the proper representation to the appropriate government agency for the enforcement of the licensees' obligation under the contract to reforest said areas. Should the licensee fail to implement a restoration program, the concerned government agency shall cause the execution of the bond and apply the same in favor of the ICCs/IPs, without prejudice to payment of compensation for damages to the ancestral domains' eco-systems.

Through their own POs, the concerned ICCs/IPs shall develop their own systems for undertaking reforestation projects under such terms and conditions that will ensure the application of IKSPs and customary laws, and the promotion and propagation of indigenous species as well as those of ecological importance. All such projects shall be considered an integral part of the domains and are therefore communally-owned by such ICCs/IPs.

The management of all existing government reforestation projects within the ancestral domains shall be transferred to the NCIP through the execution of the appropriate instruments. The NCIP, in turn, shall execute Memoranda of Agreement with concerned ICCs/IPs for the implementation of the projects.

**SECTION 3.** *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 the Act.

## **RULE IV**

### **Right to Self-Governance and Empowerment**

*PART 1: Self-Governance and Political Leadership Systems.*

**SECTION 1.** *Recognition of Authentic Leadership.* In pursuance of the right to self-governance and self-determination, the ICCs/IPs, in coordination with the Department of the Interior and Local Government, through the NCIP, shall formulate measures to ensure that:

- a) The socio-political structures, systems and institutions of ICCs/IPs are strengthened;
- b) The indigenous structures, systems, and institutions are not supplanted by other forms of non-indigenous governance; and/or
- c) Mechanisms that allow the interfacing of indigenous systems of governance with the national systems are established.

**SECTION 2.** *Authentication of Indigenous Leadership Titles and Certificates of Tribal Membership.* The ICCs/IPs concerned shall have the sole power to authenticate indigenous leadership titles and certificates of membership. Accordingly, the ICCs/IPs shall have the following powers and rights:

- a) **Right to Confer Leadership Titles.** The ICCs/IPs concerned, in accordance with their customary laws and practices, shall have the sole right to vest titles of leadership such as, but not limited to, Bae, Datu, Baylan, Timuay, Likid and such other titles to their members.
- b) **Recognition of Leadership Titles.** To forestall undue conferment of leadership titles and misrepresentations, the ICCs/IPs concerned, may, at their option, submit a list of their recognized traditional socio-political leaders with their corresponding titles to the NCIP. The NCIP through its field offices, shall conduct a field validation of said list and shall maintain a national directory thereof.
- c) **Issuance of Certificates of Tribal Membership.** Only the recognized registered leaders are authorized to issue certificates of tribal membership to their members. Such certificates shall be confirmed by the NCIP based on its census and records and shall have effect only for the purpose for which it was issued.

All Certificates of Tribal Membership previously issued under Executive Order No. 122-B, and 122-C, as amended, shall be validated by the ICCs/IPs in accordance with their own process and shall be endorsed to the NCIP for confirmation and recording purposes.

**SECTION 3.** *Indigenous Political Leadership Development.* Indigenous leadership emerges from the dynamics of customary laws and practices. Indigenous leaders evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs as seen, among others, by the following attributes:

- a. Demonstrates sustained wisdom and integrity in the administration of justice and pronouncement of judgments and decisions based on truth and the maintenance of peace;
- b. Model head of the family, as a provider and protector of family and community values such as cooperation, sharing and caring;
- c. Contributes and makes decisions aimed at protecting the ancestral domain, community peace, truth, IKSPs and sustaining harmonious relationships with neighboring tribes;
- d. Recognized authority on customary laws and practices, conflict resolution mechanism, peace-building processes, spiritual, rituals and ceremonials; and
- e. Personal integrity and honesty.

The NCIP shall support the initiatives, projects and activities of ICCs/IPs that will strengthen and develop their socio-political and leadership systems.

**SECTION 4.** *Recognition of Socio-Political Institutions and Structures.* The ICCs/IPs have the right to use their traditional justice systems, conflict resolution institutions or peace building processes which are oriented to settlements, reconciliation and healing, and as may be compatible with national laws and accepted international human rights, in all conflict situations between and among IP individuals and between and among other ICCs/IP communities.

The NCIP shall assist ICCs/IPs to document cases resolved under the indigenous justice systems, conflict resolution mechanisms and peace building processes in order to provide references to be used in resolving conflicts involving ICCs/IPs.

*SECTION 5. Support for Autonomous Regions.* The autonomous regions created under the 1987 Constitutions, in accordance with their requirements and needs, shall be strengthened and supported by the State, following the principles of self-governance and cultural integrity.

ICCs/IPs not included or outside Muslim Mindanao and the Cordilleras shall use the form and content of their ways of life as may be compatible with the fundamental rights defined under the 1987 Constitution of the Republic of the Philippines and other internationally recognized human rights.

*SECTION 6. Mandatory Representation in Policy Making Bodies.* The ICCs/IPs shall be provided mandatory representation in all policy making bodies and in local legislative councils. ICC/IP representation shall be proportionate to their population, and shall have the same privileges as the regular members of the legislative bodies and/or policy making bodies.

ICC/IP representatives shall be qualified and chosen by their own communities in accordance with a process to be determined by them. In consultation with ICCs/IPs, the NCIP in close coordination with DILG shall come up with appropriate measures to ensure the full participation of ICCs/IPs in matters affecting their development. Such measures shall also include the provision of technical assistance to develop the ICC/IP representative's knowledge of traditional socio-political systems, customary laws, justice system and skills in interfacing with non-IP governance and policy making.

*SECTION 7. Right to Determine and Decide Own Development and Right to Develop as Peoples.* The ancestral domains of the ICCs/IPs is the foundation of their right to self-determination. As such the ICCs/IPs shall have the right to decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being and the lands they own, occupy and use. Towards these ends, the ICCs/IPs shall participate in the formulation, implementation and evaluation of plans, policies and programs for national, regional and local development which may affect them.

The NCIP shall take special measures to guarantee the right of ICCs/IPs to pursue their economic, social and cultural development at their own choice and pace and to ensure that economic opportunities created by the government are extend to them based on freedom of initiative and self-reliance.

*SECTION 8. Tribal Barangays.* The ICCs/IPs living in contiguous areas or communities where they form the majority may form or constitute a separate barangay in accordance with the Local Government Code. In consultation with the ICCs/IPs the NCIP, in close coordination with the DILG shall formulate measures to ensure the implementation of the principle of Equivalent Free Voting Procedure in such barangays in order to effectively recognize indigenous political systems, leadership structures and governance in such barangays. The NCIP shall undertake studies and propose legislative measures to ensure the applicability of traditional socio-political structures and processes for local governance in ancestral domains/lands and geographic areas occupied by ICCs/IPs.

## *PART II: Role of Peoples Organizations*

*SECTION 1. Right to Organize and Associate for Collective Actions.* The NCIP shall recognize the vital role of IPOs as autonomous partners in development and shall fully support the development and empowerment of indigenous peoples organizations, or associations to pursue and protect their legitimate and collective interests and aspirations.

In consultation with the Indigenous Peoples Organizations (IPOs), the NCIP shall prepare guidelines for strengthening the capability of the members which shall be culture sensitive and shall cover, among others, the following:

- a. Awareness and knowledge of IPRA and its IRR;
- b. IPs' holistic and sustainable development framework;
- c. Research and documentation skills particularly in taking the testimonies of elders by way of individual and group interviews;
- d. Community Organization to include traditional leadership, community and cooperative value system, socio-political structures and self advocacy;
- e. Indigenous Knowledge Systems and Practices (IKSPs) to include but not limited to customary laws, traditions and practices; sustainable resource management systems and practices; family and community life value systems;
- f. Conflict resolution mechanisms and peace-building processes;
- g. Project management; and
- h. Networking and development work partnership with other POs, NGOs and GOs.

*SECTION 2. Registration Requirements for Indigenous Peoples Organizations (IPO).* For the purpose of acquiring legal personality, indigenous peoples' organizations may register with the NCIP.

The application for registration shall be filed with the concerned NCIP Provincial Office with the following attachments:

- a. Duly accomplished NCIP Registration Form;
- b. List of Officers/Leaders;
- c. Petition/Resolution signed by authorized officers/or members;
- d. List of authorized PO representative/s;



- e. Organization's vision, mission, goals and objectives, programs/plans and membership policies;
- f. Written accounts of organizational decision-making processes;
- g. Written commitment to recognize and assert customary laws and decision-making by consensus; and
- h. Genealogical surveys.

The NCIP Provincial Officer shall evaluate and field validate the authenticity of the IPO and submit a report of the same including the IPO's application for registration to the NCIP Regional Director who shall, within 15 days issue the Certificate of Registration. The NCIP Regional Director shall furnish the National Office updated lists of all such organizations registered by them.

*SECTION 3. Monitoring and Reporting.* All registered IPOs and accredited NGOs shall submit to the NCIP Field Offices the following documents annually:

- a. Change of officers or leaders;
- b. Financial and Accomplishment Reports; and
- c. Changes in programs, projects or activities.

*SECTION 4. Accreditation of NGOs Operating Within Ancestral Domains.* For regulatory and monitoring purposes, non-government organizations with intentions of operating, or already operating, within ancestral domains shall have to be accredited by the NCIP Regional Office where the NGO operates. To be accredited, the NGOs shall submit the following:

- a. Duly accomplished NCIP Accreditation Form for NGOs;
- b. Certified copy of registration with Securities and Exchange Commission (SEC) or other government agency;
- c. Organizational structure and officers of the organization;
- d. Organization's vision, mission, goals and objectives, programs/plans and membership policies; and
- e. Written historical track record of the NGO.

Accreditation shall be renewable every two (2) years.

*SECTION 5. Suspension and Revocation of PO Registration or NGO Accreditation.* The NCIP may suspend or revoke the Certificate of Registration of any IPO or Certificate of Accreditation of any NGO on the following grounds:

- a. Unauthorized negotiation with natural or juridical persons relative to land development, use, extraction, harvest, and exploitation of natural resources;
- b. Misrepresentation and entering into agreement or compromise with investors to the detriment of the community;
- c. Accepting bribery such as project contracts, gifts or donations in exchange of favors;
- d. Loss of trust and confidence of the members of the community;
- e. Violation of customary processes and community collective decision-making; and
- f. Other analogous circumstances.

The cancellation proceedings shall be initiated by complaint with the NCIP Regional Office, who shall hear and decide the same and if warranted and upon due course order the cancellation of registration. The decision of the NCIP Regional Office may be brought on appeal to the Commission.

The NCIP shall establish a data-base for indexing and monitoring all registered IPOs.

### *PART III. Instrument of Empowerment*

*SECTION 1.* Inroads into the ancestral domains/lands of ICCs/IPs resulted to their disenfranchisement and marginalization. Policies, plans, development programs and projects which may have been prejudicial to the rights and interests of ICCs/IPs have been adopted and implemented within ancestral domains/lands without the consent of concerned IP communities. Free and prior informed consent, as an instrument of empowerment, enables IPs to exercise their right to self-determination.

*SECTION 2. General Application.* The provisions herein on free and prior informed consent shall generally be applicable to all the provisions of the Act and these rules requiring the free and prior informed consent of ICCs/IPs.

*SECTION 3. Free and Prior Informed Consent.* The ICCs/IPs shall, within their communities, determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns. The ICCs/IPs shall have the right to accept or reject a certain development intervention in their particular communities.

The acceptance or rejection of proposed policy, program, project or plan shall be assessed in accordance with the following IPs development framework and value systems for the

conservation and protection of:

- a. Ancestral domains/lands as the ICCs/IPs fundamental source of life;
- b. Traditional support system of kinship, friendship, neighborhood clusters, tribal and inter-tribal relationships rooted in cooperation, sharing and caring;
- c. Sustainable and traditional agricultural cycles, community life, village economy and livelihood activities such as swidden farming, communal forests, hunting grounds, watersheds, irrigation systems and other indigenous management systems and practices; and
- d. Houses, properties, sacred and burial grounds.

**SECTION 4.** *Scope of ICCs/IPs Whose Consent Shall be Secured.* The scope of the ICCs/IPs whose free and prior informed consent is required shall depend upon the impact area of the proposed policy, program, projects and plans, such that:

- a. When the policy, program, project or plan affects only the particular community within the ancestral domain, only such community shall give their free and prior informed consent;
- b. When the policy, program, project or plan affects the entire ancestral domain, the consent of the concerned ICCs/IPs within the ancestral domain shall be secured; and
- c. When the policy program, project or plan affects a whole range of territories covering two or more ancestral domains, the consent of all affected ICCs/IP communities shall be secured.

**SECTION 5.** *Procedure and Requirements for Securing ICCs/IPs Consent.* The consensus building process of each particular indigenous cultural community shall be adhered to in securing the ICCs/IPs' Free and Prior Informed Consent. For purposes of documentation and monitoring, the NCIP shall assist, document and witness the process of securing Free and Prior Informed Consent. The basic elements in the consensus building process shall include, at the minimum, information dissemination to all members of the concerned indigenous peoples communities, assessment of the concerns or issues by appropriate assemblies in accordance with customs and traditions and discernment and initial decision by recognized council of elders, affirmation of the decision of the Elders by all the members of the community.

The following minimum requirements shall be strictly complied with:

- a. For every meeting, notices thereof written in English or Pilipino and in the IP language and authorized by community elders/leaders shall be delivered and posted in conspicuous places or announced in the area where the meeting shall be conducted at least two (2) weeks before the scheduled meeting;
- b. All meetings and proceedings where the proponent shall submit and discuss all the necessary information on the proposed policy, program, project or plan shall be conducted in a process and language spoken and understood by the ICCs/IPs concerned;
- c. The minutes of meetings or proceedings conducted shall be written in English or Pilipino and in the language of the concerned ICCs/IPs and shall be validated with those who attended the meeting or assembly before the finalization and distribution of the minutes;
- d. Consent or rejection by the ICC/IP community shall be signified by affixing signatures or thumb marks in a document written in their own language or dialect with corresponding English or Pilipino translation. Signatures or thumb marks shall be considered valid, only when it is affixed on each and every page of the document signifying consent or rejection. In case of rejection, the ICCs/IPs shall state in the document of rejection whether or not they shall entertain alternative proposals of similar nature; and
- e. Any alternative proposal shall be subject to the Free and Prior Informed Consent of the ICCs/IPs in accordance with the foregoing procedures and requirements.

**SECTION 6.** *Obligations of the Proponent.* The proponent of any policy, program, project, or activity requiring the Free and Prior Informed Consent of the ICCs/IPs community shall:

- a. Submit to the IP community an undertaking written in a language spoken and understood by the community concerned that it shall commit itself to full disclosure of records and information relevant to the policy, program, project or activity, and allow full access to records, documents, material information and facilities pertinent to the same;
- b. Submit to the IP community and the NCIP in a language understandable to the concerned community an Environmental and Socio-cultural Impact Statement, detailing all the possible impact of the policy, program, project or activity upon the ecological, economic, social and cultural aspect of the community as a whole. Such document shall clearly indicate how adverse impacts can be avoided or mitigated;
- c. Submit an undertaking in writing to answer for damages which the ICCs/IPs may suffer on account of the policy, program, project, plan or activity and deposit a cash bond or post a surety bond with the NCIP when required by the community equivalent to a percentage of its investments, subject to progressive increase, depending upon the impact of the project. The amount of bond shall be determined by the NCIP with the concurrence of the ICCs/IPs concerned; and
- d. Underwrite all expenses attendant to securing the free and prior informed consent of ICCs/IPs.

The NCIP shall subsequently issue additional guidelines hereon whenever necessary.

**SECTION 7.** *Development and Cultural Activities Subject to Free and Prior Informed Consent (FPIC).* Policies, programs, projects, plans and activities subject to free and prior informed consent shall include but not limited to the following:

- a. Exploration, development, exploitation and utilization of natural resources within ancestral domains/lands;
- b. Research in indigenous knowledge, systems and practices related to agriculture, forestry, watershed and resource management system and technologies, medical and scientific concerns, bio-diversity, bio-prospecting and gathering of genetic resources;

- c Displacement and relocation;
- d Archeological explorations, diggings and excavations and access to religious and cultural sites;
- e Policies affecting the general welfare and the rights of ICCs/IPs; and
- f Entry of the Military or paramilitary forces or establishment of temporary or permanent military facilities within the domains.

The NCIP shall prescribe terms and conditions regarding public presentation, display, performance and other forms of utilization of ICCs/IPs' lifeways and material culture.

**SECTION 8. Memorandum of Agreement.** As a component part of the process of securing the free and prior informed consent of the concerned ICCs/IPs a Memorandum of Agreement (MOA) shall be executed by and between the proponent, host ICC/IP community, and the NCIP, written in the dialect or language of the concerned ICCs/IPs, with corresponding English and Pilipino translation. The MOA shall stipulate, among others:

1. Benefits due the host ICCs/IP communities;
2. Measures to protect IPs' rights and value systems enumerated in the Section on Free Prior and Informed Consent of these Rules and Regulations;
3. Responsibilities of the proponent as well as those of the host ICC/IP community and the NCIP;
4. In case of change of proponent as a result of partnership, joint venture, reorganization, merger, acquisition, sale, or transfer of rights, the terms and conditions of the MOA shall bind the new proponent without necessarily executing another MOA; and
5. Penalties for non-compliance and/or violation of the terms and conditions.

For the purposes of validity of the Memorandum of Agreement referred to above, the signatories thereto shall be; a) for corporations, partnerships or single proprietorship entities, the authorized officers, representatives, or partners as per Board resolution; b) for the ICC/IP community, all the authorized community elders or traditional leaders, who are registered with the NCIP in accordance with Section 2, Part III, Rule IV; and c) the NCIP or authorized representative. The NCIP shall keep a copy of the MOA for records and monitoring purposes.

**SECTION 9. Non-Transferability of Consent.** The free and prior informed consent granted by the ICCs/IPs for a particular proposed policy, program, project or plan, as a general rule, shall not be transferable to any other party, except in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture: Provided; that there will be no changes in the original plan, program, project or policy and: Provided further; that the same shall not prejudice the interest, rights and welfare of the concerned ICCs/IPs.

## RULE V SOCIAL JUSTICE AND HUMAN RIGHTS

**SECTION 1. Equal Protection Before the Law.** With due recognition of the ICCs/IPs' distinct characteristics and identity, the State shall accord to members of the ICCs/IPs the rights, protections and privileges enjoyed by the rest of the citizenry. The NCIP shall ensure that fundamental human rights and freedom are guaranteed to all members of the ICCs/IPs as already accorded to every member of society.

**SECTION 2. Rights During Armed Conflict.** The ICCs/IPs have the right to declare their territories as zones of peace and to special protection and security in periods of armed conflict. The NCIP shall ensure that international standards are observed for the protection of civilian populations in circumstances of emergency and armed conflict, particular, the Fourth Geneva Convention of 1949. Accordingly the State shall not:

- a. Recruit children of the ICCs/IPs into the armed forces under any circumstance;
- b. Conscript or recruit ICC/IP individuals against their will to the armed forces, and in particular for use against other indigenous peoples;
- c. Relocate ICC/IP communities to special centers for military purposes;
- d. Force ICC/IP communities, families or individuals to abandon their lands, territories, or means of subsistence; and
- e. Require indigenous individuals to work for military purposes under discriminatory conditions.

In consultation with the ICCs/IPs who are victims of armed conflict, the NCIP in collaboration with national and international specialized agencies shall implement an integrated emergency program for the victim families' and communities' relief and rehabilitation. Such integrated program shall take special attention on the impact of armed conflict activities to the indigenous children's psycho-social functioning and development.

**SECTION 3. Freedom from Discrimination.** ICCs/IPs are free and equal to all other individuals in their dignity as human beings and shall be free from any kind of adverse discrimination for reason of their indigenous origin or identity. The NCIP shall ensure that every member of the ICCs/IPs is accorded full respect as valuable citizens of the Republic of the Philippines.

The NCIP shall take special measures to ensure the effective protection with regard to the recruitment and conditions of employment of persons belonging to the ICCs/IPs to the extent that they are not protected by laws applicable to workers in general.

**SECTION 4. Right to Employment.**

- a. The right of members of ICCs/IP communities to employment includes the right to:
- 1) Be free from any form of discrimination, with respect to recruitment and conditions of employment;
  - 2) Enjoy equal opportunities for admission to employment, both skilled and unskilled;
  - 3) Just and legal remuneration of work for equal value;
  - 4) Medical and social assistance, occupational safety, social security and any other occupationally related benefits, including housing;
  - 5) Freedom of association and freedom for all lawful trade union activities including the right to conclude collective bargaining agreements with employers;
  - 6) Be informed of their rights and privileges under existing labor laws and to avail for equal protection of these rights;
  - 7) Enjoy a wholesome and healthy working environment free from any forms of life hazards and dangers and other conditions hazardous to their health, in particular through exposure to pesticides and other toxic substances;
  - 8) Be free from any coercive recruitment system, including bonded labor and other forms of debt servitude; and
  - 9) Equal opportunities and just treatment in employment for men and women, including protection against sexual harassment;
- b. **Special Measures.** The NCIP in close coordination with the Department of Labor and Employment and such other related agencies shall adopt special measures to ensure the effective and legal protection of members of ICCs/IPs with regard to the following:
- 1) Recruitment and employment conditions applicable to workers in general;
  - 2) Establishment of an IP Desk at the Department of Labor and Employment (DOLE);
  - 3) Protection of IPs right to affirmative action with regards to their employment in government and private undertakings by setting up mechanisms for the recruitment and hiring of IPs in proportion to their population in their areas of operation; and
  - 4) Periodic monitoring of IPs employment with GOs, NGOs and private companies.
- c. The NCIP shall develop a Jobs and Employment Program for the appropriate training and placement of IPs, whether professionals, skilled or unskilled. The program shall assess and determine the number of unemployed and underemployed IPs and establish training and placement procedure to assist IPs to meet job/employment demands.

**SECTION 5. Right to Basic Services.** — The ICCs/IPs are entitled to basic services. The equitable delivery of basic services to all ICCs/IPs all over the country shall be the focus of the NCIP's Five Year Master Plan. In close coordination with other government line agencies mandated to deliver basic needs the NCIP shall work towards the establishment of IP Desks with such agencies but not limited to Department of Labor and Employment (DOLE), Department of Health (DOH), Department of Education, Culture and Sports (DECS), Commission on Higher Education (CHED), National Housing Authority (NHA), Social Security System (SSS), Technical Education and Skills Authority (TESDA), National Commission on Culture and the Arts (NCCA), Department of Social Welfare and Development (DSWD), Department of the Interior and Local Government (DILG) and other offices for the delivery of basic services covering employment, vocational training and retraining, housing, sanitation, health, water, education, infrastructure, electrical facilities and social security.

In consultation with ICCs/IPs the NCIP shall prepare a flexible Five Year Master Plan focused on the delivery of basic services by among other things doing the following:

- a. Census of IPs;
- b. Conduct needs assessment consultations with all ICCs/IPs and prepare an inventory of community identified priority basic services;
- c. Formulate and incorporate in the Five Year Master Plan, a special program for meeting the special needs of women, the elderly, youth, children and differently-abled persons;
- d. Provide technical and financial support services for the empowerment of ICCs/IPs to generate their own resources for basic services in their ancestral domains; and
- e. Collaborate with mandated government line agencies to establish IP Desks that will ensure and monitor the equitable, effective and efficient delivery of basic services to ICCs/IPs by the particular agency/or agencies; and support for the sustained utilization of indigenous self-reliant health care services by supporting traditional practices of prolonged breast feeding and use of herbal medicines.

**SECTION 6. Rights of Women.** In partnership with ICC/IP women's organizations and other GO/NGO support groups, the NCIP shall prepare and develop programs and projects to ensure that women shall fully participate in community and nation building through, among others, the following:

- a. Provision of appropriate support for womens' groups/organizations to conduct research and document IP women's traditional roles in marriage, family, community, political and economic life to determine gender issues and concerns among ICCs/IPs;
- b. Development of appropriate programs and projects to respond to gender issues and concerns as these relate to the full realization and protection of women's rights for maximum participation in community and nation building; and
- c. Women community-based initiated projects aimed at empowering women shall be given priority in terms of financial and technical support.

**SECTION 7. Rights of Children and Youth.** The NCIP in consultation with ICCs/IPs shall assess the situation of children and youth both in rural areas and highly urbanized

centers with regards to the recognition, promotion and protection of their rights as provided in the Act and the Universal Declaration on the Rights of the Child.

The NCIP shall work closely with other government line agencies and international bodies, such as the Department of Education, Culture and Sports (DECS), the Department of Social Welfare and Development (DSWD), Department of Justice (DOJ) Commission on Human Rights (CHR), Department of Labor and Employment (DOLE), International Organizations including the World Health Organization (WHO), the International Labor Organization (ILO) and the United Nations Children's Educational Fund (UNICEF); with NGO support groups; and other agencies mandated to serve the sector and formulate programs and projects intended for their development and rearing of the children and youth belonging to the ICCs/IP communities. The NCIP shall ensure the establishment of an effective mechanism towards the protection of the rights of ICC/IP children and youth and more specifically the achievement of the following:

- a. Production of indigenous education literature about the indigenous culture in order to facilitate efforts at integrating such subject matter into the IP curriculum;
- b. Establishment of appropriate mechanisms in accordance with customary laws, for involving the children and youth in community leadership and decision making and relevant development programs and activities;
- c. Encourage and support the integration of ICCs/IPs IKSPs in both formal and non-formal educational systems for the formation of both male and female children and youth;
- d. Provision of technical training and education and the improvement and strengthening of regional state colleges, universities and technical schools with regards to their role in providing quality education, relevant to the needs, interests and aspirations of ICCs/IPs children and youth; and
- e. Use of IP dialect or language as the medium of instruction in early childhood and primary educational levels.

The NCIP in close coordination with Department of Social Welfare and Development shall take special measures to prepare a culture-sensitive daycare program that ensures the holistic development and formation of IP children and affirms their cultural integrity.

**SECTION 8. Right to Education.** In consultation with ICCs/IPs the NCIP shall work, in collaboration with the Department of Education Culture and Sports (DECS), the Commission on Higher Education (CHED) and with private and public schools at all levels towards the development of appropriate programs and projects related to the following:

- a. The curricula and appropriate teaching materials and resources;
- b. The equitable distribution, selection and implementation of scholarship programs;
- c. Appropriate career development;
- d. Training of teachers for IP communities;
- e. Construction of school buildings in IP communities;
- f. Inclusion of IPs resistance to colonization in the academic curricula, in the context of IPs assertion and defense of their freedom, independence and territorial integrity and culture; and
- g. Establish schools for living traditions and cultural heritage.

## **RULE VI CULTURAL INTEGRITY**

**SECTION 1. Constitutional and Legal Framework.** The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions, and shall take measures with the participation of ICCs/IPs concerned to protect their rights and guarantee respect for cultural integrity in order that ICCs/IPs shall at all times benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.

It shall recognize its obligations to respond to the strong expression of the ICCs/IPs for cultural integrity by assuring maximum ICCs/IPs participation in the direction of education, health, as well as other services to the ICCs/IPs, in order to render such services more responsive to the needs and desires of these communities.

**SECTION 2. Conceptual Framework of Cultural Integrity.** Cultural integrity shall refer to the holistic and integrated adherence of a particular ICC/IP community to their customs, religious beliefs, traditions, indigenous knowledge systems and practices and their right to assert their character and identity as peoples.

**SECTION 3. Right to Cultural Integrity.** The rights of indigenous peoples to cultural integrity shall include:

- a. Protection of indigenous culture, traditions and institutions;
- b. Right to establish and control educational and learning systems;
- c. Recognition of cultural diversity;
- d. Right to name, identity and history;
- e. Community intellectual property rights;
- f. Protection of Religious, Cultural Sites and Ceremonies;
- g. Right to indigenous spiritual beliefs and traditions;

- h. Protection of Indigenous Sacred Places;
- i. Right to protection of indigenous knowledge systems and practices; and
- j. Right to science and technology.

**SECTION 5. Protection of Indigenous Culture, Traditions and Institutions.** The NCIP in its coordinative role and through the IP Desks of government line agencies, particularly with the National Economic and Development Authority (NEDA), Department of Trade and Industry (DTI), Department of Tourism (DOT), Department of Justice (DOJ), Department of Education, Culture and Sports (DECS), Commission on Higher Education (CHED), National Commission for the Culture and the Arts (NCCA), and other government agencies or instrumentalities, shall ensure that ICCs/IPs' culture, traditions, and institutions are considered in the formulation and application of said agencies national programs, plans and policies.

**SECTION 6. Right to Establish and Control Educational and Learning Systems.** To enable the ICCs/IPs to exercise their right to establish and control their educational systems and institutions, the NCIP shall establish a program to support the following:

- a. Establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the ICCs/IPs particularly their children and young people;
- b. Develop and implement school curricula for all levels relevant to the IPs/ICCs using their language, learning systems, histories and culture without compromising quality of education and building the indigenous children's capacity to compete for higher education;
- c. Encourage indigenous learning as well as self-learning, independent, out-of school study programs, school of heritage and living traditions that nurture cultural integrity and diversity and that responds to the needs of IP communities;
- d. Provide adult indigenous peoples with skills needed for civic efficiency and productivity; and
- e. Establish processes and implement affirmative action in the employment of indigenous teachers in schools within indigenous peoples communities and assist indigenous teachers in their professional advancement as this relate to the protection, promotion and protection of IP rights.

**SECTION 7. Recognition of Cultural Diversity.** The NCIP, in coordination with concerned government line agencies shall ensure that the dignity and diversity of the cultures, traditions, histories and aspirations of the indigenous peoples are appropriately reflected in all forms of education, public information, public services, cultural-exchange programs. In particular, the NCIP shall work closely with the State-owned media to ensure that the ICCs/IPs' cultural diversity are reflected and presented within the proper context.

The NCIP in consultation with ICCs/IPs shall take effective measures to promote affirmative action to systematically eradicate prejudice and discrimination against indigenous peoples and engender understanding and unity among ICCs/IPs and all segments of society. The ICCs/IPs diverse cultures, traditions and beliefs shall not be allowed to sow divisiveness and disunity among them.

Through the IP Desks in government line agencies, the NCIP shall ensure that all policies, programs and services shall promote the recognition and respect for ICCs/IPs' cultural diversity.

**SECTION 8. Recognition of Customary Laws and Practices Governing Civil Relations.** Marriage as an inviolable social institution shall be protected. Marriages performed in accordance with customary laws, rites, traditions and practices shall be recognized as valid. As proof of marriage, the testimony of authorized community elders or authorities of traditional socio-political structures shall be recognized as evidence of marriage for purposes of registration. Accordingly, the NCIP shall coordinate with the Office of the Civil Registrar General (OCRG) to establish an appropriate procedure for the registration of marriages performed under customary laws to include, among others, the following:

- a. System of facilitating early and late registration of marriages performed under Customary Laws the OCRG shall issue guidelines to their local offices for this purpose;
- b. The OCRG Certificate of Marriage forms for use of authorized tribal leaders/elders solemnizing marriages under Customary Laws shall be translated in the language understood by both parties;
- c. The NCIP, in consultation and coordination with ICCs/IPs, shall cause the registration and regular update of a list of those authorized to solemnize marriages according to customary laws; and
- d. The NCIP field offices in coordination with Local Civil Registrar offices shall ensure that all marriages performed under Customary Laws before the enactment of IPRA shall be registered accordingly and from thereon, marriages performed under Customary Laws shall be registered within fifteen (15) days following the solemnization.

**SECTION 9. Right to a Name, Identity and History.** The fundamental right of a person to a name and peoples' right to their history shall be recognized and respected. Accordingly, the ICCs/IPs naming systems and customs shall also be recognized and respected and shall have the right to their indigenous names registered with the Civil Registry as their formal appellation to be used in all official documents establishing their identity.

In close coordination with the Office of the Civil Registrar General (OCRG) the NCIP shall take appropriate measures to facilitate the registration of the ICCs/IPs indigenous names. For purposes of effective and efficient civil registration of births and deaths and census taking, the NCIP field offices shall be deputized to register said births and deaths. The paternal or maternal grandfather's name maybe used as surname. All registrations and census shall be submitted to the nearest Office of Local Registrar.

The ICCs/IPs have the right to their histories and to maintain the indigenous names of places within and outside their domains that reflect their unique identity.

**SECTION 10. Protection of Community Intellectual Property.** The ICCs/IPs have the right to own, control, develop and protect the following:

- a. The past, present and future manifestations of their cultures, such as but not limited to, archeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature as well as religious and spiritual properties;

- b. Science and Technology including, but not limited to, human and other genetic resources, seeds, medicines, health practices, vital medicinal plants, animals, minerals, indigenous knowledge systems and practices, resource management systems, agricultural technologies, knowledge of the properties of flora and fauna, and scientific discoveries; and
- c. Language, Music, Dances, Script, Histories, Oral Traditions, Conflict Resolution Mechanisms, Peace Building Processes, Life Philosophy and Perspectives and Teaching and Learning Systems.

In partnership with the ICCs/IPs, the NCIP shall establish effective mechanisms for protecting the indigenous peoples' community intellectual property rights along the principle of first impression first claim, the Convention on Bio-diversity, the Universal Declaration of Indigenous Peoples' Rights, and the Universal Declaration of Human Rights.

*SECTION 11. Protection of Religious, Cultural Sites and Ceremonies.* The indigenous artistic and historic wealth, ceremonial objects, cultural properties and artifacts constitutes the cultural treasures of the ICCs/IPs and shall be under their protection and disposition: Provided; that cultural treasures and properties shall not be brought outside of the indigenous peoples' ancestral domains. Towards this end, the initiatives of indigenous peoples to establish museums or centers shall be supported financially and technically by the government.

*SECTION 12. Right to Indigenous Spiritual Beliefs and Traditions.* The ICCs/IPs have the right to:

- a. Manifest, practice, develop and teach their spiritual beliefs, traditions, customs and ceremonies;
- b. Maintain, protect and have access to their spiritual and cultural sites;
- c. Use and control ceremonial objects; and
- d. Repatriation of human remains and artifacts collected without their free and prior informed consent.

To ensure that indigenous sacred places, including burial sites are preserved, respected and protected, the ICCs/IPs shall regulate access to these sacred sites.

*SECTION 13. Protection of Indigenous Sacred Places.* Penal sanctions in accordance with Section 72 of the Act and customary laws shall be applicable in case of:

- a. Exploration and/or excavation of archeological sites in ancestral domains/lands for the purpose of obtaining materials of cultural value without the free and prior informed consent of the community concerned; and
- b. Defacing, removing or otherwise destroying artifacts which are of great importance and significance to the ICCs/IPs for the preservation of their cultural heritage.

*SECTION 14. Right to Indigenous Knowledge Systems and Practices and to Develop Own Sciences and Technologies.* Indigenous knowledge systems and practices (IKSP) are systems, institutions, mechanisms, technologies comprising a unique body of knowledge evolved through time embodying patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious, and which are the direct outcome of the indigenous peoples responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.

The infusion of science and technology in the field of agriculture, forestry and medicine to ICCs/IPs is subject to their free and prior informed consent and shall build upon existing indigenous peoples knowledge and systems and self-reliant and traditional cooperative systems of the particular community.

*SECTION 15. Protection and Promotion of Indigenous Knowledge Systems and Practices (IKSPs).* The following guidelines, inter alia, are hereby adopted to safeguard the rights of IPs to their indigenous knowledge systems and practices:

- a. The ICCs/IPs have the right to regulate the entry of researchers into their ancestral domains/lands or territories. Researchers, research institutions, institutions of learning, laboratories, their agents or representatives and other like entities shall secure the free and prior informed consent of the ICCs/IPs, before access to indigenous peoples and resources could be allowed;
- b. A written agreement shall be entered into with the ICCs/IPs concerned regarding the research, including its purpose, design and expected outputs;
- c. All data provided by the indigenous peoples shall be acknowledged in whatever writings, publications, or journals authored or produced as a result of such research. The indigenous peoples will be definitively named as sources in all such papers;
- d. Copies of the outputs of all such researches shall be freely provided the ICC/IP community; and
- e. The ICC/IP community concerned shall be entitled to royalty from the income derived from any of the researches conducted and resulting publications.

To ensure effective control of research and documentation of their IKSPs, the IPOs' initiatives in this regard shall receive technical and financial assistance from sources of their own choice.

*SECTION 16. Protection of Manifestations of Indigenous Culture.* Indigenous culture shall not be commercialized or used for tourism and advertisement purposes without the free and prior informed consent of the indigenous peoples concerned. Where consent is alleged, the NCIP will ensure that there is free and prior informed consent.

In instances where the presentation of indigenous culture and artistic performances are held, the IPs shall have control over the performance in terms of its content and manner of presentation according to customary laws and traditions, and shall have the right to impose penalties for violation thereof.

Indigenous peoples shall also have the right to equitably share in the benefits of such presentation or performance. All funds collected from these activities shall be managed

directly by the community concerned through the registered IPO, otherwise, the same shall be held in trust by the NCIP for the benefit of the concerned IP community.

**SECTION 17. Protection of Biological and Genetic Resources.** The ICCs/IPs may, on their own initiative, make an inventory of biological and genetic resources found inside their domains/lands, for their exclusive use. They shall retain and reserve all rights pertaining to the storage, retrieval, and dissemination of the information, in whatever form and system, gathered as a result of the inventory. A certificate of free and prior informed consent shall be required in case the concerned ICCs/IPs may enter into a joint undertaking with natural or juridical persons for the use of biological and genetic resources for industrial, commercial, pharmaceutical and other profit-making purposes and ventures. Violation hereof shall be strictly prohibited and subject to penalties under customary law and as provided for by the Act. The NCIP shall assist the concerned ICCs/IPs in the enforcement hereof.

**SECTION 18. Agro-technological Development.** The ICCs/IPs, in coordination with the NCIP may choose to establish cooperatives in accordance with the indigenous concept of cooperative system.

The NCIP shall adopt programs for research and development of the ICCs/IPs' agricultural systems and provide necessary funds therefor.

**SECTION 19. Funds for Archeological and Historical Sites.** The ICCs/IPs shall initiate proposals for the management and preservation of their archeological and historical sites with the adequate and effective technical and financial support of the appropriate government agencies. All funds allocated for the management of these sites shall be immediately transferred to the IPs concerned through the NCIP. For this purpose, the NCIP shall take the necessary steps to ascertain that these funds are transferred to the communities concerned.

## **RULE VII**

### **The National Commission on Indigenous Peoples (NCIP)**

#### **PART I: Creation, Mandate and Operating Principles of the NCIP**

**SECTION 1. Creation of NCIP.** The National Commission on Indigenous Peoples shall be established as the primary government agency to implement the policies set forth in the Act.

#### **SECTION 2. General and Specific Mandates.**

- a. **General Mandate.** The NCIP shall protect and promote the interest and well-being of the ICCs/IPs with due regard to their beliefs, customs and traditions and institutions.
- b. **Specific Mandates.**
  - 1) The promulgation of the Implementing Rules and Regulations as provided by Section 80 of the Act, within sixty (60) days after the appointment of the NCIP Chairperson and Commissioners, the Commission shall cause the preparation of the Implementing Rules and Regulations of the Act in consultation with the Committees on National Cultural Communities of the Senate and House of Representatives; and
  - 2) The promulgation of rules and regulations governing the hearing and disposition of cases filed before it and those pertaining to internal functions.

#### **SECTION 3. Primary Objectives and Responsibilities.**

- a. To be the primary government agency responsible for the formulation and implementation of policies, plans and programs for, and with its main public clientele, the indigenous peoples;
- b. To promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains/lands based on customs, traditions and institutions; and
- c. To serve as the primary government agency through which the ICCs/IPs can seek government assistance and as the medium through which such assistance may be extended.

#### **PART II: NCIP as an Independent Agency Under the Office of the President.**

**SECTION 1. NCIP as an Independent Agency Under the Office of the President.** The NCIP is the primary agency of government for the formulation and implementation of policies, plans and programs to recognize, promote and protect the rights and well-being of indigenous peoples. It shall be an independent agency under the Office of the President. As such, the administrative relationship of the NCIP to the Office of the President is characterized as a lateral but autonomous relationship for purposes of policy and program coordination. This relationship shall be carried out through a system of periodic reporting. Matters of day-to-day administration or all those pertaining to internal operations shall be left to the discretion of the Chairperson of the Commission, as Chief Executive Officer.

**SECTION 2. Annual Reports.** Within sixty (60) days after the close of each calendar year, the Commission shall submit an Annual Report to the Office of the President which shall reflect the status of policy formulation and coordination, and the implementation of plans, programs projects and activities for the best interest of the indigenous peoples. The Annual Report shall be comprehensive in scope and, as much as possible, be prepared in accordance with the following form and contents:

- a. Message contains important policies, programs, projects and activities of the Commission; the status of their implementation; and other relevant information that affect the lives and welfare of the ICCs/IPs. It may also contain information on what the ICCs/IPs, in particular, and the general population may expect for the coming year or years. This portion of the Report shall be signed solely by the Chairperson of the Commission;
- b. Executive Summary contains significant results of the Commission's operations for the year under review;
- c. National ICC/IP Situation provides an overview of the policy and social environment from the perspective of the ICCs/IPs; the socioeconomic and demographic profile; the political and peace and order conditions; development activities conducted by the public and private sector, including voluntary organizations which affect the ICCs/IPs; and, other related information;



- d. Organization and Management identifies the offices and personnel of the Commission, including a description of their functions, duties, and responsibilities; and describes the roles of each office and key personnel. For each office, the report of accomplishments shall be focused on key result areas related to policy promotion and enhancement, and delivery of basic services and facilities. The accomplishments shall be expressed in quantitative and qualitative terms to reflect the holistic policy and development framework of the Act. In all cases, physical results shall correspond with financial expenditures. These reports shall include a comparative statement showing actual accomplishments versus target outputs/outcomes;
- e. Budget Performance and Financial Statements report on the results of the budgetary and financial transactions of the Commission for the preceding year. Such data shall include an analysis of performance versus approved budget, sources of funds, disbursements, and cash balances; comparative data for the year preceding the year under review; fund generating pattern for three (3) to five (5) years; efficiency and effectiveness of each office in the delivery of basic services and technical/legal assistance vis-a-vis budgetary expenditures on a national/regional/provincial/community and per capita basis. These financial statements shall be duly certified by the COA;
- f. Plans, Programs, and Accomplishments describe in narrative and pictorial manner the major plans and programs of the Commission as a whole, and individual offices, and their accomplishments for the year under review. The presentation is performance-oriented indicating types of services delivered and projects undertaken;
- g. Decisions of the Commission En Banc provides digests of all the decisions of the Commission en banc for the resolution of cases on ancestral domains/lands; formal queries referred to it on policy matters related to IPRA; action on complaints presented on that level; policy issuances on the interface of customary law and other laws; and other similar rulings.

PART III: Composition, Appointment, Qualification, Tenure, Compensation and Removal from Office.

**SECTION 1.** Composition of the Commission. The Commission shall be composed of seven Commissioners appointed by the President representing each of the ethnographic regions stated below. They shall serve as Commissioners in charge of their respective region. In no case shall one Commissioner serve or represent more than one ethnographic region:

- a. Region I and Cordillera;
- b. Region II;
- c. The Rest of Luzon;
- d. Island Groups including Mindoro, Palawan, Romblon, Panay, and the rest of Visayas;
- e. Northern and Western Mindanao;
- f. Southern and Eastern Mindanao; and
- g. Central Mindanao.

**SECTION 2.** *Appointment of Commissioners.* In constituting the NCIP, the President of the Philippines shall appoint seven (7) Commissioners, one of whom shall be Chairperson, according to the following mandatory considerations as provided by the Act:

- a. They shall come from one of the seven ethnographic/cultural areas;
- b. Representation of indigenous women in the Commission shall be assured by the appointment of a minimum of two women;
- c. Appointment of at least two Members of the Philippine Bar, preferably with a working knowledge of customary law;
- d. The Commissioners shall likewise be favorably recommended by authentic ICCs/IPs in their respective ethnographic region. For purposes of these rules, recommendation by authentic ICCs/IPs shall be a certification from community elders/leaders, indigenous peoples' organizations or IP sectoral groups, that vouches for the exemplary experience of the recommendee in ethnic affairs and his proven honesty and integrity; and
- e. The principle of rotation of tribal representation in the composition of the NCIP shall be observed by the authentic ICCs/IPs in their recommendation.

The ICCs/IPs shall pro-actively participate in the selection of Commissioners and Chairperson through such mechanisms as may be provided by them.

**SECTION 3.** *Qualifications.* The seven Commissioners shall possess the following qualifications and submit the required documents to the Office of the President as indicated:

- a. He/She must be natural born Filipino citizen;
- b. He/She must be at least thirty five (35) years of age at the time of appointment;
- c. He/She must be bona-fide member, by consanguinity, of the ICCs/IPs as certified by his/her tribe, through the attestation of the Council of Elders, community barangay leaders, or IPOs. The aspirant must likewise submit anthropological proof of bona-fide ICC/IP membership, through the submission of his/her genealogy, at least, to the fourth generation in the ascending order, duly certified by traditional leaders in the role of key informants;
- d. He/She must submit a sworn statement containing his/her experience in ethnic affairs for at least ten (10) years with an ICC/IP community and/or any government agency involved with ICCs/IPs;
- e. He/She must be of proven honesty and integrity, and must not be convicted of any crime involving moral turpitude, graft and corruption or administrative charges. To this effect, the aspirant must submit clearances from the Ombudsman and/or National Bureau of Investigation; and in the case of aspirants in the public service, clearances from all

liabilities and misconduct from the Commission on Audit and Civil Service Commission;

- f. All documents submitted by the aspirant-Commissioner shall be verified by the Office of the President through field validation; and
- g. Any act of public or ethnic misrepresentation by an aspirant shall be penalized according to the customary law of the aggrieved tribe and/or other related laws.

**SECTION 4. Appointment and Authority of the Chairperson.** The Chairperson shall have the authority to preside over the Commission en banc. He/She shall likewise be the Chief Executive Officer of the NCIP as an independent agency under the Office of the President. Any delegation of authority by the Chairperson to other Commissioners and to the Executive Director shall be done in writing.

**SECTION 5. Tenure.** The members of the Commission shall hold office for a period of three (3) years, and may be subject to re-appointment for another term. In no case shall a Commissioner serve for more than two (2) terms, or six consecutive years. Appointment to any vacancy shall only be for the unexpired term of the predecessor and in no case shall a member be appointed or designated in a temporary or acting capacity.

**SECTION 6. Compensation.** The Chairperson and the Commissioners shall be entitled to compensation in accordance with the Salary Standardization Law.

**SECTION 7. Removal from Office.** Any member of the NCIP may be removed from office for cause, after due notice and hearing, by the President on his own initiative or upon recommendation by any ICC/IP community before the expiration of his terms and after complying with the due process requirement of law.

**SECTION 8. Requirements for Removal of Commissioners from Office.** The removal for cause of any Commissioner shall require the following:

- a. A formal petition or complaint shall be filed by any indigenous community to the Office of the President in Manila or any of its regional field offices; and
- b. The petition or complaint shall include, but not be limited to, a narration of facts and circumstances describing the crime, illegal act/s, or other act/s contrary to customary law which subject the indigenous community to unnecessary risks that threaten their territorial and cultural integrity, which were committed by the Commissioner/s. The petitioners shall attach the necessary documents supporting the petition or complaint.

**SECTION 9. Inhibitions Against Members of the Commission.** All prohibitions governing the conduct of national public officers relating to prohibited business and pecuniary interests so provided in Republic Act 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, and other laws, rules and regulations shall also be applicable to the NCIP Commissioners, officers and employees.

#### **PART IV: Powers and Functions of the NCIP**

**SECTION 1. Policy Review, Formulation and Implementation.** In relation to its function of policy review formulation and implementation, the NCIP shall have the following responsibilities:

- a. Review and assess the conditions of ICCs/IPs including existing laws and policies pertinent thereto and to propose relevant laws and policies to address their role in national development;
- b. Formulate and implement policies, plans, programs and projects for economic, social, political and cultural development of the ICCs/IPs and to monitor the implementation thereof;
- c. Convene periodic conventions or assemblies of ICCs/IPs to review, assess, as well as propose policies or plans;
- d. Submit to the Legislature/Congress appropriate legislative proposals intended to carry out the policies under the Act; and
- e. Study areas of cooperation and complementation with other organizations in the public and private sectors for appropriate interface and agreements to enhance policy coordination.

**SECTION 2. Managerial Functions.** In relation to managerial functions, the NCIP shall have the responsibility to:

- a. Prepare and submit the appropriate annual budget to the Office of the President;
- b. Request and engage the services and support of experts from other agencies of the government or employ private experts and consultants as may be required in the pursuit of its objectives subject to existing laws, rules and regulations;
- c. Advise the President of the Philippines on all matters relating to the ICCs/IPs and to submit within sixty (60) days after the close of each calendar year, a report of its operations and achievements;
- d. Prepare and submit the staffing pattern to the Department of Budget and Management and the Civil Service Commission for approval; and implement the approved staffing pattern in accordance with these Rules and Regulations;
- e. Design and implement an appropriate human resource development program to ensure proper staff motivation and sensitivity in the discharge of their functions;
- f. Institute an organization development program that enhances organizational effectiveness in the shaping of the desired holistic policy environment for the implementation of the Act; and
- g. Exercise such other powers and functions as may be directed by the President of the Republic of the Philippines on matters relating to ICCs/IPs.

**SECTION 3. Functions Pertaining to Ancestral Domains/Lands.** In relation to its functions pertaining to Ancestral Domains and Lands, the NCIP shall have the following

responsibilities/roles:

- a. **Titling of Ancestral Domains/Lands.** To issue certificates of ancestral land/domain titles in accordance with the procedures prescribed in these Rules and Regulations;
- b. **Registration of CADTs/CALTs.** To register all CADTs and CALTs with the appropriate Register of Deeds pursuant to these Rules and Regulations;
- c. **Issuance of Certification as a Precondition.** To issue appropriate certification as a pre-condition to the grant or renewal of permit, concession, license, lease, production sharing agreement, or any other similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency, corporation or subdivision thereof on any part or portion of the ancestral domain taking into consideration the free and prior informed consent of the ICCs/IPs concerned.
- d. **Action on Fraudulent Claims.** To take appropriate legal action for the cancellation of illegally acquired titles and for the reconveyance of the areas to the ICCs/IPs concerned as provided for in these Implementing Rules and Regulations; and
- e. To take appropriate legal action for the enforcement of the rights of ICCs/IPs provided under the Act.

**SECTION 4. Fund Sourcing and Allocation.** In relation to fund sourcing and allocation, the NCIP shall have the following powers and responsibilities:

- a. Subject to existing laws, to enter into contracts, agreements, or arrangement, with government or private agencies or entities as may be necessary to attain the objectives of the Act, and subject to the approval of the President, to obtain loans from government lending institutions and other lending institutions to finance its programs; and
- b. To negotiate for funds and to accept grants, donations, gifts and/or properties in whatever form and from whatever source, local and international, subject to the approval of the President of the Philippines, for the benefit of ICCs/IPs and administer the same in accordance with the terms thereof; or in the absence of any condition, in such manner consistent with the interest of ICCs/IPs as well as existing laws.

**SECTION 5. Power to Represent IPs.** To represent the Philippine ICCs/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns. The NCIP shall likewise authorize the attendance of a non-NCIP official or employee to international gatherings, conferences, convention, training, and similar undertakings who shall present the Philippine position in such activities. Such authorized individual or groups shall submit a written post-action report, and conduct briefings or re-echo seminars to the NCIP within thirty (30) days upon arrival.

#### **PART V. Accessibility and Transparency**

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

**SECTION 2. Exercise of Right to Information.** In recognition of the right of the people to information on matters of public concern, the NCIP shall make accessible to the public all official records, documents and papers pertaining to official acts, transactions, as well as research data used as basis for policy development of the Commission. The exercise of the right to information includes, but shall not be limited to the following:

- a. Installation of an information monitoring system to serve the information needs and requirements of the ICCs/IPs, POs, NGOs, government agencies and the general public; and
- b. Periodic reports to the information users on the following areas:
  - 1) Transfer of personnel, assets, projects, funds and records corresponding to the reorganization of the ONCC/OSCC,
  - 2) Establishment and strengthening of the NCIP organizational structure from the service centers to the national office,
  - 3) Management of the Ancestral Domains Fund,
  - 4) Formation and operationalization of the consultative body, and people empowerment programs, including processes and indicators in the exercise of free and prior informed consent and other mandatory consultations with respect to communal and individual IP rights,
  - 5) Compliance with established standards, guidelines, systems and procedures, grants, aids and subsidies given to the NCIP, and
  - 6) Other relevant information.

#### **PART VI. Offices of the National Commission on Indigenous Peoples**

**SECTION 1. Offices within the NCIP.** The NCIP shall have the following offices which shall be responsible for the implementation of the policies, plans and programs herein provided:

- a. Ancestral Domains Office
- b. Office on Policy, Planning and Research
- c. Office on Education, Culture and Health
- d. Office on Socio-Economic Services and Special Concerns
- e. Office of Empowerment and Human Rights

- f. Administrative Office
- g. Legal Affairs Office
- h. Office of the Executive Director
- i. Regional and Field Offices
- j. Other Offices

**SECTION 2.** *Ancestral Domains Office.* The Ancestral Domains Office shall be responsible for the identification, delineation and recognition of ancestral lands/domains. Accordingly, it shall perform the following functions:

- a. Determine and define the boundaries of ancestral domains and ancestral lands in accordance with the procedure prescribed in these Rules and Regulations, provide cartographic services and upon the final and official delineation of the ancestral domain/land, endorse the same to the Commission for the issuance of the appropriate titles thereto;
- b. Conduct, upon the request of ICCs/IPs concerned, surveys of ancestral lands, verify and approve parcellary or subdivision surveys of the same;
- c. Issue, upon the free and prior informed consent of the ICCs/IPs concerned, certification prior to the grant of any license, lease or permit for the exploitation of natural resources affecting the interest of the ICCs/IPs and their ancestral domains;
- d. Assist the ICCs/IPs in protecting the territorial integrity of each and every ancestral domain;
- e. Coordinate and ensure the enforcement of policies and laws protecting the rights of ICCs/IPs to their ancestral domains and land, including the application of customary laws governing property rights and relations in determining ownership procedures and standards therefor; and for the purpose, seek the assistance of appropriate government and non-government agencies;
- f. Be responsible for conducting census of the ICCs/IPs within an ancestral domain;
- g. Keep a registry of CADTs and CALTs or any formal certificate of recognition which officially and formally acknowledges the existence of ancestral domain rights over the area;
- h. Compile information on the location, size, and number of people living within the ancestral domains;
- i. Review all government grants, reservations, franchises and projects, licenses, leases, concessions and titles which affect ancestral domains and recommend to the Commission the cancellation of the same or segregation of such portions within ancestral domains in order to reconvey the same to the ICCs/IPs concerned as part of the ancestral domains;
- j. Formulate and implement such procedures for the cancellation of officially documented titles which were acquired through spurious or illegal means and those for the redemption of lands lost through the ICCs/IPs vitiated consent or through sale for an unconscionable price;
- k. Establish its own, or in cooperation with other government agencies a Geographic Information System that would assist ICCs/IPs in formulating Ancestral Domains Sustainable Development and Protection Plans;
- l. Assist ICCs/IPs in the management of ancestral lands/domains in accordance with a master plan as well as the implementation of the Ancestral Domain Rights of the ICCs/IPs as provided in Chapter III of the Act;
- m. Conduct research and documentation on indigenous peoples property rights regimes, property relations, ownership systems and other related aspects of ancestral domains management; and
- n. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 3.** *Office on Policy, Planning and Research.* The Office on Policy, Planning and Research shall:

- a. Compile and update listing of authentic IP organizations and leaders/elders;
- b. Formulate appropriate policies and programs for ICCs/IPs such as, but not limited to a Five-Year Master Plan for the ICCs/IPs. The NCIP shall review the plan periodically and make modifications in accord with the changing situations;
- c. Undertake the documentation of customary law and shall establish and maintain a Research Center that would serve as a repository of ethnographic information for monitoring, evaluation and policy formulation;
- d. Develop and maintain the management information system of the Commission;
- e. Conduct a population census of the ICCs/IPs including a sex-desegregated data base system in coordination with the National Statistics Office;
- f. Assist the Congress in the formulation of appropriate legislation beneficial to the ICCs/IPs;
- g. For purposes of policy coordination, the Commission shall create a Policy Desk to serve as the organic linkage of the NCIP to the Office of the Regional Governor and Office of the Speaker of the Regional Legislative Assembly. This desk shall provide technical assistance to the ARMM on such policy matters as:
  - 1) Pertaining to the exercise of residual powers of the national government affecting the ICCs/IPs, such as, but not limited to: the protection of community intellectual rights; nationwide ethnographic research projects; census of ICCs/IPs, and the like,
  - 2) Formulation of policies, plans, and programs transcending the geographical boundaries of the ARMM and contiguous ethnographic regions, and

3) Other policy issues as may be the subject of Memorandum of Agreement with the Office of the Regional Governor and the Office of the Speaker of the Regional Legislative Assembly; and

h. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 4. Office on Education, Culture and Health.** This office shall be responsible for the effective implementation of the education, cultural and health related rights as provided in the Act. It shall:

a. Undertake studies, plans, and programs and implement the same for the development of an indigenous curriculum and preservation of the historical and cultural heritage of the ICCs/IPs;

b. Establish and maintain a Museum, library and audio-visual arts center as a repository for the arts and culture of the IPs;

c. To assist, promote and support community schools, both formal and non-formal, for the benefit of the local indigenous community, especially in areas where exiting educational facilities are not accessible to members of the indigenous group;

d. Administer all scholarship programs and other educational projects intended for ICC/IP beneficiaries in coordination with the Department of Education, Culture and Sports and the Commission on Higher Education;

e. Provide for health programs and services to the ICCs/IPs and promote indigenous health practices and the use of traditional medicine;

f. Undertake a special program which includes language and vocational training, public health and family assistance program and related subjects. It shall likewise generate the necessary funds and technical support from other sources to augment the available appropriation;

g. Identify members of ICCs/IPs for training in health profession and encourage and assist them to enroll in schools of medicine, nursing, medical technology, physical therapy and other allied courses;

h. Deploy a representative in appropriate government offices who shall personally perform the foregoing tasks and who shall receive complaints from the ICCs/IPs and compel action from the concerned agency; and

i. Monitor the activities of the National Museum and other similar government agencies generally intended to manage and preserve historical and archeological artifacts of the ICCs/IPs and shall be responsible for the implementation of such other functions as the Commission may deem appropriate and necessary.

**SECTION 5. Office on Socio-Economic Services and Special Concerns.** The Office on Socio-Economic Services and Special Concerns shall serve as the office through which the Commission shall coordinate with pertinent government agencies especially charged with the implementation of various basic socio-economic services, policies, plans and programs affecting the ICCs/IPs to ensure that the same are properly and directly enjoyed by them, it shall also:

a. Formulate and implement a program of action which will bring agro-technological development among the ICCs/IPs, building upon existing customary practices and traditions;

b. Facilitate the delivery of socio-economic services to the ICCs/IPs communities including, but not limited to infrastructure, extension, credit, financing, marketing, and other social services;

c. Coordinate and collaborate with other government agencies for the formulation of policies, plans and programs that will ensure the alleviation, if not eradication, of poverty among ICCs/IPs;

d. To promote and encourage cooperatives in accordance with the beliefs, traditions and customs of the ICCs/IPs;

e. To assist ICCs/IPs and coordinate disaster and relief operations in ICC/IP communities affected by natural calamities, disasters or catastrophes;

f. Provide the indigenous women, youth and elderly with programs/projects for the improvement of their socio-economic conditions; and

g. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 6. Office of Empowerment and Human Rights.** The Office of Empowerment and Human Rights shall ensure that indigenous socio-political, cultural and economic rights are respected and recognized. It shall:

a. Ensure that capability building mechanisms are instituted and ICCs/IPs are afforded every opportunity, if they so choose, to participate in all levels of decision-making;

b. Ensure that the Basic Human Rights and such other rights as the NCIP may determine, subject to existing laws, rules and regulations are protected and promoted;

c. To assist ICCs/IPs work out an appropriate interface between customary political structures and self-governance with the mainstream machinery for governance including the establishment and administration of tribal barangays and support for autonomous regions;

d. To ensure that the basic elements of free and prior informed consent are present and are complied with in all instances when such must be secured;

e. To study and establish models for appropriate interface in tribal and non-tribal governance;

f. Facilitate the participation of ICCs/IPs in all national and international fora where their effective representation is required;

- g. Conduct researches on the IP women and youth situation including their basic human rights situation and recommend programs for their development in accordance with indigenous practices;
- h. Empower ICCs/IP communities through community organizing; and
- i. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 7. *Administrative Office.*** This office shall provide the NCIP with economical, efficient and effective services pertaining to personnel, finance, records, equipment, security, supplies and related services. It shall:

- a. Study and recommend the organizational and functional set up of the Commission, and to upgrade and develop personnel skills through a comprehensive program, taking into special consideration issues of ethnicity and divergence in ethnic origins of the staff and the diversity of cultures of its ICC/IP clientele;
- b. Develop systematic records management including systems for participating in the electronic communications highway;
- c. Develop and maintain a personnel program which shall include recruitment, selection, appointment, transfer, performance evaluation and employee relations;
- d. Administer the Ancestral Domain Fund; and
- e. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 8. *Legal Affairs Office.*** The Legal Affairs Office shall:

- a. Advise the NCIP on all legal matters concerning ICCs/IPs;
- b. Provide ICCs/IPs with legal assistance in litigation involving community interest;
- c. Act as the general counsel of the NCIP in all cases, in collaboration with the Office of the Solicitor General;
- d. Conduct preliminary investigation on the basis of complaints filed by the ICCs/IPs against natural or juridical persons believed to have violated ICCs/IPs rights. On the basis of its findings, it shall initiate the filing of appropriate legal or administrative action to the Commission;
- e. Initiate legal or administrative action as the case may be, against any person or government agency believed to have violated any of the rights of ICCs/IPs;
- f. Investigate and hear administrative cases filed against officers and employees of the NCIP; and
- g. Perform such other functions as the Commission may deem appropriate and necessary.

**SECTION 9. *Office of the Executive Director.*** The Office of the Executive Director shall serve as the secretariat of the Commission. It shall be headed by an Executive Director who shall be appointed on a permanent basis by the President of the Philippines upon recommendation of the Commission. He/She shall be under the supervision of the Commission through the Chairperson and shall hold office regularly during business hours on all working days and shall perform the following functions:

- a. Advise and assist the Chairman in the formulation and implementation of the objectives, policies, plans, and programs of the Commission;
- b. Serve as the principal assistant of the Chairman in the overall supervision of the administrative business of the Commission;
- c. Ensure an effective and efficient performance of the functions of the Commission and prompt implementation of the programs;
- d. Propose effective allocation of resources for the projects stated under approved programs;
- e. Oversee all the operational activities of the Commission;
- f. Coordinate programs and projects of the Commission and be responsible for the economical, efficient and effective administration;
- g. Submit periodic reports to the Commission on the progress and accomplishment of programs and projects;
- h. Prepare regular and annual reports of all the activities of the Commission;
- i. Accept all pleadings and papers authorized or required to be filed in the Commission, except in cases where the matter, question or controversy before the Commission is being held elsewhere;
- j. Keep in his care the seal of the Commission, books necessary for recording the proceedings of the Commission, records, files and exhibits;
- k. Prepare the Calendar of hearings and sessions of the Commission;
- l. Attend the hearings and sessions by himself or his deputies or assistants and enter the proceedings in the Minutes Book;
- m. Serve all notices, orders, resolutions, decisions, subpoenas and other processes issued by the Commission;

- n. Keep a general docket of all cases brought before the Commission and compile all final orders, decisions and resolutions of the Commission;
- o. Implement the Commission's directives, orders and decisions;
- p. Issue certified copies, under the Seal of the Commission, of all papers, documents, orders, record, decisions, and resolutions of the Commission;
- q. Exercise supervision and control over the various staff, regional and field offices and determine and assign matters to appropriate offices;
- r. Have administrative responsibility for correspondence/communications coming from the various government line agencies and corporations;
- s. Exercise primary authority to sign papers by authority of the Chairperson;
- t. Provide technical, consultative, research, fact-finding and advisory service to the Commission;
- u. Serve as the information arm of the NCIP; and
- v. Perform such other functions and duties as the Commission may direct.

*PART VII. Regional, Field and Other Offices*

**SECTION 1. Regional Offices and Field Offices.** The Commission shall operate and maintain sub-national offices such as the regional and field offices consistent with its mandate and organizational objectives, the NCIP shall operate and maintain Regional Offices.

a. The regional offices shall be distributed according to equitable number of the clientele population. Regional centers shall be physically located in strategic geographical sites to maximize the delivery of basic services and technical support to ICCs/IPs. The distribution of resources shall be proportionate to the number of clientele and requirements of the ancestral domains/lands of ICCs/IPs located in each region. The distribution of the regional offices is as follows:

- 1) Ilocos Region — to serve the indigenous peoples in the Provinces of Ilocos Norte, Ilocos Sur, La Union, and Pangasinan;
- 2) Cordillera Region — to serve the IPs in the City of Baguio and the Provinces of Abra, Benguet, Mountain Province, Ifugao, Kalinga and Apayao;
- 3) Caraballo and Cagayan Valley Region — to serve the IPs in the Provinces of Batanes, Cagayan, Isabela, Quirino, and Nueva Viscaya;
- 4) Pinatubo and Northern Sierra Madre Region — to serve the IPs in the Provinces of Bulacan, Aurora, Nueva Ecija, Tarlac, Pampanga, Zambales, and Bataan;
- 5) Southern Sierra Madre and Bicol Region — to serve the IPs in the Provinces of Rizal, Quezon, National Capital Region, Camarines Sur, Camarines Norte, Albay, and Sorsogon;
- 6) Western Islands Region — to serve the IPs in the island Provinces of Palawan, Oriental Mindoro, Occidental Mindoro, and Romblon;
- 7) Central Philippine Islands Region — to serve the IPs in the island provinces of Antique, Aklan, Capiz, Iloilo, Guimaras, Cebu, Negros Occidental, Negros Oriental, and Bohol;
- 8) Zamboanga Peninsula Region — to serve IPs in the provinces of Zamboanga del Norte, Zamboanga del Sur, and Basilan;
- 9) Northwestern Mindanao Region — to serve the IPs in the provinces of Misamis Occidental, Misamis Oriental, Bukidnon and Camiguin;
- 10) Northeastern Mindanao Region — to serve the IPs in the Provinces of Surigao del Norte, Surigao del Sur, Agusan del Norte, Agusan del Sur;
- 11) Southern and Eastern Mindanao Region — to serve the IPs in the provinces of Davao Oriental, Davao del Sur, Compostela Valley, Davao del Norte, South Cotabato, Sarangani, and the cities Davao, Tagum and Island Garden City of Samal; and
- 12) Central Mindanao Region — to serve IPs in the provinces of Lanao del Norte, North Cotabato, Sultan Kudarat, and the cities of Cotabato, Iligan and Marawi;

b. Field Offices at the provincial and community levels shall likewise be created. These shall be known respectively as Provincial Offices and Community Service Centers.

c. Existing regional offices shall continue to function within the purview of reorganization, revitalization and strengthening of the NCIP structure. The Commission shall determine the number and scope of regional, provincial and community service centers based on the management principles of economy, efficiency and effectiveness.

d. Other field offices shall be created wherever appropriate and the staffing pattern thereof shall be determined by the NCIP: Provided; that in provinces where there are ICCs/IPs but without field offices, the NCIP shall establish appropriate field offices thereat.

**SECTION 2. Other Offices.** The NCIP shall have the power to create additional offices as it may deem necessary subject to existing rules and regulations, such as, but not limited to, the following:

a. **Finance Management Office.** For purposes of setting clear directions on financial policies, and institutionalize checks and balances in the management of the financial resources and other assets of the Commission, there is hereby created the Finance Management Office which shall provide efficient and effective services relating to budgeting, accounting and internal audit. It shall:

- 1) Prepare the annual budget of the Commission in coordination with the Office on Policy, Planning, and Research, Department of Budget and Management and the Office of the President;
  - 2) Develop, maintain and administer the accounting and financial management and auditing systems of the Commission;
  - 3) Exercise supervision and control over the implementation of internal auditing rules and regulations within the Commission, including all funds received by the Commission from whatever source for the implementation of its programs, projects and activities; and
  - 4) Prepare the budget performance and financial statements for inclusion in the annual and other periodic reports of the Commission for submission to the Office of the President.
- b. **Ancestral Domains Fund Division.** A special division under the Administrative Office shall be created to manage the ancestral domains fund. It shall perform the following functions and responsibilities, viz:
- 1) To determine the priority areas for funding;
  - 2) To equitably allocate funds to the various priority areas for the delineation and development of ancestral domains, in coordination with the Ancestral Domains Office;
  - 3) To prepare a consolidated report of expenditures on a quarterly basis, in coordination with the Finance Management Office; and
  - 4) To monitor the implementation of programs funded by the ancestral domains fund; and
  - 5) To perform such other functions relative hereto or as may be assigned by the Commission.
- c. **Office for Foreign Assisted Programs and Projects.** This office shall be responsible for the completion of the necessary technical requirements for program and project development. It shall develop programs and projects for foreign assistance, complete requirements for the approval thereof, and follow up proposals with the respective institutions; supervise and manage foreign-funded programs and projects being implemented by the NCIP; assist people's organizations and NCIP offices in the development, implementation and management of foreign-funded projects; and perform such other functions as may be defined by the Commission.
- d. **International Relations Office.** This unit shall be responsible for all matters and concerns involving international bodies and foreign countries and affecting the enjoyment and realization of all human rights of the ICCs/IPs. To accomplish this mandate, it shall have the following specific functions:
- 1) Assist the NCIP in representing the Philippine ICC/IPs in all international conferences and conventions dealing with indigenous peoples and other related concerns;
  - 2) Monitor the implementation and promotion of international conventions, treaties and other international instruments affecting the ICCs/IPs to which the Philippines is a party or a signatory or which are generally considered part of customary international law and practice.
  - 3) Maintain and manage, in coordination with the Department of Foreign Affairs, an Attach Service for ICCs/IPs at the United Nations in New York and Geneva and in such other places as may be determined by the NCIP, for coordination with the United Nations, foreign governments and other international organizations in such matters affecting the ICCs/IPs.
  - 4) Conduct research and training in new developments in international law, trade and world affairs, with special emphasis on the effects of globalization on the ICCs/IPs and maintain a data base and serve as a repository of relevant international materials;
  - 5) Pursue and maintain international linkages and ensure the proper dissemination abroad of accurate information about ICCs/IPs in the Philippines; and
  - 6) Perform such other services and functions that the NCIP may deem necessary.

*PART VIII. Composition of and Guidelines for the Convening of the Consultative Body*

**SECTION 1. Definition and Composition.** Pursuant to Section 50 of the Act, the NCIP shall convene the consultative body which is defined as:

- a A body consisting of the traditional leaders, elders and representatives from the women and youth sectors of the different ICCs/IPs shall be constituted by the NCIP from time to time to advise it on matters relating to the problems, aspirations and interests of the ICCs/IPs.
- b A grassroots consensus building process, and/or multi-level mechanism of people's participation in the implementation of the provisions of the Act and the objectives of the NCIP.

**SECTION 2. Guidelines for the Convening of the Consultative Body.** In convening the Consultative Body as provided in Section 50 of the Act, the following guidelines shall be applicable:

- a The Consultative Body shall be composed of tribal leaders and indigenous peoples representatives from the elderly, women, youth and children sectors, who shall be accredited for this purpose, and where applicable, in accordance with the principle of equitable representation of all ICCs/IPs at each level;
- b The Consultative Body shall be constituted from time to time at the ancestral domain, barangay, municipal, provincial, regional and national levels, to advise the NCIP on matters relating to the problems, aspirations and interests of the ICCs/IPs;
- c On matters pertinent to the formulation of development plans and monitoring of programs and projects, including those concerning poverty alleviation/reduction, the Commission shall convene the Consultative Body at the national level, preferably on a quarterly basis;



- d. Regional representation to the national consultative body shall be selected through an ascending multi-level process emanating from the community level, and shall be rotated among the different ICC/IP communities;
- e. The national consultative body shall be composed of regional representatives not exceeding a total of thirty five (35), at the participation rate of five (5) representatives from each of the seven (7) ethnographic regions as allocated under Section 40 of the Act;
- f. The consultative body shall promulgate its own internal rules of procedure, and whenever possible, it shall use consensual and other traditional decision making processes during sessions, assemblies or meetings; and
- g. The Commission shall provide the funds necessary to ensure the viability of the Consultative Body.

## RULE VIII

### DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

#### *PART I: Delineation and Recognition of Ancestral Domains/Lands*

**SECTION 1. Principle of Self Delineation.** Ancestral domains shall be identified and delineated by the ICCs/IPs themselves through their respective Council of Elders/Leaders whose members are identified by them through customary processes. The metes and bounds of ancestral domains shall be established through traditionally recognized physical landmarks, such as, but not limited to, burial grounds, mountains, ridges, hills, rivers, creeks, stone formations and the like.

Political or administrative boundaries, existing land uses, licenses, leases, programs and projects or presence of non-ICCs in the area shall not limit the extent of an ancestral domain nor shall these be used to reduce its area.

**SECTION 2. Procedure on Ancestral Domain Delineation.** The Ancestral Domains Office (ADO) shall be responsible for the official delineation of ancestral domains and lands. For this purpose the ADO, at its option and as far as practicable, may create mechanisms to facilitate the delineation process, such as the organization of teams of facilitators which may include, among others, an NGO representative chosen by the community, the Municipal Planning and Development Officer of the local government units where the domain or portions thereof is located, and representatives from the IP community whose domains are to be delineated. The ADO will ensure that the mechanisms created are adequately supported financially and technically to enable the efficient and expedient delineation of the ancestral domains.

The identification, delineation and recognition of ancestral domains shall be in accordance with the following procedure:

- a. **Filing of Petition for Delineation.** A majority of the members of the ICCs/IPs in a specific area, through their own recognized Council of Elders/Leaders, may file a petition with the NCIP through the Provincial Office for the identification, delineation and recognition of their ancestral domain. No other entity shall file said petition and to ensure the legitimacy of the Petition, the same shall be signed by all members of the concerned ICCs/IPs' Council of Elders or popularly recognized and accepted leadership body.
- b. **Delineation Proper.** Upon receipt of a Petition for Delineation, the ADO through the NCIP Provincial Office shall proceed as follows:
  - 1) Community-wide information dissemination and consultation with the ICCs/IPs concerned shall be conducted to inform them about the delineation process and to establish the genuineness of the Petition;
  - 2) The Council of Elders/Leaders of the IPs concerned, in accordance with customary law and/or community history, shall convene to identify the landmarks indicating the boundaries of their ancestral domains in a topographic map and submit the same to the NCIP Provincial Office;
  - 3) Whenever applicable, the Council of Elders/Leaders shall likewise identify all parts of the domains which may no longer be exclusively occupied by them but from which they traditionally had access to for their subsistence and traditional activities, including but not limited to, sacred sites, worship areas, hunting, gathering, collecting and fishing grounds;
  - 4) The NCIP Provincial Office, based on the indicative map, shall approximate the land area of the territory in hectares; and
  - 5) The ICCs/IPs concerned, with the assistance of the NCIP Provincial Office shall conduct a census of its community members, the results of which shall be attached as part of the record.
- c. **Submission of Proof.** To prove its ancestral domain claim, the concerned ICCs/IPs shall submit to the NCIP Provincial Office the following:
  - 1) the testimony of the community elders who participated in the identification of physical boundaries and who took part in giving the oral historical accounts; and
  - 2) any one (1) of the following proofs:
    - i) Written accounts of the ICCs/IPs customs and traditions;
    - ii) Written accounts of the ICCs/IPs political structure and institutions;
    - iii) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
    - iv) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
    - v) Survey plans and sketch maps;

- vi) Anthropological data;
- vii) Genealogical surveys;
- viii) Pictures and descriptive histories of traditional communal forests and hunting grounds;
- ix) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
- x) Write-ups of names and places derived from the native dialect of the community.

d. **Notice of Ocular Inspection.** The NCIP Provincial Office shall notify the applicant community through its Council of Elders/Leaders, adjoining communities through their elders or leaders, and other affected entities, five (5) days in advance, that an ocular inspection of the ancestral domain claim of applicant community shall be conducted on such a date and time and that their presence is required especially in the verification of the metes and bounds thereof.

e. **Ocular Inspection.** The NCIP Provincial Office, in cooperation with the ICCs/IPs concerned and representatives of adjoining communities shall conduct an ocular inspection of the area being claimed in order to verify the landmarks indicating the boundaries of the ancestral domain and the physical proofs in support of the claim.

f. **Evaluation and Appreciation of Proof.** The NCIP Provincial Office shall evaluate the proofs submitted. If the claim is found to be patently false or fraudulent after diligent inspection and verification notice of such rejection which includes the reasons for the denial shall be sent to the ICC/IP claimant. The ICC/IP claimant, may bring the denial on appeal with the NCIP on the grounds of arbitrary and/or erroneous appreciation of facts.

In addition to the proof submitted; the NCIP Provincial Office may require additional proof for purposes of substantiating the claim.

g. **Survey and Preparation of Survey Plans.** Based on its appreciation of proofs, the NCIP Provincial Office shall request the Regional Surveys Division to conduct a perimeter survey and prepare survey plan of the area with the necessary technical description, including the significant natural features and landmarks found therein.

h. **Boundary Conflicts.** In cases where there are boundary conflicts among ICCs/IPs, the NCIP Provincial Office shall refer the matter for settlement at the community level. If no settlement is reached, the NCIP Provincial Office shall cause the contending parties to meet and come up with a preliminary resolution of the conflict to pave the way for the delineation without prejudice to its full adjudication pursuant to the pertinent provisions of the Act and these Rules and Regulations.

i. **Preparation of Report of Investigation and Other Documents.** The NCIP Provincial Office shall prepare an official report of investigation which shall include its findings during the ocular inspection; evaluation and appreciation of proofs submitted, and a preliminary report on the census of community members, the minimum contents of which shall be the number of ICC/IP and non-ICC/IP households in the community; a list of community-recognized indigenous leaders/elders; and a description of the community-recognized PO in the area.

j. **Validation of Map.** The NCIP Provincial Office shall present the survey plan prepared pursuant to item (g) above, to the applicant ICC/IP community for validation. If not validated, proper corrections may be made or another survey may be conducted.

k. **Basic Documents of the Delineation Process.** The approved and validated survey plan of the Ancestral Domain Claim and the Petition for Delineation shall constitute the basic documents of the delineation process.

l. **Notice and Publication of Ancestral Domain Claim.** The following shall constitute the procedure for notice and publication:

- 1) The NCIP Provincial Office shall prepare a copy of the basic documents of the ancestral domain claim, including a translation thereof in the native language of the ICCs/IPs concerned;
- 2) These documents shall be posted in a prominent place within the ancestral domain which may be, but not limited to, the tribal hall, the market place or places of worship and the Service Center, Provincial and Regional Offices of the NCIP for at least fifteen (15) days;
- 3) The basic documents shall also be published in a newspaper of general circulation in the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication; and
- 4) In areas where no newspapers exist, broadcasting in a radio station could be a valid substitute for publication. In case of broadcast, the same shall be made twice in a week and any opposition may be filed within 15 days from date of last broadcast. If both newspaper and radio station are not available, the mere posting of the basic documents as in stated in sub-paragraph (b) above shall be deemed sufficient and any opposition thereto must be filed within 15 days from last day of posting.

m. **Endorsement of the Ancestral Domain Claim to the NCIP.** Within fifteen (15) days after publication, the NCIP Provincial Office shall endorse the ancestral domain claim to the NCIP Regional Office for verification. If the Regional Office deems the claim to have been sufficiently proven, it shall endorse the same to the Ancestral Domains Office with its corresponding recommendation.

n. **Review by the Ancestral Domains Office.** Within fifteen (15) days from receipt of the endorsement by the NCIP Regional Office of the ancestral domain claim, the Ancestral Domains Office, shall review the documents. If the ADO finds the claim to have been sufficiently proven, it shall prepare its report to the NCIP endorsing a favorable action thereon. In case the ADO finds the proof insufficient, it shall require the submission of additional evidence. If the application is found to be patently false or fraudulent, the same shall be rejected with notice sent to the applicant stating the reasons therefor.

o. **Preparation and Issuance of CADT .** Upon receipt of the report of the ADO, the Commission shall meet en banc to discuss the merits of the claim based on the documents accompanying the endorsement. If it approves the claim, the Commission shall direct the ADO to prepare the Certificate of Ancestral Domain Title (CADT) in the name of the claimant IP community in a specific location, together with all its necessary annexes. The CADT shall be issued by the Commission and signed by all the Commissioners. No CADT shall be issued in the name of a person family, clan or organization.

- p. **Submission of Maps.** The official map of the ancestral domain shall be submitted to the appropriate government agency for records and control purposes.

*SECTION 5. Validation of Prior Delineation of Ancestral Domains*

- a. **Validation of Certificates of Ancestral Domain Claims (CADCs).** ICCs/IP communities whose ancestral domains have been satisfactorily delineated pursuant to DENR Special Order No. 31, Series of 1989, as amended, and Administrative Order No. 2, Series of 1993, may apply for the issuance of a Certificate of Ancestral Domain Title (CADT) over the area without going through the process prescribed in the Act. Such application shall be made through the filing of a duly accomplished application form with the NCIP Provincial Office for the purpose.
- b. **Turn-Over of Pertinent Records.** The NCIP shall cause the turn-over, by the DENR or other concerned government agency, of all records pertinent to approved applications for CADCs immediately upon approval of these Rules and Regulations, without prejudice to the prerogative of the NCIP to enter into a Memorandum of Agreement with DENR or other concerned agency, to ensure a continuous and satisfactory delineation of ancestral lands/domains. Upon receipt of such records, the NCIP shall require the Provincial Office to review the same in order to establish the correctness of the delineation made, sufficiency of proof and regularity of the process undertaken for the purpose.
- c. **Endorsement to NCIP.** Upon favorable findings, the NCIP Provincial Office shall endorse to the ADO, through the Regional Office, the documents supporting the validation of the CADC and the subsequent issuance of a CADT.
- d. **Re-delineation of Areas Covered by CADCs.** In case of irregularity in the delineation process of CADCs granted under DENR DAO No. 2, Series of 1993, the NCIP Provincial Office shall refer the matter to the NCIP Regional Office for a field investigation and appropriate re-delineation, if necessary, in accordance with the process hereinabove described.
- e. *Other Tenurial Instruments.* The NCIP shall conduct a study of other tenurial instruments issued to members of ICC/IP communities such as, but not limited to, Certificates of Land Ownership Awards (CLOA) of the Department of Agrarian Reform (DAR), and Certificate of Stewardship Contracts (CSC) of the DENR, in order to determine the feasibility of their conversion to CADTs or CALTs, and the case may be.

*SECTION 6. Turn-over of Areas within Ancestral Domains.* Once an area is certified as an ancestral domain, the Chairperson of NCIP shall issue a notice to concerned government agencies, such as but not limited to, the DENR, DAR, DILG, DECS, DOT, DTI, DND, DOH, or DOE, having jurisdiction over these areas, that the same is within ancestral domains and therefore falls under the jurisdiction of the concerned ICCs/IPs by operation of law.

The ICCs/IPs and the concerned government agencies may enter into agreements on the exercise of joint management responsibilities over such areas. Such agreements shall, whenever possible, incorporate a plan for the eventual transfer of full management powers and responsibilities to the ICCs/IPs. The NCIP shall exercise visitorial and monitoring powers to safeguard the rights of the ICCs/IPs under the agreement.

*SECTION 7. Delineation of Ancestral Lands.* The procedures for delineation of ancestral lands shall be undertaken by the NCIP Service Center where the land is located, in accordance with the following procedures:

- a. **Identification of Ancestral Lands within Ancestral Domains.** The ICCs/IPs, through their POs and/or Council of Elders, shall be responsible for identifying and establishing ancestral lands within their respective ancestral domains based on their own customs and traditions. With the free and prior informed consent of its members, the community may also allocate portions of the ancestral domain to individuals, families or clans in accordance with their customary laws and traditional practices.
- b. **Application for Issuance of Certificate of Ancestral Land Title (CALT) over Ancestral Lands within Ancestral Domains.** Individuals, families or clans belonging to the concerned ICCs/IPs within certified ancestral domains may apply for Certificate of Ancestral Land Titles over their identified ancestral lands, without going through the formal delineation process and in spite of the issuance of any tenurial instrument issued over the same area before the effectivity of the Act by filling up the appropriate NCIP Form and filing it with the NCIP Service Center.
- c. **Application for Issuance of Certificate of Ancestral Land Title of Ancestral Lands outside Ancestral Domains.** Claimants of ancestral lands located outside certified ancestral domains may have such ancestral lands officially established by filling up the appropriate NCIP Form and filing it with the NCIP Service Center which has jurisdiction over the land. It shall be accompanied by a testimony under oath of the elders of the ICC/IP who are knowledgeable of such claim and any other documentary proof showing continuous occupation, utilization or possession of the area since time immemorial which shall be any of the following:
- 1) Written accounts of the ICCs/IPs customs and traditions;
  - 2) Written accounts of the ICCs/IPs political structure and institutions;
  - 3) Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
  - 4) Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with other ICCs/IPs;
  - 5) Survey plans and sketch maps;
  - 6) Anthropological data;
  - 7) Genealogical surveys;
  - 8) Pictures and descriptive histories of traditional communal forests and hunting grounds;
  - 9) Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; and
  - 10) Write-ups of names and places derived from the native dialect of the community.
- d. **Notice and Publication.** Upon receipt of the application the NCIP Service Center shall cause the publication of such application in accordance with the following

procedure:

- 1) The NCIP Service Center shall prepare a copy of the petition and survey or sketch plans, these being the basic documents of the ancestral land claim, including a translation thereof in the native language of the ICCs/IPs concerned;
- 2) These documents shall be posted in a conspicuous or prominent place within the ancestral land which may be, but not limited to, the tribal hall, the market place or places of worship and the Service Center, Provincial and Regional Offices of the NCIP for at least fifteen (15) days;
- 3) Whenever available, the basic document shall also be published in a newspaper of general circulation in the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication; and
- 4) In areas where no newspapers exist, broadcasting in a radio station could be a valid substitute for publication. In case of broadcast, the same shall be made twice in a week and any opposition may be filed within 15 days from date of last broadcast. If both newspaper and radio station are not available, the mere posting of the basic documents as in stated in sub-paragraph (b) above shall be deemed sufficient and any opposition thereto must be filed within 15 days from last day of posting.

e. **Ocular Inspection and Appreciation of Proof.** Within fifteen (15) days after such publication, the NCIP Service Center shall conduct an ocular inspection and investigation thereof. Notices shall be sent to the applicant and owners of adjoining properties at least five days before the scheduled date of ocular inspection.

If the NCIP Service Center finds the same meritorious, it shall request the NCIP Regional Office, for a technical survey of the area. However, it may reject any application for CALT which it finds patently false or fraudulent upon investigation and shall give the applicant due notice of the action taken including the grounds for the denial. Such denial is appealable to the NCIP in accordance with the procedure prescribed herein.

f. **Resolution of Conflicting Claims.** In case of conflicting claims, the NCIP Service Center shall refer the same to the Council of Elders/Leaders in the community for settlement. In case of failure of settlement thereat, the NCIP Service Center shall endeavor to cause the contending parties to meet and help them come up with a preliminary resolution of the conflict. Upon the exhaustion of all possible remedies, the same conflict may however be submitted for full adjudication under Section 62 of the Act, in which the Director of Lands may take part to represent the interest of the Republic of the Philippines.

g. **Parcellary Survey.** Upon the recommendation of the NCIP Service Center, through the NCIP Provincial Office, the Surveys Division of the NCIP Regional Office shall conduct a parcellary survey of the area. Upon the completion of the survey and approval thereof, the survey returns and the approved survey plan shall be returned to the NCIP Service Center through the Provincial Office.

h. **Report of Investigation.** The NCIP Service Center shall prepare a report of its findings, together with the record and the approved survey plan and submit the same to the NCIP Provincial Office. In case of insufficient proof, additional evidences may be required from the applicant.

i. **Review by the NCIP Provincial Office.** Upon review by the NCIP Provincial Office and finding the application to be sufficiently proved, the same shall be endorsed to the NCIP Ancestral Domains Office through the NCIP Regional Office.

j. **Issuance of Certificate of Ancestral Land Title (CALT).** The ADO shall, within fifteen (15) days from receipt thereof, submit all records of the application to the NCIP which shall in turn, evaluate the application and report submitted, and if it finds the application to be meritorious, issue the corresponding CALT.

**SECTION 8.** *Registration of Certificates of Ancestral Domain Title (CADTs) and Certificates of Ancestral Land Title (CALTs).* The NCIP, through the Ancestral Domains Office (ADO), shall register all CADTs and CALTs with the Register of Deeds in the place where the properties are located. The NCIP together with the Land Registration Authority shall formulate the procedure for such registration. Awardees of CADT and CALT themselves may opt to personally cause such registration.

**SECTION 9.** *Reconveyance of Fraudulently Transferred Ancestral Lands.* Within two years from the effectivity of the Act, the NCIP shall take appropriate legal action for the cancellation of illegally acquired however that the rights of possessors in good faith are protected. Procedures for reconveyance to the ICCs/IPs concerned shall be undertaken by the ICCs/IPs with the assistance of NCIP if requested.

This provision shall not prejudice the right of ICCs/IPs to redemption of lands transferred under vitiated consent and/or unconscionable consideration as provide for in Chapter III, Section 8 of the Act and these Rules and Regulations.

## **PART II: Ancestral Domain Development and Protection**

**SECTION 1.** *Right to Manage and Develop Ancestral Domains.* The ICCs/IPs shall have the right to freely pursue their economic, social, political and cultural development. In the exercise of this right, the ICCs/IPs shall formulate and pursue their own plans for the sustainable management and development of the land and natural resources as well as human resources within their ancestral domains based on their indigenous knowledge systems and practices and on the principle of self-determination. Such plans may be consolidated into an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) which shall be the basis of the Five Year Master Plan defined under these Rules and Regulations.

**SECTION 2.** *Preparation and Adoption of Ancestral Domains Sustainable Development and Protection Plans (ADSDPP).* With the assistance of the NCIP, the ICCs/IPs concerned shall prepare their own ADSDPP in accordance with their customary practices, laws and traditions. The ADSDPP shall contain the following basic information:

- a. Manner by which the ICCs/IPs will protect the domains;
- b. Kind or type of development programs adopted and decided by the ICCs/IPs, in relation to livelihood, education, infrastructure, self governance, environment, natural resources, culture and other practical development aspects;
- c. Basic community policies covering the implementation of all forms of development activities in the area; and
- d. Basic management system, including the sharing of benefits and responsibilities among members of the concerned ICC/IP community.

All ADSDPPs shall be disseminated among community members in any mode of expression appropriate to the customs and traditions of the ICCs/IPs including, but not limited to, writings in their own language, oral interactions, visual arts, and analogous modes.

The ICCs/IPs shall submit to the municipal and provincial government unit having territorial and political jurisdiction over them their ADSDPP in order for the said LGU to adopt and incorporate the same in the Municipal Development Plan, Municipal Annual Investment Plan, Provincial Development Plan, and Provincial Annual Investment Plan.

**SECTION 3. Basic Steps in the Formulation of an ADSDPP.** For purposes of ensuring the authenticity and effectiveness of the Plan, the community members, through their PO and/or Council of Elders, and with the assistance of the NCIP, shall follow the following basic steps in the formulation process:

- a. **Information Dissemination.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct of intensive information-dissemination on the Indigenous People Rights Act (IPRA) among the community members. For the purpose of information-dissemination, the NCIP may engage the services of an authorized NGO or IPO;
- b. **Baseline Survey.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct a participatory baseline survey of the ancestral domain focusing on the existing population, natural resources, development projects, land use, sources of livelihood, income and employment, education and other concerns. For the purpose of the baseline survey, the NCIP may engage the services of an authorized NGO or IPO;
- c. **Development Needs Assessment.** The Council of Elders/Leaders, with the assistance of the NCIP, shall conduct workshops in every village within the ancestral domain to determine the will of the community members regarding the kind of development the community should pursue in terms of livelihood, education, infrastructure, self-governance, environment, natural resources, culture and other aspects. For the purpose of the Development Needs Assessment, the NCIP may engage the services of an authorized NGO or IPO;
- d. **Formulation of Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).** The concerned ICC/IP, through its IPO and/or Council of Elders, and with the assistance of the NCIP, shall formulate its Ancestral Domain Sustainable Development and Protection Plan;
- e. **Validation of ADSDPP.** With the assistance of the NCIP, the IPO and/or Council of Elders shall conduct assemblies among the ICC/IP members for the validation and approval of the ADSDPP.
- f. **Submission of ADSDPP to NCIP.** Upon validation and approval, the IPO and/or the Council of Elders shall submit the ADSDPP to the NCIP for their information and concurrence. The ADSDPP shall form part of the data base on ICC/IP communities in the country, in relation to development projects, programs and activities within the ancestral domain, which the NCIP is mandated to establish.
- g. **Conversion of Ancestral Domain Management Plans (ADMPs) to Ancestral Domain Sustainable Development and Protection Plans (ADSDPPs).** ICCs/IP communities have the option to convert or modify their existing Ancestral Domain Management Plans prepared and completed pursuant to DENR-DAO 96-34\* into Ancestral Domain Sustainable Development and Protection Plan in accordance with these rules.

**SECTION 4. Management of Joint Undertakings within Ancestral Domains.** The ICCs/IPs shall have priority rights in the harvesting, extraction, development or exploitation of the natural resources within the ancestral domain. Should the ICCs/IPs give their free and prior informed consent to any development activity, project, program or plan to be implemented by any government or private entity, they shall have the following rights:

- a. The right to an informed and intelligent participation in the formulation and implementation of the project;
- b. The right to receive just and fair compensation for any damage or loss which may be sustained as a result of such project;
- c. The right to benefit sharing; and
- d. The right to exercise visitorial powers and take appropriate action to safeguard the rights of the community under the same contract.

**SECTION 5. Existing Property Rights Regimes.** Property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, shall be recognized and respected.

**SECTION 6. Existing Contracts, Licenses, Concessions, Leases, and Permits within Ancestral Domains.** 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 contracts, licenses, concessions, leases and permits shall not be renewed without the free and prior informed consent of the IP community members and upon renegotiation of all terms and conditions thereof. All such existing contracts, licenses, concessions, leases and permits may be terminated for cause upon violation of the terms and conditions thereof.

**SECTION 7. Right to Manage Protected and Environmentally Critical Areas.** The ICCs/IPs, through their POs and/or Council of Elders, shall determine the terms and conditions for the exploitation of natural resources within the ancestral domain for the purpose of ensuring ecological balance, environmental protection and conservation. Accordingly, the ICCs/IPs, with the assistance of the NCIP, shall:

- a. **Inventory of all Portions of Ancestral Domains.** Conduct an inventory of all portions of ancestral domains which have been determined by appropriate government agencies as necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover or reforestation, national parks, or natural parks for purposes of evaluating the same under their own parameters;
- b. **Environmentally Critical Areas.** All areas found by the concerned community as environmentally critical areas as determined in paragraph (a) above shall be maintained, developed, protected and conserved in accordance with their indigenous knowledge systems and practices (IKSPs) and Customary Laws;
- c. **Turn-over of Funds to Community.** Funds previously allocated by government for the management of the area shall be turned over, through the NCIP, to the community to be used for the same purpose; and

d **Transfer of Management Responsibility.** Should the community decide, on the basis of free and prior informed consent, to transfer management responsibility over the area to another entity, such decision shall be made in writing to be signed by all members of the community's Council of Elders. Provided, that all forms of exploitation of the natural resources in the area shall not be allowed and that appropriate technology transfer aimed at speeding up the reversion of management of the area to the community is effected. The process of transfer of Management Responsibility shall be witnessed by the NCIP, without prejudice to its visitatorial and monitoring powers.

*SECTION 8. Five Year Master Plan.* Based on the Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) of the various ICCs/IPs and other relevant information, the Office on Policy, Planning and Research shall formulate a Five-Year Master Plan for the delivery of appropriate support services to the ICCs/IPs.

Such support services, which includes infrastructure, health and educational services, training, credit facilities, community production and marketing facilities, organizational support services and the like, shall be identified by the ICCs/IPs themselves through traditional and customary consultative processes facilitated by the community-recognized POs and/or Council of Elders.

The allocation of funds for and delivery of such support services shall be made with utmost transparency and with the involvement of the community POs, Councils of Elders and community members. Any violation of this provision shall be subject to administrative sanction and be punishable under Section 72 of the Act.

The Five-Year Master Plan shall also indicate the priorities for development of the ICCs/IPs affecting their lives, beliefs, institutions, spiritual well-being and ancestral domains or lands pursuant to Section 17 of the Act.

*SECTION 9. Certification Precondition Prior to Issuance of Any Permits or Licenses.*

a. **Need for Certification.** No department of government or other agencies shall issue, renew or grant any concession, license, lease, permit, or enter into any production sharing agreement without a prior certification from the NCIP that the area affected does not overlap any ancestral domain.

b. **Procedure for Issuance of Certification by NCIP.**

- 1) The certification, above mentioned, shall be issued by the Ancestral Domain Office, only after a field based investigation that such areas are not within any certified or claimed ancestral domains.
- 2) The certification shall be issued only upon the free, prior, informed and written consent of the ICCs/IPs who will be affected by the operation of such concessions, licenses or leases or production-sharing agreements. A written consent for the issuance of such certification shall be signed by at least a majority of the representatives of all the households comprising the concerned ICCs/IPs.

c. **When the Areas Affected are within Ancestral Domains.** When the areas affected are certified to be within ancestral domains, all licenses, leases, permits or the like may henceforth be issued only upon compliance with the procedures for securing of Free and Prior Informed Consent, pursuant to these Rules and Regulations.

The NCIP, upon complaint of the ICCs/IPs, or on its own initiative, shall issue compulsory processes to stop or suspend any project that has not satisfied the consultation process and the requirements of Free and Prior Informed Consent of the ICCs/IPs or upon violation of any of the terms and conditions of the contract, lease, permit or production sharing agreement.

The NCIP in collaboration with the ICCs/IPs concerned shall closely monitor the implementation of the Project and for this purpose may gain access to the premises, facilities, records and documents of the project to ascertain that their rights are adequately protected.

*SECTION 10. Right to Stop and Suspend Projects.* The NCIP, may motu proprio or upon the instance of ICCs/IPs, shall have the right to stop and suspend the implementation of any development program, project, policy or plan, and after due investigation and proof that consent was obtained due to manipulation, coercion, intimidation and deceit or where proponent has violated any or all of the terms and conditions stipulated in the Memorandum of Agreement. Whenever applicable and after due notice, the cash bond deposited or surety bond posted by the proponent shall be confiscated and forfeited to answer for compensatory measures shall be imposed upon the proponent.

*SECTION 11. Exemption from Taxes.* All lands certified as Ancestral Domains shall be exempt from the payment of real property taxes, special levies, and other forms of exaction except such portions of the ancestral domains as are actually used for large-scale agriculture, commercial forest plantations and residential purposes or upon titling by private persons.

All exaction shall be used to facilitate the development and improvement of the ancestral domains. For this purpose the NCIP shall coordinate with the appropriate government offices to facilitate the transfer of such revenues to the concerned ICC/IP community.

For purposes hereof, residential houses refer to buildings or structures used as the personal residence of an individual and shall not include any indigenous houses that are used communally, such as, but not limited to, houses of worship and other similar structures for ritual purposes.

*SECTION 12. Temporary Requisition Powers.* Prior to the establishment, organization and staffing of its survey divisions and/or units through which it can effectively fulfill its mandate, and within three (3) years after its creation, the NCIP may request the Department of Environment and Natural Resources, or engage private survey companies, to conduct the survey of ancestral lands/domains, under a Memorandum of Agreement. Such Memorandum of Agreement shall stipulate among others, a provision on technology transfer to the NCIP. The Secretary of the DENR shall accommodate any such request within one (1) month from its issuance.

*SECTION 13. Expropriation.* Pursuant to Section 64 of the Act, expropriation of lands under existing laws may be resorted to for purposes of resolving conflicts of interest in relation to ancestral domains or for the promotion of the "common good".

## **RULE IX**

### **JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS**

*SECTION 1. Primacy of Customary Law.* All conflicts related to ancestral domains and lands, involving ICCs/IPs, such as but not limited to conflicting claims and boundary disputes, shall be resolved by the concerned parties through the application of customary laws in the area where the disputed ancestral domain or land is located.

All conflicts related to the ancestral domains or lands where one of the parties is a non-ICC/IP or where the dispute could not be resolved through customary law shall be heard and adjudicated in accordance with the Rules on Pleadings, Practice and Procedures before the NCIP to be adopted hereafter.

All decisions of the NCIP may be brought on Appeal by Petition for Review to the Court of Appeals within fifteen (15) days from receipt of the Order or Decision.

**SECTION 2. Rules of Interpretation.** In the interpretation of the provisions of the Act and these rules, the following shall apply:

- a. All doubts in the interpretation of the provisions of the Act, including its these rules, or any ambiguity in their application shall be resolved in favor of the ICCs/IPs.
- b. In applying the provisions of the Act in relation to other national laws, the integrity of the ancestral domains culture, values, practices, institutions, customary laws and traditions of the ICCs/IPs shall be considered and given due regard.
- c. The primacy of customary laws shall be upheld in resolving disputes involving ICCs/IPs.
- d. Customary laws, traditions and practices of the ICCs/IPs of the land where the conflict arises shall first be applied with respect to property rights, claims and ownership, hereditary succession and settlement of land disputes.
- e. Communal rights under the Act shall not be construed as co-ownership as defined in Republic Act No. 386, otherwise known as the New Civil Code of the Philippines.
- f. In the resolution of controversies arising under the Act, where no legal provisions or jurisprudence apply, the customs and traditions of the concerned ICCs/IPs shall be resorted to; and
- g. The interpretation and construction of any of the provisions of the Act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, international treaties and instruments, national laws, awards, customary laws and agreements.

**SECTION 3. Appeals to the Court of Appeals.** Decisions of the NCIP is appealable to the Court of Appeals by way of a petition for review within fifteen (15) days from receipt of a copy thereof.

**SECTION 4. Execution of Decisions, Awards, and Orders.** Upon expiration of the period herein provided and no appeal is perfected by any of the contending parties, the Hearing Officer of the NCIP, on its own initiative or upon motion by the prevailing party, shall issue a writ of execution requiring the sheriff or the proper officer to execute final decisions, orders or awards of the Regional Hearing Officer of the NCIP.

**SECTION 5. Jurisdiction and Quasi-judicial Functions of the NCIP.** In relation to its quasi-judicial powers, the NCIP shall:

- a. Through its regional offices, have jurisdiction over all claims and disputes involving the rights of ICCs/IPs;
- b. Promulgate rules and regulations governing the hearing and disposition of cases filed before it as well as those pertaining to its internal functions and such rules and regulations as may be necessary to carry out the purposes of the Act;
- c. To administer oaths, summon the parties to a controversy, issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, agreements and other documents of similar nature as may be material to a just determination of the matter under investigation or hearing conducted in pursuance of the Act;
- d. To hold any person in contempt, directly or indirectly, and impose appropriate penalties therefor; and
- e. To enjoin any or all acts involving or arising from any case pending before it which, if not restrained forthwith, may cause grave and irreparable damage to any of the parties to the case or seriously affect social or economic activity.

**SECTION 6. No Restraining Order or Preliminary Injunction.** No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of the Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

## **RULE X**

### **Ancestral Domain Funds**

**SECTION 1. Sourcing and Appropriation.** The NCIP shall endeavor to realize the amounts intended for the Ancestral Domain Fund appropriated under Section 71 of the Act. It shall augment this fund by actively seeking additional government funds and soliciting donations, endorsements and grants from various sources, including foreign funds made available for the ICCs/IPs through the Government of the Philippines under the national implementation scheme. Only the Chairman of the NCIP or his duly designated representatives, shall have the authority to receive such donations, endowments or grants, which shall be fully documented and disseminated to all concerned.

**SECTION 2. Allocation and Disposition.** For purposes of delineation and development of ancestral domains, Ancestral Domain Funds shall be allocated equitably, to be computed on a per linear/kilometer basis. Where the POs and/or Councils of Elders have sufficiently expertise for purpose of delineation and ancestral domain development activities, the NCIP shall grant these funds directly to the POs and/or Council of Elders, who shall be held accountable for such funds, without prejudice to the NCIP's visitation and monitoring powers; Provided, otherwise, that the NCIP shall manage and supervise the delineation and development, while ensuring the transfer of technology to the ICCs/IPs concerned.

**SECTION 3. Reporting and Audit.** The Ancestral Domain Fund shall be subject to the usual government accounting and auditing procedures. A consolidated report of expenditures under this fund shall be prepared and presented to the NCIP en banc regularly on a quarterly basis. The same report shall also be presented to the Consultative Body when it is in session and made available to any indigenous cultural community PO or Council of Elders upon request.

**RULE XI**  
**Penalties and Sanctions**

*PART I: Unlawful Acts*

*SECTION 1. Punishable Acts Related to Ancestral Lands/Domains.* Any person found guilty of any the following acts shall be penalized:

- a. Unlawful or unauthorized intrusion into ancestral domains/lands;
- b. Misrepresentation in obtaining the free and prior informed consent of ICCs/IPs;
- c. Usurpation of real rights in property;
- d. Forcible displacement or relocation of ICCs/IPs from their ancestral lands/domains;
- e. Pollution of the air and bodies of water within the ancestral domain/land.

*SECTION 2. Punishable Acts Related to Employment.* Any person who commits any of the following acts are subject to punishment as prescribed in the Act:

- a. Exposure to hazardous working conditions;
- b. Non-payment of salaries, wages and other work benefits;
- c. Violation of the freedom of association and trade union activities;
- d. Exploitation of child labor;
- e. Sexual harassment; and
- f. Other analogous circumstances

*SECTION 3. Punishable Acts Related to Cultural Integrity.* Commission of any of the following acts or violation of any of the following rights are punishable under the Act:

- a. Exploring, excavating or making diggings on archeological sites of the ICCs/IPs for the purpose of obtaining materials of cultural value without the free and prior informed consent of the community concerned; and
- b. Defacing, removing or otherwise destroying artifacts which are of great importance and significance to the ICCs/IPs for the preservation of their cultural heritage.

*PART II: Persons Liable*

*SECTION 1. Persons Liable.* The following are liable for punishment for violation of the rights of ICCs/IPs enumerated in the Act:

- a. Any individual, whether a member of the same or different ICC/IP community or not;
- b. Any individual who is non-IP, whether a Filipino or alien;
- c. In case of violation of rights committed by juridical persons, the Manager, President, Chief Executive Officer, or any of the officers of such juridical persons; and
- d. Government officials, officers or employees.

*PART III: Penalties*

*SECTION 1. Imposable Penalties in Accordance With Customary Law.* The ICC/IP community whose rights have been violated may penalize any violator in accordance with their customary law, except:

- a. Where the penalty is cruel, degrading or inhuman; or
- b. Where the penalty is death or excessive fine.

*SECTION 2. Penalties Imposed by the Act.* All violators shall be punished, as follows:

- a. Imprisonment for not less than nine (9) months but not more than twelve (12) years;
- b. Fine of not less than One Hundred Thousand Pesos (P 100,000.00) but not more than Five Hundred Thousand Pesos (P 500,000.00); or
- c. Both such fine and imprisonment at the discretion of the court.

*SECTION 3. Accessory Penalties.* In addition to the penalties referred to in the preceding article, the following may be imposed:

- a. For all violators, payment of damages suffered by the ICCs/IPs as a consequence of the unlawful act;



- b. For corporations or other juridical persons, cancellation of their registration certificate or license; and
- c. For public officials, perpetual disqualification to hold public office.

**RULE XII**  
**Merger of the ONCC/OSCC**

**PART I: Reorganization Process**

**SECTION 1. Definition and Policy.** Merger refers to the reorganization of the ONCC and OSCC to establish the NCIP as the primary government agency that is efficient, effective and fully responsive to the needs and requirements of the indigenous peoples, its main public clientele. The reorganization shall lead to a revitalized and strengthened structure to achieve the objectives of the NCIP.

**SECTION 2. Reorganization Procedures.** The procedures for the merge are the following:

- a. **Revitalization and Strengthening.** To achieve this purpose, the NCIP shall:
  - 1) Form a common staff support system which shall be organized along the various offices and functions of the Commission as provided in Sections 46 to 49 of the Act;
  - 2) Maintain a multi-level structure from the national to sub-national and community levels, to ensure a responsive, competent organization. Sub-national offices are categorized as regional and provincial offices. The basic unit of organization is the Community Service Center. These offices shall perform according to the operating principles cited in these Implementing Rules and Regulations;
  - 3) Relocation and establishment of Service Centers in strategic sites intended to serve the most number of constituents in contiguous ancestral domains/lands for greater efficiency, effectiveness and economy: Provided; that officers and employees assigned to Service Centers shall receive compensation and incentives commensurate to the risks and hardship of these Service Centers: Provided further; that the NCIP shall assign the most qualified, experienced personnel, possessing of proven inter-disciplinary skills to facilitate a people-centered development program;
  - 4) Reorientation of the work ethic and values of all officers and employees through regular and intensive human resource and organization development programs in the context of the IPRA; and
  - 5) Cultivation of a policy of preferential option for IPs in the personnel policies of the NCIP.
- b. **Retirement of Officials and Employees of the ONCC and OSCC.** Pursuant to the rules of government reorganization, all officials and employees of the ONCC and OSCC are deemed retired and shall be on hold-over status upon the effectivity of the Act, until the issuance of a thirty (30-day) notice of termination;
- c. **Notice of Termination.** Incumbent ONCC/OSCC officials and employees shall be individually served a notice of termination of service thirty (30) days before such termination.
- d. **Staffing Pattern.** The NCIP shall prepare a staffing pattern composed of newly created positions subject to the approval of the Department of Budget and Management and the Civil Service Commission and shall implement the same; and
- e. **Criteria for Filling Up of the Newly Created Positions.** The newly created positions shall be filled up according to the:
  - 1) Qualifications and standards set by the Civil Service; and
  - 2) Criteria of retention and appointment prepared by the consultative body convened for this purpose, for the implementation of the Placement Committee.

**SECTION 3. Order of Priority and Preferential Rights.** The exercise of priority rights in the appointment of the retired ONCC/OSCC personnel shall be in the following order:

- a. Former ONCC/OSCC officers and employees who are IPs and have held permanent appointments to positions comparable to vacant or new position; or in case there are not enough comparable positions to positions next lower in rank; Provided that the Civil Service rules and regulations and guidelines approved by the Placement Committee shall apply in case of conflict between two equally qualified former officers/employees who are IPs; Provided, further, that those with CESO rank shall have priority in employment to comparable positions in the new staffing pattern; and
- b. Bona fide IP applicants over non-IP applicants with equal qualifications.

**SECTION 4. Reappointment of Former ONCC/OSCC Personnel.** Former officers and employees of the ONCC and OSCC may be re-appointed to the NCIP after meeting the qualifications and standards set by the Civil Service and Placement Committee, in accordance with the criteria set by the Consultative Body.

**SECTION 5. Payment of Gratuity and Retirement Benefits.** Personnel of the ONCC/OSCC who may be retired or separated from service as a result of the reorganization shall be entitled to gratuity or retirement benefits at the rate of one and a half (1½) months pay for every year of service, as provided in Section 74 of the Act; Provided, that the computation of the retirement benefits or gratuity shall begin upon the effectivity of the notice of termination; Provided further, that the same gratuity and retirement benefits shall be refunded by the former ONCC/OSCC personnel upon his/her reappointment to the NCIP.

**SECTION 6. Placement Committee.** Pursuant to Section 77 of the Act, the Commission shall create a Placement Committee to assist in the judicious selection and placement of the NCIP personnel.

**SECTION 7. Composition of the Placement Committee.** The NCIP Chairperson shall be the Chairperson and Presiding Officer of the Committee. It shall prepare and approve

its own Rules of Procedures.

a. At the national level, it shall be composed of the following:

- 1) The seven Commissioners of the NCIP; Provided, that majority, or four (4) Commissioners shall suffice to constitute the NCIP representation;
- 2) An IP representative from each of the first level employees association of the ONCC and OSCC;
- 3) An IP representative from each of the second level employees association of the ONCC and OSCC;
- 4) Representatives of accredited non-government organizations (NGOs) with national constituencies, and with at least five years in community work among the IPs. The exact number of NGO representatives shall be determined by the NCIP, but in no case shall it exceed three. They shall be informed of their appointments five (5) days before the initial meeting of the Committee; and
- 5) Representatives of accredited indigenous peoples' organizations (IPOs) with regional constituencies representing the seven ethnographic regions, and with at least five years of existence or proven track records. The exact number of IPO representatives shall be determined by the NCIP but in no case shall it exceed three. They shall be informed of their appointments five (5) days before the initial meeting of the Committee.

b. At the Regional Level, the Placement Committee shall be composed of the following:

- 1) The Chairperson of the Commission or his duly authorized representative; the Commissioner representing the ethnographic area of the Region or his/her duly authorized representative;
- 2) An IP representative from each of the first level employees association of the ONCC or OSCC in the region, as the case maybe;
- 3) An IP representative from each of the second level employees association of the ONCC or OSCC in the region;
- 4) Representatives of accredited non-government organizations (NGOs) with regional constituencies, and with at least five years in community work among the IPs. The exact number of NGO representatives shall be determined by the NCIP, but in no case shall it exceed two (2). They shall be informed of their appointments five (5) days before the initial meeting of the Committee; and
- 5) Representatives of accredited indigenous people's organizations (IPOs) based in the region. The exact number of IPO representatives shall be determined by the NCIP but in no case shall it exceed two (2). They shall be informed of their appointments five (5) days before the initial meeting of the Committee.

**SECTION 3. NGO Accreditation to the Placement Committee.** To qualify for appointment to the Placement Committee, the non-government organizations must submit their accreditation papers to the Chairperson of the NCIP, not later than seven days after the effectivity of these Rules and Regulations. The documents shall consist of the following:

- a. Certificate of Registration with the Securities and Exchange Commission;
- b. Organizational Profile and Record of Accomplishments related to community work among three regional IPOs, or one IPO with a national constituency, five years prior to the enactment of the IPRA; in the case of accreditation for regional level Placement Committee accreditation, Organizational Profile and Record of Accomplishments related to community work among three (3) community IPOs;
- c. Record of Advocacy for IP rights, particularly their constructive roles in the passage of the IPRA; and
- d. Letter of Intent of the NGO to participate in the performance of the various tasks and functions of the Placement Committee and the formal nomination of its representative and alternate, to sit as member of the Placement Committee. The nomination shall be accompanied by the representative's bio-data.

**SECTION 4. IPO Accreditation to the Placement Committee.** To qualify for appointment to the Placement Committee, the indigenous peoples' organizations must submit their accreditation papers to the Chairperson of the NCIP, not later than seven days after the effectivity of these Rules and Regulations, consisting of the following:

- a. Organizational Profile and Record of Accomplishments in community organizing and social development related to the protection and recognition of ancestral domains/lands, five years prior to the IPRA;
- b. Favorable endorsement from at least three different communities in an ethnographic region or where the IPO is based, or operating; in the case of accreditation for regional level Placement Committee, favorable endorsement from two IP communities of the region;
- c. Report on their role in support of the enactment of IPRA; and
- d. Letter of Intent of the IPO to participate in the performance of the various tasks and functions of the Placement Committee and the nominations of the IPO representative and alternate.

**SECTION 5. Operational Guidelines of the Placement Committee.** Within three (3) days from receipt of the resolution of the Placement Committee, the NCIP Chairperson shall issue an administrative order implementing the Operational Guidelines on personnel appointment. The Operational Guidelines shall be effective immediately.

**SECTION 6. Incorporation of the Placement Committee's Operational Guidelines.** The Placement Committee Operational Guidelines shall be incorporated in the Merit and Promotion Plan of the NCIP, any amendments to the Criteria and Guidelines shall be made in coordination with the consultative body called for this specific purpose. The recommendations of the consultative body shall be submitted to the Commission for consideration.

**SECTION 7. Principles in Formulating the Criteria of Appointment.** The consultative body shall apply, but not be limited to, the following principles in the formulation of the criteria and guidelines for retention and appointment:

- a. Adoption of qualifications and standards set by the Civil Service Commission as the minimum set of qualifications and standards;
- b. Adoption of evaluation measures to determine the applicant's working knowledge on the IPRA; and
- c. Actual accountability and performance records of former ONCC/OSCC personnel who are seeking appointment.

**PART III: Transition Period**

**SECTION 1. Definition of Transition Period.** This term shall refer to the following stages of reorganization leading to the establishment of the NCIP:

a. Winding up of the ONCC/OSCC. This period covers six months, beginning from the date of effectivity of the Act, on November 22, 1997, and ending on May 22, 1998, during this period, the ONCC/OSCC shall conduct an audit of their finances, and prepare Terminal Reports of their accomplishments including financial audit which shall be submitted, on or before May 22, 1998, to the offices and agencies of government listed below:

- 1) Office of the President
- 2) NCIP; and
- 3) Commission on Audit.

b. The NCIP main clientele, and the general public may exercise their Rights to Accessibility and Transparency as provided in Section 45 of the Act, to obtain all official records, documents and papers pertinent to the financial audit and Terminal Report of the ONCC/OSCC.

c. The NCIP shall initiate a transition mechanism during the transition period which shall consist of the following:

- 1) Creation of the Transition Staff composed of a skeletal force from among the former personnel of the ONCC/OSCC, who shall be selected based on the criteria set by the Commission. The Transition Staff shall assist the Commission in the performance of the following tasks:
  - i) Preparation of the NCIP CY 1999 Budget;
  - ii) Inventory of the transferred assets/properties of the ONCC/OSCC to the NCIP in accordance with Section 76 of the IPRA; and the review of all transferred contracts, records, and documents as to their status, and evaluation of the same for purposes of continuance, termination, modification or amendment, pursuant to Section 76 of the Act;
  - iii) Provision of staff support as the Commission may require in preparation for the full functional operation of the new offices created under Sections 46 to 50 of the Act;
  - iv) Preparatory policy planning and research activities for institutional development of the NCIP and formulation of development programs in line with the IPRA framework;
  - v) Activities in response to special concerns affecting IPs as may be brought to the attention of the Commission; and,
  - vi) Setting up of mechanisms of technical/financial cooperation with foreign funding agencies and Civil Society, for the implementation of its policies, programs and projects; and
  - vii) Such other tasks pertinent to the implementation of the IPRA, as may be required by the NCIP.

**RULE XIII  
Final Provisions**

**SECTION 1. Special Provision.** The provisions of the Act relating to the civil, political, social and human rights and those pertaining to the identification, delineation, recognition, and titling of ancestral lands and domains are applicable throughout the entire country: Provided; That lands within the Baguio Townsite Reservation shall not be reclassified except through appropriate legislation: Provided further; That all land rights and titles acquired or recognized in Baguio City through judicial, administrative or other processes before the effectivity of the Act shall remain valid: Provided finally; That the City of Baguio shall not dispossess claimants of their undocumented private lands as guaranteed under Act No. 1963, as amended by Act No. 2711, C.A. No. 143 and R.A. No. 329.

The undocumented private lands of claimants in Baguio City may be titled in accordance with C.A. No. 141, as amended; P.D. No. 1529; and the Act, whichever is applicable. In case of titling pursuant to the provisions of the Act, the procedure prescribed in Rule VIII of these rules shall apply.

The Ancestral Domains Office shall organize and operationalize a Coordinating Desk for Baguio Ancestral Domain/Land Rights. This desk shall serve the indigenous peoples of Baguio City to uphold and protect their rights over their ancestral domains/lands. Its specific functions shall be, but not limited to, the following:

- a. Accept the Terminal Report of the status of all Ancestral Domains/Land Claims in the City of Baguio from the DENR-CAR, including a final and validated list of claims and claimants and complete records of all claims filed, processed and the actions taken thereon, if any;
- b. Within a period of one and one-half (1½) years from the effectivity of these rules, process and validate all Ancestral Domains/Land Claims filed with the Department of Environment and Natural Resources pursuant to the provisions of Special Order No. 31, Series of 1989, as amended, and Department Administrative Order No. 02, Series of 1993, adopting procedures provided in the Act; and
- c. Present to a consultative body to generate a consensus on the following matters: procedures on the disposal of all ancestral domain/land claims; representation of the IPs in

the quarterly national consultations; and resolution of all other matters that may arise within the premises.

*SECTION 2. Separability Clause.* In case any clause, sentence, Section, or provision of these rules and regulations 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 full force and effect.

*SECTION 3. Repealing and Amending Clause.* All Administrative Orders, rules and regulations, memoranda, circulars, and other orders inconsistent herewith or contrary to the provisions of these rules and regulations are hereby repealed or modified accordingly. The Commission shall have the authority, among others, to amend, revise, add to, supplement, interpret, clarify, delete, or make exemptions to any provision of these rules and regulations with the end in view of ensuring that the provisions of the Act are properly implemented and enforced, and the goals and objectives adequately achieved.

*SECTION 4. Effectivity.* These rules shall take effect fifteen (15) days upon its publication in any two newspapers of general circulation.

APPROVED.

Adopted: 9 June 1998

(SGD.) MAI T. TUAN  
*Commissioner*

(SGD.) ERLINDA M. DOLANDOLAN  
*Commissioner*

(SGD.) CASTILLO B. TIDANG, JR.  
*Commissioner*

(SGD.) MIGKETAY VICTORINO L. SAWAY  
*Commissioner*

(SGD.) DAVID A. DAOAS, CESO I  
*Chairperson*

---

\* See NAR 7/4, p. 706.