



DENR-NCIP JOINT ADMINISTRATIVE ORDER
No. 2017 - 01

SEP 05 2017

SUBJECT: PROCEDURES FOR SECURING TITLES UNDER SECTION 12 OF THE INDIGENOUS PEOPLES RIGHTS ACT (IPRA) OF 1997 (RA 8371)

In order to provide uniform guidelines in the implementation and application of Sections 12 and 53 of Republic Act (RA) No. 8371, otherwise known as the Indigenous Peoples' Rights Act (IPRA), relative to the pertinent provisions of Commonwealth Act (CA) No. 141 or the Public Land Act, as amended, Executive Order (EO) No. 192, otherwise known as the Reorganization Act of the Department of Environment and Natural Resources, and RA No. 10023 entitled, "An Act Authorizing the issuance of Free Patents to Residential Lands", the following rules and procedures are hereby prescribed:

SECTION 1. Basic Policy. It is the policy of the State:

- 1.1 To recognize and promote, within the framework of national unity and development, the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), particularly their right of ownership of ancestral lands, which, by custom and long association, are regarded as their own property.
- 1.2 To conserve, manage, develop, and properly use the Country's environment natural resources, and rich biodiversity, lands of the public domain such as forest and grazing lands, and mineral resources, including those in reservations and watersheds.
- 1.3 To ensure the equitable sharing of the benefits derived from the Country's natural resources for the welfare of the present and future generations of Filipinos, through the judicious licensing and regulation of the extraction, use, and disposition thereof, as may be provided for by law.

SECTION 2. Principles.

- 2.1 Individual members of ICCs/IPs have the right to secure title to land under CA 141, as amended;
- 2.2 Ancestral land is recognized as a valuable resource that requires stewardship and management in accordance with the customs and traditions of ICCs/IPs; and



2.3 Individually-owned ancestral lands issued with titles pursuant to this Order, which are found to be necessary for critical watersheds, mangroves, wildlife sanctuaries, wilderness, protected areas, forest cover, or reforestation as determined by appropriate agencies with the full participation of the ICCs/IPs concerned, shall, be maintained, managed, and developed for purposes provided for under applicable laws, rules and regulations.

SECTION 3. Objective. This Order provides and defines the procedures to be observed by individuals, families, clan members of ICCs/IPs in securing titles to their ancestral lands under any of the modes allowed in CA No. 141, as amended, and RA No. 10023.

SECTION 4. Coverage. This Order shall apply to individually-owned ancestral lands, including those with a slope of eighteen percent (18%) or more, that have been continuously possessed, occupied and are actually used in the concept of owner for agricultural, residential, pasture, and tree farming purposes by individuals, families, and clans who are members of ICCs/IPs, either by themselves or through their predecessor-in-interest, since time immemorial or for a period of not less than thirty (30) years immediately preceding the approval of RA No. 8371 under CA No. No. 141, as amended, or for at least ten (10) years under RA No. 10023, and such possession, occupation, and use of which are uncontested by the ICCs/IPs to which they belong.

SECTION 5. Definition of Terms. In addition to the definition of terms found in Section 3 of RA 8371, Section 3 of NCIP Administrative Order (AO) No. 4, series of 2012, and NCIP AO No. 01, series of 2015, which are hereby adopted as part of this Rules, the following terms, as used herein, shall mean:

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

5.2 **Ancestral Land** - subject to existing property regime, land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessor-in-interest, under claims of 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.



5.3 **Clan** - the traditional social unit consisting of families or households that trace their descent from a common ancestor, and who follow the recognized indigenous land tenure systems or the applicability of customary laws governing the property rights of the ICC/IP to which they ascribe, and are recognized to belong.

5.4 **Existing Property Rights Regime** – a present right or interest in property that has become vested, fixed or established, and no longer open to doubt or controversy. Vested rights include the present and prospective enjoyment of the property subject of said rights.

5.5 **Indigenous Cultural Community/Indigenous Peoples (ICCs/IPs)** - a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized communities 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 the Filipinos. ICCs/IPs shall likewise include peoples who are regarded a 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 settled outside their ancestral domains.

5.6 **Individually-owned ancestral lands** – lands, including those with a slope of eighteen percent (18%) or more, that have been continuously possessed, occupied, and are actually utilized in the concept of owner for agricultural, residential, pasture, or tree farming purposes, by individuals, families and clans who are members of ICCs/IPs, either by themselves or through their predecessor-in-interest, since time immemorial, or for a period of not less than thirty (30) years immediately preceding the approval of RA No. 8371, or for at least ten (10) years under RA No. 10023, and which occupation, possession and utilization are uncontested by the ICC/IPs to which they belong.

5.7 **Land Administration and Management System (LAMS)** - a system-enhanced land record management facility that ensures the integrity of, and access to, land information such as cadastral maps, isolated survey plans, public land applications, patents and titles; expedites the processing of land transactions; and enhances the updating of land records, and tracking applications undergoing processing.

5.8 **Provincial Delineation Team (PDT)** – the team duly constituted in the NCIP Provincial level in accordance with the Omnibus on Delineation and Titling of 2012.

5.9 **Residential Free Patent** – the application of the free patent mode of disposition of untitled alienable and disposable land of the public domain that has been zoned by the LGU as residential lands.



5.10 **Residential Lands** – all lands that have been identified and zoned as residential through the appropriate ordinance by the Local Government Unit (LGU) having jurisdiction over the area. These include residential lands and townsites within areas zoned as mixed residential and commercial or mixed residential and industrial.

5.11 **Social Preparation** – all the preliminary and planning activities of delineation which require notification to and participation of the DENR, and other stakeholders and government agencies that have direct or indirect interest in the area of delineation. (*Part 1, Rule IV of NCIP Administrative Order No. 2012-04 or the “Revised Omnibus Rules on Delineation and Recognition of Ancestral Domain and Lands of 2012”*)

SECTION 6. Existing and/or Vested Property Rights. Existing and/or vested property rights include those rights derived from validly-issued Free Patents, Homestead Patents, Sales Patents, Emancipation Patents, Certificates of Land Ownership Award, and Judicially Decreed Titles. Lands covered by these titles shall be segregated and excluded from ancestral domains/ancestral lands. Nonetheless, existing property rights that emanate from valid and subsisting resource use instruments such as the Community Based Forest Management Agreement (CBFMA), Integrated Forest Management Agreement (IFMA), Socialized Forest Management Agreement (SIFMA), Protected Area Community-Based Resources Management (PACBRMA), Special Use Agreement in Protected Areas (SAPA), Industrial Sand and Gravel Permit (ISAG), Forest Land Grazing Management Agreement (FLGMA), Forest Land Use Agreement (FLAg), Forest Land Use Agreement for Tourism Purposes (FLAgT), Co-management Agreement, Certificate of Stewardship Contract (CSC), Certificate of Forest Stewardship Agreement (CFSA), Timber License Agreement (TLA), Wood Processing Plant Permit (WPPP), Special Land Use Permit (SLUP), Private Land Timber Permit (PLTP), Special Private Land Timber Permit (SPLTP), Exploration Permit (EP), Financial or Technical Assistance Agreement (FTAA), Mineral Agreement (either Production-sharing, Co-production or Joint Venture), and Foreshore Lease and Miscellaneous Lease Agreements (FLA and MLA) and other similar instruments shall be recognized and respected.

SECTION 7. Creation of Composite Team. A team composed of the Provincial Delineation Team (PDT) of the NCIP and the DENR-Community and Environment Natural Resources Office (CENRO), shall be created with the following functions and responsibilities:

7.1 Conduct application delineation activities, including but not limited, to social preparation, inspection of the area to determine if the applied area is within the contemplation of Section 12 of the IPRA, and survey of the land.

7.2 Prepare an investigation report.

SECTION 8. Procedures. All applications for titling under Section 12 of the IPRA shall be acted upon in accordance with the following procedures:

8.1 Submission of all applications for processing to the NCIP following the procedures and timeframes prescribed in NCIP AO No. 4, series of 2012 and NCIP AO No. 01, series of 2015.

8.2 Conduct of application delineation activities by the Composite Team, including but not limited to the following:



- 8.2.1 Social Preparation;
- 8.2.2 Inspection of the area to determine if the applied area is within the contemplation of Section 12 of the IPRA Law;
- 8.2.3 Land Survey; and
- 8.2.4 Preparation and signing by all participating members of the Composite Team of a corresponding investigation report.
- 8.3 Further review and approval of the survey plans shall be the responsibility of the NCIP.
- 8.4 In order to facilitate the projection of survey plans by the DENR, the NCIP shall submit a digital copy of survey returns that are compliant with the requirements of LAMS Philippines.
- 8.5 After the processing of the application, the entire carpeta, containing, among others, the Resolution of the NCIP under Section 7.4 of NCIP AO No. 1 series of 2015, shall be transmitted by the Ancestral Domain Office (ADO) to the concerned DENR-CENRO within fifteen (15) days from promulgation of the Resolution.
- The carpeta shall be accompanied with a checklist of documentary requirements prescribed by the DENR. The checklist is attached as Annex A.
- 8.6 The CENRO shall process the application and prepare an Order entitled "Approval of Application and Issuance of Patent," and accompanied Judicial Form No. 54 and 54-D, as well as transmittal letters to the concerned Provincial Environment and Natural Resources Officer, the Regional Director (RD) or the DENR Secretary, as the case may, be pursuant to existing laws, rules and regulations.
- 8.7 Upon approval of the patent, it shall be transmitted to the concerned Register of Deeds, copy furnished the NCIP-ADO.

SECTION 9. Settlement of Disputes. In the event that a dispute may arise on the foregoing undertakings, the DENR and NCIP will apply their respective rules regarding the settlement of disputes. To avoid any doubt, this will be without prejudice to the requirement of exhaustion of all remedies provided under customary laws.

SECTION 10. Applicability of RA 10023 or the Residential Free Patent Act (RFPA). Whenever applicable, the pertinent provisions of RA 10023 will apply when the land applied for is exclusively used for residential purposes.

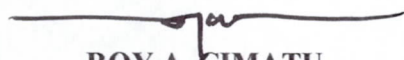
In which case, qualified applicants may avail of a Residential Free Patent, subject to the compliance with requirements thereof.

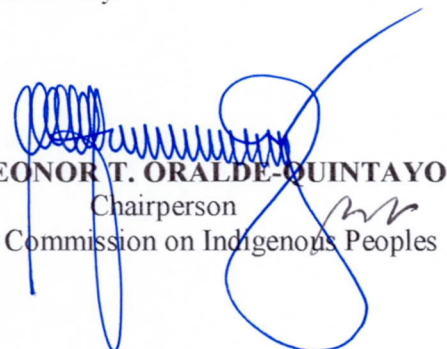
SECTION 11. Repealing Clause. All Orders and similar issuances inconsistent herewith are hereby revoked, amended or modified accordingly.



SECTION 12. Effectivity. This Order shall take effect fifteen (15) days after the publication thereof in a newspaper of general circulation and upon acknowledgement of the receipt of a copy thereof by the Office of the National Administrative Register (ONAR).

APPROVED, this **SEP 05** of 2017, Diliman, Quezon City.


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Secretary
Department of Environment
and Natural Resources
ent *just*


ATTY. LEONOR T. ORALDE-QUINTAYO
Chairperson
National Commission on Indigenous Peoples



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ACKNOWLEDGEMENT: U.P LAW CENTER
October 5, 2017

Republic of the Philippines
Department of Environment and Natural Resources
Community Environment and Natural Resources Office

**CHECKLIST OF DOCUMENTS FOR SECURING TITLE UNDER SECTION 12 OF
IPRA LAW (R.A 8371)**

- Application
- Application fee with documentary stamp
- Certificate of posting of Notice of Application
- Certification of no pending land registration proceedings covering the land applied for from the concerned Regional Trial Court
- Tax Declaration or a Certification from the Assessor's Office that no Tax Declaration was issued in the area
- Final Investigation Report by the Composite Team
- Resolution of the NCIP Commission *en banc* approving CALT Applications
- Recognition Book/Carpeta (with checklist) of the application duly certified by the NCIP
- Certification from Department of Agrarian Reform, Land Registration Authority and DENR (Result of the common projection)
- Complete Staff Work
- Order: Approval of Application and Issuance of Patent
- Judicial Form No. 54 and 54-D
- For Residential Free Patent under R.A 10023, Zoning Clearance and Affidavit of two (2) disinterested persons