

DEPARTMENT ADMINISTRATIVE ORDER)
NO. 02)
Series of 1993)

JAN 15 1993

SUBJECT : RULES AND REGULATIONS FOR THE IDENTIFICATION, DELINEATION AND RECOGNITION OF ANCESTRAL LAND AND DOMAIN CLAIMS

Pursuant to Section 22, Article II; Section 5, Article XII and Section 6, Article XIII of the 1987 Constitution which provide for the recognition and protection of the rights of the indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being; Executive Order No. 192 which empowers DENR to exercise exclusive jurisdiction on the management and disposition of all lands of the public domain; and R.A. No. 7586 which provides for the due recognition of ancestral domains and other customary rights in protected areas, the following rules and regulations are hereby promulgated for the guidance of all concerned:

**ARTICLE I
BASIC POLICY AND OBJECTIVES**

SECTION 1. Basic Policy - It is the policy of the DENR to preserve and maintain the integrity of ancestral domains and ensure recognition of the customs and traditions of the indigenous cultural communities therein pursuant to the Constitutional mandate for the recognition and protection of the rights of indigenous cultural communities (ICCs).

Further, the government recognizes the importance of promoting indigenous ways for the sustainable management of the natural resources such as the ecologically sound traditional practices of the indigenous cultural communities.

Pursuant thereto, there is an urgent need to identify and delineate ancestral domain and land claims, certify them as such, and formulate strategies for their effective management.

SECTION 2. Objectives - The objectives of government in the identification, delineation and recognition of ancestral land and domain claims are the following:

- a. To protect the tenure of the indigenous cultural communities over ancestral lands and domains;

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- b. To pursue the Constitutional mandate for equitable access to natural resources; and
 - c. To ensure sustainable development of natural resources within the ancestral lands and domains especially the forests.

SECTION 3. Definition of Terms - For purposes of this Order, definitions found in existing laws, administrative issuances and related studies for the following terms are hereby adopted:

- a. **Indigenous Cultural Communities** - a homogenous society identified by self-ascription and ascription by others, who have continuously lived as community on communally bounded and defined territory, sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who, through resistance to the political, social and cultural inroads of colonization, became historically differentiated from the majority of Filipinos.
- b. **Ancestral Domain** - refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- c. **Ancestral Land** - refers to land occupied, possessed and utilized by individuals, families or clans who are members of the indigenous cultural communities since time immemorial by themselves or through their predecessors-in-interest, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit or stealth.
- d. **Individual claim** - refers to claims on land and rights thereon, which have been devolved to individuals e.g. residential lots, rice terraces or paddies, tree lots.
- e. **Indigenous corporate claim** - refers to claims on land, resources and rights thereon belonging to families or clans e.g. private forest, swidden farms.
- f. **Communal claim** - refers to claims on land, resources and rights thereon belonging to the whole community within a defined territory.
- g. **Customary Laws** - refers to a body of rules, usages, customs and practices traditionally observed, accepted and recognized by the indigenous cultural communities.
- h. **Time Immemorial** - refers to a period of time where as far back as



memory can go, a certain indigenous cultural community is known to have occupied, possessed, and utilized a definite territory devolved to them by operation of customary law or inherited from their ancestors in accordance with their customs and traditions.

- i. Community Special Task Force on Ancestral Lands - refers to the Special Task Force based in specific Community Environment and Natural Resources Offices (CENRO) which is responsible for the identification, delineation and recognition of ancestral land claims as defined in this Order.
- j. Provincial Special Task Force on Ancestral Domains - refers to the Special Task Force based in specific Provincial Environment and Natural Resources Offices (PENRO) which is responsible for the identification, delineation, recognition and management of ancestral domain claims as defined in this Order.
- k. Non-Government Organization - refers to a private, non-profit voluntary organization that has been organized primarily for the delivery of various services to the indigenous cultural communities and has an established track record for effectiveness and acceptability in the community where it is serving.
- l. People's Organization - refers to a private, non-profit voluntary organization of members of an indigenous cultural community which is accepted as representative of such community.

ARTICLE II COVERAGE OF ANCESTRAL LANDS AND DOMAINS

SECTION 1. Composition of Ancestral Lands - Unless Congress otherwise provides, ancestral lands shall consist of lands occupied, possessed or utilized by individuals, families or clans who are members of the indigenous cultural communities since time immemorial by themselves or through their predecessors-in-interest, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit or stealth, including but not limited to residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.

SECTION 2. Composition of Ancestral Domains - Unless otherwise Congress provides, ancestral domains shall consist of all territories possessed, occupied or utilized by indigenous cultural communities, by themselves or through their ancestors or predecessors-in-interest since time immemorial in accordance with their customary laws, traditions and practices, irrespective of their present land classification and utilization, including but not limited to such lands used for residences, farms, burial grounds, communal and/or private



forests, pasture and hunting grounds, worship areas, individually owned lands whether alienable/disposable or otherwise and other natural resources.

SECTION 3. Partition of Ancestral Domains - Customary laws and traditions governing property rights or relations within ancestral domains shall be respected.

ARTICLE III IDENTIFICATION AND DELINEATION OF ANCESTRAL DOMAINS

SECTION 1. Information Dissemination - Upon the effectivity of this Administrative Order, all Provincial Special Task Forces on Ancestral Domains (PSTFAD) and Community Special Task Forces on Ancestral Lands (CSTFAL) shall, in coordination with Local Government Units, Non-Government Organizations, People's Organizations, Cultural Community Offices, start intensive information campaign on the program for the identification and delineation of ancestral land and domain claims. Provided, that the initial stage of the information campaign, which includes, but not limited to meetings with Indigenous Cultural Community leaders, leaders of Non-Government and People's Organizations, Local and National Government Officials, shall in no case last for more than 90 days from said date of effectivity.

SECTION 2. Identification of Indigenous Cultural Communities - Within ten (10) days after completion of the initial stage of the information campaign, the PSTFAD shall, in coordination with the nearest local Cultural Community Office, appropriate People's Organization and Non-Government Organizations, identify and prepare an official list of the indigenous cultural communities found in its area of jurisdiction, which list shall serve as basis for identifying ancestral domain claims in the area.

SECTION 3. Identification of Boundaries - Within 45 days after the completion of the formal identification of ICCs in the area, the Provincial Special Task Force on Ancestral Domains (PSTFAD) shall meet with the respective traditional councils and/or Elders of each indigenous cultural community within the province in order to make a preliminary identification of the natural boundaries of their respective ancestral domains, which boundaries shall be traced upon a topographic map of the province concerned. The PSTFAD shall invite to such meetings representatives from Non-Government Organizations, People's Organizations, local Cultural Community Offices and Local Government Units.

SECTION 4. Publication of Ancestral Domain Claims - The PSTFAD shall, upon establishment of ancestral domain claims in accordance with the preceding Section, cause the publication of a list of such claims in at least two newspapers of provincial circulation and the posting of the same in at least two public places nearest the location of the claims to allow other claimants to file

opposition thereto within 15 days from date of such publication. Provided, that in areas where no newspaper exists, the latter shall be deemed sufficient.

SECTION 5. Submission of Proofs of Ancestral Domain Claims -

Fifteen (15) days after such publication, the indigenous community concerned shall submit documentary proofs supportive of its claim over the identified territory. The Provincial Special Task Force on Ancestral Domain shall acknowledge receipt thereof and shall compare the same with photocopies of such documents and if found to be faithful reproductions thereof, shall authenticate and accept them and return the originals to the claimants. Proof of such claim shall include the testimony of elders or community under oath and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such indigenous cultural community in the concept of owners, which shall be any of the following:

- a. Written accounts of the indigenous community's customs and traditions;
- b. Written accounts of the indigenous community's political structure and institutions;
- c. Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- d. Historical accounts;
- e. Survey plans and sketch maps;
- f. Anthropological data;
- g. Genealogical surveys;
- h. Pictures and descriptive histories of traditional communal forest and hunting grounds;
- i. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like;
- j. Write-ups of names and places derived from the native dialect of the community.

SECTION 6. Ocular Inspection and Verification - Within 30 days from receipt of the documentary proofs of an ancestral domain claim, the PSTFAD concerned shall conduct an ocular inspection of the territory claimed in order to establish the veracity of the proofs, and shall prepare a report of its findings.

SECTION 11. All such surveys will be marked in the control map of each DENR Regional Office concerned copy furnished the Special Concerns Office.

ARTICLE IV
CERTIFICATION OF ANCESTRAL DOMAIN CLAIMS

SECTION 1. Certification of Ancestral Domain Claims - U p o n recommendation of the Regional Executive Director concerned through the Special Concerns Office (SCO), a Certificate of Ancestral Domain Claim (CADC) declaring and certifying the claim of each indigenous cultural community over a corresponding territory earlier identified and delineated as ancestral domain shall be issued in the name of the indigenous community claimant and placed under the custody of its recognized indigenous socio-political leadership or people's organization, copy furnished the CENRO under which jurisdiction, the domain concerned is located.

The issuance of a Certificate of Ancestral Domain Claim will not prejudice all rights vested in the indigenous community by a Presidential or Legislative Proclamation of a civil or patrimonial reserve or by existing laws, rules and regulations.

SECTION 2. Contracts, Leases and Permits Within Ancestral Domains - Contracts entered into as well as licenses and permits issued by the DENR for the exploitation and utilization of natural resources inside ancestral domains shall remain in force and effect until the term of the agreement, as therein stipulated, shall have expired unless earlier revoked or canceled for non-compliance or violation of any of its terms and conditions. Thereafter, except for those issued to members of indigenous cultural communities, no further renewal of such contract, leases or permits shall be effected. Provided, that contracts, leases or permits issued to members of the indigenous cultural communities shall be renewed only upon written consent of the ICC concerned.

SECTION 3. Implementation of Government Programs Within the Ancestral Domain - All government programs under the control of the Department shall not be implemented within any ancestral domain without the written consent of the indigenous cultural community concerned signed in its behalf by a majority of its recognized leaders. Should the community give its consent, it shall be given ample participation in the planning, implementation and maintenance of the program.

SECTION 4. Safeguards Against Encroachment - The ancestral domain over which an indigenous cultural community claim has been certified shall be placed under the exclusive management of such community. Accordingly, no person who is not a bona fide resident of the area or who does not belong to the claimant community shall be given any permit, license or other legal instruments



SECTION 7. Resolution of Claims - Within fifteen (15) days from the completion of the inspection and verification process, the PSTFAD shall favorably act upon any claim that is deemed to be sufficiently proved.

However, when the proof submitted is deemed insufficient, the PSTFAD shall require the submission of additional evidence.

The PSTFAD shall reject any claim that is deemed patently false or fraudulent after inspection and verification. Provided, that in case of rejection, the PSTFAD shall give the applicant notice thereof, copy furnished all concerned, containing the grounds therefor.

In cases where there are conflicting claims among indigenous communities on the boundaries of ancestral domain claims, the PSTFAD shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict in order to pave the way for the survey, without prejudice to the full adjudication of the conflict in accordance with Paragraph 2, Section 3, Article IX hereof.

SECTION 8. Preparation of Provincial Survey Plans - Within fifteen (15) days from completion of the resolution of ancestral domain claims, the PSTFAD shall prepare a consolidated perimeter survey plan of claims within the entire province. In the preparation of such plan, the requirements for an aerial survey and mapping operation shall be considered.

SECTION 9. Transmittal of Documents and Preparation of Regional Survey Plans - Within 15 days from the resolution of all ancestral domain claims in the province, the PSTFAD shall make a report of the same and shall submit copies of the resolutions and the provincial survey plan to the Office of the Regional Executive Director concerned for evaluation and approval.

The Regional Executive Director shall, within fifteen (15) days from receipt of the above-mentioned documents, cause the preparation of a regional ancestral domain survey plan by integrating the provincial survey plans.

SECTION 10. Aerial Survey and Mapping - Each Regional Executive Director shall, within ninety (90) working days from completion of the Regional Survey Plan, effect a perimeter survey of all ancestral domain claims within his area of jurisdiction through the use of aerial survey and mapping technology using the Global Positioning System (GPS) device or in case this is not possible, by traditional ground survey method. Representatives of indigenous cultural community claimants shall participate in the survey process by being on hand to identify specific landmarks indicating the exact boundaries of their ancestral domain claims.

to enter the area for the purpose of exploiting the resources therein, without the collective consent in writing of the community expressed through public hearings and consultations with them.

ARTICLE V
IDENTIFICATION, DELINEATION AND CERTIFICATION
OF ANCESTRAL LAND CLAIMS

SECTION 1. Allocation of Lands Within Ancestral Domain Claims -
The allocation of lands within any ancestral domain claim to individual or indigenous corporate (family or clan) claimants shall be left to the indigenous cultural community concerned to decide in accordance with its customs and traditions.

SECTION 2. Identification of Ancestral Land Claims - Individual and indigenous corporate claimants of ancestral land which are not within recognized ancestral domains, may have their claims officially established by filing applications in prescribed forms for the identification and delineation of their claims with the Community Special Task Force on Ancestral Lands where the land is located.

An individual or recognized head of a family or clan, may file such application in his behalf or in behalf of his family or clan, respectively.

SECTION 3. Proofs of Ancestral Land Claims - The Community Special Task Force on Ancestral Lands shall accept applications of ancestral land claims; provided, that proofs of such claims shall accompany the application form which shall include the testimony under oath of elders or community and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by the individual or indigenous corporate claimants in the concept of owners, which shall be any of the following:

- a. Write-ups on customs and traditions;
- b. Pictures of old improvements such as trees, stone walling rice fields, orchards, farms, monuments, houses and other old structures;
- c. Pictures of burial grounds;
- d. Genealogical surveys;
- e. Historical accounts;

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- f. Ancient documents;
- g. Survey plans and/or sketch maps;
- h. Tax declarations and proofs of payment of taxes

SECTION 4. Submission of Additional Proofs - The Community Special Task Force concerned may require from each ancestral land claimant, the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim.

SECTION 5. Presentation of Original Documents - In the filing of applications, an ancestral land claimant shall present the original documents in support of his application. The Community Special Task Force concerned shall properly acknowledge receipt thereof and shall compare the same with photocopies of such documents and if found to be faithful reproductions, shall authenticate them; thereafter, the authenticated copies shall be accepted and the originals will be returned to the claimant.

SECTION 6. Applications Under Oath - All applications and statements made in connection with the ancestral land claims shall be under oath. The application shall state therein that any false statement made may result in criminal liability.

SECTION 7. Publication of Ancestral Land Claims - Upon receipt of applications for delineation and recognition of ancestral land claims, the CSTFAL shall cause the publication of a list thereof once on a monthly basis in at least two newspapers of provincial circulation and posting of the same in at least two public places nearest the location of the claims in order to allow other claimants to file their opposition thereto within 15 days from date of publication. Provided, that in areas where no such newspaper exists, the latter shall be deemed sufficient.

SECTION 8. Resolution of Claims and Parcellary Surveys - Fifteen (15) days after such publication, the Community Special Task Force on Ancestral Lands shall investigate and inspect each application, and if found to be meritorious, shall issue a resolution to that effect and accordingly cause the parcellary survey of the area being claimed. However, to facilitate survey work, the claimant may opt to hire at his own expense a private surveyor who should be duly accredited by the CSTFAL. In such cases, the CSTFAL concerned shall monitor the survey being conducted by the private surveyor.

In case of conflicting claims among individual or indigenous corporate claims, the CSTFAL shall cause the settlement of the conflict in accordance with Paragraph 1, Section 3, Article IX, hereof.

Provided that, when the proof submitted is deemed

insufficient, the CSTFAL shall require the submission of additional evidence. Provided further, that the CSTFAL shall reject any claim that is deemed patently false or fraudulent after inspection and verification.

Provided finally, that in case of rejection, the CSTFAL shall give the applicant notice thereof, copy furnished all concerned, containing the grounds therefor.

SECTION 9. Issuance of Certificates of Ancestral Land Claims - T h e Community Special Task Force on Ancestral Lands shall prepare and submit to the Provincial Special Task Force on Ancestral Domains a report on each and every application surveyed and delineated. Thereafter, the PSTFAD, after evaluating the reports shall endorse valid ancestral land claims to the Office of the Regional Executive Director for further review and evaluation. Should the Office of the Regional Executive Director find such claims meritorious, it shall endorse the same through the Special Concerns Office to the Secretary for the issuance of Certificates of Ancestral Land Claims (CALC), declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

ARTICLE VI MANAGEMENT OF ANCESTRAL DOMAINS

SECTION 1. Management by Indigenous Community Claimants -
In order to give the indigenous cultural communities the opportunity to implement ecologically sound indigenous land use and environmental protection systems, such communities shall exercise general supervision and control over the management of their respective ancestral domain claims including the resources therein.

SECTION 2. Availment of Indigenous Socio-Political Structures -
Unless otherwise specified by the indigenous cultural community concerned, the indigenous organizational and leadership systems such as, but not limited to, Council of Elders or bodies of similar nature existing in the community shall be recognized as the decision-making and managing body within the domain.

SECTION 3. Preparation of Ancestral Domains Management Plans -
Within sixty (60) days from receipt of its Certificate of Ancestral Domain Claim, the Indigenous Community concerned with assistance from the Provincial Special Task Force on Ancestral Domains, local Cultural Community Offices and other Government Agencies, Local Government Units and Non-Government Institutions shall prepare a comprehensive Management Plan for the domain, considering indigenous land use and tenurial systems as well as customary laws, beliefs and

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traditional practices of the community.

The Management Plan shall, among others, take into consideration the following issues:

- a. indigenous community participation in the protection, conservation, development and exploitation of natural resources in the area;
- b. protection and maintenance of the indigenous community rights over livelihood sources;
- c. provision of supplemental source of livelihood;
- d. encroachment of the domain by outsiders;
- e. treatment and participation of non-ICC members inside the ancestral domain;
- f. prevention of degradation of the domain and maintenance of ecological balance therein;
- g. resolution of overlapping claims and boundary conflicts;
- h. maintenance of the community's indigenous socio-cultural and spiritual integrity;
- i. rehabilitation of denuded forest areas;
- j. provision of needed technical and financial assistance;
- k. inter-agency participation;
- l. census of ICC population inside the ancestral domain.

SECTION 4. Implementation of Management Plan - The Ancestral Domains Management Plan shall be implemented by the indigenous community claimants themselves with the assistance of the PSTFAD, locally based Non-Government Institutions or other agencies chosen by the indigenous community. In case of cooperative efforts, the parties shall endeavor to enter, together with the indigenous community concerned, into a memorandum of agreement specifying the type of assistance each party undertakes to contribute and the manner in which these assistance is to be given. Such memorandum of agreement shall form part of the Development Plan.



ARTICLE VII
RIGHTS AND RESPONSIBILITIES OF CLAIMANTS

SECTION 1. Rights and Responsibilities of Ancestral Domain Claimants -

A. Rights

1. The right to occupy, cultivate and utilize the land and all natural resources found therein, as well as to reside peacefully within the domain, subject to existing laws, rules and regulations applicable thereto;
2. The right to benefit and to share the profits from the allocation and utilization of natural resources within the domain;
3. The right to regulate in coordination with the Local Government Units concerned, the entry of migrant settlers, non-government organizations and other similar entities into the domain;
4. The right to negotiate the terms and conditions for the exploitation of natural resources in the area for the purpose of ensuring the observance of ecological and environmental protection and conservation measures pursuant to national and customary laws, rules and regulations;
5. The right to actively and collectively participate in the formulation and implementation of government projects within the domain;
6. The right to lay claim on adjacent areas which may, after a more careful and thorough investigation, be proven to be in fact part of the ancestral domain;
7. The right to access and availment of technical, financial and other form of assistance provided for by the Department of Environment and Natural Resources and other government agencies;
8. The right to claim ownership of all improvements made by them at any time within the ancestral domain.

B. Responsibilities - The community claimants shall have the responsibility to:

1. Prepare a Management Plan for the domain in consonance with the provisions of Article VI hereof:



2. Establish and activate indigenous practices or culturally-founded strategies to protect, conserve and develop the natural resources and wildlife sanctuaries in the domain;
3. Restore, preserve and maintain a balanced ecology in the ancestral domain by protecting flora, fauna, watershed areas, and other forest and mineral reserves;
4. Protect and conserve forest trees and other vegetation naturally growing on the land specially along rivers, streams and channels;
5. Preservation of natural features of the domain.

SECTION 2. Rights and Responsibilities of Ancestral Land Claimants -

A. Rights

1. The right to peacefully occupy and cultivate the land, and utilize the natural resources therein, subject to existing laws, rules and regulations applicable thereto;
2. The right of the heirs to succeed to the claims subject to existing rules and regulations;
3. The right to exclude from the claim any other person who does not belong to the family or clan;
4. The right to utilize trees and other forest products inside the ancestral land subject to these rules as well as customary laws.

B. Responsibility

1. The responsibility to manage and work on the land in accordance with indigenous and other appropriate land uses methods and practices;
2. Effect the parcellary survey of the area being claimed;
3. Protect and conserve the forest growth within the area and cooperate in the protection and conservation of the forest areas adjacent thereto;
4. Preserve monuments and other landmarks indicating corners and outline of boundaries within the area;
5. Prevent and suppress destructive fires within and in the vicinity of



the ancestral land claim;

6. Refrain from cutting or harvesting naturally growing trees along rivers, streams and channels.

ARTICLE VIII PROJECT IMPLEMENTATION AND MANAGEMENT

SECTION 1. Major Responsibility Areas - The program shall be managed and coordinated through the Special Concerns Office (SCO), thereof with technical and staff assistance from corresponding Divisions of the Land Management Bureau (LMB), the Forest Management Bureau (FMB) and the National Mapping and Resource Information Authority (NAMRIA).

The proper and expedient implementation of the project shall be carried out through the Office of the Regional Executive Directors who shall exercise direct supervision and control over all Provincial and Community Special Task Forces.

SECTION 2. Level of Priority - The project shall be accorded top priority status among areas or subjects identified as needing special and immediate attention pursuant to Section 12 of Executive Order No. 192

As such, the delineation of ancestral domain and land claims and the recognition of such claims through the issuance of Certificates of Ancestral Domain Claims or Certificates of Ancestral Land Claims, as the case may be, shall be regarded as Key Result Areas (KRA) for purposes of evaluating the corresponding performance of all concerned.

SECTION 3. SOURCES OF FUNDS - The initial implementation of the project shall be funded from available sources within the DENR and from other agencies or entities, public or private, who may be willing to contribute to this endeavor through the coordination of the Special Concerns Office.

Provided that, from FY 1994 onwards, funds for the project shall be included in the Agency's regular budget.

ARTICLE IX GENERAL PROVISIONS

SECTION 1. National Interest - Ancestral domain and land claims or portions thereof, which are found to be necessary for critical watersheds, particularly for domestic water use, wildlife sanctuaries, wilderness, forest cover,



or reforestation, as determined by appropriate agencies with the full participation of the indigenous cultural communities (ICC) concerned shall be maintained, managed, protected from encroachment and developed for such purposes. The ICC within recognized ancestral domain and land claims shall be given the responsibility to maintain, develop, protect and conserve said areas with the assistance of concerned government agencies. Should the ICC decide to transfer the responsibility over these areas, said decision must be made in writing to be signed by a majority of their acknowledged leaders. The consent of the ICC should be arrived at in accordance with its customary laws, without prejudice to the basic requirements of existing laws on free and informed consent. Provided, that the transfer shall be temporary and will ultimately revert to the ICC in accordance with a program for technology transfer, provided further, that no ICC shall be displaced or relocated for the purposes enumerated under this section without their consent. Provided finally, that claimants whose claims or portions thereof fall within the above-mentioned environmentally critical areas shall under no circumstance be allowed to expand beyond what they actually occupy.

SECTION 2. Regulation of the Cutting of Timber and Harvesting of Minor Forest Products - The DENR reserves the right to regulate the cutting or harvesting of timber crops by the claimant should it discover, upon careful and coordinated investigation, that the manner by which the timber and other minor products are cut or harvested may lead to the destruction of the forest cover.

SECTION 3. Resolution of Conflicts - Conflicts arising from ancestral land claims shall be resolved in accordance with the customary laws of the contending parties. In default of such customary laws, the CSTFAL shall indorse the case to the Barangay Lupon concerned for amicable settlement and if this is not possible, the CSTFAL shall receive evidence from both sides of the conflict, prepare a report thereof including its recommendations and refer the same to the appropriate DENR units for adjudication.

Conflicts arising from Ancestral Domain Claims shall likewise be resolved in accordance with customary laws of contending parties. In default of such customary laws, the Special Provincial Task Force shall likewise endeavor to bring the contending parties into an amicable settlement. If this is not possible, the Task Forces shall receive evidence, prepare a report thereof including its recommendations and likewise refer the same to the appropriate DENR units.

SECTION 4. Alienation of Claims - Domain or land claims and thereon, shall not be alienated, transferred or incumbered except to legal heirs and other members of the indigenous community concerned in accordance with the customs and traditions.

SECTION 5. Previous CALCS Issued - Certificated of Ancestral Land Claims issued before the effectivity of this Order shall remain in force and effect.

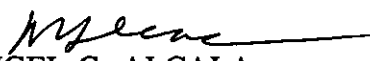
SECTION 5. Previous CALCS Issued - Certificated of Ancestral Land Claims issued before the effectivity of this Order shall remain in force and effect.

SECTION 6. Appeal - All orders, decisions and issuances of appropriate DENR Units to which the PSTFAD or CSTFAL make referrals or endorsements relative hereto shall be directly appealable within 30 days from receipt of notice thereof to the Secretary of the DENR in accordance with existing rules and regulations.

SECTION 7. Separability Clause - If any clause, sentence, provision, or section of these Rules shall be held invalid or unconstitutional, the remaining parts of these Rules shall not be affected thereby.

SECTION 8. Repealing Clause - All orders, rules and regulations inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

SECTION 9. Effectivity - These Rules shall take effect immediately.


ANGEL C. ALCALA
Secretary