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MEMORANDUM

TO : ALL Regional Executive Directors

FROM : **THE UNDERSECRETARY**
Field Operations and Environment

SUBJECT : **NATIONAL ADVISORY NO. NA-2020-08-001 SERIES OF 2020 TO STOP, PROHIBIT AND REPORT TRANSACTION, DEALING NEGOTIATION OF SELLING AND TRANSFER OF LANDS WITHIN THE ANCESTRAL DOMAINS**

DATE : DEC 10 2020

Provided herewith is the National Advisory No. NA-2020-08-001 Series of 2020 of the National Commission on Indigenous Peoples to stop, prohibit and report transaction, dealing negotiation of selling and transfer of lands within the ancestral domains.

For your information and appropriate action, please


ATTY. JUAN MIGUEL T. CUNA, CESO I

MEMO NO. 2020 - 659

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NATIONAL COMMISSION ON INDIGENOUS PEOPLES
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Republic of the Philippines
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October 12, 2020

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SEC. WENDEL ELIOT AVISADO

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SEC. JOSE RUPERTO MARTIN M. ANDANAR

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National Economic and Development Authority
6th Floor NEDA Building, Blessed Jose Maria Escriva Drive, Ortigas Center, Pasig, 1605 Metro Manila

Dear Honorable Secretaries:

This is to transmit to your good offices the attached **NATIONAL ADVISORY NO. NA-2020-001, SERIES OF 2020** entitled:



***TO STOP, PROHIBIT AND REPORT ANY
TRANSACTION, DEALING, NEGOTIATION OF SELLING
AND TRANSFER OF LANDS WITHIN THE ANCESTRAL
DOMAINS***

The National Advisory was issued in view of the rampant selling of ancestral domain/land in gross violation of Section 5, Chapter III, R.A. No. 8371 or the Indigenous Peoples Rights Act of 1997 which states:

SECTION 5. Indigenous Concept of Ownership. Indigenous concept of ownership sustains the view that ancestral domain and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and **therefore cannot be sold, disposed or destroyed.** It likewise covers sustainable traditional resource rights.

For your information and guidance.

Very truly yours,


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

cc: Office of the Chairperson
Records
File

19-2020-10-27



NATIONAL ADVISORY NO. NA-2020-08-001, SERIES OF 2020

**TO STOP, PROHIBIT AND REPORT ANY TRANSACTION, DEALING,
NEGOTIATION OF SELLING AND TRANSFER OF LANDS WITHIN THE
ANCESTRAL DOMAINS**

Pursuant to the provisions of **SECTION 5**. Indigenous Concept of Ownership. Indigenous concept of ownership sustains the view that ancestral domain and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and **therefore cannot be sold, disposed or destroyed**. It likewise covers sustainable traditional resource rights.

It has come to the attention of the Commission that selling off of portions of ancestral domains is continuing despite the effort of NCIP in educating and inculcating the nature of ownership of the Indigenous Cultural Communities/Indigenous Peoples to their ancestral domain and the clear prohibition enunciated in Section 5 above of the Indigenous Peoples Rights Act (IPRA).

Now wherefore, all NCIP Regional and Provincial Offices, and Community Service Centers; Indigenous Political Structures (IPS); Councils of Elders (COEs); Indigenous Peoples Organizations (IPOs); Indigenous Peoples Mandatory Representatives (IPMRs); and Tribal Councils, are hereby enjoined to **stop, prohibit and report** any transaction, dealing in and/or negotiating the transfer and selling off of portions or parcels of ancestral lands/domains within their respective jurisdictions, in any form, whether Deed of Sale, Transfer of Rights and the like.

Full sanctions will be imposed on those who are privies to any transaction pertaining to the selling off of portions of the ancestral domain. The Regional Offices and Provincial Offices, through the Legal Officers, shall conduct an exhaustive investigation on any complaint involving the sale of any portion of the Ancestral Domain, including preparation of complaint-affidavits and the filing of cases in court against erring individuals including those belonging to the Indigenous Cultural Communities/Indigenous Peoples, National or Local Government personalities, law enforcers and any private individual or groups.

The Local Chief Executives (LCE's), Barangay Local Chief Executives (BLCEs), Barangay Legislative Councils and Realtors are also hereby advised to refrain from facilitating, dealing and negotiating transactions involving transfer and sale of portions of the ancestral domain and/or any unlawful and illegal intrusion into the ancestral domains. Including the signing of any document of transfer or sale as a witness thereto, as this will create erroneous perceptions of legality, or false hopes of regularity, to the willing and unknowing buyer.

Violations shall be prosecuted within the full extent of the law, under Section 72 of the Indigenous Peoples Rights Act (IPRA), to wit:

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SECTION 72. Punishable Acts and Applicable Penalties. — Any person who commits violation of any of the provisions of this Act, such as, but not limited to, unauthorized and/or unlawful intrusion upon any ancestral lands or domains as stated in Sec. 10, Chapter III, or shall commit any of the prohibited acts mentioned in Sections 21 and 24, Chapter V, Section 33, Chapter VI hereof, shall be punished in accordance with the customary laws of the ICCs/IPs concerned: Provided, That no such penalty shall be cruel, degrading or inhuman punishment: Provided, further, That neither shall the death penalty or excessive fines be imposed. This provision shall be without prejudice to the right of any ICCs/IPs to avail of the protection of existing laws. In which case, any person who violates any provision of this Act shall, upon conviction, be punished by imprisonment of not less than nine (9) months but not more than twelve (12) years or a fine of not less than One hundred thousand pesos (P100,000) nor more than Five hundred thousand pesos (P500,000) or both such fine and imprisonment upon the discretion of the court. In addition, he shall be obliged to pay to the ICCs/IPs concerned whatever damage may have been suffered by the latter as a consequence of the unlawful act.

Indigenous Political Structures (IPS), Councils of Elders (COE), Indigenous Peoples Organizations (IPOs), Indigenous Peoples Mandatory Representatives (IPMRs), and Tribal Councils, are hereby, likewise, enjoined to act on any report or transaction involving Ancestral Domain areas, and to inform the concerned NCIP Regional, Provincial Office or Community Service Center, about said transactions, for their appropriate action, following the foregoing advisory.

NCIP Regional offices, Provincial Offices and Community Service Centers personnel are directed to disseminate this advisory to all Local Government Units, i.e., Regional, Provincial, Municipal and Barangay Offices.

The Executive Director is directed to provide copies of this Advisory to all National Government Agencies.

Signed this 10th of August 2020, at Quezon City, Philippines.


ALLEN A. CAPUYAN
Chairperson

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OCT 12 2020

