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Department of Environment and Natural Resources
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MEMORANDUM

TO : **THE DIRECTOR**
Biodiversity Management Bureau

THE OIC DIRECTOR
Forest Management Bureau

THE ACTING DIRECTOR
Mines and Geosciences Bureau

THE ADMINISTRATOR
National Mapping Resource and Information Authority

FROM : **THE UNDERSECRETARY**
Finance, Information Systems and Climate Change

SUBJECT : **REQUEST FOR FURTHER COMMENTS ON THE DENR'S POSITION ON THE UNILATERAL WITHDRAWAL OF THE NATIONAL COMMISSION OF INDIGENOUS PEOPLES (NCIP) TO THE JOINT DAR-DENR-LRA-NCIP ADMINISTRATIVE ORDER (AO) 01 SERIES OF 2012**

DATE : 22 December 2021

This refers to the meeting of the National Intelligence Board last 29 October 2021 where one major agenda was the presentation of land conflicts. A Technical Working Group Report by DPWH, DENR, DAR, DA, NCIP and LRA was presented and two (2) of the points that were raised during the presentation include: (a) operational issues identified can be addressed by the Joint DENR-DAR-DILG-NCIP Administrative Order (AO) which was suspended by the NCIP and (b) basic policy issues that need to be addressed regarding land classification of Ancestral Lands vis-à-vis forest lands and related matters (overlapping lands). National Security Adviser and Director General Secretary Esperon suggested that we hold a meeting on the said issues.

During the meeting to discuss the proposed agenda on the above meeting/ preparation for the meeting regarding the issues on land conflicts last 20 December 2021 of this Office, Biodiversity Management Bureau (BMB), Forest Management Bureau (FMB), and Land Management Bureau (LMB), LMB raised that a Memorandum dated 07 August 2020 on the DENR's Position on the Unilateral Withdrawal of the NCIP to the Joint DAR-DENR-LRA-NCIP AO 01 Series of 2012 was forwarded to the Undersecretary for Policy, Planning and International Affairs and the Undersecretary for Legal, Administration, Finance, Human Resources and Information Systems through the Assistant Secretary for Policy, Planning and Foreign Assisted and Special Projects, and Chairperson of the DENR-TWG on JAO 1 series of 2012.

In line with this, may we request for your further comments on the said position paper to address the policy issues on the land conflicts. Attached herewith is the abovementioned Memorandum from the LMB. Kindly submit your comments/ concurrence to this Office not later than 3 January 2022, Monday.


ATTY. ANALIZA REBUelta-TEH

Copy Furnished:

THE ACTING DIRECTOR
Land Management Bureau

THE UNDERSECRETARY
Policy, Planning and International Affairs



MEMORANDUM

FOR : **The Undersecretary**
Policy, Planning and International Affairs

The Undersecretary
Legal, Administration, Finance, Human Resources and Information Systems

THROUGH : **The Assistant Secretary for**
Policy, Planning and Foreign-Assisted and Special Projects, and
Chairperson of the DENR-TWG on JAO 1 series of 2012

FROM : The Acting Director

SUBJECT : **DENR'S POSITION ON THE UNILATERAL WITHDRAWAL
OF THE NATIONAL COMMISSION OF INDIGENOUS
PEOPLES (NCIP) TO THE JOINT DAR-DENR-LRA-NCIP
ADMINISTRATIVE ORDER 01 SERIES OF 2012**

DATE : 07 AUG 2020

This is with reference to the En Banc Resolution No. 08-03-2019 of the NCIP expressing their withdrawal from the JAO 01 s. 2012, and membership to the Joint National Committee (JNC).

Based on the Resolution, the NCIP's withdrawal is mainly because of the non-compliance of the other agencies to the provisions of the JAO and the absence of permanent representatives to the JNC.

Admittedly, the provisions of the JAO and its Implementing Procedures were not effectively and efficiently implemented, but the DENR considers it as still the best venue and mechanism to address the issues concerning the mandates of the four (4) agencies. We find it best to discuss the issues at the JNC level and identify needed improvements to meet its objectives. Hence the following are recommended:

1. The NCIP resume participation in the JNC meetings and that agencies be required to attend with their highest level of representation.
2. The JAO and its Implementing Procedures be revisited and improved including necessary funding requirement. This is already being discussed in the ongoing meetings of the JNC currently headed by DAR with solutions already identified.

3. Consider having the JAO upgraded to an Executive Order and headed by the Cabinet Secretary to provide oversight or strengthen resolution mechanism in the event that the agencies cannot agree among themselves on the approach to solving.

We have also consolidated the recommendation/response of the DENR to the issues and concerns raised by the NCIP as follows:

ISSUES OF NCIP	RECOMMENDATION/RESPONSE OF DENR
<p>Slow Processing of CADT. Suspend the issuance of CLOAS and Free Patent until all pending CADT applications are projected, segregated, and registered.</p>	<p>To be subjected to a more thorough review legal review and socio-economic assessment.</p> <p>Recognize Section 56 of the IPRA Law or the Existing Property Rights Regimes wherein all property rights within the Ancestral domains already existing and/or vested upon since the effectivity of the IPRA Law shall be recognized and respected.</p> <p>While suspending the issuance of free patents may be beneficial to the IPs, it would in effect, also mean delaying the delivery of basic services to the equally marginalized non-IP sectors of the society which are more in number. Land titling is a priority, not only of the DENR, but of the entire administration because of its direct contribution to poverty alleviation. It forms part of the 10-Point Socio-Economic Agenda, particularly Agenda item no. 6 of the Duterte Administration and is among the deliverables in the CY 2016-2022 Philippine Development Plan (PDP). Under the PDP, we have committed to issue 360,000 free patents until 2022. With the recommended suspension, we will not be able to comply with this commitment.</p>
<p>Unclear/absence of procedure on the resolution of cases/contentious areas</p>	<p>Clarify among JAO agencies</p>
<p>DENR and DAR's non-compliance to the provision of JAO where Certificate of Non-Coverage (CNC) must be secured from NCIP prior to processing of CLOA/EP (DAR) or free patent (DENR).</p>	<p>DENR is not amenable that CNC must first be secured from NCIP prior to the processing of free patents in view of Section 56 of IPRA Law.</p> <p>Further, the need to secure CNC for</p>

	every free patent issued shall serve as a major bottleneck in the titling process and shall be a heavy burden for the beneficiaries
Unregistered 16 NCIP Commission En Banc approved CADTs	Registration of CADTs is within the jurisdiction of LRA not DENR

We are requesting that these recommendations/positions be raised in the next JNC Meeting. Attached is the detailed issues with recommendations from other DENR Bureaus.

For your information and consideration.

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 ATTY. EMELYNE V. TALABIS, CESE



Encls: As stated

PDS/07/24/2020
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