



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Climate Change Service
Indigenous Peoples Concerns - Mindanao and Bangsamoro
Autonomous Region in Muslim Mindanao Affairs

All Bureau Directors

The Officer-In-Charge
Mines and Geosciences Bureau

All Regional Executive Directors

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS/POSITION ON HOUSE BILL NO. 9608 OR "AN ACT RATIONALIZING THE ANCESTRAL LANDS ADMINISTRATION AND ADJUDICATION PROCESS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE "THE INDIGENOUS PEOPLES' RIGHTS ACT OF 1997" FROM THE COMMITTEE ON INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES OF THE HOUSE OF REPRESENTATIVES**

DATE : 05 December 2023

In reference to the electronic mail received by our Office dated 04 December 2023, the Committee on Indigenous Cultural Communities and Indigenous Peoples is set to schedule an initial deliberation on **House Bill No. 9608** or:

"AN ACT RATIONALIZING THE ANCESTRAL LANDS ADMINISTRATION AND ADJUDICATION PROCESS AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE "THE INDIGENOUS PEOPLES' RIGHTS ACT OF 1997" by Rep. Jurdin Jesus M. Romualdo

In this regard, may we respectfully request for **comments/position** on the abovementioned matter, as requested by the Committee. Kindly send them on or before Monday, 11 December 2023, at 5 PM via email at denrlo@denr.gov.ph.

Attached herewith are the Letter request, and the House bill for your reference.



ROMIROSE B. PADIN

cc: Undersecretary Special Concerns and Legislative Affairs



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila
NINETEENTH CONGRESS
Second Regular Session

Committee on Indigenous Cultural Communities and Indigenous Peoples

December 4, 2023

The Honorable Secretary
MARIA ANTONIA YULO-LOYZAGA
Department of Environment and Natural Resources
Visayas Avenue, Diliman
Quezon City

Dear Secretary Yulo-Loyzaga,

The Committee on Indigenous Cultural Communities and Indigenous Peoples respectfully seeks the **comments and position of the Department of Environment and Natural Resources (DENR) on the following House Bill:**

House Bill No: 9608
AN ACT RATIONALIZING THE ANCESTRAL LANDS ADMINISTRATION
AND ADJUDICATION PROCESS AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE "THE
INDIGENOUS PEOPLES' RIGHTS ACT OF 1997"
Rep. Jurdin Jesus M. Romualdo

The Committee will be scheduling the aforesaid measure for initial deliberation at the soonest possible time. As such, **we would greatly appreciate receiving the comments and position of Your Honor's good office on or before Monday, December 11, 2023**, to give the Committee Members ample time to review the same.

A copy of H.B. No. 9608 is attached herewith for Your Honor's reference.

Thank you and warm regards.

Respectfully yours,

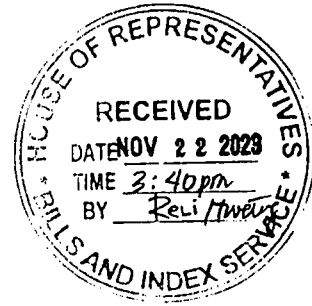

ALLEN JESSE C. MANGAOANG
Chairperson



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9608



Introduced by Representative Jurdin Jesus M. Romualdo

EXPLANATORY NOTE

This bill seeks to rationalize the ancestral lands administration and adjudication process, amending for the purpose Republic Act (RA) No. 8371, otherwise known as "*The Indigenous Peoples Rights Act of 1997.*"

It is no less than the 1987 Constitution which provides for the protection of the rights of the indigenous peoples:

Article II, Section 22 provides:

"The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development."

Article XII, Section 5 also states:

"The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being."

"The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain."

Article XIII, Section 6 further elucidates:

"The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous communities to the ancestral lands."

The National Commission on Indigenous Peoples (NCIP) was created with these visions in place. However, fraudulent claims to ancestral domains and ancestral lands undermine the IPs' rights, leading to disputes and injustices. Non-ICCs are also involuntarily subjected to customs not their own through the all-encompassing jurisdiction of the NCIP.

Thus, there is a need to rationalize and re-organize the different functions of various government agencies in the issuance of the certificate of ancestral domain titles and certificate of ancestral land titles. It is also imperative to establish an independent adjudication body to protect the rights of the ICCs/IPs and ensure that checks and balances will be in place to prevent the fraudulent issuances of these titles.

Under this bill, the Ancestral Domains Office under the NCIP is transferred to the DENR and renamed as Ancestral Land Registration and Administration Office (ALRAO). The Ancestral Lands Administration and Adjudication Board (ALAAB) under the Executive Secretary of the Office of the President is also created to settle disputes concerning ancestral lands and domains administration and adjudication.

This bill ensures the genuine protection of indigenous rights and promotes fairness and justice in land disputes. It aligns with the principles of the original act while addressing emerging challenges in safeguarding indigenous communities' interests.

In view of the foregoing, passage of this bill is earnestly sought.


JURDIN JESUS M. ROMUALDO

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Nineteenth Congress
Second Regular Session

HOUSE BILL NO. 9608

Introduced by Representative Jurdin Jesus M. Romualdo

AN ACT
RATIONALIZING THE ANCESTRAL LANDS ADMINISTRATION AND
ADJUDICATION PROCESS AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS “THE
INDIGENOUS PEOPLES’ RIGHTS ACT OF 1997”

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2 *Be it enacted by the Senate and House of Representatives of the Philippines in*
3 *Congress assembled:*
4

5 SECTION 1. Section 40 of Republic Act No. 8371 is amended to read as
6 follows:

7 “SECTION 40. Composition. – The NCIP shall be [an
8 ~~independent agency~~] under **THE EXECUTIVE SECRETARY OF** the
9 Office of the President and shall be composed of seven (7)
10 Commissioners belonging to ICCs/IPs, one (1) of whom shall be the
11 Chairperson. The Commissioners shall be appointed by the President of
12 the Philippines from a list of recommendees submitted by authentic
13 ICCs/IPs: Provided, That the seven (7) Commissioners shall be appointed
14 specifically from each of the following ethnographic areas: Region I and
15 the Cordilleras; Region II; the rest of Luzon; Island Groups including
16 Mindoro, Palawan, Romblon, Panay and the rest of the Visayas;
17 Northern and Western Mindanao; Southern and Eastern Mindanao; and
18 Central Mindanao: Provided, That at least two (2) of the seven (7)
19 Commissioners shall be women.”

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SEC. 2. Section 44 of the same Act is amended to read as follows:

“SECTION 44. Powers and Functions. – To accomplish its mandate, the NCIP shall have the following powers, jurisdiction and function:

“a) x x x;

“x x x;

“e) ~~[To issue certificate of ancestral land/domain title;]~~ **TO RECOMMEND AN ICCS/IPS REPRESENTATIVE TO THE ANCESTRAL LANDS ADMINISTRATION AND ADJUDICATION BOARD ESTABLISHED UNDER SECTION 46 OF THIS ACT;**

“x x x;

~~“[m] To issue appropriate certification as a pre-condition to the grant of permit, lease, grant, 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 or any part or portion of the ancestral domain taking into consideration the consensus approval of the ICCs/IPs concerned;]~~

~~“[n] To decide on all appeals from the decisions and acts of all the various offices within the Commission.]~~

“[o] **M)** To promulgate the necessary rules and regulations for the implementation of this Act;

“[p] **N)** To exercise such other powers and functions as may be directed by the President of the Republic of the Philippines; and

1 “[~~q~~] O) To represent the Philippines ICCs/IPs in all
2 international conferences and conventions dealing with indigenous
3 peoples and other related concerns.”

4 SEC. 3. Section 46 of the same Act is amended to read as follows:

5 “SECTION 46. Offices [~~within the NCIP~~] **RESPONSIBLE FOR**
6 **THE IMPLEMENTATION OF THE POLICIES OF THE ICCs/IPs.**

7 – The [~~NCIP shall have the~~] following offices [~~which~~] shall be
8 responsible for the implementation of the policies hereinafter provided:

9 “a) Ancestral [~~Domains~~] **LANDS REGISTRATION AND**
10 **ADMINISTRATION** Office– The Ancestral [~~Domain~~] **LANDS**
11 **REGISTRATION AND ADMINISTRATION** Office (**ALRAO**) **IN**
12 **COORDINATION WITH THE NCIP** shall be responsible for the
13 identification, delineation and recognition of ancestral lands/domains. It
14 shall also be responsible for the management of ancestral lands/domains
15 in accordance with a master plan as well as the implementation of the
16 ancestral domain rights of the ICCs/IPs as provided in Chapter III of this
17 Act. It shall also issue, upon the free and prior informed consent of the
18 ICCs/IPs concerned, certification prior to the grant of any license, lease
19 or permit for the exploitation of natural resources affecting the interests
20 of ICCs/IPs or their ancestral domains and to assist the ICCs/IPs in
21 protecting the territorial integrity of all ancestral domains. **THE ALRAO**
22 **SHALL BE UNDER THE DEPARTMENT OF ENVIRONMENT**
23 **AND NATURAL RESOURCES (DENR).** It shall likewise perform
24 such other functions as the [~~Commission~~] **DENR** may deem appropriate
25 and necessary;

26 “x x x;

1 **“H) ANCESTRAL LANDS ADMINISTRATION AND**
2 **ADJUDICATION BOARD. – THE ANCESTRAL LANDS**
3 **ADMINISTRATION AND ADJUDICATION BOARD (ALAAB) IS**
4 **HEREBY ESTABLISHED, WHICH SHALL BE RESPONSIBLE**
5 **FOR SETTLING DISPUTES INVOLVING ANCESTRAL LANDS**
6 **AND DOMAINS INCLUDING THEIR USES AND**
7 **UTILIZATIONS. THE ALAAB SHALL ONLY HAVE**
8 **JURISDICTION IF THE PARTIES APPEAR AND FAIL TO**
9 **SETTLE BEFORE THE NCIP ACTING AS A MEDIATION**
10 **BODY.**

11 **“1) THE ALAAB SHALL BE COMPOSED OF THE**
12 **FOLLOWING:**

13 **“I) ONE (1) INDIGENOUS PERSON WHO IS**
14 **AN EXPERT IN THE ICCs/IPs CUSTOMARY LAW**
15 **AND A RESPECTED MEMBER OF THE ICC,**
16 **APPOINTED BY THE PRESIDENT FROM A LIST OF**
17 **NOMINEES SUBMITTED BY AUTHENTIC ICCS/IPs;**

18 **“II) CHAIRPERSON OF THE NCIP;**

19 **“III) SECRETARY OF ENVIRONMENT AND**
20 **NATURAL RESOURCES OR THE AUTHORIZED**
21 **REPRESENTATIVE;**

22 **“IV) SECRETARY OF JUSTICE OR THE**
23 **AUTHORIZED REPRESENTATIVE;**

24 **“V) SECRETARY OF INTERIOR AND**
25 **LOCAL GOVERNMENT OR THE AUTHORIZED**
26 **REPRESENTATIVE;**

1 “VI) ONE REPRESENTATIVE FROM THE
2 LOCAL GOVERNMENT UNIT (LGU) THAT HAS
3 JURISDICTION OVER THE ANCESTRAL LAND
4 SUBJECT OF THE CONTROVERSY; AND

5 “VII) ONE REPRESENTATIVE FROM THE
6 CONCERNED ICCs/IPs.

7 “THE REPRESENTATIVE OF THE LGU SHALL BE
8 APPOINTED BY THE SECRETARY OF INTERIOR AND
9 LOCAL GOVERNMENT AND THE REPRESENTATIVE OF
10 THE CONCERNED ICCs/IPs SHALL BE APPOINTED BY
11 THE CHAIRPERSON OF THE NCIP.

12 “2) THE POWERS AND FUNCTIONS OF THE
13 ALAAB SHALL BE AS FOLLOWS:

14 “I) TO SETTLE DISPUTES INVOLVING
15 ANCESTRAL LANDS/DOMAINS;

16 “II) TO ISSUE APPROPRIATE
17 CERTIFICATION AS A PRE-CONDITION TO THE
18 GRANT OF PERMIT, LEASE, GRANT, OR ANY
19 OTHER SIMILAR AUTHORITY FOR THE
20 DISPOSITION, UTILIZATION, MANAGEMENT AND
21 APPROPRIATION BY ANY PRIVATE INDIVIDUAL,
22 CORPORATE ENTITY OR ANY GOVERNMENT
23 AGENCY, CORPORATION OR SUBDIVISION
24 THEREOF OR ANY PART OR PORTION OF THE
25 ANCESTRAL DOMAINS TAKING INTO

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**CONSIDERATION THE CONSENSUS APPROVAL OF
THE ICCS/IPS CONCERNED; AND**

**“III) TO ACT AS AN APPELLATE BODY FOR
DENIALS OF CLAIMS OR TITLING FOR
ANCESTRAL LANDS/DOMAINS;**

**“THE ALAAB SHALL BE ESTABLISHED WITHIN
NINETY (90) DAYS FROM THE PASSAGE OF THIS ACT.”**

SEC. 4. Section 52 of the same Act is amended to read as follows:

“SECTION 52. Delineation Process. – The identification and delineation of ancestral domains shall be done in accordance with the following procedures:

“a) x x x;

“b) Petition for Delineation. – The process of delineating a specific perimeter may be initiated by the [NCIP] ALRAO IN COORDINATION WITH THE NCIP AND with the consent of the ICC/IP concerned, or through a Petition for Delineation filed with the [NCIP] ALRAO BY THE NCIP UPON THE PETITION OF [by] a majority of the members of the ICCs/IPs;

“c) Delineation Proper. – The official delineation of ancestral domain boundaries including census of all community members therein, shall be immediately undertaken by the [~~Ancestral Domains Office~~] ALRAO upon filing of the application by the ICCs/IPs concerned. Delineation will be done in coordination with the community concerned and shall at all times include genuine involvement and participation by the members of the communities concerned;

“x x x;

1 “e) Preparation of Maps. – On the basis of such investigation
2 and the findings of fact based thereon, the [~~Ancestral Domains Office~~]
3 **ALRAO** of the [~~NCIP~~] **DENR** shall prepare a perimeter map, complete
4 with technical descriptions, and a description of the natural features and
5 landmarks embraced therein;

6 “f) Report of Investigation and Other Documents. – A complete
7 copy of the preliminary census and a report of investigation, shall be
8 prepared by the [~~Ancestral Domains Office of the NCIP~~] **ALRAO**;

9 “g) Notice and Publication. – A copy of each document,
10 including a translation in the native language of the ICCs/IPs concerned
11 shall be posted in a prominent place therein for at least fifteen (15) days.
12 A copy of the document shall also be posted at the local, provincial and
13 regional offices of the **NCIP AND DENR**, and shall be published in a
14 newspaper of general circulation once a week for two (2) consecutive
15 weeks to allow other claimants to file opposition thereto within fifteen
16 (15) days from date of such publication: Provided, That in areas where
17 no such newspaper exists, broadcasting in a radio station will be a valid
18 substitute: Provided, further, That mere posting shall be deemed
19 sufficient if both newspaper and radio station are not available;

20 “h) Endorsement to [~~NCIP~~] **DENR**. – Within fifteen (15) days
21 from publication, and of the inspection process, the [~~Ancestral Domains~~
22 ~~Office~~] **ALRAO** shall prepare a report to the [~~NCIP~~] **DENR** endorsing a
23 favorable action upon a claim that is deemed to have sufficient proof.
24 However, if the proof is deemed insufficient, the [~~Ancestral Domains~~
25 ~~Office~~] **ALRAO** shall require the submission of additional evidence:
26 Provided, That the [~~Ancestral Domains Office~~] **ALRAO** shall reject any

1 claim that is deemed patently false or fraudulent after inspection and
2 verification: Provided, further, That in case of rejection, the [~~Ancestral~~
3 ~~Domains-Office~~] **ALRAO** shall give the applicant due notice, copy
4 furnished all concerned, containing the grounds for denial. The denial
5 shall be appealable to the [~~NCIP~~] **ALAAB**: Provided, furthermore, That
6 in cases where there are conflicting claims among ICCs/IPs on the
7 boundaries of ancestral domain claims, the [~~Ancestral-Domains-Office~~]
8 **ALRAO** shall cause the contending parties to meet and assist them in
9 coming up with a preliminary resolution of the conflict, without
10 prejudice to its full adjudication according to the section below[-];

11 “i) Turnover of Areas Within Ancestral Domains Managed by
12 Other Government Agencies. – The Chairperson of the [~~NCIP~~] **DENR**
13 shall certify that the area covered is an ancestral domain. The secretaries
14 of the Department of Agrarian Reform, [~~Department of Environment and~~
15 ~~Natural Resources~~], Department of the Interior and Local Government,
16 and Department of Justice, the Commissioner of the National
17 Development Corporation, and any other government agency claiming
18 jurisdiction over the area shall be notified thereof. Such notification shall
19 terminate any legal basis for the jurisdiction previously claimed;

20 “j) Issuance of CADT. – ICCs/IPs whose ancestral domains
21 have been officially delineated and determined by the [~~NCIP~~] **DENR**
22 shall be issued a CADT in the name of the community concerned,
23 containing a list of all those identified in the census; and

24 “k) Registration of CADTs. – The [~~NCIP~~] **DENR** shall register
25 issued certificates of ancestral domain titles and certificates of ancestral

1 lands titles before the Register of Deeds in the place where the property
2 is situated.”

3 SEC. 5. Section 53 of the same Act is amended to read as follows:

4 “SECTION 53. Identification, Delineation and Certification of
5 Ancestral Lands. –

6 “a) x x x;

7 “b) Individual and indigenous corporate claimants of ancestral
8 lands which are not within ancestral domains, may have their claims
9 officially established by filing applications for the identification and
10 delineation of their claims with the [~~Ancestral Domains Office~~] **ALRAO**.
11 An individual or recognized head of a family or clan may file such
12 application in his behalf or in behalf of his family or clan, respectively;

13 “x x x;

14 “d) The [~~Ancestral Domains Office~~] **ALRAO** may require from
15 each ancestral claimant the submission of such other documents, Sworn
16 Statements and the like, which in its opinion, may shed light on the
17 veracity of the contents of the application/claim;

18 “e) Upon receipt of the applications for delineation and
19 recognition of ancestral land claims, the [~~Ancestral Domains Office~~]
20 **ALRAO** shall cause the publication of the application and a copy of each
21 document submitted including a translation in the native language of the
22 ICCs/IPs concerned in a prominent place therein for at least fifteen (15)
23 days. A copy of the document shall also be posted at the local,
24 provincial, and regional offices of the **NCIP AND DENR** and shall be
25 published in a newspaper of general circulation once a week for two (2)
26 consecutive weeks to allow other claimants to file opposition thereto

1 within fifteen (15) days from the date of such publication: Provided, That
2 in areas where no such newspaper exists, broadcasting in a radio station
3 will be a valid substitute: Provided, further, That mere posting shall be
4 deemed sufficient if both newspapers and radio station are not available;

5 “f) Fifteen (15) days after such publication, the [~~Ancestral~~
6 ~~Domains Office~~] **ALRAO IN COORDINATION WITH THE NCIP**
7 shall investigate and inspect each application, and if found to be
8 meritorious, shall cause a parcellary survey of the area being claimed.
9 The [~~Ancestral Domains Office~~] **ALRAO** shall reject any claim that is
10 deemed patently false or fraudulent after inspection and verification. In
11 case of rejection, the [~~Ancestral Domains Office~~] **ALRAO** shall give the
12 applicant due notice, copy furnished all concerned, containing the
13 grounds for denial. The denial shall be appealable to the [~~NCIP~~]
14 **ALAAB**. In case of conflicting claims among individuals or indigenous
15 corporate claimants, the [~~Ancestral Domains Office~~] **ALRAO** shall cause
16 the contending parties to meet and assist them in coming up with a
17 preliminary resolution of the conflict, without prejudice to its full
18 adjudication according to Sec. 62 of this Act. In all proceedings for the
19 identification or delineation of the ancestral domains as herein provided,
20 the Director of Lands shall represent the interest of the Republic of the
21 Philippines; and

22 “g) The [~~Ancestral Domains Office~~] **ALRAO** shall prepare and
23 submit a report on each and every application surveyed and delineated to
24 the [~~NCIP~~] DENR, which shall, in turn, evaluate the report submitted. If
25 the DENR finds such claim meritorious, it shall issue a certificate of

1 ancestral land, declaring and certifying the claim of each individual or
2 corporate (family or clan) claimant over ancestral lands.”

3 SEC. 6. Section 54 of the same Act is amended to read as follows:

4 “SECTION 54. Fraudulent Claims. – The [~~Ancestral Domains~~
5 ~~Office~~] ALRAO may, upon written request from the ICCs/IPs, review
6 existing claims which have been fraudulently acquired by any person or
7 community. Any claim found to be fraudulently acquired by, and issued
8 to, any person or community may be cancelled by the [NCIP] DENR
9 after due notice and hearing of all parties concerned.

10 “THE DEPARTMENT OF ENVIRONMENT AND
11 NATURAL RESOURCES (DENR) IN COORDINATION WITH
12 THE NCIP SHALL CONDUCT AN INVENTORY OF
13 CERTIFICATE OF ANCESTRAL DOMAIN CLAIMS (CADCs)
14 AND CERTIFICATE OF ANCESTRAL LAND CLAIMS (CALCs)
15 STILL PENDING WITH THE NCIP THAT HAS NOT RIPENED
16 INTO TITLE WITHIN THIRTY (30) DAYS FROM THE
17 APPROVAL OF THIS ACT. THE DENR SHALL REVIEW AND
18 SUBMIT A REPORT TO THE ALAAB WITH THEIR
19 RECOMMENDATIONS WHICH SHALL INCLUDE A LIST OF
20 PENDING CADCs AND CALCs THAT HAVE BEEN
21 DISCOVERED TO HAVE NO SUBSTANTIAL BASIS AND
22 PROOF OF THEIR CLAIMS WHICH THE ALAAB MAY
23 CANCEL *MOTU PROPRIO*.

24 “THE DENR SECRETARY SHALL ISSUE WITHIN
25 THIRTY (30) DAYS FROM RECEIPT OF THE REPORT, THE
26 FINAL DECISION AND EFFECT THE CANCELLATION OF

1 **THESE CERTIFICATES AND PURSUE THE**
2 **RECOMMENDATIONS OF THE AD HOC COMMITTEE.**

3 **“THE LIST OF CANCELLED CERTIFICATES, THEIR**
4 **HOLDERS, AND LOCATIONS SHALL BE DULY PUBLISHED IN**
5 **TWO (2) NEWSPAPERS OF GENERAL CIRCULATION AND**
6 **ONE (1) NEWSPAPER OF REGIONAL CIRCULATION WHERE**
7 **THE ANCESTRAL PROPERTY IS LOCATED. IT SHALL ALSO**
8 **BE POSTED IN THE DIFFERENT LGUs WHERE SAID CLAIMS**
9 **ARE SITUATED AND IN THE OFFICES OF THE DENR FOR**
10 **PROPER DISSEMINATION TO THE GENERAL PUBLIC.**

11 **“THE DENR IS NOT PRECLUDED FROM PURSUING THE**
12 **APPROPRIATE LEGAL ACTION AGAINST THE**
13 **PERPETRATORS OF THESE FRAUDULENT CLAIMS.”**

14 SEC. 7. Section 59 of the same Act is amended to read as follows:

15 **“SECTION 59. Certification Precondition. – All departments and**
16 **other governmental agencies shall henceforth be strictly enjoined from**
17 **issuing, renewing, or granting any concession, license or lease, or**
18 **entering into any production-sharing agreement, without prior**
19 **certification from the [NCIP] DENR that the area affected does not**
20 **overlap with any ancestral domain. Such certification shall only be issued**
21 **after a field-based investigation is conducted by the [Ancestral Domains**
22 **Office] ALRAO of the area concerned: Provided, That no certification**
23 **shall be issued by the [NCIP] DENR without the free and prior informed**
24 **and written consent of ICCs/IPs concerned:[Provided, further, That no**
25 **department, government agency or government-owned or controlled**
26 **corporation may issue new concession, license, lease, or production**

1 ~~sharing agreement while there is a pending application for a CADT:]~~
2 Provided, finally, That the ICCs/IPs shall have the right to stop or
3 suspend, in accordance with this Act, any project that has not satisfied
4 the requirement of this consultation process.”

5 SEC. 8. Section 62 of the same Act is amended to read as follows:

6 “SECTION 62. Resolution of Conflicts. – In cases of conflicting
7 interest, where there are adverse claims within the ancestral domains as
8 delineated in the survey plan, and which cannot be resolved, the NCIP
9 shall **ACT AS A MEDIATION BODY TO TRY AND SETTLE THE**
10 **DISPUTE. IF THE PARTIES FAIL TO SETTLE AND AFTER**
11 **NOTICE TO THE PROPER PARTIES THE ALAAB SHALL** hear
12 and decide, ~~[after notice to the proper parties,]~~ the disputes arising from
13 the delineation of such ancestral domains~~[- Provided, That if the dispute~~
14 ~~is between and/or among ICCs/IPs regarding the].~~ **THE** traditional
15 boundaries of ~~[their]~~ **THE** respective ancestral domains~~;~~ **AND**
16 customary process **OF THE ICCs/IPs CONCERNED** shall be
17 followed. The ~~[NCIP]~~ **ALAAB** shall promulgate the necessary rules and
18 regulations to carry out its adjudicatory functions: Provided, further, That
19 any decision, order, award or ruling of the ~~[NCIP]~~ **ALAAB** on any
20 ancestral domain dispute or on any matter pertaining to the application,
21 implementation, enforcement and interpretation of this Act may be
22 brought for Petition for Review to the Court of Appeals within fifteen
23 (15) days from receipt of a copy thereof.”

24 SEC. 9. Section 64 of the same Act is amended to read as follows:

25 “SECTION 64. Remedial Measures. – Expropriation may be
26 resorted to in the resolution of conflicts of interest following the principle

1 of the “common good”. The [NCIP] ALRAO shall take appropriate legal
2 action for the cancellation of officially documented titles which were
3 acquired illegally: Provided, That such procedure shall ensure that the
4 rights of possessors in good faith shall be respected: Provided, further,
5 That the action for cancellation shall be initiated within two (2) years
6 from the effectivity of this Act: Provided, finally, That the action for
7 reconveyance shall be within a period of ten (10) years in accordance
8 with existing laws.”

9 SEC. 10. Section 66 of the same Act is amended to read as follows:

10 “SECTION 66. Jurisdiction of the NCIP. – The NCIP, through its
11 regional offices, shall have jurisdiction over all claims and disputes
12 involving rights of ICCs/IPs **EXCEPT IN CASES INVOLVING**
13 **ANCESTRAL LANDS AND DOMAINS WHICH SHALL BE**
14 **UNDER THE JURISDICTION OF THE ALAAB:** Provided,
15 however, That no such dispute shall be brought to the NCIP unless the
16 parties have exhausted all remedies provided under their customary laws.
17 For this purpose, a certification shall be issued by the Council of
18 Elders/Leaders who participated in the attempt to settle the dispute that
19 the same has not been resolved, which certification shall be a condition
20 precedent to the filing of a petition with the [NCIP] DENR.

21 **“IN CASES INVOLVING ANCESTRAL LAND OR**
22 **DOMAIN DISPUTES, THE NCIP SHALL ACT AS A**
23 **MEDIATION BODY. THE MEDIATION SHALL BE A PRE-**
24 **REQUISITE FOR FILING BEFORE THE ALAAB AND SHALL**
25 **BE A GROUND FOR DISMISSAL WITHOUT PREJUDICE TO**
26 **REFILING UPON COMPLIANCE.”**

1 SEC. 11 Section 67 of the same Act is amended to read as follows:

2 "SECTION 67. Appeals to the Court of Appeals. – Decisions of
3 the **NCIP NOT INVOLVING ANCESTRAL LAND OR DOMAIN**
4 shall be appealable to the Court of Appeals (CA) by way of a petition for
5 review."

6 SEC. 12. Section 68 of the same Act is amended to read as follows:

7 "SECTION 68. Execution of Decisions, Awards, Orders. – Upon
8 expiration of the period herein provided and no appeal is perfected by
9 any of the contending parties, the Hearing Officer of the NCIP, on its
10 own initiative or upon motion by the prevailing party, shall issue a writ
11 of execution requiring the sheriff or the proper officer to execute final
12 decisions, orders or awards of the Regional Hearing Officer of the NCIP.

13 "UPON EXPIRATION OF THE FIFTEEN (15) DAYS
14 PERIOD FROM RECEIPT OF THE DECISION OF THE ALAAB
15 TO FILE AN APPEAL WITH THE CA, THE ALAAB MAY ISSUE
16 A WRIT OF EXECUTION REQUIRING THE SHERIFF OR THE
17 PROPER OFFICER TO EXECUTE THE FINAL DECISIONS,
18 ORDERS OR AWARDS OF THE ALAAB."

19 SEC. 12. Section 69 of the same Act is amended to read as follows:

20 "SECTION 69. Quasi-Judicial Powers of the NCIP AND THE
21 ALAAB. – The NCIP AND THE ALAAB shall have the power and
22 authority:

23 "a) x x x;

24 "b) x x x;

1 “c) To hold [~~any person~~] **ITS LITIGANTS AND ANY**
2 **PERSON UNDER ITS JURISDICTIONS** in contempt, directly or
3 indirectly, and impose appropriate penalties therefor; and

4 “d) x x x.”

5 SEC. 13. Upon the effectivity of this Act, all assets, resources, personnel
6 and liabilities of the former Ancestral Domains Office under the NCIP shall be
7 transferred to the ALRAO under the DENR.

8 SEC. 14. This Act shall take effect fifteen (15) days after its publication in
9 the *Official Gazette* or in a newspaper of general circulation.

10 Approved,