



Republic of the Philippines
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MEMORANDUM

FOR : **The Director**
Land Management Bureau
Knowledge and Information Systems Service
Legal Affairs Service
Forest management Bureau

FROM : **The OIC Director**
Policy and Planning Service

SUBJECT : **UPDATES ON THE DENR-NCIP TWG SUB-GROUPS**

DATE : **06 FEB 2023**

This has reference to the Presidential Directive on the Priority Programs and Initiatives on the Environment Sector for the DENR to "*Rationalize the issuance of permits for projects concerning ancestral lands, taking into consideration the plight of indigenous peoples and mining concerns.*"

It may be recalled the memorandum dated 23 August 2023 created the DENR-NCIP Technical Working Group (TWG) Sub-Groups. In this regard, we would like to request the Chairs of the respective sub-groups for updates on the accomplishments and consultation conducted last year.

We would appreciate receiving your responses by **10 February 2023** through our email address: psddivision@gmail.com, copy furnish policy@denr.gov.ph.

For your appropriate action.


MELINDA C. CAPISTRANO



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MEMORANDUM

FOR/TO : **The Administrator**
National Mapping and Resource Information Authority

The OIC Assistant Secretary
Field Operations - Luzon and Visayas

The OIC Assistant Secretary
Field Operations - Western Mindanao

The Assistant Secretary
Field Operations - Eastern Mindanao

The Director
Forest Management Bureau

The OIC Director
Biodiversity Management Bureau

The Director
Land Management Bureau

The Director
Environmental Management Bureau

The Acting Director
Mines and Geosciences Bureau

The Director
Legal Affairs Service

The Director
Knowledge and Information Systems Service

The OIC Director
Policy and Planning Service

FROM : **The Undersecretary**
Field Operations - Mindanao

SUBJECT : **CREATION OF DENR-NCIP TECHNICAL WORKING
GROUP (TWG) SUB-GROUPS**

DATE : **AUG 23 2022**

Pursuant to the DENR Special Order entitled Constitution of the Technical Working Group within the DENR (DENR-TWG) for the Creation of the Joint Administrative Order (JAO) with the National Commission on Indigenous Peoples (NCIP), and in reference to the agreements reached during the Initial

MEMO NO. 2022 - 581

Meeting of the DENR-NCIP Technical Working Group (TWG) held last 17 August 2022, the following sub-groups within the TWG are hereby created:

DENR-NCIP TWG Sub-Groups:

a) Sub-Group on Titling of Lands and Section 56 on Vested Rights

Chair: DENR - Land Management Bureau (LMB)

Co-Chair: NCIP - Ancestral Domains Office (ADO)

Members: Mines and Geosciences Bureau (MGB), Biodiversity Management Bureau (BMB), Forest Management Bureau (FMB), and DENR Regional Office (RO) representatives (from Luzon and Mindanao)

Objectives:

- To establish a uniform interpretation in the determination of "existing and/or vested rights" under Section 56 of the Indigenous Peoples' Rights Act of 1997 (IPRA); and
- To provide coordination protocols on the issuance of Certificates of Non-Overlap (CNO) and sharing of data and information between DENR and NCIP whenever said agencies are undertaking titling activities.

b) Sub-Group on Mapping and Data Sharing

Chair: DENR - Knowledge and Information Systems Service (KISS)

Co-Chairs: NCIP ADO - Regional Director (RD) Ronaldo M. Daquioag

DENR - National Mapping and Resource Information Authority (NAMRIA)

Members: LMB, BMB, MGB, FMB

Objectives:

- To create a mechanism for coordination and complementation between indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned local government units and civil society organizations; and
- To ensure meaningful participation of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) and NCIP in policy-making bodies of government agencies and local government units such as the Provincial Mining Regulatory Board (PMRB), Protected Area Management Board (PAMB).

c) Sub-Group on Coordination Mechanism for Section 58 of IPRA

Chair: DENR - Legal Affairs Service (LAS)

Co-Chair: NCIP - Legal Affairs Office (LAO)

Members: BMB, MGB, LMB, FMB

Objective:

- To review laws and policies including but not limited to the Expanded National Integrated Protected Area Systems Act (ENIPAS), Presidential Decree 705,¹ as amended, and administrative orders on mining, for the purpose of recommending appropriate amendments and revisions thereto taking into account prevailing jurisprudence.

¹ The Revised Forestry Code of the Philippines.

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d) **Sub-Group on Free, Prior and Informed Consent (FPIC), Tenurial Instruments and other DENR Permits, and Enforcement**

Chair: DENR-FMB

Co-Chair: NCIP – Engr. Caridad Katherine Gullunan

Members: BMB, MGB, FMB, LMB

Objectives:

- To provide for enforcement measures and mechanisms as regards:
 - i. The issuance of cease-and-desist orders (CDO) by NCIP and/or DENR;
 - ii. The cancellation of permits, licenses, instruments, or certifications, in cases of violations of the IPRA, Memoranda of Agreement, and other pertinent laws, rules and regulations; and
 - iii. Utilization, control and enjoyment by the ICCs/IPs of the land and natural resources within their Ancestral Domains/Ancestral Lands (ADs/ALs) in light of the expiration of programs, permits, licenses, and other RUIs issued thereon.
- To ensure that FPIC from the ICCs/IPs and the corresponding Certification Precondition (CP) are secured before any person, organization, or entity, public or private, conducts any project, program or activity, including issuance or renewal of permits and licenses and the conversion or merging of tenurial instruments, within or affecting ADs/ALs;
- To harmonize overlapping jurisdictions between DENR and NCIP as regards reservations, such as forest reservations, mineral reservations, and watersheds, which are located within ADs/ALs but are also covered by Presidential Proclamations or laws; and
- To provide for the formal recognition of sustainable traditional resource use of ICCs/IPs within their ADs/ALs, including the formulation of a streamlined process for approval of development of projects initiated by ICCs/IPs within their ADs/ALs.

e) **Sub-Group on Dispute Resolution**

Chair: DENR-LAS

Co-Chair: NCIP-LAO - Atty. Jonathan Jo

Members: All Legal Divisions of the Bureaus

Objectives:

- To prevent the rampant illegal selling of lands that are portions of or within the ADs;
- To provide a mechanism between DENR and NCIP regarding investigations and dispute resolution on pending cases and issues, as well as overlapping jurisdiction between the two agencies, prior to resorting to judicial remedies.

The identified sub-groups, through the conduct of meetings and discussions, shall come up with a specific recommendation and proposal of provisions which may be added to the draft JAO. All inputs of the sub-groups will be submitted to the Secretariat, the Forest Management Bureau on 19 September

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2022 for consolidation and preparation for the workshop and plenary to be held tentatively on 05-07 October 2022.

For information and compliance.



JOSELIN MARCUS E. FRAGADA, CESO III

Copy furnished:

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Department of Environment and Natural
Resources

The Undersecretary
Finance, Information Systems and Climate
Change

The Undersecretary
Legal, Administration, Human Resources and
Legislative Affairs

The Assistant Secretary
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