



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



**MEMORANDUM**

**FOR :** **The Undersecretaries**  
Field Operations – Luzon, Visayas and Environment  
Field Operations – Mindanao

**The Director**  
Legal Affairs Service

**The Bureau Directors**  
Land Management Bureau  
Forest Management Bureau

**All Regional Executive Directors**

**FROM :** **The Undersecretary**  
Special Concerns and Legislative Affairs

**SUBJECT :** **INVITATION TO CONSULTATIVE MEETING 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 INDIGENOUS PEOPLES' RIGHTS ACT OF 1997" FROM THE COMMITTEE ON INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES OF THE HOUSE OF REPRESENTATIVES**

**DATE :** 22 February 2024


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In reference to the email received by our Office, 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 INDIGENOUS PEOPLES' RIGHTS ACT OF 1997" by Rep. Jurdin Jesus M. Romualdo.**

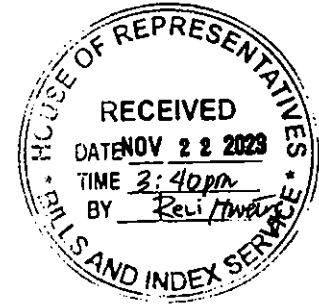
In this regard, may we respectfully request your participation in the upcoming **Hybrid Consultative Meeting** on **26 February 2024, Monday, 01:00 PM** at the **Assistant Secretary for Field Operations - Western Mindanao Conference Room, 6<sup>th</sup> Floor, Main Building** and via **Zoom (Zoom Meeting ID: 982 0766 5944 Passcode: DENRLL0)** in preparation for the Committee meeting in the House of Representatives.

Attached herewith are the consolidated comments and the House bill for your reference.

  
**IGNATTUS LOYOLA-A. RODRIGUEZ**



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



Nineteenth Congress  
Second Regular Session

HOUSE BILL NO. 9608

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**Introduced by Representative Jurdin Jesus M. Romualdo**

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**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**

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**Introduced by Representative Jurdin Jesus M. Romualdo**

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

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

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



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

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

**“THE REPRESENTATIVE OF THE LGU SHALL BE APPOINTED BY THE SECRETARY OF INTERIOR AND LOCAL GOVERNMENT AND THE REPRESENTATIVE OF THE CONCERNED ICCs/IPs SHALL BE APPOINTED BY THE CHAIRPERSON OF THE NCIP.**

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

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

**“II) 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 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 [~~Ancstral 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,

## CONSOLIDATED COMMENTS ON 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 INDIGENOUS PEOPLES’ RIGHTS ACT OF 1997” by Rep. Jurdin Jesus M. Romualdo

### A. DENR - Legal Affairs Service (LAS)

The DENR - Legal Affairs Service (LAS) respectfully submits its comments on House Bill No. 9608, as follows:

#### I. Relevant Constitutional Provisions on Indigenous Peoples vis-à-vis the DENR’s mandate

House Bill 9608’s explanatory note provides the constitutional provisions on the protection of the rights of the indigenous peoples, *viz*:

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 ancestral lands.

The DENR’s mandate, on the other hand, is provided in Executive Order (EO) No. 192.

**SECTION 4. Mandate.** The Department shall be the primary government agency responsible for the conservation, management, development and proper use of

the country's environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos.

...

This Office notes that should House Bill 9608 be approved, the powers and functions of both the DENR and NCIP would be effectively amended. After a review of the relevant laws, rules, and regulations, this Office opines that there are no legal prohibitions on the amendment.

As to the complexities of the implementation of the amendments, including, but not limited to, the budget and additional manpower needed to the DENR, this Office defers to the inputs to the technical bureaus of the Department.

**II. Transfer of the Ancestral Domains Office under the NCIP to the DENR  
renaming it into the Ancestral Land Registration and Administration  
Office**

**SEC. 46. Offices [~~within the NCIP~~] RESPONSIBLE FOR THE IMPLEMENTATION OF THE POLICIES OF THE ICCs/IPs.**

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

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

The Ancestral Lands Registration and Administration Office (ALRAO) shall be responsible for the identification, delineation and recognition of ancestral lands/domains in accordance with a master plan as well as implementation of the ancestral domain rights of the ICCs/IPs as provided in the Act. This Office notes that the ALRAO shall be under the DENR.

The DENR's technical expertise, data and information, and monitoring and enforcement capabilities can be invaluable in ensuring the implementation of the policies of the ICCs/IPs, in line with the Department's mandate to conserve specific terrestrial areas.

This Office opines that the transfer of identification, delineation and recognition of ancestral lands/domains is a proactive approach to address the overlapping jurisdiction of the DENR as regards forestland, mineral land, and national parks and the NCIP as regards ancestral domains and ancestral lands. In fact, this is one of the matters being discussed in the Technical Working Group (TWG) of the Land Title-Issuing Agencies led by the Department of Justice, with the participation of the NCIP, DENR, Department of Agrarian Reform, Land Registration Authority, and the Office of the Solicitor General.

### **III. Turnover of areas within Ancestral Domains managed by other government agencies**

Sec. 52, i) Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies - The Chairperson of the [NCIP] DENR shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, [~~Department of Environment and Natural Resources~~], Department of Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed;

The DENR does not have a chairperson, but a Secretary. Thus, the first sentence should read: "The **Secretary of the DENR** shall certify that the area covered is an ancestral domain."

This Office opines that the certification from the Secretary of the DENR instead of the Chairperson of the NCIP will ensure that the turnover of areas within ancestral domains will not affect current forestland, mineral lands, and national parks, which the DENR itself is mandated to conserve, protect, and manage.

### **IV. Transfer of the issuance of Free and Prior Informed Consent and Certification Precondition to the DENR**

SECTION 46. Offices [~~within the NCIP~~] RESPONSIBLE FOR THE IMPLEMENTATION OF THE POLICIES OF THE ICCs/IPs. - The [~~NCIP shall have the~~] following offices [~~which~~] shall be

responsible for the implementation of the policies hereinafter provided:

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

Sec. 59. Certification Precondition. - All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the [~~NCIP~~] DENR that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the [~~Ancestral Domains Office~~] ALRAO of the area concerned: Provided, That no certification shall be issued by the [~~NCIP~~] DENR without the free and prior informed and written consent of ICCs/IPs concerned:~~[Provided, further, That no department, government agency or government owned or controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for a CADT:]~~ Provided, finally, that the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process. (*Underscoring supplied.*)

For the DENR to certify that the area affected does not overlap with any ancestral domain, it would need access to the entire universe of ancestral lands and domains from the NCIP. From previous meetings with the NCIP, they have manifested the lack of funding to facilitate the immediate processing of Free and Prior Informed Consent (FPIC) from the ICCs/IPs. Since the certification precondition is similar to the FPIC process, this amendment would speed up the process of stakeholders previously seeking certification from the NCIP.

This Office respectfully opines, however, that the phrase "as the DENR may deem appropriate and necessary" stated in items a of Section 46 would constitute undue delegation of legislative powers to the DENR.



In *Eastern Shipping Lines, Inc. v. Philippine Overseas Employment Administration* the Supreme Court elucidated the completeness test and sufficient standard test of legislative acts, *viz*:

There are two accepted tests to determine whether or not there is a valid delegation of legislative power, *viz*, the **completeness test** and the **sufficient standard test**. Under the first test, the law must be complete in all its terms and conditions when it leaves the legislature such that when it reaches the delegate the only thing he will have to do is enforce it. Under the sufficient standard test, **there must be adequate guidelines or limitations in the law to map out the boundaries of the delegate's authority and prevent the delegation from running riot**. Both tests are intended to prevent a total transference of legislative authority to the delegate, who is not allowed to step into the shoes of the legislature and exercise a power essentially legislative. (emphasis supplied)

This Office finds that in bequeathing to the DENR an unlimited discretion on the functions of the ALRAO would run counter to the *Sufficient Standard Test*. At most, this provision may indicate that any other functions would be subject to the Implementing Rules and Regulations.

## V. Other provisions

As to other relevant provisions of proposed House Bill 9608 this Office submits that all are consistent with the mandate of the DENR pursuant to EO 192, and other related law and regulations.

## VI. Recommendations

This review is limited to the constitutionality of the House Bills and their compliance with existing laws. Upon review and evaluation of the same House Bill, this Office finds the contents of the House Bills to be in order. This Office interposes no objections to the provisions not otherwise specifically mentioned in this Memorandum.

### B. Land Management Bureau (LMB)

The Land Management Bureau (LMB) expresses its support to the intention of the bill and respectfully submit the following comments on certain provisions of the House Bill:

#### 1. *On the creation of the -\*Ancestral Land Registration and Administration Office (ALRAO) under the DENR*

The main amendment proposed in the Bill is the transfer of Ancestral Domains Office from the NCIP to the DENR, and renaming it as Ancestral Land Registration and Administration Office (ALRAO). ALRAO shall not only be responsible with the identification, delineation, and recognition of ancestral lands/domains, but also the management of the same. However, the proposed bill did not clearly indicate the composition of ALRAO and whether ALRAO will either be national, regional, provincial, or communal in jurisdiction.

It is the position of this Office that the participation of the DENR should only be limited in the identification, survey, and delineation of ancestral lands/domains, and the inspection, verification and approval of surveys in order to prevent overlapping claims of land ownership by either the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) or non-ICCs/IPs. The management of ancestral lands/domains and the issuance of CADTs/CALTs should still remain with the NCIP, considering their expertise and their knowledge of preserving or protecting the traditions, cultures, and institutions of the ICCs/IPs.

The problem on overlapping claims could be resolved not by transferring the jurisdiction from the NCIP to the DENR, but on the clear delineation of the responsibilities and proper coordination between the government agencies, and a clear process of segregation of lands with overlapping claims to avoid double titling by the different government agencies.

## ***2. On the Creation of the Ancestral Lands Administration and Adjudication Board (ALAAB).***

The involvement of different government agencies in settling disputes involving ancestral lands/domains is commendable as this will avoid impartiality and to consider all perspectives in settling land disputes. However, considering the importance of its functions, the feasibility of convening its members should also be taken into account. This Office suggests to create an adjudication board in every province or region composed of representatives of the regional field offices of the concerned government agencies in order to facilitate the functions of administration and adjudication.

## ***3. On the Delineation Process of Ancestral Domains, and Identification, Delineation and Certification of Ancestral Lands***

As mentioned above, the participation of the DENR should only be limited in the identification, survey, and delineation of ancestral lands/domains, and the inspection, verification, and approval of surveys of ancestral lands/domains. Since the survey will already be conducted by the DENR then the problem of overlapping claims could be avoided. However, if there will still be any overlapping claims, the same could be settled through mediation before the NCIP or through the adjudication board.

In addition, under the provision on "*Turnover of Areas Within Ancestral Domains Managed by Other Government Agencies*", the term "Chairperson of the DENR" should be changed to "Secretary of the DENR".

## ***4. On the Participation of the Director of Lands" in Delineation Proceedings***

The provision requiring the Director of Land, as representative of the Republic of the Philippines, in all proceedings of identification and delineation of ancestral lands was maintained in the proposed bill. However, pursuant to Executive Order No. 192 or the Reorganization Act of the Department of Environment and Natural Resources, the line functions and powers of the then Bureau of Lands were already transferred to the Regional Field Offices of the DENR, and not to the Land Management Bureau. Hence, the Republic of the Philippines should be represented by the DENR, through the respective Regional Executive Directors of Field Offices, and not by the Director of Lands.

Other than the above, this Office fully supports the objective of the measure which is to prevent the overlapping claims of ownership on lands and consequently, to properly secure ownership and possession of lands belonging to the ICCs/IPs.

#### **C. Forest Management Bureau (FMB)**

The Forest Management Bureau (FMB) expresses its full support to the passage of HB 9608 which aims to rationalize the ancestral lands administration and adjudication process through the transfer of the Ancestral Domains Office under the NCIP to the DENR and renaming the said office to Ancestral Land Registration and Administration Office (ARLAO).

#### **D. DENR - Cordillera Administrative Region (CAR)**

The DENR-CAR interposes no objection and welcomes the passage of House Bill 9608 as it would surely settle any dispute with the regards to the issuance of ancestral land titles be it CADT's or CALT's between the DENR and the NCIP.

It would likewise be beneficial to all the stakeholders for the DENR to issue said ancestral titles as it could overlay the applications and determine any existing vested rights present in the lots applied for and could properly act on the matter avoiding any overlapping claims, saving valuable resources of all stakeholders, especially the Government. We, however, respectfully pray for the insertion of a provision in Section 5 paragraph e of the bill in relation to applications for CADT's and/or CALTs, as follows:

THAT THE MERE FILING OF AN APPLICATION AND DELINEATION DOES NOT BRING WITH IT VESTED RIGHTS TO THE APPLICANT.

This provision would not only ensure that no overlapping claims would cover the applied lot but likewise reduce any conflict between stakeholders. The process of administrative titling is a straightforward one. It is designed to be summary and efficient. However, more often than not, it is often bogged down by conflicts arising from any opposing claims. The presumption that the mere filing of an application does not equate to vested rights would serve as a warning to any prospective applicant to not indiscriminately file an application just to bring trouble to legitimate claim holders.

#### **E. DENR - Region X**

The DENR Region X expresses its strong support for the passage of House Bill No. 9608 which seeks to rationalize the ancestral land administration and adjudication process, amending for the purpose Republic Act No. 8371, otherwise known as "*The Indigenous Peoples Rights Act of 1997.*"

The establishment of an independent adjudication body, responsible for the management of ancestral lands/domains, as well as for settling disputes involving ancestral lands/domains, is a critical step forward in addressing the enduring problem of fraudulent claims to ancestral lands/domains that continues to undermine the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), including among others, the following matters:

1. The non-observance of priority rights embraced in Section 56 of the RA No, 8371 or *The Indigenous Peoples' Rights Act of 1997* by the NCIP/IPs in relation to the delineation and titling of lands;
2. The non-observance of the NCIP to the Joint Agreement Order 2012-01, which supposedly addresses the issue on the overlapping of jurisdiction between the DAR, DENR, and NCIP in the processing and registration of Land Titles embracing land/areas within their respective jurisdictions; and
3. The non-observance of the NCIP to the Joint LRA-NCIP Memorandum Circular No. 01, Series of 2007 item 5 and 9 which provides that:  
"5. Prior approval by the NCIP of the CADT/CALT application, the print copy of the original survey plan of an ancestral domain/land shall be submitted by the NCIP to the LRA for projection in order to determine if the AD/AL survey overlaps with titled properties and other approved surveys on file. The LRA has thirty (30) days from the receipt of said print copy of the original survey plan within which to return the same to the NCIP, together with the required certification or its findings and recommendations, as the case may be."

xxx

"9. The subsequent certification of non-overlap issued by the DENR, DAR, and LRA shall also be noted in the original survey plan as part of the reference documents."

House Bill No. 9608 has the potential to address the aforementioned issues and even further provides a resolution to the ongoing challenges that have impeded the DENR Region X in its sustained efforts to effectively resolve disputes regarding ancestral lands/ domains in the region.

Ultimately, HB 9608 is well-crafted and takes into consideration the diverse perspectives and concerns of all relevant stakeholders. It is noteworthy to mention that both the DENR Region X and HB 9608 align in their shared goal of settling disputes related to ancestral lands/ domains.

The DENR Region X believes that the passage of HB 9608 will not only benefit the Department but will also contribute significantly to the well-being of the indigenous communities.

We look forward to witnessing the positive impact that the bill can bring to the community and encourage its swift passage.