

**Administrative Order
No. 9
March 7, 1991**

SUBJECT: Amendment to Section 9 of DAO No. 73, Series of 1990, Providing Guidelines for the Identification, Evaluation, Appraisal and Compensation of Improvements and Corresponding Development Costs Undertaken by the Non-Mangyan Occupants of the Paitan Non-Christian Reservation (Proclamation No. 809) in Naujan, Oriental Mindoro

In order to give time to non-Mangyans within the Paitan Mangyan Reservation to file applications for compensation for the cost of improvements introduced therein and to give others who have appeals for a last opportunity for amicable settlement of their cases, Section Nine (9) of DENR Administrative Order No. 73, Series of 1990 is hereby amended to read as follows:

"Section 9. Claimants shall personally file duly accomplished application forms from the effectivity hereof until March 31, 1991. Failure to file within the prescribed period shall be considered as lack of interest to pursue such claims under these guidelines".

Thereafter, no further applications for payment of improvements introduced by non-Mangyans within the Paitan Mangyan Reservation shall be entertained.

This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Administrative Order
No. 29
May 24, 1991

**SUBJECT: Guidelines in the Inventory and Sketching
of Foreshore Areas**

In pursuance of government policy to tap all resources that can generate income necessary to carry out the developmental programs and in order to rationalize and regulate the use and occupancy of public lands, particularly foreshore areas, the following instructions are hereby issued for the guidance of all concerned.

A. Definition of "Foreshore Lands"

Foreshore lands shall refer to that part of the shore which is alternately covered and uncovered by the ebb and flow of the tide.

B. Scope

This Circular covers all foreshore lands. All mangrove areas are however, excluded from the coverage of this Order.

C. Inventory Procedures

1. For the purpose of gathering necessary information on foreshore areas, a Foreshore Land Data Record Sheet (FLDRS) is herewith devised and marked as Form I.
2. In filling up the Foreshore Land Data Record Sheet (FLDRS), the following shall be observed.
 - 2.1 Use one (1) questionnaire for every lot.
 - 2.2 All blanks must be answered. If a particular information cannot be secured, indicate "Not Available," "None" or "Not Applicable" as the case may be.
 - 2.3 **Land Description:**
 - a. Area of the land shall be in square meters.

- b. RURBBAN Code for the Region, Province, Municipality and Barangay should be obtained and indicated in the space provided for. (Ref. MAR/NCC)

2.4 Occupant/Claimant/Applicant:

Under "Nature of Occupancy," check one of the identifying items depending on the information gathered.

- 2.5 Status of application shall be gathered if there is subsisting foreshore lease application.

2.6 Land Use:

This refers to the actual use of foreshore land. Indicate the nature, name of land user and the approximate area in meters. (Reference: LOC No. 9 dated July 1976)

2.7 Improvements:

2.7.1 Extent of the area developed/improved by the occupant/claimant shall be in terms of percentage or square meters in relation to the total area.

2.7.2 Assessed Value of the land and improvement shall be generated from the tax declaration.

2.8 Remarks:

Comment, recommendation and any additional relevant information.

- 3. All Foreshore Land Data Record Sheet (FLDRS) shall be consolidated and retained by the CENR Office concerned.

- 4. Foreshore Land Information Report (FLIR) herein prescribed shall be accomplished by the following offices (Marked as "Form 2").

- 4.1 The CENRO shall prepare FLIR for every municipality to be submitted to the PENR Office concerned.

- 4.2 PENRO shall consolidate CENRO's report and shall prepare FLIR for every province to be submitted to the Regional Office concerned.
- 4.3 Regional Office shall consolidate PENRO's report and shall prepare FLIR for every province to be submitted to Lands Management Bureau.
5. To further insure adequate maintenance of the FLIR, a statistical unit shall be formed in each CENRO, PENRO and Regional Office to be charged with the responsibilities of preparing, maintaining, storing and updating the FLIR.
6. Every Regional Office shall create a data base system using the DBase III plus or Lotus.

D. Survey and Mapping Procedures:

1. Foreshore areas in previously cadastrally surveyed towns or not yet subjected to cadastre.
 - 1.1 The survey and mapping of the foreshore area shall be done using transit and stadia, plane table and alidade Tachimeters, or transit tapes; the areas to be computed by scale. Topo and photo maps or enlarged rectified aerial photographs may be used as guide in determining delimitation of foreshore lands before the actual mapping.
 - 1.2 The survey shall be plotted on a map size, 54 cm x 54 cm, drafting film of stable base material 0.003", 15 second quadrant with a scale of 1:1000 M.
 - 1.3 The geographic position of the area shall be derived graphically from topographic maps or regional projection maps or cadastral maps.
 - 1.4 NAMRIA data, maps, and inventory should be used as reference in this inventory.
 - 1.5 The individual occupancies shall be assigned lot numbers consecutively starting from one (1) in every municipality showing the corresponding claimant and areas, and including areas covered by previously approved surveys. In case of small lots where the information required cannot be written for limited space the lot claimants and areas should be tabulated in the left hand corner of the map.

- 1.6 Names of claimants of adjoining lots and natural features such as creeks, rivers and roads should be indicated on the maps.
- 1.7 The maps shall be prepared co-extensive with the municipality in as many sheets numbered consecutively.
- 1.8 The survey symbol to be used shall be Foreshore Land Delimitation (FLD) and the system of numbering shall be in accordance with the Philippine Standard Geographic Code of the NEDA.

EXAMPLES:

Fld	-	090703
09	-	Region Western Mindanao (Regional indicator)
07	-	Basilan Province (Provincial indicator)
03	-	Municipality Lantawan (Municipal indicator)

- E. All concerned Officials of the Department are hereby enjoined to see to it that this order are complied with.
- F. All orders and other issuances that are inconsistent herewith are hereby revoked or modified accordingly.
- G. This Order shall take effect immediately.

VICTOR O. RAMOS
Acting Secretary

NOTE: Forms Omitted

Administrative Order
No. 49
September 20, 1991

SUBJECT: Guidelines on the Issuance of Advance Surveys, Advance Plans, Certified Copies of Approved Survey Plans, and the Reconstruction of Lost and Damaged Plans

In order to attain uniformity in the implementation of existing rules and regulations governing the approval and issuance of **Advance Surveys, Advance Plans, Certified Copies of Approved Survey Plans, and the Reconstruction of Lost and Damaged Plans**, and to further avoid the filing of land litigation cases, the following are hereby issued for the guidance and compliance of all concerned:

Section 1. Definition of Terms. The following terms, as used in this Order, shall be construed to mean as follows:

- 1.1 **Advance Surveys** - surveys conducted within an ongoing cadastral project, and are usually undertaken immediately after the primary and secondary controls of the project have been completed, verified and approved pursuant to Sections 741 to 747 of the Manual for Land Surveys in the Philippines (MLSP).
- 1.2 **Advance Plans** - plans of lots extracted from the approved cadastral survey records and prepared using the prescribed Isolated Survey Plan Form for cadastral lot data indicating all contiguous lots as shown on the cadastral maps. These plans, together with the technical descriptions of lot/s, are usually used in voluntary land registration.
- 1.3 **Certified Copies of Approved Plans** - true and correct copies of approved plans usually issued to the survey claimant or to his/her heirs upon payment of the prescribed fees.

Section 2. Preparation of Advance Surveys. The conduct of advance surveys shall be governed by the following procedures:

- 2.1 The Chief, Cadastral Survey Project must discourage requests for advance survey of parcels located within the project so as not to adversely affect the early completion of the project.

However, in extreme cases and upon presentation of a justification on the urgency of the claim/s together with the claimant's statement of willingness to defray the survey costs, a written authorization must be secured by the claimant from the Office of the Regional Executive Director (RED) concerned through its Regional Technical Director (RTD) for Lands Management Service.

- 2.2 When the property and the adjoining properties subject of Advance Surveys have been plotted on the cadastral maps, the tracing from the cadastral maps of the lot on the Isolated Survey Plan Form as prescribed in Section 322 of the MLSP, shall be made showing the adjoining owners, markings of old corners and tie lines. The Geodetic Engineer's Certificate shall be prepared from the sketch and survey records card and signed by the Chief of the Project. Lot data computations in duplicate shall be prepared and checked.

The complete survey returns required in Section 415 of the MLSP shall be submitted for verification and approval and be designated with a survey symbol AS for Advance Survey and followed by the survey number.

- 2.3 For isolated surveys in the inaugurated cadastral projects, such as those that begun prior to the order for the cadastral survey or those contracted before the inauguration of the cadastral survey (vide 395-396 of the MLSP) shall continue to be surveyed using the local plane coordinate system when such surveys are expressly authorized by the RED. These shall be designated as "Psu Surveys".

However, the survey returns must be coursed through the Chief, Cadastral Survey Party, for projection and assignment of cadastral lot number in accordance with Section 396 of the MLSP. These Psu surveys shall be considered old approved surveys in the transformation of old surveys in the cadastral system.

- 2.4 If the survey is overtaken by the established and approved controls of the cadastre, the survey must use the system of the cadastre and the survey returns are coursed through the Chief of Party for projection and assignment of cadastral lot number. This kind of survey shall bear the survey symbol "AS".
- 2.5 All the relevant provisions, particularly Part I and Part II of the MLSP shall be followed.

Section 3. Preparation of Advance Plans. Advance plans shall be prepared taking into consideration the following:

3.1 The title of the plan shall be in accordance with Section 322 of the MLSP as follows:

"Plan of Land as Surveyed for _____
(State the name of the cadastral claimant).

3.2 Advance plan shall be prepared as requested using the prescribed tracing cloth survey plan after payment of the prescribed preparation fees as well as the proportionate cadastral survey cost.

3.3 All approved advance plan shall be assigned a survey symbol "AP" (Advance Plan) and a survey number.

Section 4. Preparation of Certified True Copies of Approved Plans. The following considerations on the preparation of Certified True Copies of Approved Plans shall be observed:

4.1 Certified true copy of an approved plan may be issued to the survey claimant or to his heirs upon payment of the prescribed fees.

4.2 The true copy shall be prepared exactly the same as the original approved plans, specifically indicating the plotting and the text. It shall likewise bear the annotations made on the plan after its approval by Order of the Court or of proper authorities.

4.3 Decentralized whiteprints or photographic copies of plans especially those marked "SGD" (i.e. SIGNED) shall not be used for the issuance of patent or certified true copy or tiling purposes, EXCEPT, upon prior authentication by the Lands Management Bureau (LMB) after diligent comparison with the records of the Land Registration Authority (LRA) and other depository of survey records.

4.4 Microfilm copy should be used only for reference and administrative purposes, especially on the detection of tampered or faked plan.

4.5 The Chief of the Regional Surveys Division of the Lands Management Service in the concerned Regional Office shall certify all copies for land registration and for other purposes as true, correct and exact replica of the original plan.

Section 5. Procedure for the Reconstruction of Lost and/or Damaged Survey Plans. Plans that have been lost or damaged by any means shall be reconstructed taking into consideration the following:

- 5.1 The original survey plan, which had been lost or damaged, shall be reconstituted using the field notes and computation sheets in the survey envelope and other primary sources of data or information as reference. In the absence of such, an authenticated copy issued by the Land Registration Authority (LRA) or microfilm provided by the Geodetic Surveys Division of the Lands Management Bureau (LMB) may be used.
- 5.2 Copies or survey plans donated by the survey claimant or the duly designated heirs may also be used to aid in the reconstruction of plan, subject to the pertinent provisions of DENR Administrative Order 56-90 entitled: "Prescribing Guidelines in the Acceptance of Plans in the Hands of Private Persons for Validation Before they can be Considered Official Records
- 5.3 The reconstruction of damaged and/or lost plans shall be made after payment of the corresponding cadastral cost and the prescribed fees for its preparation.
- 5.4 All plans to be reconstructed shall be processed in the usual manner and approved by the Regional Technical Director for Lands Sector pursuant to DENR AO 38-90.

Section 6. Repealing Clause. All orders, circulars or instructions inconsistent with the provisions of this Order are hereby repealed and/or amended accordingly.

Section 7. Effectivity Clause. This Order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Administrative Order
No. 51
September 25, 1991

SUBJECT: Prescribing Guidelines in the Survey of Newly Identified CARP Landholdings Within Cadastral Projects Under Verification and Approval

In order to provide uniformity on the survey of CARP areas in cadastral projects, the following guidelines are hereby prescribed:

1. Newly identified titled CARP lots within a Cadastral Survey project, whose complete survey returns have already been submitted and undergoing verification/approval shall be subdivided, say Lot 25 and the subdivision lots are numbered as lots 25-A, 25-B ... etc.
2. The survey shall be undertaken by administration or by private practitioner using the module approach upon authority of the Regional Executive Director thru his Regional Technical Director for Lands.
3. The survey returns of the isolated surveys including all required documentations covering such areas shall be submitted to the Regional Office concerned for verification and approval in accordance with Section 415 of the Manual for Land Surveys in the Philippines.

This order takes effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Administrative Order
No. 52
September 25, 1991

**SUBJECT: Prescribing Guidelines in the Use of
Judicial Forms for Patent Issuance**

1. In line with the continuing study and desire of DENR to produce quality land patents in relation with the DENR's land titling program, the following guidelines are hereby issued for the information and guidance of all concerned:
 - 1.1 The judicial form shall be treated as accountable forms and the issuance of the same by the Property and Supply Section, Lands Management Bureau shall be in the same manner as other accountable forms are issued, using the **Memorandum Receipt Forms**.
 - 1.2 All Regional Technical Directors for Lands or their respective duly authorized representative shall secure their average or targetted annual consumption of the new judicial forms from the Lands Management Bureau. As recipient therefore, the Regional Technical Director for Lands or his authorized representative shall be held accountable for all the forms earmarked for the Region from the time of receipt, while in transit from the Lands Management Bureau to their respective offices.
 - 1.3 All Regional Supply Offices shall be held accountable for the custody and safekeeping of the Judicial Forms. They shall come up with an appropriate control mechanism in the allocation, receipt and distribution of said forms to the different PENROs in the region. Likewise, they shall see to it that said forms are available at all times in order not to hamper operation.
 - 1.4 The PENROs and their respective supply officers shall be directly accountable for all the Judicial Forms received and on stock at the PENRO office. The PENRO/Supply Officer shall maintain custody and safekeeping of all this forms, control the allocation and the distribution to the different CENROs to be done consecutively in accordance with their serial numbers.
 - 1.5 In case of loss, destruction, cancellation or mutilation which shall prevent the official use of the Judicial Forms, the Regional Technical Directors/PENROs/CENROs/Supply Officers shall immediately notify and or return the spoiled forms directly to the Director, Lands

Management Bureau for record and accounting purposes. Spoiled Judicial Forms shall be shredded by LMB for final disposal after the necessary authority had been secured from other agencies concerned.

2. All Orders and Circulars inconsistent herewith are hereby revoked.
3. Strict compliance herewith is enjoined.
4. This Administrative Order shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

Administrative Order
No. 58
October 31, 1991

**SUBJECT: Guidelines Regulating the Implementation
and Management of DENR-CARP
Activities**

In order to promote the efficient and effective implementation and operation of the Comprehensive Agrarian Reform Program (CARP) activities, the following regulations are hereby promulgated.

I. General Policies

A. Basic Policy and Objectives

The Comprehensive Agrarian Reform Program (CARP), instituted to improve the land tenure system of the country and to improve the socio-economic status of the program beneficiaries, is one of the major thrusts of the Department of Environment and Natural Resources (DENR). The DENR aims to contribute to the CARP implementation through the distribution of alienable and disposable (A & D) lands to qualified beneficiaries, provision of basic support services, and provision of security of tenure to upland dwellers.

B. Coverage

The DENR is responsible for 63% of the 10.3 M hectares covered by the Comprehensive Agrarian Reform Program (CARP). This comprises A and D lands, including Integrated Social Forestry (ISF) areas.

C. DENR Involvement in CARP

The Department is involved in the following specific CARP activities:

- 1. Final Survey of Private Rice and Corn Lands Having Complete Technical Documents.** This activity involves numerical survey of rice and corn lands which were previously issued Certificates of Land Transfer (CLT) under the Operation Land Transfer (OLT) program including newly-identified rice and corn lands without CLT in support of the issuance of Emancipation Patent.

2. **Survey of all other Private and Public Agricultural Lands Covered Under CARP.** This activity involves numerical survey of idle/abandoned agricultural lands, sequestered and foreclosed properties, landed estate including haciendas under labor administration and cadastral survey of A and D lands of the public domain.
3. **Distribution of Public A and D Lands Suitable for Agriculture.** Included in this activity is the processing of public land applications including research for survey data and the subsequent issuance of patents for approved applications.
4. **Classification of the Remaining Unclassified Lands.** This involves the classification of lands within the public domain and release of suitable areas as A and D lands to make these available for the land transfer component of the program. Activities include the pre-determination of agricultural lands, field validation of areas, establishment of boundaries, preparation of preliminary maps based from survey data and the preparation of LC maps indicating the boundaries of classified alienable or disposable forest lands or areas zoned for fishpond development for specific municipalities/provinces.
5. **Allocation of Non-A and D Lands Suitable for Agroforestry.** This includes:
 - a. ISF Parcellary - Delineation of the boundaries of occupied area for purpose of giving land tenure to qualified forest occupants.
 - b. Certificate of Stewardship, Processing and Issuance - The allocation of non-A and D lands suitable for agroforestry by issuing Certificates of Stewardship (CS) for individuals and Community Forest Stewardship (CFS) for communities/groups. This also includes review of documents to determine compliance with existing regulation.
6. **Provisions of Technical Assistance and Infrastructure Support.** This includes:
 - a. Provision of Technical Assistance - soil and water conservation, community organizing, livelihood development, seedling production and distribution and training of forest occupants or ISF participants.

- b. Infrastructure Support - construction, development and maintenance of small water impounding dams and access trails.
- c. Research and Development - formulation of an integrated research program relating to Philippine ecosystems and natural resources.

Operational Support

- a. Project Management and Supervision
- b. Census/Inventory of Forest Occupants - conducted in order to obtain a complete list of the actual number of occupants within forest lands, to gather information on the location and extent of areas occupied, and to determine CARP beneficiaries within the areas subject to inventory.
- c. Public Information and Education - relevant information is disseminated to and discussed with program participants.
- d. Staff Development - training of Social Forestry Technician and all other field personnel involved in CARP especially those involved in upland development.
- e. Acquisition of Equipment and Upgrading of Facilities

II. Definition of Terms and Acronyms

- A. **Program** - shall refer to the Comprehensive Agrarian Reform Program or CARP
- B. **Department** - shall refer to the Department of Environment and Natural Resources
- C. **EXCOM** - DENR-CARP Executive Committee
- D. **Secretariat** - DENR-CARP National Secretariat
- E. **CARP TWG** - CARP Technical Working Group
- F. **PENRO** - Provincial Environment and Natural Resources Officer
- G. **CENRO** - Community Environment and Natural Resources Officer
- H. **RTD** - Regional Technical Director
- I. **RED** - Regional Executive Director
- J. **NIACIT** - National Inter-Agency CARP Implementing Team
- K. **RCIT** - Regional CARP Implementing Team
- L. **PCIT** - Provincial CARP Implementing Team

- M. **RPMD** - Regional Planning and Management Division
- N. **PARC** - Presidential Agrarian Reform Council
- O. **PARC EXCOM** - PARC Executive Committee
- P. **PARC-TWG** - PARC Technical Working Group
- Q. **DBM** - Department of Budget and Management
- R. **ISF** - Integrated Social Forestry
- S. **A and D** - Alienable and Disposable Lands
- T. **Department Proper** - Office of the Secretary
- U. **CS** - Certificate of Stewardship (formerly Certificate of Stewardship Contract)
- V. **CFS** - Certificate of Forest Stewardship (formerly Certificate of Forest Stewardship Agreement (CFSA))
- W. **PPD** - Planning and Programming Division
- X. **PDED** - Project Development and Evaluation Division
- Y. **FASPO** - Foreign-Assisted and Special Projects Office

III. Coordinating Structures and Mechanisms

The duties and responsibilities exercised by the authorities under this section shall be complementary to the powers already vested to other key DENR officials.

A. Coordinating Structures

1. Executive Committee (EXCOM)

a. Composition

The Executive Committee shall be composed of the following:

Secretary of DENR	-	Chairman
USEC, Field Operations	-	Vice-Chairman
Administrator, NAMRIA	-	Member
ASEC, Management Services	-	Member
Director, Lands Mgmt. Bureau	-	Member
Director, Forest Mgmt. Bureau	-	Member
Director, Ecosystems Research and Development Bureau	-	Member
Director, Public Affairs Office	-	Member
Head, ISF - National Coordinating Office	-	Member
Chief, Planning Service	-	Member

- b. Duties and Responsibilities
 - b.1 Formulates policies, guidelines, rules and regulations that shall govern the participation of the DENR under CARP and is responsible for its over-all implementation.
 - b.2 Reviews and recommends DENR Integrated Budgetary proposals for CARP.
 - b.3 Approves operational and financial plans.

2. National Executive Officer

- a. The Vice-Chairman of DENR-CARP EXCOM shall ex-officio act as the National Executive Officer.
- b. Duties and Responsibilities
 - b.1 Shall be responsible to the Executive Committee for the accomplishment of DENR-CARP program objectives.
 - b.2 Exercises jointly with other officials of DENR coordinative supervision over functions on CARP and other related activities.
 - b.3 Exercises general control over ARF funds especially funds released to OSEC.
 - b.4 Recommends operational plans and budgetary proposals.
 - b.5 Recommends policies, guidelines, rules and regulations necessary for CARP implementation.
 - b.6 Establishes effective linkages with all participating agencies on CARP and shall represent the Executive Committee.
 - b.7 Recommends project studies and training on CARP.

- b.8 Prepares and submits regular and other reports on CARP to the Executive Committee.
- b.9 Calls upon any unit and official of the Department to render support to the program.

3. Sectoral Coordinating Units

- a. There will be seven (7) Sectoral Coordinators, the composition of which is as follows:
 - a.1 Coordinator for Lands Sector
Director, Lands Management Bureau
 - a.2 Coordinator for Integrated Social Forestry
Head, ISF National Coordinating Office
 - a.3 Coordinator for Land Classification
Director, Remote Sensing Office, NAMRIA
 - a.4 Coordinator for Research and Development
Director, Ecosystems Research and Development Bureau
 - a.5 Coordinator for Inventory of Forest Occupants
Director, Forest Management Bureau
 - a.6 Coordinator for Public Information, Education and Communication
Director, Public Affairs Office
 - a.7 Coordinator for Human Resource Development
Service Director, Human Resource Development Service
- b. Duties and Responsibilities
 - b.1 Responsible for effective formulation and coordination of all activities under their respective sectors.

- b.2 Assist the Executive Officer on activities pertinent to their sector

4. National Secretariat

- a. The National Secretariat shall be composed of a Head appointed by the Executive Officer and approved by the Secretary of DENR and shall be staffed accordingly.
- b. Duties and Responsibilities
 - b.1 Undertakes policy studies and finalizes rules and regulations, guidelines and procedures that will facilitate project implementation.
 - b.2 In coordination with the Finance Service and Planning and Programming Division of the Planning Service, reviews and integrates Budgetary Proposals and Work and Financial Plans submitted by the concerned units/offices of the DENR.
 - b.3 Prepares CARP budget request in coordination with the Department Proper Budget Division and work out timely releases of funds.
 - b.4 Liaises with DAR and coordinates with other government agencies and private groups.
 - b.5 Undertakes research and gathering of technical documents and other information needed for field operations, in coordination with the Research Sector and other offices.
 - b.6 Monitors the progress of project implementation including disbursement and other financial matters.
 - b.7 Reviews, evaluates and packages performance reports as consolidated by the Planning Service and the sectoral units concerned for an expedient assessment by the Executive Officer.

- b.8 Provides technical and administrative support to the Executive Officer.
- b.9 Establishes and maintains an information bank on physical and financial status of DENR-CARP projects.
- b.10 Provides assistance to the field coordinator in the discharge of their functions as requested and needed.
- b.11 Establishes an effective line of communication with the DENR, Regional and Technical Offices as well as other agencies.
- b.12 Performs other functions as may be instructed by the National Executive Officer.

5. CARP Technical Working Group

a. Composition

The CARP Technical Working Group shall be composed of the representatives from the following sectors:

- | | | | |
|-----|-------------------------------------|------|---------------------|
| a.1 | Field Operations | a.7 | Budget |
| a.2 | Lands Sector (LMB) | a.8 | Accounting |
| a.3 | IFO (FMB) | a.9 | Land Classification |
| a.4 | ISFP-NCO (NAMRIA) | a.10 | IEC (PAO) |
| a.5 | Research (ERDB) | a.11 | Staff (HRDS) |
| a.6 | Planning (PDED and Development PPD) | | |

This body shall be chaired by the Head of the DENR-CARP National Secretariat.

b. Duties and Responsibilities

- b.1 Formulates policies and guidelines governing CARP implementation and recommends these to the DENR-CARP EXCOM.

- b.2 Reviews Integrated Budgetary Proposals and Work and Financial Plans for CARP.

6. Regional Structure

a. Regional Executive Officer

a.1 Composition

Regional Executive Director

a.2 Duties and Responsibilities

a.2.1 Responsible for the accomplishment of DENR-CARP programs in their respective regions.

a.2.2 Prepares budgetary proposals and operational plans of their regions for submission to the EXCOM through the Executive Officer.

a.2.3 Recommends policies, guidelines, rules and regulations necessary for CARP implementation.

a.2.4 Establishes effective linkages with all participating agencies on CARP and shall represent the DENR on all Intra/Inter Agency Committees and activities in the region.

a.2.5 Administers the Regional DENR-CARP Funds.

b. Regional Secretariat

b.1 Composition

The structure and composition of the Regional Secretariat shall be defined in a separate order to be issued later by their respective Regional Executive Directors. This shall be similar to the DENR-CARP National Secretariat.

b.2 Duties and Responsibilities

b.2.1 The functions of the Regional Secretariat shall be similar to that of the National Secretariat as it pertains to DENR-CARP activities in the regional level.

c. **Regional Coordinators**

c.1 Composition

There shall be two (2) Regional Coordinators, namely: Coordinator for Lands Sector and Coordinator for Research and ISF.

c.2 Duties and Responsibilities

c.2.1 Responsible for the accomplishment of DENR-CARP activities in their respective sectors.

c.2.2 Monitors physical and financial accomplishments in their respective sectors.

c.2.3 Prepares budgetary proposal and operational plans of their sectors for submission to the Regional Executive Officer.

c.2.4 Administer Regional DENR-CARP Funds intended for the different sectors.

7. **Provincial Executive Officer**

a. Composition

Provincial Environment and Natural Resources Officer (PENRO)

b. Duties and Responsibilities

b.1 Responsible for the effective implementation of all CARP activities in the provincial level.

- b.2 Establishes effective linkages with the DAR-EXCOM and other agencies.
- b.3 Supervises, monitors and evaluates the execution of DENR-CARP projects.
- b.4 Prepares and submits periodic and other reports to the Regional Offices.
- b.5 Administers DENR-CARP funds allocated to the province.

8. Community Executive Officer

a. Composition

Community Environment and Natural Resources Officer (CENRO)

b. Duties and Responsibilities

b.1 Formulates and implements plans for DENR-CARP activities in the locality/community.

B. Coordinating Responsibilities

1. Policy Coordination

To formulate effective policies on the implementation of the Comprehensive Agrarian Reform Program (CARP) as well as exercise general supervision over all CARP-related activities by the DENR, the following coordinating structures are being implemented.

a. Chairman, DENR-CARP EXCOM

- a.1 Represents the Department in all policy-making meetings of the Presidential Agrarian Reform Council (PARC).
- a.2 Determines all requirements and agreements made in the PARC and delegates this to responsible officers.
- a.3 Exercises general supervision over all DENR-CARP activities.

- a.4 Informs the PARC of DENR/s views and comments regarding CARP activities.

b. Vice-Chairman, DENR-CARP EXCOM

- b.1 Represents the Department in all meetings of the PARC EXCOM.
- b.2 Responsible for informing the Chairman of all agreements made in the PARC EXCOM meetings.
- b.3 Determines the requirements of EXCOM and shall issue corresponding instructions to meet them.
- b.4 Informs the PARC EXCOM of DENR's position in CARP activities.
- b.5 Exercises general supervision on all CARP activities.

c. Head, DENR-CARP National Secretariat

- c.1 Represents the Department in all Technical Working meetings of the PARC Technical Committee.
- c.2 Determines all requirements of the PARC Technical Committee and institutes measures to meet them.
- c.3 Informs the EXCOM and the Executive Officer of the developments in all activities.
- c.4 Informs the PARC Technical Committee of DENR's position in CARP activities.
- c.5 Assists the National Executive Officer in exercising general supervision over all CARP activities.

d. DENR-CARP National Secretariat

- d.1 Responsible for the coordination with the PARC Secretariat and the Department of Budget and Management.

- d.2 Determines the requirements of the PARC Secretariat and DBM and address them accordingly.
- d.3 Establishes linkages with DAR and other implementing agencies of CARP.
- d.4 Informs the PARC Secretariat and DBM of DENR-CARP requirements and follow up on these request.
- d.5 Assists the Executive Officer and Head of DENR-CARP National Secretariat in exercising general supervision over all DENR-CARP activities.

2. Operational Coordination

a. The National Executive Officer and Vice-Chairman of DENR-CARP Executive Committee

- a.1 Represents the Department in the meetings of the National Inter-Agency CARP Implementing Team.
- a.2 Reports to NIACIT all accomplishments of DENR under CARP.
- a.3 Suggests measures to improve the operations of the CARP.
- a.4 Formulates operational guidelines to improve implementation of CARP.

b. The Regional Executive Officer

- b.1 Represents the Department in all meetings of the Regional CARP Implementing Teams (RCIT).

c. The Provincial Executive Officer

- c.1 Represents the Department in all meetings of the Provincial CARP Implementing Teams (PCIT).

IV. PLANNING, BUDGETING AND MONITORING PROCEDURES

The management and coordination of all CARP activities also includes the proper planning, budgeting and monitoring procedures.

A . Planning and Budgeting Cycle

1. The National Executive Officer shall issue specific planning guidelines to the CARP Technical Working Group based on the national guidelines in the programming of the Agrarian Reform Fund (ARF) issued by the Presidential Agrarian Reform Council (PARC).
2. Based on the specific guidelines issued, the various operating units shall prepare their annual plans and budget proposals to the National Secretariat which will forward them to the different sectors, namely: Lands Management Bureau (LMB), Integrated Social Forestry (ISF), Inventory of Forest Occupants (IFO), National Mapping and Resources Information Authority (NAMRIA), Ecosystems Research and Development Bureau (ERDB), Public Affairs Office (PAO) and Human Resource Development Service (HRDS) for their evaluation.
3. Upon the final approval of these plans and budget proposals by the CARP Technical Working Group, they will be resubmitted to the National Secretariat for national integration in the ARF proposal of the Department of Environment and Natural Resources.
4. The DENR EXCOM shall approve the ARF proposal and through the Chairman, indorse it to the PARC.
5. The National Executive Officer shall transmit the approve proposal to the PARC for their evaluation and subsequent endorsement to the Department of Budget and Management (DBM).
6. The Department Proper shall sub-allot the released ARF to the operating units.
7. In case of ERDB, its budget will be released through the Department of Agrarian Reform (DAR) although it shall be part of the Department's budget ceiling.
8. Preparation and packaging of projects for purposes of foreign funding assistance shall be the responsibility of the various CARP coordinating units concerned.

B. Monitoring Procedures

1. Performance Monitoring

- a. The Community Executive Officer shall monitor all CARP related activities in their respective communities. A monthly report on physical accomplishment shall be submitted, the cut-off date for the monthly reports shall be the 25th day of the month. Submission of monthly report to the Provincial Executive Officer should be within five (5) days after the cut-off date.
- b. The Provincial Executive Officer shall monitor all CARP activities in their respective provinces and shall submit Physical Accomplishment Reports on a monthly basis and financial monitoring reports on a quarterly basis. The monthly physical reports should be submitted to the Region not later than the 5th day of the succeeding month.
- c. The Regional Sectoral Officers shall monitor all CARP related activities pertaining to their sectors in the regions concerned. They should submit corresponding reports to the Regional Executive Officer on physical accomplishment and fund utilization under ARF. Monitoring of activities will be by project.
- d. The Regional Executive Officer shall monitor all CARP related activities in the Region. The Regional Secretariat shall assist the Regional Executive Officer by ensuring that the Regional Planning and Management Division (RPMD) submits monthly physical accomplishment reports not later than the 10th day of the succeeding month to the Planning Service using prescribed reporting forms. The RPMD shall also submit quarterly Financial Reports to the Planning Service.
- e. Planning Service shall monitor Physical and Financial accomplishment of CARP activities of all regions. It shall consolidate the reports from the regions and submit corresponding report to the DENR-CARP National Secretariat and Sectoral Coordinating Units concerned.

- f. The Sectoral Executive Officers shall monitor all Physical and Financial accomplishment in their respective sectors and shall submit necessary reports to the National Executive Officers which shall be coursed through the National Secretariat. They shall also analyze and consolidate reports submitted by Planning Service and submit corresponding report to the National Secretariat.
- g. The DENR-CARP National Secretariat is responsible for the over-all monitoring of DENR-CARP related activities nationwide. It shall consolidate reports as submitted by Planning Service and the Sectoral Coordinating Units and prepare a monthly physical accomplishment report as well as a quarterly Financial report and submit them to the National Executive Officer.
- h. The National Executive Officer exercises overall responsibility for the monitoring of DENR-CARP activities nationwide. He shall regularly submit all reports to the EXCOM and shall endorse these to the PARC Secretariat.

2. Project Monitoring

- a. A database for all projects related to CARP implementation shall be monitored at the national, regional, PENRO and CENRO levels.
- b. The Community Executive Officer shall be responsible for the monitoring of all projects undertaken in their respective communities. All pertinent data on these projects shall be gathered and incorporated to the database that they are required to establish. These primary data shall be placed in specified forms and will be submitted monthly to the Regional Coordinators, namely: Coordinator for Lands for Lands Sector, and Coordinator for Research and ISF for ISF Sector. Likewise, these data shall be submitted at the provincial level.
- c. The Provincial Executive Officer shall be responsible for the monitoring of all projects in their respective provinces. He shall likewise be responsible for the establishment and maintenance of a database on all the projects in the province. Data for these shall be furnished by the CENRO and shall be

placed in specified forms. The Provincial Executive Officer shall provide necessary report upon the request of the Regional Coordinator.

- d. The Regional Coordinators shall be responsible for the monitoring of all projects in their respective sectors. Lands sector projects shall be submitted to the Coordinator for Lands and ISF projects to the Coordinator for Research and ISF. The Regional Coordinators shall submit on specified forms all data required to the Lands Management Bureau (LMB) for Lands Sector and ISF-NCO for ISF. They are likewise required to establish their own database on all projects in their respective sectors. Data shall be derived from the monthly status report to be submitted by the Regional Coordinators. The Ecosystems Research and Development Bureau (ERDB), National Mapping and Resource Information Authority (NAMRIA), Human Resource Development Service (HRDS) and Public Affairs Office (PAO) shall maintain their own project level database systems.
- e. The national level project monitoring shall be the responsibility of the following: LMB for Lands sector projects, ISF-NCO for ISF projects, ERDB for Research, NAMRIA for Land Classification, HRDS for Staff Development and PAO for Information and Education Campaign (IEC). These sectors shall establish their respective database system from data derived from the Regional Coordinators. These data shall be placed in specified forms and integrated by the various sectors and submitted to the National Secretariat. NAMRIA, ERDB, HRDS and PAO shall only monitor CARP projects at the national level.
- f. The National Secretariat shall establish and maintain a database system on all projects related to CARP. These secondary data shall be derived from LMB and ISF-NCO. It should be emphasized that only integrated reports shall be submitted to the National Secretariat.
- g. The National Secretariat shall be responsible for providing integrated data on CARP projects to the management and other data end-users. However, if the data end-users so desire, the

National Secretariat and the Sectoral Offices can provide them primary data.

- h. The data structure and forms to be used shall be defined in a separate order to be issued later by the Vice-Chairman of DENR-CARP Executive Committee.

V. Financial Management

A. General Guidelines

1. The Agrarian Reform Fund (ARF) shall be exclusively used for CARP-related activities.
2. CARP-related activities which are foreign-funded or supplemented by other fund sources shall be governed by existing rules and regulations on foreign funding assistance in coordination with the Foreign-Assisted Special Projects Office (FASPO).
3. Existing accounting and auditing rules on government financial management shall apply in the disbursement/utilization of ARF except in cases where the Department of Budget and Management (DBM) or Commission on Audit (COA) issues special instructions covering utilization of said fund.
4. No project shall be executed unless it is fully covered by advance allotment.
5. The field and Central Office operating units shall submit the quarterly financial reports within ten (10) days after the end of each quarter using the prescribed forms to the DENR Accounting Division duly audited by the Commission on Audit (COA).

B. National

1. The National Executive Officer shall exercise overall control on the Agrarian Reform Fund. However, authorities to disburse and utilize said funds shall be in accordance with DENR Administrative Order Numbers 38 and 267.

2. The management of ARF released directly to the various staff bureaus and Central Office units of the DENR shall be the responsibility of the Sectoral Coordinators concerned. On the other hand, funds released to the Department Proper shall be controlled by the Executive Officer through the National Secretariat, Funds of the Ecosystems Research and Development Bureau (ERDB) shall be released through the Department of Agrarian Reform (DAR).
3. The National Secretariat shall be responsible for closely monitoring the utilization of ARF.
4. Reporting of Financial Status to PARC and its instrumentalities shall be the responsibility of the National Secretariat. Reporting to DBM and COA shall be the responsibility of the DENR Finance Service Director.

C. Regional

1. The Regional Executive Officer shall exercise overall control on the Agrarian Reform Fund in the regional level. However, the disbursement and utilization shall be done in accordance with DENR Administrative Order Numbers 38 and 267.
2. The Regional Technical Directors (RTDs) concerned shall exercise control over the funds intended for their respective sectors, as well as the monitoring of ARF utilization.
3. The financial status reporting shall be the joint responsibility of the Regional Executive Director and Finance Division Chief.

D. Provincial

1. The Provincial Executive Officer shall exercise overall control on the ARF in the provincial level. The disbursement and utilization shall be done in accordance with DENR Administrative Order Numbers 38 and 267.

2. The financial status reporting shall be the joint responsibility of the Provincial Executive Officer and Finance Division Chief.

VI. Repealing Clause

This Order supersedes DENR Special Order No. 163 and amends all existing guidelines and regulations which are inconsistent herewith.

VII. Effectivity

This Order shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary

**Administrative Order
No. 61
November 7, 1991**

**SUBJECT: Rules on the Acceptance, Identification,
Evaluation and Delineation of Ancestral
Land Claims in the Province of Palawan**

Pursuant to Section 22, Article II; Section 5, Article XII and Section 6, Article XIII of the 1987 Constitution which provide for the recognition and protection of the rights of the indigenous cultural communities to their ancestral lands to ensure their economic social and cultural well-being; and the recent pronouncement of the President that the government recognizes and respects the principle of ancestral domain, the following rules are hereby promulgated for the guidance of all concerned.

Rule I

Definition and Coverage of Ancestral Lands

Section 1. Ancestral lands in the province of Palawan shall consist of all territories exclusively possessed, occupied or utilized since time immemorial by the following indigenous cultural communities, in accordance with their customary laws, traditions and practices irrespective of their present land classification and including such lands used for residences, farms, burial grounds, communal and/or private forest, and others, to wit:

- | | |
|--------------|---|
| 1. Tagbanuas | 6. Molbogs |
| 2. Bataks | 7. Cuyonos |
| 3. Palawanos | 8. Agutaynins |
| 4. Ken-uys | 9. Cagayanins |
| 5. Taot Bato | 10. Others that may be identified later |

Section 2. The term "Ancestral Lands or Domains" shall be defined within the context of DENR sponsored Bill on ancestral domains of Indigenous Cultural Communities as follows:

- a. **"Indigenous Cultural Communities"** - refers to existing groups or tribes of indigenous Filipinos, who have continuously lived as communities on communally bounded and defined territories, since time immemorial, and have succeeded in preserving, maintaining, and sharing common bonds of language, customs, traditions and other distinctive cultural traits.

- b. **"Ancestral lands or Domains"** - refers to all territories exclusively possessed, occupied or utilized by ICC in accordance with their customs and traditions, since time immemorial by themselves or through their ancestors. This is irrespective of whether or not such lands were subsequently partitioned among the individual members of the indigenous cultural communities.
- c. **"Customary Laws"** - refers to a body of rules, usage and practices traditionally observed, accepted and recognized by the ICC.
- d. **"Time Immemorial"** refers to a period of time where as far back as memory can go, a certain ICC is known to have occupied, possessed, and utilized a definite territory inherited from their ancestors in accordance with their customs and traditions.

Section 3. Members of Indigenous Cultural Communities who are and had been in possession of their ancestral lands by themselves and/or through their predecessors-in-interest for at least the last thirty (30) years from date of occupation shall be presumed to have been in possession thereof since time immemorial.

Section 4. The present partition into individual ownership among the members of the indigenous tribes or families in accordance with their customary laws, practices and traditions and the demands of existing laws shall not in any way affect the claim being considered ancestral.

Section 5. The provisions of Civil Law or Prescription shall not work to the disadvantage of ancestral land claimants if their possession, occupation or utilization of their ancestral lands were interrupted due to the operation of law, executive proclamations, force majeure, or by any unjust maneuver by third persons. In the determination of whether or not the dispossession is unjust, the Task Force shall take into consideration such factors as the illiteracy or absence of the ancestral land claimants.

Rule II

Filing, Acceptance and Processing of Ancestral Land Claims in the Province of Palawan

Section 1. Within three (3) months after the publication of these rules in a newspaper of Provincial circulation, ancestral land claimants within Palawan may file their application by tribes or communities through their indigenous structures or local government with the Office of the Special Task Force on Ancestral Lands, created by virtue of DENR Special Order 1016 in such forms as prescribed by the Special Task Force. Such applications may also be received for the Task Force by the Community

- b. **"Ancestral lands or Domains"** - refers to all territories exclusively possessed, occupied or utilized by ICC in accordance with their customs and traditions, since time immemorial by themselves or through their ancestors. This is irrespective of whether or not such lands were subsequently partitioned among the individual members of the indigenous cultural communities.
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Environment and Natural Resources Officers (CENRO) where the ancestral land claim is situated.

Section 2. The Special Task Force or the CENRO concerned, as the case may be, shall accept applications of ancestral land claims, provided, that proofs of such claims shall accompany the application form, including but not limited to any of the following:

- a. Tax declarations and proofs of payment of taxes
- b. Survey plans and/or sketch maps
- c. Spanish documents
- d. Historical accounts
- e. Anthropological data
- f. Ancient documents
- g. Pictures of burial grounds
- h. Write-ups on customs and traditions
- i. Pictures of old improvements such as trees, stone wallings, riccfield, orchards, farms, monuments, houses and other old structures.
- j. Written and oral testimonies under oath of living witnesses
- k. Traditional structures of indigenous social and government systems, with names of recognized leaders (Masicampo, Panglima, etc.)
- l. Geneologic surveys
- m. Other documents directly or indirectly attesting to the long term occupation of the area which show possession since time immemorial, or through their predecessors-in-interest, in the concept of owners and in accordance with their customs and traditions.

Section 3. The Special Task Force or the CENRO concerned, as the case may be, may require from each ancestral land claimant, the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of the application/claim.

Section 4. In the filing of applications, an ancestral land claimant shall present the original documents in support of his application. The Special Task Force or the CENRO concerned shall compare the same with photocopies thereof and if found to be faithful reproductions, shall authenticate the same; thereafter, the authenticated copies shall be accepted and the originals will be returned to the claimant.

Section 5. All applications and statements made in connection with the ancestral land claims shall be under oath. The application shall state therein that any false statement made may result in criminal liability.

Section 6. Acceptance of an ancestral land claim/application shall not as yet confer upon the claimant the right to enter or fence his claim in case he is not in actual occupation thereof; Provided that, claimants in actual occupation of their claims at the time of the application and whose applications have been accepted by the Special Task Force may continue with their present activities therein but shall not undertake further expansion of their recognized claims. Areas to be covered by the claims should be contiguous unless natural barriers prevent contiguity and in no case shall any claimant avail of more than one Certificate of Ancestral Land Claim.

Section 7. The Special Task Force reserves the right to reject any application of ancestral land claim which is patently false, clearly unsubstantiated or not in accordance with the herein prescribed rules; provided that in case of rejection, the claimant shall be notified accordingly.

Section 8. The Special Task Force in coordination with the CENRO concerned, as the case may be, shall investigate each application, and if found to be meritorious, shall cause the perimeter survey of the areas being claimed. However, to facilitate survey work, claimants may opt to hire a reputable private surveyor who shall be duly accredited by the Special Task Force. In such cases, the CENRO concerned shall monitor the survey being conducted by the private surveyor.

Section 9. Ancestral land claims conflicts shall be indorsed by the Special Task Force to the concerned Barangay Lupons and/or indigenous structures such as the Masicampo and the Bageral of the Tagbanuas, the Panglima of the Palawanos and the Surugueden of the Bataks, etc. for Palawan Indigenous Cultural Communities and/or their grassroot non-governmental organizations for settlement in accordance with their customary laws. In default of customary law, the Special Task Force shall endeavor to bring the contending parties into an amicable settlement and if this is not possible, shall receive evidence and prepare a report including its recommendations, but the resolution thereof shall be referred to the Commission on the Settlement of Land Problems (COSLAP).

Section 10. The Ancestral Land Survey Teams shall prepare and submit to the Special Task Force through the CENROs concerned, reports on each and every application surveyed and delineated. Thereafter, the Special Task Force after evaluating the reports, shall endorse valid ancestral land claims to the Secretary through the Indigenous Community Affairs Division, Special Concerns Office for the issuance of a Certificate of Ancestral Land Claim. As soon as the Secretary signs the Certificate of Ancestral Land Claim, the Special Task Force may recommend to the City/Municipal Mayor's Office the issuance of a fencing permit to the applicant over areas actually occupied at the time of filing.

Section 11. The Special Task Force shall cause the publication in at least two (2) newspapers of Provincial circulation and at the Bulletin Boards of Municipal, Barangay and Sitio concerned the list of successfully established claimants and their claims to allow other claimants to file any opposition thereto within thirty (30) days from date of publication.

Rule III

Miscellaneous Provisions

Section 1. To ensure the genuineness of ancestral land claims, the Special Task Force may refer for authentication and verification as to the actual area possessed and claimed, applications to local government units, DENR accredited grassroot non-governmental organization involved in the pursuit of ancestral land claims and individuals who are known from their track record for their integrity as determined by the Special Task Force.

Section 2. Ancestral land claims or portions thereof, which are found to be necessary for critical watersheds, particularly domestic waste use, wildlife sanctuaries, wilderness, forest cover, or reforestation, as determined by appropriate agencies with the full participation of the Indigenous Cultural Communities (ICC) concerned shall be maintained, managed, protected from encroachment and developed for such purposes. The ICC within recognized ancestral land claims shall be given the responsibility to maintain, develop, protect and conserve said areas with the assistance of concerned government agencies. Should the ICC decide to transfer the responsibility over these areas, said decision must be made in writing. The consent of the ICC should be arrived at in accordance with its customary laws, without prejudices to the basic requirements of existing laws on free and informed consent. Provided, that the transfer shall be temporary and will ultimately revert to the ICC in accordance with a program for technology transfer. Provided further, that no ICC shall be displaced or relocated for the purposes enumerated under this section without their consent. Provided finally, that claimants whose claims or portions thereof fall within the above-mentioned environmentally critical areas shall under no circumstances be allowed to expand beyond what they actually occupy.

Section 3. Ancestral land claims shall be referred to the PENRO Mines and Geo-Sciences Services to determine whether or not the area is geologically unstable or within a high risk zone. If lot is, then the same may not be used for residential or commercial purposes but shall be maintained for their aesthetic beauty as forest park and the like.

Section 4. Decision of the Special Task Force on ancestral land claims shall be immediately and directly appealable to the Secretary of the DENR in accordance with Section 11 of Rule II hereof.

Section 5. Separability Clause. If any clause, sentence, provision or section of these Rules shall be held invalid or unconstitutional, the remaining parts of these Rules shall not be affected thereby.

Section 6. Repealing Clause. All orders, rules and regulations inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

Section 7. Effectivity. These Rules shall take effect immediately.

FULGENCIO S. FACTORAN, JR.
Secretary