

## JOINT DAR-DENR-LRA-NCIP ADMINISTRATIVE ORDER NO. 01-12

**SUBJECT : *Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the Department of Agrarian Reform (DAR), Department of Environment and Natural Resources (DENR), Land Registration Authority (LRA) and the National Commission on Indigenous Peoples (NCIP) in Order to Address Jurisdictional and Operational Issues Between and Among the Agencies***

### I. *Preliminary Provisions*

SECTION 1. *Prefatory Statement.* — Pursuant to the constitutional framework of national unity and development, R.A. No. 6657, otherwise known as the Comprehensive Agrarian Reform Law (CARL) of 1988, as amended, and R.A. No. 8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997, were enacted. The CARL and IPRA are considered as two landmark legislations because they seek to address social justice and equity issues affecting the farmers and indigenous peoples, respectively, who constitute the vast majority of the poor in the country. These "reform" laws have opened the windows of opportunity for them to have control over basic assets and natural resources for their sustenance and survival. For the farmers, the CARL is a golden opportunity for them to own the land they till, ". . . to enhance their dignity and improve the quality of their lives through greater productivity of agricultural lands". For the indigenous cultural communities/indigenous peoples (ICCs/IPs), the IPRA recognizes and promotes ownership of their ancestral domains (ADs) and ancestral lands (ALs) and their rights to control, manage and develop the same.

On the other hand, Commonwealth Act (CA) 141 as amended, otherwise known as the Public Land Act, states that all lands of the public domain are under the exclusive jurisdiction of the DENR except those placed by law and/or by Executive Issuances under the jurisdiction of other government agencies.

In the registration of Land Titles issued by DENR and DAR in accordance with the aforementioned laws, the provisions of Act 496 (Land Registration Act), as amended by PD 1529 (Property Registration Decree) shall apply. Land Titles issued by NCIP are, however, directed by IPRA to be registered with the appropriate Register of Deeds.

In the course of their implementation, these laws have, however, created not only issues of overlapping jurisdiction between the DAR, DENR and NCIP but also operational issues and conflicting claims in the implementation of their respective programs, which must be seriously addressed.

Accordingly, this guideline is issued to address said issues of overlapping jurisdiction, operational issues and conflicting claims by and among the aforementioned agencies.

SECTION 2. *Scope.* — This Order shall apply to the coverage of lands and/or processing by DAR, DENR and NCIP and registration with LRA of Land Titles embracing lands or areas which are contentious or potentially contentious as enumerated in Section 12 hereof.

SECTION 3. *Definition of Terms.* — For purposes of this Order, the following terms and concepts are herein defined as follows:

- a. *Alienable and Disposable (A and D) lands* refer to lands of the public domain which have been released and proclaimed as such by the President from the mass of unclassified public lands, or reclassified as such from other forms of classification through an Act of Congress. For purposes of their administration and disposition A and D lands are sub-classified as follows: i) agricultural; ii) residential, commercial, industrial or for similar productive purposes; iii) educational, charitable, or other similar purposes; or iv) reservations for town sites and for public and quasi-public uses.

b. *Ancestral Domain (AD)* Subject to Section 56 of the IPRA, refers to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or proposed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally has access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are nomadic and/or shifting cultivators. (*Section 3 (a) of IPRA*)

c. *Ancestral Land (AL)* Subject to Section 56 of the IPRA, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership including, continuously, to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individual/corporations, including, but not limited to residential lots, rice terraces or paddies, private forests, swidden farms and tree lots. (*Section 3 (b) of IPRA*)

d. *Certificate of Ancestral Domain Title (CADT)* refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with R.A. No. 8371.

e. *Certificate of Ancestral Land Title (CALT)* refers to a title formally recognizing the rights of ownership of ICCs/IPs over their ancestral land.

f. *Certificate of Land Ownership Award (CLOA)* is the proof of ownership of lands awarded to an agrarian reform beneficiary under R.A. No. 6657, as amended, which contains the restrictions and conditions for such ownership and must be registered in the Register of Deeds.

g. *Certification of Non-Overlap* refers to the certification to be issued separately by DAR, DENR, and LRA prior to the approval by the NCIP of the CADT/CALT application after compliance with the requirements and processes mentioned under Section 13 hereof.

The Certification is issued after projection and verification by said agencies and upon determination that there is no overlapping of titled properties or approved survey plans with the AD/AL survey plan, or should there be overlapping, it is issued after segregation/exclusion of the overlapped titled properties or approved survey plans from the survey plan and the technical description of the AD/AL.

h. *Common and Public Welfare and Services* is synonymous with public use, public interest and public benefit. It is the general concept of meeting public need or public exigency.

It is not confined to actual use by the public in its traditional sense. This narrow meaning has since been rejected in favor of a broader concept which includes any use that is of utility, advantage or productivity for the benefit of the public generally.

i. *Emancipation Patent (EP)* is the proof of ownership of lands awarded to an agrarian reform beneficiary under P.D. No. 27 (Operation Land Transfer) or Executive Order No. 228 which contains the restrictions and conditions for such ownership and must be registered in the Register of Deeds.

j. *Free and Prior Informed Consent (FPIC)* is the consensus of all members of the ICCs/IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the plan/program/project/activity, in a language and process understandable to the community. The FPIC is given by the concerned ICCs/IPs upon signing of the Memorandum of Agreement (MOA) containing the conditions/requirements, benefits as well as penalties of agreeing parties as basis of consent. DEIHSa

k. *Land Titles* are instruments of ownership issued pursuant to the implementation of the Public Land Act (C.A. 141), Property Registration Decree (P.D. 1529), Comprehensive Agrarian Reform Law (R.A. 6657) and Indigenous Peoples Rights Act (R.A. 8371).

l. *Native Title* refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish conquest.

m. *Notice of Coverage (NOC)* is a written notice wherein the landowner is formally notified by DAR that his/her landholding is to be placed under the coverage of the Comprehensive Agrarian Reform Program (CARP) which includes therein, among others, the right of the landowner to choose within a prescribed period his/her allowable retention area and to nominate his/her child/ren as preferred beneficiary/ies under the CARP.

n. *Vested Right* is a complete, well-consummated right that cannot be divested without the consent of the person to whom it belongs; one that is fixed or established and no longer open to controversy. It is absolute and unconditional, the exercise of which no obstacle exists.

It also refers to a property right which has become fixed and established, and is no longer open to doubt or controversy; an immediately fixed right of present or future enjoyment as distinguished from an expectant or contingent right.

## II. *Jurisdiction of DENR, DAR and NCIP*

SECTION 4. *Jurisdiction of DENR.* — The DENR has jurisdiction over all lands of the public domain (*i.e.*, agricultural lands, forest or timber lands, national parks and mineral lands) except those placed by law and/or other issuances under the operational jurisdiction of other government agencies (*e.g.*, Joint DAR-DENR MC No. 9, Series of 1995; Joint DAR-DENR MC No. 14 and 19, Series of 1997).

It is responsible for the conservation, management, development and proper use of the country's environment and natural resources as well as the licensing and regulation of all natural resources as may be provided by existing laws. aAHSEC

SECTION 5. *Jurisdiction of DAR.* — Pursuant to Section 4 of Republic Act 6657 as clarified in Joint DAR-DENR MC No. 9, Series of 1995, and Joint DAR-DENR MC Nos. 14 and 19, Series of 1997, the following lands are under the jurisdiction of DAR:

- a. All alienable and disposable lands of the public domain devoted to or suitable to agriculture which were:
  1. proclaimed by the President as DAR resettlement projects and placed under the administration of DAR for distribution to qualified beneficiaries under CARP;
  2. placed by law under the jurisdiction of DAR; and
  3. previously proclaimed for the use of Government departments, agencies and instrumentalities and subsequently turned over to DAR pursuant to E.O. 407 Series of 1990, as amended by E.O. 448 and 506 Series of 1992.

- b. All lands of the public domain in excess of the specific area limits as determined by Congress in the preceding paragraph;
- c. All other lands owned by the Government devoted to or suitable for agriculture; and
- d. All private lands devoted to or suitable for agriculture regardless of the agricultural products raised or that can be raised thereon.

For purposes of simplifying the above categories, these landholdings can still be sub-classified as follows: a) titled properties; b) resettlement areas and reservations; and c) untitled private agricultural lands.

a. *Titled Properties*

These shall include all agricultural landholdings covered with certificates of title and registered under the Land Registration Act (Act 496) or under the Property Registration Decree (PD No. 1529) or those landholdings administratively titled before 1987 under the Public Land Act (CA No. 141), as amended, and which are in excess of the retention limit.

b. *Resettlement Areas and Reservations*

These shall include all public lands, *i.e.*, resettlement areas and reservations, which have been proclaimed (by way of Presidential Proclamations) for DAR, other government agencies, and for government financial institutions and were subsequently turned-over to DAR for coverage under CARP pursuant to Executive Order No. 407, Series of 1990, as amended by Executive Order No. 448, Series of 1991. THaAEC

c. *Untitled Private Agricultural Lands*

These shall include all surveyed landholdings covered by an approved survey plan which meet the criteria for untitled private agricultural lands under Joint DENR-DAR MC No. 2003-1, as follows:

1. Continuous occupancy and cultivation by oneself or thru predecessor-in-interest for at least thirty (30) years prior to the effectivity of the Free Patent Law Extension (R.A. No. 9176) on December 4, 2002;
2. The land must have been classified as A and D for at least thirty (30) years prior to the effectivity of R.A. No. 9176;
3. One must have paid the real estate taxes thereon; and
4. There is no adverse claim on the land.

Provided, however, that the DAR shall not cover under CARP the following types of landholdings located within the ADs/ALs claims:

- a. Privately claimed agricultural lands which are unsurveyed or not covered by any survey plan approved by DENR;
- b. Privately claimed agricultural lots, which although surveyed, were classified as alienable and disposable by the DENR after December 4, 1972; and
- c. Privately claimed lands within the unclassified public lands or within areas classified as timberland/forest land.

SECTION 6. *Jurisdiction of NCIP.* — The following types of lands shall be under the responsibility and jurisdiction of NCIP:

- a. All lands encompassed in the definition of ancestral domains under Section 3 (a) of R.A. No. 8371;
- b. All lands included in the definition of ancestral lands under Section 3 (b) of R.A. 8371;
- c. All lands covered with Presidential Proclamations or by law which proclaimed the same as reservations or resettlement areas of particular tribes of ICCs/IPs; and cTACla
- d. All lands certified by the Chairman of the NCIP as AD/AL pursuant to Section 52 (i) of IPRA.

III. *Statement of Policies*

SECTION 7. *Recognition of the Rights of the ICCs/IPs, Agrarian Reform Beneficiaries and Patentees.* —

- a. As mandated under the law, the rights of the ICCs/IPs over their ADs/ALs shall be protected to ensure their economic, social and cultural well-being. Systems of land ownership, land use, and modes of settling land disputes of the ICCs/IPs shall be recognized and respected in line with the principle of self-determination and autonomy.
- b. 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 their ancestral lands.
- c. Once a Certificate of Land Ownership Award (CLOA), Emancipation Patent (EP) and other land titles under the Agrarian Reform Program has/have been issued to a beneficiary and registered in his/her name, it serves as an evidence of title and ownership to the land, entitling the beneficiary to occupy the land, cultivate it, maintain possession of the same and avail of the support services provided under the Agrarian Reform Program.
- d. A patentee, as the recognized owner, exercises property rights over the land granted to her/him except for some restrictions over the land under Section 29 (Sales Patent), and Section 118 (Free Patent and Homestead Patent) of C.A. No. 141, as amended, as well as the maintenance of legal easement if the land borders the sea or river pursuant to Sections 111 and 112, C.A. No. 141, as amended, if any.

In the case of land acquired through Free Patent/Homestead Patent, the grantee, his widow, or legal heirs has the right to repurchase such land within a period of five years from the date of the conveyance pursuant to Section 119, C.A. No. 141, as amended.

SECTION 8. *Indigenous Concept of Ownership: Right to Transfer Ancestral Land.* — Ancestral domains/lands and all resources found therein form the material bases of the ICCs/IPs' cultural integrity. The indigenous concept of ownership, therefore, generally holds that ancestral domains are the ICCs/IPs' private but communal property which belongs to all generations, whether delineated or not. By virtue of native title over these lands, the rights of the ICCs/IPs to their ADs/ALs shall be recognized and respected. Such right shall include the right to transfer ancestral land or property rights to/among members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned, provided, that in any subsequent transfer/transaction involving Ancestral Land, a corresponding title (judicial form) shall be provided by NCIP.

SECTION 9. *CARP Support Services for ICCs/IPs.* — Holders of CARP Beneficiary Certificates (CBCs) shall continue to be eligible for support services under CARP subject to securing free and prior informed consent of ICCs/IPs who will be affected by the implementation of such support services pursuant to NCIP Administrative Order No. 1, Series of 2006. However, when the projects are community initiated/driven, only the validation procedures under said Order shall apply.

Support services may be made available to ICCs/IPs other than CBC holders if they so desire and with the free and prior informed consent of the community that will be affected by the project.

SECTION 10. *Recognition of Existing Property Rights.* — Property rights within ADs/ALs already existing and/or vested upon the effectivity of R.A. No. 8371 shall be respected. These include titles issued administratively and judicially (*i.e.*, EPs, CLOAs, Free Patents/Homestead Patents and other titles issued under the Agrarian Reform Program and patents issued by the DENR).

Existing Resource Use Instruments (RUIs) in the form of contracts, licenses, concessions, leases, and permits for the exploitation of natural resources within ancestral lands/domains may continue to be in force and effect until they expire. Thereafter, such RUIs shall not be renewed without the free and prior informed consent of the IP community members and upon renegotiation of all terms and conditions thereof. All such existing RUIs may be terminated for cause upon violation of the terms and conditions thereof in accordance with procedures under applicable rules and regulations.

Thus, the CADT/CALT to be registered shall contain a typewritten or a stamped proviso that the same is subject to Section 56 of IPRA (R.A. 8371) to read as follows: cTCADI

"Section 56. *Existing Property Rights Regimes.* — Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected."

SECTION 11. *Parks, Wildlife, Forest Reserves, Reforestation, Fish Sanctuaries and Other Areas.* — Pursuant to Section 10 (a) of the R.A. No. 6657, as amended, lands actually, directly and exclusively used for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watershed and mangroves shall be excluded from the coverage of CARP.

#### IV. *Contentious Areas/Issues*

SECTION 12. *Contentious Areas/Issues Defined.* — Contentious Areas/Issues are those areas/issues which are the subject of operational issues and conflicting claims between and amongst the DAR, DENR and NCIP, to wit:

- a. Untitled lands being claimed by the ICCs/IPs to be part of their AD/AL which are covered by approved survey plans and also being claimed by DAR and/or DENR.
- b. Titled lands with registered CLOAs, EPs and Patents within CADT/CALT/CADC/CALC.
- c. Resource access/development instruments issued by the DENR over lands within Ancestral Land/Domain Claims such as, but not limited to, Community Based Forest Management Agreement (CBFMA), Integrated Forest Management Agreement (IFMA), Socialized Forest Management Agreement (SIFMA), Protected Area Community-Based Resources Management Agreement (PACBRMA), Forest Land Grazing Management Agreement (FLGMA), Co-Management Agreement, Certificate of Stewardship Contract (CSC), Certificate of Forest Stewardship Agreement (CFSA), Wood Processing Plant Permit (WPPP), Special Land Use Permit (SLUP), Private Land Timber Permit (PLTP), Special Private Land Timber Permit (SPLTP) and Foreshore Lease Agreement/Permit (FLA/FLP).

- d. Exploration Permit (EP), Financial or Technical Assistance Agreement (FTAA); Mineral Agreement (either Production Sharing, Co-Production or Joint Venture) issued within CARP covered areas.
- e. Reservations, proclamations and other special law-declared areas a portion or the entirety of which is subsequently issued a CADT/CALT.
- f. Areas with existing and/or vested rights after the registration of the CADTs/CALTs but for any reason not segregated/excluded.
- g. Other jurisdictional and operational issues that may arise between and amongst DAR, DENR and NCIP as may be determined by the National/Regional/Provincial Joint Committees, as created under Section 19 hereof.

Contested areas/issues contemplate, likewise, formal complaints filed by concerned ICCs/IPs or by the NCIP in behalf of the ICCs/IPs over those identified titled areas found within the AD/AL.

V. *Mechanisms to Prevent and Resolve Contentious Areas/Issues at the National and Field Levels*

SECTION 13. *Projection of Survey Plans.*— The need for improving standards and processing of survey plans among agencies is hereby recognized as a critical step to minimize occurrence of overlaps. As such, all survey plans processed by NCIP, DAR and DENR shall be in accordance with the Manual of Land Surveys in the Philippines.

Prior to the approval by the NCIP of the CADT/CALT application, the NCIP shall furnish DAR (Regional Office which in turn will endorse to the Provincial Office for the issuance of the necessary certification or recommendation), DENR and LRA a copy of the original survey plan for projection and verification in order to determine if the AD/AL survey overlaps with titled properties and other approved surveys on file. In the absence of a technical problem, the DENR, DAR and LRA have thirty (30) days from receipt of the AD/AL survey plan within which to return the same to NCIP, together with the required certification or their findings and recommendations, as the case may be.

Should there be overlapping of titled properties or approved survey plans within the AD/AL as determined by the LRA, DENR and DAR, an endorsement or certification to that effect shall be issued by the LRA (Central Office), DENR (Regional LMS) and DAR (Province/s which shall copy furnish the Regional Office and the Assistant Secretary for Operations) stating therein the specific details, such as, the approved survey number and/or title number of the titled properties overlapped by the AD/AL survey. Approved survey plans as used in this Joint Administrative Order refers to approved surveys prior to October 29, 1997. Thereafter, the said survey plan together with endorsements or certifications shall be returned to the NCIP for segregation/exclusion of such titled properties or approved survey plans from the survey plan and the technical description of the AD/AL. For this purpose, it shall be the primary duty and responsibility of the NCIP to secure all necessary data to be used as reference in the segregation/exclusion process. It is equally the responsibility of DAR and DENR to furnish the NCIP the survey data pertinent to the application on process, free of charge.

The original AD/AL survey plan, as amended, shall then be submitted to the LRA, DENR and DAR anew for final projection. The LRA, DENR and DAR have fifteen (15) days from receipt of the AD/AL amended survey plan within which to return the same to NCIP and to issue the certification of non-overlap with titled properties and over those lands which have proofs of prior vested rights subject to extension if meritorious circumstances warrant.

In case there is overlapping with any proclamation, reservation or any other similar issuances, the endorsement herein above-mentioned shall likewise contain such findings to enable the NCIP to comply with the provisions of Paragraph 13 of Joint LRA-NCIP Memorandum Circular No. 1, series of 2007 which states:

"Section 13. Where the Ancestral Domain or Ancestral Land is overlapped by any proclamation or reservation, the area covered by the said proclamation shall be so indicated in the survey plan.

The certification to be issued by the NCIP showing that it has complied with Sec. 52 (i) of R.A. No. 8371 and the Resolution of the Commission approving the CADT/CALT shall form part of the documents to be submitted to LRA as basis for the issuance of the appropriate authority to register."

Conversely, DAR and DENR shall, before processing or further processing applications for land titles pursuant to their respective mandates involving conflict areas (*i.e.*, identified by the agencies concerned with pending/overlapping jurisdictional/operational issues or conflicting claims which are contentious or potentially contentious), must notify NCIP of the specific area to be titled and the latter shall certify, subject to the provisions of this section on projection of survey plans and issuance of certification of non-overlap, whether the same affects an AD or AL. To facilitate the identification of contentious or potentially contentious areas, the concerned agency/ies shall submit to the Joint National Committee an initial list with pertinent documents of said conflict or overlapping areas within fifteen (15) days from the creation of the Joint National Committee.

To avoid operational gaps, the agencies concerned shall ensure coordination during the survey activity at the field level.

The flow chart of the procedures under this section is shown in the attached "Annex 1" which forms an integral part of this Order.

**SECTION 14. *Exclusion/Segregation of Lands Covered by Judicially Decreed Titles and Titles Administratively Issued by DENR and DAR.*** — In the delineation and titling of ADs/ALs, the NCIP must exclude or segregate all lands covered by titles. For this purpose, the registered owner of the land may opt to submit to the NCIP a copy of the title of the property to facilitate segregation or exclusion pursuant to existing guidelines and other pertinent issuances.

The ICCs/IPs, however, are not precluded from questioning the validity of these titles in a proper forum as hereunder enumerated:

1. DAR Secretary for registered EPs or CLOAs; and
2. Regional Trial Court for registered patents/judicially-decreed titles.

On the other hand, the DAR and DENR shall not process titles pursuant to their mandate on lands certified by NCIP as ancestral domain or ancestral lands except in areas with prior and vested rights. Provided, however that the certification by NCIP on lands as Ancestral Domains or Ancestral Lands pursuant to Section 52 (i) of IPRA presupposes that the provision of Section 13 hereof on the projection of survey plans and issuance of Certification of Non-Overlap have already been complied with.

**SECTION 15. *Exclusion/Segregation of Portions of Resettlement Areas and Reservations.*** — Pursuant to Executive Order No. 407, Series of 1990, as amended by Executive Order No. 448, Series of 1991, resettlement areas and reservations proclaimed for DAR or for other government agencies but have been turned-over to DAR for CARP coverage classified as alienable and disposable, which overlap with ADs/ALs shall be treated in accordance with Section 56 and Section 7 (g) of IPRA in relation to Section 3 (h) hereof following the procedures under Section 13 of this Joint Administrative Order. However, areas classified as forests or timberlands within said proclamations and reservations should not be segregated from the AD/AL and shall not be covered under CARP.

SECTION 16. *CARP Coverage of Titled Properties.* — Titled lands under the Torrens System issued prior to IPRA are deemed vested rights pursuant to the provision of Section 58 of IPRA. Accordingly, the DAR shall proceed with the CARP coverage of said lands unless a Restraining Order is issued by the Supreme Court without prejudice, however, to the rights of the ICCs/IPs to question the validity of these titles before a court or body of competent jurisdiction.

SECTION 17. *Coverage of Untitled Private Agricultural Lands.* — In case of coverage of untitled lands under CARP pursuant to DAR-DENR M.C. 2003-1, involving identified contentious or potentially contentious areas as defined in this guideline, the DAR shall notify the ICCs/IPs through NCIP of such coverage and in case the ICCs/IPs register an opposition/adverse claim, such coverage will be suspended by DAR until the issue has been resolved.

SECTION 18. *Amendment of CADTs/CALTs.* — Areas with prior existing and/or vested rights, but for any reason were not segregated upon the registration of the CADTs/CALTs. For such areas, the proper party in-interest, whether IP or non-IP, may file a petition for the amendment, modification, alteration and/or cancellation of the CADT/CALT before the NCIP Commission En Banc.

For private claimants already with vested or existing property rights within AD/AL, their claims shall be recognized and respected and they have the option to become agrarian reform beneficiaries under CARP provided they have established their vested rights pursuant to the preceding paragraph.

SECTION 19. *Creation of a Joint National Committee, Joint Regional/Provincial Committees and Special Teams.* — A "Joint National Committee on DAR, DENR, LRA and NCIP Concerns" is hereby created to address or resolve jurisdictional, operational and policy issues elevated to it that affect the implementation of the CARL, IPRA, Public Land Act, Land Registration Act/Property Registration Decree in relation to the issuance and registration of CADTs/CALTs.

It shall be composed of the designated Undersecretaries of DAR and DENR, designated Commissioner or Executive Director of the NCIP and designated Deputy Administrator of LRA. A separate Joint Special Order shall be issued within fifteen (15) days from effectivity hereof identifying therein its functions, membership, and technical and administrative arrangements. As may be warranted, special teams and regional or provincial committees may be created upon order of the Joint National Committee.

The "Joint National Committee on DAR, DENR, LRA and NCIP Concerns" shall meet and issue a Rules of Procedures in resolving jurisdictional, operational and policy issues within thirty (30) days from the issuance of the aforementioned Joint Special Order. The said Rules of Procedures must direct the abovementioned committees and special teams to explore and adopt win-win solutions as a general policy in addressing and resolving jurisdictional and operational issues at all levels and stages of the proceedings in accordance with this Order. These may include but not limited to unimpeded flow and exchange of documents, data, survey plans, maps and other information materials among the concerned agencies as well as the development and maintenance of land information system between and among them. The budget shall be shouldered for the Joint Committees by their respective agencies.

SECTION 20. *General Applicability of the Mechanisms and Rules of this Order.* — The mechanisms and rules in this Order shall generally be applied by the Agencies in the resolution of policy, jurisdictional and operational issues within identified contentious and potentially-contentious areas. Administrative remedies available under existing laws shall be exhausted at the field level. Only in cases where the issues remain unresolved at the field level shall they be elevated to the Joint National Committee.

SECTION 21. *Suspension of Titling and Registration Activities.* — Upon the effectivity of this Order, the implementation of Land Acquisition and Distribution (LAD) and issuance of CLOA by DAR, ancestral domain/ancestral land titling by NCIP, processing/issuance of patents by DENR and registration of titles by LRA over identified contentious areas shall remain suspended unless resolved by the concerned Joint Provincial/Regional or National Committee. Pursuant thereto, NCIP, DAR and DENR shall submit to the LRA a complete list of CADT's/CALT's, CLOAs and FPs, respectively, which shall be subject of the suspension of registration activities.

All other activities by the respective agencies that do not encounter issues and problems of similar nature shall continue and not be affected thereby.

VI. *Final Provisions*

SECTION 22. *Repealing Clause.* — All Orders, Circulars and similar issuances inconsistent herewith are hereby revoked, amended or modified accordingly.

SECTION 23. *Effectivity.* — This Order shall take effect fifteen (15) days after publication in two (2) national newspapers of general circulation.

January 25, 2012th, Quezon City.

**(SGD.) VIRGILIO R. DE LOS REYES**  
*Secretary, DAR*

**(SGD.) RAMON J. P. PAJE**  
*Secretary, DENR*

**(SGD.) ZENAIDA BRIGIDA H. PAWID**  
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**(SGD.) EULALIO C. DIAZ III**  
*Administrator, LRA*

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