

NCIP ADMINISTRATIVE ORDER
NO.1, Series of2002

SUBJECT: GUIDELINES FOR THE REVIEW AND VERIFICATION OF THE CERTIFICATES OF ANCESTRAL DOMAIN TITLE (CADT) AND CERTIFICATES OF ANCESTRAL LAND TITLE (CALT) APPROVED BY THE FIRST COMMISSION EN BANC OF THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES BUT WERE NEITHER REGISTERED WITH THE REGISTER OF DEEDS NOR RELEASED TO THE CLAIMANTS-OWNERS.

Pursuant to the provisions of Sections 44 (e), 51, 52, 53 and 54, R.A. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997", the following guidelines are hereby promulgated for the information and guidance of all concerned:

Section 1. Objective. These guidelines are hereby promulgated in order to determine with finality the validity of the Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT) approved by the first Commission of the NCIP.

Section 2. Scope. These guidelines shall apply only to the ten (10) Certificates of Ancestral Domain Title (CADT) and six hundred five (605) Certificates of Ancestral Land Title (CAL T) approved by the first Commission of the NCIP during their incumbency but were neither registered with the Register of Deeds nor released to the claimants-owners before the expiration of their term of office on February 23, 2001. These CADTs and CALTs are now in the custody of the Ancestral Domains Office of this Commission.

Section 3. Definition of Terms. The following terms and phrases, as used herein are defined hereunder, thus:

- a. Commission shall refer to the National Commission on Indigenous Peoples.
- b. Material defects - refer to defects in the material facts and documents relative to the petition. A fact is material where the knowledge or ignorance of it will naturally influence the judgment of the Commission in deciding whether the CADT or CALT will be granted or not.
- c. Infirmary - where the documents and evidences submitted in support of the petition for issuance of CADT or CALT are grossly insufficient that it cannot establish the necessary facts.
- d. Fraud - a false representation of fact, made with knowledge of its falsehood, or recklessly, without belief in its truth, with the intention that it should be acted

upon by the Commission and actually inducing the Commission to act upon it. Failure to disclose facts, when there is a duty to reveal them constitutes fraud.

- e. Force - where physical or moral strength has been applied to cause the signing of the CADT or CALT to overcome opposition.
- f. Intimidation consists in causing or creating a fear in the mind of a person or in bringing in a sense of mental distress in view of a risk or evil that may be impending really or imagination. There is intimidation when one of the parties is compelled by a reasonable and well-grounded fear of an imminent and grave evil upon his person or property to give his/her consent.
- g. Misrepresentation - A false representation of a material fact by the applicant to the Commission, tending directly to induce the latter to approve the petition, when otherwise the Commission might not approve the petition at all.

Section 4 Creation and Functions of the Special Committee on Review and Verification. The Chairperson shall create a Special Committee on Review and Verification which shall be exercise the following functions and duties, viz:

- a. to direct and supervise the review and verification of the CADTs and CALTs subject hereof;
- b. to examine and evaluate the documentary evidence submitted in support of each petition for the issuance of CAL T or CADT and recommend to the Commission the appropriate action;
- c. to coordinate with the Ancestral Domains Office, regional and field offices of the NCIP and other government agencies;
- d. to devise or adopt, in coordination with the Ancestral Domains Office, a system of handling the records of these CADTs and CALTs that would ensure its safety and integrity;
- e. to submit periodic reports or other reports as may be required by the Commission; and
- f. to submit a terminal report to the Commission at the conclusion of its task..

Section 5. Supervision and Control. The Special Committee on Review and Verification shall be under the direct supervision and control of the Office of the ~ Chairperson of this Commission. This committee shall conduct such review and J verification in coordination and consultation with the Commissioner representing the concerned ethnographic region.

Section 6. Procedure for Review and Verification of Documentation. The procedure for review and verification shall involve the thorough examination and review of the documents supporting each and which were the basis for the approval of the CADTs or CALTs. For this purpose, the documents on file with the NCIP and/or original file or certified Xerox copy from the DENR or the original duplicate copy may be used by the committee.

Section 7. Findings. Where the CADT or CALT:

- (a) appear to be regular in form and content and supported by complete and substantial documentation, including the required proofs, updated census of claimants-owners, proof of fact of publication, approved survey plan, and other requirements and there are no pending protests or unresolved conflicts, the committee shall cause the conduct of ocular inspection, verification of survey monuments, and verification of identity of rightful claimants-owners named in the CADT or CAL T and thereafter prepare the CADT or CAL T using the new form and submit the same to the Commission for approval and signature;
- (b) lacks certain requirements which are not material nor substantial, the committee shall first require the claimant-owner to comply with the requirements before proceeding as prescribed in the paragraph (a) hereof;
- (c) lacks an approved survey plan, the application shall be returned to the Ancestral Domains Office for the completion of the process which includes the execution of the survey, verification and approval of survey returns, and publication. Thereafter, the ADO shall endorse the same to the committee for the preparation of the CADT or CAL T and submission to the Commission for approval and signature;
- (d) covers an ancestral domain/land entirely or partially involved in an unresolved protest or boundary conflict, the application shall be returned to the Ancestral Domains Office for proper resolution in accordance with the guidelines on conversion or new application, whichever *is* applicable, if the procedure for conflict resolution or due process had not been observed during the earlier state of conflict. However, in cases where protestants may be estopped or had defaulted or had been negligent in asserting their rights, no protest shall be entertained and the committee shall proceed in accordance with these rules;
- (e) has material defects or infirmities, such as, but not limited to absence of required proofs, inability to determine the identity of ancestral domain/land, or questionable or doubtful identity of claimants, the application shall be recommended to the Commission for revocation with due notice to the claimant and claimant may be advised to re-apply. However, the claimant has the right to be heard and may file with the Commission within fifteen (15) days from receipt of such notice a motion for reconsideration, explanation, position paper or any brief; or
- (f) was secured through fraud, force, intimidation, misrepresentation, or financial inducement the committee shall recommend to the Commission the revocation or rejection thereof. The claimant shall be notified by the Commission in writing of the reasons for the revocation or rejection. The claimant may opt to exercise his/her right to be heard as prescribed in paragraph (e) hereof.

Section 8. Funding. Where the ancestral domain/land covered by the CADT or CALT under review and verification is included in the NCIP compliance with the SNA Pledge of her Excellency President Gloria Macapagal-Arroyo or under any special project, all expenses shall be charged to funds for such projects, otherwise, it shall be funded de the regular NCIP-ADO program.

Section 9. Separability Clause. In case any clause, sentence, section, provision or any portion hereof is declared unconstitutional or invalid by a competent court, the

sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 10. Repealing Clause. The provisions of all administrative Orders, memoranda, circulars, special orders, office orders or other issuances inconsistent herewith are hereby repealed or modified accordingly.

Section 11. Effectivity. These guidelines shall take effect fifteen (15) days from date of filing with the University of Philippines Law Center as required under Sec. 4, E.O. 292.

Approved this 28th of January, 2002.

HON. CORAZON M. ESPINO
Commissioner

HON. NORMA M. GONOS
Commissioner

HON. REUBEN D. A. LINGATING
Commissioner

HON. EDTAMI P. MANSAYAGAN
Commissioner

HON. LAGTUM A. PASAG
Commissioner

HON. PABLO SANTOS
Commissioner

HON. EVELYN S. DUNUAN
Chairperson