



NCIP ADMINISTRATIVE ORDER NO.4  
Series of 2012

**REVISED OMNIBUS RULES ON DELINEATION AND RECOGNITION OF ANCESTRAL  
DOMAINS AND LANDS OF 2012**

Pursuant to Article II Section 22, Article XII Section 5, Article XIV Section 17 of the Philippine Constitution of 1987 and the provisions of RA 8371 and its implementing rules and regulations, the National Commission on Indigenous Peoples (NCIP) hereby adopts and promulgates the following Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands (ADs/ALs) of 2012.

**PART I**  
**PRELIMINARIES AND DELINEATION PROPER**

**RULE I**  
**GENERAL PROVISIONS**

**Section 1. Title.** This Rules shall be known as the **“The Revised Omnibus Rules on Delineation and Recognition of Ancestral Domains and Ancestral Lands of 2012.”**

**Section 2. Coverage.** This Rules shall cover the following:

- a. Applications for CADT/CALT pursuant to Republic Act 8371, Indigenous Peoples Rights Act (IPRA) and its Implementing Rules and Regulations (IRR);
- b. Conversion of CADCs/CALCs issued by DENR pursuant to Special Order No. 31, series of 1990, and Department Administrative Order No. 2, (DAO 2) Series of 1993.
- c. Ancestral Domains Sustainable Development and Protection Plan (ADSDPP) Formulation for the CADT applied area, as far as practicable.

**Section 3. Definition of Terms.** In addition to the definition of terms found in Sec. 3 of RA 8371, and Sec. 1, Rule II of the IRR, which are hereby adopted as part of this Rules, the following terms as used in this Rules shall mean:

- a. **Accuracy** - it is a measure of how close a given measurement is to the absolute or true value of the quantity measured.
- b. **Amendment Survey (Amd)**- refers to the changing of the boundary lines, increasing or reducing the number of corners, consolidating and subdividing a previously surveyed area without including any new area already included in other surveys previously approved.
- c. **Certificate of Ancestral Domain Claim (CADC)/Certificate of Ancestral Land Claim (CALC)** - refers to that Certificate issued by the Department of Environment and Natural Resources(DENR) recognizing the claims of ICCs/IPs to their ALs/ADs.
- d. **Chief of Survey Party (COP)** – refers to the head of the survey team who conducts the survey activities.
- e. **Community Delineation Team (CDT)** - refers to that group constituted in the Community Service Center (CSC) which is not under any Provincial Office that is tasked to gather, process, and field validate proofs, produce or re-produce pertinent documents and papers for the processing of CADT/CALT applications.
- f. **Consolidation and Subdivision Survey (CSD)**- refers to survey of more than two contiguous lots merging to form a single lot and a single lot subdivided into two or more lots, respectively.

g. **Erroneous Survey** – refers to any survey failing the level of technical requirements as stated in this Rules and other pertinent laws.

h. **Geodetic Control Point (GCP)** - refers to a point, permanent in nature, used in surveys as reference, which is established through: (a) Conventional Method - triangulation, trilateration, and any combination thereof, together with leveling and astronomical observation in order to determine the accurate geographic position of the point taking in consideration the curvature of the earth; and, (b) Satellite survey such as that used in Global Positioning System (GPS)Technology.

i. **Global Positioning System (GPS) Instrument-** refers to the instrument used to obtain positional data by using the constellation of satellites orbiting around the earth at a high altitude. For the purpose of this Rules, the said instrument must be a survey grade instrument.

j. **Elder/leader** – An elder/leader emerges from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. They are recognized as authority in conflict resolution and peace-building processes, on spiritual rites and ceremonies and in doing so, possess the attributes of wisdom and integrity. They lead and assist the community in decision-making processes towards the protection and promotion of their rights and the sustainable development of their ancestral domains.

k. **IP Representative** - refers to a member of the ICC/IP community, family or clan, and of legal age, duly authorized in writing and under oath, to represent them in the filing and processing of the appropriate application for the issuance of CADT/CALT.

l. **Migrant** – for purposes of this Rules, refers to a person who is not a native to the ancestral domain or not a part owner of ancestral land but who, as a consequence of social, economic, political or other reasons, such as displacement due to natural disasters, armed conflict, population pressure, or search for seasonal work, opted to occupy and utilize portions of the ancestral land/domain and have since then established residence therein.

m. **Notice to Proceed** - refers to the notice issued by the concerned Regional Director to the Contracted Private Geodetic Engineer ordering him/her to commence the survey or other related activities.

n. **Original Survey** - refers to the survey of areas not yet surveyed for the purpose of titling.

o. **Perimeter Survey** –refers to the type of survey used to determine the distance and direction of boundary lines and the total land area of the AL/AD.

p. **Project Control Points (PCP)-** refer to reference points used in surveys over areas of limited extent, which are established by traverse, triangulation, or a combination thereof, together with levelling and/or using GPS in order to determine the position of control points in between stations of geodetic accuracy.

q. **Provincial Delineation Team (PDT)-** refers to that group constituted on the Provincial level that is tasked to gather, process, and field validate proofs, produce or re-produce pertinent documents and papers for the processing of CADT/CALT applications.

r. **Regional Review Body (RRB)-** refers to that Body constituted at the Regional level that shall review and evaluate documents related to the delineation and recognition of AL/AD before any endorsement by the Regional Director.

s. **Re-Survey** - refers to a survey undertaken on an AL/AD with an existing approved survey for the purpose of correcting the technicalities of the survey previously made, such that the original survey output is rendered void and replaced with the re-survey output.

t. **Self-delineation** -refers to the identification and determination by the ICCs/IPs of their AL/AD, and the extent and traditional boundaries thereof.

u. **Survey Authority (SA)** - refers to an order issued by the Director of the Ancestral Domains Office (ADO) authorizing a duly accredited private Geodetic Engineer or those under the employ of partner agencies/institutions to conduct surveys of AL/AD.

v. **Validation** - refers to the review and verification of the identity of the applicant and the veracity, sufficiency and authenticity of documentary requirements submitted. It may include actual ground validation.

w. **Verification Survey** - refers to the process of verifying on ground a completed, reconstituted or reconstructed survey to determine its correctness.

- x. **Witness Monuments** - refers to two or more points, with known position, used to define the location of an inaccessible /submerged boundary corner.
- y. **Work Order (WO)** - refers to an order issued by the NCIP that authorizes its Geodetic Engineer to conduct surveys on AL/AD.
- z. **Work and Financial Plan (WFP)** – refers to the detailed delineation and titling activities and the corresponding budget allocation(NCIP-ADO Form No. 4).

**Section 4. Objectives.** This Rules aims to:

- a. Promote and protect the native title and other rights of ICCs/IPs to their ADs/ALs;
- b. Affirm and defend the cultural integrity of the ICCs/IPs in order to ensure their economic, social and cultural well-being;
- c. Consolidate and enhance issuances, guidelines, and/or rules promulgated by the Commission in order to make it more efficient, effective and economical in the delineation and recognition of ADs/ALs and crafting of the ADSDPP;
- d. Identify roles and accountabilities of the ICCs/IPs, NCIP,Local Government Units (LGUs), participating private sector organization/s (PSO), and other stakeholders in the delineation and recognition of ADs/ALs; and
- e. Enhance the harmonization of various government policies affecting ICCs/IPs.

**Section 5. Guiding and Operating Principles.** In implementing this Rules, the following operating principles shall be observed:

- a. **Self-delineation.** Self-delineation shall be the guiding principle in the identification and delineation of ADs/ALs. As such, the ICCs/IPs concerned shall have a decisive role in all the activities pertinent thereto. Corollary to this, there shall only be one CADT for every ancestral domain.
- b. **ALs/ADs are Private Lands.** ADs/ALs are private lands under the concept of Native Title.
- c. **Rights of other people within the domain.** The rights of non-IPs or IPs within the AD and who are not co-owners thereof, validly acquired, shall be recognized and respected.
- d. **Primacy of Customary Law.** In the resolution of all conflicts involving ADs/ALs, the primacy of applicable customary laws shall be observed.
- e. **Non-transferability of CADTs.** CADTs issued over delineated ADs are non-transferrable.
- f. **Cultural Integrity.** The holistic and integrated adherence of IPs/ICCs to their respective IKSPs, their character, their identity as a people and their assertion over their territory shall remain inviolable. All activities pertinent to the identification, delineation and recognition of the ADs/ALs of ICCs/IPs shall be in consultation with them and measures must be undertaken to ensure that the culture and traditions of the concerned ICCs/IPs are respected, applied and/or utilized in the process. Hence, the principle one CADT for every AD.
- g. **Inter-agency and Non-Government Organization/s (NGO/s) collaboration and Community Support.** The participation of the concerned ICCs/IPs is indispensable and the collaboration of other government agencies in the process of delineation shall be greatly encouraged and vigorously pursued. The NGO/s actively assisting, and/or formally authorized by the IPs/ICCs and duly accredited by the NCIP may collaborate in specified areas/levels of the delineation process. The respective roles of all participating groups or agencies shall be specified in a Memorandum of Agreement (MOA) executed for the purpose.
- h. **Peace-Building.** The delineation and recognition of ADs/ALs should foster national unity, peace and development.
- i. **Existing Property Rights Regimes.** Property rights within the ancestral domains already existing or vested upon effectivity of IPRA shall be recognized and respected.
- j. **Philippine Reference System 1992 (PRS92).** The Geodetic Engineer authorized to undertake the survey of ADs/ALs shall use the geodetic control network adopted in 1992 as the standard reference system for all surveying and mapping activities.

**Section 6. Application and Construction.** This Rules shall be liberally construed in order to promote the protection of ICCs/IPs.

## **RULE II**

### **Compositions, Roles and Functions of Key Participants in the Delineation and Recognition of Ancestral Lands and Domains**

**Section 1. ICCs/IPs and the elders/leaders.** The ICCs/IPs, through their authorized community elders/leaders, shall submit their written intention to apply for CADT/CALT which shall be made an attachment of the application. They shall identify, from among themselves or anyone from the same applicant ICCs/IPs, the person/s who shall be their authorized representative/s in the filing and processing of their application. Such elders/leaders shall likewise assist the PDT/CDT and the survey team in all undertakings related to the delineation and provide the PDT/CDT all necessary information in support of their application.

**Section 2. Representative/s of the Applicant/s.** The duly authorized representative/s of the applicant/s, who should be a resident of the applied AD/AL, shall file and sign the CADT/CALT application and other pertinent documents supporting the application in behalf of the community/clan/family. He/she shall serve as liaison only between and among the community, the NCIP and other stakeholders in all undertakings in the delineation, and extend the needed assistance to the PDT/CDT.

**Section 3. Provincial Delineation Team (PDT) or Community Delineation Team (CDT).** The PDT shall be composed of three (3) to five (5) NCIP personnel to be headed by the Provincial Officer (POr) with members from among the Community Development Officers (CDOs), Community Affairs Officers (CAOs), Tribal Affairs Assistants (TAAs), Legal Officer, and Engineers. The POr, as the Team Leader, is authorized to designate a substitute in cases where temporary or permanent vacancy exists in any of the foregoing position. He/She may request the Regional Director (RD) to provide him/her with a substitute member, from among the personnel in the Regional Office.

In the case of Provinces without Provincial Offices, the CDT, shall be constituted and organized by the Community Development Officer (CDO) composed of three (3) to five (5) members, with him/her as Team Leader. The members shall be designated from among the personnel of the CSC to be augmented by personnel from the nearest Provincial Office to be designated by the RD, upon request by the concerned CDO.

The PDT/CDT shall perform the following functions:

- a. Evaluate the completed application form, and pertinent attachments, if there be any
- b. Prepare the WFP
- c. Coordinate with all stakeholders
- d. Plan and undertake the Information, Education and Consultation (IEC)activities
- e. Validate identified leaders/elders of the community
- f. Assist the community in the preparation of an indicative map of the entire AL/AD applied for and indicating adjacent communities
- g. Gather and document information/data including census and genealogical survey
- h. Conduct community validation of all information/data
- i. Provide support to the Survey Party
- j. Prepare, compile and complete the AD/AL Recognition Book
- k. Facilitate resolution of any issues and concerns
- l. Evaluate and Validate proofs supporting the claim
- m. Such other functions related to the foregoing

There may be as many PDTs/CDTs as there are applications being processed. In all cases, the POr/CDO shall always act as the Team Leader.

**Section 4. Regional Review Body (RRB).** The Regional Director shall constitute an RRB composed of the Technical Management Services Division (TMSD) Chief, the Regional Attorney (RA), and one other personnel from the regional office. The Regional Director shall designate the Head of the RRB as he sees fit in the best interest of the service.

The RRB shall review the PDT/CDT report and prepare and submit its findings to the Regional Director.

**Section 5. The Assistors.** The Assistors, who may be the representative/s of those mentioned below, may assist the PDT/CDT in all its responsibilities in the delineation process, except in the validation and evaluation of evidence/proofs:

a. **Indigenous Peoples Organization (IPOs) in accordance with the NCIP Rules on IPO Accreditation.** Provide support/assistance to the NCIP during the delineation process.

b. **LGU/s.** Provide available data and technical and financial support in the conduct of the delineation. The IP mandatory representative shall be the LGU representative; otherwise, the person should be somebody accepted by the community.

c. **Department of Agrarian Reform (DAR) field office/s.** Issue corresponding certification whether or not there are areas within the AD/AL with issued CLOAs or identified to be under the Comprehensive Agrarian Reform Law (CARL) coverage.

d. **DENR field office/s.** Issue corresponding certification identifying therein issued titles, approved surveys and other tenurial instruments over portion or the whole of the AD/AL; and provide copy of sketch maps, approved survey plans and/or other records pertinent to the application.

e. **Land Registration Authority (LRA).** Undertake common projection of surveys; issue corresponding certification identifying therein existing judicial and other titles affecting or overlapping the AD/AL and consequently, endorse to the Register of Deeds (ROD) of the concerned province/city where AD/AL with issued CADT/CALT is located to effect registration.

f. **NGO/s actively present in the applicant community duly authorized by them and accredited by NCIP.** Assist in all stages of the delineation process or aspects in support of the same.

**Section 6. Survey Party.** The Survey Party, is composed of team or teams headed by a Geodetic Engineer authorized by the NCIP to conduct surveys over ancestral lands/domains

### **RULE III**

#### **PROOFS REQUIRED IN CADT/CALT APPLICATION**

**Section 1. Proofs Required.** Proof of Ancestral Domain Claims shall include the testimony of elders or community under oath, and other documents directly or indirectly attesting to the possession or occupation of the area since time immemorial by such ICCs/IPs in the concept of owner/s which shall be any one (1) of the following authentic documents:

- a. Written accounts of the ICCs/IPs customs and traditions;
- b. Written accounts of the ICCs/IPs political structure and institutions;
- c. Pictures showing long term occupation such as those of old improvements, burial grounds, sacred places and old villages;
- d. Historical accounts, including pacts and agreements concerning boundaries entered into by the ICCs/IPs concerned with others ICCs/IPs;
- e. Survey plans and indicative maps;
- f. Anthropological data;
- g. Genealogical data;
- h. Pictures and descriptive histories of traditional communal forests and hunting grounds;
- i. Pictures and descriptive histories of traditional landmarks such as mountains, rivers, creeks, ridges, hills, terraces and the like; or
- j. Write-ups of names and places derived from the native dialect of the community.

The PDT/CDT, RRB, RD, ADO or Commission, in the exercise of sound discretion, may require the submission of additional proofs.

**Section 2. Sworn Testimonies of Elders/ Leaders.** Sworn testimonies shall be given by at least four (4) elders/leaders, attesting, among others, to the following:

- a. The identity of the ICCs/IPs, including their leaders and original settlers, based on ethno-history;
- b. The fact that they have possessed, occupied, claimed and used the territory and the resources therein as AD/AL claim since time immemorial;
- c. The description of the metes and bounds or traditional landmarks of the AD/AL claimed, as well as the land use practiced;

- d. Customs and traditions related to land;
- e. Customary practices on boundary conflict resolutions;
- f. Landmarks and boundary markers (include survey plans and sketch maps);
- g. History, including pacts and agreements concerning boundaries;
- h. Political structure and institutions and identity of leaders and original settlers.

The PDT/CDT shall adopt appropriate techniques to draw from the elders/leaders substantial and additional facts through searching questions, focused group discussions (FGDs), time lines, sketches and such other information that the elders/leaders could voluntarily and freely communicate, to be made part of their sworn testimonies.

The PDT/CDT shall help the elders/leaders place their testimonies in proper form. Such testimonies shall then be read and translated to each of them in the language/dialect he/she speaks and understands. After affirming the contents of his/her testimony placed in proper form to be true and correct, he/she shall sign or thumb-mark the same and have it subscribed before a person authorized to administer oath. Where the elders/leaders could not sign and can only affix his/her thumb-mark, a community member who knows how to read and write must sign as witness.

Testimonies that may be electronically-recorded shall be subsequently transcribed in English and certified by the NCIP documenter. All photographs and/or video coverage taken during the documentation must be properly labeled and certified by the NCIP photographer/video operator.

Testimonies of persons who are not co-applicants but with in-depth or authoritative knowledge of the history and culture of the ICCs/IPs may also be secured as corroborative evidence.

**Section 3. Written Accounts.** These are accounts in writing about the particular ICCs/IPs, their customs and traditions, political structures and institutions, other lifestyles or cultural expressions, which may include anthropological data, etymology of names and places derived from the native dialect of the community and such other records in writing containing a recitation of the community's history.

Other sources of secondary data or information shall be properly named/cited or acknowledged.

**Section 4. Indicative Maps.** These are graphic representations of the ancestral domain/land actually occupied, possessed and accessed in the past and/or at present by the community and its corresponding use, the traditional and natural landmarks, and the boundaries of the AD/AL and its adjacent areas. Said map shall be overlaid over the NAMRIA topographic map.

**Section 5. Genealogical data.** This consists of a chart showing the relationships between/among present claimants and their predecessors, who lived in the same territory at least three (3) generations earlier than the present generation, the latter being the ego, for CALT application. In the case of CADT, applying the three-generation rule, the genealogical charts of at least five (5) informants composing the majority of the ICC population must be submitted.

The Genealogical Charts shall be presented to the ICCs/IPs for validation. The head/s of the clan/s whose genealogy was illustrated shall affix his/her signature/thumb-mark to attest to the truth of the information therein and certified to and witnessed by the PDT/CDT members present during the validation.

The Genealogical Verification Report shall then be prepared by the PDT/CDT. It shall include pictures evidencing the conduct of the genealogical survey.

**Section 6. Pictures.** Pictures are still photographs depicting and illustrating the:

- a. traditional landmarks such as mountains, rivers, creeks, lakes, ridges, terraces, sacred places, hunting/ fishing grounds, and the traditional use of resources with detailed description of their importance to the lives of the claimants;
- b. physical evidence of long term occupation or settlements such as old structures and improvements, burial grounds and sacred places; and,
- c. artifacts owned by the ICC/IPs.

The pictures of the places and objects taken with the ICC representative/s in the foreground or background to establish authenticity, describing in a label what the picture depicts, identifying therein the date when it was taken as well as the photographer.

**Section 7. Census and List.** For purposes of this Rules, census shall refer to the process of coming up with the list of community members found in the AD/AL without prejudice to the inclusion of the names of non-resident members if available. The census may include the following:

- a. migrant IPs residing within the ancestral domain/land, and,
- b. non-IPs residing within the ancestral land/domain.

The list shall be validated by the applicants through their recognized elders/leaders who shall affix their signatures/ thumb-marks in all the pages thereof. Any member of the PDT/CDT present during the validation shall certify that the list was presented to the community for validation by affixing his/her signature in all pages.

**Section 8. Supporting Documents.** The following may be considered as documents in support of the CADT/CALT application:

- a. The resolution recognizing the elders/leaders who served as key informants, together with the minutes of the said assembly, certified by PDT/CDT;
- b. The resolution recognizing the NGOs/LGUs as assisting partners in the delineation;
- c. Minutes/Report/s on conflict or dispute resolution conducted or documented by PDT/CDT;
- d. Minutes of all activities conducted and facilitated by the PDT/CDT during the delineation process;
- e. MOAs relevant to delineation process, executed between the community and assisting NGOs, LGUs or other entities;
- f. Pacts or agreements between the applicant community and the adjacent community/ies or private property owner/s;
- g. Photographs documenting the activities relative to the delineation.

#### **RULE IV**

### **PROCEDURES AND REQUIREMENTS FOR THE ISSUANCE OF CERTIFICATE OF ANCESTRAL DOMAIN TITLE/ CERTIFICATE OF ANCESTRAL LAND TITLE (CADT/CALT)**

#### **A. DELINEATION OF ANCESTRAL DOMAINS/LANDS**

**Section 1. Application/Petition; By Whom and Where filed; Form and Content.** The duly notarized application/petition shall be filed by the authorized Elder/Leader or ICC/IP Representative with the nearest NCIP Community Service Center (CSC), Provincial Office (PO) or Regional Office (RO) in the prescribed NCIP form (NCIP-ADO Form AD-1 for AD and NCIP-ADO Form AL-2 for AL), and shall contain the following basic information:

- a. Name/s of CADT/CALT applicant;
- b. Tribe/ethno-linguistic group;
- c. Specific location/coverage of the AD/AL;
- d. General information of the land/domain applied for, including its estimated area; and
- e. Signature/s or thumb-mark/s of applicant or duly authorized representative/s of the clan/family/ individual or community.

**Section 2. Attachment to the Application/Petition.** The application/petition for CADT/CALT shall be supported by the following documents/writings:

a. For CADT application – Sworn Letter or Resolution of Intent signed by the majority of the traditional Council of Elders/Leaders stating therein that the application was a community decision arrived at in accordance with customary processes, and that the area subject of their application/petition is their ancestral domain since time immemorial.

b. For CALT application – Sworn Letter or Resolution of Intent signed by the ICCs/IPs applicant stating therein that the area subject of the application/ petition is their ancestral domain/land since time immemorial, and where the presence of other co-owners is apparent, their duly verified conformity.

Where the application is to be accomplished and filed by a representative of the CADT/CALT applicant, the representative/s must submit the Authorization/Special Power of Attorney constituting him/her/them as the legal representative/s which, among others, must indicate the

personal circumstances of such representative/s and the nature, extent and term of the authority granted.

Such authority of the representative shall automatically cease upon the approval of CADT/CALT application by the Commission unless earlier revoked at the instance of the community/clan/family granting said authority.

**Section 3. CADT/CALT Application Record Book (CARB).** Each PO or CSC, as the case may be, shall maintain a logbook of CADT/CALT applications which shall be known as CADT/CALT Application Record Book (CARB). Immediately upon receipt of the application, the same shall be recorded in the CARB, provided however, that in cases where the application was submitted and received by the National, Regional or CSC office with PO, the same must be immediately transmitted to the PO or CSC for entry in the CARB. The CARB shall contain basic information on time and date of receipt, name and address of the applicant, assigned control number and the signature of the personnel making the said entry.

**Section 4. Constitution of Provincial Delineation Team (PDT) or Community Delineation Team (CDT).** The Provincial Officer (POr) or CSC head shall constitute and organize the PDT or CDT following Part I, Rule II, Section 3 above.

**Section 5. Initial Review and Evaluation.** The PDT or CDT, as the case may be, shall review and evaluate all documents/proofs supporting each application/petition including the attachments and other documents required in Rule IV, Sections 1 and 2 to determine the sufficiency of the application. They may conduct field validation to ascertain the due execution and substance of the submitted documents, if deemed necessary. If found sufficient, within ten (10) days from evaluation, the PDT/CDT shall transmit a copy of the application/petition together with the pertinent attachments to the Director of Land Management Bureau (LMB) and the concerned Regional Executive Director (RED) of the DENR, pursuant to Section 53(f) of IPRA, by registered mail with return card. The Ethnographic Commissioner shall likewise be furnished copy of the same. If it is identified that there are other government agencies that will be affected by the application, they shall also be notified of the same.

If, upon initial review and evaluation, the application is found insufficient, the applicant shall be directed to submit additional proofs, otherwise, no further action shall be taken.

**Section 6. Preparation of Work and Financial Plan (WFP).** The WFP shall be prepared by the PDT/CDT with the participation of the CADT/CALT applicant; participating NGO/s recognized by the community, if any; concerned LGU; and other partner agencies after the requirements in the preceding sections are found to be sufficient. The participation, undertaking, and/or counterparts and other agreements of the concerned community, partner NGO/s, LGU/s, and other partner agencies shall be clearly stipulated in the WFP. The WFP shall be endorsed by the concerned NCIP Regional Office to ADO for review and evaluation. Thereafter, the WFP shall be returned to the PDT/CDT for the signatures of the parties, duly noted by the Regional Director. The signed WFP shall then be transmitted to Central Office for signing by the ADO Director, FAO Director, concerned Ethnographic Commissioner and the Chairman. Copies of the accomplished WFP shall be furnished to the applicant, ADO, Finance and Administrative Office (FAO), Commission on Audit (COA), RO, the Commission, thru the OED, and partner agencies, if any.

In cases of applications fully funded by the applicants, or from sources other than the NCIP, the WFP shall be reviewed by the RO. After favorable review, the WFP shall be returned to the PDT/CDT for the signature of the parties. The signed WFP shall then be noted by the RD and concerned Ethnographic Commissioner. Copies of the accomplished WFP shall, thereafter, be furnished the applicant, ADO, FAO, and the Commission, thru the OED.

The duly accomplished WFP should be reflective of the principles of economy, sufficiency and efficiency and shall constitute the agreement between and among the parties.

**Section 7. Contents of Work and Financial Plan (WFP).** The WFP shall contain the following:

- a. Names of the parties;
- b. Date of preparation;
- c. Specific location of the project;
- d. Approximate total AD/AL area;
- e. Estimated total IPs population/right holders;
- f. Ethnic group/s living in the area;
- g. Kind of application;



- h. Brief description of the landscape of the area;
- i. Status of the accomplished activities, if any;
- j. Total amount needed to complete the project;
- k. Initial amount already expended, if any;
- l. Source/s of funds;
- m. Specific activities and duration;
- n. Physical output indicator for each activity;
- o. Name, address and contact number/s of representatives of assistors, if any;
- p. Specific activities clearly indicating the counterparts of the assistors or any support group/s; and,
- q. Such other undertakings or agreements of the parties, if any.

**Section 8. Notification of Delineation Activities to Stakeholders.** At least fifteen (15) days prior to the conduct of the delineation activities, the PDT/CDT shall notify in writing all stakeholders including, but not limited to:

- a. Applicant ICCs/IPs;
- b. Adjacent communities/lot owners;
- c. Regional Executive Director concerned
- d. Government agencies claiming jurisdiction over the area applied for, if any; and
- e. Concerned LGUs.

The Notices shall specify the venue, date and time and shall be delivered preferably by personal service, registered mail with return card, or other modes of delivery most convenient and speedy to ensure receipt by the addressee. The PDTs/CDTs shall keep a record of receipt of the same.

Notices written in the local dialect shall also be posted in conspicuous public places within and adjacent to the AD/AL. It shall include information on the Application/Petition and an invitation to attend the Information, Education and Consultation (IEC) where the concerns of the stakeholders may be presented and addressed.

Such Notices shall also be sent and posted prior to the conduct of the following activities:

- a. Validation of documents by the community;
- b. Ocular inspection;
- c. Meetings for boundary conflict resolution;
- d. Actual ground survey; and
- e. Map validation

Failure to attend the aforesaid meetings by concerned agencies shall not prevent the PDT/CDT from proceeding with the scheduled delineation activities.

**Section 9. Community-wide IEC.** For CADT applications, the PDT/CDT shall conduct IEC activities with the ICCs/IPs and stakeholders to discuss the salient features of RA 8371, with emphasis on the principles of self delineation, communal ownership, cultural integrity, native title, rights, and responsibilities of the ICCs/IPs relative to their AD, as well as the metes and bounds of such AD, and the contents of the WFP, including tasks, responsibilities and counterparts of the applicant in the delineation process. It shall likewise include the validation of elders/leaders as well as the pre-planning consultations for the ADSDPP formulation.

For CALT applications, IEC activities shall be undertaken in a manner to be arranged and agreed upon between the PDT/CDT.

**Section 10. Validation and Research on the Community's Political Structure.** The PDT/CDT shall validate the list of elders/leaders (for CADT applications) or authorized representative/s (for CALT applications) submitted to the NCIP as appearing in the application. To determine whether the customary manner in selecting/identifying elders/leaders or representative/s has been followed, the PDT/CDT shall conduct research on the ICC/IPs' socio-political structure/institution or traditional governance.

**Section 11. Data Gathering and Documentation.** The PDT/CDT shall assist the ICCs/IPs in the gathering of the testimony of elders/leaders, historical accounts, genealogical data, census of population, preparation of the indicative map and other secondary data.

The PDT/CDT shall secure a certified list of data or information affecting the AD/AL applied for from the appropriate government agency/ies and private institutions or persons, on the following:

A certified copy or list of any of the following data issued by the concerned agency, shall be secured by the PDT/CDT, if the same affects/involves the applied area:

- a. resource use permits, grants and other instruments entered into/ issued by the government through its agencies/ LGU;
- b. proclamations, laws, orders, zoning ordinances, decisions of courts and other tribunals involving the ancestral domain/ land or portion thereof.
- c. proof of ownership over land within the ancestral domain which has been vested prior to the effectivity of IPRA;
- d. public/ private agreements/ contracts entered into by ICCs/ IPs involving transfer of rights over land, prior to the effectivity of IPRA;
- e. institutions or entities having interest in the ancestral domain/ land which may affect the ICC/IPs' right to effectively exercise acts of ownership;
- f. sketch maps, approved survey plans and/or other records to identify boundaries or adjacent owners; and
- g. applications for issuance of title or certification on fact of absence of application.

At this stage, the identified working groups for the ADSDPP formulation shall conduct a participatory baseline survey, focusing on the existing population, natural resources, development projects, land use, sources of livelihood, income and employment, education and other concerns. The survey shall include the documentation of the ICCs/IPs culture or IKSPs and historical accounts or inventory of documents relative to the sustainable development and protection of the ancestral domain. It shall likewise include the appraisal of the quality and quantity of existing natural resources in the ancestral domain. The baseline survey shall target both secondary and/or primary data with the aid of survey instruments and procedures.

The working group shall assess the data/information, identify and prioritize problems/issues and concerns, determine needs and gaps, and try to understand the underlying causes and how particular problems affect particular sectors of the community. The output shall be presented to the community for validation of its accuracy and reliability before proceeding to the succeeding steps of the ADSDPP formulation process.

**Section 12. Ocular Inspection.** The PDT/CDT, together with the Council of Elders/Leaders or their representatives, shall conduct ocular inspection to:

- a. Verify traditional, physical and cultural landmarks or boundaries of the AD/AL;
- b. Determine the existence of boundary conflicts, if any;
- c. Verify and confirm the actual location of sacred/worship places, burial, hunting, gathering, collecting, fishing grounds and other proofs of long time possession and ownership within the AL/AD;
- d. Ascertain the presence of holders of existing and/or vested property rights in the applied area. In case there is such a holder, the same shall be required to submit evidence thereof.

**Section 13. Validation of Proofs.** All documents/proofs supporting the application shall be validated by the applicant in an assembly convened for the purpose and facilitated by the PDT/CDT to secure the appropriate confirmation. The result of the baseline survey and assessment of the working group on the ADSDPP formulation shall likewise be presented.

**Section 14. Social Preparation Accomplishment Report (SPAR) for Issuance of Work Order/Survey Authority.** The PDT/CDT shall prepare a SPAR summarizing the activities conducted and list of validated proofs to be submitted to the RRB. The SPAR shall contain the following:

- a. Introduction, consisting of brief description of the project and its purpose.
- b. Background, describing and identifying the rights holders; History of the people and the area, including its geography and access thereto; Political, social and economic situation; and availability of infrastructures and communication facilities.

c. Discussion on: (a) Preliminary Activities which should include meetings conducted; coordination with applicants, government agencies, non-government agencies and other entities having direct or indirect interests in the area, partnerships and other relevant activities undertaken; (b) Social Preparation – a narrative description in the implementation and conduct of the activities enumerated below including the problems encountered and how resolved, and if not, what are the planned actions to be undertaken, hindering factors as well as other factors that aided the accomplishment of the activity, status of each activity, extent of the accomplishment, involved entities and other relevant information useful for evaluation and assessment. Special emphasis must be given the following: IEC, Validation of proofs, Genealogical survey, Census, Conflict resolution, and Research particularly on survey-related data and information; and, c) baseline survey resulting from the data gathered for the ADSDPP formulation and the corresponding assessment.

d. Attachments/Annexes, which shall include Copy of approved MOA/MOU signed by the NCIP Chairman, if any, in cases where there are counter-parts from the applicant, NGO, LGAs, LGUs, or other entities; Copy of the agreements/s on the Resolution/s of boundary conflicts/disputes or tenorial concerns; Photo documentation or Photocopy thereof; and other relevant documents

The SPAR shall be submitted within forty five (45) days from the last activity and shall be accompanied by a copy of the initial compilation of required proofs gathered and validated.

Within 15 days from receipt of the SPAR, the RRB shall review and evaluate the same and shall consequently submit a report thereto to the Regional Director. If the RRB, upon review, finds that the SPAR is insufficient, it shall inform the PDT/CDT of such insufficiency for the latter to comply or submit the lacking documents/evidence; otherwise, the RRB shall endorse their report/evaluation to the RD.

The RD shall, within five (5) days from the receipt of the RRB report, endorse the same to the ADO Director for the issuance of WO or SA, as the case may be.

**Section 15. Commencement of Survey Activities.** The RD shall direct the commencement of survey activities within fifteen (15) working days from receipt of the WO/SA with notice pursuant to Part I, Rule IV, Section 8 of this Rules.

**Section 16. Mission Planning.** The Survey Party, PDT/CDT, members of the Community Working Group (CWG) for the ADSDPP formulation, and other stakeholders shall conduct the mission planning, which activity will include discussion on the conduct of survey and procedures to be observed, and the roles, functions and responsibilities of key participants during the conduct of the survey activities and planning stage of the ADSDPP formulation.

For PDT/CDT members who will not be involved in the actual ground survey and data processing, they shall proceed to undertake the planning stage in the ADSDPP formulation, to include IP/AD development framework formulation, program/project identification and prioritization, taking into account the interface of IP/AD development framework and already existing government policies/plans/programs/projects, rules and regulations and formulation of management plan.

**Section 17. Establishment of Project Control and Perimeter Survey.** The Survey Party shall establish project controls. The Perimeter Survey shall be in accordance with Part II, Rule II, Section 1 of this Rules, and undertaken with the participation of the duly authorized ICC/IP representative/s.

**Section 18. Survey Returns; Initial Verification and Projection.** Survey Returns of AD/AL shall be prepared by the Chief of Party and submitted to ADO for initial verification and projection. Should the ADO find any technical defect, it shall cause the correction of the same, otherwise, the survey plan shall be presented to the community/applicant for validation.

**Section 19. Survey Plan Validation.** The survey party and PDT/CDT shall present the survey plan to the community/applicant or their representative/s, as well as adjoining/adjacent community/ies or owner/s identifying the landmarks and actual sites in relation to the boundary corners in the plan for their validation or confirmation.

The duly authorized representative/s of the applicant community/clan/family or the council of leaders/elders and the PDT/CDT members shall affix their signatures to confirm the plan. Said process shall be properly documented.

**Section 20. Notice and Publication of CADT/CALT Application.** The PDT/CDT shall cause the publication and posting of the CADT/CALT application in the manner provided for under Section 52(g) of IPRA.

The publication provided in the preceding paragraph shall be required in cases of CADT/CALT conversion in any of the following instances:

- a. there was no actual ground survey,
- b. there was ground survey but was not published,
- c. the survey is defective,
- d. There is an increase in the total area, or
- e. There is a change of location/coverage

**Section 21. Common Projection.** For purposes of common projection, after verification of the AD/AL survey plan by ADO, a copy of the survey plan shall be furnished the DENR, DAR and LRA for common projection. If there are cases of overlap as determined by any of the said agencies, NCIP must be informed forthwith of the details thereof, and the latter shall act in accordance with existing rules or agreements.

**Section 22. Approval of the Survey Plan.** The ADO shall approve all surveys of ADs/ALs. The conduct of such surveys by NCIP, cooperating agencies/ institutions or private practitioners must conform to the guidelines provided in this Rules.

**Section 23. The PDT/CDT Report –** The PDT/CDT shall prepare a report describing all the processes conducted and incorporating all supporting documents relative thereto.

The PDT/CDT shall transmit to the RRB its report after fifteen (15) days from the last day of publication, if no opposition in due form is received; otherwise, Section 35 of this Rules shall apply.

Upon receipt of the report, within a period of twenty (20) days, the RRB shall conduct an initial review and on the basis thereof, schedule a joint conference to be attended by the concerned PDT/CDT, RRB members and the concerned ethnographic Commissioner whenever available. The notice for the joint conference shall include initial findings and recommendations, including an order directing the PDT/CDT concerned to comply with and submit additional evidence in case of deficiency.

Within fifteen (15) days after the joint conference, the RRB shall submit its report to the RD. If the RRB Report indicates the need to submit additional evidence, the RD shall issue a memorandum to the PDT/CDT to comply thereto. Upon submission of the compliance, the RRB shall reconvene to evaluate the sufficiency of the same. If the claim is sufficient as per RRB report, the Regional Director shall prepare his/her endorsement to the ADO which shall form part of the Recognition Book.

**Section 24. Preparation and Transmittal of Recognition Book.** The Recognition Book shall contain the following:

- a. PDT/CDT Report. This refers to the final report containing proofs, documentary evidence, writings, maps, sketches, documentations, activities and the findings or analyses of all data/information gathered during the investigation, evaluation, including the SPAR, survey report and conflict resolutions, if any, prepared and signed by the members of the PDT.
- b. RRB Report. This refers to the report containing the evaluation by the RRB of the AD/AL Recognition Book.
- c. Conflict Resolution Report. This refers to the report containing all resolutions of boundary conflict and disputes resolutions and related documents, facilitated and decided by either the PDT or the RD.
- d. Endorsement. This refers to the favourable recommendation of the concerned RD to ADO of the Recognition Book based on the RRB report.

All reports must be duly subscribed and sworn to, by the members of the team who prepared the same.

**Section 25. Review of Recognition Book.** Within fifteen (15) days from receipt of the endorsement by the RD, the ADO shall review the AD/AL Recognition Book and transmit a copy of the same to the Legal Affairs Office (LAO) for review. Should ADO and LAO find the AD/AL Recognition Book sufficient, the ADO shall endorse the same to the concerned ethnographic commissioner who shall issue a requisite endorsement to ADO before it can be considered for deliberation. Upon receipt of a favourable endorsement from the concerned commissioner, ADO shall notify the PDT/CDT to submit seven (7) additional certified photocopies of the AD/AL Recognition Book. Within fifteen (15) days from receipt of the additional copies, the ADO shall endorse the application to the Commission for deliberation.

On the contrary, should either bureau find the RB to be lacking in material form or substance, ADO shall return the RB for submission of additional evidence, if necessary, or for compliance to the findings and recommendations of ADO and/or LAO.

**Section 26. Requirements for Deliberation.** No application shall be considered for deliberation without the written endorsements of the concerned RD, ADO Director and the LAO. At least fifteen (15) days before the scheduled date for deliberation, the Executive Director shall notify the concerned RD, PO/CDO, legal officer and other representative/s of the PDT/CDT of the date, time and venue thereof. Within that same period, the Commission shall notify the DENR Secretary of the same pursuant to Section 53(f) of IPRA.

**Section 27. Deliberation by the Commission; By Division and En Banc.** The Commission shall deliberate on and determine the validity of the application, sufficiency of evidence or proofs supporting AL/AD ownership, and compliance with the requirements of IPRA, its IRR and pertinent Guidelines.

Deliberations by the Commission shall consist of three (3) readings. The First (1<sup>st</sup>) and the Second (2<sup>nd</sup>) reading shall be conducted by the Commission sitting in Division. The First Division shall be composed of Commissioners from the Ethnographic regions of CAR and Region I, Region II, Region III and Rest of Luzon, and the Island Groups and Rest of the Visayas. The Second Division shall be composed of Commissioners from the Ethnographic regions of Central Mindanao, Southern and Eastern Mindanao, and Northern and Western Mindanao. Each division shall select its own Presiding Officer for the 1<sup>st</sup> and 2<sup>nd</sup> Reading. Each Division shall deliberate such applications/petitions covering ADs/ALs.

The Third (3<sup>rd</sup>) Reading on the application/petition shall be conducted by the Commission sitting En Banc when the same is reported out or endorsed by the corresponding Division for consideration by the Commission En Banc. After the 3<sup>rd</sup> reading, the Commission shall issue a formal resolution containing its findings and final disposition on the application.

Pursuant to Sec.52(i) of IPRA, the Chairperson shall certify that the area is an ancestral domain.

In case of denial of the application/petition by the Commission, the ADO shall, within five (5) days from date of receipt of the resolution, notify the applicant/petitioner of the denial, attaching to the notice a copy of the Resolution. The notice shall indicate, among others, the remedy/ies available to the applicant/petitioner, if there be any.

**Section 28. Documentation and Report on the Deliberation.** The Office of Executive Director, acting as Secretariat of the Commission, shall, as far as practicable, record and document all deliberations of the Commission and shall prepare the minutes for each of the three (3) readings.

**Section 29. Preparation and Signing of CADT/CALT.** The appropriate CADT/CALT in the name of the owner/s shall be prepared by ADO and reviewed by the LAO before submission to the Commission for signing.

All members of the Commission shall be present during the final deliberation. A majority vote of all the members of the Commission shall be necessary to grant or deny an application.

If the CALT/CADT application is approved, the title shall be signed by the Chairperson and the concerned Commissioner.

**Section 30. Registration of CADT/CALT.** The ADO through the concerned PO/CDO shall assist the owner/s in the registration of the CADT/CALT with the appropriate Registry of Deeds (ROD).

The AD owner/s shall bear the registration fees but shall be exempted from payment of the Assurance Fund premium per Memorandum Order No.179, S.2005 of the Office of the President.

In the case of AL, the owner/s shall shoulder all registration fees including the premium for the Assurance Fund.

After the registration of CADT/CALT by the NCIP, the concerned PO/CDO shall request from the ROD a certified photocopy of the registered title and subsequently submit the same to ADO for record keeping.

**Section 31. Awarding of CADT/CALT.** The CADT/CALT shall be formally awarded to the concerned ICCs/IPs after its registration.

**Section 32. Record keeping of CADT/CALT.** All unregistered CADTs/CALTs shall be in custody of the ADO, and shall likewise keep a record of certified true copy of all registered CADTs/CALTs.

**Section 33. Recording of Approved Survey Plan with the Land Management Services-DENR Regional Office and Land Registration Authority.** Certified copy of the approved Survey Plans of ADs/ALs with registered title shall be furnished the LMS-DENR Regional Office and LRA, for incorporation in their projection map and for records purposes.

**Section 34. Filing of Opposition -** At anytime during the delineation process but before the first reading, a verified opposition to the application, attached to which is a certified copy of documentary evidence including affidavit of witnesses, if there be any, may be filed with the PDT/CDT, RD or ADO as the case may be, by one whose interest is affected by the delineation, on any of the following grounds:

- a. Adverse claim;
- b. The application is false or fraudulent;
- c. The area being claimed or portion thereof, is not an AL/AD; or
- d. The area being applied for, or portion thereof, has encroached into the adjacent or another AL/AD.

**Section 35. Disposition of Oppositions.** Upon receipt of the opposition, the PDT/CDT shall exert diligent efforts to facilitate resolution of issues in accordance with Part I, Rule I, Section 5 (d) of this Rules. If unresolved, the PDT/CDT shall endorse the matter to the RD for resolution within a period not exceeding thirty (30) days. For this purpose, the RD may designate a Provincial Legal Officer or the Regional Attorney to conduct investigation and recommend proper action to the RD. The decision of the RD shall be furnished to the concerned parties. If any one of the parties feels aggrieved by the Decision, he/she may appeal within ten (10) days from receipt thereof to ADO. The notice of appeal shall be filed with the RD, who shall thereafter forward the pertinent documents to the ADO Director. The ADO Director shall refer the matter to the LAO for its legal opinion and on the basis of the opinion issued, the former shall issue his/her decision thereon. The decision of the ADO director shall be considered as one of the incidents to be passed upon by the Commission during its deliberation on the subject application. Any action on the opposition taken by the ADO Director shall be communicated to the concerned party.

Whenever the opposition lodged before the concerned office is disposed of, the PDT/CDT, RD or ADO Director, as the case may be, shall issue a certification to the effect that the matter in controversy was already resolved or that a settlement agreement was reached by the parties, attaching thereto a copy of the same.

The pendency of the investigation shall not suspend the delineation process.

Should any opposition be received by the Commission at any stage during deliberation but before resolution, the proceedings shall be suspended and the issue shall be remanded to the ADO or the appropriate office for action.

In no case shall the RHO assume jurisdiction over oppositions pertaining to the foregoing.

**Section 36. Resolution of Conflicts/Disputes among ICCs/IPs.** Should the conflict/dispute be between and among ICCs/IPs, the primacy of customary law shall be observed in the resolution of the same. The PDT shall, as far as practicable, undertake the following:

- a. determine the nature of the conflict/dispute
- b. initiate the customary conflict-resolution process and document the same

c. assist the parties in the execution of a MOA in case an agreement/settlement is reached. In case no settlement is reached, the parties may agree in writing to segregate the contested area or enter into some other forms of arrangement in the meantime so as not to unduly delay the CADT/CALT processing without prejudice to future settlements or the full adjudication of the dispute before the proper body.

d. in case of non-inclusion from the list of rights holders, said persons whose names were inadvertently omitted as members of the community/clan/family shall be included in the list upon request, and the updated list, duly authenticated by the council of leaders/elders or head of the family/or clan, shall be submitted by the applicant to the PDT/CDT.

e. The council of leaders/elders/clan/family may exclude persons who are not entitled to be included in the list and shall thereafter submit the amended list to the PDT/CDT. Any aggrieved person/s may ask for reconsideration of the above recommendation. Should it be granted, the original list shall remain, otherwise, the matter shall be subject to conflict resolution facilitated by the PDT/CDT. If it still remains unresolved, the person/s concerned may have recourse to remedies allowed under existing rules.

In no case shall the request for inclusion or exclusion affect the processing of the application.

If after the exercise of diligent efforts, no settlement or agreement is arrived at, the processing of the application shall be suspended.

## **B. CONVERSION OF CADC/CALC INTO CADT/CALT**

**Section 37. Content of the Application/Petition.** In addition to the requirements provided under Section 22 of this Rules, the application form for conversion (NCIP ADO Form No. PC-3 for CADC and NCIP ADO Form No. PC-4 for CALC) should include information on whether or not the area for conversion will involve inclusion of new areas or exclusion of certain portions of the CADC/CALC area. The particular areas for inclusion or exclusion and the corresponding justification shall be specified in the application/petition.

**Section 38. Reception and Recording of Application.** Upon receipt of the application for conversion, the same shall be recorded in the CARB.

**Section 39. Initiating the Delineation Process.** The concerned PO/CDO shall constitute the PDT/CDT in accordance with Section 4 of this Rule. The PDT/CDT shall conduct the initiatory activities as identified in Part I, Rule IV, Sections 5 to 9 of this Rules.

**Section 40. Field Validation.** The PDT/CDT shall conduct on site validation to determine the correctness, sufficiency and regularity of the following:

- a. Census previously conducted, if any.
- b. Consent of the applicant/petitioner to the conversion of their CADCs/CALCs into CADTs/CALTs.
- c. Authority of the representative/s issued by the community/clan/family in the application/petition for conversion.
- d. Proofs and bases of the extent of the claim.

Notice of the field validation shall be sent to the stakeholders in accordance with Section 28.

**Section 41. Completion of Requirements.** The PDT/CDT shall cause the completion of lacking documents and proofs following the processes outlined under Part I, Rule IV, Sections 10 to 14 of this Rules.

**Section 42. Verification Survey and Original Survey.** For survey plans approved by the DENR or LRA (formerly LRC), verification survey shall be conducted in accordance with Part II, Rule II, Section 3 of this Rules and for unapproved survey plans and indicative/sketch maps, Part II, Rule II, Section 2 shall apply.

**Section 43. Completion of Process.** To complete the conversion process, for applications with verified survey plans, Sections Part I, Rule IV, Sections 20 to 33 of this Rules shall apply. For applications requiring changes of the approved survey, applications without survey and applications with un-approved survey plans, Part II, Rule II, Section 1 of this Rules shall apply.

**Section 44. ADSDPP Formulation.** In every stage of the conversion process, the pertinent rules pertaining to ADSDPP formulation shall be observed.

## RULE V

### APPLIED AD/AL OVERLAPPED BY PROPERTY RIGHTS

**Section 1. Vested and Existing Property Rights.** Vested and existing property rights referred to in Sec. 56 of RA 8371 shall be fully recognized in accordance with the legal terms contained therein but shall not be a bar to delineation and recognition of ADs/ALs.

A vested right/existing right is some right or interest in property that has become fixed or established and no longer open to doubt or controversy. Vested Rights include Free Patent, Homestead Patent, Sales Patent, Emancipation Patent, Certificate of Land Ownership Award and Judicially Decreed Titles. Lands covered by such titles shall be segregated and excluded from the ADs/ALs.

The vested or existing rights of any person within the AD/AL shall be respected provided, however, that the rights holder shows and submits proof/s of such rights to the PDT/CDT.

**Section 2. Resource Use Instrument (RUI).** Existing contracts, licenses, concessions, leases, and permits for the exploitation of natural resources within the ancestral domain 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 concerned ICCs/IPs. All such existing RUIs may be terminated for cause or upon showing that there exists a violation of the terms and conditions contained in the MOA executed relative to said operation.

**Section 3. Possessory Rights of Migrants.** Possessory rights of migrants within the AD existing at the time of filing of CADT application, may be respected when any one of following circumstances exists:

- a. There is a duly verified written document or resolution from the Council of Elders/Leaders or ICCs/IPs recognizing the possession and continuous presence of these migrants and the extent of the area they possess.
- b. There is a narrative of how the applicant ICCs/IPs gave their consent or acquiescence to the entry of such migrants identified in the Recognition Book; or
- c. The concerned ICCs/IPs have validated such rights.

To facilitate the recognition of their rights, the migrants may be directed to provide proofs of possession.

**Section 4. Resource Use Instrument (RUI) not a Bar to Delineation.** In no case will a RUI bar the delineation of AD/AL, provided that its nature and scope is determined and duly recorded.

## RULE VI

### RESERVATIONS

**Section 1. Ancestral Land/domain Overlapped by Reservations.** The ICCs/IPs have the right to their ADs even if portions of which are covered by proclamations or reserved for various purposes, except those reserved or intended for common and public welfare and service.

In the delineation of ADs overlapped by existing reservations, the NCIP will proceed to process the application for formal recognition following the principle of self-delineation and the processes prescribed under the law and existing guidelines which include the issuance by the Chairman of a Certification declaring that the land is an AD which shall be transmitted to the head of the appropriate government department or agency mentioned in Section 52 (i) of IPRA. The transmittal of such certification, which shall also be furnished the Executive Secretary, Office of the President, shall include a recommendation that the reservation be de-established corresponding to the area overlapped, provided that, if the overlapped area will still continue to be for common and public welfare and services, the recommendation shall include just compensation by the government to the AD/AL owner/s until such use ceases.



**Section 2. Cessation of Public Use.** Public use is deemed to have ceased or withdrawn wholly or partially if so de-established by subsequent proclamation or if any of the following conditions is present prior to the filing of petition for CADT:

- a. No overt activities related to the purpose of the proclamation is manifest or being actually pursued;
- b. Managing agency / designated institution has abandoned or failed to use the area; or
- c. Proclaimed area was left idle for at least five (5) years.

## PART II

### RULES ON SURVEYS OF ANCESTRAL DOMAINS/LANDS

#### RULE I

##### ACCREDITATION OF GEODETIC ENGINEERS

**Section 1. Mandate.** The NCIP is authorized by law to issue survey authority or work order and execute and approve survey of ADs/ALs.

**Section 2. Who are authorized to Conduct Surveys.** All AL/AD surveys shall be conducted by geodetic engineers employed with or contracted by the NCIP or those under the employ of an agency or organization which has an agreement with NCIP relative to the delineation process. Geodetic engineers validly authorized to engage in private practice or members of a partner agency or organization who desire to conduct the survey of ADs/ALs may be accredited and authorized by the Commission.

Surveys to be conducted by partner agency/organization shall be covered by a MOA with the NCIP. Private Geodetic Engineers who intend to undertake AD/AL survey shall go through the normal bidding process in the engagement of services of private entities as prescribed by R.A. No. 9184, otherwise known as Government Procurement Reform Act of 2003 and Commission on Audit (COA) rules.

**Section 3. Process of Accreditation.** The application for accreditation of geodetic engineers mentioned above shall be filed with the concerned regional office. The application shall be processed by a team headed by the Chief of the TMSD, Engineer III, and at least one (1) Geodetic Engineer, as members. For purposes of accreditation, the following must be taken into consideration:

- a. Competence to conduct AD/AL survey evidenced by a list of surveyed projects;
- b. Possession of survey equipments duly registered and calibrated by NAMRIA and LMB;
- c. Certification by the NCIP that he/she has undergone orientation on the conduct of AL/AD surveys and Salient features of the IPRA on delineation; and
- d. Certification of Good Moral Standing from the Geodetic Engineers of the Philippines (GEP).

After satisfying all the above requirements, the team shall endorse said application to the RD for the issuance of the certificate of accreditation. The regional office shall furnish the ADO copy of all issued accreditations. Questions/complaints against any accredited geodetic engineer may be raised within thirty (30) days from issuance of the accreditation before the concerned RD, whose decision on the matter shall be final.

**Section 4. Bond of Accredited Geodetic Engineer/Contractor Geodetic Engineer.** Upon issuance of certificate of accreditation, the concerned GE shall post a bond to be fixed by ADO to guaranty the faithful and efficient execution of the survey. It shall also cover expenses that may be incurred resulting from rectification of errors in the survey committed by the geodetic engineer, without prejudice to the collection of additional charges should the extent of damages amount to more than the posted bond.

The bond shall continue to be in force until the surveys are completed and approved. The bond shall be released if the survey returns are satisfactory. However, if the ADO director issues an order rejecting or cancelling the survey on justifiable grounds, such order shall become final after ten (10) days from receipt by the concerned geodetic engineer, should no motion for reconsideration be filed by the latter within said period.

The performance bond shall be in the form of a Cash Bond, to be deposited with the concerned Regional Office, or surety bond procured from a bonding company.

## RULE II

### GENERAL RULES AND PROCEDURES IN THE SURVEYS OF ANCESTRAL LANDS AND DOMAINS

#### A. PROCEDURES FOR THE SURVEYS OF ALs/ADs

**Section 1. General Procedure.** The survey of ADs/ALs covered by applications for the issuance of CADT/CALT without an approved survey plan shall undergo the following procedures:

a. **Issuance of the Work Order/Authority to Survey and Notice to Proceed.** The RRB shall ensure substantial compliance with Part I, Rule IV, Section 14 of this Rules before the issuance by the ADO Director of the Work Order/Survey Authority to the concerned geodetic engineers/contractor geodetic engineer.

Work Order/Survey Authority may be issued by phase/stage of work such as but not limited to establishment of project controls and perimeter survey.

Work Order/ Survey Authority shall be effective for a period of six (6) months from issuance and may be renewed for the same period, provided however, that the authority shall be terminated as soon as the project is completed.

Actual survey activities must only commence from the time the Notice to Proceed is duly issued. The POs/ROs shall recommend to the ADO Director the composition of the Survey Party.

b. **Research/Data Gathering.** The Survey Team shall collect all data/documents/materials that will facilitate the generation of the technical description of the ancestral domain/land and Land Registration Authority requirements. Moreover, the Survey Party must ensure that all survey related documents not forming part of those submitted by the community/land owner/claimants must be researched and secured in order to facilitate the delineation.

c. **Survey Notification.** All stakeholders shall be notified of the intended survey in accordance with Part I, Rule IV, Section 20 hereof using ADO Form No. 08. The notice, signed by the COP and noted by the POr/CDO, shall state the date/s when the areas may be traversed by the survey team, the names of the concerned Geodetic Engineers, and shall likewise state Section 56 of R.A. 8371.

d. **Mission Planning.** During the Mission Planning, the Geodetic Engineer, together with the PDT/CDT, shall discuss with the stakeholders the procedures involved in the survey activity and their respective functions and responsibilities.

If the area to be surveyed is located next to another ancestral domain area, representatives from the adjoining area shall be invited to attend the Mission Planning.

e. **Reconnaissance.** A field reconnaissance shall be carried out by the Survey Team prior to the survey in order to identify the location and existence of previously established control/reference points and possible location of project control points to be established and route for the survey.

f. **Establishment of Project Controls.** In the establishment of project controls, the Survey Team shall look for existing control/reference points within or near the ancestral domain/land and thereafter establish new controls for the ancestral land/domain boundaries. At least two (2) intervisible control points are necessary in the establishment of control points, provided, that the distance to be maintained in between each pair of control points shall not be less than one hundred (100) meters. The survey of project control is made using survey grade Global Positioning System (GPS) equipment or conventional survey instruments

The project control monuments shall be placed in pairs using standard concrete monuments measuring 30 cm x 30 cm by 100 cm, set at 70 cm on the ground, centered by a galvanized iron spike/copper nail. The label on top of the monument shall specify: (a) the name of the station, which may be derived from the first three (3) letters of the province where it is located, subject to the approval of ADO, numbered accordingly or in coordination with DENR-FNSP; (b) the year of establishment; and, (c) the acronym of NCIP. These project controls are installed at an interval of 5 km distance.

Two or more Geodetic Control points shall be used in the densification of horizontal controls using GPS.

Project controls established using GPS must at least comply with the third (3<sup>rd</sup>) order positional accuracy requirement set by NAMRIA.

In case of project controls established using Total Stations or similar equipment, the area, measured in hectares, of the ancestral land/domain shall be the basis in determining the type of control to be used. Under such condition, the following type of control as prescribed under DENR Administrative Order (DAO) 98-12 (Revised Manual of Land Surveying Regulations in the Philippines):

<u>Area</u>	<u>Type of Control</u>
Less than 1,500 hectares	Tertiary
More than 1,500 to 15,000 hectares	Secondary
More than 15,000 hectares	Primary

**g. Perimeter Survey.** The survey must be tied to existing reference points of acceptable accuracy established by NAMRIA, DENR, NCIP, and other recognized agencies pursuant to the Philippine Reference System of 1992 (PRS-92).

In areas where conventional survey instruments are to be used and sufficient control has already been established, survey and installation of monuments may be done simultaneously. Otherwise, the collection of survey data for each corner shall be made only after the installation of the monuments. Installation of monuments shall be supervised by NCIP Field Personnel or Survey Party. The survey team must note on the record sheets all observations and findings such as daily weather conditions, persons/entities met/coordinated with, daily activities as well as problems encountered affecting the conduct of the survey and the corresponding actions taken in response thereto. Proper coordination with the field offices shall be done to ensure successful completion of the project.

The conduct of perimeter survey shall adhere to the principle of self-delineation in which the traditional boundaries shall be established to determine the metes and bounds of the ancestral domains/lands. However, if due to more recent agreements and community consensus, the applicant community decides that its claim is congruent to or delimited by political or administrative boundaries, the approved technical descriptions of these boundaries shall be adopted. Such agreements or community consensus shall be in the form of written resolution signed by the elders/leaders.

Community members knowledgeable of the boundaries of the ancestral land/domain shall point out the sites/location where the monuments are to be installed. The survey team shall thereafter prepare a sketch showing the relative location of the markers and other related information such as traditional names of places. Documentation thereof shall include pictures explicitly showing the community representative pointing to the installed monuments and identified markers.

If the area to be surveyed adjoins another ancestral land/domain, the representative/s from the adjoining ancestral land/domain, aside from being notified, shall send a community member knowledgeable of the boundaries of their land/domain to join the survey team. The agreement during the boundary conflict resolution shall be followed.

**h. Data Processing, Preparation of Survey Returns and Technical Report.** The survey plan shall be prepared in accordance with cartographic standards and specific details prescribed in Sec. 86 hereof. It shall indicate the orientation, final boundaries, technical descriptions, footnotes, marginal information, natural landmarks/features, technical marks and other relevant details. It shall be conformed to by the authorized representatives of the applicant community.

All documents that form part of the survey return shall be prepared in prescribed ADO Forms described in Sec. 87.

**i. Projection of Survey Plan.** Within fifteen (15) days after the initial verification and projection of the survey returns, a copy of the sketch plans shall be furnished to the DENR, DAR and LRA for purposes of common projection in order to determine if there are titled properties and lands with approved surveys that overlap with the surveyed AL/AD. Consequently, said agencies shall issue either a certification of non-overlap or comments/remarks on the result of the projection.

j. **Validation of Survey Plan by the Community.** The Geodetic Engineer or any member of the survey team, with the assistance of the PDT/CDT shall present the survey plan to the applicant community/clan/family and adjacent community/ies for validation. The applicant community/clan/family may invite a resource person who can assist them in analyzing the survey plan, if they so desire. Any expressed doubts or comments shall be addressed and documented. If corrections are to be made, the Geodetic Engineer shall cause the rectification and subject the survey plan for revalidation by the community/clan/family before its finalization. The council of leaders/elders, or in their absence, the representative/s of the applicant community/clan/family shall affix their signatures/thumb-marks on the plan as confirmation.

The conformity of the elders/leaders/authorized representative of the adjacent community shall be inscribed in a separate document.

k. **Submission/Transmittal of Survey Returns.** All survey returns shall be transmitted by the Geodetic Engineer to ADO within forty-five (45) days from the termination of the community map validation.

The Geodetic Engineer shall submit electronic files of survey data, computation results, and final plan to ADO and ensure that all survey returns are properly authenticated, accompanied by a project completion report prepared by the Geodetic Engineer following the prescribed form.

l. **Evaluation/Verification of Survey Returns.** The ADO shall verify the survey returns transmitted by the survey team/geodetic engineer, which process includes:

- a. Preliminary evaluation through the checking of the completeness of the survey returns
- b. Recording and receiving of survey returns by assigning survey numbers
- c. Initial projection of the survey plan to determine any overlap between the subject area and the adjoining ancestral domains/land
- d. Checking the correctness of computations and preparation survey returns
- e. Final projection of the verified survey
- f. Endorsement/recommendation to ADO Director for approval of the survey plan

The verification by examination of the survey returns shall determine the completeness and/or correctness of the following in accordance with specifications prescribed herein:

- a. Position derivation: solar/stellar observations, GPS observations
- b. Computation sheets, including field notes
- c. Cartographic standards in the preparation of the survey plan
- d. NAMRIA certification of equipment calibration and GPS data evaluation, in cases where GPS equipment was used
- e. Preparation of supporting documents that forms part of the survey returns

Upon verification, should it be discovered that error was committed in the preparation of the survey returns, the concerned geodetic engineer shall be directed to cause the correction or rectification of the same.

The ADO may remand survey returns based on the following reasons, but not limited to:

1. Lack of evidence or documents showing the resolution of boundary conflicts, if there be any; and
2. Upon complaint of ICCs/IPs concerned and sufficient evidence showing that the results of the delineation do not actually reflect the area being applied for, or the survey was attended by fraud, force, intimidation, threats, deceit or stealth.

m. **Publication of the Technical Description.** The verified technical description shall be published in accordance with Part I, Rule IV, Section 20, of this Rules.

n. **Protest after Publication/Broadcast/Posting.** Any protest on the survey shall be governed by Part I, Rule IV, Sections 34 to 35 of this Rules.

o. **Approval of Survey.** The ADO Director, upon the recommendation of the Chief of the Recognition Division, shall approve the submitted survey returns after compliance with all requirements.

## **B. PROCEDURE FOR THE VERIFICATION OF PREVIOUSLY APPROVED SURVEYS AS WELL AS THOSE PENDING WITH THE DENR UPON THE PASSAGE OF IPRA.**

**Section 2. General Provision.** All survey plans submitted in connection with ancestral land/domain claims previously approved for registration or titling purposes by the DENR or LRA (formerly Land Registration Commission), including those approved by NCIP First Commission but were not issued with either CADT or CALT, shall be reviewed and verified by ADO. On the other hand, unapproved survey plans submitted for the same purpose are not subject to such review and verification, and the same shall be governed by Part II, Rule II, Section 1 of this Rules.

The procedure for review and verification of previously approved survey plans are as follows:

**a. Review of Survey Returns.** The review of survey returns shall be done to determine the correctness and completeness of the approved data or record on hand and to ascertain the availability of the necessary data that can be used as reference for the conduct of verification survey.

In cases where delineation survey was conducted using GPS instruments, review of GPS data shall be conducted by examination of the GPS electronic files and other GPS supporting documents.

In the absence of data necessary for verification, research shall be undertaken for the purpose of gathering pertinent documents.

**b. Verification Survey.** Only NCIP geodetic engineers and/or accredited geodetic engineers shall conduct verification survey. This verification shall include, among others, actual inspection as to the presence of corner monuments and survey/observation of strategic corners to determine if indeed an actual survey was conducted and to test the positions of corner stones/monuments. As such, the Geodetic Engineer shall conduct test traverse, point positioning, and such other activities provided under Sec. 621 to 625 (Verification Survey) of DAO 98-12.

Ground verification shall likewise be undertaken and this involves consultation between and among the Geodetic Engineer who conducted the first survey, the community-claimant, and other concerned entities.

**c. Preparation of Reports and Recommendations.** Within twenty (20) days from the completion of the ground verification survey, the NCIP geodetic engineer and/or accredited geodetic engineer directed/contracted to conduct verification survey shall prepare and submit a report to ADO detailing his/her observations and findings on the review of survey returns, and the result of his/her ground verification survey including such specific recommendations as to the necessity of conducting resurvey, amendment survey or correction, as the case may be.

**d. Conduct of Re-Survey or Amendment Survey.** Any re-survey or amendment survey shall comply with the requirements provided in Part II, Rule II, Section 2 of this Rules.

**Section 3. Defective Surveys for Want of Authority.** Defective surveys for want of authority refers to past surveys conducted at the instance of ICC/IP claimant, undertaken by private geodetic engineers, but without the required authority from the NCIP or the DENR. Defective Surveys for want of authority shall be verified by ADO following the process in Part II, Rule II, Section 2, and if found to be in order, the defect for want of authority shall be cured through the approval of the plan by ADO. Otherwise, Part II, Rule II, Section 1 of this rule shall be applied.

## **RULE III**

### **STANDARDS FOR DELINEATION OF ANCESTRAL LANDS/DOMAINS**

**Section 1. Methods of Delineation.** The delineation of ancestral domains/lands shall be conducted using conventional survey methods, GPS or a combination of both. Delineation of ancestral waters shall be done through GPS; for smaller areas, conventional methods may likewise be used.

**Section 2. Survey Instruments/Equipment.** The following instruments/equipment may be used in the conduct of surveys of ancestral domains/lands: transit, theodolite, total station, steel tape, electronic distance measurement instrument (EDM), or GPS. To ascertain that these instruments are fit for use and capable of achieving the prescribed survey accuracy for registration purposes and conform to the survey standards provided under Sec. 15 to 37, Chapter II of DAO 98-12, a certification to that effect shall be issued by the Lands Management Bureau (LMB) or NAMRIA.

When GPS is to be used in the survey, the authorized/accredited geodetic engineer must submit to ADO the following information for purposes of determining whether it conforms to the survey standards provided under Sec. 58, Chapter III of DAO 98-12:

- a. Type of GPS receivers (brand/model)
- b. Survey technique/method
- c. Elevation mask
- d. Antenna setup specifications and/or antenna type
- e. Number of receivers
- f. Certification of Calibration and Registration of the instrument issued by NAMRIA

**Section 3. Level and Standard of Accuracy.** Surveys that will require the use of relative positioning technique shall follow the provisions provided under Section 47 to 57, Chapter III, Part I of DAO 98-12. For geodetic and project control surveys where conventional survey instruments will be used, Section 112 to 116, Chapter IV, Part I of DAO 98-12 shall apply.

**Section 4. Survey Rules in the AD/AL Delineation.** In locating corners for purposes of delineating ancestral domains/lands the following rules and techniques shall be observed:

- a. Where the AL/AD area being surveyed adjoins other ALs/ADs with issued CADT/CALT, the corners or boundaries of the latter shall be adopted as boundary of the former.
- b. When natural features like bodies of water define the boundaries of an ancestral land/domain, the first and last corners situated along natural features shall be marked with monuments prescribed in Part II, Rule IV, Section 1, items a-c. Intermediate corners along the natural features may be marked with monuments described in Part II, Rule IV, Section 1, items b-d.
- c. In cases where bodies of water serve as the boundary between adjoining AL/AD claim/s and its claimants opted to use the inaccessible location of the same as their boundary, at least two (2) witness monuments shall be established on the ground following Part II, Rule IV, Section 1, item e hereof.
- d. When peaks and ridges constitute the boundary of the AL/AD, the corners shall be placed at appropriate distances following the general curves of the natural features.
- e. The distance between succeeding corner monuments should not exceed 500 meters for AL.
- f. For AD, a 1,000 meter-distance between succeeding corner monuments, preferably intervisible, shall be observed. In excess of 1,000 meters, a written justification shall be submitted putting in detail the cause and effect of such undertaking.
- g. Where the AD covers coastal areas, the portion of the AD constituting the land area shall be surveyed/delimited separate from the water area and the respective technical descriptions shall be described in the survey plan. The corners defining the boundary between the land and water portion of the AD may be used as witness monuments to the submerged/inaccessible corners.

#### **RULE IV**

#### **CORNER MARKERS OF ANCESTRAL LANDS/DOMAINS**

**Section 1. Types of Monuments or Markers.** The position of points and corners of ancestral land/domain shall be defined and marked on the ground by monuments or markers of permanent nature, except when corners lie near physiographic or natural features. The mixture for concrete monuments consists of one (1) part cement, two (2) parts sand, and four (4) parts gravel or broken stone.

The following objects shall be considered as monuments/markers of permanent nature:

a. **Boundary Monuments.** For ADs, rectangular parallelepiped concrete monuments measuring 25 cm x 25 cm x 100 cm, set 80 cm. on the ground shall be installed, with "ADBM NCIP" (Ancestral Domain Boundary Monument NCIP) inscribed on top.

For ALs, cylindrical concrete monuments measuring 20 cm. in diameter and 80 cm. in height or rectangular parallelepiped concrete monuments measuring 20 cm. x 20 cm. x 80 cm., set 60 cm. on the ground shall be installed, with "ALBM" (Ancestral Land Boundary Monument) inscribed on top.

The foregoing monuments shall be centered with a galvanized iron spike, nail, rod or conical hole (not exceeding 2 cm in diameter and not less than 1 cm in depth). Inscriptions shall be at least 0.50 cm deep.

b. **Intermediate corners.** Intermediate corners shall be defined by rectangular parallelepiped concrete monuments measuring 15 cm x 15 cm x 60 cm, set 50 cm on the ground and inscribed on top with "ADBM" for AD or "ALBM" for AL and centered with galvanized iron spike, nail, rod or conical hole (not exceeding 2 cm in diameter and not less than 1 cm in depth). Inscriptions shall be at least 0.50 cm deep.

c. **Immovable or Fixed Hard Rocks/Boulders.** The corners of the AL/AD may be defined by immovable or fixed hard rocks or boulders with surface exposed measuring not less than one (1) meter in diameter. The same shall be marked either with an "x" chiseled thereon or patched with cement putty centered with a hole, spike, or nail, and labeled correspondingly.

d. **Other Monuments.** The following objects shall also be considered as monuments of permanent nature:

1. Concrete posts of fences with outside diameters measuring at least twenty (20) cm.
2. Living edible fruit trees or trees belonging to the first group measuring at least fifteen (15) centimeters in diameter
3. Points on masonry or concrete walls

e. **Witness Corner Monuments (WCM).** When the AL/AD being surveyed involves inaccessible/submerged corners, at least two (2) "witness monuments" shall be established as near as possible to the said corner/boundary. The corners defined by the witness points should be visible from the inaccessible points. The witness corner may be set using a cylindrical concrete monument that is 15 cm diameter and 60 cm long and set 40 cm on the ground. The letters "WCM" shall be engraved in such monuments.

The location of witness monuments shall be indicated on the survey plan.

## RULE V

### PRESCRIBED SURVEY RETURNS AND FORMS/FORMATS

**Section 1. Survey Returns.** The following documents shall form part of the survey returns of AL/AD surveys:

- a. Transmittal Letter
- b. Work Order or Survey Authority
- c. Receiving copy of the Survey Notification Letters
- d. Original Field Notes, with pagination, the cover of which is dry sealed by the geodetic engineer, notarized and stamped
- e. Original and duplicate copy of the Astronomical Computation Sheets completely filled up and signed by the geodetic engineer
- f. Original and duplicate copy of the Traverse Computation Sheets completely filled up and signed by the geodetic engineer
- g. Original and duplicate copy of the Lot Data Computation Sheets completely filled up and signed by the geodetic engineer
- h. Indicative Maps
- i. Monument description sheets
- j. Photo documentation of monuments and other survey activities with caption
- k. Sketch plan of the survey drawn on appropriate scale

- l. Survey plan
- m. GPS survey returns signed and sealed by the geodetic engineer
- n. Certificate of GPS Data Evaluation issued by the NAMRIA
- o. Certified True Copy of Reference Points issued by NAMRIA/DENR
- p. Certificate of Equipment Calibration issued by NAMRIA for GPS and by the NCIP/DENR-LMB for other survey instruments
- q. Lot description
- r. Notarized documents embodying agreements between and among the stakeholders relative to the resolution of conflicts
- s. Project Completion Report signed by the geodetic engineer/s and noted by the concerned NCIP Provincial Officer
- t. Other related supporting documents

**Section 2. Survey Plans.** Maps and plans of all AL/AD surveys shall be plotted on appropriate standard base maps projected upon spheroidal quadrangles of Clarke's Spheroid of 1866. The AL/AD survey plan shall contain the following:

- a. Name of Claimants for ALs and Tribe/s for ADs
- b. Actual location of the AL/AD, identifying therein the Barangay/s, Municipality/ies and Province/s covered
- c. Area of AL/AD
- d. Technical Description
- e. System of survey used
- f. Scale used
- g. Inclusive dates when the survey was undertaken
- h. Name and signature of the geodetic engineer who conducted the survey
  - i. Name and signature of the Regional Director endorsing the survey plan
- j. Name and signature of the designated geodetic engineer who verified the survey returns
- k. Name and signature of the Chief of the Recognition Division recommending the approval of the plan
- l. Name and signature of the ADO Director approving the plan
- m. Name/s and signature/s of the elders/leaders or representatives as the case may be
- n. Annotations indicating Section 56 of IPRA, authority to execute survey, description of corners, adverse claims, relation with any cadastral or public land surveys or reservations, land classification and other information relevant to the surveyed area.

They shall be drawn on the Philippine Plane Coordinate System-Transverse Mercator (PPCS-TM)/PRS '92 to an appropriate scale using drafting materials of stable base and of uniform size prescribed as follows:

The sizes of AL/AD plans are as follows:

	Ancestral Domain	Ancestral Land
Size:	100 x 83 cm	74 x 57 cm
Working space:	80 x 80 cm	54 x 54 cm
Title block:	17 x 80 cm	17 x 54 cm
Margin:	1.5 cm	1.5 cm

**Section 3. Codes for AL/AD Survey Forms.** The Survey Forms shall be identified using the following codes:

- ADO-Form 01 - Survey Plan for AD
- ADO-Form 01-A - Survey Plan for AL
- ADO-Form 02 - Lot Data Computation Sheet
- ADO-Form 03 - Traverse Computation Sheet
- ADO-Form 04 - Astronomical Observation
- ADO-Form 05 - Field Notes Cover
- ADO-Form 06 - Field Notes
- ADO-Form 07 - Monument Description Sheet for GPS Controls
- ADO-Form 07-A - Monument Description Sheet for Boundary Monuments
- ADO-Form 08 - Survey Notification Letter
- ADO-Form 09 - Lot Description for Ancestral Lands
- ADO-Form 10 - Transmittal of Survey Returns
- ADO-Form 11 - Progress Notes of Survey Verification
- ADO-Form 12 - GPS Observation/Field Sheets



**Section 4. Numbering System and Symbols for ALs/ADs Survey.** The numbering system for the survey of ALs/ADs shall be followed:

- |                       |     |   |
|-----------------------|-----|---|
| ADs-1401-0020-D       | 1.  | original survey of AD made by a private Geodetic Engineer     |
| ALs-1401-0020-D       | 2.  | original survey of AL made by a private Geodetic Engineer     |
| ADs-1401-0020-Gni     | 3.  | original survey of AD made by NCIP Geodetic Engineer          |
| ALs-1401-0020-Gni     | 4.  | original survey of AL made by NCIP Geodetic Engineer          |
| AD-1401-0020-D(Amd)   | 5.  | amendment survey of AD conducted by private Geodetic Engineer |
| AL-1401-0020-D(Amd)   | 6.  | amendment survey of AL conducted by private Geodetic Engineer |
| AD-1401-0020-Gni(Amd) | 7.  | amendment survey of AD conducted by NCIP Geodetic Engineer    |
| AL-1401-0020-Gni(Amd) | 8.  | amendment survey of AL conducted by NCIP Geodetic Engineer    |
| AD-1401-0020-D(Rs)    | 9.  | re-survey of AD made by Private Geodetic Engineer             |
| AL-1401-0020-D(Rs)    | 10. | re-survey of AL made by private Geodetic Engineer             |
| AD-1401-0020-Gni(Rs)  | 11. | re-survey of AD made by NCIP Geodetic Engineer                |
| AL-1401-0020-Gni(Rs)  | 12. | re-survey of AL made by NCIP Geodetic Engineer                |

## FINAL PROVISIONS

**Section 1. Non-waiver of Native Title.** The decision of the AL/AD claimant/s to have only those uncontested portions of their claim surveyed shall not be deemed a waiver of their right over the contested area.

**Section 2. Identification of Ancestral Lands and Exercise of Option Under Section 12 of IPRA.** Any IP who claims to own an ancestral land and who wishes to exercise his/her option as provided under Section 12 of R.A. 8371 must formally inform the Commission through field offices. The processing of the formal recognition of his/her AL must comply with established procedures; provided, however, that after final deliberation by the Commission, instead of ordering the issuance of a CALT, it shall certify that the land is an ancestral land and direct the ADO to transmit to the DENR the pertinent record for purposes of processing the title pursuant to the provisions of Commonwealth Act 141 as amended, or the Land Registration Act 496. The ICC/IP exercising the option must periodically inform ADO of the progress and result of his/her application.

**Section 3. Contracting out of Delineation Process.** The delineation process (i.e. Social Preparation activities up to the preparation of the recognition book) of ADs/ALs may be contracted out to qualified third persons or entities in accordance with a contract between and among the concerned ICCs/IPs, the prospective contractor, and the concerned NCIP Regional Director subject to the approval of the CEB.

**Section 4. Administrative Discipline over NCIP Personnel.** Any employee, personnel or officer of the NCIP violating any of the provisions of this Rules shall be sanctioned or dealt with in accordance with the Civil Service Rules on Discipline.

**Section 5. Sources of Funds.** The funding requirements for the activities indicated in this Rules shall be sourced from the General Appropriation Act (GAA), Foreign Aid and Grants, Presidential Operational/Social Funds, PCSO Fund, and other sources.

**Section 6. Policy Guidelines for Fund Allocation.** The Commission shall observe prudence to ensure efficiency, equity, economy and transparency in fund allocation for the delineation and recognition of ALs/ADs, taking into account the Provincial Delineation Action Plan (PDAP).

## FINAL CLAUSES

**Section 1. Applicability of DENR DAO 98-12.** The provisions of DENR Administrative Order 98-12 shall apply in suppletory manner, whenever practicable and convenient and in so far as the same is consistent with the provisions of IPRA.


**Section 2. Separability Clause.** In case any clause, sentence, section, or provision of this Rules or any portion hereof is held or declared unconstitutional or invalid by a competent court, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**Section 3. Repealing Clause.** All Circulars, Memoranda, and Administrative Orders issued by the Commission, or parts thereof, inconsistent with the provisions of this Rules are hereby repealed or modified accordingly.


**Section 4. Effectivity.** This Rules shall take effect fifteen (15) days after its last publication in a newspaper of general circulation and registration in the Office of the National Administration Register, U.P. Law Center, Diliman, Quezon City, Philippines.

Approved this 13<sup>th</sup> day of April 2012 at Quezon City, Philippines.

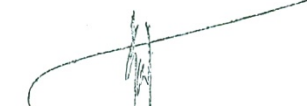
  
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