

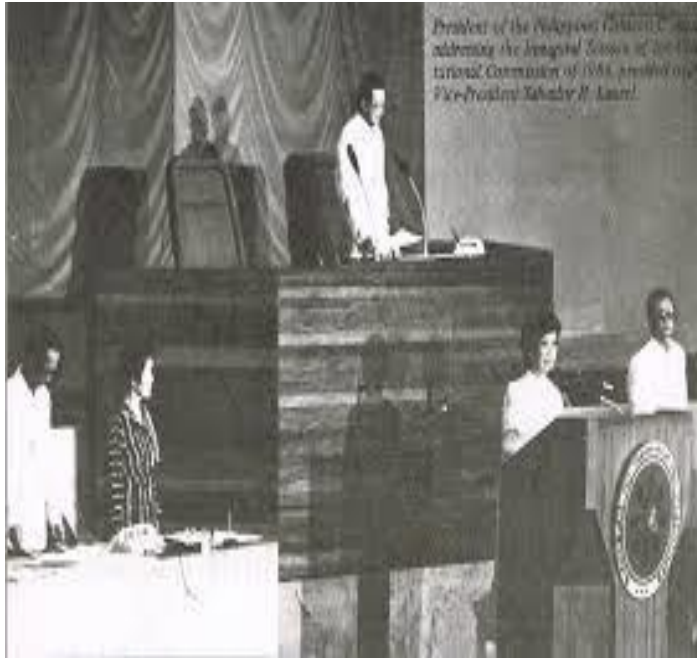
Tulgao Ancestral Domain, Tinglayan Kalinga Photo by Jason Umali



IPRA AND NCIP



I. Constitutional Anchors



■ “The State recognizes and promotes the **rights of indigenous cultural communities** within the framework of national unity and development”

■ (1987 Constitution, Declaration of State Policies and Principles, Article II, Sec. 22)

I. Constitutional Anchors



- “The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well being.
- The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

(1987, Constitution, National Economy and Patrimony, Article XII, Section 5)



I. Constitutional Anchors

■ “ The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their **cultures, traditions, and institutions**. It shall consider these rights in the formulation of national plans and policies.”

(1987 Constitution, Education, Science and Technology, Arts, Culture and Sports, Article XIV, Section 17)

II. Republic Act 8371 Indigenous Peoples Rights Act (IPRA)

The IPRA was signed into law on October 29, 1997

Landmark legislation to:

- Correct Historical Injustice
- Enforce Constitutional Mandates
- Observe International Norms

Salient Points

- Native Title
- 4 Bundles of Rights: Ancestral Domains/Lands, Self-governance, Social justice and human rights, Cultural integrity
- Creation of the NCIP
- Delineation and recognition of ADs/ALs
- Free and Prior Informed Consent
- Primacy of customary laws
- Quasi-judicial powers

A

**Indigenous Cultural Communities /
Indigenous Peoples (ICCs/IPs)**

Indigenous Cultural Communities / Indigenous Peoples (ICCs/IPs)

- **Homogenous societies**
- **Continuously lived as organized community bounded and defined territory**
- **Occupied, possessed and utilized such territories since time immemorial under claims of ownership**
- **Sharing common bonds of language, customs, traditions, and other distinct cultural traits or who have become**
- **historically differentiated from the majority of the**
- **Filipinos**

ICCs/IPs

There are at least 110 ethno-linguistic groups comprising the ICCs/IPs with a population of about 14 million based on extrapolation of Philippine population growth.



Ethnographic Locations of ICCs/IPs

ETHNOGRAPHIC MAP

CORDILLERA & REGION I
 Bontoc, Balangao, Isneg, Tinggian,,
 Kankanaey
 Kalanguya, Karao, Ibaloi, Ayangan,
 Ifugao, Tuwali, Kalinga, Bago, Applai

ISLAND GROUPS
 Agutaynen, Tagbanua, Cagayanen, Cuyunon,
 Ke'ney, Batak, Pala'wan, Molbog, Iraya
 Mangyan, Hanunuo Mangyan, Alangan
 Mangyan, Buhid Mangyan, Tadyawan
 Mangyan, Batangan Mangyan, Gubatnon
 Mangyan, Ratagnon Mangyan, Ati,, Ati
 Sulod/Bukidnon, Magahat Korolanos, Ata,
 Bukidnon, Escaya, Badjao, Kongking

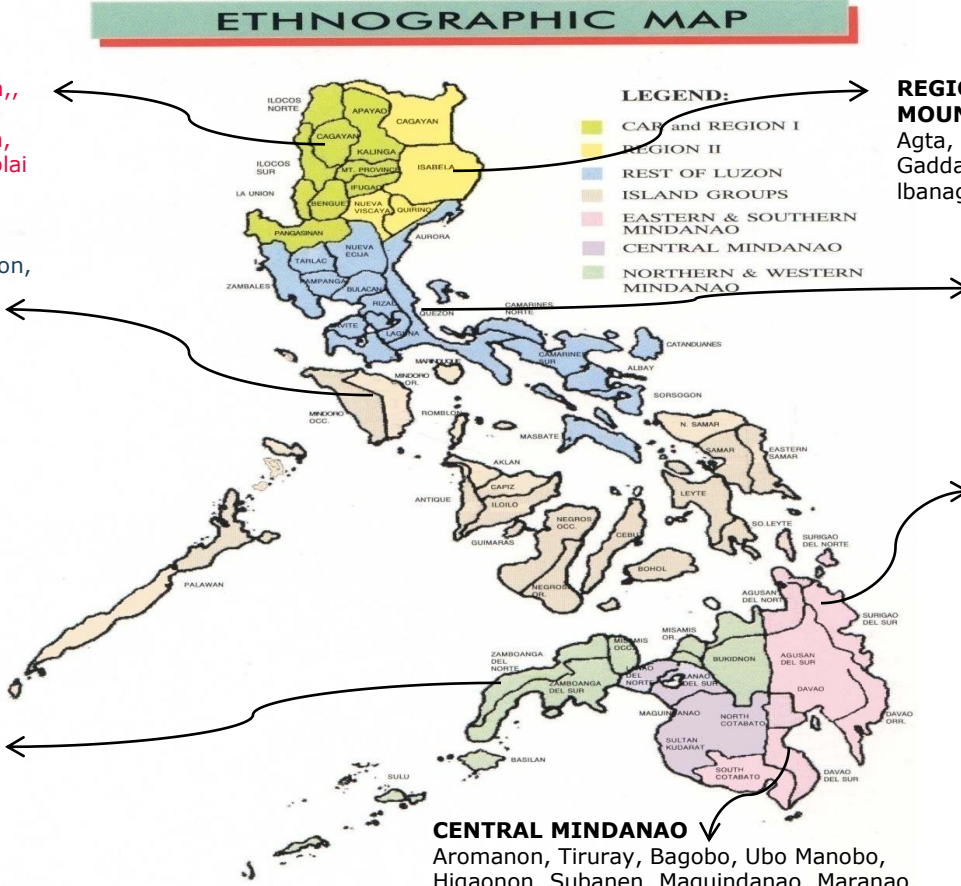
NORTHERN & WESTERN MINDANAO
 Manobo, Subanen, Arumanen Manobo,
 Arakan Manobo, Teduray, Dibabawon,
 Banwaon, Bagobo, Ubo Manobo, Tagakaolo,
 Talaingod,, Langilan, Mamanwa, Higaonon,
 Blaan, T'boli, Kalagan, Tagabawa, Manobo
 Bliit, Matigsalog, Tigwahanon, Tagabawa,
 Sangil

CENTRAL MINDANAO
 Aromanon, Tiruray, Bagobo, Ubo Manobo,
 Higaonon, Subanen, Maguindanao, Maranao,
 Iranon, Karintik Blaan Lambangian

REGION II, CARABALLO MOUNTAINS
 Agta, Kalanguya, Bugkalot, Isinai,
 Gaddang , Aggay , Dumagat ,
 Ibanag, Itawis, Ivatan

REST OF LUZON/SIERRA MADRE MOUNTAINS
 Aeta, Negrito. Baluga, Pugot, Abell
 ing, Agta, Dumagat, Remontado,
 Bugkalot, Cimaron, Kabihug,
 Tabangnon, Abiyan, (Aeta), Isarog,
 Itom

SOUTHERN & EASTERN MINDANAO
 Manobo, Mandaya, Mansaka,
 Dibabawon, Banwaon. Bagobo, Ubo
 Manobo, Tagakaolo, Talaingod,
 Langilan, Mamanwa, Higaonon,
 Blaan, T'boli, Kalagan, Tagabawa,
 Mangguangan, Tigwahanon, Sangil,
 Agusan Manobo



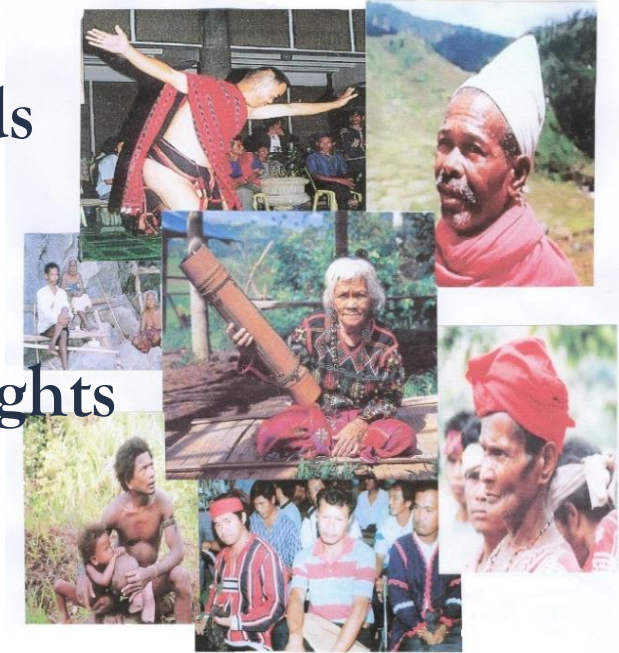
B

Four Bundles of Rights Defined under IPRA



Four Bundles of Rights Defined under IPRA

- Right to Ancestral Domains and Lands
- Right to Self-Governance and Empowerment
- Right to Social Justice and Human Rights
- Right to Cultural Integrity



B.1 Ancestral Domains/ Lands

Ownership; Develop & manage lands & natural resources; Stay in territories; Rights in case of displacement; Regulate entry of migrants; Claim reservations; Right to safe & clean air & water; Resolve conflict through customary law; To transfer ancestral lands; To redeem ancestral lands lost through vitiated consent.

Note: Ancestral domains/lands are beyond the scope of the Regalian doctrine (*Jura Regalia*)



B.1 Ancestral Domains/ Lands

Native Title- refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest (Section 3l, RA 8371)

Ancestral Domains- all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. xxx xxx (Section 3a, RA 8371)



B.1 Ancestral Domains/ Lands

Ancestral Lands- land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present (Section 3b, RA 8371)

* ADs/ALs cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas.

* ADs are private but community property; cannot be sold, disposed or destroyed.



B.2. Right to Self-Governance and Empowerment

- Freely pursue economic, social & cultural well-being; Free Prior Informed Consent in use of resources therein; Use commonly accepted justice system/conflict resolution institutions/peace building processes/customary laws; Participate in decision-making that may affect them; Mandatory representation in policy-making bodies & local legislative councils; Determine their own priorities; Organize; Granted means to fully develop their institutions & initiatives



B.3. Social Justice & Human Rights

- Equal protection & non-discrimination
- Rights during armed conflict
- Equal opportunity & treatment
- Basic services
- Protection to women, children & youth
- Integrated system of education

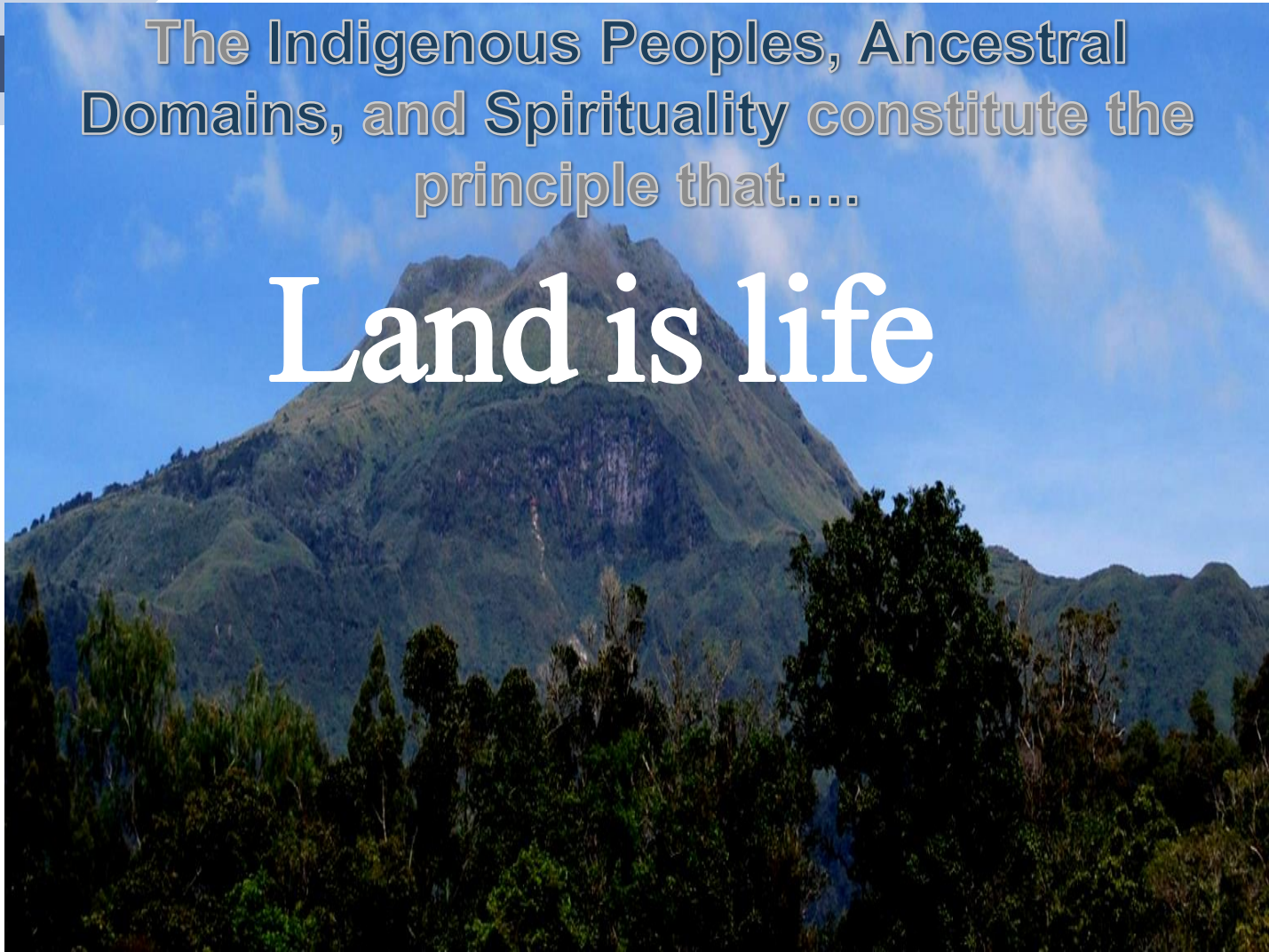


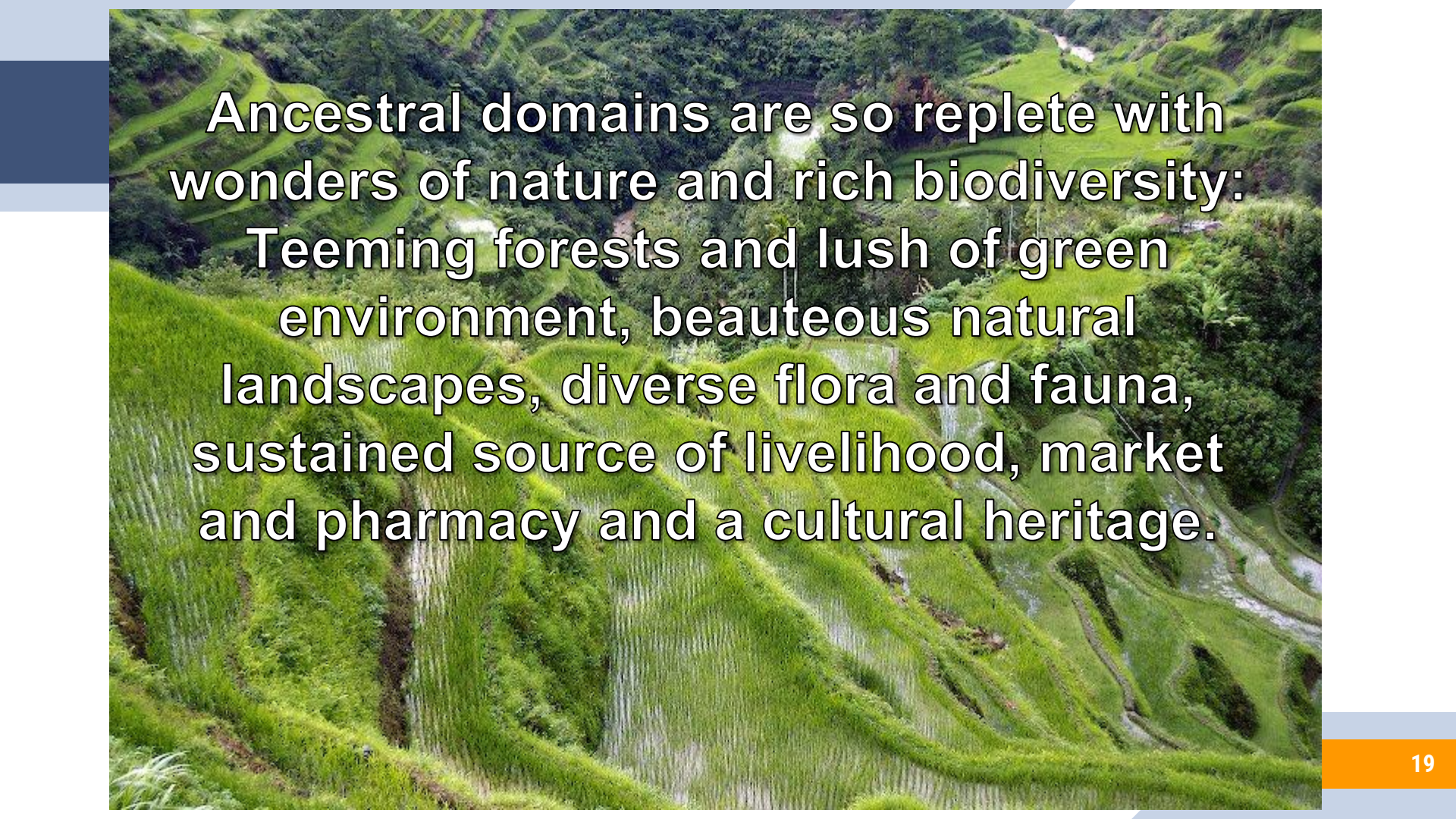
B.4. Right to Cultural Integrity

- Protection of culture, traditions and institutions. These must be considered in the formulation and application of national plans and policies;
- Access to cultural opportunities
- Recognition of cultural diversity
- Practice & revitalize their customs & traditions & the state must protect manifestations thereof
- Religious, cultural sites & ceremonies; funds for archaeological & historical sites
- Ownership and recognition of cultural and intellectual rights [IKSP]

The Indigenous Peoples, Ancestral
Domains, and Spirituality constitute the
principle that....

Land is life

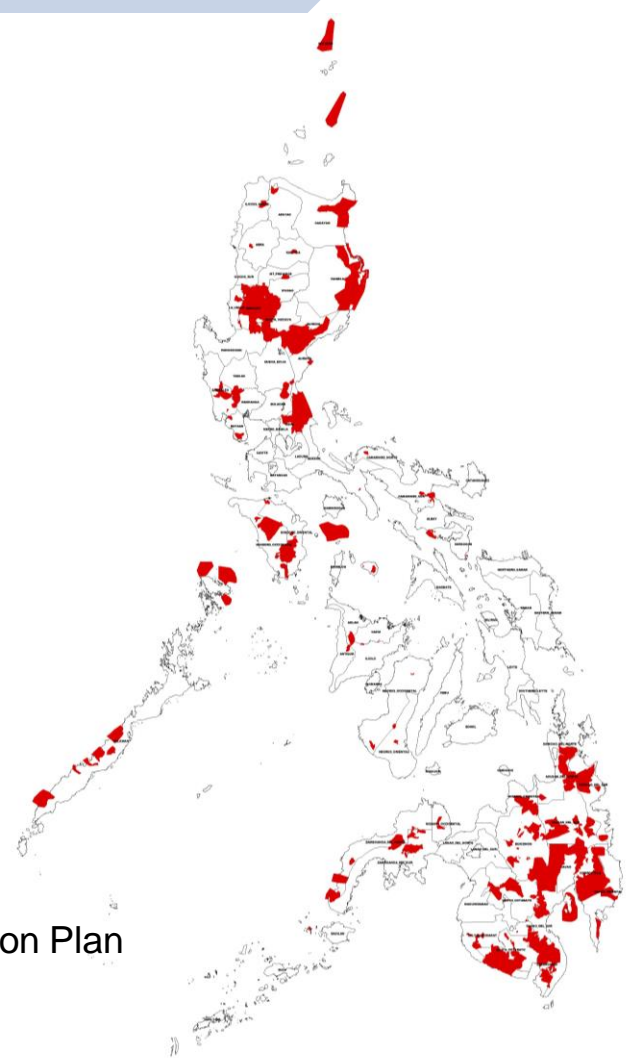


An aerial photograph of a lush green valley with terraced rice fields. The terraces are filled with young rice plants, and the surrounding hills are covered in dense, vibrant green forest. A small stream or path winds through the valley. The text is overlaid on the image in a white, bold, sans-serif font with a black outline.

Ancestral domains are so replete with wonders of nature and rich biodiversity: Teeming forests and lush of green environment, beauteous natural landscapes, diverse flora and fauna, sustained source of livelihood, market and pharmacy and a cultural heritage.

Map Showing the Approved CADTs

Total CADT no: 135
Hectares: 4,188,838.57
Population: 1,551,221
ADSDPP no: 162



CADT – Certificate of Ancestral Domain Title

ADSDPP – Ancestral Domain Sustainable Development Protection Plan

ADSDPP

- The plan of ICC/IPs in a given ancestral domain for the sustainable management and development of their land and natural resources, and human and cultural resources.
- A long term spatial and comprehensive development plan.

The ADSDPP

- It is a tool for the empowerment of the IP community
- Documents the policies and mechanisms for recognizing and promoting the rights of ICCs/IPs and their rights to ancestral domains

Key Features of the ADSDPP

- Indigenous Knowledge Systems & Practices-based
- IP Rights-based
- Ancestral Domain-based
- Community-based
- Initiated by the concerned IC/IP community
- Emphasis on socio-cultural preservation
- Gender-sensitivity
- Written in the vernacular




NCIP Administrative Order No. 3 Series of 2012

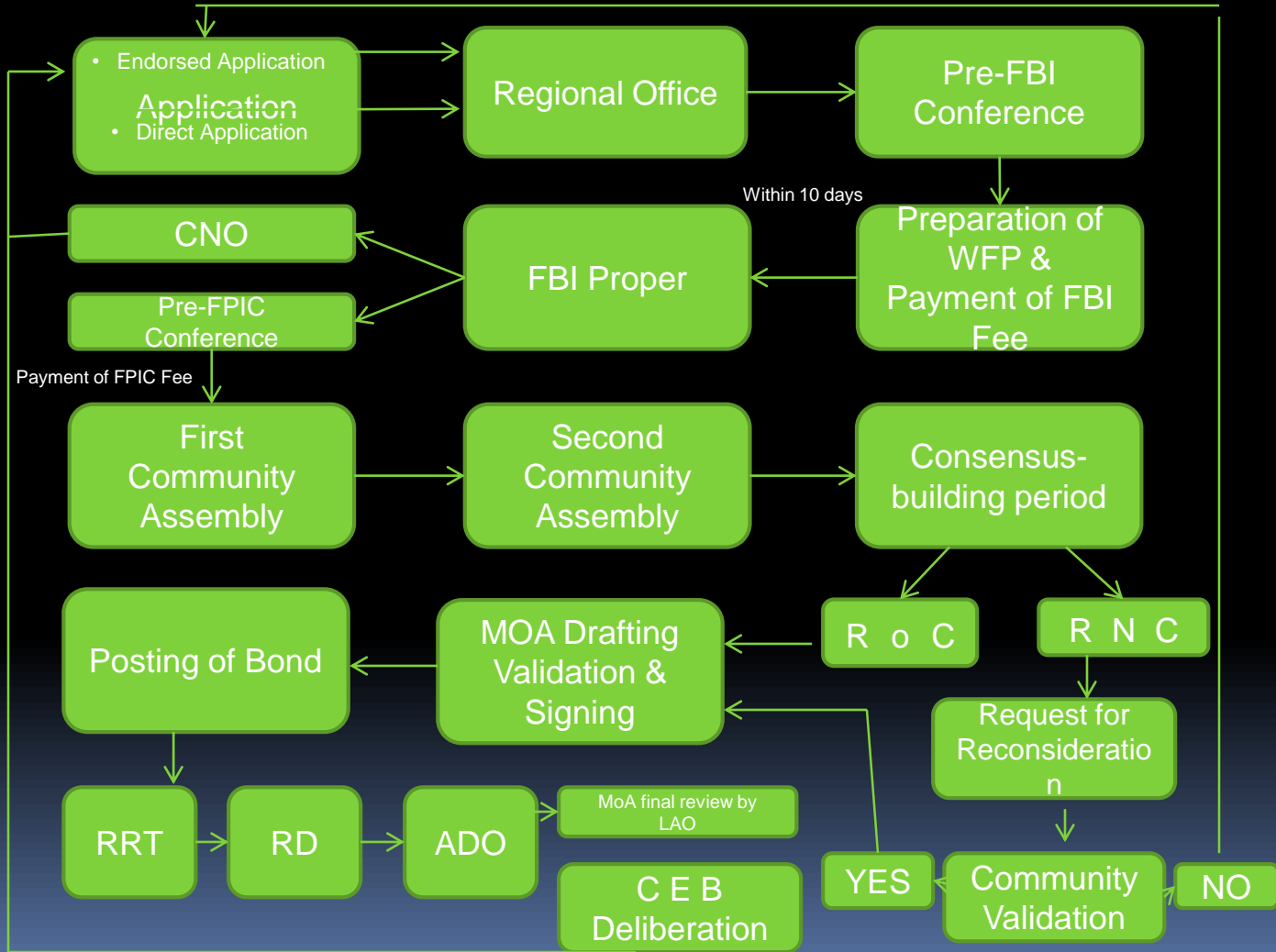
**THE REVISED GUIDELINES ON FREE
AND PRIOR INFORMED CONSENT
(FPIC) AND RELATED PROCESSES
of 2012**

INSTRUCTIONS FOR USE

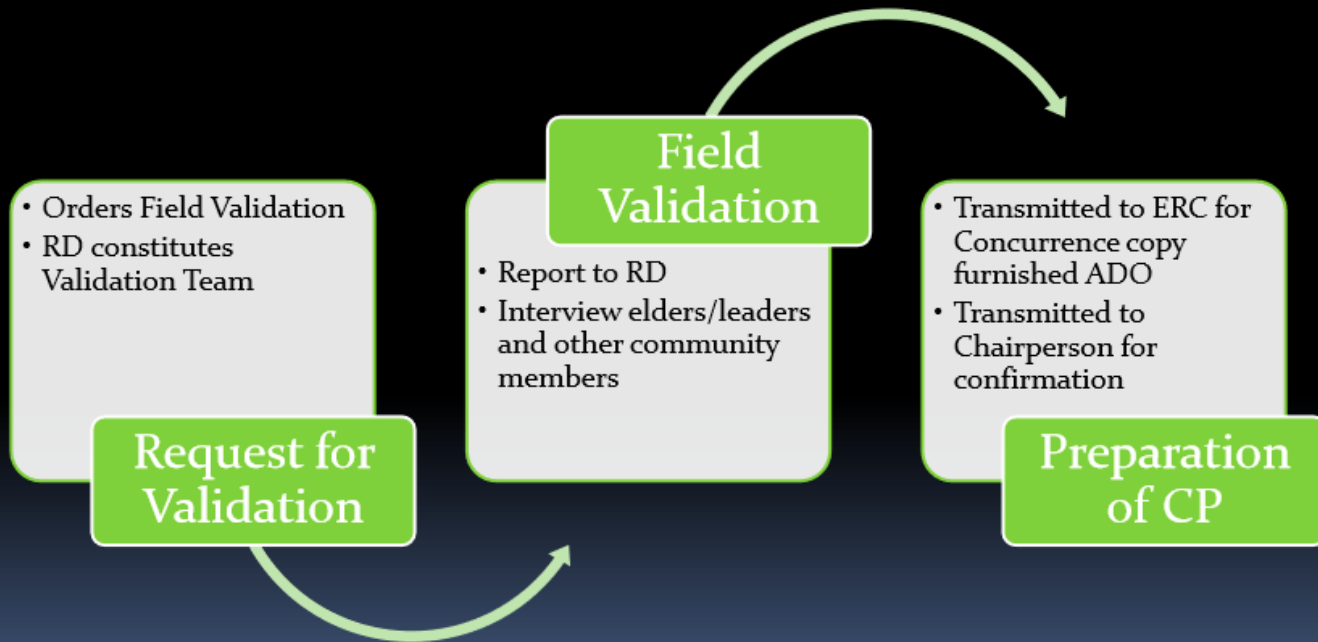
Sec. 59. Certification Precondition – all departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area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



Certification Precondition issued (FPIC) -379-



Validation Process



Salient Provisions

- No similar application in one ancestral domain
- Reports are under oath
- Dormant CP and inactive application
- Posting of bond
- Royalties/CRDP
- Reconsideration
- Non-transferability
- Visitorial and monitoring powers

Prohibited Acts

- *1. The applicant*
 - Employment of threat, coercion, or intimidation; Bribery.

- *2. NCIP Officer or employee*
 - Acceptance or receipt of money, gifts, or any valuable things from the applicant; Use of falsified narration of facts.
 -

- *3. IP community or member and/or Elder/leader*
 - Solicitation and acceptance or receipt of gifts, money or other valuable things from the applicant; consorting or mediating with the applicant to unduly influence the result of the FPIC Process.

- *4. NGOs/ CSO/,GAs/LGUs/Other Groups*
 - Undue influence or interference with the FPIC process or to the community.



III. The National Commission on Indigenous Peoples

**Website : www.ncip.gov.ph
Phone Trunk line: 025751200**



Mandate

The NCIP shall protect and promote the interest and well-being of indigenous peoples with due regard to their:

- **beliefs**
- **customs**
- **traditions, and**
- **institutions**

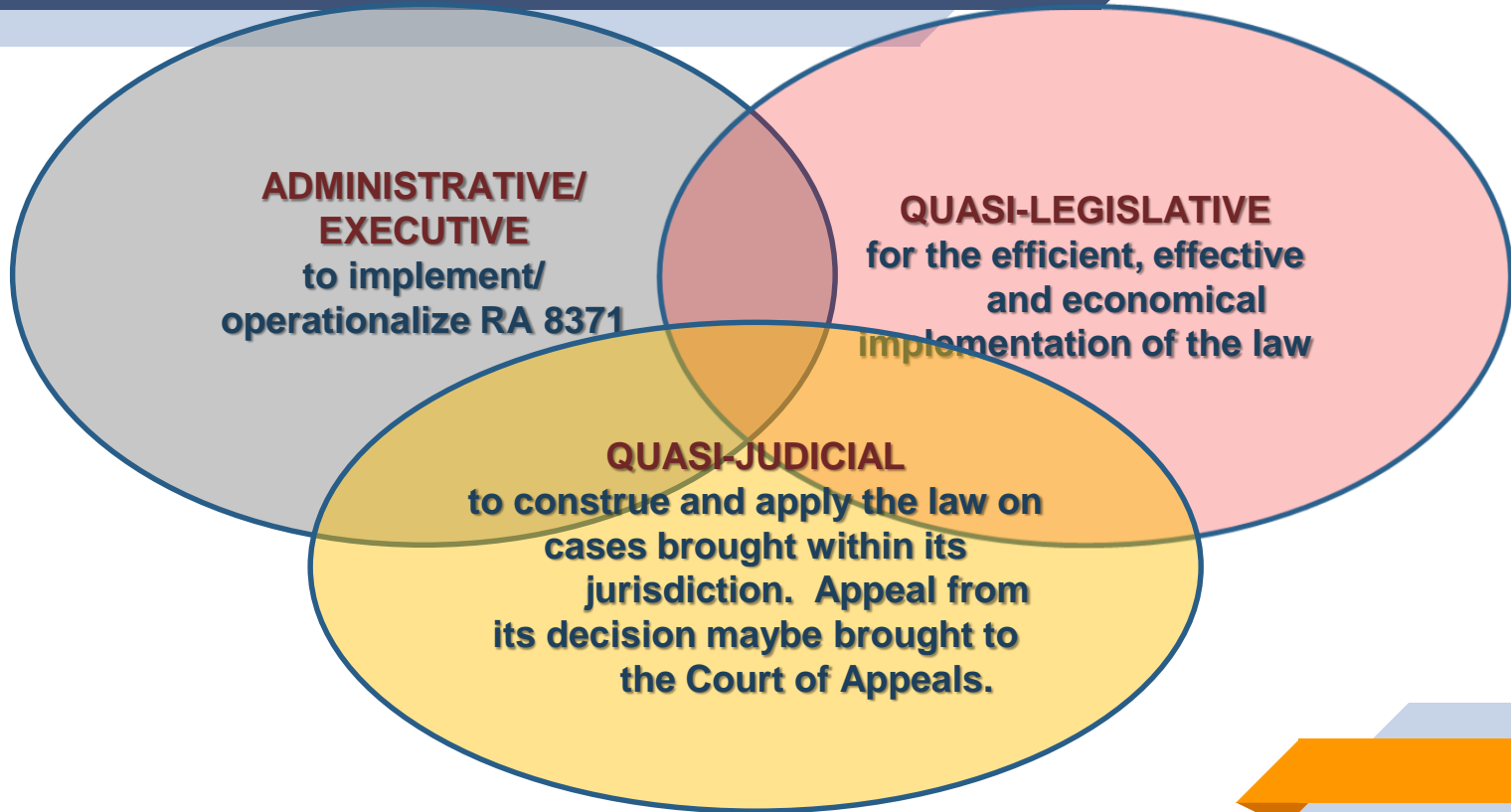
(Section 39, IPRA)

... within the framework of national unity and development.

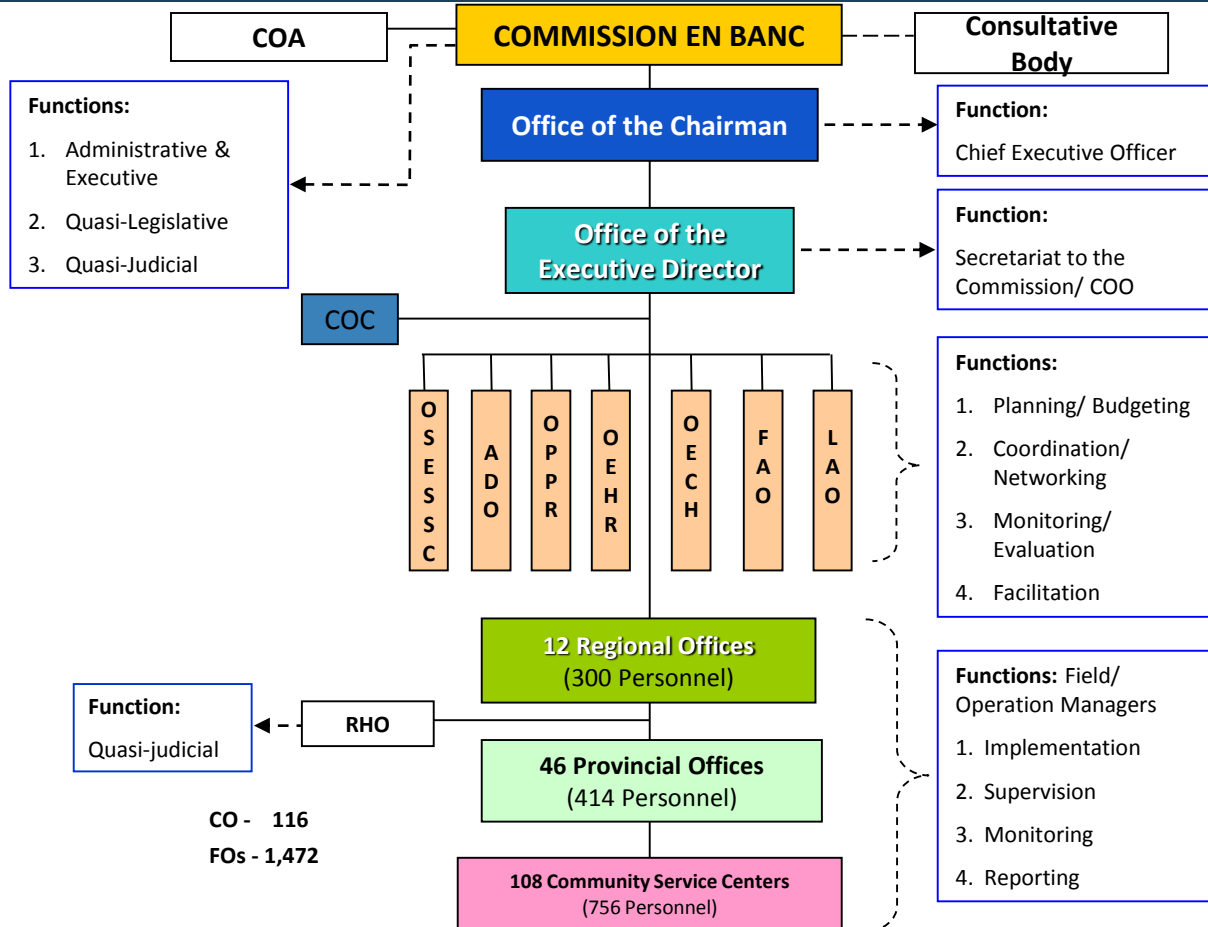
(Section 22, Article II, 1987 Philippine Constitution)



C. MAJOR FUNCTIONS



D. ORGANIZATIONAL STRUCTURE OF NCIP



CO - 116
FOs - 1,472

Total Personnel = 1,588

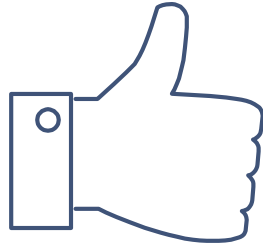
NCIP PROGRAMS

Policy Services

Ancestral Domain / Land Titling Services

Indigenous Peoples Rights Protection Services

Human, Economic and Environmental Development and
Protection Services



THANK YOU!

For queries, you can reach us at:

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