



Republic of the Philippines
Department of Environment and Natural Resources

FOREST MANAGEMENT BUREAU

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MEMORANDUM

FOR : The Bureau Directors
Biodiversity Management Bureau
Environmental Management Bureau
Land Management Bureau
Mines and Geosciences Management Bureau

DENR Regional Executive Directors

FROM : The Director and Chair
Subgroup on FPIC, Tenurial Instruments and other DENR permits, and Enforcement

SUBJECT : **SUBGROUP ON FPIC, TENURE INSTRUMENTS AND ENFORCEMENT**

DATE : **NOV 02 2022**



This is in reference to the Department of Environment and Natural Resources (DENR) - National Commission on Indigenous Peoples (NCIP) high-level policy discussions of issues and concerns over forest lands, alienable and disposable public lands, mineral resources, and other natural resources with issued ancestral lands, domains and those with ongoing claims. On 17 August 2022, a follow-up meeting was conducted which was presided by Joselin Marcus E. Fragada, CESO III, Undersecretary for Field Operations-Mindanao together with Commissioner Rhodex P. Valenciano as the designated/nominated focal persons of their respective offices in the June 22, 2022 meeting.

During the said meeting, it was agreed that the creation of different subgroups be formalized in order to facilitate discussions on key issues, to wit:

- a) Subgroup on Titling of Lands and Section 56 on Vested Rights
- b) Subgroup on Mapping and Data Sharing
- c) Subgroup on Coordination Mechanism for Section 58 of IPRA
- d) Subgroup on FPIC, Tenurial Instruments and other DENR permits, and Enforcement
- e) Subgroup on Dispute Resolution

The Forest Management Bureau was assigned to lead discussions on **Subgroup on FPIC, Tenurial Instruments and other DENR permits, and Enforcement** which is being Co-Chaired by Engr. Caridad Katherine Gullunan of NCIP with the following objective(s):

- To provide for enforcement measures and mechanisms as regards:
 - the issuance of cease-and-desist orders (CDO) by NCIP and/or DENR;
 - the cancellation of permits, licenses, instruments, or certifications, in cases of violation of the IPRA, Memorandum of Agreement, and other pertinent laws, rules and regulations; and

- utilization, control and enjoyment by the ICCs/IPs of the land and natural resources within their ADs/ALs in light of the expiration of programs, permits, licenses, and other RUIs issued thereon.
- To ensure that FPIC from the ICCs/IPs and the corresponding Certification Precondition (CP) are secured before any person, organization, or entity, public or private, conducts any project, program or activity, including issuance or renewal of permits and licenses and the conversion or merging of tenurial instruments, within or affecting ADs/ALs;
- To harmonize overlapping jurisdictions between DENR and NCIP as regards reservations, such as forest reservations, mineral reservations, and watersheds, which are located within ADs/ALs but are also covered by Presidential Proclamations or laws; and
- To provide for the formal recognition of sustainable traditional resource use of ICCs/IPs within their ADs/ALs, including the formulation of a streamlined process for approval of development of projects initiated by ICCs/IPs within their ADs/Als.

Please be informed that an initial meeting/discussion was conducted last 12 October 2022 (see Annex for detailed discussion) and agreed to limit the scope for each topic, to wit:

1. NCIP to discuss and present their proposed level of participation on DENR activities especially on the processes of issuance of CDO and other administrative process;
2. NCIP to provide access to the existing IPO registry and other similar databases relevant to tenure/permit issuances;
3. NCIP to provide a directory/database of NCIP officials/staff/indigenous peoples organizations representatives to assist the forest tenure instrument applicants on the FPIC process;
4. DENR to submit the list of programs and permits that may require the FPIC process and coordinate with other bureaus for the list of programs and permits being issued;
5. DENR to submit draft MOA to NCIP for review and comments; and
6. Both NCIP and DENR to provide a clear stand on the securing of permits of indigenous peoples in their utilization of natural resources within their ancestral domains.

In this regard, kindly submit the following information being monitored/processed/supervised which in any way affects/involves IPs/ICCs within your sector/office:

1. List of programs, permits, licenses, and clearances
 - processes, requirements and timelines
2. Survey process for permits and licenses that require spatial verification
3. Responsibilities and rights of permittees/holders
4. Possible convergence and collaboration

Please submit your inputs, comments, suggestions and recommendations via email at frmd.cifs@fmb.denr.gov.ph copy furnished fmb@denr.gov.ph on/before 7 November 2022.

FOR INFORMATION AND CONSIDERATION.


TIRSO P. PARIAN, JR., CESO IV

DISCUSSION			AGREEMENTS
AGENDA	FMB	NCIP	
To provide for enforcement measures and mechanisms as regards:	<p>Both ends should have a proposal to the process on:</p> <ul style="list-style-type: none"> - Joint NCIP and DENR rules of procedure for dispute resolution - Issuance of cease and desist order process that can be followed by both NCIP and DENR 	<p>Request to be included or have a joint enforcement on CDO and issuance of restraining orders</p> <p>Request for a copy of DENR process on CDO and issuance of restraining orders for reference</p>	<p>Points for discussion on next meeting:</p> <ol style="list-style-type: none"> 1. How do NCIP want to participate? 2. NCIP's level of participation 3. Review and discussion of NCIP and DENR's processes on CDO and other administrative process, and find points of collaboration and partnership specially on the field level <p>DENR to provide the CDO process via email OR for NCIP representatives to attend or tap in the regular DENR meetings on forest protection program or processes</p>
Securing FPIC from the ICCs/IPs and the corresponding Certification Precondition (CP) in the issuance or renewal of permits and licenses and the conversion or merging of tenurial instruments, within or affecting ADs/ALs	<p>Request for a simplified and streamlined FPIC process on non-extractive tenure projects and how can DENR help support the issuance of clearance based on your process</p> <ul style="list-style-type: none"> - All projects shall undergo FPIC, what is needed is to determine which can undergo a simplified process of validation. - Maybe we can revive the discussion on the draft MOA. send it to ncip for your review and comments and arrive on an agreeable document as an output for this subgroup to be presented to the main TWG. for discussion next meeting 	<p>NCIP agrees as long as the IPs are being consulted. Ongoing streamlining of FPIC process:</p> <ul style="list-style-type: none"> - Validation process of FPIC will be approved on the regional level only - Number of days for the processing of FPIC for both full blown and validation process - We are open to leveling off and drafting of mechanism on how to construct and streamline our process - Request for list of permits being issued by DENR to be used as basis in the ongoing discussion and drafting of the enhancement of FPIC guidelines, particularly on 	<p>DENR to submit the list of programs and permits that may require the FPIC process and coordinate with other bureaus for the list of programs and permits being issued</p> <p>DENR to submit draft MOA to NCIP for review and comments</p>

		determining if the project will undergo full blown or validation process	
Jurisdictions between DENR and NCIP as regards reservations, such as forest reservations, mineral reservations, and watersheds, which are located within ADs/ALs but are also covered by Presidential Proclamations or laws	It is suggested that this topic be dropped in the discussion since this is the concern of the Subgroup on Coordination Mechanism for Section 58 of IPRA		
Recognition of sustainable traditional resource use of ICCs/IPs within their ADs/ALs, including the formulation of a streamlined process for approval of development of projects initiated by ICCs/IPs within their ADs/ALs	<p>We need to know: who are the indigenous peoples group/community, what are the indigenous cultural practices especially on forest management and natural resources management.</p> <p>Proposal for the DENR to have access to the database on: who are the indigenous peoples group/community, what are the indigenous cultural practices especially on forest management and natural resources management.</p> <p>Whether or not indigenous peoples are required to secure permits whenever they utilize natural resources within their ancestral domains.</p> <p>Concern of our holders being misguided or not assisted on the FPIC process because they do not know who from the NCIP to talk to.</p>	For the DENR to consider the Indigenous practice on resource use in the plan, penalties, policies and permits (cutting permit)	<p>For NCIP to provide access to the existing IPO registry and other similar databases relevant to tenure issuances</p> <p>Both NCIP and DENR to provide a clear stand on the securing of permits of indigenous peoples in their utilization of natural resources within their ancestral domains. For discussion for the next meeting</p> <p>NCIP to provide a directory/database of NCIP officials/staff/indigenous peoples organizations representatives to assist the forest tenure instrument applicants on the FPIC process</p>
Other			FMB to arrange schedule for the next meeting