



## NOTICE OF MEETING

**FOR/TO :** Engr. Caridad Katherine Gullunan, NCIP  
Subgroup, Co-Chair  
Other NCIP Representative(s)  
Representative(s)  
Biodiversity Management Bureau  
Land Management Bureau  
Mines and Geosciences Bureau  
All Regional Offices - LPDD/CDD, representative  
The OIC, FRMD  
The Chief, FPS-FRCD  
The Chief, CFS-FRMD  
The Chief, FLUAS-FRMD  
The OIC, CIFS-FRMD  
For. Marie Argin Bernadette Mendoza  
For. Eva Guzman  
For. Joey Ace Peralta  
For. Angelo Marquez  
For. Edward Dumrique

**FROM :** The Director  
and Chair of Sub Group on FPIC, Tenurial Instruments and other DENR  
Permits, and Enforcement

**AGENDA :** **LEVELING-OFF ON THE SCOPE AND COVERAGE OF THE  
SUBGROUP ASSIGNMENT**

1. 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; 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.
2. 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;
3. 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
4. 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

**DATE/TIME :** 12 October 2022, 2:00 PM  
**VENUE :** 4th Floor Conference Room

Your attendance is highly enjoined.

  
**TIRSO P. PARIAN, JR., CESO IV**





**Republic of the Philippines**  
Department of Environment and Natural Resources  
Visayas Avenue, Diliman, Quezon City  
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929-3618; 426-0465; 426-0001; 426-0347; 426-0480  
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**MEMORANDUM FOR THE HONORABLE SECRETARY**

THROUGH : The Head Executive Assistant

FROM : The Undersecretary for Field Operations - Mindanao

SUBJECT : **REPORT ON THE INITIAL MEETING OF THE DENR-NCIP  
TECHNICAL WORKING GROUP HELD ON 17 AUGUST 2022**

DATE : 22 August 2022

In reference to the DENR-NCIP high-level policy meeting held last 22 June 2022 that focused on the ongoing concerns in the overlap of jurisdiction over natural resources within ancestral lands and ancestral domains, the office of the undersigned conducted an Initial Meeting of the DENR-NCIP Technical Working Group (TWG) on 17 August 2022.

The Initial Meeting aims to continue the levelling off, harmonization and interface of ENR and IP laws and policies. The meeting was attended by the following:

**DENR TWG members:**

USec Joselin Marcus E. Fragada  
ASec Gilbert C. Gonzales  
ASec Arleigh J. Adorable  
ASec Ruth M. Tawantawan  
Dir. Tirso P. Parian, Jr.  
Dir. Emelyne V. Talabis  
Dir. Wilfredo G. Moncano  
Dir. Norlito A. Eneran  
Director Natividad Y. Bernardino  
-Represented by: Assistant Director Amelita DJ. Ortiz  
Director William D. Cuñado  
-Represented by: Atty. Julie Ann Turqueza

**NCIP TWG Members:**

Comm. Rhodex P. Valenciano  
Director Caesar M. Ortega  
Director Gillian S. Dunuan  
Director Harriet N. Abyadang  
Director Ronaldo M. Daquioag  
Atty. Maribel P. Idiang  
Engr. Katherine P. Gullunan  
Atty. Jonathan C. Jo

Also present in the meeting were staff from the Offices of the Undersecretary for Field Operations-Mindanao, Assistant Secretary for Field Operations- Luzon and Visayas, Western Mindanao and Eastern Mindanao, Forest Management Bureau, Legal Affairs Service and Policy and Planning Service.

The meeting was presided by the undersigned together with Commissioner Rhodex P. Valenciano as coordinators of the Technical Working Group. The discussions focused on addressing overlapping jurisdictions, operational issues and conflicting claims in the implementation of respective programs of the DENR and NCIP.

Highlights of the meeting:

Agenda	Discussion/Agreements
I. Presentation of agreements during the last meeting	Presented by Atty. Thomas Kabigting of the FMB Legal Division. No comments or questions were raised from the members of the group.

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II. Rationalization of issuance of Permits/Licenses	<ul style="list-style-type: none"> <li>• Approval of Certificate Precondition shall be at the regional level.</li> <li>• Ensure that the Free and Prior Informed Consent (FPIC) and the corresponding Certification Precondition are secured prior the conduct of any projects including issuance and renewal of permits and licenses</li> <li>• Concerned Bureaus of the DENR to provide the list of programs and projects and identify to which of the following categories it will fall: <ul style="list-style-type: none"> <li>○ Non-negotiable projects that require FPIC</li> <li>○ Projects that only requires streamlined-validation process</li> <li>○ Projects that no longer require FPIC</li> </ul> </li> </ul> <p>NCIP and DENR to come up with policies/guidelines/rules towards resolution of Conflict on cancellation and reinstatement of permits</p>
III. Setting of the Implementing Rules and Regulation for Section 58 of the IPRA to cover the delineation process and the role of the DENR	<ul style="list-style-type: none"> <li>• To operationalize, prioritize the implementation of Section 58 (Environmental Considerations) of the Indigenous Peoples Rights Act of 1997.</li> <li>• To identify the specific role of the DENR and NCIP. The DENR is the lead agency in the determination/identification of ancestral domain or areas that are necessary for critical watersheds, mangroves, etc. while the ICCs/IPs are the ones in charge in the management of the area.</li> <li>• Identify the possible role of the DENR and NCIP in the transfer or turn-over of the area.</li> </ul>
IV. Finality of Cases	<ul style="list-style-type: none"> <li>• The Legal Affairs Service presented some pending cases relative to IPs concern. The NCIP through Atty. Caesar Ortega informed the body that upon review and continued meeting and dialogue with the concerned party/ies, they are amenable on the resolution and dropping of the cases and continue with the FPIC process.</li> <li>• To identify mechanism/s between DENR and NCIP regarding investigations and resolution of pending cases.</li> <li>• A separate meeting will be conducted to discuss and identify other Pending cases of DENR and NCIP.</li> </ul>
V. Other discussion	<ul style="list-style-type: none"> <li>• NCIP to help in the monitoring and validation of existing projects</li> <li>• Find a legal mechanism in empowering the IPs in the regulation and enforcement. One option is deputation of IPs.</li> <li>• The NCIP to give the DENR the inventory of all the recognized and registered tribes.</li> </ul>

VI. Draft Joint Memorandum Circular. The JMC shall serve as framework mechanism and operational manual. It shall be the working document to identify task at hand. The body agreed for the creation of sub-groups within the technical working group. The sub-groups shall come up with a specific recommendation and proposal of provisions which may be added to the draft JMC. It shall be decided later on which instrument will be used, whether Joint Memorandum Circular or Joint Administrative Order.

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## **DENR-NCIP TWG Sub-Groups:**

### **a) Sub- Group on Titling of Lands and Section 56 on Vested Rights**

Chair: DENR - Land Management Bureau (LMB)

Co-Chair: NCIP - Ancestral Domains Office (ADO)

Members: MGB, BMB, FMB, and DENR RO representatives (from Luzon and Mindanao)

Objective:

- To establish a uniform interpretation in the determination of "existing and/or vested rights" under Section 56 of IPRA; and
- To provide coordination protocols on the issuance of Certificates of Non-Overlap (CNO) and sharing of data and information between DENR and NCIP whenever said agencies are undertaking titling activities.

### **b) Sub- Group on Mapping and Data Sharing**

Chair: DENR - Knowledge and Information Systems Service (KISS)

Co-Chairs: NCIP ADO – RD Ronaldo M. Daquioag

DENR - National Mapping and Resource Information Authority (NAMRIA)

Members: LMB, BMB, MGB, FMB

Objective:

- To create a mechanism for coordination and complementation between indigenous traditional leadership and governance structures and the NCIP, DENR, government agencies, concerned LGUs and civil society organizations; and
- To ensure meaningful participation of ICCs/IPs and NCIP in policy-making bodies of government agencies and local government units such as the Provincial Mining Regulatory Board (PMRB), Protected Area Management Board (PAMB).

### **c) Sub- Group on Coordination Mechanism for Section 58 of IPRA**

Chair: DENR - Legal Affairs Service (LAS)

Co-Chair: NCIP - Legal Affairs Office (LAO)

Members: BMB, MGB, LMB, FMB

Objective:

- To review laws and policies including but not limited to E-NIPAS, PD 705, and administrative orders on mining, for the purpose of recommending appropriate amendments and revisions thereto taking into account prevailing jurisprudence.

### **d) Sub- Group on FPIC, Tenurial Instruments and other DENR permits, and Enforcement**

Chair: Forest Management Bureau (FMB)

Co-Chair: NCIP – Engr. Caridad Katherine Gullunan

Members: BMB, MGB, FMB, LMB

Objective:

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

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- 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.

**e) Sub- Group on Dispute Resolution**

Chair: LAS, Co-Chair: NCIP LAO - Atty. Jonathan Jo

Members: All Legal Divisions of the Bureaus

Objective:

- To prevent the rampant illegal selling of lands that are portions of or within ADs;
- To provide a mechanism between DENR and NCIP regarding investigations and dispute resolution on pending cases and issues, as well as overlapping jurisdiction between the two agencies, prior to resorting to judicial remedies.

**VII. Way Forward**

The following is the timeline of upcoming activities of the TWG:

Activity	Date
Deadline of inputs from all Sub-groups (FMB to consolidate)	September 19, 2022
Workshop and Plenary	October 05-07, 2022
Expected output – Joint Memorandum Circular (JMC)/Joint Administrative Order (JAO)	

By the end of the plenary, it is expected that the JMC/JAO will address and resolve pressing issues on delineation of areas and jurisdictional concerns over natural resources within ancestral lands and ancestral domains.

For the Secretary's information and further instruction.

**JOSELIN MARCUS E. FRAGADA, CESO III**

Copy furnished:

Undersecretary Analiza Rebuella-Teh  
Finance, Information Systems and Climate Change

Undersecretary Peter N. Triangco  
National Mapping and Resource Information Authority

Assistant Secretary Gilbert C. Gonzales  
Field Operations – Luzon and Visayas

Assistant Secretary Arleigh J. Adorahn  
Field Operations – Western Mindanao

Assistant Secretary Ruth M. Tawantawan  
Field Operations – Eastern Mindanao

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**FMB SPECIAL ORDER**

No. 2022-284

SEP 23 2022

**SUBJECT : AUTHORIZING THE CONDUCT AND PARTICIPATION OF SOME FMB OFFICIALS AND EMPLOYEES AS PROVIDED IN THE MEMO DTD 08/22/2022 MEMORANDUM FOR THE SECRETARY RE: REPORT ON THE INITIAL MEETING OF THE DENR-NCIP TECHNICAL WORKING GROUP HELD ON 17 AUGUST 2022**

In the interest of the service and in compliance with the agreements on the initial meeting on the DENR-NCIP Technical Working Group (TWG) held on 17 August 2022, and as provided in the Memorandum for the Secretary by the Undersecretary for Field Operations – Mindanao dated 22 August 2022, the conduct and participation of some FMB officials and employees in the sub-groups created for the DENR-NCIP TWG is hereby authorized.

The sub-groups shall be composed of the following:

- |                                  |  |
|----------------------------------|--|
| 1. Atty. Ray Thomas F. Kabigting | Sub-Group on Dispute Resolution  |
| 2. For. Kenneth R. Tabliga       | Sub-Group on Coordination Mechanism for Section 58 of R.A. 8731            |
| 3. For. Hubert Dale O. Riña      | Sub-Group on Mapping and Data Sharing                                      |
| 4. For. Amie T. Rabang           | Sub-Group on Titling of Lands and Section 56 on vested rights              |
| 5. For. Ina D. Tobias            | Sub-Group on FPIC, Tenurial Instruments and other permits, and Enforcement |

The FRMD and the Legal Unit shall act as Secretariat. As the need arises, other offices of the Bureau may be tapped to provide assistance in the performance of the tasks of the different sub-groups.

All related expenses to be incurred in carrying out the functions of the sub-groups shall be charged against FMB funds subject to the usual accounting and auditing procedures, rules and regulations.

This Order shall take effect immediately.

**TIRSO P. PARIAN, JR., CESO IV**  
Director





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For. Marie Argin Bernadette Mendoza  
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For. Edward Dumrique

**FROM :** The Director  
and Chair of Sub Group on FPIC, Tenurial Instruments and other DENR  
Permits, and Enforcement



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**DATE/TIME :** 12 October 2022, 2:00 PM  
**VENUE :** 4th Floor Conference Room

Your attendance is highly enjoined.

  
**TIRSO P. PARIAN, JR., CESO IV**