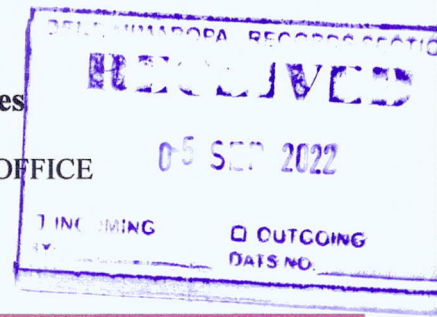




Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA Region
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE
Bgy. Sta. Monica, Puerto Princesa City, Palawan
Telfax No. (048) 434 - 8791
Email Add: penropalawan@denr.gov.ph



August 16, 2022

MEMORANDUM

FOR : The Regional Executive Director
DENR - MIMAROPA, 1515 L&S Building
Roxas, Blvd., Ermita, Manila

ATTENTION: *The Chief, Legal Division*

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **REQUEST FOR CLARIFICATION RE: LETTER DATED MAY 11, 2022 OF ATTY. JANSEN I. JONTILLA, PROVINCIAL OFFICER OF NCIP PALAWAN PROVINCIAL OFFICE IN RELATION TO SECTION 5 OF DMC 2019-10 DATED DECEMBER 11, 2019**

Forwarded is the Memorandum from CENRO – Puerto Princesa City dated May 30, 2022 along with the Memorandum from Atty. Jazmin D. Altea submitting her comment relative to the request of Atty. Jansen I. Jontilla of NCIP Palawan Provincial Office.

Per advise of Atty. Altea, issues raised by CENRO – Puerto Princesa City be forwarded to your end and the DENR Central Office for clarification since it involves interpretation of law and to determine whether there has been an ongoing negotiation or talks entered into by DENR, DAR, LRA and NCIP.

For information, clarification and advise of action.

Cc:

CENRO – Puerto Princesa City

TSD/File *kkva

Doc. Ref. No. 2022-5147/2022-7242


HELIZARDO B. CAYATOC

**DENR-PALAWAN
PENRO-RECORDS
RELEASED**

By _____
Date: **22 AUG 2022**

22-2123



July 29, 2022

MEMORANDUM

FOR : **FELIZARDO B. CAYATOC**
Provincial Environment and
Natural Resources Officer

FROM : **Atty. Jazmin D. Altea**
Chief, PENRO Legal Unit

SUBJECT : **REQUEST FOR CLARIFICATION RE: LETTER DATED MAY 11,**
2022 OF ATTY. JANSEN I. JONTILLA, PROVINCIAL OFFICER
OF NCIP PALAWAN PROVINCIAL OFFICE.

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: [Signature]
DATE: 18-10-2022 22-7242

COMMENT

This has reference to the letter dated May 11, 2022 of Atty. Jansen I. Jontilla, Provincial Officer of NCIP Palawan Provincial Office requesting for the following documents in order to facilitate the issuance of NCIP Clearance of Ms. Yara and Mr. De Vera on their public land application:

1. Complete set of the application and attachments;
2. Approved land survey; and
3. Other documents to prove their claim and/or occupation of the said area.

Accordingly, these documents will be used during the investigation and field validation, considering that the applied area is part of the ancestral domain claim of the Tagbanua with Petition No. R04-PAL-0005-AD, covering the Barangays of Napsan, Bagong Bayan and Simpocan, Puerto Princesa City, which has been approved by the NCIP Commission En Banc.

Particularly, the comment of the undersigned is sought on the following:

1. Whether CENRO Puerto Princesa City may provide the above-mentioned requested documents to the NCIP and
2. Is it necessary to provide the above-mentioned documents to the NCIP for them to determine whether or not to issue the NCIP clearance?

The CENRO Puerto Princesa City has the discretion whether or not to allow the disclosure of the above-mentioned documents to the NCIP for the issuance of Certification pursuant to the provisions of DENR Administrative Order No. 2016-29 or otherwise known as the DENR Freedom of Information Manual. Under Item II of the said administrative order, the determination of the applicability of any of the exceptions to the request shall be the responsibility of the Decision Maker (CENRO or his/her duly authorized representative) who shall be in control of the information, public record, or official record. Hence, the CENRO or his authorized representative must determine whether the requested documents are not included in



any of the exceptions listed under Annex "C" and/or not a sensitive personal information for them to be able to provide the said documents.

Anent the second issue on whether it is necessary to provide the above-mentioned documents to the NCIP for them to determine whether or not to issue the NCIP clearance, **the undersigned opines that it is not necessary for the NCIP to secure the complete set of application requirements and attachments and other documents to prove the applicant's claim and/or occupation of the said area. However, the information regarding the boundaries in the approved land survey is vital in determining whether the area of CADT is within the boundaries applied for by applicants, Ms. Yara and Mr. De Vera.**

To give an overview, Section 13 of Joint DAR-DENR-LRA-NCIP Administrative Order No. 01-12 provides for the mechanisms to prevent and resolve contentious areas/issues between the NCIP, DENR and DAR, to wit:

SECTION 13. Projection of Survey Plans. — The need for improving standards and processing of survey plans among agencies is hereby recognized as a critical step to minimize occurrence of overlaps. As such, all survey plans processed by NCIP, DAR and DENR shall be in accordance with the Manual of Land Surveys in the Philippines.

Prior to the approval by the NCIP of the CADT/CALT application, the NCIP shall furnish DAR (Regional Office which in turn will endorse to the Provincial Office for the issuance of the necessary certification or recommendation), DENR and LRA a copy of the original survey plan for projection and verification in order to determine if the AD/AL survey overlaps with titled properties and other approved surveys on file. In the absence of a technical problem, the DENR, DAR and LRA have thirty (30) days from receipt of the AD/AL survey plan within which to return the same to NCIP, together with the required certification or their findings and recommendations, as the case may be.

Should there be overlapping of titled properties or approved survey plans within the AD/AL as determined by the LRA, DENR and DAR, an endorsement or certification to that effect shall be issued by the LRA (Central Office), DENR (Regional LMS) and DAR (Province/s which shall copy furnish the Regional Office and the Assistant Secretary for Operations) stating therein the specific details, such as, the approved survey number and/or title number of the titled properties overlapped by the AD/AL survey. **Approved survey plans as used in this Joint Administrative Order refers to approved surveys prior to October 29, 1997.** Thereafter, the said survey plan together with endorsements or certifications shall be returned to the NCIP **for segregation/exclusion of such titled properties or approved survey plans from the survey plan and the technical description of the AD/AL.** For this purpose, it shall be the primary duty and responsibility of the NCIP to secure all necessary data to be used as reference in the segregation/exclusion process.



It is equally the responsibility of DAR and DENR to furnish the NCIP the survey data pertinent to the application on process, free of charge.

The original AD/AL survey plan, as amended, shall then be submitted to the LRA, DENR and DAR anew for final projection. The **LRA, DENR and DAR** have fifteen (15) days from receipt of the AD/AL amended survey plan within which to return the same to NCIP and **to issue the certification of non-overlap with titled properties and over those lands which have proofs of prior vested rights** subject to extension if meritorious circumstances warrant.

In case there is overlapping with any proclamation, reservation or any other similar issuances, the endorsement herein above-mentioned shall likewise contain such findings to enable the NCIP to comply with the provisions of Paragraph 13 of Joint LRA-NCIP Memorandum Circular No. 1, series of 2007 which states:

"Section 13. Where the Ancestral Domain or Ancestral Land is overlapped by any proclamation or reservation, the area covered by the said proclamation shall be so indicated in the survey plan.

The certification to be issued by the NCIP showing that it has complied with Sec. 52 (i) of R.A. No. 8371 and the Resolution of the Commission approving the CADT/CALT shall form part of the documents to be submitted to LRA as basis for the issuance of the appropriate authority to register."

Conversely, **DAR and DENR shall, before processing or further processing applications for land titles** pursuant to their respective mandates involving conflict areas (i.e., identified by the agencies concerned with pending/overlapping jurisdictional/operational issues or conflicting claims which are contentious or potentially contentious), **must notify NCIP of the specific area to be titled** and the **latter shall certify**, subject to the provisions of this section on **projection of survey plans and issuance of certification of non-overlap, whether the same affects an AD or AL.**

xxx"

The said provision requires the NCIP to provide the original survey plan for projection and verification to the DENR or DAR before the NCIP may approve the CADT/CALT. Meaning to say, before the subject area may be given an approved CADT/CALT, the NCIP must segregate all the titled properties and approved survey plans. If there is no technical problem and overlapping of boundaries, the DENR or DAR shall issue a certificate of non-overlap. However, if there is an overlapping of titled properties/approved survey plans to the AD/AL being claimed, the DENR or DAR must endorse a certification (stating therein the specific details, such as, the approved survey number and/or title number of the titled properties overlapped by the AD/AL survey) to the NCIP for exclusion or segregation. The NCIP shall then amend the original AD/AL survey plan to be submitted to the DENR or DAR for final projection. The DENR or DAR



shall return the same and issue a certificate of non-overlap. This is in consonance with Section 56 of Republic Act No. 8371 or otherwise known as “The Indigenous Peoples’ Rights Act of 1997” recognizes the existing prior and vested rights within the ancestral land/domain, to wit:

SECTION 56. Existing Property Rights Regimes. — Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

Note, however, that the titled properties and approved survey plans pertain to those that were approved prior to the enactment of the IPRA law (October 29, 1997). These properties are allowed to be segregated and/or excluded to the AD/AL survey plan.

In addition, the statement above that **“it shall be the primary duty and responsibility of the NCIP to secure all necessary data to be used as reference in the segregation/exclusion process. It is equally the responsibility of DAR and DENR to furnish the NCIP the survey data pertinent to the application on process, free of charge.”** pertains only for the purpose of segregating and/ or excluding the titled properties or approved survey plans from the survey plan and the technical description of the AD/AL and not to the issuance of Certification whether the same affects AD/AL. Here, the NCIP is requesting for the complete set of application and attachments and other documents to prove the claim of the applicant, however, what the applicants are requesting to the NCIP is the Certification to the effect whether or not the area to be titled is within the CADT and not for the purpose of segregation/exclusion of the subject area. The NCIP can just furnish the said Certification even without reference to the complete set of application and attachments and other documents to prove the claim of the applicant. What the NCIP needs to determine whether or not the area to be titled affects the AD/AL is the technical description in the approved survey plan of the applicants for them to determine whether it is within the bounds of the area claimed as AD/AL.

Further, the notification requirement under Section 13 of the said joint administrative order means that the CADT had undergone the requirement of projection of survey plan and certificate of non-overlap issued by the DENR or DAR. Meaning to say, the basis of the NCIP to certify whether the area to be titled is within the AD/AL should be the area projected from the approved CADT/CALT which have already undergone the requirement of projection or survey and certificate of non-overlap.

In the case of *Loloy Unduran et. al. vs. Ramon Aberasturi et. al*¹, the Supreme Court recognized the Joint *DAR-DENR-LRA-NCIP* Administrative Order No. 01, Series of 2012 and held that:

“On the other hand, the DAR and DENR shall not process titles pursuant to their mandate on lands certified by NCIP as ancestral domain or ancestral lands except in areas with prior and vested rights. Provided, however, that the certification by NCIP on lands as Ancestral Domains or Ancestral Lands pursuant to Section 52(i) of IPRA presupposes that the provision of Section 13 hereof on the projection of survey plans and issuance of Certification of Non-Overlap have already been complied with.”

¹ G.R. No. 181284; April 18, 2017



It is very clear and mandatory that DAR and DENR shall not process titles certified by NCIP as AD/AL except in areas with prior and vested rights. However, this is subject to the condition that the NCIP have complied with the provisions of Section 52 of IPRA and Section 13 of the Joint Administrative Order No. 01 series of 2012.

Here, there is already a notification of assumption of jurisdiction over ancestral domains sent by the NCIP to the Secretary of the DENR over CADT number R04-PUE-0913-161 covering Barangays Napsan, Bagon Bayan, Simpucan, portion of Barangay Bacungan and portion of Snake Island, Puerto Princesa City². Since the notification presupposes that all the requisites under Section 52 and Section 13 have been complied with, it is for the DENR to question the validity of the assumption of NCIP over the subject areas by proving non-compliance with the said provisions.

Considering the foregoing, the undersigned advises the DENR-PENRO Palawan to instruct the DENR-CENRO Puerto Princesa City to verify whether the requirement under Section 13 of the Joint Administrative Order on the projection of survey plan and certificate of non-overlap were complied with by the NCIP prior to the approval of CADT number R04-PUE-0913-161 covering Barangays Napsan, Bagon Bayan, Simpucan, portion of Barangay Bacungan and portion of Snake Island, Puerto Princesa City. The DENR-CENRO Puerto Princesa City may furnish the technical description of the approved survey plan or the copy of the approved survey plan itself for the NCIP to determine whether the area to be titled is within the CADT being claimed by the IPs.

In the meantime, the DENR-CENRO Puerto Princesa City should not process Ms. Yara and Mr. De Vera's application for land titling pending the certification to be issued by the NCIP on whether the area to be titled is within the area covered under CADT number R04-PUE-0913-161. If the approved survey plan of Ms. Yara and Mr. De Vera already existed prior to October 29, 1997, the DENR CENRO Puerto Princesa City must endorse the approved survey plan for segregation and/or exclusion by the NCIP in accordance with Section 13 of the said Joint Administrative Order.

The undersigned likewise advises the DENR-PENRO Palawan to forward the CENRO Puerto Princesa City's request for clarification to the DENR MIMAROPA Region and to the DENR CENTRAL Office since this involves interpretation of law and to determine whether there has been an ongoing negotiation or talks entered into by the DENR, DAR, LRA and NCIP regarding the matter.

For your information and guidance.


ATTY. JAZMIN D. ALTEA

² Hereto attached as Annex "A".



Republic of the Philippines
Office of the President
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
2nd Fl. N. dela Merced Bldg., Corner West & Quezon Aves., Quezon City
Tel Nos. 373-9534 : Tundines 575-1200
Website: www.ncip.gov.ph

ANNEX "A"

33601 DEN

DEC 07 2017

November 24, 2017

HON. ROY A. CIMATU

Secretary

Department of Environment and Natural Resources (DENR)

Visayas Avenue, Diliman

1100 Quezon City, Philippines

Dear Sec. Cimatru:

Subject: *Notification of assumption of jurisdiction over ancestral domains*

Paragraph (i), Section 52, Chapter VIII of Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 (IPRA) provides, as follows:

"1.) Turnover of Areas within Ancestral Domains managed by other Government Agencies. The Chairperson of the NCIP shall certify that the area covered is an ancestral domain. The secretaries of the Department of Agrarian Reform, Department of Environment and Natural Resources, Department of Interior and Local Government, and Department of Justice, the Commissioner of the National Development Corporation, and any other government agency claiming jurisdiction over the area shall be notified thereof. Such notification shall terminate any legal basis for the jurisdiction previously claimed."

The following areas, after thorough scrutiny by this Commission of the documents comprising the claim book of the CADT Applicant/s, are found to be held under a claim of ownership, occupied and possessed by the Indigenous Peoples/Indigenous Cultural Communities since time immemorial up to the present and issued Certificate of Ancestral domain Title (CADT), viz:

Region	CADT Number	Location of Ancestral Domain	ICC/IPS	Date Approved
CAR	CAR-BOK-0908-080	Bokod, Benguet	Kankana-ey & Ibaloi	9/3/08
	CAR-TUB-0908-081	Tublay, Benguet	Kankana-ey & Ibaloi	9/3/08
	CAR-SAB-1008-082	Sablan, Benguet	Ibaloi	10/9/08
	CAR-LAT-1008-085	La Trinidad, Benguet	Kankana-ey, Ibaloi & Kalanguya	10/10/08

Region	CADT Number	Location of Ancestral Domain	ICCa/IPs	Date Approved
I	CAR-MAN-1208-094	Mankayan, Benguet	Kankana-ey	12/17/08
	CAR-BAR-0915-188	Barangays Chupac, Kaleo, Lanas, Ogo-og, Kadadian, Municipality of Bading, and Barangay Banao Municipality of Natonin, Mt. Province	Balangao	9/23/15
	R01-SNI-0308-066	Seno Kabayabanan, Barangay San Felipe East, Municipality of San Fernando, Province of Pangasinan	Ibaloi	3/26/08
	R01-CAR-0116-198	Bubara, Barbaquero, Angset, Caran, Ilocos Norte	Apayao/ Itneg	1/12/16
	R01-SUG-0704-024	Municipality of Sugpon, Province of Ilocos Sur	Kankana-ey & Daga	7/16/04
II	R02-DUP-0110-146	Barangays Abaca, Baruk, Ganso, Kimbutan, Lukadnon, Sangui, Talbek, Carokotan(portion) and Kinabuan(portion), Municipality of Dupax del Sur and Barangays Cawayan, Galinnga, Pelaway, Lapuga, and portion of Lublub, Municipality of Alfonso Castaneda, all in the Province of Nueva Vizcaya	Bugkalot	1/26/10
	R02-KAY-1215-197	Barangays Acacia, Anasip, Alangsalacsac, Balere, Bmahan, Bahadi, Baan, Buyasyas, Banao, Besong, Balangabang, Cabanglasan, Cabayao, Cabalatan, Kayapa Proper, Latbang, Lawigan, Mapayaw, Nansakan, Pampang, Pangawan, Pinayag, Pingkian, San Fabian, Tidang Village, Castillo Village, Talkebkch, Municipality of Kayapa; Barangay Baan, Municipality of Antao; Barangays Pallas & Salmas, Municipality of Bambang	Kalanguya, Iwak & Ibaloi	12/9/15
III	R03-SJM-0204-020	Sitio of Karahumz, Barangay San Isidro, Municipality of San Jose del Monte, Province of Bulacan	Dumagat	2/18/04
	R03-GAB-1114-176	Paganjan, Puzamalan, Gabaldon, Nueva Ecija	Dumagat	11/28/14
	R03-BAM-1215-195	Portion of So. Gayaman and portion of So. Baguingan, Barangay Annupul, Bamban Tarlac; So. Tarukan Barangay Sta. Juliana; Manabayan, Barangay Pating; So. Bilad, Flora, Kawayan, Yangka, Mahaboy, Uybo, Kulyanan, Tibag, Maruglo Proper, Paminuman, Burabo, Barangay Maruglo, Capas, Tarlac	Acta Mag-antni	12/8/15
	R03-LJM-1215-196	So. Kinaragan, Barangay Duale, So. Aryada, Barangay Alangan & portion of Barangay Kitang II, Municipality of Linao, portion of Barangays Cababon, Maligaya and Malaya, Municipality of Mariveles, Batangas	Ayta- Magbukon	12/8/15
	R03-SUB-0116-199	Sos. Alibang and Tibag, Naugad, Subic, Zambales	Acta-Ambala	1/12/16

Region	CADT Number	Location of Ancestral Domain	ICCs/IPs	Date Approved
III	R03-MAR-0116-200	Barangay Balon Anito, Municipality of Mariveles & So. Sayam, Municipality of Bagac, Bataan	Ayta-Magbukon	1/26/16
	R03-BOT-0216-205	Barangays Poonbato & Awaog Nehloc, Municipality of Botolan, Zambales & portion of Municipality of San Jose, Tarlac	Aeta	2/10/16
	R03-BOT-0708-073	Botolan, Zambales	Ayta	7/31/08
IV	R04-CAJ-0204-021	Sitios of Haguitan, portion of Sitio Panagintingan, Sancti Spiritus, Purok Barco, Sinapawan, Bayaybal, Subayan, Pagboyogan, and Guinalan, Sitio of Yagub, Natambakan, Nahunusan and Balay Lamban, Barangay of Lumbung West, Municipality of Capidocan; portions of Sitio Cabaylanan, Dawo, Kamagong and Dnyaran, Barangay of Cambajao, portion of Sitio Alahag, Barangay Danao, portions of Barangay Sogod, Cambuang and Alibagon; Sitios of Layag, Lagting (portion), Anahao (portion), Malapipi, Magarasok, Buyabog, Tagbong, Suyod and Palma, Barangay Taclobo; portion of Barangay Otod, Municipality of San Fernando, Province of Romblon	Mangyan	2/19/04
	R04-ROD-0512-158	Barangays Putay, San Rafael, San Isidro and Mascap, Municipality of Rodriguez (Montalban) and portion of Barangay Mah, San Mateo, Rizal	Dumagat/Remontado	5/25/2012
	R04-PUE-0913-161	Barangay Napsan, Bagon Bayan, Simpucan, portion of Barangay Bacungan and portion of Snake Island, Puerto Princessa City, Province of Palawan	Tagbanua	9/25/13
	R04-CAT-1115-191	Barangay San Jose Anyao, Catanduan, Quezon	Aeta	11/11/15
	R04-ABO-0116-204	Barangay Barake, Aborlan, Palawan	Tagbanua	1/28/16
V	R04-SCR-0104-014	Sitios of Calamintao, San-oglakol, Baroganti, Katapos, Alitangan, Balaoy and Buruburuan, Barangay of Alacaak, Municipality of Sta. Cruz and Sitio Talapa, Barangay Talabaan, Municipality of Mamburao, all within the Province of Occidental Mindoro	Iraya-Mangyan	1/30/04
	R05-TIW-0206-042	LOT 1 (Area=700.5435 has,) portions of Barangays Mayong, Dapdap, Mambis, Maynonong and Jorcan, Municipality of Tiwi, Province of Albay LOT 2 : (Area=753.3027 has,) portions of Barangays Sta. Cruz, Ipi and Iraya, Municipality of Buhi, Province of Camarines Sur	Agta	2/9/2006

Region	CADT Number	Location of Ancestral Domain	ICCs/IPs	Date Approved
V	R05-CAP-0406-044	Portions of Barangays Tanauan, Nagayayay, Old Camp, Matague, San Antonio, Villa Aurora and Lukanan, Municipality of Capalonga, Camarines Norte	Kabihug	4/21/2006
	R05-IRI-1215-194	So. Mambulala, Antipolo, Inga City, Camarines Sur	Agta/Agta-Tatangnon	12/8/2015
VI & VII	R06-CAD-0415-179	So. Manara, Celestino, Villacis, Cadiz City, Negros Occidental	Ata Negrito	4/28/15
	R07-MAB-0415-180	Barangays Canggohob and Landaas, Municipality of Maburay and Barangay Sabahan, Bais City, Negros Oriental	Ata	4/28/15
	R06-DUM-0415-181	Barangays Tarnatalod, Pungso-an, Cotingie, Agustab and Aglalana, Dumaran, Capiz	Ata	4/28/15
	R06-LIB-1115-192	Barangays Manika, Oyang & Dalagasan, Libacao, Aklan	Akranon-Bukidnon	11/11/15
	R06-LAU-0217-215	Barangays San Ramon, Cusamon & Maybunga, Linao-an and portion of Igson, Bugasong, Antique	Iraynon-Bukidnon	February 2017
	R06 & R07 KAB-0104-013	Portions of Barangay Carol-an, Kabankalan City, Province of Negros Occidental, and portions of Barangay Carol-an, Municipality of Ayungon, Province of Negros Oriental	Bukidnon-Kamlayan	11/21/04
IX	R09-SIN-0908-075	Sindangan, Leon B. Postigo, Godod, Zamboanga del Norte	Subanon	9/2/08
	R09-TIG-1208-095	Tigbao, Zamboanga del Sur	Subanon	12/17/08
	R09-SIB-0314-167	Lintangan, Langayon, Malayal et.al, Sibuco, Zamboanga del Norte	Subanon	3/27/14
	R09-SIB-0415-178	Barangays Anongan, Panganuran, Mantivo, Carwit-carwit & Litawan Sibuco, Zamboanga del Norte	Kolibugan	4/15/15
	R09-ZAM-1005-033	Barangays of Sangali and Victoria, Zamboanga City	Bajau	10/21/05
X	R10-QUE-0204-018	Portions of Barangays Butong and Meraengeren, both within the Municipality of Quezon, Province of Bukidnon	Manobo	2/18/04
	R10-QUE-0712-159	Sitio Buayan, San Jose, Quezon Bukidnon	Manobo	7/12/12
	R10-IMP-0914-173	La Fortuna, Impasug-ong and So Intivas & portion of San Juan Barangay Lupanga, Kisolon, & portion of Barangay Poblacion, Sumilao Province of Bukidnon	Higaonon	9/10/14
	R10-IMP-0914-174	Sitio Kibawa, Impalutao, Impasug-ong, Bukidnon	Bukidnon-Tagakaolo	9/10/14
	R10-MAR-0815-184	Barangay Base Camp & San Miguel, Municipality of Maranag, Province of Bukidnon	Manobo-Higaonon	8/12/15

Region	CADT Number	Location of Ancestral Domain	ICCs/IPs	Date Approved
	R10-VAL-0915-186	Digdalngalan, Kalokalo and Olango of Barangay Lourdes, Valencia City, Bukidnon	Bukidnon	9/9/15
	R10-TUD-0915-187	Barangay Narnut, Misugay, Crala, Buonavista, Calambutan, Settlement, Tudela, Misamis, Occidental	Subanen	9/23/15
	R10-MLY-1115-193	Portions of Barangay Sumpun & Canayan, Malaybalay City, Bukidnon	Bukidnon Tagbilaranon	11/26/15
X	R10-GIN-0116-203	Barangays Hindangon & Balason, Gingoog City, Province of Misamis Oriental and portion of Barangay San Luis, Municipality of Malubog and portion of Gulang gulang, Municipality of Manolo Fortich, Province of Bukidnon	Higa-onon	1/28/16
	R10-DON-0216-206	Barangays Gandingan & Kipaduan, Municipality of Pangantucan, Barangays San Antonio West, Mahayahay, Maurwagon, Bismartz, Paula, Kamkot, San Roque, Kawahian, Embayao & Buyot, Municipality of Don Carlos and portion of Ninoy Aquino, Municipality of Kahlangan, Bukidnon	Manobo Kirenteken Ilanungon	2/10/16
	R10-PAN-0117-211	Barangays Malmao and San Vicente Ferrer, Municipality of Kahlangan; Barangay Bacusanon, Municipality of Pangantucan and portions of Barangays Dominorog & Tikalaan of Tabakag, Province of Bukidnon	Higa-onon	1/24/17
	R10-ILI-0117-212	Rogongon, Panoruganan, Kahlangan & Mainit, Iligan City, Lanao del Norte	Higa-onon	1/24/17
	R10-KIT-0703-0011	Barangays of Sinuda, Tawas, Gutalid, Kahusayan, West Daburong, East Daburong, Kulom, Panginan, Digongon, White Kulaman, New Cabalantian, Sagundanon, Kipilas, Lorega, Sinaysayan (portion), Calaparan (portion), Municipality of Kitaotao, Province of Bukidnon; Barangays of Sino Kipolot, Barangay Palacapan, portion of Barangays Sta. Filomena, Linabo, Kipsaypayon, Municipality of Quezon; Barangays of Kabuhing, Durian, Kalagangan (portion) and Manupe, Municipality of San Fernando, Barangays of Sino Kinababa, Barangay Pinaruk, Municipality of Kibawe, Province of North Cotabato, Barangays of Sumalih, Kulaman Valley, Mantangkil, Gambudis, Old Cabalantian (portion), Municipality of Arakan, Barangays of Buda, Baganihan, Datu Salunay, portion of Barangays Marilog, Malumba and Gumitan, Marilog District, Davao City	Matigsalug- Manobo	7/25/03

Region	CADT Number	Location of Ancestral Domain	KLAs/IPs	Date Approved
XI	R11-CADT-MCRA-10095-087	Barangays of Mt. Linares, Carmen and San Isidro & portions of Barangays Saravali, Jipog, Uyo, Pata, Tula, Misra, Pusan, Bayan, Rizal, Hapunan, Olayon, San Juan Baling, Jaro, all within the Municipality of Montopo, Province of Compostela Valley	Mindanao Manobo Mangyan & Tribal	7/21/03
	R11-LAA-10095-055	LOT 1 (Area=49,512,528 ha) Barangays of Agutade, Ampang, Andap, Banaoan, Bulaknagan, Davao Ampang, Bala, Davao Andap, Davao Jorobagan, Kanda, Kandaagan, Kibaga, Kibanan, La Sagrada, Longganagan, Lumbao, Malinao Malibay, Malibay, Malinao, Pampangan, Pagwa, Sabadagan, San Antonio, San Estan, San Tula, Barangay Poblacion, all within the Municipality of Lala, Province of Compostela Valley LOT 2 (Area=8,599,600 ha) Barangays of Sanico, Buan, Buanan, and Camana, all within the Municipality of Asuncion, Province of Davao del Norte LOT 3 (Area=3,353,471 ha) Sanico, Dugay, Okapan, Kananan II and Kawayan, Barangay Gupitan, Municipality of Kapanan; and portions of Barangays Monte Dupit, Davao Baling, and Pampangan, Municipality of San Isidro, all within the Province of Davao del Norte	Compostela	10/22/05
	R11-PAN-0908-076	Pantukan, Maragusan, Maso, Mahina, Marwah, Compostela Valley	Manobo	9/2/08
	R11-DAV-1108-091	Barangays Marilog and Bagao District, Davao City, Davao Del Sur	Obu Manuva	11/13/08
	R11-DAV-0213-160	Barangay Paquibato, portion of Calinan, Marilog, Buhangin, all in Davao City and portion of Sto. Tomas, Davao del Norte	An ICCs	2/06/13
	R11-JOS-1013-162	Barangay Molmol, Quapo and Aligado, Municipality of Jose Abad Santos, Davao del Sur & portion Municipality of Glan, Province of Sarangani	B'laan & Manobo	10/2/13
	R11-KIB-1213-165	Kiblawan, Davao del Sur	B'laan	12/11/13
	R11-DAV-0514-168	Barangay Manuel Guanga, Tugbok District, Barangays Suid and Tarnayong, Calinan District, Barangays Cadahan, Carmen and Tawan tawan, Bagao District, Davao City	Bagobo-Klata	5/28/14
	R11-MAT-0814-170	Macambel & Cabaya, Mati, Davao Oriental	Mandaya	8/27/14
	R11-SAM-0415-177	Island Garden City Of Samal, Davao del Norte	Samal	4/15/15

Region	CADT Number	Location of Ancestral Domain	ICCs/IPs	Date Approved
XI	R11-MAN-0515-182	Barangay Taokanga Rural, Lambog, San Ignacio, Old Macopa, Holy Cross, Capasane and portion of San Fermun, all in the Municipality of Manay, Davao Oriental	Mandaya	5/27/15
	R11-TOR-0915-185	Barangays Dalanon Plunacion, Tungtalan, Eden, Taguano and Cengan, Toril District, Davao del Norte	Bagobo-Tagabawa	9/8/15
	R11-NEW-0116-201	Cabilanan, Del Monte, El Salvador, Lambaan, Maribung, Patocino, Sta Fe, New Corella, Davao Del Norte	Iliga-onon	1/26/16
	R11-CAR-1016-308	Barangays Caningag, Mercedes, San Pedro, P.A.I Sobocarey Gil, Alvat, Lantawan, and portion of Pichon, Municipality of Caraga, Province of Davao Oriental	Mandaya	10/13/16
	R11-BAG-1016-209	Barangays Batawan, Bonondo, Miket, Mahanub, San Isidro, Campawan, portion of Banao, Municipality of Baganga, Province of Davao Oriental	Mandaya	10/13/16
	R11-DON-0117-213	Barangays of Bahintaya, Cakso, Dalupan, Kinanga (polunacion), Kibog, Lantao, Lapuan, Lawa, Luncheon, Mahubay, North Lamudan, Nueva Villa, South Lamudan, Talagutan, West Lamudan, Municipality of Don Marcelino, Davao del Sur	Manobo/B'han	1/24/17
	R11-SCR-1005-034	Barangays Emano, Alegre, Ahavista, Salayan, portion of Barangays datapay, Biraug, Anonang, Managa, Tinongtongan, and Lantawan, Digos, Davao del Sur; Barangay Kapatagan and portion of Barangays Binaton, Goma and Balabag, Municipality of Sta Cruz; portion of Barangays Sibulan, Zone 1, Zone 2, Sinuron, Tibolo, Coronon, Sabdonon, Astorga and Jone Rural; portion of Barangays Old Bulutukan, New Israel, Municipality of Makilala, province of North Cotabato; Barangay Sibulan, Davao	Bagobo-Tagabawa	10/22/05
	R11-NEW-0204-019	LOT 1 (Area-92,365.1051 has.) portion of Barangays Mangayon, Tama, Ngan, San Miguel and Panansalan of the Municipality of Compostela; portion of Barangays Bantacio, Kahayag, San Roque, Cogonon, Fatima, Magangit, Camanlangan, Cabanuangan, Batinsao, Andap and Pagsabangan of the Municipality of New Bataan; Barangays of Langgawisan and Baki of the Municipality of Maragusan, all in the Province of Compostela Valley and Suro Danawan I of Barangay Bonondo of the Province of Davao Oriental LOT 2 (Area-48,7625 has.) Barangay Batinao of New Bataan, Province of Compostela Valley	Mandaya Mansaka	2/17/04

Region	CADT Number	Location of Ancestral Domain	ICCA/IPs	Date Approved
XII	R12-KID-0204-017	Sitios of Sayaban, Suduhayan, Agco, Tarago, Angge and Songsongan, Barangay Ikomay, Sitio Maweg, Lamon, Pasing, Barangan, Pamaso, Inasapo, Kulay, Meok, Tambahan, Turuhan and Kanapnan, Barangay Bulbing, all within the City of Kidapawan, and a portion of Kanayan Area, Municipality of Magpet, Province of North Cotabato	Obo-Memoru	2/14/04
	R12-TBO-1207-059	Barangays of Alilek, Alim, Basag, Datal Boh, Datal D' Larag, Kamara, Lambuling, Lambukan, Lamaslome, Lambangan, Mahaga, Man, Mongokayo, Takon, Talufa, Tudok, Tholok, Selacafe, portion of Barangay Poblacion, Desaru, New Dumangas, Laronon, Edwards, Sinolon and Lampan, all in the Municipality of Thidpoportion of Barangay Veterans, Municipality of Surallahportion of Barangay Mamo-so, Municipality of Polomolokportion of Barangay Simbo, Municipality of Tapa, all in the Province of South Cotabatoportion of Barangay Maligang, Municipality of Mamasan and portion of New La Union, Municipality of Maitum, Province of Sarangani	Frank A. Breen	12/17/07
XII	R12-MAG-1108-098	Barangays of Manobes and Imambaling, Municipality of Magpet, Province of North Cotabato	Ubo-Manobo	11/6/08
	R12-SUR-1013-163	Sitios Tubak, Datal Lura, Lambadak and Malones of Barangay Upper Sepaka, Surallah and Sitios Datal Booglangon, Tawan Dagat, Segowit and Tuburan of Nod, Lake Sebu, all in South Cotabato	Tbol-Ubo	10/03/13
	R12-CAR-1013-164	Barangay Aroman, and portions of Barangay Ranzo Palangalan, Bepuloan, Laronon, Manili, Kalala, Kimadul, Bentangan, Lihongan, and Kihudangan, all in the Municipality of Carmen, Province of North Cotabato	Aromanen Manobo	10/03/13
	R12-KAL-1213-166	Sitios Pungpungan 1 & 2, Samadi, Bawing, Magurawa and Agam, Lamulan, Kalamansig, Sultan Kudarat	Manobo-Duhangan	12/11/13
	R12-PIG-0514-169	Rembon, Pigawayan, North Cotabato	Manobo-Aromanen	5/28/14
	R12-LJT-0814-171	Barangay Tanarungan, Lutayan, Sultan Kudarat	Blaan	8/27/14
	R12-MAG-0814-172	Barangay Amabel, Magpet, North Cotabato	Manobo	8/27/14
	R12-ALA-1114-175	Barangays Dumolok, Datal Arigga, Alegria, Pamaso, Tukawal, Bahumay, Bagacay, Mandulan, Poblacion, Pagasa, Spring and Kawas, Municipality of Alabel, Sarangani	Tagakaulo-Blaan	11/27/14

	CADT Number	Location of Ancestral Domain	ICC/IPs	Date Approved
XII	R12-KOR-0515-183	So. Salhan, Barangay Paraiso, Soa. El Gawel, Dungen Lahik, Nge. Banzeli Tahkilo, Lam-ama, Calabang & Bahal Langok, Barangay Saravia, Part of So. Acob, Barangay San Isidro, Soa. Ula-Mba-o, Datal Firak, Ulo Kholi & part of Lower Ladal, Barangay Assumption Paraiso, Kormadai City, South Cotabato	B'laan	5/27/15
	R12-MAI-1015-189	Portion of Barangay Poblacion, Sapu Padela, Sapu Masla, Yuyan, Libi, Tan Masla, Kanan, Kihon, Duan Suyan & Upper Suyan all in the Municipality of Malapatan, Saranggani	B'laan	10/14/15
	R12-DAN-1015-190	Barangays Lampuran, Lambang, Lam Afus, Lamba, Rang ay, El Nantok, Lam Vicente & Malaya, Municipality of Banga, South Cotabato	B'laan & T'boli	10/14/15
	R12-MAI-0116-202	Barangays Macalimbao, Cadex, Malapag, Labongan, Manah, Lanocan, Petyoknan, Tumped 1&2, Arakan, Taguranao, Bato, Panamaton, Minamung, Lampayan & Latagan, portion of Municipality of Mataram, Kabacan & Carmen, North Cotabato	Erumanen ne Menovo	1/26/16
	R12-LIB-0216-207	Barangays Malengon, Kapayron, Piaso, Katubod, Baronga, Abaga, Cabaruyan, Montay, Grebona, Sumpungan, Demapacao, Ulaanan, Baguer, Gumaga, Poblacion, Kilevao & Calpangi, Municipality of Labangan, Sitio Maraman, Barangay Picao, Municipality of Mamada; Barangays Palacat, Pencil, Lawli, New Panay, New Leon, Tomado, Malapang, Catalcanan, Dualing, San Mateo, Upper Mingading & Lower Mingading, Municipality of Alcosan; Barangays Malamote, Auzona, Upper Bulman, Milaya, Anonang, Bitoka, Kinagango, Sta. Cruz, Libocan, Upper Labas, Villanca, Sadaan, Poblacion & Kwanan, Municipality of Midsayap; Barangays Nalapaan, Tinunulan & Kalacagan, Municipality of Pikit, all in the Province of Cotabato	Erumanen Menovo	2/10/16
	R12-FSP-0117-214	Barangays Marquet & Pmantrigan, Municipality of Esperanza, Province of Sultan Kudarat	B'laan	1/24/17
XIII	R13-TAJ-0908-077	Talacogon, Agusan del Sur	Manobo	9/03/08
	R13-ROG-0908-078	Barangay Maligaya, Bayugan 3, Wuzan, Sta. Cruz, Cabanran, Masfil, Labac, Municipality of Rosario, Agusan del Sur and portion of Sitio San Isidro Barangay San Vicente, Tagbana, Surigao Del Sur	Manobo	9/03/08

Region	CADT Number	Location of Ancestral Domain	ICCs/IPs	Date Approved
	R11-VER-1108-080	Sta. Emilia, del Monte, Sanobong, Binongtan, la Fortuna, Lantot, Caigangan, Bacay 2, Poblacion, Sampaguita, Candia, Sisonon, Antap, Sta. Cruz, Katipunan, Sawagan, Don Mateo and Masayan, Municipality of Virenda, Barangay Awon and Sayon, Municipality of Sta. Josefa, all in the Province of Agusan del Sur and Barangay Candia Antap Sta. Cruz, Katipunan and Sisonon, Municipality of Laak and Barangay Awon, Municipality of Moncayo, all in the Province of Compostela Valley	Manobo	11/07/08
	R13-LOR-1108-090	Barangay Poblacion and Katipunan, Municipality of Loreto, Province of Agusan del Sur	Manobo	11/07/08
	R13-CAB-1108-092	Municipalities of Cabadbaran, Tubay and Santiago, all in the Province of Agusan del Norte	Manobo and Mamanwa	11/13/08
	R13-STB-1108-093	Barangays Padayay, Kulambagan, Terod, Sta Cruz, San Isidro, Banagbanag, New Tubigon, Sitio San Roque, Magaysay, Purok 4,5,6 & 7, Villangit, Barangay El Rio, Barangay del Rosano, Mahayshay, Magkalapa, Barangay Sta. Maria, Municipality of Sibuga, Province of Agusan del Sur and portion of Barangay Tago, Municipality of Carmen, Province of Surigao del Sur	Manobo	11/13/08
	R13-LIN-0117-210	Barangay Rajah Cabungawan, Municipality of Lingsig, Surigao del Sur Province	Manobo	1/24/17
	R13-SLU-0908-070	Barangays Binicalan, San Luis Agusan del Sur	Manobo & Tagarang	9/03/08

Pursuant to the above-quoted provision of the Indigenous Peoples Rights Act of 1997, the aforementioned areas are now within the jurisdiction of the National Commission on Indigenous Peoples.

Thank you and more power.

Very truly yours,

Atty. LEONOR T. ORAL DE QUINTAYO
Chairperson



Republic of the Philippines
Department of Environment and Natural Resources
MIMAROPA REGION
PROVINCIAL ENVIRONMENT AND NATURAL RESOURCES OFFICE

June 22, 2022

MEMORANDUM

TO : **ATTY. JASMIN D. ALTEA**
Chief PENRO, Legal Unit

FROM : The Provincial Environment and
Natural Resources Officer

SUBJECT : **REQUEST FOR CLARIFICATION RE: LETTER DATED
MAY 11, 2022 OF ATTY. JANSEN I. JONTILLA,
PROVINCIAL OFFICER OF NCIP PALAWAN
PROVINCIAL OFFICE IN RELATION TO SECTION 5, OF
DMC 2019-10 DATED DECEMBER 11, 2019**

Referred is the Memo (with enclosures) dated May 30, 2022 from OIC-Community Environment and Natural Resources, **Pedro A. Velasco** of Puerto Princesa City, received 13th of June 2022 by this office, relative to the above subject

To clarify the matter of concern, prior to endorsement to the Regional office, please for review and comment.

Cc:

The CENRO
Sta. Monica, Puerto Princesa City

Doc. Ref. No. : 2022- 5147
TSD-RPS/DFD

FELIZARDO B. CAYATOC
DENR PENRO
PALAWAN RECORDS
RELEASED
BY: _____
DATE: **JUN 28 2022** 22-5147

Bgy. Santa Monica, Puerto Princesa City, Palawan
Telfax No. (048) 433-5638
Email add: penropalawan@denr.gov.ph



Department of Environment and Natural Resources
Region IV - MIMAROPA
COMMUNITY ENVIRONMENT AND NATURAL RESOURCES OFFICE
South National Highway, Bgy. Sta. Monica, Puerto Princesa City
Email Address: cenropuertoprincesa@denr.gov.ph
Tel Fax No.: 717-0702

May 30, 2022

FOR : The Regional Executive Director
DENR IV-MIMAROPA Region
1515 L&S Building, Roxas Blvd.
Ermita, Manila

THRU : The Provincial Environment and
Natural Resources Officer

FROM : The Community Environment and
Natural Resources Officer

SUBJECT : **REQUEST FOR CLARIFICATION RE: LETTER DATED MAY
11, 2022 OF ATTY. JANSEN I. JONTILA, PROVINCIAL
OFFICER OF NCIP PALAWAN PROVINCIAL OFFICE
IN RELATION TO SECTION 5 OF DMC 2019-10 DATED
DECEMBER 11, 2019**

DENR PENRO
PALAWAN RECORDS
RECEIVED

BY: *[Signature]*
DATE: *06-13-2022* *22-5147*

This pertains to the letter dated May 11, 2022 from Atty. Jansen I. Jontila, Provincial Officer of NCIP Palawan, in relation to the letter of this Office dated May 5, 2022, which is in compliance to Section 5 of DMC 2019-10 dated December 11, 2019 re: Applicability of Joint Administrative Order No. 1, Series of 2012, which states that *"In cases where the land falls under Ancestral Domain/Lands, the provision under Section 13, Article V of JAO No. 1 is adopted to minimize occurrence of overlaps with the jurisdiction of DENR, LRA, DAR, and NCIP."*

Section 13, Article V of JAO No. 1 states that *"xxx Conversely, DAR and DENR shall, before processing or further processing applications for land titles pursuant to their respective mandates involving conflict areas (i.e., identified by the agencies concerned with pending/overlapping jurisdictional/operational issues or conflicting claims which are contentious or potentially contentious), must notify NCIP of the specific area to be titled and the latter shall certify, subject to the provisions of this section on projection of survey plans and issuance of certification of non-overlap, whether the same affects an AD or AL.xxx"*

According to the letter of Atty. Jontilla, their Office will be needing the following documents in order to facilitate the issuance of the requested NCIP Clearance/Certification, to wit:

1. Complete set of the application and the attachments;
2. Approved land survey; and
3. Other documents to prove their claim and/or occupation of the said area.

Consequently, the said documents will be used during investigation and field validation considering that the applied area is part of the Ancestral Domain claim of the Tagbanua with Petition No. R04-PAL-0005-AD, covering the Barangays of Napsan, Bagong Bayan and Simpocan, Puerto Princesa City, and has been approved by the NCIP Commission En Banc, hence, requesting the Office to inform the applicants, **both previous and future applicants, including schools**, regarding these requirements to coordinate with the NCIP Office.


Be informed that the Barangays of Napsan, Bagong Bayan, Simpocan and portion of Bacungan (Tagkawayan), all in Puerto Princesa City are covered with a **Notification of Assumption of Jurisdiction** per letter dated November 24, 2017 of the Chairperson of NCIP, Atty. Leonor T. Oralde-Quintayo to then DENR Secretary Roy A. Cimatu **NOTIFYING OF ASSUMPTION OF JURISDICTION OF NCIP OVER ANCESTRAL LANDS** covering the aforementioned areas issued with CADT pursuant to paragraph (i), Section 52, Chapter VIII of Republic Act 8371, otherwise known as the Indigenous Peoples Rights Act of 1997 (IPRA).

However, a Legal Opinion dated February 28, 2020 was issued by the Director of the Legal Affairs Service, Atty. Norlito A. Eneran, L.L.M. CESO III, concurring with the opinion of then Palawan Provincial Officer Roldan V. Parangue that the DENR still has jurisdiction to issue patents over applications involving areas covered by CADT No. R04-PUE-0913-161, and to hear and decide land disputes involving alienable and disposable lands falling within the said CADT.

In view of the aforementioned circumstances, this Office is requesting a CLEARANCE and/or CLARIFICATION whether the requested documents (items 1 to 3), which may or may not lead to the issuance of an NCIP Clearance can be all provided to the NCIP.

For your information, issuance of clarification and advise of action.


PEDRO A. VELASCO

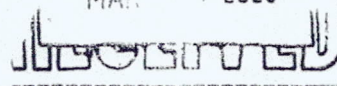
DENR MIMAROPA REGION
CENRO PUERTO PRINCESA
RELEASED
NO: 2148
DATE: 6-3-22
BY: 



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
Visayas Avenue, Diliman, Quezon City
Tel. Nos. (632) 929-66-26 to 29 • (632) 929-62-52
Website: <http://www.denr.gov.ph> / Email: web@denr.gov.ph

FEB 28 2020
MEMORANDUM

MAR 11 2020



30589

FOR : THE REGIONAL EXECUTIVE DIRECTOR
MIMAROPA Region

FROM : THE DIRECTOR
Legal Affairs Service

SUBJECT : REQUEST FOR LEGAL OPINION/CLARIFICATION RE: CADT
NO. RO4-PUE-0913-161, AND LETTER DATED MARCH 6, 2019
OF ENGR. ROLDAN G. PARANGUE, NCIP FIELD OFFICER-
PALAWAN, RELATIVE TO THE CLAIM OF NAPSAN
NATIONAL HIGH SCHOOL

This pertains to your request for legal opinion on whether your Office has jurisdiction to issue patents over applications involving areas covered by Certificate of Ancestral Domain Title (CADT) No. RO4-PUE-0913-161, and to hear and decide land disputes involving agricultural areas falling within the said CADT.

Your inquiry is anchored on a letter from the Palawan Provincial Officer dated 06 March 2019 and addressed to the Community Environment and Natural Resources (CENR) Officer stating that your Office still has jurisdiction to resolve the conflict between Napsan National High School and a certain Rolando Medel over that parcel of land covered by the subject CADT.

After a careful review of existing laws and jurisprudence, we opine that your Office still has jurisdiction to issue patents over applications involving areas covered by the aforementioned CADTs as well as to adjudicate disputes involving agricultural areas falling within the same.

From the letter of the Palawan Provincial Officer, it is clear that although the National Commission on Indigenous Peoples (NCIP) approved the application for the issuance of CADT, registration of the same has not yet been completed as certain procedures prior to its registration have not been complied with. Thus, the CADT has not actually been issued.

Given that no actual CADT has been issued, the lot subject of the controversy remains alienable public land under the jurisdiction of the Department of Environment and Natural Resources (DENR) as per Executive Order No. 192, Series of 1987, which states that:

Section 5. Powers and Functions. To accomplish its mandate, the Department shall have the following powers and functions:

"Grow a tree for legacy"

DENR - R - IV - B	
OFFICE OF THE	
REGIONAL EXECUTIVE DIRECTOR	
DOC. NO. CD - 2020 - 30589	RECEIVED
MAR 11 2020	FILED

(d) **Exercise supervision and control over forest lands, alienable and disposable lands**, and mineral resources and in the process of exercising such control the Department shall impose appropriate payments, fees, charges, rentals and any such form of levy and collect such revenues for the exploration, development, utilization or gathering of such resources;

The NCIP assumed jurisdiction only over the application for issuance of CADT of the Tagbanuas of Napsan, Bagong Bayan and Simpucan, Puerto Princesa City, Palawan. After the approval of the same, but because of failure to immediately register the approved CADT application, the NCIP lost its jurisdiction.

Republic Act (RA) No. 8371 or the Indigenous People's Rights Act of 1997 is very clear as to the jurisdiction of the NCIP. Section 66 thereof explicitly states that:

Section 66. Jurisdiction of the NCIP. — **The NCIP, through its regional offices, shall have jurisdiction over all claims and disputes involving rights of ICCs/IPs; Provided, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws.** For this purpose, a certification shall be issued by the Council of Elders/Leaders who participated in the attempt to settle the dispute that the same has not been resolved, which certification shall be a condition precedent to the filing of a petition with the NCIP.

The Supreme Court, in the case of *Loloy Unduran, et al. vs. Ramon Aberasturi¹, et al.*, has interpreted Section 66 of RA No. 8371 to mean that the jurisdiction of the NCIP is limited to actions wherein both parties are members of the same Indigenous Cultural Communities/Indigenous Peoples. Thus:

Therefore, pursuant to Section 66 of the IPRA, the NCIP shall have jurisdiction over claims and disputes involving rights of ICCs/IPs **only when they arise between or among parties belonging to the same ICC/IP.** When such claims and disputes arise between or among parties who do not belong to the same ICC/IP, i.e., parties belonging to different ICC/IPs or where one of the parties is a non-ICC/IP, the case shall fall under the jurisdiction of the proper Courts of Justice, instead of the NCIP.

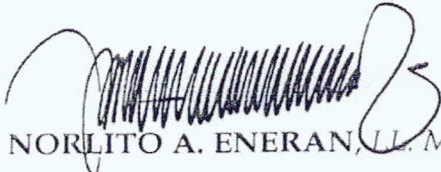
Furthermore, the NCIP has expressed its intention to withdraw from Joint DAR-DENR-LRA-NCIP Administrative Order No. 01, Series of 2012². Thus, the position that the land subject of this controversy still falls under the jurisdiction of the NCIP no longer holds water. Absent any showing that the NCIP has jurisdiction, the presumption that the DENR has jurisdiction over all alienable and disposable lands of the public domain stands.

¹ G.R. No. 181284, 20 October 2015.

² Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the Department of Agrarian Reform (DAR), Department of Environment and Natural Resources (DENR), Land Registration Authority and the National Commission on Indigenous Peoples (NCIP) in Order to Address Jurisdictional

Considering the foregoing, we answer your inquiry in the affirmative, and concur with the opinion of the Palawan Provincial Officer. Your Office still has jurisdiction to issue patents over applications involving areas covered by CADT No. RO4-PUE-0913-161, and to hear and decide land disputes involving alienable and disposable lands falling within the said CADT.

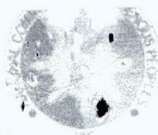
For your information.


NORLITO A. ENERAN, LL.M., CESO III

Copy furnished:

THE UNDERSECRETARY
For Legal

THE ASSISTANT SECRETARY
For Legal Affairs



Republic of the Philippines

NATIONAL COMMISSION ON INDIGENOUS PEOPLES

MIMAROPA Region

PALAWAN PROVINCIAL OFFICE

3rd Floor, GLC Building, J.P. Rizal St., San Vicente, Calapan City

Email Address: ncipmimaropa@gmail.com

May 11, 2022

PEDRO A. VELASCO

OIC-CENRO

Department of Environment and Natural Resources

Puerto Princesa City

2022-3135

Dear CENRO Velasco:

Greetings!

In relation to your letter dated May 5, 2022, re Request for NCIP Clearance of Ms. Yara and Mr. De Vera on their Public Land Application in your office, we would like to inform you that we will be needing the following documents in order to facilitate the issuance of the said certification:

1. Complete set of the application and the attachments;
2. Approved land survey; and
3. Other documents to prove their claim and/or occupation of the said area.

These documents will be used during investigation and field validation considering that the applied area is part of the Ancestral Domain claim of the Tagbanua with Petition No. R04-PAL-0005-AD, covering the Barangays of Npsan, Bagong Bayan and Simpocan, Puerto Princesa City, and has been approved by the NCIP Commission En Banc.

In lieu thereof, we would like to request your office to inform the applicants, both previous and future applicants, including schools, regarding these requirements to coordinate with our office. **The process of investigation and field validation are pre-requisites before this office will issue the said clearance or not** for all areas covered by the CADT application of ICCs/IPs in Puerto Princesa City and the Province of Palawan.

Thank you very much.

Very truly yours,

ATTY. JANSEN I. JONTILA

Provincial Officer

RELEASE
DATE 5/13/2022
BY [Signature]