

Rights and governance of indigenous peoples' lands

Introduction

THE Indigenous Peoples (IPs) sector is one of the most vulnerable sectors in the country when it comes to land governance. The continuing marginalization of the IPs have resulted in a high incidence of poverty among the IP communities. A 2012 study conducted by the Philippine Institute of Development Studies (PIDS) reported that those living in the uplands and engaged in forestry activities have the highest incidence of poverty of all sectors in the country (68 percent). A majority of these upland dwellers are IPs (Reyes, et al., 2012). Thus, a major advocacy among IPs is their claim for self-determination — to practice their own system of governance including that of governing their ancestral domains.

The IP population in the country is estimated at 12 to 15 million. The National Commission on Indigenous Peoples (NCIP) estimates that ancestral lands and ancestral domain cover at least 45 percent of the total land area of the country, and comprise forests, pastures, residential and agricultural lands, hunting grounds, and worship and burial areas.¹ These resources have significant contributions to biodiversity, resource conservation, and environmental protection. It is estimated that 75 percent (96 of 128) of Key Biodiversity Areas (KBAs) are within the traditional territories of ICCs/IPs (Tebtebba Foundation Indigenous People's International Centre Policy Research and Education, 2008). While nearly 80 percent of all officially recognized ancestral lands/domains and indigenous territories are located within critical watersheds and protected areas

¹ "Status Report, AD & AL Universe in the Philippines (As of 31 March 2022)", NCIP-Ancestral Domain Office, PowerPoint presentation, Slide 2, 31 March 2022

in the Philippines.² These figures clearly show the correlation of nature conservation with the recognition and respect of the traditional governance of ICCs/IPs.

After a long struggle and changes in policy landscapes, a landmark legislation was enacted in 1997 titled *Indigenous Peoples Rights Act* (RA 8371 or IPRA). IPRA recognizes the rights of indigenous peoples over their ancestral domains³ and provided for a process of titling of lands through the issuance of Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Land Title (CALT). CADTs and CALTs are ownership tenurial instruments issued and awarded to an applicant community or clan. These tenurial instruments have no term limits. Representatives chosen by the community act as holders of the CADT in trust in behalf of the concerned indigenous community. Aside from securing an ownership title, the IPRA respects the community's right to traditionally manage, control, use, protect, and develop their ancestral domain. Ancestral Domains (ADs) are areas that generally belong to ICCs/IPs, which are held under a claim of ownership, communally or individually since time immemorial and continuously to the present. Ancestral lands may contain forests, pasture, residential areas, agricultural lands, hunting grounds, burial grounds, worship areas, bodies of water, and mineral and other natural resources.

Status of IPRA implementation

As of 31 March 2022, twenty-five years after the enactment of IPRA, 20 percent of the total land area of the Philippines is now covered by CADTs and CALTs, and are considered legally owned and governed by IPs. This is comprised of 257 CADTs covering a total area of 5,971,344.78 hectares, benefiting 1,363,342 IP right holders, and 250 CALTs covering 17,148.21 hectares benefitting 1,319,176 individual rightsholders. At least 13.4 percent or 805,896.70 hectares of the

² Parks in the 21st Century Philippines: Recognition of ICCAs as a Key Pillar of BD Conservation, Usec. Annaliza Teh, Presentation at the GEF Assembly Side Event, May 2014

³ "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, themselves or through their ancestors, communally or individually" (IPRA, Chapter II, Sec. 3.b.).

CADTs cover ancestral waters. Currently, 205 CADT application covering at least 3,719,176 hectares, are in the various stages of the validation process. A further

Table 1. Approved CADTs in the Philippines⁴

Region	No. of Approved CADTs	Total Area (Hectares)
Luzon	104	2,699,818.08
CAR	26	402,810.04
Region 1	9	60,401.51
Region 2	14	1,052,506.89
Region 3	19	188,028.75
Region 4-A	4	208,840.12
Region 4-B	22	741,523.27
Region 5	10	45,707.50
Visayas	11	58,562.32
Region 6	9	50,574.07
Region 7	2	7,988.25
Mindanao	142	3,212,964.38
Region 9	13	192,331.41
Region 10	29	354,578.89
Region 11	33	1,134,240.43
Region 12	35	678,291.95
Region 13	32	853,521.70
Total	257	5,971,344.78

486 Ancestral Domains have been identified, covering an area of 3,756,151 hectares. These identified Ancestral Domains have yet to undergo the formal CADT application process. The NCIP estimates that ADs cover at least 45 percent (13,560,91 hectares) of the total land area of the country.⁵

Processing of CADT applications

From 2011 to 2018, issuance of CADTs slowed down, with only 65 titles approved. This mainly due to the bureaucratic gridlock brought about by the JAO 01-2012 that has impeded the processing of ancestral domain applications and registration of approved CADTs. Other factors that affected the titling process include institutional policy changes such as the revision of the Omnibus Rules on Delineation and Recognition of Ancestral Domains and Lands, and the perennial problem of limited funding for the delineation of ADs.

However, there has been a dramatic increase in the approval of CADTs

⁴ PowerPoint presentation, NCIP-ADO, 31 March 2022

⁵ Ibid.

Table 2. Approved CALTs in the Philippines⁶

Region	No. of Approved CADTs	Total Area (Hectares)
Luzon	220	2,033.24
CAR	220	2,033.24
Region 1	0	0
Region 2	0	0
Region 3	0	0
Region 4-A	0	0
Region 4-B	0	0
Region 5	0	0
Visayas	0	0
Region 6	0	0
Region 7	0	0
Mindanao	30	15,114.97
Region 9	0	0
Region 10	6	2,156.94
Region 11	2	661.51
Region 12	22	12,296.52
Region 13	0	0
Total	250	17,148.21

from 2019 to 2022, where thirty-six CADTs were approved by the NCIP — a major improvement over the low level of achievement from 2011 to 2018. Considering the challenges that the NCIP faced along with its limited resources, the progress of AD titling is commendable. In the past 25 years, this is the most significant accomplishment in the implementation of IPRA. While there is still a lot of room for improvement, no other country in the world can lay claim to a similar accomplishment in addressing the land tenure security of IPs.

Policy and jurisdictional overlaps

Joint Administrative Order 1 of 2012

Reforms in land governance in the Philippines have taken on a sectoral approach that has resulted in policy and jurisdictional overlaps among agencies mandated to implement the laws. Boundaries delineation, overlaps of titles, and resolution of tenure disputes, among others, have become a major concern among the NCIP, DAR, and DENR. To address these concerns,

⁶ PowerPoint presentation, NCIP-ADO, 31 March 2022

these agencies, together with the Land Registration Authority (LRA), issued Joint Administrative Order (JAO) 01 in 2012.

This JAO traces its existence from the establishment of a Joint Task Force among the DAR, DENR, NCIP and LRA in 2011. The main objective was to resolve overlaps in jurisdictional and policy mandates among the concerned government agencies. On 25 January 2012, an agreement was reached among these agencies and JAO 01-2012 was signed and operationalized. This order: (1) defines the jurisdiction and policy mandates of DAR, DENR, and NCIP, (2) identifies the conflicts and issues that developed upon the enactment of IPRA, and (3) establishes the mechanisms to prevent and resolve the contentious areas and issues at the national and field levels. On the other hand, the LRA, the agency mandated to implement and protect the Torrens system of land titling and registration in the country, issues decrees of registration pursuant to final judgment of the courts in land registration proceedings and causes the issuance by a registrar of deeds the corresponding certificate of title.

This JAO also prescribes a process for the preparation of the map projection to identify titled lands, which might overlap with CADT/CALTs. This information is in the custody and under the technical jurisdiction of the Land Management Bureau of the DENR (DENR-LMB). JAO 1-2012 covers all land, tenurial and utilization instruments issued by the DAR, DENR, and the NCIP, and the registration thereof by the LRA.

However, the implementation of the JAO has been marred by government inertia, ambiguity of who takes the lead, and the limited capacity of frontline implementors of the JAO to perform their duties. Also, the question of the validity of the JAO in view of the NCIP's mandate in IPRA has continued to cause policy and jurisdictional conflicts (DENR-LMB, 2019). Thus, rather than facilitate the issuance of CADTs, the JAO has resulted in bureaucratic gridlock that has impeded ancestral domain registration and blocked the registration process with the LRA. In November 2019, NCIP pulled out from this administrative agreement. In its 2017 National Inquiry on the Rights of Indigenous Peoples, the Philippines Commission on Human Rights (CHRP) noted that JAO 01-2012 constitutes a

Table 3. CADT applications in-process vs. ancestral domains identified⁷

Region	No. of In-process ADs	Total Area (Hectares)	No. of Identified ADs	Total Area (Hectares)
Luzon	89	1,894,298	250	1,572,429
CAR	26	566,348	74	552,802
Region 1	8	100,121	29	147,254
Region 2	7	49,537	35	396,469
Region 3	12	305,741	23	126,588
Region 4-A	3	55,729	6	1,004
Region 4-B	29	791,155	75	319,303
Region 5	4	25,667	8	29,009
Visayas	12	82,788	62	268,600
Region 6	8	72,676	49	226,900
Region 7	4	10,112	13	41,700
Mindanao	104	1,742,090	174	1,915,122
Region 9	24	269,289	46	439,654
Region 10	54	421,032	92	533,729
Region 11	7	529,508	2	126
Region 12	12	372,800	18	751,786
Region 13	7	149,461	16	189,827
Total	205	3,719,176	486	3,756,151

⁷ PowerPoint presentation, NCIP-ADO, 31 March 2022

violation of IP rights to be awarded CADTs that set the metes and bounds of their domains and allow them to assert rights within those boundaries against those operating to deny them the exercise of priority rights in developing said domains. Furthermore, the CHRP stated that the said JAO has undermined the NCIP's power to award titles as mandated by the IPRA. Other government agencies continue to process other tenurial instruments such as the Industrial Forest Management Agreements (IFMAs) issued by the DENR, or the CLOA of the DAR. While government agencies "reconcile" their competing mandates, the registration of CADT is held in abeyance indefinitely under the JAO 1 Series of 2012 (CHRP, 2017).

A decade after the signing of JAO 01-2012, only 56 CADTs have been registered with the LRA, covering 1,556,972.8364 hectares. This represents a miniscule percentage of the total number of CADTs approved and awarded by the NCIP. An additional 186 CADTs are awaiting registration while 15 CADTs have been officially transmitted by the NCIP to the LRA.

On the other hand, of the 250 approved CALTs, only 154 have been registered with the LRA. With the withdrawal of the NCIP from JAO 01-2012, the fate of the CADTs awaiting registration and future application is uncertain to say the least.

Overlapping tenurial instruments

Jurisdictional overlaps also continue to cause problems between the implementation of the Comprehensive Agrarian Reform Law (CARL) and the titling process of IPRA. An initial inventory undertaken by the DAR in 2021 of CLOAs within ADs show that there are potentially 32,685 CLOAs that are within ADs that already have CADTs, or are in the application process for titling. These areas that have been commonly awarded to both farmer-beneficiaries and IP communities can trigger conflicts if not properly addressed and resolved. Similarly, 62 protected areas overlap with 92 CADTs, affecting a total of 1,227,158.9699 hectares of ancestral domains.⁸ While the Expanded National

⁸ Cross reference of World Database of Protected Areas (WDPO) 2020, LandMark, 2019 and NCIP List of CADTs, 2018. (BUKLURAN and PAFID 2018)

Table 4. Status of Registration of Approved CADTs⁹

Region	Registered CADTs		Transmitted for Registration		For Registration	
	Number	Area (hectares)	Number	Area (hectares)	Number	Area (hectares)
CAR	7	96,630.16	1	26,578.70	18	279,601.20
Region 1	1	6,339.42	1	5,484.11	7	48,577.98
Region 2	5	411,274.19	0	0	9	641,232.71
Region 3	6	51,460.70	1	18,660.05	12	117,908.00
Region 4-A	4	208,840.12	0	0	0	0
Region 4-B	7	279,033.25	1	7,718.84	14	454,771.19
Region 5	3	6,399.89	0	0	7	39,307.60
Region 6	3	8,177.68	4	39,639.11	2	2,757.27
Region 7	1	3,981.25	0	0	1	4,007.00
Region 9	4	35,506.21	2	56,092.35	7	100,732.85
Region 10	5	151,201.99	1	466.74	23	202,910.16
Region 11	9	381,936.99	1	40,733.38	23	701,570.05
Region 12	2	77,777.78	1	15,941.40	32	584,572.77
Region 13	3	47,253.33	2	15,940.82	27	790,327.55
Total	60	1,765,812.96	15	227,255.50	182	3,968,276.33

Integrated Protected Areas (ENIPAS) Law provides safeguards for the recognition of IP Governance in ADs within protected areas, IP communities have raised concerns against the law and the validity of some provisions of its Implementing Rules and Regulation (IRR). In particular, the requirement for a CADT or a CALT in Sec. 13 of the IRR,¹⁰ which is not a prerequisite for the recognition of IP Governance in the ENIPAS.¹¹ This disenfranchises the right to exercise the

⁹ PowerPoint Presentation "Status Report" NCIP-Ancestral Domain Office, 31 March 2022

¹⁰ "... the Ancestral Territories covered by CADT and CALT that share common areas with protected areas, shall be recognized and respected." Section 13.1, IRR, ENIPAS

¹¹ "The territories and areas occupied and conserved for by Indigenous Peoples and Communities, shall be recognized, respected, developed, and promoted", Sec. 13, ENIPAS

traditional governance of IPs over their territories. Furthermore, the absence of the NCIP in the Protected Areas Management Board (PAMB) has also been assailed by the IP communities.

The NCIP Commission En Banc has since conducted a series of discussions with the DENR-BMB. The Commission has articulated its reservations regarding several provisions of the IRR that run counter to the IPRA. However, the DENR

Table 5. Status of Registration of Approved CALTs¹²

Region	Registered CALTs		Transmitted for Registration		For Registration	
	Number	Area (hectares)	Number	Area (hectares)	Number	Area (hectares)
CAR	142	1,133.72	12	237.56	66	661.96
Region 1	0	0	0	0	0	0
Region 2	0	0	0	0	0	0
Region 3	0	0	0	0	0	0
Region 4-A	0	0	0	0	0	0
Region 4-B	0	0	0	0	0	0
Region 5	0	0	0	0	0	0
Region 6	0	0	0	0	0	0
Region 7	0	0	0	0	0	0
Region 9	0	0	0	0	0	0
Region 10	1	944.53	3	902.47	2	309.95
Region 11	0	0	1	659.99	1	1.52
Region 12	11	5,590.71	9	4,618.51	2	2,087.29
Region 13	0	0	0	0	0	0
Total	154	7,668.96	25	6,418.53	71	3,060.72

¹² PowerPoint Presentation “Status Report” NCIP-Ancestral Domain Office, 31 March 2022

has continued with its roll-out of the ENIPAS without the necessary amendments to the provisions of the IRR that have been identified as in conflict with IPRA and constituting a violation of the rights of IPs.

The breakdown of the total area wherein CLOAs have been issued within ancestral domains, is presented in table below.

Table 6. CLOAs Issued Within Ancestral Domains (DAR, 2022)

Region	Number of CLOAs	Area (hectare)	Total Number of CLOAs w/in AD/AL, Ongoing	Area (hectare)
CAR	4,839	40,927.49	1,543	5,379.84
Region 1	10,646	45,791.46	1,581	7,344.39
Region 2	6,498	86,410.33	729	21,445.04
Region 3	4,927	35,058.83	1,330	12,212.84
Region 4-A	5,032	28,404.43	327	2,287.85
Region 4-B	7,633	37,896.76	1,912	15,223.13
Region 5	11,316	101,553.23	444	3,982.74
Region 6	14,815	183,308.83	817	10,254.38
Region 7	3,802	51,307.78	0	0
Region 8	16,852	207,813.29	0	0
Region 9	8,612	108,614.31	5,042	76,299.43
Region 10	12,589	101,368.11	4,814	39,718.36
Region 11	9,343	98,982.42	7,332	79,203.71
Region 12	13,592	147,918.03	4,708	44,888.73
Region 13	7,942	104,130.02	2,106	34,218.78
Total	138,438	1,379,485.32	32,685	352,459.22

The breakdown of the total area where CADTs and ancestral domains overlap with protected areas is presented in the table below.

**Table. 7 Overlaps Between Protected Areas and CADTs/
Ancestral Domains¹³**

Geographic Region	Number of CADTs Overlapping with PAs	Number of PAs with Overlaps with Ancestral Domains	Total Overlap Area (hectares)
Luzon	42	32	838,250.32
Island Groups	18	9	165,406.38
Mindanao	39	21	223,502.27
Total	99	62	1,227,158.97

IP governance, access, and control over their AD

Governance, access, and control of ancestral domains

Beyond the delays in the issuance of issuance of CADT/CALCs, the ability of the IPs to use and assert their rights over ADs remains very limited. The recognition of their traditional governance is largely ceremonial and not institutionalized among the LGUs and government agencies. The IPRA empowers the IPs to formulate an Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) based on their traditional and indigenous knowledge systems and processes. Crafted based on the development framework, vision, and mission of the concerned community, the ADSDPP is a spatial plan and a participatory tool for local development. The plan seeks to empower IPs to improve the general well-being of their communities within a five-year period. It defines the various uses of land and zoning policies of the ADs as prescribed by the ICCs/IPs. It likewise contains the priority projects and programs identified by the IP community after consultations following customs and traditions.

¹³ Cross-referenced data, WDPA and CADT Map, WRI

It must be emphasized that the ADSDPP is a critical tool for IP communities to engage proponents of development projects as well as other governance structures and interest groups. The ADSDPP provides the IPs with a legal framework for their “traditional use” policies and presents the details of the allowable and non-negotiable activities their AD.

Unfortunately, the formulation of ADSDPPs has been beset with many problems. Many IP communities decry the time-consuming process and prohibitive cost involved. As of 2021, only 182 of the 257 CADT holders have fully formulated their ADSDPPs. Implementation of the ADDPPs has not taken off due to challenges in securing funding. There is no dedicated fund available to support the activities identified in the ADSDPPs. Whenever funding is available, it is mostly fragmented and limited to supporting specific activities that fall within the priorities of the donor.

To ensure efficiency and shorten the time it takes to formulate an ADSDPP, the NCIP initiated the revision of the review and refinement of the existing ADSDPP Guidelines of 2004. In 2018, the NCIP issued Administrative Order No. 01, series of 2018 to address inefficiencies in the formulation of these area plans. Some of the notable amendments include adjustments in the process, definition of coverage, and installation of a mechanism where the ADSDPP facilitates the FPIC (free, prior and informed consent) process. Further, the new guidelines shall include the legislative agenda of the Indigenous People’s Mandatory Representative (IPMR) and the latter’s advocacy plans for the passage of ordinances geared towards the protection of the environment and the implementation of the development plans and programs identified in the ADSDPP.

Funding for implementation of ADSDPPs

Among the national government agencies (NGAs), the Department of Agriculture (DA) has provided funding support for community development initiatives to several ADs over the past two years through the Kabuhayan at Kaunlaran ng Kababayang Katutubo, also known as the DA-4K Program. The program aims to

develop these areas by establishing sustainable agricultural enterprises. The objective is to increase the income of the IPs in ways that are aligned with their customs, traditions, values, beliefs, and interests. As of 2021, two hundred four (204) Indigenous Peoples Organizations (IPOs) representing one hundred thirty-six (136) ADs have been supported by the DA-4K Program. A total of PhP250 million has been extended to support the various development initiatives in ADs nationwide.

As of 2021, there are 182 completed ADSDPPs. However, beyond the direct assistance provided through the DK4 Program, there is very limited funding to implement the formulated ADSDPPs. Resources are often mobilized by NGOs through small grants that include livelihood projects within the context of conservation of the biodiversity in ADs. Funding from LGUs has yet to be fully realized, and is often limited to the provision of monetary and material counterparts in the implementation of community social infrastructure projects.¹⁴

Adoption of ADSDPPs in Local Development Plans

There are existing policies that provide for the adoption and harmonization of IP governance over their ADs. RA 11038 or the ENIPAS recognizes the management regimes being implemented by local government units (LGUs), local communities and IPs.¹⁵ Further, the ENIPAS prescribes a process for the harmonization of the Protected Area Management Plan (PAMP) with the ADSDPP.¹⁶ In 2014, the Housing and Land Use Regulatory Board (HLURB) and the NCIP have collaborated to produce the operations manual for the harmonization of ADSDPPs and Comprehensive Land Use Plans (CLUPs). Volume 2 of the Guide to Comprehensive Land Use Plan of the HLURB stipulates the process for the interface between the CLUP and the ancestral domains and plans of ICC/IP communities. However, there is little information on the roll-out and piloting of the HLURB-ADSDPP interface.

¹⁴ Letter of support from the Municipal Government of Kayapa indicating their counterpart in the Potable Water Systems of Barangay Mapayag, 2020

¹⁵ Section 2, RA 11038

¹⁶ Section 9, RA 11038

To date, there is no available data on the number of ADSDPPs that have been fully adopted by LGUs through local legislation, or harmonized with other sectoral plans such as the CLUPs, Forest Land Use Plan (FLUP), and the PAMP.

Utilization of forest resources

In March 2007, members of the Iraya Mangyan Community in Oriental Mindoro were charged with violating the Revised Forestry Code (PD 705) after they cut down a *dita* tree without a license or permit issued by the proper authority. The Iraya-Mangyans claimed that they cut the tree for the construction of the community toilet. They also invoked their IP right to harvest *dita* tree logs, which constitute part of their right to cultural integrity, ancestral domain, and ancestral lands. However, they were convicted by the RTC Branch 39 in Calapan, Oriental Mindoro, which ruled that cutting the *dita* tree without a corresponding permit from the DENR or any competent authority violated the PD 705. The same ruling was later affirmed by the Court of Appeals.

The Iraya Mangyan appealed their conviction with the Supreme Court (SC), arguing that the felled *dita* tree was planted in their ancestral domain, over which they exercise communal authority. The SC upheld the community's right to cut and gather forest products within ancestral domains. In its ruling, the high court declared that "cultural identity of indigenous peoples are long inseparable from the environment that surrounds it ... and since Mangyans perceive all the resources found in their ancestral domain to be communal, to hold petitioners to the same standards for adjudging a violation of PD 705 as non-indigenous peoples would be to force upon them a belief system to which they do not subscribe."¹⁷

FPIC concerns

As of December 2019, the NCIP had issued a total of 407 Certificates of Precondition (CP). Such issuance attests to the granting of FPIC by the concerned

¹⁷ Decision, DIOSDADO SAMA y HINUPAS, BANDY MASANGLAY y ACEVEDA EN BANC [G.R. No. 224469, January 05, 2021], Supreme Court of the Philippines, Lazaro-Javier, J.

ICCs/IPs after appropriate compliance with the requirements. Among the investments awarded by CPs include mining, renewable energy, agroforestry, exercise of priority rights, transmission line, research/processing, and industrial gravel/sand.

Concerns have been raised by communities regarding investments by outsiders in ADs. Amidst overlapping claims and limited implementation of FPIC processes, these investments have resulted in conflicts.

In its 2017 National Inquiry, the Commission of Human Rights of the Philippines (CHRP) stated that the FPIC requirement has been uniformly violated by both State and non-State duty bearers. IP communities continue to raise the improper implementation of or non-compliance with the FPIC as a major issue in asserting their rights over ADs. The conflict between the Dumagat and Remontado CADT holders in Rizal and Quezon provinces and the proposed MWSS-Kaliwa Dam project illustrate this problem. While the FPIC has been granted to the proponent and a MOA has been signed with the community, other members of the Dumagat community continue to oppose the project claiming improper implementation of the FPIC process.¹⁸ Based on the data from its Provincial and Regional consultations, the NCIP discovered that many IP community members knew very little about the FPIC process. This is further exacerbated by the non-recognition of the FPIC process by some government agencies.

NCIP's response in addressing concerns

Titling of ADs/lands

In its five-year masterplan, the NCIP plans to expedite the processing and approval of CADT applications as well as the registration of these with the LRA. The NCIP intends to facilitate the approval of 34 CADTs annually, resulting in 170 AD claims approved at the end of five years.¹⁹

¹⁸ "Indigenous peoples seek to overturn Kaliwa Dam deal", Statement of Marcelino S. Tena, president of the Samahan ng mga Katutubong Agta-Dumagat-Remontado sa Pagtatanggol at Binabaka and Lupang Ninuno (SAGUIBIN-LN), Business World, 23 February 2021

¹⁹ Indigenous Peoples Master Plan, NCIP, 2019

Adoption of ADSDPPs and IP governance

The NCIP initiated the revision of the review and refinement of the existing ADSDPP Guidelines of 2004. In 2018, the NCIP issued Administrative Order No. 01, series of 2018 to address inefficiencies in the formulation of ADSDPPs. Some of the notable amendments include adjustments in the process, definition, and of coverage of ADSDPPs, and installation of a mechanism where the ADSDPP facilitates the FPIC process. Further, the new guidelines shall include the legislative agenda of the IPMR and the latter's advocacy plans for the passage of ordinances geared towards the protection of the environment and the implementation of the development plans and programs identified in the ADSDPP.

In its four-year Indigenous Peoples Master Plan (IPMP) for 2020 to 2024, the NCIP has laid out the following targets: 89 ADSDPPs will be adopted by the LGUs in the Cordillera Administrative Region, 20 ADSDPPs are integrated in the CLUP/CDPs in Region X, and 146 new ADSDPPs are formulated and completed. Further, funding for 10 percent of identified ADSDPP projects will be secured for its implementation.

FPIC

To address gaps and inefficiencies in the process, the NCIP is reviewing the FPIC Guidelines. Also, an FPIC Review Guide is being developed in order to ensure the proper understanding and awareness of the FPIC process of those in the communities and other stakeholders of the FPIC process. This shall ensure that the basic elements of FPIC are complied with in all instances. All MOAs entered into by IPs with NGAs, LGUs, academe, non-profit institutions, and private companies will be reviewed, monitored and evaluated to ensure compliance to all the legal requirements of the FPIC.

Recommendations

- *Resolve JAO 1 of 2012.* In order to resolve the policy and jurisdictional overlaps among DAR, DENR, NCIP, and LRA, it is imperative that the problems with the said JAO are resolved. For this to happen, the NCIP should resume conversations with the other concerned agencies. Disengagement only leads to further delays, while IPs, farmers, and other stakeholders are left to deal with uncertainty and even conflict.
- *Pursue land registration of CADTs/CADCs.* One of the major reasons why CADTs/CADCs are ignored by some government agencies, LGUs, and commercial interests, is because many of these CADTs/CADCs are not registered with the LRA. Thus, the registration of all CADTs/ CADCs with the LRA must be pursued, which requires that NCIP strengthen its coordination with the LRA.
- *NCIP and other government agencies to support the formulation process of ADSDPPs and to provide financing their implementation.* ■

References

- CHR. (2017). *2017 National Inquiry on the Human Rights Situation of the Indigenous Peoples.* Philippine Commission on Human Rights. [https://elibrary.chr.gov.ph/cgi-bin/koha/opac-retrieve-file.pl?id= b67b2475893e925975f2ecdcbbdde1c2e](https://elibrary.chr.gov.ph/cgi-bin/koha/opac-retrieve-file.pl?id=b67b2475893e925975f2ecdcbbdde1c2e)
- DA. (2018). *Department of Agriculture, Report on Kabuhayan at Kaunlaran ng Kababayang Katutubo also known as the DA-4K Program.* Department of Agriculture (DA), Philippines.
- DENR-LMB. (2019). *When Claims, mandates and Jurisdictions Overlap: Review of JAO-01-2012.* Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. https://faspselib.denr.gov.ph/sites/default/files/Publication%20Files/Review%20of%20JAO_Study.pdf
- Reyes, C., Tabuga, A., Asis, R., Blesila, M., and Datu, G. (2012). *Poverty and Agriculture in the Philippines: Trends in Income Poverty and Distribution.* Philippine Institute for Development Studies (PIDS). <https://pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1209.pdf>
- Tebtebba Foundation Indigenous People's International Centre Policy Research and Education. (2008). *Philippine Indigenous Peoples and Protected Areas: Review of Policy and Implementation.* <https://www.forestpeoples.org/sites/fpp/files/publication/2010/04/wccphilippinespareviewwwkgdfaug08eng.pdf>

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