

JOINT DAR-DENR-LRA-NCIP MEMORANDUM CIRCULAR
 NO. 08
 Series of 2012

IMPLEMENTING RULES OF PROCEDURE OF THE JOINT DAR-DENR-LRA-NCIP ADMINISTRATIVE ORDER NO. 1, SERIES OF 2012 ENTITLED, "CLARIFYING, RESTATING AND INTERFACING THE RESPECTIVE JURISDICTIONS, POLICIES, PROGRAMS AND PROJECTS OF THE DAR, DENR, LRA AND THE NCIP IN ORDER TO ADDRESS JURISDICTIONAL AND OPERATIONAL ISSUES BETWEEN AND AMONG THE AGENCIES"

I. PRELIMINARY PROVISIONS

Sec. 1. Prefatory Statement. Pursuant to Section 19, paragraph 3 of Joint DAR-DENR-LRA-NCIP Administrative Order (JAO) No. 1 Series of 2012, herein referred to as the "JAO", and to properly and effectively implement its provisions, this Implementing Rules of Procedure are hereby issued and shall govern the resolution of the jurisdictional, policy and operational issues between and among DAR, DENR, NCIP and LRA.

Sec. 2. Scope. This Order shall apply to the coverage of lands and/or processing by DAR, DENR and NCIP and registration with LRA of Land Titles embracing lands or areas which are contentious or potentially contentious as enumerated in Section 4 hereof.

Sec. 3. Statement of Policies. The following policies shall govern the resolution of jurisdictional, operational and policy issues between and among the agencies:

- 3.1 Peaceful and expeditious resolution of conflicting claims among concerned agencies and stakeholders for the promotion of the common good.
- 3.2 The Joint National, Regional/Provincial Committees and Special Teams shall explore and adopt win-win solutions as a general policy in addressing and resolving jurisdictional and operational issues at all levels and stages of the proceedings in accordance with JAO No. 1, Series of 2012 and this Circular.
- 3.3 Administrative remedies available under existing laws shall be exhausted at the field level. Only in cases where the issues remain unresolved at the field level shall they be elevated to the Joint National Committee (JNC).
- 3.4 The DENR has jurisdiction over all lands of the public domain (i.e., agricultural lands, forest or timber lands, national parks and mineral lands) except those placed by law and/or other issuances under the operational jurisdiction of other government agencies (e.g., Joint DAR-DENR MC No. 9, Series of 1995; Joint DAR-DENR MC No. 14 and 19, Series of 1997).
- 3.5 The DENR is responsible for the conservation, management, development and proper use of the country's environment and natural resources as well as the licensing and regulation of all natural resources as may be provided by existing laws.
- 3.6 The DAR shall not cover under the Comprehensive Agrarian Reform Program (CARP) the following types of landholdings located within the ADs/ALs claims:
 - 3.6.1 Privately claimed agricultural lands which are unsurveyed or not covered by any survey plan approved by DENR;

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- 3.6.2 Privately claimed agricultural lots, which although surveyed, were classified as alienable and disposable by the DENR after December 4, 1972; and
- 3.6.3 Privately claimed lands within the unclassified public lands or within areas classified as timberland/forest land.
- 3.7 As mandated under the law, the rights of the ICCs/IPs over their ADs/ALs shall be protected to ensure their economic, social and cultural well-being. Systems of land ownership, land use, and modes of settling land disputes of the ICCs/IPs shall be recognized and respected in line with the principle of self-determination and autonomy.
- 3.8 The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers and the rights of indigenous communities to their ancestral lands.
- 3.9 Once a Certificate of Land Ownership Award (CLOA), Emancipation Patent (EP) and other land titles under the Agrarian Reform Program has/have been issued to a beneficiary and registered in his/her name, it serves as an evidence of title and ownership to the land, entitling the beneficiary to occupy the land, cultivate it, maintain possession of the same and avail of the support services provided under the Agrarian Reform Program.
- 3.10 A patentee, as the recognized owner, exercises property rights over the land granted to her/him except for some restrictions over the land under Section 29 (Sales Patent), and Section 118 (Free Patent and Homestead Patent) of C.A. No. 141, as amended, as well as the maintenance of legal easement if the land borders the sea or river pursuant to Sections 111 and 112, C.A. No. 141, as amended, if any.
- 3.11 Ancestral domains/lands and all resources found therein form the material bases of the ICCs/IPs' cultural integrity. The indigenous concept of ownership, therefore, generally holds that ancestral domains are the ICCs/IPs private but communal property which belongs to all generations, whether delineated or not.
- 3.12 Holders of CARP Beneficiary Certificates (CBCs) shall continue to be eligible for support services under CARP subject to securing free and prior informed consent of ICCs/IPs who will be affected by the implementation of such support services. However, when the projects are community initiated/driven, only the validation procedures shall apply.
- Support services may be made available to ICCs/IPs other than CBC holders if they so desire and with the free and prior informed consent of the community that will be affected by the project.
- 3.13 Property rights within ADs/ALs already existing and/or vested upon the effectivity of R.A. No. 8371 (pronulgated on October 29, 1997) shall be respected. These include titles issued administratively and judicially (i.e., EPs, CLOAs, Free Patents/Homestead Patents and other titles issued under the Agrarian Reform Program and Patents issued by the DENR).
- 3.14 The CADTs/CALTs to be registered shall contain a typewritten or stamped proviso that the same is subject to Section 56 of Republic Act No. 8371.
- 3.15 The need for improving standards and processing of survey plans among agencies is 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.
- 3.16 Pursuant to Section 10 (a) of the R.A. No. 6657, as amended, lands actually, directly and exclusively used for parks, wildlife, forest reserves, reforestation, fish sanctuaries and breeding grounds, watershed and mangroves shall be excluded from the coverage of CARP.

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- 3.17 To avoid operational gaps, the agencies concerned shall ensure coordination during the survey activity at the field level and at all stages of the proceedings.

Sec. 4. Contentious Areas/Issues Defined. Contentious Areas/Issues are those areas/issues which are the subject of operational issues and conflicting claims between and amongst the DAR, DENR and NCIP, to wit:

- 4.1 Untitled lands with Approved Survey Plans claimed as covered by IPRA by the NCIP and ICCs/IPs to be part of their AD/AL and likewise being claimed by DAR and the DENR as covered by CARP and the Public Land Act, respectively;
- 4.2 Titled lands covered by registered CLOAs, EPs and Patents that overlapped with CADTs/CALTs/CADCs/CALCs;
- 4.3 Resource access/development instruments issued by the DENR over lands within Ancestral Land/Domain Claims such as, but not limited to, Community Based Forest Management Agreement (CBFMA), Integrated Forest Management Agreement (IFMA), Socialized Forest Management Agreement (SIFMA), Protected Area Community – Based Resources Management Agreement (PACBRMA), Forest Land Grazing Management Agreement (FLGMA), Co-Management Agreement, Certificate of Stewardship Contract (CSC), Certificate of Forest Stewardship Agreement (CFSA), Wood Processing Plant Permit (WPPP), Special Land Use Permit (SLUP), Special Forest Land Use Agreement (FLAG), Forest Land Use Agreement for Tourism Purposes (FLAGT), Private Land Timber Permit (PLTP), Special Private Land Timber Permit (SPLTP) and Foreshore Lease Agreement/Permit (FLA/FLP);
- 4.4 Exploration Permit (EP), Financial or Technical Assistance Agreement (FTAA), Mineral Agreement (Production Sharing, Co-Production or Joint Venture), Small Scale Mining Contract and Quarry Permit issued within CARP-covered areas;
- 4.5 Reservations, proclamations and other special law-declared areas a portion or the entirety of which is subsequently issued a CADT/CALT;
- 4.6 Areas with existing and/or vested rights prior or after the registration of the CADTs/CALTs but for any reason not segregated/excluded; and
- 4.7 Other jurisdictional and operational issues that may arise between and amongst DAR, DENR and NCIP as may be determined by the Joint National/Regional/Provincial Committees, as created under Section 19 of the JAO and Section 5 hereof.

Contested areas/issues contemplate, likewise, formal complaints filed by concerned ICCs/IPs or by the NCIP in behalf of the ICCs/IPs over those identified titled areas found within the AD/AL.

II. CREATION, COMPOSITION AND FUNCTIONS OF THE JOINT REGIONAL/PROVINCIAL COMMITTEES AND SPECIAL TEAMS

Sec. 5. Creation of Joint Regional/Provincial Committees and Special Teams. Pursuant to Section 19 of the JAO, Regional/Provincial Committees are hereby deemed created in regions and provinces where contentious or potentially contentious issues exist as contemplated under Section 4 hereof.

Sec. 6. Composition of the Joint Regional/Provincial Committees and Special Teams.

6.1 Joint Regional Steering Committee:

DAR Regional Director
 DENR Regional Executive Director
 NCIP Regional Director concerned
 Regional Registry of Deeds/City ROD designated by LRA

A majority of the members shall constitute a quorum
 Chairmanship of the Committee shall be on quarterly rotation basis as follows:

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January to March – NCIP
 April to June – LRA
 July to September – DAR
 October to December - DENR

The Joint Regional Steering Committee may call upon the concerned Provincial Technical Working Group (TWG) to act as its Technical Support Staff.

A Permanent Joint Regional Secretariat shall be constituted composed of the personnel of the four (4) agencies. It shall be headed by the agency personnel to whom the Chair of the Regional Steering Committee for the quarter belongs.

6.2 Joint Provincial Steering Committee:

DAR Provincial Agrarian Reform Officer
 DENR Provincial Environment and Natural Resources Officer
 Concerned Provincial/City ROD where landholding subject of dispute is located
 NCIP Provincial Officer or Community Development Officer (for concerned Provinces without Provincial Officer)

A majority of the members shall constitute a quorum.
 Chairmanship of the Committee shall be on quarterly rotation basis as follows:

January to March – NCIP
 April to June – LRA
 July to September – DAR
 October to December - DENR

6.3 Joint Provincial Technical Working Group:

Concerned MARO
 Concerned DENR Sector Specialist/s
 LRA Personnel designated by the ROD
 Concerned NCIP Personnel

A Permanent Joint Provincial Secretariat shall be constituted composed of the personnel of the four (4) agencies. It shall be headed by the agency personnel to whom the Chair of the Provincial Steering Committee for the quarter belongs.

Sec. 7. Functions of the Joint Regional/Provincial Committees and Special Teams.

- 7.1 The Joint Regional and Provincial Committees shall serve as the venues for the resolution of jurisdictional, operational and policy issues on the contentious areas within their territorial jurisdiction.
- 7.2 In special cases, the JNC may create Special Teams to handle specific contentious issues. The Special Teams shall submit their findings and recommendations to the JNC for resolution of the issue.

Sec. 8. Procedures in the Resolution of Issues

8.1 General Procedures in Resolving Issues

To facilitate the resolution of the issues, Completed Staff Work (CSW) on contentious or potentially contentious issues shall be observed by all the concerned staff of the agencies at all levels of proceedings.

- 8.1.1 Administrative remedies shall be exhausted at the Joint Provincial Committee. If the contentious issue remains unresolved at the Provincial level, the case shall be elevated to the Regional Committee. If still unresolved, the case shall be elevated to the JNC.

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- 8.1.2 For cases presently pending before the quasi-judicial or adjudication bodies of the herein agencies involving contentious issues, the same may be referred to the JNC upon agreement of the parties.
- 8.1.3 Subject to the gravity of the issues, the Joint Provincial Committee (JPC) and the Joint Regional Committee (JRC) may convene as one body. Said Committees shall determine whether the issues are factual, procedural, legal, or policy determination. If the issues are purely legal or involve policy determination, the Committees shall indorse the same to the JNC for resolution.
- 8.1.4 The JRC/JPC shall issue a resolution within thirty (30) working days from the day it is submitted for resolution.
- 8.1.5 Within five (5) working days from receipt of any petition or issue for resolution, the concerned agency shall inform the JRC/JPC which shall convene immediately.
- 8.1.6 In deliberating the issues presented before it, the JNC may receive evidences from the parties supporting their assertions, including but not limited to documentary exhibits.

8.2 Specific Procedures in Resolving Issues

- 8.2.1 The agency concerned to whom a contentious issue is lodged shall notify and request for a preliminary meeting of the TWG in the province. In case CSW among the agencies involved have been undertaken, the TWG of the JPC will call on the parties involved to mediate and settle the issue amicably. It may receive evidence for the purpose only of clarifying matters.
- 8.2.2 The Provincial TWG shall deliberate on the issue during the meeting.
- 8.2.3 The Provincial TWG shall submit its findings and recommendations with CSW to the Chairman for the Quarter of the Provincial Steering Committee. CSW should be undertaken prior to submission to the Provincial Steering Committee for review, evaluation, deliberation and decision.
- 8.2.4 In case of issues that cannot be resolved by the Provincial Steering Committee, including those that result from a voting deadlock, the same shall submit its findings and recommendations with CSW to the Chairman for the quarter of the Regional Steering Committee which will review, evaluate, deliberate and decide on the issue.
- 8.2.5 In case of issues that cannot be resolved by the Regional Steering Committee, including those that result from a voting deadlock, the same shall submit its findings and recommendations with CSW to the National Steering Committee which will review, evaluate, deliberate and decide on the issues .

The mechanisms and rules in the JAO and this Circular shall generally be applied by the Agencies in the resolution of policy, jurisdictional and operational issues within identified contentious and potentially-contentious areas. Administrative remedies available under existing laws shall be exhausted at the field level. Only in cases where the issues remain unresolved at the field level shall they be elevated to the JNC.

III. RESOLUTION OF JURISDICTIONAL, OPERATIONAL AND POLICY ISSUES

Sec. 9. Procedures In The Projection Of Survey Plans, Delineation/Exclusion/Segregation Process and Issuance of Certification, Titling and Registration of AD/AL.

- 9.1 **Conduct of AD/AL Survey and Delineation.** In the conduct of land survey and delineation of all ancestral lands/domains by NCIP, the survey plans shall be made in accordance with the pertinent provisions of DENR Administrative Order No. 2007-29, or the "Revised Regulations on Land Surveys" and DENR Memorandum Circular No. 2010-13, or the "Manual on Land Survey Procedures".

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To avoid operational gaps, the agencies shall ensure coordination during the survey activity at the field level in the areas that are near or adjacent to declared AD/AL areas or the contested areas. The concerned DENR and/or DAR technical personnel shall be a member of the NCIP survey team provided that the absence of such personnel after due notice shall not impede the schedule of the conduct of the survey.

- 9.2 Projection of Survey Plans.** Prior to the approval by the NCIP of the original survey plan covering the CADT/CALT application, the NCIP shall furnish the LRA and the concerned Regional Offices of the DENR and DAR a certified copy of the unapproved survey plan of the AD/AL, with its digital copy and area sheet computation, for projection and verification in the Projection Map and Land Classification (LC) Map covering the AD/AL Area.

The DENR/LRA, as the case maybe, shall determine and properly mark on the submitted AD/AL plan the extent of overlap of the AD/AL, to include the following data: titled properties, areas with existing vested and prior rights, previously approved surveys in agricultural alienable and disposable (A and D) lands, including existing resource use instruments (RUIs) within forest lands, mineral lands and national parks/protected areas, the extent of the portion of AD/AL within areas classified as Timberland/Forestland, National Parks/Protected Areas, Watershed and Civil-Military Reservations, and proclamations.

On the other hand, to ensure that a Certificate of Land Ownership Award (CLOA) will not be issued over lands actually, directly and exclusively used for national parks/protected areas, critical habitat, forest reserves, reforestation, and breeding grounds, watershed and mangroves, the concerned DAR office shall endorse to the concerned DENR Regional Office the survey plan of the land subject to redistribution. The DENR shall project the survey plan on land classification maps to check for overlaps.

- 9.3 Overlaps with Approved Surveys and Titles within Agricultural/Alienable and Disposable (A and D) Lands.** In case when there are titled properties, areas with existing vested and prior rights, and previously approved surveys (as used in the JAO and in this Circular said approved survey plan refers to those approved prior to October 29, 1997 – Effectivity of Indigenous Peoples Rights Act of 1997) in agricultural/alienable and disposable (A and D) lands that overlap with the original survey plan of the AD/AL as determined by the LRA, DENR and DAR, the following shall be done:

9.3.1 A certification shall be issued by the LRA (Central Office), DENR (Regional LMS) and DAR-PARO stating therein the specific details of the overlap which include the approved survey number and/or title number of the properties involved. The DAR-PARO shall furnish a copy of the certification issued to the concerned DAR Regional Office and the Assistant Secretary for Operations.

9.3.2 Thereafter, the said survey plan together with the agencies' 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. The agencies shall furnish the NCIP all survey data pertinent to the AD/AL survey plan, free of charge.

- 9.4 Overlaps with Existing RUIs Within Forestlands/Timberlands, National Parks/Protected Areas and Mineral Lands.** The certification shall also state the details of the existing RUIs within forestlands/timberlands, national parks/protected areas and mineral lands that overlap within the AD/AL and these shall be indicated on the submitted AD/AL survey plan.

- 9.5 Issuance of Certification Within Thirty (30) Working Days.** In the absence of technical problem (e.g., open polygon and absence of/ erroneous tie line/tie points), the DAR, DENR and LRA have thirty (30) working days from receipt of said print copy of the original survey plan within which to return the same to the NCIP, together with the required certification or its findings and recommendations, as the case may be, or notify the NCIP of the need for extension of time to comply for another thirty (30) working days, provided that the extension is for reasonable ground. In case a technical problem arises (e.g., open polygon and absence of /erroneous tie line/tie points), the same shall be communicated to the NCIP for a meeting or conference.

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- 9.6 **Amendment of the AD/AL Survey Plan by the NCIP** - The NCIP, upon receipt of the agencies' certifications or findings on the projection of the AD/AL survey plan, shall segregate/ exclude such titled properties and approved survey plans from the survey plan and the technical description of the AD/AL. The NCIP has the primary duty and responsibility to secure all necessary data to be used in the segregation/exclusion process.
- 9.7 **Final Projection of the Amended AD/AL Survey Plan.** - The certified copy of amended AD/AL survey plan shall then be resubmitted by NCIP to the LRA, DENR and DAR anew for final projection and concurrence.

Previous AD/AL Survey Plan where RUIs were reflected shall also be attached which forms part of the documents re-submitted to the DENR.

The LRA, DENR and DAR have fifteen (15) *working* days from receipt of the AD/AL amended survey plan within which to return the same to NCIP and to issue the Certification of No Overlap (CNO). The 15-day period may be extended based on a letter-request from the concerned agencies which may be granted only on meritorious grounds.

Sec. 10. Processing of Applications for Land Patents/Titles by DAR and DENR. DAR and DENR shall not process titles pursuant to their mandates over agricultural alienable and disposable (A and D) lands that are certified by NCIP as AD/AL provided that such certification has been issued pursuant to and in compliance with Section 13 of the JAO on projection of survey plans and issuance of Certification of Non-overlap.

Sec. 11. CLOAs Issued in National Parks/Protected Areas, Critical Habitat, Forest Reserve, Reforestation, and Other Conservation Areas. Issues relating to CLOAs in areas outside CARP coverage by virtue of Section (10) of the R.A. No. 6657 shall be submitted to the Joint Regional Committee. The Joint Regional Committee shall require the DENR and DAR to submit the relevant documents, data, survey plans, land classification maps and other information. If the land covered by CLOA is confirmed to be outside CARP coverage, the Joint Regional Committee shall issue a resolution endorsing the cancellation of the CLOA by the DAR Secretary.

Concerned communities can also file directly cancellation cases before the DAR Secretary in accordance with the provision of DAR Administrative Order No. 6, series of 2011.

Sec. 12. Existing Resource Use Instruments (RUIs) Within AD/AL. Existing Resource Use Instruments (RUIs) in the form of contracts, licenses, concessions, leases, and permits for the exploitation of natural resources within ancestral lands/domains may continue to be in force and effect until they expire. Thereafter, such RUIs shall not be renewed without the free and prior informed consent of the IP community members and upon renegotiation of all terms and conditions thereof. All such existing RUIs may be terminated for cause upon violation of the terms and conditions thereof in accordance with procedures under applicable rules and regulations.

Thus, the CADT/CALT to be registered shall contain a typewritten or a stamped proviso that the same is subject to Section 56 of IPRA (R.A. 8371) to read as follows:

“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”.

Within six (6) months prior to the expiration of any RUI holder thereof, the DENR shall notify the concerned RUI holder that in case of renewal, the Free and Prior Informed Consent (FPIC) of the concerned community shall be secured by the RUI holder.

Sec. 13 Exclusion or Segregation of all Lands Covered by Titles. In the delineation and titling of ADs/ALs, the NCIP must exclude or segregate all lands covered by titles. For this purpose, the registered owner of the land may opt to submit to the NCIP a copy of the title of the property to facilitate segregation or exclusion pursuant to existing guidelines and other pertinent issuances. Should the registered owner fail to submit a copy of the title to the NCIP, the latter shall secure said copy from the ROD concerned.

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The ICCs/IPs, however, are not precluded from questioning the validity of these titles in a proper forum as hereunder enumerated:

13.1 DAR Secretary for registered EPs or CLOAs; and

13.2 Regional Trial Court for registered patents/judicially-decreed titles.

Sec. 14. Non-Processing of Titles on Lands Certified by the NCIP Except in Areas with Prior and Vested Rights. 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 of the JAO on the projection of survey plans and issuance of Certification of Non-Overlap have already been complied with.

Sec. 15. Notification of the NCIP in Conflict Areas. The 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 Section 13 of the JAO and Section 9 hereof on projection of survey plans and issuance of certification of non-overlap, whether the same affects an AD or AL.

Sec. 16. Endorsement in Case of Overlapping With Any Proclamation, Reservation or Other Similar Issuance. In case there is overlapping with any proclamation, reservation or any other similar issuances, the endorsement mentioned in Section 13 of the JAO 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.”

Sec. 17. Exclusion/Segregation of Resettlement Areas and Reservations Covered by CARP. Pursuant to Executive Order No. 407, Series of 1990, as amended by Executive Order No. 448, Series of 1991, resettlement areas and reservations proclaimed for DAR or for other government agencies but have been turned-over to DAR for CARP coverage classified as alienable and disposable, which overlap with ADs/ALs shall be treated in accordance with Section 56 and Section 7(g) of IPRA in relation to Section 3(h) of the JAO following the procedures under Section 13 of the JAO and Section 9 hereof.

However, areas classified as forests or timberlands within said proclamations and reservations should not be segregated from the AD/AL and shall not be covered under CARP.

Sec. 18. CARP Coverage of Titled Properties. Titled lands under the Torrens System issued prior to the effectivity of IPRA (i.e., 29 October 1997) are deemed vested rights pursuant to the provision of Section 56 of IPRA.

Accordingly, the DAR shall proceed with the CARP coverage of said lands unless a Restraining Order is issued by the Supreme Court without prejudice, however, to the rights of the ICCs/IPs to question the validity of these titles before a court or body of competent jurisdiction.

Sec. 19. Notification of the NCIP by DAR in Case of CARP Coverage of Untitled Lands. In case of coverage of untitled lands under CARP pursuant to DAR-DENR M.C. 2003-1, involving identified contentious or potentially contentious areas as defined in the JAO and this Circular, the DAR shall notify the ICCs/IPs through NCIP of such coverage and in case the ICCs/IPs register an opposition/adverse claim, such coverage will be suspended by DAR until the issue has been resolved.

Sec. 20. Areas with Prior Existing and/or Vested Rights, But for any Reason Were Not Segregated. For such areas, upon the registration of the CADTs/CALTs, the proper party in-interest, whether IP or non-IP, may file a petition for the amendment, modification, alteration and/or cancellation of the CADT/CALT before the NCIP Commission En Banc.

However, this is without prejudice on the part of NCIP to allow the annotation of such prior vested right on the CADT/CALT pursuant to a procedure to be established.

For private claimants already with vested or existing property rights within AD/AL, their claims shall be recognized and respected and they have the option to become agrarian reform beneficiaries under CARP provided they have established their vested rights pursuant to the first paragraph hereof.

Sec. 21. Supplemental Guidelines On The Delineation, Titling And Registration Of CADTs/CALTs Pursuant to Joint LRA-NCIP Memorandum Circular No.1, Series of 2007 as Hereunder Further Amended

- 21.1 Segregation/exclusion shall be limited to the correction of the AD/AL survey plan using the approved technical descriptions of the identified overlapped titled properties but without prejudice to the right of the affected CADT/CALT holders to contest the validity of the title in the proper forum.
- 21.2 The print copy of original survey plan of AD/AL to be submitted by NCIP for projection to the concerned agency/ies should be inscribed with a Certification (hereto attached as Annex "A").
- 21.3 The original survey plan of AD/AL, as corrected, shall be submitted by the NCIP to DAR, DENR and LRA for final projection. Each agency shall have a period of fifteen (15) working days from receipt, subject to extension if meritorious circumstances warrant, within which to transmit to the NCIP the result of the final projection.

Should the final projection be in order, a Certification to that effect shall be issued by the concerned agency (hereto attached as Annex "B").
- 21.4 The subsequent certification of non-overlap issued by the DENR, DAR and/or LRA shall also be noted in the final survey plan as part of the reference documents.
- 21.5 Boundaries between and among provinces, cities and municipalities straddled by the domain including inter-municipal and inter-barangay boundaries shall be indicated in the survey plan; Provided however, that in the absence of survey data on the boundaries of provinces, cities, municipalities, and barangays NCIP shall avail of and use the data from reliable and acceptable sources, for reference purposes only.
- 21.6 CADTs covering coastal area/portions of the sea known to be traditionally used or occupied by indigenous peoples concerned shall be allowed registration provided that said bodies of water shall be so delineated on the plan with corresponding descriptions separate from the land.
- 21.7 In cases of ancestral domain/land claims previously delineated by the DENR by virtue of Special Order No. 31, Series of 1990 and Department Administrative Order No. 02, Series of 1993, the approved plan covering such claims shall be retained after verification and validation. Coverage of CADCs/CALCs shall be properly coordinated with the NCIP.
- 21.8 There shall be two (2) judicial title forms to be used by the NCIP in issuing a Certificate of Ancestral Domain Titles (CADTs) or Certificate of Ancestral Land Titles (CALTs) namely:

- 22.8.1 Judicial Form 45 for the Original Certificate of the Title (OCT); and
- 22.8.2 Judicial Form 45-D for the Owner's Duplicate Certificate (ODC).

The identifying mark "OWNER'S DUPLICATE CERTIFICATE" shall be superimposed, stamped or emblazoned, whichever is practicable, on the left-hand margin of Form 45-D.

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The right to transfer ancestral land or property rights shall be limited to or among the members of the same ICCs/IPs, subject to customary laws and traditions of the community concerned. Accordingly, to protect their ancestral rights, any subsequent transfer/transaction involving Ancestral Land shall be with a corresponding title the judicial form of which shall be provided by the NCIP.

- 21.9 The CADT/CALT shall be approved, signed and issued by the NCIP Chairperson and Commissioner from the concerned ethnographic region in accordance with its duly established processes and procedures. The CADT/CALT approved by the Commission and the pertinent papers or instruments shall be submitted to LRA.
- 21.10 The registration of CADTs straddling one or more provinces and/or cities shall be done by registering the same with the Registrar of Deeds of all the provinces and/or cities where the various portions of the ancestral domain are located.

The various portions of the ancestral domain within the jurisdiction of each province and/or city shall be technically described with particularity, provided, that the province and/or city having jurisdiction over the largest portion of the domain shall have custody of the original CADT; and provided, further, that the other registries will be provided with certified copies thereof for its reference and file.

- 21.11 The registration of CADTs shall be exempt from the payment of the Assurance Fund pursuant to Memorandum Order No. 179 dated July 05, 2005.
- 21.12 After registration of the CADT/CALT, the Owner's Duplicate Copy (OCD) and the certified machine copy of the OCT shall be released to the NCIP.

IV. REPORTING AND MONITORING

Sec. 22. Quarterly and Annual Reports. Quarterly and Annual Reports of contentious cases handled by the Joint Provincial and Regional Committees shall be submitted to the Joint National Steering Committee. The Special Teams shall likewise submit their Quarterly and Annual Reports.

Sec.23. Submission of Data and Other Documents. The agencies shall submit the following to the JNC Secretariat within fifteen (15) days from the approval of this Circular:

- 23.1 NCIP - the initial list of contentious areas based on NCIP records, such as the listing of the CADTs/CALTs that are issued and ADCs/ALCs that are under process, together with the technical descriptions and other pertinent documents in support thereto, copy of which shall be furnished DENR, DAR and LRA.
- 23.2 LRA - a list of titles issued within these CADT/CALT areas
- 23.3 DENR- Patents and tenure instruments within these CADT/CALT areas
- 23.4 DAR - CLOAs and EPs within these CADT/CALT areas

LRA, DENR and DAR may also submit to the JNC Secretariat additional list of contentious areas together with supporting documents based on their respective office records.

Further, pursuant to Section 21 of the JAO, the NCIP, DAR and DENR shall submit to the LRA a complete list of CADTs/CALTs, CLOAs and EPs, respectively, which shall be subject of the suspension of registration activities.

Sec. 24. Prompt and Timely Submission of Data and Documentary Requirements. To facilitate the resolution of conflict issues, the agencies concerned should promptly submit the documents/data required pursuant to the periods mandated in the JAO. Refusal to submit the same shall be dealt with accordingly in accordance with the policies to be imposed by the JNC.

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V. ORIENTATION AND DISSEMINATION OF THE PROVISIONS OF THE JAO AND IRR

Sec. 25. Conduct of Orientation and Dissemination. To ensure that the provisions of the JAO and this Circular shall be understood and successfully implemented, orientation seminars and information campaigns shall be conducted jointly by the agencies to all their national and field offices one (1) month from the effectivity of this Circular.

VI. FINAL PROVISIONS

Sec. 26. Transitory Provision. Upon the effectivity of the JAO on 11 February 2012, the implementation of Land Acquisition and Distribution (LAD) and issuance of CLOA by DAR, ancestral domain/ancestral land titling by NCIP, processing/issuance of patents by DENR and registration of titles by LRA over identified contentious areas shall remain suspended unless resolved by the concerned Joint Provincial/Regional or National Committee. Pursuant thereto, NCIP, DAR and DENR shall submit to the LRA a complete list of CADTs/CALTs, CLOAs and EPs, respectively, which shall be subject of the suspension of registration activities.


All other activities by the respective agencies that do not encounter issues and problems of similar nature shall continue and not be affected thereby.


Sec. 27. Funding. To ensure the effective implementation of this guideline, corresponding budget shall be immediately provided by the agencies concerned. Future budget allocation shall be included in their Work and Financial Plan.

Sec. 28. Repealing Clause. All Orders, Circulars and issuances inconsistent herewith are hereby revoked, amended or modified accordingly.

Sec. 29. Effectivity. This Circular takes effect immediately.

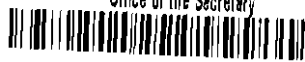

VIRGILIO B. DELOS REYES
 Secretary, DAR


RAMON J. P. PAJE
 Secretary, DENR


ZENAIDA BRIGIDA H. PAWID
 Chairperson, NCIP


EULALIO C. DIAZ III
 Administrator, LRA

Department of Agrarian Reform
 Office of the Secretary



MC-12-05600

Annex "A"**CERTIFICATION**

This is to certify that this print copy of original survey plan was submitted to the Ancestral Domains Office (ADO), NCIP for verification and the same is found to be in order.

This print of original survey plan shall be projected by DENR, DAR and/or LRA for purposes of determining if the survey plan overlaps with titled properties and survey plans approved prior to October 29, 1997.

Signed: _____
Proper NCIP Official

Date: _____

Annex "B"**CERTIFICATION**

This is to certify that pursuant to Sec. 8.2 of the NCIP-DENR Memorandum Circular No 2003-1, as amended by JAO No.1 series of 2012 and its implementing rules, the draft survey plan of this original survey plan was submitted to the DAR Provincial Office, DENR Regional Office and LRA Central Office _____ for common projection on _____.

Upon final projection of the Original Survey Plan, as corrected, this Office finds the same in order. A Certification of Non-Overlap (CNO) has likewise been issued.

Signed: _____
Proper DAR/DENR/LRA Official

Date: _____