



## HOUSE OF REPRESENTATIVES

H. No. 9125

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INTRODUCED BY REPRESENTATIVES ANDOLANA, LOPEZ (E.), RAMIREZ, COSALAN, LIBAN, BAUTISTA SR., BALINDONG, MANGOTARA, JOAQUIN, RAMA SR., RODRIGUEZ, CHIPECO JR., PIMENTEL, LEVISTE, SATOR, CRUZ-DUCUT, LEDESMA IV, RAMIRO, DIAZ (R.), TY, MADRONA, ALMARIO, AUMENTADO, NOGRALES, TAJON, VILLAROSA, GARCIA (M.), SANDOVAL, APOSTOL, ERMITA, CANDAZO, ACOSTA, ADIONG, CLAUDIO, PAREDES JR., SEACHON JR., SHAHANI, JAAFAR, ALMENDRAS JR., TULAWIE, LORENZO-VILLAREAL, LOBREGAT, ROMERO, ABUEG JR., DRAGON, GILLEGO, GARCIA (E.), PEREZ (H.), ANGARA-CASTILLO, YAP, ZAPATA, MUARIP, PADILLA, CAPPLEMAN, DOMINGUEZ, BULUT, SINGSON, ORTEGA, TILANDUCA, VERGARA, CUA, ZUBIRI JR., MAMBA, DEFENSOR, IMPERIAL, ADAMAT, GOLEZ, DEL ROSARIO, DEJON SR., PUNZALAN (J.), PALMA GIL, AVILA, CALALAY, MONTEMAYOR, FAJARDO (M.), TAN, ZARTIGA, TARONA, GERONIMO, DEL PRADO, TEVES, PLAZA, RECTO, FUA, LUCIANO, ABAD, DELA CRUZ, DAMASING, ROMUALDO, MONTILLA, VERCELES (E.), CABILAO, LAGMAN, OSMEÑA, FUGOSO, BAKUNAWA, JOAQUIN, ZAMORA, ARROYO, DILANGALEN, AND ANDAYA JR., PER COMMITTEE REPORT No. 837

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AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF THE INDIGENOUS CULTURAL COMMUNITIES, CREATING A NATIONAL COMMISSION ON INDIGENOUS CULTURAL COMMUNITIES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

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CHAPTER I

GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "Indigenous Cultural Communities' Act of 1997."

SEC. 2. *Declaration of State Policies.* - (a) The State shall recognize and promote the rights of Indigenous Cultural Communities (ICCs) within the framework of national unity and development.

(b) The State shall protect the rights of indigenous cultural communities to their ancestral domains to ensure their economic, social and cultural well-being, and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains.

(c) The State shall create autonomous regions consisting of geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of the Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

(d) The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their

1 cultures, traditions and institutions. It shall consider these rights in  
2 the formulation of national plans and policies.

3 (e) The State shall ensure that indigenous cultural communities  
4 shall enjoy the full measure of human rights and fundamental  
5 freedoms without hindrance or discrimination.

6 (f) All rights herein recognized and protected shall be enjoyed  
7 equally by both male and female members of the indigenous cultural  
8 communities, without any distinction or discrimination in accordance  
9 with their cultures, traditions and institutions.

10 (g) The State shall be responsible for developing, with the  
11 participation of indigenous cultural communities concerned, a  
12 coordinated and systematic action to protect their rights and to  
13 guarantee respect for their cultural integrity. Such action shall include  
14 measures for ensuring that members of indigenous cultural  
15 communities benefit on an equal footing from the rights and  
16 opportunities which national laws and regulations grant to other  
17 members of the population and for promoting the full realization of the  
18 social, economic and cultural rights of indigenous cultural  
19 communities with respect to their social and cultural identity, their  
20 customs and traditions and their institutions.

1 Towards these ends, the State shall:

2 (1) Recognize, promote and protect the rights of indigenous  
3 cultural communities to their ancestral domains, to autonomy and self-  
4 determination, and to cultural integrity;

5 (2) Institute and establish the necessary mechanisms to enforce  
6 and guarantee realization of these rights;

7 (3) Conduct research and development for the study, promotion  
8 and enhancement of the indigenous cultural communities; and

9 (4) Formulate and implement vigorous and relevant  
10 development policies, plans, and programs for indigenous cultural  
11 communities, taking into consideration their customs, traditions,  
12 values, beliefs, interests and institutions, and to adopt and implement  
13 measures to protect their rights to their ancestral domains.

14 CHAPTER II

15 DEFINITION OF TERMS

16 SEC. 3. *Definition of Terms.* - For purposes of this Act, the  
17 following terms shall mean:

18 (a) *Ancestral Domains* - refers to all areas generally belonging  
19 to indigenous cultural communities comprising lands, inland waters,  
20 coastal areas, as defined in the Local Government Code, and natural  
21 resources therein, held under a claim of ownership, occupied or  
22 possessed by indigenous cultural communities, by themselves or

1 through their ancestors, communally or individually since time  
 2 immemorial, continuously to the present except when interrupted by  
 3 war, *force majeure* or displacement by force, deceit, stealth or as a  
 4 consequence of government projects or any other voluntary dealings  
 5 entered into by government and private individuals/corporations, and  
 6 which are necessary to ensure their economic, social and cultural  
 7 welfare. It shall include ancestral lands, forests, pasture, residential,  
 8 agricultural, and other lands individually owned whether alienable and  
 9 disposable or otherwise, hunting grounds, burial grounds, worship  
 10 areas, bodies of water, mineral and other natural resources, and lands  
 11 which may no longer be exclusively occupied by indigenous cultural  
 12 communities but from which they traditionally had access to for their  
 13 subsistence and traditional activities, particularly the home ranges of  
 14 indigenous cultural communities who are still nomadic and/or shifting  
 15 cultivators.

16 (b) *Ancestral Lands* - refers to land occupied, possessed and  
 17 utilized by individuals, families and clans who are members of the  
 18 indigenous cultural communities since time immemorial by  
 19 themselves or through their predecessors-in-interest, under claims of  
 20 individual or traditional group ownership, continuously to the present  
 21 except when interrupted by war, *force majeure* or displacement by  
 22 force, deceit, stealth, or as a consequence of government projects and



1 other voluntary dealings entered into by government and private  
2 individuals/corporations including, but not limited to, residential lots,  
3 rice terraces or paddies, private forests, swidden farms and tree lots.

4 (c) *Autonomous Regions* - refers to provinces, cities, or  
5 municipalities and geographic areas sharing common and distinctive  
6 historical and cultural heritage, economic and social structures, and  
7 other relevant characteristics within the framework of the 1987  
8 Philippine Constitution.

9 (d) *Certificate of Ancestral Domain Title* - refers to a title  
10 formally recognizing the rights of possession and ownership of  
11 indigenous cultural communities over ancestral domains identified and  
12 delineated in accordance with this law.

13 (e) *Communal Claims* - refers to claims on land, resources and  
14 rights thereon belonging to the whole community within a defined  
15 territory.

16 (f) *Customary Laws* - refers to a body of written and/or  
17 unwritten rules, usages, customs and practices traditionally and  
18 continually recognized, accepted and observed by respective  
19 indigenous cultural communities.

20 (g) *Free and Informed Consent* - as used in this Act, shall mean  
21 the consensus of all members of the indigenous cultural communities  
22 to be determined in accordance with their respective customary laws

1 and practices, free from any external manipulation, interference, and  
2 coercion.

3 (h) *Indigenous Group Claims* - refers to traditional claims on  
4 land, resources and rights thereon belonging to families and clans or  
5 groups of families and clans including, but not limited to, private  
6 forests and swidden farms.

7 (i) *Indigenous Cultural Communities/Indigenous Peoples* -  
8 refers to a group of people sharing common bonds of language,  
9 customs, traditions and other distinctive cultural traits, and who have,  
10 under claims of ownership since time immemorial, occupied,  
11 possessed and utilized a territory. This term shall likewise, or in the  
12 alternative, refer to societies identified by self-ascription and ascription  
13 by others, who have continuously lived as community on communally-  
14 bounded and defined territory, sharing common bonds of language,  
15 customs, traditions and other distinctive cultural traits, and who have,  
16 through resistance to political, social and cultural inroads of  
17 nonindigenous religions and cultures, became historically  
18 differentiated from the majority of Filipinos. Indigenous cultural  
19 communities shall likewise include peoples who are regarded as  
20 indigenous on account of their descent from the populations which  
21 inhabited the country, at the time of the inroad of nonindigenous  
22 religions and cultures or the establishment of present state boundaries

1 and who retain some or all of their own social, economic, cultural and  
 2 political institutions, but who may have been displaced from their  
 3 traditional domains or who may have resettled outside their ancestral  
 4 domains.

5 (j) *Indigenous Political Structures* - refers to organizational and  
 6 cultural leadership systems, institutions, relationships, patterns and  
 7 processes for decision-making and participation identified by  
 8 indigenous cultural communities such as, but not limited to, Council  
 9 of Elders, Council of Timuays, Bodong Holders, or any other tribunal  
 10 or body of similar nature.

11 (k) *Individual Claims* - refers to claims on land and rights  
 12 thereon which have been devolved to individuals, families, and clans  
 13 including, but not limited to, residential lots, rice terraces or paddies  
 14 and tree lots.

15 (l) *National Commission on Indigenous Cultural Communities* -  
 16 refers to the office created under this Act, which shall be under the  
 17 Office of the President, and which shall be the primary government  
 18 agency responsible for the formulation and implementation of policies,  
 19 plans and programs to recognize, protect and promote the rights of  
 20 indigenous cultural communities.

21 (m) *Native Title* - refers to (a) vested rights to lands and  
 22 domains which, as far back as memory reaches, have been held under

1 a claim of private ownership by indigenous cultural communities,  
2 and/or have never been public lands; and (b) those that have been  
3 vested in members of indigenous cultural communities/indigenous  
4 peoples in accordance with the provisions of Commonwealth Act 141.

5 (n) *Nongovernment Organization* - refers to a private, non-  
6 profit, voluntary organization that has been organized primarily for  
7 the delivery of various services to the indigenous cultural communities  
8 and has an established track record for effectiveness and acceptability  
9 in the community where it serves.

10 (o) *People's Organization* - refers to a private, non-profit,  
11 voluntary organization of members of an indigenous cultural  
12 community which is accepted as representative of such indigenous  
13 cultural community.

14 (p) *Time Immemorial* - refers to a period of time when as far  
15 back as memory can go, certain indigenous cultural communities  
16 and/or indigenous peoples are known to have continuously occupied,  
17 possessed in the concept of owner, and utilized a defined territory  
18 devolved to them, by operation of customary law or inherited from  
19 their ancestors, in accordance with their customs and traditions.

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CHAPTER III

RIGHTS TO ANCESTRAL DOMAINS

SEC. 4. *Concept of Ancestral Lands/Domains.* - Ancestral

lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the indigenous cultural communities possess, occupy and use and to which they have claims of ownership.

SEC. 5. *Composition of Ancestral Lands/Domains.* - Ancestral

lands and domains shall consist of all areas generally belonging to indigenous cultural communities as referred to under Section 3, items (a) and (b) of this Act.

SEC. 6. *Rights to Ancestral Lands/Domains.* - The rights of

ownership and possession of the indigenous cultural communities to their ancestral lands/domains and to all natural resources found therein shall be recognized and protected. Such rights shall include:

- (a) The right to exclusively own, occupy, cultivate and utilize land and all natural resources found therein; to reside peacefully within the domains/lands; to claim ownership over the lands, bodies of water, coastal sea area and traditional hunting and fishing grounds, and all improvements made by them at any time within the domains; to lay claim on adjacent areas, which may, after more thorough and

1 careful investigation, be proven to be in fact part of the ancestral  
2 domain; and, to regulate the entry of migrant settlers, or other  
3 organizations into the domains;

4 (b) The right to use, manage and conserve natural resources  
5 within the territories, including right to benefit and to share the profits  
6 from allocation and utilization of the natural resources found therein;  
7 the right to negotiate the terms and conditions for the exploitation of  
8 natural resources in the area for the purpose of ensuring ecological,  
9 environmental protection and conservation measures pursuant to  
10 national and customary laws; the right to informed and intelligent  
11 participation in the formulation and implementation of any project,  
12 government or private, that will affect or impact upon the ancestral  
13 domain; and the right to receive just and fair compensation for any  
14 damages which they may sustain as a result of the project;

15 (c) The right to stay in the territory and not to be removed  
16 therefrom. No indigenous cultural community/indigenous people will  
17 be relocated without their full and prior informed consent nor through  
18 any means other than eminent domain. Where relocation is  
19 considered necessary as an exceptional measure, such relocation shall  
20 take place only with the free and informed consent of the indigenous  
21 cultural communities concerned and whenever possible, they shall be  
22 guaranteed the right to return to their ancestral domains, as soon as

1 the grounds for relocation cease to exist. When such return is not  
2 possible, as determined by agreement or through appropriate  
3 procedures, indigenous cultural communities shall be provided in all  
4 possible cases with lands of quality and legal status at least equal to  
5 that of the land previously occupied by them, suitable to provide for  
6 their present needs and future development. Persons thus relocated  
7 shall likewise be fully compensated for any resulting loss or injury;

8 (d) In case displacement occurs as a result of natural  
9 catastrophes, the State shall endeavor to resettle the displaced  
10 indigenous cultural communities in suitable sites where they can have  
11 temporary life support systems: *Provided*, That the displaced  
12 indigenous cultural communities shall have the right to return to their  
13 abandoned lands until such time that the normalcy and safety of such  
14 lands shall be determined: *Provided, further*, That should their  
15 ancestral domain cease to exist and normalcy and safety of the  
16 previous settlements are not possible, displaced indigenous cultural  
17 communities shall enjoy security of tenure over lands to which they  
18 have been resettled: *Provided, furthermore*, That basic services and  
19 livelihood shall be provided to them to ensure that their needs are  
20 adequately addressed;

1 (e) The right to transfer land or property rights to/among  
 2 members of the same indigenous cultural communities subject to  
 3 customary laws and traditions of the community concerned;

4 (f) In case of transfer of land/property rights, by virtue of any  
 5 agreement or devise, to a nonmember of the concerned indigenous  
 6 cultural communities, the transferor indigenous cultural communities  
 7 shall have the right to redeem the same within a period not exceeding  
 8 fifteen (15) years from the date of transfer: *Provided*, That said  
 9 transfer shall take place at least fifteen (15) years after the land has  
 10 been declared ancestral land and/or part of the ancestral domain of an  
 11 indigenous cultural community;

12 (g) The right to safe and clean air and water. For this purpose,  
 13 the indigenous cultural communities shall have access to integrated  
 14 systems for the management of their inland waters and air space;

15 (h) The right to claim parts of ancestral domains which have  
 16 been reserved for various purposes such as, but not limited to, military  
 17 and educational reservations; and

18 (i) The right to resolve land conflicts in accordance with  
 19 customary laws of the area where the land is located, and only in  
 20 default thereof shall the complaints be submitted to amicable  
 21 settlement and to the courts of justice whenever necessary.

1           SEC. 7. *Responsibilities of Indigenous Cultural Communities to*  
 2    *Their Ancestral Domain.* - Indigenous cultural communities occupying  
 3    an ancestral domain shall have the following responsibilities:

4           (a) To preserve, restore and maintain a balanced ecology in the  
 5    ancestral domain by protecting the flora and fauna, watershed areas,  
 6    and other reserves:

7           (b) To actively initiate, undertake and participate in the  
 8    reforestation of denuded areas and other development programs and  
 9    projects subject to just and reasonable remuneration:

10          (c) To observe and comply with the provisions of this Act and  
 11    the rules and regulations for its effective implementation; and

12          (d) To prevent the transfer of land ownership and possession of  
 13    ancestral domains to a nonmember of the indigenous cultural  
 14    communities concerned. Such transfer shall be allowed only if it  
 15    promotes the total development of the indigenous cultural community.

16         SEC. 8. Unauthorized and unlawful intrusion upon, or use of  
 17    any portion of the ancestral domain, or any violation of the rights  
 18    hereinbefore enumerated, shall be punishable under this law.  
 19    Furthermore, the government shall take measures to prevent  
 20    nonmembers of indigenous cultural communities from taking  
 21    advantage of the latter's customs or lack of understanding of laws to

1 secure ownership and possession of land belonging to said indigenous  
2 cultural communities.

3           SEC. 9. *Recognition of Ancestral Domain Rights.* - The rights  
4 of indigenous cultural communities to their ancestral domains by  
5 virtue of this Act shall be recognized and respected. Formal  
6 recognition, when solicited by indigenous cultural communities  
7 concerned, shall be embodied in a Certificate of Ancestral Domain  
8 Title (CADT), which shall recognize the title of the concerned  
9 indigenous cultural communities over the territories identified and  
10 delineated.

11           Nothing in this Act shall diminish the rights of members of  
12 indigenous cultural communities or indigenous peoples or the  
13 indigenous cultural communities or indigenous peoples themselves  
14 based upon native title nor compel them to apply only for a certificate  
15 of ancestral domain.

16           SEC. 10. *Management of Ancestral Domains.* - Indigenous  
17 cultural communities shall have the right to own, develop, control and  
18 use the lands and territories, including the total environment of the  
19 lands, space, waters, and coastal seas which they have traditionally  
20 owned, occupied or used and to uphold their responsibilities to future  
21 generations. In this regard, indigenous cultural communities shall  
22 have the right to the full recognition of their laws, traditions and

1 customs, land tenure systems and institutions for the development and  
 2 management of resources, and the right to effective measures by the  
 3 government to prevent any interference with, alienation and  
 4 encroachment upon these rights.

5 SEC. 11. *Exclusive Use of the Territories.* - Indigenous cultural  
 6 communities shall have the right to determine and develop priorities  
 7 and strategies for the development or use of their lands, territories and  
 8 other resources, including the right to require government to obtain  
 9 their free and informed consent prior to the approval of any project  
 10 affecting their lands, territories and other resources, particularly in  
 11 connection with the development, utilization or exploitation of  
 12 mineral, water or other resources. Pursuant to agreement with  
 13 indigenous cultural communities concerned, just and fair  
 14 compensation shall be provided for any such activities and measures  
 15 taken to mitigate adverse environmental, economic, social, cultural or  
 16 spiritual impact.

17 SEC. 12. *Option to Secure Certificate of Title under*  
 18 *Commonwealth Act 141, as Amended, or the Land Registration Act*  
 19 *496.* - Individual members of cultural communities, with respect to  
 20 their individually-owned ancestral lands who, by themselves or  
 21 through their predecessors-in-interest, have been in the continuous  
 22 uncontested possession and occupation of the same in the concept of

1 owner since time immemorial or for a period of not less than thirty  
2 (30) years immediately preceding the approval of this Act, shall have  
3 the option to secure title to their ancestral lands under the provisions  
4 of Commonwealth Act 141, as amended, or the Land Registration Act  
5 496. For this purpose said individually-owned ancestral lands, which  
6 are agricultural in character and actually used for agricultural,  
7 residential, pasture and tree farming purposes, including those with a  
8 slope of eighteen percent (18%) or more, are hereby classified as  
9 alienable and disposable agricultural lands. The option granted under  
10 this section shall be exercised within twenty (20) years from the  
11 approval of this Act.

#### 12 CHAPTER IV

##### 13 RIGHT TO SELF-GOVERNANCE AND EMPOWERMENT

14 SEC. 13. The State recognizes the inherent right of indigenous  
15 cultural communities to self-governance and self-determination and  
16 respects the integrity of their values, practices and institutions.  
17 Consequently, the State shall guarantee the right of indigenous  
18 cultural communities to freely pursue their economic, social and  
19 cultural development.

20 SEC. 14. The State, having mandated in its Constitution of  
21 1987 the creation of autonomous regions in Muslim Mindanao and the

1 Cordilleras, shall continue to strengthen and support these regions as  
2 they may require or need.

3 SEC. 15. The State also recognizes that other indigenous  
4 cultural communities not included in or outside Muslim Mindanao and  
5 the Cordilleras are traditionally autonomous and encourages them to  
6 use the form and content of their ways of life as may be compatible  
7 with fundamental rights defined by the Constitution of the Republic of  
8 the Philippines and with internationally recognized human rights.

9 SEC. 16. The indigenous cultural communities shall have the  
10 right to use their own commonly accepted justice system, conflict  
11 resolution institutions, peace building processes or mechanisms and  
12 other customary laws and practices within their respective  
13 communities and as may be compatible with the national legal system  
14 and with internationally recognized human rights.

15 SEC. 17. Indigenous cultural communities shall have the right  
16 to participate fully, if they so choose, at all levels of decision-making  
17 in matters which may affect their rights, lives and destinies through  
18 procedures determined by them as well as to maintain and develop  
19 their own indigenous decision-making institutions. Consequently, the  
20 State shall ensure that the indigenous cultural communities shall be  
21 given mandatory representation in policy-making bodies and other  
22 local legislative councils, as may be provided by law.

1           SEC. 18. The indigenous cultural communities shall have the  
2 right to determine and decide their own priorities for development  
3 affecting their lives, beliefs, institutions, spiritual well-being, and the  
4 lands they own, occupy or use. They shall exercise control over their  
5 economic, social and cultural development, and participate in the  
6 formulation, implementation and evaluation of policies, plans, and  
7 programs for national, regional and local development which may  
8 directly affect them.

9           SEC. 19. The indigenous cultural communities living in  
10 contiguous areas or communities where they form the predominant  
11 population but which are located in municipalities, provinces, or cities  
12 where they do not constitute the majority population, may form or  
13 constitute a separate barangay without the necessity of complying with  
14 the requirements of the Local Government Code on the creation of  
15 barangays.

16           SEC. 20. The State shall recognize and respect the role of  
17 independent indigenous cultural communities' organizations to enable  
18 the indigenous cultural communities to pursue and protect their  
19 legitimate and collective interests and aspirations through peaceful  
20 and lawful means.

21           SEC. 21. The government shall establish the means for the full  
22 development/empowerment of the indigenous cultural communities'

1 own institutions and initiatives and, where necessary, provide the  
2 resources needed therefor.

3 SEC. 22. Indigenous cultural communities have the right to  
4 maintain and strengthen their distinct political, economic, social and  
5 cultural characteristics as well as their legal systems, while retaining  
6 their rights to participate fully in the political, economic, social, and  
7 cultural affairs of the State.

## 8 CHAPTER V

### 9 SOCIAL JUSTICE AND HUMAN RIGHTS

10 SEC. 23. Consistent with the equal protection clause of the  
11 Constitution of the Republic of the Philippines and International Law,  
12 the State shall, with due recognition of their distinct characteristics  
13 and identity, accord to the members of the indigenous cultural  
14 communities the rights, protections and privileges enjoyed by the rest  
15 of the citizenry. It shall extend to them the same employment rights,  
16 opportunities, basic services, educational and other rights and  
17 privileges available to every member of the society. Accordingly, the  
18 State shall likewise ensure that the employment of any form or force or  
19 coercion against indigenous cultural communities shall be dealt with  
20 by law.

21 SEC. 24. Indigenous cultural communities have the right to  
22 special protection and security in periods of armed conflict. The State

1 shall observe international standards, in particular, the Fourth Geneva  
2 Convention of 1949, for the protection of civilian populations in  
3 circumstances of emergency and armed conflict, and shall not recruit  
4 members of indigenous cultural communities against their will into the  
5 armed forces, and in particular, for use against other indigenous  
6 cultural communities; nor recruit children of indigenous cultural  
7 communities into the armed forces under any circumstance; nor force  
8 members of indigenous cultural communities to abandon their lands,  
9 territories, or means of subsistence, or relocate them in special centers  
10 for military purposes and force them to work for military purposes  
11 under any discriminatory conditions.

12       SEC. 25. *Employment.* - It shall be the right of indigenous  
13 cultural communities to be free from any form of discrimination, with  
14 respect to recruitment and conditions of employment. Towards this  
15 end, the State shall, within the framework of national laws and  
16 regulations, and in cooperation with the indigenous cultural  
17 communities concerned, adopt special measures to ensure the effective  
18 protection with regard to recruitment and conditions of employment of  
19 persons belonging to these indigenous cultural communities, to the  
20 extent that they are not effectively protected by laws applicable to  
21 workers in general.

1           SEC. 26. The State shall ensure that every member of  
2 indigenous cultural communities shall enjoy equal opportunities for  
3 admission to employment, both skilled and unskilled; just and legal  
4 remuneration of work for equal value; medical and social assistance,  
5 occupational safety, all social security and any other occupationally  
6 related benefits and housing; the right to association and freedom for  
7 all lawful trade union activities; and, the right to conclude collective  
8 bargaining agreements with employers' organization.

9           SEC. 27. The indigenous cultural communities shall have the  
10 right to be informed of their rights under existing labor legislation and  
11 of means available to them for redress.

12           SEC. 28. Members of indigenous cultural communities who are  
13 workers shall not be subjected to working conditions hazardous to  
14 their health, particularly through exposure to pesticides and other toxic  
15 substances.

16           SEC. 29. The indigenous cultural communities shall not be  
17 subjected to any coercive recruitment systems, including bonded labor  
18 and other forms of debt servitude.

19           SEC. 30. Indigenous cultural communities shall enjoy equal  
20 opportunities and equal treatment in employment for men and women,  
21 including the protection against sexual harassment.

1           SEC. 31. It shall be unlawful for any person (a) to discriminate  
2 against any member of the indigenous cultural communities with  
3 respect to the terms and conditions of employment on account of their  
4 descent: equal remuneration shall be paid to any member of the  
5 indigenous cultural communities for work of equal value; and

6           (b) to deny any employee who is a member of the indigenous  
7 cultural communities any right or benefit herein provided for, to  
8 discharge them for the purpose of preventing them from enjoying any  
9 of the rights or benefits provided under this Act.

10           SEC. 32. *Basic Services.* - The indigenous cultural communities  
11 have the right to special measures for the immediate, effective and  
12 continuing improvement of their economic and social conditions,  
13 including in the areas of employment, vocational training and  
14 retraining, housing, sanitation, health and social security. Particular  
15 attention shall be paid to the rights and special needs of indigenous  
16 women, elderly, youth, children and differently abled persons.  
17 Accordingly, the State shall guarantee the right of indigenous cultural  
18 communities to government's water and electrical facilities, education,  
19 health and infrastructure.

20           SEC. 33. *Women.* - Women belonging to indigenous cultural  
21 communities shall enjoy equal rights and opportunities with men, as  
22 regards the social, economic, political, and cultural spheres of life.

1 The participation of indigenous women in the decision-making process  
2 in all levels, as well as in the development of society shall be given due  
3 respect and recognition.

4 SEC. 34. *Children and Youth.* - The State shall recognize the  
5 vital role of the children and youth of indigenous cultural communities  
6 in nation-building and shall promote and protect their physical, moral,  
7 spiritual, intellectual and social well-being. Towards this end, the  
8 State shall support all government programs intended for the  
9 development and rearing of the children and youth of indigenous  
10 cultural communities for civic efficiency and establish such  
11 mechanisms as may be necessary for the protection of the rights of  
12 children and youth belonging to indigenous cultural communities.

13 SEC. 35. The State shall, through the National Commission on  
14 Indigenous Cultural Communities (NCICC), provide a complete,  
15 adequate and integrated system of education, relevant to the needs of  
16 the children and young people belonging to indigenous cultural  
17 communities.

18 CHAPTER VI  
19 CULTURAL INTEGRITY

20 SEC. 36. The State shall respect, recognize and protect the right  
21 of the indigenous cultural communities to preserve and protect their

1 culture, traditions and institutions. It shall consider these rights in the  
2 formulation and application of national plans and policies.

3 SEC. 37. The State shall provide equal access to various  
4 cultural opportunities to the indigenous cultural communities through  
5 the educational system, public or private cultural entities, scholarships,  
6 grants and other incentives without prejudice to their right to establish  
7 and control their educational systems and institutions by providing  
8 education in their own language, in a manner appropriate to their  
9 cultural methods of teaching and learning. Children/youth belonging  
10 to indigenous cultural communities shall have the right to all levels  
11 and forms of education of the State.

12 SEC. 38. The State shall endeavor to have the dignity and  
13 diversity of their cultures, traditions, histories, and aspirations of the  
14 indigenous cultural communities appropriately reflected in all forms of  
15 education and public information. Consequently, the State shall take  
16 effective measures to ensure that State-owned media duly reflect  
17 indigenous cultural diversity.

18 SEC. 39. The indigenous cultural communities shall have the  
19 right to retain their customs and traditions insofar as the same are not  
20 incompatible with the fundamental rights defined in the national legal  
21 system. They shall have the right to decide on their own priorities for

1 development as it affects their lives, beliefs, institutions and spiritual  
2 well-being.

3 SEC. 40. *Intellectual Property Rights.* - Indigenous cultural  
4 communities shall have the right to practice and revitalize their own  
5 cultural traditions and customs. The State shall preserve, protect and  
6 develop the past, present and future manifestations of their cultures,  
7 such as archeological and historical sites, artifacts, designs,  
8 ceremonies, technologies and visual and performing arts and  
9 literature, as well as the right to the restitution of cultural, intellectual,  
10 religious, and spiritual property taken without their free and informed  
11 consent or in violation of their laws, traditions and customs.

12 SEC. 41. Indigenous cultural communities shall have the right  
13 to manifest, practice, develop and teach their spiritual and religious  
14 traditions, customs and ceremonies; the right to maintain, protect and  
15 have access to their religious and cultural sites; the right to use and  
16 control of ceremonial objects; and, the right to the repatriation of  
17 human remains. Accordingly, the indigenous cultural communities  
18 likewise, have the right to their traditional medicines and health  
19 practices, including the right to the protection of vital medicinal  
20 plants, animals and minerals.

21 SEC. 42. Indigenous cultural communities are entitled to the  
22 recognition of the full ownership and control and protection of their

1 cultural and intellectual property. They shall have the right to special  
2 measures to control, develop and protect their sciences, technologies  
3 and cultural manifestations, including human and other genetic  
4 resources, seeds, medicines, indigenous knowledge, systems and  
5 practices, knowledge of the properties of fauna and flora, oral  
6 traditions, literature, designs, visual and performing arts. Indigenous  
7 cultural communities likewise, have the right to their traditional  
8 medicine and health practices, including the right to the protection of  
9 vital medicinal plants, animals and minerals.

10 SEC. 43. The State shall recognize the right of indigenous  
11 cultural communities to a sustainable agro-technological development.  
12 The State shall likewise promote the biogenetic and resource  
13 management systems among the indigenous cultural communities and  
14 shall encourage cooperation among government agencies to ensure the  
15 successful sustainable development of indigenous cultural  
16 communities.

17 SEC. 44. The government agencies concerned, in consultation  
18 with the affected indigenous cultural communities, shall formulate and  
19 implement a program of action which will promote and bring about  
20 the agro-technological development among the indigenous cultural  
21 communities and shall facilitate the coordinated delivery of basic  
22 social services to these communities.



1           SEC. 48. *Composition.* - The Commission shall be an  
2 independent agency under the Office of the President and shall be  
3 composed of seven (7) commissioners belonging to indigenous cultural  
4 communities, one (1) of whom shall be the chairperson. The  
5 commissioners shall be appointed by the President of the Philippines  
6 from a list of recommendees submitted by authentic indigenous  
7 cultural communities: *Provided, That* the seven (7) commissioners  
8 shall be appointed specifically from each of the ethnographic areas:  
9 Cordilleras: Northern, Central and Southern Luzon: Island Groups  
10 including Mindoro, Palawan and Panay; the rest of Visayas:  
11 Northern and Western Mindanao; Central Mindanao; and Southern  
12 and Eastern Mindanao: *Provided, That* at least one (1) of the seven  
13 (7) commissioners shall be a woman.

14           Each of the commissioners shall head any of the offices  
15 provided for in this Act.

16           SEC. 49. *Qualifications, Tenure, Compensation.* - The  
17 chairperson and the six (6) commissioners must be natural-born  
18 Filipino citizens, bonafide members of indigenous cultural  
19 communities, experienced in ethnic affairs and who have worked for at  
20 least ten (10) years with an indigenous cultural community and/or any  
21 government agency involved in indigenous cultural community, at  
22 least thirty-five (35) years of age at the time of appointment, and must

1 be of proven honesty and integrity: *Provided*, That at least one (1) of  
 2 the seven (7) commissioners shall be a member of the Philippine Bar:  
 3 *Provided, further*, That the members of the Commission shall hold  
 4 office for a period of three (3) years, and that no person shall serve for  
 5 more than two (2) terms. Appointment to any vacancy shall only be  
 6 for the unexpired term of the predecessor and in no case shall a  
 7 member be appointed or designated in a temporary or acting capacity:  
 8 *Provided, finally*, That. the chairperson and the commissioners shall  
 9 be entitled to compensation in accordance with the Salary  
 10 Standardization Law.

11 SEC. 50. Any member of the Commission may be removed  
 12 from office by the President for cause and after complying with due  
 13 process.

14 SEC. 51. *Appointment of the Commissioners.* - The President  
 15 shall appoint the seven (7) commissioners of the Commission within  
 16 sixty (60) days from the effectivity of this Act.

17 SEC. 52. *Powers and Functions.* - To accomplish its mandate,  
 18 the Commission shall have the following powers, jurisdiction and  
 19 functions:

- 20 (a) To serve as the primary government agency through which
- 21 indigenous cultural communities can seek government assistance and
- 22 as the medium, through which such assistance may be extended;

1 (b) To review and assess the conditions of indigenous cultural  
2 communities including existing laws and policies pertinent thereto and  
3 to propose relevant laws and policies to address their role in national  
4 development;

5 (c) To formulate and implement policies, plans, programs and  
6 projects for the economic, social and cultural development of the  
7 indigenous cultural communities and to monitor the implementation  
8 thereof;

9 (d) To request and engage the services and support of experts  
10 from other agencies of the government or employ private experts and  
11 consultants as may be required in the pursuit of its objectives;

12 (e) To recommend to the Lands Management Bureau the  
13 issuance of certificates of ancestral domain titles;

14 (f) To enter into contracts, agreements, or arrangement, with  
15 government or private agencies or entities as may be necessary to  
16 attain the objectives of this Act, and subject to the approval of the  
17 President, to obtain loans from government lending institutions and  
18 other lending institutions to finance its programs;

19 (g) To negotiate for funds and to accept grants, donations, gifts  
20 and/or properties in whatever form and from whatever source, local  
21 and international, subject to the approval of the President of the  
22 Philippines, for the benefit of indigenous cultural communities and

1 administer the same in accordance with the terms thereof; or in the  
2 absence of any condition, in such manner consistent with the interest  
3 of the indigenous cultural communities as well as existing laws;

4 (h) To coordinate development programs and projects for the  
5 advancement of the indigenous cultural communities and to oversee  
6 the proper implementation thereof;

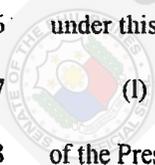
7 (i) To convene periodic conventions or assemblies of indigenous  
8 cultural communities, to review, assess as well as propose policies and  
9 plans;

10 (j) To advise the President of the Philippines on all matters  
11 relating to the indigenous cultural communities and to submit within  
12 sixty (60) days after the close of each calendar year, a report of its  
13 operations and achievements;

14 (k) To submit to Congress, through the Office of the President,  
15 appropriate legislative proposals intended to carry out the policies  
16 under this Act;

17 (l) To prepare and submit the appropriate budget to the Office  
18 of the President;

19 (m) To issue appropriate certification as a pre-condition to the  
20 grant of permit, lease, grant or any other similar authority for the  
21 disposition, utilization, management and appropriation by any private  
22 individual, corporate entity or any government agency, corporation or



Samahang Arhives (SPAS)

1 subdivision thereof on any part or portion of ancestral domain taking  
2 into consideration the consensus approval of the indigenous cultural  
3 communities concerned:

4 (n) To decide all appeals from the decisions and acts of all the  
5 various offices within the Commission;

6 (o) To promulgate the necessary rules and regulations to carry  
7 out its adjudicatory functions; and

8 (p) To exercise such other powers and functions as may be  
9 directed by the President of the Republic of the Philippines.

10 SEC. 53. *Accessibility and Transparency in the Commission.* -

11 Subject to such limitations as may be provided by law or by rules and  
12 regulations promulgated pursuant thereto, all official records,  
13 documents and papers pertaining to official acts, transactions or  
14 decisions, as well as research data used as basis for policy development  
15 of the Commission shall be made accessible to the public.

16 SEC. 54. The Commission shall have seven (7) offices, each of  
17 which shall be administered by a commissioner, who shall be  
18 responsible for the implementation of the policies hereinafter  
19 provided:

20 (a) *Ancestral Domains Office.* - The Ancestral Domains Office  
21 shall be responsible for the identification, delineation and recognition  
22 of ancestral lands/domains, in coordination with the other departments

1 and agencies of government. It shall also be responsible for the  
2 management of the ancestral lands/domains in accordance with a  
3 master plan as well as the implementation of the Ancestral Domain  
4 Rights of the indigenous cultural communities as provided in Chapter  
5 III of this Act. It shall also issue, upon the free and informed consent  
6 of indigenous cultural communities concerned, certification prior to  
7 the grant of any license, lease or permit for the exploitation of natural  
8 resources affecting the interest of the indigenous cultural communities  
9 or their ancestral domains and to assist the indigenous cultural  
10 communities in protecting the territorial integrity of all ancestral  
11 domains. It shall likewise perform such other functions as the  
12 Commission may deem appropriate and necessary;

13 (b) *Office on Policy, Planning and Research.* - The Office on  
14 Policy, Planning and Research shall be responsible for the formulation  
15 of appropriate policies and programs for indigenous cultural  
16 communities such as, but not limited to, the development of a five-year  
17 master plan for indigenous cultural communities. Such plan shall  
18 undergo a process such that every five (5) years, the Commission shall  
19 endeavor to assess the plan and make ramifications in accord with the  
20 changing situations. The office shall also undertake the  
21 documentation of customary law and shall establish and maintain a

1 research center that would serve as a repository of ethnographic  
2 information for monitoring, evaluation and policy formulation;

3 (c) *Office on Culture and Education.* - The Office on Culture  
4 and Education shall be responsible for the effective implementation of  
5 the education, cultural and related rights as provided in this Act. It  
6 shall coordinate with the Department of Education, Culture and Sports  
7 (DECS) and other government agencies in the implementation of  
8 scholarships and other educational rights to ensure that such benefits  
9 reach its intended indigenous cultural community beneficiaries.  
10 Towards this end, the Commission shall deploy a representative in  
11 each of the said offices who shall personally perform the foregoing  
12 task and who shall receive complaints from the indigenous cultural  
13 communities and compel action from appropriate agency. It shall also  
14 monitor the activities of the National Museum and other similar  
15 government agencies generally intended to manage and preserve  
16 historical and archeological artifacts of the indigenous cultural  
17 communities and shall be responsible for the implementation of such  
18 other functions as the Commission may deem appropriate and  
19 necessary;

20 (d) *Office on Socioeconomic Services and Special Concerns.* -  
21 The Office on Socioeconomic Services and Special Concerns shall  
22 serve as the office through which the Commission shall coordinate

1 with pertinent government agencies especially charged with the  
 2 implementation of various basic socioeconomic services, policies,  
 3 plans and programs affecting the indigenous cultural communities to  
 4 ensure that the same are properly and directly enjoyed by them. It  
 5 shall also be responsible for such other functions as the Commission  
 6 may deem appropriate and necessary;

7 (e) *Office on Empowerment and Human Rights.* - The Office on  
 8 Empowerment and Human Rights shall ensure that indigenous socio-  
 9 political, cultural and economic rights are respected and recognized.  
 10 It shall ensure that capacity-building mechanisms are instituted and  
 11 indigenous cultural communities are afforded every opportunity, if  
 12 they so choose, to participate in all levels of decision-making. It shall  
 13 likewise ensure that the basic human rights and such other rights as  
 14 the Commission may determine, subject to existing laws, rules and  
 15 regulations, are protected and promoted;

16 (f) *Administrative Office.* - The Administrative Office shall  
 17 provide the Commission with economical, efficient and effective  
 18 services pertaining to personnel, finance, records, equipment, security,  
 19 supplies and related services. It shall also administer the Ancestral  
 20 Domain Fund; and

21 (g) *Legal Affairs Office.* - There shall be a Legal Affairs Office  
 22 which shall advise the commissioners on all legal matters concerning

1 indigenous cultural communities. It shall conduct preliminary  
2 investigation on the basis of complaints filed by indigenous cultural  
3 communities against a natural or juridical person believed to have  
4 violated the rights of indigenous cultural communities. On the basis  
5 of its findings, it shall initiate the filing of appropriate legal or  
6 administrative action to the Commission.

7 SEC. 55. The Commission shall have the power to create  
8 additional offices as it deems necessary subject to existing rules and  
9 regulations.

10 SEC. 56. *Regional and Provincial Offices.* - Existing regional  
11 and provincial offices shall remain to function under the revitalized  
12 and strengthened organizational structure of the Commission. Other  
13 field offices shall be created wherever appropriate and the staffing  
14 pattern thereof shall be determined by the Commission: *Provided,*  
15 That in provinces where there are cultural communities but without  
16 field offices, the Commission shall establish field offices in said  
17 provinces.

18 SEC. 57. *Executive Director.* - The Commission shall create the  
19 office of Executive Director which shall serve as the secretariat for the  
20 National Commission on Indigenous Cultural Communities. The  
21 office shall be headed by an executive director who shall be appointed  
22 by the President of the Republic of the Philippines upon

1 recommendation of the Commission on a permanent basis. The  
2 staffing pattern of the office shall be determined by the Commission  
3 subject to existing rules and regulations.

4 SEC. 58. *Consultative Body.* - A body consisting of the  
5 traditional leaders, elders and representatives from the women and  
6 youth sectors of the different cultural communities shall be constituted  
7 by the Commission from time to time to advise on matters relating to  
8 the problems, aspirations and interests of the cultural communities.

#### 9 CHAPTER VIII

##### 10 DELINEATION AND RECOGNITION OF ANCESTRAL DOMAINS

11 SEC. 59. *Identification and Delineation of Ancestral Domains.*  
12 - The issuance of ancestral domain titles shall be reposed in the Lands  
13 Management Bureau of the Department of Environment and Natural  
14 Resources upon the recommendation of the Commission. As such, the  
15 indigenous cultural communities concerned shall have a decisive role  
16 in all the activities pertinent thereto. The sworn statement of the  
17 elders as to the scope of the territories and agreements/pacts made  
18 with neighboring indigenous cultural communities, if any, will be  
19 essential to the determination of these traditional territories. The  
20 government shall take the necessary steps to identify lands which the  
21 indigenous cultural communities concerned traditionally occupy and  
22 guarantee effective protection of their rights of ownership and

1 possession thereto. Measures shall be taken in appropriate cases to  
 2 safeguard the right of indigenous cultural communities concerned to  
 3 land which may no longer be exclusively occupied by them, but which  
 4 they have traditionally had access for their subsistence and traditional  
 5 activities, including indigenous cultural communities, who are still  
 6 nomadic and/or shifting cultivators.

7 SEC. 60. *Delineation Process.* - The identification and  
 8 delineation of ancestral domains shall be done in accordance with the  
 9 following procedures:

10 (a) Ancestral domains/lands already delineated according to  
 11 DENR Administrative Order No. 2, series of 1993, or ancestral lands  
 12 and domains delineated under any other community/ancestral domain  
 13 program prior to the enactment of this law shall be respected.  
 14 Indigenous cultural communities whose ancestral lands/domains were  
 15 officially delineated prior to the enactment of this law shall have the  
 16 right for the issuance of a Certificate of Ancestral Domain Title  
 17 (CADT) over the area without going through the process outlined  
 18 hereunder;

19 (b) The process of delineating a specific perimeter may be  
 20 initiated by the Commission with the consent of the indigenous  
 21 cultural communities concerned, or through a petition for delineation

1 filed with the Commission, by a majority of the members of an  
2 indigenous cultural community;

3 (c) The official delineation of ancestral domain boundaries  
4 including census of all community members therein, shall be  
5 immediately undertaken by the Ancestral Domains Office upon filing  
6 of the application by the indigenous cultural community concerned.  
7 Delineation will be done in coordination with the community  
8 concerned and shall at all times include genuine involvement and  
9 participation by the members of the communities concerned;

10 (d) Proof of Ancestral Domain Claims shall include the  
11 testimony of the elders or community under oath, and other documents  
12 directly or indirectly attesting to the possession or occupation of the  
13 area since time immemorial by such indigenous cultural community in  
14 the concept of owners which shall be any one (1) of the following  
15 documents:

16 (1) Written accounts of the indigenous communities' customs  
17 and traditions:

18 (2) Written accounts of the indigenous cultural communities'  
19 political structure and institutions;

20 (3) Pictures showing long-term occupation such as those of old  
21 improvements, burial grounds, sacred places and old villages;

1 (4) Historical accounts, including pacts and agreements  
2 concerning boundaries, entered into by the indigenous cultural  
3 communities concerned with other indigenous cultural communities;

4 (5) Survey plans and sketch maps;

5 (6) Anthropological data;

6 (7) Genealogical surveys;

7 (8) Pictures and descriptive histories of traditional communal  
8 forest and hunting grounds;

9 (9) Pictures and descriptive histories of traditional landmarks  
10 such as mountains, rivers, creeks, ridges, hills, terraces and the like;  
11 and

12 (10) Write-ups of names and place derived from the native  
13 dialect of the indigenous cultural community.

14 (e) On the basis of such investigation and the findings of fact  
15 based thereon, the Office on Ancestral Domains of the Commission  
16 shall prepare a perimeter map, complete with technical descriptions,  
17 and a description of the natural features and landmarks therein  
18 embraced;

19 (f) The map, along with a complete copy of the preliminary  
20 census and report of investigation, shall be submitted to the Office on  
21 Ancestral Domains of the Commission;

4/2

1 (g) A copy of each document, including a translation in the  
2 native language of the indigenous cultural communities concerned  
3 shall be posted in a prominent place therein for at least fifteen (15)  
4 days. A copy of the document shall also be posted at the local,  
5 provincial and regional offices of the Commission, and shall be  
6 published in a newspaper of general circulation once a week for two  
7 (2) consecutive weeks to allow other claimants to file opposition  
8 thereto fifteen (15) days from date of such publication: *Provided*, That  
9 in areas where no such newspapers exist, broadcasting in a radio  
10 station will be valid substitute: *Provided, further*, That mere posting  
11 shall be deemed sufficient if both newspaper and radio station are not  
12 available:

13 (h) Within fifteen (15) days from the publication, and of the  
14 inspection process, the Office on Ancestral Domains shall prepare a  
15 report to the Commission endorsing a favorable action upon a claim  
16 that is deemed to have sufficient proof. However, if the proof is  
17 deemed insufficient, the Office on Ancestral Domains shall require the  
18 submission of additional evidence: *Provided*, That the Office on  
19 Ancestral Domains shall reject any claim that is deemed patently false  
20 or fraudulent after inspection and verification: *Provided, further*, That  
21 in case of rejection, the Office on Ancestral Domains shall give the  
22 applicant due notice, copy furnished all concerned, containing the

1 grounds for denial. The denial shall be appealable to the Commission:  
 2 *Provided, furthermore,* That in cases where there are conflicting  
 3 claims among indigenous cultural communities on the boundaries of  
 4 ancestral domain claims, the Office on Ancestral Domains shall cause  
 5 the contending parties to meet and assist them in coming up with a  
 6 preliminary resolution of the conflict, without prejudice to its full  
 7 adjudication according to the section below;

8 (i) The chairperson of the Commission shall certify that the  
 9 area covered is an ancestral domain. The secretaries of the  
 10 Department of Agrarian Reform, Department of Environment and  
 11 Natural Resources, Department of the Interior and Local Government,  
 12 and Department of Justice, the commissioner of the National  
 13 Development Corporation, and any other government agency claiming  
 14 jurisdiction over the area shall be notified thereof. Such notification  
 15 shall terminate any legal basis for the jurisdiction previously claimed;

16 and

17 (j) Indigenous cultural communities whose ancestral domains  
 18 have been officially delineated and determined by the Commission  
 19 shall be issued a Certificate of Ancestral Domains Title in the name of  
 20 the indigenous cultural community concerned, containing a list of all  
 21 those identified in the census. The indigenous cultural communities or  
 22 its members may be issued certificates of titles to their ancestral lands.

1           SEC. 61. The Office on Ancestral Domains may, upon written  
 2 request from the indigenous cultural communities, review claims  
 3 which have been fraudulently acquired by any person or community.  
 4 Any claim found to be fraudulently acquired by, and issued to, any  
 5 person or community may be canceled by the Commission after due  
 6 notice and hearing of all parties concerned.

7           SEC. 62. *Communal Rights.* - Areas within the ancestral  
 8 domains, whether delineated or not, shall be presumed to be  
 9 communally held. However, this provision shall not apply to  
 10 indigenous cultural communities which recognize individual property  
 11 rights.

12           SEC. 63. *Existing Property Rights Regimes.* - Property rights  
 13 within the ancestral domains acquired pursuant to Presidential Decree  
 14 No. 1529, otherwise known as the 'Property Registration Decree'  
 15 already existing upon effectivity of this Act, shall be recognized and  
 16 respected: *Provided,* They were not acquired fraudulently, coercively,  
 17 or otherwise in violation of law.

18           SEC. 64. *Natural Resources within Ancestral Domains.* - The  
 19 indigenous cultural communities shall have exclusive rights in the  
 20 harvesting, extraction, development or exploitation of any natural  
 21 resources within the ancestral domains. A nonmember of the  
 22 indigenous cultural communities concerned may be allowed to take

1 part in the development and utilization of the natural resources:  
 2 *Provided*, That a formal and written agreement is entered into with the  
 3 indigenous cultural communities concerned or that the community,  
 4 pursuant to its own decision-making process, has agreed to allow such  
 5 operation.

6 SEC. 65. *Environmental Considerations.* - Ancestral domains  
 7 or portions thereof, which are found to be necessary for critical  
 8 watersheds, mangroves, wildlife sanctuaries, wilderness, protected  
 9 areas, forest cover, or reforestation as determined by appropriate  
 10 agencies, with the written consent of the indigenous cultural  
 11 communities concerned shall be maintained, managed and developed  
 12 for such purposes, but upon payment of just compensation. The  
 13 indigenous cultural communities concerned shall be given the  
 14 responsibility to maintain, develop, protect and conserve such areas  
 15 with the full and effective assistance of government agencies. Should  
 16 the indigenous cultural communities decide to transfer the  
 17 responsibility over the areas, said decision must be made in writing.  
 18 The consent of the indigenous cultural communities should be arrived  
 19 at in accordance with its customary laws without prejudice to the basic  
 20 requirements of existing laws on free and informed consent:  
 21 *Provided*, That the transfer shall be temporary and will ultimately  
 22 revert to the indigenous cultural communities in accordance with a

1 program for technology transfer: *Provided, further,* That no  
 2 indigenous cultural community shall be displaced or relocated for the  
 3 purpose enumerated under this section without the written consent of  
 4 the specific persons authorized to give consent.

5       SEC. 66. *Certification Precondition.* - All departments and  
 6 other governmental agencies shall henceforth be strictly enjoined from  
 7 issuing, renewing, or granting any concession, license or lease, or  
 8 entering into any production-sharing agreement, without prior  
 9 certification from the Commission that the area affected does not  
 10 overlap with any ancestral domain. Such certification shall only be  
 11 issued after a field-based investigation is conducted by the Office on  
 12 Ancestral Domains of the area concerned: *Provided,* That no  
 13 certification shall be issued by the Commission without prior  
 14 consultation with indigenous cultural communities concerned:  
 15 *Provided, further,* That no department, government agency or  
 16 government-owned or -controlled corporation may issue new  
 17 concession, license, or lease or production-sharing agreement while  
 18 there is a pending application for a certificate of ancestral domain:  
 19 *Provided, furthermore,* That the indigenous cultural communities  
 20 concerned shall have the power to reject or veto any ongoing/intended  
 21 development project/s or programs in any ancestral domains without  
 22 the written consent and approval of the entire community concerned.

1           SEC. 67. *Exemption from Taxes.* - All lands certified to be  
 2           ancestral domains shall be exempt from real property taxes. However,  
 3           the indigenous cultural communities, in consultation with the local  
 4           government unit and/or the barangay councils, may propose that the  
 5           latter impose beneficial levy to facilitate development and  
 6           improvements in the ancestral domains.

7           SEC. 68. *Temporary Requisition Powers.* - Prior to the  
 8           establishment of an institutional surveying capacity whereby it can  
 9           effectively fulfill its mandate, but in no case beyond three (3) years  
 10          after its creation, the Commission is hereby authorized to request the  
 11          Department of Environment and Natural Resources (DENR) survey  
 12          teams as well as other equally capable private survey teams, through a  
 13          Memorandum of Agreement (MOA), to delineate ancestral domain  
 14          perimeters. The DENR Secretary shall accommodate any such request  
 15          within one (1) month of its issuance: *Provided, That, the*  
 16          Memorandum of Agreement shall stipulate, among others, a provision  
 17          for technology transfer to the Commission.

18          SEC. 69. *Resolution of Conflicts.* - In cases of conflicting  
 19          interests, where there are adverse claims within the ancestral domains  
 20          as delineated in the survey plan, and which cannot be resolved, the  
 21          Commission shall hear and decide, after notice to the proper parties,  
 22          the dispute arising from the delineation of such ancestral domains:

4/18

1 *Provided*, That if the dispute is between and/or among indigenous  
2 cultural communities regarding the traditional boundaries of their  
3 respective ancestral domains, customary processes shall be followed.  
4 The Commission shall promulgate the necessary rules and regulations  
5 to carry out its adjudicatory functions: *Provided, further*, That any  
6 decision, order, award or ruling of the Commission on any ancestral  
7 domain dispute or on any matter pertaining to the application,  
8 implementation, enforcement or interpretation of this Act may be  
9 brought to the Court of Appeals by review on *certiorari* within fifteen  
10 (15) days from receipt of a copy thereof.

11 SEC. 70. *Applicable Laws.* - Customary laws, traditions and  
12 practices of the indigenous cultural communities of the land where the  
13 conflict arises shall be applied first with respect to property rights,  
14 claims and ownerships, hereditary succession and settlement of land  
15 disputes. Any doubt or ambiguity in the application and interpretation  
16 of laws shall be resolved in favor of the indigenous cultural  
17 communities.

18 SEC. 71. *Remedial Measures.* - Expropriation may be resorted  
19 to in the resolution of conflicts of interest, following the principle of  
20 the 'common good.' The Commission shall promulgate and  
21 implement procedures for the cancellation of officially documented  
22 titles which were acquired pursuant to any illegal usurpation or

1 ancestral domain rights. Such procedures shall ensure that all  
 2 concerned parties shall be accorded due process and that all bonafide  
 3 third party purchasers of ancestral domains, or any portion thereof will  
 4 be afforded just compensation.

5 CHAPTER IX

6 JURISDICTION AND PROCEDURES FOR ENFORCEMENT OF RIGHTS

7 SEC. 72. *Primacy of Customary Laws and Practices.* - When  
 8 disputes involve indigenous cultural communities, customary laws and  
 9 practices shall be used to resolve the disputes.

10 SEC. 73. *Jurisdiction of the Commission.* - The Commission,  
 11 through its field offices, shall have original jurisdiction over all claims  
 12 and disputes involving rights of indigenous cultural communities:  
 13 *Provided, however,* That no such dispute shall be brought to the  
 14 Commission unless the parties have exhausted all remedies provided  
 15 under their customary laws. For this purpose, a certification shall be  
 16 issued by the Council who participated in the attempt to settle the  
 17 dispute that the same has not been resolved, which certification shall  
 18 be a condition precedent to the filing of a petition with the  
 19 Commission.

20 SEC. 74. *Appeal to the Court of Appeals.* - Decisions of the  
 21 Commission shall be appealable to the Court of Appeals by way of a

1 petition for review on *certiorari* pursuant to Rule 65 of the Rules of  
2 Court.

3 SEC. 75. *Execution of Decisions, Awards or Orders.* - Upon  
4 expiration of the period herein provided and appeal is perfected by any  
5 of the contending parties, the hearing officer of the Commission, on its  
6 own initiative or upon motion by the prevailing party, shall issue a  
7 writ of execution requiring the sheriff or the proper officer to execute  
8 final decisions, orders or awards of the regional hearing officer or the  
9 Commission.

10 SEC. 76. *Adjudicatory Powers of the Commission.* - The  
11 Commission shall have the power and authority, in consultation with  
12 the Committees on National Cultural Communities in the House of  
13 Representatives and Senate:

14 (a) To promulgate rules and regulations governing the hearing  
15 and disposition of cases filed before it, as well as those pertaining to its  
16 internal functions and such rules and regulations as may be necessary  
17 to carry out the purposes of this Act;

18 (b) To administer oaths, summon the parties to a controversy,  
19 issue subpoenas requiring the attendance and testimony of witnesses or  
20 the production of such books, papers, contracts, records, agreements  
21 and other document of similar nature as may be material to a just

1 determination of the matter under investigation or hearing conducted  
2 in pursuance of this Act;

3 (c) To hold any person in contempt, directly or indirectly, and  
4 impose appropriate penalties therefor; and

5 (d) To enjoin any or all acts involving or arising from any case  
6 pending before it which, if not restrained forthwith, may cause grave  
7 or irreparable damage to any of the parties to the case or seriously  
8 affect social or economic activity.

9 SEC. 77. *No Restraining Orders or Preliminary Injunction.* -

10 No inferior court of the Philippines shall have jurisdiction to issue any  
11 restraining order or writ of preliminary injunction against the  
12 Commission or any of its duly authorized or designated offices in any  
13 case, dispute or controversy arising from, necessary to, or  
14 interpretation of this Act and other pertinent laws relating to  
15 indigenous cultural communities and ancestral domains.

16 CHAPTER X

17 APPROPRIATIONS

18 SEC. 78. The amount necessary to finance the initial  
19 implementation of this Act shall be charged against the current year's  
20 appropriation of the Office for Northern Cultural Communities  
21 (ONCC) and the Office for Southern Cultural Communities (OSCC).  
22 Thereafter, such sums as may be necessary for its continued

1 implementation shall be included in the annual General  
2 Appropriations Act.

3 CHAPTER XI

4 PENALTIES

5 SEC. 79. Any person who commits a violation of any of the  
6 provisions of this Act, such as, but not limited to, unauthorized and/or  
7 unlawful intrusion upon any ancestral lands or domains as stated in  
8 Section 8, Chapter III, or shall commit any of the prohibited acts  
9 mentioned in Sections 23 to 35, Chapter V, Section 40, Chapter VI  
10 hereof, shall be punished in accordance with the customary or  
11 indigenous laws of the indigenous cultural communities concerned.  
12 This provision shall be without prejudice to the right of any  
13 indigenous cultural communities to avail of the protection of existing  
14 laws.

15 SEC. 80. If the offender is a juridical person, all officers such  
16 as, but not limited to, its president, manager, or head of office  
17 responsible for their unlawful act shall be criminally liable therefor, in  
18 addition to the cancellation of certificate of their registration and/or  
19 license: *Provided*, That if the offender is a public official, the penalty  
20 shall include perpetual disqualification to hold public office.

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## CHAPTER XII

2

MERGER OF THE OFFICE FOR

3

NORTHERN CULTURAL COMMUNITIES

4

AND THE OFFICE FOR SOUTHERN CULTURAL COMMUNITIES

5

SEC. 81. The Office for Northern Cultural Communities

6

(ONCC) and the Office for Southern Cultural Communities (OSCC)

7

created under Executive Order Nos. 122-B and 122-C, respectively,

8

are hereby absorbed as organic offices of the Commission and shall

9

continue to function under a revitalized and strengthened structure to

10

achieve the objectives of the Commission. All powers and duties

11

vested by law in these offices are hereby transferred to the

12

Commission.

13

SEC. 82. The Office for Northern Cultural Communities

14

(ONCC) and the Office for Southern Cultural Communities (OSCC)

15

shall have a period of six (6) months from the effectivity of this Act

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within which to wind up their affairs and to conduct audit of their

17

finances.

18

SEC. 83. All real and personal properties which are vested in,

19

or belonging to, the merged offices as aforesaid shall be transferred

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to the Commission without further need of conveyance, transfer or

21

assignment and shall be held for the same purpose as they were held

22

by the former offices: *Provided*, That all contracts, records and

1 documents, relating to the operation of the merged offices shall be  
2 transferred to the Commission. All agreements and contracts entered  
3 into by the merged offices shall remain in full force and effect unless  
4 otherwise terminated, modified or amended by the Commission.

5 SEC. 84. Officials and employees of the merged offices may be  
6 absorbed in the Commission and may be reappointed to the  
7 appropriate position they may qualify: *Provided*, That those who may  
8 not be absorbed shall be accorded with gratuity and retirement benefits  
9 as provided for by law.

10 SEC. 85. *Placement Committee*. - Subject to rules on  
11 government reorganization, a Placement Committee shall be created  
12 by the Commission, in coordination with the Civil Service  
13 Commission, which shall assist in the judicious selection and  
14 placement of personnel in order that the best qualified and most  
15 deserving persons shall be appointed in the reorganized agency. The  
16 Placement Committee shall be composed of the Commission and one  
17 (1) representative each from the employees association in both the  
18 Office for Northern Cultural Communities (ONCC), and the Office for  
19 Southern Cultural Communities (OSCC), nongovernment  
20 organizations (NGOs), and people's organizations (POs).

## CHAPTER XIII

## FINAL PROVISIONS

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2  
3 SEC. 86. This Act shall not apply to lands of the City of Baguio  
4 which shall remain to be governed by its charter and its townsite  
5 reservation status. Nothing in this Act shall read to mean a  
6 diminution of previous or existing rights.

7 SEC. 87. *Implementing Rules and Regulations.* - Within sixty  
8 (60) days immediately after appointment, the Commission shall issue  
9 the necessary rules and regulations, in consultation with the  
10 Committees on National Cultural Communities of the House of  
11 Representatives and the Senate for the effective implementation of this  
12 Act.

13 SEC. 88. *Saving Clause.* - All orders, determinations, rules,  
14 regulations, permits, certificates, licenses and privileges which have  
15 been issued, made, granted or allowed shall continue to be in force and  
16 effect according to their terms until modified, terminated, superseded,  
17 set aside, or repealed by the Commission.

18 SEC. 89. *Repealing Clause.* - Presidential Decree No. 410,  
19 Executive Order Nos. 122-B and 122-C, and all other laws, decrees,  
20 orders, rules and regulations or parts thereof inconsistent with this Act  
21 are hereby repealed or modified accordingly.

- 1            SEC. 90. *Effectivity.* - This Act shall take effect fifteen (15)
- 2        days upon its publication in the Official Gazette or in any two (2)
- 3        newspapers of general circulation.

Approved,

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Senate Archives (LRAS)

