

**Department Circular
No. 3
April 30, 1990**

SUBJECT: Rules on the Acceptance, Identification, Evaluation and Delineation of Ancestral Land Claims by the Special Task Force Created by Virtue of DENR Special Order Nos. 31 and 31-A, Both Series of 1990

Pursuant to Section 22, Article II; Section 5, Article XII and Section 6, Article XIII of the 1987 Constitution which provide for the recognition and protection of the rights of the indigenous cultural communities to their ancestral lands to ensure their socio-economic and cultural well-being and to the provisions of Malacañang Administrative Order Nos. 504 and 92, Series of 1986 and 1988, respectively; Department Circular Nos. 3 and 1, Series of 1988 and 1990, respectively; and DENR Special Order Nos. 31, 31-A and 66, all Series of 1990, the following rules are hereby promulgated for the guidance of all concerned.

**Rule I
DEFINITION AND COVERAGE OF ANCESTRAL LANDS**

Section 1. Ancestral lands within Baguio City and the rest of Cordillera provinces shall consist of all territories exclusively possessed, occupied or utilized since time immemorial by the following indigenous cultural communities in accordance with their customary laws, traditions and practices irrespective of their present land classification and including such lands used for residences, farms, burial grounds, communal and/or private forests, and other to wit:

- a. Ibalois and/or Kankana-eyes in Benguet and Baguio City;
- b. Bontocs in Mountain Province;
- c. Kalingas or Itnegs in Kalinga-Apayao Province;
- d. Tinggians or Isnags in Abra Province;
- e. Bagos in the western boundaries of Benguet and Mountain Province;
- f. Yapayaos in the eastern boundary of Apayao;
- g. Kalangoyas in the eastern boundaries of Benguet and Ifugao;
- h. Karaos in Bokod, Benguet;
- i. Kataguans in Kapangan, Benguet;
- j. Mandek-eyes in eastern Buguias, Benguet;
- k. Balangaos in eastern Mountain Province;
- l. Agta Negritos in northern Apayao; and
- m. Other indigenous cultural communities that may be identified later

Section 2. Members of Indigenous Cultural Communities who are and had been in possession of their ancestral lands by themselves and/or through their predecessors-in-interest for at least the last fifty (50) years from date shall be presumed to have been in possession thereof since time immemorial.

Section 3. The present partition into individual ownership among the members of the indigenous tribes or families in accordance with their customary laws, practices and traditions and the demands of existing laws shall not in any way affect the claim being considered ancestral.

Section 4. The provisions of Civil Law on Prescription shall not work to the disadvantage of ancestral land claimants if their possession, occupation, or utilization of their ancestral lands were interrupted due to the operation of law, executive proclamations, force majeure, or by any unjust maneuver by third persons. In the determination of whether or not the dispossession is unjust, the Task Force shall take into consideration such factors as the illiteracy or absence of the ancestral land claimants.

Rule II
FILING, ACCEPTANCE AND PROCESSING OF ANCESTRAL
LAND CLAIMS WITHIN THE CITY OF BAGUIO
AND THE REST OF THE CORDILLERA PROVINCES

Section 1. Within three (3) months after the publication of these rules in a newspaper of regional circulation, ancestral land claimants within the City of Baguio may file their application with the Office of the Special Task Force on Ancestral Lands, created by virtue of DENR Special Order No. 31 and 31-A, Series of 1990 in such forms as prescribed by the Special Task Force.

Section 2. Within twelve (12) months after the publication of these rules in a newspaper of regional circulation, ancestral land claimants within the rest of the Cordillera Provinces may file their applications individually or by tribes or communities through their indigenous structures or local government with the Office of the aforementioned Special Task Force in the prescribed forms, provided that such applications may be received for the Task Force by the Community Environment and Natural Resources Offices (CENRO) where the ancestral land claim is situated.

Section 3. Failure to file the application as provided for in Section 1, Rule II hereof shall not entitle the ancestral land claimants in Baguio City to the protection provided for by the Supplementary Guidelines on the Disposition of Public Lands in the City of Baguio under Department Circular 1, Series of 1990.

Section 4. The Special Task Force or the CENRO concerned, as the case may be, shall accept applications of ancestral land claims provided that proofs of such claims shall accompany the application form, including but not limited to any of the following:

- a) Tax declarations and proofs of payment of taxes
- b) Survey plans and/or sketch maps
- c) Spanish documents
- d) Historical accounts
- e) Anthropological data
- f) Ancient documents
- g) Burial grounds
- h) Customs and traditions
- i) Old improvements such as trees, stone wallings, ricefield, orchards, farms, monuments, houses and other old structures
- j) Written and oral testimonies under oath of living witnesses
- k) Other documents directly or indirectly attesting to the long term occupation of the area which show possession since time immemorial, or through their predecessors-in-interest, in the concept of owners and in accordance with their customs and traditions.

Section 5. The Special Task Force or the CENRO concerned, as the case may be, may require from each ancestral land claimant, the submission of such other documents, sworn statements and the like, which in its opinion, may shed light on the veracity of the contents of his/her application.

Section 6. In the filing of applications, an ancestral land claimant shall present the original documents in support of his application. The Special Task Force shall compare the same with photocopies thereof and if found to be faithful reproductions, then shall authenticate the same; thereafter, the authenticated copies shall be accepted and the originals returned to the claimant.

Section 7. All applications and statements made in connection with the applications shall be under oath. The application shall state therein that any false statement made may result in criminal liability.

Section 8. Acceptance of an ancestral land claim application shall not as yet confer upon the claimant the right to enter or fence his claim in case he is not in actual occupation thereof. Provided that, claimants in actual occupation of their claims at the time of the application and whose applications have been accepted by the Special Task Force may continue with their present activities therein but shall not undertake further expansion of their recognized claims.

Section 9. The Special Task Force reserves the right to reject any application on ancestral land claim which is patently false, clearly unsubstantiated or not in accordance with the herein prescribed rules; provided that in case of rejection, the claimant shall be notified accordingly.

Section 10. The Special Task Force in coordination with the Regional Land Management Services or the CENRO concerned, as the case may be, shall investigate each application, and if found to be meritorious, shall cause the perimeter survey of the areas being claimed. However, to facilitate survey work, claimants may opt to hire a reputable private surveyor who shall be duly accredited by the Special Task Force. In such case, the CENRO concerned shall monitor the survey being conducted by the private surveyor.

Section 11. Ancestral land claims conflicts shall be endorsed by the Special Task Force to the concerned Barangay Lupon and/or indigenous structures such as bodong, pechen, ator, tongtong or their grassroot non-governmental organizations for settlement in accordance with their customary laws. In default of customary law, the Special Task Force shall endeavor to bring the contending parties into an amicable settlement and if this be not possible, shall receive evidence and prepare a report including its recommendations but the resolution thereof shall be held in abeyance until after enactment of the Ancestral Domains Law.

Section 12. The Regional Land Management Services or the CENROs, through their respective Provincial Environment and Natural Resources Officer (PENRO), shall prepare and submit to the Special Task Force a report on each and every application surveyed and delineated; thereafter, the Special Task Force after evaluating the reports, shall endorse valid ancestral land claims to the Secretary through the Indigenous Community Affairs Division, Special Concerns Office for the issuance of a Certificate of Ancestral Land Claim. As soon as an ancestral land claim is found to be valid and in meritorious cases, the Special Task Force may recommend to the City/Municipal Mayor's Office the issuance of a fencing permit to the applicant over areas actually occupied at the time of filing.

Section 13. The Special Task Force shall cause the publication in at least two (2) newspapers of regional circulation the list of successfully established claimants and their claims to allow other claimants to file any opposition thereto within thirty (30) days from date of publication.

Rule III MISCELLANEOUS PROVISIONS

Section 1. To ensure the genuineness of ancestral land claims, the Special Task Force may refer for authentication and verification as to actual area possessed and claimed, applications to local government units, DENR accredited grassroot non-governmental organizations involved in the pursuit of ancestral land claims and individuals who are known from their track record for their integrity as determined by the Special Task Force.

Section 2. Ancestral land claims or portions thereof, which are found to be necessary for critical watersheds, particularly for domestic water use, wildlife sanctuaries, wilderness, forest cover, or reforestation, as determined by appropriate agencies with the full participation of the Indigenous Cultural Communities (ICC) concerned shall be maintained, managed, protected from encroachment and developed for such purposes. The ICC within recognized ancestral land claims shall be given the responsibility to maintain, develop, protect and conserve said areas with the assistance of concerned government agencies. Should the ICC decide to transfer the responsibility over these areas, said decision must be made in writing. The consent of the ICC should be arrived at in accordance with its customary laws, without prejudice to the basic requirements of existing laws on free and informed consent. Provided, that the transfer shall be temporary and will ultimately revert to the ICC in accordance with a program for technology transfer. Provided further, that no ICC shall be displaced or relocated for the purposes enumerated under this section without their consent. Provided finally, that in the City of Baguio, claimants whose claims or portions thereof fall within the above-mentioned environmentally critical areas shall under no circumstance be allowed to expand beyond what they actually occupy.

Section 3. Decisions of the Special Task Force on ancestral land claims shall be immediately and directly appealable to the Secretary of the DENR in accordance with Section 13 of Rule II hereof.

Section 4. Separability Clause - If any clause, sentence, provision or section of these Rules shall be held invalid or unconstitutional, the remaining parts of these Rules shall not be affected thereby.

Section 5. Repealing Clause - All orders, rules and regulations inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

Section 6. Effectivity - These Rules shall take effect immediately.

APPROVED: April 27, 1990

FULGENCIO S. FACTORAN, JR.
Secretary