

**Administrative Order  
No. 08  
March 23, 1992**

**SUBJECT : Rules On The Acceptance, Identification, Evaluation And Delineation Of Ancestral Land Claims In The Province Of Bukidnon.**

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 economic social and cultural well-being; and the recent pronouncement of the President that the government recognizes and respects the principle of ancestral domain, the following rules are hereby promulgated for the guidance of all concerned.

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

**Sec. 1.** Ancestral lands in the province of Bukidnon 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 forest, and others, to wit:

- |    |            |    |                    |
|----|------------|----|--------------------|
| 1. | Matigsalog | 5. | Umayamnon          |
| 2. | Talaandig  | 6. | Pulangihon         |
| 3. | Manobo     | 7. | Others that may be |
| 4. | Higaonon   |    | identified later.  |

**Sec. 2.** The term "Ancestral Lands or Domain" shall be defined within the context of DENR sponsored Bill on ancestral domains of Indigenous Cultural Communities as follows:

- a. **"Indigenous Cultural Communities"** - refers to existing groups or tribes of indigenous Filipinos, who have continuously lived as communities on communally bounded and defined territories, since time immemorial, and have succeeded in preserving, maintaining, and sharing common bonds of language, customs, traditions and other distinctive cultural traits.

- b. **"Ancestral lands or Domains"** - refers to all territories exclusively possessed, occupied or utilized by ICC in accordance with their customs and traditions, since time immemorial by themselves or through their ancestors. This is irrespective of whether or not such lands were subsequently partitioned among the individual members of the indigenous cultural communities.
- c. **"Customary Laws"** - refers to a body of rules, usage and practices traditionally observed, accepted and recognized by the ICC.
- d. **"Time Immemorial"** - refers to a period of time where as far back as memory can go, a certain ICC is known to have occupied, possessed, and utilized a definite territory inherited from their ancestors in accordance with their customs and traditions.

**Sec. 3.** 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 thirty (30) years from date of occupation shall be presumed to have been in possession thereof since time immemorial.

**Sec. 4.** 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.

**Sec. 5.** The provisions of Civil Law on Prescription shall not work to the disadvantage of ancestral lands 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 IN THE PROVINCE OF BUKIDNON**

**Sec. 1.** Within three (3) months after the publication of these rules in a newspaper of Provincial circulation, ancestral land claimants within Bukidnon may file their application by tribes or communities through their indigenous structures or local government with the Office of the Special Task Force on Ancestral Lands, created by virtue of DENR Special Order 224 in such forms as prescribed by the Special Task Force. Such applications may also be received for the Task Force by the Community

Environment and Natural Resources Officers (CENRO) where the ancestral land claim is situated.

**Sec. 2.** 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. Pictures of burial grounds
- h. Write-ups on customs and traditions
- i. Pictures of 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. Traditional structures of indigenous social and government systems, with names of recognized leaders (Masicampo, Panglima, etc.)
- l. Geneologic surveys
- m. 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.

**Sec. 3.** 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 the application/claim.

**Sec. 4.** In the filing of applications, ad ancestral land claimant shall present the original documents in support of his application. The Special Task Force or the CENRO concerned shall compare the same with photocopies thereof and if found to be faithful reproductions, shall authenticate the same; thereafter, the authenticated copies shall be accepted and the originals will be returned to the claimant.

**Sec. 5.** All applications and statements made in connection with the ancestral land claims shall be under oath. The application shall state therein that any false statement made may result in criminal liability.

**Sec. 6.** 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. Areas to be covered by the claims should be contiguous unless natural barriers prevent contiguity and in no case shall any claimant avail of more than one Certificate of Ancestral Land Claim.

**Sec. 7.** The Special Task Force reserves the right to reject any application of 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.

**Sec. 8.** The Special Task Force in coordination with 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 cases, the CENRO concerned shall monitor the survey being conducted by the private surveyor.

**Sec. 9.** Ancestral land claims conflicts shall be indorsed by the Special Task Force to the concerned Barangay Lupons and/or indigenous structures such as the Masicampo and the Sangka of the Bukidnons, the Pinundatu and the Sungkalog of the Manobo, etc., for Bukidnon Indigenous Cultural Communities 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 is not possible, shall receive evidence and prepare a report including its recommendations, but the resolution thereof shall be referred to the Commission on the Settlement of Land Problems (COSLAP).

**Sec. 10.** The Ancestral Land Survey Teams shall prepare and submit to the Special Task Force through the CENROs concerned reports 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 the Secretary signs the Certificate of Ancestral Land Claim, 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.

**Sec. 11.** The Special Task Force shall cause the publication in at least two (2) newspapers of Provincial circulation and at the Bulletin Boards of Municipal, Barangay and Sitio concerned 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**

**Sec. 1.** To ensure the genuineness of ancestral land claims, the Special Task Force may refer for authentication and verification as to the 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.

**Sec. 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 claimants whose claims or portions thereof fall within the abovementioned environmentally critical areas shall under no circumstance be allowed to expand beyond what they actually occupy.

**Sec. 3.** Ancestral land claims shall be referred to the PENRO Mines and Geo-Sciences Services to determine whether or not the area is geologically unstable or within a high risk zone. If it is, then the same may not be used for residential or commercial purposes but shall be maintained for their aesthetic beauty as forest park and the like.

**Sec. 4.** Decision 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 11 of Rule II hereof.

**Sec. 5. 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.

**Sec. 6. Repealing Clause.** All orders, rules and regulations inconsistent with or contrary to the provisions of these Rules are hereby repealed or modified accordingly.

**Sec. 7. Effectivity.** These Rules shall take effect immediately.

**FULGENCIO S. FACTORAN, JR.**  
Secretary