

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 4261



Introduced by Representative GLORIA MACAPAGAL ARROYO

AN ACT


AMENDING SECTION 53 OF REPUBLIC ACT NO. 8371, ENTITLED "AN ACT TO RECOGNIZE, PROTECT AND PROMOTE THE RIGHTS OF INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES, CREATING A NATIONAL COMMISSION ON INDIGENOUS PEOPLES, ESTABLISHING IMPLEMENTING MECHANISMS, APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES"

EXPLANATORY NOTE

Section 53 of Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" provides for the identification, delineation and certification of ancestral lands. In its implementation, however, various interpretations have been attached to paragraph (a) thereof specifically as to whether ancestral land titles can still be issued over lands covered by an ancestral domain title.

This bill seeks to amend this provision in order to clarify and preclude varying interpretations by categorically stating that ancestral lands within an ancestral domain covered by an ancestral domain title can still be issued land titles and providing for procedure for its titling.

In view of the foregoing, approval of this measure is earnestly sought.


GLORIA MACAPAGAL ARROYO
2nd District, Pampanga

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

SECTION 1. Section 53 of Republic Act No. 8371 is hereby amended as follows:

- a) The ICCs/IPs, through their Indigenous Peoples Organizations and/or Council of Elders, shall be responsible for identifying and establishing ancestral lands covered by an ancestral domain title based on their own customs and traditions. The community may allocate portions of the ancestral domain to individuals, families or clans in accordance with their customary laws and traditional practices.

Individuals, families or clans belonging to the concerned ICCs/IPs covered by an ancestral domain title may apply for Certificate of Ancestral Land Titles over their identified ancestral lands in accordance with the procedure followed in the titling of ancestral lands outside an ancestral domain as set forth in the succeeding paragraphs;

- b) Individual and indigenous corporate claimants of ancestral lands which are not within titled ancestral domains, may have their claims officially established by filing applications for the identification and delineation of their claims with the Ancestral Domain Office. An individual or

recognized head of a family or clan may file such application in his behalf of his family or clan, respectively;

- c) Proofs of such claims shall accompany the application form which shall include the testimony under oath of elders of the community and other documents directly or indirectly attesting to the possession or occupation of the areas since time immemorial by the individual or corporate claimants in the concept of owners which shall be any of the authentic documents enumerated under Section 52 (d) of this Act, including tax declarations and proofs of payment of taxes;
- d) The Ancestral Domains Office may require from each ancestral 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;
- e) Upon receipt of the applications for delineation and recognition of ancestral land claims, the Ancestral Domain Office shall cause the publication of the application and a copy of each document submitted including a translation in the native language of the ICCs/IPs concerned in a prominent place therein for at least fifteen (15) days. A copy of the document shall also be posted at the local, provincial and regional offices of the NCIP and shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow their claimants to file opposition thereto within fifteen (15) days from the date of such publication: *Provided*, That in areas where no such newspaper exists, broadcasting in a radio station will be a valid substitute; *Provided further*, That mere posting shall be deemed sufficient if both newspapers and radio station are not available.
- f) Fifteen (15) days after such publication, the Ancestral Domain Office shall investigate and inspect each application, and if found to be meritorious, shall cause a parcellary survey of the area being claimed. The Ancestral Domain Office shall reject any claim that is deemed patently false or fraudulent after inspection and verification. In case of rejection, the Ancestral Domain Office shall give the applicant due notice, copy furnished all concerned, containing the grounds for denial. The denial shall be appealable to the NCIP. In case of conflicting claims among individuals or indigenous corporate claimants, the Ancestral Domain Office shall cause the contending parties to meet and assist them in coming up with a preliminary resolution of the conflict, without prejudice to its full adjudication according to Section 62 of this Act. In all proceedings for the identification or delineation of the ancestral domains as herein provided, the Director of Lands shall represent the interest of the Republic of the Philippines; and
- g) The Ancestral Domains Office shall prepare and submit a report on each and every application surveyed and delineated to the NCIP, which shall, in turn, evaluate the report submitted. If the NCIP finds such claim meritorious, it shall issue a certificate of ancestral land, declaring and certifying the claim of each individual or corporate (family or clan) claimant over ancestral lands.

SECTION 2. *Repealing Clause.* — All orders, rules, regulations and other issuances, or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

SECTION 3. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,