

**[ NCIP Administrative Order No. 01, s. 2015, May 12, 2015 ]**

**RULES AND REGULATIONS GOVERNING THE IMPLEMENTATION OF SECTION 12 OF THE INDIGENOUS PEOPLES RIGHTS ACT (R.A. 8371)**

*Adopted: 12 May 2015  
Date Filed: 21 July 2015*

Pursuant to Section 12 of R.A. No. 8371 otherwise known as "Indigenous Peoples Rights Act of 1997," and Commonwealth Act 141 (Public Land Act), as amended the following rules and regulations are hereby promulgated.

**Section 1. Basic Policy.** It is the policy of the State to recognize and promote the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) within the framework of national unity and development, particularly the right of ownership of ancestral lands, which, by custom and long association, is regarded as their own private property.

**Sec. 2. Principles.**

- 2.1 Individual members of ICCs/IPs have the optional right to secure title under CA 141, as amended; and
- 2.2 Ancestral land is recognized as a valuable resource requiring management in accordance with the customs and traditions of the ICC/IP;

**Sec. 3. Objectives.** These rules and regulations are hereby promulgated in order to define the process by which individual, family, clan members of the ICCs/IPs may secure title to their ancestral lands under the provisions of CA, 141 (Public Land Act), as amended.

**Sec. 4. Definition of Terms.**

- 4.1 Ancestral Land – subject to existing property rights regime, land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots.
- 4.2 Agricultural Land – refers to land suitable or devoted for cultivation of

food crops and for raising farm animals.

- 4.3 Ancestral Domain – refers to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which they traditionally had access to their subsistence and traditional activities, particularly the home ranges of the ICCs/IPs who are still nomadic and/or shifting cultivators.
- 4.4 Time immemorial – refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.
- 4.5 Migrants – refer to ICCs/IPs who relocated or resettled themselves to other ancestral domains or territories claimed by other indigenous groups by reason of work, better living conditions or other economic reasons.
- 4.6 Community or ICCs – refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.
- 4.7 Family – For this purpose, it refers to the basic unit of the ICC consisting of persons living together under one roof or occupying separate dwellings, related by blood or by customary law and who subscribe to the recognized indigenous land tenure systems of the ICCs that govern and define ownership, transfer, access, use and control of ancestral lands.
- 4.8 Clan – For this purpose, it refers to a traditional social unit consisting of families or households tracing descent from a common ancestor and who follow the recognized indigenous land tenure systems or the applicability of customary laws governing property rights of ICCs/IPs.
- 4.9 Traditional Agreements – For this purpose, it refers to the recognized practices or arrangements of the ICCs/IPs governing the use, access, control and management of lands and resources in the ancestral domains of ICCs/IPs which are binding to all members due to their reliability and effectiveness for a long period of time.

**Sec. 5. Coverage.** These rules and regulations shall apply to individually-owned ancestral lands which have been continuously possessed and occupied by the individual members of cultural communities either by themselves or through their