

**[DENR-NCIP JOINT ADMINISTRATIVE ORDER NO.
2008-01, July 08, 2008]**

**GUIDELINES AND PROCEDURES FOR THE RECOGNITION,
DOCUMENTATION, REGISTRATION AND CONFIRMATION OF ALL
SUSTAINABLE TRADITIONAL AND INDIGENOUS FOREST
RESOURCES MANAGEMENT SYSTEMS AND PRACTICES
(STIFRMSP) OF INDIGENOUS CULTURAL COMMUNITIES OR
INDIGENOUS PEOPLES IN ANCESTRAL DOMAIN/LAND**

Pursuant to the provisions of the 1987 Constitution, Presidential Decree (PD) No. 705, amended, Executive Order (EO) No. 192, Series of 1987, Republic Act (RA) No. 8371 3 the Indigenous Peoples Rights Act (IPRA) of 1997 and its Implementing Rules and Regulations (NCIP Administrative Order No. 1, Series of 1998), DENR-NCIP Memorandum Circular No. 2003-01, EO No. 318, Series of 2004, in deference to the forest resources management systems and practices of the Indigenous Cultural Communities/Indigenous peoples (ICCs/IPs) that should be recognized, promoted and protected, the guidelines and procedures as provided for in this Order shall be strictly observed.

Section 1. Policies. In recognition of the inherent right of ICCs/IPs to self-governance and self-determination as well as their contribution in the conservation, management, development of the country's environment and natural resources for the welfare of the present and future Filipino generations, the State shall protect and guarantee their right to pursue their economic, social and cultural well-being not only to ensure equitable sharing of benefits from the bounty of the earth but also to enable them to flourish under a balance and healthful ecology in accord with the rhythm and harmony of nature.

Section 2. Objectives. For the effective implementation of this Order, the following objectives shall serve as guides:

2.1. General Objectives: The DENR and NCIP shall:

- a. Jointly undertake the recognition, documentation, registration and confirmation of the Traditional and Indigenous Forest Resources Management Systems and Practices (STIFRMSP) of ICCs/IPs found to be sustainable, which have either been established and/or effectively managed by families, clans and communities as part of their cultural practices and traditions as well as the role of indigenous socio-cultural and socio political institutions in this endeavor;
- b. Adhere to the customary laws and recognize the Indigenous Knowledge Systems and Practices (IKSP) of the ICCs/IPs together with the intellectual property rights thereon, if any, in accordance with the applicable provisions of the IPRA;

- c. Recognize the ICCs/IPs' preferential rights to benefit from the natural resources found within their ancestral lands/domains jointly documented and confirmed pursuant to this Order;
- d. Institutionalize the traditional and culture-driven sustainable forest resources management systems and practices, policies and customary laws of the ICCs/IPs; and
- e. Formulate appropriate policies consistent with the in-depth study and evaluation of the documented STIFRMSP based on their defined culture and existing customary laws/ traditions.

2.2 Specific Objectives:

- a. To institutionalize the consultative, collaborative effort and consensus building processes between and among indigenous socio-political institutions including its leadership system, local government units (LGUs), the DENR, the NCIP and other concerned agencies/offices/organizations for the enhancement of appropriate indigenous practices of forest resources management as a mechanism to be effected in the community as a whole;
- b. To strengthen and enhance the applicable/effective sustainable traditional " indigenous forest resources management systems and practices that are innovative, as indigenous socio-political catalyst in the implementation of forest management schemes within forest lands;
- c. To adopt the experiences, informative insights gained and lessons learned in the implementation of these sustainable traditional and indigenous forest resources management systems and practices in sparsely or marginalized forests and ', wherever applicable;
- d. To recognize each sustainable traditional indigenous forest resources management system and practice having the maintenance and enhancement of the watershed areas including its biodiversity as the primary purpose and the personal uses thereof secondary, such as: (1) areas for planting of agricultural crop; (2) source of construction materials for residential homes and other wood products for home use; and (3) areas where to gather forest products on a regulated basis for livelihood and entrepreneurship development; and
- e. To strictly adopt and monitor compliance of resources utilization and impose penalties and sanctions in case of violations thereto in accordance with the respective customary law applicable in the traditional management units and/or community/clan-owned woodlots.

Sec. 3. Coverage. This Order shall cover and apply to all ICCs/IPs with traditional indigenous forest resources management systems and practices within their ancestral domains/Sands, whether it be individual, family, clan and communal.

Sec. 4. Definition of Terms. The following terms, as used in this Order, shall be understood and defined as follows:

- a. Ancestral Domain Management Block/Unit - refers to indigenous cultural communities/area or part thereof, which has the same natural, socio-economic and political conditions that are being governed by one traditional leadership system practicing a single type of traditional and indigenous forest resources management .
- b. Indigenous Cultural Communities /Indigenous Peoples (ICCs/IPs) - 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, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains.
- c. Indigenous Knowledge Systems and Practices (IKSP) - refer to systems, institutions, mechanisms and technologies comprising a unique body of knowledge evolved through time that embody patterns of relationships between and among peoples, their lands and resource environment, including such spheres of relationships which may cover social, political, cultural, economic, religious spheres, and which are the direct outcome of the indigenous peoples' responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions.
- d. Customary Laws - refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs. Application of these customary laws shall extend to the management of forest and forest resources, the manner of selection in cutting, utilization and harvesting of mature/over-mature/defective trees and other forest resources, the pruning of branches of trees for traditional fuelwood and any other similar practices. Said customary laws shall likewise cover the sanctions/penalties for various prohibited acts that are imposed by the elders/ leaders or council of elders/ leaders.
- e. Free and Prior Informed Consent (FPIC) - refers to the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community. The FPIC shall be institutionalized, recognized, documented, confirmed and be respected by the DENR, the IMCIP, LGUs and all other concerned agencies.

- f. Sustainable Traditional and Indigenous Forest Resources Management Systems and Practices (STIFRMSP) - refer to those systems and practices of ICCs/IPS formally recognized, registered and confirmed jointly by the DENR and the NCIP that were duly verified and found to be the sustainable forest management system and Practice in the forest/watershed area within the ancestral domain/land of the concerned ICC/IP.

Sec. 5 Roles and Responsibilities. The following institutions shall have the following roles and responsibilities:

5.1 Department of Environment and Natural Resources (DENR)

- a. The primary agency of the government responsible for the conservation management, development and the proper use of the country's environment and natural resources as well as the licensing and the regulation thereof in order to ensure equitable sharing of the benefits derived from said resources for the welfare of the present and future Filipino generations alike.
- b. Provide technical assistance to the NCIP Field Office having jurisdiction over areas with ICCs/IPS so as to strengthen existing indigenous leadership systems pertaining to traditional indigenous forest resources management systems and practices-
- c. Provide technical assistance and support based on participatory approach to natural resources management, use, recognition, documentation, registration confirmation, including the preparation/formulation of relevant management projects and programs within ICC/IPs' ancestral domain/and in collaboration with the intended beneficiaries/stakeholders and concerned government entities;
- d. Assist in the survey, mapping, on-site characterization, including the conduct of required inventory/accounting of resources as well as the analysis and interpretation of relevant information necessary for the enlightenment of all stakeholders in collaboration with the NCIP, indigenous political structures and other stakeholders in the ancestral domain/land, in accordance with an acceptable/applicable science and the conditions stated by the indigenous leadership system;
- e. Identify and recommend enabling systems/schemes to promote indigenous knowledge/ practices as alternative approach and/ or management tool in forest ecosystem management;
- f. Identify and recommend acceptable instruments to be issued for natural resources utilization consistent with resource sustainability concept and indigenous traditional resource use;
- g. Advocate doable/sustainable approach in the protection and conservation of natural resources consistent with indigenous knowledge, beliefs, systems and practices; and
- h. Extend technical support in coordination with the NCIP and in collaboration with the indigenous political structures and other stakeholders in the

preparation, forging and execution of a Memorandum of Agreement (MOA) among and between stakeholders for the effective implementation of this Order.

5.2 National Commission on Indigenous Peoples (NCIP)

- a. Take the lead role in the strengthening of the indigenous systems of leadership o the ICCs/IPs;
- b. Accept applications for, process and issue Certificates of Ancestral Domain Titles over ancestral domain/land. In cases where a forest reservation overlaps with an ancestral domain/land, the NCIP shall resolve the matter pursuant to Section 7(g) and Section 52(i) as well as other pertinent provisions of RA 8371 or the IPRA of 1997;
- c. Facilitate the formulation of the Ancestral Domain Sustainable Development and protection Plan (ADSDPP) of the ancestral domain concerned, including the area/ s overlapped by forest reservations in collaboration/consultation with the DENR, the concerned ICCs/IPs and other stakeholders/agencies including the respective Local Government Units (LGUs);
- d. Help facilitate the resolution of conflicts/disputes in accordance with the ICCs/ IPs' customary laws as well as undertake the proper documentation thereof;
- e. Jointly conduct with the DENR, in collaboration with the indigenous political structures and other stakeholders, an inventory/accounting of resources in accordance with acceptable/applicable science and subject to the conditions imposed by the indigenous leadership system;
- f. Undertake continuous documentation of the traditional forest management systems with respect to the Intellectual Property Rights through Free and Informed Consent (FPIC) processes, ADSDPP formulation or Contracts on Benefit-Sharing over forest areas, including the species of flora and fauna therein, and other aspects of their material and spiritual culture pertaining to the biodiversity in the ancestral domain/ land; and
- g. Extend technical support and assistance jointly with the DENR in the preparation, forging and execution of a Memorandum of Agreement (MOA) between and among stakeholders for the effective implementation of this Order.

5.3 Indigenous Socio-political Structures (i.e. Council of Elders/Leaders)

- a. Formalize the traditional leadership system pursuant to customary laws and practices in managing forestlands and the forest resources found therein;
- b. Take the lead role in resolving conflicts/disputes in accordance with their customs and traditions on consensus building within their domain;
- c. Initiate and approve the participatory formulation of community policies relative to the effective management and conservation of forest resources, including the recommendation for the establishment of community/village