

[NCIP RESOLUTION NO. 13, S. OF 2002, APRIL 23, 2002, April 23, 2002]

AMENDING SECTION 39 OF NCIP ADMINISTRATIVE ORDER NO. 3, SERIES OF 2002, TO INCLUDE THE REQUIREMENT OF ITS PUBLICATION IN A PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PHILIPPINES FOR ITS EFFECTIVITY; AND SETTING THE DATE FOR THE OFFICIAL LIFTING OF THE MORATORIUM IMPOSED FOR THE ISSUANCE OF CERTIFICATION PRECONDITION AND COMPLIANCE OF THE REQUIREMENT OF FREE AND PRIOR INFORMED CONSENT PURSUANT TO R.A. 8371, OTHERWISE KNOWN AS THE INDIGENOUS PEOPLES RIGHT ACT OF 1997

EN BANC

WHEREAS, on February 19, 2002, the Second Commission en banc, resolved to promulgate NCIP Administrative Order No. 3, Series of 2002, otherwise known as the Revised Guidelines for FPIC and Issuance of Certification Precondition;

WHEREAS, Section 9 of NCIP Administrative Order No. 3, Series of 2002, provides that it shall take effect fifteen (15) days from its registration in the Office of the National Administration Registration, U.P. Law Center, Diliman, Quezon City, Philippines;

WHEREAS, existing laws provide that administrative issuances with administrative sanctions to be legally valid, effective, and enforceable, are required to be published in the manner provided for by law, as a requirement of due process;

WHEREAS, Section 39 of NCIP Administrative Order 3, Series of 2002, carries with it administrative sanctions for certain prohibited acts as enumerated therein, and in order for the said Administrative order to be legally valid and enforceable, there is a need to effect the necessary amendment for its effectivity;

WHEREAS, in order set the date of effectivity of NCIP Administrative Order No. 3 Series of 2002, there is a need for the Commission to officially lift the moratorium imposed by the Memorandum dated 28 February 2001, issued by the Office of the President Adviser for Indigenous Peoples Affairs or OPAIPA;

NOW THEREFORE, on motion of Commissioner Reuben Dasay A. Lingating, duly seconded by Commissioner Norma M. Gonos, be it

RESOLVED, as it is hereby done, that Section 39 of the 39 of the said Administrative order be amended to read as follows:

"SECTION 39. Effectivity. — This Administrative Order shall be registered in the office of the National Administration Register, U.P. Law Center, Diliman Quezon