

**[DENR DEPARTMENT ADMINISTRATIVE ORDER
NO. 96-34, November 12, 1996]**

**GUIDELINES ON THE MANAGEMENT OF CERTIFIED ANCESTRAL
DOMAIN CLAIMS**

Pursuant to the policies embodied in Executive Order No. 192 dated June 10, 1987, Republic Act No. 7586 also known as NIPAS Act of 1992, DENR Administrative Order No. 02, Series of 1993 and other pertinent laws, rules and regulations, the following guidelines on the management of ancestral domain claims are hereby promulgated for the guidance of all concerned.

ARTICLE I

Basic Concept, Objectives and Policy

SECTION 1. *Concept* — In keeping with the spirit and intent of the Constitution specifically Section 22, Article 1 which mandates the State to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development and section 5, Article XII which further mandates the State, subject to the provisions of the Constitution and national development policies and programs, to protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social and cultural well-being, and pending the enactment of a law to operationalize these Constitutional provisions, the Department of Environment and Natural Resources (DENR) has, in the exercise of its powers and functions under existing laws, decided to issue Certificates of Ancestral Domain Claims (CADCs) and Certificates of Ancestral Land Claims (CALCs) to indigenous cultural communities, also referred to as Indigenous Peoples (IPs), and members thereof, respectively. These CADCs and CALCs are intended to guarantee within the bounds of E. O. No. 192 and DAO No. 02, the tenure of IPs over areas which they have traditionally occupied and possessed by themselves or through their predecessors-in-interest, in the concept of ownership, since time immemorial continuously up to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth.

Considering the diversity of natural resources and land uses within ancestral domains, the management of these areas shall be undertaken by the CADC holders in accordance with their traditional processes and customary laws.

SECTION 2. *Objectives* — The main objectives of ancestral domain management are the following:

2.1 To implement the Constitutional policy recognizing the rights of IPs to traditional access to natural resources based on the principles of self-determination, justice and equity.

2.2 To strengthen the security of tenure of the IPs over the land and natural resources within their certified ancestral domain claims;

2.3 To recognize that the IPs are principally responsible for rehabilitating, protecting and sustainably managing the natural resources within their ancestral domains; and

2.4 To support the initiatives of the IPs in their socio-economic development.

SECTION 3. *Policy* — In attaining the objectives of ancestral domain management, the following basic principles shall be observed:

3.1 The IPs have the right to formulate an ancestral domain management plan reflective of their needs and aspirations. It shall be prepared by the community itself according to its own indigenous knowledge systems and practices with the option to avail of external assistance under terms and conditions determine by the community.

3.2 The primacy of customary laws shall be recognized and respected.

3.3 Ancestral Domain Management Plans shall embody the following general concerns that basically affirm the IPs' right to self-determination, to wit:

3.3.1 Recognition and enhancement of the rights of IPs to their ancestral domain claims;

3.3.2 Promotion of their cultural integrity;

3.3.3 Enhancement of their self-reliance and empowerment as a people;

3.3.4 Protection of the environment and the sustainable management and development of the natural resources within ancestral domain claims;

3.3.5 Recognition and protection of their traditional resource rights which refer to the rights of IPs to use, manage, protect and conserve: a) land, air, water, and minerals; b) plants, animals, and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, belief systems and practices; and

3.3.6 Recognition of the right to information specially in relation to free and informed consent on all matters affecting their ancestral domains.

3.4 The IPs shall have autonomy in the preparation and implementation of their plans. For this reason, existing laws and issuances concerning the management and utilization of natural resources shall be interpreted liberally to reinforce this policy.

3.5 The role of existing Provincial Special Task Forces on Ancestral Domains (PSTFADs) or any appropriate body shall be limited to conducting information, education and communication (IEC) activities and providing assistance in the resolution of legal and policy issues that would tend to impede, distract or prevent the IPs from exercising freedom in making their own plans for the sustainable

management of their ancestral domains. The speedy and judicious resolution of such issues shall be a priority concern of the DENR.

ARTICLE II

Formulation and Implementation of the Ancestral Domain Management Plan

SECTION 4. *Basic Steps in Plan Preparation* — The following shall be the steps in the preparation of the plan:

4.1 The PSTFAD or any appropriate body shall conduct a series of community workshops on the ADMP concept. The workshops may include, among other things, the following:

4.1.1 Rights and responsibilities of CADC holders;

4.1.2 Identification and sustainability of traditional resource management systems and practices;

4.1.3 Access to external support services on resource management;

4.1.4 Appraisal of the socio-economic and bio-physical conditions in the ancestral domain;

4.1.5 Assessment of existing community capabilities and nature of working relationship with DENR and other external agencies;

4.1.6 Articulation of the community vision, objectives and management strategy; and

4.1.7 Management structures including formation of the community Working Group.

4.2 The community, through its Working Group may conduct a participatory appraisal of its existing natural resources and socio-economic conditions through community resource-mapping and other participatory processes. The outputs of this exercise may include social, institutional, demographic and economic information; a determination of existing land uses; identification of available natural resources; and a listing of major development opportunities and problems. The community appraisal or assessment of the quality and quantity of existing natural resources in the ancestral domain claim shall be undertaken in place of the usual comprehensive resource inventory.

4.3 The community shall identify and indicate on a map its specific ancestral domain management units such as, but not limited to, agricultural and agroforestry areas; resource rehabilitation and production areas; community forests and mineral reserves; traditional hunting and fishing grounds; cultural landmarks and sacred places; scenic places and special-use areas; and peripheral or boundary areas.

4.4 The community shall formulate the indicative development activities they plan to undertake in each management unit which may include resource protection, rehabilitation, utilization and allocation of benefits.