NCIP Administrative Order No. 2
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THE GENERAL GUIDELINES ON THE CONFIRMATION OF INDIGENOUS POLITICAL STRUCTURES AND THE REGISTRATION OF INDIGENOUS PEOPLES' ORGANIZATIONS

This Guidelines on the Confirmation of Indigenous Political Structures and Registration of Indigenous Peoples' Organizations is hereby promulgated for the effective implementation of the provisions of the Indigenous Peoples Rights Act or RA 8371 and for other purposes.

ARTICLE I

OVERVIEW

Section 1. Title. This Administrative Order shall be known as the "General Guidelines on the Confirmation of Indigenous Political Structures and the Registration of Indigenous Peoples' Organization".

Section 2. Statutory Bases.

Article XII (National Economy and Patrimony), Section 5 of the Constitution provides that the State, subject to the provisions of the Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights and relations in determining the ownership and extent of ancestral domain.

Article XIII (Social Justice and Human Rights), Section 15 of the Constitution defines People's organizations as bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure. It further provides that the State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means. Section 16 provides that the right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

Republic Act No. 8371 (RA 8371) otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997 enumerates provisions on Rights to Ancestral Domains (Chapter III), Self-Governance and Empowerment (Chapter IV), Social Justice and Human Rights (Chapter V), and Cultural Integrity (Chapter VI) in order to implement the promotion of the political, economic and cultural rights of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs);

Chapter II, Sections 3 (i) of RA 8371 defines Indigenous Political Structures (IPS) as referring to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation identified and accepted by ICCs/IPs (e.g. Council of Timuays, Bodong Holders);

Chapter II, Section 3 (n) of RA 8371, on the other hand, defines people's organizations as private, non-profit voluntary organizations of members of ICCs/IPs which are accepted as representatives of such ICCs/IPs.

Chapter IV, Section 16 of RA 8371 provides that ICCs/IPs have the right to participate fully, if they so choose, at all levels of decision-making in matters which may affect their rights, lives, and destinies through procedures determined by them as well as to maintain and develop their own IPS.

Section 1, Part I, Rule IV (Right to Self-Governance and Empowerment) of the Rules and Regulations Implementing the IPRA of 1997 (IRR) provides that the ICCs/IPs, in coordination with the Department of the Interior and Local Government, shall formulate measures to ensure the following: (a) the socio-political structures, systems and institutions of ICCs/IPs are strengthened; (b) the indigenous structures, systems, and institutions are not supplanted by other forms of non-indigenous governance; and/or (c) mechanisms that allow the interfacing of indigenous systems of governance with the national systems are established.

Section 3. Operating Principles. The following fundamental principles in the implementation of this Guidelines shall be recognized:

a) **Self-governance and Self-determination**. The inherent right of ICCs/IPs to self-governance and self-determination includes the right to pursue their economic, social, and cultural development; promote and protect the integrity of their values, practices and institutions; determine, use and control their own organizational and community leadership systems, institutions, relationships, patterns and processes for decision- making and participation;

b) **Secure Collective Rights to Domain/Land.** The deeply rooted spiritual and cultural bonds of ICCs/IPs to the ancestral domains/lands which they possess, occupy and use as basic to their existence and to all their beliefs, customs, traditions and culture;

c) **Authentic Indigenous Political Leadership.** The authentic indigenous political leadership emerging from the dynamics of customary laws and practices in the maintenance and development of their own indigenous governance and decision-making institutions;

d) **Development with Identity**. The pursuit of ICCs/IPs to their collective identity in their economic, social and cultural development through their Ancestral Domain Sustainable Development and Protection Plans (ADSDPP). It also embraces preservation of cultural values and institutions; control over their own development; and genuine consultation on all issues, programs and projects that will affect them;

e) **Sustainable Development**. The ICCs/IPs, through their IPS, occupying their ancestral domain shall preserve, restore, and maintain a balanced ecology in the ancestral domain by protecting the flora and fauna, watershed areas, and other reserves and to actively initiate, undertake and participate in the reforestation of denuded areas and other development programs and projects subject to just and reasonable remuneration;

f) **Establishment of Indigenous Peoples Organizations (IPO).** The IPS shall establish IPOs which shall have legal capacity to assist the ICCs/IPs in ensuring their collective rights to their ancestral domains and to strengthen their political, economic and social systems or institutions. IPOs registered under this Guidelines and other government registering or accrediting agencies/institutions such as the Local Government Units (LGU), Cooperative Development Authority, and the Securities and Exchange Commission shall be subject to verification, validation, registration or confirmation as the case may be;

g) **Interfacing.** The interfacing of indigenous systems of governance to the mainstream legal system to effectively carry out the ICCs/IPs' collective right to self-governance and self -determination;

h) **Empowerment of Women.** It shall be mandatory for the IPS and the IPO to develop appropriate programs and projects to respond to gender issues and concerns as these relate to the full realization and protection of women's rights for maximum participation in community and nation-building. The IPS shall provide appropriate and full support to women's groups/organizations to conduct research and document IP women's traditional roles in marriage, family, community, political and economic life to determine gender issues and concerns among ICCs/IPs.

Section 4. Establishment of Indigenous Peoples Organizations. The IPS shall create and establish IPOs as defined under the IPRA, which IPO must be registered.

Section 5. Coverage. This Guidelines shall cover all ICCs/IPs in ancestral domains and lands; and ICCs/IPs resettled outside their ancestral domains.

ARTICLE II

DEFINITION OF TERMS

Section 6. In addition to the definition of terms in the IPRA and its IRR, the following terms, as used in this Guidelines, are defined as follows:

a. **Indigenous Political Structures**. It refers to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified and accepted by ICCs/IPs. The IPS shall be recognized as the highest governing body with the IPO as its technical arm;

b. **Indigenous Elder/Leader**- Indigenous elders/leaders emerge from the dynamics of customary laws and practices; they evolve from a lifestyle of conscious assertion and practice of traditional values and beliefs. Hence, they are recognized authority on conflict resolution and peace-building processes, on spiritual practices, rituals and ceremonials and by doing so; they possess the attributes of wisdom and integrity. They lead and assist the community in decision-making processes aimed at protecting and promoting the sustainable development of their ancestral domains;

c. **Registration**. It is the operative act of granting juridical personality to members of ICCs/IPs who organized themselves as independent IPOs which is accepted as their representative as evidenced by a Certificate of Registration (CoR);

d. **Resettled ICCs/IPs.** It refers to ICCs/IPs living outside their ancestral domain areas by reason of internal displacement due to armed conflict, violence, extreme natural disasters or government projects (e.g hydro-electric dams);

ARTICLE III

POWERS, DUTIES AND FUNCTIONS OF THE INDIGENOUS POLITICAL STRUCTURES

Section 7. Powers, Duties and Functions of the Indigenous Political Structures. The ICCs/IPs through the elders/leaders of the IPS shall have these powers, duties and functions as enumerated in the IPRA, but not limited to the following:

1. To formulate and implement systems for the sustainable use, protection and conservation of the flora and fauna, watershed areas, sacred places and all other objects of ritual and ecological importance in accordance with their indigenous knowledge systems and practices (IKSPs), customary laws and traditions, and duly adopted ADSDPP, if any;
2. To revitalize and strengthen ICCs/IPs own institutions, systems and standards for protecting their natural resources, taking into consideration the national minimum standards. For this purpose, the ICCs/IPs may be authorized by the appropriate government agency to exercise powers to prevent, apprehend and prosecute all persons violating environmental and natural resources laws within ancestral domains in accordance with Chapter XI, Section 72 of the IPRA;
3. To regulate activities that may adversely affect the ICCs/IPs' airspace, bodies of water and lands. Any violation of environmental laws adversely affecting the integrity of the ecological systems in ancestral domains shall be sanctioned according to customary laws of the ICCs/IPs concerned;
4. To help negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and conservation measures, pursuant to national and customary laws;
5. To uphold the Free and Prior Informed Consent (FPIC) process relative to all activities involving the utilization, extraction or development of natural resources;
6. To assist the community to seek redress and or compensation for any loss, injury or damage caused to its culture and the ancestral domain;
7. To assist the community to source out, manage, disburse or use any funds, appropriations or donations from any legal entity, for the development of the domain/land and to ensure individual and collective accountability and responsibility for such funds, appropriations or donations;
8. To assist the community in filing the petition for, and lead the community in, the delineation and identification of ancestral domains in accordance with the Principle of Self Delineation rights by virtue of Native Title;
9. To assist the community in working for the de-establishment of reservations made by executive fiat or law overlapping ancestral domains/lands, or parts thereof;
10. To resolve all conflicts emanating from violations of all customs and traditions of the community;

11. To cause the formulation of programs and projects on the role of women based on a gender analysis framework to strengthen and promote participation of indigenous women in decision-making processes on sustainable resource management;

12. To provide testimony or other evidence of marriage in accordance with customary law for purposes of registration with the Local Civil Registry;

13. To ensure their domains as special zones of peace and life, and advocate recognition and respect thereof;

14. To nominate traditional leaders or elders as representatives to the Consultative Body, which must include women and youth, IPO and Non Government Organization representative;

15. To convene the ICCs/IPs and in accordance with local processes to lead the selection of the IP mandatory representatives in all policy making bodies and in local legislative councils,

16. To convene the ICCs/IPs and select IP representatives to all government bodies such as but not limited to the National Anti Poverty Commission-IP Sectoral Council, National Commission on Culture and the Arts, Department of Agrarian Reform, LGUs, Regional Development Councils and other local and international policy-making and special bodies;

17. To develop programs and projects in the practice and revitalization of their own cultural traditions and customs;

18. To regulate entry of migrants and other entities in accordance with their consensus-building processes, community practices, customs and traditions and upon the free, prior and informed consent of the community members;

19. The power to authenticate indigenous leadership titles and certificates of membership. All Certificates of Tribal Membership previously issued under Executive Order No. 122-B and 122-C as amended, shall be validated by the IPS in accordance with their own processes, and if found to be valid, shall be endorsed to the National Commission on Indigenous Peoples (NCIP) for confirmation and recording purposes;

20. Other traditional roles or functions analogous to the foregoing.

Section 8. Powers and Duties of the Indigenous Peoples' Organization.
In accordance with Section 7 of this Guidelines, the IPS shall determine and define the functions of the IPOs.

ARTICLE IV

PROCESS OF CONFIRMATION OF IPS AND REGISTRATION OF IPOs

Section 9. Confirmation of Indigenous Political Structures. All existing IPS as defined under Section 6 (a) of this Guidelines maybe confirmed, as an affirmative action, by the Commission.

Section 10. **Confirmation, How Initiated**. The confirmation maybe through the initiative of the concerned Commissioner, the Regional Office or the concerned IPS. In the two former cases, it shall be based on data provided by the ADSDPP, Certificate

of Ancestral Domain Title/Certificate of Ancestral Land Title (CADT/CALT), FPIC, Certificates of Confirmation (COC) of Tribal Membership and other valid sources of information or based on the process of verification and validation provided in Section 16 hereof.

If the request for Confirmation by the Commission is upon the initiative of the Regional Office, the same shall be endorsed by Regional Director (RD) with the concurrence of the Commissioner from the Ethnographic Region. The endorsement must include all pertinent data and information related thereto.

Section 11. The affirmative action shall be in the form of an En Banc Resolution and the consequent COC to be signed by the Chairperson. A record of the same shall be maintained and periodically updated by the Office on Empowerment and Human Rights (OEHR).

Section 12. The following documents shall be required for the processing of the Confirmation of IPS:

1. A Genealogical Survey;
2. Written accounts not limited to customs and traditions including the interfaced customary practices on the following:

   2.a Social organization- a profile of the IPS including information on traditional and emerging elders/leaders; norms and social stratification based on access to prestige and power; succession (birthright); the leadership structure including the roles and functions of the elders/leaders of the IPS;

   2.b Basic social processes:

   2.b.1. Dispute resolution and conflict management;

   2.b.2 Consensus-building and decision-making processes towards cooperation, unity and harmony;

   2.b.3 Mutual help and defense systems;

   2.b.4 Specialized functions in relation to observance of rituals.

   2.c Access to resources:

   2.c.1 Applicable community imperatives in accordance with customary law as well as on the access and benefit-sharing agreements/wealth management on resources;

   2.c.2 Monitoring and evaluation as well as indicators on sustainable development of resources;

   2.c.3 Role of women in the sustainable development of the domain.

3. Written and verified oral accounts of customs and traditions on governance system and how these have responded to the changing socio-political order; and
4. Other relevant anthropological/historical data.

Section 13. Application for Confirmation by the IPS and IPO Registration. The following shall be the processes for confirmation and registration:

a. **General requirement**. The application for confirmation initiated by the IPS itself shall be filed by the elders/leaders with the nearest NCIP Provincial Office (PO) or the Community Service Center (CSC) in the absence of a Provincial Office, supported by the requirements provided in Section 12 hereof.

   In the case of registration of IPOs, it shall be filed by the IPS or the IPO under its direction with the nearest NCIP PO or CSC;

b. **ICCs/IPs with existing IPOs prior to this Guidelines**. Notices shall be issued by the concerned NCIP Regional Office for them to comply with the requirements of this Guidelines;

c. **ICCs/IPs living outside their ancestral domain areas**. IPOs may be organized outside ancestral domains and can register with the NCIP after compliance with the requirements provided in this Guidelines.

Section 14. Registration Requirements for IPOs. To be officially recognized, the IPS or the IPO under its direction shall apply for registration with the NCIP and shall submit the following:

1. Resolution stating to the effect that they are affirming that the applicant being registered is their duly organized IPO, which Resolution must contain the following information:

   1.a Purposes and goal of the IPO in relation to the collective aspiration of ICCs/IPs;

   1.b Target beneficiaries;

   1.c. Roles and functions of IPO and IPS as far as coordination on working relations;

   1.d. Location and area of operations;

   1.e. Targeted major programs, activities and projects of the IPO.

2. Duly accomplished NCIP Application Form for registration signed by the duly authorized representative of the IPS;

3. Profile indicating the qualifications of the IPO leader/Chairperson which includes, but not limited to, the following;

   3.a Proof of Tribal Membership;

   3.b Proof of actual residence in the domain/land for at least five (5) years immediately preceding his/her selection;

   3.c Resolution/affirmation by the ICCs/IPs endorsing that he/she is a practitioner/advocate of the customs and traditions; and narrative of his/her advocacy and struggle on IP rights;

   3.d Public knowledge of skills/expertise necessary to carry out the objectives of the IPO.

4. Written internal rules prescribing regulations binding the officer and members in accordance with the objectives of the IPO;

5. Grounds for voluntary dissolution of the IPO which are not limited to the following:

   5.a If it fails to adopt its written internal rules by resolution within 30 days from filing of its application as provided in this Guidelines;

5.b Filing by the IPO, with the consent of the IPS, a petition with the NCIP to shorten its term;

6. Complaints mechanism and/or grievance procedure;

7. List of officers/leaders and members;

8. Latest Audited Financial Statement;

9. Other relevant requirements at the discretion of the NCIP Community Service Center (CSC) Head/Provincial Officer (PO)/Regional Director (RD)/Commissioner of the Ethnographic Region.

Section 15. Where to file Application. Filing of the application registration shall be made with nearest Provincial Office or Community Service Center in the absence of a Provincial Office. The authorized representative shall submit three (3) complete and duly accomplished sets, one (1) original and two (2) duplicate copies. Copies of the application shall be for the applicant IPs, the concerned CSC, and the OEHR for database and monitoring.

Section 16. Verification and Validation. The verification and validation shall be conducted in the following manner:

1. The application for confirmation of IPS and/or registration of IPO shall be submitted to the PO or CSC, which shall immediately furnish a copy to the Regional Office. It shall conduct an evaluation of all submitted requirements within ten (10) days upon receipt of the application. The evaluation is to be conducted by gathering secondary data, interviews or other means with the applicant leaders/elders of the IPS and other key informants. The evaluation shall serve as basis for an assessment of the authenticity of the application and/or for requesting additional requirements and other relevant information to be provided by the applicant.

   If assessed to be authentic, the applicant, upon receipt of the assessment shall, with the assistance of NCIP, complete all relevant information. If found to be dubious or fraudulent, the NCIP shall deny the application and give notice with an explanation of the basis to the applicant.

2. If necessary, the evaluation shall be followed by the conduct of field-based verification by the Verification and Validation Team (VVT), which shall be constituted by the Provincial Office or CSC Head. The verification/validation shall be undertaken within fifteen (15) days;

3. After the evaluation or field verification and validation, the VVT shall submit its report with recommendations, if any, to the PO or CSC Head, copy furnished the applicant. If satisfied, the PO or CSC Head shall make his/her endorsement to the RD, through the Chief, Technical Management Services Division, copy furnished the Commissioner from the Ethnographic Region, for review and appropriate action.

   If after reviewing the report and the RD finds the same incomplete, he/she shall return the same to the PO or CSC Head, as the case may be, for completion. If he/she finds the application fraudulent, he/she shall endorse the same to the Regional Attorney for investigation and recommendation.

4. In the case of the Registration of IPOs, the RD shall review the report and if he/she finds the same to be meritorious, a COR shall be issued to the applicant IPO and copies furnished to the Commission through the OEHR;

5. In the case of an application of an IPS for Confirmation, the RD shall review the report and after finding the same to be meritorious, with the concurrence of the Commissioner from the Ethnographic Region, he/she shall endorse the same to the NCIP, through the OEHR, for appropriate action.

Section 17. Issuance and Release of En Banc Resolution and Certificate of Confirmation. The En Banc Resolution and Certificate of Confirmation shall be issued, through the OEHR, to the applicant IPS and copies thereof be furnished to the concerned offices.

Section 18. **Renewal of Registration.** The IPO registration shall be renewable every after two (2) years.

ARTICLE V

EFFECT OF IPO REGISTRATION

Section 19. The registration of the IPO with the NCIP confers to it a juridical personality to represent the ICCs/IPs in pursuing and securing their collective rights over their ancestral domains.

ARTICLE VI

SUSPENSION AND REVOCATION OF THE IPO REGISTRATION

Section 20. Suspension and Revocation of IPO Registration. In addition to grounds as provided in the IPO internal rules and grounds for voluntary dissolution, the Regional Office, upon recommendation of the IPS, may suspend or revoke the CoR of any IPO, after due investigation, based on the following grounds:

1. Unauthorized negotiation with natural or juridical persons relative to land development, resource use, harvest and exploitation of natural resources;
2. Misrepresentation and entering into agreement or compromise with investors without community consultation
3. Accepting bribes such as project contracts, gifts, or donations in exchange of favors;
4. Loss of trust and confidence of the members of the community;
5. Violation of customary processes and community collective decision-making;
6. Misuse of a right or condition for its creation conferred by the IPS or as provided by its internal rules, violation of a right of the community, or commission of acts against customary laws;
7. When the continuance of the IPO will not work to the best interest of the ICCs/IPs on the basis of findings and recommendations of the conflict mechanism system under the IPS;
8. When the IPO is guilty of fraud which violates the collective interest of the community;
9. Refusal or defiance of the IPO to comply with an order of the IPS restraining its commission of acts which will amount to grave violation of interests of the community;

10. When it has offended against a provision or condition provided by the IPS for its creation;

11. Violation of community protocols as provided in the ADSDPP;

12. Failure to submit annual financial statements to the IPS and NCIP;

13. Other analogous grounds.

Section 21. **Effect of Suspension and Revocation.** During the period of suspension, the IPO shall not have any personality to engage in any transaction until the suspension is lifted. In case of revocation, the IPO shall not have any personality to engage in any transaction as such, but shall wind up its affairs in accordance with existing laws. In both cases, failure of the IPO to clear itself of any obligation, its officers shall be subject to appropriate legal action.

Section 22. Subject to the consent of the IPS and in accordance with the internal rules of the IPO, if the IPO voluntarily dissolves itself and funds were used/disbursed by the IPO, a personal oath administered by the NCIP stating that they shall personally answer for any outstanding obligation shall be undertaken. The oath shall be submitted to the NCIP and to the IPS. Further, the IPO shall also submit the latest audited financial statement before they take their oath.

ARTICLE VII

COMPLAINTS MECHANISM

Section 23. Complaints against the IPO or any of its representatives shall be resolved in accordance with traditional conflict mechanism systems. If customary mechanisms are exhausted and the conflict/dispute remains unresolved, the aggrieved party may elevate the same to the NCIP.

ARTICLE VIII

ROLE OF THE NCIP PROVINCIAL, REGIONAL AND CENTRAL OFFICE

Section 24. Revitalization and Strengthening of IPS. The NCIP, in its programs such as the delineation and titling of ancestral domains and the formulation of ADSDPP, FPIC and the Exercise of Priority Rights and other processes, shall prioritize the revitalization or strengthening of the IPS. If the IPS decides to establish the IPOs, the NCIP Regional Office/Provincial Office/CSC shall assist the ICCs/IPs to enable them to comply with the requirements as provided in this Guidelines for the filing of the petition for confirmation and/or registration.

Section 25 . Database. The NCIP, through the Regional Offices, OEHR and Office on Policy, Planning and Research, shall establish their own mechanics of creating a national database for IPS and registered IPOs. It shall also ensure an effective tracking, releasing, controlling and filing of data at the Central Office.

Section 26. Training and Technical Assistance. The NCIP shall conduct or facilitate training for its staff who will form part of the VVT as well as provide technical assistance for the empowerment of the IPOs. The Regional Offices shall include this program in their annual work and financial plans.

ARTICLE IX

MONITORING AND EVALUATION

Section 27. Monitoring and Evaluation Mechanisms. The OEHR and the Regional Offices shall closely coordinate to establish a quarterly monitoring and evaluation mechanism for the implementation and enhancement of this Guidelines.

The Regional, Provincial Offices and CSC shall document, through conduct of meetings and workshops, the process flow of verification and validation. They shall maintain databases and logbooks of all applications received, endorsed and approved including documentation and recording of interviews, questions asked and responses made by the interviewees. All these information shall be submitted semi-annually to the OEHR every year commencing six (6) months from the effectivity of this Guidelines.

ARTICLE X

FINAL PROVISIONS

Section 28. Funding. The NCIP shall appropriate funds to sustain the operations and effective implementation of this Guidelines.

Section 29. Separability Clause. In case any clause, sentence, section or provision of this Guidelines or any portion hereof is declared unconstitutional or invalid by a competent court, the other sections or provisions hereof which are not affected by such issuance shall continue to be in full force and effect.

Section 30. Effectivity. This Administrative Order shall take effect fifteen (15) days after its last publication in a newspaper of general circulation or registration in the Office of the National Administrative Registrar, U.P. Law Center, Diliman, Quezon City, Philippines.

APPROVED this 15th day of March, 2012 at Quezon City, Philippines.

DIONESIA O. BANUA
Commissioner

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