



“Forging partnership for rights-based development of the Indigenous Peoples”

# **INDIGENOUS PEOPLES RIGHTS ACT (RA 8371) IN 2019 MINDANAO**

**By: Atty. Ariel T. Montaña  
June 11, 2019**

*#solidarityforIPdevelopment*

# HISTORY



*When the Spaniards conquered the Philippines, they declared that!!*

All lands of the Philippines became the property of the King of Spain.

(Regalian Doctrine)

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# Impact of the legal system on the Indigenous Peoples

When the Spaniards left, we continued to use their Government system;

This did not recognize traditional land rights and ownership of ICCs/IPs;

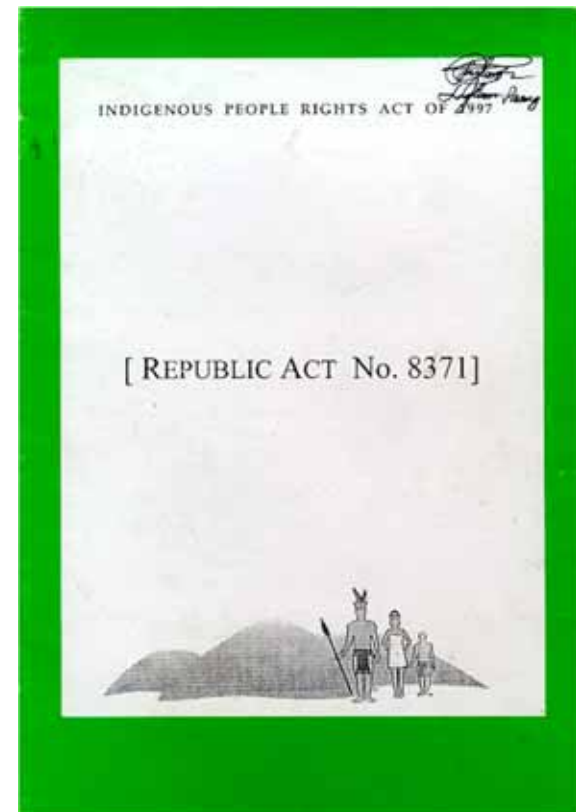
Without titles, Indigenous Peoples were forced to lose ownership of these lands.

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# October 29, 1997

- Republic Act 8371 (Indigenous Peoples Rights Act of 1997) became a law.



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# LEGAL BASIS

## 1987 PHILIPPINE CONSTITUTION

(e.g. Article II, Section 22, Article XVI, Section 12)

## INTERNATIONAL LAW

(e.g. UNDRIP)

## JURISPRUDENCE

[(e.g. Cariño vs. Insular Government  
(212 US 449)]

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# IPRA

## SALIENT FEATURES:

1. Right to Ancestral Domain
2. Right to Self-Governance and Empowerment
3. Social Justice and Human Rights
4. Cultural Integrity
5. Creation of NCIP
6. Quasi-Judicial Power

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# Right to Self Governance and Empowerment



Section 13 – The State recognizes the inherent right of the ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions.

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# Right to Self Governance and Empowerment

Customary Laws  
(Section 65)

Tribal Barangays

Mandatory  
Representation in policy  
making bodies and in  
local legislative bodies



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# Social Justice and Human Rights

Equal Protection

Non Discrimination  
- recruitment and conditions of employment; social assistance, benefits; etc.



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# Cultural Integrity

- Respect for Cultural Diversity
- Respect for Indigenous Knowledge Systems and Practices



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# Right to Ancestral Domain

## Ancestral domain

- refers to all areas generally belonging to ICCs/IPs
- held under a claim of communal and private ownership by ICCs/IPs since time immemorial



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# ANCESTRAL DOMAIN

## COVERAGE:

Hunting grounds

Waters

Burial Grounds

Sacred Grounds

Home Ranges



# Right to Ancestral Domain

- Right of ownership
- Right to develop lands and natural resources
- Right to stay in the territories
- Right to regulate entry of migrants

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# Concept of Ancestral Lands



## Ancestral land

- refers to land occupied and possessed by individuals, families, and clans who are members of the ICCs since time immemorial
- held under a claim of individual or traditional group ownership, continuously up to the present

# Right to Ancestral Domains/Lands

## *Indigenous Concept of Ownership*

- Ancestral domains/lands are the ICCs/IPs private but community property which belongs to all generations and therefore cannot be sold nor disposed or destroyed.

# Right to Ancestral Domains/Lands

## *Native Title*

- pre-conquest rights to lands and domains
- held under a claim of private ownership by ICCs/IPs
- have never been public lands and held that way since before the Spanish conquest
- possession since time immemorial.





# Right to Ancestral Domains/Lands

- ***Certificate of Ancestral Domain Title (CADT)***
  - refers to a title formally recognizing the rights of possession and ownership of ICCs/IPs over their ancestral domains identified and delineated in accordance with this law;
  
- ***Certificate of Ancestral Land Title (CALT)***
  - refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;



# *Responsibilities of ICCs/IPs to their ancestral domains/lands:*

1. Maintain Ecological Balance
2. Restore Denuded Areas
3. Observe Laws

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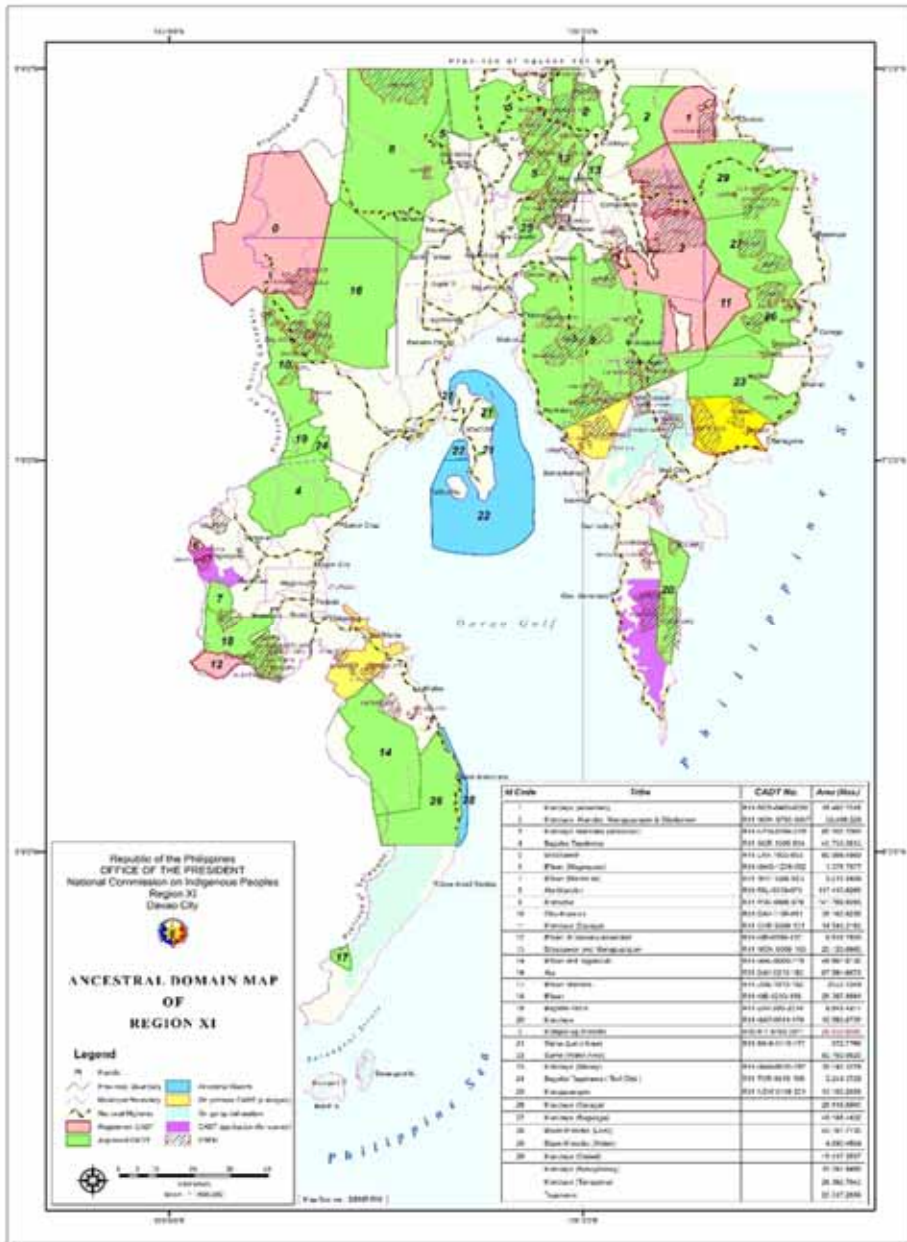


Section 56 –Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected.

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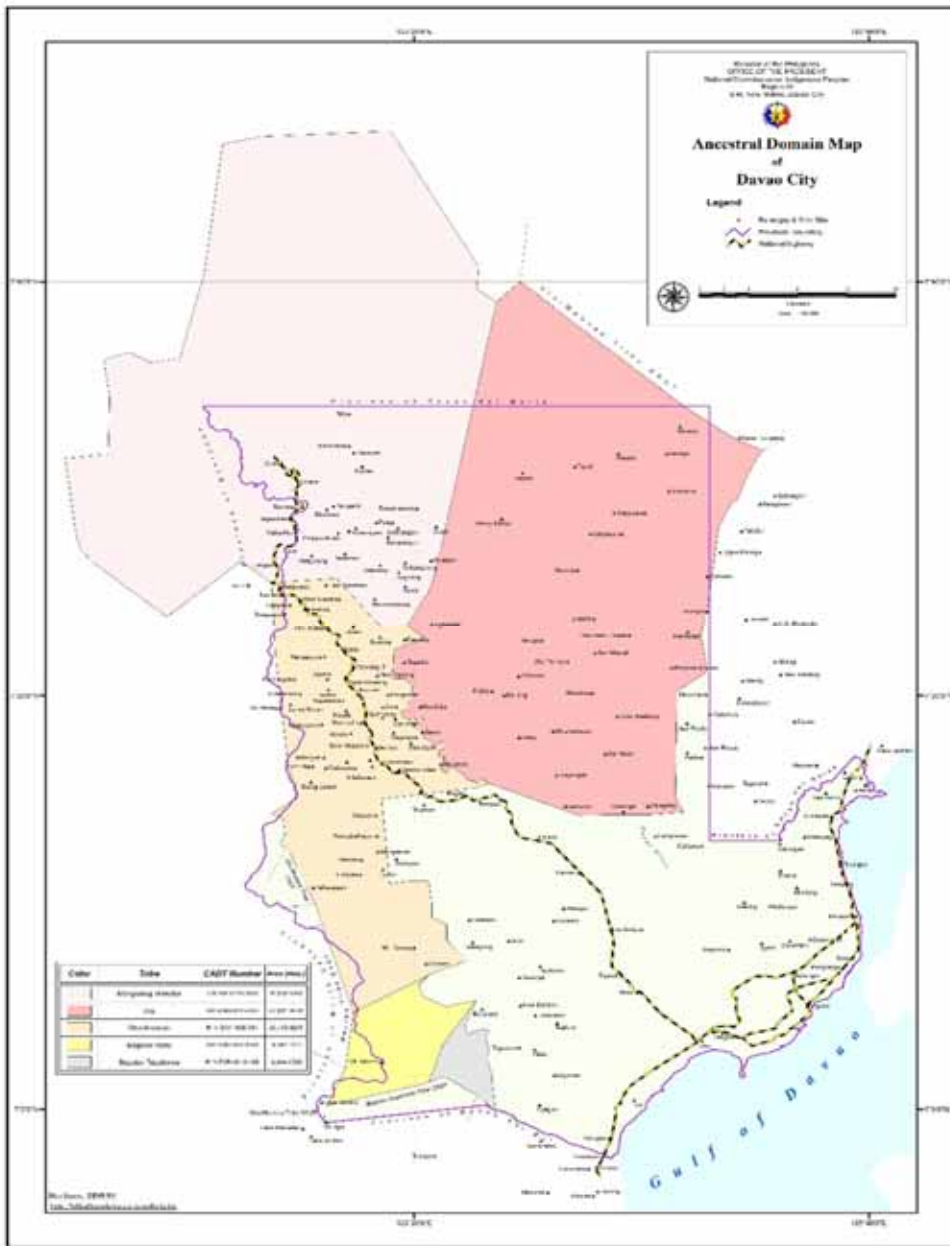


# Region XI CADT Map



## Region XI Land Area vis-a-vis AD Areas of the ICCs

LOCATION	TOTAL LAND AREA Province	AD Areas Applied For CADT (NCIP XI Target)	Ancestral Domain Delineated Areas as of May 30, 2019	Percentage on CADT applied vis-à-vis Approved CADT	Percentage of CADT vis-a-vis Land Area /Province
1. Davao City	244,361	160,000 more or less	<b>131,003.3369</b>	<b>81%</b>	<b>53%</b>
2. Davao del Sur	245,618	135,000 more or less	122,101.9309 has.	<b>90%</b>	<b>50%</b>
3. Davao del Norte	346,282	130,000 more or less	<b>117,686.5180</b> has.	<b>90%</b>	<b>34%</b>
4. Davao Occidental	216,300	180,000 more or less	<b>178,700.2068</b> has.	<b>99%</b>	<b>83%</b>
5. Davao Oriental	516,446	350,000 more or less	<b>333,745.8611</b> has.	<b>95%</b>	<b>64%</b>
6. Compostela Valley Province	466,693	333,000 more or less	<b>304,354.8828</b> has.	<b>91%</b>	<b>65%</b>
<b>TOTAL</b>	<b>2,035,700.000</b>	<b>1,288,000</b> has more or less	<b>1,187,592.7365</b> has	<b>95%</b>	<b>58%</b>



# Davao City

# DAVAO CITY

## Five (5) CADT Areas

<b>CADT No. ICCs/IPs</b>	<b>No. of Brgys. Covered</b>	<b>No. of Right Holders</b>	<b>AD Areas (Hectares)</b>	<b>STATUS</b>
1.R11-DAV-1108-091 Obu-Manuvu	12	3,208	<b>29,929.7200</b>	On going segregation
R10-KIT-0703-0011 Matigsalug-Manobo	6	2,918	<b>26,632.6500</b>	<b>Registered and awarded</b>
2. R11-DAV-0213-160 Ata	19 Dvo City 4 Dvo del Norte	3,423	<b>65,818.8400</b>	Awaiting LRA result of projection
3.R11-DAV-0514-168 Bagobo-Klata	3	4,125	<b>6,378.0865</b>	<b>Registered</b>
4. R11-TOR-0915-185 Bagobo-Tagabawa	5	4,112	<b>2,244.0725</b>	<b>For segregation</b>
<b>TOTAL</b>		<b>17,786</b>	<b>131,003.3369</b>	

# DAVAO CITY

No. Of ICCs/IPs - 5

No. of CADT Application Received – 4

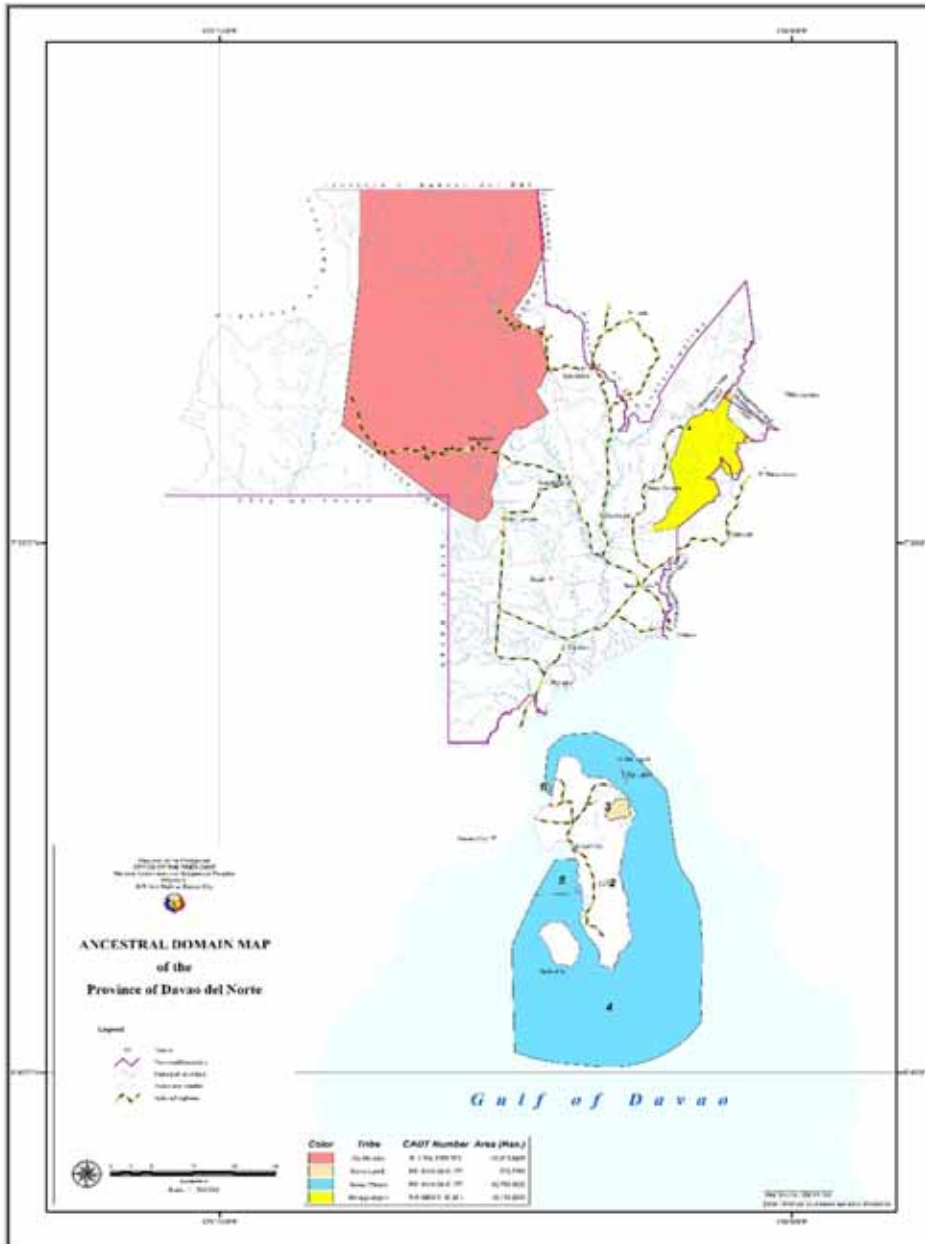
No. CADT Approved - 3

No. CADT Registered – 1

Total area AD area - **131,003.3369**



# Davao del Norte



# Davao del Norte

CADT No. ICCs/IPs	No. of Barangays covered	No. of Right Holders	CADT area (Hectares)	STATUS
1.R11-TAL-0408-071 Ata-Manobo	Kapalong-6 San Isidro-3 Sto. Tomas-2 Talaingod-3	7,006	103,610.4555	Registered and Awarded
2.R11-SAM-0415-177 Sama Tribe	Land -4 Coastal- 18	15,200	Land-972.7769has Water- 82,780.082	On going Registration
3.R11-NEW-0116-201 Manguangan	11	1,408	<b>13,103.2856</b>	<b>With CNO from DAR</b>
TOTAL		23,614	<b>117,686.5180</b>	

## Davao del Norte

No. of ICCs/IPs - 3

No. of CADT Application Received – 3

No. of CADT Approved – 2

No. of CADT Registered and Awarded – 1

Total AD Area - **117,686.5180**

# Davao del Sur

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	STATUS
1.R11-SCR-1005-034 Bagobo-Tagawa	Bansalan-10 Digos-4 Sta. Cruz-9 Davao City-1 Makilala-2	19,218	37,069.3540	With CNO from DENR & DAR R11 Awaiting issuance CNO from Region 12
2.R11-MAG-1206-052 B'laan	Magsaysay- 1	739	1,076.7577	Registered and Awarded
3. R11-MAT-1206-053 B'laan	Matanao-2	2,342	5,215.6400	For segregation
4.R11-KIB-0309-102 B'laan	2	1,984	6,549.9999	Registered and Awarded
5.R11-KIB-1213-165 B'laan	16	17,736	25,387.5694	For Segregation
6. Blaan of Magsaysay, davao del Sur	6			For perimeter survey

# Davao del Sur

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	STATUS
7. R11-MAL-0905-000049 Sta. Cruz Egalan-Gubayan CALT			701.1549	Registered
8. Bodado Calt	2 lots	97	1.5229	Approved. Awaiting DENR issuance of CNO
9. Bodoy Calt		438	11.0203	Approved during the 1 <sup>st</sup> Reading
			122,101.9309	

# Davao del Sur

No. of ICCs/IPs – 5

No. Of CADT Application Received – 6

No. of CALT Application Received - 3

No. CADT Approved – 3

No. of CADT Registered and Awarded – 2

No. of CADT Pending - 1

No. of CALT Registered and Awarded- 1

Total AD Areas – 122,101.9309

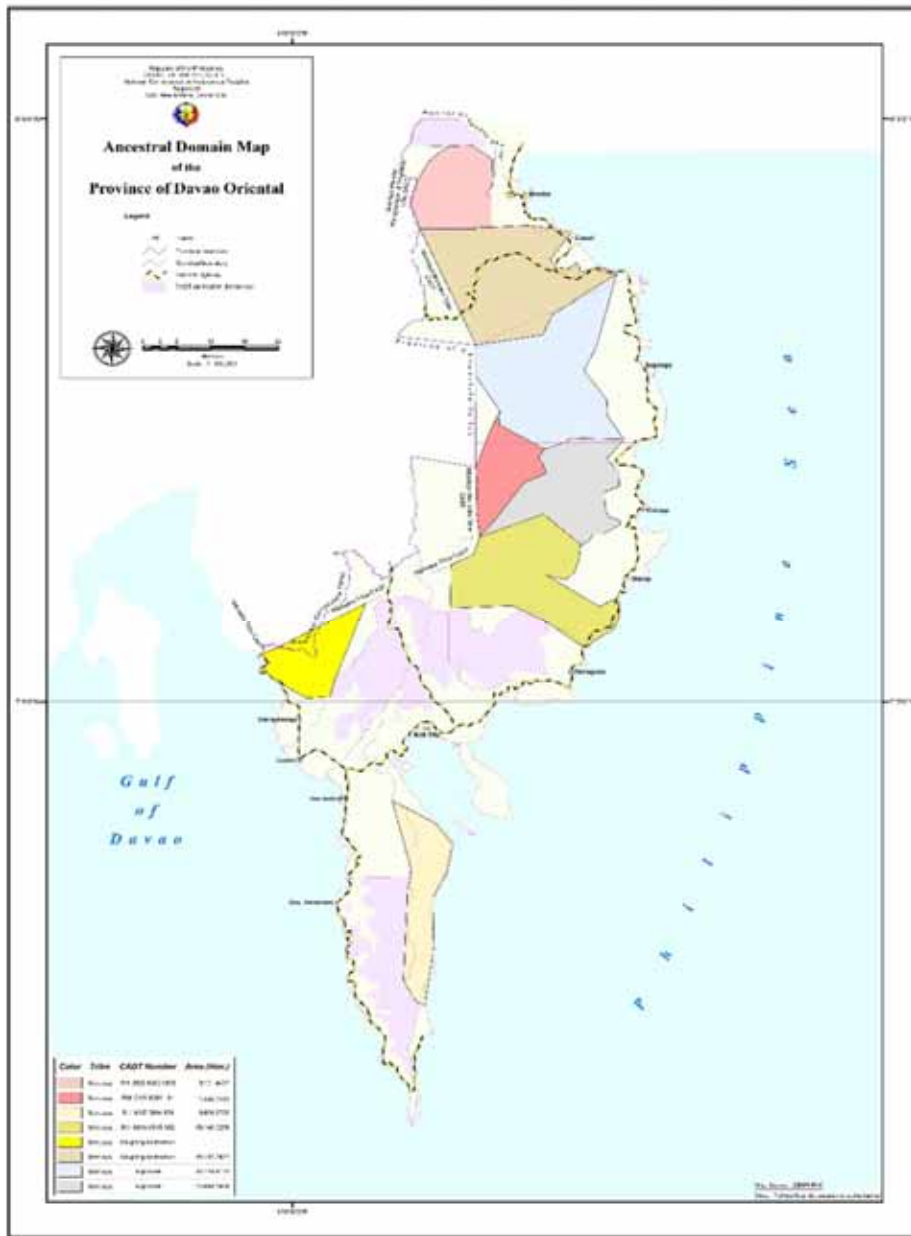
# Davao Occidental

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	
1. R11-JOS-1013-162 Blaan-Manubo	1	1,755	1,689.918	Forwarded to ADO for LRA projection
2.R11-MAL-0609-119 Tagakaolo & B'laan	10	34,805	42,435.9049	Registered
3. RII-DON-0117-213 Blaan and Manobo Don Marcelino, Davao Occidental	15	39,270	37,661.167	For projection and Segregation
4. R11-STM-1217-218 Tagakaolo	17	19,534	21,809.1650	For Projection and Segregation
5. Jose Abad Santos Blaan Manobo	15	52,089	62,143.1674 60,951.058	For CEB Reading
6. Sarangani Island Balut Island	4 8	11,355	12,960.8845 24,026.6024	For CEB Reading
7. Malita, Davao Occ.				
			178,700.2068	

# Davao Occidental

- No. of ICCs/IPs - 2
- No. of CADT Application Received - 7
- No. of CADT Approved – 4
- No. of CADT on going processed - 2
- Total AD area = 178,700.2068





# Davao Oriental

# Davao Oriental

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	STATUS
1.R11-BOS-0403-0006 Boston, Davao Oriental	6	3,259	18,480.2318	Registered and Awarded
2. R11-CAR-0309-101 So. Sangab, Brgy Pichon, Caraga Mandaya	1	2,339	14,540.32	Registered and Awarded
3. R11-MAT-0814-170 Macambol and Cabuaya Mati City	2	3,380	19,860.87 Has.	Approved . For Segregation
4. R11-MAN-0515-182 Manay, Davao Oriental	8	16,298	39,145. 53	Approved. For Segregation
5. RII-CAR-1016-208 Caraga, Davao Oriental	2	12,981	23,387.4998	With CNO issued by DAR and DENR. Awaiting LRA issuance of CNO
6. R11-BAG-1016-209 Baganga, Davao Oriental	9	12,979	46,188.4323	Approved. For segregation

## Davao Oriental

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	STATUS
7. R11-CAT-0717-216 Cateel, Davao Oriental	11	21,070	45,447.3937	For Segregation
8. Banaybanay, Mandaya	9	4,838	12,489.2271	Approved
9. Mati City, Mandaya	10		16,208.617	Approved Feb. 13, 2019
10. RII-TAR-0818-225 Mandaya	7	8,353	26,392.7642	Approved. August 15, 2018
11. Lupon Mandaya	6	9,322	34,183.1910	On going RB Compilation
12. Gov. Generoso Mandaya	13		32,060.3442	Submitted to ADO for final review
13. Banaybanay Kalagan	9	3,072	Domain -5,361.44 Water – 9,415.9473	Approved feb. 13, 2019
14. Lupon, Kagan				
15. Tarragona, Kagan				
16. Manay, Mandaya Expanded CADT 17. Mati kagan ICCs				

# Davao Oriental

No. of ICCs/IPs – 2

No. of CADT Application Received – 17

No. of CADT Approved – 9

No. of CADT Registered and Awarded- 2

No. of CADT for CEB Approval- 2

No. of CADT for delineation process – 4

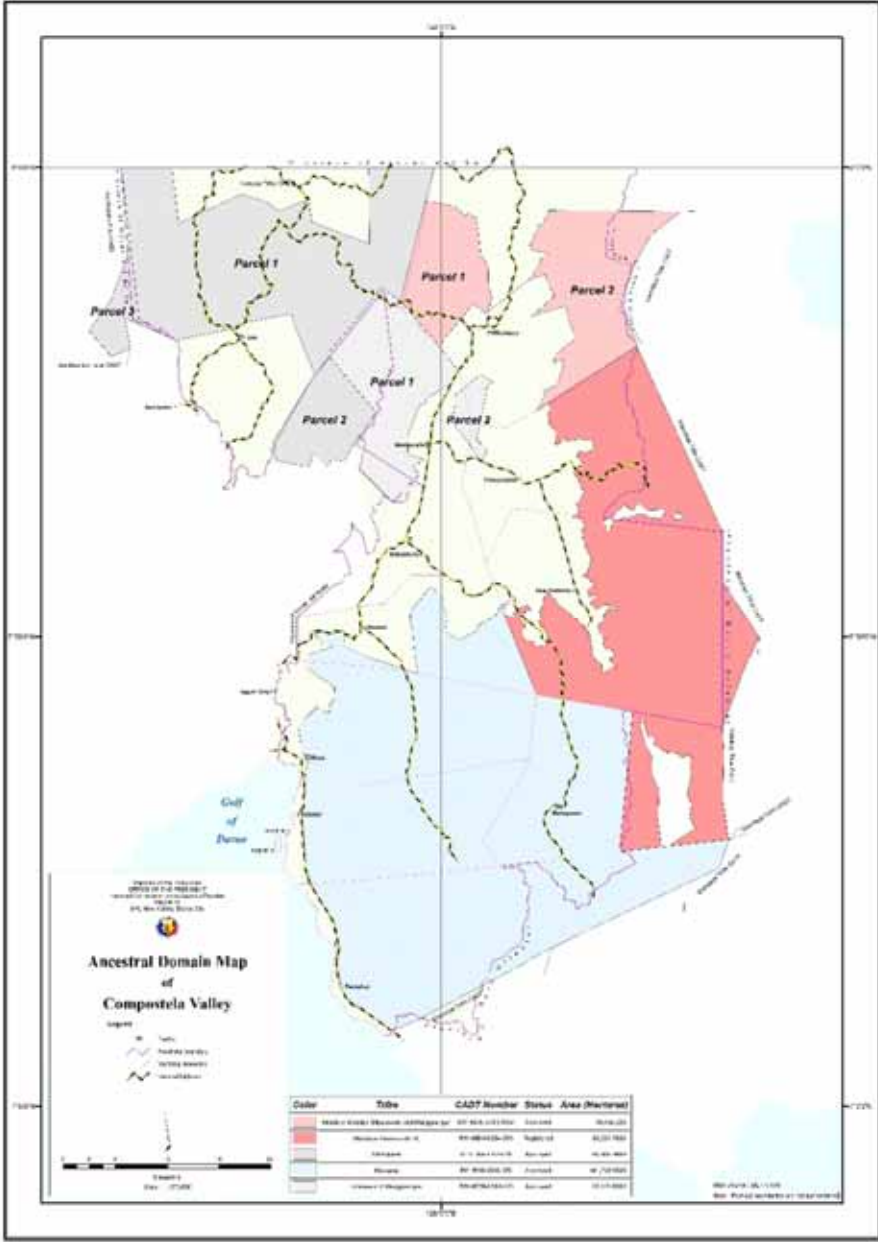
Total AD area approved –333,745.8611has.

# Compostela Valley

CADT NO. ICCs/IPs	Barangays Covered	No. of Right Holders	CADT Area (Hectares)	STATUS
1.R11-MON- 0703-007 Mandaya, Manobo, Mangguangan & Dibabawon	18	2,189	26,151.7579	For Segregation
2.R11-NEW-0204-019 Mandaya-Mansaka	Compostela-5 New Bataan-11 Maragusan -2 New Bataan-1 Lupon-1	8,443	80,265.71	Registered and awarded
3. R11-LAA-1005-035 Dibabawon ICCs	Laak-27 Asuncion-4 Kapalong -6 San isidro-3	4,705	60,967.49 Has.	For Segregation
4. R11-PAN-0908-076 Mansaka ICC	Pantukan-13 Maragusan -20 Maco-26 Mabini-8 Mawab-7 Nabunturan-6	14,076	108,134.4083	Registered and awarded
5. R11-MON-0309-103 Dibabawon- Mangguangan	Montevista-18 Monkayo-3 Asuncion-1	29,272	20,087.33 00	On going segregation
6. Kagan CADT Application (Ancestral Water)	24 barangays	6,374	Domain- 8,748.1866 Water-13,088.2268	Approved Feb. 13, 2019
Total				

# Compostela Valley

- No. of ICCs/IPs -6
- NO. of CADT application received – 6
- No of CADT Registered and Awarded – 2
- No. of CADT approved - 4
- Total AD area – 304,354.8828
- Total Water - 13,088.2268



# Compostela Valley

# Summary

Total No. of CADT Application received	43
Approved CADTs	24
Registered and Awarded CADT	9
Total no of CALT application received	3
Approved CALT	2
CALT for approval	1
<b>TOTAL AREA DELINEATED</b>	<b>1,187,592.7365 has</b>



## FORMULATED ADSDPP PER PROVINCE

PROVINCE	ADSDPP
COMVAL	13
DAVAO DEL NORTE	5
DAVAO ORIENTAL	12
DAVAO CITY	5
DAVAO DEL SUR	6
DAVAO OCCIDENTAL	4
TOTAL	46

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# INTEGRATED ANCESTRAL DOMAIN DEVELOPMENT APPROACH (IADDA) SITES

Tribe	Location
Ata ICCs/IPs	Sitio Paraiso, Brgy. Tapak, Paquibato District, Davao City
Bagobo Tagabawa ICCs/IPs	Brgy. Tungkalan, Toril District, Davao City
Obu-Manuvu ICCs/IPs	Sitio Luyan, Tambobong, Baguio District, Davao City
Bagobo Tagabawa ICCs/IPs	Sitio Ararat, Brgy. Alegria, Bansalan, Davao del Sur
Blaan ICCs/IPs	Brgy. Little Baguio, Malita, Davao Occidental
Tagakaulo ICCs/IPs	Brgy. Kidadan, Sta. Maria, Davao Occidental
Ata-Manobo ICCs/IPs	Sitio Talos, Brgy. San Jose, Sto. Tomas, Davao del Norte
Ata-Manobo ICCs/IPs	Brgy. Kampina, Kapalong, Davao del Norte
Mansaka, Mandaya, Dibabawon, Manguagan ICCs/IPs	Upper Ulip, Monkayo, Compostela Valley

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# OTHER RELATED PROGRAMS & PROJECTS

- Educational Assistance Program
- Tabang PaEskwela sa Tribo Project
- Adopt-A-Tree Activity
- IP Civil Registration
- IP Legal Assistance
- IPS Documentation
- IKSP Documentation
- Medical Assistance
- Issuance of COCs, COAs
- IPMRs

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# *Daghang Salamat!*



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