



Republic of the Philippines
PROVINCE OF NUEVA ECIJA
Provincial Capitol Bldg.
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF THE 25TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA HELD VIA ZOOM, VIRTUAL ONLINE SESSION, ON

JUNE 29, 2021

PRESENT:

VG. EMMANUEL ANTONIO M. UMALI	- Vice Governor (P.O.)
BM. TERESITA A. PATIAG	- Member
BM. JO-MARIO ANGELO E. MATIAS	- Member
BM. EDUARDO JOSE B. JOSON, VII	- Member
BM. ERIC DANIEL F. SALAZAR	- Member
BM. JOSEPH R. ORTIZ	- Member
BM. BELINDA E. PALILIO	- Member (President-PCL)
BM. ARIEL L. MATIAS	- Member (President-Liga ng mga Barangay)
BM. MARY SWEET LIBERTY N. CRUZ	- Member (President-SK Federation)
BM. EMMANUEL B. DOMINGO	- Member (IPMR)

ABSENT:

BM. RAFAEL ANDREW R. VILLANUEVA	- Member
BM. EMARY JOY D. PASCUAL	- Member
BM. NAPOLEON P. INTERIOR, JR.	- Member
BM. ROSELLER T. DE GUZMAN	- Member
BM. ESMERALDO B. ABALOS	- Member

ORDINANCE NO. 24-S-2021

AN ORDINANCE PROHIBITING THE SELLING, TRANSFER, DISPOSAL AND DESTRUCTION OF LANDS WITHIN THE ANCESTRAL DOMAINS IN THE PROVINCE OF NUEVA ECIJA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

Introduced by: *Board Member Emmanuel B. Domingo*

WHEREAS, the 1987 Constitution recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development;

WHEREAS, it is also declared the policy of the state to protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being;

WHEREAS, Republic Act No. 8371, promulgated on October 29, 1997, otherwise known as "The Indigenous Peoples' Rights Act of 1997";

WHEREAS, the same Republic Act created the National Commission on Indigenous Cultural Communities/Indigenous Peoples (NCCP/NCIP) which was the

primary government agency responsible for the formulation and implementation of policies, plans and programs to promote and protect the rights and well-being of the ICCs/IPs and the recognition of their ancestral domains as well as their rights thereto;

WHEREAS, Section 5 of RA No. 8371 provides that, Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC's/IP's private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights;

WHEREAS, it has come to the attention of the NCIP that selling of portions of ancestral domains is still continuing despite their efforts in educating and inculcating the nature of ownership of the indigenous peoples to their ancestral domain;

WHEREAS, NCIP issued National Advisory No. NA-2020-08-001 Series of 2020, advising to stop, prohibit and report any transaction, dealing, negotiation of selling and transfer of lands within the ancestral domains;

WHEREAS, the Sangguniang Panlalawigan of Nueva Ecija adheres to the protection of the rights of the indigenous people to their ancestral domains;

WHEREAS, on motion of Board Member Emmanuel B. Domingo duly seconded by all members present,

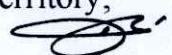
BE IT ENACTED, AS IT IS HEREBY ENACTED, BY THE SANGGUNIANG PANLALAWIGAN, IN SESSION DULY ASSEMBLED, BY VIRTUE OF THE POWERS VESTED IN IT BY LAW, THAT:

SECTION 1. *Short Title.*– This ordinance shall be known as “*The Protection of Ancestral Domains in the Province of Nueva Ecija*”.

SECTION 2. *Declaration of Policy.*– It is hereby declared the policy of the Provincial Government of Nueva Ecija to protect the rights of the indigenous people in the province, by prohibiting the selling, transfer, disposal and destruction of lands within the ancestral domains.

SECTION 3. *Definition of Terms.* – As used in this Ordinance, the following definitions shall apply:

- a. Ancestral Domain/Land – area/land generally belonging to an indigenous cultural community or indigenous people (ICC/ IP);
- b. 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 the law;
- c. Certificate of Ancestral Lands Title (CALT) – refers to a title formally recognizing the rights of ICCs/IPs over their ancestral lands;
- d. Communal Claims – refer to claims on land, resources and rights thereon, belonging to the whole community within a defined territory;

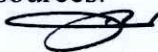


- e. Customary Laws – refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs;
- f. Delineated Land – refer to ancestral domain/land in which exact borders or boundaries were marked;
- g. Indigenous Cultural Communities/Indigenous Peoples – refer to a group of people or homogenous societies identified by self-ascription and ascription by other, 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 customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, 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;
- h. National Commission on Indigenous Peoples (NCIP) – refers to the agency of the National Government that is responsible for protecting the rights of the indigenous peoples of the Philippines;
- i. Native Title – refers to pre-conquest rights to lands and domains which, as far back as memory reaches, have been held under a claim of private ownership by ICCs/IPs, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish Conquest;
- j. Time Immemorial - refers to a period of time when as far back as memory can go, certain ICCs/IPs are known to have occupied, possessed in the concept of owner, and utilized a defined territory devolved to them, by operation of customary law or inherited from their ancestors, in accordance with their customs and traditions.

SECTION 4. *Composition of Ancestral Lands/Domains.*—Ancestral Domains/Lands are all areas generally belonging to the ICCs/IPs, owned, occupied or possessed by themselves or through their ancestors, communally or individually since time immemorial.

Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.

Ancestral domain consists of lands, inland waters, coastal areas, minerals and other natural resources.




Lands within ancestral domains shall include, but not limited to, ancestral lands, forests, pasturelands, residential lands, agricultural lands, hunting grounds, burial grounds, worship areas, land no longer occupied by the ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators, and other lands individually owned whether alienable and disposable or otherwise. Ancestral land shall consist of, but not be limited to, residential lots, rice terraces or paddies, private forests, swidden farms, and tree lots. Provided that property rights within the ancestral domains already existing and/or vested upon effectivity of the Act, within ancestral domains/lands, shall be respected and recognized.

Inland waters and coastal areas include fishing grounds, collecting grounds, and bodies of water.

SECTION 5. *Recognition of Ancestral Domain and Land Rights.* The rights of the ICCs/IPs to their ancestral domains and lands are recognized by virtue of a native title. Native titles to ancestral domains and lands may be formally established through a corresponding Certificate of Ancestral Domain Title (CADT) or Certificate of Ancestral Land Title (CALT) issued by the NCIP.

SECTION 4. *Prohibited Acts.* – All areas within ancestral domains, whether delineated or not, **cannot be sold, transferred, disposed nor destroyed;**

The selling and transfer of lands within the ancestral domains is hereby prohibited. This also includes the following prohibited acts:

- a. Facilitating, dealing and negotiating transactions involving the transfer and sale of portions of the ancestral domain;
- b. Signing of documents of transfer or sale as witness;
- c. Notarizing Deed of Sales and Transfers of Rights and other related documents;

Areas and resources in the domains are deemed destroyed on account of the following activity conducted or applied:

- a. The area or resource could no longer serve its normal or natural functions; or
- b. That the area or resource is used in a manner not consistent with customary laws or agreements of the indigenous peoples concerned; or
- c. That the area or resource is used or gathered in a wasteful or excessive manner resulting to irreversible loss or irreparable damage;

Unauthorized and unlawful intrusion upon, or use of any portion of the ancestral domain is also prohibited.

SECTION 5. *Exception.* – Transfer of rights of land or property within the ancestral domain is allowed given that said transfer is to/among members of the ICCs/IPs, subject to customary laws and traditions of the communities concerned;

SECTION 6. *Reporting Violations of this Ordinance.* – The City/Municipal Governments and the Barangays, as well as Notary Publics and Realtors are hereby advised to report to the NCIP Regional Office, Provincial Offices and Community Service



Centers any transaction involving the sale, transfer, disposal and destruction of ancestral domains and any illegal intrusion into the ancestral domains.

Any person who has knowledge of any violation of this ordinance is also enjoined to report to the NCIP.

SECTION 7. Penalties. – Any person violating the provisions of this Ordinance shall upon conviction thereof, be penalized accordingly:

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| First Offense | – Fine of Two Thousand Pesos (P2, 000.00) or one (1) month imprisonment; |
| Second Offense | – Fine of Three Thousand Pesos (P3, 000.00) and one (1) month imprisonment; |
| Third Offense | – Fine of Five Thousand Pesos (P5, 000.00) and imprisonment of not less than one (1) month but not exceeding six (6) months. |

SECTION 8. Repealing Clause. –All existing ordinances inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 9. Separability Clause. – Should any provision of this Ordinance be subsequently declared unconstitutional or invalid, the other provisions not affected by such declaration shall remain in full force and effect.

SECTION 10. Effectivity. – This Ordinance shall take effect fifteen (15) days after it has been published in a local newspaper of general circulation within the territorial jurisdiction of the province.

APPROVED, June 29, 2021.

~~I HEREBY~~ certify to the correctness of the foregoing ordinance.

ATTY. NORBERTO D. CORONEL
Secretary to the Sangguniang Panlalawigan.

ATTESTED:

EMMANUEL ANTONIO M. UMALI
Vice Governor/Presiding Officer

Approved:

AURELIO M. UMALI

Governor
Date: JUL 02 2021