



**Republic of the Philippines**  
**DEPARTMENT of AGRARIAN REFORM**

**MEMORANDUM CIRCULAR NO. 08**  
Series of 2008

**SUBJECT : Restructuring the Indigenous Communities Affairs Unit (ICAU)**  
**Within the DAR Support Services Office**

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**A. Prefatory Statement**

Asset reform is one of the underlying principles being espoused under the Comprehensive Agrarian Reform Law (CARL) of 1988, or RA No. 6657, and the Indigenous Peoples Rights Act (IPRA) of 1997, or RA No. 8371, to promote social justice and equity. The manner of their implementation only differs in terms of strategies as they operate in different setting and modes of property regime transaction. Even with these seeming strategic differences, however, the delimitation of scope or coverage of certain landholdings for disposition to qualified beneficiaries has become one of the sources of conflict between the Department of Agrarian Reform (DAR) and the National Commission on Indigenous Peoples (NCIP). Each of this agency would lay claim that it has jurisdiction over these landholdings and would assert that it has legal bases to distribute the same to their respective beneficiaries. The problem on jurisdiction may arise due to differing interpretation of statutes or policies or due to inadequacy of guidelines that can serve as the framework for the resolution of issues at hand. Meanwhile, the distribution of the said landholdings to qualified beneficiaries was unnecessarily delayed which consequently affected their welfare.

In some cases, conflict would arise between and among the beneficiaries themselves due to boundary conflicts, or between the beneficiaries and land developers due to potential hazards which the purported development may bring to the community and the environment. On the other hand, there is also the persistent clamor among the indigenous peoples (IPs) who have been issued with Certificates of Landownership Award/Emancipation Patents (CLOAs/EPs) to include them in the package of support services being delivered by DAR.

Given the complexities and nature of the problems in dealing with the IPs, the DAR management has seen the need to address the aforesaid issues in a holistic approach rather than on a "piecemeal" or on a "need-basis". The Secretary has designated the Undersecretary for Support Services (SSO) as the "overall in-charge of all matters related to indigenous peoples requiring the DAR's participation, involvement, and assistance, specifically in land transfer, provision of support services and delivery of agrarian justice". In support of this mandate, the Secretary also issued MC No. 04, Series of 2008, which created the Indigenous Community Affairs Unit (ICAU) within the SSO to provide the overall staff support to the Undersecretary in carrying out her duties and responsibilities as the overall in-charge of IP matters within DAR.

With the transfer of the NCIP to the Department of Environment and Natural Resources (DENR), through Executive Order No. 726, the need to institutionalize the structure of ICAU within DAR to address IP concerns within CARP areas has been more pronounced than ever. Because with or without the attachment of NCIP to DAR, IP-related issues on land tenure improvement (LTI), program beneficiaries development (PBD) and agrarian justice delivery (AJD) will continue to subsist unless and until they are squarely and adequately addressed by DAR.

It is in the aforesaid context that the MC which created the ICAU is herein revised to make its functions and structure more attuned to recent developments.

## **B. Coverage**

The coverage or scope of work of ICAU shall only be limited to CARP-related issues on LTI, PBD and AJD involving the IPs who have been issued and/or (refused) to be issued with CLOAs and EPs.

## **C. Functions and Structure of the ICAU**

The ICAU shall basically provide the overall staff support to the Undersecretary for SSO in pursuit of her mandate as the "overall in-charge" of IP matters within DAR. In this capacity, the core functions of ICAU will revolve around the following: 1) policy formulation; 2) conflict

resolution; and 3) plans and programs formulation. Given these core functions, the organizational structure as well as the major final outputs of ICAU are hereby revised as follows:

## **1. CARL-IPRA Harmonization Section**

As provided under MC No. 14, Series of 2004 (Institutionalizing the Policy Formulation Process and Delineating the Responsibilities, Scope of Work and Accountability of Concerned DAR Units Involved in Policy Formulation, and Providing for the Procedures and Systems for the Approval of Policy Issuances), the concerned units at the DARCO have been clothed with the inherent authority to formulate policies on subject matters which are within the ambit of their regular functions.

Under the aforementioned framework of MC No. 14, Series of 2004, the CARL-IPRA Harmonization Section shall be responsible for bringing the CARL in operational agreement with the IPRA and work out guidelines on IP-beneficiaries' LTI, PBD and AJD in close coordination with the Guidelines Drafting Committee (GDC) and concerned offices of DAR (e.g., FOO, PPEAO, and LAO). The scope of this function shall be limited to policy issues which concern the IPs within CARP areas.

The major final output of this Section shall be the issuance of policy guidelines in the form of Orders and Circulars and formulation and submission of position papers on certain policy issues involving the IPs within the CARP areas.

## **2. Conflict Resolution Section**

The Conflict Resolution Section shall be responsible for initiating the resolution of conflicts which may arise due to legal, technical, administrative or institutional problems or a combination of these issues. Only those issues, however, which were elevated to the DAR central office or those which were covered with instructions from the Secretary shall be taken cognizance of by ICAU involving the concerns of IPs within CARP areas.

Under this function, the roles of ICAU shall be facilitative and coordinative in nature as the resolution of these issues may not necessarily fall within the sole purview of DAR. Thus, it will need a lot of coordination and forging of linkages with other government and non-government entities. For instance, technical issues like boundary conflicts will be referred to the Field Operations Office for the conduct of appropriate relocation survey. In case of problems which will require inter-agency inputs, the matter will be taken up with the CARP Implementing Teams (CITs) either at the field or central level. The PARC may also be requested to tackle issues which cannot be resolved within the hierarchy of the CITs.

The major final output of this Section shall be the number of conflicts or issues which have been coordinated and/or resolved in collaboration with other concerned government and non-government units.

### **3. Culturally Appropriate Services Section**

The Culturally Appropriate Services Section shall be responsible for the following: a) formulation of the annual Work and Financial Plans of ICAU; b) provision of technical inputs in the preparation of medium-term plans concerning the IPs within the CARP areas for consolidation by the Planning Service of DAR; c) monitoring of issues being handled by ICAU; d) identification and launching of IPs' Special Agrarian Reform Communities (SARCs) in accordance with MC No. 02, Series of 2007; e) delivery of appropriate support services to IP beneficiaries; f) development of agribusiness venture within IP SARCs and other lands of the IP beneficiaries; and g) preparation of sectoral accomplishment reports for consolidation by the SSO proper.

The packaging of programs and projects shall be the responsibility of the concerned units within the SSO proper.

The major final outputs of this Section shall include the number of work and financial plans and medium term plans formulated for the

IPs, number of SARCs identified and launched, and the number of agribusiness ventures developed for the IPs within SARCs and other tribal lands in coordination with the concerned field units of DAR and other concerned government agencies.

#### **4. Database/Administrative Section**

The Database/Administrative Section shall be responsible for establishing the benchmark data for the IPs within the CARP areas and for providing the administrative support to the operations of the ICAU. This unit shall formulate the variables which will be the bases for the gathering and establishing the database of ICAU. This Unit shall closely coordinate with the Management Information Service (MIS) in terms of formulating the database system for ICAU.

#### **D. Organizational Structure and ICAU**

The location of ICAU within the SSO structure is shown in Figure 1 while its organizational structure is shown in Figure 2.

#### **E. Funding Support and Personnel Complement**

The funding support for the operation and maintenance of the ICAU shall be sourced from the budget of the Office of the Undersecretary for Support Services, and shall be reflected in the OUSS' Work and Financial Plan (WFP).

The personnel complement of ICAU shall be maintained per existing Special Orders which governed the assignment or detail of these personnel to ICAU.

#### **F. Repealing Clause**

All Orders and Circulars inconsistent herewith are hereby revoked, superseded or modified accordingly.

**G. Effectivity**

This Circular shall take effect immediately.

21 July 2008, Diliman, Quezon City.



**NASSER C. PANGANDAMAN**  
Secretary

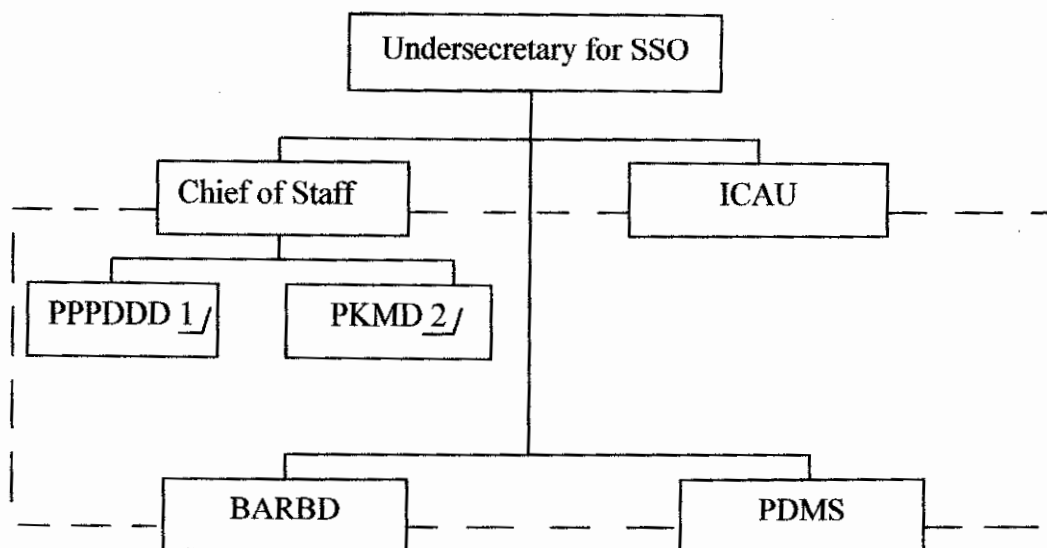
Department of Agrarian Reform  
Office of the Secretary



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**Figure 1. Location of Indigenous Communities Affairs Unit (ICAU) within the SSO Organizational Structure**



1/ PBD Policy, Plans, Partnership Development Division

2/ PBD Knowledge Management Division

**Figure 2. Organizational Structure of ICAU**

