

**SUPPORT TO PARCELIZATION OF
LANDS FOR INDIVIDUAL TITLING
(SPLIT)
P172399**

**Indigenous Peoples Policy Framework
(IPPF)**



Republic of the Philippines
DEPARTMENT OF AGRARIAN REFORM
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SUPPORT TO PARCELIZATION OF LANDS FOR INDIVIDUAL TITLING (SPLIT) PROJECT
Indigenous Peoples Policy Framework
(IPPF)

EXECUTIVE SUMMARY

The Support for Parcelization of Lands for Individual Titling (SPLIT) project is a project of DAR which has been considered for World Bank financing. The project involves subdivision of collective land titles (CCLOAs) into individual land titles (CLOAs). This Indigenous Peoples Planning Framework (IPPF) is being prepared as part of the Environmental and Social Management Framework (ESMF) of SPLIT to address the presence of members of indigenous cultural communities/indigenous peoples (ICC/IPs) in some of the CCLOA sites to be covered by the project. The framework draws from the existing country laws on indigenous peoples and the World Bank standards on indigenous peoples (ESS7) and sets out the processes, procedures and requirements for engaging the ICC/IPs to meaningfully participate in the project activities on the ground, and, also to secure, when required, their free and prior informed consent (FPIC).

The ICC/IP-related issues include: (i) overlaps of some CCLOAs with the ancestral domain (AD) of some ICC/IP groups which makes the parcelization and individual titling activity subject to the Free and Prior Informed Consent (FPIC) requirement of NCIP; and, (ii) the presence of ICC/IP members among the ARBs, successor owner-claimants and/or the current occupants/tillers of the lands in CCLOAs outside of ADs which means the members ICC/IP may be affected by the parcelization.

The laws in the Philippines adequately cover the key elements of the World Bank's ESS7, except that the Indigenous Peoples Rights Act (IPRA)'s requirements apply only when the project is inside recognized ancestral domains of ICC/IPs whereas the ESS7 requirements would apply whenever ICC/IPs are present in project areas. The project will fully abide by the IPRA when the CCLOA overlaps with any ICC/IP's Ancestral Domain and will be guided by ESS7 for CCLOAs inside as well as outside of Ancestral Domains. Regarding the potential legal issue of CCLOA overlaps with Ancestral Domain, the project will be guided by the Joint Administrative Order No. 1-2012 of DAR, DENR, LRA and NCIP.¹ The JAO clarifies that all lands which have been covered by titles issued by DAR before AD declaration must be excluded and segregated in the delineation of the AD/ALs. This is consistent with the IPRA.

The process for dealing with the ICC/IP issues at each CCLOA takes off from the Rapid Assessment and ES Screening (as described in the ESMF). If the approved ES Screening Form indicates the potential overlap of CCLOA with AD or presence of ICC/IP members meeting the ESS7 criteria among the ARBs, successors and occupants of the CCLOA, then the following steps will be undertaken by the CCLOA team (Provincial and Municipal Safeguards Focal Persons) with the close technical assistance of the Regional Safeguards Team:

1. Social Assessment of the IP Issues. A Social Assessment (SA) on the IP issues will be undertaken using the methodology, including the Template in Attachment 1, provided in this IPPF. The assessment will result in either a finding of no ICC/IP issues (i.e. the screening incorrectly identified indigenous peoples), or a categorization of the CCLOA into one of the following:

¹ The agencies are currently negotiating revisions to the JAO.

Case Ia. The CCLOA overlaps with ancestral domain (AD) and the CCLOA or its derivative rights document/title was issued after the ancestral domain was proclaimed, and the CCLOA issuance process was not cleared with NCIP.

Case Ib: The CCLOA overlaps with ancestral domain and the CCLOA or its derivative property rights title were issued after the ancestral domain has been proclaimed, and the CCLOA had been cleared by NCIP.

Case II. The CCLOA overlaps with AD but the CCLOA or its derivative property rights document/title was issued before the AD was proclaimed.

Case III. The CCLOA does not overlap with any AD of ICC/IP but there are members of the ICC/IP among the ARBs, successor owner-claimant, and occupant/tiller of the lands in the CCLOA.

2. Internal Review, Management Decision and Action. The SA report of Case I and Case II CCLOAs will be submitted to the Central ESSU who will conduct a thorough review of the cases and present them to management for further deliberation and action which may involve consultations with NCIP.
3. ICC/IP consultation and planning/FPIC process. For CCLOA Cases I and II that would undergo FPIC under ESS7 and IPRA, the CCLOA team will follow the detailed procedures in the NCIP Admin Order No. 3 Series of 2012 (Revised Guidelines for FPIC). For Case III the CCLOA team will undertake IP Planning, following the template provided in this IPPF. In both cases, the Regional Safeguards Team shall closely assist the CCLOA Team in the conduct of the participatory planning and/or FPIC.
5. Implementation of the IP Plan and FPIC Memorandum of Agreement.
6. Monitoring and Evaluation. As part of the M&E, the CCLOA Team will include status of the IP Plan and FPIC activities in its quarterly reports to the Regional Safeguards Team in accordance with the ESMF. The Central and Regional Safeguards Team may conduct random visits on the CCLOA sites in coordination with NCIP.

The institutional arrangements and capacity building for IP issues are incorporated in the ESMF. The cost of the implementation of this IPPF is estimated at PhP40 million, around \$785,000.

ACRONYMS

AD - Ancestral Domain
ADO - Ancestral Domain Office (of NCIP)
ADSDPP - Ancestral Domain Sustainable Development and Protection Plan
AL - Ancestral Land
AO - Admin Order
ARB - Agrarian Reform Beneficiaries
CADT - Certificate of Ancestral Domain Title
CALT - Certificate of Ancestral Land Title
CARL - Comprehensive Agrarian Reform Law
CARP - Comprehensive Agrarian Reform Program
CCLOA - Collective CLOA
CLOA - Certificate of Land Ownership Award
CNO - Certificate of No Overlap
CP - Certificate of Precondition
DAR - Department of Agrarian Reform
DENR - Department of Environment and Natural Resources
EP - Emancipation Patent
ESA - Environmental and Social Assessment
ESMF - Environmental and Social Management Framework
ESMP - Environmental and Social Management Plan
ESSU - Environmental and Social Safeguards Unit
FPIC - Free and Prior Informed Consent
ICC/IP - Indigenous Cultural Communities/Indigenous Peoples
IPPF - Indigenous Peoples Planning Framework
IPRA - Indigenous Peoples Rights Act
JOA - Joint Administrative Order
LAO - Legal Affairs Office (of NCIP)
LGU - Local Government Unit
LRA - Land Registration Authority
NCIP - National Commission on Indigenous Peoples
PMO - Project Management Office
PSC - Project Steering Committee
RA - Republic Act
RPF - Resettlement Policy Framework
RRT - Regional Review Team
SA – Social Assessment

N.B: The following pairs of terminologies mean the same and have been used interchangeably throughout this document.

1. "Collective CLOA" and "Mother CLOA"
2. "Acts" and "Laws"
3. "ARBs" and "CARP beneficiaries"

TABLE OF CONTENTS

Executive Summary	ii
Acronyms	iv
Table of Contents	v
List of Tables	v
List of Boxes	vi
List of Figures	vi
I. Introduction	1
Purpose.....	1
Guiding Principles	1
II. Project Description	2
III. Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs) in the Philippines	3
ICC/IPs in CARP and Project SPLIT Areas	4
IV. Legal Framework.....	6
The 1987 Philippine Constitution	6
The Philippine Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)	7
NCIP Administrative Order No. 3 Series of 2012 (Revised Guidelines for Free and Prior Informed Consent)	8
Joint Administrative Order No. 1 S of 2012 of DAR, DENR, LRA and NCIP	15
The World Bank ES Standard 7 (Indigenous Peoples).....	17
Gap Analysis	18
V. Potential Risks and Impacts to ICC/IPs	20
Presence of ICC/IPs in CCLOA Areas	20
Legal Issue on CCLOAs inside Ancestral Domain of ICC/IPs	21
Potential Adverse Impacts of Parcelization of Collective CLOAs to ICC/IPs.....	23
VI. Attitudes Toward The Project.....	24
VII. ICC/IP Planning Framework to be Adopted in SPLIT.....	25
VIII. Implementing/Internal Control Process	27
Social Assessment and Planning Process for CCLOAs involving ICC/IPs	27
External Review.....	30
IX. Institutional Arrangements and Capacity Building	31
X. Cost Estimate.	31
IX. Grievance Redress Mechanism.....	31
References	32
Attachments	33
IPPF Attachment 1: Social Assessment for IP Issues	33
Attachment 2: IP Plan (World Bank ESS7).....	37
Attachment 3: Listing of Grievance Officers	41

LIST OF TABLES

Table 1. CCLOAs with likely overlap in Ancestral Domain of ICC/IPs and estimated number of IP-ARBs.....	6
Table 2. Comparison of the key requirements of WB ESS7 and the Philippines IPRA.....	19

LIST OF BOXES

Box 1. Categories of Projects and FPIC Process Requirements	10
Box 2. IPRA's FPIC Process for Non-Extractive/Small Scale Projects in the Ancestral Domain.....	14
Box 3. Validation Process for Projects/Activities which do not require the IPRA FPIC process.....	15

LIST OF FIGURES

Figure 1. The Free and Prior Informed Consent Process for Extractive/Intrusive/Large Scale Projects (Source: NCIP Region XII).....	11
Figure 2. The Free and Prior Informed Consent Process for Non-Extractive Small-Scale Activities based on NCIP AO No. 3 Series of 2012 (Source: NCIP Region XII).....	14

SUPPORT TO PARCELIZATION OF LANDS FOR INDIVIDUAL TITLING (SPLIT) PROJECT

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I. INTRODUCTION

1. The Support for Parcelization of Lands for Individual Titling Project (SPLIT) involves the subdivision of collective land titles (also called Collective Certificate of Land Ownership Award, or CCLOAs) into individual titles (or CLOAs). Collective CLOAs (CCLOAs) were issued under the Comprehensive Agrarian Reform Program (CARP) instituted in 1988 as part of the strategy to fast track the redistribution of lands to farmer beneficiaries during the 1990s and early 2000s but subdividing them into individual parcel titles had been a slow process. SPLIT is designed to facilitate the parcelization of CCLOAs and issuance of individual CLOAs to the Agrarian Reform Beneficiaries (ARB).

2. The Bank-financed project is required to comply with the World Bank Standards under the new World Bank Environmental and Social Framework (ESF). The Environmental and Social Assessment (ESA) conducted on the project indicates the presence of indigenous peoples, referred to in the Philippines as Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs)² in some of the CCLOA areas to be covered by the project. This Indigenous Peoples Planning Framework (IPPF) is being prepared as part of the Environmental and Social Management Framework (ESMF) of SPLIT to address the presence of indigenous peoples in some of the CCLOA sites to be covered by the project. It draws from the existing country laws on indigenous peoples and the World Bank standards on indigenous peoples (ESS7) and sets out the processes, procedures and requirements for engaging the ICC/IPs to meaningfully participate in the project activities on the ground and also to secure, when required, their free and prior informed consent (FPIC) regarding project activities that affect them.

Purpose

3. This framework will supplement the Project's ESMF, Stakeholder Engagement Plan and Resettlement Policy Framework (RPF) and will provide guidance to project management and staff on issues related to the presence of ICC/IPs in the CCLOA areas. This IPPF sets out the policies, processes and procedures for enhancing project benefits and addressing potential risks and impacts of the project to ICC/IPs to ensure that they are informed, consulted and mobilized to participate in project activities and processes.

Guiding Principles

4. The IPPF is guided by the following principles:

² A World Bank assessment of the Philippines framework for indigenous peoples did not find any inconsistency in the application of the concept of indigenous peoples between the Bank and the Government of the Philippines; Philippines Indigenous Peoples Rights Act: Legal and Institutional Frameworks, Implementation and Challenges, the World Bank, April 2007 (see further discussion below).

- a. The project shall ensure that indigenous peoples are fully informed and adequately consulted about the project activities, including its impacts and implications to their way of life, customs, traditions and cultural heritage. The local project teams shall ensure at all times that development processes implemented by the Project foster full respect for the indigenous peoples' dignity and human rights.
- b. The project will not conduct any project activities within ICC/IP territories without their broad community support and/or consent.
- c. The participation of the ICC/IP communities in the planning and implementation of the titling process by which they arrive at a consensus shall be documented.

II. PROJECT DESCRIPTION

5. The Support to Parcelization of Lands for Individual Titling (SPLIT) Project involves the parcelization or subdivision of Collective Certificate of Land Ownership Awards (CCLOAs) into individual titles of agrarian reform beneficiaries (ARBs) in 78 provinces spread in 15 regions nationwide. Collective CLOAs were largely issued in the 1990s to expedite land redistribution under the Comprehensive Agrarian Reform Program (CARP) instituted in 1988 through Republic Act 6657, with the intention of later subdivision and individual titling. As of end-2018, DAR has distributed more than 4.9 million hectares of land to over three million ARBs. Approximately 55% of the lands were issued with individual titles while an estimated 45% were issued CCLOAs wherein a number of ARBs were listed as co-owners. The DAR had been incrementally working on subdividing CCLOAs and issuing individual CLOAs to ARBs, but the process had been slow. More than 20 years since the DAR started subdividing these lands, more than a million hectares of CCLOA lands still remain to be parcelized as of 2019, leaving the ARBs therein with insecure and unstable land rights. Through the issuance of individual CLOAs under Project SPLIT, farmers will gain clarity and legal proof of the land they rightfully own and have long been occupying and cultivating.

6. Project SPLIT has three (3) major components: (i) parcelization of collective CLOAs, (ii) capability building, and (iii) project management and monitoring and evaluation. The project aims to improve land tenure security and stabilize property rights of ARBs in their CARP-awarded lands through accelerated parcelization of CCLOAs and generation of individual titles. A more secure property rights is expected to provide the ARBs with incentives to invest on land improvement to increase farm productivity and household incomes. This would support the development goals of the government in reducing poverty and promoting economic growth in the countryside. The project's objective will be realized by: (i) strengthening DAR's institutional capability through technical assistance and capacity building; (ii) provision of support to parcelization survey and individual titling of CCLOAs; and (iii) strengthening coordination and collaboration with other agencies involved; i.e. DENR, NCIP and LRA.

7. The project will be implemented in rural, agricultural areas of the country which could include remote and hilly areas used as agricultural lands, declared ancestral domain lands of indigenous peoples, and lands at the edge or within public forests and protected areas. Eligible CCLOAs cover 15 regions, 61 provinces and 833 municipalities. There are several areas of concentration, notably Western Visayas, Eastern Visayas, Zamboanga Peninsula, Northern

Mindanao and Central Mindanao which in total represent 53% of the CCLOAs to be covered. The Autonomous Region in Muslim Mindanao (ARMM) is not included.

8. The parcelization and individual land titling will provide options for ARBs to choose either to receive individual CLOAs or maintain co-ownership of their CCLOAs, subject to the conditions set out in the CARP law where such lands are inappropriate for individual farming of land parcels, among others. The ARBs who elect to maintain co-ownership of their CCLOAs, nevertheless, will be assigned their own farm lots which shall not exceed three hectares per ARB for purposes of determining their land amortization or real property tax, and for latter segregation in case any of the co-owner ARBs would opt in the future to solely own their individual lots.

III. INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES (ICC/IPs) IN THE PHILIPPINES

9. The existence of indigenous peoples in the Philippines has been recognized under changing terms since the Spanish colonial period. In 1974, the term “members of national cultural minorities (NCCs)” was used under a presidential decree which declared ancestral lands occupied by the NCCs as alienable and disposable and provided for the issuance of land occupancy certificates to NCC members. In the 1987 Constitution the term “indigenous cultural communities” was adopted, and in 1997 the term “indigenous peoples” was added, so that the official term today is “indigenous cultural communities/indigenous peoples” (ICC/IP). This term is used in the Indigenous Peoples Rights Act of 1997 (IPRA) and includes a wide variety of groups that share certain conditions which set them apart from mainstream society in the Philippines—the Christians, lowland and urban population.

10. The IPRA defines ICCs/IPs as a group of people or homogenous societies identified by self-ascription and ascription by others, 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 and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.

11. ESS7 identifies social groups covered by the standard as a distinct social and cultural group possessing the following characteristics in varying degrees: (a) Self-identification as members of a distinct indigenous social and cultural group and recognition of this identity by others; and (b) Collective attachment⁶ to geographically distinct habitats, ancestral territories, or areas of seasonal use or occupation, as well as to the natural resources in these areas; and (c) Customary cultural, economic, social, or political institutions that are distinct or separate from those of the mainstream society or culture; and (d) A distinct language or dialect, often different from the official language or languages of the country or region in which they reside. The IPRA definition has been found to be consistent with the identifying characteristics for social groups covered by the Bank’s previous Indigenous Peoples Policy (OP 4.10)³ and is also considered consistent with the new E&S Standard 7.

³ Philippines Indigenous Peoples Rights Act: Legal and Institutional Frameworks, Implementation and Challenges, the World Bank, April 2007.

12. Indigenous peoples live in most areas of the Philippines, but the majority resides in Mindanao (about 60 percent) and North-Central Luzon (about 30 percent). There are no accurate census data regarding the number of indigenous peoples, but it is estimated to be around 10 million people. The National Commission on Indigenous Peoples officially recognizes the existence of 110 ethno-linguistic groups in the country. In Luzon, most of the indigenous peoples are concentrated in the northern mountain ranges of the Cordillera area where one can find the Tinggian, Isneg-Apayao, Kalinga, Bontoc, Sagada, Ifugao, Ibaloy, Kankanaey, Gaddang, and Ilongot; collectively they are called Igorot. Ethnic groups outside the Central Cordillera area are the Agta, Dumagat, Yogad, Ikalahan, Kalanguya and Itawis who inhabit the foothills and narrow valleys of the Sierra Madre mountain ranges. Other indigenous groups in Luzon (found in Zambales, Pampanga, Tarlac, Quezon Province, Pollilo Island and the Bicol Peninsula) are the Pinatubo, Baluga and the Agta (also known as Ayta, Ati and Dumagat). The government subdivides Luzon into three ethnographic regions. Region 1 is comprised of the Cordillera Region, while Region 2 consists of the Caraballo and Cagayan Valley Region. Pinatubo, Sierra Madre and Bicol make up Region 3.

13. The Central Philippine area consists of islands found between Luzon and Mindanao. Islands known to have indigenous peoples groups are Mindoro, Palawan, Panay and Negros. The Western Islands Region and Central Philippine Islands Region (Region 4) are the home of the Mangyan (whose subgroups include the Iraya, Alanga, Tadyawan, Batangan, Hanunoo and Buhid), Tagbanua, Batak, Tau't Bato, Keney, Sulod, Magahat, Ata and Ati.

14. In the island of Mindanao, there are about fifteen major indigenous groups and a number of subgroups living in the interior rainforest, hills, plateaus, narrow valleys and marginal plains, which include the Mandaya, Manobo, Bilaan, T'boli, Tiruray, Subanun, Higaonon, Tasaday, Bagobo, Manuvu, Matigsalug, Ata, and others; collectively they are called Lumad. Mindanao is subdivided into three ethnographic regions. Region 5 consists of the Zamboanga Peninsula Region and Northwestern Mindanao. Region 6 consists of Northeastern Mindanao and Southern and Eastern Mindanao. Central Mindano Region and the Autonomous Region in Muslim Mindanao (ARMM) comprise Region 7. The majority Muslim population in Mindanao, called Moro, is not considered as indigenous peoples and the Bank's policy OP 4.10 and standard (ESS7) has not been applied to the Moros as they are not considered to meet the identifying criteria. The ARMM region is inhabited by indigenous peoples, including some marginalized Muslim groups such as the Badjao; ARMM is not included in the SPLIT Project.

15. Despite the strong rights provided by the IPRA and the historic recognition of indigenous peoples in the Philippines, conflicts over their identities continue and ancestral domain claims may face conflicting claims on the part of other local communities or private interests such as mining companies and agricultural businesses. Indigenous peoples are relatively well organized in the Philippines, however, they face similar social and political marginalization as indigenous peoples elsewhere in the world. They are among the poorest population groups in the Philippines and are affected by civil conflicts (e.g. in Mindanao) and encroachment of their lands and resource use areas.

ICC/IPs in CARP and Project SPLIT Areas

16. The ESA indicates that of the 459,489 CARP beneficiary households captured in the 2000 Philippine Census of Population, some 9.6 percent (or around 44,410 households) belong to Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs) as defined under the IPRA. In fact, some of the ARBs registered in CCLOAs targeted for parcelization under the project

are members of the ICC/IPs. This was confirmed during the SPLIT Project Preparation site visits in Iloilo and Benguet Provinces. It is expected that most of the CCLOAs are outside the ICC/IPs' official territories in declared ancestral domains but there is also a chance that the project may encounter some CCLOAs inside the ancestral domains.

Figure 1. CCLOAs issued By Year and Land Type/Mode of Acquisition

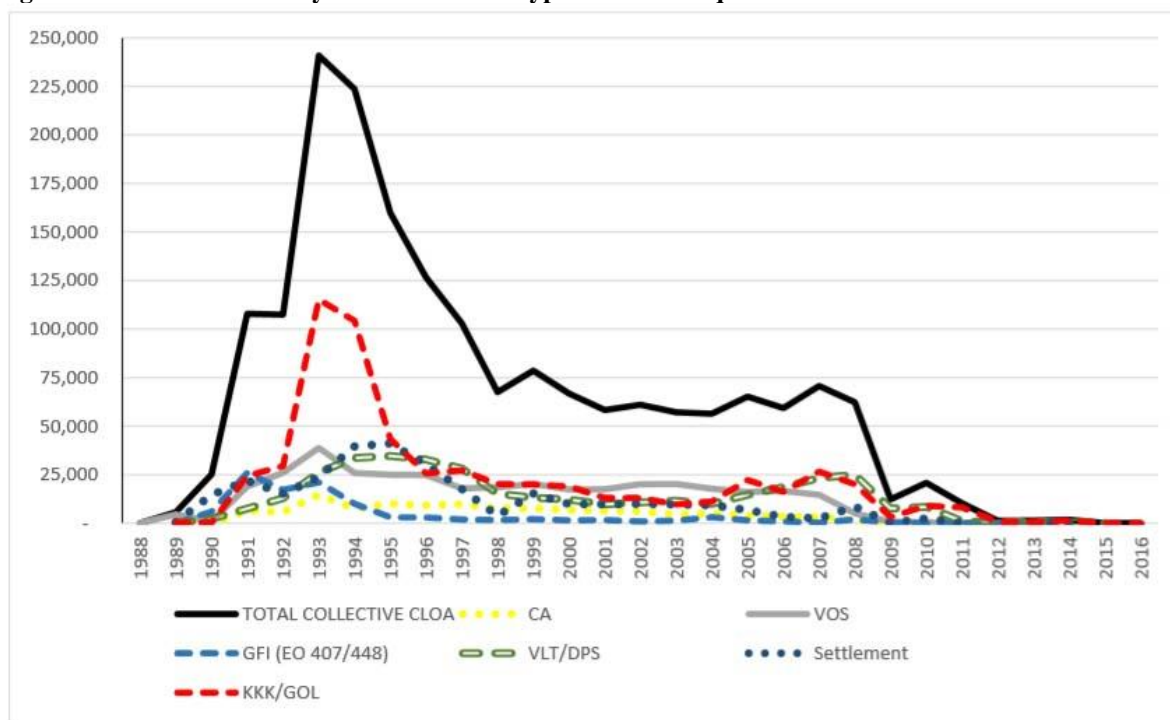


Figure 5: Collective CLOAs Issued by Year and Land Type/Mode of Acquisition, in hectares

17. Approximately ten percent of the population in the Philippines is considered as ICC/IPs. They live in several regions but are particularly concentrated in the mountains of Northern and Central Luzon as well as the island of Mindanao. The land management practices and social make-up of communities with ICC/IPs varies significantly. Some CCLOAs may only have co-owners from the same indigenous group while others may have co-owners from different social groups, including some in mixed communities where some ARB co-owners are non-ICC/IPs. Some groups tend to manage their land on a household basis, e.g. many areas in the Cordilleras, while other groups manage land in more communal fashions, e.g. in some areas in Mindanao.

18. The actual area or number of CCLOAs that overlap with or are located within the ADs will be determined during project implementation as part of the inventory and detailed assessment conducted during the first year of project implementation before any parcelization of collective CLOAs in areas with indigenous peoples. Initial data from the DARPOs counted a total of about 1,541 CCLOAs involving 37,032 hectares of lands with about 11,552 IP-ARBs in areas where CCLOAs overlap with ADs. These CCLOAs may also have portions that overlap or are located entirely within the declared ancestral domain of ICC/IPs (Table 1). It is not indicated in the submitted data when these CCLOAs were issued or whether the corresponding lands are partially or entirely located within ancestral domain. In general, these lands were already placed under CARP coverage and most were issued CCLOAs before the enactment and/or effectivity of the IPRA. The magnitude of CCLOA lands that may be subjected during parcelization to provisions and processes under the IPRA, the provisions of the Joint DAR-DENR-LRA-NCIP Administrative Order No.1 Series of 2012, and any other

institutional arrangement that would be finalized between the DAR and NCIP before project implementation, as well as the number of IP-ARBs, whether all or only some of them are within lands overlapping with ADs, will be determined during actual inventory, validation and assessment before subdividing any of these CCLOAs. This process will also identify indigenous peoples in areas where there is no overlap between CCLOAs and ADs, which will be confirmed or further assessed during the screening and assessment of environmental and social issues for specific CCLOAs.

Table 1. CCLOAs with likely overlap in Ancestral Domain of ICC/IPs and estimated number of IP-ARBs

Region	Total Mother CLOA area (has) targeted for project coverage¹	No. of ARBs¹	Mother CLOA areas with overlaps on ancestral domains²	No. of IP- ARBs²
Region XII	111,863	93,219	8,130	2,975
CARAGA	87,207	72,673	7,256	1,080
Region V	84,494	70,412	580	284
Region X	81,549	67,958	5,941	3,636
Region VII	46,139	38,449	164	208
Region II	77,854	64,878	12,124	1,788
Region IX	90,823	75,686	1,639	1,181
CAR	36,493	30,411	1,198	400
Region I	38,683	32,236	0	0
Region III	29,656	24,713	0	0
Region IV-A	22,476	18,730	0	0
Region IV-B	34,849	29,041	0	0
Region VI	158,272	131,893	0	0
Region VIII	166,495	138,746	0	0
Region XI	91,152	75,960	0	0
Total	1,158,005	965,004	37,032	11,552

¹ From BLTI as of Dec 2018

² Based on initial submission of 49 provinces as of November 25, 2019

IV. LEGAL FRAMEWORK

19. The IPPF is based on the objectives and requirement of the national legislation and the World Bank's ESS7 on Indigenous Peoples Sub-Saharan Historically Underserved Traditional Local Communities and national legislation. Philippine legislation provides strong rights to indigenous peoples and the Philippine government had voted in favor of the United Nations (UN) Declaration on the Rights of Indigenous Peoples, although it has yet to ratify the ILO Convention 169 on Indigenous Populations.

The 1987 Philippine Constitution

20. The 1987 Constitution of the Republic of the Philippines recognizes the rights of indigenous peoples to their ancestral domains and their power of dominion over their lands and resources. Moreover, it respects basic rights and their beliefs, customs and traditions tied to the land. The following basic rights which are relevant to the implementation of the SPILT Project are:

- a. The right to exclusively own, occupy, cultivate lands and utilize natural resources in accordance with Section 17, Article XIV of the 1987 Constitution which states that

customary laws governing property rights or relations shall be applied in determining the ownership and extent of ancestral domains;

- b. The right to use manage and conserve natural resources as implied in Section 22, Article II and Sec. 5 of Article XII of the constitution which states that the rights of indigenous peoples to natural resources pertaining to their lands shall be, specially safeguarded. These rights include the right of the indigenous peoples to participate in the use, management and conservation of natural resources;
- c. The right to stay in their territory and not be removed there from except when relocation is necessary as an exceptional measure, as in the case of Mt. Pinatubo's eruption. Any necessary relocation should take place with the prior and informed consent of the indigenous peoples and must occur under appropriate procedures established in the law and regulation, including public hearings to give the indigenous peoples opportunity for effective representation;
- d. The right to return when cause for relocation cease. The rule is that indigenous peoples have the right to return to their traditional domains as soon as the ground for relocation ceases to exist. When return is not possible, indigenous peoples should be provided in all possible cases with lands of equal, if not more quality and legal status as the land they have lost and suitable to provide for their present needs and future development;
- e. The right to safe, clean air and water. This right is pursuant to the UNCFD Agenda 21 which recognizes that indigenous peoples and their communities have a historical relationship with their lands and are generally descendants of the original inhabitants of the land which understands land to include environment. Agenda 21 encourages the full partnership of governments and intergovernmental organizations with the indigenous peoples in fulfilling a number of goals among which are recognition that the lands of the indigenous peoples should be protected from activities that are environmentally unsound or what the indigenous peoples concerned consider to be socially or culturally inappropriate and the adoption or strengthening of appropriate policies and or legal instruments towards these ends.

The Philippine Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)

21. The Indigenous Peoples Rights Act (IPRA) of 1997 is a landmark legislation to recognize and respect the rights of the various indigenous cultural communities in the Philippines, including rights of control of their ancestral lands and right to self-determination. The law created the National Commission for Indigenous Peoples (NCIP) which is tasked to implement the IPRA. The law requires, among others, that all development undertakings within the declared ancestral domains of the ICC/IPs shall be subject to free, prior informed consent (FPIC) of the Indigenous Cultural Community/Indigenous People (ICC/IP) group who owns that particular ancestral domain following different procedures depending on the character of activities.

22. ***The National Commission on Indigenous Peoples.*** The IPRA created the National Commission for Indigenous Peoples (NCIP) which is tasked to implement the IPRA. The charter of NCIP is provided in the IPRA. Executive Order 379 signed by the President of the Philippine on October 26, 2004 placed NCIP under the Department of Agrarian Reform (DAR) as an attached agency. The policy-making body of the NCIP is composed of seven Commissioners belonging to ICCs/IPs, one of whom shall be the Chairperson. These Commissioners are appointed by the President of the Philippines from a list of recommendees submitted by authentic ICCs/IPs. The seven Commissioners shall come from the following

“ethnographic areas”: (1) Region I (Ilocos Region) and the Cordilleras; (2) Region II (Cagayan Valley); (3) the rest of Luzon; (4) Island groups, including Mindoro, Palawan, Romblon, Panay, and the rest of the Visayas; (5) Northern and Western Mindanao; (6) southern and Eastern Mindanao; and (7) Central Mindanao.

23. **Ancestral Domain.** For the purpose of the law, IPRA introduced the concept of ancestral domain to refer to all areas generally belonging to ICCs/IPs, subject to property rights within ancestral domains already existing and/or vested upon the effectivity of IPRA, comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present, except when interrupted by war, force majeure or displacement by force, deceit, stealth, or as a consequence of government projects or any voluntary dealings. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise; hunting grounds; burial grounds; worship areas; bodies of water; mineral and other natural resources; and lands which may no longer be exclusively occupied by ICCs/IPs, but from which they traditionally had access to, for their subsistence and traditional activities, particularly the home ranges of ICC/IPs who are still nomadic and/or shifting cultivators.

24. **Free and Prior Informed Consent under IPRA.** IPRA vests the ICC/IPs collective ownership to their ancestral domain (AD) and requires, among others, that activities, projects, plans and programs shall be subject to FPIC of the ICC/IP owning the AD. IPRA defines FPIC as the consensus of all members of the ICC/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of an activity, in a language and process understandable to the community. The NCIP has issued Guidelines for the implementation of FPIC process, the latest of which is contained in the NCIP Administrative Order (AO) No. 3 Series of 2012. The AO categorizes projects or activities in the Ancestral Domain into: (a) Extractive/Intrusive/Large Scale projects which would require a very elaborate FPIC process (Figure 1); (b) Non-Extractive/Small Scale projects which would require a only a simplified FPIC process (Figure 2) ; and (3) Projects which do not require FPIC, including activities which are community-solicited or initiated activities, projects undertaken in collaboration with NCIP, which would require only a Validation Process (Box 2). The processes for these different scenarios according to AO No. 3 are summarized below.

NCIP Administrative Order No. 3 Series of 2012 (Revised Guidelines for Free and Prior Informed Consent)

25. The NCIP AO No. 3 Series of 2012 currently regulates the process of determining if the project or activity are allowed inside any ICC/IP Ancestral Domain, including the process of Free and Prior Informed Consent. The NCIP issues Certificate of Precondition (CP) for projects that are deemed to have received free and prior informed consent by the ICC/IP. Based on the AO the full process of obtaining FPIC involves at least 16 steps as follows:

26. **1. Filing of application for issuance of Certification Precondition (CP).** The application for CP shall be endorsed by the appropriate regulatory agency or unit of government to the NCIP Regional Office that has jurisdiction over the area where the plan, project, program or activity is sought to be undertaken, provided however, that for plans, programs, projects or activities affecting ancestral domains that do not require a permit, license or agreement from

any government agency/instrumentality, the application shall be filed directly with the same NCIP Regional Office having jurisdiction over the area.

27. **2. Conduct of Field Based Investigation (FBI) by NCIP.** It refers to the ground investigation undertaken to determine whether or not the plan, program, project or activity overlaps with, or affects, an ancestral domain, the extent of the affected area, and the ICCs/IPs whose FPIC is to be obtained.

28. **3. Issuance of Certificate of Non-Overlap (CNO).** It refers to the Certificate issued by the NCIP attesting to the fact that the area where the particular plan, program, project or activity will be done does not overlap with, or affect, any ancestral domain. When the area is patently and publicly known to be outside any AD, or the activity is determined, after FBI, not to affect an AD, the Regional Director, with the concurrence of the concerned Commissioner, shall issue a CNO, provided however, that the applicant shall execute an undertaking for the conduct of FPIC should it be discovered later that there is, in fact, an overlap with an AD, provided further, that special attention shall be given to ICCs/IPs who are shifting cultivators or traditionally nomadic so as not to prejudice their rights as such.

Box 1. Categories of Projects and FPIC Process Requirements

Categories of Projects in Ancestral Domain and FPIC Requirements under the Revised Guidelines on FPIC

A. Extractive/Intrusive/Large Scale Projects - These projects are required to undertake a full FPIC process, from pre-FPIC conference to MOA signing and requiring community assemblies.

- a) Exploration, development, exploitation, utilization of natural resources.
- b) Those that may lead to the displacement and/or relocation of ICCs/IPs;
- c) Resettlement programs or projects by the government or any of its instrumentalities that may introduce migrants;
- d) Declaration and management of protected and environmentally critical areas, and other related undertakings;
- e) Bio-prospecting and related activities;
- f) Activities that would affect their spiritual and religious traditions, customs and ceremonies.
- g) Industrial land use including the establishment of economic zones;
- h) Large scale agricultural and forestry management projects;
- i) Carbon trading and related activities;
- j) Large scale tourism projects;
- k) Establishment of temporary or permanent military facilities;
- l) Issuance of land tenure instrument or resource use instrument by any government agency and related activities; and
- m) Others analogous to the foregoing, except small-scale quarrying.

B. Non-Extractive/Small Scale Projects - The projects are required to undertake a simplified FPIC process, involving only the ICC/IP leaders/elders.

- a) Activities not covered in Extractive/Large Scale Projects;
- b) Feasibility studies not embraced in the preceding Sections;
- c) Non-extractive exploitation and utilization of land, water and natural resources as defined under existing laws, rules and regulations of governing or regulating agencies, e.g. ISF, CBFM, IFMA etc.;
- d) Programs/projects/activities not requiring permits from government agencies;
- e) Other small-scale quarrying; and
- f) Such other activities analogous to the foregoing.

C. Other Projects - These projects/activities do not require FPIC but only a validation process on their nature and purpose.

- a) Community-solicited or initiated activities that are strictly for the delivery of services to the ICC/IP community.
- b) Projects, programs and activities undertaken by NCIP by itself or in cooperation with other government agencies and LGU Projects.
- c) Foreign Funded Project Undertaken in Cooperation with the NCIP.

(Source: NCIP AO 3. S 2012)

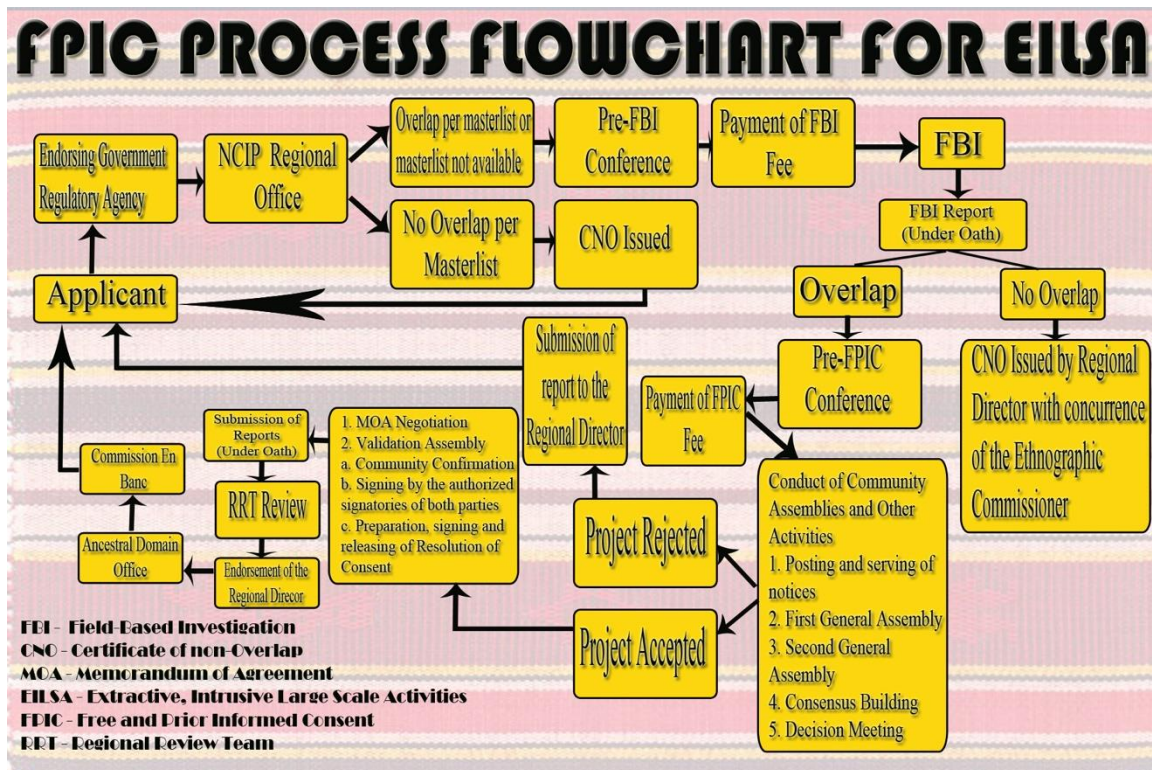


Figure 1. The Free and Prior Informed Consent Process for Extractive/Intrusive/Large Scale Projects (EILSA). Source: NCIP Region XII.

29. **4. Pre-FPIC Conference.** The pre-FPIC Conference shall discuss or act upon the result of the Field Based Investigation Report, the Work and Financial Plan for the FPIC activities, FPIC Fee, schedules, protocols, prohibited acts and arrangements for other requirements such as the posting of Bond, full disclosure of records, Environmental and Socio-Cultural Impact Statement, etc.

30. **5. First Community Assembly.** During this assembly, the following matters shall be taken-up, discussed and/or acted upon: a) Orientation on IPRA and the FPIC process; b) Validation FBI report and the area/s affected; c) The Census of IPs/Migrant IPs/Non-IPs; d) Identification and validation of IP Elders and Leaders; e) Determination of the Decision-making or consensus-building process/es; f) Consensus on the involvement of NGOs/CSOs; g) Validation of the members of the FPIC Team representing the community; h) Presentation of the agreed WFP; i) Option, selection and invitation of independent expert/s to conduct EIA or give their expert opinions; j) Arrangements for conflict/dispute resolution mechanisms by the chosen/elected IP Elders/Leaders; k) Date and place of Second community assembly; and l) Other matters that may be necessary and pertinent.

31. **6. Second Community Assembly.** The Second Community Assembly shall be held on a date and place within the AD decided upon during the First community assembly. In this assembly, the following shall be taken up or undertaken:

1. Presentation by the applicant of the plan, program, project or activity that it seeks to undertake, including the cost and benefits of the proposal to the ICC/IP and their ancestral domains, the perceived disadvantages or adverse effects to the community, and the measures to avoid or mitigate these;

2. Sharing by an expert/s, if engaged or invited, to include presentation of the result of the EIA if available, expert opinion/s on any aspect, recommendation/s, and identification of affected area/s;
3. Remarks or inputs of other stakeholders, e.g. concerned NGAs, LGUs, NGO, IPO;
4. Open forum to give the ICCs/IPs the chance to ask questions and to speak out their concerns relative to the presentations and the project; and
5. Other important matters that are agreed upon during the assembly.

32. **7. Consensus Building Period.** Towards the end of the Second community assembly, the ICCs/IPs shall be left alone to agree on their decision-making/consensus-building schedules and when to come out with their decision. This is the period when the ICCs/ IPs shall proceed to consult among themselves, employing their own traditional consensus-building processes, to further understand and discern the merits/advantages and demerits/disadvantages of the proposal in order to intelligently arrive at a consensus. Except for NCIP representatives who shall document the proceedings, the applicant and non-members of the IP community are strictly enjoined from participating in the consensus-building activity or interfering in any manner in the decision-making process. Non-IPs or migrant IPs who are residents of the AD may only participate if allowed by the AD owners in accordance with their customs and traditions, provided however, that the permission be made in writing and signed by the authorized elders/leaders.

33. **8. Negotiations and Drafting of MOA.** When the ICCs/IPs are ready with their decision or consensus, the duly authorized Community Elders/Leaders shall communicate to the FPIC Team such consensus. If it appears to be favorable, the FPIC Team shall immediately notify the proponent and the community representatives for the negotiation of the terms and conditions that shall be embodied in the MOA. Once the parties agree on the terms and conditions, the MOA is forthwith drafted in the vernacular and English or vice versa. Thereafter, a validation assembly shall be convened within the AD, at which time the MOA provisions shall be explained to the community by the FPIC Team in a language that they speak and understand. After having understood the contents and implications of the MOA, the community may confirm the same. After confirmation, the same shall be forthwith signed by the authorized signatories of both parties. The negotiation and the signing by the duly authorized representatives of the proponent and the ICCs/IPs must be done within the AD.

34. **9. Resolution of Consent/Non-Consent.** Along with the finalization of the MOA, the Resolution of Consent of the community shall also be prepared, signed and released. If the consensus is not favorable, the Resolution of Non-consent shall be prepared, signed and released.

35. **10. Posting of Bond.** After the issuance of written resolution of consent and before the start of any activity enumerated under Section 19 of this Guidelines, the applicant shall secure a bond with a reputable bonding company with the consent of the NCIP, or deposit a cash bond with NCIP, to answer for damages, violation of terms and conditions which the ICCs/IPs may suffer and claim from on account of the said activity as may be agreed by the parties in the MOA and under other applicable laws.

36. **11. Submission of FPIC Team Report.** Where the ICCs/IPs gave their consent in accordance with the foregoing provisions, the FPIC Team shall submit a formal report with recommendation/s, systematically prepared with pertinent and legible annexes, signed by the

team leader and members under oath to the Regional Director. An executive summary thereof shall also be prepared, and copy furnished the concerned Commissioner/s.

37. **12. RRT Review.** After receipt of the report, the Regional Director shall direct the RRT to review the same within five (5) days. Should the review report be favorable, and the Director finds nothing wrong with the same, he shall endorse the record of the FPIC Process undertaken, together with his recommendation/s to the ADO for appropriate action, otherwise he may direct appropriate action by the RRT or the FPIC Team before he makes his endorsement to the ADO.

38. **13. Preparation of the Memorandum of Agreement (MOA).** When the consent of the concerned community is obtained, the terms and conditions agreed upon shall be embodied in a MOA to be executed between and among the ICC/IPs, the applicant/proponent, the NCIP, and any other party that may be necessarily involved. The MOA shall be prepared by the FPIC Team strictly in accordance with what has been agreed upon by the parties, written in the language or dialect of the ICCs/IPs concerned, and thereafter translated into English and/or Filipino. The Guidelines specified 24 items to be included in the MOA, such as: Detailed benefit-sharing provisions in accordance with rules and regulations; development projects based on the development priorities of the community; monitoring; mitigation and resettlement plans; redress mechanisms; deposit of cash or surety bond; provision to render assistance in the event of calamities/disasters in the community, etc.

39. **14. MOA Signing.** The signing of the MOA shall be done within the affected ancestral domain by those duly authorized, during a general assembly called for the purpose, after its contents is fully read aloud and explained by the FPIC Team and understood and affirmed by the community. Should there be need for any change/s, the FPIC team shall make the appropriate revision or amendment to the satisfaction of the community assembly.

40. **15. Final Review of the MOA by the Legal Affairs Office.** The MOA shall be reviewed by the Legal Affairs Office (LAO) prior to the endorsement of the FPIC report by ADO to the Commission. The legal advisory of the LAO shall form part of the FPIC Report of ADO. In cases where the Regional Director is authorized to issue the CP, the MOA shall be reviewed by the Regional Legal Officer or any Legal Officer who has not participated in any stage of the FPIC Process.

41. **16. Issuance Certificate of Pre-Condition.** Following clearance of the MOA by the LAO, the ADO would endorse the FPIC Report to the Commission for the issuance of CP.

Box 2. IPRA's FPIC Process for Non-Extractive/Small Scale Projects in the Ancestral Domain

FPIC Process for Non-Extractive/Small Scale Projects in the Ancestral Domain

The FPIC process for Non-Extractive/Small Scale category projects requires negotiation between the community, represented by its Council of Elders/Leaders, and the applicant, facilitated by the FPIC Team. There shall be two (2) separate meetings with the elders/leaders which are herein referred to as the First meeting and the Decision meeting. In the First meeting, the applicant will be given sufficient time to present and clarify its proposal. The presentation must include the operation plan, the scope and extent of the activity, the cost and benefits to the ICC/IP and their ancestral domains, perceived disadvantages or adverse effects to the community, and measures adopted by the applicant to avoid or mitigate these. In said meeting, the ICCs/IPs shall prepare a schedule for their decision-making/consensus-building which must start not less than ten (10) days from the first meeting and completed not more than Thirty (30) days thereafter. The First meeting shall be followed by the consensus-building period by and among the council of elders/leaders. They will also use this period to consult with their constituency in accordance with their customary mechanisms. After they are able to arrive at a consensus within the time frame they decided, they shall inform the FPIC Team of such consensus. If the decision/consensus is favorable, the Team shall forthwith convene the Decision meeting, with notice to the concerned parties. During this meeting, the council of elders/leaders will formally proclaim their decision and the parties shall proceed to negotiate and finalize the terms and conditions of the MOA and thereafter consummate the same. If the consensus is against the project, the leaders/elders shall issue a resolution of non-consent, however, if it is favorable, the Regional Director shall within three (3) days, from receipt of the resolution, prepare and sign the CP and transmit the same, including the FPIC Report, to the concerned commissioner for concurrence, copy furnished ADO. Once concurred, the same shall be endorsed to the Chairperson for confirmation.

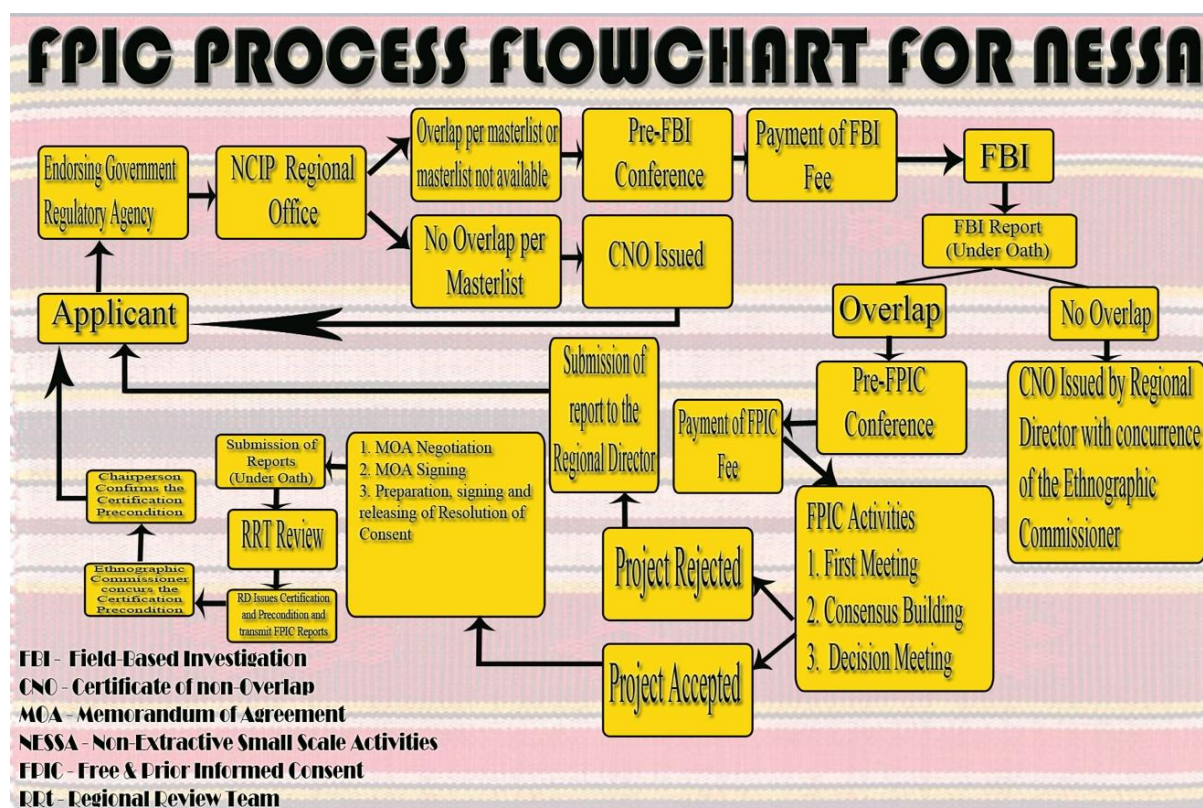


Figure 2. The Free and Prior Informed Consent Process for Non-Extractive Small-Scale Activities (NESSA) based on NCIP AO No. 3 Series of 2012 (Source: NCIP Region XII)

Box 3. Validation Process for Projects/Activities which do not require the IPRA FPIC process

Validation Process of Projects or Activities in the Ancestral Domain that do not require FPIC process

Where validation is required to determine the consent of the Community, the process shall be as follows:

1. The Regional Director on its own volition or upon receipt of the written request for validation, shall constitute a team composed of not more than three (3) from the provincial office or CSC, as the case may be, to conduct a field validation;
2. The team shall immediately conduct the validation and thereafter submit the appropriate report, prepared under oath, to the Regional Director within ten (10) days from commencement thereof;
3. The process of validation shall be done through interviews of elders/leaders and other community members; and
4. If the validation yielded positive report, the Regional Director shall within three (3) days, from receipt, prepare the CP and validation documents to be transmitted to the concerned commissioner for concurrence, copy furnished ADO.
5. Once concurred, the same shall be endorsed to the Chairperson for confirmation. Otherwise, the Regional Director shall return the documents to the applicant/petitioner.

42. *Areas in the AD for strict exclusion from projects.* The NCIP Admin Order No 3 S 2012 has identified the following areas for strict exclusion from any activity except for the exclusive purposes for which they are identified or intended to:

- a. Sacred grounds and burial sites of indigenous communities;
- b. Identified international and local cultural and heritage sites;
- c. Critical areas identified or reserved by the ICCs/IPs for special purposes; and
- d. Other areas specifically identified by ICCs/IPs in their ADSDPP.

Joint Administrative Order No. 1 S of 2012 of DAR, DENR, LRA and NCIP

43. In 2012, the DAR, DENR, Land Registration Authority (LRA) and NCIP issued a Joint Administrative Order (JAO No. 1 Series of 2012) to tackle the issue of conflicting and overlapping jurisdictions in the administration of lands. The JAO clarifies the DENR has jurisdiction of all lands in the public domain while DAR has jurisdiction over all titled lands and NCIP has jurisdiction on the following types of lands:

- (a) All lands encompassed in the definition of ancestral domains;
- (b) All lands included in the definition of ancestral lands;
- (c) All lands covered with Presidential Proclamations or by law which proclaimed the same as reservations or resettlement areas of particular tribes of ICCs/IPs; and,
- (d) All lands certified by the Chairman of the NCIP as AD/AL.

44. The JAO recognizes that the rights of the ICCs/IPs over their ADs/ALs shall be protected to ensure their economic, social and cultural well-being. This includes systems of land ownership, land use, and modes of settling land disputes of the ICCs/IPs in line with the principle of self-determination and autonomy. The JAO provides for the continued provision of CARP Support Services to ICCs/IPs. Support services are subject to FPIC of ICCs/IPs except when they are community-initiated/driven where only the validation procedures shall apply.

45. On the other hand, the JAO also affirms that property rights within ADs/ALs already existing and/or vested upon the effectivity of R.A. No. 8371 shall be respected. These include

titles issued administratively and judicially (i.e., EPs, CLOAs, Free Patents/Homestead Patents and other titles issued under the Agrarian Reform Program and patents issued by the DENR).

46. ***Contentious Areas.*** The JAO has identified contentious areas which are the subject of operational issues and conflicting claims between and amongst the DAR, DENR and NCIP, to wit:

- a) Untitled lands being claimed by the ICCs/IPs to be part of their AD/AL which are covered by approved survey plans and also being claimed under DAR and/or DENR tenure arrangements;
- b) Titled lands with registered CLOAs, EPs and Patents within CADT, CALT, CADC or CALC;
- c) Resource access/development instruments issued by the DENR over lands within Ancestral Land/Domain Claims;
- d) Exploration Permit (EP), Financial or Technical Assistance Agreement (FTAA); Mineral Agreement (either Production Sharing, Co-Production or Joint Venture) issued within CARP covered areas;
- e) Reservations, proclamations and other special law-declared areas a portion or the entirety of which is subsequently issued a CADT/CALT; and
- f) Areas with existing and/or vested rights after the registration of the CADTs/CALTs but for any reason not segregated/excluded.

47. ***Exclusion/Segregation of Lands Covered by Judicially Decreed Titles and Titles Administratively Issued by DENR and DAR.*** The JAO provides that in the delineation and titling of ADs/ALs, the NCIP must exclude or segregate all lands covered by titles. For this purpose, the registered owner of the land may opt to submit to the NCIP a copy of the title of the property to facilitate segregation or exclusion pursuant to existing guidelines and other pertinent issuances. The DAR and DENR in turn shall not process titles pursuant to their mandate on lands certified by NCIP as ancestral domain or ancestral lands except in areas with prior and vested rights.

48. ***Exclusion/Segregation of Portions of Resettlement Areas and Reservations.*** The JAO further provides that portions of resettlement areas and reservations which have been proclaimed for DAR's administration, or for other government agencies but have been turned over to DAR for CARP coverage (accordingly classified as alienable and disposable) which overlap with ADs/ALs shall be treated as pre-existing vested rights and therefore excluded/segregated from AD/ALs. However, areas classified as forests within said proclamations and reservations should not be segregated from the AD/AL and shall not be covered under CARP.

49. ***Titled lands under the Torrens System issued prior to IPRA*** are deemed vested rights. Accordingly, the DAR shall proceed with the CARP coverage of said lands unless a Restraining Order is issued by the Supreme Court without prejudice, however, to the rights of the ICCs/IPs to question the validity of these titles before a court or body of competent jurisdiction.

50. ***Untitled Private Agricultural Lands.*** In case of coverage of untitled lands under CARP pursuant to DAR-DENR Joint M.C. No. of 2003, involving identified contentious or potentially contentious areas as defined by the JAO, the DAR shall notify the ICCs/IPs through NCIP of such coverage and in case the ICCs/IPs register an opposition/adverse claim, such coverage will be suspended by DAR until the issue has been resolved.

51. **Amendment of CADTs/CALTs.** For areas with prior existing and/or vested rights, but for any reason were not segregated upon the registration of the CADTs/CALTs, the owners or party in-interest of such lands, whether IP or non-IP, may file a petition for the amendment, modification, alteration and/or cancellation of the CADT/CALT before the full NCIP Commission (*en banc*). For private claimants already with vested or existing property rights within AD/AL, their claims shall be recognized and respected and they have the option to become agrarian reform beneficiaries under CARP provided they have established their vested rights.

52. **Joint Committees.** Finally, the JAO created a Joint National Committee, Joint Regional/Provincial Committees and Special Teams to address or resolve jurisdictional, operational and policy issues elevated to it that affect the implementation of the CARL, IPRA, Public Land Act, Land Registration Act/Property Registration Decree in relation to the issuance and registration of CADTs/CALTs.

53. The agencies party to the JAO is currently negotiating changes to, or confirmation of, the JAO. The existing, or a revised JAO, and a Memorandum of Agreement between DAR and NCIP will need to be in place before the Project supports subdivision of collective CLOAs with indigenous peoples.

The World Bank ES Standard 7 (Indigenous Peoples)

54. The Bank's ESS 7 on Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities (indigenous peoples (IPs) or ICC/IPs in the Philippines context) in the aims to:

- a. ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of IPs;
- b. avoid adverse impacts of projects on IPs, or when avoidance is not possible, to minimize, mitigate and/or compensate for such impacts;
- c. promote sustainable development benefits and opportunities for IPs in a manner that is accessible, culturally appropriate and inclusive;
- d. improve project design and promote local support by establishing and maintaining an ongoing relationship based on meaningful consultation with IPs affected by a project throughout the project's life cycle;
- e. obtain the FPIC of affected IPs in the three circumstances described in this ESS; and
- f. recognize, respect and preserve the culture, knowledge, and practices of IPs, and to provide them with an opportunity to adapt to changing conditions in a manner and in a timeframe acceptable to them.

55. When indigenous peoples are present in the project site, or have collective attachment to the project site, key requirements of ESS7 includes that:

1. The IPs should be fully consulted about, and have opportunities to actively participate in, the project design and the determination of project implementation arrangements.

2. There should be an assessment of the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental impacts on them.
 3. The borrower should develop a consultation strategy and means by which affected IPs will participate in project design and implementation and adopt measures and actions in consultation with the affected IPs to be contained in a time-bound plan (IP Plan) which will be proportionate to the potential risks and impacts of the project.
 4. Adverse impacts on the IPs should be avoided by exploring alternatives to the project and where adverse impacts are unavoidable, the Borrower will minimize, mitigate and/or compensate for these impacts in a culturally appropriate manner. The mitigation and compensation measures shall include culturally appropriate and sustainable development benefits whether delivered through the community or individually.
 5. The Borrower will obtain the FPIC of the affected IPs when the project:
 - (a) will have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
 - (b) will cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
 - (c) will have significant impacts on Indigenous Peoples' cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected IP lives.
56. FPIC does not require unanimity and may be achieved even when individuals or groups within or among affected IPs explicitly disagree and consent in the context of FPIC refers to the collective support of affected IP communities for the project activities that affect them, reached through a culturally appropriate process.
57. Where a project may significantly impact cultural heritage that is material to the identity and/ or cultural, ceremonial, or spiritual aspects of the affected IPs' lives, priority will be given to the avoidance of such impacts. Where significant project impacts are unavoidable, the Borrower will obtain the FPIC of affected IPs.
58. The Borrower will ensure that a grievance mechanism is established for the project, as described in ESS10, which is culturally appropriate and accessible to affected IPs and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among the IPs.

Gap Analysis

59. The Philippines legal framework provides strong protection of the rights of indigenous peoples under both the Constitution and the Indigenous Peoples Rights Act of 1997. Among the rights being granted to IPs include territorial domain, self-determination and the right to practice their customary laws, cultural integrity and property, and consent over development interventions in their ancestral domain. The FPIC process includes, *inter alia*: screening for the presence of IPs through field-based investigation; consultation with IPs which are voluntary, free from external manipulation, iterative and broad-based according to customary laws; FPIC from affected IPs within ancestral domains; environmental and socio-cultural impact assessment; culturally-appropriate benefits for IPs; and recognition of customary land tenure.

60. There are, however, a few differences between the national framework and ESS7 concerning the requirements for FPIC, the scope of SA and IPP, disclosure and monitoring.

61. *FPIC*: The IPRA only requires FPIC for IPs within recognized ancestral domain, which does not encompass all groups that would meet the identifying characteristics of both IPRA and ESS7 and which would require FPIC under ESS7. The IPRA Categories of Projects in Ancestral Domain and FPIC Requirements under the Revised Guidelines on FPIC distinguish between A. Extractive/Intrusive/Large Scale Projects (requiring full FPIC), B. Non-Extractive/Small Scale Projects (simplified FPIC process, involving only the ICC/IP leaders/elders), and C. Other Projects (requiring only a validation process on their nature and purpose). The first category would meet the requirements for FPIC under ESS7 (see Table 2), but category B and C would not as they do not involve to the same extent community members and would not have the same requirement for documentation and disclosure. The ESS7 requirement for FPIC will apply to all CCLOAs subdivided under the Project; IPRA requirements would also be required for CCLOAs within ADs (see Section VII).

62. *Social assessment and IPP*: The scope of the SA and IPP (Memorandum of Agreement/MOA under IPRA) is different under the IPRA and ESS7 respectively. This is particularly the case, for projects only requiring a validation process under IPRA, in which case no SA or MOA (IPP) would be required. The ESS7 requirement for undertaking a social assessment and preparing an IPP will apply to all CCLOAs subdivided under the Project.

63. *Public disclosure*: The IPRA does not specifically require disclosure of the results of the consultations with IPs and proposed actions, including the MOA. The Project will require public disclosure of the outcome of the FPIC process and the IPP.

64. *Monitoring and evaluation*: The monitoring of the MOA is the responsibility of the Regional Offices of NCIP. While NCIP may be considered to be independent from the IPs and the project proponent, it is heavily involved in the FPIC process and preparation of the MOA (when required). The Project will provide for monitoring and evaluation, involving NCIP as well as independent monitoring.

Table 2. Comparison of the key requirements of WB ESS7 and the Philippines IPRA

Key Requirements of WB ESS7	Provisions in IPRA for Extractive/Intrusive/Large Scale Projects
(1) The IPs should be fully consulted about, and have opportunities to actively participate in, the project design and the determination of project implementation arrangements.	The FPIC process in the IPRA for Category A activities ensures that the ICC/IPs are genuinely consulted and have the power of consent over the projects which imply they can influence the design and other aspects of the project.
(2) There should be an assessment of the nature and degree of the expected direct and indirect economic, social, cultural (including cultural heritage), and environmental impacts on them.	The IPRA provides for the conduct of Environmental Socio-Cultural Impact Assessment.
(3) The borrower should develop a consultation strategy and means by which affected Indigenous Peoples will participate in project design and implementation and adopt measures and actions in consultation with the affected IP to be contained in a time-bound plan (IP Plan).	The process of consultation/negotiation for FPIC has been carefully designed such that the ICC/IP and the project proponent are able to come up with agreed development and benefits plan that addresses ICC/IPs needs and compensate them for any adverse impacts through the execution of a Memorandum of Agreement containing benefits in a form of royalties, programs, etc.

Key Requirements of WB ESS7	Provisions in IPRA for Extractive/Intrusive/Large Scale Projects
(4) Adverse impacts on the IP should be avoided by exploring alternatives to the project and where adverse impacts are unavoidable, the Borrower will minimize, mitigate and/or compensate for these impacts in a culturally appropriate manner. The mitigation and compensation measures shall include culturally appropriate and sustainable development benefits.	Avoidance and mitigation of adverse impacts are part of the Environmental and Socio- Cultural Impact Assessment while compensation for residual impacts are expected to be address in the Memorandum of Agreement.
(5) The Borrower will obtain the Free and Prior Informed Consent (FPIC) of the affected Indigenous Peoples when the project has adverse impacts on IP's land and natural resources, causes relocation, and significant impacts on cultural heritage. Consent under WB ESS7 is less formal and refers to collective support of affected IP communities, reached through culturally appropriate process.	FPIC is required when the project is within the declared Ancestral Domain of the ICC/IP regardless of whether it has adverse impacts or not. It is not required outside of ADs. Consent under IPRA is a formal consent given by the ICC/IP through the process administered by NCIP and includes obligations from the project to provide benefits, mitigation measures and other conditionalities.
(6) Where a project may significantly impact cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples' lives, priority will be given to the avoidance of such impacts.	Impacts on the cultural heritage will be covered by the Environmental and Socio-Cultural Assessment. IPRA excludes all cultural heritage sites from development activities other than their intended purpose.
(7) The Borrower will ensure that a grievance mechanism is established for the project, as described in ESS10, which is culturally appropriate and accessible to affected Indigenous Peoples and takes into account the availability of judicial recourse and customary dispute settlement mechanisms among Indigenous Peoples.	NCIP has provided issuances providing to first resolve complaints through the ICC/IP's traditional conflict resolution process or customary system. If the complaint is not resolved using the ICC/IP system it shall be filed at the NCIP Regional Hearing Office (RHO) for resolution.

V. POTENTIAL RISKS AND IMPACTS TO ICC/IPs

Presence of ICC/IPs in CCLOA Areas

65. The Project's social risks are assessed to be high. The project aims to support poor farmers by enhancing tenure security, including indigenous peoples. Formal subdivision of lands that are already individually occupied under a collective CLOA is not assessed to have any adverse impact on land use either on the members of the ICC/IP or the wider community as they would confirm existing arrangements. ICC/IPs have strong tenure security rights under national legislation, primarily the IPRA. Moreover, each individual ARBs or group of ARBs can opt out of the individual titling and continue to have collective titles; this has already occurred in some areas (see the ESA prepared for SPLIT). Generally, DAR regulations give individual ARBs the option to remain as co-owners of CCLOAs subject to CARP provisions while the lots of those who want the titles in their own names will be segregated from the CCLOAs and issued with individual CLOAs. This would be confirmed through an FPIC process under ESS7 in areas with indigenous peoples should they want to continue with their collective CLOA instead or parcelization.

66. There may be situations where individual households and indigenous communities may be adversely affected. For instance, the validation and rectification of CCLOAs with respect to

official government land classification may result in the return of some parcels of land back to forest land and/or protected area status which in turn result in the attenuation of property rights of the affected ARBs, or in extreme cases result in their displacement if they are denied issuance of alternative tenurial instruments under DENR's regulation. However, this is not expected for the Project and DENR confirms that it is not practiced. The issuance of individual titles may also result in evictions of current occupants of parcels within the collective CLOAs, who were not the original ARBs and may have been occupying and tilling the land for quite some time and in instances where acceptable alternatives cannot be found. These impacts are not likely to occur for IPs within ancestral domains given the strong tenure rights provided to IPs under IPRA. They may occur to some outside of ADs. The provisions of this IPPF as well as the RPF would apply to these impacts should they occur.

67. For collective CLOAs located within or overlapping with the ancestral domains of indigenous communities the provisions of the IPRA law would apply in addition to ESS7, following the provisions described in this IPPF.

68. In addition to these risks are inherent risks concerning land titling remain, including interventions from vested interests, disagreements within communities and the potential for local mismanagement and differential recognition of land rights. The project is also likely to operate in some conflict areas and some sites may have conflicts over land. The participatory process and the provisions of the ESF documents, particularly the IPPF, RPF and ESMF, for SPLIT have been designed to mitigate these risks.

69. *Overlaps of CCLOAs with Ancestral Domain.* Based on submitted data from DARPOs as of 25 November 2019, there are 1,541 mother CLOAs involving 37,032 hectares of lands with 11,552 IP-ARBs in eight (8) of the 15 regions that may either overlap or be located entirely within declared or proposed ancestral domains (ADs). The area comprises around five (5) percent of the total lands targeted for parcelization. The total IP-ARBs occupying these lands constitute around three (3) percent of target project beneficiaries. It is not indicated in the data when these CCLOAs were issued or if the entire CCLOA, or just portions thereof, are within ancestral domains. This will be determined further during the inventory and validation undertaken during the first phase of implementation. Subsequent to the inventory and validation, collective CLOAs in areas with IPs will follow the provisions of this IPPF, irrespective of whether they are inside or outside ADs.

70. *ARBs who are members of the ICC/IP communities.* Regardless of whether the CCLOA is within AD or outside, the ESS7 will apply as long as ICCP/IP communities are present in the project area. Based on submitted data from DARPOs as of 25 November 2019, there are 46,661 IP-ARBs in 11 of the 15 regions covered by the project, or around 4.8 percent of the target project beneficiaries of 1.16 million farmers.

Legal Issue on CCLOAs inside Ancestral Domain of ICC/IPs

71. Both CARP law (RA 6657) and IPRA are land rights laws. But the IPRA has an additional concept of ancestral domain which defines the territory under control of the ICC/IP for which the AD is awarded. The instrument for this is called Certificate of Ancestral Domain Title (CADT). Within CADT the NCIP can issue individual titles for land parcels called Certificate of Ancestral Land Title (CALT) which carries with it a number of restrictions, including non-transferability outside the ICC/IP group that owns the CADT. The IPRA recognizes pre-existing vested rights (i.e. other forms of ownership titles) on lands within

ancestral domains.⁴ Therefore, CCLOAs or CLOAs issued prior to the declaration of the AD do not conflict with the IPRA. But CCLOAs or individual CLOAs that overlap with or are entirely within AD and which are issued after the AD is declared, are technically in conflict with the IPRA. Thus, CCLOAs issued after IPRA took effect will require further assessment and consultations with the ICC/IPs and NCIP officials to discuss how to resolve any legal, cultural and such other issues raised before these are included, or excluded, for parcelization. The existing Joint Administrative Order between DAR, DENR, LRA and NCIP is intended to deal with these conflicts (JAO No. 01-2012). The JAO defines the respective jurisdiction of the agencies on public lands and ancestral domains and provides guidelines and operational mechanisms in preventing and resolving contentious areas and/or issues at the national and field levels. The project will abide by this agreement or any update thereof. In addition, FPIC from the IPs will be required as per ESS7 irrespective of any legal issues.

72. The legal and institutional analysis undertaken as part of the ESA process notes that CLOAs issued in A and D lands that is part of an ancestral domain lands are valid titles that are registered in the Torrens system of land registration and are considered as “indefeasible” and afforded the same status as those issued under the public land act and those confirmed by the courts under Act No. 496 and PD No. 1529. Further, CALT is not considered a full title but a qualified title and are not indefeasible. Registration of land under the claim of private ownership under the Philippine Torrens title system is judicial in character. Under the Torrens system, a judicial determination of title is necessary to comply with the “due process” clause requirement of the constitution. The IPRA law removes the process of “pre-determination” of claims and encumbrance and instead added Section 56 that recognizes existing property rights regime within ancestral domain. In effect, claims and encumbrances of other third persons are “back-loaded” to skip the full of pre-determination process of confirmation to enable NCIP to immediately issue titles. The legal process will depend on the nature of the conflict on the ground. The main criteria will depend primarily on whether the conflict involves issues arising from the following:

1. Whether there is a claim of physical dispossession or exclusionary title between CLOA and CADT holders;
2. Whether the parties claiming CLOAs and CADTs belong to the same ICC/IPP; and
3. There is no issue of physical or actual possession and the only issue is what proper tenure instrument should be given to the occupants/claimants.

73. It is more likely that this action will involve the court if there are claims of dispossession or exclusionary title since this will involve DAR and/or non-ICC/IPs. Cases that question the validity of the CLOAs issued by DAR or the CADT issued by the NCIP on A&D lands within ancestral domains are likely to take years to be solved and are likely to reach the Supreme Court given the complexity of the issues involved and the juxtaposition of the social justice intent of CARP and IPRA law. The extent of CLOAs in ancestral domains titled after the IPRA and involving non-IP members is unknown, but not likely to be many. This IPPF includes measures to ensure IPs are not adversely affected through the FPIC process.

74. Actions with exclusionary claims is possible and the outcome of a legal confrontation will most likely be decided by the Court not through definitive rule choice but by particularities qualifying the acts of the parties. The Court will try to harmonize these conflicting policies as

⁴ IPRA Section 56: “Existing Property Rights Regimes. — Property rights within the ancestral domains.” already existing and/or vested upon effectivity of this Act, shall be recognized and respected.”

much as possible by deciding base on actions by the parties to avoid the question of policy choice.

75. If there is no exclusionary claim, the issue regarding whether the occupant will receive a CLOA or a CADT from either the DAR or the NCIP has no immediate effect since there will be no displacement. Since CLOA has already been issued, it is more likely that they will not demand for a CADT (instead of the separated CLOAs) because CLOAs are marketable instrument unlike CADT that has a lot of limitations, especially on transfers. However, this will be determined by the community members themselves through the participatory planning process and provisions of this IPPF. In Trento (Agusan del Sur), GIZ has documented a joint process between the DAR and NCIP where the agencies sensitively respected the choice of indigenous peoples to opt for receipt of CLOAs for A&D land within an area originally claimed by other indigenous peoples as their ancestral domain. Ninety-three percent of the CLOA beneficiaries belong to the same IP group that is claiming ancestral domain ownership. The two types of land tenure arrangement have not diminished the social ties that bind the IP community.⁵

Potential Adverse Impacts of Parcelization of Collective CLOAs to ICC/IPs

76. As noted, tenure and land use management arrangements vary greatly among IPs in the Philippines. The IPRA provides tenure arrangements for both communal and individual (CALT) basis depending on the preferences of respective communities. The indigenous communities visited during the preparation of the ESA and IPPF in Iloilo (outside an AD) and Benguet (inside an AD) manage their land on an individual household basis. They are keen to subdivide the collective CLOAs and do not fear this would erode their ties with other group (tribe) members. Particularly in the IPs of the Cordilleras (Benguet is one of six provinces of the Cordilleras) are known for strong communal ties and organization while many communities manage their land individually, often on terraces carved into the hills and mountains. In these circumstances subdividing collective CLOAs awarded as part of the agrarian reform program would be consistent with the practice and local laws of the IPs. In other instances, parcelization may affect the indigenous community if it is not done with the consent of the community members and with their full understanding of the advantages and risks.

77. Collective CLOA communities, IPs as well as non-IPs, will be able to continue under existing management arrangements, as is already the case for several communities. Irrespective of potential adverse impacts, parcelization of CCLOAs for IPs will require their FPIC given the sensitive and inherent risks around IPs land tenure.

78. Adverse impacts may fall individually on ICC/IP members (just like the mainstream ARBs, successor, or current occupant) in the form of loss of landholdings due to possible disqualification of ARBs or the successor owner-claimant, or the current non-owner occupant/tiller of the land; or in the form of attenuation of rights due to possible reversion of CCLOA lands to forest land classification. The provisions and entitlements under this IPPF and the Resettlement Policy Framework prepared for SPLIT aim to avoid such impacts, and if not possible to avoid then mitigation and compensation measures will be developed through the FPIC process.

⁵ When land Claims, Mandates and Jurisdiction Overlap, Eddie L. Quitariano, GIZ Responsible Governance Mindanao Program, Manila, July 7, 2019. p.42

79. Conflicts around land is always possible, whether it involves IPs or not. However, given the strong relationship to land among most, if not all, IPs these risks are particularly important to identify and assess. The participatory planning process and the provisions of this IPPF have been designed to do so.

80. The first year of project implementation will not include any collective CLOAs that overlap with ancestral domains. In parallel with the detailed inventory of collective CLOAs, further assessment of potential impacts and risks to indigenous peoples will be undertaken and this IPPF may be updated to reflect the findings.

VI. ATTITUDES TOWARD THE PROJECT

81. As cited in the ESA, site visits conducted during project preparation confirmed there is overwhelming support of the ARBs towards parcelization. All of the ARBs which DAR consulted during the site visits in CCLOA sites are eager to go ahead with the individual titling, including ICC/IPs in Iloilo and Benguet. Discussions with NCIP and the consultations in the Cordilleras with representatives from civil society members of PARCCOM, including indigenous peoples, also confirmed this. They expressed the interests to have clear and legal proof of ownership of their landholdings and to be able to transfer the same to their heirs. Some ARBs also complained that until their CCLOA is subdivided, they have nothing to present as proof of ownership against encroachers and squatters, especially for properties that are located along roads. Some of the ARBs also said they are worried about not being able to pay for the amortization of their lands because there is no basis for such payments with CCLOAs being under co-ownership with other ARBs. The DAR has consulted with various agencies, including FMB, LMB and LRA who have all expressed strong support for the Project.

82. The 2015 Agrarian Reform Beneficiaries Survey conducted by the Philippine Statistical Research and Training Institute showed that ARBs and households' income of collective CLOAs holders are higher at P213,613 and P195,150, respectively compared with ARBs (P177,404) and households (P155,113) with individual title. Such was attributed to the collective management of the land. The bigger pooled size of the land for CCLOA holders facilitated efficient production and other income generating activities for ARBs. But the same survey reported that more parcels transferred through individual type are still cultivated by the ARBs (95%) compared to those in collective type (84.87%). Although the survey results showed better outlook for the CCLOAs in terms of income, it also revealed that more parcels of land distributed through individual CLOA are still cultivated by the ARBs compared to the CCLOA holders.

83. Likewise, the DAR project preparation team have met with NCIP officials both from the Central Office and the Regions. The NCIP officials agreed that CCLOA lands within ADs are honored under IPRA provided these are deemed vested or prior/existing property rights before the effectivity of the law in 2001. The NCIP officials expressed their agency's need for support on CADT and CALT delineation activities, having very limited budget to finance geodetic surveys. Defining the boundaries of proposed ancestral domains is required for titling and these could be projected vis-à-vis the agricultural lands covered by the CCLOAs and other alienable and disposable lands as well as protected areas and other lands of the public domain. The NCIP will have much better capacity to protect the rights and welfare of indigenous peoples if it is able to delineate AD claims against any future encroachments. As Project SPLIT

also covers parcelization of CCLOAs issued to ARBs including IPs in areas outside of their AD, input from NCIP will be needed during project implementation. This will be confirmed in a formal agreement between DAR and NCIP.

84. Project implementation will be participatory and if some communities want to continue co-ownership under CCLOAs, they will be able to choose so, subject to pertinent provisions of the CARP law. For CCLOAs that might overlap with ancestral domains, an FPIC process under ESS7 and IPRA requirements will be undertaken wherein the pros and cons of the parcelization of their CCLOA or just keeping it collective shall be disclosed to, and discussed with, the IPs to help them reach an informed decision.

85. DAR project preparation team has also consulted some NGOs who are active in ARB development efforts and who support ARBs. During discussions in Iloilo province, an NGO working with ARBs emphasized the need to stabilize ARB property rights by subdividing CCLOAs. The NGO representatives who participated in the annual national conference of Provincial Agrarian Reform Coordinating Committees (PARCCOMs) also gave their support and vowed to push for Project SPLIT. The conference took place in Zamboanga City in Mindanao in October 2019. Finally, participants at the public consultations undertaken in Baguio and Manila also confirmed support to the Project, including from indigenous peoples and farmer representatives in the PARCCOMs. A summary of the consultations is provided in the ESA and ESMF.

VII. ICC/IP PLANNING FRAMEWORK TO BE ADOPTED IN SPLIT

86. As discussed above, the laws in the Philippines are largely consistent with ESS7. The definition of IP in ESS7 and ICC/IP in IPRA are fundamentally equivalent. Both refer to the group's self-identification, territorial attachment/ownership, common language, customs and traditions, social and political institutions and cultures which are differentiated from the mainstream society. Previous Bank-financed projects under OP 4.10 (with the same characteristics as ESS7) have confirmed the consistency in coverage. The requirements of both systems are also equivalent (Table 2) except that IPRA's requirements apply only when the project is inside the ancestral domain of the ICC/IP whereas ESS7 requirements would also apply when the project is not within the IP's ancestral domain. The Philippines IPRA's is heavily centered on the FPIC which is also more formal and legally binding than the FPIC in ESS7.

87. While Category A includes "Issuance of land tenure instrument or resource use instrument by any government agency and related activities," a representative of NCIP has explained that subdivision of collective CLOAs would not fall under this category as the collective CLOA has already been issued as a land tenure instrument. This will need to be confirmed with NCIP before subdividing CCLOAs within ancestral domains.

88. The ESS7 FPIC requirement will be applicable to all CCLOAs subdivided under the Project. In addition, the Project will fully abide by the IPRA when an entire CCLOA parcel is inside of, or has portions that overlap with any ICC/IP's ancestral domain. Thus:

- (a) *When land parcels to be issued title is inside AD.* The ancestral domain is a territory which the ICC/IP collectively has jurisdiction and control. According to the IPRA law and its implementing rules and regulations, when the project or intervention is within

ancestral domain, it will normally be subject to the process of free and prior informed consent (FPIC) under the auspices of NCIP, except when the project itself is a government project specifically benefiting the ICC/IP or if the intervention is part of the ICC/IP's Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). In both cases, the NCIP will provide a Certificate of Precondition (CP) for intervention that complies with the rules. The project will therefore comply with the IPRA requirements when the parcels to be titled are within Ancestral Domain. In addition, it will apply ESS7 following this IPPF.

- (b) *When CCLOA is outside AD and the ARBs to be issued title are members of an ICC/IP community.* The World Bank ESS7 will apply and its provisions described in this IPPF, including for FPIC as defined in ESS7.

89. In both of these cases, culturally appropriate consultation processes will be conducted and ICC/IPs communities inside or outside ADs may opt out of the parcelization and continue collective land ownership status within the collective CLOA.

90. Regarding the potential legal issue of CCLOA overlaps with ancestral domain, the project will be guided by the Joint Administrative Order No. 1-2012, or a revision thereof. The JAO clearly provides that all lands which have been covered by titles issued by DAR must be excluded and segregated in the delineation of the AD/ALs. This also includes portions of proclaimed Resettlement Areas and Reservations which have been turned over to DAR for CARP coverage and are deemed alienable and disposable. Also, titled lands under the Torrens Systems inside ancestral domain issued prior to IPRA are deemed vested rights and therefore DAR can include those lands for coverage under CARP. Finally, if there are areas of overlaps that would remain contentious, this can be elevated to the Joint Committees created under the JAO for resolution.

91. ESS7 requires that the Borrower, DAR in this instance, obtain FPIC of the affected Indigenous Peoples for Bank-financed activities that:

- a) have adverse impacts on land and natural resources subject to traditional ownership or under customary use or occupation;
- b) cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary use or occupation; or
- c) have significant impacts on Indigenous Peoples cultural heritage that is material to the identity and/or cultural, ceremonial, or spiritual aspects of the affected Indigenous Peoples' lives.

92. For SPLIT, it is determined that ESS7 requirement for FPIC applies since the project will affect the land tenure arrangements of the indigenous peoples and may affect the social and institutional arrangements around customary use of land and natural resources.

93. ESS7 notes that there is no universally accepted definition of FPIC. For the purposes of this ESS, FPIC is established as follows:

- a) the scope of FPIC applies to project design, implementation arrangements and expected outcomes related to risks and impacts on the affected Indigenous Peoples;

- b) FPIC builds on and expands the process of meaningful consultation described in ESS10 and paragraph 23 of ESS7,⁶ and will be established through good faith negotiation between the Borrower and affected Indigenous Peoples;
- c) The Borrower will document: (i) the mutually accepted process to carry out good faith
- d) negotiations that has been agreed by the Borrower and Indigenous Peoples; and (ii) the outcome of the good faith negotiations between the Borrower and Indigenous Peoples, including all agreements reached as well as dissenting views; and
- e) FPIC does not require unanimity and may be achieved even when individuals or groups
- f) within or among affected Indigenous Peoples explicitly disagree.

94. The standard also clarifies that consent refers to the collective support of affected indigenous communities for the project activities that affect them, reached through a culturally appropriate process. It may exist even if some individuals or groups object to such project activities, as recognized by paragraph. ESS7 requires that the Borrower engages independent specialists to assist in the identification of the project risks and impacts.

VIII. IMPLEMENTING/INTERNAL CONTROL PROCESS

Social Assessment and Planning Process for CCLOAs involving ICC/IPs

95. The following will be undertaken during project implementation starting at the inventory and validation phase as Collective CLOAs are identified for inclusion under the Project:

96. **1. Rapid Assessment, ES Screening and ESMP Matrix.** These will be undertaken during entry of the project team at the CCLOA community. This step will include the screening for the presence of indigenous peoples. See details in the ESMF.

97. **2. Social Assessment of the IP Issues.** If the ES Screening Form and ESMP Matrix indicates the presence of indigenous peoples, then a detailed assessment of the IP issue will be conducted. Attachment 1 of the IPPF outlines the content and scope of the social assessment. While the project is supporting subdivision of existing collective titles and in most cases would confirm existing land use and natural resource use arrangements, there are some risks to individual CCLOA members as well as the IP community. The assessment will therefore assess, in consultation with the community, the nature of the expected direct and indirect economic, social, cultural and environmental impacts. The assessment of IP issues will also identify whether the CCLOA is within an ancestral domain. The CCLOA will be categorized into three cases:

Case Ia. Where the CCLOA overlaps with Ancestral Domain (AD) and the CCLOA or its derivative rights document/title was issued after the Ancestral Domain was proclaimed, and the CCLOA issuance process was not cleared with NCIP. This is

⁶ Involve Indigenous Peoples/Sub-Saharan African

Para 23 notes that the Borrower will engage indigenous peoples in meaningful consultations in a culturally appropriate and gender and inter-generationally inclusive manner. The process should: a) involve IPs' representative bodies and organizations (e.g., councils of elders or village councils, or chieftains) and, where appropriate, other community members; (b) provide sufficient time for IPs' decision-making processes; and (c) allow for IPs' effective participation in the design of project activities or mitigation measures that could potentially affect them either positively or negatively.

expected to be a very rare case since the IPRA came into force only in December 2000 while the Comprehensive Agrarian Reform Law was passed in 1988. Nevertheless, in this case, the legal status of the CCLOA may seem uncertain and DAR should discuss the issue with the NCIP and local community to explore various options such as:

Option 1: If only a portion of the CCLOA overlaps with the AD, the project may carve out the overlaps and proceed with the titling of the remaining areas of the CCLOA; or,

Option 2: DAR will turn over the entire CCLOA to the NCIP for reissuance of individual CALT. However, both of these options may have involuntary resettlement implications, especially for non-ICC/IPs (to be covered by the RPF).

Option 3: The third option would be for the DAR to exclude the entire CCLOA from coverage of the Project and pursue the parcelization through its regular program or through another program specifically designed to address the issue and in collaboration with NCIP.

Case Ib: The CCLOA overlaps with ancestral domain and the CCLOA or its derivative property rights title was issued after the ancestral domain has been proclaimed, and the CCLOA had undergone clearance process under NCIP. In this case, the subdivision of the CCLOA may be treated as Case II below.

Case II. Where the CCLOA overlaps with AD but the CCLOA or its derivative property rights document/title was issued before the AD was proclaimed. This is probably the most common case of overlaps. In this case, the CCLOA is considered pre-existing rights inside the AD which by law should be respected and recognized. However, technically the subdivision of CCLOA into individual titles is an activity that would require Certification of Precondition from NCIP and FPIC under ESS7. Again, in this case, DAR should discuss alternative options with NCIP and the community because the subdivision of existing CCLOA titles would not be considered an intrusive activity or an activity that could have adverse outcomes to the ICC/IP, unless there is currently established in these lands some form of traditional production systems that depended mainly on collective land ownership. Absent the need for collective ownership and given that any ARB can actually opt in or out of the parcelization, asking consent from the community seem tantamount to the subordination of individual rights to community rights. The issue is basically which right the project would put more weight, the individual right of ICC/IP member or the collective rights of ICC/IP. Each CCLOA situation is expected to be unique and the engagement and FPIC process is essential in developing appropriate outcomes for the ICC/IP members and community.

Case III. Where the CCLOA does not overlap with any AD of ICC/IP but there are members of the ICC/IP among the ARBs, successor owner-claimant, and occupant/tiller of the lands in the CCLOA. In this case the CCLOA safeguards team will further assess whether the ICC/IP situation involves a community or whether they are purely individual land ownership cases. Cases where there is clear absence of ICC/IP community interests or collective attachments on individual landholdings of their members in the CCLOA should not require FPIC. In cases where the ICC/IPs are members of a community, FPIC under ESS7 is required (see additional discussions

below). Individual ARBs/tillers who are members of the ICC/IP are also allowed to opt out of the individual titling just like the non-ICC/IP ARBs. To determine if ICC/IPs present in the CCLOA, the following criteria will be used:

- 1) At least three ICC/IP members inside the CCLOA have formed or are members of agriculture-based livelihood association (formal and informal) which is affiliated with, dependent on, or takes inspiration from the ICC/IP customs, traditions and cultural heritage of the greater ICC/IP community.
- 2) At least two ICC/IP members have operated and managed their landholdings inside CCLOA under a cooperative or other form of collective organization, of mostly ICC/IP members.
- 3) At least 5 of the ARBs, successor owner-claimants, and current occupant/tillers in the CCLOA are members of the same ICC/IP group which has an extant community located within, adjacent to or reasonably close to the CCLOA site.

98. The Social Assessment Data Sheet (Attachment 1 of this IPPF) will be used to describe the findings of the assessment. The assessment will be followed by a meaningful consultation process leading to the ICC/IPs at the CCLOA providing their FPIC.

99. **3. FPIC and Participatory Planning.** For all cases, the CCLOA safeguards team will undertake an FPIC and IP Planning process, following the template provided in Attachment 2 of this IPPF. For CCLOA Cases I and II the CCLOA team will also involve the NCIP to follow the procedures required by the IPRA, as described in the NCIP Admin Order No. 3 Series of 2012. In all cases, the Regional Safeguards Team shall closely assist the CCLOA Team in the conduct of the participatory planning and FPIC.

100. The CCLOA safeguards team will agree with the ICC/IP community on an appropriate process to reach consensus. The process will be based on local decision-making processes of the community and ensure that it allows for an inclusive process where both women and men, different generations, and sub-groups (e.g. clans) within the community will be able to participate and voice their concerns and views. The process will define the basis upon which FPIC is provided and design support measures to enhance the benefits to the ICC/IPs and design any measures to avoid or mitigate potential risks and adverse impacts from parcelization. These would be detailed in the Indigenous Peoples Plan. If the ICC/IP does not provide their consent, the CCLOA may not be parcelized or only portion of it may be parcelized, carving out the areas with ICC/IPs who do not want to be included.

101. The following shall be excluded or carved out from the CCLOA before individual titling, subject to FPIC by the concerned ICC/IP:

For all Cases:

- (a) Sites considered sacred or culturally important by an extant ICC/IP community located within, adjacent to, or reasonably close to the CCLOA area, whether or not the site is located inside a parcel ICC/IP member, provided the claim is verifiable and has adequate basis;
- (b) Burial sites of ICC/IPs; and
- (c) Identified international and local cultural heritage sites.

For Case I and Case II:

- (d) Critical areas identified or reserved by the ICCs/IPs for special purposes; and
- (e) Other areas specifically identified by ICCs/IPs in their ADSDPP.

102. **4. Internal Review, Management Decision and Action.** While cases I and II may require higher level project management decision and consultation with NCIP, all sites with ICC/IPs will be subject to management deliberation and action before parcelization. The document package should be prepared by the CCLOA Safeguards team with close supervision and technical assistance from the Regional Safeguards Team. The documents to be submitted to the management are as follows:

- a) Screening Form (Attachments 1 of ESMF);
- b) Social Assessment Data Sheet (Attachment 1 of this IPPF); and
- c) Indigenous Peoples Plan with FPIC documentation (Attachment 2 of this IPPF).

103. The ESSU-Central Safeguards Team will review the documents and present the options to management or up to the Project Steering Committee where NCIP is represented and once a decision or further guidance is made, instructions will be sent back to the Regional Safeguards and CCLOA Team for action.

104. If approved by project management, the package will be sent to the World Bank for review and approval.⁷

105. **5. Implementation of the IP Plan and FPIC Memorandum of Agreement.** No parcelization activity shall be undertaken before FPIC has been obtained and the IPP prepared and approved by the concerned ICC/IP group. The items in the IPP should be implemented during the course of the individual titling. For Case I and II, titling activities on the affected parcels shall not commence until the Memorandum of Agreement with the concerned ICC/IP group has been signed and NCIP validation has been obtained.

106. **6. Monitoring and Evaluation.** The IPP will include monitoring and evaluation system. The CCLOA Safeguards Team will monitor the implementation of the IPP and status of FPIC and provide an overview of its monitoring of IPPs in its quarterly reports to the Regional Safeguards Team in accordance with the ESMF. The Central and Regional Safeguards Team may conduct random visits on the CCLOA sites in coordination with NCIP. The Central and Regional Safeguards Team will include an overview of IPP and FPIC monitoring in its semi-annual monitoring reports to the World Bank.

External Review

107. The semi-annual Safeguards Report to be prepared by the Central ESSU shall include a section on the status of the CCLOAs that have ICC/IPs. The World Bank will use these semi-annual reports in its Implementation Support Missions as the basis for discussions and provision of technical support regarding compliance with ESS7. The NCIP will also conduct

⁷ The Bank may agree with DAR during project implementation, and after reviewing at least five IPPs, that the Bank no longer needs to approve subsequent plans. DAR would continue to submit plans to the Bank at the Bank's request.

their own monitoring and review of the CCLOA sites that are undergoing or have undergone FPIC based on NCIP's Revised FPIC Guidelines.

108. The mid-term review will include an independent review of the implementation of this IPPF. Additional independent reviews may be undertaken when deemed necessary.

IX. INSTITUTIONAL ARRANGEMENTS AND CAPACITY BUILDING

109. The institutional arrangements and capacity building for IP issues are incorporated in the ESMF. In, addition, the NCIP will be consulted and involved in the implementation of this IPPF, as well as the tribal councils in areas with ICC/IPs following the consultation procedures in the respective community.

110. During the stakeholder engagement, the intent of Project SPLIT shall be disclosed to the concerned IPs and their communities, together with NCIP representatives. Also, the DAR safeguards team and the NCIP Executive Director have initially agreed to work with the top management of both the DAR and NCIP for the formation of a Technical Working Group to study/explore other measures to resolve any potential conflict that may be associated with the project, particularly between ADs and CLOAs. Proposed measures could include the possible financing of NCIP inputs needed during project implementation, and possibly, the provision of technology support and capacity-building on technical aspects of titling for NCIP under the Project.

X. COST ESTIMATE.

111. The cost of the implementation of this IPPF is given a budget of 40 million pesos (PhP), around USD 785,000. Based on the initial data, there are approximately 37,000 hectares of CCLOA that have potential overlaps with AD involving around 11,500 ARBs. Assuming an average of 100 hectares average size of CCLOA, there will be close to 400 CCLOA with potential overlaps. The detailed assessments and instruments preparation is allocated PhP 75,000 each for a total of PhP 30,000,000 million. Assuming further that about 25% of these CCLOAs (i.e. 100 CCLOAs) will require active involvement of the NCIP, these are allocated an additional budget of PhP 100,000 each for a total of another 10,000,000 pesos.

112. The budget will be adjusted after the detailed inventory and additional assessment of environmental and social risks and issues that will be undertaken during the first year of project implementation.

IX. GRIEVANCE REDRESS MECHANISM

113. Members of the ICC/IPs shall be informed of the Grievance Redress Mechanism of the Project as described in the SEP. However, complaints from ICC/IPs about the Project should first be referred to the Barangay and the tribal council for resolution before elevating them to the project's GRM.

114. All complaints shall be discussed and negotiations must be carried out in the specific communities where affected indigenous peoples live. The barangay and the tribal council concerned should facilitate this process and the project must ensure that affected IPs are properly represented. Where necessary, the project will bring in NCIP staff who must ensure that the rights of IPs are protected. If negotiations are stalled, or IPs disagree with all possible

options presented during these deliberations, the affected tribes can bring their grievance or complaints to the municipal implementing units of the project management. Should this still fail the IP expectations, the IPs can elevate their complaints to the Provincial representative of the NCIP or the Office of the Provincial Agrarian Reform Officer, with copies of the complaint furnished the Office of the Provincial Governor.

115. Attachment 3 specifies the GRM officer per affected area by municipality/ province/ region and national office. It also presents respective contact points and locations.

REFERENCES

DAR (2019), "Support to Parcelization of Land for Individual Titling" Project Proposal Submitted to the World Bank, March 29, 2019.

World Bank (2019), "Support for Parcelization of Land for Individual Titling" Concept Note.

NCIP Administrative Order No. 3 Series of 2012. "The Revised Guidelines on Free and Prior Informed Consent (FPCI) and Related Processes." National Commission for Indigenous Peoples (NCIP). Manila Philippines.

World Bank (2006). "Philippines Indigenous Peoples Rights Act: Legal and Institutional Frameworks, Implementation and Challenges." World Bank, April 2007.

World Bank (2016). "World Bank Environmental and Social Framework." World Bank, Washington, DC.

Republic Act No. 8371, "The Philippine Indigenous Peoples Rights Act of 1998". Philippine National Gazette.

Joint Administrative Order No. 01-12 of DAR, DENR, LRA and NCIP. "Clarifying, Restating and Interfacing the Respective Jurisdictions, Policies, Programs and Projects of the Department of Agrarian Reform (DAR), Department of Environment and Natural Resources (DENR), Land Registration Authority (LRA) and the National Commission on Indigenous Peoples (NCIP) in Order to Address Jurisdictional and Operational Issues Between and Among the Agencies". January 25, 2012th, Quezon City.

DAR (2020) Draft Stakeholder Engagement Plan (SEP) for Support for Parcelization of Land for Individual Titling (SPLIT). Department of Agrarian Reform. Quezon City, Philippines. February 27, 2020.

DAR (2020) Draft Environmental and Social Assessment (ESA) for Support for Parcelization of Land for Individual Titling (SPLIT). Department of Agrarian Reform Quezon City, Philippines. February 27, 2020.

DAR (2020) Draft Environmental Management Framework (ESMF) for Support for Parcelization of Land for Individual Titling (SPLIT). Department of Agrarian Reform, Quezon City, Philippines. February 27, 2020.

ATTACHMENTS

IPPF Attachment 1: Social Assessment for IP Issues

SPLIT Project **Information Sheet - Further Detailed Assessment of the CCLOA Area for IP Issues**

CCLOA No. _____ **CCLOA Address:** _____
Total Area of CCLOA: _____ **No of Parcels:** _____

A. Overlap with Ancestral Domain

Ancestral Domain Overlap? (Yes/No) _____ Area of Overlap: _____
Number of Parcels with Overlap: _____
Date ICC/IP's Ancestral Domain was proclaimed: _____
CCLOA Derivative Title Type: _____ Date issued: _____
Date CCLOA was issued: _____ Was CCLOA cleared by NCIP? _____

B. Presence of Members of ICC/IP

ICC/IP Groups present among ARBs, Successor Owner-Claimants, and Occupant/Tiller

ICC/IP Group	With AD Overlap?	Non-overlap but AD is nearby?	Original ARB (a)	Successor Owner Claimant (b)	Current Occupant/ Tiller (c)	Total No. ICC/IPs (a+b+c)
Total						

To avoid double counting, count only:

(a) Original ARBs who are members of particular ICC/IP group

(b) Successor owner- claimants (not the original ARB) who are members of the ICC/IP group

(c) Non owner-claimant current occupant/tillers who are members of the ICC/IP group

C. Community Leadership Structure and Decision-Making Processes

ICC/IP Group	Leadership Structure (Describe)	Concurrent Decision-Making Process (Describe)

D. Other Information

Does any of the ICC/IP groups have collective production/management arrangements for their member farms inside the CCLOA? _____

Have any of the ICC/IP groups formed associations/cooperatives, formal or informal, relating to the economic activities of individual members inside the CCLOA? _____

Are there any land parcels within CCLOA which contain cultural important site or sites for certain ICC/IP group (e.g. burial grounds, sacred places, places of worship, etc.)? _____

For CCLOA outside the Ancestral Domain but with ICC/IP members among the ARBs, successor claimants, or current occupant (check those that are true):

- ___(a) At least three ICC/IP members inside the CCLOA have formed or are members of agriculture-based livelihood association (formal and informal) which is affiliated with, dependent on, or takes inspiration from the ICC/IP customs, traditions and cultural heritage of the greater ICC/IP community.
- ___(b) At least two ICC/IP members have operated and managed their landholdings inside CCLOA under a cooperative or other form of collective organization, of mostly ICC/IP members.
- ___(c) At least 5 the ARBs, successor owner-claimants, and current occupant/tillers in the CCLOA are members of the same ICC/IP group which has an extant community located within, adjacent to or reasonably closed to the CCLOA site.

Are any of the following present in the CCLOA area?

- ___(a) Sites considered sacred or culturally important by an extant ICC/IP community located within, adjacent to, or reasonably close to the CCLOA area whether or not the site is located inside a parcel ICC/IP member, provided the claim is verifiable and has adequate basis;
- ___(b) Burial sites of ICC/IP; and
- ___(c) Identified international and local cultural and heritage sites.
- ___(d) Critical areas identified or reserved by the ICCs/IPs for special purposes; and
- ___(e) Other areas specifically identified by ICCs/IPs in their ADSDPP.

Describe each ICC/IP Group in terms of income class, types of dwellings, production systems, leadership structure, settlement pattern, are they nomadic or sedentary tribe? etc.:

1. _____

2. _____

3. _____

4. _____

E. CCLOA – ICC/IP Typology

Based on the information above, categorize the CCLOA in one of the cases below (check which case the CCLOA falls into):

[] Case Ia: The CCLOA overlaps with Ancestral Domain and it and its derivative property rights title seemed to have been issued after the Ancestral Domain has been proclaimed. And the CCLOA was not cleared with NCIP. Recommended Option for management (check):

_____ Option 1: If only a portion of the CCLOA overlaps with the AD, the project may carve out the overlaps and proceed with the titling of the remaining areas of the CCLOA; or,

_____ Option 2: DAR will turn over the entire CCLOA to the NCIP for reissuance of individual CALT. However, both of these options will have involuntary resettlement implications, especially for non-ICC/IPs. The third option would be:

_____ Option 3: DAR to exclude the entire CCLOA from coverage of the project and pursue the parcelization through its regular program or through another program specifically designed to address the issue and in collaboration with NCIP.

_____ Others: _____

[] Case Ib: The CCLOA overlaps with Ancestral Domain and it and its derivative property rights title seemed to have been issued after the Ancestral Domain has been proclaimed. And the CCLOA had undergone clearance process under NCIP. Management option (check one)

_____ Option 1: Exclude all parcels that overlapped with AD from individual titling activities. Here, the fate of the non-ICC/IP member ARBs whose parcel will be carved out from the Mother CLOA is uncertain. If their prior rights are not honored by NCIP--they may need to be resettled; or,

_____ Option 2: If the ARB is a member of the ICC/IP owning the AD, give them options to opt out and voluntarily opt in from the individual titling. Here, the titling activity could be considered solicited by the ICC/IP themselves and hence would not require FPIC; or,

_____ Option 3: Go through the long and elaborate process of FPIC.

_____ Others: _____

[] Case II. The CCLOA overlaps with an Ancestral Domain but it and its derivative property rights title predate the proclamation of the Ancestral Domain. Recommended Option to Management:

[] Case III: The CCLOA does not overlap with any ancestral domain but there are ICC/IP members among the beneficiaries and affected persons of the parcelization of CCLOA into individual titling.

D. Assessment

Assess, in consultation with the ICC/IP community, and describe the potential risks and expected direct and indirect economic, social, cultural and environmental impacts.

1. _____

2. _____

3. _____

4. _____

E. Recommendations

Based on the assessment, provide recommendations for measures to enhance benefits to the ICC/IPs and measures to avoid or mitigate potential risks and impacts.

1. _____

2. _____

3. _____

4. _____

Prepared by: _____

Reviewed and Approved by: _____

Attachment 2: IP Plan (World Bank ESS7)

SPLIT Project Template for Indigenous Peoples Plan

This IPP template shall be used to describe the social and cultural context of the CCLOA, potential risks and impacts to ICC/IPs, the meaningful consultation and FPIC process, and measures to enhance benefits to the ICC/IPs and measures to avoid or mitigate potential risks and impacts. It shall also describe the institutional and implementation arrangements, budget and timeline, monitoring and evaluation, and GRM.

And any of the following is true (check those that are true):

- *At least three ICC/IP members inside the CCLOA have formed or are members of agriculture-based livelihood association (formal and informal) which is affiliated with, dependent on, or takes inspiration from the ICC/IP customs, traditions and cultural heritage of the greater ICC/IP community.*
- *At least two ICC/IP members have operated and managed their landholdings inside CCLOA under a cooperative or other form of collective organization, of mostly ICC/IP members.*
- *At least 5 the ARBs, successor owner-claimants, and current occupant/tillers in the CCLOA are members of the same ICC/IP group which has an extant community located within, adjacent to or reasonably closed to the CCLOA site.*

I. Background Information

CCLOA No: _____ CCLOA Address: _____
Number of ICC/IP members involved: _____
Name/s of the IP Group or Groups: _____
Estimated number of ICC/IP Population in the Community: _____
Distance of the Community/Village from the Subproject Site: _____
Main livelihood sources of the Community: _____
Main crops planted by the ICC/IP members involved in the CCLOA: _____

Current Ownership of Status of ICC/IP Lands inside CLOA

Under Collective Ownership _____ Under Individual Ownership: _____

II. Introductory Consultation

1. Discuss Purpose of the Consultation. That is to consult develop a plan that address impacts of or enhances the outcomes of the CCLOA subdivision and the issuance of individual titles.
2. Discuss thoroughly the nature of the project, its potential benefits and impacts to the individual and the ICC/IP and other issues.
3. Brainstorm about ICC/IP member's concerns, plans and needs related to their plans, as follows:

- a. What are benefits accruing to the Community from the proposed CCLOA subdivision and individual titling (describe/enumerate if there are any):

b. What are the perceived disadvantages or adverse impacts of the CCLOA subdivision and issuance of individual titling to the Community or Members of the Community (describe if there are any):

c. What are the development needs of the ICC/IP community that are related to the proposed CCLOA subdivision into individual titles (describe, if there are any and indicate their respective priorities):

A. Identification and Prioritization of plans

[Choose at least three priority development needs by the IP/ICC from Section II above. For each development need, identify any activity/ies that might be funded as part of the project. Fill in the rest of the table. Note that more than one activity may be identified for each development need.]

Expressed training, support and/or development needs or concerns of the ICC/IP members	How the project may help address this need? Identify any training, support and/or development activity.	Priority Rank to the IP/ICC (1 is top priority)	How is this activity related to the Individual Titling process or outcome? (Check one)
			<input type="checkbox"/> enhances benefits/outcomes of individual titling and mitigates impacts to the ICC/IP <input type="checkbox"/> enhances outcomes/benefits to the ICC/IP <input type="checkbox"/> mitigates impacts to the ICC/IP <input type="checkbox"/> not related to CCLOA subdivision
			<input type="checkbox"/> enhances benefits/outcomes of individual titling and mitigates impacts to the ICC/IP <input type="checkbox"/> enhances outcomes/benefits to the IP/ICC <input type="checkbox"/> mitigates impacts to the ICC/IP <input type="checkbox"/> not related to CCLOA subdivision
			<input type="checkbox"/> enhances benefits/outcomes of individual titling and mitigates impacts to the ICC/IP <input type="checkbox"/> enhances outcomes/benefits to the ICC/IP <input type="checkbox"/> mitigates impacts to the ICC/IP <input type="checkbox"/> not related to CCLOA subdivision

			<input type="checkbox"/> enhances benefits/outcomes of individual titling and mitigates impacts to the ICC/IP <input type="checkbox"/> enhances outcomes/benefits to the IP/ICC <input type="checkbox"/> mitigates impacts to the ICC/IP <input type="checkbox"/> not related to CCLOA subdivision
--	--	--	---

B. Ranking of Possible Additional Activities

[Assign scores to each of the possible additional activities as follows]

Proposed Additional training, support and/or development activity that may address development need	Priority to the ICC/IP Score = (total number of activities considered minus (–) priority rank of that activity)	Relations to the project Score = (3 for activities that mitigate impact and at the same time also enhance benefits; 2 for activities that enhance benefits; 2 for activities that mitigate impacts; and, 1-not related to the SPLIT project)	Total Score

III. Agreed Development Activities to be Funded

A. Determining Priorities and Costs

[Based on II-B, list down activities the from highest to lowest scores and indicate their cost estimates].

Score (highest to lowest)	Training, support and/or development activity that may address this need	Estimated Cost to be borne by the Project (C)	Cost borne by the ICC/IP (D)	Total Cost

B. Final List of Additional Activities to be Funded

The following are the Development Activities to be Funded by the project. Transfer the list of activities above to the table below in the same order. Cut off the list up to the cumulative total cost of up to an equivalent of 10,000 per ICC/IP member.

Training, support and/or development activity to be funded	Cost	IP/ICC contribution if any	How would this training, support and/or development activity be implemented? (Through a modification of the project design; Through additional item in the project; Through a separate construction/service contract by contractor; Through supply of materials and separate service contract by ICC/IP themselves; through other DAR programs; others please specify.)
1.			
2.			
3.			
Total Cost			

IV. Implementation arrangements, including monitoring and evaluation

V. GRM

VI. Signatories

The preparation of this IPP was facilitated by:

CCLOA Team

Date

In behalf of the ICC/IP Community, we hereby concur with the above plan and certify that the final list of additional activities was arrived at by consensus among the members of the ICC/IP whose signatures and thumb marks are hereby attached:

ICC/IP Leader/Representative

Date

NCIP or LGU Representative

Date

(Please attach sheets containing the signatures of the ICC/IP members present during the final consultation. The sheet containing the signature must also have a heading containing the title of the Subproject, the Name of the ICC/IP Group, the Date and the Location of the final consultation conducted.)

Attachment 3: Listing of Grievance Officers

National Level (Name, designation, mobile number, email address etc.)

Should also include NCIP desk Officers per region/province if any

List of Grievance Officers for Project SPLIT

Region 1	Provinces	Municipality