



Tebtebba

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NGO in Special Consultative Status with the Economic and Social Council of the UN

20 February 2026

Re: Call for inputs: Demarcation, registration and titling of Indigenous Peoples' lands, territories and resources
Issued by: Special Rapporteur on the rights of Indigenous Peoples
Deadline: 20 February 2026

Submission for the report to the 81st Session of the General Assembly – Philippines/MIMAROPA (Region IV-B), SOCCSKARGEN (Region XII), BARMM, Region III, CAR, Region VIII (Caraga)/Tagbanua, Tinonanon Monubu, Kulamanen Menuvu, Teduray-Lambangian, Tagbanua, Palaw'an, Ibaloy, Kankanaey, Ayta Hungay, Mangyan, Mamanwa/Tebtebba Foundation Inc.

Legal recognition of Indigenous Peoples' lands:

- Are Indigenous Peoples' land rights (land, territories and resources) legally recognised in a constitution, law, or policy?

Yes. Indigenous Peoples' land rights are legally recognized in the Philippine Constitution. This recognition is made stronger by the Indigenous Peoples Rights Law (IPRA) or Republic Act No. 8731 of 1997, the landmark law that recognizes the rights of Indigenous Peoples, aside from their basic human rights. The IPRA then echoes the tenets enshrined in the UN Declaration of Indigenous Peoples and has even been created way before the Declaration.¹

- What is the scope of these recognised rights (full property/ownership, access, use, control, exclusion, sub-surface rights, benefit-sharing)?

The recognized rights of Indigenous Peoples in the Philippines cover full property ownership, access, use, and control of their territories, lands and resources.

- Are customary territories, including waters/marine areas, and traditional governance institutions legally recognised as pre-existing rights?

Yes, they are. The IPRA covers restitution and reparation for historical injustices, including the illegal seizure of land and cultural property. IPRA aims to correct historical abuses against

¹ The UNDRIP was adopted by the United Nations Human Rights Council on 13 September 2007 during the 107th Plenary Meeting.

Indigenous Peoples by recognizing their right to ancestral domains, self-governance, and cultural integrity.²

- Do those recognised land rights include restitution or compensation for historical dispossession?

Yes, the IPRA was made to correct historical dispossession of Indigenous Peoples' lands, invoking the use of "native title" to cover ownership of their ancestral lands and domains.³

- Would you consider that the current local legal recognition is aligned with the UNDRIP? If not, what are the elements that are missing or not aligned?

Yes, the local legal recognition of Indigenous Peoples rights is aligned with the UNDRIP. However, the exercise of this local law is problematic as there are differing ways by which the local law, IPRA, is interpreted, acknowledged and enforced.

- If there is no legal recognition of Indigenous Peoples' land rights, what are the current practices that are in place instead?

To make the IPRA more effective or even exercised at the local level, some municipalities⁴ create and adopt their own Indigenous Peoples (IP) code that is aligned with the UNDRIP and the IPRA.

For instance, in the municipality of Arakan in the province of North Cotabato in the southern part of the Philippines, their local IP code was a landmark document designed to protect and promote the rights of the indigenous communities within its jurisdiction, specifically the Tinonanon Monubu and Kulamanen Menvu Indigenous Peoples. Included in the Arakan IP code are the following: (1) recognition of Indigenous Peoples' ancestral domains in the area, (2) indigenous governance and structure, (3) sustainable resource management, (4) policies protecting Indigenous Peoples in the area, (5) strengthened representation of Indigenous Peoples in decision-making spaces, and (6) advocacy for the replication of the Arakan IP code in other areas.⁵

Physical marking of Indigenous Peoples' land rights:

- Are Indigenous Peoples' lands demarcated and titled?

Indigenous Peoples' lands and territories have been demarcated in the Philippines since time immemorial with the use of a native title⁶, with traditional boundary markers recognized in their

² https://www.wipo.int/en/web/traditional-knowledge/w/tklaws/article_0017#:~:text=%2D%20ICCs/IPs%20have%20the%20right,their%20laws%20C%20traditions%20and%20customs.

³ [https://cids.up.edu.ph/wp-content/uploads/2022/12/Recommendations-for-the-Indigenous-Peoples-Rights-Act-Policy-Brief-02.pdf#:~:text=The%20Indigenous%20People's%20Rights%20Act%20\(IPRA\)%20of,for%20IPs%20and%20ICCs%20under%20one%20legislation.](https://cids.up.edu.ph/wp-content/uploads/2022/12/Recommendations-for-the-Indigenous-Peoples-Rights-Act-Policy-Brief-02.pdf#:~:text=The%20Indigenous%20People's%20Rights%20Act%20(IPRA)%20of,for%20IPs%20and%20ICCs%20under%20one%20legislation.)

⁴ In the Philippines, a municipality is the local government unit that is governed by an elected mayor, a vice mayor and a *sangguniang bayan* (municipal council).

⁵ <https://tebtebba.org/index.php/2023-indigenous-peoples-month>

⁶ A native title in the Philippines refers to "pre-conquest rights" of Indigenous Peoples to their ancestral domains sequestered under a claim to a private and collective ownership since time immemorial. <https://ncip.gov.ph/wp-content/uploads/2020/03/IPRA-LAW.pdf>

areas by their neighbors (i.e., neighbor Indigenous Peoples groups, other major ethnolinguistic groups in their corresponding areas). However, many of these boundaries have been impacted by modern state government demarcations, illegal encroachment in Indigenous Peoples lands, the increase of conflicting land tenure instruments⁷, development projects (i.e., extractive industries, government-funded roads and infrastructure) that cut into Indigenous Peoples lands without proper free, prior and informed consent (FPIC).⁸

All these are still ongoing issues despite the presence of the IPRA which, by all accounts, was made to safeguard and promote the rights of Indigenous Peoples in the country over their lands, territories and resources.

- How is the demarcation done?

Nevertheless, the IPRA provides for a Certificate of Ancestral Domain Title (CADT) to formalize Indigenous Peoples' claims to their ancestral domains, aiming to stop illegal encroachment and strengthen the need for FPIC.⁹

- When filing the claim for demarcation and titling, what is the documentation and other requirements needed, what institutions are involved and how accessible are these to Indigenous Peoples?

When filing a claim for ancestral domain demarcation and titling, there are following requirements:

- *Self-Delineation (Community Mapping):* Indigenous communities identify their own boundaries using traditional knowledge, landmarks (rivers, mountains), and customs.
- *Global Positioning System (GPS) / Global Navigation Satellite System (GNSS):* Used for high-precision perimeter surveys to determine exact coordinates, distances, and directions of boundary lines.
- *Geographic Information Systems (GIS) & Remote Sensing:* Utilized by the NCIP and NAMRIA for mapping and analyzing aerial photos or satellite imagery to visualize land use and coverage.
- *Perimeter Survey & Technical Descriptions:* Conducted by accredited Geodetic Engineers authorized by the NCIP.
- *Sketch Maps/Sketch Plans:* Preliminary maps created during initial field validation.

⁷ Conflicting land tenure instruments in the Philippines stem from the historical, legal, and operational gap between indigenous customary law and state-sanctioned titling systems. While the IPRA recognizes "native title" and ancestral domains, it often overlaps with, or is superseded by, older, more powerful state instruments.

<https://ccsenet.org/journal/index.php/ass/article/view/67229#:~:text=Our%20results%20indicate%20that%20conflicting,further%20enhance%20their%20business%20interests.>

⁸ <https://iwgia.org/en/philippines/5372-iw-2024-philippines.html#:~:text=The%20Republic%20Act%208371%2C%20known,general%2C%20Indigenous%20lands%20remain%20unrecognized.>

⁹ <https://www.eco-business.com/news/indigenous-land-rights-cant-stop-commercial-development-in-the-philippines/#:~:text=Anyone%20who%20wants%20to%20conduct,land%20cannot%20legally%20be%20sold.>

- *Validation and Verification Surveys: Field-level verification of survey plans to ensure accuracy before titling.*

- What is the average duration of such demarcation/titling processes, and what are the fees or costs involved?

The average duration for the application for a CADT and its corresponding costing is highly dependent on the size, location and complex make-up of the specific ancestral domain. A work and financial plan (WFP) can easily reach around 2.3 million Philippine Pesos.¹⁰ While the National Commission on Indigenous Peoples (NCIP)¹¹ is tasked to facilitate the CADT process, substantial expenditures are expected to cover actual surveying, documentation and validation.

The Asian NGO Coalition, in their study, notes that the Commission on Audit in their 2018 annual audit of NCIP says that “the CADT processing was very slow and was in violation of the prescribed rules under the Omnibus rules on delineation. The duration of the CADT applications ranged from 1 year and 7 months to 15 years relative to its approval resulting into delay in securing the right of ownership over their AD (ancestral domain).” (COA, 2016).¹²

- Which entity is the legally recognised holder of the title deed?

In all CADT applications, the Indigenous Peoples are the recognized holders of the title deed. They are the collective owners of their corresponding CADT.¹³

- What are the legal and technological tools used for demarcation and titling?

Ancestral domain demarcation in the Philippines is done through the following legal tools and frameworks¹⁴:

- *IPRA: The primary law governing the recognition, demarcation, and titling of CADT.*
- *NCIP Administrative Order No. 1, Series of 2020: Rules on the Delineation and Recognition of Ancestral Domains.*
- *NCIP Administrative Order No. 4, Series of 2012: Revised Omnibus Rules on Delineation and Titling.*

¹⁰ <https://pssc.org.ph/wp-content/pssc-archives/Aghamtao/2012/04-%20San%20Jose-%20CADT%20Aghamtao%2021%20-%202012.pdf>

¹¹ The NCIP is the primary government agency in the Philippines that was established by the IPRA. It is responsible for the protection, promotion and recognition of Indigenous Peoples rights, well-being and ancestral domains. <https://www.dbm.gov.ph/wp-content/uploads/OPCCB/opif2009/denr-ncip.pdf>

¹² NGOC (2018). Recognition of indigenous peoples' lands. Retrieved at: Source: Asian NGO Coalition <https://share.google/FOnNLYVR27CJLvKmz>

¹³

<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/11/46070#:~:text=Certificate%20of%20Ancestral%20Domain%20Title,d>

¹⁴ <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/40699>

- *Joint DAR¹⁵-DENR¹⁶-LRA¹⁷-NCIP Administrative Order No. 01, Series of 2002: Ensures inter-agency cooperation to avoid overlaps with existing titles.*
- *Proof of Ancestral Domain Claim (PADC): Documented evidence including genealogical surveys, oral testimonies, historical accounts, and pictures of landmarks.*
- *Ancestral Domain Sustainable Development and Protection Plan (ADSDPP): Mandatory, community-based management plan.*

With the following technological tools and methods¹⁸:

- *Self-Delineation (Community Mapping): Indigenous communities identify their own boundaries using traditional knowledge, landmarks (rivers, mountains), and customs.*
- *Global Positioning System (GPS) / Global Navigation Satellite System (GNSS): Used for high-precision perimeter surveys to determine exact coordinates, distances, and directions of boundary lines.*
- *Geographic Information Systems (GIS) & Remote Sensing: Utilized by the NCIP and NAMRIA for mapping and analyzing aerial photos or satellite imagery to visualize land use and coverage.*
- *Perimeter Survey & Technical Descriptions: Conducted by accredited Geodetic Engineers authorized by the NCIP.*
- *Sketch Maps/Sketch Plans: Preliminary maps created during initial field validation.*
- *Validation and Verification Surveys: Field-level verification of survey plans to ensure accuracy before titling.*

The key processes¹⁹ in ancestral domain demarcation are the following:

- *Social Preparation: Informing the community about the process.*
- *Research/Data Gathering: Collecting proof of time-immemorial possession.*
- *Establishment of Project Control: Setting technical benchmarks for the survey.*
- *Perimeter Survey: Physical, on-the-ground mapping.*
- *Publication and Validation: Posting maps for public notice.*

¹⁵ Department of Agrarian Reform. In the Philippines, it is the executive department responsible for implementing the Comprehensive Agrarian Program (CARP). Its focus is ensuring “equitable land distribution, providing tenurial security and delivering support services to farmers and agrarian reform beneficiaries”.

[https://en.wikipedia.org/wiki/Department_of_Agrarian_Reform#:~:text=The%20Department%20of%20Agrarian%20Reform,Secretary%20of%20Agrarian%20Reform%20\(Philippines\)](https://en.wikipedia.org/wiki/Department_of_Agrarian_Reform#:~:text=The%20Department%20of%20Agrarian%20Reform,Secretary%20of%20Agrarian%20Reform%20(Philippines))

¹⁶ Department of Environment and Natural Resources. In the Philippines, it is the executive department responsible for the “conservation, management, development, and sustainable use of the country's environment and natural resources, including forests, minerals, and lands”.

<https://www.scribd.com/document/617985154/DENR-Mandate#:~:text=The%20Department%20of%20Environment%20and,resource%20exploration%2C%20extraction%20and%20use.>

¹⁷ Land Registration Authority. In the Philippines, it is the government agency “responsible for issuing decrees of registration and certificates of title. It functions as the central repository of land records and manages the Torrens system of land titling to secure property ownership”. [https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/53338#:~:text=The%20Land%20Registration%20Authority%20\(LRA\)%20is%20an,*%20Plan%20and%20implement%20programs%20and%20projects](https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/53338#:~:text=The%20Land%20Registration%20Authority%20(LRA)%20is%20an,*%20Plan%20and%20implement%20programs%20and%20projects)

¹⁸ <https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-4-s-2012-revised-omnibus.pdf>

¹⁹

https://www.fig.net/resources/proceedings/fig_proceedings/fig2015/papers/ts04b/TS04B_hespanhaa_paixao_et_al_7579.pdf

- What role do Indigenous People play in the demarcation and/or titling process? Is their role determinant?

During the demarcation and titling process of Indigenous Peoples' ancestral domains, they are expected to play the lead role, allowing them to properly determine the boundaries. They are also expected to validate any of the data collected for the CADT process. A copy²⁰ of the IPRA published by the Philippine Commission on Women states IPRA "mandates their active, primary, and decisive role in the identification, delineation, and recognition of these lands. Their role is centered on "self-delineation," where they define their own boundaries based on indigenous knowledge systems, practices, and traditions, rather than having them imposed by the state."

However, Indigenous Peoples on the ground are increasingly limited by many of these highly technical and legal processes, given that not many of them have the necessary skills to do these. Many Indigenous Peoples are forced to depend on external entity assistance, thereby reducing their control over the matter. The Regalian Doctrine states that all lands belong to the state—this also conflicts with Indigenous Peoples rights to their lands and territories. Moreover, the expensive cost of CADT processing and the common interference of big businesses may also influence demarcation decisions.²¹

- How do you assess the adequacy of these procedures vis-à-vis Indigenous Peoples' internationally recognised rights?

While these procedures should be adequate enough to properly and formally demarcate ancestral domains in the Philippines vis-à-vis internationally recognized Indigenous Peoples rights, there is a glaring problem with regard to above-mentioned challenges: (1) technical inadequacy and dependence on external technical support, (2) conflicting land laws and tenure instruments and (3) external influence over CADT demarcation due to big companies aiming to enter the ancestral domain and the high cost of CADT processing.

- What are the main obstacles or obstructions to demarcation and titling?

As mentioned in the above-stated paragraph, ancestral domain demarcation can be very difficult due to the said factors. Also, the need to fulfill all the requirements can be very difficult, especially since the CADT process requires both rigorous technical knowhow and monetary resources from start to finish.

- Are there cases in which inadequate titling processes (including, for instance, incomplete demarcation, delays in titling procedures, ineffective title clearing) may have originated violence and criminalisation of Indigenous Peoples?

Yes. A good example would be the CADT process of the Teduray-Lambangian Indigenous Peoples of Mindanao in the southern Philippines. Their application for a CADT was filed on 5 August 2005 through the then Office for Southern Cultural Communities (OSCC)²². The long

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²¹ <https://www.alburolaw.com/republic-act-no-8371-otherwise-known-as-the-indigenous-peoples-rights-act-of-1997-ipra/>

²² OSCC was established by Executive Order No. 122-C under Corazon C. Aquino, tasked with promoting the rights, well-being and cultural heritage of non-Muslim hill tribes and ethnolinguistic minority groups in the southern Philippines. It focused on economic development, cultural preservation, and tribal

overdue delay, while expected to finally be awarded before June 2026²³, have resulted in lengthy years of struggle for the Teduray-Lambangian Indigenous Peoples. Covering around 208,154 hectares in the provinces of Maguindanao del Norte, Maguindanao del Sur and Sultan Kudarat in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM)²⁴, their ancestral domain has been a hotspot of violence for years. Indigenous Peoples in the BARMM have been caught in the crossfires between rebel forces and the state government, causing massive displacement of Indigenous Peoples from their ancestral domains. Even after the formation of the now existing BARMM, the Teduray-Lambangian peoples are still being subjected to death threats, actual killings, illegal ancestral domain encroachment, and displacement due to the fact that their CADT is yet to be awarded which, if and when awarded, should allow them to have increased and total control of the decisions made for any initiative done within it.

Balancing Indigenous Peoples' land rights with other interests:

- How strong is the protection of demarcated or titled Indigenous Peoples' lands?

While the CADT aims to provide state-backed protection of Indigenous Peoples' lands, territories and resources, application of the IPRA and other parallel laws and policies on the ground is still considered highly insufficient. There is still a need to ensure that stronger acknowledgement, respect and protection of Indigenous Peoples' land rights are genuinely done in all levels of decision-making in the country. This is especially true as the existence of (1) conflicting land tenure instruments, (2) improper or insufficient FPIC, (3) zero-to-insufficient benefit sharing policies and protocols, and (4) continuous influx of extractive initiatives and other development projects within the ancestral domain, among others, continues to be the reality on the ground. In summary, there is a lack of political will to acknowledge, respect, protect and fulfill Indigenous Peoples rights to land and territories in the country.

- How strongly are these titled rights upheld, in the context of other competing interests: do sectoral laws on energy, mining, environmental conservation and others recognise and respect Indigenous Peoples' specific rights? Are these laws and their implementation consistent with the State's human rights responsibilities and international obligations regarding Indigenous Peoples' rights?

While the NCIP, mandated to ensure that Indigenous Peoples' land rights are upheld, respected and protected, there is still the presence of conflicting laws and policies that continue to contradict the supposedly overarching IPRA law and Philippine Constitution. Also, the "eminent domain"²⁵ and the Regalian Doctrine²⁶ prevails and it is under this framework that sectoral policies are developed. They may be semantically aligned to the IPRA but the processes can

affairs. This office was then merged with the Office for Northern Cultural Communities which both formed the NCIP in 1997 through RA 8371 or the IPRA.

²³ <https://www.facebook.com/reel/2041238730029968>

²⁴ The BARMM was created after a series of peace talks done over a period of several years between the Philippine government and various autonomist groups, specifically the Moro National Liberation Front (MILF), that called for the creation of an autonomous region with more powers to pursue their own development.

²⁵ Eminent domain in the Philippines is the state's inherent power to take private property for public use upon payment of just compensation, as mandated by Section 9, Article III of the 1987 Constitution. It requires a valid, legal purpose (public interest/welfare) and fair market value compensation, often involving local ordinances for Local Government Units (LGUs).

<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/17/47864>

²⁶ <https://www.scribd.com/document/557096069/Untitled-1>

always be undermined by any third party's interest. For instance, Benguet province has a century-long history of mining (e.g., Lepanto Consolidated Mining, Philex Mining), causing soil subsidence and water pollution, particularly in Itogon.²⁷ These mining areas in Itogon are part of the ancestral lands of the Ibaloy and Kankanaey Indigenous Peoples of Benguet who have been negatively impacted by the presence of these mining corporations that have caused not only environmental degradation in the area but have also displaced many of the people.²⁸

- Which institutions play a key role in the protection and safeguarding of these titled lands (courts, NHRIs, State entities, etc.)?

Basically, the following government agencies play a key role in protecting and safeguarding CADTs:

- *NCIP: As the primary government agency, the NCIP is responsible for the recognition, delineation, and titling of ancestral domains/lands, specifically issuing CADT and Certificates of Ancestral Land Titles (CALT). It is attached to the Office of the President.*
- *NCIP Ancestral Domains Office: This office specifically handles the identification, delineation, and recognition of ancestral lands/domains.*
- *NCIP Legal Affairs Office: Provides legal assistance to Indigenous Peoples in litigation, including filing cases against violations of land rights.*
- *DENR: Coordinates with the NCIP regarding natural resources within ancestral domains.*
- *LRA: Responsible for registering titles and deeds, including CADTs and CALTs.*
- *Commission on Human Rights (CHR): Investigates violations of indigenous peoples' rights, including land-related harassment and displacement.*
- *DEPDev (Department of Economy, Planning and Development): Formerly known as the National Economic and Development Authority, it is the government agency of the Philippines that is "responsible for national and regional economic policy, development, monitoring, and planning"²⁹. In the CADT process, it plays a supporting, policy-coordinating role, primarily ensuring that the CADT process aligns with regional development planning and socio-economic policies. The agency promotes the integration of Indigenous Peoples rights into overall economic development in the country.³⁰*
- *Local Government Units (LGU): Because the local government unit is the most immediate government unit that caters and responds to its constituents, it plays a critical and collaborative role in the CADT process as it acts as a bridge and a partner for both*

²⁷ Wetzlmaier, M. (2012). Cultural Impacts of Mining in Indigenous Peoples' Ancestral Domains in the Philippines. *ASEAS - Austrian Journal of South-East Asian Studies*, 5(2), 335-344.

²⁸ <https://www.culturalsurvival.org/news/indigenous-peoples-continue-100-year-fight-against-large-scale-gold-mining-philippines#:~:text=For%20more%20than%20a%20century,necessary%E2%80%94until%20they%20are%20successful.>

²⁹ https://en.wikipedia.org/wiki/Department_of_Economy,_Planning,_and_Development

³⁰ <https://sdg.depdev.gov.ph/about-neda/>

the Indigenous Peoples community and the NCIP. It ensures that the CADT process is integrated in local governance.³¹

They are joined by non-state actors including the Indigenous Peoples' community themselves and like-minded non-government organizations, helping to monitor that CADTs remain genuinely owned and controlled by Indigenous Peoples in the country.

- What is the role and situation of land defenders who actively protect Indigenous Peoples' lands? Are there mechanisms to protect Indigenous Peoples' land rights defenders from intimidation or reprisals, including rapid response, legal aid, and prosecution of threats? Kindly provide case examples.

As in the above-mentioned situation of Indigenous Peoples in the BARMM, specifically that of the Teduray-Lambangian Indigenous Peoples, there is an increase in cases of killings, death threats and intimidation of members of the Indigenous Peoples, perpetrated, mostly, by unknown entities due to land disputes, paramilitary or armed group harassment and Indigenous Peoples resistance against ancestral land grabbing.

As of February 2026, a total of at least 103 Indigenous Peoples, particularly among the Teduray-Lambangian peoples, have been killed in the area since 2014. This number has increased from the 84 victims previously recorded in a document³² submitted to the UN Special Rapporteur on the Rights of Indigenous Peoples in 2025.

These Indigenous Peoples killings resulted in a series of national Congressional hearings in 2025, giving way to the creation of an intergovernmental task force (ITF) as part of the 3 December 2025 hearing recommendations. On 20 December 2025, an Executive Order (EO) was discussed and drafted for submission to the President of the Philippines, Ferdinand Marcos Jr. by February 2026, which would create a Task Force that will (investigate these killings and provide legal action, (2) offer timely delivery of humanitarian assistance to victims, their affected families and displaced communities, and (3) establish a centralized database of all reported Indigenous Peoples killings as well as ensure the direct and meaningful participation of Indigenous Peoples in all processes affecting their rights, including but not limited to the preparations for Camp Transformation Plans in their area.³³

- Are there cases of violence and criminalisation of Indigenous Peoples and their communities related to their protection of their traditional lands after titling?

Yes, an example would be the Tagbanua Indigenous people of the province of Palawan. While they have already been awarded their CADT, issues including land grabbing and illegal mining, among others, continue to plague them even as they strive to protect their ancestral domain and

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[https://www.opengovpartnership.org/members/philippines/commitments/PH0065/#:~:text=The%20National%20Commission%20on%20Indigenous%20Peoples%20\(NCIP\),certain%20local%20legislative%20councils%20and%20policy%20making%20bodies.](https://www.opengovpartnership.org/members/philippines/commitments/PH0065/#:~:text=The%20National%20Commission%20on%20Indigenous%20Peoples%20(NCIP),certain%20local%20legislative%20councils%20and%20policy%20making%20bodies.)

³² Documentation of Killings of Non-Moro Indigenous Peoples (NMIP) from 2014 to 2024 in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and adjacent provinces Documented by Timuay Justice and Governance (TJG) and Climate Conflict Action (CCAA).

³³ The EO is still pending submission as of writing and remains unpublished. Its contents were shared to provide more information for this report.

resources.³⁴ To protect their ancestral domain, the Bantay CADT (volunteer community members) keep watch over their domain.

- Is Free, Prior and Informed Consent (FPIC) required and implemented when Indigenous Peoples' land rights are affected (boundary changes, protected areas, concessions, climate/biodiversity projects, infrastructure, relocation)?

Yes, FPIC is required. However, as discussed previously, proper and genuine FPIC is not always achieved on the ground prior to any initiative done in the ancestral domain.

- Are there measures to prevent encroachment or dispossession of Indigenous Peoples' lands (patrols, sanctions, compliance monitoring)?

Yes. The IPRA specifically calls for sanctions of illegal encroachment and dispossession of Indigenous Peoples' lands and territories. However, actual monitoring and enforcement of this on the ground is weak.

- May the State declare protected areas or impose environmental restrictions over customary use within Indigenous Peoples' lands or territories (including in the context of conserving biodiversity and combating climate change)?

Yes, the State can and does declare protected areas or impose environmental restrictions over ancestral lands and territories in the Philippines, but this power is constrained by legal requirements for recognition of Indigenous Peoples' rights, particularly the IPRA and the Expanded National Integrated Protected Areas System Act of 2018 (E-NIPAS, RA 11038)³⁵. While the government imposes these restrictions, the law requires them to recognize ancestral domains and involve indigenous communities in management. Thus, while the State has the legal authority to impose restrictions for environmental purposes, IPRA mandates that these restrictions must respect indigenous ancestral rights and customary use, often requiring a complex, negotiated process of FPIC. Operationalization and implementation of the law, however, is a different story.

- May the State access and use Indigenous Peoples' lands for military or national security reasons? Is consent needed in these cases?

Yes, the Constitution of the Philippines confers upon the State the power of eminent domain which is the exercise of the colonial Regalian doctrine. There is also a pervasive contradiction with regard to the State having access to Indigenous Peoples' lands for military or national security reasons. While the IPRA demands that Indigenous Peoples have the full control of any decision involving their ancestral domain, including the right to deny entry, the State often uses areas of the ancestral domain for military or national security reasons without proper FPIC.³⁶ An example of this would be that again of the Teduray-Lambangian peoples of Mindanao who are calling for genuine participation in decisions made about previously military-occupied camps in their ancestral domain. The State has plans of transforming these camps into "peaceful,

³⁴ <https://www.facebook.com/lrcphl/posts/the-tagbanua-of-palawan-who-had-been-awarded-their-certificate-of-ancestral-doma/1170998295065226/>

³⁵ https://lawphil.net/statutes/repacts/ra2018/ra_11038_2018.html

³⁶ <https://upr-info.org/sites/default/files/documents/2013-10/iprmphluprs12008indigenouspeoplerightsmonitoruprsubmission.pdf>

productive and sustainable communities”³⁷ which then is a problem because these lands, prior to any military occupation in the area, are first and foremost parts of the ancestral domain of the Teduray-Lambangian peoples. Hence, they must be the lead decision-makers in terms of what happens to these camps.

Nevertheless, the draft EO mentioned above mentions the need for genuine participation of Indigenous Peoples in the preparations of camp transformation plans in their area.

- Are there any other restrictions to Indigenous Peoples’ jurisdiction inside their traditional lands and territories (rights of way, others)? May the State develop economic activities within Indigenous Peoples’ lands and territories (exploitation of natural resources, infrastructures)? Is consent required?

Yes, as with any initiative planned within the ancestral domain, FPIC is required. Ground realities however assert that proper FPIC is not always followed and that there is a pervading conflict between the IPRA and other policies made by the State. Different land tenure instruments used for demarcation, as mentioned above, continue to threaten genuine jurisdiction of Indigenous Peoples within their ancestral domains.

Below are several examples:

- *Kaliwa Dam Project: The NCIP was heavily criticized for allowing only a single consultation session with Dumagat-Remontado communities, during which leaders walked out because they felt the decision had already been made, and it was merely an orientation.³⁸*
- *Nickel Mining in Palawan: In the municipality of Brooke’s Point in the Province of Palawan, which is home to the Pala’wan Indigenous people, nickel mining has become an extractive industry, “causing deforestation and environmental damage”. A mining company, Ipilan Nickel Corporation is one active company in the area while two others, MacroAsia Mining Corporation (MMC) and Lebach Mining Corporation, are said to have the same plans there.³⁹*
- *Mindoro Mineral Exploration: The case of the Indigenous Mangyan people in the province of Mindoro Oriental showed how the FPIC process was circumvented to favor a mining company, disregarding customary laws.⁴⁰*
- *Mindanao Mining Projects: The situation of the Mamanwa Indigenous people in Region XIII highlighted how government agencies failed to follow guidelines, with mining companies using financial promises to bypass proper consultation or even NCIP misuse*

³⁷ <https://pia.gov.ph/news/mindanao/barmm/milf-camp-transformation-advances-as-barmm-starts-100-unit-housing-project-in-camp-bushra/>

³⁸ <https://www.ohchr.org/sites/default/files/documents/cfi-subm/free-prior-informed-consent/subm-indigenous-free-prior-aca-33-university-philippines-instit-ights.pdf>

³⁹ <https://www.amnesty.org/en/latest/news/2025/01/philippines-nickel-mining-projects-approved-despite-inadequate-consultation-and-serious-risks-to-communities-health-and-environment/>

⁴⁰ [https://thecordillerareview.upb.edu.ph/wp-content/uploads/2021/03/8_TCRIII_PENALBA.html#:~:text=Manuel%20\(2004%2C%208\)%20specifically,dealing%20with%20such%20a%20paradox.](https://thecordillerareview.upb.edu.ph/wp-content/uploads/2021/03/8_TCRIII_PENALBA.html#:~:text=Manuel%20(2004%2C%208)%20specifically,dealing%20with%20such%20a%20paradox.)

*funds meant solely for the socio-economic development projects meant for the said Indigenous Peoples.*⁴¹

- Are Indigenous Peoples' lands affected by security or international geopolitical issues? And if yes, how and what kind of challenges do they face?

*Yes, Indigenous Peoples' lands in the Philippines are heavily impacted by security threats, militarization, and international investments in mining and energy, particularly in Mindanao, the Cordillera region, and Palawan. Ancestral domains face encroachment from foreign-backed projects, causing displacement and "red-tagging" of defenders who resist. Approximately 3.1 million hectares are targeted for foreign investments, often bypassing FPIC.*⁴²

Mobile Indigenous Peoples, Indigenous Peoples in voluntary isolation or initial contact and in marine/coastal territories:

- Please describe how the land rights of mobile Indigenous Peoples (pastoralists, hunter-gatherers, nomadic/seafaring communities) are recognized and protected.

*Hundreds of Indigenous Ayta families, including nomadic groups, were displaced in Clark in the province of Pampanga and surrounding areas in the province of Tarlac due to the 9,450-hectare New Clark City (NCC) development project. This area overlaps with their 17,000-hectare ancestral domain claim, which is still in its application process stage.*⁴³ *Construction of this so-called "smart green city" has led to the loss of indigenous hunting grounds, farms, and ancestral lands, with some families forced to vacate with little notice. The displacement threatens their livelihoods and culture, with reports of Ayta Hungey communities specifically facing challenges in accessing resources and ancestral territories.*

- Please describe measures to demarcate and protect the territories of Indigenous Peoples living in voluntary isolation or initial contact.

No comment.

- Please indicate whether demarcation and registration processes include coastal and marine areas.

Yes, demarcation of ancestral domains in the Philippines include coastal and marine areas. For instance, in the case of the Tagbanua Indigenous people of Palawan, their CADT No. R04-PUE-0913-161 covers 49,385.4885 hectares. Specifically located in the municipalities of Simpokan, Bagong Bayan, Napsan, Bacungan, and Puerto Princesa City, it covers 31,493.3 hectares of land and 17,892.19 hectares of water.

⁴¹ <https://sc.judiciary.gov.ph/sc-mamanwa-tribes-trust-fund-held-by-ncip-cannot-be-diverted-must-be-used-only-for-their-intended-purpose/#:~:text=In%20this%20case%2C%20the%20financial,of%20the%20parties%20are%20reflected.>

⁴² <https://iwgia.org/en/philippines/5372-iw-2024-philippines.html#:~:text=The%20year%202023%20witnessed%20increasing,general%2C%20Indigenous%20lands%20remain%20unrecognized.>

⁴³ <https://www.aljazeera.com/news/2025/12/30/a-filipino-tribe-fights-to-stay-as-a-smart-city-rises-on-a-former-us-base>