

PART I. General Provisions

Section 1. Coverage. These rules shall govern the survey activities of the NCIP and other entities undertaking surveys for purposes of ancestral domain delineation and parcellary surveys of ancestral lands.

Section 2. Basic Policies and Principles

- a. Constitutional and Legal Framework** - the State shall protect the rights of ICCs to their ancestral domains and lands to ensure their economic, social and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domains and lands.
- b. Adherence to the Principle of Self Delineation** - the principle of self-delineation shall be adhered to in the identification and delineation of ancestral domains and parcellary surveys of ancestral lands. As such, the ICCs shall have a decisive role in all the activities pertinent thereto.
- c. Recognition of Native Title** - the rights of ICCs to their ancestral domains and ancestral lands by virtue of Native Title shall be recognized and respected.
- d. Recognition of the Concepts of Ancestral Lands/Domains** - the Indigenous concepts of Ancestral domains/lands shall be recognized and respected. Under these concepts, ancestral lands/domains cover not only the physical environment but the total environment, including the spiritual and cultural bonds to the areas as well as the natural resources therein which the ICCs possess, occupy and use and to which they have claims of ownership.
- e. Recognition of the Indigenous Concept of Ownership** - the Indigenous concept of ownership shall be recognized and respected. This concept sustains the view that ancestral domains and all resources found therein serve as the material bases of ICCs cultural integrity, and that the indigenous peoples' rights to these resources necessarily include sustainable traditional resource rights as defined in IPRA.

- f. **Adherence to the Philippine Reference System of 1992** (PRS 92) – Surveys shall adhere to the Philippine Reference System of 1992 as defined herein.
- g. **Community Participation and Inter-Agency Collaboration** - the official delineation of ancestral domain boundaries and parcellary surveys of ancestral lands, including census of all community members therein, shall be undertaken by the NCIP, with the genuine involvement and participation of the members of the ancestral domain community concerned or the clan members or individual holders of ancestral lands. The collaboration of other government agencies and NGOs shall be encouraged and pursued.
- h. **Primacy of Customary Law in resolving conflicting interests within ancestral domains/lands** -the customary laws, traditions and practices of the IPs shall be applied first in the resolution of land conflicts involving, among others, traditional boundaries, property rights, claims, ownership and hereditary succession. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs.
- i. **Applicant community** – clan, community or any other group of indigenous peoples as defined under the IPRA filing a claim with the NCIP for a certificate of ancestral domain title.
- j. **Conflicts** - in case of conflicting interests where there are adverse claims within or between the ancestral domains or lands as delineated and indicated on the survey plan and which cannot be resolved through the use of customary laws, traditions or practices, the NCIP shall hear and decide the disputes arising from the delineation of such ancestral domains. Any doubt or ambiguity in the application and interpretation of laws shall be resolved in favor of the ICCs.

Section 3. Definition of Terms

- a. **Accuracy** - indicates how close a given measurement is to the absolute or true value of the quantity measured.
- b. **Amendment Survey** - an amendment survey shall be made for the purpose of changing the boundary lines, increasing or reducing the number of corners, consolidating and subdividing a previously surveyed area without including any new area already included in other surveys previously approved.
- c. **Ascription by Others** - that ethnic or tribal group to which others identify an individual to belong as a particular ICC.

- d. **Consolidation and Subdivision Survey** - land survey of more than two contiguous lots merging to form a single lot and a single lot subdivided into two or more lots, respectively.
- e. **Defective Survey for Want of Authority** – for purposes of validating: the surveys of Certificates of Ancestral Land Claims and Certificates of Ancestral Domain Claims issued by the DENR, or surveys conducted for the purpose of securing said instruments but were not approved or other tenurial instruments recognizing the rights of ICCs to their ancestral domain or lands under any other Ancestral Domain Program prior to the enactment of Indigenous Peoples' Rights Act; Certificates of Ancestral Domain Title and Certificates of Ancestral Land Title approved by the First Commission of NCIP; and surveys conducted for the purpose of securing CADTs or CALTs but were not approved by the First Commission, defective surveys for want of authority are those surveys not authorized by the entity vested with jurisdiction to perform such survey at the time the survey was made.
- f. **Differential Correction** – A technique used to improve the accuracy of GPS data by employing two receivers – one located at a location with known coordinates tied to a PRS '92 station and referred to as the base receiver and another that is roving or collecting the position data of the features being surveyed.
- g. **Erroneous Survey** – for the same purposes cited in Section 3. -i. above, an erroneous survey is any survey failing the level of technical requirements as stated in this order.
- h. **Field survey party** - list of persons who may compose a field survey party with respective duties and responsibilities.
- i. **Mapping Grade GPS** – Global positioning system equipment that is designed for Geographic Information Systems (GIS) data capture. It has the ability to store positional and measurement GPS data for post-processed differential correction. It can also store attribute data about positions recorded. Typical accuracy is sub-meter to 5 meters Circular Error Probably (CEP) with differential correction.
- j. **Metes and Bounds** - a method of describing property by listing boundary distances and directions, together with a note of adjacent property owners and relevant natural features.
- k. **Original Survey** - new survey of areas not yet surveyed for the purpose of titling.
- l. **Parcellary Survey** – Refers to the survey of ancestral land claim
- m. **Philippine Reference System 1992 (PRS92)** – A new geodetic control network adopted in 1992 as the standard reference system for all surveying and mapping activities in the Philippines (EO 45).
- n. **Precision** - the degree of the refinement and consistency with which physical measurement is made. It is portrayed by the

closeness to one another of a set of repeated measurements of a quantity.

- o. **Project Control Points** - points established purposely to tie the survey of the ancestral domain/land to PRS-92 reference points established by NAMRIA for exact location on the Earth's surface, which basically define distances, directions and elevations.
- p. **Re-Survey** – a survey undertaken for a previously surveyed tract of ancestral land/domain for the purpose of correcting the technicalities of the surveys such that the original survey is rendered void and replaced with the re-survey. .
- q. **Self-Ascription** - that particular ICC to which an ethnic or tribal group (or its individual members) identifies itself to belong.
- r. **Self-delineation** – process through which ICCs are main actors in the survey and mapping of their ancestral domains and lands. Self-delineation includes among others the conduct by the concerned ICCs of the following decision-making processes:
 - i. Planning of actual ground survey and mapping;
 - ii. Determination of metes and bounds of ancestral land/or domain;
 - iii. Identification of ICC leaders/members that will become part of the Survey Party. As members of the Survey Party they will identify the boundaries of their ancestral domains/lands and carry out such other tasks that the Chief of Survey Party may assign;
 - iv. Identification of ICC leaders or members who will assist in the installation of monuments where indicated and who may carry out tasks necessary towards the smooth completion of the survey and the mapping of their ancestral domains/lands; and
 - v. Preparation of sketches of the presentation of position of ancestral domains/lands on the surface of the earth to exact scale indicated and drawn on flat or 3D topographic maps, other references, plain paper or through computer imaging, but which in most cases are made approximately to scale. They can be drawn freehand and of liberal size.
- s. **Survey Grade GPS** – Global positional system equipment that utilizes the radio wave (carrier phase) which carries the GPS signal to obtain highly accurate positional data. This equipment is not the same as mapping grade equipment with carrier phase capability. Typical accuracy for survey grade GPS is <1cm-5cm.
- t. **Survey Party** – consists of one or more persons directly undertaking the survey activities including the Geodetic Engineer(s) and all persons assisting directly in the survey.

- u. **Validation** - task which involves the review of documentary proofs submitted by AD or AL titling claimant. This step is immediately followed by actual ground survey.
- v. **Verification Survey** - process wherein any completed survey is verified on ground to determine correctness or detect any discrepancy/error in the conduct and/or in the reports of the original survey.

PART II. SURVEY REQUIREMENTS

Section 4. Authority to Execute Survey of Ancestral Domains/Lands

The Indigenous Peoples' Rights Act vests in the National Commission on Indigenous Peoples (NCIP) the authority to execute surveys of ancestral lands and domains and shall be the primary entity to undertake them. However, to expedite the survey, the Commission may enter into a Memorandum of Agreement (MOA) with DENR, NAMRIA, DAR, non-government organizations and/or private institutions or practitioners authorized to conduct the surveys.

The participating parties shall enter into a MOA that would clearly define the responsibilities and accountabilities of each partner for the survey or surveys to be undertaken under the MOA. It should specify which area the partner will delineate for which ICC and which phase in the delineation process the partner will be responsible for. It should specifically determine the resources (time, personnel, etc.) that a partner is committing to the survey activity.

The NCIP Chairperson or his designated representative, which may be the Commissioner responsible for the region or the Regional Director, shall sign the MOA and a copy shall be provided to the concerned Regional and Provincial Offices and the parties to the MOA.

A Work Order shall cover the execution of a survey for Geodetic Engineers directly under the employ of NCIP, and by a Survey Authority for Geodetic Engineers under the employ of cooperating agencies/institutions or private practitioners. In case of a Survey Authority, the provisions of this order shall be deemed to be part of the terms of reference that shall be appended to the MOA and such shall be stated in the MOA.

In any arrangement, the concerned applicant community may request for the issuance of Order/Authority to a Geodetic Engineer of its own choice.

Section 5. Accreditation of Private Geodetic Engineer

The NCIP shall accredit individual Geodetic Engineers who are private practitioners or members of a professional partnership who wish to conduct the survey of ancestral domain/land under the following criteria:

- a. Competence to conduct delineation and parcellary survey as evidenced by sufficient proof thereof and/or track record in the delineation of ancestral domains or the parcellary survey of ancestral lands
- b. Possession of necessary equipment needed to perform the delineation or survey efficiently and effectively.
- c. Certification by the NCIP to have undergone training on the concept of indigenous ownership and the underlying social justice ends of the IPRA.
- d. Use of technically acceptable survey procedures and methods.

Preference shall be given to a Geodetic Engineer who is an IP.

Section 6. Bond of Accredited Geodetic Engineers. Upon accreditation and prior to the start of each survey, the concerned Geodetic Engineer shall post a bond in the amount of Ten Thousand Pesos (P10,000.00.) The bond shall cover expenses for the correction of surveys, without prejudice to the charging of other penalties and damages caused by any errors in the survey. It shall be returned if the survey returns are satisfactory. The accredited Geodetic Engineer shall be responsible for forming the survey party and the bond posted shall cover acts attributable to the accredited Geodetic Engineer and any member of the survey party.

Comment:

The performance bond may be in the form of a Cash Bond deposited with the NCIP or its duly designated Office in the Region where the land is located or a Surety Bond issued by a reputable private insurance/bonding company.

Section 7. Assistance by NGOs. The NCIP may enter into Memoranda of Agreements with NGO's who wish to support the conduct of the survey by means other than the provision of a Geodetic Engineer provided that the contract specifies the functions and duties of both parties and that responsibility for the survey itself rests in one or more Geodetic Engineers under employment or contract with the NCIP.

Section 8. Authority to Issue Work Order or Authority to Survey

Within five (5) working days after the completion of evaluation of the sufficiency of the proofs to support a claim for ancestral lands/domains, the Regional Director shall direct the Regional Surveys Division to prepare the survey Work and Financial Plan (WFP). The latter has a period of ten (10) working days from receipt of directive to prepare the survey WFP. If the ground survey is to be undertaken by an NGO pursuant to a MOA with the NCIP, the survey WFP must be approved by the Regional Director.

The NCIP shall issue a Work Order (WO) or Survey Authority (SA) to the accredited Geodetic Engineer. The issuance shall be based on the evaluation of the NCIP Geodetic Engineer. In accordance with the approved survey WFP, the RADT shall constitute the survey party.

The survey authority shall be for a term of six months from issuance and shall be renewed if not completed every six months thereafter.

a. Prerequisites of the Work Order/Authority to Survey

Before issuing the Work Order/Survey Authority to the concerned Geodetic Engineer, the NCIP shall ensure that the following requirements have been complied with:

- i. Validated proof of claim/ownership- this refers to the proof stipulated in the IPRA that includes the testimony of elders/leaders attesting to the "since time immemorial" possession/use and/or the indigenous concept of ownership of the ancestral domain/land claim and the boundaries of the same.
- ii. Certified list of IP claimants- this shall include all applicant community members of the ancestral domain/land duly certified by the customarily recognized leader(s).
- iii. Sketch Plan – a map of the ancestral domain/land based on the NAMRIA topographic map of the area and drawn and prepared from the applicant community's indicative map by the ADO, survey party, assisting GO or NGO,. The map should be 1:50,000 and should indicate an initial description of probable landmarks or natural features of the area.
- iv. Notice of Publication- the notice and/or publication as prescribed by IPRA where the description, location and indicative size as well as other proof of the claim were posted, announced and/or published for

- possible protests. If protested, the process of resolution/adjudication should have been satisfied
- v. Document(s) showing proof of the resolution of boundary conflicts and/or protests to the claim, if any- the documentation of the resolution/adjudication of conflicts and/or protests with the signatures of the concerned parties and witnessed by NCIP.
 - vi. Consent of the applicant community on the conduct of the survey- the concerned community must express in writing their desire to have their claim surveyed duly signed by their authorized representatives. The consent shall also indicate their willingness and form of cooperation.

Comment:

The ADO shall consider any or all of these above requirements fulfilled for whichever or all of these that have been complied with through the process of issuance or application of new CADTs/CALTs, or old CADCs/CALCs or other tenurial instruments over their ADs/ALs. In such case, validation of such shall be undertaken by the ADO according to procedures contained in the relevant NCIP Administrative Order/s. Acknowledgement of compliance of these requirements based on the results of such validation shall be indicated in the WO/SA and be sufficient to undertake the survey/re-survey of the area concerned.

- b. Indicative Maps.** The ICCs, by themselves or with the assistance of the SPTF, and by using the landmarks identified under the next section, shall prepare an indicative map of their ancestral domain or land.

The indicative map shall be the basis of the NCIP for receiving proof of the ancestral domain claim, which shall consist of the Testimony of Elders as to the traditional boundaries and any one (1) of the proofs required as listed in Section 52 (d) of the IPRA and Rule VIII, Part1, Section 2(e) of the Implementing Rules and Regulations for the IPRA.

The Council of Elders/Leaders of the applicant community, in accordance with customary law and/or community history, shall identify in the indicative map the landmarks indicating the boundaries of their ancestral domains and the names of the indigenous peoples with whom they share boundaries, if applicable.

The applicant community shall likewise identify common resource access areas, such as, but not limited to, hunting, gathering or

fishing grounds, water sources, if any, and the names of the ICCs with whom they share these common resource access areas.

The indicative map, or its attachments, shall contain the following information:

- i. Approximate boundaries of the ancestral domain being applied for
- ii. Natural landmarks, such as but not limited to, mountains, rivers, creeks, ridges, hills, terraces and the like
- iii. Cultural landmarks such as, but not limited to, old improvements, burial grounds, sacred places, and old settlements
- iv. Distribution and movements of kindred over time, where appropriate and deemed necessary
- v. Along all domain segments, the identity of the IPs and non-IPs, including but not limited to persons, groups, organizations, councils and elders with whom they share common boundaries
- vi. Common resource access areas and the names of the ICCs with whom they share the common resources
- vii. Dates when the indicative map was drawn
- viii. Place where the indicative map was drawn
- ix. Signed attendance sheet of all those who participated in the indicative mapping process, including their names and addresses

The SPTF, based on the indicative map, shall approximate the land area of the territory in hectares which shall be submitted as part of the proofs to be submitted by the applicant community. For CADCs/CALCs and other tenorial instruments over AD/AL already issued prior to IPRA, the respective map shall serve as the indicative map.

No survey will be done if the above pre-requisites are not satisfied.

Section 9. Identification of parts of ancestral domains which are no longer exclusively occupied by ICCs. Whenever applicable, the Council of Elders/Leaders shall likewise identify all parts of their domain which are no longer exclusively occupied by them but which they traditionally had access to for their subsistence and traditional activities, including but not limited to sacred sites, worship areas, hunting and gathering, and fishing grounds. Such areas shall be marked on the indicative map.

Section 10. Agreements on Common Boundaries. To forestall possible protracted boundary conflicts, the applicant community concerned shall endeavor to secure from adjoining IP communities an agreement on common boundaries which shall indicate:

- a. The individual, clan, or group of elders of both applying and adjacent communities who possess or most frequently utilize the areas adjoining their common boundaries;
- b. Boundaries as described in the testimony of the elders and submitted as proof of ancestral domain claim.

The common boundary shall be marked in the indicative map and a statement shall be signed by the parties concerned on the agreements made pertaining to said boundary, if any. In the event that any party should refuse to sign the agreement, either party may elect to exclude the portion contested with a non-waiver of claim under Sec. 26 herein. A report shall be made to the NCIP on the grounds of such refusal, which shall be recorded as part of the survey documents.

Section 11. Survey Instruments

Survey instruments that provide appropriate levels of precision for land measurement to avoid overlaps as required by the Land Registration Authority shall be used in the survey of ancestral domains/lands, both for project controls and perimeter surveys. These include the Total Stations, Transit/Theodolites, and Global Positioning System (GPS) that should be properly registered with the National Mapping and Resource Information Authority (NAMRIA) and other appropriate agencies which govern the use of such instruments. For purposes of ancestral domain delineation, mapping grade and survey grade GPS may be used pursuant to these rules.

PART III. BASIC PROCEDURES IN THE CONDUCT OF SURVEYS

Section 12. Procedures. The following steps in the conduct of perimeter surveys of ancestral domains/lands shall apply to all areas that have never been previously surveyed on ground for the purposes of ancestral lands and domains recognition, whether covered by a CAD/CALC or not.

a. Pre-Survey Activities / Issuance of Work Order/Survey Authority.

The Work Order or Survey Authority shall be issued upon approval of the Work and Financial Plan under NCIP Resolution No. 23, s 2003. It shall specify the scope and extent of survey work to be done, the parameters that will guide the concerned Geodetic Engineer and the budgetary requirement. The RADT shall supplement the WFP format with more detail to ensure an efficient survey, including but not limited to the work schedule, the responsibilities of each survey party member, and the flow of communication and coordination (lateral and vertical) required in the conduct of the survey.

Work Order/Survey Authority may be issued by stage of work (the installation of monuments, the establishment of controls, and the observation of points) or by periods of time, in accordance with a WFP approved under NCIP Resolution NO. 23 s. 2003.

b. Special Provincial Task Force

The NCIP shall convene the SPTF in accordance with NCIP Administrative Order No. 2., s 2002, composed of the following,

1. The NCIP Provincial Officer;
2. Two (2) Tribal Affairs Assistants and two (2) Community Affairs Officers as members;
3. The team leader from the RADT.
4. One (1) representative from the assisting NGO chosen and recognized by the applicant-community
5. Two (2) members from the applicant-community

Optional members of the SPTF. One representative of each of the following may, but shall not be required, to join the Survey Party:

1. One (1) Department of Environment and Natural Resources Field Officer
2. One (1) representative from the Local Government Unit at the Municipal Level, preferably the Municipal Planning and Development Officer.

The formation of the Survey Party and appointment of the Chief of Party shall be the responsibility of the RADT which shall ensure that Geodetic Engineer in whose name the work order or survey authority was issued will comply with these rules and other NCIP orders. The Chief of Party may organize survey teams depending on the size and terrain of the ancestral domain/land, and the time frame of work completion.

c. Research/Data Gathering. The Survey Party shall collect all data/materials that will facilitate the generation of the technical description of the ancestral domain/land including compliance to the requirements of the Land Registration Authority. These materials shall include but shall not be limited to the cadastral maps including indices, land classification maps, reservations, declared archeological and historical sites, and the areas covered by Certificate of Land Ownership Awards (CLOAs) or patents, license agreement/concessions, Certificate of Community Forest Stewardship, Certificate of Stewardship Contracts and other land tenure rights/instruments.

Moreover, the Survey Party must ensure that all additional proofs of claim and related documents that can assist in the delineation but were not yet submitted by the community be included in the research, with the help of the NCIP Regional/Provincial Offices.

Data gathering may continue during the duration of the ground survey, except for the pre-requisites enumerated in Section 8 above.

d. Community Role. The community shall have a decisive role in the conduct of the survey pursuant to the principle of self-delineation. The Survey Party shall conduct a consultation meeting which shall serve as a venue for discussion on the basic survey requirements, standards, processes, structures and methods or cooperative mechanisms including the equipment and standard of accuracy to be used for all portions of the survey, and the titling and registration of the ancestral domain/land titles. The principles of self-delineation, cultural integrity and free and prior informed consent in the process of ancestral domain/land delineation and recognition shall be emphasized. Customary laws shall be applied in the resolution of conflicts/protests

During the discussion, problems/issues/concerns on the survey process shall be clarified and agreements or consensus must be reached. Foremost, the participants to the discussion should arrive at a clear understanding of the process and standards of the survey and an expressed willingness to cooperate in the conduct of the survey.

At the end of the consultation, officers/members to be included in the survey party/teams as the IP representatives therein will be named by the community. Immediately after the consultation, the Official Delineation Team will meet to determine the schedule of

survey activities and formulate a work and financial plan (WFP) based on the agreements during the community consultation. The survey WFP shall reflect the following:

- i. Name of persons to comprise the members of the survey party
- ii. Role and functions of each member
- iii. Role of the community and the NCIP
- iv. Itinerary of the survey party
- v. List of logistical requirements
- vi. Expenses to be incurred and source of funding
- vii. Appropriate rituals to mark the acceptance of the survey, if any;

The Work and Financial Plan shall be made transparent to the community at large, particularly to ensure that no funds were expended by government or by private entities for aspects already counterparted by the community.

e. Census of ICCs. The ICCs concerned, with the facilitation of NCIP and an assisting NGO if applicable and so desired by the ICCs, shall conduct a 100% census of all occupants of the Ancestral Domain/Land as indicated on the validated indicative map. Should there be existing census data that is less than three (3) years old, gathered by the community or assisting groups together with the applying ICCs, this data shall be reviewed by the NCIP and if found to be adequate and accurate, it may be used in lieu of conducting a new census, provided the applying ICCs leader(s) or council of elders execute a written statement endorsing the census. Provided, any omissions, duplications or other mistakes occurring in the census due to unintentional typographical errors, overlooking of data, etc. shall not be construed as reason to prevent or void the delineation/survey process and when discovered can be resubmitted to NCIP as a corrected census and appended to the original census.

Comment:

f. Ocular Inspection/Reconnaissance. An ocular inspection and/or field reconnaissance shall be carried out by the Survey Party prior to the establishment of monuments in order to check the correctness of the sketch plan and proper installation of markers, ascertain the nature, location and description of boundary corners, determine the number of concrete monuments to be established, and note the sacred/worship places as well as locations where traditional activities are conducted (hunting, gathering, collecting, and fishing grounds) and other important land

marks/physical proofs/natural features that can aid in the description of boundaries and further support the claim.

During reconnaissance, the survey teams must also look for existing control points.

The ocular inspection/reconnaissance may be done immediately after the community consultation or scheduled later, the results of which will be presented to the Council of Leaders/Elders (CoLE) or leaders of the applicant community for confirmation before proceeding to the installation of monuments.

g. Survey Notification.

i) Who shall be informed of the survey All stakeholders through their respective representations shall be informed of the survey through a consultation. These shall include all members of the applicant community and the adjoining communities or owner/claimants of adjoining properties. The LGU and the DENR/DAR representatives may also be invited.

ii) Notice of Consultation. The concerned applicant community and the adjoining communities or owner/claimants must be served notice at least five (5) days prior to each consultation in which they will be informed of the survey. The five-day notice takes effect upon receipt by the authorized representatives of the concerned. It shall be written in the local language or dialect indicating therein the date, time and venue of the consultation. Moreover, it shall specifically invite the recipient to be present for the verification of the metes and bounds of the ancestral domain/land to be surveyed, the schedule of which will be determined at the consultation. If any stakeholder refuses to receive the consultation notice, an affidavit stating such fact and the attempt of service of notice shall be accomplished and included in the survey returns,

iii) Who is responsible The notice of consultation is the responsibility of the Chief of Party and he/she shall seek the assistance of the NCIP field offices in serving the notices. The consultation shall be conducted by the SPTF.

There shall be as many consultations as may be necessary and efficient to cover the entire area to be surveyed, based on the number of stakeholders involved and the travel distances to the venue(s).

Section 13. Survey Proper/Technical Survey

The survey proper shall commence with the installation of monument/markers to define the metes (area) and bounds (boundary) of the ancestral domain/land.

a. Installation of Monuments/Markers

The installation of monuments/markers shall be made only with the consent and approval of the applicant community. The presence of the adjacent communities through their authorized representations shall be required. However, if duly notified, their absence shall be deemed to be consent to the monumentation.

In cases of boundary conflicts during monumentation, the resolution must be in writing and signed by the authorized representatives duly witnessed by the concerned NCIP Provincial Officer or Legal Officer. If customary law is used to resolve the conflict, the appropriate customary indication of the resolution shall be witnessed by the NCIP Provincial Officer, who shall execute an affidavit testifying thereto. Such affidavit shall be deemed equivalent to the consent of adjoining property owners/holders. Any deviation in the AD/AL boundary from the indicative map shall be properly noted by the Geodetic Engineer and shall form part of his/her report or survey returns.

Members of the community knowledgeable of the boundaries of the ancestral domain shall point out to the survey party on the ground the actual locations of major corners. Intermediate corners must also be located and/or pointed out on the ground. Establishment of monuments should not be done without proper identification of the corner boundaries. Major and subsidiary monuments shall be installed such that "inter-visibility" of points is satisfied. The distances between corners should not be more than 500 meters, unless practical considerations make it impossible or a natural feature can serve as the boundary's monumentation acceptable to adjacent owners/holders.

The survey party shall prepare a "monument or markers' description book" which incorporates the name and number of corners, PRS grid and geographic coordinates, sketch (setting and relative location), and other related information about the markers used such as local place names and etymology. The documentation shall include pictures, and as much as possible voice tape, of the top view and while the representative(s) points out on the ground the boundary monument/marker including as best as possible a view of the surrounding area for purposes of identification.

b. Establishment of Project Controls

The survey must be tied to existing reference points established by NAMRIA and other recognized agencies of acceptable accuracy pursuant to the Philippine Reference System of 1992 (PRS '92).

The concerned Geodetic Engineer must look for existing control or reference points then establish controls near the ancestral domain or lands boundary. At least two (2) control points are necessary in the establishment of subsequent control points. The survey of project control is made using survey grade Global Positioning System (GPS) equipment or conventional survey instruments. Traverse and triangulation combination shall be applied for areas that cover large tracts when conventional instruments are used. Where mapping grade GPS equipment is used on portions of the survey where it is allowed under these rules, control points need not be established.

Monuments to establish the project controls shall be in pairs using cylindrical standard concrete monuments 15cm diameter by 60 cm height/installed 40 cm in the ground. These are installed near the boundary of the ancestral domain at an interval of 5 km unless existing permanent markers exist. If the perimeter of the ancestral domain is less than 15 km, the project controls may be established at a central position in the polygon defining the domain.

Project controls established using GPS must satisfy the third (3rd) order positional accuracy or equivalent to 5 cm per km. In case of project controls established using Total Stations or similar equipment, the area (in hectares) of the ancestral domain shall determine the type of control. Under such condition, the following shall be prescribed:

Area	Type of Control
Less than 1,500 hectares	Tertiary
More than 1,500 to 15,000 hectares	Secondary
More than 15,000 hectares	Primary

c. Running the (Perimeter) Survey

In areas where traditional survey instruments are to be used and sufficient control has already been established, or where mapping grade GPS is to be used as allowed hereunder, survey and monumentation may be done simultaneously. Otherwise, the collection of survey data for each corner shall be made only after the installation of the monument. The survey party must note on the record sheets all observations and findings such as daily weather condition, persons/entities met/coordinated with, daily activities as well

as problems encountered affecting the conduct of the survey and actions taken. All problems encountered during the fieldwork must be properly coordinated with the NCIP field offices to ensure successful completion of the project.

In cases where problems (e.g. boundary conflicts, work stoppage, and the like) arise during the survey, the same shall be reported immediately to the SPTF and the NCIP Regional Director concerned through the Provincial Officer and/or Regional Technical Division Chief for appropriate action. The same scenario shall be incorporated in the Project Report. Boundary conflicts involving IPs must be referred to the communities concerned for settlement purposes through customary laws. The survey party should request to be informed of the process for dispute resolution to be used, or any written document reflecting the settlement of disputes which shall be submitted as part of the survey returns.

The adjudication process shall apply if conflict involves IPs and non-IPs and such a case shall be reported to the NCIP Regional Hearing Officer for action through the Provincial Officer, Regional Technical Division Chief and/or Regional Director.

The results of the perimeter survey should be supported by the proof of claim, genealogical survey and the census of claimants completed before the conduct of the survey.

If the perimeter in the sketch plan traverses titled properties, such properties shall not be included in the survey and the perimeter shall be adjusted. If the titled properties are wholly inside the claim, such titles shall be annotated in the CADT when issued as excluded portions as provided for under Section 56 of the IPRA without prejudice to Section 26 herein.

The applicant community shall endeavor to refer to its traditional boundaries as far as possible. However, if due to more recent agreements and community consensus, the applicant community decides that its claim is congruent to municipal or provincial boundaries, the monumentation of such boundaries shall be located. If such monuments could not be found, or if such monumentation is in contest between local government units, or appears to have been moved or tampered with, the survey shall be undertaken based on the applicant community's own appreciation of ancestral domain boundaries regardless of municipal or provincial technical descriptions.

d. *Data Processing and Preparation of Survey Returns*

Immediately after the completion of or at intervals during the perimeter survey, data processing shall be undertaken to derive the coordinates and technical descriptions of the boundaries of AD/AL. As much as possible, data computation or processing shall be undertaken while on field to determine errors so that corrections can be made while on field. If the actual survey does not satisfy the prescribed technical specification mentioned in the preceding provisions, the Geodetic Engineer shall re-run the survey or the part thereof that fails to meet such technical specifications.

Calculations and/or computations shall be in accordance to acceptable geodetic engineering/mathematical formula and the prescribed standards herein. The survey plan shall be prepared in accordance to cartographic standards and specific details prescribed herewith. It shall indicate the orientation, final boundaries, technical descriptions, footnotes, marginal information, natural landmarks/features, marks and the spaces for the signatures of conformity by the authorized representatives of the applicant community, and other relevant details.

All survey returns shall be prepared and plotted on the prescribed forms/formats to be signed by the Chief of Party, and reproduced in triplicate.

e. Validation of Survey Plan by the Community

Within 15 days after the completion of the survey plan, the survey party with the assistance of the SPTF shall present this to the applicant community for validation, including landmarks and actual sites recognizable to them in relation to the main corners in the plan. The applicant community may invite a third-party resource person who can assist them in analyzing the survey plan, if they so desire. Any expressed doubts or comments should be addressed and documented. If any corrections are to be made, the Chief of Party shall immediately cause the rectification and again subject the survey plan to re-validation before finalization. The duly authorized representatives of the applicant community or the council of leaders/elders and the SPTF shall affix their signatures to confirm the plan.

The NCIP field office, regional/provincial, shall assist the SPTF in the conduct and documentation of the applicant community assembly to validate the survey plan.

f. Publication of the Technical Description

Upon validation of the survey plan by the applicant community, the technical description shall be published in at least two newspapers of general circulation within the area once a week for two consecutive weeks to allow other claimants to file opposition thereto within fifteen (15) days from the date of last publication.

The technical description and accompanying survey plan shall also be posted in a prominent place within the ancestral domain or land which may be, but not limited to, the tribal hall, market place, as well as in all field offices of the NCIP within the province/area, the local government offices, places of worship, and others for at least fifteen (15) days.

In places where local newspapers do not exist, broadcast media may be used to direct interested parties to places where the technical descriptions and maps are posted. In cases where both publication and broadcast media do not exist, mere posting is deemed sufficient and any opposition thereto must be filed within 15 days from last day of posting.

There is no need to re-publish the technical description of plans as a result of amendment survey or re-survey.

g. *Submission/Transmittal of Survey Returns*

All survey returns shall be transmitted within thirty (30) days from its publication and posting by the Chief of Party to the RADT for approval. The submitted survey returns shall form part of the reports supporting the ancestral domain/land claim such as the report on the validation of proofs, genealogical survey and census of claimants.

The Chief of Party shall submit electronic files of survey data, computation results, and final plan, among others and he/she must see to it that all survey returns are properly authenticated to avoid retrieval or withdrawal of the same. The original copy of the report and two duplicate copies of the same shall be submitted.

The Chief of Party shall also be responsible for the submission of any GPS data to the NAMRIA for evaluation and certification until such time that NCIP has institutionalized its own process of evaluation and certification of GPS data. The final results and/or the favorable certification as well as the field sheets including the raw data of the GPS observation shall form part of the survey returns to be transmitted.

Section 14. . ***Evaluation/Verification and Approval of Survey Returns***

a. The RADT shall evaluate the survey returns within fifteen (15) days from receipt of the endorsement from the Regional Office. The chief ADO Geodetic Engineer shall sign the survey plan recommending for approval only if the verification result is satisfactory. The process of verification include the following steps:

- 1) Proper recording and receiving of survey returns; assigning survey numbers
- 2) Checking completeness of the survey returns
- 3) Verification of the survey returns, including determination if mapping grade GPS readings are appropriate in the circumstances as provided herein;
- 4) Projection to check overlaps
- 5) Endorsement/recommendation for approval of the plan
- 6) Approval of the plan

b. The verification/examination of the survey returns shall determine the completeness and/or correctness of the following in accordance with specifications prescribed herein:

- 1) Position derivation; the angling, solar observations/azimuth derivation, traverse;
- 2) Computation sheets, including field notes;
- 3) Cartographic measurements;
- 4) Survey plan; and
- 5) In cases wherein GPS equipment were used during the delineation, certification if the equipment was calibrated and GPS data evaluated and certified by NAMRIA.
- 6) Census and the relationship of the people to the land.

c. Should there be corrections or rectifications involving the survey returns submitted, the Chief of Party shall be notified immediately for appropriate action. In this case, the Geodetic Engineers must keep on file their own records indicating the details of submitted survey returns, and the status of the same.

d. The NCIP may reject survey returns on the following grounds:

- 1) Lack of evidence or document showing resolution of boundary conflicts, if there are any; and
- 2) Upon complaint of ICCs concerned and sufficient evidence showing that the results of the delineation does not actually reflect

the area being applied for or the survey was attended by fraud, force, intimidation, threats, deceit or stealth.

The Chief of Party shall be furnished a copy of the approved plan in "sepia" format as well as the technical descriptions by the ADO.

Section xx. Registration with the LRA. All requirements of the LRA shall be complied with by the Provincial Officers. Such requirements that are not part of the requirements under these rules shall be complied with for purposes of registration and according to the Memorandum of Agreement between the LRA and the NCIP.

PART IV. PROCEDURE FOR THE VALIDATION AND, NECESSARY CORRECTION OF PREVIOUSLY APPROVED OR DEFECTIVE SURVEYS AS WELL AS THOSE PENDING WITH THE DENR UPON IPRA PASSAGE.

Section 15. General Provision. All survey plans of ancestral domains/lands that were previously approved for registration or titling purposes but were not directly supervised by NCIP shall be reviewed and verified on ground. This includes CADC/CALC maps and other survey plans of ancestral domains/lands. Submissions to the DENR for CADC/CALC applications pending upon the effectivity of the IPRA shall be considered as if they had been submitted to the NCIP to undergo validation as provided herein. NCIP Administrative Order No. 2, Series of 2002 shall continue to cover conversions of correctly surveyed CALCs/CADCs to CALTs/CADTs.

The review and verification process shall start with the thorough examination of all documents supporting the ancestral domain/claim that were the basis for the approval of the CADTs/CALTs or CADCs/CALCs. For this purpose, the documents on file with the NCIP and/or original file and/or certified copies from the DENR in case of CADC/CALC maps, or the original duplicate copy may be used. The review and verification shall involve all aspects of documentation, namely: the proof, genealogy/census, and the perimeter survey. However, for purposes of these rules, only the third aspect, i.e., perimeter survey, shall be discussed.

a. Review of Survey Returns

The review of survey returns shall determine the correctness of data as recorded and reported, and identify any deviation or inconsistency with the self-delineation process. The review shall cover the complete set of survey returns. Specifically, the verification processes indicated in section 14 above shall be followed. Boundary markers of the

approved survey plan should be checked if they conform to the sketch plan.

In cases where the delineation survey was done through GPS, validation of GPS data may be determined by reviewing the GPS files and field notes. If the GPS data is not differentially corrected a re-survey shall be ordered.

Whenever there is an error in the technical description or geographic coordinates in the survey of the ancestral lands or domains and the same is considered typographical, or the result of carelessness or incompetence in the handling of digital data, the submission shall be returned to the surveyor for correction and later resubmission.

In cases where surveys were undertaken prior to these rules using mapping grade GPS and no documentation could be submitted to accompany the GPS data, the NCIP shall verify if the instances in which such grade was used fall under the instances allowed herein for mapping grade. The NCIP Chief Geodetic Engineer shall ascertain whether the submission constitutes substantial compliance with the requirements for survey returns. If it is ascertained that there is no substantial compliance, the NCIP Chief Geodetic Engineer shall state what would constitute such and set a reasonable deadline for the claimant to comply.

Results of the review of documents shall be contained in the Initial Assessment Sheet, which also reflect the other aspects of the documentation of the ancestral domain/land claim. A composite team of NCIP staff at the regional level shall accomplish the assessment sheet.

b. Ground Verification

An NCIP Geodetic Engineer shall conduct ground verification, including ocular inspection and ground survey. These activities shall include actual inspection as to the presence of corner monuments, and survey/observation of strategic corners or more or less quadrilateral corner monuments to determine if indeed an actual survey was conducted, and to test the positions of corner stones/monuments. As such the Geodetic Engineer shall conduct test traverse, point positioning, and the like.

The NCIP Geodetic Engineer shall consult with the Chief of Party and the communities/claimants concerned on the process of the survey conducted in relation to the latter's application.

c. Preparation of Reports and Recommendations

The Geodetic Engineer assigned shall prepare and submit an assessment report about his/her observations/findings on the review of documents and ground verification survey. The report shall incorporate relevant information whether there is a need to undertake resurvey of the area or a part thereof and the sketch plan showing conformity and/or deviation to the approved survey plan and/or the original indicative map. Moreover, it shall contain the recommended course of action to correct the survey plan as necessary.

The correction of previously approved plans shall be undertaken in any of the following findings:

- a) There are errors in data computation;
- b) The intent of the IP community as to the boundaries of their AD is not reflected on the survey plan or indicative map;
- c) The survey plan is not tied to PRS '92; and
- d) Boundary conflict currently exists as the resolution of the same was not done in writing, or is not governed by existing rules, i.e., Sections 21-22 of NCIP-AO No. 2, series of 2002.

Should it be determined that a portion of the boundary is valid but there are portions that are not, as specified in Section 14 herein, the NCIP may order a re-delineation of those portions not found to be valid. The portions of the boundary found to be valid shall not be subject to re-delineation.

Appendix A attached hereto is the flowchart for verification to be followed.

d. Conduct of Re-Survey or Amendment Survey

Should there be a need to undertake re-survey and/or amendment survey, the basic procedure presented in item II above shall be followed. This includes the issuance of WO/SA, except that notice of need to resurvey to the stakeholders and the adjoining AD/AL or other parties shall suffice in place of a consultation

In case of amendment survey, activities shall focus only on the portions that would need amendment/correction.

Section 16. Correction of Defective Surveys for Want of Authority.

In cases where a delineation or parcellary survey was conducted by an entity without the proper authorization, as provided in Section 20

supplemental to Sec 20 NCIP Administrative Order No. 2, Series of 2002, a validation shall be conducted in accordance with Section 14 herein. The entity that conducted the delineation/parcellary survey shall be required to produce a written request from the ICCs for the conduct of the delineation/parcellary survey before such took place. If no such document can be produced, the ICCs shall certify their acceptance of the delineation/parcellary survey with a written resolution signed by their leaders/council of elders. Either of these two documents shall provide sufficient remedy to correct defective surveys for want of authority.

PART V. STANDARDS FOR DELINEATION OF ANCESTRAL DOMAINS AND PARCELLARY SURVEYS OF ANCESTRAL LANDS

Section 17. Methods of Delineation.

The delineation of Ancestral Domains shall be conducted using traditional survey methods or mapping or survey grade GPS or a combination of these, whichever is appropriate and allowed hereunder.

Official parcellary survey of ancestral lands shall be accomplished using surveying methods regularly used for private land surveys and or by survey grade GPS.

Delineation of ancestral waters shall be done through mapping or survey grade GPS or where practical, through total station for smaller areas of waters if such is feasible.

Section 18. Instruments/Equipment in the delineation of Ancestral Domain and parcellary survey of Ancestral Lands.

Delineation of ancestral domains and parcellary surveys of ancestral lands may use the following equipment: transit, theodolite, total station, chain, tape measure, electronic distance measuring instrument (EDM), photogrammetric instrument, or real time or post-processed static, kinematic or differential GPS, whichever is most appropriate, provided these instruments are certified by the NAMRIA until such time as the NCIP shall have acquired the capability to certify survey equipment. Cost, appropriateness, and community acceptability of the survey method(s) shall be the determining factors as to which survey instruments and methods are to be used.

When GPS is to be employed in the delineation, public or private Survey Entities must submit to NCIP the following for evaluation:

- i. Type of GPS receivers (brand/model) to be used in the survey.
- ii. Survey technique/ survey practices to be utilized in the survey.
- iii. In the case mapping grade GPS is used, the number of positions per occupation to be averaged.
- iv. Elevation mask
- v. Antenna Setup specifications and/or antenna type
- vi. Number of receivers
- vii. Distance from site to base station
- viii. Reference position of base station

The following critical settings shall be observed when using differential mapping grade GPS receivers:

- 1) Positional mode- 3-D (minimum 4 satellites)
- 2) PDOP mask – ideally 6, but may be raised to 8 in conditions where heavy canopy, deep ravines, canyons or other conditions that prevent the acquisition of a GPS signal
- 3) SNR mask – 4 or above
- 4) Elevation mask – 15 degrees or above
- 5) Minimum number of positions to be averaged – equipment dependent. Setting should follow manufacturer's specification and provide for maximum accuracy practical. (A typical number is 120-180 positions.)
- 6) Reference position of base station, certified to be correct by the NCIP

All provisions of DENR Dept. Adm. Order 98-12 consistent with the basic policies and principles of these rules shall be adopted when using survey grade GPS receivers.

Section 19. Level of Accuracy in the Delineation of Ancestral Domains and Parcelary Survey of Ancestral Lands. The level of accuracy of the delineation of ancestral domains shall be governed by the following rules:

- a) When the ancestral domain boundary adjoins properties covered by Torrens title, the level of accuracy used to survey said property shall be adopted in delineating said segment of the ancestral domain boundary, provided that if such titles are CADT's, the higher accuracy grade shall be used for the boundary;
- b) When the ancestral domain boundary adjoins the ancestral domain of another indigenous community, the accuracy of the

delineation shall be determined by the concerned communities, and where GPS equipment is used, in no case shall the circular error probable (CEP) of the corresponding survey exceed five (5) meters.

- c) When the ancestral domain boundary adjoins public lands the level of accuracy of the delineation shall be such that the circular error probable (CEP) shall not exceed five (5) meters; without prejudice to the adoption of a higher level of accuracy if the same has been used in a previous survey of the adjoining property for a common boundary.
- d) When the boundary of ancestral domains follows natural landmarks that are extremely difficult or impossible to survey on ground, the description or coordinates from 1:50:000 or greater scale topographic maps, aerial photogrammetry, satellite imagery or other equally or more accurate sources may be used.
- e) When the ancestral domain boundary adjoins occupied or planted lands, the survey party shall endeavor to use survey grade. If such level of accuracy is too costly or will take too long, the occupants of the adjacent property may enter into an agreement with the ancestral domain claimant on the level of accuracy during the pendency of the more accurate level of survey and undertake the necessary negotiations between the parties to arrive at the more accurate metes and bounds. Said interim agreement shall be included in the survey returns.
- f) Once adjoining public lands are awarded under any tenure arrangement, joint venture with the State or production sharing agreement which delineates the boundaries using a higher level of accuracy, such level of accuracy shall be adopted in the issued CADT for the adjoining boundary. Such correction shall be ministerial and shall not require an amendment of the title. However, if a marker has been lost or obliterated, the corner shall be reestablished using the guideline of self-determination and testimonies.

Section 20. Survey Rules and Techniques. In locating corners for purposes of delineating ancestral domains the following rules and techniques shall be followed:

Distances between two consecutive corners:

- 1) Bordering another ICC – the general rule shall be consecutive corners shall be at a distance that will allow the boundary to be relocated with an accuracy acceptable to the IPs by the IPs themselves without the need of survey equipment. The suggested distance is no more than 500 meters between two consecutive corners if the boundaries are not natural features.
- 2) In the case of existing surveys with consecutive corners which are large distances apart, intermediary corners should be added in the case the boundaries are not natural features.
- 3) Adjoining titled or cadastral lands – the maximum distance between two corners shall be 500 meters.
- 4) When common access areas, such as but not limited to hunting grounds, fishing grounds, common sacred sites, floodplains and the like, form part of the boundaries between or among IP communities such common areas shall be covered by an interim agreement to consider the disputed portion as co-owned and such agreement appended to the surveys of the communities sharing access to such common areas and indicated in their survey plans. Customary conflict resolution processes shall be used to arrive at the practicable interim boundary to be reflected in the title and in the use of the common areas whether these be covered by the title or not. In case the conflict is not resolved, the title may still be issued but the remaining claim shall be annotated to the CADT. Upon resolution of the conflict, the final agreement arrived at shall be the basis of amending the titles.
- 5) When rivers, streams, creeks and other bodies of water, ridges or peaks constitute the boundaries of an ancestral domain, the corners shall be placed at appropriate distances following the general curves of the natural feature. Topographic maps of 50,000 or greater scale, aerial or satellite images may be used to derive coordinates of the natural feature identifiable therein for the purpose of the map if the feature is inaccessible or cannot be traversed due to cultural or physical constraints. Upon validation, such constraints shall be the basis of verification.
- 6) Where conditions do not allow for the acquisitions of sufficient numbers of satellites (such as in case of thick vegetation, cliffs, etc) an offset may be applied to the corners. For offset distances less than 20 meters, a compass with a minimum of five-degree graduation and any measuring device calibrated to an accuracy of 20 cm may be used. For distances from 20 – 100 meters, a compass with a minimum of 1-degree graduation and a steel nylon tape measure must be used. The angular measurements should be corrected for magnetic declination.

- 7) Where the survey adjoins an existing CADC or CADT or ancestral domain survey, the corners or boundaries of the existing survey shall be adopted, provided such CADC or CADT does not need correction as specified in Part IV.

PART VI. CORNER MARKERS OF ANCESTRAL DOMAIN

Section 21. Types of monuments or markers. The position of points and corners of ancestral domain/land shall be defined and marked on the ground by monuments or markers of permanent nature, except when corners lie near physiographic features. The following objects shall be considered as monuments/markers of permanent nature to be used in defining ancestral domain corners:

a. Concrete Monuments

Parallelepiped concrete monuments measuring 25 x 25 x 100 cm long set 80 cm. shall be installed for major boundary corners. Intermediate corners may also be marked with parallelepiped concrete monuments 20 x 20 x 80 cm long set 60 cm on the ground. The monuments will be labeled on top with "ADBM" (Ancestral Domain Boundary Monument) or "ALBM" (Ancestral Land Boundary Monument) and numbered. Numberings shall be indicated in the survey returns and adopted as the numbering of the corners in the technical description along with specific local place names, if any. Both label, number, and local place name shall be engraved at least 1.5 cm deep.

Standard concrete monuments shall be made of the following mixture/proportion:

Cement	- 1 part
Sand	- 2 parts
Gravel or broken stone	- 4 parts

b. Rock and Concrete Monuments. Such monument may also be manufactured using available rocks in the area. A 25 x 25 cm area to thickness of 1 cm of the rock monument should be plastered with a cement mixture of one part of cement to one part sifted sand and inscribed with the letters ADBM, local place name, if any, and having a height of 5 cm from the ground.

Other proportions may be used provided it shall yield the best results, depending upon the quality of the cement and sand. Sand and gravel

must be clean, free from dust or mud or other organic matter to ensure long 'lifetime'.

c. Immovable or Fixed Hard Rocks/Boulders. Immovable or fixed hard rocks or boulders may also define the corners of the AD/AL. Cement shall be patched on the immovable or fixed rock/boulder, centered with a hole, spike, or nail which will constitute the point to which to survey, and marked with the corresponding label/corner number and survey number as indicated in the plan. Cement patch manufacture is the same as described in Section 21 b. above.

d. Buoys with Concrete Base

In case of ancestral waters covering seas or big lakes, the boundaries shall be marked with buoys of at least 125 cm in diameter and 60 cm in height. The size of the concrete base that will be submerged shall consider underwater currents and the soil consistency of the seabed. The standard identification marking for ancestral domains or lands shall be labeled on the buoy and chiseled at 5 cm depth on the concrete base.

e. Witness Corner Monuments

When the ancestral domain undergoing survey involves corners that are difficult to monument, a pair of "witness corners" set at not less than 30 degrees subtended angle along the boundary leading to the corner point shall be installed on the ground to witness the boundary corner of the claim. The witness corner may be set using a cylindrical concrete monument that is 15 cm diameter and 60 cm long and set 40 cm in the ground. The letters WCM should be engraved in such monuments.

For corners established using mapping grade GPS, the monuments should indicate such by the inscription MG-GPS underneath the numbering.

PART VII. PRESCRIBED SURVEY RETURNS AND FORMS/FORMATS

Section 22. Survey Returns

The complete survey returns for ancestral domain/lands to be prepared and submitted by the concerned Geodetic Engineer are the following:

1. Letter of transmittal with checklist- "Quality Assurance" document;
2. The Geodetic Engineer's Order or Survey Authority;

3. Copy of the Notice to Proceed (NTP);
4. Photo copy of the "five -day notices";
5. Original Field Notes, properly paged and sealed by the Chief of Party (COP)/ GE and duly notarized;
6. Astronomical Computation Sheets completed and signed by the COP/GE;
7. Traverse Computation Sheets completed and signed by the COP/GE;
8. Area Computation Sheets completed and signed by the COP/GE;
9. Indicative Maps;
10. Monument description sheets certified by authorized IP representative;
11. Photo documentation of the monuments and other survey activities;
12. Sketch plan of the survey on tracing paper in the scale of the projection map showing the geographic position of corner 1 of the lowest numbered lot;
13. Final Survey Plan signed and dry sealed by the chief of party, endorsed by the NCIP Provincial Officer and Regional Director, and signed by authorized representatives reflecting the conformity of the applicant community;
14. GPS survey returns signed and sealed by the Chief of Party/GE
Certificate of GPS Data Evaluation issued by the NAMRIA;
15. Certified True Copy of Reference Points issued by NAMRIA;
16. Certificate of Equipment Calibration issued by NAMRIA for GPS and by the NCIP/DENR-LMB for Total Station;
17. Lot description;
18. Resolutions or agreed upon process for resolution of conflicts duly notarized, if any;
19. Project Completion Report signed by the CO/GE and certified by the NCIP Provincial Officer/Regional Technical Division Chief;

Section 23. Survey Plans

Maps and plans of all AD/AL surveys shall be plotted on appropriate standard base maps projected upon spheroidal quadrangles of Clarke's Spheroid of 1866. The standard base maps shall be classified into AD and AL survey plans and natural features' maps, projection maps, and index maps (national, regional, provincial, and city/municipal). The AD/AL survey plan shall contain the following details:

- 1) Name and Tribe of owners
- 2) Location, including Municipality and Province
- 3) Area of land
- 4) Technical Description
- 5) System of survey used
- 6) Scale used
- 7) Dates surveyed
- 8) Name and signature of Geodetic Engineer who conducted the survey
- 9) Names and signatures of authorized applicant community representatives for their conformity

- 10) Name and signature of the concerned NCIP Regional Director endorsing plan
- 11) Name and signature of the designated Geodetic Engineer to verify
- 12) Name and signature of the ADO Director
- 13) Annotations indicating prior rights within the ancestral domain/land
- 14) Legal authority

They shall be drawn in the PPCS/PRS '92 to an appropriate scale using drafting materials of stable base and of uniform size prescribed as follows:

For ancestral domain and land plans:

	Ancestral Domain	Ancestral Land
Size:	100 x 83 cm	74 x 57 cm
Working space:	80 x 80 cm	54 x 54 cm
Title block:	17 x 80 cm	17 x 80 cm
Margin:	1.5 cm	1.5 cm

Section 24. Codes for Survey Forms/Formats

The ADO Survey Forms for use in the survey of AD/AL are coded as follows:

ADO-Form 01	- Survey Plan for AL
ADO-Form 01-B	- Survey Plan for AD
ADO-Form 02	- Lot Data Computation Sheet
ADO-Form 03	- Traverse Computation Sheet
ADO-Form 04	- Astronomical Observation
ADO-Form 05	- Field Notes Cover
ADO-Form 06	- Field Notes
ADO-Form 07	- Monument Description Sheet (For AD Surveys)
ADO-Form 08	- Survey Notification Letter
ADO-Form 09	- Lot Description for Ancestral Lands
ADO-Form 10	- Transmittal of Survey Returns
ADO-Form 11	- Progress Notes of Survey Verification
ADO-Form 12	-GPS Observation/Field Sheets
ADO-Form 13	-GPS Post-Processing Results duly certified by the NAMRIA

Section 25. Numbering System and Symbols for AD/AL Survey.

The system of numbering of monuments or markers shall be planned and incorporated in the work and financial plan in order to ensure that survey teams and additional markers and monuments do not affect the consecutive character of the numbering.

ALS-1401-0020-D	-original survey of AL made by a private Geodetic Engineer
ADS-1401-0020	-original survey of AD made by NCIP Geodetic Engineer
ALS-1401-0020	-original survey of AL made by NCIP Geodetic Engineer
Sags (NCIP)-1401-0020-D	-segregation survey conducted by private Geodetic Engineer
Sags (NCIP)-1401-0020	- segregation survey conducted by NCIP Geodetic Engineer
Psd (NCIP)-1401-0020-D	- subdivision survey conducted by private Geodetic Engineer
Psd (NCIP)-1401-0020	- subdivision survey conducted by NCIP Geodetic Engineer
Pcs (NCIP)-1401-0020-D	- consolidation subdivision by private Geodetic Engineer
Pcs (NCIP)-1401-0020	- consolidation subdivision by NCIP Geodetic Engineer
Amd (NCIP)-1401-0020-D	-amendment survey conducted by private Geodetic Engineer
Amd (NCIP)-1401-0020	- amendment survey conducted by NCIP Geodetic Engineer
Rs (NCIP) -1401-0020-D	- re-survey of AL/AD made by private Geodetic Engineer
Rs (NCIP)-1401-0020	- re-survey of AL/AD made by NCIP Geodetic Engineer

NOTE: (URBAN CODE) 14- stands for the code of the region; 01-stands for the code of the province; 0020- stands for the number of survey returns accepted. "D" denotes survey conducted by private Geodetic Engineer.

Section 26. Non-waiver of native title. AD/AL claimants electing to undertake survey on only those uncontested portions of their claims shall not be considered to have waived their claims to other areas occupied by them since time immemorial, the inclusion in the survey of which may cause threats, intimidation, violence against the claimants or the cessation of the survey. Such claims may be made when their security can be better protected.

Comment: For example, the Quezon, Bukidnon case (Chemtras)

Section 27. Languages. These rules shall be translated into Tagalog, Cebuano and Ilocano and such other languages as necessary.

Section 28. Transitory Provisions.

Levels of authority for specific acts not specified herein shall be determined in consonance with succeeding rules of reorganization which shall take into consideration the acts specified herein that do not reflect specific levels of authority.

Where an adjoining property is later surveyed using a higher level of accuracy, the boundaries of the adjoining title which used a lower level of accuracy shall conform to the higher level and the amendment to its title shall be ministerial to the NCIP and the LRA, provided that the monuments have not been disturbed.

As new survey technology becomes available, these rules shall continue to apply as far as practicable. NCIP shall amend these rules when necessary to make use of such instruments.

DENR Adm Order 98-12 shall have suppletory application to these rules, provided that whenever recourse to such order is taken, such will be documented for purposes of informing the NCIP towards

amending these rules, provided further, that such application shall not be used if it constitutes an obstruction to the objectives of the IPRA.

Any reference to private survey entities under prior NCIP orders shall refer to the accredited geodetic engineer who may or may not be under the employ of a professional partnership or an assisting non-government organization. As such, an assisting non-government organization may assist in the survey through its licensed geodetic engineer or by other means as provided for under Sec. 7.

Section 29. Separability Clause. . In the event that any provision of these declared unconstitutional or against any statute, the validity of the remainder shall not be affected thereby.

Section 30. Repealing Clause. All previous rules, regulations, orders and memoranda inconsistent with the provisions of this order shall be null and void.