



# ANCESTRAL DOMAIN DELINEATION AND RECOGNITION: CADT OF AYTAS OF BATAAN

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## ACRONYMS

ADSDPP	-	Ancestral Domain Sustainable Development and Protection Plan
AO	-	Administrative Order
CADC	-	Certificate of Ancestral Domain Claim
CADT	-	Certificate of Ancestral Domain Title
CALT	-	Certificate of Ancestral Land Title
CIPRAD	-	Coalition for Indigenous Peoples Rights and Ancestral Domains
DAO	-	Department Administrative Order
DAR	-	Department of Agrarian Reform
DA	-	Department of Agriculture
DENR	-	Department of Environment and Natural Resources
EO	-	Executive Order
ICC	-	Indigenous Cultural Community
IP	-	Indigenous People
IPRA	-	Indigenous Peoples Rights Act
IPDP	-	Indigenous Peoples Development Program
LGU	-	Local Government Unit
LRA	-	Land Registration Authority
PANLIPI	-	Legal Assistance Center for Indigenous People
LRC	-	Legal Rights Center
LGU	-	Local Government Unit
MOA	-	Memorandum of Agreement
NAPC	-	National Anti-poverty Commission
NCIP	-	National Commission on Indigenous Peoples
NGO	-	Non-governmental Organization
OPAIPA	-	Office of the Presidential Adviser for Indigenous Peoples' Affairs
PAFID	-	Philippine Association for Intercultural Development, Inc.
PCSO	-	Philippine Charity Sweepstakes Office
PAMP	-	Protected Area Management Plan
SKAP	-	Samahan ng Katutubong Aeta sa Pastolan
SBMA	-	Subic Bay Metropolitan Authority

# **ANCESTRAL DOMAIN DELINEATION AND RECOGNITION: CADT OF AYTAS OF BATAAN**

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## **INTRODUCTION**

The objective of this report is to explain and understand the process of ancestral domain delineation and recognition through a case study of the Pastolan Aytas of Hermosa, Bataan Province. Because the issuance of a Certificate of Ancestral Domain Title (CADT) is a provision for the securing of rights to their ancestral domain by indigenous peoples in the Philippines, a community that goes through the issuance of a CADT will also interface with different government agencies, specifically the National Commission on Indigenous Peoples (NCIP), and most probably any or a combination of the following departments: Department of Environment and Natural Resources (DENR), Department of Agrarian Reform (DAR), Department of Agriculture (DA), National Anti-poverty Commission (NAPC), Local Government Units (LGU) and the Land Registration Authority (LRA). For this case study, because of the nature of the location of the Pastolan Aytas in the Subic Bay Metropolitan Authority area (SBMA), the latter plays a dominant role in the process of ancestral domain delineation and recognition.

## **IPRA**

In 1997 the Republic of the Philippines passed into law Republic Act 8371 or the Indigenous Peoples Rights Act. Popularly called IPRA, the law recognizes, protects and promotes the rights of the indigenous peoples (IPs) in the Philippines who make up 18% of the national population. It is considered a landmark legislation for social justice and human rights, and mandates a process of reform that is revolutionary. This reform process involves 1) the awarding of ancestral domain and land titles to IP communities while protecting them in their ancestral lands, 2) empowering them to manage their ecosystems and resources for their sustenance, 3) building their capability for self-governance, 4) mainstreaming the delivery of government services to their communities, and 5) preserving their indigenous knowledge systems, culture and traditions for their future generations. (OPAIPA 2001)

Under the law the NCIP, an independent government agency under the Office of the President, is the primary organization responsible for the implementation of IPRA.

Before a description of the process of ancestral domain delineation and recognition is undertaken, there is a need to first define those terms in the law that allows for land titles. The types of title that IPs can apply for under the law are the CADT or the Certificate of Ancestral Land Title (CALT). A CADT refers to a title formally recognizing the rights of possession and ownership of IPs over their ancestral domains identified and delineated in accordance with this law; a CALT refers to a title formally recognizing the rights of IPs over their ancestral lands.

In the IPRA law ancestral domains and ancestral lands are defined as follows:

*Ancestral Domains* -Subject to Section 56 hereof, refer to all areas generally belonging to Indigenous Cultural Communities (ICCs)/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of

ownership, occupied or processed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure*. or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals /corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands, individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators; (Chapter II, Sec. 3a)

*Ancestral Lands* -Subject to Section 56 hereof, refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to present except when interrupted by *war, force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects and other voluntary dealings entered into by government and private individuals/corporations, including, but not limited to, residential lots, rice terraces or paddies, private forests, swidden farms and tree lots; (Chapter II, Sec. 3b)

As noted in the definitions, ancestral lands and ancestral domains are subject to Section 56, *Existing Property Rights Regimes*. Section 56 states that property rights within the ancestral domains already existing and/or vested upon the effectivity of this Act, shall be recognized and respected. In the publication, *Guide to R.A. 8371* (1999), property rights are synonymous with "title" and applicable in a strict sense only to real property.

Title in this sense is defined as that which constitutes a just cause of exclusive possession, or which is the foundation of ownership of property. Licenses, leases, grants or permits are not encompassed in the phrase because such are privileges and not rights.

As a general rule, ICCs/IPs shall be informed of existing licenses, leases, grants or permits covering ancestral domains and issued before IPRA takes effect. Such licenses, leases, grants or permits may continue to be in force until they expire or unless they are earlier terminated for cause or for violation of laws, or terms and conditions of the lease, grant, and permit. A renewal shall be subjected to the ICC/IPs free prior and informed consent. Where possible, said licenses, grants or permits shall be reviewed to see how the affected ICCs/IPs, either directly or indirectly, may benefit. (CIPRAD 1999: 7)

The NGO Legal Assistance Center for Indigenous Filipinos (PANLIPI), one of the main contributors to the publication of the Coalition for Indigenous Peoples Rights and Ancestral Domains (CIPRAD), applies and advocates the IPRA.

The Legal Rights Center (LRC) and PANLIPI gave the Aytas information and paralegal training on the IPRA including Chapters III and VIII for the delineation of a CADT. Chapter III of the IPRA pertains to Rights to Ancestral Domains and Chapter VIII covers Delineation and Recognition of Ancestral Domains. (See Appendix 1 for flowchart for recognition and delineation of ancestral domain). The process of how the provisions were applied for the CADT delineation and recognition is presented in the following section. Data regarding the Pastolan CADT were derived from interviews and records of the Aytas of Pastolan; NCIP Central, Regional, and Provincial Offices; the assisting NGO Philippine Association for Intercultural Development, Inc. (PAFID);

SBMA's Ecology Center; and a former consultant from the Indigenous Peoples Development Program (IPDP) of the Second Subic Bay Freeport Project funded by the World Bank.

## **PASTOLAN AYTA CADT IN BATAAN**

The Aytas (also referred to as Aetas) of Pastolan, Tipo, Hermosa, Bataan belong to the Ambala linguistic group present in Zambales, Pampanga, and Bataan. Pastolan is along the northwest boundary of the Subic Forest. Based on the census conducted by Woodward-Clyde, there were 784 people distributed into 163 households with 397 males and 387 females in the year 2000. For the Aytas of Pastolan their oral and written accounts indicate that they have long called the Boton, Kalayaan and Binictican areas of the Subic Bay Freeport Zone their home. Their occupation antedates the "discovery" of Subic Bay by the Spaniards in 1572, and its conversion as an American Military Reservation in 1903. (World Bank 1999)

The Aytas of Pastolan were awarded on March 25, 2004 a CADT of 4,355.9310 hectares, which represents almost 45% of the land area of the Subic Bay Freeport Zone.

### **CADT DELINEATION AND RECOGNITION**

In 1998 the Pastolan Aytas pursued their application for a CADT. This coincided with the implementation of the IPDP of the Second Subic Bay Freeport Project (or Subic II). Two anthropological consultants worked with the Subic Bay Metropolitan SBMA to implement the IPDP component.

The consultation held with the Aytas during the preparation of the IPDP identified land tenure as their critical concern. The World Bank's project implementation plan directed the SBMA IPDP implementation consultants to pursue permanent land tenure solutions for Pastolan Aytas.

Prior to 1998, the Aytas had attempted to gain recognition for more permanent land tenure through the following:

October 1994 Pastolan Ayta's application for Certificate of Ancestral Domain Claim (CADC) was submitted to the Executive Director of the Office for Northern Cultural Community (ONCC)

June 1997 Congressional Investigation and Congressional Hearing  
- Special hearing regarding the rights of the Aytas being neglected, Aeta delegates went to Senate and Lower House (3 Newspapers and Channel monitored that event)

When the World Bank Second Subic Bay Project (Subic II) began, it included an IPDP component. The implementation of the IPDP sped up the CADT application process for the community. The CADT process since the implementation of the IPDP included:

March 1998 World Bank Subic Bay Second Project started and IPDP implemented IPDP to support land tenure for Pastolan residents through R.A. 8371 and the Protected Area Management Plan

April 1998 Meeting with NCIP Chairman  
Discussed CADT application for Pastolan

August 1998	Pastolan leaders meeting with NCIP Provincial Officer who indicated that NCIP Provincial level has no funds to assist with CADT survey
September 1998	Followed up the CADT application with Ancestral Domain Office of the NCIP and NCIP Regional Office (CADT application lost in ONCC- NCIP transition. Prepared new resolution with the assistance of the Regional Office)
October 1998	Pastolan prepared documents for CADT: history, hill boundary markers
November 1998	Letter sent by Aeta leader and IPDP consultant to PAFID requesting assistance regarding Pastolan AD claim  Secured SBMA approval to conduct CADT survey
January 1999	PAFID's first visit to Pastolan. During the community meeting, the Aytas held that their ancestral domain covers the whole area and not only Brgy. Pastolan. There was a debate that it is not only the barrio to be claimed but the whole area which reflects the "real" ancestral domain.
February 1999	PAFID's survey started Registration of Pastolan Peoples Organization, Samahan ng Katutubong Aeta sa Pastolan (SKAP) with SEC
March 1999	Continuation of survey during the Holy Week; went to Boton. Wrong survey as one area was not included was noted. The group headed to the Golf Course and was apprehended by SBMA security personnel.
April 1999	SKAP filed application for CADT with NCIP Consultative meeting between PAFID and elders held
June 1999	Surveyed mangrove portion at El Kabayo Land survey is not complete if the mangrove is not included according to the Aytas Security Forces of SBMA caught Aytas while walking along the road General Assembly held to review CADT survey accomplishments
July 1999	Meeting between community leaders with NCIP Commissioner and NCIP Regional Office
July -August 1999	3D Mapping of ancestral domain by PAFID Land Use Planning Workshop conducted by PAFID for Pastolan tribal leaders attended by NCIP Region III
August 1999	Briefed SBMA Chairman on progress of CADT
September 1999	Consultation with NCIP on CADT NCIP Chairman's Office gave briefing on RA 8371 and CADT procedure  Consultative meeting with PAFID  Community leaders met with Director of Ancestral Domains Office; confirmed all information required in application process  Concluded (or use completed) PAFID land use planning
October 1999	Legal Rights Center 2-Day Paralegal training for community

January 2000	IPDP consultants met with SBMA Chairman in Manila to brief him on CADT
February 2000	Community meeting with PAFID where community acknowledged that the map is incomplete Request for follow-up survey of shoreline and Kalayaan made by the community
March 2000	PAFID continued the survey Requested permit from SBMA to continue the survey SBMA provided patrol boat in the survey of shoreline (from the beginning SBMA supported PAFID)
June 2000	General Assembly held to review surveyed CADT boundaries  First formal consultation in Pastolan regarding CADT with SBMA key personnel and Department Heads, LGU Hermosa (i.e., Mayor, 4 councilors) and PAFID in attendance  Consultation with representatives of Olongapo City.
July 2000	NCIP and PAFID entered into a Memorandum of Agreement for the delineation and mapping of the ancestral domain Initial local governance and leadership training by LGU and DILG
August 2000	3-Day Leadership training (Capability Enhancement Training Course) for Pastolan Tribal leaders conducted jointly by NCIP Region III, SBMA and Agricultural Training Institute
September 2000	General Assembly to validate/confirm CADT boundary  Validation report submitted by PAFID  Community leaders attended 1 <sup>st</sup> Regional IP Consultation hosted by NCIP and attended by Chairman Daos  Youth visited/toured CADT boundary markers with IPDP consultant and elders  DENR Bataan surveyed land in Pastolan
October 2000	General Assembly held to reach consensus on understanding of rights and responsibilities over CADT. Prepared position paper  2 <sup>nd</sup> Consultation with SBMA and LGU Hermosa Pastolan Aytas presented position paper stating they do not object to the continuing CADT process and publication  Community meeting in Pastolan for Publication of CADT attended by leaders/members, SKAP, SBMA, and NCIP  2-Day Consultation with WWC regarding the Subic Protected Area Management Plan. Incorporated CADT in this plan.
November 2000	3-Day DILG local governance training

December 2000	Endorsement letter by NCIP Regional Director Bistoyong published in Bataan Today posted in SBMA Building 229, Ecology Center, Bangal Brgy. Hall, Olongapo City Hall, Tipo Outpost, Hermosa Municipal Hall, Mabiga, Pastolan Center Hall
February 2, 2001	Signing of Original Certificate of Ancestral Domain Title by NCIP Commissioners, attended by Pastolan leaders, PAFID , IPDP Consultant, and NCIP Regional Director
June 2001	Ceremonial acceptance of ancestral domain map by OPAIPA Ambassador Howard Dee, attended by SBMA Ecology Center, NCIP Officials, and World Bank representatives
January 28, 2002	Approval of NCIP Administrative Order No. 1, Series of 2002. Subject: Guidelines For The Review and Verification of the Certificates of Ancestral Domain Title (CADT) and Certificates of Ancestral Land Title (CALT) Approved by the First Commission En Banc of the National Commission on Indigenous People but were Neither Registered with the Register of Deeds nor Released to the Claimants-Owners.
July 2002	Implementation of World Bank grant to SKAP for the formulation of Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) with the Institute of Philippine Culture
July 22, 2002	Notice from NCIP Chair to NCIP Regional Office for the conduct of ocular inspection and verification survey of Pastolan claim covering 4,387.36 hectares.  Work Order 7-007-02 issued from NCIP Chair to regional survey team
August 9, 2002	Letter of approval by Pastolan for the re-delineation by NCIP of their ancestral domain submitted to NCIP Chair
April 8, 2003	NCIP received letter from Tribal Chieftain requesting revision of list of rightful claimants prepared by NCIP
April, 2003	Letter of Ecology Center, SBMA to Pastolan Tribal Chieftain that SBMA shall not recognize newcomers or migrant IPs allowed to live within the claimed area as legitimate beneficiaries of the ancestral domain of the Aytas of Pastolan
April 25, 2003	Attendance sheet prepared during assessment and re-validation of beneficiary list of ancestral domain  Community Resolution No. 1, series of 2003 by Elders and members of the Tribal Council indicating that the NCIP validated census lists the legitimate beneficiaries of ancestral domain

- July 22, 2003      CADT of Pastolan Aytas approved by second NCIP Commissioners.  
  
Tribal Chieftain has photocopy of Original Certificate of Title of CADT with NCIP Commissioner's signatures
- March 2004      Invitation by NCIP to IPC to share its experiences regarding the ADSDPP. IPC invited Pastolan Aytas to a meeting.
- March 18, 2004      Meeting for ADSDPP held at NCIP. Aytas, non-Ayta leaders, and IPC expressed that Pastolan Aytas were hesitant to implement their ADSDDP plan and ask for fees from SBMA because the CADT has not been awarded. The NCIP Executive Director said during the meeting that the CADT has been approved and that the awarding is just a formal recognition. Before the meeting ended plans were made for the formal awarding of the CADT to the Pastolan Aytas the following week.
- March 25,2004      Original copy of Certificate of Title of CADT of Pastolan Aytas formally awarded by NCIP in a ceremony held in Pastolan. Attended by Pastolon community, Aytas from other communities, NGO and church partners, academe through IPC, and LGU. No representative from SBMA.

The events enumerated above indicate that there were two CADTs approved by NCIP for the Pastolan Aytas. This will be referred to from hereon as the first CADT and the second CADT. To understand why this occurred, the views and activities of individuals representing the different stakeholders such as the community, SBMA, NCIP, and the NGOs will be explained.

## **PASTOLAN**

The Pastolan Aytas were quite supportive of the delineation and recognition process of the first CADT during the term of the first commissioners. The original certificate of title was, however, never awarded to them. They were equally supportive of the second commissioners in the implementation of AO 1 (See Appendix 2) through their participation in the validation process which ultimately led to the second CADT, the original certificate of which was awarded to them.

In the briefings they had with the NCIP the community understood AO 1 as a validation process that would use PAFID's survey from the first CADT as a basis for evaluation. The resurvey under AO 1 would also allow them to have land markers as permanent monuments for the boundaries of their CADT. They accepted the information given them by NCIP that the CADT ground survey had to be conducted and signed by a geodetic engineer as this was needed as requirements of registration for titling.

In addition to PAFID's survey, the census of claimants from the first CADT process was also evaluated. This resulted in a reduction of claimants from 784 in the first CADT to 759 individual beneficiaries in the second CADT. The NCIP together with Ayta representatives determined that the other 25 claimants were not from the area.

## **NCIP**

Key personnel from NCIP indicate that when IPRA was passed in 1997 there was a demand and clamor among the IPs to have their CADTs. This was, however, difficult to act upon as Malacañan had little funds. It was also during this period from 1997-2001 that the constitutionality of IPRA was being questioned. The reason Pastolan was able to have its ancestral domain delineated was because of the Second Subic Bay Freeport Project of SBMA. The consultants involved in the IPDP component of the project contracted the NGO PAFID who did the survey

utilizing GPS and GIS. It was during this time that PAFID became the only NGO to enter into a Memorandum of Agreement (MOA) with the first commissioners of NCIP for Region 3. It was the World Bank project that enabled the participation of NCIP personnel in the activities during the first CADT process of the Aytas.

Soon after the first Commissioners approved the CADT of Pastolan under the Macapagal-Arroyo administration, the President's first Executive Order was EO 1 entitled Creating the Office of the Presidential Adviser for Indigenous Peoples' Affairs (OPAIPA), Delineating Its Functions To Ensure Effective Implementation of the Indigenous Peoples' Rights Act of 1997. One of the main mandates of OPAIPA was the reconstitution of the New Commission as "political patronage in its implementation in the previous administration corrupted the mission of NCIP and compromised its processes, rendering the agency ineffective and its staff demoralized." (OPAIPA 2001: 1)

One of the clauses in EO 1 indicated that no Certificate of Ancestral Land or Domain Title had yet been issued since the law took effect in November of 1997. When the second Commissioners were in office, one of their initial activities was the creation of policies for the delineation of CADT and CALT. This effort led to the issuance of NCIP AO 1, Series of 2002 entitled Guidelines For The Review And Verification Of The Certificates of Ancestral Domain Title (CADT) And Certificates Of Ancestral Land Title (CALT) Approved By The First Commission En Banc Of The National Commission On Indigenous People But Were Neither Registered With The Register of Deeds Nor Released to the Claimants-Owners. The scope of AO 1 applies to 10 Certificates of Ancestral Domain Titles and 605 Certificates of Ancestral Land Titles approved by the first Commission of NCIP during their incumbency but were neither registered with the Register of Deeds nor released to the claimant-owners before the expiration of their term of office on February 23, 2001. The budget for implementing AO1 is sourced from the gross income of the Philippine Charity Sweepstakes Office (PCSO) from its lotto operations.

It was an unfortunate turn of events that while the Pastolan CADT was approved by the first commissioners, supported by the SBMA, the World Bank, and OPAIPA, it was included as one of those questioned and therefore needed validation under the present AO 1.

The validation process under AO1 did not honor new opposition from other claimants as the Pastolan CADT had gone through the process of delineation and recognition per the IPRA law. In the first CADT process, there was no opposition regarding the Pastolan CADT prior to and during the notification and publication periods prescribed by IPRA. This assurance had to be given to the Aytas as they had originally thought that the whole process of delineation and recognition had to be repeated again.

## **SBMA**

One of the main deliverables for the Indigenous Peoples Development Plan component of the Second Subic Bay Freeport Project was security of tenure for the Aytas of Pastolan. Prior to being the Chairman of SBMA, Felicito Payumo was a Congressman who had gained a reputation for advocating for security of tenure for the Aytas. The events of the first CADT process discussed above indicates that there was coordination between those involved with the IPDP with SBMA, NCIP, the LGU, and the City of Olongapo. The Ecology Center of the SBMA played a major role in the implementation of the IPDP. While there was no opposition throughout the time of delineation and recognition under the first CADT process, there were two main concerns of SBMA's top management. First was that, the Aytas' CADT is also a protected area. Top management's concern was the compatibility of the Subic Bay Protected Area Management Plan (SBPAMP) with the CADT of the Aytas. The Ecology Center assured SBMA leaders that being a protected area is compatible with being an ancestral domain's area. The second was that a portion of the Aytas' ancestral domain included the built-up area of SBMA. Before the CADT was approved by the first Commissioners, the Aytas had assured SBMA that what they wanted were livelihood opportunities and access to the built-up area as this was where their sacred

ground and burial grounds were located. With these assurances SBMA management gave its authorization for the Ecology Center to assist in the delineation of the CADT.

Over time, however, both the Ayta and the SBMA were becoming more aware of the IPRA provisions and their implications. By the time of the ceremonial acceptance of the Pastolan CADT by OPAIPA, SBMA had become very concerned that per provision of IPRA, indigenous peoples are entitled to 30% of all funds received from activities involving the utilization, extraction, use and development of lands and natural resources within their ancestral lands/domains and need to be compensated for any social and/or environmental costs of such activities. IPRA's Implementing Rules and Regulations (Part II, Section 1a) states, "The NCIP shall ensure that at least 30% of all funds received from such activities will be allocated to the ICC/IP community for development projects or provision of social services or infrastructure in accordance with their duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP)."

When the Aytas were formally awarded their Certificate of Title or CADT under the term of the second Commissioners in March of 2004 they had already spent over a year in the formulation of their ADSDPP. However, while they were still advocating access and livelihood opportunities regarding the built-up area, they added that they would seek the 30% due them from new developers when they had their title in hand.

## **SUMMARY**

The Aytas had made a formal attempt to secure tenure of their land in 1994 through DENR Department Administrative Order (DAO) 94-2 which enabled them to apply for a CADC, and again in June 1997 through a special hearing in Congress. It was under the World Bank Second Subic Bay Project (Subic II) in March of 1998 that the application and funding for the delineation of the Aytas ancestral domain started following the procedures of the IPRA. From the time the process started for CADT delineation and recognition to the signing of the first NCIP Commissioners in February of 2001, it took close to three years for the approval of the first CADT of the Pastolan Aytas of Bataan. Later it was one of those identified for verification under AO 1, series of 2002. The NCIP Chair in July 2002 issued a resolution and work order to that effect.

The account of the CADT process indicates that the Aytas were supportive of the activities of NCIP under AO 1. It took two years and three months from the time AO 1 was approved in January of 2002 to the time that the second Commissioners approved and issued the CADT to the Aytas of Pastolan in March of 2004.

A review of the documents indicates that the Pastolan Aytas during the term of the first NCIP Commissioners together with their partners from NCIP, SBMA and the World Bank consultants, LGU, and NGOs like PAFID, PANLIPI, and LRC went through the process of CADT identification, delineation, and issuance as provided for under the law. The revalidation that took place under the second Commissioners based on AO 1 reduced the area by 31.4308 hectares due to differences in survey techniques, as PAFID used global positioning system which the NCIP geodetic engineers did not use. Outside of this issue, the CADT application was free from opposition and was approved by the second Commissioners for titling on July 22, 2003. In the second approval, the Aytas on March 25, 2004 were formally awarded their original CADT.

## REFERENCES

- Coalition for Indigenous Peoples' Rights and Ancestral Domains (CIPRAD)  
1999 *Guide to R.A. 8371: Indigenous Peoples Rights Act of 1997*. International Labor Organization and Balance, Asia Department.
- Office of the Presidential Adviser on Indigenous Peoples Affairs  
2001 *Beginning a New Covenant With the Indigenous Peoples of the Philippines*. Office of the President, Republic of the Philippines.
- World Bank  
1999 *Indigenous Peoples Development Plan for the Aeta Indigenous Cultural Community of Pastolan Village. Second Subic Bay Freeport Project*.
- Republic Act 8371. Indigenous Peoples Rights Act.