



Republic of the Philippines
OFFICE OF THE PRESIDENT
PALAWAN COUNCIL FOR SUSTAINABLE DEVELOPMENT



Excerpts from the Minutes of the 165th PCSD Executive Committee Meeting
Palawan Sustainable Development Training Institute
RVMSDC, Irawan, Puerto Princesa City
26 February 2010

Present:

- | | | |
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| 1. Gov. Joel T. Reyes, Provincial Governor | - | Chairman |
| 2. Rep. Abraham Kahlil B. Mitra, Second District, Palawan | - | Member |
| 3. Sec. Alfredo E. Abueg, Jr., Office of the President | - | Member |
| 4. Vice Gov. David A. Ponce de Leon, Sangguniang Panlalawigan | - | Member |
| 5. Hon. Mario T. Reyes, Pres., League of Municipalities | - | Member |
| 6. Atty. Grizelda Mayo-Anda, NGO Representative | - | Member |
| 7. PS/Supt Aurelio C Trampe, PNP Representative | - | Member |
| 8. Dir. Josephine S. Matulac, PCSDS | - | Acting Secretary |
| 9. LtGen Hernanie B. Perez, WESCOM Commanding Gen. | - | Member |

Duly Represented:

- | | | |
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| 10. Usec. Manuel D. Gerochi, Undersecretary, DENR
Represented by PENRO Juan C. Dela Cruz | - | Member |
| 11. Mayor Edward S. Hagedorn, City Mayor, Pto. Prin. City
Represented by City ENRO Rogelio C. Daquer | - | Member |
| 12. Usec. Jesus Emmanuel M. Paras, Department of Agriculture
Represented by Ms. Lucille Odejar | - | Member |
| 13. Ms. Cristina V. Matta, Palawan Tourism Council
Represented by Ms. Angeli E. Mendoza | - | Member |
| 14. Mr. Rey Rafols, Business Sector
Represented by Ms. Virginia T. Gapuz | - | Member |

Absent:

- | | | |
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| 15. Rep. Antonio C. Alvarez, First District, Palawan | - | Member |
| 16. Usec. Phineas A. Albuero, DOT | - | Member |
| 17. DDG Augusto B. Santos, Deputy Director General, NEDA | - | Member |
| 18. Comm. Eugenio A. Insigne, Chairman, NCIP | - | Member |
| 19. Kgd. Evelyn V. Rodriguez, Pres., League of Barangays | - | Member |
| 20. Pros. Alen Ross B. Rodriguez, Office of Prov'l Prosecutor | - | Member |

PCSD RESOLUTION NO. 10-401

“A RESOLUTION STRONGLY CALLING THE ATTENTION OF AND ENJOINING THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES (NCIP) TO RESPECT AND ABIDE BY THE STANDING MEMORANDUM OF AGREEMENT TO THE EFFECT THAT NO CADT SHOULD BE ISSUED WITHOUT PCSD PROCLAMATION OF THE AREA AS TRIBAL ANCESTRAL ZONES”

“PCSDS: Working together towards sustaining the future.”

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WHEREAS, pursuant to R.A. 7611, otherwise known as the Strategic Environmental Plan (SEP) for Palawan, which took effect on 19 June 1992, the SEP has been the framework of government agencies concerned in the formulation of plans, programs and projects affecting the environment and natural resources of Palawan;

WHEREAS, pursuant to section 9 of R.A. 7611, the PCSD has established a graded system of protection and development control over the whole of Palawan, **including its tribal lands**, forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, seagrass beds and the surrounding sea known as the Environmentally Critical Areas Network (ECAN);

WHEREAS, section 19 of said Act vests the PCSD with the power to 1) Formulate plans and policies as may be necessary to carry out the provisions of this Act and 2) adopt, amend and rescind such rules and regulations and impose penalties therefor for the effective implementation of the SEP;

WHEREAS, Republic Act No. 8371, otherwise known as the Indigenous People Rights Act of 1997, was passed into law to recognize, protect and promote the rights of the indigenous people by instituting and establishing the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains;

WHEREAS, both the PCSD and the NCIP recognize the Strategic Environmental Plan as the comprehensive framework for the sustainable development of Palawan, adhere to the general policy of the state to promote and protect the preferential rights of the Indigenous Cultural Communities/Indigenous People to their ancestral domains and agree to the importance of promoting indigenous ways for the sustainable management of the natural resources;

WHEREAS, in order to enhance the delivery of public service to the indigenous people in the province of Palawan, in view of the need to clarify jurisdictional issues with respect to tribal ancestral zones, the PCSD and the NCIP entered into a Memorandum of Agreement on July 29, 2005 where the PCSD, under 2.1 thereof, shall "*declare/proclaim tribal ancestral zones pursuant to Section 11 of R.A. 7611*" and the NCIP, under 3.1 thereof, shall "*accept, process and approve all CALT/CADT applications involving ancestral land/domains claims in the Province of Palawan as declared/proclaimed as Tribal Ancestral Zones by the PCSD*";

WHEREAS, pursuant to the above-mentioned Memorandum of Agreement, the Joint NCIP-PCSD Memorandum Circular No. 2005-1, on the "Harmonization of the Implementation of the Indigenous Peoples Rights Act and the Strategic Environmental Plan for Palawan", was approved through Resolution No. 06-274;

WHEREAS, said Memorandum Circular provides that "the NCIP, through its SPTF, shall undertake the delineation and validation of the application for the issuance of a Certificate of Ancestral Domain/Land Titling, pursuant to its processes where the **proclamation/declaration of Tribal Ancestral Zone by the PCSD** is made as a condition for the issuance of CADT;

WHEREAS, on March 25, 2008, Certificate of Ancestral Domain Title (CADT) No. RO4-BUS-0308-062 was issued by the National Commission on Indigenous Peoples in favor of the indigenous community of *Tagbanua* (comprising the communities of Barangays Calait and Quezon, Calait Island, Busuanga) covering an area of Three Thousand Six Hundred Eighty Three and 2324/10000 (3,683.2324) hectares in the Municipality of Busuanga;

WHEREAS, said issuance is contrary of the standing Memorandum of Agreement and Joint PCSD-NCIP Memorandum Circular No. 2005-1 considering that the above-mentioned CADT was issued without approval of this Council;

WHEREFORE, upon motion duly seconded, the Council RESOLVES, as it is hereby resolved, TO CALL THE ATTENTION of the National Commission on Indigenous Peoples (NCIP), as its attention is hereby called, and IT IS ENJOINED, as hereby it is enjoined, to RESPECT AND ABIDE BY the standing Memorandum of Agreement it entered into with this Council, specifically, to the effect that no Certificate of Ancestral Domain Title (CADT) be issued without this Council's declaration/proclamation of the area as Tribal Ancestral Zone (TAZ);

RESOLVED FINALLY, that copies of this Resolution be sent to the National Commission on Indigenous Peoples (NCIP) and other concerned agencies for their information and guidance.

I hereby certify that the above-quoted Resolution has been duly approved and adopted by the PCSD on 26th day of February 2010 at Puerto Princesa City, Palawan.

Josephine S. Matulac
JOSEPHINE S. MATULAC
Acting Secretary

APPROVED:

Mario Joel T. Reyes
HON. MARIO JOEL T. REYES
Chair †