

Republic of the Philippines
National Commission on Indigenous People and
National Power Corporation

NCIP-NPC Joint Memorandum Circular No. 001 series of 2025

**NCIP-NPC JOINT MEMORANDUM CIRCULAR PRESCRIBING THE GUIDELINES
FOR THE MANDATORY PARTICIPATION AND CONSULTATION OF INDIGENOUS
PEOPLES IN THE PLANNING AND IMPLEMENTATION OF THE PROJECTS IN
NPC-MANAGED WATERSHEDS WITHIN ANCESTRAL DOMAINS**

WHEREAS, under Republic Act 9136, or the Electric Power Industry Reform Act of 2001 (EPIRA) the Energy Regulatory Commission (ERC) is mandated to perform regulatory functions as are appropriate and necessary in order to ensure the successful restructuring and modernization of the electric power industry;

WHEREAS, under Republic Act 6395 or the Revised Charter of the National Power Corporation (NPC) and Executive Order No. 224, the NPC is mandated to exercise complete jurisdiction, control and regulation over the watersheds surrounding the reservoirs of plants and/or projects that it has constructed or that it proposes to construct;

WHEREAS, Republic Act No. 8371, or the Indigenous Peoples Rights Act of 1997 (IPRA) recognizes Indigenous Peoples (IPs) rights to their ancestral domains, including the right to an informed and intelligent participation in the formulation and implementation of any project that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they may sustain as a result of the project;

WHEREAS, the IPRA provides that IPs shall have the right to determine and decide their own priorities for development affecting their lives, beliefs, institutions, spiritual well-being, and the lands they own, occupy or use, and shall participate in the formulation, implementation and evaluation of policies, plans and programs for national, regional and local development which may directly affect them;

WHEREAS, the IPRA further provides that in ancestral domains or portions thereof, which are necessary for critical watersheds, forest cover, or reforestation, the ICCs/IPs concerned shall be given the responsibility to maintain, develop, protect and conserve such areas with the full and effective assistance of government agencies concerned;

WHEREAS, this issuance is necessary to operationalize the safeguards for IP rights, which are recognized by the Constitution, the IPRA and the international agreements to which the Philippines is a party, and avoid adversarial processes that constrain watershed management and conservation efforts on the ground;

WHEREAS, NCIP and the NPC have recognized the need to interface respective programs and policies to protect the rights and well-being of the IP communities and the need to sustain the management, rehabilitation and protection of NPC-managed watersheds for the benefit of the IP communities and the public in general;

NOW THEREFORE, pursuant to its respective mandate, the PARTIES RESOLVE, as it is hereby RESOLVED to adopt the following:

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U.P. LAW CENTER
OFFICE of the NATIONAL ADMINISTRATIVE REGISTER
Administrative Rules and Regulations
MAR 10 2025
REGISTERED
ONAR Registration #25-0274
TIME: 945 BY: JMA

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Section 1. Purpose, Scope and Coverage

This NCIP-NPC Joint Memorandum Circular is issued to provide guidelines for the institutionalization of the mandatory participation and consultation of IP ancestral domain owners in the planning, implementation and monitoring of projects and programs involving NPC-managed watersheds within ancestral domains.

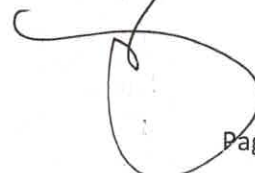
Section 2. Definition of Terms

Indigenous Cultural Communities/Indigenous Peoples - refer to a group of people or homogenous societies identified by self-ascription and ascription by other, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains [IPRA Section 3(h)].

Ancestral Domains - Subject to Section 56 hereof, refer to all areas generally belonging to ICCs/IPs comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by ICCs/IPs, 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 land, 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 their 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 [IPRA Section 3(a)].

Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) – refers to the consolidation of the plans of IPs within an ancestral domain for the sustainable management and development of their land and natural resources, as well as the development of human and cultural resources based on their indigenous knowledge systems, plans and practices. This plan shall be the basis of the Five-year Master Plan for IPs (NCIP AO 2-2018 Section 6.1).

Indigenous Knowledge, Systems and Practices (IKSP) – are systems, institutions, mechanisms, and technologies comprising a unique body of knowledge evolved through time that embody patterns of relationships between and among peoples and between peoples, their lands and resource environment, including such spheres of relationships which may include social, political, cultural, economic, religious spheres, and which are the direct outcome of the indigenous peoples, responses to certain needs consisting of adaptive mechanisms which have allowed indigenous peoples to survive and thrive within their given socio-cultural and biophysical conditions [NCIP AO 1-2012 Section 6(f)].



Indigenous Political Structures (IPS) – refer to organizational and cultural leadership systems, institutions, relationships, patterns and processed for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holder, or any other tribunal or body of similar nature [IPRA Section 3(i)].

NPC-Managed Watersheds - refers to proclaimed watersheds under NPC's complete jurisdiction, control and regulation pursuant to Executive Order Nos. 224 and 258, Presidential Proclamation No. 2320 namely Angat, Buhi-Barit, San Roque, Tiwi, and Upper Agno River Watershed and with co-management arrangements with the Department of Environment and Natural Resources (DENR) namely Lanao-Agus River and Pulangi River Basins and lastly, National Irrigation Administration (NIA) through a Memorandum of Agreement (MOA) namely Pantabangan-Carranglan and Magat Watershed Forest Reserve.

Universal Charge – Environmental Charge (UC-EC) – a charge equivalent to one-fourth of one centavo per kilowatt-hour (P0.0025/kWh), imposed on all electricity end-users, to be used solely for watershed rehabilitation and management and managed by NPC [EPIRA Section 34(d)].

UC-EC Plan – refers to the Operations Plan for each calendar year for the rehabilitation and management of watershed areas, composed of projects and programs specified in Section 1 Article II of the Rules and Procedure Governing the Utilization and Disbursement of UC-EC.

Section 3. Composition of Watershed Planning Committee

For each Watershed Area, a Watershed Planning Committee shall be formed and composed of the following:

- a. One (1) NPC Representative, who shall serve as Chair;
- b. One (1) NCIP Representative;
- c. One (1) IP elder or leader selected and authorized by the community;
- d. One (1) duly authorized representative each from the IP women, IP youth, and IPMR; and
- e. NPC Watershed Area Team concerned

The Committee members shall be knowledgeable of the nature of the project to be done and shall have the capacity to make decisions for their respective organizations/community sectors.

Section 4. Duties and Functions of the Watershed Planning Committee

The Committee shall perform the following duties and functions:

- a. Undertake preliminary data gathering for the proposed UC-EC Plan;
- b. Prepare the preliminary plans and programs for the watershed, considering among others, the results of the preliminary data gathering, and the mandatory incorporation of appropriate plans in the ADSDPP, if available;
- c. Present these preliminary plans and programs during Community Validation, and ensure the proper documentation of the IPs participation in these activities, as provided in Section 5;
- d. Serve as the Monitoring Committee on the implementation of the approved UC-EC Plan;
- e. Serve as the Dispute Resolution Committee, as provided in Section 7.

Section 5. Preliminary Data Gathering and Formulation of the UC-EC Plan

NPC, the Indigenous Peoples community and NCIP shall jointly conduct preliminary data gathering and formulate the UC-EC Plan based on the qualified projects as stipulated under ERC Resolution No. 18.

The following items shall be considered in the preliminary data gathering and formulation of the UC-EC plan:

- i. The areas in which proposed projects and programs are likely to be located;
- ii. The projected environmental effects of the proposed projects and programs;
- iii. The probable impacts of the proposed projects and programs on IPs, including, but not limited to, impacts on their livelihoods, access to resources, access to social services and particular effects on women, the youth and the elderly, if any;
- iv. The Indigenous Political Structure of the ancestral domain owners, if available, which may be based on existing NCIP documentation;
- v. The plans and programs in the ADSDPP, if available; and,
- vi. The probable contributions of Indigenous Knowledge, Systems and Practices to the implementation of the proposed projects and programs.

Section 6. Community Validation

Upon completion of the preliminary work described in Section 5, the Committee shall immediately schedule and convene Community Validation with the AD owners.

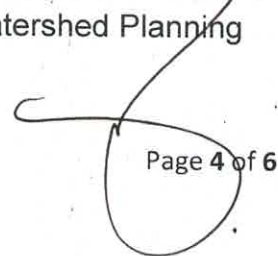
The Community Validation shall serve as a forum to consider matters, including but not limited to the following:

- a. Results of the preliminary study;
- b. The projects and programs that the Committee recommends for the UC-EC Plan, and information on the operation plan and budget, projected benefits for the IPs, and responsibilities of the IPs;
- c. Congruence of these projects and programs with the ADSDPP, if available.

During the Community Validation, the IPs shall be given the opportunity to seek clarification and express their sentiments, comments and concerns to any of the findings and recommendations from the Committee. The Committee shall make the necessary revisions to the plans and programs consistent with NPC and ERC's existing guidelines and policies and to ensure that these reflect the inputs received from the ancestral domain owners.

Projects and programs which are fully congruent with the ADSDPP shall be automatically adopted. The Committee shall ensure that Indigenous Knowledge Systems and Practices (IKSPs) on forest conservation and environmental protection are incorporated in the preparation of plans and programs, with the IP owners' consent.

The Committee shall ensure that the participation of the ancestral domain owners in these sessions is properly and completely documented. They shall forward this documentation, along with the UC-EC Plan, and relevant community resolutions to NPC. The NPC shall submit its application with the endorsement of the Watershed Planning



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Committee and the complete documentation to the NCIP Regional Office for the issuance of the necessary certification.

A resolution shall be issued by the concerned IP community to NPC endorsing the UC-EC Plan and shall form part of the documentation in the filing with the Energy Regulatory Commission (ERC).

Section 7. NCIP Review and Issuance of Certification

A. Document Review

Upon receipt of the documents from the National Power Corporation (NPC), the NCIP Regional Office, through its Technical Management Services Division (TMSD) Chief, shall immediately conduct a thorough review of the submitted documents to confirm the involvement of ancestral domain owners in the formulation of the UC-EC plan.

If the documentation is found to be insufficient or there are findings of non-compliance of the requirements of this joint memorandum circular, the TMSD Chief shall promptly coordinate with the NPC to address the same.

The document review and preparation of the evaluation report shall be completed within four (4) working days upon receipt of the complete documents.

B. Scope of Review

The review shall focus solely on verifying the participation of ancestral domain owners in the preparation and consultation of the UC-EC Plan, ensuring inclusivity, transparency, and efficiency in its implementation.

The review shall not extend to evaluating the content of the UC-EC Plan itself.

C. Issuance of Certification

The NCIP Regional Director shall issue the Certificate within one (1) working day from receipt of the evaluation report, provided the report is in order.

Section 8. Filing of UC-EC Plan and Public Hearing

Proposed programs and projects contained in the UC-EC Plan shall be recommended by the NPC Watershed Area Team upon endorsement of the Committee and shall be filed by NPC on or before March 15 of every year to ERC.

The IP Community and local NCIP shall assist NPC in complying with the petition requirements (i.e. jurisdictional/evidentiary) and attend public hearings and expository presentations in support of the UC-EC Plan.

Section 9. Program/Project Implementation

Implementation of the programs/projects shall be consistent with the Project Implementation Plan (PIP) submitted to ERC upon approval of the petition for the availment of the UC-EC and shall be guided by and conform with the provisions of ERC Resolution No. 18, s. 2011 and Republic Act No. 9184 (Procurement Law) and consistent with existing government auditing and accounting rules and regulations.

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The modes of implementation as provided under Republic Act No. 9184 shall be adopted to include Community Participation as an alternative mode under the Negotiated Procurement.

Section 10. Monitoring

Periodic monitoring on the implementation of programs/projects under the approved UC-EC petition shall be undertaken jointly with the Committee as provided under Section 4(d).

Section 11. Creation of the Steering Committee

A Steering Committee, composed of the following shall be created to oversee and act as a clearing house on concerns in the implementation of the Joint Memorandum Circular.

Chairman	:	NPC President and CEO/ Authorized Official
Co-Chairman	:	NCIP Chairperson/ Authorized Official
Members	:	NCIP Ancestral Domains Office NCIP Socio-Economic and Special Concerns Office NPC Watershed Management Department NPC Office of the Legal Counsel

Section 12. Dispute Resolution

The Committee shall endeavor to arrive at mutually acceptable solutions to any disputes that arise from the implementation of the UC-EC Plan. Should they fail to arrive at settlement among themselves, the matters shall be included in the documentation to be referred to the ERC for resolution. Any other administrative or judicial recourse may only be sought if the ERC is unable to resolve the dispute.


Section 13. Amendment and Termination

The provisions of this joint memorandum circular may be amended or modified by either party upon serving of written notice by one party upon the other thirty (30) days prior to the effective date of the proposed amendment and the acceptance in writing of the other party to the proposal.

This joint memorandum circular may be terminated due to the non-performance or violation of any provisions by any of the parties within thirty (30) calendar days from the receipt of written notice from the concerned party specifying the reason for termination.

Section 14. Effectivity

This joint memorandum circular shall take effect fifteen (15) days after publication in the Official Gazette or a newspaper of general circulation in the Philippines and registration with the University of the Philippines – Office of the National Administrative Registrar (UP-ONAR).


FERNANDO MARTIN Y. ROXAS
President and CEO
National Power Corporation


JENNIFER PIA SIBUG-LAS
Chairperson
National Commission on Indigenous People

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

QUEZON CITY

Before me, this FEB 04 2025, 2025 at QUEZON CITY personally appeared **MR. FERNANDO MARTIN Y. ROXAS**, President and CEO of **National Power Corporation**, with Identification Document in the form of NPC ID No. PNW 20017432 known to me to be the same person who executed the foregoing instrument and he acknowledges to me that the same in their own free and voluntary deed.

I certify that the foregoing instrument consists of seven (7) pages, including the pages where the acknowledgement are written and signed by the parties and their instrument witnesses.

WITNESS MY HAND AND SEAL this _____ day of FEB 04 2025
2025 at QUEZON CITY, Philippines.

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Series of: 2025

NOTARY PUBLIC



ATTY. LUDY B. ARAGONA
Notary public for Quezon City
Commission No. NP-393 (2024-2025)
Commission Expires on 31 December 2025
Roll No. 84558
IBP No. 500293; 01/06/25; Quezon City
PTR No. 6990482; 01/03/25; Quezon City
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4th Floor Gabriel Y. Itchon Building Senator Miriam
P. Defensor-Santiago Avenue (formerly BIR Road)
Corner Quezon Avenue, Diliman, Quezon City

ACKNOWLEDGEMENT

REPUBLIC OF THE PHILIPPINES)

QUEZON CITY

Before me, this FEB 20 2025, 2025 at QUEZON CITY personally appeared **MS. JENNIFER PIA SIBUG-LAS**, Chairperson of **National Commission on Indigenous Peoples**, with Identification Document in the form of _____ ID No. _____ known to me to be the same person who executed the foregoing instrument and she acknowledges to me that the same in their own free and voluntary deed.

I certify that the foregoing instrument consists of seven (7) pages, including the pages where the acknowledgement are written and signed by the parties and their instrument witnesses.

WITNESS MY HAND AND SEAL this FEB 20 2025 day of _____ 2025 at QUEZON CITY, Philippines.

ATTY. HUBERT A. FORMENTO
NOTARY PUBLIC

Notary Public for Quezon City
Until December 31, 2025
IBP No. 496495/1-3-25/OLC/ Roll No. 42946
PTR No. 6884735/1-3-25/OLC/Admin Case No. 782
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