



Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
MUNICIPALITY OF CARRASCAL

Office of the Sangguniang Bayan



September 1, 2026

MR. EDGAR G. PEREZ II, J.D.

Provincial Secretary
Sangguniang Panlalawigan
Tandag City, Surigao del Sur

Sir:

Greetings of peace and goodwill!

We respectfully submit herewith **Ordinance No. 36, Series of 2026** entitled “AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE’S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.”

Its contents are self-explanatory and the foregoing is duly transmitted for your review, evaluation, and appropriate action.

We trust that this will merit your kind consideration.

Very truly yours,

CHESTER A. AZARCON, J.D.
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
MUNICIPALITY OF CARRASCAL



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 49TH REGULAR SESSION | 5TH FLYING SESSION OF
THE 12TH SANGGUNIANG BAYAN OF CARRASCAL, SURIGAO DEL SUR HELD ON AUGUST 3,
2026 AT BARANGAY BACOLOD GYMNASIUM.

PRESENT:

HON. VICENTE H. PIMENTEL III

Municipal Vice Mayor
Presiding Officer

Regular Members

Hon. John Angelo T. Arreza, CE	Hon. Jessie James T. Valle
Hon. Keith Vincent P. Pimentel	Hon. Richard L. Hotchkiss
Hon. Oliver Han D. Villarosa	Hon. Chito O. Eliot
Hon. Arnel C. Sunico	

Ex-Officio Members

Hon. Carmelita V. Correos	-	LNMB
Hon. Datu Dennis H. Dagno	-	IPMR
Hon. Kidd Elijah P. Pebojot	-	SK Federation President

ON LEAVE: Hon. Romen R. Intano - SB Member

ORDINANCE NO. 36, SERIES OF 2026

“AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE’S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.”

INTRODUCED BY:

HONORABLE DATU DENNIS H. DAGNO

“WHEREAS, Article XII, Section 5 of the 1987 Philippine Constitution recognizes the inherent right of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains;

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE’S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

“WHEREAS, Republic Act No. 8371, otherwise known as *The Indigenous Peoples’ Rights Act of 1997*, explicitly guarantees ICCs/IPs the right to own, develop, control, and use their lands and natural resources, including the authority to regulate the entry, stay, settlement and movement of persons within their ancestral domains;

“WHEREAS, R.A. No. 8371 further declares that ancestral domains are inalienable, imprescriptible and cannot be sold, transferred or conveyed to persons other than members of the concerned ICCs/IPs, and any transaction contrary to this is null and void;

“WHEREAS, it is the policy of the State to protect ancestral domain/lands from encroachment, illegal acquisition and ownership by outsiders, particularly migrants, to preserve the identity, culture, and survival of IP communities;

“WHEREAS, there is a need to enact clear guidelines to operationalize these rights within the jurisdiction of this Municipality, in coordination with recognized IP leaders and the National Commission on Indigenous Peoples (NCIP);

“ NOW THEREFORE ”

BE IT ORDAINED, by the Sangguniang Bayan of the Municipality of Carrascal, Province of Surigao del sur, in session duly assembled, that:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. This Ordinance shall be known as the *“Ancestral Domain Protection and Regulation Ordinance”*.

SECTION 2. Declaration of Policy. This Ordinance recognizes and upholds:

- a) The exclusive and inherent right of ICCs/IPs to regulate the entry of non-IP persons/migrants in their ancestral domain to ensure peace, order, protection of culture and resources; *and*
- b) The absolute rule that ancestral domains are inalienable communal property, which cannot be sold, transferred, acquired or owned by any migrant or non-IP person, in accordance with existing laws.

SECTION 3. Objective. This Ordinance aims to protect the territories, cultures and resources of ICCs/IPs in the Ancestral Domain within the IP communities in the Municipality of Carrascal, Surigao del sur.

SECTION 4. Scope. This Ordinance shall be implemented within the Ancestral Domain in Carrascal particular in Barangay Pantukan, Barangay Adlay, Barangay Babuyan, and Sitio Pili of Barangay Panikian.

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE’S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

SECTION 5. Definition of Terms. For the purposes of this Ordinance, the following terms shall mean:

- a) **Ancestral Domain** – Refers 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 by themselves or through their ancestors, communally or individually since time immemorial, within the jurisdiction of the Municipality of Carrascal.
- b) **Indigenous Peoples/Indigenous Cultural Communities (IPs/ICCs)** – Refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded territory owned, occupied and possessed by them since time immemorial.
- c) **Migrants** – Refers to any natural or juridical person who is not a member of the concerned IP/ICC group, seeking to enter, visit, reside, conduct business, or engage in any activity within the ancestral domain.
- d) **Conveyance** – Refers to any act of selling, transferring, donating, mortgaging, leasing, encumbering or passing any right or interest over land or property.

ARTICLE II COVERAGE AND AUTHORITY

SECTION 1. Coverage. This Ordinance shall apply to all migrants seeking entry or already residing within the identified and recognized ancestral domains in the Municipality of Carrascal, Surigao del sur and to all transactions involving lands within these areas.

SECTION 2. Governing Authority. The rights and powers herein shall be exercised by the Recognized Tribal Council/IP Organization of the concerned ancestral domain, in coordination with the NCIP, Local Government Unit (LGU) of Carrascal, and other law enforcement agencies.

ARTICLE III REGULATION OF ENTRY OF MIGRANTS

SECTION 1. Requirement of Entry Permit. No migrant shall enter or stay in the ancestral domain without securing a valid Entry and Residence Permit issued by the Tribal Council, approved by the NCIP and noted by the LGU Carrascal.

SECTION 2. Classification of Permit. The permits covered under this Ordinance shall be classified as follows:

- a) **Temporary Permit** – Issued for visits, tourism, employment, or business purposes, valid for a period not exceeding one (1) year, renewable upon application.

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

- b) **Permanent Residence Permit** – Issued to migrants seeking to settle permanently in the domain, subject to the approval of the Tribal Council and compliance with all requirements.

SECTION 3. Grounds for Denial, Suspension, or Cancellation of Permit. A permit may be denied, suspended, or cancelled for any of the following:

- a) Violation of tribal laws, customs or existing national and local laws;
- b) Poses a threat to the peace, order, security, culture or resources of the IP community;
- c) Misrepresentation of facts or falsification of requirements;
- d) Engaging in unauthorized land acquisition or resource exploitation;
- e) Attempting to purchase, acquire or claim ownership over any portion of the ancestral domain; and
- f) Entering into any transaction to secure right or interest over ancestral domain.

SECTION 4. Obligations of Migrants. All migrants shall:

- a) Respect and abide by tribal laws, customs, traditions and regulations;
- b) Refrain from encroaching on communal lands or exploiting natural resources without prior authority;
- c) Cooperate with the Tribal Council and LGU authorities in the implementation of this ordinance; and
- d) Not assert any claim of ownership over any land or portion within the ancestral domain.

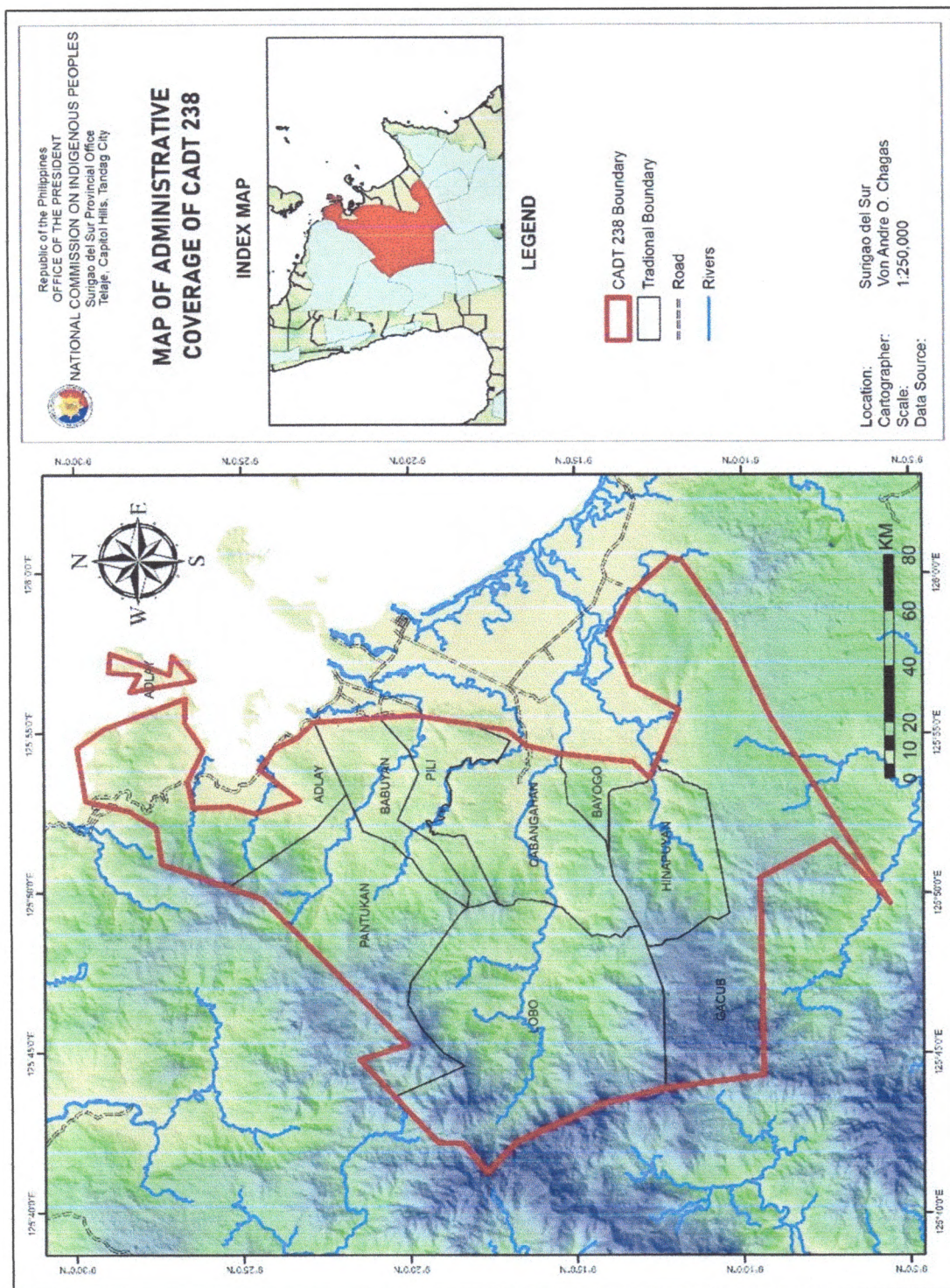
ARTICLE IV

MAP OF ADMINISTRATIVE COVERAGE OF CADT NO. 238

SECTION 1. Map of Administrative Coverage of CADT No. 238. This map shows that Sixty-Seven Thousand Two Hundred Thirty-Eight and 758/1000 hectares (**67,238.758 has**) of the traditional territories are divided into sub territories of nine communities. The subdivisions are based on the traditional concept of ownership and following traditional boundaries set by their ancestors.

The CADT 238 is in the northernmost part of the Province of Surigao del Sur, particularly in the municipalities of Carrascal, Cantilan, Madrid, and Carmen within the hinterlands of the Magdiwata Mountain Range. It comprised a total area of Sixty-Seven Thousand Two Hundred Thirty-Eight and 758/1000 hectares (**67,238.758 has**), more or less. It covered Barangays of Pantukan, Adlay, Babuyan, Panikian, Dahican, and a portion of Barangay Bon-ot, Municipality of Carrascal; Barangays Lobo and Cabangahan, Municipality of Cantilan; Barangay Bayogo, Municipality of Madrid; and Barangay Hinapuyan and a portion of Barangays Esperanza, Cancavan, and Puyat, Municipality of Carmen, all the Province of Surigao del Sur.

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.



Administrative coverage of CADT 238

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

ARTICLE V
PROHIBITION ON SALE, TRANSFER AND OWNERSHIP OF ANCESTRAL DOMAIN

SECTION 1. *Inalienability of Ancestral Domain.* Ancestral domains are inherent and perpetual property of the concerned ICCs/IPs. They shall not be subject to prescription, adverse possession, sale, conveyance or any form of disposition to persons outside of the IP community.

SECTION 2. *Prohibition on Sale and Conveyance.* It shall be unlawful for any IP member, group, or any person to sell, assign, transfer, convey, donate, mortgage any land or portion thereof within the ancestral domain to any migrant or non-IP natural or juridical person.

SECTION 3. *Nullity of Prohibited Transactions.* Any and all contracts, deeds of sale, titles, agreements, or instruments executed in violation of Section 2 hereof are hereby declared null and void, and shall not be recognized by the LGU, NCIP, courts or any government agency.

SECTION 4. *Recognition of Valid Pre-CADT Rights and Ancestral Agreements.* Nothing in this Ordinance shall be construed to defeat, impair, or disregard the following rights of migrants or non-IP persons, provided these are proven to be genuine, voluntary, and not obtained through fraud, deception, coercion, or misrepresentation:

- a) Rights based on genuine internal agreements entered into freely and knowingly by the ancestors or elders of the concerned ICC/IP community prior to the approval of the CADT; and
- b) Valid existing titles or land holdings legally acquired and perfected prior to the survey and confirmation of the Certificate of Ancestral Domain Title (CADT), as recognized under Section 56 of R.A. No. 8371 (IPRA Law).

Provided further, That:

- 1) Such agreements or titles must be supported by authentic documents, witnesses, and historical records;
- 2) These rights shall be verified and confirmed by a joint committee composed of the Tribal Council, NCIP, and the LGU;
- 3) This recognition does not create new rights beyond what was actually and legally established before the CADT; and
- 4) Any title or agreement proven to be secured through cheating, deception, manipulation, or without the knowledge and consent of the tribal elders shall not be respected, and shall remain null and void.

SECTION 5. *Exemption for Official Government Visits.* The permit requirement shall not apply to the following persons acting solely for official government business, public service, or urgent humanitarian/emergency response:

- a) Municipal Mayor, Vice Mayor, and Sangguniang Bayan Members;
- b) Provincial Governor, Vice Governor, and Sangguniang Panlalawigan Members;
- c) National Officials, legislators, and agency heads;

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

- d) Uniformed personnel, health workers, and responders during disasters or peace and order situations;
- e) NCIP personnel performing official duties.

Provided further, That:

- 1) Prior notice or coordination shall be made to the Tribal Council before entry, or immediately upon arrival in case of true emergency;
- 2) Valid official ID and purpose of visit shall be presented;
- 3) This exemption applies only to entry, and does not grant land rights or other privileges; and
- 4) Tribal laws and customs shall still be respected.

ARTICLE VI ENFORCEMENT AND PENALTIES

SECTION 1. *Implementing Body.* The enforcement of this Ordinance shall be undertaken by a joint committee composed of representatives from the Tribal Council, NCIP, Municipal Police Station, Municipal Environment and Natural Resources Office, and the Office of the Mayor.

SECTION 2. *Penalties for Violation of Entry Regulations.* Any person found to have violated the entry regulations prescribed under this Ordinance shall be subject to the following penalties:

- a) **First Offense:** Fine of One Thousand Five Hundred Pesos (P1,500.00) or imprisonment of not more than thirty (30) days, or both at the discretion of the court;
- b) **Second Offense:** Fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of not more than six (6) months, or both at the discretion of the court, plus revocation of permit and exclusion from the ancestral domain.

SECTION 3. *Settlement of Violations Through the Customary Justice System and Referral Under IPRA.* Violations covered under this Ordinance shall be settled or referred in accordance with the customary justice system and the applicable provisions of the Indigenous Peoples' Rights Act (IPRA), as follows:

- a) Any violation involving the unauthorized sale, transfer, conveyance, lease, encumbrance, occupation, or acquisition of ancestral lands or any portion of the ancestral domain by any member of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), migrant, or non-Indigenous person shall, as a matter of first recourse, be brought before the Council of Elders and the recognized Indigenous Political Structure (IPS) of the concerned Tribe for settlement in accordance with the tribe's customary laws, traditions, practices, and indigenous justice system. Upon determination of liability, the Council of Elders may impose customary sanctions, including but not limited to restitution, payment of damages, community service, reconciliation rites, cancellation of unauthorized agreements, or other traditional remedies recognized by the tribe; and

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.

- b) Any person found liable for a second or subsequent violation of this Ordinance, or who willfully disregards, refuses to comply with, or repeatedly violates the decision rendered by the Council of Elders, shall be referred by the Indigenous Political Structure (IPS), the Indigenous Peoples Mandatory Representative (IPMR), or to the appropriate government authorities, including the National Commission on Indigenous Peoples (NCIP), for the filing of appropriate administrative, civil, or criminal actions pursuant to Republic Act No. 8371 (IPRA), relevant provisions of the Civil Code, and other applicable laws.

ARTICLE VII FINAL PROVISIONS

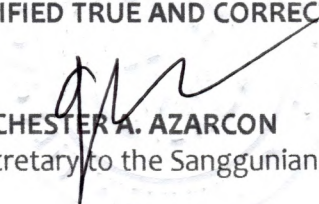
SECTION 1. Separability Clause. If any provision of this Ordinance is declared unconstitutional or invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 2. Repealing Clause. All ordinances, resolutions, executive orders and regulations inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 3. Effectivity Clause. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation or posting in three (3) conspicuous places within the municipality, in accordance with law.

ENACTED this 3rd day of August, 2026 at Barangay Bacolod, Municipality of Carrascal, Province of Surigao del Sur, Philippines

CERTIFIED TRUE AND CORRECT:


CHESTER A. AZARCON
Secretary to the Sanggunian

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**


VICENTE H. PIMENTEL III
Municipal Vice Mayor, Presiding Officer

APPROVED:


JOSEPH L. URGEL
Municipal Mayor

M.O. NO. 36, SERIES OF 2026 – AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE'S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS.



Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
MUNICIPALITY OF CARRASCAL

Office of the Sangguniang Bayan

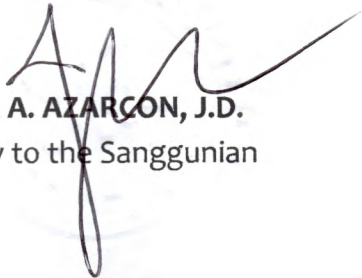


CERTIFICATION

THIS IS TO CERTIFY that **Ordinance No. 36, Series of 2026** entitled “AN ORDINANCE REGULATING THE ENTRY OF MIGRANTS WITHIN THE ANCESTRAL DOMAIN OF THE MUNICIPALITY OF CARRASCAL, AND HEREBY PROHIBITING ITS SALE, TRANSFER OR DONATIONS TO NON-INDIGENOUS PEOPLE AND OTHER MIGRANTS, PURSUANT TO REPUBLIC ACT NO. 8371 (THE INDIGENOUS PEOPLE’S ACT OF 1997), AND PROVIDING GUIDELINES FOR ITS IMPLEMENTATIONS,” has been posted in three (3) conspicuous places within the Local Government Unit of Carrascal, Surigao del Sur, namely: **(1) Carrascal Bus Terminal; (2) Carrascal Public Market; and (3) Office of the Municipal Mayor.** Photographs of the posted ordinance are attached to this Certification as proof of compliance.

This is in compliance with the applicable provisions of Republic Act No. 7160, otherwise known as the *Local Government Code of 1991*, requiring ordinances and resolutions to be posted in three (3) conspicuous places within the local government unit, as applicable, in connection with the prescribed requirements for their effectivity.

Issued this **1st day of September 2026** at Carrascal, Surigao del Sur, Philippines.


CHESTER A. AZARCON, J.D.
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF SURIGAO DEL SUR
MUNICIPALITY OF CARRASCAL

Office of the Sangguniang Bayan



POSTED

**CARRASCAL BUS TERMINAL
CARRASCAL PUBLIC MARKET
OFFICE OF THE MUNICIPAL MAYOR**

September 1, 2026

CHESTER A. AZARCON, J.D.
Secretary to the Sanggunian



sbocarrascalsds@gmail.com



Sangguniang Bayan of Carrascal, Surigao del Sur



Legislative Building, Municipal Hall, Brgy. Embarcadero, Carrascal

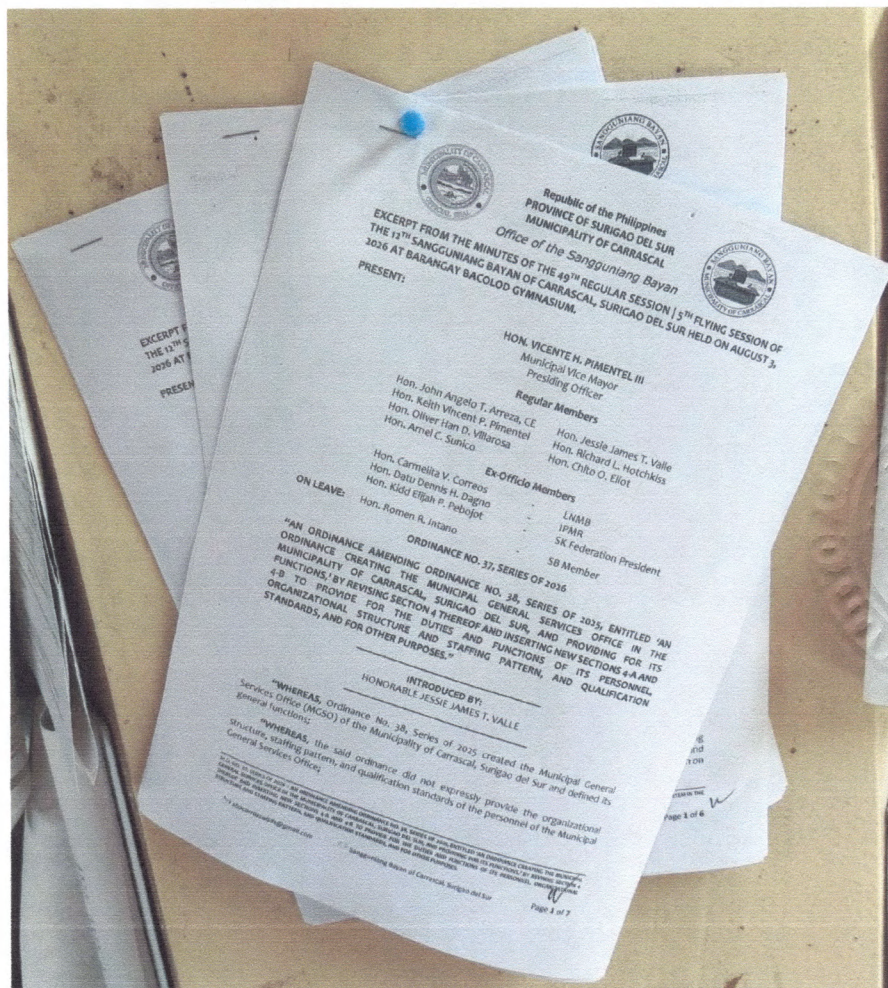
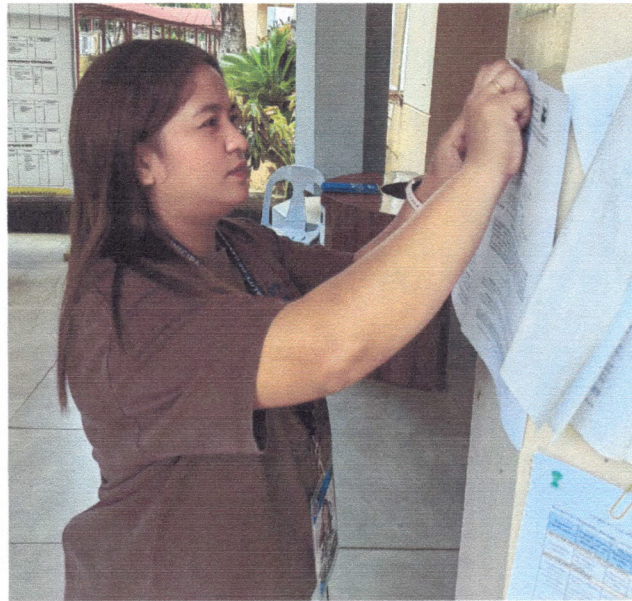


Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARRASCAL



OFFICE OF THE SANGGUNIANG BAYAN

MAYOR'S OFFICE



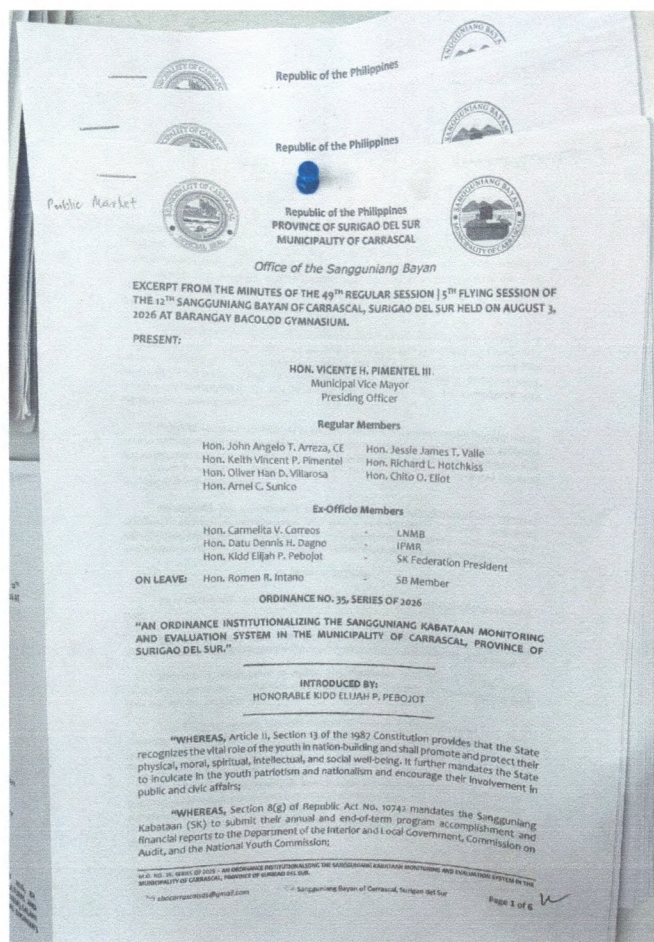


Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARRASCAL



OFFICE OF THE SANGGUNIANG BAYAN

CARRASCAL PUBLIC MARKET





Republic of the Philippines
Province of Surigao del Sur
MUNICIPALITY OF CARRASCAL



OFFICE OF THE SANGGUNIANG BAYAN

CARRASCAL TERMINAL

