

Briefer

On the 2026 Guidelines on the Free and Prior Informed Consent Process and Related Processes

*Based on NCIP Administrative Order No. 3
Series of 2026*

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A Briefer: ON THE 2026 GUIDELINES ON THE FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

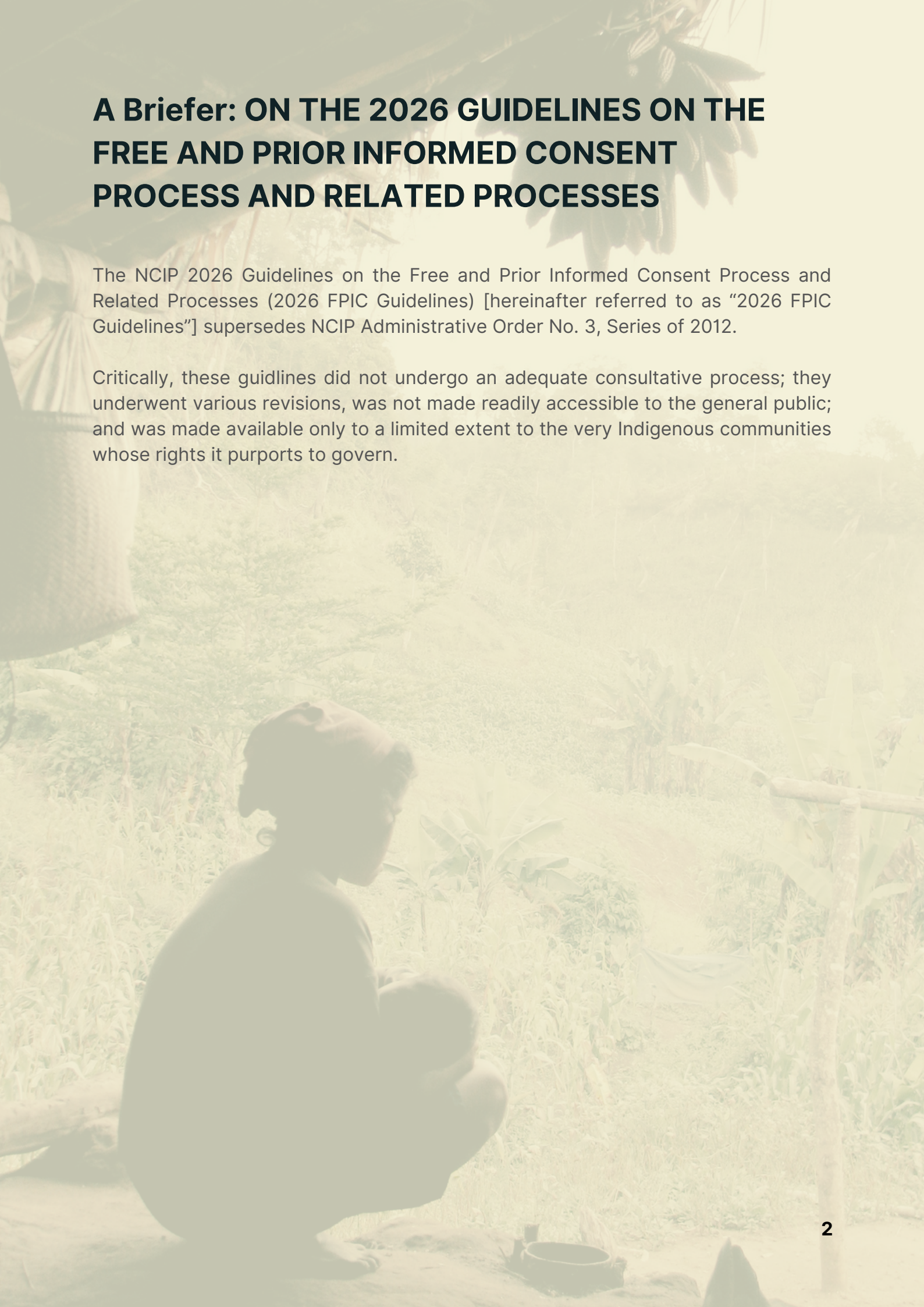
I. Introduction

Free and Prior Informed Consent (FPIC) is a substantive right of Indigenous Cultural Communities and Indigenous Peoples (ICCs/IPs) recognized under the Indigenous Peoples' Rights Act (IPRA) (Republic Act No. 8371) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Section 3(g) of IPRA defines FPIC as “the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion.”

Ancestral domains (AD) are private property and ICCs/IPs, pursuant to their right to ownership, have the right to determine how to use and administer their property. Ancestral domains, too, are community property, and as such, decisions affecting them must come from the collective will of the community itself, following its own customary decision-making processes. FPIC, therefore, is not merely a procedural checkbox but an exercise of the right to their ancestral domains (IPRA, Section 7), right to self-governance and self-determination (IPRA, Section 13) (UNDRIP, Article 3) (International Covenant on Economic, Social and Cultural Rights [ICESCR], Article 1). No government agency, let alone the National Commission on Indigenous Peoples (NCIP), or project proponents may override, dilute, or bypass that collective will.

Many projects—mining, energy development, infrastructure, bioprospecting, and natural resource extraction—may affect Indigenous lands, waters, forests, and livelihoods for decades. FPIC ensures that communities are given the opportunity to understand a proposed project, discuss its impacts, and decide whether to allow or reject it before any activity proceeds. For this to be meaningful, communities must be able to deliberate freely, receive full information, and reach decisions without outside pressure or interference. The right to say “no” must be absolute, final, and binding.

The 2012 FPIC Guidelines were structured around these principles. The process emphasized community assemblies, consensus-building, and broad participation before projects could proceed within ancestral domains, with the aim of ensuring that decisions genuinely reflected the collective will of the community.

A woman wearing a headscarf is crouching in a field of tall grass, looking down at something in her hands. The background is a soft-focus field of similar vegetation. The entire image has a light, warm tint.

A Briefer: ON THE 2026 GUIDELINES ON THE FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The NCIP 2026 Guidelines on the Free and Prior Informed Consent Process and Related Processes (2026 FPIC Guidelines) [hereinafter referred to as “2026 FPIC Guidelines”] supersedes NCIP Administrative Order No. 3, Series of 2012.

Critically, these guidelines did not undergo an adequate consultative process; they underwent various revisions, was not made readily accessible to the general public; and was made available only to a limited extent to the very Indigenous communities whose rights it purports to govern.

II. Discussion of structural changes in the FPIC system

Section 131 of the 2026 FPIC Guidelines expressly repeals the 2012 FPIC Guidelines. The 2012 FPIC Guidelines has been the subject of extensive implementation, training, and legal interpretation. Repealing it entirely removes this interpretative history and forces a restart under an untested, unproven framework.

Section 5 of the 2026 FPIC Guidelines provides that “the exercise of the right to FPIC shall be governed by the validated customary laws, processes, and Indigenous governance institutions of the concerned ICCs/IPs, including existing official records.” The provision further states that “no concession, license, permit or lease, production-sharing agreement, or other undertakings affecting ADs shall be granted or renewed without going through the process laid down by law and these Guidelines.” However, the question of whether FPIC applies to a given project is resolved through administrative classification, rather than a categorical legal requirement. Such administrative classification binds the NCIP and all other agencies. This is not a technical editing choice; it is a fundamental shift in the legal architecture of FPIC.

Further, Section 6, for example, declares that customary laws shall govern all stages of the FPIC process, yet Section 51 imposes a 60-working-day limit on consensus-building for Category A projects, and a 7-working-day limit for Category B projects—a timeline that is impossible under customary processes that require seasons, cycles, spiritual consultations (through dreams), or repeated deliberation. Indeed, how can the NCIP expect the community to discuss, decide on, and negotiate a complicated contract that will bind their ancestral domain for up to 25 years, when the entire deliberative and negotiation process is forced into such an aggressively compressed timeline?

The precautionary principle in Section 8 is laudable, but its application is undermined by the deemed approval provision in Section 58 that issues Certification Preconditions automatically when the NCIP fails to act. Section 12 commands liberal interpretation in favor of ICCs/IPs, yet every operative provision—shortened timelines, classification gatekeeping, complaint non-suspension—cuts against that command. The elimination of the operating principles, particularly empowerment, consensus-building, and intergenerational responsibility, removes the interpretative framework that ensured the 2012 Guidelines was read in favor of Indigenous rights. The 2026 FPIC Guidelines, thus, creates a facade of protection while constructing a machinery of extraction.

1) Project classification determines whether FPIC is applied

Under the 2026 FPIC Guidelines, the classification of a project determines the level of consent required. The initial administrative decision on how a project is categorized effectively determines the following:

- Category A – full FPIC is required
- Category B – full FPIC is required
- Category C – validation or assessment process is sufficient

The table below summarizes these categories and the corresponding decision-making authority.

Category	Coverage / Types of Projects	Consenting Body / Decision-Making Authority
A	Projects, activities, or undertakings involving the development, exploitation, or utilization of natural resources or other activities with substantial, long-term, restrictive or potentially irreversible impacts, requiring approval, signature, or issuance by national-level officials or any equivalent national authorities (e.g., DENR Secretary, DOE Secretary, DA Secretary, or the President). Examples include: large-scale mining agreements (MPSA, FTAA); energy development projects (geothermal, hydropower, wind, solar, biomass, petroleum, coal mining); land-use and tenurial instruments issued by the DENR, covering areas exceeding 1 meridional block or 81 ha; large-scale aquaculture or marine developments; and projects materially-altering land-use, affecting major watersheds, requiring relocation of residents, and those introducing irreversible environmental, social, or cultural impacts.	The consent of the concerned ICCs/IPs shall be determined based on customary consensus-building and decision-making process. A favorable decision from the community shall require the project's referral to the NCIP Commission En Banc (CEB) for the issuance of CP.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

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B	Projects, activities, or undertakings involving exploration, small-scale extraction and quarrying activities, or minor utilization of natural resources with localized or reversible impacts, approved by regional or local authorities (e.g., provincial or municipal governments). Examples include: mineral exploration activities issued by the Mines and Geosciences Bureau (MGB); small-scale extraction and quarrying activities; small-scale mining (Minahang Bayan); local agricultural, fisheries, tourism, and livelihood initiatives with limited disturbance within the AD; land-use and tenurial instruments issued by the DENR, covering areas 1 meridional block or 81 ha and below; and preliminary, non-commercial activities, and small-scale energy projects (small-scale Coal Mining Permits and Power Generation Plants in Small Power Utilities Group (SPUG) or other off-grid service areas).	The consent of the concerned ICCs/IPs shall be determined in accordance with their customary consensus-building and decision-making processes. The CP shall be issued by the Regional Director (RD), subject to the concurrence of the concerned Ethnographic Commissioner and affirmation by the Chairperson.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Category	Coverage / Types of Projects	Consenting Body / Decision-Making Authority
C	Community-driven and non-commercial development initiatives which include community-initiated, community-solicited projects aligned with the ICCs/IPs' Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) and undertaken primarily for the benefit of the ICCs/IPs. Examples include: community-based agriculture, agroforestry, fisheries, handicrafts, eco-cultural tourism; gathering of non-timber forest products, small water use permits; natural resource management, environmental protection, and climate resilience initiatives; non-commercial academic activities such as research and development, environmental assessments, and ecological studies; and private sector initiatives as part of their voluntary assistance and corporate social responsibility initiatives that are favorable to the ICCs/IPs.	No formal FPIC decision-making assembly required. The CP requirement shall be satisfied through a validation or assessment process, confirming that the ICCs/IPs have been fully informed and that the activity is consistent with their collective decision and development priorities as embodied in a legal instrument. The certification shall be issued by the RD based primarily on submitted documents and validation of community authorization.

Under the earlier rules, projects affecting ancestral domains were generally required to undergo the full FPIC process, unless they fell under clearly defined exemptions, such as projects that were proven to be outside the ancestral domain.

By contrast, the 2026 FPIC Guidelines framework allows projects to proceed under simplified processes depending on administrative classification, which may significantly influence whether the community's right to FPIC is exercised. The practical consequence is that the question of whether FPIC applies to a given project is now resolved through the classification system in Sections 38 and 39 rather than by a categorical legal requirement. Under this system, Category C projects require only validation that the community has been informed. Category C projects do not require the community assemblies, consensus-building, and consent process that Section 59 of IPRA contemplates. Other particular concerns on the administrative classification are further outlined below:

a) Category B projects and activities have considerable environmental impacts

The list of projects under Category B (Section 39) includes several activities that communities often consider sensitive or harmful. These include:

- mineral exploration activities issued by the Mines and Geosciences Bureau (MGB)
- small-scale extraction and quarrying activities, whose permits are issued by the Provincial Mining Regulatory Board (PMRB)
- small-scale mining activities covered by a declared Minahang Bayan
- instruments, contracts, agreements, and other authorizations related to spatial tenure or local land use issued by duly authorized national government agencies or local government units that introduce limited physical disturbances within the AD, including activities relating to agriculture, fisheries, tourism, livelihood, and other similar local land use initiatives;
- land use and tenurial instruments issued by the DENR, covering an area one (1) meridional block or eighty-one (81) hectares and below
- preliminary, non-commercial activities, or small-scale energy projects, including Small-Scale Coal Mining Permits and power generation plants within Small Power Utilities Group (SPUG) or other off-grid service areas

Although these activities are described as having limited, localized, or reversible impacts, they still affect rivers, forests, farmland, and sacred areas within ancestral domains. Specifically, exploration activities are often the first stage of large mining or energy projects within ancestral domains. The Philippine Mining Act (Republic Act No. 9742) under Section 3(q) enumerates drilling, shaft sinking, tunneling, among others, as exploration activities. Once exploration is approved, companies may gain physical access to land, conduct drilling or surveys, and gather technical information necessary for full-scale development. These early stages may significantly influence whether larger projects will later proceed.

In contrast, the 2012 FPIC Guidelines (Section 19) required FPIC before exploration permits could be issued within ancestral domains, recognizing that exploration itself may have social, environmental, and cultural impacts for the community.

b) Community-initiated or non-commercial projects under Category C

The 2026 FPIC Guidelines introduce Category C projects, defined as community-initiated, community-solicited, or non-commercial in nature, including government-

initiated development interventions, where the ICCs/IPs remain the primary decision-makers, beneficiaries, or governing authority, consistent with their rights to self-governance and development.

Category C projects include initiatives which arise from, or are affirmed through, the collective decision-making processes of the ICCs/IPs, undertaken in accordance with their customary laws and IPS, and aligned with their duly adopted Ancestral Domain Sustainable Development and Protection Plan (ADSDPP), such as community-based livelihood and enterprise initiatives; small-scale and community-owned natural resource use; natural resource management, environmental protection, and climate resilience initiatives; non-commercial academic, scientific, environmental, or cultural activities, and private sector initiatives as part of their voluntary assistance and corporate social responsibility initiatives that are favorable to the ICCs/IPs.

Under the 2026 FPIC Guidelines, the aforementioned projects do need to undergo the full FPIC process. Instead, the requirement for consent is satisfied through a validation or assessment process confirming that the community has been informed of the project, after which the Certification Precondition may be issued by the NCIP Regional Director.

While this category is intended to support genuine community initiatives, it also creates a risk that externally driven projects may be presented as community-initiated. In practice, government agencies or project proponents may encourage a few members of the community to write letters requesting or supporting a project. Once such a letter exists, the project can be framed as community-solicited, even if the idea and planning came from outside the community. When this happens, the project may be classified as Category C and bypass the full FPIC process, including community assemblies and collective deliberation. This creates the danger that projects affecting the ancestral domain, such as infrastructure linked to larger government projects, could move forward without the collective decision of the community.

c) Government-funded projects within ancestral domains treated as Category C by default

Section 42 provides that government-initiated or government-funded projects financed through the General Appropriations Act (GAA)—including programs and projects implemented by national government agencies, government-owned and controlled corporations, state universities and colleges, and local government units—shall, as a general rule, be governed by the provisions applicable to Category C projects, provided that such projects are non-commercial in nature.

The practical consequence of this provision is significant. Roads, bridges, irrigation systems, school buildings, health facilities, power lines, and other physical infrastructure routinely funded through the GAA and implemented by government agencies within ancestral domains would, under this rule, require only a validation or assessment process confirming that the community has been informed. They would not require community assemblies, collective deliberation, or the customary consensus-building processes that FPIC demands.

This classification may be problematic for Indigenous communities that have experienced so-called government infrastructure projects being used to facilitate extractive activities. Communities have reported instances where access roads were promoted by local government units as public-benefit projects, when in reality, they were funded or supported by mining corporations seeking to bypass FPIC requirements. Such infrastructure projects are not neutral. Roads can permanently alter ancestral domains by opening them to outside access and resource exploitation. For the Dumagats, for example, an “access road” constructed by the Department of Public Works and Highways (DPWH) was presented as a development project for the community but was ultimately used to transport drilling and excavation equipment into their ancestral lands. Characterizing these projects as Category C merely because they are government-funded and non-commercial fails to account for their actual impacts on Indigenous communities and their ancestral domains.

Section 42 does provide a qualifier: if the proposed government project involves commercial operations, revenue-generating activities, public-private partnership arrangements, extraction or utilization of natural resources, or is reasonably expected to result in significant, irreversible, or long-term social, cultural, economic, or environmental impacts, the Regional Director shall determine whether

the project should be processed under Category A or B instead. However, this qualifier places the reclassification decision in the hands of the Regional Director, creating the same gatekeeping risk identified elsewhere in these Guidelines. A community has no guaranteed mechanism to compel reclassification before a project enters the ancestral domain.

Section 3(g) of IPRA defines FPIC as the consensus of all members of the ICCs/IPs, determined in accordance with their customary laws and practices. It does not distinguish between government and private projects. The source of funding for a project does not determine its impact on the ancestral domain. A road that divides a sacred site causes the same harm whether it is built with public funds or private capital.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 40. Projects, programs and activities undertaken by NCIP by itself or in cooperation with other government agencies and LGU Projects. Projects, programs and activities undertaken by NCIP by itself or in cooperation with other government agencies and LGU projects shall also be validated to determine if they coincide or complement with the development priorities of the community and will not in any way adversely affect their well-being.	Section 42. Government Projects Within Ancestral Domains. As a general rule, government-initiated or government-funded projects financed through the General Appropriations Act (GAA), including programs, activities, and projects implemented by national government agencies, government-owned and controlled corporations, state universities and colleges, and local government units, shall be governed by the provisions applicable to Category C projects, provided that such projects are non-commercial in nature.	Section 59. Certification Precondition. All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain... no certification shall be issued by the NCIP without the free and prior informed and written consent of the ICCs/IPs concerned.

2) Memorandum of Agreement as the principal evidence of consent

The 2026 FPIC Guidelines provides that “[the Memorandum of Agreement] serv[es] as the principal evidence of free, prior, and informed consent” (Section 3[k]). This places strong emphasis on the agreement rather than on the deliberative process through which the community reaches its decision. The signing of a Memorandum of Agreement (MOA) is merely an administrative act of the contracting parties to formalize terms, but a Resolution of Consent is the authentic expression of the collective will of the ICCs/IPs. Stories from communities show that technical details are obscured by misleading information, and assembly or meeting attendance sheets are misrepresented as signatures of endorsement or consent. FPIC under IPRA is intended to reflect a collective decision reached through customary consensus, and an approach that centers primarily on a mere document disregards the very heart of the ICCs/IPs’ right to FPIC, and may shift attention away from the integrity of that decision-making process.

3) Reduced role of community assemblies

Community assemblies have historically been central to the FPIC process. Under the 2012 FPIC Guidelines (Section 22), assemblies such as the First and Second Community Assemblies were key stages where community members collectively received information, discussed the project, and determined how decisions would be made.

The 2026 FPIC Guidelines introduce several pathways where assemblies may be reduced or bypassed. For example, Category C projects require only a validation or assessment process in which the community has been informed of the project.

Because Section 3(g) of IPRA defines FPIC as the consensus of all members of the ICCs/IPs according to customary laws and practices, community assemblies remain an important mechanism through which collective participation occurs. When decision-making is limited to smaller representative groups, opportunities for wider participation may be reduced.

4) Shortened timelines across the FPIC process

Informed consent cannot be forced into a timeline. The 2026 FPIC Guidelines introduce shorter timelines for several stages of the FPIC process. Section 36 of the 2026 FPIC Guidelines compresses the Field-Based Investigation (FBI) itself—the ground investigation that determines whether a project overlaps with an ancestral domain, identifies the ICCs/IPs whose consent must be obtained, and establishes the factual baseline on which the entire FPIC process rests.

Under the 2012 FPIC Guidelines, the FBI was to be completed within ten working days from commencement. The 2026 FPIC Guidelines reduces this to seven (7) working days from the payment of the Full Investigation Fee.

A seven-working-day FBI is, in practical terms, insufficient. The FBI Team is required to, among others, undertake initial coordination, site inspections, interviews, and conduct community consultations, undertake mapping activities, validate customary methods, review existing records (Section 36), and submit an FBI Report to the RD within three (3) working days from completion of the investigation (Section 37). These are not tasks that can be meaningfully completed in seven days, particularly in ancestral domains that are geographically remote, internally diverse, or spread across several barangays and mountain communities.

The significance of this compression extends beyond the FBI itself. The FBI Report is the document that includes a determination of whether there is an overlap or impact on ancestral domains; identifies ICCs/IPs, including the recognized IPS, leaders, and decision-making processes; assesses potential impacts; identifies vulnerabilities requiring safeguards; documents issues or concerns raised; and recommends whether or not to proceed with the FPIC process or the issuance of a CNO, among others. Where the FBI report recommends the conduct of FPIC, it should also include a list of validated elders, a description of the customary decision-making process, recommend project classification, and identification of mandatory posting areas. A rushed FBI produces an unreliable report, and an unreliable report generates a defective FPIC process—one in which affected communities may not be identified, boundary conflicts may go unrecorded, and the customary governance structures that should govern the consent process may be mischaracterized or overlooked.

The 2012 FPIC Guidelines recognized that the FBI was a critical prerequisite. Its timeline reflected the genuine investigative work involved. The seven-working-day limit under the 2026 FPIC Guidelines does not. The 2012 Guidelines allowed flexibility; the 2026 Guidelines forces haste.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 13. Commencement and Conduct of the FBI. The Team shall commence the FBI within ten (10) days from date of deposit/payment of the FBI fee and must be completed within ten (10) working days from actual commencement except when delayed by reason of fortuitous event or force majeure.	Section 36. Conduct of the FBI. The FBI shall be conducted by the FBI Team in accordance with the approved WFP. The Full Investigation Fee shall be paid within three (3) working days from the approval of the WFP, and the FBI shall be completed within seven (7) working days from said payment. In no case shall the FBI be extended, except for justifiable reasons, including geographic, cultural, environmental, or security considerations; provided, that such extension shall be properly documented.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.

In a critical departure from the 2012 Guidelines, the 2026 framework strips away the vital safeguard of community oversight. Under the new rules, the FBI Report is subject to the sole evaluation of the Regional Director, who must approve it within a mere three working days—effectively eliminating the requirement that the report undergo validation by the FPIC Team and, most crucially, the community itself. The community assembly provided in Section 49 includes the presentation of the already approved FBI report.

The shortening of timelines in the 2026 FPIC Guidelines is not limited to the FBI, but extends to community assemblies and consent and negotiation stages.

For Category A and B projects, the timelines are restrictive. Section 49 provides that Community Assemblies shall be completed within a period not exceeding ten (10) working days for Category A projects and five (5) working days for Category B projects. Meanwhile, for Consensus-Building and Decision-Making, Section 51 provides that the period is limited to sixty (60) working days for Category A projects and seven (7) working days for Category B projects. Another provision that demonstrates compressed timelines is Section 53, which provides for the periods for the MOA Negotiation stage: ten (10) working days for Category A projects and two (2) working days for Category B projects. These timelines compress stages that involve complex discussions on environmental safeguards, benefit-sharing, and operational conditions that may affect the ancestral domain for many years.

Section	2026 FPIC Guidelines
Section 49. Conduct of Community Assembly	Category A projects – 10 working days Category B projects – 5 working days
Section 51. Consensus-Building and Decision-Making	Category A projects – 60 working days Category B projects – 7 working days
Section 53. Negotiation for the MOA	Category A projects – 10 working days Category B projects – 2 working days

Under the IPRA, FPIC must be obtained through a process that is free from manipulation and determined according to the customary laws and practices of the ICCs/IPs. Section 3(g) of IPRA defines FPIC as the consensus of all members of the community reached through their customary decision-making systems. Meaningful consensus-building often requires time for internal consultations among elders, leaders, families, and clans, particularly when projects involve technical or environmental issues that must be explained and discussed.

The aforementioned timelines are extremely short considering the long-term implications of the projects involved, rendering them almost as procedural absurdity. Agreements related to mining, energy development, or land use often govern the relationship between the project proponent and the community for decades, sometimes extending 25 to 50 years or more.

Moreover, the MOA determines critical matters such as benefit-sharing, environmental safeguards, access to land and water, and operational conditions that may permanently affect ancestral domains. Because of this, the negotiation stage is one of the most important moments in the FPIC process. It is where communities can assert their autonomy, define safeguards, and negotiate the conditions under which outsiders may operate within their ancestral lands.

Limiting negotiations to ten or two days does not reflect the realities of how Indigenous communities make decisions. Negotiation is not simply a matter of reviewing a written draft. Communities often need time to discuss the proposed terms internally. The geographic realities of many ancestral domains also make such short timelines unrealistic. Communities are often spread across remote or mountainous areas, and elders or traditional leaders may need to travel long distances, sometimes hiking for three days, just to attend meetings. Short timelines can therefore exclude important voices from the process simply because they cannot physically arrive within the schedule set for negotiations.

These provisions on the compressed timelines appear strongly tilted in favor of project proponents, who benefit from a faster and more predictable approval process. At the same time, they may place communities at a disadvantage by limiting their ability to study proposals, consult internally, and negotiate on equal footing. When agreements that may affect ancestral domains for generations are negotiated within only a few days, the process risks undermining the very purpose of FPIC, which is to ensure that communities can freely and meaningfully decide the terms that will govern their land and resources for decades.

Section 54 of the 2026 FPIC Guidelines allows for an extension of periods for the conduct of Community Assembly, Consensus-Building, Decision-Making, and MOA Negotiations. The request must be in writing, and submitted to the NCIP. Although the provision can be rationalized to comply with the requirement of a meaningful consent process, it acknowledges that the default periods mandated are insufficient and inadequate for the ICCs/IPs to reach an “informed” decision. A community’s informed consent cannot be forced into a timeline and this extension provision under Section 54 effectively implies that the shortened timelines do not adhere to the genuine spirit of customary laws and FPIC. Critically, Section 54 ought to be construed as an automatic right to extension for ICCs/IPs, and not the applicant.

The 2012 FPIC Guidelines provided longer and more flexible timelines, recognizing that communities may require extended discussions before reaching a collective decision. The emphasis in the earlier rules was on allowing the community to deliberate according to their customary processes rather than completing the process within fixed administrative timelines. The timelines in the 2026 FPIC Guidelines are insufficient for communities to fully understand technical proposals, conduct internal consultations among families and clans, and seek independent advice before reaching a collective decision. Surely, the NCIP cannot expect the community to understand the esoteric language of physical science in such a short period of time. To do otherwise would violate IPRA's mandate itself, which requires the full disclosure of the intent and scope of the project, in a language and process understandable to the community (IPRA, Section 3[g]).

5) Certificate of Non-Overlap as FPIC loophole

The 2012 FPIC Guidelines allowed a Certificate of Non-Overlap (CNO) in two situations only: the area is patently outside any ancestral domain, or the FBI determined the activity does not affect an ancestral domain. Both grounds require a factual determination about the relationship between the project area and an ancestral domain.

Section 35 of the 2026 FPIC Guidelines retains these two grounds but highlights that a CNO may now be issued on the basis of vested or property rights recognized under Section 56 of IPRA. The provision does not require any finding about whether the area overlaps with or affects an ancestral domain. It issues on the basis of a property claim, regardless of what the land actually is. While this provision was intended to protect individual native title holders and bona fide occupants, it does not exempt corporate mining, energy, or forestry projects from FPIC. The 2026 FPIC Guidelines runs the risk of weaponizing this provision to allow projects on lands claimed as "private" or "vested" to bypass FPIC entirely. This contravenes the very purpose of IPRA, which was to restore Indigenous ownership over lands they have held since time immemorial, regardless of what Spanish or American colonial laws might have declared.

The insidiousness of this provision becomes more apparent in light of the gross failure of the NCIP and other government agencies to meaningfully implement Joint

DAR-DENR-LRA-NCIP Administrative Order No. 01-12 (JAO 1), which was supposed to resolve conflicting land claims. In allowing the issuance of a CNO on the basis of an ostensible “vested right,” the NCIP hereby “legitimizes” and incentivizes unscrupulous project proponents to contract with spurious land claimants within ancestral domains, who can now monetize their land intrusion. Such policy, no doubt, would only give birth to an increase in conflicts within ancestral domains. Notably, this has access to justice implications, too, because ICCs/IPs would need to overcome additional layers of legal disputes to be able to assert their rights.

The practical implication, too, is serious. A mining permit holder may assert that the land is privately owned, obtain a CNO on the basis of that claim, and proceed with operations. By the time the affected community is able to establish that the area falls within their ancestral domain, mining activities may already be underway. An ancestral domain that has been mined, logged, or built upon cannot be restored to its prior condition simply because a legal determination eventually favors the community. In other words, the undertaking and “without prejudice” clauses are procedurally meaningless once a project is built; the clause cannot undo environmental destruction or violation of rights.

The without-prejudice clause and the undertaking to conduct FPIC after the fact offer a remedy that arrives too late to prevent the harm that the FPIC requirement under Section 59 of IPRA was designed to prevent in the first place.

A comparison of the relevant provisions is outlined below:

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 15. Certificate of Non-Overlap; When Issued. When the area is patently and publicly known to be outside any AD, or the activity is determined, after FBI, not to affect an AD, the Regional Director, with the concurrence of the concerned Commissioner, shall issue a CNO, provided however, that the applicant shall execute an undertaking for the conduct of FPIC should it be discovered later that there is, in fact, an overlap with an AD, provided further, that special attention shall be given to ICCs/IPs who are shifting cultivators or traditionally nomadic so as not to prejudice their rights as such.	Section 35. Certificate of Non-Overlap. The RD shall issue a CNO where the area affected by the project is patently outside any AD or where the FBI or verified records establish non-overlap. The CNO shall contain: 1. The legal and technical basis for issuance; 2. A statement of proximity to the nearest AD or the basis for non-overlap; 3. Recognition of vested or existing property rights, pursuant to Sec. 56 of IPRA, where applicable; 4. The technical description or map of the project area; and 5. Necessary conditions for the issuance. Copies shall be posted at the CSC and PO, uploaded to the FPIC Transparency Portal, and furnished to the ADO and the concerned Ethnographic Commissioner.	Section 56. Existing Property Rights Regimes. Property rights within the ancestral domains already existing and/or vested upon effectivity of this Act, shall be recognized and respected. Section 59. Certification Precondition. All departments and other governmental agencies shall henceforth be strictly enjoined from issuing, renewing, or granting any concession, license or lease, or entering into any production-sharing agreement, without prior certification from the NCIP that the area affected does not overlap with any ancestral domain. Such certification shall only be issued after a field-based investigation is conducted by the Ancestral Domains Office of the area concerned: Provided, That no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned: Provided, further, That no department, government agency or government-owned or -controlled corporation may issue new concession, license, lease, or production sharing agreement while there is a pending application for a CADT: Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

6) Clear conflict in IP representation and decision-making

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

The 2026 Guidelines in Section 3(i) defines an Indigenous Peoples Organization (IPO) as a juridical entity validated and/or accredited by the NCIP to act as the administrative, operational, and legal representative of an AD, only insofar as such representation carries statutory effect, including participation in FPIC processes, execution of agreements, receipt and administration of community-derived benefits, and engagement with State or private entities. Section 31 of the 2026 Guidelines provides that the IPO shall not exercise decision-making authority independent of the customary processes of the ICCs/IPs, as its role is limited to representation, coordination, and formal communication of community decisions.

There is a significant conflict created by Section 3(i). While the IPO is designated as the administrative, operational, and legal representative of an AD, this system risks a de facto substitution. If the IPO manages all formal communications and logistics, and the receipt and administration of community-derived benefits, among others, the IPS may be relegated to a purely symbolic role. The danger also lies in the lack of a clear procedural veto for the IPS once the IPO acts independently of traditional elders and initiates formal communication.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
No equivalent provision.	Section 3. Definition of Terms. The definition of terms under IPRA and its Implementing Rules and Regulations (IRR) are hereby adopted. In addition, the following terms are defined:	Section 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
	i. Indigenous Peoples Organization (IPO). A juridical entity validated and/or accredited by the NCIP to act as the administrative, operational, and legal representative of an AD only insofar as such representation carries statutory effect, including participation in FPIC processes, execution of agreements, receipt and administration of community-derived benefits, and engagement with State or private entities.	i. Indigenous Political Structures - refer to organizational and cultural leadership systems, institutions, relationships, patterns and processes for decision-making and participation, identified by ICCs/IPs such as, but not limited to, Council of Elders, Council of Timuays, Bodong Holders, or any other tribunal or body of similar nature;

FPIC is meant to ensure that everyone who will be affected by a project has the opportunity to learn about it, ask questions, and discuss its possible impacts before any decision is made. When the process is limited to a smaller group of recognized leaders, many members of the community may not receive full information about the project. Farmers who depend on the land, fishers who rely on rivers, women who manage household resources, elders who carry the ancestors' wisdom, and young people who will inherit the land may not have the chance to share their concerns or experiences. Without broader participation, the decision may not reflect the full knowledge and perspectives of the community.

7) Weakened EPR provisions

Under the 2012 Guidelines, ICCs/IPs may declare the exercise of their priority rights through a community assembly of all members of the concerned community where a thorough review and information, education, and consultation (IEC) on relevant laws must be conducted; the identification of, and discussion on, the particular natural resource over which the community desires to exercise priority right; and the customary processes of arriving at a community consensus. The 2012 Guidelines focused on a more inclusive process of community assemblies and resolutions to validate the community's own intent to develop its resources.

In the 2026 FPIC Guidelines, an entire chapter, Chapter IX (Sections 72 to 83), likewise provides the Process for the Declaration of the Exercise of Priority Rights (EPR). Under Section 72, an EPR Plan shall not, by itself, constitute consent to any unidentified, unspecified, or subsequently proposed project. The EPR process is initiated through the preparation of an EPR Plan by the concerned ICCs/IPs, acting through their recognized IPS and in accordance with their customary laws, governance systems, and community decision-making processes (Section 73), and any proposed partnerships must go through a formal Community Authorization of Proposed Partnerships (Section 77).

However, Section 82 of the 2026 FPIC Guidelines stipulates that when EPR Plan has been confirmed, no separate CP shall be issued for project-specific FPIC processes covering the same area and subject matter, except where the proposed activity is not contemplated in, or is inconsistent with, the EPR Plan. This provision erodes the element of informed consent as the EPR Plan stands to substitute it. An EPR Plan may include the general economic and development framework of the ancestral domain, zoning and land-use allocation, community-conserved areas, protected areas, and sacred sites, and others, but it cannot possibly provide the specific environmental, social, or cultural impacts of a project or a joint venture contemplated under the Guidelines.

8) Compliance with disclosure requirements by applicants

Section 19 of the 2026 FPIC Guidelines obligates applicants to faithfully disclose all relevant information concerning the proposed activity, including its nature, scope, risks, anticipated impacts, and all other data necessary for the ICCs/IPs to make an informed decision. However, the provision backtracks and further provides that said disclosure obligations shall be implemented with due regard to the data privacy rights of the applicant and the right of access to information.

While the 2026 FPIC Guidelines define “material information” (Section 3[I]) as information that would influence the decision of the ICCs/IPs in determining whether to grant or withhold consent, including risks, impacts, benefits, and obligations, there is no mechanism to determine what is “material.” Because Section 19 elevates the data privacy rights of an applicant to the same level as the ICCs/IPs’ right to FPIC, the 2026 FPIC Guidelines allows the applicant to easily classify information and data as confidential for it to be protected by data privacy, giving way to the possibility of the community making uninformed decisions, with added pressure caused by the administratively imposed timelines.

It also bears noting that Section 18 of the 2026 FPIC Guidelines explicitly places the burden on the applicant to establish full compliance with all procedural requirements, complete and accurate disclosure of information, and good faith participation throughout the FPIC process. This strict and full compliance must be the standard, lest the Guidelines risk diminishing and diluting the rights of the ICCs/IPs.

9) Motion for reconsideration after community rejection

Even if the community rejects a project and issues a Resolution of Non-Consent (Section 52), the applicant may still file a Motion for Reconsideration. Although Section 52 provides that the decision of the ICCs/IPs shall be respected once they do not give their consent, a request for reconsideration is still allowed. The provision states that *“no request for reconsideration of the non-consent shall be allowed except when expressly allowed by the ICCs/IPs in Section 51, and only when the grounds for rejection, as expressly stated in the resolution or documented proceedings, are capable of being addressed through negotiation, modification of project terms, or the introduction of additional safeguards.”* This means a community decision rejecting a project may still be reopened, which could create pressure on communities to reconsider decisions that were already made through their internal and customary processes.

10) Recognizing and respecting excluded areas

Section 125 of the 2026 FPIC Guidelines lists the areas that are excluded from any activity arising from or related to the proposed project or resource use. These excluded areas include sacred grounds, burial sites, identified international and local cultural and heritage sites, critical areas identified or reserved by the ICCs/IPs for special purposes, and other areas specifically identified by the ICCs/IPs in their ADSDPP or in the course of the FPIC process.

The provision further states that “[t]he identification, delineation, and confirmation of such excluded areas shall be undertaken through the customary decision-making processes of the ICCs/IPs, with technical validation, where necessary, by the NCIP.” While the 2026 FPIC Guidelines state that the identification of these excluded areas shall be undertaken through customary decision-making, subjecting community determinations to technical validation by the NCIP is dangerous.

By way of example, when a community identifies a mountain range as sacred through their oral traditions, a well-funded project proponent can lobby the NCIP to deny “validation” on the basis that the area lacks a physical marker or evidence. The provision effectively undermines the primacy of customary law (Section 6) as it overrides the community’s self-identified boundaries.

Lastly, the provision states that “[t]he ICCs/IPs shall have the right to require, as a condition of consent, the express exclusion of such areas from any permit, license, agreement, or other resource instrument to be issued in favor of the applicant.” This right to require express exclusion must be respected regardless of the applicant’s technological limitations.

11) Project proponent arranges documentation and venue

Section 47 of the 2026 FPIC Guidelines requires the project applicant to prepare the Work and Financial Plan, identifying the schedule, venue arrangements, transportation, materials, and documentation for FPIC activities, and to shoulder the costs of all logistical expenses necessary for the conduct of the said activities.

While it is reasonable for the project proponent to bear the financial cost of the FPIC process, this is problematic as it may also influence where and how the meetings are conducted, including the venue and documentation setup. When the party seeking consent arranges these aspects of the process, the independence of community deliberations may be affected.

This concern is significant in light of the IPRA. Section 3(g) requires that FPIC be obtained free from external manipulation, interference, or coercion, and in accordance with the customary decision-making processes of the ICCs/IPs. The 2012 FPIC Guidelines gave effect to this by keeping the applicant out of the consensus-building stage entirely: during internal deliberations, the applicant and other non-community members were not permitted to participate or interfere, with documentation left solely to the NCIP. The 2012 FPIC Guidelines also specifically states that the community assemblies and the voting be done inside the ancestral domain.

The risks this creates are not hypothetical. In the Kaliwa Dam project, the community assembly and voting were held in a resort outside the ancestral domain.

Elders who attended reported feeling unsafe in an unfamiliar environment away from their communities. They were also told that transportation fare for the return trip would not be provided if they did not vote in favor of the project. Attendance sheets signed for the purpose of reimbursement were later presented as evidence of community consent. The experience illustrates how logistical arrangements, when controlled by the proponent, can affect the integrity of the process and the reliability of its recorded outcome.

Project proponents must shoulder the costs of the FPIC process. However, communities should retain authority over how their assemblies are conducted, where they are held, and how decisions are documented. Proponents may bear the cost, but the conduct of the process should remain with the community.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 22. Conduct of Community Assemblies and Other Activities. Two (2) community assemblies, known as First and Second Community Assembly, respectively, shall be held. The First Community Assembly shall be held x x x on a date and strategic place within the AD x x x The Second Community Assembly shall be held on a date and place within the AD decided upon during the First community assembly. x x x	Section 47. Preparation and Approval of the WFP; Payment of Fees. x x x The applicant shall shoulder all logistical expenses necessary for the conduct of the activities, including but not limited to venue arrangements, transportation, materials, and documentation infrastructure, consistent with these Guidelines, to be indicated in a work plan. Provided that such support shall remain strictly facilitative and shall not influence or interfere with the decision-making processes of the ICCs/IPs.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

12) Elimination of the independent expert guarantee

Section 17(f) of the 2012 FPIC Guidelines required the FPIC Team to invite appropriate independent experts to give their opinions on any aspect of the proposed project. Section 5(k) of the 2012 FPIC Guidelines defined an independent expert as “a person specializing in related field whose education and/or experience can be a source of invaluable information pertaining to a particular issue and who is expected to give an objective information or opinion, that will help the ICCs/IPs to reach a sensible, intelligent and well-informed decision.” The cost was on the proponent even if the expert is not affiliated to the project proponent.

This mechanism addressed the structural asymmetry to the FPIC process. A mining company or energy developer arrives with its own technical team who are all working toward approval. The community receives the information that the team prepares and presents. Without an independent source of technical input, the community evaluates the proposal on terms the proponent has shaped. The 2012 Guidelines recognized this imbalance and provided a specific instrument to correct it.

The 2026 FPIC Guidelines removes it entirely. Neither the definition of independent expert nor the FPIC Team’s obligation to facilitate expert access appears anywhere in the draft. No provision requires that independent technical advice be available to communities, at the proponent’s expense or otherwise. The consequences fall directly on the “informed” element of FPIC. Section 3(g) of IPRA requires that consent be obtained after fully disclosing the intent and scope of the activity in a language and process understandable to the community. Full disclosure requires the community’s capacity to assess it.

Where a mining company presents an environmental impact analysis prepared by its own consultants, and there is no independent expert available to review it or explain its limitations, the community’s ability to evaluate risk and understand what it is agreeing to is materially reduced. The 2026 FPIC Guidelines withdraws one of the few mechanisms that made it possible.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 5(k). Independent Expert. Refers to a person specializing in a related field whose education and/or experience can be a source of invaluable information pertaining to a particular issue and who is expected to give an objective information or opinion, that will help the ICCs/IPs to reach a sensible, intelligent and well-informed decision.	No definition of independent expert. No equivalent provision.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs x x x obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;
Section 17(f). Duties and Functions of the FPIC Team. Invite the appropriate independent experts, if available, to give their opinions on any aspect of the project; Section 22. Conduct of Community Assemblies and Other Activities. x x x Second Community Assembly. x x x Sharing by an expert/s, if engaged or invited, to include presentation of the result of the EIA if available, expert opinion/s on any aspect, recommendation/s, and identification of affected area/s.	No equivalent provision. No obligation on the FPIC Team to facilitate expert access. No provision allocating independent expert costs to the proponent.	Section 7(b). Right to Develop Lands and Natural Resources. x x x The right to an informed and intelligent participation in the formulation and implementation of any project, government or private, 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; and the right to effective measures by the government to prevent any interference with, alienation and encroachment upon these rights.

13) Consent by bureaucratic default

The 2012 FPIC Guidelines did not have any deemed-approval provision. The absence of a decision by the NCIP was not treated as consent. This was consistent with the basic logic of IPRA where consent is a positive act of the community.

Section 58 of the 2026 FPIC Guidelines departs from this entirely. If the Regional Director or the Commission En Banc fails to act on an application within the prescribed period from the submission of the complete FPIC Report to the RD, or the Ancestral Domains Office (ADO), the MOA shall be signed as a matter of course by the RD or Chairperson, as the case may be; while the CP shall be system generated through the FPIC Transparency Portal. This is tantamount to consent by bureaucratic default. This provision is dangerous. It transforms FPIC from an affirmative act of Indigenous sovereignty into a passive administrative event.

The “approval as a matter of course” provision is a mere administrative event, a computerized transaction, rather than a meaningful, affirmative act. The deception starts with an automated mechanism: a system-generated Certification Precondition (CP) issued through the FPIC Transparency Portal acts as the ultimate expression of consent by bureaucratic default. While the FPIC Transparency Portal is framed as a tool to attempt to streamline administrative bottlenecks and promote transparency and accessibility, it is a technological stopgap that can never serve as a substitute for the organic, consensus-building deliberations of the community.

As previously belabored, the prescribed periods, fifteen (15) working days for Category A (Section 61), four (4) working days for Category B (Section 57), are too short for reviewing the record of a process that should involve multiple community deliberations, negotiating for the benefits, and eventually concluding into a MOA. The saving clause holding individual officials liable for negligence does not address this. A subsequent administrative case against a reviewing officer does nothing for a community whose ancestral domain has been opened by a default “deemed” approval.

Worse, the deemed-approved mechanism would only incentivize unethical project proponents to bury critical information with an overwhelming mass of data, if only to make it impossible to review the records. This possibility becomes more acute in light of the manpower and capacity problems institutionally plaguing the NCIP.

Section 59 of IPRA requires that no concession, license, or permit affecting ancestral domains be issued without the free and prior informed and written consent of the ICCs/IPs concerned. A deemed approval triggered by NCIP’s failure to act is not the community’s consent.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
No deemed-approval provision. The absence of a decision by the Regional Director or the Commission is not treated as consent or approval.	Section 58. Approval as a Matter of Course. Upon failure of the RD or the CEB to act on the application within the prescribed period upon submission of the complete FPIC Report to the RD, or the ADO, the CP shall be issued as a matter of course, without prejudice to monitoring, compliance, and enforcement mechanisms provided herein. As such, the MOA shall be signed as a matter of course by the RD or Chairperson, as the case may be; while the CP shall be system generated through the FPIC Transparency Portal. This provision shall not absolve any office or official from criminal, civil, or administrative liability arising from negligence, inaction, or failure to act within the prescribed period under these Guidelines.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion Section 59. “No certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned.”

14) Permit renewals and the dispensation of full FPIC

The 2012 FPIC Guidelines contained no provision allowing the FPIC process to be bypassed or abbreviated on the basis that a permit was being renewed rather than newly issued. Each application, including those involving continuation of existing activities, was subject to the full process.

In the case of Lone Congressional District of Benguet vs. Lepanto (G.R. No. 244063, June 21, 2022), the Court held that the renewal of a mining agreement is not a continuation of an existing right but a new grant that must comply with prevailing law, including IPRA. It rejected the position that prior consent or pre-IPRA agreements dispense with the need for FPIC upon renewal, emphasizing that once a permit expires, there is no vested right to its extension. Renewal, in this sense, reopens the legal conditions under which the activity may proceed, and necessarily requires compliance with the certification precondition and the securing of fresh consent from affected ICCs/IPs. FPIC was treated not as a procedural formality but as a continuing safeguard tied to constitutional and statutory protections of ancestral domains.

Section 124 of the 2026 FPIC Guidelines provides that renewal of permits involving the use, access, or development of resources within ADs shall require FPIC in all cases. However, FPIC renewal shall dispense with the FBI unless there are material changes in project scope, impacts, or conditions. In lieu of the FBI, a validation of the continued accuracy of prior findings, compliance with the MOA, existing or new impacts, and any proposed changes is required.

While the 2026 FPIC Guidelines correctly requires FPIC for renewal, it eliminates FBI, which is the very mechanism that establishes baseline conditions, identifies affected communities, and validates customary structures. How can communities give informed consent to renewal without a fresh investigation of what has changed in the years since the original FBI? New generations, who may have been children during the original process, cannot participate meaningfully without reinvestigation. The 2026 FPIC Guidelines assume that conditions remain static, which is empirically false.

This must be read in consonance with Section 34 of the 2026 FPIC Guidelines, on the evaluation of the completeness of an application, where the Regional Director may dispense with an on-site FBI when existing NCIP records are sufficient, reliable, and current to determine the presence or absence of overlap or impact on an AD. This runs the risk of communities losing the opportunity to participate in baseline investigation, where errors and omissions can go uncorrected.

Analogously, on the Non-Transferability of a Certificate Precondition, Section 117 of the 2026 FPIC Guidelines requires that a succeeding entity (an assignee or transferee) must execute a new MOA, absorbing all rights and obligations of the original applicant. However, the provision begins with “[a]s a general rule” but does not clearly state what the exceptions are or who determines them. This is dangerous drafting. A general rule with unstated exceptions is an invitation to administrative discretion that may favor applicants and project proponents. The exceptions should be deleted entirely or exhaustively listed with no discretion. Moreover, Section 117 does not define what constitutes a change in corporate identity sufficient to require a new MOA.

The last paragraph states “[t]his provision shall not prohibit the engagement of contractors or service providers, provided the original permit-holder remains the same legal entity and retains full responsibility.” This runs the risk of swallowing the rule, where the engagement of operators, contractors, or analogous service providers is permitted, provided the original permit-holder remains the same legal entity and continues to bear full responsibility. There must be clear guidelines distinguishing between genuine service contracts and de facto transfers of control.

Even where a new MOA is required, Section 117 does not give the ICCs/IPs the right to withhold consent or withdraw their original consent upon learning of a proposed transfer. It only requires that they be formally informed and that the succeeding entity executes a new MOA absorbing obligations. The provision should explicitly state that the community has the right to refuse the transfer entirely and that the original CP lapses if the community does not affirmatively consent to the new entity.

15) Restriction of customary law in disputes

Section 6 of the 2026 FPIC Guidelines provides that *“customary law applies strictly to disputes solely between and among members of the same ICCs/IPs concerning the interpretation or implementation of the MOA.”* The provision further states that *“customary laws shall not bind non-IP parties, including proponents, NCIP personnel, regulatory agencies, or other external stakeholders.”*

Customary law shall only apply in internal community disputes involving IPs and non-IPs, upon the parties’ informed and mutual consent. The 2026 FPIC Guidelines radically restricts customary law to intra-community disputes only.

This means that when a proponent violates the MOA—pollutes a river, destroys a sacred site, fails to pay royalties—the dispute cannot be resolved through customary processes. It must go through NCIP administrative procedures (Section 101), where NCIP’s powers over non-IPs are limited to fact-finding, monitoring, advisory, and recommendation functions. This strips communities of their primary justice system precisely when they need it most, against powerful external actors. The 2012 FPIC Guidelines correctly recognized that customary law could apply to MOA disputes, with appropriate safeguards.

16) Complaints do not suspend the FPIC process

Section 66 (b) of the 2012 Guidelines established that where the commission of a prohibited act would adversely affect the outcome of community consent proceedings, the proceedings could be suspended upon written request, until it was shown that the prohibited act had been addressed. The suspension power recognized a basic point: a consent process tainted by coercion, misinformation, or manipulation does not produce consent. Allowing it to continue and then attempting to remedy the problem afterward means the project may already have moved forward on the basis of a compromised process.

Section 108 of the 2026 FPIC Guidelines removes this protection. Complaints involving prohibited acts are to be resolved separately from the FPIC process. The filing, investigation, or pendency of a complaint shall not suspend, delay, or otherwise bar the issuance or denial of the Certification Precondition (CP). The remedy available after the fact, nullification of the CP or administrative liability for the persons involved, does not address the position of the community whose consent was obtained while the complaint was still pending. Meanwhile, Section 118 states that “[t]he FPIC process shall continue notwithstanding any action or proceeding challenging its conduct, unless restrained by an order of the Chairperson, the CEB, or a court of competent jurisdiction.”

The same problem arises when an objection is filed against a member of the Field-Based Investigation (FBI) Team. Although the 2026 Guidelines require the Team’s constitution to be transparent and documented, under Section 25, any objection must be filed within only three working days from disclosure and must be supported by a notarized complaint and evidence. The Regional Director may reconstitute the Team when warranted, subject to appeal to the Chairperson, but the appeal does not suspend the process.

More critically, the Guidelines do not state the consequences for the validity and integrity of the FBI proceedings or report when it is later determined that a challenged Team member should have been replaced. Because the FBI Team remains constituted until the submission of its notarized report, the disputed member may continue gathering information, evaluating the existence and extent of an ancestral domain, and influencing the report even while the objection or appeal remains unresolved. Without a rule requiring the exclusion, repetition, or independent review of work performed by a disqualified or improperly retained member, the process may culminate in an FBI Report—and ultimately a CP—whose integrity has already been compromised.

In connection with this, the 2026 FPIC Guidelines also introduces a structural change to who can order a suspension and under what conditions. Under the 2012 FPIC Guidelines, the Regional Director held the authority to suspend FPIC proceedings where the commission of a prohibited act would adversely affect the outcome of community consent proceedings. This authority could be exercised upon written request and did not require the community to first obtain a formal resolution or validate its claim through any particular process. The Regional Director—as the field-level officer with direct oversight of the FPIC process—could act on a complaint and suspend proceedings while the prohibited act was addressed.

However, under Section 99 of the 2026 FPIC Guidelines, the authority to suspend FPIC proceedings has been removed from the Regional Director entirely. Suspension may now be ordered only by the Chairperson of the NCIP—a national-level official, several layers removed from the community and the field. And it may be ordered only in two circumstances: when a validated community resolution requests suspension due to alleged prohibited acts or non-inclusion, or when the community requests suspension during customary dispute resolution or alternative dispute resolution processes.

The first condition requires the community to produce a validated community resolution before any suspension can be considered. This means that a community experiencing coercion, manipulation, or intimidation, the very conditions that compromise a community's ability to organize, deliberate, and produce formal documentation, must first complete the internal process of drafting, validating, and submitting a formal resolution before the Chairperson may act.

The 2012 FPIC Guidelines recognized this reality. The Regional Director's suspension power was a rapid-response tool that did not require the community to overcome its own victimization before accessing protection. The 2026 FPIC Guidelines replaces this with a process that is administratively correct but practically inaccessible in the circumstances that most require it. By the time a validated community resolution reaches the Chairperson and a suspension order is issued, the FPIC process operating under the compressed timelines of the 2026 FPIC Guidelines may already have concluded, and a Certification Precondition may already have been issued under Section 58's deemed-approval mechanism.

There seems to be a procedural conflict among Sections 99, 108, and 118 of the 2026 Guidelines. Section 99 provides that the FPIC process may be suspended by the Chairperson as a protective measure to preserve the integrity of the process or prevent prejudice to the rights of ICCs/IPs. The Guidelines require a validated community resolution requesting suspension due to alleged prohibited acts. Section 118 also contradicts the substantive protections afforded ICCs/IPs under the IPRA. Specifically, Section 59 of the IPRA grants ICCs/IPs the right to stop or suspend any project that has not satisfied the requirement of the FPIC consultation process. As previously noted, even if a community reports coercion or manipulation, these are to be resolved separately from the FPIC process, potentially leading to the issuance of a CP before the complaint is ever resolved. The burden is now on the community, not on the NCIP, to ensure the process is lawful. This is a reversal of the protective philosophy of the 2012 Guidelines.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 66. Sanctions. b) Less grave violations. Commission of any of the prohibited acts by or attributable to the applicant may constitute grounds for suspension of the FPIC process by the Regional Director until the violation is sufficiently addressed as certified to by the concerned elders/leaders. If the extent of the commission of the prohibited act would adversely affect the outcome of the community consent proceedings, the said proceedings shall, upon written request, be suspended by the Regional Director until it is shown that the prohibited act done has already been addressed.	Section 95. Suspension of the FPIC Process. The FPIC process, in whole or in part, may be suspended by the Chairperson as a protective measure to preserve the integrity of the process or prevent prejudice to the rights of ICCs/IPs when: 1. A community resolution duly validated requests suspension due to alleged prohibited acts or non-inclusion; or 2. The community requests suspension during customary dispute resolution or other alternative dispute resolution processes. 3. The suspension shall remain in effect until the issues are resolved in accordance with these Guidelines. Section 108. Resolution of Complaints Involving Prohibited Acts. Complaints involving prohibited acts shall be resolved separately from the FPIC process. The filing, investigation, or pendency of such complaints shall not suspend, delay, or otherwise bar the issuance or denial of the CP. The resolution of these complaints, however, may result in the nullification of the CP or other appropriate corrective action, without prejudice to civil, criminal, or administrative liability of the persons involved.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs x x x free from any external manipulation, interference and coercion.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
	Section 118. Continuity of the FPIC Process. The FPIC process shall continue notwithstanding any action or proceeding challenging its conduct, unless restrained by an order of the Chairperson, the CEB or a court of competent jurisdiction.	
Section 66. Sanctions a) Grave violations. Commission of any of the prohibited acts by the applicant/s considered grave violations shall constitute a ground for the non-issuance of the certificate applied for. The violation is considered grave when the commission of the prohibited act is intentional and has resulted to loss of life or serious damage to property of an IP member of the community x x x	No equivalent graduated sanction scheme. Complaints resolved separately with no automatic effect on CP issuance.	Section 59. Certification Precondition. x x x Provided, finally, That the ICCs/IPs shall have the right to stop or suspend, in accordance with this Act, any project that has not satisfied the requirement of this consultation process.

If the process continues over the objections of the community, the CP may issue and the project may begin before the complaint is ever resolved. By the time a finding is made that the prohibited act occurred, the project may already be operating on the ancestral domain. The without-prejudice clause offers a remedy on paper that would be considered moot to prevent the harm FPIC was designed to prevent.

17) Grave violations by the applicant no longer bar issuance of the CP

Under the 2012 FPIC Guidelines, the commission of grave prohibited acts by the project applicant—defined as intentional violations resulting in loss of life or serious damage to the property of a community member—constituted an automatic ground for the non-issuance of the Certification Precondition. Grave violations were a ground for disqualification from future applications within ancestral domain areas, and such disqualification could be lifted only upon the petition of the violating entity and only with the favorable recommendation of the IP community whose rights were seriously violated.

The 2026 FPIC Guidelines do not carry this protection forward. Section 94 provides a list of sanctions that may be imposed after due notice and opportunity to be heard, including the termination of the FPIC process; blacklisting of the project proponent within the concerned AD; divestment of authority of any NCIP personnel from participation in the process; filing of appropriate administrative, civil, or criminal actions; exclusion of non-government actors or individuals from FPIC proceedings; and the application of customary sanctions to members of ICCs/IPs in accordance with their customary laws. These are meaningful remedies in themselves. But the critical distinction is that none of them is automatic, and none of them is tied directly to the denial of the CP.

As mentioned above, Section 108 of the 2026 FPIC Guidelines provides that complaints involving prohibited acts shall be resolved separately from the FPIC process. The filing, investigation, or pendency of such complaints shall not suspend, delay, or otherwise bar the issuance or denial of the CP. Read together, Sections 94 and 108 mean that an applicant whose agents commit grave violations—including violence against community members or serious destruction of community property—may still receive a Certification Precondition while those violations are investigated in a separate proceeding. In other words, the 2026 Guidelines present a contradiction: Section 93(A)(2) allows the Chairperson to suspend activities to prevent prejudice to rights, while Section 108 states that complaints “shall not suspend, delay, or otherwise bar the issuance or denial of the CP.” The latter provision is the controlling one, as it explicitly states complaints do not suspend the process. This means that a community that witnesses bribery, coercion, or misrepresentation must file a complaint that will not stop the clock. The FPIC process continues while the complaint languishes. By the time the complaint is resolved, consent may already have been “granted” under a flawed process. This is a profound denial of access to justice. It is also a direct erasure of the 2012 FPIC Guidelines, which allowed for suspension. The 2026 FPIC Guidelines render the complaint mechanism largely ineffective.

The remedy the 2026 FPIC Guidelines offer after the fact—nullification of the CP once the violation is established—does not restore the position of a community whose consent was obtained under conditions of intimidation or harm. A CP that has already been issued and on the basis of which project operations have begun cannot be undone by a subsequent administrative finding. The 2012 FPIC Guidelines understood this, which is why it treated grave violations as a bar to CP issuance in the first instance rather than a ground for post-hoc cancellation.

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
Section 66(a). Grave Violations. Commission of any of the prohibited acts by the applicant/s considered grave violations shall constitute a ground for the non-issuance of the certificate applied for. The violation is considered grave when the commission of the prohibited act is intentional and has resulted to loss of life or serious damage to property of an IP member of the community, committed by means of, but not limited to, employment or use of force, threat, coercion, intimidation, violence, including those done by individuals or group of persons acting for the applicant, including repeated commission of prohibited acts considered not grave. Grave violations shall be a ground for disqualification on future applications for certificate precondition within ancestral domain areas.	Section 94. Sanctions. Sanctions may be imposed after due notice and opportunity to be heard and shall be applied in a manner proportionate to the nature and gravity of the violation x x Section 108. Resolution of Complaints Involving Prohibited Acts. Complaints involving prohibited acts shall be resolved separately from the FPIC process. The filing, investigation, or pendency of such complaints shall not suspend, delay, or otherwise bar the issuance or denial of the CP. The resolution of these complaints, however, may result in the nullification of the CP or other appropriate corrective action, without prejudice to civil, criminal, or administrative liability of the persons involved.	Section 3(g). Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion x x x

18) Bar on judicial remedies

Placed alongside the complaint rule (Section 108, complaints do not suspend the FPIC process), the deemed-approval mechanism (Section 58, inaction within the prescribed period issues the CP automatically), and the shortened timelines, Section 118 closes the last practically accessible exit for a community trying to stop a defective process before the Certification Precondition issues. Filing a complaint does not stop the clock, and waiting for NCIP review risks default approval. Section 118 states that “[t]he FPIC process shall continue notwithstanding any action or proceeding challenging its conduct, unless restrained by an order of the Chairperson, the CEB, or a court of competent jurisdiction.”

The community’s only theoretical remedy is a petition before the Court of Appeals, which could take months. By the time a higher court acts, the CP is likely already issued, the MOA signed, and project activities commenced. Where the activity involves clearing land, disturbing a burial site, or disrupting a water source, the harm may already be irreversible. The relevant provisions are summarized below:

2012 FPIC Guidelines	2026 FPIC Guidelines	IPRA (RA 8371)
No equivalent provision restricting courts within the FPIC guidelines themselves. Complaint and petition mechanisms in Sections 66–71 provided internal remedies with defined timelines, and the suspension power under Section 66 gave communities a practical tool to halt a compromised process before it concluded.	Section 118. Continuity of the FPIC Process. The FPIC process shall continue notwithstanding any action or proceeding challenging its conduct, unless restrained by an order of the Chairperson, the CEB or a court of competent jurisdiction.	Section 70. No Restraining Order or Preliminary Injunction. No inferior court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the NCIP or any of its duly authorized or designated offices in any case, dispute or controversy arising from, necessary to, or interpretation of this Act and other pertinent laws relating to ICCs/IPs and ancestral domains.

III. Conclusion and Recommendation

The 2026 FPIC Guidelines represents a significant regression from the protections established under IPRA and the 2012 Guidelines. Rather than strengthening community participation, it introduces a tiered system where the extent of community involvement depends on how a project is administratively classified. Under this system, some projects require only validation processes and documentary certification by an NCIP official in place of actual community consent.

Timelines for assemblies and deliberation are compressed into rigid administrative schedules that do not account for the time communities genuinely need for internal consultations, inter-clan discussions, and the cultural processes through which collective decisions are properly reached. The project proponent, the party with the clearest interest in securing approval, is given responsibility for organizing and funding the activities that the process relies on to remain independent.

The overall direction appears to be a tilt in favor of project proponents and away from the communities whose rights FPIC is meant to protect. This orientation is perhaps most visible in the treatment of complaints: under the 2026 FPIC Guidelines, allegations of violations in the FPIC process, regardless of their gravity, will not suspend it. A community that believes its consent was manipulated, its leaders pressured, or its customary process disregarded cannot stop the project while its complaint is pending. The process continues, and the certification may issue, even as the complaint remains unresolved.

The 2026 FPIC Guidelines does not improve on the 2012 Guidelines and regresses from the FPIC protections that Indigenous communities have relied on. What adds to this concern is the process by which it was produced. The 2012 Guidelines were developed through open consultations with different stakeholders, including Indigenous communities themselves. The 2026 FPIC Guidelines was prepared differently. Official copies were not made readily and publicly available, which limited the ability of communities and advocates to study and engage with rules that will directly govern their rights. This was the same for the earlier 2024, 2025, and 2026 drafts.

The 2026 FPIC Guidelines do not strengthen Indigenous Peoples' rights. It refines the machinery of extraction. What appears as procedural improvement is, upon close reading, a systematic dismantling of FPIC as a meaningful right. The principles chapter speaks the language of protection, but the operative provisions—classification, timelines, deemed approval, restricted remedies—tell a different story. The 2026 FPIC Guidelines is not a revision of the 2012 Guidelines. It is a replacement of a rights-based framework with an administrative efficiency framework that leans in the favor of project proponents.

This concern is compounded by the fact that the 2026 FPIC Guidelines mirrors a broader trend seen in other government-driven processes that prioritize speed over safeguards, most notably, the Energy Virtual One-Stop Shop (EVOSS) Act. Like the EVOSS system, which compresses permitting timelines and risks overriding community consent in the name of investment facilitation, the 2026 FPIC Guidelines imposes rigid deadlines, deemed approval mechanisms, and narrow windows for remedy. Both frameworks treat Indigenous opposition not as a substantive rights issue but a procedural bottleneck to be optimized away. This shared logic of administrative efficiency at the expense of participatory justice makes clear that the 2026 FPIC Guidelines is not an isolated regulatory lapse but part of a coordinated push to fast-track projects by weakening the very mechanisms that ensure free, prior, and informed consent.

FPIC under IPRA is a right of self-determination, the expression of Indigenous sovereignty over ancestral domains. The 2026 FPIC Guidelines systematically convert this right into a regulatory permitting process managed by the NCIP.

The NCIP must conduct genuine and open consultations that place Indigenous Peoples at the heart of any revision to the FPIC Guidelines. Any new rule must be developed with the communities whose rights they will govern, not simply presented to them. The very process of drafting must embody the spirit upon which the FPIC was founded.

The IPRA enjoins the government to take measures to prevent non-ICCs/IPs from taking advantage of the ICCs/IPs' customs or lack of understanding of laws to secure ownership, possession of land belonging to said ICCs/IPs. At the forefront of this directive is the NCIP, which is mandated to protect and promote the interests and well-being of the ICCs/IPs with due regard to their beliefs, customs, traditions, and institutions. In spite of these express terms of the IPRA, the present form of the FPIC guidelines suggests that it is being issued to favour corporate and business interests, rather than the interests of the Indigenous Peoples themselves.

Annex A

NCIP Administrative Order No. 3 Series of 2026

THE 2026 GUIDELINES ON FREE AND PRIOR INFORMED CONSENT AND RELATED PROCESSES

Pursuant to Sections 44(m), 46(a), 57, 58, 59, and 7 of R.A. 8371, otherwise known as the Indigenous Peoples Rights Act of 1997, and other related provisions, the following guidelines are hereby promulgated in lieu of NCIP Administrative Order No. 3, Series of 2012, and all other issuances or portions thereof inconsistent herewith, as follows:

CHAPTER I GENERAL PROVISIONS

Section 1. Title. These Guidelines shall be known as the “2026 Guidelines on the Free and Prior Informed Consent Process and Related Processes” (2026 FPIC Guidelines).

Section 2. Legal Bases. These Guidelines are promulgated pursuant to Republic Act No. 8371, otherwise known as the Indigenous Peoples’ Rights Act (IPRA) of 1997 and other relevant national laws. They are further guided by applicable international instruments, including the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as well as other legally binding treaties and declarations.

Section 3. Definition of Terms. The definition of terms under IPRA and its Implementing Rules and Regulations (IRR) are hereby adopted. In addition, the following terms are defined:

a. Certification Precondition (CP). Refers to the certification issued by the National Commission on Indigenous Peoples (NCIP) attesting that the required Free and Prior Informed Consent has been obtained in accordance with law, or that the activity falls within allowable exceptions under these Guidelines, consistent with Section 59 of IPRA.

b. Certificate of Non-Overlap (CNO). Refers to the certification issued by the NCIP attesting that the area affected by a proposed project, plan, or activity does not overlap with any ancestral domain (AD). It is administrative in character and does not adjudicate ownership or property rights, consistent with the doctrine of administrative jurisdiction and the indefeasibility of titles.

c. Community Assembly or Assemblies. Refers to the primary venue of the FPIC process where Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) are informed, consulted, and engaged in deliberations on proposed projects, programs, or activities, including the dissemination of relevant information, discussion of potential impacts, and negotiation of benefit-sharing arrangements, in accordance with customary practices.

d. Consensus. Refers to the collective decision of the ICCs/IPs arrived at through customary decision-making processes, validated by the NCIP, as recognized under IPRA, and affirmed in jurisprudence recognizing indigenous governance systems.

e. Environmental Impact Statement (EIS). Refers to the document required under the Philippine Environmental Impact Statement System, containing a detailed analysis of the environmental impacts of a proposed project and corresponding mitigation measures, as required under Presidential Decree No. 1586 and related issuances.

f. Exercise of Priority Rights (EPR). Refers to the formal assertion by ICCs/IPs of their preferential rights to manage, develop, and utilize natural resources within their ADs under Sections 7(b) and 57 of IPRA, and operationalized through an EPR Plan.

g. EPR Plan. Refers to the domain-wide development and governance framework adopted by ICCs/IPs, defining land use, resource management, partnerships, and benefit-sharing standards, which may serve as a basis for consent where consistent with these Guidelines.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

h. Field-Based Investigation (FBI). Refers to the process undertaken by the NCIP to determine the presence of ICCs/IPs, existence of ADs, extent of overlap or impact, and the applicable customary governance systems, serving as the factual basis for FPIC or issuance of a CNO.

i. Indigenous Peoples Organization (IPO). A juridical entity validated and/or accredited by the NCIP to act as the administrative, operational, and legal representative of an AD only insofar as such representation carries statutory effect, including participation in FPIC processes, execution of agreements, receipt and administration of community-derived benefits, and engagement with State or private entities.

j. Keyhole Markup Language (KML). Refers to an XML-based file format used to display geographic data in applications such as Google Earth, capable of representing geographic features, images, three-dimensional models, and related data.

k. Memorandum of Agreement (MOA). Refers to the formal agreement executed among the ICCs/IPs, the project proponent, and the NCIP, embodying the terms and conditions of consent, including benefit-sharing, safeguards, and obligations, and serving as the principal evidence of FPIC.

l. Material Information. Refers to information that would influence the decision of the ICCs/IPs in determining whether to grant or withhold consent, including risks, impacts, benefits, and obligations.

m. Resource Instrument. Refers to any permit, license, lease, agreement, contract, concession, clearance, or similar authorization issued by a competent government agency that grants, recognizes, or regulates the right to explore, extract, develop, utilize, manage, or commercially benefit from natural resources within a defined area.

Section 4. Scope. These Guidelines shall govern the general policies, processes, safeguards, and regulatory frameworks for the conduct of the FBI, the FPIC and EPR process, and the issuance of CPs and CNOs.

Section 5. Exercise of the Right to Free and Prior Informed Consent (FPIC). The exercise of the right to FPIC shall be governed by the validated customary laws, processes, and indigenous governance institutions of the concerned ICCs/IPs, including existing official records.

The right to FPIC is exercised in recognition of the indigenous concept of ownership, whereby the land and all resources found therein serve as the material bases of the cultural integrity of the ICCs/IPs.

No concession, license, permit or lease, production-sharing agreement, or other undertakings affecting ADs shall be granted or renewed without going through the process laid down by law and these Guidelines.

Section 6. Primacy and Applicability of Customary Laws. Customary laws shall govern all stages of the FPIC process and shall apply to disputes solely among members of the same ICCs/IPs concerning the interpretation or implementation of the MOA.

They shall not bind non-IP parties, including proponents, NCIP personnel, regulatory agencies, or other external stakeholders. In disputes involving IPs and non-IPs, customary dispute resolution may apply only to internal community matters, upon the parties' informed and mutual consent.

Any sanctions imposed pursuant to customary law must conform to national law and public policy and shall not preclude the filing of civil, criminal, or administrative actions before the proper authorities.

Section 7. Protection of Households Whose Life, Livelihood, Property, or Access Thereof May Be Affected. The FPIC process shall provide specific protection to families, clans, and long-established occupants whose life, livelihood, property, or access to land and natural resources may be adversely affected by the entry or implementation of any proposed activity.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Such protection shall ensure that these individuals or groups are adequately informed and heard during the FPIC process. These safeguards shall not diminish the collective nature of the community decision-making under the FPIC but shall ensure that those who may be disproportionately affected are properly identified, consulted, and accorded appropriate consideration.

In projects where the actual affected area is yet to be determined during the time of the FPIC process (i.e. No final Detailed Engineering Design yet), the safeguards afforded to the same shall be included as a postcondition for the issuance of the CP.

Section 8. Application of the Precautionary Principle. Where an activity presents a scientifically plausible risk of serious or irreversible harm to persons, properties, livelihoods, cultures, ecosystems, or ADs, preventive, mitigating, or compensatory measures shall be taken even in the absence of complete scientific certainty. Particular scrutiny shall apply to activities that may cause significant land conversion, displacement, restrictions on traditional land use, ecosystem disruption, interference with cultural or spiritual practices, or risks disproportionate to their expected benefits.

Section 9. Transparency and Accessibility Principle. All components and processes herein required under these Guidelines shall observe transparency and accessibility. As such, all activities must be conducted within the AD. Full disclosure of project information shall be made in a language and format understandable to the ICCs/IPs.

Section 10. Public Notice, Disclosure, and Establishment of the FPIC Transparency Portal. Notices, invitations, schedules, and other relevant communications shall be written in a language understood by the community, and posted in conspicuous places within the affected ADs and in the concerned NCIP Community Service Center (CSC), Provincial Office (PO), and Regional Office (RO). The same shall likewise be published in the FPIC Transparency Portal.

All documents in the custody of the NCIP relating to proposed or ongoing activities within ADs, including maps, reports, submissions, and issuances, shall be made accessible to the ICCs/IPs and concerned parties, and to the public upon request, subject to applicable laws and regulations on freedom of information and data privacy.

The FPIC Transparency Portal shall be jointly managed by the Office of Policy, Planning, and Research (OPPR) and the Ancestral Domains Office (ADO).

Section 11. Inclusive, Equitable, and Culturally Aligned Partnerships. Partnerships involving government, private entities, or non-government organizations operating within ADs shall be equitable, transparent, and aligned with the collective priorities and determinations of the concerned ICCs/IPs. Such engagements shall recognize and respect indigenous governance structures, community protocols, and indigenous knowledge systems, particularly in relation to environmental stewardship and resource management.

Section 12. Interpretation in Favor of ICCs/IPs and Cultural Integrity. These Guidelines shall be interpreted liberally in favor of promoting the rights, welfare, and self-determined development of ICCs/IPs. As such, all activities within ADs shall respect cultural integrity, intergenerational responsibility, and the indigenous concept of ownership over ADs and priority rights over resources found therein, consistent with the Constitution and applicable laws.

Section 13. Recognition of Existing Property Rights. The rights of persons or entities already existing and/or vested upon effectivity of IPRA shall be recognized and respected. The recognition of existing property rights should not diminish the collective ownership rights of ICCs/IPs in ADs recognized under IPRA.

Section 14. Non-Diminution of Rights. The rights of ICCs/IPs under these Guidelines shall be interpreted consistent with the doctrine of non-diminution of rights. No provision herein shall be construed to reduce, impair, or adversely affect rights already recognized under the Constitution, international human rights instruments, IPRA, administrative issuances, or jurisprudence.

Section 15. Human Rights Monitoring and Protection. The FPIC process shall be implemented consistent with the protection and promotion of the human rights of ICCs/IPs. The NCIP shall monitor compliance with human rights standards embodied in IPRA and other applicable international human rights instruments. Such monitoring shall not interfere with the decision-making of the concerned ICCs/IPs and ensure that their consent remains free from any external manipulation, interference and coercion, and it is obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.

Section 16. Continuing Compliance with the Principles, Policies, and Requirements of these Guidelines. Compliance with the principles, policies, and procedural frameworks set forth in these Guidelines shall form an integral part of the continuing validity of the CP. The proponent shall faithfully observe all obligations arising under these Guidelines, including transparency requirements, community safeguards, monitoring obligations, disclosure duties, and respect for customary processes, throughout the life of the project or activity.

CHAPTER II INITIATION OF APPLICATION

Section 17. Nature of the CP. The CP attaches to a government permit, license, or contract when FPIC is required. Its validity runs parallel to the validity of the resource instrument. Once the resource instrument expires, is cancelled, or declared void, the CP is extinguished by operation of law. The automatic renewal of the CP based on the renewal of the resource instrument shall be prohibited, pursuant to Section 123 of these Guidelines.

Section 18. Obligation of the Applicant to Establish FPIC Compliance. The applicant shall have the duty to establish that FPIC has been properly obtained in accordance with applicable law, these Guidelines, and the customary decision-making processes of the concerned ICCs/IPs.

Such obligation includes full compliance with all procedural requirements, complete and accurate disclosure of information, and good faith participation throughout the FPIC process.

Compliance with these obligations shall form part of the basis for the continuation, evaluation, and final determination of the application.

Section 19. Disclosure Obligation of Applicants. Applicants shall fully and faithfully disclose all relevant information concerning the proposed activity, including its nature, scope, risks, anticipated impacts, and all other data necessary for the ICCs/IPs to make an informed decision.

Any material misrepresentation, omission, or nondisclosure that substantially affects the decision of the ICCs/IPs shall constitute a ground for the suspension, review, or cancellation of the CP, without prejudice to the imposition of appropriate administrative, civil, or criminal liability.

Notwithstanding the foregoing, the disclosure obligations under this Section shall be implemented with due regard to the data privacy rights of the applicant and the right of access to information.

Section 20. Documentary Requirements. All applicants shall duly accomplish and submit the NCIP prescribed application form.

For projects or activities required to secure the endorsement of a regulating government authority, the application form shall be accompanied by the following documentary requirements:

1. An endorsement, or any similar document, issued by the concerned National Government Agency (NGA) or Government Owned or Controlled Corporation (GOCC), as the case may be;
2. Applicant's Position Paper, if any, that the area affected by the proposed project does not overlap with any ADs;
3. If available, Environmental Impact Statement (EIS) or Project Risk Assessment or any other similar documents of the proposed project, including identified risks and mitigation measures. The EIS or Project Risk Assessment or any other similar documents shall be submitted at any stage before the issuance of notice to proceed, if applicable;

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

4. Project profile shall include the following:
 - a. Nature and purpose of the project, and location;
 - b. Abstract of the project describing the size, pace, reversibility and scope;
 - c. Feasibility Study, if applicable;
 - d. Duration;
 - e. Preliminary assessment of the likely economic, social, cultural and environmental effects including potential risks and how these will be addressed;
 - f. Persons to be involved in the implementation;
 - g. Project Cost and business plan to include financial projection showing projected profits and proposed community share, if applicable; and
 - h. Comprehensive project monitoring and evaluation plan showing preferably indicators of success.
5. Indicative map/location map/any geographical representation/illustration showing the aerial view of the proposed project area showing the names of sitios and/or barangays that will be affected and its geographic coordinates and KML Files or other equivalent geospatial format.
6. Corporate profile, proof of constitution of business/juridical entity and latest General Information Sheet (GIS). For applicants other than a corporation, any legal document proving the applicant's name and principal address of the applicant, such as - Articles of Partnership, DTI Business Certification, Business Permit, Mayor's Permit or BIR Registration.
7. Audited Financial Statements (AFS) with stamps received by Bureau of Internal Revenue (BIR), if available.
8. A valid legal instrument signifying the delegation of authority to engage with the NCIP.
9. Any other documents analogous to the foregoing, as requested by the NCIP or the ICCs/IPs concerned.

For projects under Category C, as provided in Section 39 (C) of these Guidelines, the application form must be accompanied by the following:

1. Project profile, Project Proposal, or Feasibility Study;
2. Proponents Profile;
3. Exact location of the project;
4. Project components;
5. Community Resolution or Endorsement; and
6. Document Duly Designating the Authorized Representative.

Section 21. Completeness of Documents. An application with incomplete documentary requirements shall be deemed not filed. The concerned RO shall notify the applicant in writing of the deficiencies within two (2) working days from receipt of the application. No further action shall be taken until full compliance with the documentary requirements is made.

Section 22. Where to File the Application. The project proponent shall submit the application, together with all required documents, with the NCIP RO having jurisdiction over the area where the proposed project, program, or activity will be implemented.

Where the project involves multiple regions, the proponent shall submit to ADO a letter of intent, together with the necessary maps, technical descriptions, and geospatial data. The ADO shall, within three (3) working days from receipt, make a determination of the appropriate RO/s where the application shall be filed.

Such submission to the ADO shall not be considered as filing of the application.

Section 23. Processing of Multiple Applications. Areas covered by different applications shall be governed by the following:

1. Multiple applications filed by different applicants involving different types of projects with overlapping applied areas, whether in whole or in part, shall be processed on a first-come-first-served basis, giving precedence to the first application received.
2. Multiple applications filed by a single applicant may be processed simultaneously or successively if the projects are similar in nature, interconnected, or utilize the same resource, such as cascading hydropower projects along a river, provided they are clearly defined and situated in distinct areas within the AD.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

3. When a single applicant proposes a project that affects more than one AD under the jurisdiction of a singular RO, the FPIC process shall be conducted separately for each AD, unless the concerned ICCs/IPs agreed otherwise. If all affected ADs issue their respective consent, a single CP covering the entire project shall be issued. If an AD component thereof withholds consent, no CP shall be issued for the portions affecting those ADs, without prejudice to the issuance of a separate CP for ADs whose consent has been granted, conditioned upon the concerned regulatory agency's re-endorsement of project documents reflecting the exclusion of the non-consenting AD. If the re-endorsement is not submitted to the NCIP within thirty (30) working days from notice of such requirement, the application is deemed withdrawn.
4. When a single applicant proposes a project composed of multiple components or phases within a single AD, a unified FPIC process may be conducted if the components form part of an integrated development undertaking. Where the components differ substantially in purpose, impact, or required engagements, the Regional Director (RD) may require separate FPIC processes to ensure clear community understanding and informed deliberation.
5. The simultaneous processing of competing applications filed by different applicants for projects of similar nature, purpose, and location that contend for the same resource or operational space is strictly prohibited. Such cases shall be referred to the concerned regulatory agency such as Department of Environment and Natural Resources (DENR) and Department of Energy (DOE) and such other regulatory agencies for resolution in accordance with its rules on priority rights, permitting, or resource allocation. Applications filed by different applicants for projects that are non-competing, distinct in purpose, or capable of coexistence within the same AD may be processed concurrently. In such cases, the RD shall ensure that the concurrent FPIC processes do not create confusion among the ICCs/IPs, that the nature and implications of each project are clearly explained, and that delineated benefit-sharing arrangements are established in the event that negotiations proceed to the drafting of a MOA.
6. For applications covering areas under the jurisdiction of two or more ROs, Section 24 (5) shall apply.

Section 24. Issuance of CPs and CNOs under Special Circumstances.

1. In cases where projects, programs, or activities have components or segments established in different locations due to spatial and technical requirements, and their cohesiveness and integrity necessitate areas both within and outside the AD, a CP may be issued for the portions of the AD, while separate certifications contemplated in these Guidelines, as applicable, may be issued for areas outside the AD or in locations covered by exemptions, non-coverage or vested or existing property rights.
2. When the ICCs/IPs grants consent only to a portion of the project area as covered by the resource instrument, the CP shall only be issued to the consented area, conditioned upon the concerned regulatory agency's re-endorsement of project documents reflecting the exclusion of the area without consent. If the re-endorsement is not submitted to the NCIP within thirty (30) working days from notice of such requirement, the application is deemed withdrawn.
3. When a single project or program covers one or more regions, partial CPs can be issued to each of the ADs that has completed the FPIC process. On the other hand, CNOs can be issued by the RO concerned to areas within the project or program's coverage already determined to be outside any ADs during the FBI in accordance with Section 25 of this Guidelines.
4. When a project or program with multiple components is to be implemented in one or more regions due to its spatial needs and design, and each component is separately endorsed to the concerned NCIP RO or ROs that have proper administrative jurisdiction/s over the same for the FPIC process by the regulatory agency, the CP or other certifications can be issued separately for each of the endorsed component.
5. When a project or program consists of multiple components, each to be implemented by different proponents, CPs or other certifications can be issued separately to each project proponent for their respective areas.
6. When a single project or program spans two or more ADs, regardless of their regional location, a separate CP, indicating the exact location and the community that gave consent, may be issued to any AD that has completed the FPIC process, even if the FPIC process for the other ADs is still pending or in progress. Provided: That the Applicant must undertake to secure the consent from the other ADs in a period prescribed by the NCIP. Provided, Finally: That there shall be no activities undertaken by the Applicant in areas where the consent is not yet secured.

CHAPTER III RESPONSIBILITIES OF PARTIES

Section 25. Field-Based Investigation (FBI) Team. The FBI Team shall be constituted by the RD, or in his or her absence, by the Technical Management Services Division (TMSD) Chief, within the period prescribed in these Guidelines. The FBI Team shall be composed of:

1. Community Development Officer III (CDO) or Provincial Legal Officer (PLO), as Team Leader;
2. Provincial Engineer; in the absence thereof, an engineer designated by the RD from the RO or other NCIP offices within the same administrative jurisdiction;
3. Tribal Affairs Assistant (TAA) or one (1) CSC staff; and
4. Two (2) Indigenous Peoples (IP) representatives of the community where the project is proposed to be located.

In the absence of a CSC, the PLO shall serve as Team Leader. If the position is vacant, the RD shall designate the Team Leader; provided that the Provincial Officer shall not be designated as such.

The Team Leader may request additional NCIP personnel as necessary. Members must possess the required technical, cultural, and field competencies and must be free from conflict of interest. All members shall execute a sworn declaration of absence of conflict of interest, including non-affiliation with the applicant, project proponents, or any entity with vested interest.

The constitution of the FBI Team shall be subject to transparency and documentation. Any objection to a Team member shall be filed within three (3) working days from disclosure, supported by a notarized complaint with evidence. The RD shall resolve the objection and may reconstitute the Team when warranted, subject to appeal to the Chairperson. Such appeal shall not stop the processes prescribed herein. The FBI Team shall remain constituted until submission of the notarized FBI Report, unless modified by the RD for justifiable reasons. The Team shall commence its functions only upon approval of the Work and Financial Plan (WFP) and payment of the required fees.

Section 26. Duties and Functions of the FBI Team. The following are the duties and functions of the FBI Team:

1. To facilitate and supervise the conduct of the whole FBI process;
2. Provide the proponent with the needed information to be included in the notices or invitation letters;
3. Verify the accuracy and truthfulness of all representations made by the applicant, including project scope, location, and potential impacts;
4. Coordinates, schedules, provides direction of field activities, and ensures compliance with the approved WFP;
5. Determine the following:
 - a. Actual locations of the components of the projects (structures, access roads, etc.), if any;
 - b. Socio-cultural and human rights effects of the project;
 - c. Physical/environmental impact of the project;
 - d. Number of directly and indirectly affected ICCs/IPs (households/individuals);
 - e. Traditional use of the portion of the AD by the ICCs/IPs that will be affected by the project;
 - f. Decision-making process of the affected IPs
 - g. Leaders and elders; and
 - h. Customary Conflict Resolution Mechanism
6. Liquidate all funds handled in accordance with standard accounting and auditing rules and regulations;
7. Submit the FBI Report upon receipt of the work order with attached certification as to the validity; and
8. Perform such other functions as may be directed by higher authorities.

Section 27. FPIC Team. The FPIC Team shall be constituted by the RD, or in his or her absence, by the TMSD Chief, within the period prescribed in these Guidelines. The FPIC Team shall be composed of:

1. For provinces or cities with POs:
 - a. Provincial or City Legal Officer, as Team Leader;
 - b. One (1) Engineer from the Provincial, City, or RO;
 - c. CDO; and
 - d. TAA.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

2. For provinces without POs:
 - a. CDO, as Team Leader;
 - b. Legal Officer designated by the RD;
 - c. Community Affairs Officer; and
 - d. One (1) Engineer from the RO or other designated NCIP offices.

The FPIC Team may be assisted by indigenous representatives authorized by the AD concerned, as follows:

1. At least two (2) IP elders or leaders, or such number as appropriate;
2. One (1) representative each from women and youth, unless restricted by customary law;
3. One (1) Indigenous Peoples Mandatory Representative (IPMR); and
4. Representative from the duly identified and validated IPO.

A representative from the Local Government Unit (LGU), nongovernment or civil society organizations, may participate in the FPIC process, provided, that their role shall be limited as observers and they shall not interfere with the decision-making processes of the AD concerned.

The RD may assign additional personnel as necessary.

The Regional Hearing Officer (RHO), Regional Legal Officer (RLO), TMSD Chief, and the RD are prohibited from membership in the FPIC Team. Any designation in violation of this prohibition shall be void.

The written order constituting the FPIC Team shall specify the names and functions of each member and shall be furnished to the applicant, the concerned ICCs/IPs, and relevant NCIP offices. The FPIC Team shall assume its functions upon issuance of such order.

Section 28. Duties and Functions of the FPIC Team. The FPIC Team shall:

1. Supervise and coordinate all FPIC activities and ensure compliance with these Guidelines and applicable laws;
2. Ensure meaningful participation of the concerned ICCs/IPs through their IPS;
3. Ensure that the FPIC process is conducted without coercion, manipulation, or undue influence;
4. Clarify procedural steps and ensure understanding of the process without influencing community decisions;
5. Ensure proper posting of notices and submission of proof of posting prior to any activity;
6. Ensure complete and accurate disclosure of information in a culturally appropriate manner;
7. Coordinate with the concerned ICCs/IPs in organizing assemblies and facilitating communication, without substituting the authority of the IPS;
8. Facilitate negotiations and ensure that the MOA reflects the agreed terms of the ICCs/IPs;
9. Review the completeness of the FPIC Report prior to submission to the RD;
10. Ensure that all required documentation is complete;
11. Furnish a copy of the FPIC Report to the concerned ICCs/IPs;
12. Liquidate funds in accordance with applicable accounting and auditing rules; and
13. Perform such facilitative functions as may be necessary for the proper conduct of the FPIC process.

The FPIC Team shall not assume functions assigned to the applicant or the ICCs/IPs and shall not exercise authority beyond these Guidelines.

Section 29. Duties and Obligations of the Project Proponent/Applicant. The project proponent/applicant shall:

1. Comply with all documentary requirements under these Guidelines;
2. Pay the required FBI and FPIC fees;
3. Prepare the WFP and provide all items identified in the approved WFP;
4. Prepare notices and invitation letters for all required activities;
5. Conduct an initial inventory of affected properties and communities;
6. Present the project profile at the appropriate stages of the process;
7. Document the FBI and FPIC processes, except the decision-making and consensus proceedings;
8. Post and serve notices and submit proof of compliance;
9. Post the required bond in accordance with these Guidelines;
10. Provide logistical support necessary for the FPIC process, without influencing the decision-making of the ICCs/IPs;

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

11. For Category A and B projects, submit complete and verified proof of compliance with all FPIC requirements; and
12. Present to the CEB their compliance with the FPIC requirement for projects under Category A, sufficient, complete, and duly verified proof of compliance with all requirements of the FPIC process, including but not limited to documentation of each stage of the process, minutes of community assemblies, attendance sheets, validated resolutions or certifications issued by the concerned elders/leaders, the duly executed MOA, and such other supporting documents as may be required, to establish that the FPIC was conducted in accordance with applicable FPIC guidelines, customary laws, and the principles of FPIC.

Section 30. Duties and Obligations of the ICCs/IPs. The following are the duties and obligations of the ICCs/IPs:

1. Identify and furnish to the FBI/FPIC Team their duly authorized representatives, including those from among the elders/leaders, women, and youth sectors, who shall attend the pre-FBI/FPIC conference, assemblies, negotiations, consensus-building and decision-making meetings, and such other meetings as may be necessary; and
2. Participate in the assemblies, negotiation, consensus building and decision meeting, and other meetings as may be necessary.

Section 31. Duties and Obligations of the IPO. The following are the duties and obligations of the IPO:

1. Present their community profile during the community assembly;
2. Assist the FBI/FPIC team by providing the status of their community in terms of security, community protocols, and other matters that need to be disclosed for easier coordination, communication, or access to the communities; and
3. Ensure information dissemination from posted notices by authorized/identified leaders with their respective community members.

The IPO shall not exercise decision-making authority independent of the customary processes of the ICCs/IPs, and its role shall be limited to representation, coordination, and formal communication of community decisions.

CHAPTER IV CONDUCT OF THE FIELD-BASED INVESTIGATION

Section 32. Filing of Application. The application, together with the required supporting documents, shall be filed with the NCIP RO having jurisdiction over the area.

Section 33. Initial Review of Application. The Regional FBI focal person designated by the RD shall conduct a thorough review of the application and all supporting documents. The review shall include an examination of existing NCIP records, including approved and indicative maps, database entries, prior assessments reports, FBI reports, and any previously issued CP or CNO covering the same area or portions thereof.

Applicants will be promptly notified of any deficiencies or additional compliance requirements.

Section 34. Evaluation of Complete Application. Upon determination of completeness, an assessment report shall be submitted to the RD within two (2) working days from receipt of the application documents, recommending whether to conduct an FBI.

The RD shall act on the recommendation within one (1) working day.

The RD may dispense with an on-site FBI when existing NCIP records are sufficient, reliable, and current to determine the presence or absence of overlap or impact on an AD. In such cases, the RD shall issue a written order specifying the records relied upon.

Where the records establish that the area affected by the application overlaps an AD, the application shall proceed to the FPIC process. Where no overlap or impact is established, a CNO shall be issued.

Section 35. Certificate of Non-Overlap. The RD shall issue a CNO where the area affected by the project is patently outside any AD or where the FBI or verified records establish non-overlap. The CNO shall contain:

1. The legal and technical basis for issuance;
2. A statement of proximity to the nearest AD or the basis for non-overlap;
3. Recognition of vested or existing property rights, pursuant to Sec. 56 of IPRA, where applicable;
4. The technical description or map of the project area; and
5. Necessary conditions for the issuance.

Copies shall be posted at the CSC and PO, uploaded to the FPIC Transparency Portal, and furnished to the ADO and the concerned Ethnographic Commissioner.

Section 36. Conduct of the FBI. The FBI shall be conducted by the FBI Team in accordance with the approved WFP. The Full Investigation Fee shall be paid within three (3) working days from the approval of the WFP, and the FBI shall be completed within seven (7) working days from said payment. In no case shall the FBI be extended, except for justifiable reasons, including geographic, cultural, environmental, or security considerations; provided, that such extension shall be properly documented.

The FBI shall determine the presence of ICCs/IPs, the existence of AD claims, and the socio-cultural, environmental, economic, and human rights conditions, relevant to the proposed activity. The FBI shall likewise validate customary governance structures, land and resource use, and existing property relations within the area.

The conduct of the FBI shall observe the following:

1. The FBI Team shall undertake site inspections, interviews, community consultations, mapping activities, and customary validation methods appropriate to the affected community.
2. All existing NCIP records, including the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP), survey data, Recognition Books, validated claims, and prior assessments, shall be reviewed and used as essential references.
3. The applicant shall accompany the FBI Team when required and provide access to technical information, subject to community protocols.
4. The ICCs/IPs shall assist the FBI Team in understanding local customs, cultural sensitivities, and community protocols necessary for safe and respectful conduct of field activities.
5. All engagements shall be conducted in a manner that respects indigenous governance systems, local authority structures, and cultural practices.
6. The FBI shall be conducted objectively and shall not prejudice the necessity of FPIC, the scope of affected areas, or the position of the ICCs/IPs.
7. Any incident, concern, or relevant observation identified during the FBI shall be documented for inclusion in the FBI Report.

Section 37. Submission of and Action on the FBI Report. The FBI Team shall submit the FBI Report to the RD within three (3) working days from completion of the investigation. The FBI Report shall include:

1. Narrative of activities, methodologies, and timelines;
2. Determination of overlap or impact on ADs;
3. Identification of ICCs/IPs, including the recognized IPS, leaders, and decision-making processes;
4. Identification and validation of the IPO, if existing, or determination of the appropriate community-recognized body for representation;
5. Findings on social, cultural, and political conditions, land and resource use, and property relations;
6. Assessment of potential impacts;
7. Identification of boundary conflicts or overlapping claims;
8. Identification of vulnerabilities requiring safeguards;
9. Documentation of issues or concerns raised;
10. Recommendation to proceed with the FPIC process or issuance of a CNO; and
11. Supporting documents, including maps, photographs, and attendance records.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Where the FBI Report recommends the conduct of FPIC, it shall further include:

- a. List of validated elders/leaders and members of the IPS, including officers or authorized representatives of the IPO, where applicable;
- b. Description of customary decision-making processes;
- c. Recommended project classification; and
- d. Identification of mandatory posting areas;

The FBI Report shall be evaluated by the RD, and any directives for compliance issued to the FBI Team shall be completed accordingly. The FBI Report shall be approved within three (3) working days from receipt.

CHAPTER V
CATEGORIZATION OF PROJECTS

Section 38. Classification and Determination of Projects for the FPIC Process. All projects, activities, or undertakings proposed within, or that may affect an AD shall be classified as Category A, Category B, or Category C for purposes of determining the applicable FPIC process, the decision-making mechanisms of the ICCs/IPs, and the approving authority for the CP.

The RD shall determine the classification based on the FBI Report and relevant technical findings.

When due to extraordinary peculiarities of the proposed project, or when the project does not fall under any of the any of the foregoing categories, or cannot be readily classified, or when a legitimate question arises regarding its proper classification, the Commission En Banc (CEB) may, upon the request of the RD, Ethnographic Commissioner, the ICCs/IPs, or the applicant, determine the appropriate classification and prescribe the corresponding process.

Such determination shall be made prior to the issuance of the Notice to Proceed.

Section 39. Classification of Projects. Projects shall be classified as follows:

A. Category A. This category refers to projects, activities, or undertakings involving the development, exploitation, or utilization of natural resources or other activities with substantial, long-term, restrictive or potentially irreversible impacts, or that would require approval, signature, or issuance by national-level officials or any equivalent national authorities under existing laws and regulations. Category A includes, but is not limited to:

1. Mineral agreements and natural resource contracts, including but not limited to Mineral Production Sharing Agreements (MPSAs), Financial or Technical Assistance Agreements (FTAAAs), large-scale metallic or non-metallic mineral agreements such as Industrial Sand and Gravel Permits, under national management;
2. Energy development projects of commercial character, including but not limited to geothermal, hydropower, wind, solar, biomass, petroleum, and coal mining projects requiring national approval of service contracts;
3. Regardless of use, land use and tenurial instruments issued by the Department of Environment and Natural Resources, covering an area exceeding one (1) meridional block or eighty-one (81) hectares;
4. Foreshore, Coastal, and Marine Resource Use, including but not limited to Foreshore Lease Agreements, Marine Lease Agreements, and large-scale aquaculture, reclamation, or marine estate developments requiring national authority; and
5. Projects materially-altering land-use across multiple communities or those affecting major watersheds, projects requiring relocation or displacement of residents, and projects introducing irreversible environmental, social, or cultural impacts.

For Category A projects, the consent of the concerned ICCs/IPs shall be determined based on customary consensus-building and decision-making process. A favorable decision from the community shall require the project's referral to the CEB for the issuance of CP.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

B. Category B. This category refers to projects, activities, or undertakings involving exploration, small-scale extraction, or minor utilization of natural resources that have limited, localized, or reversible impacts and that are approved, issued, or authorized by regional, provincial, city, municipal, or local offices, including local regulatory bodies or their equivalents. Category B includes, but is not limited to:

1. Mineral exploration activities issued by the Mines and Geosciences Bureau (MGB);
2. Small-scale extraction and quarrying activities, whose permits are issued by the Provincial Mining Regulatory Board (PMRB);
3. Small-scale mining permits that are issued through a declared Minahang Bayan;
4. Instruments, contracts, agreements, and other authorizations related to spatial tenure or local land use issued by duly authorized national government agencies or local government units that introduce limited physical disturbances within the AD, including activities relating to agriculture, fisheries, tourism, livelihood, and other similar local land use initiatives;
5. Land use and tenurial instruments issued by the DENR, covering an area one (1) meridional block or eighty-one (81) hectares and below;
6. Preliminary, non-commercial activities, or small-scale energy projects including Small-Scale Coal Mining Permits and power generation plants within Small Power Utilities Group (SPUG) or other off-grid service areas.

For Category B projects, the consent of the concerned ICCs/IPs shall be determined in accordance with their customary consensus-building and decision-making processes. The CP shall be issued by the RD, subject to the concurrence of the concerned Ethnographic Commissioner and affirmation by the Chairperson.

C. Category C. Community-Driven and Non-Commercial Development Initiatives. This category refers to projects, programs, or activities that are community-initiated, community-solicited, or non-commercial in nature, including government-initiated development interventions, where the ICCs/IPs remain the primary decision-makers, beneficiaries, or governing authority, consistent with their rights to self-governance and development.

These initiatives arise from, or are affirmed through, the collective decision-making processes of the ICCs/IPs, undertaken in accordance with their customary laws and IPS, and aligned with their duly adopted ADSDPP or analogous community governance instruments, which serve as the principal framework for determining development priorities within ADs.

Category C includes, but is not limited to:

1. Community-based livelihood and enterprise initiatives such as agriculture, agroforestry, fisheries, handicrafts, eco-cultural tourism, and other sustainable economic activities undertaken and managed by ICCs/IPs;
2. Small-scale and community-owned natural resource use, including non-timber forest product gathering, minor forest product permits, small water use permits, and similar activities that do not require national-level approval; Provided that: these are consistent with sustainable traditional resource rights;
3. Natural resource management, environmental protection, and climate resilience initiatives directly undertaken by ICCs/IPs or in partnership with government, including reforestation, watershed rehabilitation, marine and coastal protection, biodiversity conservation, and climate change adaptation activities; and
4. Non-commercial academic, scientific, environmental, or cultural activities, such as research and development, environmental assessments, and ecological studies, subject to community protocols and applicable consent processes.
5. Private sector initiatives as part of their voluntary assistance and corporate social responsibility initiatives that are favorable to the ICCs/IPs.

For Category C projects, the CP requirement shall be satisfied through a validation or assessment process, confirming that the ICCs/IPs have been fully informed and that the activity is consistent with their collective decision and development priorities as embodied in a legal instrument. The certification shall be issued by the RD based primarily on submitted documents and validation of community authorization.

Notwithstanding the foregoing, all projects under this category shall remain subject to the rights of ICCs/IPs to just compensation, access, and equitable benefit-sharing where applicable, and to their continuing authority to regulate activities within their ADs.

Section 40. Exemption for Basic Social Services, Welfare Programs, and Emergency or Relief Operations.

Basic social service projects, welfare programs, or public assistance activities undertaken by government agencies, LGUs, humanitarian organizations, or NGOs whose activities are accredited by NGAs and/or LGUs concerned shall be exempt from the FPIC requirement by reason of urgency, public welfare, and the need for immediate delivery of essential services to ICCs/IPs.

Any claim of urgency shall be supported by national or local statements establishing a state of emergency or its local equivalent, and that there is an exhibited need by the ICCs/IPs themselves for immediate delivery of essential services to their community.

Exempted activities include, but are not limited to:

1. Health missions, vaccination campaigns, nutrition and medical outreach;
2. Distribution of relief goods and humanitarian aid;
3. Emergency response and disaster recovery operations;
4. Scholarships, training programs, and capacity-building not involving resource use;
5. Geohazard Mapping;
6. Non-IKSP Research Studies: Research not requiring Philippine Health Research Ethics Board clearance, and similar studies;
7. Client survey activities for policy improvements;
8. Provision of Farm Inputs such as supply of seeds, fertilizers, or other agricultural inputs;
9. Animal Dispersal Programs for community benefit; and
10. Gift-Giving Programs without expected negative impact on ADs.
11. Any other similar projects, programs, and activities analogous to the foregoing.

No activity involving continued or repeated access, implementation of structures, or use of land or resources beyond temporary intervention shall be considered exempt. Such activities shall be processed under other applicable classifications.

Even when exempt, the proponent shall notify the concerned ICCs/IPs through their recognized leaders and coordinate with the NCIP to ensure observance of cultural protocols. Prior consultation with the concerned ICCs/IPs shall also be made whenever practicable, taking into account the urgency of the activity.

The RD shall issue a Certification of Exemption within three (3) working days from receipt of Notice, stating the legal and factual basis thereof, which shall be posted in the FPIC Transparency Portal.

Section 41. Exercise of Traditional Resource-Use Rights. The traditional use of natural resources by members of the ICCs/IPs within their ADs for subsistence, community, livelihood, or cultural purposes shall not require the conduct of the FPIC process, provided that such use is consistent with customary practices. The NCIP may validate such utilization upon complaint of any member of the ICCs/IPs to prevent abuse or misuse of this provision.

Section 42. Government Projects Within ADs. As a general rule, government-initiated or government-funded projects financed through the General Appropriations Act (GAA), including programs, activities, and projects implemented by national government agencies, government-owned and controlled corporations, state universities and colleges, and local government units, shall be governed by the provisions applicable to Category C projects, provided that such projects are non-commercial in nature.

Where the proposed government project involves public-private partnership arrangements, extraction or utilization of natural resources, or is reasonably expected to result in significant, irreversible, or long-term social, cultural, economic, or environmental impacts, the RD, shall, based on the nature, scale, location, and potential impacts of the proposed activity, determine whether the project shall be processed under Category A or Category B, without prejudice to the authority of the CEB to review or reclassify the same.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

If the submission is complete but contains defects or unresolved issues, particularly in the decision making, consent, and the Memorandum of Agreement, the Ancestral Domain Office (ADO) is authorized to require the applicant to submit notarized justification/s, inquire directly to the FPIC Team for clarification, or order the conduct of compliance/remedial activities to verify the matters in question. The period allotted for this section shall be tolled by such order for compliance/remedial activities. All results of these clarifications and validation activities shall be transmitted to the Ancestral Domains Office, Regional Director, and Legal Affairs Office for evaluation and notation.

Section 57. Review of the FPIC Report. Upon receipt of the FPIC Report the Ancestral Domains Office, Legal Affairs Office, and Regional Director concerned shall simultaneously review the complete record of the application for Certification Precondition within ten (10) working days.

Section 58. Elevation to the Commission en Banc. Upon the concurrent recommendation of the Ancestral Domains Office, Legal Affairs Office, and Regional Director concerned, the complete record of the application for Certification Precondition shall be transmitted to the Commission En Banc secretariat within one (1) working day. The same shall be endorsed to the Commission En Banc for deliberation, in accordance with the Commission En Banc internal rules. Only applications with completed documentation and accompanying endorsements from the Regional Director Ancestral Domains Office and Legal Affairs Office.

The procedures under this Title shall apply exclusively to projects classified under Category A, except in applications where the Commission En Banc expressly directs that these procedures be observed.

Section 59. Standards of Review. In its examination of the application, the Commission En Banc shall determine whether: (1) the consent issued by the concerned ICCs/IPs is valid, free, prior, informed, and in accordance with their customary decision-making processes; (2) the access and benefit-sharing arrangements granted to the community are fair, equitable, and commensurate to the scale, duration, and intensity of the project; and (3) the long-term social, cultural, and environmental impacts of the project have been Adequately disclosed, considered, and mitigated.

Section 60. Period to Decide. The Commission En Banc shall decide the application within fifteen (15) working days from receipt of the complete records. The Commission En Banc may grant or deny the Certification Precondition based on the standards stated in the preceding Section. Any denial shall state clearly the factual and legal bases for such action.

If approved, the Resolution and Certification shall be prepared and submitted by the Ancestral Domains Office within three (3) working days from approval of the Certification Precondition.

Section 61. Effect of the Decision. A decision granting the Certification Precondition becomes final upon issuance, without prejudice to monitoring, compliance, and enforcement mechanisms under these Rules. A decision denying the Certification Precondition may be the subject of only one Motion for Reconsideration, which shall be filed within ten calendar days from receipt of the decision. The Commission En Banc shall resolve the Motion for Reconsideration within fifteen days from its receipt.

If the denial is affirmed, the proponent shall be barred from re-filing an application involving the same project area and scope for a period of six months from the time of finality of the decision appealed from.

Section 62. Notice to Parties. The decision of the Commission En Banc shall be furnished to the regulatory agency concerned, the applicant, the concerned ICCs/IPs through their IPS and/or Indigenous Peoples Organization (IPO), and the Ancestral Domains Office within three working days from issuance. Notice of issuance of the same shall be posted in the FPIC Transparency Server.

Section 63. Appeal. Decisions, orders, or actions of the Regional Director in connection with the processing of an FPIC application, including the issuance, denial, or revocation of a Certification Precondition or Certificate of Non-Overlap, shall be appealable to the Commission En Banc within fifteen days from receipt thereof. The appeal shall be filed through a verified memorandum stating the grounds relied upon and shall not stay the execution of the decision unless the Commission En Banc issues a restraining order for compelling reasons.

CHAPTER VI
CONDUCT OF MANDATORY FIELD ACTIVITIES
UNDER CATEGORY A AND CATEGORY B

Section 43. Guiding Framework. Mandatory Activities shall be conducted by the applicant as part of the FPIC process. All FPIC Activities shall be conducted within the concerned AD. The NCIP shall exercise control and supervision over all FPIC activities, to ensure accuracy of information, compliance with these Guidelines and proper documentation of proceedings. The presence of NCIP employees in the FPIC activities shall not influence, or be construed, as endorsement of the proposed activity. ICC/IPs may request or invite CSOs/NGOs or technical/legal team that may help assist them in navigating the FPIC processes.

The highlights and/or minutes of the immediately preceding activity shall be presented for the review and concurrence of the community.

Section 44. Mandatory Orientation for the Applicant. A mandatory orientation for the applicant or his/her duly authorized representative shall be conducted by the RD or an authorized NCIP employee within one (1) working day from the approval of FBI report recommending the conduct of FPIC process. The orientation is conducted to ensure that the applicant fully understands all legal, procedural, cultural, and financial obligations associated with undertaking activities within ADs.

The orientation shall cover the following:

1. An explanation of the statutory requirements under the IPRA, these Guidelines, and other relevant issuances, including the nature of the CP and the mandatory character of the FPIC process;
2. A description of the sequential FPIC framework, including preparatory activities, the FBI, mandatory disclosures, community assemblies, consensus-building, decision-making, negotiation, and the formulation of the MOA;
3. A reminder that the applicant is prohibited from influencing, coercing, manipulating, or interfering with community decision-making, and that any logistical support to the ICCs/IPs must strictly follow the approved WFP;
4. Orientation on prohibited acts under these Guidelines, including unauthorized meetings, undue influence, bribery, misrepresentation, and the offering of gifts or benefits outside official assemblies;
5. Discussion of disclosure requirements, including the obligation to submit accurate, complete, and truthful documents such as project profiles, corporate papers, technical descriptions, maps, and environmental assessments;
6. Explanation of the applicant's financial obligations, including the preparation, approval, deposit, disbursement, and liquidation of the WFP for preparatory activities, with emphasis that unutilized funds must be returned;
7. Guidance on respecting community protocols, customary governance systems, indigenous authority structures, and cultural norms or sensitivity during all engagements within the AD;
8. Clarification that failure to comply with any requirement discussed during the orientation may result in the termination of the application without prejudice to re-filing;
9. Execution by the applicant of a written acknowledgment confirming their understanding of the duties, responsibilities, limitations, and safeguards imposed by these Guidelines.

No preparatory or community activity shall proceed unless the applicant has completed the orientation and submitted the required written acknowledgment.

Section 45. Notice to Proceed (NTP) to Mandatory Activities. Upon completion of the mandatory orientation, the RD shall constitute the FPIC Team and shall issue the NTP within one (1) working day for both Category A and Category B projects.

The NTP shall authorize the commencement of mandatory activities, identify the applicant and the affected ICCs/IPs, and direct the posting of notices in the areas identified in the FBI Report.

Copies of the NTP shall be furnished to the applicant, the concerned ICCs/IPs through the IPO, and relevant NCIP offices.

Section 46. Pre-FPIC Conference. The Pre-FPIC Conference shall be conducted by the applicant within two (2) working days from receipt of the NTP. It shall serve as a platform to align all concerned parties, including coordination with the IPO, on logistical arrangements, schedules, and roles in the conduct of the FPIC process. The applicant shall, within the same period, submit the activity report and proposed WFP to the RO.

Section 47. Preparation and Approval of the WFP; Payment of Fees. The WFP shall be prepared during the Pre-FPIC Conference. Upon receipt of the WFP, the RD shall approve the same and issue a Notice of Payment within one (1) working day.

The applicant shall shoulder all logistical expenses necessary for the conduct of the activities, including but not limited to venue arrangements, transportation, materials, and documentation infrastructure, consistent with these Guidelines, to be indicated in a work plan. Provided that such support shall remain strictly facilitative and shall not influence or interfere with the decision-making processes of the ICCs/IPs.

A non-refundable administrative cost of ten percent (10%) of the total logistical expense shall be on account of the applicant, to be deposited in NCIP trust funds as indicated in the Notice of Payment. The administrative cost shall cover legal research fees, monitoring fees, and other indirect costs in the field and Central Offices of NCIP.

Payment shall be deposited pursuant to the Notice within one (1) working day.

Section 48. Posting and Service of Notices and Disclosure. The applicant and two (2) members of the FPIC Team shall post notices, within five (5) working days for projects under Category A, and two (2) working days for projects Category B, upon payment of the FPIC fee, indicating the schedule, venue, and purpose of the community assemblies in conspicuous areas within the affected AD, which shall include barangay halls, community gathering spaces, and other locations as identified in the FBI Report, accessible to the concerned ICCs/IPs, and the concerned NCIP CSC, PO, and RO, and shall likewise be published in the FPIC Transparency Portal.

Postings and Notices shall be undertaken in a language understood by the ICCs/IPs, and proof of posting shall be submitted to the NCIP prior to the scheduled assemblies.

The Project Brief written in local language of the affected AD shall form part of the notices.

Section 49. Conduct of Community Assembly. The community assembly shall commence five (5) working days after the posting and distribution of notices to all concerned participants. The community may request additional community assemblies, as may be necessary to ensure adequate consultation and participation. The community assemblies shall be completed within a period not exceeding ten (10) working days for Category A projects and five (5) working days for Category B projects. The assemblies shall include:

1. An explanation of IPRA, with emphasis on rights related to ADs, self-governance, and benefit-sharing; and of these Guidelines;
2. Validation of IPS/IPO/Leaders and Elders;
3. Presentation of the approved FBI report for approval and confirmation by the community;
4. A presentation of the project, including its nature, scope, operational phases, potential social and environmental impacts, and required access to land and resources;
5. Disclosure of the applicant's initial offer for access and benefit-sharing consistent with the project's scale and category. The NCIP shall ensure that all explanations are made in a manner understandable to the ICCs/IPs and consistent with these Guidelines; and
6. Roles and obligations of the FPIC Team and concerned IP community and proponent.

Section 50. Modality of Assemblies. The community assemblies shall be conducted in the AD where the project is to be implemented to ensure that all concerned ICCs/IPs within the project area are fully informed and able to participate meaningfully. In the alternative, the ICCs/IPs may select another venue for the conduct of community assemblies in case there are actual threats to security, or conflicts within the AD, to ensure full, safe and meaningful participation by the ICCs/IPs.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Community assemblies shall be facilitated in a culturally appropriate and impartial manner, ensuring that all information is complete, accurate, and understood in the local language or appropriate medium. Independent observers or NCIP representatives shall ensure compliance with FPIC standards, and all documentation shall be validated by community elders or authorized ICC/IP representatives to ensure authenticity and transparency.

The community assemblies shall constitute a distinct information activity and shall be properly documented, with attendance sheets, photographs, audio video recordings, and minutes.

Section 51. Consensus-Building and Decision-Making. Upon termination of the Community Assembly, the consensus-building and decision-making process shall ensue for up to sixty (60) working days for Category A projects and seven (7) working days for Category B projects .

For Categories A and B projects, the consent of the concerned ICCs/IPs shall be determined based on customary consensus-building and decision-making process.

If the project, program, or activity is deemed potentially acceptable during the consensus, the concerned ICCs/IPs shall proceed with the negotiation of the terms and conditions of the MOA. However, if the participants determine, after thorough deliberation, that the project does not align with their plans, priorities, or way of life, they shall issue a Resolution of Non-Consent, providing a clear explanation of their reasons.

The outcome of the consensus-building process shall be documented and formally communicated to the FPIC Team, without prejudice to validation by the elders or customary leaders in accordance with their customary laws.

During the consensus-building and decision-making activities, the concerned ICCs/IPs shall discuss whether or not they will allow or entertain a request for reconsideration in case of non-consent.

The applicant is prohibited to participate nor to attend in these activities. The FPIC Team shall ensure proper notice, documentation, attendance verification, and recording of proceedings in accordance with these Guidelines. If the ICCs/IPs decide to proceed to MOA Negotiation, the FPIC Team shall inform the applicant of such decision within one (1) working day.

Section 52. Absence of Consent and Available Remedies. If consent is not granted, the decision of the ICCs/IPs shall be respected as an exercise of their right to self-determination. The Resolution of Non-Consent shall, within one (1) working day from execution, be submitted by the FPIC Team to the RD, who shall forward the same to the applicant within the day.

No request for reconsideration of the non-consent shall be allowed except when expressly allowed by the ICCs/IPs in Section 51, and only when the grounds for rejection, as expressly stated in the resolution or documented proceedings, are capable of being addressed through negotiation, modification of project terms, or the introduction of additional safeguards. A meritorious request shall specifically and directly address the stated grounds for rejection clearly showing how such grounds will be resolved, and shall be filed before the RD within five (5) working days from receipt of the Resolution of Non-Consent. A general or pro forma request for reconsideration shall not be allowed, and deemed not filed.

If found meritorious, the RD shall immediately order the FPIC Team to consult, within three (3) working days from receipt of the order, with the validated elders or customary leaders to determine whether the propositions in the request sufficiently address the grounds for rejection and whether the matter may be reopened. The elders or customary leaders may: (1) uphold the rejection with finality; or (2) allow the reopening of discussions limited to the propositions in the request for reconsideration. If the elders or customary leaders decide the latter, the FPIC Team shall convene an assembly in five (5) working days, with due notice and posting, and pursuant to the customary consensus-building and decision-making process, to determine consent or non-consent.

Section 53. Negotiation for the MOA. The MOA Negotiation stage shall commence immediately upon the ICCs/IPs' granting consent to negotiate, but in no case later than two (2) working days therefrom. During this stage, the FPIC Team shall represent and assist the community by ensuring that all agreements reached reflect the conditions, and safeguard commitments identified during consensus-building and decision-making. The assigned legal officer shall lead the negotiation alongside the ICCs/IPs, safeguard their legal interests, and provide the necessary legal guidance to ensure that proposed terms conform to customary law, the community's expressed will, and the standard set by these Guidelines. The proponent and the FPIC Team shall jointly draft the MOA.

To this end, the FPIC Team shall:

1. Ensure that the positions and conditions expressed during the decision-making stage are clearly presented, understood, and incorporated into the negotiations;
2. Provide guidance to the ICCs/IPs on legal and procedural matters, without encroaching upon the community's decision-making authority;
3. Coordinate schedules, venues, and logistics for negotiation sessions;
4. Ensure that discussions remain transparent, culturally appropriate, and free from coercion or undue influence;
5. Ensure that no provision is introduced without the full knowledge and understanding of the elders, customary leaders, or designated representatives; and
6. Ensure that the agreements promote the best interest of the ICCs/IPs and the AD.

Negotiations shall address, at a minimum:

1. Benefit-sharing arrangements;
2. Environmental, cultural, and social safeguards; and
3. Access arrangements and operational conduct.

The negotiation period shall be ten (10) working days for Category A projects and two (2) working days for Category B projects.

Section 54. Extension of Periods for the Conduct of Community Assembly, Consensus-Building, Decision-Making, and MOA Negotiations. The ICCs/IPs and the Applicant, in an agreement reduced into writing, may request an extension of the periods covering the conduct of community assembly, consensus-building, decision-making, and MOA negotiations. The NCIP shall ensure that any such extension remains consistent with the voluntary, informed, and uncoerced nature of the FPIC process.

Section 55. Effect of the Expiration of the Periods for Community Assembly, Consensus-Building and Decision-Making, and MOA Negotiation, Validation and Signing. If the periods for Community Assembly, Consensus-Building and Decision-Making, and MOA negotiation, validation and signing, and any extension thereof expires with no FPIC MOA signed and validated, it shall be deemed a denial of consent, without prejudice to remedies expressly allowed under these Guidelines.

Within three (3) working days from the expiration, the FPIC Team shall submit a Terminal Report, citing the expiration of term and deemed denial of consent. A copy of the Terminal Report shall be furnished to the applicant, attached to a Notice of Termination signed by the FPIC Team Leader. No request for reconsideration nor appeal is allowed for a deemed denied application, as such denial arises from the lapse of the prescribed period and not from an express decision of the ICCs/IPs.

Section 56. Preparation and Evaluation of the FPIC Report. The applicant shall prepare and submit to the FPIC Team the FPIC Report, including the MOA, within three (3) working days from the signing thereof.

The FPIC Team, together with the duly authorized representatives of the concerned ICCs/IPs, shall review the FPIC Report and attest to the truthfulness and accuracy of its contents. Such attestation shall be evidenced by the signatures of the members of the FPIC Team and the authorized representatives of the ICCs/IPs in the appropriate portions of the Report.

A BRIEFER: ON THE 2026 GUIDELINES ON THE FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Thereafter, the FPIC Team shall prepare a separate evaluation report on the FPIC process and the submitted FPIC Report, addressed to the RD, indicating its findings on compliance with these Guidelines and recommending appropriate action.

For projects classified under Category A, the FPIC Team shall, within seven (7) working days from receipt of the FPIC Report, endorse the same, together with its evaluation, to the concerned RO, the ADO, and the Legal Affairs Office (LAO). For projects classified under Category B, the same shall be endorsed to the concerned RO within three (3) working days from receipt of the FPIC Report.

The FPIC Report shall include the fully signed MOA, proof of proper conduct of all mandatory activities, complete documentation of the consensus-building and decision-making processes, and all supporting materials such as photographs, attendance sheets, minutes, and reports.

The FPIC Report shall likewise include a consolidated account of all issues raised by the ICCs/IPs during the assemblies, those subsequently communicated through the NCIP, and those formally transmitted to the applicant, together with the applicant's corresponding responses and commitments to address such issues. Any additional evidence demonstrating full compliance with these Guidelines and the grant of consent by the ICCs/IPs shall also form part of the submission.

Incomplete FPIC Reports shall not be accepted by the offices concerned and shall be returned to the applicant for completion within a non-extendible period of three (3) working days from receipt of notice.

Failure of the applicant to submit a complete FPIC Report within this period, including the period for completion, shall result in the application being deemed withdrawn. The RD shall issue a Notice of Termination to the applicant. No motion for reconsideration or appeal shall be allowed, as such termination arises from procedural non-compliance on the part of the applicant and not from a substantive determination on consent.

Section 57. Processing of Category B FPIC Reports and Issuance of CP. Upon receipt of the FPIC Report by the concerned RO for Category B projects, the TMSD Chief shall determine the completeness and sufficiency in form and substance of the submission within three (3) working days. If the application is found to be incomplete, the TMSD Chief shall return the submission to the applicant for correction or completion well within the timeframe provided for their submission.

If the FPIC Report is found to be sufficient in form and substance, and the consent is confirmed, the RD shall issue the CP within one (1) working day from receipt of the evaluation report of the TMSD Chief. The CP shall then be transmitted within the day for the concurrence of the concerned Ethnographic Commissioner within two (2) working days and affirmation by the Chairperson within three (3) working days thereafter.

The concurrence of the Ethnographic Commissioner and affirmation of the Chairperson shall be based on the records and findings approved by the RD and shall not require a separate technical or procedural review by the ADO, without prejudice to the authority of the CEB to exercise review in appropriate cases.

Section 58. Approval as a Matter of Course. Upon failure of the RD or the CEB to act on the application within the prescribed period upon submission of the complete FPIC Report to the RD, or the ADO, the CP shall be issued as a matter of course, without prejudice to monitoring, compliance, and enforcement mechanisms provided herein. As such, the MOA shall be signed as a matter of course by the RD or Chairperson, as the case may be; while the CP shall be system generated through the FPIC Transparency Portal.

This provision shall not absolve any office or official from criminal, civil, or administrative liability arising from negligence, inaction, or failure to act within the prescribed period under these Guidelines.

Section 59. Participation of Observers in Community Assemblies. CSOs, NGOs, POs, LGUs, and other stakeholders directly affected by the proposed project may participate as observers during the community assembly. Observers cannot participate in the consensus-building and decision-making process, but they may submit questions in writing and manifest their presence for documentation purposes. Only observers who were actually present during the community assembly may contest acts or omission made, but only through verified complaints submitted to the RD or the CEB.

CHAPTER VII
PROCEDURES IN THE COMMISSION EN BANC

Section 60. Review of the FPIC Report and MOA for Category A to the CEB. For projects classified under Category A, the FPIC Report and the MOA, as endorsed by the FPIC Team, shall be transmitted to the RD, the ADO, and the LAO for concurrent evaluation, prior to submission to the CEB.

Within ten (10) working days from receipt of the FPIC Report and MOA, the RD, ADO, and LAO shall each conduct their respective review and prepare separate evaluation reports, which shall be transmitted to the ADO for consolidation within said period.

If the submission is complete but contains defects or unresolved issues, particularly in the decision-making process, the validity of consent, or the provisions of the MOA, the ADO is authorized to require the applicant to submit notarized justifications, inquire directly with the FPIC Team for clarification, or order the conduct of compliance or remedial activities to verify the matters in question, to be complied with within ten (10) working days from receipt thereof. The issuance of such directive shall toll the running of the review period in the immediately preceding paragraph. All results of these clarifications and validation activities shall be transmitted to the ADO, the RD, and the LAO for evaluation and notation.

Upon completion of the review and resolution of all issues, the ADO shall endorse the consolidated evaluation reports, together with any justification, clarification or compliance or remedial report, and endorse the FPIC Report and MOA, together with the recommendations of the RD and LAO, to the CEB Secretariat for deliberation.

Section 61. Deliberation by the CEB and Issuance of the CP. The CEB shall decide on the application based on the FPIC Report, the consolidated evaluation, and the records of the proceedings, giving due weight to the documented outcome of the customary decision-making process of the ICCs/IPs.

The CEB may, when necessary, conduct clarificatory hearings and invite resource persons to address specific issues.

The CEB shall render its decision within fifteen (15) working days from endorsement by the ADO. If granted, the signed MOA, the corresponding Secretariat's Certificate, and the CP, shall be issued within five (5) working days from approval. The same timeline shall be in effect if the CEB decides to deny the Petition.

Section 62. Effect of Decision and Motion for Reconsideration. A decision granting the CP shall be immediately executory, without prejudice to monitoring and compliance mechanisms under these Guidelines.

A decision denying the CP may be the subject of a single Motion for Reconsideration, which shall be filed within ten (10) working days from receipt of the decision, except in cases expressly declared final under these Guidelines.

The Motion shall specifically address the grounds for denial and demonstrate that such grounds are capable of resolution through modification, compliance, or additional safeguards.

The CEB shall resolve the Motion within fifteen (15) working days from submission for resolution. If the denial is affirmed, the applicant shall be barred from filing a new application covering the same project area and scope for a period of six (6) months from finality of the decision.

Section 63. Notice and Publication. The CP, MOA, and Secretariat's Certificate shall be released through the Records Office to the applicant, the concerned ICCs/IPs through their authorized representatives, the relevant regulatory agency, and the ADO within three (3) working days from issuance.

Notice of issuance shall also be posted in the FPIC Transparency Portal.

Section 64. Appeals to the CEB. Any party-in-interest to the decision of the RD may appeal to the CEB within fifteen (15) working days from receipt of the decision.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The appeal shall cover final acts of the RD including the issuance, denial, or revocation of a CP or CNO, determinations on exemptions, and other analogous actions affecting the rights of the parties.

The appeal shall be filed through a verified memorandum stating the specific grounds relied upon and supported by relevant documents. The filing of an appeal shall not stay the execution of the assailed action, unless the CEB issues injunctive relief for compelling reasons. The appeal shall be resolved within fifteen (15) working days from submission of complete records.

Section 65. Deemed Withdrawn Application. After due notice, failure of the applicant to comply with the processes or requirements, or clarify reasonable evaluations and assessments within the prescribed period, results to a deemed withdrawn application. Thereafter, a Notice of Termination shall be immediately issued by the Chairperson or the RD to the applicant, to the concerned ICCs/IPs, and the respective regulating agencies.

Section 66. Secretariat's Certificate. The official action of the CEB on any application, appeal, or matter brought before it shall be issued through a Secretariat's Certificate prepared by the Office of the Executive Director with the assistance of the LAO.

The Secretariat's Certificate shall faithfully reflect the proceedings and action taken by the CEB and shall contain:

- a. A concise statement of the matter submitted for deliberation;
- b. The salient points of the deliberation, including the material issues considered;
- c. The disposition of the case, whether approval, denial, or such other action taken; and
- d. The principal grounds and considerations forming the basis of the decision.

The Secretariat's Certificate shall be attested by the Executive Director as the head of the CEB Secretariat, certifying that it accurately reflects the proceedings and decision of the CEB, and shall be confirmed by the Chairperson.

Upon such attestation and confirmation, the Secretariat's Certificate shall have full force and effect for purposes of implementation, notice, and compliance under these Guidelines.

CHAPTER VIII
CONDUCT OF ACTIVITIES FOR PROJECTS UNDER CATEGORY C

Section 67. Coverage and Purpose. Applications for projects classified under Category C shall be filed with the NCIP RO having jurisdiction over the AD concerned.

The application shall include basic project documents sufficient to describe the nature, scope, purpose, location, implementing entity, duration, and anticipated impacts of the activity, together with a Resolution issued or endorsed by the community reflecting community authorization in accordance with customary decision-making processes.

The Regional FPIC Focal Person shall docket the application and conduct a preliminary review to determine proper classification, subject to confirmation by the RD within three (3) working days from receipt of the application.

Section 68. Distinction from Exempt Activities. Projects under Category C shall be distinguished from exempt activities under Section 40. Category C shall apply to activities that:

- a. Involve planned, structured, or continuing implementation within the AD;
- b. Require community authorization through a validated resolution; and
- c. May involve the use of land, resources, or community systems, even if non-commercial in nature.

Exempt activities, on the other hand, are limited to urgent, temporary, and non-intrusive interventions that do not require community authorization beyond notice and coordination. No project shall be classified as exempt where community consent is necessary to legitimize access, implementation, or continued presence within the AD. In such cases, the project shall be processed under Category C.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Any activity that involves substantial extraction, diversion of natural resources, relocation of residents, material alteration of land use across multiple sitios, or irreversible environmental, social, or cultural impacts shall not be processed under this Chapter and shall be reclassified in accordance with Section 39 (A) and (B).

Section 69. Assessment Procedure. If, based on the RD's determination, the submitted application proves that the ICCs/IPs were involved during the project development stage of the program, project, or activity, he/she shall order the TMSD to conduct assessment based on the submitted application and the available secondary data and submit the report within three (3) working days from receipt of the RD's directive.

The assessment report shall include a narrative establishing that the ICCs/IPs were involved during the project development stage of the proposed programs, projects, or activities, and shall be supported, when necessary, by any of the following as proof:

- a. Certification from the PO or CSC Head that the proposed programs, projects, or activities are included in the ADSDPP or identified through needs assessment and consultation workshops with the community;
- b. Resolutions or written communications from the ICCs/IPs requesting or endorsing the program, project, or activity, addressed to the concerned government agencies; and
- c. Documentation showing ICC/IP participation in project conceptualization, such as minutes of meetings, photographs, and attendance sheets.

The RD shall issue the CP, if warranted, within two (2) working days from receipt of the assessment report. An electronic copy of the CP shall be transmitted to the ADO via email for monitoring purposes.

If the validation or assessment report determines that the area affected by the project does not overlap any AD, the RD shall issue a CNO within three (3) working days from receipt of the report.

Section 70. Validation Procedure. Where validation is required to determine the consent of the community, the following process shall be observed:

The RD, motu proprio or upon receipt of a written request for validation, shall immediately constitute a team composed of three (3) personnel from the PO or CSC, as the case may be, and shall direct the team to conduct field validation.

The proponent shall designate a representative to assist the NCIP and the ICCs/IPs during the validation process.

The validation team shall conduct the validation and submit a report to the RD within fifteen (15) working days from receipt of the Work Order.

The validation process shall be conducted through community meetings or interviews with elders/leaders and other community members to determine the validity of the consent and to identify the specific individuals directly affected. It shall likewise determine:

- a. Whether the ICC voluntarily solicited or initiated the plan, program, project, or activity, to be undertaken;
- b. Whether the plan, program, project, or activity conforms with the community's ADSDPP or, in the absence thereof, whether the same is considered by the community as part of a future ADSDPP;
- c. Whether the ICCs/IPs are aware of the scope of the plan, program, project, or activity and its socio-cultural and environmental impacts; and
- d. Whether the parties acknowledge their respective obligations.

The validation report shall be evaluated by the TMSD, while the Agreements shall be reviewed by the RLO or any Legal Officer who did not participate in the validation process. Their respective evaluation reports shall be submitted to the RD within three (3) working days from receipt of the validation report.

The RD shall issue the CP within two (2) working days from receipt of the evaluation reports. An electronic copy of the approved CP shall be transmitted to the ADO via email for monitoring purposes.

Decisions of the RD shall be immediately executory, without prejudice to remedies available under these Guidelines.

Section 71. Reclassification. If, at any stage of evaluation or validation, it is determined that the project does not fall under Category C, the RD shall immediately issue an Order suspending the process conducted under Category C, reclassifying the project under the appropriate category, and directing the conduct of the corresponding FPIC process.

All acts undertaken under the erroneous classification shall be without prejudice to the proper conduct of the FPIC process under the reclassified category.

Where the misclassification is attended by negligence, gross neglect of duty, grave abuse of authority, or any analogous circumstance on the part of any NCIP personnel, the same shall constitute a ground for the initiation of appropriate administrative proceedings, without prejudice to any other liability under applicable laws, rules, and regulations.

CHAPTER IX

PROCESS FOR THE DECLARATION OF THE EXERCISE OF PRIORITY RIGHTS

Section 72. Nature and Purpose of the EPR. The EPR is the formal and collective assertion by ICCs/IPs of their right to determine the development, management, control, utilization, and protection of the lands, territories, and natural resources within their AD, in accordance with applicable laws, customary laws, Indigenous Political Structure (IPS), and community decision-making processes.

The EPR shall be implemented through an EPR Plan, which shall establish a community-defined framework for development, resource use, environmental and social protection, partnerships, access, benefit-sharing, and governance within the AD. It shall provide an orderly platform through which proposed projects, investments, partnerships, and other engagements may be presented to, evaluated by, negotiated with, and acted upon by the ICCs/IPs.

The EPR Plan shall not, by itself, constitute consent to any unidentified, unspecified, or subsequently proposed project. Neither its preparation, validation, nor confirmation shall be construed as a waiver of the requirement for genuine community authorization, or as an authorization for any person or entity to enter, occupy, explore, develop, utilize, or undertake activities within the AD.

Consent under the EPR framework shall arise only when the following are established:

- a. the nature, scope, location, duration, risks, impacts, benefits, proponents, and material terms of the proposed engagement have been fully disclosed in a form and language understandable to the community;
- b. the proposed engagement is expressly contemplated in, and consistent with, the confirmed EPR Plan;
- c. the concerned ICCs/IPs have been afforded sufficient time and opportunity to deliberate through their customary decision-making processes, free from coercion, manipulation, intimidation, bribery, undue influence, or misrepresentation;
- d. the community decision has been clearly expressed through the appropriate IPS and confirmed through the process prescribed under these Guidelines; and
- e. the NCIP has independently validated the authenticity, inclusiveness, and regularity of the community decision.

The EPR process shall at all times observe the principles of community ownership, transparency, inclusiveness, accountability, environmental integrity, cultural appropriateness, protection of vulnerable and affected sectors, respect for vested rights, and non-diminution of the rights of ICCs/IPs.

The NCIP shall exercise independent supervision and validation throughout the process to ensure that the EPR is genuinely initiated, understood, and authorized by the ICCs/IPs; that customary decision-making processes are respected; that participation is broad and meaningful; and that the EPR framework is not used to simulate, manufacture, presume, or circumvent consent.

Section 73. Preparation of the EPR Plan. The EPR process shall be initiated through the preparation of an EPR Plan by the concerned ICCs/IPs, acting through their recognized IPS and in accordance with their customary laws, governance systems, and community decision-making processes.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The preparation of the EPR Plan shall be community-led, participatory, inclusive, and independent. It shall not be initiated, controlled, prepared, or dictated by a prospective applicant, developer, contractor, operator, investor, permit holder, government agency, or any other person or entity having a direct or indirect interest in a proposed project or resource-use activity within the AD.

The ICCs/IPs may request the NCIP, relevant government agencies, experts, academic institutions, nongovernment organizations, civil society organizations, or other competent persons or entities to provide technical, legal, environmental, financial, mapping, planning, or facilitative assistance. Such assistance shall:

- a. be expressly requested or authorized by the ICCs/IPs;
- b. be fully disclosed to the community, including the identity, role, source of funding, and any actual or potential interest of the person or entity providing assistance;
- c. remain limited to the provision of technical information, options, analysis, and facilitation;
- d. not substitute for, direct, influence, manipulate, or interfere with the community's deliberations and decisions; and
- e. be documented as part of the records of the EPR process.

Any prospective partner, applicant, developer, contractor, operator, investor, or permit holder may provide technical information relevant to a proposed sector or activity only upon invitation by the ICCs/IPs and under conditions prescribed by the community and supervised by the NCIP. Such participation shall not confer any preferential right, exclusivity, entitlement, or presumption of community consent.

The EPR Plan shall define the collective development direction and resource-governance framework of the AD and shall, at a minimum, be guided by the following:

- a. the general development framework and long-term priorities of the AD;
- b. zoning and land-use allocations, including production, protection, rehabilitation, settlement, cultural, sacred, conservation, and multiple-use areas;
- c. the identification and delineation of community-conserved areas, protected areas, watersheds, forests, burial grounds, sacred sites, cultural landscapes, and other areas of ecological or cultural significance;
- d. environmental and social safeguards, including buffer zones, prohibited or restricted activities, risk thresholds, rehabilitation obligations, and measures for climate resilience and disaster-risk reduction;
- e. minimum standards and non-negotiable conditions for access, benefit-sharing, compensation, royalties, employment, procurement, technology transfer, community participation, and other forms of community benefit;
- f. the governance and management arrangements for the implementation of the EPR Plan, including the respective roles of the IPS, IPO, community-created juridical entities, elders, women, youth, affected households, and other community institutions;
- g. the process and criteria for receiving, screening, evaluating, prioritizing, negotiating, approving, rejecting, suspending, or terminating proposed engagements;
- h. the identification of priority projects, sectors, activities, or development directions consistent with the ADSDPP, customary laws, community plans, and applicable local guidelines;
- i. the qualifications and standards for potential or preferred partners, where the community elects to identify the same;
- j. procedures for disclosure, community consultation, grievance handling, conflict-of-interest management, monitoring, compliance review, and accountability; and
- k. such other provisions as may be necessary to protect the rights, welfare, cultural integrity, environment, and development priorities of the ICCs/IPs.

The identification of a project, sector, activity, area, or potential partner in the EPR Plan shall not, by itself, constitute consent, approval, endorsement, or authority to proceed. Any subsequent engagement shall remain subject to the applicable procedures under these Guidelines, including disclosure, validation, negotiation, community confirmation, and the issuance of the appropriate CP.

The EPR Plan shall be written, translated, explained, and presented in a language and form understandable and accessible to the community. Maps, technical studies, financial arrangements, risk assessments, and other material information shall be simplified and explained without concealing their legal, environmental, social, cultural, or economic implications.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The preparation process shall provide meaningful opportunities for participation by elders, women, youth, persons with disabilities, affected households, traditional resource users, and other sectors whose rights, livelihoods, culture, or access to resources may be affected. The views of minority or dissenting groups shall be recorded and addressed in accordance with customary law and these Guidelines.

Relevant portions of the ADSDPP concerning resource use, protection, and development may be adopted as part of the EPR Plan, provided that the community confirms their continued applicability. A confirmed EPR Plan shall likewise be integrated into the ADSDPP upon its subsequent formulation, review, or updating.

No provision of the EPR Plan shall be interpreted as dispensing with permits, licenses, clearances, regulatory approvals, or other legal requirements falling within the jurisdiction of competent government agencies.

Section 74. Conduct of the Community Validation Assembly. Upon completion of the draft EPR Plan, the concerned ICCs/IPs shall submit the same to the NCIP Regional Office. Within five (5) working days from receipt, the RD shall constitute an EPR Validation Team and cause the issuance of notices for the conduct of a community validation assembly.

The notice shall state the purpose, date, time, venue, and agenda of the assembly and shall be issued and disseminated through culturally appropriate means, and posted at least seven (7) working days prior to the scheduled assembly, to allow the ICCs/IPs to review the draft EPR Plan, consult among themselves, and participate meaningfully in the proceedings.

The validation assembly shall be conducted within the AD, unless the ICCs/IPs, for compelling reasons, select another accessible and appropriate venue. It shall serve as the venue for the presentation, explanation, review, deliberation, amendment, and confirmation of the EPR Plan in accordance with customary laws and community decision-making processes.

Before any decision is made, the contents and implications of the EPR Plan shall be fully disclosed and explained in a language and manner understandable to the community. Particular attention shall be given to zoning, proposed resource uses, restricted or prohibited activities, environmental and social safeguards, governance arrangements, benefit-sharing standards, and the procedures governing future engagements.

The IPS shall confirm whether the EPR Plan reflects the collective development priorities and decision of the ICCs/IPs, subject to ratification through the customary consensus-building process of the AD.

Attendance, registration, silence, non-participation, receipt of assistance or benefits, or signatures appearing solely in attendance sheets shall not be treated as confirmation of the EPR Plan or as consent to any present or future project.

Where the Validation Team finds that material information was not adequately disclosed, participation was insufficient, affected sectors were excluded, customary processes were not observed, or the proceedings were affected by coercion, manipulation, intimidation, bribery, misrepresentation, conflict of interest, or undue influence, it shall suspend or recommend the repetition of the affected stage of the process.

Additional assemblies may be conducted where necessary to ensure adequate disclosure, meaningful deliberation, resolution of material issues, and the genuine confirmation of the EPR Plan.

The Validation Team shall independently observe and document the proceedings and shall submit a Validation Report to the RD within thirty (30) working days from receipt of the IPS-confirmed EPR Plan. The report shall state whether the process was inclusive, informed, voluntary, consistent with customary law, and free from circumstances that may have simulated or improperly influenced the community decision.

Section 75. Technical Review and Confirmation of the EPR Plan. Upon receipt of the Validation Report and the IPS-confirmed EPR Plan, the RO shall conduct a technical and legal review to determine the Plan's completeness, internal consistency, conformity with these Guidelines, and compliance with applicable laws, rules, regulations, and lawful government standards.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The review shall include a determination that:

- a. the EPR Plan was genuinely initiated, prepared, deliberated upon, and confirmed by the concerned ICCs/IPs through their customary decision-making processes;
- b. the process was inclusive, informed, voluntary, and free from coercion, manipulation, intimidation, bribery, misrepresentation, conflict of interest, or undue influence;
- c. the EPR Plan clearly identifies the community's development priorities, zoning, safeguards, governance arrangements, and minimum standards for future engagements;
- d. the EPR Plan distinguishes between general development directions, activities requiring further community authorization, restricted activities, and prohibited activities;
- e. affected households, traditional resource users, minority groups, and other sectors whose rights or interests may be materially affected were afforded meaningful participation;
- f. the provisions of the EPR Plan do not impair vested rights, valid existing contracts, or rights recognized under applicable laws; and
- g. the EPR Plan does not dispense with permits, licenses, clearances, environmental requirements, or other approvals falling within the jurisdiction of competent government agencies.

Where deficiencies, inconsistencies, or unresolved material issues are found, the RD shall return the EPR Plan to the concerned ICCs/IPs with a written statement of the matters requiring clarification, correction, further disclosure, or renewed community deliberation. Technical assistance may be provided as necessary, without substituting for or influencing the community's decision.

The RO shall not revise, insert, delete, or materially alter any substantive provision of the EPR Plan on behalf of the ICCs/IPs. Any material amendment arising from the technical review shall be referred back to the community and confirmed through the appropriate customary decision-making process.

Upon determination that the EPR Plan is complete, sufficient, and compliant with these Guidelines, the RD shall issue a Confirmation recognizing the Plan as the governing community framework for development, resource management, access, partnerships, environmental and social safeguards, and benefit-sharing within the AD.

Section 76. Notice to Existing Rights Holders, Regulatory Agencies, and Identified Parties. Upon confirmation of the EPR Plan, the RO shall furnish notice thereof to:

- a. holders of existing permits, licenses, contracts, concessions, tenorial instruments, or other resource instruments covering any portion of the AD;
- b. applicants with pending applications for resource instruments or regulatory approvals affecting the AD;
- c. regulatory agencies having jurisdiction over the lands, natural resources, activities, or resource instruments covered by the EPR Plan; and
- d. prospective partners, proponents, or other parties specifically identified by the ICCs/IPs in the confirmed EPR Plan.

The notice shall inform the concerned parties of the existence and effectivity of the EPR Plan and of the stated position, development priorities, conditions, safeguards, and predisposition of the ICCs/IPs regarding the management, development, and utilization of natural resources within their AD.

The notice shall be issued for purposes of due process, regulatory coordination, and the orderly alignment of existing or proposed activities with the confirmed EPR Plan. It shall direct the concerned parties to coordinate with the RO and the duly authorized representatives of the ICCs/IPs before pursuing any application, negotiation, agreement, or activity that may affect the AD.

Only such portions or summaries of the EPR Plan as are reasonably necessary to inform the concerned parties of the community's position and the applicable zoning, conditions, safeguards, and engagement procedures shall be disclosed. Confidential, proprietary, culturally sensitive, or restricted community information shall not be disclosed without the authorization of the ICCs/IPs and compliance with applicable laws.

The notice shall be without prejudice to vested rights, pending regulatory proceedings, and the authority of competent agencies to act upon applications and resource instruments in accordance with applicable laws, subject to the rights of the ICCs/IPs and the requirements of these Guidelines.

Section 77. Community Authorization of Proposed Partnerships. Where an existing resource instrument or the activity covered thereby is consistent with the confirmed EPR Plan, the RO shall facilitate meetings between the resource instrument holder/s and the concerned ICCs/IPs representing the AD for purposes of disclosure, discussion, and possible partnership.

The meetings shall be conducted in an orderly, transparent, and culturally appropriate manner. The resource instrument holder shall fully disclose the nature, scope, location, duration, anticipated impacts, proposed benefits, obligations, risks, and material terms of the proposed engagement in a language and form understandable to the community.

The participation of the ICCs/IPs in such meetings, or their willingness to discuss a proposed engagement, shall not constitute consent, approval, or acceptance of the resource instrument holder as a partner.

Where the ICCs/IPs decide to enter into a partnership with the resource instrument holder, such decision shall be made through the applicable customary decision-making process and shall be embodied in a community resolution clearly stating the authority to proceed with the proposed engagement and the persons or body authorized to negotiate on behalf of the community.

The community decision shall thereafter be validated by the NCIP through a community assembly convened specifically for that purpose. The assembly shall comply with the notice, disclosure, participation, documentation, and other safeguards governing community assemblies under these Guidelines.

The NCIP Validation Team shall ascertain that the decision was genuinely made by the ICCs/IPs, that the community understood the proposed engagement and its material implications, and that the decision was free from coercion, manipulation, intimidation, bribery, misrepresentation, or undue influence.

Only upon validation of the community resolution may the parties proceed to negotiate and formalize the terms of the proposed partnership in accordance with the succeeding Sections.

Section 78. Modalities for the Implementation of the EPR. The ICCs/IPs may implement the EPR Plan through one or more of the following modalities, subject to applicable laws, regulatory requirements, community authorization, and the safeguards prescribed under these Guidelines:

a. **Direct Implementation by the ICCs/IPs.** The ICCs/IPs may undertake a project or activity directly through a community-created juridical entity, corporation, cooperative, IPO, or other entity authorized under applicable law.

The EPR Plan or the subsequent community resolution authorizing the specific engagement shall identify the entity that will represent the ICCs/IPs before regulatory agencies and in dealings with third parties. Such entity may act as the project proponent, applicant, agreement signatory, holder of the corresponding CP, and, where legally qualified, holder of the relevant permit, contract, license, or resource instrument.

The designation of a community entity shall not transfer ownership of the AD or the community's collective rights over lands, territories, and natural resources. The entity shall act in a fiduciary capacity for the ICCs/IPs and shall remain accountable to the IPS and the community in accordance with customary law, its constitutive documents, and the EPR Plan.

b. **Joint Venture or Community Equity Partnership.** The ICCs/IPs may enter into a joint venture, corporation, partnership, or similar arrangement with a qualified developer, investor, technical partner, or operator for the implementation of a specific project.

The ICCs/IPs shall be meaningfully represented in the governing body of the joint venture or project entity and shall participate in strategic decision-making, financial oversight, implementation, monitoring, and other material aspects of the project.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The agreement shall clearly define the respective ownership, equity, voting, management, and economic interests of the parties; the valuation of community contributions; the allocation of revenues, benefits, liabilities, risks, and costs; safeguards against dilution or loss of effective community participation; access to material project records; environmental and social obligations; and the grounds and procedures for suspension, withdrawal, termination, or replacement of the partner.

c. **Engagement of Contractors, Operators, or Service Providers.** The ICCs/IPs may engage a qualified contractor, operator, technical provider, or service provider to perform specific activities or components of a project while the ICCs/IPs, through their duly authorized entity, retain ownership, direction, supervision, and control over the exercise of the priority right.

The engagement shall be governed by a written agreement defining the precise scope of work, performance standards, compensation, term, liability, environmental and social obligations, reporting requirements, audit rights, and grounds for suspension or termination.

d. **Other Community-Authorized Arrangements.** The ICCs/IPs may adopt other lawful arrangements, including management agreements, co-management arrangements, production-sharing mechanisms, concession arrangements, community-enterprise agreements, or combinations of the foregoing modalities, provided that such arrangements are consistent with the confirmed EPR Plan and preserve the collective ownership, decision-making authority, and substantive participation of the ICCs/IPs.

For every modality, the authority of the community representative, juridical entity, project vehicle, or negotiating body shall be clearly established by a community resolution adopted through the applicable customary decision-making process. The resolution shall specify the extent, conditions, and duration of the authority granted and shall identify acts requiring further community approval.

No representative, officer, IPO, corporation, council, negotiating panel, elder, or member of the IPS may unilaterally bind the entire AD beyond the authority expressly granted by the community.

Section 79. Signing of the EPR MOA. Upon validation of the community decision to pursue the proposed engagement, the ICCs/IPs and the selected resource instrument holder, partner, developer, contractor, operator, or service provider may proceed to the execution of the corresponding MOA or similar instrument.

The MOA shall embody the applicable conditions, safeguards, governance arrangements, and minimum access and benefit-sharing standards established in the confirmed EPR Plan. No provision of the MOA shall diminish, waive, circumvent, or be inconsistent with any standard, safeguard, condition, or community protection already established in the confirmed EPR Plan. Any provision contrary thereto shall be invalid and shall not bind the ICCs/IPs.

The execution of the MOA shall be governed by the applicable requirements on disclosure, negotiation, representation, community participation, documentation, and signing prescribed under these Guidelines.

Section 80. Issuance of Certification Precondition. Upon execution of the EPR MOA or similar instrument under the preceding Section, the RO shall evaluate whether the proposed engagement and the terms of the agreement are consistent with the confirmed EPR Plan, the validated community decision, these Guidelines, and applicable laws, rules, regulations, and standards.

The records shall include the confirmed EPR Plan, the Validation Report, the Community Resolution authorizing the specific engagement, proof of compliance with the applicable notice and community assembly requirements, the executed MOA or similar instrument, and the evaluation and recommendation of the RO.

For projects falling under Category A under Chapter IV, upon determination that the records are complete and sufficient, the RD shall, within three (3) working days, endorse the proposed engagement to the CEB through a Petition for the issuance of the corresponding CP.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Upon receipt of the Petition, the ADO shall review the submission within five (5) working days and cause its parallel or simultaneous evaluation by the LAO, with technical support from other NCIP offices or bureaus as may be necessary. Where deficiencies or material issues are identified, the ADO may require the submission of clarifications or additional documents, or the conduct of remedial or validation activities. The period required for compliance shall suspend the running of the prescribed processing period.

Upon determination that the records are complete and sufficient, the ADO shall prepare its report and recommendation and transmit the complete records to the CEB Secretariat for calendaring and deliberation by the CEB.

For projects falling under Category B under Chapter IV, the RD shall, within five (5) working days from receipt of the complete records, determine whether the MOA or similar instrument is consistent with the confirmed EPR Plan, the validated community decision, these Guidelines, and applicable laws, rules, regulations, and standards.

Upon a favorable determination, the RD shall endorse the issuance of the corresponding CP and transmit the complete records to the concerned Ethnographic Commissioner for concurrence within two (2) working days from receipt thereof, and thereafter to the Chairperson for affirmation within three (3) working days from receipt of the Commissioner's concurrence.

The CP for a Category B project shall be deemed issued only upon affirmation by the Chairperson.

Section 81. Issuance of Certification Precondition for Category A Projects. Upon transmittal of the complete records by the ADO, the Petition shall be calendared by the CEB Secretariat for deliberation by the CEB in accordance with its internal rules.

The CEB shall determine whether the proposed engagement and the MOA or similar instrument are consistent with the confirmed EPR Plan, the validated community decision, these Guidelines, and applicable laws, rules, regulations, and standards.

In making such determination, the CEB shall ascertain that:

- a. the proposed engagement falls within the scope of the confirmed EPR Plan;
- b. the applicable zoning, environmental and social safeguards, governance arrangements, and minimum access and benefit-sharing standards have been observed;
- c. the MOA does not diminish, waive, circumvent, or materially depart from the standards and safeguards established in the EPR Plan;
- d. the community decision authorizing the engagement was genuine, informed, voluntary, and made through the applicable customary decision-making process; and
- e. the proposed engagement does not impair vested rights or unjustly prejudice affected households, traditional resource users, or other persons whose rights or interests may be materially affected.

The CEB shall resolve the Petition within fifteen (15) working days from receipt of the complete records. It may approve or deny the issuance of the CP based on the foregoing standards. Any denial shall state the factual and legal grounds therefor.

The corresponding CP or Resolution shall be issued within five (5) working days from approval or denial.

The issuance of the CP shall authorize only the specific engagement and MOA expressly covered therein and shall not constitute approval of any other project, activity, partner, or resource instrument.

Section 82. Effect of the EPR Plan on the Issuance of CPs. Where an EPR Plan has been confirmed in accordance with these Guidelines, no separate CP shall be issued for project-specific FPIC processes covering the same area and subject matter, except where the proposed activity is not contemplated in, or is inconsistent with, the EPR Plan.

All future applications for CPs within the AD shall be processed in accordance with the EPR Plan and the procedures under this Chapter. Any required validation shall be limited to determining consistency with the EPR Plan and compliance with applicable laws, rules, regulations, and standards.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

In no case shall the formal acknowledgment or confirmation of the EPR Plan, or the issuance of any subsequent CP by the NCIP, be presumed or construed as the grant of a Certificate of Ancestral Domain Title (CADT) over the AD, nor shall it exempt any AD claim from the processes required under applicable laws and rules on delineation and titling. Neither shall the issuance of a CP be construed as the grant of any permit, license, contract, concession, tenurial or resource instrument, or authority to explore, develop, or utilize natural resources, all of which shall remain subject to the jurisdiction, requirements, and approval of the appropriate regulatory agencies.

Section 83. Amendments and Revisions of Approved EPR Plans. The ICCs/IPs may amend or revise an approved EPR Plan to respond to evolving community priorities, environmental conditions, or socio-economic circumstances; Provided, that such amendments or revisions shall be subject to validation and confirmation by the RO in accordance with these Guidelines, for purposes of ensuring consistency, completeness, and compliance with applicable laws, rules, and standards.

If, in the future, the ICCs/IPs decide to amend and/or revise their EPR Plan, existing partners, contractors, and/or operators shall be notified and allowed sixty (60) calendar days to renegotiate provisions or align with the amendments of the EPR Plan. This is without prejudice to the respect of rights already vested, the non-impairment of contracts, and existing adjudication procedures available to the contracting parties.

Where amendments materially affect ongoing operations, benefit-sharing arrangements, or environmental and social safeguards, the NCIP shall exercise supervision and oversight to ensure that such modifications are undertaken in good faith, with full disclosure, and without diminution of the rights of the ICCs/IPs. In case of dispute arising from such amendments, the same shall be resolved in accordance with customary law, where applicable, and the appropriate quasi-judicial mechanisms under the Commission.

CHAPTER X
ACCESS AND BENEFIT SHARING FRAMEWORK

Section 84. Compensation and Benefits. Consistent with Section 7b of the IPRA, the ICCs/IPs have the right to receive the following, among others:

1. Benefit and share from the profits from allocation and utilization of the natural resources found in the ADs;
and
2. Just and fair compensation for any damages which they sustain as a result of the project.

The ICCs/IPs may negotiate for additional financial or non-financial benefits or arrangements, on top of the above entitlements, such as, but not limited to the following: co-management of resources and operations, infrastructure projects, employment, education programs or scholarship grants, health programs, cultural preservation and promotion programs, calamity assistance, livelihood, capacity development training, and other socio-cultural programs.

Section 85. Mandatory Provisions of the FPIC MOA. The FPIC MOA shall embody the terms and conditions governing the grant or denial of consent by the ICCs/IPs and shall be binding upon the parties upon execution.

At a minimum, the FPIC MOA shall contain the following essential provisions:

- a. A clear identification of the parties, including the ICCs/IPs and their authorized representatives, the applicant, and other relevant entities, together with proof of authority of the signatories;
- b. A definitive description of the project, including its nature, scope, location, duration, phases of development, and all ancillary activities that may affect the AD;
- c. A delineation of the affected area within the AD, consistent with the validated technical description and community-identified areas of impact;
- d. The terms of consent as determined through the customary decision-making process, including any conditions, limitations, or prohibitions imposed by the ICCs/IPs;
- e. Detailed benefit-sharing arrangements, including royalties, monetary and non-monetary benefits, development commitments, employment provisions, and mechanisms for equitable distribution within the community;
- f. Environmental and social safeguards, including mitigation measures, rehabilitation and restoration obligations, and compliance with applicable environmental and cultural protection standards;

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

- g. Provisions on the protection and respect for Indigenous Knowledge Systems and Practices (IKSP), sacred sites, and cultural integrity;
- h. The roles and responsibilities of the parties, including compliance obligations of the applicant and oversight functions of the ICCs/IPs and the NCIP;
- i. Monitoring, reporting, and compliance mechanisms, including the establishment of joint monitoring bodies, community validation processes, and access to information;
- j. Grievance redress and dispute resolution mechanisms, prioritizing customary law and processes, without prejudice to the jurisdiction of the NCIP and other competent bodies;
- k. Provisions on amendments, renegotiation, suspension, and termination of the agreement, including conditions under which consent may be revisited or withdrawn in accordance with law and these Guidelines;
- l. Financial provisions, including the manner, schedule, and mode of payment or delivery of benefits, and safeguards against unauthorized deductions or diversions;
- m. Economic renegotiation or provision allowing the modification of financial provisions during the lifetime of the MOA when the original terms no longer match current market conditions, costs, or data;
- n. Force majeure and contingency provisions, including protocols in the event of natural disasters or other extraordinary events affecting the implementation of the agreement;
- o. A statement affirming that the MOA was entered into freely, without coercion, undue influence, or misrepresentation, and in accordance with the customary laws and practices of the ICCs/IPs.
- p. Mitigation and resettlement plans for potential risks;
- q. Clause on the non-transferability of the MOA;
- r. Whether the concerned ICCs/Ps shall require another FPIC to be conducted in case of merger, reorganization, transfer of rights, acquisition by another entity, or joint venture;
- s. Other than what has already been granted by law, the benefits to be derived by the host ICC/IPs indicating the type of benefits, specific target beneficiaries as to sector and number, the period covered, and other pertinent information;
- t. Remedies and/or penalties for non-compliance or violation of the terms and conditions which includes applicability of customary laws and imposition of sanction/s;
- u. Deposit of cash or surety bond;
- v. Provision on the effects of dormant CP;
- w. Membership of proponent in organizations requiring ethical standards in a particular line of activity;
- x. Disclosure of capitalization requirements; and
- y. Other requirements provided in these Guidelines.

No FPIC MOA shall be valid unless it contains the foregoing minimum provisions. The NCIP shall review the MOA for completeness, consistency, and compliance with these Guidelines and applicable laws prior to the issuance of the CP. Adjustments may be allowed to reflect community-specific contexts; Provided, that such modifications shall not diminish, waive, or impair the rights of the ICCs/IPs.

Section 86. Access and Benefit Sharing During Exploration and Scoping Activities. Activities undertaken solely for exploration or feasibility assessment are non-commercial in nature and are conducted to evaluate the extent, viability, or characteristics of natural resources. Thus, benefits during exploration shall be proportionate to the limited extent and duration of operations and may include access fees, community support measures, safety provisions, capacity-building, and other incidental benefits appropriate to such activities.

In exploration permits/instruments with a mandated community share and plan, such as the Community Development Plan for Exploration Permits, the same shall be disclosed in a community assembly and the ICCs/IPs shall have the right to an equitable share as landowners and claimants.

Exploration activities shall not give rise to any vested right, priority, or expectation of approval for subsequent development or utilization. Any transition to development shall require a separate FPIC process and agreement.

Section 87. Prohibition on Using Community Benefits as Payment for Other Statutory Obligations, Liabilities, and Responsibilities. Community benefits due to and received by ICCs/IPs by virtue of their ownership and priority rights over their ADs shall be treated as distinct, mandatory, and non-substitutable entitlements. These shall not, under any circumstance, be used to satisfy, offset, or substitute for any statutory, regulatory, or contractual obligations of proponents, contractors, or operators.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Accordingly, community benefits shall not be used, directly or indirectly, to fund or defray the cost of any statutory or regulatory obligations imposed upon project proponents, including those relating to community development, social services, environmental protection, resource management, or similar responsibilities required under applicable laws. Such obligations shall be separately and fully borne by the proponent and implemented independently of the community benefits and rights of ICCs/IPs. In no case shall these obligations be deducted from, credited against, commingled with, or otherwise treated as compliance with the community benefits due to ICCs/IPs.

All statutory obligations of proponents under applicable laws shall be separately and fully complied with without diminution of the community benefits due to ICCs/IPs.

Section 88. Prohibition on Using Community Shares and Benefits as Compensation or Damages. Community shares and other benefits due to ICCs/IPs shall not be used as compensation for environmental damage, operational impacts, rehabilitation obligations, resettlement, or any form of harm suffered by the ICCs/IPs.

Section 89. Effect of Violation and Enforcement. Any agreement, MOA, or similar instrument that allows, directly or indirectly, the use of community shares or benefits to satisfy obligations prohibited in the two immediately preceding sections shall not be recognized.

The RD may, *motu proprio* or upon complaint, review such agreements and order the segregation, restitution, or proper allocation of funds, without prejudice to the filing of appropriate administrative, civil, or criminal actions.

Section 90. Consistency with the Community Resource Management and Development Plan (CRMDP) and Release of Community Shares. All utilization, allocation, or disbursement of community shares or other benefits shall be made in accordance with a duly approved CRMDP.

All releases of community shares or other benefits shall be made directly by the applicant to the duly established account of the IPO of the ICCs/IPs concerned. In no case shall the company release such funds without the prior joint concurrence of both the concerned Ethnographic Commissioner and the Chairperson. The concurrence and signature of the Ethnographic Commissioner shall be mandatory, personal, indispensable, and non-delegable, and must be issued within seven (7) working days from receipt of complete documents; provided the proper party shall comply with any observation of deficiency within three (3) working days from notice, which period shall toll the above seven-day period. In no case shall such authority of the Ethnographic Commissioner be delegated, substituted, or exercised by any RD or other personnel. In the event that the position of the concerned Ethnographic Commissioner is vacant, and there is a need to further process the release of community shares or other benefits, the Commission shall act on it accordingly. The concurrence of the Chairperson shall likewise be indispensable and shall be issued within three (3) working days from receipt, ensuring that the release is consistent with Commission policies, existing guidelines, and the approved CRMDP, while the Ethnographic Commissioner shall ensure responsiveness to the specific conditions, rights, welfare, and development needs of the ICCs/IPs concerned.

Provided, that any request for release of community shares or other benefits, filed through the FPIC Transparency Portal or other official compliance channels, shall be deemed approved and processed if no approval or denial is issued by the NCIP within thirty (30) calendar days from receipt of a complete request. Provided further, that all releases under this provision shall be subject to post-audit and regular submission of accomplishment reports and financial statements. Provided finally, that any responsible officer who fails to act within the prescribed period shall be subject to appropriate administrative action.

Section 91. Posting of Bond. Before the commencement of physical development within the AD, the proponent shall deposit a cash bond with the NCIP Regional Trust Account which shall serve as a performance security for any breach of the MOA, non-compliance with project obligations, or damages arising from project activities affecting the ICCs/IPs or their AD. The amount of the bond shall be determined during the MOA negotiation, taking into consideration the scale, impacts, and risks of the project, and shall be subject to replenishment as may be necessary to ensure continued coverage of obligations and liabilities arising from project implementation.

Upon posting of the bond, the concerned NCIP RO shall issue an acknowledgment of compliance.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Claims against the bond shall be processed and evaluated by the Joint Monitoring and Grievance Committee (JMGC) in accordance with the MOA. The bond shall be maintained for the duration of the project and may be reviewed or adjusted by the NCIP in consultation with the concerned ICCs/IPs. Any utilization of the trust fund shall be properly documented and shall be subject to community validation and appropriate auditing mechanisms.

The unused portion of the cash bond shall be returned to the proponent upon completion of the decommissioning of the project or the termination of the MOA, whichever comes first.

Section 92. Transparency and Disclosure of Benefits. All benefits, whether monetary or non-monetary, shall be disclosed to the ICCs/IPs in a language and form they understand and shall be posted during annual assembly and in the FPIC Transparency Portal. Disclosure shall include the basis of computation, schedules of payment or delivery, and identification of the authorized community receiving entity. All disclosed benefits shall be subject to periodic validation and audit by the NCIP.

CHAPTER XI
REMEDIES, PROCEDURE, AND SANCTIONS PENDING ISSUANCE OF
CERTIFICATION PRECONDITION

Section 93. Remedies for Irregularities, Prohibited Acts, and Process Violations. Any party-in-interest may avail of appropriate remedies in cases of alleged irregularities, prohibited acts, or violations of these Guidelines at any stage prior to the issuance of the CP, for the purpose of preserving the integrity of the FPIC process, safeguarding the rights of ICCs/IPs, and ensuring compliance with applicable laws and customary practices.

Remedies under this Section shall include the filing of complaints, referral to customary dispute resolution processes, conduct of investigations, issuance of corrective directives, suspension of activities, and such other measures as may be necessary to ensure the lawful and orderly conduct of the FPIC process.

A. Complaints Prior to Endorsement to the ADO.

- Complaints and other remedies arising from the FPIC process shall be filed with the RD, with copy furnished to the FBI or FPIC Team Leader, as the case may be.
- Within three (3) working days from receipt, the RD shall issue an order directing the respondents to submit their answer within ten (10) working days. Pending resolution, the Chairperson may issue interim measures, including the temporary suspension of specific FPIC activities or preservation of the status quo, when necessary to prevent prejudice to the rights of the ICCs/IPs or to the integrity of the process.
- Where the complaint involves community members or raises issues on the validity of consent under customary law, the matter shall be referred to the concerned ICCs/IPs, through their recognized IPS or council of elders/leaders, within three (3) working days, for resolution in accordance with customary dispute resolution processes, which shall form a primary basis for determining the validity of consent and related issues. The FPIC Team shall coordinate and document the proceedings. The community shall resolve the matter within fifteen (15) working days, after which the resolution shall be submitted to the FPIC Team. The FPIC Team shall submit its report, under oath, together with the community resolution, to the RD within five (5) working days.
- The RD shall resolve the complaint within ten (10) working days from receipt of the FPIC Team report or upon the lapse of the period for community resolution. The RD may issue appropriate corrective or protective measures, including directives to ensure compliance, reconstitution of teams, or modification of ongoing processes, as warranted. Where appropriate, the decision shall include recommendations for the filing of administrative, civil, or criminal actions.
- No motion for reconsideration shall be allowed at the RO level. The aggrieved party may elevate the matter to the CEB by way of appeal. The filing of an appeal shall not suspend the FPIC process or the processing of the application, unless otherwise ordered by the Chairperson.

Where the complaint involves the RD, the same shall be filed with the ADO and shall be processed in accordance with paragraph C of this Section.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

B. Appeal to the CEB.

1. Appeals shall be filed with the CEB, through the ADO, within ten (10) working days from receipt of the decision, with proof of service furnished to the adverse party. The adverse party shall file a comment within ten (10) working days from receipt of the appeal.
2. The ADO shall evaluate the records, ensure procedural compliance, and submit its findings and recommendations to the CEB. The CEB may require the submission of additional evidence or conduct clarificatory hearings. The appeal shall be resolved within thirty (30) working days from receipt of the ADO's findings and recommendations.
3. Only one motion for reconsideration shall be allowed.

C. Complaints After Endorsement to the ADO.

1. After endorsement of the application to the ADO but prior to deliberation by the CEB, all complaints shall be filed with the ADO, with copy furnished to the RD, and supported by affidavits and other evidence.
2. Within three (3) working days from receipt, the ADO shall issue an order directing the respondents to submit their answer within ten (10) working days.
3. Where the complaint involves alleged prohibited acts, the ADO shall refer the matter to the appropriate office for investigation. The investigation shall be conducted within thirty (30) working days and shall include field validation and preparation of a report and recommendations, which shall be submitted within ten (10) working days from the last investigation activity.
4. Where the complaint involves community consent or participation, the ADO may:
 - a. Refer the matter to the concerned ICCs/IPs for resolution in accordance with customary processes;
 - b. Elevate the matter to the CEB together with the application; or
 - c. Resolve the matter based on the evidence on record and applicable law, without prejudice to elevation to the CEB when warranted. Community resolution, when resorted to, shall be completed within thirty (30) working days. The RD shall submit a report, under oath, within five (5) working days from receipt of the community resolution.
5. Within fifteen (15) working days from receipt of the reports, the ADO shall submit its findings and recommendations to the CEB for resolution. The CEB may divest any official involved from participation in the proceedings when warranted.

D. Non-Inclusion of Affected ICCs/IPs.

1. Prior to endorsement to the ADO, complaints alleging intentional and malicious non-inclusion of affected ICCs/IPs shall result in the constitution of an investigation team within three (3) working days. The investigation shall be completed within fifteen (15) working days, and the report shall be submitted within five (5) working days thereafter.
2. The RD shall resolve the complaint within ten (10) working days from receipt of the report and may order the inclusion of affected ICCs/IPs or dismiss the complaint with stated grounds.
3. After endorsement to the ADO, the ADO shall direct the RO to conduct investigation in accordance with the foregoing procedure. The RD shall endorse the investigation report to the ADO within five (5) working days, after which the ADO shall submit its findings and recommendations to the CEB.

Section 94. Sanctions. Sanctions may be imposed after due notice and opportunity to be heard and shall be applied in a manner proportionate to the nature and gravity of the violation, without prejudice to the imposition of corrective measures during the pendency of proceedings. Sanctions include:

- Termination of the FPIC process;
- Blacklisting of the project proponent within the concerned AD;
- Divestment of authority of any NCIP personnel from participation in the process;
- Filing of appropriate administrative, civil, or criminal actions;
- Exclusion of non-government actors or individuals from FPIC proceedings; and
- Application of customary sanctions to members of ICCs/IPs in accordance with their customary laws.

Where disputes remain unresolved or settlements are not complied with, the aggrieved party may file a case with the RHO on disputes where all parties are from the same IP group, or the Office of the RD for all other related disputes. The filing of the dispute before such offices shall not suspend or terminate the FPIC process nor revoke or deny the issuance of the certification applied for.

Section 95. Suspension of the FPIC Process. The FPIC process, in whole or in part, may be suspended by the Chairperson as a protective measure to preserve the integrity of the process or prevent prejudice to the rights of ICCs/IPs when:

1. A community resolution duly validated requests suspension due to alleged prohibited acts or non-inclusion; or
2. The community requests suspension during customary dispute resolution or other alternative dispute resolution processes.
3. The suspension shall remain in effect until the issues are resolved in accordance with these Guidelines.

Section 96. Termination of the FPIC Process. Where issues remain unresolved despite referral to the community, the ICCs/IPs, through their recognized IPS or decision-making body, may issue:

1. A Resolution Terminating the FPIC Process; or
2. A Resolution of Non-Consent

The FPIC Team shall validate the authenticity of the resolution within five (5) working days and submit its report and recommendations to the RD. The RD shall order the return of the application to the concerned regulatory agency, stating the grounds for termination or non-consent. Termination shall be without prejudice to the right of the applicant to refile, subject to compliance with these Guidelines.

Section 97. Resumption of the FPIC Process. The FPIC process may resume upon submission of a community resolution requesting resumption. The FPIC Team shall validate the resolution within three (3) working days and submit its report within three (3) working days thereafter. Upon receipt of the report, the RD shall issue an order resuming the FPIC process.

Section 98. Blacklisting of Proponents. A project proponent may be blacklisted upon issuance of a community resolution calling for blacklisting, or issuance of a resolution of non-consent or termination of the FPIC process.

A blacklisted proponent shall be prohibited from applying for a CP or engaging in similar applications within the AD that issued the resolution, unless otherwise determined by the CEB based on the gravity or pattern of violations. The ADO shall maintain and update the official list of blacklisted proponents and notify concerned government agencies.

Blacklist status may be lifted upon submission of a verified request supported by a community resolution consenting to such lifting. The request shall be validated by the RO within fifteen (15) working days, with a report submitted to the ADO. Upon verification, the proponent shall be removed from the blacklist; otherwise, the request shall be denied. Notices shall be issued to concerned agencies.

CHAPTER XII MEMORANDUM OF AGREEMENT COMPLIANCE DISPUTE RESOLUTION, AND GRIEVANCE MECHANISM

Section 99. Monitoring of MOA Compliance and Constitution of the Joint Monitoring and Grievance Committee (JMGC). The NCIP, together with the ICCs/IPs and the project proponent, shall undertake regular monitoring of compliance with the MOA. The JMGC shall be composed of the following:

1. NCIP RD;
2. NCIP Provincial Officer with jurisdiction over the project area;
3. Authorized representative of the ICCs/IPs;
4. Authorized representative of the applicant; and
5. Representative of the regulatory agency concerned.

The logistical requirements necessary for the regular activities of the JMGC shall be borne by the applicant.

The JMGC shall function as the primary forum for receiving complaints, coordinating corrective measures, and addressing issues concerning the interpretation, implementation, or execution of the MOA.

Section 100. Alternative Dispute Resolution (ADR). Disputes submitted to the JMGC may be resolved through mediation, conciliation, or other forms of ADR only upon the written consent of all parties. Upon such consent, the JMGC may appoint a competent and impartial mediator or conciliator, or refer the matter to the RHO for facilitation of ADR. The mediator or conciliator shall endeavor to assist the parties in reaching a mutually acceptable settlement within thirty (30) working days from receipt of the written referral.

Section 101. Procedures with the NCIP. Disputes solely between members of the same ICC/IP group shall first be resolved under applicable customary laws and through the JMGC. If the JMGC fails to resolve the dispute, the matter shall be referred to the appropriate RHO.

When a dispute involves non-IPs or customary law is inapplicable, it shall be resolved through the appropriate NCIP administrative procedures. With respect to non-IP parties, the NCIP shall be limited to fact-finding, monitoring, advisory, and recommendatory functions, including issuing findings of non-compliance, recommending corrective measures, coordinating with the proper regulatory agency, and exercising visitatorial and monitoring powers within the AD.

The NCIP shall not impose sanctions on non-IPs except as expressly authorized by IPRA or these Guidelines. Enforcement against proponents or operators shall remain within the jurisdiction of the appropriate government agencies.

Section 102. Establishment of Trust Account. In ADs where there exists an intra- or inter-community dispute among ICCs/IPs affecting representation, entitlement, or distribution of benefits, the NCIP shall establish a trust account earmarked for the benefit of the concerned ICCs/IPs in accordance with the terms and conditions of the MOA.

All financial benefits accruing to the ICCs/IPs shall be deposited in such trust account and held in trust by the NCIP until the resolution of the dispute and compliance with the CRMDP requirements.

Release of funds shall be made only upon determination by the NCIP that the dispute has been sufficiently resolved, or that an agreed mechanism for benefit-sharing consistent with the CRMDP and the MOA has been duly established by the concerned ICCs/IPs.

CHAPTER XIII PROHIBITED ACTS

Section 103. Prohibited Acts by the Project Applicant or Persons Acting on Their Behalf. To preserve the integrity of the FPIC process and protect the rights of the ICCs/IPs, the following acts are strictly prohibited when committed by the project proponent, its agents, contractors, employees, or any person acting for or on its behalf:

- a. Coercion, Threats, or Intimidation. The use of force, violence, coercion, threats, harassment, or intimidation in any form or degree against ICCs/IPs, NCIP personnel, or any individual participating in the FPIC process;
- b. Carrying of Firearms. Bringing firearms into the community during visits or activities related to the FPIC process. Where legitimate security risks exist, security assistance must be coordinated through the NCIP with the Philippine National Police or the Armed Forces of the Philippines;
- c. Undue Influence Through Rewards or Donations. Offering, promising, or granting money, gifts, benefits, privileges, projects, services, or any form of rewards or advantages beyond what is formally presented during official community assemblies for the purpose of influencing or manipulating community decision-making;
- d. Agitation, Instigation, or Disruption. Agitating, instigating, or provoking ICCs/IPs to oppose or disrupt the FPIC process, or attack the NCIP, its personnel, or using traditional or digital media platforms to create division, hostility, or misinformation.
- e. Unauthorized Negotiations. Conducting clandestine or unauthorized negotiations with individual community members, elders, or leaders without the knowledge and participation of the IPS or the broader community;
- f. Bribery or Inducement of NCIP Personnel. Offering, promising, or giving money, gifts, favors, or benefits to NCIP officials or employees to influence the conduct or outcome of the FPIC process;
- g. Unapproved Meetings with NCIP Personnel or Community Members. Holding unofficial or unrecorded meetings with NCIP personnel, elders, leaders, or community members for purposes of influencing the FPIC outcome;

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

- h. Fraud, Misrepresentation, or Concealment. Withholding material information, committing fraud, or misrepresenting facts to secure consent or weaken opposition to the project;
- i. Deliberate Delays. Intentionally delaying the FPIC process to create tension, confusion, or division within the community or to pressure the NCIP into expedited action;
- j. Exploitation of Customs or Vulnerabilities. Taking advantage of customary practices, internal community dynamics, or limited understanding of legal processes to manipulate consent; and
- k. Other acts analogous to the foregoing.

Section 104. Prohibited Acts by NCIP Officials or Employees. NCIP officials, employees, contractors, or persons acting under NCIP authority are strictly prohibited from committing any of the following acts:

- a. Acceptance of Bribes. Receiving money, gifts, favors, or benefits from the proponent or any party to influence any step or decision in the FPIC process;
- b. Partiality. Advocating for or against the project in a manner that undermines neutrality and fairness;
- c. Unlawful, Secret, or Unauthorized Meetings. Holding unrecorded, unapproved, or clandestine meetings with proponents or community members intended to influence the FPIC process;
- d. Falsification or Misrepresentation. Using falsified information, altering minutes or reports, or submitting misleading data or attachments in relation to the FPIC process;
- e. Neglect or Suppression of Complaints. Ignoring complaints, failing to act on reported prohibited acts, or intentionally withholding complaints from appropriate resolution;
- f. Neglect of Duty. Failing to perform mandated duties without valid justification.
- g. Interference with Teams. Influencing, coercing, or obstructing the work of FBI, FPIC, Validation, or Monitoring Teams, or performing their tasks without proper authority;
- h. Conflict of Interest. Acting with actual or potential conflict of interest, including expectations of future rewards or benefits from the proponent;
- i. Unauthorized Solicitation or Receipts. Soliciting or receiving money, gifts, or donations from proponents or community members outside the approved WFPs; and
- j. Failure or Refusal to Implement the Guidelines. Willfully refusing or failing to implement these Guidelines, causing prejudice to the rights of ICCs/IPs or undermining the validity of the FPIC process;
- k. Other acts analogous to the foregoing.

Section 105. Prohibited Acts by the ICC/IP Community, Elders, Leaders, Officers of the IPO or Members. The following acts are prohibited only when they undermine collective decision-making or distort the FPIC process, but shall not diminish the right of ICCs/IPs to participate, express support, advocate positions, or be employed by proponents:

- a. Solicitation or Acceptance of Gifts Intended to Influence Consent. Soliciting or accepting gifts, money, or favors from proponents, not included in the approved WFP, when the purpose or effect is to improperly influence the community's decision-making or to secure personal benefit contrary to customary practice or the collective interest;
- b. Unauthorized or Secret Negotiations that Prejudice the Community. Entering into private, undisclosed, or unauthorized negotiations with the proponent that commit the community or misrepresent its decision, without authority granted by the IPS or the community-at-large;
- c. Misrepresentation of Community Decisions. Falsely representing that the community has granted consent, or non-consent, or presenting personal, clan-level, or factional positions as if these were the decision of the entire AD; and
- d. Acceptance of Offers that Circumvent Official Assemblies. Accepting promises, agreements, or benefits outside those formally disclosed and discussed in the official FPIC assemblies, in a manner that undermines the transparency and fairness of the process.

Section 106. Prohibited Acts by NGOs, CSOs, LGUs, Government Agencies, and Other Persons. The following acts shall be prohibited when committed by external actors:

- a. Undue Influence. Exerting improper pressure, influence, persuasion, or interference in the decision-making of ICCs/IPs; and
- b. Improper Involvement in the Process. Intervening in the FPIC process in a manner that favors a particular position, undermines community autonomy, or undermines the impartiality of the NCIP.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Section 107. Penalty and Liability. Any violation of these Guidelines, including the commission of prohibited acts by the applicant, NCIP officials or employees, members of the ICCs/IPs, or any external actor, shall give rise to civil, criminal, and administrative liability under the IPRA and all other applicable laws.

The imposition of liability or penalty is without prejudice to corrective measures, suspension of proceedings, denial and revocation of the CP, or any other remedy provided under these Guidelines.

Section 108. Resolution of Complaints Involving Prohibited Acts. Complaints involving prohibited acts shall be resolved separately from the FPIC process. The filing, investigation, or pendency of such complaints shall not suspend, delay, or otherwise bar the issuance or denial of the CP. The resolution of these complaints, however, may result in the nullification of the CP or other appropriate corrective action, without prejudice to civil, criminal, or administrative liability of the persons involved.

**CHAPTER XIV
SPECIAL PROCEDURES IN THE COMMISSION EN BANC**

Section 109. Cancellation of CNO. A CNO may be cancelled only by the CEB upon a verified Petition filed through the ADO. Petitions for cancellation based on fraud, misrepresentation, or material error affecting the determination of non-overlap shall be filed within one (1) year from discovery of the irregularity.

Upon receipt of the Petition, the ADO shall docket the case and issue an Order directing the concerned RD, validation team, or other relevant offices to submit records, reports, and comments within ten (10) working days. Where necessary, the CEB may direct the conduct of validation or investigation, which shall be completed within fifteen (15) working days.

The CEB shall resolve the Petition within thirty (30) working days from the date the case was submitted for resolution.

Cancellation of a CNO shall not automatically invalidate permits issued by other government agencies, but shall require the proponent to undergo the appropriate FPIC process or revalidation, as may be applicable.

Section 110. Correction of Contents of CP, CNO, and Other Certifications. Clerical or minor errors in the CP, CNO, or other certifications may be corrected upon request or motu proprio. Clerical or minor errors refer to typographical, transcriptional, or computational mistakes that are clearly evident from the records and do not affect the substance of the approval, project classification, location, or terms of the MOA.

Requests for correction of certifications issued by the RD shall be filed with the concerned RO, which shall resolve the request within five (5) working days from receipt.

Requests for correction of certifications issued by the Chairperson shall be filed with the ADO, which shall resolve the request within five (5) working days from receipt.

No correction shall be allowed where the requested change alters the project design, coverage, classification, or the terms of the MOA, in which case the appropriate FPIC process shall be required.

Section 111. Cancellation of CP. A CP may be cancelled through a verified Petition filed before the CEB through the ADO, or upon endorsement of the RD based on findings of the monitoring team.

This proceeding is not an appeal of the issuance of the CP. Matters relating to the propriety, regularity, or validity of the FPIC process prior to issuance shall be raised through the appropriate appeal under the relevant provisions of these Guidelines. Cancellation under this Section shall be limited to violations, non-compliance, or supervening circumstances arising after issuance, or defects that could not have been raised through appeal.

The Petition shall include a certification of non-forum shopping and shall clearly state the specific acts or omissions constituting the ground for cancellation. Upon receipt of the Petition or endorsement, the ADO shall docket the case, assign a case number, and issue an Order requiring the proponent to file an Answer within fifteen (15) working days from receipt. The Order shall state that failure to file an Answer within the prescribed period shall result in the resolution of the case based on the available records.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

After submission of the Answer, or upon the lapse of the period to file the same, the case shall be deemed submitted for resolution. The CEB may require the submission of additional evidence or conduct clarificatory hearings, provided that such proceedings shall not delay resolution beyond the prescribed period. The Petition shall be resolved within thirty (30) working days from acquisition of jurisdiction.

The CP may be cancelled on any of the following grounds:

1. Fraud or misrepresentation in the issuance of the CP, provided that the Petition is filed within one (1) year from discovery thereof;
2. Violation or breach of the terms of the MOA, where such breach is material and is expressly provided as a ground for cancellation;
3. Pre-termination of the project based on grounds provided in the MOA; or
4. Transfer of rights through merger, consolidation, or reorganization without the required consent of the ICCs/IPs, or refusal of the transferee to assume the obligations under the MOA.

The decision of the CEB may be the subject of only one (1) Motion for Reconsideration, which shall be filed within ten (10) working days from receipt of the decision.

The decision shall become final and executory upon the lapse of ten (10) working days from receipt of the decision if no Motion for Reconsideration is filed, or upon the lapse of ten (10) working days from receipt of the resolution denying the Motion for Reconsideration.

Decisions of the CEB in the exercise of its administrative function in relation to these Guidelines may be appealed to the Office of the President in accordance with applicable laws.

Decisions of the CEB in the exercise of its quasi-judicial function in relation to these Guidelines shall be appealed to the Court of Appeals pursuant to Section 67 of IPRA.

The filing of an appeal shall not stay execution unless otherwise ordered.

CHAPTER XV
SPECIAL AND MISCELLANEOUS PROVISIONS

Section 112. Notice to the Regulatory Agency. The RD or the Chairperson shall notify the endorsing regulatory agency of the final resolution of the CP application.

Section 113. Claims for Loss or Damage During Project Operations. Without prejudice to other remedies, any ICCs/IPs families or lawful occupants who suffer actual loss, injury, or damage arising from project implementation or operation may file a claim with the NCIP at any time during the life of the project.

The NCIP, in coordination with the concerned regulatory agency, shall evaluate the existence, extent, and cause of the alleged harm through site inspections, technical assessments, and consultations with affected households.

Where loss or damage is attributable to the project, the NCIP shall direct the proponent to institute appropriate remedies, including compensation, rehabilitation, livelihood restoration, environmental remediation, or relocation, when warranted.

Section 114. Protection of Non-AD Owners and Those Outside Recognized ADs. In areas where Non-AD Owners ICCs/IPs are present, where no AD has been formally recognized, or where a CNO has been issued, the NCIP shall extend assistance to ensure representation in consultations, or by directly representing affected ICCs/IPs when necessary.

Section 115. Void Agreements and Prohibited Waivers. Any stipulation or condition that results in the waiver, diminution, or impairment of rights recognized under the IPRA, or applicable international norms shall be void ab initio. No agreement or provision arising from the FPIC process shall impair the collective or individual rights of ICCs/IPs.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

Section 116. Modification of the MOA. Amendments or supplemental agreements to the MOA shall be allowed only upon joint written request of the ICCs/IPs and the applicant, filed with the NCIP office that issued the CP.

Administrative or clerical changes that do not affect substantive terms may be approved and signed by the RD, or by the Chairperson, as the case may be.

When the amendment involves changes in the benefit-sharing arising from acts that will not change the consented area and the disclosed impact of the project, i.e. increase in production capacity through the installation of more efficient technologies, the issuing office shall require validation with the duly authorized elders or leaders with the IPS to confirm renewed consent in accordance with customary processes. This validation shall not be construed as a repetition of the entire FPIC process.

As far as practicable, the amended MOA shall be signed by the signatories of the original MOA. All approved amendments shall be confirmed by the office issuing the CP, appended to the original MOA and CP, and published in the FPIC Transparency Portal. No amendment shall take effect without prior approval.

Section 117. Non-Transferability of the CP. As a general rule, the CP is non-transferable. Consent is granted exclusively to the named applicant and does not attach solely to the permit or project.

Where a regulatory agency allows transfer or assignment of a permit, such transfer shall not be valid unless the ICCs/IPs are formally informed and the transferee executes a new MOA assuming all rights and obligations of the original applicant. The new MOA shall be signed by the appropriate issuing offices for NCIP. Non-compliance shall render the CP ineffective, and continued operations shall constitute unauthorized activity within the AD.

This provision shall not prohibit the engagement of contractors or service providers, provided the original permit-holder remains the same legal entity and retains full responsibility.

Section 118. Continuity of the FPIC Process. The FPIC process shall continue notwithstanding any action or proceeding challenging its conduct, unless restrained by an order of the Chairperson, the CEB or a court of competent jurisdiction.

Section 119. Notice of Violation and Recommendation for Suspension. Upon verified complaint or motu proprio, the NCIP shall verify reports of operations without a valid CP or CNO, violations of rights under law, or breach of MOA obligations.

Upon finding of violation, the RD shall issue a Notice of Violation requiring corrective action or explanation within five (5) working days, with copies furnished to the concerned regulatory agency.

Where no corrective action is taken or imminent harm persists, the NCIP Chairperson shall transmit a Recommendation for Suspension to the appropriate regulatory agency. The NCIP exercises fact-finding and recommendatory authority; enforcement remains with the regulatory agency.

Section 120. Reinstatement After Suspension. Where a project is suspended upon NCIP recommendation, operations may resume only upon proof of substantial compliance with corrective measures required by both the regulatory agency and the NCIP.

The NCIP RO shall verify compliance and submit a report to the Chairperson. Upon confirmation, the NCIP shall notify the regulatory agency that no outstanding FPIC-related issues remain. Final authority to lift the suspension rests with the regulatory agency.

Section 121. Dormant CP. If no activity is undertaken by the proponent within a year from the issuance of the CP, the same shall be considered dormant.

For Category A, upon report of the RD, the Chairperson shall issue a show cause order directing the applicant/proponent why the CP should not be cancelled.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

For Category B, upon report of the PO or CSC, the RD shall issue a show cause order directing the applicant/proponent why the CP should not be cancelled.

Failure of applicant to comply within a non-extendible period of fifteen (15) working days from receipt of the order, or to show justifiable reason, the RD or the Chairperson, as the case may be, shall issue a Notice of Cancellation of the CP to the applicant/proponent, with notice to the concerned regulatory agency and the concerned ICCs/IPs.

Section 122. CPs for Scoping Activities and Feasibility Studies. In scoping and feasibility studies that do not involve ground disturbance, extraction of resources, or any identifiable adverse effect on the physical, social, cultural, or environmental integrity of the AD or on the ICCs/IPs residing therein, a validated community resolution expressing the decision of the ICCs/IPs through customary decision-making process to allow the conduct of such studies shall be sufficient to establish FPIC. Provided, That the ICCs/IPs shall have the right to designate an observer throughout the conduct of the study. Provided, further, that results of the study shall be formally transmitted to the concerned ICCs/IPs upon completion.

This Section shall not apply to applications for Mineral Exploration Permits or other exploration authorities issued under existing mining laws, which shall undergo the FPIC process prescribed for Category B.

For purposes of this Section, the RD shall issue the CP.

Section 123. Renewal of Permits. Renewal of permits involving the use, access, or development of resources within ADs shall require FPIC in all cases. Automatic renewal is prohibited.

The process shall be initiated at least three (3) years before permit expiration. The conduct of FPIC for renewal may dispense with the FBI unless material changes in project scope, impacts, or conditions are present. In lieu thereof, the RD shall require validation of:

1. Continued accuracy of prior findings;
2. Compliance with the MOA;
3. Existing or new impacts; and
4. Any proposed changes.

Thereafter, FPIC proper shall proceed in accordance with customary decision-making processes as per categorization.

Section 124. Applications in Areas with Overlapping Claims. Where a project area is subject to overlapping claims of two or more ADs, the RD shall elevate the matter to the CEB for guidance on the applicable FPIC process.

A MOA executed under such process shall bind all concerned ICCs/IPs and remain effective notwithstanding subsequent boundary resolution, unless modification is expressly allowed or renewed consent is obtained. No boundary settlement shall diminish rights or benefits already granted under the MOA.

Section 125. Excluded Areas. The following areas are hereby excluded from any activity arising from or related to the proposed project or resource use, except for the exclusive purposes for which they are identified and traditionally used:

- a) Sacred grounds, burial sites, and other areas of spiritual and cultural significance of the ICCs/IPs;
- b) Identified international and local cultural and heritage sites, whether declared or recognized under applicable laws;
- c) Critical areas identified or reserved by the ICCs/IPs for special purposes, including but not limited to conservation, water sources, and subsistence use; and
- d) Other areas specifically identified by the ICCs/IPs in their ADSDPP or in the course of the FPIC process.

The identification, delineation, and confirmation of such excluded areas shall be undertaken through the customary decision-making processes of the ICCs/IPs, with technical validation, where necessary, by the NCIP.

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

The ICCs/IPs shall have the right to require, as a condition of consent, the express exclusion of such areas from any permit, license, agreement, or other resource instrument to be issued in favor of the applicant. The applicant shall ensure that all project plans, work programs, and operational activities strictly respect and observe these exclusions.

Section 126. CP Applications for the Renewal of Short Term Permits. CP Applications for the renewal of annual instruments and permits issued by the local government unit, such as Business Permits, shall be processed using the procedures under Category B and the CP shall be issued by the PO. A report of all issued CP for the renewal of annual permits shall be furnished to the RO for monitoring purposes

**CHAPTER XVI
FINAL PROVISIONS**

Section 127. Standardized Forms and Templates. The NCIP shall develop, update, and maintain standardized forms, templates, and procedural instruments for all stages of the FPIC process, including application forms, notices, certifications, documentation templates, and reporting formats. These instruments shall be jointly finalized by the ADO and the LAO in accordance with their respective mandates.

All approved forms and templates shall be published and made accessible through the FPIC Transparency Portal and shall be mandatory for use by all NCIP offices, applicants, and stakeholders. No FPIC-related document shall be recognized unless issued using the prescribed templates.

The standardized MOA template shall serve as the baseline for all FPIC agreements. Adjustments may be made to reflect community-specific provisions, provided that such modifications do not reduce, waive, or impair the rights of ICCs/IPs.

Section 128. Transitory Provision. As a general rule, these Guidelines shall be applied prospectively. However, if the ICCs/IPs concerned and the applicant expressly agree to apply these Guidelines to an ongoing process, the same shall be allowed after the NCIP validates such agreement.

Section 129. Separability Clause. If any provision of this Administrative Order is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions not affected thereby shall continue to be in full force and effect.

Section 130. Repealing Clause. Sections 9, 10, 11, 12, 13, Part II, Rule VIII of Administrative Order No. 1, Series of 1998 or the Rules and Regulations Implementing the Indigenous Peoples' Rights Act of 1997, Administrative Order No. 1, Series of 2006 or the Free and Prior Informed Consent Guidelines of 2006, Administrative Order No. 3, Series of 2012, otherwise known as the Revised Guidelines on FPIC and Related Processes, CEB Resolution No. 08-083-2021 (Resolution Approving the Guidelines on the Validation and Assessment Process of Government Projects for the Delivery of Basic Services To Be Undertaken Within or Affecting Ancestral Domains), and Section 13 of Administrative Order No. 2, Series of 2025 or the Guidelines on the Formulation and Operationalization of Community Resources Management and Development Plan of 2025 are hereby repealed.

All other NCIP issuances, including Administrative Orders, Memorandum Circulars, Regional Orders, and related policies inconsistent with these Guidelines, are hereby repealed, amended, or modified accordingly.

Section 131. Effectivity. This Administrative Order shall take effect fifteen (15) calendar days after publication in a newspaper of general circulation or in the Official Gazette, and upon registration with the Office of the National Administrative Register, University of the Philippines Law Center, Diliman, Quezon City.

Approved this 4th day of May 2026 in Quezon City by virtue of CEB Resolution No. 2026-10-05-026, Series of 2026.

XXXX

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES



NATIONAL COMMISSION ON INDIGENOUS PEOPLES

COMMISSION EN BANC RESOLUTION NO. **2026-10-05-026**
Series of 2026

"A RESOLUTION APPROVING THE 2026 FREE AND PRIOR INFORMED CONSENT PROCESS (FPIC) GUIDELINES AND DIRECTING THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION OR THE OFFICIAL GAZETTE, AND REGISTRATION WITH THE OFFICE OF THE NATIONAL ADMINISTRATIVE REGISTER (ONAR), UNIVERSITY OF THE PHILIPPINES LAW CENTER, DILIMAN, QUEZON CITY, PHILIPPINES"

"WHEREAS, Republic Act No. 8371, otherwise known as the Indigenous Peoples' Rights Act (IPRA) of 1997, recognizes, protects, and promotes the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), including their right to Free and Prior Informed Consent (FPIC) in accordance with their customary laws, traditions, and practices;

"WHEREAS, the National Commission on Indigenous Peoples (NCIP) is mandated to ensure that the FPIC of concerned ICCs/IPs is secured prior to the issuance of any concession, license, permit, or undertaking affecting ancestral domains, and to formulate appropriate guidelines for its effective implementation;

"WHEREAS, the Commission recognizes the need to update and strengthen existing FPIC Guidelines to address operational gaps, streamline procedures, improve accountability, and ensure responsiveness to evolving development contexts and stakeholder concerns;

"WHEREAS, extensive consultations and validation activities were conducted with NCIP Regional Offices, National Government Agencies, private business sector, civil society organizations, and ICC/IP leaders across Luzon, Visayas, and Mindanao;

"WHEREAS, the 2026 FPIC Guidelines were presented to and deliberated upon by the Commission en Banc, and were found to be necessary, responsive, and aligned with the mandate of the Commission to uphold the rights and welfare of ICCs/IPs;

NOW, THEREFORE, on motion duly seconded, be it hereby:

"RESOLVED, as it is hereby RESOLVED, to APPROVE and ADOPT the 2026 FPIC Guidelines, attached hereto and made an integral part of this Resolution;

"RESOLVED FURTHER, that the 2026 FPIC Guidelines shall be published in a newspaper of general circulation or the Official Gazette and upon registration with the Office of the National Administrative Register (ONAR), University of the Philippines Law Center;

"RESOLVED FURTHER, that the guidelines shall take effect fifteen (15) days after such publication and registration.



OFFICE OF THE SECRETARY AND CHAIRPERSON
6th and 7th Floors, Sunnymede IT Center, 1614 Quezon Avenue, South Triangle, Quezon City 1103
☎ (02) 8575 1200 | ✉ ncip.gov.ph | ✉ osec@ncip.gov.ph

"Masaganang Katutubong Pamayanan: Sandigan ng Pambansang Kaunlaran"

CO-000-26-07-02-58308

A BRIEFER: ON THE 2026 GUIDELINES ON THE
FREE AND PRIOR INFORMED CONSENT PROCESS AND RELATED PROCESSES

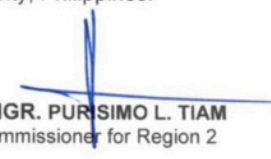
"A RESOLUTION APPROVING THE 2026 FREE AND PRIOR INFORMED CONSENT PROCESS (FPIC) GUIDELINES AND DIRECTING THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION OR THE OFFICIAL GAZETTE, AND REGISTRATION WITH THE OFFICE OF THE NATIONAL ADMINISTRATIVE REGISTER (ONAR), UNIVERSITY OF THE PHILIPPINES LAW CENTER, DILIMAN, QUEZON CITY, PHILIPPINES"

"RESOLVED FURTHER, that all existing NCIP issuances, rules, and regulations, or parts thereof, which are inconsistent with the 2026 FPIC Guidelines, are hereby repealed, amended, or modified accordingly;

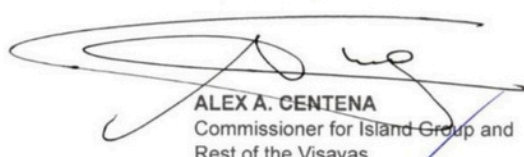
RESOLVED FINALLY, that all NCIP Offices are directed to ensure dissemination and implementation of these Guidelines.

APPROVED this 4th day of May 2026, at Quezon City, Philippines.


MARIE GRACE T. PASCUA, PhD, CESO III
Commissioner for Cordillera Administrative Region
and Region 1

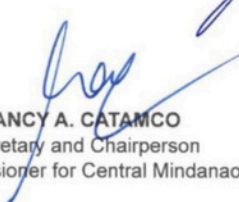

ENGR. PURISIMO L. TIAM
Commissioner for Region 2


ATTY. RHODEX P. VALENCIANO
Commissioner for Region III
and Rest of Luzon


ALEX A. CENTENA
Commissioner for Island Group and
Rest of the Visayas


ATTY. ALBERTO R. LAGAMON
Commissioner for Northern and
Western Mindanao


DATU "AMARILLO" MARCELO A. ALEJO, JR.
Commissioner, Southern and Eastern Mindanao


NANCY A. CATAMCO
Secretary and Chairperson
Commissioner for Central Mindanao

ATTESTATION

I attest that this Resolution was approved by the 10th Commission en banc during its regular session on the date above-stated.


MERVYN H. ESPADERO
Executive Director and Head Secretariat



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Page 2 of 2

"Masaganang Katutubong Pamayanan: Sandigan ng Pambansang Kaunlaran"

