

## Indigenous Peoples' Claim to Parts of Reservation

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The Article attempts to resolve the right to ancestral domains granted by the Constitution to indigenous peoples and the power of the State to reserve lands as a corollary to the Regalian doctrine. The Article states that the Indigenous Peoples Rights Act (IPRA) or Republic Act No. 8371 provides that indigenous peoples have the right to claim parts of reservation falling under their ancestral domain, except those that are reserved and intended for common and public welfare and service. This power of reservation is reserved to the President who, by executive proclamation, reserves alienable land of the public domain.

It also presents three case studies on actual conflicts between indigenous communities and reservation authorities, particularly those involving the Aetas in the Sacobia Range, the Mindoro College of Agriculture and Technology, and the Central Mindanao University.

It then recommends two legal alternatives for the indigenous peoples. First, re-proclamation is possible by filing a petition for the determination of the boundaries of the ancestral domains and the reservation areas. If the reservation is no longer used for the purpose reserved for, then a re-proclamation of the area as part of the ancestral domain may be recommended to the President. Second, a Memorandum of Agreement beneficial to all parties may be negotiated.