



Republic of the Philippines
OFFICE OF THE CITY MAYOR
City of Davao

EXECUTIVE ORDER NO. 71
Series of 2021

AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES

WHEREAS, under Section 22, Article II of the Philippine Constitution, it is the State's policy to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development.

WHEREAS, Section 2 (e) of Republic Act No. 8371, also known as "The Indigenous Peoples Rights Act of 1997", provides that the State shall take measures, with the participation of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/Ips) concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;

WHEREAS, Section 18 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", authorizes the local government units to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, programs, objectives and priorities;

WHEREAS, Section 455 (b)(1)(xvi) of the same Code authorized the City Mayor to call upon any national official or employee stationed in or assigned to the city to advise him on matters affecting the city and to make recommendations thereon, and coordinate with said official or employee in the formulation and implementation of plans, programs and projects in the city;

WHEREAS, Paquibato District, situated between the City of Davao and the Province of Davao del Norte and consisting of thirteen (13) barangays, with a total land area of 66,242.52 hectares, is home to various indigenous people, such as the Ata Tribe;

WHEREAS, for over the years, unregulated tourism-related establishments and business developments have sprouted in the area where these establishments and developments mostly occupy land classified as timberland or forest land areas;

WHEREAS, aside from the aforesaid concerns relating to the unregulated establishment and developments within Paquibato District, the following also pose as pressing issues that need to be addressed:

1. Undertaking of activities in protected areas by individuals and entities other than the IP settlers;
2. The rapid conversion of agricultural lands into commercial, residential, industrial, and other uses; and
3. The issues and problems against insurgency transcend boundaries in Paquibato District because the terrain is contiguous with other local government units (LGUs).

WHEREAS, the City of Davao intends to pursue the expansion of forest areas which is one of the proposed actions in the updated Comprehensive Land Use Plan (CLUP) 2019-2028 which will consequently be reflected in the updated Zoning Ordinance of the City;

WHEREAS, there is a need to formulate a Joint Task Force involving concerned local offices and national agencies to evaluate the scale of unregulated developments and other concerns adversely affecting the natural character of Paquibato District and to properly manage and monitor activities therein;

NOW, THEREFORE, I, SARA Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. CREATION AND COMPOSITION. There is hereby created a body known and called as the Joint Task Force for Paquibato District and the same shall be composed of the following persons and/or of the following offices, to wit:

Chairperson	:	City Mayor
Co-Chairperson	:	Peace 911
Regular Members	:	Department of Environment and Natural Resources Department of Tourism (DoT) National Commission on Indigenous Peoples (NCIP) City Legal Office (CLO) City Planning and Development Office (CPDO) Permits and Licenses Division, City Mayor's Office Office of the City Building Official Liga ng mga Barangay Tribal Leaders in Paquibato District Indigenous Political Structure – Ancestral Domain Management Office in Paquibato District

SECTION 2. DUTIES AND FUNCTIONS. The Joint Task Force for Paquibato District shall have the following functions:

1. To inspect and monitor all activities conducted in Paquibato District relative to the compliance and non-compliance of the provisions of law, ordinances, pertinent rules and regulations;

2. To assess and validate the following concerns:
 - a) Unregulated commercial establishments and activities in restricted areas;
 - b) Overlapping land uses and tenurial instruments; and,
 - c) Boundary conflicts.
3. Make appropriate recommendation to the City Mayor and/or the Sangguniang Panlungsod for the preservation and protection of Paquibato District and its residents;
4. Solicit assistance and cooperation of concerned local and national government agencies, non-government organizations and other private entities and individuals to ensure efficiency in the discharge of its functions;
5. Submit a quarterly progress report to the Office of the City Mayor; and
6. Perform such other functions as the City Mayor may order from time to time.

SECTION 3. SECRETARIAT. The CPDO is hereby directed to serve as the Secretariat of the Joint Task Force for Paquibato District and shall be tasked to handle all its administrative and secretarial functions.

SECTION 4. FUNDING/OPERATING COSTS. All costs pertaining to the operation of the Joint Task Force shall be charged to available funds of the City Government subject to the usual accounting and auditing rules and regulations.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SECTION 6. REPEALING CLAUSE. All orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

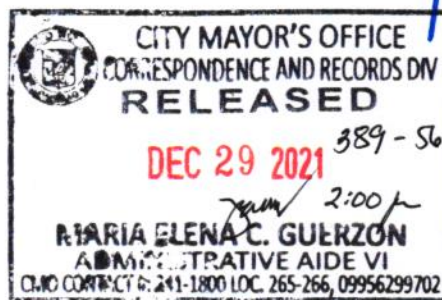
SECTION 7. EFFECTIVITY CLAUSE. This Executive Order shall take effect immediately.

Done in the City of Davao, Philippines, this DEC 28 2021.


SARA Z. DUTERTE
 City Mayor

Attested by:


ATTY. ZULEIKA T. LOPEZ
 City Administrator



Ref. no. CRD122921-23

EO NO. 71 s. 2021 - AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES



Republic of the Philippines
Office of the City Legal Officer
City of Davao



CLO-2021-01820
December 27, 2021

Ref. No. CLO-2021-4221

Legal Opinion No. **1280**, Series of 2021

SUBJECT: REQUEST FOR LEGAL OPINION ON THE DRAFT EXECUTIVE ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES

2ND INDORSEMENT
24 December 2021

Respectfully returned to **MARY AILEEN T. MABANDING**, Focal Person, Office of the City Mayor-Peace 911, the draft Executive Order pertaining to the abovementioned subject matter with the following comments and recommendations:

There is no need to specify that the Forest Management Bureau under the Department of Environment and Natural Resources be made a member in the composition of the Joint Task Force for Paquibato District. This is to give the DENR discretion as to who will be designated as the member in the body.

As to question 2, we leave it to the discretion of the City Mayor on whether to include other areas within the city which are under Certificate of Ancestral Domain Title, as well as other areas classified as forest or critical watershed zones in the scope of the Executive Order. This Office cannot arrogate unto itself such authority to decide as it is within the authority of the City Mayor to do so.

Lastly, attached with this Legal Opinion is the revised Executive Order, for signature of the City Mayor.



Digitally signed by Villanueva
Osmundo Jr Pugal
Date: 2021.12.27 17:40:20
+08:00
Reason:
Location:



OSMUNDO P. VILLANUEVA JR.
Acting City Legal Officer

Attachment/s

[CLO-2021-01820 An Order Creating The Joint Task Force Paquibato District CADT final-converted \(1\).pdf](#)

[CLO-2021-01820 INDORSEMENT FROM PEACE 911 RE PAQUIABATO TF & CADT \(1\).pdf](#)

EXECUTIVE ORDER NO. ____
Series of 2021

**AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND
MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND
BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER
AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF
ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS
CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES**

WHEREAS, under Section 22, Article II of the Philippine Constitution, it is the State's policy to recognize and promote the rights of indigenous cultural communities within the framework of national unity and development.

WHEREAS, Section 2 (e) of Republic Act No. 8371, also known as "The Indigenous Peoples Rights Act of 1997", provides that the State shall take measures, with the participation of the Indigenous Cultural Communities/Indigenous Peoples (ICCs/Ips) concerned, to protect their rights and guarantee respect for their cultural integrity, and to ensure that members of the ICCs/IPs benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population;

WHEREAS, Section 18 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", authorizes the local government units to establish an organization that shall be responsible for the efficient and effective implementation of their development plans, programs, objectives and priorities;

WHEREAS, Section 455 (b)(1)(xvi) of the same Code authorized the City Mayor to call upon any national official or employee stationed in or assigned to the city to advise him on matters affecting the city and to make recommendations thereon, and coordinate with said official or employee in the formulation and implementation of plans, programs and projects in the city;

WHEREAS, Paquibato District, situated between the City of Davao and the Province of Davao del Norte and consisting of thirteen (13) barangays, with a total land area of 66,242.52 hectares, is home to various indigenous people, such as the Ata Tribe;

WHEREAS, for over the years, unregulated tourism-related establishments and business developments have sprouted in the area where these establishments and developments mostly occupy land classified as timberland or forest land areas;

WHEREAS, aside from the aforesaid concerns relating to the unregulated establishment and developments within Paquibato District, the following also pose as pressing issues that need to be addressed:

1. Undertaking of activities in protected areas by individuals and entities other than the IP settlers;
2. The rapid conversion of agricultural lands into commercial, residential, industrial, and other uses; and
3. The issues and problems against insurgency transcend boundaries in Paquibato District because the terrain is contiguous with other local government units (LGUs).

WHEREAS, the City of Davao intends to pursue the expansion of forest areas which is one of the proposed actions in the updated Comprehensive Land Use Plan (CLUP) 2019-2028 which will consequently be reflected in the updated Zoning Ordinance of the City;

WHEREAS, there is a need to formulate a Joint Task Force involving concerned local offices and national agencies to evaluate the scale of unregulated developments and other concerns adversely affecting the natural character of Paquibato District and to properly manage and monitor activities therein;

NOW, THEREFORE, I, SARA Z. DUTERTE, Mayor of the City of Davao, by virtue of the powers vested in me by law, do hereby order the following:

SECTION 1. CREATION AND COMPOSITION. There is hereby created a body known and called as the Joint Task Force for Paquibato District and the same shall be composed of the following persons and/or of the following offices, to wit:

Chairperson	:	City Mayor
Co-Chairperson	:	Peace 911
Regular Members	:	Department of Environment and Natural Resources – Forest Management Bureau Department of Tourism (DoT) National Commission on Indigenous Peoples (NCIP) City Legal Office (CLO) City Planning and Development Office (CPDO) Permits and Licenses Division, City Mayor's Office Office of the City Building Official Liga ng mga Barangay Tribal Leaders in Paquibato District Indigenous Political Structure – Ancestral Domain Management Office in Paquibato District

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2. To assess and validate the following concerns:
 - a) Unregulated commercial establishments and activities in restricted areas;
 - b) Overlapping land uses and tenurial instruments; and,
 - c) Boundary conflicts.
3. Make appropriate recommendation to the City Mayor and/or the Sangguniang Panlungsod for the preservation and protection of Paquibato District and its residents;
4. Solicit assistance and cooperation of concerned local and national government agencies, non-government organizations and other private entities and individuals to ensure efficiency in the discharge of its functions;
5. Submit a quarterly progress report to the Office of the City Mayor; and
6. Perform such other functions as the City Mayor may order from time to time.

SECTION 3. SECRETARIAT. The CPDO is hereby directed to serve as the Secretariat of the Joint Task Force for Paquibato District and shall be tasked to handle all its administrative and secretarial functions.

SECTION 4. FUNDING/OPERATING COSTS. All costs pertaining to the operation of the Joint Task Force shall be charged to available funds of the City Government subject to the usual accounting and auditing rules and regulations.

SECTION 5. SEPARABILITY CLAUSE. If any provision of this Executive Order is declared invalid or unconstitutional, the other provisions not affected thereby shall remain in full force and effect.

SECTION 6. REPEALING CLAUSE. All orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 7. EFFECTIVITY CLAUSE. This Executive Order shall take effect immediately.

Done in the City of Davao, Philippines, this _____.

SARA Z. DUTERTE
City Mayor

Attested by:

ATTY. ZULEIKA T. LOPEZ
City Administrator

Republic of the Philippines
City of Davao
OFFICE OF THE CITY LEGAL OFFICER

ROUTING SLIP

21 DEC 2021

Date

CLO 2021-4221

P-484

Subject: An Order creating the
Joint Task Force to
regulate and monitor business
and other developments, land
use and boundary conflict in
Paquibato District.

Action Desired:

ATA SEP

6

Philippines
CITY MAYOR
911
Davao



21 DEC 2021
10:27 am

ment
, 2021

o P. Villanueva Jr., Officer-In-Charge,
Executive Order entitled "AN ORDER
REGULATE, AND MONITOR BUSINESSES
BOUNDARY CONFLICTS IN PAQUIBATO
DISTRIC IN THE CITY WHICH ARE UNDER
AS WELL AS OTHER AREAS CLASSIFIED
", for legal opinion.

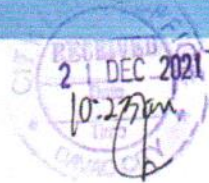
Mary Aileen T. Mabanding
MARY AILEEN T. MABANDING
Focal Person
City Mayor's Office - Peace 911



Republic of the Philippines
OFFICE OF THE CITY MAYOR
PEACE 911
City of Davao



3rd Indorsement
December 21, 2021



Respectfully indorsed to **Atty. Osmundo P. Villanueva Jr.**, Officer-In-Charge, City Legal Office, this City, the herein draft Executive Order entitled "AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES", for legal opinion.

M. Mabanding
MARY AILEEN T. MABANDING
Focal Person
City Mayor's Office – Peace 911



Republic of the Philippines
OFFICE OF THE CITY MAYOR
PEACE 911
City of Davao



December 21, 2021

ATTY. OSMUNDO P. VILLANUEVA JR.
Officer-in-Charge
City Legal Office
City Hall, Davao City

Dear Atty. Villanueva:

In furtherance to the campaign against insurgency and poverty to conflict-affected areas in Davao City, Peace 911, a comprehensive peace building program has conducted various initiatives geared toward peacebuilding and development efforts in Paquibato District. This includes Good Governance, Identity and Healing, Strengthening Peoples Organization, Peace Economy and Protection of Ancestral Domain.

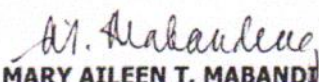
In this regard, we respectfully endorse to your good office the draft Executive Order entitled **"AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES"**, for legal opinion.

We would also like to request advice on the following:

1. Should the Forest Management Bureau under Department of Environment and Natural Resources (DENR) be specified as members in the composition of Joint Task Force for Paquibato District or only DENR will be stated; and
2. Is there a need to include "INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES" in the title of the E.O., or until Paquibato District will suffice as it may encompasses those with CADT and those with watershed zone areas?

Thank you and we look forward to your outmost consideration.

Very truly yours,


MARY AILEEN T. MABANDING
Focal Person – Peace 911

EXECUTIVE ORDER NO. ____
Series of 2021

AN ORDER CREATING THE JOINT TASK FORCE TO GUIDE, REGULATE, AND MONITOR BUSINESSES AND OTHER DEVELOPMENTS, LAND USE, AND BOUNDARY CONFLICTS IN PAQUIBATO DISTRICT INCLUDING OTHER AREAS WITHIN THE CITY WHICH ARE UNDER CERTIFICATE OF ANCESTRAL DOMAIN TITLE, AS WELL AS OTHER AREAS CLASSIFIED AS FOREST OR CRITICAL WATERSHED ZONES

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SECTION 6. REPEALING CLAUSE. All orders or parts thereof which are inconsistent with the provisions of this Executive Order are hereby repealed or modified accordingly.

SECTION 7. EFFECTIVITY CLAUSE. This Executive Order shall take effect immediately.

Done on the _____ of _____ 2021 in Davao City, Philippines.

Sara Z. Duterte

SARA Z. DUTERTE
City Mayor

Attested by:

ATTY. ZULEIKA T. LOPEZ
City Administrator