



Eighteenth Congress  
First Regular Session

HOUSE BILL NO. 639



Introduced by  
**REPRESENTATIVE LOREN B. LEGARDA**

**AN ACT**

**PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES CONSERVED AREAS, RECOGNIZING THEIR CONTRIBUTION TO BIODIVERSITY CONSERVATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS COMMUNITY CONSERVED AREAS (ICCA) REGISTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**Explanatory Note**

Indigenous peoples communities have always played an important role in the conservation and preservation of the country's protected areas. Known as indigenous communities conserved areas (ICCAs), "these are areas within ancestral domains including lakes, coastal seas, forests, and watershed imbued with deep spiritual and cultural values for indigenous peoples."

A good example of an ICCA is the ancestral domain of the Tagbanuas in the island of Coron in northeastern Palawan. Only traditional fishing methods are allowed within its ancestral waters given the sacred nature of the place among the Tagbanuas.

It is about time that the national government give due importance and role to the indigenous communities as partners in the conservation of protected areas found within their ancestral domains.

For these reasons, immediate passage of the bill is sought.



LOREN LEGARDA



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PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND  
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CONTRIBUTION TO BIODIVERSITY CONSERVATION, ESTABLISHING FOR  
THE PURPOSE THE NATIONAL ICCA REGISTRY, APPROPRIATING FUNDS  
THEREFOR AND FOR OTHER PURPOSES**

*Be it enacted in the Senate and House of Representatives of the Philippines in  
Congress assembled:*

1

**CHAPTER I**

2

**CHAPTERS GENERAL PROVISIONS**

3     SECTION 1. *Short Title.* — This Act shall be known as the “*Indigenous Peoples and*  
4     *Local Communities Conserved Areas Act of 2019*”.

5           SEC. 2. *Declaration of Policy* — It is the policy of the State to pursue  
6     sustainable development, recognition of the rights of Indigenous Cultural  
7     Communities/ Indigenous Peoples (ICCs/IPs), biodiversity conservation, and climate  
8     change mitigation and adaptation. Toward this end, the State adopts the principle of  
9     protecting Key Biodiversity Areas (KBAs) and acknowledging the significant  
10   contribution of conservation areas managed by ICC /IPs in maintaining the country’s  
11   biodiversity as well as in climate change mitigation.

12          Consistent with the recognition and promotion of the rights of ICCs/IPs under  
13   the Constitution of the Republic of the Philippines, the Indigenous Peoples Rights Act  
14   of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples

1 (UNDRIP), the State shall recognize and respect the designation, declaration or  
2 establishment of Indigenous Community Conserved Areas (ICCAs) by ICC/IPs within  
3 their ancestral domains.

4 As a party to the United Nations Convention on Biological Diversity (CBD), the  
5 State shall foster the recognition and promotion of other conservation area  
6 governance types aside from protected areas established under Republic Act No.  
7 7586, otherwise known as the National Integrated Protected Areas Stem (NIPAS) Act  
8 of 1992" and critical habitats designated as such under Republic Act No. 9174,  
9 otherwise known as the "Wildlife Resources Conservation and Protection Act", among  
10 others.

11 SEC. 3. *Guiding Principles*. — In the promotion of the recognition of ICCAs, all  
12 concerned government agencies shall be guided by the following:

- 13 a. Recognition and promotion of ICC /IP rights to their ancestral domains  
14 includes the full recognition of ICCAs as well as the right of the ICCs/IPs to  
15 maintain, protect, and regulate access and prohibit unauthorized intrusion  
16 thereto;
- 17 b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall have  
18 priority in the management of their conservation areas and the preservation,  
19 restoration, and maintenance of ecological balance and biodiversity therein,  
20 with the full and effective assistance of government agencies;
- 21 c. ICCAs shall be considered in the formulation of, and integrated in, national  
22 and subnational policies, plans and programs in recognition and respect of  
23 the right of the ICCs/IPs to preserve and develop their cultures, traditions,  
24 and institutions within the framework of national unity and development;
- 25 d. The positive contribution to biodiversity conservation of ICCAs and related  
26 sustainable traditional indigenous forest resources management systems

1 and practices shall be fully acknowledged and included in the accounting  
2 and reporting of the national implementation of CBD obligations; and,  
3 e. ICCs/IPs shall have a fair and equitable share in the commercial profits of  
4 users of well-defined and confirmed ecosystem services provided by ICCAs,  
5 in recognition and respect of the right of the ICCs/IPs to benefit and share  
6 in the profits from the allocation and utilization of natural resources found in  
7 their ancestral domains.

8 SEC. 4. *Definition of Terms.* — For purposes of this Act, the following terms  
9 shall have the corresponding meanings:

- 10 (a) “*Ancestral Domain Sustainable Development and Protection Plan*  
11 (*ADSDPP*)” refers to the document consolidating the plans of the ICC/IP for  
12 the sustainable management and development of the land and natural  
13 resources as well as human resources within their ancestral domains  
14 based on their indigenous knowledge systems and practices and the  
15 principle of self-determination;
- 16 (b) “*Biological Diversity*” or “*Biodiversity*” refers to the variety and variability  
17 among all living organisms and the ecological complex in which they occur;
- 18 (c) “*DENR*” refers to the Department of Environment and Natural Resources;
- 19 (d) “*Ecosystem services*” refer to environmental goods, and regulating,  
20 supporting, and cultural services provided by ecosystems that are directly  
21 enjoyed, consumed or used to further human well-being; or benefits that  
22 people derive from an ecosystem;
- 23 (e) “*Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)*” refer to  
24 a group of people or homogenous societies as defined under Republic Act  
25 No. 873, otherwise known as “The Indigenous Peoples Rights Act of 1997”;
- 26 (f) “*Indigenous Community Conserved Areas (ICCAs)*” are natural and/or  
27 modified ecosystems containing significant biodiversity values, ecological

1 services and cultural values, voluntarily conserved by indigenous cultural  
2 communities/ indigenous peoples through customary laws or other effective  
3 means;

4 (g) "Key Biodiversity Areas (KBAs)" refer to sites of global significance for  
5 biodiversity conservation identified using globally standard criteria and  
6 thresholds, based on the needs of biodiversity requiring safeguards at the  
7 site scale. These criteria are based on the framework of vulnerability an  
8 irreplaceability widely used in systematic conservation planning;

9 (h) "NCIP" refers to the National Commission on Indigenous Peoples;

10 (i) "National ICCA Registry" refers to the database maintained jointly by the  
11 NCIP and the DENR containing qualitative, quantitative and spatial data on  
12 ICCAs as determined by ICCs/IPs themselves;

13 (j) "Protected Areas" refer to identified portions of land and water set aside by  
14 reason of their unique physical and biological significance, managed to  
15 enhance biological diversity and protected against destructive human  
16 exploitation and included as a component of the National Integrated  
17 Protected Area System (NIPAS);

18 (k) "Sustainable Traditional Indigenous Forest Resources Management  
19 Systems and Practices (STIPMSP)" refer to those systems and practices  
20 of ICCs/IPs formally recognized, registered, confirmed, and duly verified  
21 jointly by the DENR and the NCIP to be the sustainable forest management  
22 system and practice in the forest/ watershed area within the ancestral  
23 domain /1and of the concerned ICC/IP;

24 (l) "Sustainable Traditional Resource Rights" refer to the rights to ICCs/IPs  
25 to sustainably use, manage, protect and conserve a) land, air, water, and  
26 minerals; b) plants, animals and other organisms; c) collecting, fishing and  
27 hunting grounds; d) sacred sites; and, e) other areas of economic

1 ceremonial and aesthetic value in accordance with their indigenous  
2 knowledge, belief systems, and practices

3

## 4 CHAPTER II

5 **INDIGENOUS COMMUNITY CONSERVED AREAS**

6 SEC. 5. *Recognition of ICCAs.* — ICCAs shall be respected as an exercise by  
7 the ICC/IP of their ancestral domain rights as well as of their sustainable traditional  
8 resource rights. ICCAs shall be accorded special protection and full recognition by all  
9 national agencies and local government units (LGUs). Except for documentation and  
10 mapping and biodiversity conservation- related activities involving the full participation  
11 of the concerned ICC/IP, the requirements for free and prior informed consent (FPIC)  
12 shall be strictly followed for all other allowable activities within ICCAs.

13 SEC. 6. *Protection of ICCAs.* — ICCAs shall be declared no-go zones for all  
14 forms of mining whether large-scale or small-scale and other destructive forms of  
15 natural resource exploration, development and utilization. These activities shall  
16 likewise be prohibited outside the ICCAs if they will adversely impact the ICCA.

17 SEC. 7. *Zones.* — ICCs/IPs may establish zones within their ICCAs and provide  
18 for the management and use of such zones in accordance with their customary laws,  
19 traditions, customs or practices.

20 SEC. 8. *ICCAs in Key Biodiversity Areas.* - ICCAs within or encompassing  
21 KBAs shall be maintained, managed and sustainably developed in a manner  
22 consistent with conservation of the biodiversity found therein. As habitats of  
23 threatened species of Philippine wildlife, KBAs are environmentally critical areas  
24 (ECAs) in the context of the Philippine Environmental Impact Statement System. KBAs  
25 shall be those identified by the Philippine Biodiversity Conservation Priority Setting  
26 program and its iterations as updated by the DENR in consultation with other  
27 concerned government agencies, the academe, private sector and civil society.

1 SEC. 9. *Respect for the names and designations made by the ICC/IP* — Place  
2 names and designations of ICCAs in the native dialect of the ICCs/IPs shall be  
3 accorded and used in all official publications of government.

CHAPTER III

# REGISTRATION AND MAINSTREAMING ICCAS

6 SEC. 10. *National ICCA Registry.* — To ensure the availability of official  
7 information on ICCAs, there is hereby established a centralized information  
8 management system to be known as the National ICCA Registry. The National ICCA  
9 Registry shall contain records of all pertinent information voluntarily submitted by the  
10 concerned ICC/IP regarding their respective ICCAs using a template to be designed  
11 by the DENR and NCIP.

12 SEC. 11. *Implementing Arrangements and Operational Structures.* — The lead  
13 in the establishment of the National ICCA Registry and shall be jointly responsible for  
14 its management and maintenance: Provided, That all information in the National ICCA  
15 Registry shall be owned by the ICC/IP providing such information as part of their  
16 community intellectual property rights.

17 SEC. 12. *Inclusion in the Comprehensive Land Use Plans and Forest Land Use*  
18 *Plans.* — ICCAs recorded in the National ICCA Registry shall be included and duly  
19 reflected in the Comprehensive Land Use Plan (CLUP) of the concerned LGU.  
20 National government agencies shall likewise ensure that ICCAs are recognized in land  
21 use plans covering lands under public domains.

22 SEC. 13. *Formal recognition and listing of ICCAs.* — Within six (6) months from  
23 the effectivity of this Act, the NCIP and the DENR, in consultation with the ICCAs/IPs,  
24 shall jointly issue the procedural rules and regulations for the recording and listing of  
25 ICCAs in the National ICCA Registry. The procedure shall provide guidelines for the  
26 documentation and mapping of ICCAs by the ICCAs themselves or with the assistance  
27 of government and non-government entities at the option of the ICC /IP. It shall also

- 1 provide for the incorporation of ICCA in the Ancestral Domain Sustainable
- 2 Development and Protection Plan (ADSDPP).

CHAPTER IV

## **ROLE OF GOVERNMENT AGENCIES**

5 SEC. 14. *Role of the NCIP.* — The NCIP shall be the primary government  
6 agency responsible for the full implementation of this Act and shall protect and  
7 promote the interest and well-being of the ICCs/IPs in the context of biodiversity  
8 conservation and climate change mitigation and adaptation. The NCIP shall convene  
9 periodic national and subnational conventions of ICCs/IPs, government agencies,  
10 private sector and civil society organizations to review, assess as well as propose  
11 policies or plans to further promote ICCAs. It shall also ensure that ICCA concerns  
12 and issues are included and addressed in the ADSDPP of the concerned ICC/IP.

13 SEC. 15. *Role of the DENR.* — The DENR shall provide technical assistance  
14 to requesting ICCs/IPs biodiversity assessments and survey, mapping of the ICCA.  
15 Upon the formal request of the concerned ICC /IP, the DENR shall provide technical  
16 assistance for the international recognition of ICCAs through their listing or registration  
17 with the USA Registry, the World UCA Database, or other similar global platforms or  
18 networks, among others. The DENR shall likewise provide information on the location  
19 of KBAs identified in the Philippine Biodiversity Conservation Priority Setting Program  
20 and its iterations or updates.

21 SEC. 16. *Role of Other Government Agencies.* — Consistent with their  
22 respective mandates and upon formal request of an ICC /IP, national government  
23 agencies shall provide technical assistance in building and strengthening the capacity  
24 of the requesting ICC/IP to manage their ICCA.

25 The Department of Education (DepEd), the Commission on Higher  
26 Education (CHED), the Technical Education and Skills Development Authority  
27 (TESDA), in coordination with the DENR and the NCIP, and other relevant agencies,

- 1 shall integrate ICCAs and KBAs in the school curricula under environmental education
- 2 at the appropriate educational level/s.

3 SEC. 17. *Role of the Private Sector and Civil Society.* — The NCIP and DENR  
4 shall actively engage and collaborate with the private sector and civil society in raising  
5 public awareness and recognition of ICCAs and in obtaining specialized assistance  
6 and service, subject to the free and prior informed consent requirements of the  
7 concerned ICC /IP. Public participation in protection, conservation and sustainable  
8 use activities, especially at the local level, shall be encouraged to maximize  
9 conservation and community benefits.

CHAPTER V

## INCENTIVES

12 SEC. 18. *Incentive Scheme.* — ICCAs listed in the National ICCA Registry shall  
13 be prioritized for biodiversity conservation and reforestation project sites. Where  
14 appropriate and available, government financial institutions and other government  
15 agencies shall provide financial and technical assistance to ICCCs/IPs for the protection  
16 and promotion of their listed ICCAs, particularly in the establishment and  
17 implementation of payment schemes for ecosystem services provided by the ICCAs.

18 SEC. 19. *Sustainable Livelihood*. — The DENR, in coordination with the NCIP,  
19 shall develop sustainable livelihood opportunities for ICCs/IPs that are consistent with  
20 traditional practices and resource use, thus ensuring the sustainable development and  
21 proper management of ICCAs. In all cases, the interests and well-being of the ICC /IP  
22 concerned shall be paramount.

## CHAPTER VI

## PENAL PROVISIONS

25 SEC. 20. *Prohibited Acts.* — It shall be unlawful for any person to commit the  
26 following acts within an ICCA:

- 1                   (a) Unauthorized and/or unlawful intrusion upon, or use of any portion of the  
2                   ICCA;
- 3                   (b) Mineral exploration, extraction and development, quarrying and other  
4                   destructive forms of natural resource exploration, development and  
5                   utilization;
- 6                   (c) Logging, except in instances of sustainable traditional indigenous forest  
7                   resource management practices of the ICC/IP;
- 8                   (d) Mutilating, defacing, removing or otherwise destroying objects that have  
9                   cultural, spiritual or ecological significance to the ICC/IP; and,
- 10                  (e) Dumping of waste products detrimental to flora and fauna.

11                  SEC. 21. *Penalties.* — Any individual, corporation, partnership, association or  
12                  other juridical entity that commits any of the prohibited acts provided for under section  
13                  20 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less  
14                  than six thousand pesos (Php 6,000.00) or any amount not to exceed five hundred  
15                  thousand pesos (Php 500,000.00) or imprisonment of not less than six (6) months and  
16                  one (1) day or more than six (6) years, or both, at the discretion of the court, including  
17                  perpetual disqualification from public office if the offender is a public officer, and  
18                  confiscation or forfeiture in favor of the government of the objects and the  
19                  instrumentalities used in committing any of herein prohibited acts. If the offender is a  
20                  corporation, partnership or association, or other juridical entity, the penalty shall be  
21                  imposed upon the officer or officers of the corporation, partnership, association or  
22                  entity responsible for the violation without prejudice to the cancellation or revocation  
23                  of these entities license or accreditation issued to them by any licensing or accredited  
24                  body of the government. If such offender is an alien, he or she shall, in addition to the  
25                  penalties prescribed in this Act, be deported without further proceedings after service  
26                  of the sentence. However, the prosecution for offenses set forth in Section 20 of this  
27                  Act shall be without prejudice to any liability for violation of Republic Act No. 8371, as

1 amended, otherwise known as the "Indigenous Peoples Rights Act of 1997", and other  
2 criminal or civil liabilities.

## **CHAPTER VII**

## **FINAL PROVISIONS**

5 SEC. 22. *Annual Report.* — On or before March 30 of every year following the  
6 effectiveness of this Act, the NCIP shall submit to the President and to the Senate and the  
7 House of Representatives a progress report on the status of the implementation of this  
8 Act and on the implementation of the National ICCA Program. The Council shall  
9 recommend legislation, where applicable and necessary.

10 SEC. 23. *Construction.* — The provisions of this Act shall be construed liberally  
11 in favor of ICCs/IPs and in consideration of the protection and conservation of  
12 biodiversity.

13 SEC. 24. *Implementing Rules and Regulations.* — The NCIP, in coordination  
14 with the DENR and other concerned government agencies and members of the civil  
15 society, shall, within six (6) months from the effectivity of this Act, promulgate the  
16 necessary rules and regulations for the enforcement of the provisions of this Act.

17 SEC. 25. *Appropriations.* — The sum of twenty million pesos (PhP  
18 20,000,000.00) is hereby appropriated as initial operating fund. Thereafter, the amount  
19 necessary to effectively carry out the provisions of this Act shall be included in the  
20 annual General Appropriations Act.

21 In succeeding years, in addition to the annual appropriations to be provided  
22 for the implementation of this Act, the fines to be collected as penalties under Section  
23 20 shall also be added for the implementation of this law.

24 SEC. 26. *Repealing Clause.* — All laws, decrees, executive orders, rules and  
25 regulations or parts thereof inconsistent with or contrary to the provisions of this Act  
26 are hereby repealed or modified accordingly.

1           SEC. 27. *Saving Clause.* — This Act shall not in any manner adversely affect  
2       the rights and benefits of the ICCs/IPs under other conventions, recommendations,  
3       international treaties, national laws, awards, customs and agreements.

4           SEC. 28. *Separability Clause.* — If any part or provision of this Act is held  
5       unconstitutional or invalid, other parts or provisions hereof which are not affected shall  
6       continue to remain in full force and effect.

7           SEC. 29. *Effectivity.* This Act shall take effect fifteen (15) days following  
8       completion of its publication in at least two (2) newspaper of general circulation.

9

10         Approved .