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Office of the Secretary

**EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**
First Regular Session

'19 NOV -4 A11 :45

SENATE

S. No. 1128

RECEIVED BY J

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT RECOGNIZING THE INDIGENOUS CULTURAL COMMUNITIES AND
INDIGENOUS PEOPLES (ICCs/IPs) COMMUNITY CONSERVED TERRITORIES
AND AREAS (ICCA), ESTABLISHING FOR THE PURPOSE THE NATIONAL ICCA
REGISTRY, AND APPROPRIATING FUNDS THEREFOR**

EXPLANATORY NOTE

Article II of the 1987 Constitution declares the State's mandate to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature," and "recognize, respect, and protect the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to preserve and develop their cultures, traditions, and institutions." Further, it shall consider the rights of ICCs/IPs in the formulation of national plans and policies, in its policies in pursuit of biodiversity conservation, climate change mitigation and adaptation, and sustainable development.

By recognizing the declaration of ICCs/IPs of Indigenous Community Conserved Areas (ICCAs) within their ancestral domains, the State acknowledges the significant contribution of ICCs/IPs to the country's efforts in environmental protection, biodiversity conservation, and community resilience. ICCAs are "territories of life," areas within ancestral domains and lands, or parts thereof, are identified, protected, conserved, and sustainably used by ICCs/IPs pursuant to their indigenous knowledge, systems, and practices, and in accordance with customary laws and other effective means, as they have done since time immemorial.

This is consistent with the recognition and promotion of the rights of ICCs/IPs under Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA), and globally, under the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP), and the United Nations Convention on Biological Diversity (CBD), which enjoins states to recognize and promote other effective area-based conservation measures apart from protected areas. This aligns with the recognition and promotion of ICC/IP conservation areas and governance within their ancestral domains, through the Republic Act No. 7586, or the National Integrated Protected Areas System (NIPAS) Act of 1992 as amended by Republic Act No. 11038, otherwise known as the "Expanded National Integrated Protected Areas System Act of 2018 (ENIPAS Act), and Republic Act No. 9174 or the Wildlife Resources Conservation and Protection (WRCP) Act. The ICCA is consistent with the IPRA and the

ENIPAS laws, which mandate the full and effective assistance of government agencies to ICCs/IPs in their responsibility to maintain, develop, protect and conserve such areas.

To give life to the Constitutional Mandate and International Covenants, and to integrate and further strengthen the Indigenous Peoples Rights Act (IPRA), National Integrated Protected Areas System (NIPAS) and Expanded National Integrated Protected Areas (ENIPAS), and the Wildlife Resources Conservation and Protection Act (WRCP), it is essential that the Indigenous Community Conserved Areas (ICCA) Bill be passed.

The ICCA Bill establishes a national ICCA registry, creates a procedure for documentation, registration, and recognition of ICCAs and their inclusion and integration with local government plans. The ICCA Bill identifies prohibited acts, corresponding penalties, and provides for the appropriation funds needed to manage ICCAs. The ICCA Bill recognizes and promotes ICCs/IPs self-determination, governance, and sustainable traditional resource rights (STRR), and their contribution to the conservation and protection of their preserving their ICCAs--territories of life within their ancestral domains.

For the foregoing reasons, the immediate approval is therefore earnestly sought.

Risa Hontiveros
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Senator

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THE NATIONAL ICCA REGISTRY, AND APPROPRIATING FUNDS
THEREFOR**

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**

3 **SECTION 1. Short Title.** – This Act shall be known as the "Indigenous Cultural
4 Communities and Indigenous Peoples (ICCs/IPs) Community Conserved Territories
5 and Areas (ICCA) Act".

6 **SEC. 2. Declaration of Policy.** – In accordance with the Philippine Constitution,
7 Republic Act (RA) No. 8371, otherwise known as the "Indigenous Peoples Rights
8 Act of 1997" (IPRA), and the *United Nations Declaration on the Rights of
9 Indigenous Peoples* (UNDRIP), it is the policy of the State to recognize, promote,
10 and protect the rights of Indigenous Cultural Communities/Indigenous Peoples
11 (ICCs/IPs), particularly to their ancestral domains.

12 The State also recognizes the existing customary and traditional governance
13 by ICCs/IPs of their ancestral domains and lands as an effective measure of
14 conserving key biodiversity areas. Through this recognition, the State
15 acknowledges the significant contribution of ICCs/IPs to the country's efforts in
16 environmental protection, biodiversity conservation and in promoting the
17 community resilience.

1 Towards this end, the State shall adopt measures to recognize and respect
2 the designation, and declaration of ICCs/IPs of their conserved areas within their
3 ancestral domains and promote their rights to manage, maintain, and develop the
4 natural resources and apply their indigenous knowledge systems and practices
5 within these areas under their indigenous political structures and traditional
6 governance systems.

7 For this purpose, a national registry for all ICCs/IPs conserved territories
8 and areas shall be established to be the repository of information on these
9 conserved territories and areas.

10 **SEC. 3. *Definition of Terms.*** – As used in this Act, the following terms shall
11 mean:

12 (a) *Ancestral Domains* – all areas generally belonging to ICCs/IPs
13 comprising lands, inland waters, coastal areas, and natural resources
14 therein, held under a claim of ownership, occupied or possessed by
15 ICCs/IPs, by themselves or through their ancestors, communally or
16 individually since time immemorial, continuously to the present except when
17 interrupted by war, force majeure or displacement by force, deceit, stealth
18 or as a consequence of government projects or any other voluntary dealings
19 entered into by government and private individuals/corporations, and which
20 are necessary to ensure their economic, social and cultural welfare. It shall
21 include ancestral lands, forests, pasture, residential, agricultural, and other
22 lands individually owned whether alienable and disposable or otherwise,
23 hunting grounds, burial grounds, worship areas, bodies of water, mineral
24 and other natural resources, and lands which may no longer be exclusively
25 occupied by ICCs/IPs but from which they traditionally had access to for
26 their subsistence and traditional activities, particularly the home ranges of
27 ICCs/IPs who are still nomadic and/or shifting cultivators;

28 (b) *Ancestral Domains Sustainable Development and Protection
29 Plan (ADSDPP)* – the consolidated plans of ICCs/IPs for the sustainable
30 management and development of their land and natural resources within
31 their ancestral domain as well as the development of human and cultural
32 resources based on their indigenous knowledge, systems and practices.
33 Such plan shall be the basis of the Five Year Master Plan for ICCs/IPs;

1 (c) *Ancestral Lands* – lands occupied, possessed and utilized by
2 individuals, families and clans who are members of the ICCs/IPs since time
3 immemorial, by themselves or through their predecessors-in-interest, under
4 claims of individual or traditional group ownership, continuously, to the
5 present except when interrupted by war, force majeure or displacement by
6 force, deceit, stealth, or as a consequence of government projects and
7 other voluntary dealings entered into by government and private
8 individuals/corporations, including, but not limited to, residential lots, rice
9 terraces or paddies, private forests, swidden farms and tree lots;

10 (d) *Assisting organization* – an organization known to the
11 community and with a good track record of respect for customary laws and
12 self-determination intending to support ICCs/IPs in the documentation of
13 their ICCAs. This may include non-government organizations (NGOs), the
14 academe, church-based organizations and other similar civic organizations;

15 (e) *Biological Diversity or Biodiversity* – the variability among
16 organisms from all sources, including terrestrial, marine and other aquatic
17 ecosystems and the ecological complexes of which they are a part. This
18 includes diversity within species, between species and of ecosystems;

19 (f) *Ecosystem services* – the benefits people obtain from
20 ecosystems, which include: (a) provisioning services such as food, water,
21 timber, and fiber; (b) regulating services that affect climate, floods, disease,
22 wastes, and water quality; (c) cultural services that provide recreational,
23 aesthetic, and spiritual benefits; (d) supporting services such as soil
24 formation, photosynthesis, and nutrient cycling;

25 (g) *Environmental Impact Assessment (EIA)* – the process that
26 involves evaluating and predicting the likely impacts of a project (including
27 cumulative impacts) on the environment during construction,
28 commissioning, operation and abandonment. It also includes designing
29 appropriate preventive, mitigating and enhancement measures addressing
30 these consequences to protect the environment and the community's
31 welfare.

32 (h) *Free and Prior Informed Consent (FPIC)* – the consensus of all
33 members of the ICCS/IPs to be determined in accordance with their
34 respective customary laws and practices, free from any external
35 manipulation, interference and coercion, and obtained after fully disclosing

1 the intent and scope of the activity, in a language and process
2 understandable to the community;

3 (i) *Indigenous Community Conserved Territories and Areas (ICCA)*
4 – the ancestral domains and lands , and parts thereof, that is identified,
5 protected, conserved, and sustainably used by ICCs/IPs pursuant to their
6 indigenous knowledge, systems, and practices, and in accordance with
7 customary laws and other effective means since time immemorial.

8 It is characterized by natural or with modified ecosystems, containing
9 significant biodiversity values, ecological benefits and cultural and spiritual
10 values;

11 For purposes of this law, all ICCAs shall be considered as environmentally
12 critical areas (ECAs).

14 (j) *Indigenous Cultural Communities/Indigenous Peoples*
15 (*ICCs/IPs*) –groups of people or homogenous societies identified by self-
16 ascription and ascription by others, who have continuously lived as
17 organized community on communally bounded and defined territory, and
18 who have, under claims of ownership since time immemorial, occupied,
19 possessed and utilized such territories, sharing common bonds of language,
20 customs, traditions and other distinctive cultural traits, or who have,
21 through resistance to political, social and cultural inroads of colonization,
22 non-indigenous religions and cultures, became historically differentiated
23 from the majority of Filipinos. ICCs/IPs shall likewise include peoples who
24 are regarded as indigenous on account of their descent from the
25 populations which inhabited the country, at the time of conquest or
26 colonization, or at the time of inroads of non-indigenous religions and
27 cultures, or the establishment of present state boundaries, who retain some
28 or all of their own social, economic, cultural and political institutions, but
29 who may have been displaced from their traditional domains or who may
30 have resettled outside their ancestral domains;

31 (k) *Indigenous Knowledge Systems and Practices (IKSPs)* – the
32 systems, institutions, mechanisms, and technologies comprising a unique
33 body of knowledge evolved through time that embody patterns of
34 relationships between and among peoples and between peoples, their lands
35 and resource environment, including such spheres of relationships which

1 may include social, political, cultural, economic, religious spheres, and
2 which are the direct outcome of the indigenous peoples, responses to
3 certain needs consisting of adaptive mechanisms which have allowed
4 indigenous peoples to survive and thrive within their given socio-cultural
5 and biophysical conditions;

6 (l) *Key Biodiversity Areas (KBAs)* – the sites of global significance
7 for biodiversity conservation identified using globally standard criteria and
8 thresholds, based on the needs of biodiversity requiring safeguards at the
9 site scale. These criteria are based on the framework of vulnerability and
10 irreplaceability widely used in systematic conservation planning;

11 (m) *National ICCA Registry* – the national information management
12 system that contains records on pertinent information on ICCAs;

13 (n) *Native Title* – pre-conquest rights to lands and domains which,
14 as far back as memory reaches, have been held under a claim of private
15 ownership by ICCs/IPs, have never been public lands and are thus
16 indisputably presumed to have been held that way since before the Spanish
17 Conquest;

18 (o) *Sustainable traditional resource rights (STRRs)* – the rights of
19 ICCs/IPs to sustainably use, manage, protect and conserve a) land, air,
20 water, and minerals; b) plants, animals and other organisms; c) collecting,
21 fishing and hunting grounds; d) sacred sites; and e) other areas of
22 economic, ceremonial and aesthetic value in accordance with their
23 indigenous knowledge, beliefs, systems and practices.

24 **SEC. 4. Scope and Coverage.** – This Act shall apply to all ancestral domains and
25 lands, whether held by native title or formally recognized under a Certificate of
26 Ancestral Domain Title or Certificate of Ancestral Land Title issued under Republic
27 Act No. 8371.

28 It shall also apply to ancestral domains and lands within national parks or
29 protected areas under Republic Act No. 7586, as amended by Republic Act No.
30 11038, otherwise known as the "Expanded National Integrated Protected Areas
31 System Act of 2018 (ENIPAS Act)., otherwise known as the "*National Integrated*
32 *Protected Areas System (NIPAS) Act of 1992*".

33 **CHAPTER II**

1 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**
2 **CONSERVED TERRITORIES AND AREAS (ICCAs)**

4 **SEC. 5. *Guiding Principles.*** – The following are guidelines in recognizing the
5 Indigenous Cultural Communities and Indigenous Peoples Conserved Territories
6 and Areas (ICCAs):

7 (a) The rights to land and self-determination include the full
8 recognition of the traditional resources, rights and practices of ICCs/IPs, as
9 well as their right to access, maintain, protect, conserve, regulate ICCAs
10 and exclude unauthorized intrusion into these areas;

11 (b) The primacy of customary laws and indigenous knowledge
12 systems and practices (IKSPs) in the governance and management of ICCAs
13 shall be recognized and respected;

14 (c) The ICCs/IPs shall govern their conserved territories and areas
15 and ensure the preservation, restoration, and maintenance of ecological
16 balance and biodiversity therein with the assistance of government
17 agencies;

18 (d) The ICCAs shall be considered in the formulation of national,
19 regional and local policies, plans and programs; and

20 (e) The ICCs/IPs shall receive fair and equitable share in the
21 benefits derived from the ecosystem services provided by ICCAs and other
22 activities as authorized by the ICCs/IPs themselves.

23 **SEC. 6. *Recognition of ICCAs.*** – The ICCs/IPs shall define and declare the
24 conserved areas within their ancestral domains and lands in accordance with their
25 indigenous political structures, cultures and traditions.

26 The declaration of ICCAS shall be respected as an exercise of the self-
27 governance, self-determination and sustainable traditional resource rights of the
28 ICCs/IPs. It shall be recognized by all national agencies and local government units
29 (LGUS) as another category of protected areas that are owned, controlled,
30 governed and managed by ICCs/IPs themselves. The ICCAs shall be subject to the
31 provisions of this Act.

1 For purposes of this Act, all ICCAs shall be considered as environmentally
2 critical areas. The requirement of free and prior informed consent (FPIC) shall be
3 strictly complied with to undertake allowable activities within the ICCAs.

4 No provision in this Act granting or recognizing the rights and privileges of
5 ICCs/IPs in the ICCAs shall be construed to diminish their rights and privileges in
6 non-ICCA areas of the ancestral domains or lands.

7 **SEC. 7. Protection of ICCAs.** – The ICCAs shall be reserved for the exclusive
8 use of ICCs/IPs exercising their sustainable traditional resource rights. Activities
9 that are not included as sustainable traditional resource rights and activities by a
10 person who is not a member of ICCs/IPs may only be allowed within the ICCAs,
11 *Provided*, That the activities are:

- 12 (a) Permitted by the ICCs/IPs in accordance with customary laws;
13 (b) Consistent with their cultural and spiritual values;
14 (c) Compatible with conservation concepts; and
15 (d) Not among the prohibited acts enumerated in Section 25 of this
16 Act.

17 **SEC. 8. Environmental Impact Assessment (EIA) system .** – All projects
18 within or outside the ICCA that have potential adverse impacts on the conserved
19 territories and areas are subject to EIA.

20 The participation of the ICCs/IPs, the National Commission on Indigenous
21 Peoples (NCIP) and the Department of Environment and Natural Resources
22 (DENR) are required in the conduct of the EIA of ICCAs.

23 The customary laws, the IKSPs of the ICCs/IPs and the social acceptability
24 of the project shall be considered in the assessment.

25 The EIA should be concluded and reported for consideration during the FPIC
26 process.

27

28 **SEC. 9. ICCAs in Key Biodiversity Areas (KBAs).** – The ICC/IPs shall govern,
29 maintain, restore and develop the ICCAs key biodiversity areas (KBAs) in
30 accordance with their customary laws and in a manner consistent with the
31 sustainable use and conservation of biodiversity found therein.

SEC. 10. *Indigenous Community Conserved Areas Designations.* – The designation by the ICCs/IPs of the ICCA, and the places and components therein, shall be respected, used and promoted in all official documents.

CHAPTER III

NATIONAL INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES CONSERVED TERRITORIES AND AREAS REGISTRY

7 **SEC. 11. *The National ICCA Registry.*** – To ensure the availability of official
8 information on ICCAs, a National ICCA Registry, hereinafter referred to as the
9 "Registry", is hereby established. The Registry is the official information
10 management system that contains records of all pertinent information regarding
11 the ICCAs, voluntarily submitted by ICCs/IPs. The Registry shall contain the
12 following information:

- (a) Name of the ICCs/IPs;
 - (b) A map generated from the delineation of the ICCAs with the corresponding technical description;
 - (c) Brief description of governance structure;
 - (d) Policies on resource use;
 - (e) Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral Lands Title," if applicable.
 - (f) Relevant portions of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) containing information on the ICCAs; and
 - (g) Contact person/s.

24 **SEC. 12. Operational Structures of the Registry.** – The DENR through the
25 Biodiversity Management Bureau (BMB) shall be the main repository and
26 administrator of the Registry. It shall organize store and update all information
27 that may be contained in the Registry, and shall be responsible for the
28 documentation, administration and maintenance of the Registry.

29 All information and data in the Registry shall be obtained from the ICCs/IPs
30 providing who registered and provided such information. The information and data
31 submitted shall be considered as part of the community intellectual property rights.

1 The intellectual property rights of the ICCs/IPs shall be protected and
2 respected.

3 **SEC. 13. *Creation of a Steering Committee.*** – A Steering Committee is
4 created to define policy, provide directions and perform oversight functions in the
5 administration and maintenance of the Registry.

6 The Steering Committee shall be composed of the following:

- 7 (a) A representative from the DENR;
- 8 (b) A representative from the NCIP;
- 9 (c) A representative from the Department of Interior and Local
10 Government (DILG);
- 11 (d) A representative from the Housing and Land Use Regulatory
12 Board (HLURB);
- 13 (e) A representative from recognized civil society organizations
14 (CSOs); and
- 15 (f) Two (2) representatives from ICCs/IPs.

16 **SEC. 14. *ICCA Registration.*** – The ICCs/IPs shall initiate the documentation
17 and registration of their ICCAs in the Registry with appropriate financial and
18 technical support from the NCIP and the DENR or assisting organizations.

19 If the ICCs/IPs seek the assistance of the NCIP and the DENR in the
20 registration of the ICCAs, the following steps shall be undertaken:

- 21 (a) The ICCs/IPs shall request the NCIP to assist in documenting their
22 ICCAs;
- 23 (b) The NCIP shall assist the community in documenting the ICCAs
24 with the support of the DENR, delineate the same;
- 25 (c) The NCIP shall facilitate the formulation of a Community
26 Conservation Plan; and
- 27 (d) The NCIP shall submit the documentation of the ICCAs and other
28 pertinent documents to the DENR for inclusion in the Registry.

29 If the ICCs/IPs undertake the documentation by themselves with the
30 support of assisting organizations, the NCIP and the DENR shall verify and affirm
31 the documentation and pertinent documents submitted before the ICCAs may be
32 included in the Registry.

1 The map, complete with technical description and a brief description of the
2 natural features and landmarks of the ICCAs to be registered and included in the
3 Registry shall be posted at the local, provincial and regional office of the NCIP, and
4 shall be published in a newspaper of general circulation once a week for two (2)
5 consecutive weeks to allow others to file opposition papers within fifteen (15) days.

6 **SEC. 15. Procedure for Delisting from the Registry.** – If the ICCs/IPs
7 determined that the ICCA no longer serves the purpose for which it was defined
8 and declared, the ICCs/IPs may cause the delisting of the same through a
9 procedure provided in the Implementing Rules and Regulations of this Act.

10 **SEC. 16. Inclusion of ICCAs in the LGUs Plan.** – The LGUs shall include in
11 their Regional Physical Framework Plans, Provincial Physical Framework Plans,
12 Comprehensive Land and Water Use Plans (CLWUP), Community Development
13 Plans (CDP), Forest Land Use Plans (FLUP), Barangay Development Plans (BDPs),
14 the Ancestral Domains Sustainable Development and Protection Plan (ADSDPP),
15 and other relevant plans on the ICCAs that have been declared and recorded in
16 the Registry by the ICCs/IPs.

17 **SEC. 17. ICCAs within the Protected Areas.** – In cases where ICCAs are in
18 the protected areas established under RA No. 7586 or the NIPAS Act, the ICCs/IPs
19 concerned shall have the authority to govern, maintain, develop, protect and
20 conserve the areas in accordance with their customary laws and IKSPs, with
21 financial and technical assistance from the NCIP, the DENR, LGUs and other
22 concerned government agencies.

23 A mechanism for coordination and complementation between the
24 indigenous traditional leadership and governance, the NCIP, the DENR, concerned
25 LGUs and other government agencies shall be established. The absence of such
26 mechanism shall not in any way stall, diminish, or suspend the provisions of the
27 preceding paragraph.

28 **SEC. 18. ICCAs Governance.** – The ICCAs shall be governed by the ICCs/IPs in
29 accordance with their customary laws, indigenous knowledge systems and
30 practices, structures and mechanisms, provided that any co-management with, or
31 relinquishment of management by ICCs/IPs, in accordance with Sec. 58 of IPRA,
32 and Sec. 13 of ENIPAS

33 The application of customary laws, indigenous knowledge, systems and
34 practices, structures and mechanisms by the ICCs/IPs within and outside their

1 ICCAs shall be presumed to be a sustainable traditional resource right (STRR) and
2 shall not be subject to prior approval or validation by the other government
3 agencies and parties. The burden of proof that certain acts or practices are not in
4 accordance with the STRR shall lie with the party making the assertion.

5 Any conflict that may arise within the ICCAs shall be primarily resolved
6 through customary laws and traditional conflict resolution mechanisms.

7

CHAPTER IV

ROLE OF GOVERNMENT AGENCIES

8

9 **SEC. 19. *Role of the NCIP.*** – The NCIP shall be the primary government agency
10 responsible for the full implementation of this Act. It shall protect and promote the
11 interest and well-being of the ICCs/IPs in the context of biodiversity conservation
12 and community resilience.

13 The NCIP shall create the Ancestral Domain Protection and Sustainable
14 Development Office, and shall receive requests from the ICCs/IPs. It shall
15 coordinate with the DENR all activities related to the documentation, community
16 conservation, planning and registration of ICCAs.

17 It shall provide full and effective financial and technical assistance on the
18 following:

- 19
- (a) Capacity building and enhancement in the identification,
20 documentation, and recognition of ICCAs;
 - (b) Preparation of Community Conservation Plans (CCP), and
22 integrating them in the ADSDPP; and
 - (c) Interfacing of the ADSDPP into other relevant planning
24 frameworks.

25 The NCIP shall also be responsible for the verification and affirmation of
26 information submitted by ICCs/IPs who undertake the documentation by
27 themselves, for inclusion in the Registry of ICCAs.

28 The NCIP shall take into account the issues and concerns on ICCA in all
29 management planning and decision-making processes of the ICCs/IPs.

30 The NCIP shall also be member of the Protected Area Management Board
31 (PAMB), as provided in the ENIPAS Act, where ancestral domains and lands overlap
32 with protected areas or declared ICCAs.

1 The NCIP, through its regional offices, shall have original and exclusive
2 jurisdiction over all claims and disputes involving ICCAs; Provided, however, that
3 no such dispute shall be brought to the NCIP unless the parties have exhausted
4 all remedies provided under their customary laws, provided further that when one
5 of the parties is not a member of the ICCs/IPs, traditional conflict resolutions
6 mechanisms shall apply. For this purpose, a certification shall be issued by the
7 Council of Elders/Leaders who participated in the attempt to settle the dispute that
8 the same has not been resolved, which certification shall be a condition precedent
9 to the filing of a petition with the NCIP

10 **SEC. 20. *Role of the DENR.*** – The DENR shall, upon the formal request of the
11 ICCs/IPs, provide financial and technical support for delineation and mapping, and
12 biodiversity assessment of ICCA and in the listing or registration of ICCA with the
13 Registry and similar global platforms or networks.

14 Enforcement of the preventive mechanisms and penal provisions of this Act
15 shall also be vested in the DENR.

16 The agency shall also take into account the issues and concerns on ICCAs
17 in all management planning and decision-making processes of the ICCs/IPs..

18 The government shall provide funds for the publication of the ICCAs.

19 **SEC. 21. *Role of Other Government Agencies and LGUs.*** – Consistent with
20 their respective mandates and upon formal request by ICCs/IPs, national
21 government agencies and LGUs shall provide financial and technical assistance in
22 building and strengthening the capacity of the requesting ICCs/IPs to manage their
23 ICCA.

24 The NCIP and the DENR, in partnership with the DILG, shall device an
25 incentive scheme for LGUs that will adopt and include ICCAs in the Regional and
26 Provincial Physical Framework Plans, Comprehensive Land and Water Use Plans
27 (CLWUP), Community Development Plan (CDP), Forest Land Use Plan (FLUP) and
28 other relevant plans and programs.

29 The NCIP and the DENR, in partnership with the Department of Information
30 and Communications Technology (DICT) and the Philippine Statistics Authority
31 (PSA), shall create or improve on existing data gathering methods for a complete
32 and centralized ICCA registry.

1 In partnership with the Department of Budget and Management (DBM), the
2 NCIP, the DENR, the National Economic Development Authority (NEDA), the
3 Department of Interior and Local Government (DILG) and the Housing and Land
4 Use Regulatory Board (HLURB) shall formulate a framework to prioritize national
5 government programs and projects that support ICCAs.

6 SEC. 22. Engagement with the Private Sector and Civil Society to

7 Recognize ICCAs. – The ICCs/IPs, the NCIP and the DENR shall actively engage

8 and collaborate with the private sector and the civil society in raising public

9 awareness and recognition of ICCAs, and in obtaining specialized assistance and

10 service, subject to the FPIC requirements of the concerned ICCs/IPs. Public

11 participation in the protection, conservation, and sustainable use ICCAs, especially

12 at the local level, shall be encouraged to maximize conservation and community

13 benefits.

CHAPTER V

INCENTIVES

16 **SEC. 23. Incentive Scheme.** – ICCAs listed in the Registry shall be prioritized
17 for biodiversity conservation, forest cover, protection of ancestral waters, and as
18 reforestation project sites. Where appropriate and available, government financial
19 institutions and other government agencies shall provide financial and technical
20 assistance to ICCs/IPs for the protection and promotion of their registered covered
21 territories and areas, particularly in the establishment and implementation of
22 payment schemes for ecosystem services provided by the ICCAs.

23 In all cases, the rights, interests and well-being of the ICCs/IPs shall be of
24 paramount concern.

25 **SEC. 24. Sustainable Livelihoods.** – The NCIP, the DENR, and other relevant
26 government agencies shall support sustainable livelihood opportunities, including
27 biodiversity-friendly livelihoods that are identified and defined by ICCs/IPs
28 consistent with traditional practices and resource use that contribute to the
29 sustainable use and proper management of the ICCAs.

CHAPTER VI

PENAL PROVISIONS

SEC. 25. *Prohibited Acts.* – It shall be unlawful for any person to commit the following acts within the ICCAs:

- (a) Establishing heavy industries such as non-ferrous metal industries, iron and steel mills, petroleum and petro-chemical industries including oil and gas, and smelting plants;
 - (b) Establishing resource extractive industries such as exploration, extraction and development of mining and quarrying projects, forestry projects including logging, and major wood processing projects; introduction of fauna, exotic animals, forest occupancy, extraction of mangrove products, grazing, fishery projects like dikes or fishpond development projects;
 - (c) Building infrastructure projects such as major dams, major power plants including fossil-fueled, nuclear fueled, hydroelectric or geothermal, major reclamation projects, major roads and bridges;
 - (d) Building golf course projects;
 - (e) Using or intruding on any portion of the ICCA for any authorized or unlawful purpose;
 - (f) Conducting mineral exploration, extraction, and development, quarrying and other destructive forms of natural resource exploitation, development, and utilization;
 - (g) Logging by non-members of the IP community;
 - (h) Mutilating, defacing, removing, or otherwise destroying objects that have cultural, spiritual or ecological significance to ICCS/IPs;
 - (i) Dumping of waste products detrimental to flora and fauna;
 - (j) Squatting, mineral locating, or otherwise occupying any land declared as ICCA;
 - (k) Using any motorized equipment, except of enhancing traditional resource rights;

- 1 (l) Altering, removing destroying or defacing boundary marks or
2 signs;
- 3 (m) Constructing or maintaining any kind of structure, fence or
4 enclosures;
- 5 (n) Fishing through the use of explosives, noxious or poisonous
6 substance or electricity;
- 7 (o) Gathering, selling, possessing, transport or sale of corals;
- 8 (p) Gathering, selling or exporting sand, silica, pebbles and any
9 other substances used as marine habitat;
- 10 (q) Converting mangroves into fishponds or for any other
11 purposes;
- 12 (r) Fishing or taking for commercial purposes rare, threatened or
13 endangered species listed in the Convention on International Trade in
14 Endangered Species of Wild Fauna and Flora (CITES) or those determined
15 as such by the Bureau of Fisheries and Aquatic Resources (BFAR), and by
16 the Biodiversity Management Bureau of the DENR;
- 17 (s) Generating aquatic pollution; and
- 18 (t) Converting ICCAs into industrial land use and special economic
19 zones.

20 **SEC. 26. *Penalties.*** — Any individual, corporation, partnership, association or
21 juridical entity who commits any of the prohibited acts enumerated under Section
22 25 of this Act shall upon conviction, be punished by imprisonment of not less than
23 six months but not more than six (6) years or a fine of not less than Fifty thousand
24 pesos (P50,000.00) but not more than Fifty million pesos (P50,000,000.00) or
25 both, at the discretion of the court.

26 The offender, upon conviction, shall also provide restitution commensurate
27 to the cost of the destroyed ecosystem and the cost of rehabilitation of the
28 ecosystem as agreed upon with the ICCs/IPs.

29 If the offender is a government official or employee, the offender shall, in
30 addition to imprisonment and fine, be perpetually disqualified to hold public office.

1 Any object and instrumentality used in committing any of the prohibited
2 acts under Section 25 of this Act shall be confiscated and forfeited in favor of the
3 government.

If the offender is a juridical entity, the penalty of imprisonment and fine shall be imposed upon its manager, director, representative or employee responsible for the violation without prejudice to the cancellation or revocation of the license or accreditation of the offender, issued by any licensing or accredited body of the government.

If the offender is an alien, the offender shall be deported immediately after service of the sentence.

11 The prosecution of offenses under Section 25 of this Act shall be without
12 prejudice to any liability for violation of Republic Act No. 8371, as amended,
13 otherwise known as the "*Indigenous Peoples' Rights Act of 1997*" or other criminal
14 and civil liabilities under existing laws.

CHAPTER VII

FINAL PROVISIONS

SEC. 27. *Annual Report.* – The Chairperson of the NCIP shall submit to the President of the Philippines and to the Congress an annual progress report on the implementation of this Act. The report shall be posted in the website of the NCIP.

20 **SEC. 28. Construction.** – The provisions of this Act shall be construed liberally
21 in favor of ICCs/IPs and in the protection and conservation of biodiversity.

22 **SEC. 29. *Appropriations.*** – The amount necessary to cover the initial
23 implementation of this Act shall be charged against the current year's
24 appropriations of the concerned departments/agency. Thereafter, such sums as
25 may be necessary for its continued implementation shall be included in the annual
26 General Appropriations Act.

27 **SEC. 30. *Implementing Rules and Regulations.*** – Within ninety (90) days
28 from the approval of this Act, the Chairperson of the NCIP and the Secretary of
29 the DENR shall, in consultation with appropriate government agencies and with
30 the full participation of ICCs/IPs, issue the necessary rules and regulations for the
31 effective implementation of this Act.

1 **SEC. 31. *Separability Clause.*** – If any part or provision of this Act is declared
2 invalid or unconstitutional, the remaining parts or provisions not affected shall
3 remain in full force and effect.

4 **SEC. 32. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations
5 and other issuances, or parts thereof, which are inconsistent with the provisions
6 of this Act are hereby repealed or modified accordingly.

7 **SEC. 33. *Saving Clause.*** – This Act shall not in any manner adversely affect the
8 rights and benefits of the ICCs/IPs under RA 8371, conventions, recommendations,
9 international treaties, national laws, awards, customs and agreements.

10 **SEC. 34. *Effectivity.*** – This Act shall take effect fifteen (15) days after its
11 publication in the Official Gazette or in a newspaper of general circulation.

12 ***Approved,***