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REPUBLIC OF THE PHILIPPINES)
First Regular Session)




Senate
Office of the Secretary

'22 JUL 25 P 1 :26

SENATE

S. No. 831

RECORDED BY: 

Introduced by Senator Loren B. Legarda

**AN ACT
RECOGNIZING THE COMMUNITY CONSERVED TERRITORIES AND
AREAS OF INDIGENOUS PEOPLES AND CULTURAL COMMUNITIES,
ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS
COMMUNITY CONSERVED AREAS REGISTRY, AND APPROPRIATING
FUNDS THEREFOR**

EXPLANATORY NOTE

Article II, Section 22 of the Philippine Constitution provides that, "The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development." Further, Article XIV, Section 17 states that, "The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies."

Section 2 (b) of RA 8371, otherwise known as the "Indigenous Peoples Rights Act of 1997", provides the duty of the State to protect the rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs) to their ancestral domains to ensure their economic, social, and cultural well-being and shall recognize the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

IP 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, Northeastern Palawan. Only traditional fishing methods are allowed within its ancestral waters, given the sacred nature of the place among the Tagbanuas.

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

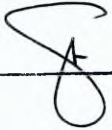
For these reasons, the immediate passage of the bill is sought.


LOREN LEGARDA

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

**CHAPTER I
GENERAL PROVISIONS**

1
2
3 Section 1. *Short Title.* – This Act shall be known as the "*Indigenous Community*
4 *Conserved Territories and Areas Act*".

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

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

1 Towards this end, the State shall adopt measures to recognize and respect the
2 designation and declaration by ICCs/IPs of the conserved areas within their ancestral
3 domains and to promote their rights to manage, maintain, and sustainably develop
4 the natural resources by applying 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 and
8 areas shall be established to be the repository of information on these conserved
9 territories and areas.

10 *Sec. 3. Definition of Terms. - As used in this Act:*

11 a) *Environmentally critical areas (ECAs)* refer to areas identified under
12 Presidential Proclamation No. 2146, Series of 1981 and herein further classified
13 as Strict Protection Zones (SPZ);

14 b) *Indigenous Community Conserved Territories and Areas (ICCA)* refer to areas
15 within ancestral domains and lands, and parts thereof, that are identified,
16 protected, conserved, and sustainably used by ICCs/IPs pursuant to their
17 indigenous knowledge, systems, and practices, and in accordance with
18 customary laws and other effective means since time immemorial continuously
19 to the present, subject to the limitations imposed by the Constitution.

20 These are characterized by natural or modified ecosystems, containing
21 significant biodiversity, beneficial ecological qualities and is of great cultural
22 and spiritual value to the community.

23 c) *Key biodiversity areas* refer to the sites of global significance for biodiversity
24 conservation that are identified using globally standard criteria and thresholds,
25 based on the scale of the need for safeguards. These criteria are based on the
26 framework of vulnerability and irreplaceability used in systematic
27 conservation planning;

28 d) *National ICCA Registry* refers to the national information management
29 system that contains records of the pertinent information on ICCAs;

30 e) *Sustainable Traditional Resource Rights (STRR)* refer to the rights of ICCs/IPs
31 to sustainably use, manage, protect and conserve 1) land, air, water, and
32 minerals; 2) plants, animals and other organisms; 3) collecting, fishing and

1 hunting grounds; 4) sacred sites; and 5) other areas of economic, ceremonial
2 and aesthetic value in accordance with their indigenous knowledge, belief
3 systems, and practices.

4 Sec. 4. *Scope and Coverage.* This Act shall apply to all ancestral domains and
5 lands publicly known to have been held under a claim of ownership, possession, and
6 occupation based on native title since time immemorial continuously and up to the
7 present, or formally recognized under a Certificate of Ancestral Domain Title (CALT)
8 or Certificate of Ancestral Land Title (CADT) issued pursuant to Republic Act No.
9 8371.

10 **CHAPTER II**
11 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**
12 **CONSERVED TERRITORIES AND AREAS**

13 Sec. 5. *Guiding Principles.* - The following guidelines shall be observed in
14 recognizing the indigenous cultural communities and indigenous peoples conserved
15 territories and areas (ICCAs):

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

20 b) The customary laws and indigenous knowledge systems and practices
21 (IKSPs) in the governance and management of ICCAs shall be recognized and
22 respected provided that they are within the framework of national unity and
23 development as envisioned under the Constitution.

24 c) The ICCs/IPs shall govern their conserved territories and areas and ensure
25 the preservation, restoration, and maintenance of ecological balance and
26 biodiversity therein in consonance with existing environmental policies and
27 with the assistance of government agencies;

28 d) The identification and declaration of ICCAs shall consider duly formulated
29 national, regional, provincial and municipal policies, plans and programs;

30 e) The ICCs/IPs shall receive a fair and equitable share of the benefits derived
31 from the ecosystem services provided by ICCAs and other activities as
32 authorized by the ICCs/IPs themselves in accordance with existing
33 environmental policies, rules, and regulations; and

1 f) In case of conflict between ICC/IPs' customary laws and indigenous
2 knowledge systems and practices on the one hand, and existing environmental
3 laws, rules, and regulations, on the other, earnest efforts shall be exerted to
4 adopt an interpretation that will give effect to both. Only when it is clear that
5 the two are truly irreconcilable will environmental laws, rules and regulations
6 prevail, but such construction shall always be supported by evidence attesting
7 to the fact that the customary laws and IKSPs have no sound scientific basis
8 and shall be guided by the pertinent provisions of the Constitution.

9 Sec. 6. *Recognition of ICCAs* - The ICCs/IPs shall define and declare the
10 conserved areas within their ancestral domains and lands in accordance with their
11 indigenous political structures, cultures and traditions provided that the identified
12 area is not earlier proclaimed or declared as a protected area under Republic Act No.
13 7586, otherwise known as the "National Integrated Protected Areas System Act of
14 1992" as amended by Republic Act No. 11038, otherwise known as the "Expanded
15 National Integrated Protected Areas System Act of 2018" and other presidential
16 proclamations.

17 The declaration of ICCAs shall be respected as an exercise of the self-
18 governance, self-determination, and sustainable traditional resource rights of the
19 ICCs/IPs. It shall be recognized by all national agencies and local government units
20 (LGUs) as another category of protected areas that are owned, controlled, governed,
21 and managed by ICCs/IPs themselves. The ICCAs, their respective locations, names
22 in indigenous language, and components therein, shall be respected used, and
23 promoted in all official documents.

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

27 Sec. 7. *Protection of ICCAs*. - Subject to the provisions of the Constitution,
28 Republic Act No. 8371, and Republic Act No. 7586, as amended, the ICCAs shall be
29 reserved for the exclusive use of ICCs/IPs exercising their sustainable traditional
30 resource rights. It shall be the duty of the ICC/IPs to govern, conserve, manage and
31 protect ICCAs with the assistance of government agencies.

- 1 f) Relevant portions of the Ancestral Domain Sustainable Development and
2 Protection Plan (ADSDPP) containing information on the ICCAs; and
3 g) Contact persons.

4 Sec. 11. *Operational Structures of the Registry.* - The DENR, through the
5 Biodiversity Management Bureau (BMB), shall be the main repository and
6 administrator of the Registry. It shall organize, store, and update all information that
7 may be contained in the Registry, and shall be responsible for the documentation,
8 administration, and maintenance of the Registry.

9 All information and data in the Registry shall be obtained from the ICCs/IPs
10 who registered and provided such information. The information and data submitted
11 shall be considered as part of the community's intellectual property rights.
12 The intellectual property rights of the ICCs/IPs shall be protected and respected.

13 Sec. 12. *Creation of a Steering Committee.* - A Steering Committee is created to
14 define policy, provide directions, and perform oversight functions in the
15 administration and maintenance of the Registry.

16 It shall be chaired by a representative from the NCIP.

17 The Steering Committee shall be composed of the following:

- 18 a) A representative from the DENR;
19 b) A representative from the NCIP;
20 c) A representative from the Department of the Interior and Local Government
21 (DILG);
22 d) A representative from the Department of Human Settlements and Urban
23 Development (DHSUD);
24 e) A representative from the Philippine Statistics Authority (PSA);
25 f) A representative from recognized civil society organizations (CSOs); and
26 g) Three (3) representatives of the ICCs/IPs who are themselves members of
27 the indigenous cultural community; and
28 h) A representative from the Union of Local Authorities of the Philippines
29 (ULAP).

30 Sec. 13. *ICCA Registration.* - The ICCs/IPs shall initiate the documentation and
31 registration of their ICCAs in the Registry with appropriate financial and technical
32 support from the NCIP, the DENR, or other assisting organizations.

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

3 a) The NCIP shall assist the community in documenting the ICCAs and, with
4 the support of the DENR, delineate the metes and bounds of the said ICCA;

5 b) The NCIP shall facilitate the formulation of a Community Conservation Plan
6 in collaboration with the DENR and the municipal and provincial local
7 government units; and

8 c) The NCIP shall submit the documentation of the ICCAs and other pertinent
9 documents to the DENR for inclusion in the Registry.

10 In case the ICCs/IPs decide to undertake the documentation by themselves
11 with the support of assisting organizations, the NCIP, DENR, and the municipal and
12 provincial local government units concerned, shall verify and affirm the
13 documentation and pertinent documents submitted before the ICCAs may be
14 included in the Registry.

15 The map, the technical description of the specific ICCA, and a brief description
16 of the natural features and landmarks of the ICCA sought to be registered and
17 included in the Registry shall be posted at the local, provincial, and regional office of
18 the NCIP, and shall be published in a newspaper of general circulation once a week
19 for two (2) consecutive weeks to allow concerned parties to formally submit their
20 written opposition within fifteen (15) days.

21 *Sec. 14. Procedure for Delisting from the Registry.* - If the ICCs/IPs determine that
22 the ICCA no longer serves the purpose for which it was defined and declared, the
23 ICCs/IPs may cause the delisting of the same through a procedure to be provided in
24 the rules and regulations to be issued by the NCIP and the DENR to implement this
25 Act.

26 *Sec. 15. Inclusion of ICCAs in the LGUs Plan.* - The LGUs shall include in their
27 Regional Physical Framework Plans, Provincial Physical Framework Plans,
28 Comprehensive Land and Water Use Plans, Community Development Plans, Forest
29 Land Use Plans, Barangay Development Plans, the Ancestral Domains Sustainable
30 Development and Protection Plan, and other relevant harmonized plans on the ICCAs
31 that have been declared and recorded in the Registry by the ICCs/IPs.

1 Sec. 18. *Role of the NCIP.* – The NCIP shall be the primary government agency
2 responsible for the full implementation of this Act. It shall protect and promote the
3 interest and well-being of the ICCs/IPs in the context of biodiversity conservation and
4 community resilience.

5 The NCIP shall create the Ancestral Domain Protection and Sustainable
6 Development Office and shall coordinate with the DENR on all activities related to
7 the documentation, community conservation, planning, and registration of ICCAs. It
8 shall provide full and effective financial and technical assistance on the following:

- 9 a) Capacity building and enhancement in the identification, documentation,
10 and recognition of ICCAs;
11 b) Preparation of Community Conservation Plans (CCP), and integrating them
12 in the ADSDPP; and
13 c) Interfacing of the ADSDPP into other relevant planning frameworks.

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

17 The NCIP shall consider the issues and concerns on ICCAs in all management
18 planning and decision-making processes of the ICCs/IPs.

19 The NCIP shall also be represented in the Protected Area Management Board
20 (PAMB) created for each protected area pursuant to Republic Act No. 7586, as
21 amended.

22 The NCIP, through its provincial offices, shall have original and exclusive
23 jurisdiction over all claims and disputes involving ICCAs: *Provided, however,* That no
24 such dispute shall be brought to the NCIP unless the parties have exhausted all
25 remedies provided under their customary laws: *Provided further,* That the indigenous
26 conflict resolution should not apply if one of the parties is a non-member of an ICC/IP,
27 and such dispute may be filed directly with the NCIP.

28 The decision of the provincial office can be appealed to the regional office and
29 the Commission proper.

30 Sec. 19. *Role of the DENR.* – The DENR shall, upon the formal request of the
31 ICCs/IPs, provide financial and technical support for delineation and mapping, and

1 biodiversity assessment of ICCA and in the listing or registration of ICCA with the
2 Registry and similar global platforms or networks.

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

5 The agency shall also consider the issues and concerns of ICCAs in all
6 management planning and decision-making processes of the ICCs/IPs.

7 The government shall provide funds for the publication of the list of verified ICCAs.

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

12 The NCIP and the DENR, in partnership with the DILG, shall devise an
13 incentive scheme for LGUs that will adopt and include ICCAs in the harmonized
14 Regional and Provincial Physical Framework Plans, Comprehensive Land and Water
15 Use Plans, Community Development Plan, Forest Land Use Plan, and other relevant
16 plans and programs.

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

21 The NCIP shall, in coordination with the DENR, the National Economic
22 Development Authority (NEDA), the DILG, the Housing and Land Use Regulatory
23 Board (HLURB), and the Department of Budget and Management (DBM), formulate
24 guidelines for the prioritization of programs and projects that support ICCAs.

25 *Sec. 21. Engagement with the Private Sector and Civil Society to Recognize ICCAs.* –
26 The ICCs/IPs, the NCIP and the DENR shall actively engage and collaborate with the
27 private sector and civil society in raising public awareness and recognition of ICCAs,
28 and in obtaining specialized assistance and services, subject to FPIC requirements of
29 the concerned ICCs/IPs.

30 Public participation in the protection, conservation, and sustainable use of IC
31 CAs in accordance with the ICCs/IPs customary law and IKSP, especially at the local
32 level, shall be encouraged to maximize conservation and community benefits.

1 accreditation of the offender, issued by any licensing or accredited body of the
2 government.

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

5 The prosecution of offenses under Section 23 of this Act shall be without
6 prejudice to any liability for violation of Republic Act No. 8371 or other criminal and
7 civil liabilities under existing laws.

8 **CHAPTER VII**
9 **FINAL PROVISIONS**

10 *Sec. 25. Annual Report.* – The Chairperson of the NCIP shall submit to the
11 President of the Philippines and to the Congress an annual progress report on the
12 implementation of this Act. The report shall be posted on the website of the NCIP.

13 *Sec. 26. Construction.* – The provisions of this Act shall be construed liberally in
14 favor of ICCs/IPs and the protection and conservation of biodiversity. In no way shall
15 it be interpreted as an instrument to exploit ICC/IPs or undermine the intent of this
16 Act to conserve and protect ICCAs.

17 This Act shall not in any manner adversely affect the rights and benefits of the
18 ICCs/IPs under Republic Act No. 8371, international conventions, recommendations,
19 international treaties, national laws, awards, customs, and agreements.

20 *Sec. 27. Appropriations.* – The amount necessary to cover the initial
21 implementation of this Act shall be charged against the current year's appropriations
22 of the concerned departments or agencies. Thereafter, such sums as may be necessary
23 for its continued implementation shall be included in the annual General
24 Appropriations Act.

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

30 *Sec. 29. Separability Clause.* – If any part or provision of this Act is declared
31 invalid or unconstitutional, the remaining parts or provisions not affected shall
32 remain in full force and effect.

1 Sec. 30. *Repealing Clause.* – All laws, decrees, orders, rules and regulations, and
2 other issuances, or parts thereof, which are inconsistent with the provisions of this Act
3 are hereby repealed or modified accordingly.

4 Sec. 31. *Effectivity.* – This Act shall take effect fifteen (15) days after its
5 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,