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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE

S.B. No. 1399

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.

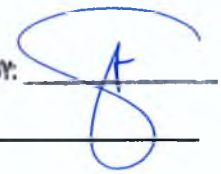
The ICCA Bill establishes a national ICCA registry, creates a procedure for documentation, registration, and recognition of ICCAs and their inclusion and integration with local government plans. The ICCA Bill identifies prohibited acts, corresponding penalties, and provides for the appropriation funds 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
Senator

SENATE

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RECOGNIZING THE INDIGENOUS CULTURAL COMMUNITIES AND
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AND AREAS (ICCA), ESTABLISHING FOR THE PURPOSE 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:*

CHAPTER I

GENERAL PROVISIONS

1
2
3 SECTION 1. *Short Title.* – This Act shall be known as the "*Indigenous Cultural*
4 *Communities and Indigenous Peoples (ICCs/IPs) Community Conserved Territories and*
5 *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 Act of*
8 *1997*" (IPRA), and the *United Nations Declaration on the Rights of Indigenous Peoples*
9 (UNDRIP), it is the policy of the State to recognize, promote, and protect the rights of
10 Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), particularly to their
11 ancestral domains.

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

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

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

4 *Sec. 3. Definition of Terms.* – As used in this Act, the following terms shall mean:

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

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

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

35 (d) *Assisting organization* – an organization known to the community and
36 with a good track record of respect for customary laws and self-determination

1 intending to support ICCs/IPs in the documentation of their ICCAs. This may
2 include non-government organizations (NGOs), the academe, church-based
3 organizations and other similar civic organizations;

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

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

13 (g) *Environmental Impact Assessment (EIA)* – the process that involves
14 evaluating and predicting the likely impacts of a project (including cumulative
15 impacts) on the environment during construction, commissioning, operation and
16 abandonment. It also includes designing appropriate preventive, mitigating and
17 enhancement measures addressing these consequences to protect the
18 environment and the community's welfare.

19 (h) *Free and Prior Informed Consent (FPIC)* – the consensus of all
20 members of the ICCS/IPs to be determined in accordance with their respective
21 customary laws and practices, free from any external manipulation, interference
22 and coercion, and obtained after fully disclosing the intent and scope of the
23 activity, in a language and process understandable to the community;

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

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

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

33 (j) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* –
34 groups of people or homogenous societies identified by self-ascription and
35 ascription by others, who have continuously lived as organized community on
36 communally bounded and defined territory, and who have, under claims of

1 ownership since time immemorial, occupied, possessed and utilized such
2 territories, sharing common bonds of language, customs, traditions and other
3 distinctive cultural traits, or who have, through resistance to political, social and
4 cultural inroads of colonization, non-indigenous religions and cultures, became
5 historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise
6 include peoples who are regarded as indigenous on account of their descent from
7 the populations which inhabited the country, at the time of conquest or
8 colonization, or at the time of inroads of non-indigenous religions and cultures, or
9 the establishment of present state boundaries, who retain some or all of their own
10 social, economic, cultural and political institutions, but who may have been
11 displaced from their traditional domains or who may have resettled outside their
12 ancestral domains;

13 (k) *Indigenous Knowledge Systems and Practices (IKSPs)* – the systems,
14 institutions, mechanisms, and technologies comprising a unique body of
15 knowledge evolved through time that embody patterns of relationships between
16 and among peoples and between peoples, their lands and resource environment,
17 including such spheres of relationships which may include social, political, cultural,
18 economic, religious spheres, and which are the direct outcome of the indigenous
19 peoples, responses to certain needs consisting of adaptive mechanisms which have
20 allowed indigenous peoples to survive and thrive within their given socio-cultural
21 and biophysical conditions;

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

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

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

33 (o) *Sustainable traditional resource rights (STRRs)* – the rights of ICCs/IPs
34 to sustainably use, manage, protect and conserve a) land, air, water, and minerals;
35 b) plants, animals and other organisms; c) collecting, fishing and hunting grounds;

1 d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in
2 accordance with their indigenous knowledge, beliefs, systems and practices.

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

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

11 12 **CHAPTER II**

13 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES** 14 **CONSERVED TERRITORIES AND AREAS (ICCAs)**

15
16 Sec. 5. *Guiding Principles.* – The following are guidelines in recognizing the
17 Indigenous Cultural Communities and Indigenous Peoples Conserved Territories and
18 Areas (ICCAs):

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

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

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

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

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

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

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

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

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

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

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

21 *Sec. 8. Environmental Impact Assessment (EIA) system.* – All projects within or
22 outside the ICCA that have potential adverse impacts on the conserved territories and
23 areas are subject to EIA.

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

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

29 The EIA should be concluded and reported for consideration during the FPIC
30 process.

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

- 1 (a) A representative from the DENR;
- 2 (b) A representative from the NCIP;
- 3 (c) A representative from the Department of Interior and Local Government
- 4 (DILG);
- 5 (d) A representative from the Housing and Land Use Regulatory Board
- 6 (HLURB);
- 7 (e) A representative from recognized civil society organizations (CSOs); and
- 8 (f) Two (2) representatives from ICCs/IPs.

9 Sec. 14. *ICCAs Registration.* – The ICCs/IPs shall initiate the documentation and
10 registration of their ICCAs in the Registry with appropriate financial and technical support
11 from the NCIP and the DENR or assisting organizations.

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

- 14 (a) The ICCs/IPs shall request the NCIP to assist in documenting their
- 15 ICCAs;
- 16 (b) The NCIP shall assist the community in documenting the ICCAs with the
- 17 support of the DENR, delineate the same;
- 18 (c) The NCIP shall facilitate the formulation of a Community Conservation
- 19 Plan; and
- 20 (d) The NCIP shall submit the documentation of the ICCAs and other
- 21 pertinent documents to the DENR for inclusion in the Registry.

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

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

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

34 Sec. 16. *Inclusion of ICCAs in the LGUs Plan.* – The LGUs shall include in their
35 Regional Physical Framework Plans, Provincial Physical Framework Plans, Comprehensive
36 Land and Water Use Plans (CLWUP), Community Development Plans (CDP), Forest Land

1 Use Plans (FLUP), Barangay Development Plans (BDPs), the Ancestral Domains
2 Sustainable Development and Protection Plan (ADSDPP), and other relevant plans on the
3 ICCAs that have been declared and recorded in the Registry by the ICCs/IPs.

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

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

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

17 The application of customary laws, indigenous knowledge, systems and practices,
18 structures and mechanisms by the ICCs/IPs within and outside their ICCAs shall be
19 presumed to be a sustainable traditional resource right (STRR) and shall not be subject
20 to prior approval or validation by the other government agencies and parties. The burden
21 of proof that certain acts or practices are not in accordance with the STRR shall lie with
22 the party making the assertion.

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

25

26

CHAPTER IV

27

ROLE OF GOVERNMENT AGENCIES

28

29 Sec. 19. *Role of the NCIP.* – The NCIP shall be the primary government agency
30 responsible for the full implementation of this Act. It shall protect and promote the
31 interest and well-being of the ICCs/IPs in the context of biodiversity conservation and
32 community resilience.

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

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

2 (a) Capacity building and enhancement in the identification, documentation,
3 and recognition of ICCAs;

4 (b) Preparation of Community Conservation Plans (CCP), and integrating
5 them in the ADSDPP; and

6 (c) Interfacing of the ADSDPP into other relevant planning frameworks.

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

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

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

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

23 *Sec. 20. Role of the DENR.* – The DENR shall, upon the formal request of the
24 ICCs/IPs, provide financial and technical support for delineation and mapping, and
25 biodiversity assessment of ICCA and in the listing or registration of ICCA with the Registry
26 and similar global platforms or networks.

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

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

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

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

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

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

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

15 *Sec. 22. Engagement with the Private Sector and Civil Society to Recognize ICCAs.*

16 – The ICCs/IPs, the NCIP and the DENR shall actively engage and collaborate with the
17 private sector and the civil society in raising public awareness and recognition of ICCAs,
18 and in obtaining specialized assistance and service, subject to the FPIC requirements of
19 the concerned ICCs/IPs. Public participation in the protection, conservation, and
20 sustainable use ICCAs, especially at the local level, shall be encouraged to maximize
21 conservation and community benefits.

22
23 **CHAPTER V**
24 **INCENTIVES**
25

26 *Sec. 23. Incentive Scheme.* – ICCAs listed in the Registry shall be prioritized for
27 biodiversity conservation, forest cover, protection of ancestral waters, and as
28 reforestation project sites. Where appropriate and available, government financial
29 institutions and other government agencies shall provide financial and technical
30 assistance to ICCs/IPs for the protection and promotion of their registered covered
31 territories and areas, particularly in the establishment and implementation of payment
32 schemes for ecosystem services provided by the ICCAs.

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

35 *Sec. 24. Sustainable Livelihoods.* – The NCIP, the DENR, and other relevant
36 government agencies shall support sustainable livelihood opportunities, including

1 biodiversity-friendly livelihoods that are identified and defined by ICCs/IPs consistent with
2 traditional practices and resource use that contribute to the sustainable use and proper
3 management of the ICCAs.

4

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CHAPTER VI

6

PENAL PROVISIONS

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

9 (a) Establishing heavy industries such as non-ferrous metal industries,
10 iron and steel mills, petroleum and petro-chemical industries including oil and gas,
11 and smelting plants;

12 (b) Establishing resource extractive industries such as exploration,
13 extraction and development of mining and quarrying projects, forestry projects
14 including logging, and major wood processing projects; introduction of fauna,
15 exotic animals, forest occupancy, extraction of mangrove products, grazing,
16 fishery projects like dikes or fishpond development projects;

17 (c) Building infrastructure projects such as major dams, major power
18 plants including fossil-fueled, nuclear fueled, hydroelectric or geothermal, major
19 reclamation projects, major roads and bridges;

20 (d) Building golf course projects;

21 (e) Using or intruding on any portion of the ICCA for any authorized or
22 unlawful purpose;

23 (f) Conducting mineral exploration, extraction, and development,
24 quarrying and other destructive forms of natural resource exploitation,
25 development, and utilization;

26 (g) Logging by non-members of the IP community;

27 (h) Mutilating, defacing, removing, or otherwise destroying objects that
28 have cultural, spiritual or ecological significance to ICCs/IPs;

29 (i) Dumping of waste products detrimental to flora and fauna;

30 (j) Squatting, mineral locating, or otherwise occupying any land
31 declared as ICCA;

32 (k) Using any motorized equipment, except of enhancing traditional
33 resource rights;

34 (l) Altering, removing destroying or defacing boundary marks or signs;

35 (m) Constructing or maintaining any kind of structure, fence or
36 enclosures;

1 (n) Fishing through the use of explosives, noxious or poisonous substance
2 or electricity;

3 (o) Gathering, selling, possessing, transport or sale of corals;

4 (p) Gathering, selling or exporting sand, silica, pebbles and any other
5 substances used as marine habitat;

6 (q) Converting mangroves into fishponds or for any other purposes;

7 (r) Fishing or taking for commercial purposes rare, threatened or
8 endangered species listed in the Convention on International Trade in Endangered
9 Species of Wild Fauna and Flora (CITES) or those determined as such by the
10 Bureau of Fisheries and Aquatic Resources (BFAR), and by the Biodiversity
11 Management Bureau of the DENR;

12 (s) Generating aquatic pollution; and

13 (t) Converting ICCAs into industrial land use and special economic zones.

14 Sec. 26. *Penalties.* – Any individual, corporation, partnership, association or
15 juridical entity who commits any of the prohibited acts enumerated under Section 25 of
16 this Act shall upon conviction, be punished by imprisonment of not less than six months
17 but not more than six (6) years or a fine of not less than Fifty thousand pesos
18 (P50,000.00) but not more than Fifty million pesos (P50,000,000.00) or both, at the
19 discretion of the court.

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

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

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

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

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

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

1 **CHAPTER VII**
2 **FINAL PROVISIONS**
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4 Sec. 27. *Annual Report.* – The Chairperson of the NCIP shall submit to the
5 President of the Philippines and to the Congress an annual progress report on the
6 implementation of this Act. The report shall be posted in the website of the NCIP.

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

9 Sec. 29. *Appropriations.* – The amount necessary to cover the initial
10 implementation of this Act shall be charged against the current year’s appropriations of
11 the concerned departments/agency. Thereafter, such sums as may be necessary for its
12 continued implementation shall be included in the annual General Appropriations Act.

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

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

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

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

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

Approved,