

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



23 JUN 19 P2:07

SENATE

S. No. 2279

RECEIVED BY:

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Introduced by Senator Jinggoy Ejercito Estrada

**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

Since time immemorial, the Indigenous Cultural Communities and the Indigenous Peoples (ICCs/IPs) have been at the forefront of conserving and protecting vast tracts of land and seascapes, as well as the varied wildlife species inhabiting therein, against biodiversity loss, degradation and environmental destruction. ICCs/IPs hold deep connection to their territory, and their relationship is profoundly embedded and intimately linked to their identity, history and spirituality. Using their indigenous knowledge and practices which have been passed on for generations, ICCs/IPs have successfully preserved the beauty and natural balance of forests and marine resources within their ancestral domains, to the benefit of all.

This proposed measure acknowledges the critical role of the ICCs/IPs in the sustainable management of natural resources, biodiversity conservation and maintenance of ecological processes. It reaffirms and further strengthens their right to manage, use, and protect the resources within their communities, as guaranteed under the Constitution and in accordance to existing laws such as the "Indigenous Peoples' Rights Act" and the "Expanded National Integrated Protected Areas System Act."

This legislation aims to establish a National Registry of ICCs/IPs Community Conserved Territories and Areas (ICCAs) or the natural and/or modified ecosystems containing significant biodiversity values and ecological services, voluntarily conserved by indigenous and local communities through customary laws or other effective means. The Registry shall be the official information management system that contains records of all pertinent information regarding the ICCAs. The records and data submitted shall be considered as part of the community intellectual property rights, which shall be protected and respected.

As stated by The Philippine Greenprint, a network of environmental non-government organizations (NGOs) who campaigns for the passage of bills critical to the conservation of natural resources and the protection of people who take care of such resources, including this measure, "Where there are forests, there are native peoples. Where there are native peoples, there are forests. No one knows better the ins and outs, the ups and downs of what nature gives and takes, than indigenous peoples."¹

The immediate passage of this bill is endorsed.



JINGGOY EJERCITO ESTRADA

¹ <https://www.greenprint.ph/indigenous-communities-conserved-territories-areas>

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*Be it enacted by the Senate and 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*
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 Act
8 of 1997" (IPRA), and the United Nations Declaration on the Rights of Indigenous
9 Peoples (UNDRIP), it is the policy of the State to recognize, promote, and protect the
10 rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), particularly
11 to their 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
14 key biodiversity areas. Through this recognition, the State acknowledges the
15 significant contribution of ICCs/IPs to the country's efforts in environmental protection,
16 biodiversity conservation and in promoting community resilience.

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

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

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

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

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

- 1 (c) *Ancestral Lands* – lands occupied, possessed and utilized by individuals,
2 families and clans who are members of the ICCs/IPs since time immemorial,
3 by themselves or through their predecessors-in-interest, under claims of
4 individual or traditional group ownership, continuously, to the present
5 except when interrupted by war, force majeure or displacement by force,
6 deceit, stealth, or as a consequence of government projects and other
7 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 community and with
11 a good track record of respect for customary laws and self-determination
12 intending to support ICCs/IPs in the documentation of their ICCAs. This
13 may include non-government organizations (NGOs), the academe, church-
14 based organizations and other similar civic organizations;
- 15 (e) *Biological Diversity or Biodiversity* – the variability among organisms from
16 all sources, including terrestrial, marine and other aquatic ecosystems and
17 the ecological complexes of which they are a part. This includes diversity
18 within species, between species and of ecosystems;
- 19 (f) *Ecosystem services* – the benefits people obtain from ecosystems, which
20 include: (a) provisioning services such as food, water, timber, and fiber;
21 (b) regulating services that affect climate, floods, disease, wastes, and
22 water quality; (c) cultural services that provide recreational, aesthetic, and
23 spiritual benefits; (d) supporting services such as soil formation,
24 photosynthesis, and nutrient cycling;
- 25 (g) *Environmental Impact Assessment (EIA)* – the process that involves
26 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;

1 (h) *Free and Prior Informed Consent (FPIC)* – the consensus of all members of
2 the ICCs/IPs to be determined in accordance with their respective
3 customary laws and practices, free from any external manipulation,
4 interference and coercion, and obtained after fully disclosing the intent and
5 scope of the activity, in a language and process understandable to the
6 community;

7 (i) *Indigenous Community Conserved Territories and Areas (ICCA)* – is an area
8 within ancestral domains and lands, and parts thereof, that is identified,
9 protected, conserved, and sustainably used by ICCs/IPs pursuant to their
10 indigenous knowledge, systems, and practices, and in accordance with
11 customary laws and other effective means since time immemorial. It is
12 characterized by natural or with modified ecosystems, containing significant
13 biodiversity values, ecological benefits and cultural and spiritual values. For
14 purposes of this law, all ICCAs shall be considered as environmentally
15 critical areas (ECAs);

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

1 (k) *Indigenous Knowledge Systems and Practices (IKSPs)* – the systems,
2 institutions, mechanisms, and technologies comprising a unique body of
3 knowledge evolved through time that embody patterns of relationships
4 between and among peoples, their lands and resource environment,
5 including such spheres of relationships which may include social, political,
6 cultural, economic, religious spheres, and which are the direct outcome of
7 the indigenous peoples’ responses to certain needs consisting of adaptive
8 mechanisms which have allowed indigenous peoples to survive and thrive
9 within their given socio-cultural and biophysical conditions;

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

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

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

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

27 Sec. 4. *Scope and Coverage.* – This Act shall apply to all ancestral domains
28 and lands, whether held by native title or formally recognized under a Certificate of
29 Ancestral Domain Title or Certificate of Ancestral Land Title issued under RA 8371.

30 It shall also apply to ancestral domains and lands within national parks or
31 protected areas under Republic Act No. 7586, as amended by Republic Act No. 11038,

1 otherwise known as the "Expanded National Integrated Protected Areas System Act
2 of 2018" (ENIPAS Act).

3 **CHAPTER II**

4 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**

5 **CONSERVED TERRITORIES AND AREAS (ICCAs)**

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

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

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

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

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

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

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

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

1 For purposes of this Act, all ICCAs shall be considered as environmentally critical
2 areas. The requirement of free and prior informed consent (FPIC) shall be strictly
3 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 non-
6 ICCA areas of the ancestral domains or lands.

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

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

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

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

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

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

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

1 **CHAPTER III**

2 **NATIONAL INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS**
3 **PEOPLES CONSERVED TERRITORIES AND AREAS REGISTRY**

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

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

19 Sec. 12. *Operational Structures of the Registry.* – The DENR through the
20 Biodiversity Management Bureau (BMB) shall be the main repository and administrator
21 of the Registry. It shall organize, store and update all information that may be
22 contained in the Registry, and shall be responsible for the documentation,
23 administration and maintenance of the Registry.

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

27 The intellectual property rights of the ICCs/IPs shall be protected and
28 respected.

29 Sec. 13. *Creation of a Steering Committee.* – A Steering Committee is created
30 to define policy, provide directions and perform oversight functions in the
31 administration and maintenance of the Registry.

32 The Steering Committee shall be composed of the following:

- 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. *ICCA's Registration.* – The ICCs/IPs shall initiate the documentation
10 and registration of their ICCAs in the Registry with appropriate financial and technical
11 support 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 ICCAs;
- 15 (b) The NCIP shall assist the community in documenting the ICCAs with the
- 16 support of the DENR, and delineating the same;
- 17 (c) The NCIP shall facilitate the formulation of a Community Conservation Plan;
- 18 and;
- 19 (d) The NCIP shall submit the documentation of the ICCAs and other pertinent
- 20 documents to the DENR for inclusion in the Registry.

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

25 The map, complete with technical description and a brief description of the
26 natural features and landmarks of the ICCAs to be registered and included in the
27 Registry shall be posted at the local, provincial, and regional office of the NCIP, and
28 shall be published in a newspaper of general circulation once a week for two (2)
29 consecutive weeks to allow 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 served the purpose for which it was defined and declared, the

1 ICCs/IPs may cause the delisting of the same through a procedure provided in the
2 Implementing Rules and Regulations of this Act.

3 *Sec. 16. Inclusion of ICCAs in the LGUs Plan.* – The LGUs shall include in their
4 Regional Physical Framework Plans, Provincial Physical Framework Plans,
5 Comprehensive Land and Water Use Plans (CLWUP), Community Development Plans
6 (CDP), Forest Land Use Plans (FLUP), Barangay Development Plans (BDPs), the
7 Ancestral Domains Sustainable Development and Protection Plan (ADSDPP), and other
8 relevant plans on the ICCAs that have been declared and recorded in the Registry by
9 the ICCs/IPs.

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

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

20 *Sec. 18. ICCAs Governance.* – The ICCAs shall be governed by the ICCs/IPs in
21 accordance with their customary laws, indigenous knowledge systems and practices,
22 structures and mechanisms: *Provided,* that any co-management with, or
23 relinquishment of management by ICCs/IPs, shall be temporary in nature and subject
24 to regular renewal by the ICCs/IPs in accordance with the provisions of IPRA and the
25 ENIPAS Act.

26 The application of customary laws, indigenous knowledge systems and
27 practices, structures, and mechanisms by the ICCs/IPs within and outside their ICCAs
28 shall be presumed to be a sustainable traditional resource right (STRR) and shall not
29 be subject to prior approval or validation and shall not be covered under the prohibited
30 acts in Section 25. The burden of proof that laws, knowledge, practices, structures,
31 and mechanisms exercised by ICCs/IPs are not indigenous or are not in accordance
32 with the STRR shall lie with the party making the assertion.

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

3 **CHAPTER IV**

4 **ROLE OF GOVERNMENT AGENCIES**

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

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

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

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

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

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

25 The NCIP shall also be a member of the Protected Area Management Board
26 (PAMB), in reference to the ENIPAS Act, where ancestral domains and lands overlap
27 with protected areas or declared ICCAs.

28 The NCIP, through its regional offices, shall have original and exclusive
29 jurisdiction over all claims and disputes involving ICCAs: *Provided, however,* That no
30 such dispute shall be brought to the NCIP unless the parties have exhausted all
31 remedies provided under their customary laws: *Provided, further,* That when one of
32 the parties is not a member of the ICCs/IPs, indigenous conflict resolutions

1 mechanisms shall apply. For this purpose, a certification shall be issued by the Council
2 of Elders/Leaders who participated in the attempt to settle the dispute that the same
3 has not been resolved, which certification shall be a condition precedent to the filing
4 of a petition with the NCIP.

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

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

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

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

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

18 The NCIP and the DENR, in partnership with the DILG, shall devise an incentive
19 scheme for LGUs that will adopt and include ICCAs in the Regional and Provincial
20 Physical Framework Plans, Comprehensive Land and Water Use Plans (CLWUP),
21 Community Development Plan (CDP), Forest Land Use Plan (FLUP) and other relevant
22 plans and programs.

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

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

- 1 including logging, and major wood processing projects; introduction of
2 fauna, exotic animals, forest occupancy, extraction of mangrove products,
3 grazing, fishery projects like dikes or fishpond development projects;
- 4 (c) Building infrastructure projects such as major dams, major power plants
5 including fossil-fueled, nuclear fueled, hydroelectric or geothermal, major
6 reclamation projects, major roads and bridges;
- 7 (d) Building golf course projects;
- 8 (e) Using or intruding on any portion of the ICCA for any authorized or unlawful
9 purpose;
- 10 (f) Conducting mineral exploration, extraction, and development, quarrying
11 and other destructive forms of natural resource exploitation, development,
12 and utilization;
- 13 (g) Logging by non-members of the IP community;
- 14 (h) Mutilating, defacing, removing, or otherwise destroying objects that have
15 cultural, spiritual or ecological significance to ICCs/IPs;
- 16 (i) Dumping of waste products detrimental to flora and fauna;
- 17 (j) Squatting, mineral locating, or otherwise occupying any land declared as
18 ICCA;
- 19 (k) Using any motorized equipment, except for enhancing traditional resource
20 rights;
- 21 (l) Altering, removing destroying or defacing boundary marks or signs;
- 22 (m) Constructing or maintaining any kind of structure, fence or enclosures;
- 23 (n) Fishing through the use of explosives, noxious or poisonous substance or
24 electricity;
- 25 (o) Gathering, selling, possessing, transport or sale of corals;
- 26 (p) Gathering, selling or exporting sand, silica, pebbles and any other
27 substances used as marine habitat;
- 28 (q) Converting mangroves into fishponds or for any other purposes;
- 29 (r) Fishing or taking for commercial purposes rare, threatened or endangered
30 species listed in the Convention on International Trade in Endangered
31 Species of Wild Fauna and Flora (CITES) or those determined as such by

1 the Bureau of Fisheries and Aquatic Resources (BFAR), and by the
2 Biodiversity Management Bureau of the DENR;

3 (s) Generating aquatic pollution; and

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

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

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

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

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

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

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

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

1 **CHAPTER VII**

2 **FINAL PROVISIONS**

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

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

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

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

18 Sec. 31. *Separability Clause.* – If any provision or part hereof is held invalid or
19 unconstitutional, the remainder of the law or the provision or part not otherwise
20 affected shall remain valid and subsisting.

21 Sec. 32. *Repealing Clause.* – Any law, presidential decree or issuance, executive
22 order, letter of instruction, administrative order, rule, or regulation contrary to or
23 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
24 accordingly.

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

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

Approved,