

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES

SIXTEENTH CONGRESS
First Regular Session

House Bill No. **4219**



Introduced by Hon. Teddy Brawner Baguilat

EXPLANATORY NOTE

It is the policy of the State to pursue sustainable development, recognition of the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs), biodiversity conservation, and climate change mitigation and adaptation.

Pursuant to this, the State has adopted the principle of protecting Key Biodiversity Areas (KBAs) and acknowledging the significant contribution of conservation areas managed by ICC/IPs in the safeguarding the country's biodiversity as well as in national climate change mitigation efforts.

This action is consistent with the recognition and promotion of the rights of ICCs/IPs under the 1987 Constitution, Republic Act No. 8371 (RA 8371) or the Indigenous Peoples Rights Act of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP), which provides that the State shall recognize and respect the designation, declaration or establishment of Indigenous Community Conserved Areas (ICCAs) by ICC/IPs within their ancestral domains.

Furthermore, this is consistent with the United Nations Convention on Biological Diversity (CBD), which provides that the State shall foster the recognition and promotion of other conservation area governance types aside from protected areas. The CBD subsequently led to Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992" and Republic Act No. 9174, otherwise known as the "Wildlife Resources Conservation and Protection Act".

To give life to the Constitutional Mandate and the International Convenants, and to integrate and further strengthen the Indigenous Peoples Rights Act, National Integrated Protected Areas System (NIPAS) Act of 1992, and the Wildlife Resources Conservation and Protection Act, it is necessary to pass this Bill to protect the *Indigenous Community Conserved Areas or ICCA*.

This Representation holds that for the effective promotion of the said areas, it is necessary to have a system of recognition, registration, protection and promotion of the covered lands. On the other hand, there is also a need to penalize any act of desecration of the abovementioned areas.

For these reasons, I believe that this Bill should be passed into law.

Immediate approval is therefore earnestly sought.



Hon. Teddy Brawner Baguilat
Representative – Lone District of Ifugao

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**AN ACT PROTECTING AND STRENGTHENING THE INDIGENOUS COMMUNITY
CONSERVED AREAS, RECOGNIZING THEIR CONTRIBUTION TO BIODIVERSITY
CONSERVATION, ESTABLISHING FOR THE PURPOSE THE NATIONAL ICCA
REGISTRY, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

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

**CHAPTER I
GENERAL PROVISIONS**

SECTION 1. Short Title - This Act shall be known as the "**Indigenous Community Conserved Areas Act of 2014**".

SEC. 2. Declaration of Policy - It is the policy of the State to pursue sustainable development, recognition of the rights of Indigenous Cultural Communities/ Indigenous Peoples (ICCs/IPs), biodiversity conservation, and climate change mitigation and adaptation. Towards this end, the State adopts the principle of protecting Key Biodiversity Areas (KBAs) and acknowledging the significant contribution of conservation areas managed by ICC/IPs in the safeguarding the country's biodiversity as well as in national climate change mitigation efforts.

Consistent with the recognition and promotion of the rights of ICCs/IPs under the Constitution of the Republic of the Philippines, the Indigenous Peoples Rights Act of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples (UNDRIP), the State shall recognize and respect the designation, declaration or establishment of Indigenous Community Conserved Areas (ICCAs) by ICC/IPs within their ancestral domains.

As a party to the United Nations Convention on Biological Diversity (CBD), the State shall foster the recognition and promotion of other conservation area governance types aside from protected areas established under Republic Act No. 7586, otherwise known as the

"National Integrated Protected Areas System (NIPAS) Act of 1992" and critical habitats designated under Republic Act No. 9174, otherwise known as the "Wildlife Resources Conservation and Protection Act", among others.

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

- a. Recognition and promotion of ICC/IP rights to their ancestral domains includes the full recognition of ICCAs as well as the ICC/IP's right to maintain, protect, and regulate access and prohibit unauthorized intrusion thereto;
- b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall have priority in the management of their conservation areas and the preservation, restoration, and maintenance of ecological balance and biodiversity therein, with the full and effective assistance of government agencies;
- c. ICCAs shall be considered in the formulation of, and integrated in, national and subnational policies, plans and programs in recognition and respect of the ICC/IP's right to preserve and develop their cultures, traditions, and institutions within the framework of national unity and development;
- d. The positive contribution to biodiversity conservation of ICCAs and related sustainable traditional indigenous forest resources management systems and practices shall be fully acknowledged and included in the accounting and reporting of the national implementation of CBD obligations; and
- e. ICCs/IPs shall have a fair and equitable share in the commercial profits of users of well-defined and confirmed ecosystem services provided by ICCAs, in recognition and respect of the ICC/IP's right to benefit and share in the profits from allocation and utilization of the natural resources found in their ancestral domains.

SEC. 4. Definition of Terms. - For purposes of this Act, the following terms shall have the corresponding meanings:

- (a) "*Ancestral Domain Sustainable Development and Protection Plan*" or "*ADSDPP*" refers to the document consolidating the plans of the ICC/IP for the sustainable management and development of the land and natural resources as well as human resources within their ancestral domains based on their indigenous knowledge systems and practices and on the principle of self-determination;
- (b) "*Biological Diversity*" or "*Biodiversity*" refers to the variety and variability among all living organisms and the ecological complex in which they occur;
- (c) "*DENR*" refers to the Department of Environment and Natural Resources;

- (d) "*Ecosystem services*" refer to environmental goods and regulating, supporting, and cultural services provided by ecosystems that are directly enjoyed, consumed or used to further human well-being; or benefits that people derive from an ecosystem;
- (e) "*Indigenous Cultural Communities/Indigenous Peoples*" refer to a group of people or homogenous societies as defined under Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997";
- (f) "*Indigenous Community Conserved Areas*" or "*ICCAs*" refers to natural and/or modified ecosystems containing significant biodiversity values, ecological services and cultural values, voluntarily conserved by indigenous cultural communities/indigenous peoples through customary laws or other effective means;
- (g) "*Key Biodiversity Areas*" or "*KBAs*" refer to sites of global significance for biodiversity conservation identified using globally standard criteria and thresholds, based on the needs of biodiversity requiring safeguards at the site scale. These criteria are based on the framework of vulnerability and irreplaceability widely used in systematic conservation planning;
- (h) "*NCIP*" refers to the National Commission on Indigenous Peoples;
- (i) "*National ICCA Registry*" refers to the database maintained by jointly by the NCIP and the DENR containing qualitative, quantitative and spatial data on ICCAs as provided by ICCs/IPs themselves;
- (j) "*Protected Areas*" refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation and included as a component of the National Integrated Protected Area System (NIPAS);
- (k) "*Sustainable Traditional Indigenous Forest Resources Management Systems and Practices*" or "*STIFRMSP*" refer to those systems and practices of ICCs/ IPS formally recognized, registered and confirmed jointly by the DENR and the NCIP that were duly verified and found to be the sustainable forest management system and practice in the forest/watershed area within the ancestral domain/land of the concerned ICC/IP;
- (l) "*Sustainable Traditional Resource Rights*" refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water, and minerals; b) plants, animals and other organisms; c) collecting, fishing and hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, beliefs, systems and practices;

CHAPTER II INDIGENOUS COMMUNITY CONSERVED AREAS

SEC. 5. Recognition of ICCAs. - ICCAs shall be respected as an exercise by the ICC/IP of their ancestral domain rights as well as of their sustainable traditional resource rights.

ICCAs shall be accorded special protection and full recognition by all national and local government agencies. Except for ICCA documentation and mapping and biodiversity conservation-related activities involving the full participation of the concerned ICC/IP, the requirements for free and prior informed consent (FPIC) shall be strictly followed for all other allowable activities within ICCAs.

SEC. 6. *Protection/Privileges of ICCAs.* - ICCAs shall be closed to mining and other destructive forms of natural resource exploration, development and utilization. These activities shall likewise be not allowed outside the ICCAs if it will adversely impact the ICCA.

SEC. 7. *Zones.* - ICCs/IPs may established zones within their ICCAs and provided for the management and use for such zones in accordance with their customary laws, traditions, customs or practices.

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

SEC. 8. *Respect for the names and designations made by the ICC/IP.* - Place names and designations of ICCAs in the native dialect of the ICCs/IPs shall be accorded respect.

CHAPTER III REGISTRATION AND MAINSTREAMING OF ICCAS

SEC. 9. *National ICCA Registry.* - To ensure the availability of official information on ICCAs, there is hereby established a centralized information management system to be known as the National ICCA Registry. The National ICCA Registry shall contain records of all pertinent information voluntarily submitted by the concerned ICC/IP regarding their respective ICCAs.

SEC. 10. *Implementing Arrangements and Operational Structures.* - The NCIP and the DENR, in consultation and coordination with ICCs/IPs, shall lead in the establishment of the National ICCA Registry and shall be jointly responsible for its management and maintenance: *Provided, That* all information and data in the National ICCA Registry shall be owned by the ICC/IP providing such information and data as part of their community intellectual property rights.

SEC. 11. *Inclusion in the Comprehensive Land Use Plans and Forest Land Use Plans.* - ICCAs recorded in the National ICCA Registry shall be included and duly reflected in the Comprehensive Land Use Plan (CLUP) of the concerned local government unit (LGU).

National government agencies shall likewise ensure that the ICCAs are recognized in land use plans covering lands of the public domain.

SEC. 12. *Procedure for formal recognition and listing of ICCAs.* - Within six (6) months from the effectivity of this Act, the NCIP and the DENR, in consultation with the ICCs/IPs, shall jointly issue the procedural rules and regulations for the recording and listing of ICCAs in the National ICCA Registry. The procedure shall provide guidelines for the documentation and mapping of ICCAs by the ICCAs themselves or with the assistance of government and non-government entities at the option of the ICC/IP. It shall also provide for the incorporation of ICCA in the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

CHAPTER IV

ROLE OF GOVERNMENT AGENCIES

SEC. 13. *Role of the NCIP.* - The NCIP shall be the primary government agency responsible for the full implementation of this Act and shall protect and promote the interest and well-being of the ICCs/IPs in the context of biodiversity conservation and climate change mitigation and adaptation. The NCIP shall convene periodic national and subnational conventions of ICCs/IPs, government agencies, private sector and civil society organizations to review, assess as well as propose policies or plans to further promote ICCAs. It shall also ensure that ICCA concerns and issues are included and addressed in the ADSDPP of the concerned ICC/IP.

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

SEC. 15. *Role of other government agencies.* - Where applicable, national government agencies shall integrate and mainstream ICCAs in their policies and programs, provide technical assistance to ICCs/IPs, and support to the National ICCA Registry. Consistent with their respective mandates and upon formal request an ICC/IP, national government agencies shall provide technical assistance in building and strengthening the capacity of the requesting ICC/IP to manage their ICCA.

The Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the Department of Social Welfare and Development (DSWD), in coordination with the DENR and the NCIP, and

other relevant agencies, shall integrate ICCAs and KBAs in the school curricula under environmental education at the appropriate educational level/s.

SEC. 16. *Role of the Private Sector and Civil Society.* - The NCIP and DENR shall actively engage and collaborate with the private sector and civil society in the raising public awareness and recognition of ICCAs and in obtaining specialized assistance and service, subject to the free and prior informed consent requirements of the concerned ICC/IP. Public participation in protection, conservation and sustainable use activities, especially at the local level, shall be encouraged to maximize conservation and community benefits.

CHAPTER V INCENTIVES

SEC. 17. *Incentive Scheme.* - ICCAs listed in the National ICCA Registry shall enjoy priority as biodiversity conservation and reforestation project sites. Where appropriate and available, government financial institutions and other government agencies shall provide financial and technical assistance to ICCs/IPs for the protection and promotion of their listed ICCAs, particularly in the establishment and implementation of payment schemes for ecosystem services provided by the ICCAs.

SEC. 18. *Sustainable livelihoods.* - The DENR, in coordination with the NCIP, shall develop sustainable livelihood opportunities for ICCs/IPs particularly those consistent with traditional practices and resource use that contribute to the sustainable development and proper management of the ICCAs. In all cases, the interests and well-being of the ICC/IP concerned shall be paramount.

CHAPTER VI PENAL PROVISIONS

SEC. 19. *Prohibited Acts.* - It shall be unlawful for any person to commit the following acts within an ICCA:

- (a) Unauthorized and/or unlawful intrusion upon, or use of any portion of, the ICCA;
- (b) Mineral exploration, extraction and development, quarrying and other destructive forms of natural resource exploration, development and utilization;
- (c) Logging, except in instances of sustainable traditional indigenous forest resource management practices of ICC/IP;
- (d) Mutilating, defacing, removing or otherwise destroying objects that have cultural, spiritual or ecological significance to ICC/IP;

- (e) Dumping of waste products detrimental to flora and fauna;

SEC. 20. Penalties. - Any individual, corporation, partnership, association, or other juridical entity that commits any of the prohibited acts provided for in Section 18 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less than SIX THOUSAND PESOS (PhP 6,000.00) or any amount not to exceed FIVE HUNDRED THOUSAND PESOS (PhP. 500,000.00) or imprisonment of not less than SIX (6) MONTHS AND ONE (1) DAY or more than SIX (6) years, or both, at the discretion of the court, including perpetual disqualification from public office if the offender is a public officer, and confiscation or forfeiture in favor of the government of the objects and the instrumentalities used in committing any of herein prohibited acts.

If the offender is a corporation, partnership or association, or other juridical entity, the penalty shall be imposed upon the officer or officers of the corporation, partnership, association or entity responsible for the violation without prejudice to the cancellation or revocation of these entities license or accreditation issued to them by any licensing or accredited body of the government. If such offender is an alien, he or she shall, in addition to the penalties prescribed in this Act, be deported without further proceedings after service of the sentence.

However, the prosecution for offenses set forth in Section 18 of this Act shall be without prejudice to any liability for violation of Republic Act No. 8371, as amended, otherwise known as the "Indigenous Peoples Rights Act of 1997", and other criminal or civil liabilities.

CHAPTER VII FINAL PROVISIONS

SEC. 21. Annual Report. - On or before March 30 of every year following the effectivity of this Act, the Council shall submit to the President and to both Houses of Congress a progress report on the status of the implementation of this Act and on the implementation of the National ICCA Program. The Council shall recommend legislation, where applicable and necessary.

SEC. 22. Construction. - The provisions of this Act shall be construed liberally in favor of ICCs/IPs and in consideration of the protection and conservation of biodiversity.

SEC. 23. Implementing Rules and Regulations. - The NCIP, in coordination with the DENR and other concerned government agencies and members of the civil society, shall, within six (6) months from the effectivity of this Act, promulgate the necessary rules and regulations for the enforcement of the provisions of this Act.

SEC. 24. Appropriations. - The sum of TWENTY MILLION PESOS (PhP 20,000,000.00) is hereby appropriated as initial operating fund. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the annual General

Appropriations Act.

In succeeding years, in addition to the annual appropriations to be provided for the implementation of this Act, the Fines to be collected as Penalties under Section 20 shall also be added for the implementation of this law.

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

SEC. 26.*Saving Clause.* - This Act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under other conventions, recommendations, international treaties, national laws, awards, customs and agreements.

SEC 27.*Separability Clause.* - If any part or provision of this Act is held unconstitutional or invalid, other parts or provisions hereof which are not affected shall continue to remain in full force and effect.

SEC. 28.*Effectivity.* - This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspapers of general circulation.

Approved,



Hon. Teddy Brawner Baguilat
Representative – Lone District of Ifugao