

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL No. 11081



Introduced by Representative CAMILLE A. VILLAR

EXPLANATORY NOTE

The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.¹ In addition, the State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.²

The Kabuhayan at Kaunlaran ng Kababayang Katutubo (4K) is a special program of the Department of Agriculture for an enhanced provision of assistance in the form of agricultural and fisheries related livelihood opportunities, investments through the provision of production and post-harvest machineries and equipment and various support services for the Indigenous Cultural Communities/Indigenous Peoples (ICCs/Ips) all over the country through targeted community needs-assessments. This Program links the ICCs/IPs to credit facilities and crop insurance to ensure sustainability of the interventions. Moreover, capacity building in implementing livelihood and enterprise development programs and marketing assistance are provided.³

The Program aims to develop the Ancestral Domains of the ICCs/IPs in order to improve its productivity by developing sustainable agricultural enterprises and profitability by increasing their income in consideration with their customs, traditions, values, beliefs and interests.⁴

Specifically, it aims to achieve the following:

¹ Section 22, Article II, 1987 Philippine Constitution

² Section 5, Article XII, 1987 Philippine Constitution

³ https://4ks.da.gov.ph/?page_id=641

⁴ Ibid

- a) To capacitate the ICCs/IPs through community organizing, agricultural skills training and workshops to increase knowledge and productivity;
- b) To provide various agriculture and fishery assistance such as agriculture and fishery inputs, tools, machineries/equipment and facilities for production, post-harvest, processing and packaging to improve the economic condition of the ICCs/IPs in the country;
- c) To increase the number of ICCs/IPs farmers and fisherfolks with access to Department of Agriculture assets and services; and
- d) To improve the income of the ICCs/IPs through culturally responsive and environmentally sustainable livelihood activities.⁵

This bill seeks to institutionalize the Kabuhayan at Kaunlaran ng Kababayang Katutubo Program providing for banner livelihood support programs for the Indigenous Cultural Communities and Indigenous Peoples.

It is for the foregoing premises that the approval of this bill is earnestly sought.


CAMILLE A. VILLAR

⁵ *Id.*

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Third Regular Session

HOUSE BILL No. 11081

Introduced by Representative CAMILLE A. VILLAR

**AN ACT INSTITUTIONALIZING THE KABUHAYAN AT KAUNLARAN NG
KABABAYANG KATUTUBO PROGRAM, PROVIDING FOR LIVELIHOOD
SUPPORT PROGRAMS FOR THE INDIGENOUS CULTURAL COMMUNITIES
AND INDIGENOUS PEOPLES, APPROPRIATING FUNDS THEREFOR, AND
FOR OTHER PURPOSES**

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

SECTION 1. Short Title. -This Act shall be known as the "Kabuhayan at
Kaunlaran ng Kababayang Katutubo Act."

SECTION 2. Declaration of Policy. -The State shall recognize and promote the
rights of indigenous cultural communities and indigenous peoples, protect their
rights to their ancestral lands to ensure their economic, social, and cultural well-
being, and institute a program for their development thereby contributing to the
economic development and food security in the country.

SECTION 3. Definition of Terms. - For purposes of this Act, the term:

a) Ancestral Domains — Refer to all areas generally belonging to Indigenous
Cultural Communities/Indigenous Peoples (ICC/IP) comprising lands,
inland waters, coastal areas, and natural resources therein, held under a claim
of ownership, occupied or possessed by ICCs/IPs, by themselves or through
their ancestors, communally or individually since time immemorial,
continuously to the present except when interrupted by war, force majeure or
displacement by force, deceit, stealth or as a consequence of government
projects or any other voluntary dealings entered into by government and
private individuals/corporations, and which are necessary to ensure their
economic, social and cultural welfare. It shall include ancestral lands, forests,
pasture, residential, agricultural, and other lands individually owned whether

alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators;

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

c) Free and Prior Informed Consent — as used in this Act shall mean the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community;

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

SECTION 4. Objectives. — The objectives of this Act are as follows:

- a) Establish a regular banner program in the Department of Agriculture intended for the ICC/IP;
- b) Contribute to the reduction of inequality in economic opportunities among ICC/IP;

- c) Improve agricultural productivity of Ancestral Domains through culturally responsive, environment-friendly, gender-transformative, and sustainable agricultural practices; and
- d) Assist ICC/IP organizations in developing sustainable livelihood and enterprise.

SECTION 5. Institutionalizing the Kabuhayan at Kaunlaran ng Kababayang Katutubo (4K) Program. – Pursuant to this act, the Department of Agriculture shall institutionalize the 4K Program as a regular banner program of the Department. The program shall focus on the agricultural development of Ancestral Domains by providing assistance on agricultural livelihood and enterprise opportunities, investments on production and post-harvest machineries and equipment, and various support services for the ICC/IP based on their identified needs.

The 4K Program shall have the following components:

- a) Social Protection Component – Ensuring the readiness and capability of ICC/IP in managing agriculture-fisheries development interventions in their Ancestral Domain. This would include community organizing and planning, training and capacity development activities, and other technical assistance;
- b) Production and Livelihood Component – includes the provision of various agriculture-fisheries assistance such as agri-inputs, tools, machineries, and equipment, and facilities related to production, processing, and post-harvest;
- c) Enterprise and Marketing Component – to enhance the enterprising capability of ICC/IP and link them to available market. This would include technical assistance on product development and marketing activities on agricultural produce;
- d) Gender, Culture, and Diversity Component – to ensure that the government understand the culture and practices of the ICC/IP are respected and protected while the program is implemented, there must be regular dialogues between the communities and the various concerned branches of government, namely: Department of Agriculture (DA), National Commission on Indigenous People (NCIP), Philippine Commission on Women (PCW) and the Local Government Unit (LGU) concerned, among others. The dialogues must lead to reforms in the implementing rules and regulations that will make the 4K Program more responsive to the intersecting identities of ICC/IP.

SECTION 6. Program Management and Implementation. – The Department of Agriculture shall establish a National Program Management Office for the 4K Program. It shall be headed by a Program Director and supported by a Deputy Program Director. The Department of Agriculture, in close coordination with the Department of Budget and Management, shall formulate an organizational and staffing pattern to determine the human resources needed to implement the

program. This shall include the human resources needed to implement the program at the regional level.

SECTION 9. Appropriations. – The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's appropriations of the Department of Agriculture. Thereafter, its implementation and management budget shall be regularly included in the annual General Appropriations Act.

SECTION 10. Implementing Rules and Regulations. – Within sixty (60) days from the effectivity of this Act, the Secretary of Agriculture, in close coordination with the National Commission on Indigenous Peoples, and in consultation with appropriate government agencies and stakeholders, shall promulgate the necessary rules and regulations to implement this Act. The implementing rules and regulations shall include criteria for the selection of ICC/IP partner-beneficiaries and guidelines for the identification of agriculture-fisheries development intervention in Ancestral Domains.

SECTION 11. Separability Clause. – If any provision or part of this Act is held invalid or unconstitutional, the remaining provisions or parts unaffected shall remain in full force and effect.

SECTION 12. Repealing Clause. – All laws, executive orders, presidential decrees or issuances, letters of instruction, administrative orders, rules, and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

SECTION 13. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,