



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

Twentieth Congress
First Regular Session

HOUSE BILL NO. 4954

Introduced by Representatives Kenneth Paolo Tereng and Dante S. Garcia

EXPLANATORY NOTE

The Indigenous Cultural Communities/Indigenous People's (ICC/IP) population is estimated to be at 14% of the Philippine's population. They have long experienced marginalization, loss of ancestral lands, and cultural discrimination. These causes the high rates of illiteracy, unemployment, and incidence of poverty among the ICC/IP. The 2021 Family Income and Expenditure Survey of the Philippine Statistics Authority showed that poverty incidence in rural areas, where ICC/IP are mostly situated, was significantly higher compared to the general population.

Efforts to address poverty among ICC/IP require a multidimensional approach. It involves recognizing and respecting their rights to land, resources, and self-determination, as well as providing targeted interventions to improve their socio-economic conditions. One approach to address poverty is by strengthening the agricultural development of ICC/IP. However, efforts to promote agricultural development in ancestral domains of ICC/IP, implemented by various government and non-government organization, have been largely fragmented, underfunded, and

unresponsive to the specific needs and aspirations of indigenous communities.

The proposed Kabuhayan at Kaunlaran ng Kababayang Katutubo Act (4k Act) aims to address these issues by institutionalizing a regular program for the agricultural development of ICC/P in the country. It will ensure a sustained and sufficiently funded program for the development of ancestral domains. The agricultural development of ICC/IP will greatly contribute to the food security in the country while uplifting the lives of ICCAP.

The program shall employ culturally sensitive, participatory mechanisms, gender transformative lens in planning, implementing, and monitoring agriculture-fisheries development interventions in ancestral domains, with high regard to the indigenous knowledge, systems, and practices of the ICC/IP. Furthermore, it shall ensure that all interventions adhere to the Free and Prior Informed Consent through the implementation of social preparation activities that involve community consultation, planning, and IP-led approval of any intervention in their respective area.

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


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KABUHAYAN AT KAUNLARAN NG KABABAYANG KATUTUBO ACT

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. - Considering that the State recognizes and promotes the rights of indigenous cultural communities, and further that the State shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being, we are instituting a program for the development of the lives of the Indigenous Cultural Communities and 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 ICCs/ IPs 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 to 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 i/s individuals, maemon a g themater of through that ICCs/IPs since time themselves or through 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 opportunity 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 constant 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), National Council on Disability Affairs (NCBA), and the Local Government Unit (LGU) concerned, among others. The dialogues must lead to reforms in the implementing rules 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. Ease of Procurement. - The Department of Agriculture and the National Program Management Office for the 4K Program shall formulate procedures for the efficient procurement of materials and equipment for the implementation of the program, which may include setting out exemptions to Section 18 of R.A. No. 10601, otherwise known as "Agricultural and Fisheries Mechanization (AFMech) Law", when deemed necessary and justified by the circumstances of the ICC/IP partner-beneficiaries.

SECTION 10. 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 11. Implementing Rules and Regulations. - Within thirty (30) 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 12. 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 13. 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 14. 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,