

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5761**



Introduced by Representative LEILA M. DE LIMA

AN ACT
RECOGNIZING THE DECLARATION OF INDIGENOUS CULTURAL
COMMUNITIES/INDIGENOUS PEOPLES OF CONSERVED TERRITORIES AND
AREAS WITHIN THEIR ANCESTRAL DOMAINS, ACKNOWLEDGING THEIR
CONTRIBUTION TO BIODIVERSITY CONSERVATION AND PROTECTION,
ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS AND
COMMUNITY CONSERVED AREAS (ICCA) REGISTRY, APPROPRIATING
FUNDS THEREFOR AND OTHER PURPOSES

EXPLANATORY NOTE

Under the existing Philippine legal framework, the recognition and protection of the rights of Indigenous Cultural Communities (ICCs) and Indigenous Peoples (IPs) to their ancestral lands and resources are firmly rooted in the 1987 Philippine Constitution.

The Constitution declares, as a State policy, the recognition, promotion, and protection of the rights of ICCs and IPs within the framework of national unity and development.¹ It further mandates the State to respect and safeguard the rights of indigenous peoples over their ancestral lands, and to observe and implement their customary laws governing property rights, ownership, and territorial boundaries within their ancestral domains.² These constitutional principles are foundational to ensuring the economic, social, and cultural well-being of indigenous communities and the preservation of their distinct heritage and traditional systems of governance.

While the Constitution affirms territorial autonomy for indigenous communities, it does not yet provide the full extent of recognition of their inherent right to self-determination. This underscores the need for legislative measures that strengthen indigenous governance over their territories and affirm their stewardship of

¹ Section 22, Article 2, 1987 Constitution.

² Section 5, Article 12, 1987 Constitution.

community-conserved areas in accordance with their customary laws and traditional institutions.³

In *Sama and Masanglay v. People*⁴, two members of an indigenous community were convicted by the trial court for cutting a *dita* tree within their ancestral domain, which they intended to use for building a communal toilet for the Iraya-Mangyan people, in violation of Section 77 of Presidential Decree No. 705 or the “Revised Forestry Code of the Philippines”. They were later acquitted by the Supreme Court, recognizing their right to the exclusive communal use and occupation of their ancestral domain and to benefit from its resources.

The Court noted that this case highlighted the absence of a clear and definitive legal rule that indigenous peoples could invoke as a defense in criminal cases arising from the exercise of their indigenous rights. It also emphasized that the prevailing civil and common law concepts of land ownership fail to fully accommodate indigenous notions of property, which are rooted in collective and traditional ownership systems. Thus, there is a need to align legal protections with traditional indigenous conceptions of property rights to ensure the effective recognition of their rights under the law.

Republic Act No. 8371, or the Indigenous Peoples’ Rights Act (IPRA), serves as the main legal framework defining and safeguarding the rights of Indigenous Peoples. Enacted to give effect to the related constitutional mandates, it directs the State to recognize and promote indigenous peoples’ rights within the context of national unity and development, to protect their ownership and control over ancestral lands and domains, and to acknowledge the role of customary laws in determining property rights, relations, and territorial boundaries. However, persistent legal controversies have exposed systemic gaps arising from overlapping and unclear jurisdictions among various government agencies.⁵

This bill seeks to recognize, respect, protect, and promote Indigenous Community Conserved Areas (ICCAs) as a concrete manifestation of the exercise by ICCs/IPs of their right to self-determination and ancestral domain management. It affirms their right and obligation to manage, maintain, and develop natural resources found within their culturally and spiritually significant territories, in accordance with their indigenous knowledge systems and practices (IKSPs), and through their traditional political structures and governance systems. Further, this measure underscores that the rights to land and self-determination necessarily entail the full recognition of the traditional resource use rights and practices of ICCs/IPs, including their authority to maintain, protect, conserve, and regulate access to their ICCAs, and to exclude unauthorized intrusion or exploitation thereof.

³ Taqueban, et al. A Survey of Jurisprudence Affecting Indigenous Peoples and their Ancestral Land and Resource Rights in the Philippines (2009-2023). Retrieved from: <https://transformativepathways.net/wp-content/uploads/2024/03/Transformative-Pathways-Philippines-Baseline-Study.pdf>

⁴ G.R. No. 224469. January 5, 2021.

⁵ *Supra* note 3.

Early approval of this measure is requested.


LEILA M. DE LIMA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5761**

Introduced by Representative LEILA M. DE LIMA

AN ACT
RECOGNIZING THE DECLARATION OF INDIGENOUS CULTURAL
COMMUNITIES/INDIGENOUS PEOPLES OF CONSERVED TERRITORIES AND
AREAS WITHIN THEIR ANCESTRAL DOMAINS, ACKNOWLEDGING THEIR
CONTRIBUTION TO BIODIVERSITY CONSERVATION AND PROTECTION,
ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS AND
COMMUNITY CONSERVED TERRITORIES AND AREAS (ICCA) REGISTRY,
APPROPRIATING FUNDS THEREFOR AND 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 “*ICCA Recognition Act*”.

SEC. 2. *Declaration of Policy.* - Consistent with the 1987 Constitution, Republic Act No. 8371, otherwise known as the "Indigenous Peoples' Rights Act of 1997" (IPRA), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the State recognizes, respects and promotes the designation, declaration, and registration of Indigenous Peoples' Conserved Territories and Areas (ICCAs) by Indigenous Cultural Communities and Indigenous Peoples (ICCs/IPs) within their ancestral domains and lands.

In accordance with the United Nations Convention on Biological Diversity (CBD), the State recognizes the existing customary and traditional governance of ICCAs by ICCs/IPs as an effective conservation measure of key biodiversity areas (KBAs).

1 By recognizing the ICCAs, the State acknowledges the significant contribution
2 of ICCs/IPs to the country's efforts in environmental protection, biodiversity
3 conservation, and community resilience since time immemorial.
4

5 Towards these ends, the State recognizes, respects, protects and promotes
6 ICCAs as a manifestation of the exercise by ICCs/IPs of their right and obligation to
7 manage, maintain, and develop natural resources within their culturally and spiritually
8 important areas applying their indigenous knowledge systems and practices through
9 their indigenous political structures and traditional governance systems.
10

11 SEC. 3. *Scope and Coverage.* - The law shall apply to all ancestral domains
12 and lands, whether held by native title or formally recognized with a Certificate of
13 Ancestral Domain Title (CADT)/Certificate of Ancestral Land Title (CALT).
14

15 It shall also apply to ancestral domains and lands within National Parks or
16 protected areas established under the National Integrated Protected Areas System
17 (NIPAS), pursuant to Republic Act No. 7586, otherwise known as the National
18 Integrated Protected Areas System Act of 1992.
19

20 SEC. 4. *Guiding Principles.* - In recognizing ICCAs, all concerned government
21 agencies shall be guided by the following:
22

- 23 a. The rights to land and self-determination include the full recognition of the
24 traditional resource use rights and practices of ICCs/IPs, as well as their right
25 to maintain, protect, conserve, and regulate access to and exclude
26 unauthorized intrusion into their ICCAs.
- 27 b. The primacy of customary laws and IKSPs in the governance and management
28 of ICCAs shall be recognized and respected.
- 29 c. ICCs/IPs shall govern their conserved areas and ensure the preservation,
30 restoration, and maintenance of ecological balance and biodiversity therein,
31 with the assistance of government agencies.
- 32 d. ICCAs shall be considered in the formulation of national, regional and local
33 policies, plans and programs.
- 34 e. ICCs/IPs shall receive fair and equitable share in the benefits derived from the
35 ecosystem services provided by ICCAs, and other activities as allowed by the
36 indigenous peoples themselves.
37

38 SEC. 5. *Definition of Terms.* - For purposes of this Act, the following terms shall
39 have the corresponding meanings:
40

- 41 (a) *Adverse Impact* - any harmful effect, taking into account the application of the
42 Precautionary Principle, on the environment that may reduce flora or fauna, or
43 their habitat, or make the local environment socially and culturally
44 unacceptable.
45
- 46 (b) *Ancestral Domains Sustainable Development and Protection Plan (ADSDPP)*
47 – refers to the consolidation of the plans of ICCs/IPs within an ancestral domain
48 for the sustainable management and development of their land and natural
49 resources as well as the development of human and cultural resources based

on their indigenous knowledge, systems and practices. Such plan shall be the basis of the Five-Year Master Plan for ICCs/IPs.

(c) *Assisting Organization* – refers to an organization, known to the community and with a good track record of respect for customary laws and self-determination intending to support ICCs/IPs in the documentation of their ICCAs. This may include NGOs, the academe, church-based organizations and other similar entities.

(d) *Biological Diversity or Biodiversity* - refers to the variability among organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part. This includes diversity within species, between species and of ecosystems.

(e) *Community Protected Areas* - refer to clearly defined geographical spaces, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

(f) *Customary laws* - refer to a body of written and/or unwritten rules, usages, customs and practices traditionally and continually recognized, accepted and observed by respective ICCs/IPs.

(g) *Ecosystem Services* - are the benefits people obtain from ecosystems, namely: provisioning services such as food, water, timber, and fiber; regulating services that affect climate, floods, disease, wastes, and water quality; cultural services that provide recreational, aesthetic, and spiritual benefits; and supporting services such as soil formation, photosynthesis, and nutrient cycling.

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

(i) *Free and Prior Informed Consent (FPIC)*— 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.

(j) *Indigenous Community Conserved Territories and Areas (ICCA)* - is an area within ancestral domains or lands, that is 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 since time immemorial.

1 It is characterized by natural or modified ecosystems containing significant
2 biodiversity, ecological services and cultural and spiritual values.

3
4 For purposes of this law, all ICCAs shall be considered as environmentally
5 critical areas.

6
7 (k) *Indigenous Knowledge Systems and Practices (IKSP)*- refer to systems,
8 institutions, mechanisms, and technologies comprising a unique body of
9 knowledge evolved through time that embody patterns of relationships between
10 and among peoples and between peoples, their lands and resource
11 environment, including such spheres of relationships which may include social,
12 political, cultural, economic, religious spheres, and which are the direct
13 outcome of the indigenous peoples, responses to certain needs consisting of
14 adaptive mechanisms which have allowed indigenous peoples to survive and
15 thrive within their given socio-cultural and biophysical conditions.

16
17 (l) *Key Biodiversity Areas (KBA)* - refer to sites of global significance for
18 biodiversity conservation identified using globally standard criteria and
19 thresholds, based on the needs of biodiversity requiring safeguards at the site
20 scale. These criteria are based on the framework of vulnerability and
21 irreplaceability widely used in systematic conservation planning.

22
23 (m) *National ICCA Registry* – A national information management system that
24 contains records on pertinent information on ICCAs.

25
26 (n) *Native Title* — refers to pre-conquest rights to lands and domains which, as far
27 back as memory reaches, have been held under a claim of private ownership
28 by ICCs/IPs, have never been public lands and are thus indisputably presumed
29 to have been held that way since before the Spanish Conquest.

30
31 (r) *Sustainable Traditional Resource Rights (STRRs)* — refer to the rights of
32 ICCs/IPs to sustainably use, manage, protect and conserve a) land, air, water,
33 and minerals; b) plants, animals and other organisms; c) collecting, fishing and
34 hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial
35 and aesthetic value in accordance with their indigenous knowledge, beliefs,
36 systems and practices.

37 38 **CHAPTER II** 39 **INDIGENOUS PEOPLES COMMUNITIES CONSERVED TERRITORIES AND** 40 **AREAS**

41
42 SEC. 6. *Recognition of ICCAs.* - The ICCs/IPs shall define and declare the
43 ICCA within their Ancestral Domains/Lands in accordance with their Indigenous
44 Political Structures, upon which the same shall be subject to the provisions of this law.

45
46 ICCAs shall be respected as an exercise of ICCs/IPs self-governance, self-
47 determination and sustainable traditional resource rights. ICCAs shall be recognized
48 by all national agencies and local government units, as another duly legally recognized
49 category of protected areas that are owned, controlled, governed and managed by
50 ICCs/IPs themselves.

1
2 The requirements for Free and Prior Informed Consent (FPIC) shall be strictly
3 followed for all allowable activities within ICCAs.
4

5 SEC. 7. *Protection/ Privileges of ICCAs.* – ICCAs shall be reserved for the
6 exclusive use of ICCs/IPs exercising their sustainable traditional resource rights,
7 *provided*, that activities which are not STRRs, and those by non-member ICCs/IPs,
8 may be allowed in the ICCA, if they are:
9

- 10 a) Permitted by the ICCs/IPs in accordance with customary laws;
11 b) Consistent with their cultural and spiritual values;
12 c) Compatible with conservation concepts; and
13 d) Not among the enumerated activities found on Sec. 24, which are
14 absolutely prohibited.
15

16 These activities shall likewise not be allowed outside the ICCAs, within or
17 outside the ancestral domains, if they adversely impact the ICCAs.
18

19 SEC. 8. *Environmental Impact Assessment System (EIA) for projects in areas*
20 *contiguous to ICCAs.* – All projects which are outside the ICCA, within or outside the
21 ancestral domain, and have potential adverse impacts on the ICCA, shall be subject
22 to EIA.
23

24 The participation of the ICCs/IPs, the National Commission on Indigenous
25 Peoples (NCIP) and the Department of Environment and Natural Resources shall be
26 required in the conduct of the EIA. A representative of the ICCs/IPs, the NCIP and the
27 Biodiversity Management Bureau (BMB) shall be included in the Environmental Impact
28 Statement (EIS) Review Body.
29

30 The customary law and the IKSPs of the ICCs/IPs shall be considered in the
31 determination of impacts and the social acceptability of the project.
32

33 SEC. 9. *ICCAs in Key Biodiversity Areas.* - ICCAs within or encompassing
34 KBAs shall be governed, maintained, restored and sustainably developed by the
35 ICCs/IPs in accordance with their customary laws and in a manner consistent with the
36 sustainable use and conservation of biodiversity found therein.
37

38 SEC. 10. *Respect for the Names and Designations made by the ICCs/IPs.* -
39 The designation in their indigenous language by the ICCs/IPs of the ICCA and the
40 places and components therein, shall be respected, used and promoted in all official
41 documents.
42

43 **CHAPTER III** 44 **REGISTRATION AND MAINSTREAMING OF ICCAS** 45

46 SEC. 11. *The National ICCA Registry.* - To ensure the availability of official
47 information on ICCAs, there is hereby established a national information management
48 system to be known as the “National ICCA Registry”. The National ICCA Registry
49 shall contain the minimum required information voluntarily submitted by the concerned
50 ICCs/IPs regarding their respective ICCAs, namely:

- a) Name of the ICC/IP group;
- b) A map generated from the delineation of the ICCA with the corresponding technical description;
- c) Brief description of governance structure;
- d) Policies on resource use;
- e) Certificate of Ancestral Domain Title (CADT)/Certificate of Ancestral Land Title (CALT), *if applicable*;
- f) Relevant portions of the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) containing information on the ICCA, if any; and
- g) Contact person/s.

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

SEC. 12. *Implementing Arrangements and Operational Structures of the National ICCA Registry.* - The Department of Environment and Natural Resources (DENR), through BMB, shall be the main repository and administrator of the National ICCA Registry. It shall organize and store all information that may be contained in the National ICCA Registry and shall be responsible for the administration and maintenance of the Registry.

All information and data in the National ICCA Registry shall be obtained from and owned by the ICCs/IPs providing such information and data as part of their community intellectual property rights.

The Steering Committee shall provide oversight functions, define policy and provide directions to the administration and maintenance of the National ICCA Registry. This Committee shall be composed of the DENR, NCIP, Department of Interior and Local Government (DILG), Housing and Land Use Regulatory Board (HLURB), a Civil Society Organization (CSO) representative and representatives of ICCs/IPs, who shall constitute the majority.

SEC. 13. *Procedure for Registration of ICCAs.* - The ICCs/IPs shall initiate the documentation and registration of their ICCAs in the National ICCA Registry with appropriate financial and technical support of the NCIP and the DENR or assisting organizations.

Should the ICCs/IPs decide to seek the assistance of the NCIP and DENR, the following steps shall be undertaken:

- a) The ICCs/IPs shall request the NCIP to assist in documenting their ICCA.
- b) The NCIP shall assist the community in documenting the ICCA and with the support of the DENR, delineate the same.
- c) The NCIP shall facilitate the formulation of a Community Conservation Plan (CCP); and
- d) The NCIP shall submit the documentation of the ICCA and other pertinent documents to the DENR-BMB for inclusion in the National ICCA Registry.

1 Should the ICCs/IPs undertake the documentation by themselves with support
2 from assisting organizations, the NCIP and DENR shall affirm the documentation and
3 pertinent documents submitted before the ICCA may be included in the Registry.
4

5 The map, technical description and a brief description of the ICCA shall be
6 published in a newspaper of general circulation once a week for two consecutive
7 weeks and posted in conspicuous areas within the barangays where the ICCA is found
8 for fifteen days.
9

10 SEC. 14. *Procedure for Delisting from the ICCA Registry.* - Should the
11 ICCs/IPs determine that the ICCA no longer serves the purpose for which it was
12 defined and declared, they may cause the delisting of the same through a procedure
13 provided in the Implementing Rules of this Act.
14

15 SEC. 15. - *Inclusion in the Regional Physical Framework Plan, Provincial*
16 *Physical Framework Plan, and Other Local Planning Frameworks.* - Concerned
17 LGUs shall reflect in their Regional Physical Framework Plans, Provincial Physical
18 Framework Plans, Comprehensive Land and Water Use Plans (CLWUP), Community
19 Development Plans (CDP), Forest Land Use Plans (FLUP), Barangay Development
20 Plans (BDPs), and other relevant plans the ADSDPP and ICCAs that have been
21 declared by the ICCs/IPs and/or recorded in the National ICCA Registry.
22

23 SEC. 16. ICCAs within Protected Areas. - In cases where ICCAs overlap with
24 protected areas established under the National Integrated Protected Areas System
25 (NIPAS) Act and the Extended National Integrated Protected Areas System (ENIPAS)
26 Act, the ICCs/IPs concerned shall have the authority to govern, maintain, develop,
27 protect and conserve such areas in accordance with their customary law and IKSPs,
28 with financial and technical assistance from the NCIP, the DENR, other concerned
29 government agencies and LGUs.
30

31 A mechanism for coordination and complementation between the indigenous
32 traditional leadership and governance structures and the NCIP, DENR, concerned
33 government agencies and concerned LGUS shall be created.
34

35 SEC. 17. *ICCA Governance.* – ICCAs shall be governed by ICCs/IPs in
36 accordance with their customary laws, structures and mechanisms.
37

38 The application of customary laws, practices, structures and mechanisms by
39 the ICCs/IPs within their ICCA shall be presumed to be STRR and shall not be subject
40 to prior approval or validation by concerned government agencies and parties. The
41 burden of proof that certain acts or practices are not STRR shall lie with the party
42 making the assertion.
43

44 Any conflict that may arise within the ICCA shall be primarily resolved through
45 customary laws and traditional conflict resolution mechanisms.
46
47
48
49
50

CHAPTER IV
ROLE OF GOVERNMENT AGENCIES

SEC. 18. *Role of the NCIP.* - The NCIP shall be the primary government agencies 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 community resilience.

The NCIP shall create the Ancestral Domain Protection and Sustainable Development Office, which shall receive requests from the ICCs/IPs and coordinate with the DENR for all activities related to ICCA documentation, community conservation planning and registration.

It shall provide full and effective financial and technical assistance, capacity building and/or enhancement to requesting ICCs/IPs in the identification, documentation, recognition of ICCAs, preparation of Community Conservation Plans (CCP), integrating of the CCP in the ADSDPP, and interfacing of the ADSDPP into other relevant planning frameworks.

The Commission shall also be responsible for the affirmation of information submitted by ICCs/IPs who have carried out the ICCA documentation by themselves, for inclusion in the Registry.

Furthermore, the Commission shall take into account ICCA issues and concerns in all management planning and decision-making processes.

The government shall provide funds for the publication of ICCAs.

SEC. 19. *Role of the DENR.* - The DENR shall provide financial and technical support for delineation and mapping, biodiversity assessment, listing or registration with the National ICCA Registry and similar global platforms or networks, among others, upon the formal request of the concerned ICCs/IPs. *Provided*, that an indicative map shall be sufficient to establish the metes and bounds of the ICCA.

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

Furthermore, the agency shall take into account ICCA issues and concerns in all management planning and decision-making processes.

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

SEC. 20. *Role of Other Government Agencies and LGUs.* - Consistent with their respective mandates and upon formal request of an ICC/IP, national government agencies and LGUs shall provide financial and technical assistance in building and strengthening the capacity of the requesting ICCs/IPs to manage their ICCA.

The NCIP and the DENR, in partnership with the DILG, shall device an incentive scheme for LGUs that will adopt ICCAs in the Regional and Provincial Physical Framework Plans, Comprehensive Land and Water Use Plans (CLWUP), Community

1 Development Plan (CDP), Forest Land Use Plan (FLUP) and other relevant plans and
2 programs.

3
4 The NCIP and the DENR, in partnership with the Department of Information and
5 Communications Technology (DICT) and the Philippine Statistics Authority (PSA),
6 shall create or improve on existing data gathering methods for a complete ICCA
7 registry database.

8
9 SEC. 21. *Engagement with the Private Sector and Civil Society to assist ICCAs.*
10 - The ICCs/IPs, NCIP and DENR shall actively engage and collaborate with the private
11 sector and the civil society in raising public awareness and recognition of ICCAs, and
12 in obtaining specialized assistance and service, subject to the free, prior and informed
13 consent requirements of the concerned ICCs/IPs. Public participation in protection,
14 conservation, and sustainable use activities, especially at the local level, shall be
15 encouraged to maximize conservation and community benefits.

16 17 **CHAPTER V** 18 **INCENTIVES**

19
20 SEC. 22. *Incentive Scheme.* - ICCAs listed in the National ICCA Registry shall
21 be prioritized for biodiversity conservation, forest protection, protection of ancestral
22 waters and as reforestation project sites. Where appropriate and available,
23 government financial institutions and other government agencies shall provide
24 financial and technical assistance to ICCs/IPs for the protection and promotion of their
25 registered ICCAs, particularly in the establishment and implementation of payment
26 schemes for ecosystem services provided by the ICCAs.

27
28 In all cases, the rights, interests and well-being of the ICCs/IPs concerned shall
29 be of paramount concern.

30
31 SEC. 23. *Sustainable Livelihoods.* - The NCIP, DENR, and other relevant
32 government agencies shall support sustainable livelihood opportunities, including
33 biodiversity-friendly livelihoods, identified and defined by ICCs/IPs consistent with
34 traditional practices and resource use that contribute to the sustainable use and proper
35 management of the ICCAs.

36 37 **CHAPTER VI** 38 **PENAL PROVISIONS**

39
40 SEC. 24. *Prohibited Acts.* – It shall be unlawful for any person to commit the
41 following acts within an ICCA:

- 42
43 a) Establishing Heavy Industries – Non-ferrous metal industries, iron and steel
44 mills, petroleum and petro-chemical industries including oil and gas, smelting
45 plants;
46 b) Establishing Resource Extractive Industries – exploration, extraction and
47 development of mining and quarrying projects, forestry projects (logging, major
48 wood processing projects), introduction of fauna (exotic animals), forest
49 occupancy, extraction of mangrove products, grazing), fishery projects (dikes
50 for/ and fishpond development projects);

- c) Building Infrastructure Projects – major dams, major power plants (fossil-fueled, nuclear fueled, hydroelectric or geothermal), major reclamation projects, major roads and bridges;
- d) Building golf course projects;
- e) Unauthorized and/or unlawful intrusion upon or use of any portion of the ICCA;
- f) Conducting mineral exploration, extraction, and development, quarrying and other destructive forms of natural resource exploitation, development, and utilization;
- g) Non-IP-community-based logging;
- h) Mutilating, defacing, removing, or otherwise destroying objects that have cultural, spiritual or ecological significance to ICCs/IPs;
- i) Dumping of waste products detrimental to flora and fauna;
- j) Squatting, mineral locating, or otherwise occupying any land;
- k) Using any motorized equipment, except if it is used to enhance Sustainable Traditional Resource Rights (STRRs);
- l) Altering, removing, destroying or defacing boundary marks or signs;
- m) Constructing or maintaining any kind of structure, fence or enclosures;
- n) Fishing through explosives, noxious or poisonous substance, and/or electricity;
- o) Gathering, possessing, transport, or sale of corals;
- p) Gathering, selling or exporting sand, silica, pebbles and any other substances which make up any marine habitat;
- q) Converting mangroves into fishponds or for any other purposes;
- r) Fishing or taking for commercial purposes rare, threatened or endangered species as listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and such determined by the Bureau of Fisheries and Aquatic Resources (BFAR) and the Biodiversity Management Bureau of the DENR;
- s) Generating aquatic pollution;
- t) Converting ICCAs into industrial land use, including establishing ICCAs into Special Economic Zones; and
- u) All other acts of a substantially similar character as provided in this section.

SEC. 25. *Penalties.* - Any individual, corporation, partnership, association, or other juridical entity that commits any of the Prohibited Acts provided for in Section 24 of this Act shall be prosecuted and upon conviction shall provide restitution commensurate to the cost of ecosystem services they destroyed and the cost of rehabilitation of these Ecosystem Services as agreed with the ICCs/IPs. In addition, it shall suffer a fine not less than Fifty Thousand Pesos (PHP 50,000.00) or any amount not to exceed Fifty Million Pesos (PHP 50,000,000.00) or imprisonment of not less than six 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 and 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

1 or she shall, in addition to the penalties described in this Act, be deported without
2 further proceedings after service of the sentence.

3
4 The prosecution for offenses set forth in Section 24 of this Act shall be without
5 prejudice to any liability for violation of Republic Act No. 8371, or the "Indigenous
6 Peoples' Rights Act of 1997", and other criminal or civil liabilities.

7 8 **CHAPTER VII** 9 **FINAL PROVISIONS**

10
11 SEC. 26. *Funding.* - The initial funding requirements for the implementation of
12 this Act shall be charged against the current appropriations of the agencies concerned.
13 Thereafter, such sums as may be necessary for its continued implementation shall be
14 included in the agencies' yearly budgets under the General Appropriations Act (GAA).

15
16 SEC. 27. *Annual Report.* - On or before March 30 of every year following the
17 effectivity of this Act, the NCIP shall submit to the President and to both Houses of
18 Congress a progress report on the status of the implementation of this Act. The report
19 shall likewise be posted on the website of the National ICCA Registry.

20
21 SEC. 28. *Construction.* - The provisions of this Act shall be construed liberally
22 in favor of ICCs/IPs and in consideration of the protection and conservation of
23 biodiversity.

24
25 SEC. 29. *Implementing Rules and Regulations.* - The NCIP and the DENR, in
26 consultation with other concerned government agencies and members of civil society,
27 with full and effective participation of ICCs/IPs, shall, within six (6) months from the
28 promulgation of this Act jointly issue the Implementing Rules and Regulations of this
29 Act. The representation shall take into consideration gender, age and ethnographic
30 balance.

31
32 SEC. 30. *Repealing Clause.* - All laws, decrees, executive orders, rules and
33 regulations or parts thereof inconsistent with or contrary to the provisions of this Act
34 are hereby repealed or modified accordingly.

35
36 SEC. 31. *Saving Clause.* - This Act shall not in any manner adversely affect the
37 rights and benefits of the ICCs/IPs under Republic Act No. 8371, international law,
38 awards, customs and agreements.

39
40 SEC. 32. *Separability Clause.* - If any part or provision of this Act is held
41 unconstitutional or invalid, other parts or provisions hereof which are not affected shall
42 continue to remain in full force and effect.

43
44 SEC. 33. *Effectivity.* - This Act shall take effect within fifteen (15) days following
45 completion of its publication in at least two (2) newspapers of general circulation.

Approved,