

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **9636**



Introduced by Representative **DIBU S. TUAN**

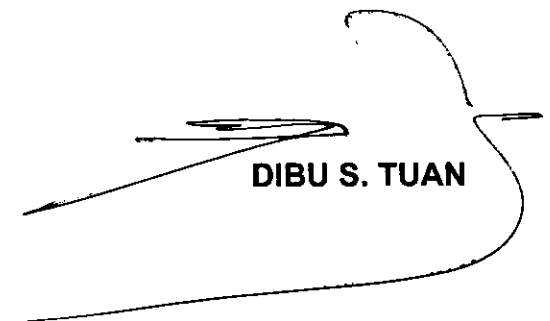
EXPLANATORY NOTE

This bill seeks to recognize the significant role of Indigenous Peoples/Indigenous Cultural Communities (IPs/ICCs) in biodiversity conservation in the country by establishing a system of identification, registration, protection, promotion and recognition of areas within their ancestral domains and lands which have been identified, protected and sustainably used pursuant to their indigenous knowledge, systems and practices and in accordance with their customary laws otherwise known as Indigenous Community Conserved Territories and Areas (ICCAs).

With the establishment of the National ICCA Registry, ICCAs shall be registered upon the submission of pertinent records and documentation by ICCs/IPs with the assistance of the NCIP, DENR or other pertinent government and non-government organizations. Once the ICCAs are registered, ICCs/IPs concerned shall have exclusive use and shall govern, conserve, manage and protect them with the assistance of national and local government agencies. Moreover, the registered ICCAs shall be prioritized for biodiversity conservation, preservation of forest cover protection of ancestral waters and as reforestation sites.

Hence, with the approval of this bill, ICCs/IPs are given the needed support and assistance in the protection and conservation of key biodiversity areas in the country.

In view of the foregoing, approval of this bill is earnestly sought.


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**AN ACT RECOGNIZING THE COMMUNITY CONSERVED TERRITORIES
AND AREAS OF INDIGENOUS PEOPLES AND CULTURAL COMMUNITIES,
ESTABLISHING FOR THE PURPOSE THE NATIONAL INDIGENOUS
COMMUNITY CONSERVED AREAS REGISTRY, AND APPROPRIATING FUNDS
THEREFOR**

*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 "Indigenous
Community Conserved Territories and Areas Act".

Section 2. Declaration of Policy. - In accordance with the provisions of the
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), it is the policy of the State to recognize, promote,
and protect the rights of Indigenous Cultural Communities/indigenous Peoples
(ICCs/IPs), particularly to their ancestral domains

The state also recognizes the existing customary and tradition
governance by ICCs/IPs of their ancestral domains and lands as an effective
measure of conserving key biodiversity areas. By this recognition, the State
acknowledges the significant contribution of ICCs/IPs to the country's efforts in the
protection of the environment, the conservation of biodiversity, and in the promotion
the community resilience.

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

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

Section 3. Definition of Terms. - As used in this Act:

- a. *Environmentally critical areas* (ECAs) refer to areas identified under Presidential Proclamation No. 2146, Series of 1981 and herein further classified as Strict Protection Zones (SPZ);
- b. *Indigenous Community Conserved Territories and Areas* (ICCA) refer to areas within ancestral domains and lands, and parts thereof, that are 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 continuously to the present, subject to the limitations imposed by the Constitution.

These are characterized by natural or modified ecosystems containing significant biodiversity, beneficial qualities and is or great cultural and spiritual value to the community.

- c. *Key biodiversity areas* refer to the sites of global significance for biodiversity conservation that are identified using globally standard criteria and thresholds, based on the scale of the need for safeguards. These criteria are based on the framework of vulnerability and irreplaceability used in systematic conservation planning;
- d. *National ICCA Registry* refers to the national information management system that contains records of the pertinent information on ICCAs;
- e. *Sustainable Traditional Resource Rights* (STRR) refer to the rights of ICCs/IPs to sustainably use, manage, protect and conserve 1) land, air, water, and minerals; 2) plants, animals and other organisms; 3) collecting fishing and hunting grounds; 4) sacred sites; and 5) other areas of economic, ceremonial and aesthetic value in accordance with their indigenous knowledge, belief systems, and practices.

Section 4. Scope and Coverage. This Act shall apply to all ancestral domains and lands publicly known to have been held under a claim of ownership possession and occupation based on native title since time immemorial continuously and up to the present, or formally recognized under a Certificate of Ancestral Domain Title (CALT) or Certificate of Ancestral Land Title (CADT) issues pursuant to Republic Act No. 8371.

CHAPTER II
INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES
CONSERVED TERRITORIES AND AREAS

Section 5. Guiding Principles. - The following guidelines shall be observed in recognizing the indigenous cultural communities and indigenous peoples conserved territories and areas (ICCAs)

- a) The rights to land and self-determination include the full recognition of the traditional resources, rights and practices of ICCs/IPs, as well as their right to access, maintain, protect, conserve, regulate ICCAs and exclude unauthorized intrusion into these areas;
- b) The customary laws and indigenous knowledge systems and practices (IKSPs) in the governance and management of ICCAs shall be recognized and respected provided that they are within the framework of national unity and development as envisioned under the Constitution.
- c) The ICCs/IPs shall govern their conserved territories and areas and ensure the preservation, restoration, and maintenance of ecological balance and biodiversity therein in consonance with existing environmental policies and with the assistance of government agencies;
- d) The identification and declaration of ICCAs shall consider duly formulated national, regional, provincial and municipal policies, plans and programs;
- e) The ICCs/IPs shall receive a fair and equitable share in the benefits derived from the ecosystem services provided by ICCAs and other activities as authorized by the ICCs/IPs themselves in accordance with existing environmental policies, rules and regulations; and
- f) In case of conflict between ICC/IPs' customary laws and indigenous knowledge systems and practices on the one hand, and existing environmental laws, rules and regulations, on the other, earnest efforts shall be exerted to adopt an interpretation that will give effect to both. Only when it is clear that the two are truly irreconcilable will environmental laws, rules and regulations prevail, but such construction shall always be supported by evidence attesting to the fact that the customary laws and IKSPs have no sound scientific basis and shall be guided by the pertinent provisions of the Constitution.

Section 6. Recognition of ICCAs. - The ICCs/IPs shall define and declare the conserved the conserved areas within their ancestral domains and lands in accordance with their indigenous political structures, cultures and traditions provided that the identified area is not earlier proclaimed or declared as a protected area under Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992" as amended by Republic Act no. 11038, otherwise known as the "Expanded National Integrated Protected Areas System Act of 2018" and other presidential proclamations.

The declaration of ICCAs shall be respected as an exercise of the self-governance, self-determination and sustainable traditional resource rights of the ICCs/IPs. It shall be recognized by all national agencies and local government units (LGUs) as another category of protected areas that are owned, controlled, governed and managed by ICCs/IPs themselves. The ICCAs, their respective locations, names in indigenous language, and components therein, shall be respected used, and promoted in all official documents.

No provision in this Act granting or recognizing the rights and privileges of ICCs/IPs in the ICCAs shall be constructed to diminish their rights and privileges in non-ICCA areas of the ancestral domains or lands.

Section 7. Protection of ICCAs. - Subject to the provisions of the Constitution, Republic Act No. 8371, and Republic Act No. 7586, as amended, the ICCAs shall be reserved for the exclusive use of ICCs/IPs exercising their sustainable traditional resource rights. It shall be the duty of the ICC/IPs to govern, conserve, manage and protect ICCAs with the assistance of government agencies.

Section 8. Environmental Impact Assessment (EIA) System. - For the purposes of this act, all ICCAs shall be considered as environmentally critical areas

All projects outside the ICCA that have potential adverse impacts on the conserved territories and areas are subject to EIA.

The participation of the National Commission on Indigenous Peoples (NCIP) and the Department of Environment and Natural Resources (DENR) is required in the conduct of the EIA outside the ICCAs but within the ICC/IPs ancestral domain.

The customary laws, the IKSPs of the ICCs/IPs and the social acceptability of the reported for consideration during the Free and Prior Informed Consent (FPIC) process, as provided for under Section 3 (g) of Republic Act No. 8371.

Section 9. ICCAs in Key Biodiversity Areas (KBAs). - Subject to the Constitution, the ICCs/IPs shall govern, maintain, restore and sustainably develop the ICCAs' key biodiversity areas (KBAs) in accordance with their customary laws, IKSP, and in a manner consistent with the sustainable use and conservation of biodiversity found therein and in accordance with existing environmental policies, rules and regulations.

CHAPTER III

NATIONAL INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES CONSERVED TERRITORIES AND AREAS REGISTRY

Section 10. The National ICCA Registry. - To ensure the availability of official information on ICCAs, a National ICCA Registry, hereinafter referred to as the "Registry", is hereby established. The Registry shall be the official information management system that shall contain all pertinent records on the ICCAs that are voluntarily submitted by the ICCs/IPs as the ICCA registrant. The Registry shall contain the following information:

- a) Name of the ICCs/IPs;
- b) A map generated from the delineation of the ICCAs with the corresponding technical description by the DENR;
- c) Brief description of governance structure;
- d) Policies on resource conservation and sustainable use;
- e) CADT and CALT, if applicable;
- f) Relevant portions of the Ancestral Domain Sustainable Development and Protection Plan (ADDPP) containing information on the ICCAs; and
- g) Contact Persons.

Section 11. Operational Structures of the Registry. - The DENR, through the Biodiversity Management Bureau (BMB), shall be the main repository and administrator of the Registry. It shall organize, store, and update all information that may be contained in the Registry, and shall be responsible for the documentation, administration and maintenance of the Registry.

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

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

Section 12. Creation of a Steering Committee. - A Steering Committee is created to define policy, provide directions and perform oversight functions in the administration and maintenance of the Registry.

It shall be chaired by a representative from the NCIP.

The Steering Committee shall be composed of the following:

- a) A representative from the DENR;
- b) A representative from the NCIP;
- c) A representative from the Department of the Interior and Local Government (DILG);
- d) A representative from the Department of Human Settlements and Urban Development (DHSUD);
- e) A representative from the Philippine Statistics Authority (PSA);
- f) A representative from recognized civil society organization (CSOs); and
- g) Three (3) representatives of the ICCs/IPs who are themselves members of the indigenous cultural community; and
- h) A representative from the Union of Local Authorities of the Philippines (ULAP).

Section 13. ICCA Registration. - The ICCs/IPs shall initiate the documentation and registration of their ICCAs in the Registry with appropriate financial and technical support from the NCIP, the DENR, or other assisting organizations.

If the ICCs/IPs seek the assistance of the NCIP and the DENR in the registration of the ICCAs, the following steps shall be undertaken:

- a. The NCIP shall assist the community in the documenting the ICCAs and, with the support of the DENR, delineate the metes and bounds of the said ICCA;
- b. The NCIP shall facilitate the formulation of a Community Conservation Plan in collaboration with the DENR and the municipal and provincial local government units; and
- c. The NCIP shall submit the documentation of the ICCAs and other pertinent documents to the DENR for inclusion in the Registry.

In case the ICCs/IPs decide to undertake the documentation by themselves with the support of assisting organizations, the NCIP, DENR and the municipal and provincial

local government units concerned, shall verify and affirm the documentation and pertinent documents submitted before the ICCAs may be included in the Registry.

The map, the technical description of the specific ICCA, and brief description of the natural features and landmarks of the ICCA sought to be registered and included in the Registry shall be posted at the local, provincial, and regional office of the NCIP, shall be published in a newspaper of general circulation once a week for two (2) consecutive weeks to allow concerned parties to formally submit their written opposition within fifteen (15) days.

Section 14. Procedure for Delisting from the Registry. - If the ICCs/IPs determine that the ICCA no longer serves the purpose for which it was defined and declared, the ICCs/IPs may cause the delisting of the same through procedure to be provided in the rules and regulations to be issued by the NCIP and the DENR to implement this Act.

Section 15. Inclusion of ICCAs in the LGUs Plan. - The LGUs shall include in their Regional Physical Framework Plans, Provincial Physical Framework Plans, Comprehensive Land and Water Use Plans, Community Development Plans, Forest Land Use Plans, Barangay Development Plans, the Ancestral Domains Sustainable Development and Protection Plan, and other relevant harmonized plans on the ICCAs that have been declared and recorded in the Registry by the ICCs/IPs.

Section 16. ICCA Governance. - The ICCAs shall be governed by the ICCs/IPs in accordance with their customary laws, indigenous knowledge systems and practices, structures and mechanisms: Provided, That any co-management with, or relinquishment of management by the ICCs/IPs, shall be temporary in nature and subject to regular renewal by the ICCs/IPs in accordance with Section 58 of Republic Act No. 8371, and Section 13 of Republic Act No. 7586, as amended.

The application of customary laws, indigenous knowledge systems and practices, structures and mechanisms by the ICCs/IPs within and outside their ICCAs shall enjoy the presumption of being indigenous and a sustainable traditional resource right, and shall not require prior approval or validation provided that such customary laws, indigenous knowledge systems and practices and sustainable traditional resource right has been earlier acknowledged and recognized by the NCIP. Towards this end, the NCIP shall endeavor to codify these customary laws, indigenous knowledge systems and practices and sustainable traditional resource right in accordance with Section 46 (b) of Republic Act No. 8371 and NCIP Administrative Order No. 1, Series of 2012.

Any conflict on matters of governance that may arise within the ICCAs shall be primarily resolved through customary laws and traditional conflict resolution mechanisms.

CHAPTER IV INCENTIVES

Section 17. Incentives Scheme. - The ICCAs listed in the Registry shall be prioritized for biodiversity conservation, preservation of forest cover, protection of

ancestral waters, and as 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 registered conserved territories and areas, particularly in the establishment and implementation of payment schemes for ecosystem services provided by the ICCAs.

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

CHAPTER V ROLE OF GOVERNMENT AGENCIES

Section 18. Role of the NCIP. - The NCIP shall be the primary agency responsible for the full implementation of this Act. It 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, and shall coordinate with the DENR on all activities related to the documentation, community conservation, planning, and registration of ICCAs. It shall provide full and effective financial and technical assistance on the following:

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

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

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

The NCIP shall also be represented in the Protected Area Management Board (PAMB) created for each protected area pursuant to Republic Act No. 7586, as amended.

The NCIP, through its provincial offices, shall have original and exclusive jurisdiction over all claims and disputes involving ICCAs: Provided, however, That no such dispute shall be brought to the NCIP unless the parties have exhausted all remedies provided under their customary laws: Provided further, That the indigenous conflict resolution should not apply if one of the parties is a nonmember of an ICC/IP, and such dispute may be filed directly with the NCIP.

The decision of the provincial office can be appealed to the regional office and the Commission proper.

Section 19. Role of the DENR. - The DENR shall, upon the formal request of the ICCs/IPs, provide financial and technical support for delineation and mapping, and biodiversity assessment of ICCA and in the listing or registration of ICCA with the Registry and similar global platforms or network.

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

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

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

Section 20. Role of Other Government Agencies and LGUs. -

Consistent with their respective mandates and upon formal request by ICCs/IPs, 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 and include ICCAs in the harmonized Regional and Provincial Physical Framework Plans, Comprehensive Land and Water Use Plans, Community Development Plan, Forest Land Use Plan and other relevant plans and programs.

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

The NCIP shall, in coordination with the DENR, the National Economic Development Authority (NEDA), the DILG, the Housing and Land Use Regulatory Board (HLURB), and the Department of Budget and Management (DBM), formulate guidelines for the prioritization of programs and projects that support ICCAs.

Section 21. Engagement with the Private Sector and Civil Society to Recognize ICCAs. - The ICCS/IPs, the NCIP and the DENR shall actively engage and collaborate with the private sector and civil society in raising public awareness and recognition of ICCAs, and in obtaining specialized assistance and services, subject to FPIC requirements of the concerned ICCs/PS. Public participation in the protection, conservation, and sustainable use of ICCAs in accordance with the ICCs/IPs customary law and IKSP, especially at the local level, shall be encouraged to maximize conservation and community benefits.

Section 22. Sustainable Livelihoods. - Subject to the provisions of the Constitution, the NCIP, the DENR, and other relevant government agencies shall support sustainable livelihood opportunities, including biodiversity-friendly livelihoods that are identified and defined by ICCs/IPs consistent with traditional practices and

resource use in accordance with ICCs/IPs customary law and IKSP that contribute to the sustainable and proper management of the ICCAs.

CHAPTER VI PENA PROVISIONS

Section 23. Prohibited Acts. - any act inconsistent with the policies conservation and protection, and prohibited in Republic Act No. 8371 and Republic Act No. 7586, as amended, is prohibited.

Section 24. Penalties. - Any individual, corporation, partnership, association or judicial entity who commits any acts in violation of Section 23 of this Act shall upon conviction, be punished by imprisonment of not less than six months but not more than six (6) years or a fine of not less than Fifty Thousand Pesos (Php 50,000.00) but not more than Fifty Million Pesos (Php 50,000,000.00), or both, at the discretion of the court.

After finding of a probable cause, the proper court where the information is filed shall immediately conduct a summary hearing to determine the propriety of issuing a Temporary Environmental Protection Order (TEPO) and shall simultaneously hear the criminal case to determine the urgency of issuing of a writ of kalikasan. This is without prejudice to the other provisional remedies provided under Rule 127 of the Revised Rules on Criminal Procedure.

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

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

Any object and instrumentality used in committing any of the prohibited acts under Section 23 of this Act shall be confiscated and forfeited in favor of the government.

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

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

The prosecution of offenses under Section 23 of this Act shall be without prejudice to any liability for violation of Republic Act No. 8371 or other criminal and civil liabilities under existing laws.

CHAPTER VII FINAL PROVISIONS

Section 25. Annual Report. - The Chairperson of the NCIP shall submit to the President of the Philippines and to the Congress an annual progress report on the implementation of this Act. The report shall be posted in the website of the NCIP

Section 26. Construction. - The provisions of this Act shall be constructed liberally in favor of ICCs/IPs and the protection and conservation of biodiversity. In no way, shall it be interpreted as an instrument to exploit ICC/IPs or undermine the intent of this Act to conserve and protect ICCAs.

This act shall not in any manner adversely affect the rights and benefits of the ICCs/IPs under Republic Act No. 8371, recommendations, international treaties, national laws, awards, customs and agreements.

Section 27. Appropriations, - The amount necessary to cover the initial implementation of this Act shall be charged against the current year appropriations of the concerned departments or agencies. Thereafter, such sum: as may be necessary for its continued implementation shall be included in the annual General Appropriations Act.

Section 28. Implementing Rules and Regulations. - Within ninety (90) days from the approval of this Act, the Chairperson of the NCIP and the Secretary of the DENR shall, in consultation with appropriate government agencies and with full participation of ICCs/IPs, issue the necessary rules and regulations for the effective implementation of this Act.

Section 29. Separability Clause. - If any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full force and effect.

Section 30. Repealing Clause. - All laws, decrees, orders, rules and regulations and other issuances, or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 31. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,