

SIXTEENTH CONGRESS OF)
THE REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'15 JAN 22 P2:18

SENATE
S. B. NO. 2580

RECEIVED BY: 

Introduced by Senator Loren Legarda

**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**

EXPLANATORY NOTE

Indigenous peoples communities have always played an important role in the conservation and preservation of the country's protected areas. Known as indigenous community conserved areas (ICCAs), these are "areas within ancestral domains including lakes, coastal seas, forests and watersheds imbued with deep spiritual and cultural values for indigenous peoples.

A good example of an ICCA is the ancestral domain of the Tagbanuas in the island of Coron in Northeastern Palawan. It has been said that only traditional fishing is allowed in its ancestral waters considering that these are held sacred by the Tagbanuas.

It is about time that the national government give due importance and recognition to the indigenous communities and consider them as partners in the conservation of the country's protected areas falling within their ancestral domains.


For these reasons, passage of this measure is earnestly sought.


LOREN LEGARDA
Senator

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

1 **CHAPTER I**
2 **GENERAL PROVISIONS**

3
4 **SECTION 1.** *Short Title* - This Act shall be known as the "**Indigenous Community**
5 **Conserved Areas Act of 2014**".

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

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

19 As a party to the United Nations Convention on Biological Diversity (CBD), the
20 State shall foster the recognition and promotion of other conservation area
21 governance types aside from protected areas established under Republic Act No.
22 7586, otherwise known as the "National Integrated Protected Areas System
23 (NIPAS) Act of 1992" and critical habitats designated under Republic Act No.
24 9174, otherwise known as the "Wildlife Resources Conservation and Protection
25 Act", among others.

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

28 a. Recognition and promotion of ICC/IP rights to their ancestral domains

1 includes the full recognition of ICCAs as well as the ICC/IP's right to
2 maintain, protect, and regulate access and prohibit unauthorized intrusion
3 thereto;

4 b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall
5 have priority in the management of their conservation areas and the
6 preservation, restoration, and maintenance of ecological balance and
7 biodiversity therein, with the full and effective assistance of government
8 agencies;

9 c. ICCAs shall be considered in the formulation of, and integrated in, national
10 and subnational policies, plans and programs in recognition and respect of
11 the ICC/IP's right to preserve and develop their cultures, traditions, and
12 institutions within the framework of national unity and development;

13 d. The positive contribution to biodiversity conservation of ICCAs and related
14 sustainable traditional indigenous forest resources management systems
15 and practices shall be fully acknowledged and included in the accounting
16 and reporting of the national implementation of CBD obligations; and

17 e. ICCs/IPs shall have a fair and equitable share in the commercial profits of
18 users of well-defined and confirmed ecosystem services provided by ICCAs,
19 in recognition and respect of the ICC/IP's right to benefit and share in the
20 profits from allocation and utilization of the natural resources found in
21 their ancestral domains.

22 **SEC. 4. Definition of Terms.** – For purposes of this Act, the following terms shall
23 have the corresponding meanings:

24 (a) "*Ancestral Domain Sustainable Development and Protection Plan*" or
25 "*ADSDPP*" refers to the document consolidating the plans of the ICC/IP for
26 the sustainable management and development of the land and natural
27 resources as well as human resources within their ancestral domains based
28 on their indigenous knowledge systems and practices and on the principle
29 of self-determination;

30 (b) "*Biological Diversity*" or "*Biodiversity*" refers to the variety and variability
31 among all living organisms and the ecological complex in which they occur;

32 (c) "*DENR*" refers to the Department of Environment and Natural Resources;

33 (d) "*Ecosystem services*" refer to environmental goods and regulating,
34 supporting, and cultural services provided by ecosystems that are directly
35 used to further human well-being; or benefits that people derive from an
36 ecosystem;

37 (e) "*Indigenous Cultural Communities/Indigenous Peoples*" refer to a group of
38 people or homogenous societies as defined under Republic Act No. 8371,
39 otherwise known as "The Indigenous Peoples Rights Act of 1997";

40 (f) "*Indigenous Community Conserved Areas*" or "*ICCAs*" refers to natural
41 and/or modified ecosystems containing significant biodiversity values,
42 ecological services and cultural values, voluntarily conserved by indigenous
43 cultural communities/indigenous peoples through customary laws or other
44 effective means;

- 1 (g) "*Key Biodiversity Areas*" or "*KBAs*" refer to sites of global significance for
2 biodiversity conservation identified using globally standard criteria and
3 thresholds, based on the needs of biodiversity requiring safeguards at the
4 site scale. These criteria are based on the framework of vulnerability and
5 irreplaceability widely used in systematic conservation planning;
- 6 (h) "*NCIP*" refers to the National Commission on Indigenous Peoples;
- 7 (i) "*National ICCA Registry*" refers to the database maintained by jointly by the
8 NCIP and the DENR containing qualitative, quantitative and spatial data on
9 ICCAs as provided by ICCs/IPs themselves;
- 10 (j) "*Protected Areas*" refer to identified portions of land and water set aside by
11 reason of their unique physical and biological significance, managed to
12 enhance biological diversity and protected against destructive human
13 exploitation and included as a component of the National Integrated
14 Protected Area System (NIPAS);
- 15 (k) "*Sustainable Traditional Indigenous Forest Resources Management Systems
16 and Practices*" or "*STIFRMSP*" refer to those systems and practices of ICCs/
17 IPS formally recognized, registered and confirmed jointly by the DENR and
18 the NCIP that were duly verified and found to be the sustainable forest
19 management system and practice in the forest/watershed area within the
20 ancestral domain/land of the concerned ICC/IP;
- 21 (l) "*Sustainable Traditional Resource Rights*" refer to the rights of ICCs/IPs to
22 sustainably use, manage, protect and conserve a) land, air, water, and
23 minerals; b) plants, animals and other organisms; c) collecting, fishing and
24 hunting grounds; d) sacred sites; and e) other areas of economic,
25 ceremonial and aesthetic value in accordance with their indigenous
26 knowledge, beliefs, systems and practices;

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28 **CHAPTER II**
29 **INDIGENOUS COMMUNITY CONSERVED AREAS**
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32 **SEC. 5. Recognition of ICCAs.**- ICCAs shall be respected as an exercise by the
33 ICC/IP of their ancestral domain rights as well as of their sustainable traditional
34 resource rights. ICCAs shall be accorded special protection and full recognition by
35 all national and local government agencies. Except for ICCA documentation and
36 mapping and biodiversity conservation-related activities involving the full
37 participation of the concerned ICC/IP, the requirements for free and prior
38 informed consent (FPIC) shall be strictly followed for all other allowable activities
39 within ICCAs.

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

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

47 **SEC. 8. ICCAs in Key Biodiversity Areas.** - ICCAs within or encompassing KBAs
48 shall be maintained, managed and sustainably developed in a manner consistent
49 with conservation of the biodiversity found therein. As habitats or threatened

1 species of Philippine wildlife, KBAs are environmentally critical areas (ECAs) in
2 the context of the Philippine Environmental Impact Statement System. KBAs
3 shall be those identified by the Philippine Biodiversity Conservation Priority
4 Setting Program and its iterations as updated by the DENR in consultation with
5 other concerned government agencies, the academe, private sector and civil
6 society.

7 **SEC. 9.** *Respect for the names and designations made by the ICC/IP.* - Place
8 names and designations of ICCAs in the native dialect of the ICCs/IPs shall be
9 accorded respect.

10 **CHAPTER III**
11 **REGISTRATION AND MAINSTREAMING OF ICCAS**
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13 **SEC. 10.** *National ICCA Registry.*- To ensure the availability of official information
14 on ICCAs, there is hereby established a centralized information management
15 system to be known as the National ICCA Registry. The National ICCA Registry
16 shall contain records of all pertinent information voluntarily submitted by the
17 concerned ICC/IP regarding their respective ICCAs.

18 **SEC. 11.** *Implementing Arrangements and Operational Structures.* - The NCIP and
19 the DENR, in consultation and coordination with ICCs/IPs, shall lead in the
20 establishment of the National ICCA Registry and shall be jointly responsible for
21 its management and maintenance: *Provided, That* all information and data in the
22 National ICCA Registry shall be owned by the ICC/IP providing such information
23 and data as part of their community intellectual property rights.

24 **SEC. 12.** *Inclusion in the Comprehensive Land Use Plans and Forest Land Use*
25 *Plans.*-ICCAs recorded in the National ICCA Registry shall be included and duly
26 reflected in the Comprehensive Land Use Plan (CLUP) of the concerned local
27 government unit (LGU). National government agencies shall likewise ensure that
28 the ICCAs are recognized in land use plans covering lands of the public domain.

29 **SEC. 13.** *Procedure for formal recognition and listing of ICCAs.* - Within six (6)
30 months from the effectivity of this Act, the NCIP and the DENR, in consultation
31 with the ICCs/IPs, shall jointly issue the procedural rules and regulations for the
32 recording and listing of ICCAs in the National ICCA Registry. The procedure shall
33 provide guidelines for the documentation and mapping of ICCAs by the ICCAs
34 themselves or with the assistance of government and non-government entities at
35 the option of the ICC/IP. It shall also provide for the incorporation of ICCA in the
36 Ancestral Domain Sustainable Development and Protection Plan (ADSDPP).

37 **CHAPTER IV**
38 **ROLE OF GOVERNMENT AGENCIES**
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42 **SEC. 14.** *Role of the NCIP.*- The NCIP shall be the primary government agency
43 responsible for the full implementation of this Act and shall protect and promote
44 the interest and well-being of the ICCs/IPs in the context of biodiversity
45 conservation and climate change mitigation and adaptation. The NCIP shall
46 convene periodic national and subnational conventions of ICCs/IPs, government
47 agencies, private sector and civil society organizations to review, assess as well as
48 propose policies or plans to further promote ICCAs. It shall also ensure that ICCA
49 concerns and issues are included and addressed in the ADSDPP of the concerned
50 ICC/IP.

1 **SEC. 15. *Role of the DENR.***- The DENR shall provide technical assistance to
2 requesting ICCs/IPs biodiversity assessments and survey, mapping of the ICCA.
3 Upon the formal request of the concerned ICC/IP, the DENR shall provide
4 technical assistance for the international recognition of ICCAs through their
5 listing or registration with the ICCA Registry, the World ICCA Database, or other
6 similar global platforms or networks, among others. The DENR shall likewise
7 provide information on the location of KBAs identified in the Philippine
8 Biodiversity Conservation Priority Setting Program and its iterations or updates.

9 **SEC. 16. *Role of other government agencies.*** - Where applicable, national
10 government agencies shall integrate and mainstream ICCAs in their policies and
11 programs, provide technical assistance to ICCs/IPs, and support to the National
12 ICCA Registry. Consistent with their respective mandates and upon formal
13 request an ICC/IP, national government agencies shall provide technical
14 assistance in building and strengthening the capacity of the requesting ICC/IP to
15 manage their ICCA.

16 The Department of Education (DepEd), the Commission on Higher Education
17 (CHED), the Technical Education and Skills Development Authority (TESDA), the
18 Department of Social Welfare and Development (DSWD), in coordination with the
19 DENR and the NCIP, and other relevant agencies, shall integrate ICCAs and KBAs
20 in the school curricula under environmental education at the appropriate
21 educational level/s.

22 **SEC. 17. *Role of the Private Sector and Civil Society.*** - The NCIP and DENR shall
23 actively engage and collaborate with the private sector and civil society in the
24 raising public awareness and recognition of ICCAs and in obtaining specialized
25 assistance and service, subject to the free and prior informed consent
26 requirements of the concerned ICC/IP. Public participation in protection,
27 conservation and sustainable use activities, especially at the local level, shall be
28 encouraged to maximize conservation and community benefits.

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30 **CHAPTER V**
31 **INCENTIVES**
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34 **SEC. 18. *Incentive Scheme.*** - ICCAs listed in the National ICCA Registry shall
35 enjoy priority as biodiversity conservation and reforestation project sites. Where
36 appropriate and available, government financial institutions and other
37 government agencies shall provide financial and technical assistance to ICCs/IPs
38 for the protection and promotion of their listed ICCAs, particularly in the
39 establishment and implementation of payment schemes for ecosystem services
40 provided by the ICCAs.

41 **SEC. 19. *Sustainable livelihoods.*** - The DENR, in coordination with the NCIP,
42 shall develop sustainable livelihood opportunities for ICCs/IPs particularly those
43 consistent with traditional practices and resource use that contribute to the
44 sustainable development and proper management of the ICCAs. In all cases, the
45 interests and well-being of the ICC/IP concerned shall be paramount.

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**CHAPTER VI
PENAL PROVISIONS**

7 **SEC. 20. Prohibited Acts.** - It shall be unlawful for any person to commit the
8 following acts within an ICCA:

9 (a) Unauthorized and/or unlawful intrusion upon, or use of any portion
10 of, the ICCA;

11 (b) Mineral exploration, extraction and development, quarrying and other
12 destructive forms of natural resource exploration, development and
13 utilization;

14 (c) Logging, except in instances of sustainable traditional indigenous
15 forest resource management practices of ICC/IP;

16 (d) Mutilating, defacing, removing or otherwise destroying objects that
17 have cultural, spiritual or ecological significance to ICC/IP;

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

19 **SEC. 21. Penalties.** - Any individual, corporation, partnership, association, or
20 other juridical entity that commits any of the prohibited acts provided for in
21 Section 18 of this Act shall be prosecuted and upon conviction shall suffer a fine
22 of not less than SIX THOUSAND PESOS (PhP 6,000.00) or any amount not to
23 exceed FIVE HUNDRED THOUSAND PESOS (PhP. 500,000.00) or imprisonment
24 of not less than SIX (6) MONTHS AND ONE (1) DAY or more than SIX (6) years, or
25 both, at the discretion of the court, including perpetual disqualification from
26 public office if the offender is a public officer, and confiscation or forfeiture in
27 favor of the government of the objects and the instrumentalities used in
28 committing any of herein prohibited acts.

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

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

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**CHAPTER VII
FINAL PROVISIONS**

46 **SEC. 22. Annual Report.** - On or before March 30 of every year following the
47 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. 23. Construction. - The provisions of this Act shall be construed liberally in
favor of ICCs/IPs and in consideration of the protection and conservation of

1 biodiversity.

2 **SEC. 24. *Implementing Rules and Regulations.*** - The NCIP, in coordination with
3 the DENR and other concerned government agencies and members of the civil
4 society, shall, within six (6) months from the effectivity of this Act, promulgate the
5 necessary rules and regulations for the enforcement of the provisions of this Act.

6 **SEC. 25. *Appropriations.*** - The sum of TWENTY MILLION PESOS (PhP
7 20,000,000.00) is hereby appropriated as initial operating fund. Thereafter, the
8 amount necessary to effectively carry out the provisions of this Act shall be
9 included in the annual General Appropriations Act.

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

13 **SEC. 26. *Repealing Clause.*** - All laws, decrees, executive orders, rules and
14 regulations or parts thereof inconsistent with or contrary to the provisions of this
15 Act are hereby repealed or modified accordingly.

16 **SEC. 27. *Saving Clause.*** - This Act shall not in any manner adversely affect the
17 rights and benefits of the ICCs/IPs under other conventions, recommendations,
18 international treaties, national laws, awards, customs and agreements.

19 **SEC 28. *Separability Clause.*** - If any part or provision of this Act is held
20 unconstitutional or invalid, other parts or provisions hereof which are not affected
21 shall continue to remain in full force and effect.

22 **SEC. 29. *Effectivity.*** - This Act shall take effect fifteen (15) days following
23 completion of its publication in at least two (2) newspapers of general circulation.

24 **Approved,**