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REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
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SENATE
S. B. NO. 1185

RECEIVED BY: WJ

Introduced by SENATOR LOREN LEGARDA

AN ACT PROTECTING AND STRENGTHENING THE INDIGENOUS PEOPLES AND LOCAL COMMUNITIES 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 communities conserved areas (ICCAs), "these are areas within ancestral domains including lakes, coastal seas, forests, and watershed 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. Only traditional fishing methods are allowed within its ancestral waters given the sacred nature of the place among the Tagbanuas.

It is about time that the national government give due importance and role to the indigenous communities as partners in the conservation of protected areas found within their ancestral domains.

For these reasons, immediate passage of the bill is sought.

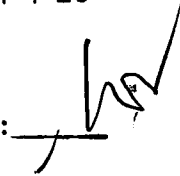

LOREN LEGARDA
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Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**CHAPTER I
GENERAL PROVISIONS**

1 **SECTION 1.** Short Title – This Act shall be known as the “**Indigenous**
2 **Peoples and Local Communities Conserved Areas Act**”.

3
4 **SEC. 2.** Declaration of Policy – It is the policy of the State to pursue
5 sustainable development, recognition of the rights of Indigenous Cultural
6 Communities/ Indigenous Peoples (ICCs/IPs), biodiversity conservation, and
7 climate change mitigation and adaptation. Towards this end, the State
8 adopts the principle of protecting Key Biodiversity Areas (KBAs) and
9 acknowledging the significant contribution of conservation areas managed
10 by ICC/IPs in maintaining the country’s biodiversity as well as in climate
11 change mitigation.

12
13 Consistent with the recognition and promotion of the rights of ICCs/IPs
14 under the Constitution of the Republic of the Philippines, the Indigenous
15 Peoples Rights Act of 1997 (IPRA), and the Universal Declaration of the
16 Rights of Indigenous Peoples (UNDRIP), the State shall recognize and respect
17 the designation, declaration or establishment of Indigenous Community
18 Conserved Areas (ICCAs) by ICC/IPs within their ancestral domains.

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

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

- 1 a. Recognition and promotion of ICC/IP rights to their ancestral
2 domains includes the full recognition of ICCAs as well as the right of
3 the ICCs/IPs to maintain, protect, and regulate access and prohibit
4 unauthorized intrusion thereto;
- 5 b. As part of their responsibilities to their ancestral domain, ICCs/IPs
6 shall have priority in the management of their conservation areas
7 and the preservation, restoration, and maintenance of ecological
8 balance and biodiversity therein, with the full and effective
9 assistance of government agencies;
- 10 c. ICCAs shall be considered in the formulation of, and integrated in,
11 national and subnational policies, plans and programs in
12 recognition and respect of the right of the ICCs/IPs to preserve and
13 develop their cultures, traditions, and institutions within the
14 framework of national unity and development;
- 15 d. The positive contribution to biodiversity conservation of ICCAs and
16 related sustainable traditional indigenous forest resources
17 management systems and practices shall be fully acknowledged and
18 included in the accounting and reporting of the national
19 implementation of CBD obligations; and
- 20 e. ICCs/IPs shall have a fair and equitable share in the commercial
21 profits of users of well-defined and confirmed ecosystem services
22 provided by ICCAs, in recognition and respect of the right of the
23 ICCs/IPs to benefit and share in the profits from the allocation and
24 utilization of natural resources found in their ancestral domains.
25

26 **SEC. 4.** Definition of Terms. — For purposes of this Act, the following terms
27 shall have the corresponding meanings:

- 28 (a) “Ancestral Domain Sustainable Development and Protection Plan
29 (ADSDPP)” refers to the document consolidating the plans of the
30 ICC/IP for the sustainable management and development of the land
31 and natural resources as well as human resources within their
32 ancestral domains based on their indigenous knowledge systems
33 and practices and the principle of self-determination;
- 34 (b) “Biological Diversity” or “Biodiversity” refers to the variety and
35 variability among all living organisms and the ecological complex in
36 which they occur;
- 37 (c) “DENR” refers to the Department of Environment and Natural
38 Resources;
- 39 (d) “Ecosystem services” refer to environmental goods, and regulating,
40 supporting, and cultural services provided by ecosystems that are
41 directly enjoyed, consumed or used to further human well-being; or
42 benefits that people derive from an ecosystem;
- 43 (e) “Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)”
44 refer to a group of people or homogenous societies as defined under
45 Republic Act No. 8731, otherwise known as “The Indigenous Peoples
46 Rights Act of 1997”;
- 47 (f) “Indigenous Community Conserved Areas (ICCAs)” are natural
48 and/or modified ecosystems containing significant biodiversity
49 values, ecological services and cultural values, voluntarily conserved
50 by indigenous cultural communities/indigenous peoples through
51 customary laws or other effective means;
- 52 (g) “Key Biodiversity Areas (KBAs)” refer to sites of global significance
53 for biodiversity conservation identified using globally standard
54 criteria and thresholds, based on the needs of biodiversity requiring
55 safeguards at the site scale. These criteria are based on the

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

24
25 **CHAPTER II**
26 **INDIGENOUS COMMUNITY CONSERVED AREAS**
27

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

36
37 **SEC. 6.** Protection of ICCAs. — ICCAs shall be declared no-go zones for all
38 forms of mining whether large-scale or small-scale and other destructive
39 forms of natural resource exploration, development and utilization. These
40 activities shall likewise be prohibited outside the ICCAs if they will adversely
41 impact the ICCA.

42
43 **SEC. 7.** Zones. — ICCs/IPs may establish zones within their ICCAs and
44 provide for the management and use of such zones in accordance with their
45 customary laws, traditions, customs or practices.

46
47 **SEC. 8.** ICCAs in Key Biodiversity Areas. — ICCAs within or encompassing
48 KBAs shall be maintained, managed and sustainably developed in a manner
49 consistent with conservation of the biodiversity found therein. As habitats of
50 threatened species of Philippine wildlife, KBAs are environmentally critical
51 areas (ECAs) in the context of the Philippine Environmental Impact
52 Statement System. KBAs shall be those identified by the Philippine
53 Biodiversity Conservation Priority Setting program and its iterations as
54 updated by the DENR in consultation with other concerned government
55 agencies, the academe, private sector and civil society.
56

1 **SEC. 9.** Respect for the names and designations made by the ICC/IP. —
2 Place names and designations of ICCAs in the native dialect of the ICCs/IPs
3 shall be accorded and used in all official publications of government.
4

5 **CHAPTER III**
6 **REGISTRATION AND MAINSTREAMING OF ICCAS**
7

8 **SEC. 10.** National ICCA Registry. — To ensure the availability of official
9 information on ICCAs, there is hereby established a centralized information
10 management system to be known as the National ICCA Registry. The
11 National ICCA Registry shall contain records of all pertinent information
12 voluntarily submitted by the concerned ICC/IP regarding their respective
13 ICCAs using a template to be designed by the DENR and NCIP .
14

15 **SEC. 11.** Implementing Arrangements and Operational Structures. — The
16 lead in the establishment of the National ICCA Registry and shall be jointly
17 responsible for its management and maintenance: Provided, that all
18 information in the National ICCA Registry shall be owned by the ICC/IP
19 providing such information as part of their community intellectual property
20 rights.
21

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

29 **SEC. 13.** Formal recognition and listing of ICCAs. — Within six (6) months
30 from the effectivity of this Act, the NCIP and the DENR, in consultation with
31 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
33 shall provide guidelines for the documentation and mapping of ICCAs by the
34 ICCAs themselves or with the assistance of government and non-government
35 entities at the option of the ICC/IP. It shall also provide for the incorporation
36 of ICCA in the Ancestral Domain Sustainable Development and Protection
37 Plan (ADSDPP).
38

39 **CHAPTER IV**
40 **ROLE OF GOVERNMENT AGENCIES**
41

42 **SEC. 14.** Role of the NCIP. — The NCIP shall be the primary government
43 agency responsible for the full implementation of this Act and shall protect
44 and promote the interest and well-being of the ICCs/IPs in the context of
45 biodiversity conservation and climate change mitigation and adaptation. The
46 NCIP shall convene periodic national and subnational conventions of
47 ICCs/IPs, government agencies, private sector and civil society organizations
48 to review, assess as well as propose policies or plans to further promote
49 ICCAs. It shall also ensure that ICCA concerns and issues are included and
50 addressed in the ADSDPP of the concerned ICC/IP.
51

52 **SEC. 15.** Role of the DENR. — The DENR shall provide technical assistance
53 to requesting ICCs/IPs biodiversity assessments and survey, mapping of the
54 ICCA. Upon the formal request of the concerned ICC/IP, the DENR shall
55 provide technical assistance for the international recognition of ICCAs
56 through their listing or registration with the ICCA Registry, the World ICCA

1 Database, or other similar global platforms or networks, among others. The
2 DENR shall likewise provide information on the location of KBAs identified
3 in the Philippine Biodiversity Conservation Priority Setting Program and its
4 iterations or updates.

5
6 **SEC. 16.** Role of Other Government Agencies. — Consistent with their
7 respective mandates and upon formal request of an ICC/IP, national
8 government agencies shall provide technical assistance in building and
9 strengthening the capacity of the requesting ICC/IP to manage their ICCA.

10
11 The Department of Education (DepEd), the Commission on Higher
12 Education (CHED), the Technical Education and Skills Development
13 Authority (TESDA), in coordination with the DENR and the NCIP, and other
14 relevant agencies, shall integrate ICCAs and KBAs in the school curricula
15 under environmental education at the appropriate educational level/s.

16
17 **SEC. 17.** Role of the Private Sector and Civil Society. — The NCIP and DENR
18 shall actively engage and collaborate with the private sector and civil society
19 in raising public awareness and recognition of ICCAs and in obtaining
20 specialized assistance and service, subject to the free and prior informed
21 consent requirements of the concerned ICC/IP. Public participation in
22 protection, conservation and sustainable use activities, especially at the
23 local level, shall be encouraged to maximize conservation and community
24 benefits.

25
26 **CHAPTER V**
27 **INCENTIVES**
28

29 **SEC. 18.** Incentive Scheme. — ICCAs listed in the National ICCA Registry
30 shall be prioritized for biodiversity conservation and reforestation project
31 sites. Where appropriate and available, government financial institutions
32 and other government agencies shall provide financial and technical
33 assistance to ICCs/IPs for the protection and promotion of their listed
34 ICCAs, particularly in the establishment and implementation of payment
35 schemes for ecosystem services provided by the ICCAs.

36
37 **SEC. 19.** Sustainable Livelihood. — The DENR, in coordination with the
38 NCIP, shall develop sustainable livelihood opportunities for ICCs/IPs that
39 are consistent with traditional practices and resource use, thus ensuring the
40 sustainable development and proper management of ICCAs. In all cases, the
41 interests and well-being of the ICC/IP concerned shall be paramount.

42
43 **CHAPTER VI**
44 **PENAL PROVISIONS**

45 **SEC. 20.** Prohibited Acts. — It shall be unlawful for any person to commit
46 the following acts within an ICCA:

- 47 (a) Unauthorized and/or unlawful intrusion upon, or use of any portion
48 of, the ICCA;
49 (b) Mineral exploration, extraction and development, quarrying and
50 other destructive forms of natural resource exploration, development
51 and utilization;
52 (c) Logging, except in instances of sustainable traditional indigenous
53 forest resource management practices of the ICC/IP;
54 (d) Mutilating, defacing, removing or otherwise destroying objects that
55 have cultural, spiritual or ecological significance to the ICC/IP;
56 (e) Dumping of waste products detrimental to flora and fauna;

1
2 **SEC. 21.** Penalties. — Any individual, corporation, partnership, association,
3 or other juridical entity that commits any of the prohibited acts provided for
4 under section 20 of this Act shall be prosecuted and upon conviction shall
5 suffer a fine of not less than SIX THOUSAND PESOS (PhP 6,000.00) or any
6 amount not to exceed FIVE HUNDRED THOUSAND PESOS (PhP
7 500,000.00) or imprisonment of not less than SIX (6) MONTHS AND ONE (1)
8 DAY or more than SIX (6) YEARS, or both, at the discretion of the court,
9 including perpetual disqualification from public office if the offender is a
10 public officer, and confiscation or forfeiture in favor of the government of the
11 objects and the instrumentalities used in committing any of herein
12 prohibited acts. If the offender is a corporation, partnership or association,
13 or other juridical entity, the penalty shall be imposed upon the officer or
14 officers of the corporation, partnership, association or entity responsible for
15 the violation without prejudice to the cancellation or revocation of these
16 entities license or accreditation issued to them by any licensing or
17 accredited body of the government. If such offender is an alien, he or she
18 shall, in addition to the penalties prescribed in this Act, be deported without
19 further proceedings after service of the sentence.

20 However, the prosecution for offenses set forth in Section 20 of this Act shall
21 be without prejudice to any liability for violation of Republic Act No. 8371,
22 as amended, otherwise known as the “Indigenous Peoples Rights Act of
23 1997”, and other criminal or civil liabilities.

24
25 **CHAPTER VII**
26 **FINAL PROVISIONS**
27

28 **SEC. 22.** Annual Report. — On or before March 30 of every year following
29 the effectivity of this Act, the NCIP shall submit to the President and to the
30 Senate and the House of Representatives a progress report on the status of
31 the implementation of this Act and on the implementation of the National
32 ICCA Program. The Council shall recommend legislation, where applicable
33 and necessary.

34
35 **SEC. 23.** Construction. — The provisions of this Act shall be construed
36 liberally in favor of ICCs/IPs and in consideration of the protection and
37 conservation of biodiversity.

38
39 **SEC. 24.** Implementing Rules and Regulations. — The NCIP, in coordination
40 with the DENR and other concerned government agencies and members of
41 the civil society, shall, within six (6) months from the effectivity of this Act,
42 promulgate the necessary rules and regulations for the enforcement of the
43 provisions of this Act.

44
45 **SEC. 25.** Appropriations. — The sum of TWENTY MILLION PESOS (PhP
46 20,000,000.00) is hereby appropriated as initial operating fund. Thereafter,
47 the amount necessary to effectively carry out the provisions of this Act shall
48 be included in the annual General Appropriations Act.
49 In succeeding years, in addition to the annual appropriations to be
50 provided for the implementation of this Act, the fines to be collected as
51 penalties under Section 20 shall also be added for the implementation of
52 this law.

53
54 **SEC. 26.** Repealing Clause. — All laws, decrees, executive orders, rules and
55 regulations or parts thereof inconsistent with or contrary to the provisions of
56 this Act are hereby repealed or modified accordingly.

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

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

SEC. 29. Effectivity. — This Act shall take effect fifteen (15) days following completion of its publication in at least two (2) newspaper of general circulation.

Approved,