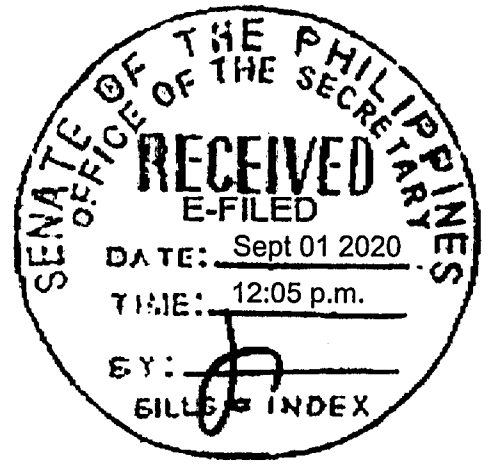


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



**SENATE**  
**S. No. 1805**

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**Introduced by SENATOR RAMON BONG REVILLA, JR.**

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**AN ACT**  
**RECOGNIZING THE INDIGENOUS CULTURAL COMMUNITIES AND**  
**INDIGENOUS PEOPLES (ICCs/IPs) COMMUNITY CONSERVED TERRITORIES**  
**AND AREAS (ICCA), ESTABLISHING FOR THE PURPOSE THE NATIONAL**  
**ICCA REGISTRY, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

As guaranteed by the Constitution, the State shall recognize and promote the rights of the indigenous cultural communities within the framework of national unity and development, and shall protect their rights to ancestral lands to ensure their economic, social and cultural well-being.

This bill recognizes the crucial role and significant contribution of our Indigenous Cultural Communities and Indigenous Peoples (ICCs/IPs) in the protection of our environment and preservation of biodiversity. It also acknowledges their traditional knowledge and means as effective methods of ensuring the health and quality of our precious natural resources.

As majority of our natural forests, key biodiversity areas, and watersheds are within their ancestral domains, it is important that they be recognized and further empowered as main protectors, caretakers and guardians, as they have done so for centuries, of these vital resources as we try to achieve sustainable development, disaster resilience and ecological balance.

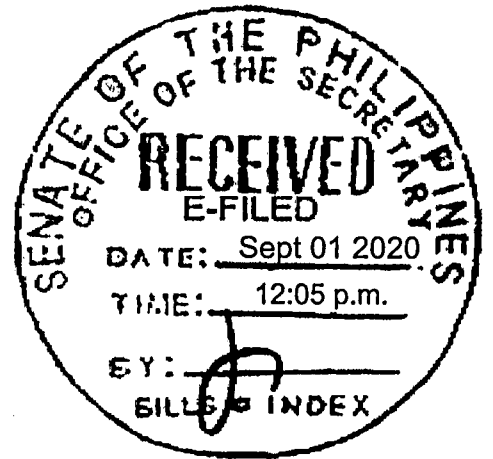
Moreover, this measure proposes the creation of a national registry of Indigenous Community Conserved Territories and Areas (ICCAs) or areas within their ancestral lands that are identified, conserved and sustainably used by the ICCs/IPs

using their indigenous knowledge and practices in accordance to their customary laws. These ICCAs shall be recognized by national agencies and local government units as another category of protected areas that are owned, governed, and protected by the ICCs/IPs. ICCAs listed in the registry shall also be prioritized for biodiversity conservation, forest cover, protection of ancestral waters, and as reforestation project sites. Further, these ICCAs shall be considered in the formulation of national, regional and local policies and plans.

In this light, the immediate passage of this bill is sought.

  
**RAMON BONG REVILLA, JR.**

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



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ICCA REGISTRY, AND APPROPRIATING FUNDS THEREFOR**

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

**CHAPTER I  
GENERAL PROVISIONS**

1 Section 1. *Short Title.* - This Act shall be known as the "*Indigenous Cultural*  
2 *Communities and Indigenous Peoples (ICCs/IPs) Community Conserved Territories*  
3 *and Areas (ICCA) Act*".

4 Sec. 2. *Declaration of Policy.* - In accordance with the Philippine Constitution,  
5 Republic Act (RA) No. 8371, otherwise known as the "Indigenous Peoples Rights Act  
6 of 1997" (IPRA), and the United Nations Declaration on the Rights of Indigenous  
7 Peoples (UNDRIP), it is the policy of the State to recognize, promote, and protect the  
8 rights of Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), particularly  
9 to their ancestral domains.

10 The State also recognizes the existing customary and traditional governance by  
11 ICCs/IPs of their ancestral domains and lands as an effective measure of conserving  
12 key biodiversity areas. Through this recognition, the State acknowledges the  
13 significant contribution of ICCs/IPs to the country's efforts in environmental protection,  
14 biodiversity conservation and in promoting community resilience.

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

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

9 **Sec. 3. *Definition of Terms.*** – As used in this Act, the following terms shall  
10 mean:

11 (a) *Ancestral Domains* - all areas generally belonging to ICCs/IPs comprising  
12 lands, inland waters, coastal areas, and natural resources therein, held  
13 under a claim of ownership, occupied or possessed by ICCs/IPs, by  
14 themselves or through their ancestors, communally or individually since  
15 time immemorial, continuously to the present except when interrupted by  
16 war, force majeure or displacement by force, deceit, stealth or as a  
17 consequence of government projects or any other voluntary dealings  
18 entered into by government and private individuals/corporations, and which  
19 are necessary to ensure their economic, social and cultural welfare. It shall  
20 include ancestral lands, forests, pasture, residential, agricultural, and other  
21 lands individually owned whether alienable and disposable or otherwise,  
22 hunting grounds, burial grounds, worship areas, bodies of water, mineral  
23 and other natural resources, and lands which may no longer be exclusively  
24 occupied by ICCs/IPs but from which they traditionally had access to for  
25 their subsistence and traditional activities, particularly the home ranges of  
26 ICCs/IPs who are still nomadic and/or shifting cultivators;

27 (b) *Ancestral Domains Sustainable Development and Protection Plan (ADSDPP)*  
28 – the consolidated plans of ICCs/IPs for the sustainable management and  
29 development of their land and natural resources within their ancestral  
30 domain as well as the development of human and cultural resources based  
31 on their indigenous knowledge, systems and practices. Such plan shall be  
32 the basis of the Five Year Master Plan for ICCs/IPs;

- 1 (c) *Ancestral Lands* – lands occupied, possessed and utilized by individuals,  
2 families and clans who are members of the ICCs/IPs since time immemorial,  
3 by themselves or through their predecessors-in-interest, under claims of  
4 individual or traditional group ownership, continuously, to the present  
5 except when interrupted by war, force majeure or displacement by force,  
6 deceit, stealth, or as a consequence of government projects and other  
7 voluntary dealings entered into by government and private  
8 individuals/corporations, including, but not limited to, residential lots, rice  
9 terraces or paddies, private forests, swidden farms and tree lots;
- 10 (d) *Assisting organization* – an organization known to the community and with  
11 a good track record of respect for customary laws and self-determination  
12 intending to support ICCs/IPs in the documentation of their ICCAs. This  
13 may include non-government organizations (NGOs), the academe, church-  
14 based organizations and other similar civic organizations;
- 15 (e) *Biological Diversity or Biodiversity* – the variability among organisms from  
16 all sources, including terrestrial, marine and other aquatic ecosystems and  
17 the ecological complexes of which they are a part. This includes diversity  
18 within species, between species and of ecosystems;
- 19 (f) *Ecosystem services* – the benefits people obtain from ecosystems, which  
20 include: (a) provisioning services such as food, water, timber, and fiber;  
21 (b) regulating services that affect climate, floods, disease, wastes, and  
22 water quality; (c) cultural services that provide recreational, aesthetic, and  
23 spiritual benefits; (d) supporting services such as soil formation,  
24 photosynthesis, and nutrient cycling;
- 25 (g) *Environmental Impact Assessment (EIA)* – the process that involves  
26 evaluating and predicting the likely impacts of a project (including  
27 cumulative impacts) on the environment during construction,  
28 commissioning, operation and abandonment. It also includes designing  
29 appropriate preventive, mitigating and enhancement measures addressing  
30 these consequences to protect the environment and the community's  
31 welfare;

- 1 (h) *Free and Prior Informed Consent (FPIC)* – the consensus of all members of  
2 the ICCs/IPs to be determined in accordance with their respective  
3 customary laws and practices, free from any external manipulation,  
4 interference and coercion, and obtained after fully disclosing the intent and  
5 scope of the activity, in a language and process understandable to the  
6 community;
- 7 (i) *Indigenous Community Conserved Territories and Areas (ICCA)* – is an area  
8 within ancestral domains and lands, and parts thereof, that is identified,  
9 protected, conserved, and sustainably used by ICCs/IPs pursuant to their  
10 indigenous knowledge, systems, and practices, and in accordance with  
11 customary laws and other effective means since time immemorial. It is  
12 characterized by natural or with modified ecosystems, containing significant  
13 biodiversity values, ecological benefits and cultural and spiritual values. For  
14 purposes of this law, all ICCAs shall be considered as environmentally  
15 critical areas (ECAs);
- 16 (j) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* – groups  
17 of people or homogenous societies identified by self-ascription and  
18 ascription by others, who have continuously lived as organized community  
19 on communally bounded and defined territory, and who have, under claims  
20 of ownership since time immemorial, occupied, possessed and utilized such  
21 territories, sharing common bonds of language, customs, traditions and  
22 other distinctive cultural traits, or who have, through resistance to political,  
23 social and cultural inroads of colonization, non-indigenous religions and  
24 cultures, became historically differentiated from the majority of Filipinos.  
25 ICCs/IPs shall likewise include peoples who are regarded as indigenous on  
26 account of their descent from the populations which inhabited the country,  
27 at the time of conquest or colonization, or at the time of inroads of non-  
28 indigenous religions and cultures, or the establishment of present state  
29 boundaries, who retain some or all of their own social, economic, cultural  
30 and political institutions, but who may have been displaced from their  
31 traditional domains or who may have resettled outside their ancestral  
32 domains;

- 1 (k) *Indigenous Knowledge Systems and Practices (IKSPs)* – the systems,  
2 institutions, mechanisms, and technologies comprising a unique body of  
3 knowledge evolved through time that embody patterns of relationships  
4 between and among peoples, their lands and resource environment,  
5 including such spheres of relationships which may include social, political,  
6 cultural, economic, religious spheres, and which are the direct outcome of  
7 the indigenous peoples' responses to certain needs consisting of adaptive  
8 mechanisms which have allowed indigenous peoples to survive and thrive  
9 within their given socio-cultural and biophysical conditions;
- 10 (l) *Key Biodiversity Areas (KBAs)* – the sites of global significance for  
11 biodiversity conservation identified using globally standard criteria and  
12 thresholds, based on the needs of biodiversity requiring safeguards at the  
13 site scale. These criteria are based on the framework of vulnerability and  
14 irreplaceability widely used in systematic conservation planning;
- 15 (m) *National ICCA Registry* – the national information management system that  
16 contains records on pertinent information on ICCAs;
- 17 (n) *Native Title* – pre-conquest rights to lands and domains which, as far back  
18 as memory reaches, have been held under a claim of private ownership by  
19 ICCs/IPs, have never been public lands and are thus indisputably presumed  
20 to have been held that way since before the Spanish Conquest;
- 21 (o) *Sustainable traditional resource rights (STRRs)* – 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  
24 and 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;

27 **Sec. 4. *Scope and Coverage.*** – This Act shall apply to all ancestral domains  
28 and lands, whether held by native title or formally recognized under a Certificate of  
29 Ancestral Domain Title or Certificate of Ancestral Land Title issued under RA 8371.

30 It shall also apply to ancestral domains and lands within national parks or  
31 protected areas under Republic Act No. 7586, as amended by Republic Act No. 11038,

1 otherwise known as the "Expanded National Integrated Protected Areas System Act  
2 of 2018" (ENIPAS Act).

3  
4 **CHAPTER II**  
5 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**  
6 **CONSERVED TERRITORIES AND AREAS (ICCAs)**  
7

8 *Sec. 5. Guiding Principles.* – The following are guidelines in recognizing the  
9 Indigenous Cultural Communities and Indigenous Peoples Conserved Territories and  
10 Areas (ICCAs):

- 11 (a) The rights to land and self-determination include the full recognition of the  
12 traditional resources, rights and practices of ICCs/IPs, as well as their right  
13 to access, maintain, protect, conserve, regulate ICCAs and exclude  
14 unauthorized intrusion into these areas;
- 15 (b) The primacy of customary laws and indigenous knowledge systems and  
16 practices (IKSPs) in the governance and management of ICCAs shall be  
17 recognized and respected;
- 18 (c) The ICCs/IPs shall govern their conserved territories and areas and ensure  
19 the preservation, restoration, and maintenance of ecological balance and  
20 biodiversity therein with the assistance of government agencies;
- 21 (d) The ICCAs shall be considered in the formulation of national, regional and  
22 local policies, plans and programs; and
- 23 (e) The ICCs/IPs shall receive fair and equitable share in the benefits derived  
24 from the ecosystem services provided by ICCAs and other activities as  
25 authorized by the ICCs/IPs themselves.

26 *Sec. 6. Recognition of ICCAs.* – The ICCs/IPs shall define and declare the  
27 conserved areas within their ancestral domains and lands in accordance with their  
28 indigenous political structures, cultures and traditions.

29 The declaration of ICCAs shall be respected as an exercise of the self-  
30 governance, self-determination and sustainable traditional resource rights of the  
31 ICCs/IPs. It shall be recognized by all national agencies and local government units  
32 (LGUs) as another category of protected areas that are owned, controlled, governed



1 and managed by ICCs/IPs themselves. The ICCAs shall be subject to the provisions of  
2 this Act.

3 For purposes of this Act, all ICCAs shall be considered as environmentally critical  
4 areas. The requirement of free and prior informed consent (FPIC) shall be strictly  
5 complied with to undertake allowable activities within the ICCAs.

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

9 *Sec. 7. Protection of ICCAs.* – The ICCAs shall be reserved for the exclusive use  
10 of ICCs/IPs exercising their sustainable traditional resource rights. Activities that are  
11 not included as sustainable traditional resource rights and activities by a person who  
12 is not a member of ICCs/IPs may only be allowed within the ICCAs, *Provided*, That  
13 the activities are:

- 14 (a) Permitted by the ICCs/IPs in accordance with customary laws;
- 15 (b) Consistent with their cultural and spiritual values;
- 16 (c) Compatible with conservation concepts; and
- 17 (d) Not among the prohibited acts enumerated in Section 25 of this Act.

18 *Sec. 8. Environmental Impact Assessment (EIA) system.* – All projects within  
19 or outside the ICCA that have potential adverse impacts on the conserved territories  
20 and areas are subject to EIA.

21 The participation of the ICCs/IPs, the National Commission on Indigenous  
22 Peoples (NCIP) and the Department of Environment and Natural Resources (DENR)  
23 are required in the conduct of the EIA of ICCAs.

24 The customary laws, the IKSPs of the ICCs/IPs and the social acceptability of  
25 the project shall be considered in the assessment.

26 The EIA should be concluded and reported for consideration during the FPIC  
27 process.

28 *Sec. 9. ICCAs in Key Biodiversity Areas (KBAs).* – The ICCs/IPs shall govern,  
29 maintain, restore and develop the ICCAs key biodiversity areas (KBAs) in accordance  
30 with their customary laws and in a manner consistent with the sustainable use and  
31 conservation of biodiversity found therein.



1           **Sec. 13. *Creation of a Steering Committee.*** – A Steering Committee is created  
2 to define policy, provide directions and perform oversight functions in the  
3 administration and maintenance of the Registry.

4           The Steering Committee shall be composed of the following:

- 5           (a) A representative from the DENR;
- 6           (b) A representative from the NCIP;
- 7           (c) A representative from the Department of Interior and Local Government  
8                 (DILG);
- 9           (d) A representative from the Housing and Land Use Regulatory Board  
10                 (HLURB);
- 11           (e) A representative from recognized civil society organizations (CSOs); and
- 12           (f) Two (2) representatives from ICCs/IPs.

13           **Sec. 14. *ICCA's Registration.*** – The ICCs/IPs shall initiate the documentation  
14 and registration of their ICCAs in the Registry with appropriate financial and technical  
15 support from the NCIP and the DENR or assisting organizations.

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

- 18           (a) The ICCs/IPs shall request the NCIP to assist in documenting their ICCAs;
- 19           (b) The NCIP shall assist the community in documenting the ICCAs with the  
20                 support of the DENR, and delineating the same;
- 21           (c) The NCIP shall facilitate the formulation of a Community Conservation Plan;  
22                 and;
- 23           (d) The NCIP shall submit the documentation of the ICCAs and other pertinent  
24                 documents to the DENR for inclusion in the Registry.

25           If the ICCs/IPs undertake the documentation by themselves with the support  
26 of assisting organizations, the NCIP and the DENR, shall verify and affirm the  
27 documentation and pertinent documents submitted before the ICCAs may be included  
28 in the Registry.

29           The map, complete with technical description and a brief description of the  
30 natural features and landmarks of the ICCAs to be registered and included in the  
31 Registry shall be posted at the local, provincial, and regional office of the NCIP, and

1 shall be published in a newspaper of general circulation once a week for two (2)  
2 consecutive weeks to allow others to file opposition papers within fifteen (15) days.

3       Sec. 15. *Procedure for Delisting from the Registry.* – If the ICCs/IPs determined  
4 that the ICCA no longer served the purpose for which it was defined and declared, the  
5 ICCs/IPs may cause the delisting of the same through a procedure provided in the  
6 Implementing Rules and Regulations of this Act.

7       Sec. 16. *Inclusion of ICCAs in the LGUs Plan.* – The LGUs shall include in their  
8 Regional Physical Framework Plans, Provincial Physical Framework Plans,  
9 Comprehensive Land and Water Use Plans (CLWUP), Community Development Plans  
10 (CDP), Forest Land Use Plans (FLUP), Barangay Development Plans (BDPs), the  
11 Ancestral Domains Sustainable Development and Protection Plan (ADSDPP), and other  
12 relevant plans on the ICCAs that have been declared and recorded in the Registry by  
13 the ICCs/IPs.

14       Sec. 17. *ICCAs within the Protected Areas.* – In cases where ICCAs are in the  
15 protected areas established under RA No. 7586 or the NIPAS Act, the ICCs/IPs  
16 concerned shall have the authority to govern, maintain, develop, protect and conserve  
17 the areas in accordance with their customary laws and IKSPs, with financial and  
18 technical assistance from the NCIP, the DENR, LGUs and other concerned government  
19 agencies.

20       A mechanism for coordination and complementation between the indigenous  
21 traditional leadership and governance, the NCIP, the DENR, concerned LGUs and other  
22 government agencies shall be established. The absence of such mechanism shall not  
23 in any way stall, diminish, or suspend the provisions of the preceding paragraph.

24       Sec. 18. *ICCAs Governance.* – The ICCAs shall be governed by the ICCs/IPs in  
25 accordance with their customary laws, indigenous knowledge systems and practices,  
26 structures and mechanisms, provided that any co-management with, or  
27 relinquishment of management by ICCs/IPs, shall be temporary in nature and subject  
28 to regular renewal by the ICCs/IPs in accordance with Sec. 58 of IPRA, and Sec. 13 of  
29 the ENIPAS Act.

30       The application of customary laws, indigenous knowledge systems and  
31 practices, structures, and mechanisms by the ICCs/IPs within and outside their ICCAs  
32 shall be presumed to be a sustainable traditional resource right (STRR) and shall not

1 be subject to prior approval or validation and shall not be covered under the prohibited  
2 acts in Section 25. The burden of proof that laws, knowledge, practices, structures,  
3 and mechanisms exercised by ICCs/IPs are not indigenous or are not in accordance  
4 with the STRR shall lie with the party making the assertion.

5 Any conflict that may arise within the ICCAs shall be primarily resolved through  
6 customary laws and traditional conflict resolution mechanisms.

7  
8 **CHAPTER IV**  
9 **ROLE OF GOVERNMENT AGENCIES**  
10

11 *Sec. 19. Role of the NCIP.* – The NCIP shall be the primary government agency  
12 responsible for the full implementation of this Act. It shall protect and promote the  
13 interest and well-being of the ICCs/IPs in the context of biodiversity conservation and  
14 community resilience.

15 The NCIP shall create the Ancestral Domain Protection and Sustainable  
16 Development Office, and shall receive requests from the ICCs/IPs. It shall coordinate  
17 with the DENR all activities related to the documentation, community conservation,  
18 planning and registration of ICCAs.

19 It shall provide full and effective financial and technical assistance on the  
20 following:

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

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

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

31 The NCIP shall also be a member of the Protected Area Management Board  
32 (PAMB), in reference to the ENIPAS Act, where ancestral domains and lands overlap  
33 with protected areas or declared ICCAs.

1 The NCIP, through its regional offices, shall have original and exclusive  
2 jurisdiction over all claims and disputes involving ICCAs; *Provided*, however, that no  
3 such dispute shall be brought to the NCIP unless the parties have exhausted all  
4 remedies provided under their customary laws. *Provided further*, that when one of the  
5 parties is not a member of the ICCs/IPs, indigenous conflict resolutions mechanisms  
6 shall apply. For this purpose, a certification shall be issued by the Council of  
7 Elders/Leaders who participated in the attempt to settle the dispute that the same has  
8 not been resolved, which certification shall be a condition precedent to the filing of a  
9 petition with the NCIP.

10 **Sec. 20. *Role of the DENR.*** – The DENR shall, upon the formal request of the  
11 ICCs/IPs, provide financial and technical support for delineation and mapping, and  
12 biodiversity assessment of ICCA and in the listing or registration of ICCA with the  
13 Registry and similar global platforms or networks.

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

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

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

19 **Sec. 21. *Role of Other Government Agencies and LGUs.*** – Consistent with their  
20 respective mandates and upon formal request by ICCs/IPs, national government  
21 agencies and LGUs shall provide financial and technical assistance in building and  
22 strengthening the capacity of the requesting ICCs/IPs to manage their ICCA.

23 The NCIP and the DENR, in partnership with the DILG, shall devise an incentive  
24 scheme for LGUs that will adopt and include ICCAs in the Regional and Provincial  
25 Physical Framework Plans, Comprehensive Land and Water Use Plans (CLWUP),  
26 Community Development Plan (CDP), Forest Land Use Plan (FLUP) and other relevant  
27 plans and programs.

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

1 In partnership with the Department of Budget and Management (DBM), the  
2 NCIP, the DENR, the National Economic Development Authority (NEDA), the  
3 Department of the Interior and Local Government (DILG) and the Housing and Land  
4 Use Regulatory Board (HLURB) shall formulate a framework to prioritize national  
5 government programs and projects that support ICCAs.

6 *Sec. 22. Engagement with the Private Sector and Civil Society to Recognize*  
7 *ICCAs.* – The ICCs/IPs, the NCIP and the DENR shall actively engage and collaborate  
8 with the private sector and the civil society in raising public awareness and recognition  
9 of ICCAs, and in obtaining specialized assistance and service, subject to the FPIC  
10 requirements of the concerned ICCs/IPs. Public participation in the protection,  
11 conservation, and sustainable use ICCAs, especially at the local level, shall be  
12 encouraged to maximize conservation and community benefits.

13  
14 **CHAPTER V**  
15 **INCENTIVES**  
16

17 *Sec. 23. Incentive Scheme.* – ICCAs listed in the Registry shall be prioritized for  
18 biodiversity conservation, forest cover, protection of ancestral waters, and as  
19 reforestation project sites. Where appropriate and available, government financial  
20 institutions and other government agencies shall provide financial and technical  
21 assistance to ICCs/IPs for the protection and promotion of their registered covered  
22 territories and areas, particularly in the establishment and implementation of payment  
23 schemes for ecosystem services provided by the ICCAs.

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

26 *Sec. 24. Sustainable Livelihoods.* – The NCIP, the DENR, and other relevant  
27 government agencies shall support sustainable livelihood opportunities, including  
28 biodiversity-friendly livelihoods that are identified and defined by ICCs/IPs consistent  
29 with traditional practices and resource use that contribute to the sustainable use and  
30 proper management of the ICCAs.

**CHAPTER VI  
PENAL PROVISIONS**

1  
2  
3  
4        *Sec. 25. Prohibited Acts.* – It shall be unlawful for any person to commit the  
5 following acts within the ICCAs:

- 6        (a) Establishing heavy industries such as non-ferrous metal industries, iron and  
7            steel mills, petroleum and petro-chemical industries including oil and gas  
8            and smelting plants;
- 9        (b) Establishing resource extractive industries such as exploration, extraction  
10           and development of mining and quarrying projects, forestry projects  
11           including logging, and major wood processing projects; introduction of  
12           fauna, exotic animals, forest occupancy, extraction of mangrove products,  
13           grazing, fishery projects like dikes or fishpond development projects;
- 14        (c) Building infrastructure projects such as major dams, major power plants  
15           including fossil-fueled, nuclear fueled, hydroelectric or geothermal, major  
16           reclamation projects, major roads and bridges;
- 17        (d) Building golf course projects;
- 18        (e) Using or intruding on any portion of the ICCA for any authorized or unlawful  
19           purpose;
- 20        (f) Conducting mineral exploration, extraction, and development, quarrying  
21           and other destructive forms of natural resource exploitation, development,  
22           and utilization;
- 23        (g) Logging by non-members of the IP community;
- 24        (h) Mutilating, defacing, removing, or otherwise destroying objects that have  
25           cultural, spiritual or ecological significance to ICCs/IPs;
- 26        (i) Dumping of waste products detrimental to flora and fauna;
- 27        (j) Squatting, mineral locating, or otherwise occupying any land declared as  
28           ICCA;
- 29        (k) Using any motorized equipment, except for enhancing traditional resource  
30           rights;
- 31        (l) Altering, removing destroying or defacing boundary marks or signs;
- 32        (m) Constructing or maintaining any kind of structure, fence or enclosures;



- 1 (n) Fishing through the use of explosives, noxious or poisonous substance or  
2 electricity;
- 3 (o) Gathering, selling, possessing, transport or sale of corals;
- 4 (p) Gathering, selling or exporting sand, silica, pebbles and any other  
5 substances used as marine habitat;
- 6 (q) Converting mangroves into fishponds or for any other purposes;
- 7 (r) Fishing or taking for commercial purposes rare, threatened or endangered  
8 species listed in the Convention on International Trade in Endangered  
9 Species of Wild Fauna and Flora (CITES) or those determined as such by  
10 the Bureau of Fisheries and Aquatic Resources (BFAR), and by the  
11 Biodiversity Management Bureau of the DENR;
- 12 (s) Generating aquatic pollution; and
- 13 (t) Converting ICCAs into industrial land use and special economic zones.

14 *Sec. 26. Penalties.* – Any individual, corporation, partnership, association or  
15 juridical entity who commits any of the prohibited acts enumerated under Section 25  
16 of this Act shall upon conviction, be punished by imprisonment of not less than six (6)  
17 months but not more than six (6) years or a fine of not less than Fifty thousand pesos  
18 (P50,000.00) but not more than Fifty million pesos (P50,000,000.00) or both, at the  
19 discretion of the court.

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

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

25 Any object and instrumentality used in committing any of the prohibited acts  
26 under Section 25 of this Act shall be confiscated and forfeited in favor of the  
27 government.

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



1           Sec. 33. *Saving Clause.* – This Act shall not in any manner adversely affect the  
2 rights and benefits of the ICCs/IPs under RA 8371, conventions, recommendations,  
3 international treaties, national laws, awards, customs and agreements.

4           Sec. 34. *Effectivity.* – This Act shall take effect fifteen (15) days after its  
5 publication in the *Official Gazette* or in a newspaper of general circulation.

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7           *Approved,*