



Eighteenth Congress
First Regular Session

HOUSE BILL NO. 639



Introduced by
REPRESENTATIVE LOREN B. 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 INDIGENOUS COMMUNITY CONSERVED AREAS (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.


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THE PURPOSE THE NATIONAL ICCA REGISTRY, APPROPRIATING FUNDS
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*Be it enacted in the Senate and House of Representatives of the Philippines in
Congress assembled:*

CHAPTER I

CHAPTERS GENERAL PROVISIONS

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2
3 SECTION 1. *Short Title.* — This Act shall be known as the “*Indigenous Peoples and*
4 *Local Communities Conserved Areas Act of 2019*”.

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

12 Consistent with the recognition and promotion of the rights of ICCs/IPs under
13 the Constitution of the Republic of the Philippines, the Indigenous Peoples Rights Act
14 of 1997 (IPRA), and the Universal Declaration of the Rights of Indigenous Peoples

1 (UNDRIP), the State shall recognize and respect the designation, declaration or
2 establishment of Indigenous Community Conserved Areas (ICCAs) by ICC/IPs within
3 their ancestral domains.

4 As a party to the United Nations Convention on Biological Diversity (CBD), the
5 State shall foster the recognition and promotion of other conservation area
6 governance types aside from protected areas established under Republic Act No.
7 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act
8 of 1992” and critical habitats designated as such under Republic Act No. 9174,
9 otherwise known as the “Wildlife Resources Conservation and Protection Act”, among
10 others.

11 SEC. 3. *Guiding Principles.* — In the promotion of the recognition of ICCAs, all
12 concerned government agencies shall be guided by the following:

- 13 a. Recognition and promotion of ICC /IP rights to their ancestral domains
14 includes the full recognition of ICCAs as well as the right of the ICCs/IPs to
15 maintain, protect, and regulate access and prohibit unauthorized intrusion
16 thereto;
- 17 b. As part of their responsibilities to their ancestral domain, ICCs/IPs shall have
18 priority in the management of their conservation areas and the preservation,
19 restoration, and maintenance of ecological balance and biodiversity therein,
20 with the full and effective assistance of government agencies;
- 21 c. ICCAs shall be considered in the formulation of, and integrated in, national
22 and subnational policies, plans and programs in recognition and respect of
23 the right of the ICCs/IPs to preserve and develop their cultures, traditions,
24 and institutions within the framework of national unity and development;
- 25 d. The positive contribution to biodiversity conservation of ICCAs and related
26 sustainable traditional indigenous forest resources management systems

1 and practices shall be fully acknowledged and included in the accounting
2 and reporting of the national implementation of CBD obligations; and,
3 e. ICCs/IPs shall have a fair and equitable share in the commercial profits of
4 users of well-defined and confirmed ecosystem services provided by ICCAs,
5 in recognition and respect of the right of the ICCs/IPs to benefit and share
6 in the profits from the allocation and utilization of natural resources found in
7 their ancestral domains.

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

10 (a) "*Ancestral Domain Sustainable Development and Protection Plan*
11 (*ADSDPP*)" refers to the document consolidating the plans of the ICC/IP for
12 the sustainable management and development of the land and natural
13 resources as well as human resources within their ancestral domains
14 based on their indigenous knowledge systems and practices and the
15 principle of self-determination;

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

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

19 (d) "*Ecosystem services*" refer to environmental goods, and regulating,
20 supporting, and cultural services provided by ecosystems that are directly
21 enjoyed, consumed or used to further human well-being; or benefits that
22 people derive from an ecosystem;

23 (e) "*Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)*" refer to
24 a group of people or homogenous societies as defined under Republic Act
25 No. 873, otherwise known as "The Indigenous Peoples Rights Act of 1997";

26 (f) "*Indigenous Community Conserved Areas (ICCAs)*" are natural and/or
27 modified ecosystems containing significant biodiversity values, ecological

1 services and cultural values, voluntarily conserved by indigenous cultural
2 communities/ indigenous peoples through customary laws or other effective
3 means;

4 (g) "*Key Biodiversity Areas (KBAs)*" refer to sites of global significance for
5 biodiversity conservation identified using globally standard criteria and
6 thresholds, based on the needs of biodiversity requiring safeguards at the
7 site scale. These criteria are based on the framework of vulnerability and
8 irreplaceability widely used in systematic conservation planning;

9 (h) "*NCIP*" refers to the National Commission on Indigenous Peoples;

10 (i) "*National ICCA Registry*" refers to the database maintained jointly by the
11 NCIP and the DENR containing qualitative, quantitative and spatial data on
12 ICCAs as determined by ICCs/IPs themselves;

13 j) "*Protected Areas*" refer to identified portions of land and water set aside by
14 reason of their unique physical and biological significance, managed to
15 enhance biological diversity and protected against destructive human
16 exploitation and included as a component of the National Integrated
17 Protected Area System (NIPAS);

18 (k) "*Sustainable Traditional Indigenous Forest Resources Management*
19 *Systems and Practices (STIPMSP)*" refer to those systems and practices
20 of ICCs/IPs formally recognized, registered, confirmed, and duly verified
21 jointly by the DENR and the NCIP to be the sustainable forest management
22 system and practice in the forest/ watershed area within the ancestral
23 domain /1and of the concerned ICC/IP;

24 (l) "*Sustainable Traditional Resource Rights*" refer to the rights to ICCs/IPs
25 to sustainably use, manage, protect and conserve a) land, air, water, and
26 minerals; b) plants, animals and other organisms; c) collecting, fishing and
27 hunting grounds; d) sacred sites; and, e) other areas of economic

1 ceremonial and aesthetic value in accordance with their indigenous
2 knowledge, belief systems, and practices

3 4 **CHAPTER II**

5 **INDIGENOUS COMMUNITY CONSERVED AREAS**

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

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

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

20 SEC. 8. *ICCAs in Key Biodiversity Areas.* - ICCAs within or encompassing
21 KBAs shall be maintained, managed and sustainably developed in a manner
22 consistent with conservation of the biodiversity found therein. As habitats of
23 threatened species of Philippine wildlife, KBAs are environmentally critical areas
24 (ECAs) in the context of the Philippine Environmental Impact Statement System. KBAs
25 shall be those identified by the Philippine Biodiversity Conservation Priority Setting
26 program and its iterations as updated by the DENR in consultation with other
27 concerned government agencies, the academe, private sector and civil society.

1 provide for the incorporation of ICCA in the Ancestral Domain Sustainable
2 Development and Protection Plan (ADSDPP).

3 CHAPTER IV

4 ROLE OF GOVERNMENT AGENCIES

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

13 SEC. 15. *Role of the DENR.* — The DENR shall provide technical assistance
14 to requesting ICCs/IPs biodiversity assessments and survey, mapping of the ICCA.
15 Upon the formal request of the concerned ICC /IP, the DENR shall provide technical
16 assistance for the international recognition of ICCAs through their listing or registration
17 with the USA Registry, the World UCA Database, or other similar global platforms or
18 networks, among others. The DENR shall likewise provide information on the location
19 of KBAs identified in the Philippine Biodiversity Conservation Priority Setting Program
20 and its iterations or updates.

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

25 The Department of Education (DepEd), the Commission on Higher
26 Education (CHED), the Technical Education and Skills Development Authority
27 (TESDA), in coordination with the DENR and the NCIP, and other relevant agencies,

- 1 (a) Unauthorized and/or unlawful intrusion upon, or use of any portion of the
2 ICCA;
- 3 (b) Mineral exploration, extraction and development, quarrying and other
4 destructive forms of natural resource exploration, development and
5 utilization;
- 6 (c) Logging, except in instances of sustainable traditional indigenous forest
7 resource management practices of the ICC/IP;
- 8 (d) Mutilating, defacing, removing or otherwise destroying objects that have
9 cultural, spiritual or ecological significance to the ICC/IP; and,
- 10 (e) Dumping of waste products detrimental to flora and fauna.

11 SEC. 21. *Penalties.* — Any individual, corporation, partnership, association or
12 other juridical entity that commits any of the prohibited acts provided for under section
13 20 of this Act shall be prosecuted and upon conviction shall suffer a fine of not less
14 than six thousand pesos (Php 6,000.00) or any amount not to exceed five hundred
15 thousand pesos (Php 500,000.00) or imprisonment of not less than six (6) months and
16 one (1) day or more than six (6) years, or both, at the discretion of the court, including
17 perpetual disqualification from public office if the offender is a public officer, and
18 confiscation or forfeiture in favor of the government of the objects and the
19 instrumentalities used in committing any of herein prohibited acts. If the offender is a
20 corporation, partnership or association, or other juridical entity, the penalty shall be
21 imposed upon the officer or officers of the corporation, partnership, association or
22 entity responsible for the violation without prejudice to the cancellation or revocation
23 of these entities license or accreditation issued to them by any licensing or accredited
24 body of the government. If such offender is an alien, he or she shall, in addition to the
25 penalties prescribed in this Act, be deported without further proceedings after service
26 of the sentence. However, the prosecution for offenses set forth in Section 20 of this
27 Act shall be without prejudice to any liability for violation of Republic Act No. 8371, as

1 amended, otherwise known as the "Indigenous Peoples Rights Act of 1997", and other
2 criminal or civil liabilities.

3 CHAPTER VII

4 FINAL PROVISIONS

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

10 SEC. 23. *Construction.* — The provisions of this Act shall be construed liberally
11 in favor of ICCs/IPs and in consideration of the protection and conservation of
12 biodiversity.

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

17 SEC. 25. *Appropriations.* — The sum of twenty million pesos (Php
18 20,000,000.00) is hereby appropriated as initial operating fund. Thereafter, the amount
19 necessary to effectively carry out the provisions of this Act shall be included in the
20 annual General Appropriations Act.

21 In succeeding years, in addition to the annual appropriations to be provided
22 for the implementation of this Act, the fines to be collected as penalties under Section
23 20 shall also be added for the implementation of this law.

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

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

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

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

9

10 Approved .