



Republic of the Philippines  
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## MEMORANDUM

FOR : **The Directors**  
Legal Affairs Service  
Policy and Planning Service  
Climate Change Service

**The Bureau Directors**  
Biodiversity Management Bureau  
Land Management Bureau  
Mines and Geosciences Bureau

FROM : **The Director**  
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS FROM THE COMMITTEE ON  
INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS  
PEOPLES OF THE HOUSE OF REPRESENTATIVES**

DATE : 05 October 2022

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In reference to the letter dated 03 October 2022 from the Committee on Indigenous Cultural Communities and Indigenous Peoples of the House of Representatives, received by our Office on 04 October 2022, we are **requesting for your comments and recommendations** on the following bills:

1. **House Bill No. 446**, An Act Protecting The Rights Of Indigenous Peoples And Indigenous Cultural Communities Affected By Renewable Energy Investments In Their Ancestral Lands, Amending Certain Provisions Of Republic Act 9513, Otherwise Known As "The Renewable Energy Act Of 2008" by Rep. Maximo, Jr. Y. Dalog; and
2. **House Bill No. 4616**, An Act Recognizing The Community Conserved Territories And Areas Of Indigenous Peoples And Cultural Communities, Establishing For The Purpose The National Indigenous Community Conserved Areas Registry, And Appropriating Funds Therefor By Rep. Allen Jesse C. Mangaoang.

Kindly submit your comments **on or before October 10, 2022, 5PM via email at [denrlegislative@yahoo.com](mailto:denrlegislative@yahoo.com)** for the drafting of the position paper requested by the Committee. Attached herewith are the letter and copies of the House Bills for your reference.

For information and action, please.

  
**ROMIROSE B. PADIN**

*cc: Undersecretary for Legal, Administration, Human Resources and Legislative Affairs  
Undersecretary for Policy, Planning and International Affairs  
Assistant Secretary for Administration and Legislative Affairs*

**MEMO NO. 2022 - 677**



Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila  
**NINETEENTH CONGRESS**  
**First Regular Session**

*Committee on Indigenous Cultural Communities and Indigenous Peoples*  
October 3, 2022

THE HONORABLE SECRETARY  
**MARIA ANTONIA YULO-LOYZAGA**  
*Department of Environment and Natural Resources*  
*Visayas Avenue, Diliman*  
*Quezon City*

Dear Secretary Yulo-Loyzaga,

At the onset, the Committee on Indigenous Cultural Communities and Indigenous Peoples wishes to convey its heartfelt felicitations on the approval of the budget of the Department of Environment and Natural Resources at the House of Representatives.

The Committee cordially **solicits the views of the DENR** on the following legislative measures:

**1. House Bill No. 446**

*An Act Protecting The Rights Of Indigenous Peoples And Indigenous Cultural Communities Affected By Renewable Energy Investments In Their Ancestral Lands, Amending Certain Provisions Of Republic Act 9513, Otherwise Known As "The Renewable Energy Act Of 2008" by Rep. Maximo, Jr. Y. Dalog; and*

**2. House Bill No. 4616**

*An Act Recognizing The Community Conserved Territories And Areas Of Indigenous Peoples And Cultural Communities, Establishing For The Purpose The National Indigenous Community Conserved Areas Registry, And Appropriating Funds Therefor By Rep. Allen Jesse C. Mangaoang.*

Said measures are set to be deliberated on November 2022. In this light, the Committee would greatly appreciate receiving Your Honor's written comments **on or before Friday, October 21, 2022.**

The Committee would be most honored to have Your Honor join us to discuss your views on the said measure. Our secretariat will send the details of the meetings after we receive Your Honor's written position paper.

Copies of foregoing measures are attached herewith for Your Honor's reference.

Hoping this request merits Your Honor's consideration and appropriate action.

Thank you and warm regards.

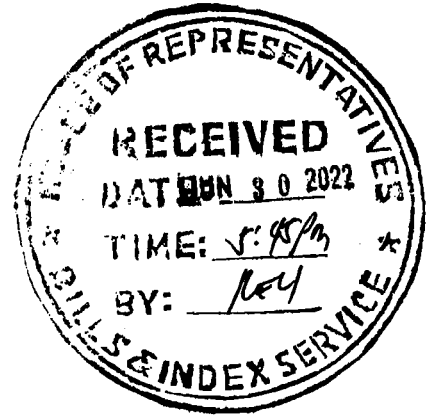
Respectfully yours,

  
**ALLEN JESSE C. MANGAOANG**  
Chairperson

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 446



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**INTRODUCED BY REPRESENTATIVE MAXIMO, JR. Y. DALOG**

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### **EXPLANATORY NOTE**

This bill seeks to protect, recognize and implement the rights of Indigenous Peoples or Indigenous Cultural Communities affected by renewable energy investments in their ancestral lands/domains amending for the purpose Republic Act No. 9513, Otherwise known as "The Renewable Energy Act of 2008."

In 1997, the Tenth Congress passed the Indigenous Peoples Rights Act of 1997 (IPRA) primarily to correct historical injustice. It was labeled as a radical policy reform as it introduced provisions which recognized rights of IPs/ICCs like rights to their ancestral lands/domain, the right to participate and be consulted in matters that affect them and the priority right in the harvesting, extraction, development or exploitation of any natural resources within the ancestral domains.

However, to this day, these rights continue to be ignored. This is evident in the implementation of the Renewable Energy Act of 2008 where the Free and Prior Informed Consent (FPIC) comes only after the Renewable Energy Contracts have been awarded by the Department of Energy. This leaves little room for the affected IPs/ICCs to choose which corporation to implement the project should they consent. Or worse, they are deprived of the opportunity to develop the project should they reject the project proponent.

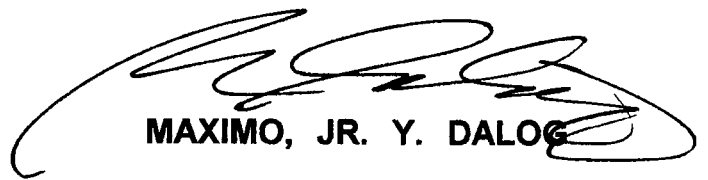
In addition, the communities near watershed areas where IPs/ICCs are mostly located are not even recognized or considered in the definition of host communities in hydropower projects in the Implementing Rules and Regulation of the Electric Power Industry Reform Act of 2001 (EPIRA).

Finally, a careful study also of the FPIC-MOAs that have been forged between RE developers and ICCs specifically on hydroelectric power projects would reveal that the agreement on royalty payments vary from as little as a quarter of a centavo per kilowatt hour (PhP.0025/kwh) to as high as more than eleven

centavos per kilowatt hour (.PhP.1142/kwh). To prevent any confusion and abuse, it is also imperative that a minimum royalty payment be stated in the law.

Thus, this bill seeks to recognize the rights of IPs/ICCs laid down in the IPRA and harmonize it with the provisions of the Renewable Energy Act of 2008

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



**MAXIMO, JR. Y. DALOG**

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 446

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INTRODUCED BY REPRESENTATIVE MAXIMO, JR. Y. DALOG

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**AN ACT**  
**PROTECTING THE RIGHTS OF INDIGENOUS PEOPLES AND**  
**INDIGENOUS CULTURAL COMMUNITIES AFFECTED BY RENEWABLE**  
**ENERGY INVESTMENTS IN THEIR ANCESTRAL LANDS, AMENDING**  
**CERTAIN PROVISIONS OF REPUBLIC ACT 9513, OTHERWISE KNOWN**  
**AS "THE RENEWABLE ENERGY ACT OF 2008"**

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

SECTION 1. A new subsection denominated as subsection 4(A) before the word "Biomass Energy Systems" in Section 4 of Republic Act 9513, is hereby inserted to read as follows:

"SEC. 4. *Definition of Terms.* - As used in this Act, the following terms are herein defined:

"(A) ANCESTRAL DOMAINS REFER TO ALL AREAS GENERALLY BELONGING TO INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES COMPRISING LANDS, INLAND WATERS, COASTAL AREAS, AND NATURAL RESOURCES THEREIN, HELD UNDER A CLAIM OF OWNERSHIP, OCCUPIED OR POSSESSED BY THEMSELVES OR THROUGH THEIR ANCESTORS, COMMUNALLY OR INDIVIDUALLY SINCE TIME IMMEMORIAL, CONTINUOUSLY TO THE PRESENT EXCEPT WHEN INTERRUPTED BY WAR, FORCE MAJEURE OR DISPLACEMENT BY FORCE, DECEIT, STEALTH OR AS A CONSEQUENCE OF GOVERNMENT PROJECTS OR ANY OTHER VOLUNTARY DEALINGS ENTERED INTO BY GOVERNMENT AND PRIVATE INDIVIDUALS, CORPORATIONS, AND WHICH ARE NECESSARY TO ENSURE THEIR ECONOMIC, SOCIAL AND CULTURAL WELFARE. IT SHALL INCLUDE ANCESTRAL LAND, FORESTS, PASTURE, RESIDENTIAL, AGRICULTURAL, AND OTHER LANDS INDIVIDUALLY OWNED WHETHER ALIENABLE AND DISPOSABLE OR OTHERWISE,

HUNTING GROUNDS, BURIAL GROUNDS, WORSHIP AREAS, BODIES OF WATER, MINERAL AND OTHER NATURAL RESOURCES, AND LANDS WHICH MAY NO LONGER BE EXCLUSIVELY OCCUPIED BY INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES BUT TRADITIONALLY HAD ACCESS FOR THEIR SUBSISTENCE AND TRADITIONAL ACTIVITIES, PARTICULARLY THE HOME RANGES OF INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES WHO ARE STILL NOMADIC OR SHIFTING CULTIVATORS;"

SEC. 2. A new subsection denominated as Subsection 4(a-1) after the word "ancestral domain" in the immediately preceding subsection, is hereby inserted and the old Subsection 4(a) is hereby renumbered as Subsection 4(A-2), to read as follows:

"(A-1) *ANCESTRAL LANDS* REFER TO LAND OCCUPIED, POSSESSED AND UTILIZED BY INDIVIDUALS, FAMILIES AND CLANS WHO ARE MEMBERS OF THE INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES SINCE TIME IMMEMORIAL, BY THEMSELVES OR THROUGH THEIR PREDECESSORS-IN-INTEREST, UNDER CLAIMS OF INDIVIDUAL OR TRADITIONAL GROUP OWNERSHIP, CONTINUOUSLY, TO THE PRESENT EXCEPT WHEN INTERRUPTED BY WAR, FORCE MAJEURE OR DISPLACEMENT BY FORCE, DECEIT, STEALTH, OR AS A CONSEQUENCE OF GOVERNMENT PROJECTS AND OTHER VOLUNTARY DEALINGS ENTERED INTO BY GOVERNMENT AND PRIVATE INDIVIDUALS [CORPORATIONS] OR JURIDICAL ENTITIES, INCLUDING RESIDENTIAL LOTS, RICE TERRACES OR PADDIES, PRIVATE FORESTS, SWIDDEN FARMS AND TREE LOTS;"

SEC. 3. A new subsection denominated as Subsection 4(n-1) after the word "Energy Regulatory Commission," is hereby inserted to read as follows:

"(N-1) *FREE AND PRIOR INFORMED CONSENT* REFERS TO THE CONSENSUS OF ALL MEMBERS OF THE INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES TO BE DETERMINED IN ACCORDANCE WITH THEIR RESPECTIVE CUSTOMARY LAWS AND PRACTICES, FREE FROM ANY EXTERNAL MANIPULATION, INTERFERENCE AND COERCION, AND OBTAINED AFTER FULLY DISCLOSING THE INTENT AND SCOPE OF THE ACTIVITY, IN A LANGUAGE AND PROCESS UNDERSTANDABLE TO THE COMMUNITY;"

SEC. 4. A new subsection denominated as Subsection 4(bbb-1) after the word "Transmission of Electricity," is hereby inserted to read as follows:

"(BBB-1) "WATERSHED" IS A LAND AREA DRAINED BY A STREAM OR FIXED BODY OF WATER AND ITS TRIBUTARIES HAVING COMMON OUTLET FOR SURFACE RUN-OFF. IT ENCOMPASSES THE TOPOGRAPHIC AND HYDROLOGICAL BOUNDARIES OF THE TOTAL LAND AREA THAT CONTRIBUTES TO THE FLOW OF THE WATER BODY, UPSTREAM OF THE WATER TAPPING POINT, SUCH AS THE DAM CREST.

SEC. 5. A new section denominated as Section 13-A is hereby inserted after Section 13 of the same Act to read as follows:

"SEC. 13-A. **ECOLOGICAL FEES.** TO ENSURE THE CONTINUOUS SUPPLY OF WATER IN HYDROPOWER INVESTMENTS, THE CONCERNED GENERATION COMPANY SHALL PAY AN ECOLOGICAL FEE EQUAL TO ONE-HALF PERCENT (0.5%) OF THE GROSS RECEIPTS OF THE RENEWABLE ENERGY RESOURCE DEVELOPER FROM THE SALE OF RENEWABLE ENERGY PRODUCED AND SUCH OTHER INCOME INCIDENTAL TO AND ARISING FROM THE RENEWABLE ENERGY GENERATION, TRANSMISSION, AND SALE OF ELECTRIC POWER SOLD PER YEAR TO BE USED EXCLUSIVELY FOR THE MAINTENANCE AND PRESERVATION OF THE WATERSHED WHICH SUPPLIES WATER TO THE HYDROPOWER PLANT. SAID ECOLOGICAL FEE SHALL BE GIVEN DIRECTLY TO THE LOCAL GOVERNMENT UNITS WHERE THE WATERSHED IS LOCATED."

SEC. 6. A new section denominated as Section 14-A is hereby inserted after Section 14 of the same Act to read as follows:

"SEC. 14-A. *COMPLIANCE WITH FREE AND PRIOR INFORMED CONSENT.* – NO RE APPLICATION OF ANY RE DEVELOPER SHALL BE ACCEPTED WITHOUT THE FREE AND PRIOR INFORMED CONSENT OF THE INDIGENOUS CULTURAL COMMUNITY OR INDIGENOUS PEOPLES CONCERNED AND A CERTIFICATION PRECONDITION ISSUED BY THE NATIONAL COMMISSION ON INDIGENOUS PEOPLES, AS SPECIFIED UNDER SECTION 59 OF REPUBLIC ACT NO. 8371, OTHERWISE KNOWN AS THE "INDIGENOUS PEOPLES RIGHTS ACT OF 1997," UPON VERIFICATION BY THE DOE, THAT A CONTRACT AREA OR A PREDETERMINED AREA IS WITHIN OR COVERS AN ANCESTRAL LAND/DOMAIN

SEC. 7. A new section denominated as Section 14-B is hereby inserted after Section 14-A of the immediately preceding section to read as follows:

"SEC. 14-B. *ROYALTY PAYMENTS FOR INDIGENOUS CULTURAL COMMUNITIES.* – IN THE EVENT OF AN AGREEMENT BETWEEN THE GENERATION COMPANY AND THE INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES PURSUANT TO THE PRECEDING SECTION, THE GENERATION COMPANY SHALL PAY THE



INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES CONCERNED, A ROYALTY PAYMENT EQUAL TO THREE FOURTHS PERCENT (.75%) OF THE GROSS RECEIPTS OF THE RENEWABLE ENERGY RESOURCE DEVELOPER FROM THE SALE OF RENEWABLE ENERGY PRODUCED AND SUCH OTHER INCOME INCIDENTAL TO AND ARISING FROM THE RENEWABLE ENERGY GENERATION, TRANSMISSION, AND SALE OF ELECTRIC POWER SOLD PER YEAR. THIS ROYALTY PAYMENT SHALL FORM PART OF A TRUST FUND FOR THE SOCIO-ECONOMIC WELL-BEING OF THE INDIGENOUS CULTURAL COMMUNITIES OR INDIGENOUS PEOPLES.”

**SEC. 8. *Implementing Rules and Regulations.*** – Within ninety (90) days from the effectivity of this Act, the Secretary of the Department of Energy, in coordination with the Chairperson of the National Commission on Indigenous People, Indigenous Cultural Communities or Indigenous Peoples’ Representatives, and relevant stakeholders, promulgate the rules and regulations necessary for the effective implementation of the provisions of this Act.

**SEC. 9. *Repealing Clause.*** – All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**SEC. 10. *Effectivity Clause.*** – This Act shall effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved,

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 4616



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Introduced by Rep. ALLEN JESSE C. MANGAOANG

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#### EXPLANATORY NOTE

Section 16, Article II of the 1987 Philippine Constitution declares that the “State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature”. It further states in Section 22 that the “State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development”.

Since time immemorial our indigenous cultural communities (ICCs) and indigenous peoples (IPs) have always played an important role in the preservation and protection of our environment and natural resources within their ancestral domains.

To give effect to these constitutional mandates and for the Government to institutionalize the valuable role of the ICCs and IPs in the conservation of protected areas, it is imperative to establish a national Indigenous Community Conserved Area (ICCA) Registry that documents, registers, and gives due recognition to these Indigenous Cultural Conserved Areas (ICCAs) and creates mechanisms for them to be integrated in the government plans.

Immediate passage of this Bill is hereby sought.

ALLEN JESSE C. MANGAOANG

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**NINETEENTH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 4616**

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Introduced by REP. ALLEN JESSE C. MANGAOANG

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

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

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

3 **SECTION 1. Short Title.** This Act shall be known as the "*Indigenous Community*  
4 *Conserved Territories and Areas Act*".

5 **SEC 2. Declaration of Policy.** In accordance with the provisions of the Constitution,  
6 Republic Act No. 8371, otherwise known as the "Indigenous Peoples Rights Act of 1997"  
7 (IPRA), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),  
8 it is the policy of the State to recognize, promote, and protect the rights of Indigenous Cultural  
9 Communities/Indigenous Peoples (ICCs/IPs), particularly 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 key  
12 biodiversity areas. By this recognition, the State acknowledges the significant contribution of  
13 ICCs/IPs to the country's efforts in the protection of the environment, the conservation of  
14 biodiversity, and in the promotion the community resilience.

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

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

1           **SEC. 3. Definition of Terms.** – As used in this Act:

- 2       a) *Environmentally critical areas (ECAs)* refer to areas identified under Presidential  
3       Proclamation No. 2146, Series of 1981 and herein further classified as Strict Protection  
4       Zones (SPZ);  
5       b) *Indigenous Community Conserved Territories and Areas (ICCA)* refer to areas within  
6       ancestral domains and lands, and parts thereof, that are identified, protected, conserved,  
7       and sustainably used by ICCs/IPs pursuant to their indigenous knowledge, systems, and  
8       practices, and in accordance with customary laws and other effective means since time  
9       immemorial continuously to the present, subject to the limitations imposed by the  
10      Constitution.

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

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

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

30                           **CHAPTER II**

31                   **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**  
32                   **CONSERVED TERRITORIES AND AREAS**

33      **SEC. 5. Guiding Principles.** The following guidelines shall be observed in recognizing  
34      the indigenous cultural communities and indigenous peoples conserved territories and areas  
35      (ICCA)s:

- 36      a) The rights to land and self-determination include the full recognition of the  
37      traditional resources, rights and practices of ICCs/IPs, as well as their right to  
38      access, maintain, protect, conserve, regulate ICCAs and exclude unauthorized  
39      intrusion into these areas;  
40      b) The customary laws and indigenous knowledge systems and practices (IKSPs) in  
41      the governance and management of ICCAs shall be recognized and respected

1 provided that they are within the framework of national unity and development as  
2 envisioned under the Constitution.

- 3 c) The ICCs/IPs shall govern their conserved territories and areas and ensure the  
4 preservation, restoration, and maintenance of ecological balance and biodiversity  
5 therein in consonance with existing environmental policies and with the assistance  
6 of government agencies;
- 7 d) The identification and declaration of ICCAs shall consider duly formulated  
8 national, regional, provincial and municipal policies, plans and programs;
- 9 e) The ICCs/IPs shall receive a fair and equitable share in the benefits derived from  
10 the ecosystem services provided by ICCAs and other activities as authorized by the  
11 ICCs/IPs themselves in accordance with existing environmental policies, rules and  
12 regulations; and
- 13 f) In case of conflict between ICC/IPs' customary laws and indigenous knowledge  
14 systems and practices on the one hand, and existing environmental laws, rules and  
15 regulations, on the other, earnest efforts shall be exerted to adopt an interpretation  
16 that will give effect to both. Only when it is clear that the two are truly irreconcilable  
17 will environmental laws, rules and regulations prevail, but such construction shall  
18 always be supported by evidence attesting to the fact that the customary laws and  
19 IKSPs have no sound scientific basis and shall be guided by the pertinent provisions  
20 of the Constitution.

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

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

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

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

42 **SEC. 8. Environmental Impact Assessment (EIA) System.** For the purposes of this  
43 Act, all ICCAs shall be considered as environmentally critical areas.

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

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

6 The customary laws, the IKSPs of the ICCs/IPs and the social acceptability of the  
7 project shall be considered in the assessment of such projects.

8 In the interest of transparency and full disclosure, the EIA should be concluded and  
9 reported for consideration during the Free and Prior Informed Consent (FPIC) process, as  
10 provided for under Section 3 (g) of Republic Act No. 8371.

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

### 16 CHAPTER III

## 17 NATIONAL INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS 18 PEOPLES CONSERVED TERRITORIES AND AREAS REGISTRY

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

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

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

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

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

1           **SEC. 12. *Creation of a Steering Committee.*** A Steering Committee is created to define  
2 policy, provide directions and perform oversight functions in the administration and  
3 maintenance of the Registry.

4           It shall be chaired by a representative from the NCIP.

5           The Steering Committee shall be composed of the following:

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

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

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

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

29           In case the ICCs/IPs decide to undertake the documentation by themselves with the  
30 support of assisting organizations, the NCIP, DENR and the municipal and provincial local  
31 government units concerned, shall verify and affirm the documentation and pertinent  
32 documents submitted before the ICCAs may be included in the Registry.

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

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

42           **SEC. 15. *Inclusion of ICCAs in the LGUs Plan.*** The LGUs shall include in their  
43 Regional Physical Framework Plans, Provincial Physical Framework Plans, Comprehensive

1 Land and Water Use Plans, Community Development Plans, Forest Land Use Plans, Barangay  
2 Development Plans, the Ancestral Domains Sustainable Development and Protection Plan, and  
3 other relevant harmonized plans on the ICCAs that have been declared and recorded in the  
4 Registry by the ICCs/IPs.

5 **SEC. 16. ICCA Governance.** The ICCAs shall be governed by the ICCs/IPs in  
6 accordance with their customary laws, indigenous knowledge systems and practices, structures  
7 and mechanisms: *Provided*, That any co-management with, or relinquishment of management  
8 by the ICCs/IPs, shall be temporary in nature and subject to regular renewal by the ICCs/IPs in  
9 accordance with Section 58 of Republic Act No. 8371, and Section 13 of Republic Act No.  
10 7586, as amended.

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

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

## 22 **CHAPTER IV** 23 **INCENTIVES**

24 **SEC. 17. Incentive Scheme.** The ICCAs listed in the Registry shall be prioritized for  
25 biodiversity conservation, preservation of forest cover, protection of ancestral waters, and as  
26 reforestation project sites. Where appropriate and available, government financial institutions  
27 and other government agencies shall provide financial and technical assistance to ICCs/IPs for  
28 the protection and promotion of their registered conserved territories and areas, particularly in  
29 the establishment and implementation of payment schemes for ecosystem services provided by  
30 the ICCAs.

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

## 33 **CHAPTER V** 34 **ROLE OF GOVERNMENT AGENCIES**

35 **SEC. 18. Role of the NCIP.** The NCIP shall be the primary government agency  
36 responsible for the full implementation of this Act. It shall protect and promote the interest and  
37 well-being of the ICCs/IPs in the context of biodiversity conservation and community  
38 resilience.

39 The NCIP shall create the Ancestral Domain Protection and Sustainable Development  
40 Office, and shall coordinate with the DENR on all activities related to the documentation,



1 community conservation, planning, and registration of ICCAs. It shall provide full and  
2 effective financial and technical assistance on the following:

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

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

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

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

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

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

23 **SEC. 19. Role of the DENR.** The DENR shall, upon the formal request of the ICCs/IPs,  
24 provide financial and technical support for delineation and mapping, and biodiversity  
25 assessment of ICCA and in the listing or registration of ICCA with the Registry and similar  
26 global platforms or networks.

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

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

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

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

36 The NCIP and the DENR, in partnership with the DILG, shall devise an incentive  
37 scheme for LGUs that will adopt and include ICCAs in the harmonized Regional and Provincial  
38 Physical Framework Plans, Comprehensive Land and Water Use Plans, Community  
39 Development Plan, Forest Land Use Plan and other relevant plans and programs.

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

43 The NCIP shall, in coordination with the DENR, the National Economic Development  
44 Authority (NEDA), the DILG, the Housing and Land Use Regulatory Board (HLURB), and

1 the Department of Budget and Management (DBM), formulate guidelines for the prioritization  
2 of programs and projects that support ICCAs.

3 **SEC. 21. *Engagement with the Private Sector and Civil Society to Recognize ICCAs.***

4 The ICCs/IPs, the NCIP and the DENR shall actively engage and collaborate with the private  
5 sector and civil society in raising public awareness and recognition of ICCAs, and in obtaining  
6 specialized assistance and services, subject to FPIC requirements of the concerned ICCs/IPs.  
7 Public participation in the protection, conservation, and sustainable use of ICCAs in  
8 accordance with the ICCs/IPs customary law and IKSP, especially at the local level, shall be  
9 encouraged to maximize conservation and community benefits.

10 **SEC. 22. *Sustainable Livelihoods.*** Subject to the provisions of the Constitution, the  
11 NCIP, the DENR, and other relevant government agencies shall support sustainable livelihood  
12 opportunities, including biodiversity-friendly livelihoods that are identified and defined by  
13 ICCs/IPs consistent with traditional practices and resource use in accordance with ICCs/IPs  
14 customary law and IKSP that contribute to the sustainable use and proper management of the  
15 ICCAs.

16 **CHAPTER VI**  
17 **PENAL PROVISIONS**

18 **SEC. 23. *Prohibited Acts.*** Any act inconsistent with the policies of conservation and  
19 protection, and prohibited in Republic Act No. 8371 and Republic Act No. 7586, as amended,  
20 is prohibited.

21 **SEC. 24. *Penalties.*** Any individual, corporation, partnership, association or juridical  
22 entity who commits any acts in violation of Section 23 of this Act shall upon conviction, be  
23 punished by imprisonment of not less than six months but not more than six (6) years or a fine  
24 of not less than Fifty thousand pesos (P50,000.00) but not more than Fifty million pesos  
25 (P50,000,000.00), or both, at the discretion of the court.

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

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

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

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

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