



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  
3 ancestral domains and promote their rights to manage, maintain, and develop the  
4 natural resources and apply their indigenous knowledge systems and practices  
5 within these areas under their indigenous political structures and traditional  
6 governance systems.

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

10 **SECTION 3. *Definition of Terms.*** As used in this Act, the following terms shall  
11 mean:

- 12 a) *Ancestral Domains* - all areas generally belonging to ICCs/IPs comprising  
13 lands, inland waters, coastal areas, and natural resources therein, held under  
14 a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or  
15 through their ancestors, communally or individually since time immemorial,  
16 continuously to the present except when interrupted by war, *force majeure* or  
17 displacement by force, deceit, stealth or as a consequence of government  
18 projects or any other voluntary dealings entered into by government and  
19 private individuals/corporations, and which are necessary to ensure their  
20 economic, social and cultural welfare. It shall include ancestral lands, forests,  
21 pasture, residential, agricultural, and other lands individually owned whether  
22 alienable and disposable or otherwise, hunting grounds, burial grounds,  
23 worship areas, bodies of water, mineral and other natural resources, and  
24 lands which may no longer be exclusively occupied by ICCs/IPs but from  
25 which they traditionally had access to for their subsistence and traditional  
26 activities, particularly the home ranges of ICCs/IPs who are still nomadic  
27 and/or shifting cultivators;
- 28 b) *Ancestral Domains Sustainable Development and Protection Plan (ADSDPP)* - the  
29 consolidated plans of ICCs/IPs for the sustainable management and  
30 development of their land and natural resources within their ancestral  
31 domain as well as the development of human and cultural resources based on  
32 their indigenous knowledge, systems and practices. Such plan shall be the  
33 basis of the Five Year Master Plan for ICCs/IPs;
- 34 c) *Ancestral Lands* - lands occupied, possessed and utilized by individuals,  
35 families and clans who are members of the ICCs/IPs since time immemorial,  
36 by themselves or through their predecessors-in-interest, under claims of  
37 individual or traditional group ownership, continuously, to the present  
38 except when interrupted by war, *force majeure* or displacement by force, deceit,  
39 stealth, or as a consequence of government projects and other voluntary

1 dealings entered into by government and private individuals/corporations,  
2 including, but not limited to, residential lots, rice terraces or paddies, private  
3 forests, swidden farms and tree lots;

4 d) *Assisting organization* - an organization known to the community and with a  
5 good track record of respect for customary laws and self-determination  
6 intending to support ICCs/IPs in the documentation of their ICCAs. This may  
7 include non-government organizations (NGOs), the academe, church-based  
8 organizations and other similar civic organizations;

9 e) *Biological Diversity or Biodiversity* - the variability among organisms from all  
10 sources, including terrestrial, marine and other aquatic ecosystems and the  
11 ecological complexes of which they are a part. This includes diversity within  
12 species, between species and of ecosystems;

13 f) *Ecosystem services* - the benefits people obtain from ecosystems, which include:  
14 (a) provisioning services such as food, water, timber, and fiber; (b) regulating  
15 services that affect climate, floods, disease, wastes, and water quality; (c)  
16 cultural services that provide recreational, aesthetic, and spiritual benefits; (d)  
17 supporting services such as soil formation, photosynthesis, and nutrient  
18 cycling;

19 g) *Environmental Impact Assessment (EIA)* - the process that involves evaluating  
20 and predicting the likely impacts of a project (including cumulative impacts)  
21 on the environment during construction, commissioning, operation and  
22 abandonment. It also includes designing appropriate preventive, mitigating  
23 and enhancement measures addressing these consequences to protect the  
24 environment and the community's welfare.

25 h) *Free and Prior Informed Consent (FPIC)* - the consensus of all members of the  
26 ICCS/IPs to be determined in accordance with their respective customary  
27 laws and practices, free from any external manipulation, interference and  
28 coercion, and obtained after fully disclosing the intent and scope of the  
29 activity, in a language and process understandable to the community;

30 i) *Indigenous Community Conserved Territories and Areas (ICCA)* - is an area within  
31 ancestral domains and lands, and parts thereof, that is identified, protected,  
32 conserved, and sustainably used by ICCs/IPs pursuant to their indigenous  
33 knowledge, systems, and practices, and in accordance with customary laws  
34 and other effective means since time immemorial.

35 It is characterized by natural or with modified ecosystems, containing  
36 significant biodiversity values, ecological benefits and cultural and spiritual  
37 values.

1 For purposes of this law, all ICCAs shall be considered as environmentally  
2 critical areas (ECAs).

3 j) *Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)* –groups of  
4 people or homogenous societies identified by self-ascription and ascription by  
5 others, who have continuously lived as organized community on communally  
6 bounded and defined territory, and who have, under claims of ownership  
7 since time immemorial, occupied, possessed and utilized such territories,  
8 sharing common bonds of language, customs, traditions and other distinctive  
9 cultural traits, or who have, through resistance to political, social and cultural  
10 inroads of colonization, non-indigenous religions and cultures, became  
11 historically differentiated from the majority of Filipinos. ICCs/IPs shall  
12 likewise include peoples who are regarded as indigenous on account of their  
13 descent from the populations which inhabited the country, at the time of  
14 conquest or colonization, or at the time of inroads of non-indigenous religions  
15 and cultures, or the establishment of present state boundaries, who retain  
16 some or all of their own social, economic, cultural and political institutions,  
17 but who may have been displaced from their traditional domains or who may  
18 have resettled outside their ancestral domains;

19 k) *Indigenous Knowledge Systems and Practices (IKSPs)* – the systems, institutions,  
20 mechanisms, and technologies comprising a unique body of knowledge  
21 evolved through time that embody patterns of relationships between and  
22 among peoples and between peoples, their lands and resource environment,  
23 including such spheres of relationships which may include social, political,  
24 cultural, economic, religious spheres, and which are the direct outcome of the  
25 indigenous peoples, responses to certain needs consisting of adaptive  
26 mechanisms which have allowed indigenous peoples to survive and thrive  
27 within their given socio-cultural and biophysical conditions;

28 l) *Key Biodiversity Areas (KBAs)* – the sites of global significance for biodiversity  
29 conservation identified using globally standard criteria and thresholds, based  
30 on the needs of biodiversity requiring safeguards at the site scale. These  
31 criteria are based on the framework of vulnerability and irreplaceability  
32 widely used in systematic conservation planning;

33 m) *National ICCA Registry* – the national information management system that  
34 contains records on pertinent information on ICCAs;

35 n) *Native Title* – pre-conquest rights to lands and domains which, as far back as  
36 memory reaches, have been held under a claim of private ownership by  
37 ICCs/IPs, have never been public lands and are thus indisputably presumed  
38 to have been held that way since before the Spanish Conquest;

39 o) *Sustainable traditional resource rights (STRRs)* – the rights of ICCs/IPs to  
40 sustainably use, manage, protect and conserve a) land, air, water, and

1 minerals; b) plants, animals and other organisms; c) collecting, fishing and  
2 hunting grounds; d) sacred sites; and e) other areas of economic, ceremonial  
3 and aesthetic value in accordance with their indigenous knowledge, beliefs,  
4 systems and practices.

5 **SECTION 4. *Scope and Coverage.*** This Act shall apply to all ancestral domains and  
6 lands, whether held by native title or formally recognized under a Certificate of  
7 Ancestral Domain Title or Certificate of Ancestral Land Title issued under RA 8371.

8 It shall also apply to ancestral domains and lands within national parks or  
9 protected areas under Republic Act No. 7586, as amended by Republic Act No. 11038,  
10 otherwise known as the “Expanded National Integrated Protected Area System Act  
11 of 2018” (ENIPAS Act).

12 **CHAPTER II**  
13 **INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS PEOPLES**  
14 **CONSERVED TERRITORIES AND AREAS (ICCAs)**

15 **SECTION 5. *Guiding Principles.*** The following are guidelines in recognizing the  
16 Indigenous Cultural Communities and Indigenous Peoples Conserved Territories  
17 and Areas (ICCAs):

- 18 a) The rights to land and self-determination include the full recognition of the  
19 traditional resources, rights and practices of ICCs/IPs, as well as their right to  
20 access, maintain, protect, conserve, regulate ICCAs and exclude unauthorized  
21 intrusion into these areas;
- 22 b) The primacy of customary laws and indigenous knowledge systems and  
23 practices (IKSPs) in the governance and management of ICCAs shall be  
24 recognized and respected;
- 25 c) The ICCs/IPs shall govern their conserved territories and areas and ensure  
26 the preservation, restoration, and maintenance of ecological balance and  
27 biodiversity therein with the assistance of government agencies;
- 28  
29 d) The ICCAs shall be considered in the formulation of national, regional and  
30 local policies, plans and programs; and
- 31 e) The ICCs/IPs shall receive fair and equitable share in the benefits derived  
32 from the ecosystem services provided by ICCAs and other activities as  
33 authorized by the ICCs/IPs themselves.

1 **SECTION 6. *Recognition of ICCAs.*** The ICCs/IPs shall define and declare the  
2 conserved areas within their ancestral domains and lands in accordance with their  
3 indigenous political structures, cultures and traditions.

4 The declaration of ICCAs shall be respected as an exercise of the self-  
5 governance, self-determination and sustainable traditional resource rights of the  
6 ICCs/IPs. It shall be recognized by all national agencies and local government units  
7 (LGUS) as another category of protected areas that are owned, controlled, governed  
8 and managed by ICCs/IPs themselves. The ICCAs shall be subject to the provisions  
9 of this Act.

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

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

16 **SECTION 7. *Protection of ICCAs.*** The ICCAs shall be reserved for the exclusive use  
17 of ICCs/IPs exercising their sustainable traditional resource rights. Activities that  
18 are not included as sustainable traditional resource rights and activities by a person  
19 who is not a member of ICCs/IPs may only be allowed within the ICCAs, *Provided,*  
20 That the activities are:

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

25 **SECTION 8. *Environmental Impact Assessment (EIA) system.*** All projects within or  
26 outside the ICCA that have potential adverse impacts on the conserved territories  
27 and areas are subject to EIA.

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

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

33 The EIA should be concluded and reported for consideration during the FPIC  
34 process.

1 **SECTION 9. *ICCAs in Key Biodiversity Areas (KBAs).*** The ICCs/IPs shall govern,  
2 maintain, restore and develop the ICCAs key biodiversity areas (KBAs) in  
3 accordance with their customary laws and in a manner consistent with the  
4 sustainable use and conservation of biodiversity found therein.

5 **SECTION 10. *Indigenous Community Conserved Areas Designations.*** The  
6 designation by the ICCs/IPs of the ICCA, and the places and components therein,  
7 shall be respected, used and promoted in all official documents.

8 **CHAPTER III**  
9 **NATIONAL INDIGENOUS CULTURAL COMMUNITIES AND INDIGENOUS**  
10 **PEOPLES CONSERVED TERRITORIES AND AREAS REGISTRY**

11 **SECTION 11. *The National ICCA Registry.*** To ensure the availability of official  
12 information on ICCAs, a National ICCA Registry, hereinafter referred to as the  
13 "*Registry,*" is hereby established. The Registry is the official information  
14 management system that contains records of all pertinent information regarding the  
15 ICCAs, voluntarily submitted by ICCs/IPs. The Registry shall contain the following  
16 information:

- 17 a) Name of the ICCs/IPs;  
18 b) A map generated from the delineation of the ICCAs with the corresponding  
19 technical description;  
20 c) Brief description of governance structure;  
21 d) Policies on resource use;  
22 e) Certificate of Ancestral Domain Title (CADT) and Certificate of Ancestral  
23 Lands Title (CALT), if applicable;  
24 f) Relevant portions of the Ancestral Domain Sustainable Development and  
25 Protection Plan (ADSDPP) containing information on the ICCAs; and  
26 g) Contact person/s.

27 **SECTION 12. *Operational Structures of the Registry.*** The DENR through the  
28 Biodiversity Management Bureau (BMB) shall be the main repository and  
29 administrator of the Registry. It shall organize store and update all information that  
30 may be contained in the Registry, and shall be responsible for the documentation,  
31 administration and maintenance of the Registry.

32 All information and data in the Registry shall be obtained from the ICCs/IPs  
33 providing who registered and provided such information. The information and data  
34 submitted shall be considered as part of the community intellectual property rights.

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

3 **SECTION 13. *Creation of a Steering Committee.*** A Steering Committee is created to  
4 define policy, provide directions and perform oversight functions in the  
5 administration and maintenance of the Registry.

6 The Steering Committee shall be composed of the following:

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

16 **SECTION 14. *ICCAs Registration.*** The ICCs/IPs shall initiate the documentation  
17 and registration of their ICCAs in the Registry with appropriate financial and  
18 technical support from the NCIP and the DENR or assisting organizations.

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

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

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

33 The map, complete with technical description and a brief description of the  
34 natural features and landmarks of the ICCAs to be registered and included in the  
35 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 **SECTION 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,  
5 the ICCs/IPs may cause the delisting of the same through a procedure provided in  
6 the Implementing Rules and Regulations of this Act.

7 **SECTION 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  
10 Plans (CDP), Forest Land Use Plans (FLUP), Barangay Development Plans (BDPs),  
11 the Ancestral Domains Sustainable Development and Protection Plan (ADSDPP),  
12 and other relevant plans on the ICCAs that have been declared and recorded in the  
13 Registry by the ICCs/IPs.

14 **SECTION 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  
17 conserve the areas in accordance with their customary laws and IKSPs, with  
18 financial and technical assistance from the NCIP, the DENR, LGUs and other  
19 concerned government agencies.

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

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

31 The application of customary laws, indigenous knowledge systems and  
32 practices, structures, and mechanisms by the ICCs/IPs within and outside their  
33 ICCAs shall be presumed to be a sustainable traditional resource right (STRR) and  
34 shall not be subject to prior approval or validation and shall not be covered under  
35 the prohibited acts in Section 25. The burden of proof that laws, knowledge,

1 practices, structured, and mechanisms exercised by ICCs/IPs are not indigenous or  
2 are not in accordance with the STRR shall lie with the party making the assertion.

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

#### 5 CHAPTER IV 6 ROLE OF GOVERNMENT AGENCIES

7 **SECTION 19. *Role of the NCIP.*** The NCIP shall be the primary government agency  
8 responsible for the full implementation of this Act. It shall protect and promote the  
9 interest and well-being of the ICCs/IPs in the context of biodiversity conservation  
10 and community resilience.

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

15 It shall provide full and effective financial and technical assistance on the  
16 following:

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

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

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

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

30 The NCIP, through its regional offices, shall have original and exclusive  
31 jurisdiction over all claims and disputes involving ICCAs; Provided, however, that  
32 no such dispute shall be brought to the NCIP unless the parties have exhausted all  
33 remedies provided under their customary laws. Provided further that when one of  
34 the parties is not a member of the ICCs/IPs, indigenous conflict resolutions

1 mechanisms shall apply. For this purpose, a certification shall be issued by the  
2 Council of Elders/Leaders who participated in the attempt to settle the dispute that  
3 the same has not been resolved, which certification shall be a condition precedent to  
4 the filing of a petition with the NCIP.

5 **SECTION 20. *Role of the DENR.*** The DENR shall, upon the formal request of the  
6 ICCs/IPs, provide financial and technical support for delineation and mapping, and  
7 biodiversity assessment of ICCA and in the listing or registration of ICCA with the  
8 Registry and similar global platforms or networks.

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

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

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

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

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

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

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

32 **SECTION 22. *Engagement with the Private Sector and Civil Society to Recognize***  
33 ***ICCAs.*** The ICCs/IPs, the NCIP and the DENR shall actively engage and  
34 collaborate with the private sector and the civil society in raising public awareness

1 and recognition of ICCAs, and in obtaining specialized assistance and service,  
2 subject to the FPIC requirements of the concerned ICCs/IPs. Public participation in  
3 the protection, conservation, and sustainable use ICCAs, especially at the local level,  
4 shall be encouraged to maximize conservation and community benefits.

5 **CHAPTER V**  
6 **INCENTIVES**

7 **SECTION 23. *Incentive Scheme.*** ICCAs listed in the Registry shall be prioritized for  
8 biodiversity conservation, forest cover, protection of ancestral waters, and as  
9 reforestation project sites. Where appropriate and available, government financial  
10 institutions and other government agencies shall provide financial and technical  
11 assistance to ICCs/IPs for the protection and promotion of their registered covered  
12 territories and areas, particularly in the establishment and implementation of  
13 payment schemes for ecosystem services provided by the ICCAs.

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

16 **SECTION 24. *Sustainable Livelihoods.*** The NCIP, the DENR, and other relevant  
17 government agencies shall support sustainable livelihood opportunities, including  
18 biodiversity-friendly livelihoods that are identified and defined by ICCs/IPs  
19 consistent with traditional practices and resource use that contribute to the  
20 sustainable use and proper management of the ICCAs.

21 **CHAPTER VI**  
22 **PENAL PROVISIONS**

23 **SECTION 25. *Prohibited Acts.*** It shall be unlawful for any person to commit the  
24 following acts within the ICCAs:

- 25 a) Establishing heavy industries such as non-ferrous metal industries, iron and  
26 steel mills, petroleum and petro-chemical industries including oil and gas,  
27 and smelting plants;
- 28 b) Establishing resource extractive industries such as exploration, extraction and  
29 development of mining and quarrying projects, forestry projects including  
30 logging, and major wood processing projects; introduction of fauna, exotic  
31 animals, forest occupancy, extraction of mangrove products, grazing, fishery  
32 projects like dikes or fishpond development projects;

- 1 c) Building infrastructure projects such as major dams, major power plants  
2 including fossil-fueled, nuclear fueled, hydroelectric or geothermal, major  
3 reclamation projects, major roads and bridges;
- 4 d) Building golf course projects;
- 5 e) Using or intruding on any portion of the ICCA for any authorized or  
6 unlawful purpose;
- 7 f) Conducting mineral exploration, extraction, and development, quarrying and  
8 other destructive forms of natural resource exploitation, development, and  
9 utilization;
- 10 g) Logging by non-members of the IP community;
- 11 h) Mutilating, defacing, removing, or otherwise destroying objects that have  
12 cultural, spiritual or ecological significance to ICCs/IPs;
- 13 i) Dumping of waste products detrimental to flora and fauna;
- 14 j) Squatting, mineral locating, or otherwise occupying any land declared as  
15 ICCA;
- 16 k) Using any motorized equipment, except for enhancing traditional resource  
17 rights;
- 18 l) Altering, removing destroying or defacing boundary marks or signs;
- 19 m) Constructing or maintaining any kind of structure, fence or enclosures;
- 20 n) Fishing through the use of explosives, noxious or poisonous substance or  
21 electricity;
- 22 o) Gathering, selling, possessing, transport or sale of corals;
- 23 p) Gathering, selling or exporting sand, silica, pebbles and any other substances  
24 used as marine habitat;
- 25 q) Converting mangroves into fishponds or for any other purposes;
- 26 r) Fishing or taking for commercial purposes rare, threatened or endangered  
27 species listed in the Convention on International Trade in Endangered Species  
28 of Wild Fauna and Flora (CITES) or those determined as such by the Bureau  
29 of Fisheries and Aquatic Resources (BFAR), and by the Biodiversity  
30 Management Bureau of the DENR;

- 1 s) Generating aquatic pollution; and
- 2 t) Converting ICCAs into industrial land use and special economic zones.

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

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

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

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

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

22 If the offender is an alien, the offender shall be deported immediately after  
23 service of the sentence.

24 The prosecution of offenses under Section 25 of this Act shall be without  
25 prejudice to any liability for violation of Republic Act No. 8371, as amended,  
26 otherwise known as the "*Indigenous Peoples' Rights Act of 1997*" or other criminal and  
27 civil liabilities under existing laws.

## 28 CHAPTER VII 29 FINAL PROVISIONS

30 **SEC. 27. Annual Report.** The Chairperson of the NCIP shall submit to the President  
31 of the Philippines and to the Congress an annual progress report on the  
32 implementation of this Act. The report shall be posted in the website of the NCIP.

1 **SEC. 28. *Construction.*** The provisions of this Act shall be construed liberally in  
2 favor of ICCs/IPs and in the protection and conservation of biodiversity.

3 **SEC. 29. *Appropriations.*** The amount necessary to cover the initial implementation  
4 of this Act shall be charged against the current year's appropriations of the  
5 concerned departments/agency. Thereafter, such sums as may be necessary for its  
6 continued implementation shall be included in the annual General Appropriations  
7 Act.

8 **SEC. 30. *Implementing Rules and Regulations.*** Within ninety (90) days from the  
9 approval of this Act, the Chairperson of the NCIP and the Secretary of the DENR  
10 shall, in consultation with appropriate government agencies and with the full  
11 participation of ICCs/IPs, issue the necessary rules and regulations for the effective  
12 implementation of this Act.

13 **SEC. 31. *Separability Clause.*** If any part or provision of this Act is declared invalid  
14 or unconstitutional, the remaining parts or provisions not affected shall remain in  
15 full force and effect.

16 **SEC. 32. *Repealing Clause.*** All laws, decrees, orders, rules and regulations and  
17 other issuances, or parts thereof, which are inconsistent with the provisions of this  
18 Act are hereby repealed or modified accordingly.

19 **SEC. 33. *Saving Clause.*** This Act shall not in any manner adversely affect the rights  
20 and benefits of the ICCs/IPs under RA 8371, conventions, recommendations,  
21 international treaties, national laws, awards, customs and agreements.

22 **SEC. 34. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in  
23 the Official Gazette or in a newspaper of general circulation.

24 *Approved,*