

HOUSE OF REPRESENTATIVES

H. No. 9329

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BY REPRESENTATIVES MANGAOANG, BARZAGA AND YAP (E.), PER COMMITTEE REPORT NO. 952

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**“AN ACT**

**DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITY OF BALBALAN, IN THE PROVINCE OF KALINGA, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE BANAQ PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR”**

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

**ARTICLE I**

**GENERAL PROVISIONS**

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3       **SECTION 1. Title.** – This Act shall be known as the “Banao Protected  
4 Landscape Act”.

5       **SEC. 2. Declaration of Policy.** – Cognizant of the profound impact of  
6 human activities on all components of the natural environment, it is hereby  
7 declared the policy of the State to secure for the Filipino people of present and  
8 future generations, the perpetual existence of all native plants and animals  
9 through the declaration of protected areas under the National Integrated  
10 Protected Areas System (NIPAS) within the classification of national park as  
11 provided for in the Constitution.

12       In recognition of the richness of the biological resources, both flora and  
13 fauna, that are native and distinct to the Balbalasang-Balbalan National Park, as  
14 well as their aesthetic and ecological importance, a parcel of land located in the

1 municipality of Balbalan, Province of Kalinga, is hereby declared a protected area  
2 with the category of protected landscape, and shall hereinafter be referred to as  
3 the Banao Protected Landscape (BPL). As such, the State shall ensure the  
4 conservation, protection, management and rehabilitation of the area. It is likewise  
5 recognized that effective administration of this area is possible only through  
6 cooperation among national government, local government units (LGUs),  
7 concerned nongovernmental organizations (NGOs), private entities and local  
8 communities. The use and enjoyment of this area must be consistent with the  
9 principles of biological diversity and sustainable development.

10 Towards this end, the State shall ensure the full implementation of this Act,  
11 the mobilization of resources for the institutional mechanisms herein established,  
12 and the full scientific and technical support needed for the conservation of  
13 biodiversity and the integrity of the ecosystems, culture and indigenous practices.

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

- 15 a. *Buffer zones* refer to identified areas outside the boundaries of and  
16 immediately adjacent to designated protected areas that need special  
17 development control in order to avoid or minimize harm to the protected  
18 area;
- 19 b. *Conservation* refers to any act or acts of preservation and sustainable  
20 utilization of wildlife or maintenance, restoration and enhancement of  
21 habitats;
- 22 c. *Indigenous cultural communities (ICCs)/Indigenous peoples (IPs)* refer to  
23 groups of people sharing common bonds of language, customs, traditions,  
24 and other distinctive cultural traits, and who have, since time immemorial  
25 occupied, possessed and utilized a territory;
- 26 d. *National park* refers to land of the public domain classified as such in the  
27 Constitution which includes all areas under the NIPAS, primarily  
28 designated for the conservation of native plants and animals, their  
29 associated habitats and cultural diversity;
- 30 e. *Protected area* refers to an identified portion of land and water set aside by  
31 reason of its unique physical and biological significance, managed to  
32 enhance biological diversity and protected against destructive human

- 1 exploitation;
- 2 f. *Protected landscape* refers to an area where the interaction of people and
- 3 nature over a period of time has produced an area of distinct character with
- 4 significant ecological, biological, cultural and scenic value and where the
- 5 safeguarding of the integrity of this interaction is vital to protecting and
- 6 sustaining the area and its associated nature conservation and other values;
- 7 and
- 8 g. *Tenured migrants* refer to protected area occupants who have been actually,
- 9 continuously and presently occupying a portion of the protected area for five
- 10 (5) years before the proclamation or law establishing the same as a
- 11 protected area, and are solely dependent therein for subsistence.

12 **SEC. 4. Classification as a National Park.** – The BPL is comprised of a

13 parcel of land of the public domain located in the Municipality of Balbalan,

14 Province of Kalinga. All lands of the public domain within the coverage and scope

15 of the BPL shall fall under the classification of national park as provided for in

16 Article XII, Section 3 of the Constitution.

17 **SEC. 5. Scope and Coverage.** – The boundaries of the BPL are more

18 particularly described as the area beginning at a point marked “1” on plan, which

19 is N 84° 39’ 46” E, 1,504.743 meters from PRS92 “KAL 3101” with geographic

20 coordinates of 17° 29’ 47.5291” Latitude and 121° 10’ 10.54854” Longitude located

21 at *Barangay* Pantikian, Municipality of Balbalan, Province of Kalinga,

22	thence	S 07°00’28” W	754.665	meters to corner 2;
23	thence	S 62°04’03” W	509.196	meters to corner 3;
24	thence	S 23°57’43” W	614.233	meters to corner 4;
25	thence	S 14°19’40” E	381.173	meters to corner 5;
26	thence	S 03°49’08” W	212.069	meters to corner 6;
27	thence	S 03°49’09” W	214.032	meters to corner 7;
28	thence	S 30°30’07” W	506.908	meters to corner 8;
29	thence	S 14°18’47” E	623.34	meters to corner 9;
30	thence	S 20°07’49” E	624.344	meters to corner 10;
31	thence	S 78°11’09” W	583.987	meters to corner 11;
32	thence	S 48°08’02” W	673.074	meters to corner 12;

1	thence	S 60°59'23" W	519.62	meters to corner 13;
2	thence	S 29°39'02" W	487.467	meters to corner 14;
3	thence	S 55°24'25" W	787.645	meters to corner 15;
4	thence	S 28°23'56" W	473.888	meters to corner 16;
5	thence	N 88°31'50" W	1,215.71	meters to corner 17;
6	thence	S 76°48'21" W	964.639	meters to corner 18;
7	thence	N 69°02'38" W	839.004	meters to corner 19;
8	thence	N 81°33'57" W	805.459	meters to corner 20;
9	thence	S 78°40'06" W	1,116.41	meters to corner 21;
10	thence	N 11°13'47" W	1,070.01	meters to corner 22;
11	thence	N 88°13'03" E	1,244.62	meters to corner 23;
12	thence	N 07°55'33" E	1,283.20	meters to corner 24;
13	thence	N 16°19'27" W	1,196.90	meters to corner 25;
14	thence	S 59°40'52" W	1569.31	meters to corner 26;
15	thence	S 36°41'52" W	707.897	meters to corner 27;
16	thence	S 33°35'21" E	781.808	meters to corner 28;
17	thence	S 02°06'20" E	1,595.82	meters to corner 29;
18	thence	N 81°42'15" W	553.099	meters to corner 30;
19	thence	S 89°43'07" W	571.785	meters to corner 31;
20	thence	N 79°37'31" W	418.591	meters to corner 32;
21	thence	S 61°51'56" W	685.457	meters to corner 33;
22	thence	S 63°58'20" W	1,294.06	meters to corner 34;
23	thence	S 24°38'25" W	1,399.65	meters to corner 35;
24	thence	S 45°09'52" W	346.793	meters to corner 36;
25	thence	S 19°05'33" W	939.602	meters to corner 37;
26	thence	S 50°08'42" W	970.693	meters to corner 38;
27	thence	N 87°08'05" W	487.388	meters to corner 39;
28	thence	S 63°23'26" W	657.246	meters to corner 40;
29	thence	S 27°14'23" W	1,334.88	meters to corner 41;
30	thence	S 38°03'55" W	754.558	meters to corner 42;
31	thence	N 88°27'55" W	752.596	meters to corner 43;
32	thence	N 57°46'27" W	748.01	meters to corner 44;

1	thence	N 74°30'03" W	514.911	meters to corner 45;
2	thence	S 34°19'24" W	433.384	meters to corner 46;
3	thence	S 19°30'09" W	1000.89	meters to corner 47;
4	thence	S 61°31'59" W	463.656	meters to corner 48;
5	thence	N 72°52'50" W	887.758	meters to corner 49;
6	thence	N 85°17'44" W	272.916	meters to corner 50;
7	thence	N 01°58'41" W	563.086	meters to corner 51;
8	thence	N 46°38'28" E	534.722	meters to corner 52;
9	thence	N 04°00'56" E	474.144	meters to corner 53;
10	thence	N 24°57'00" W	401.6	meters to corner 54;
11	thence	N 00°01'09" E	1,025.02	meters to corner 55;
12	thence	N 29°14'19" E	496.398	meters to corner 56;
13	thence	N 57°19'11" W	524.72	meters to corner 57;
14	thence	N 33°05'49" W	505.836	meters to corner 58;
15	thence	N 15°06'24" W	492.345	meters to corner 59;
16	thence	N 11°09'45" E	402.364	meters to corner 60;
17	thence	N 71°43'53" E	668.243	meters to corner 61;
18	thence	N 55°53'30" E	522.985	meters to corner 62;
19	thence	N 19°43'54" E	595.956	meters to corner 63;
20	thence	N 10°38'05" E	551.111	meters to corner 64;
21	thence	N 37°17'08" E	456.866	meters to corner 65;
22	thence	N 04°19'36" W	435.23	meters to corner 66;
23	thence	N 22°06'22" W	263.828	meters to corner 67;
24	thence	N 17°32'12" W	536.606	meters to corner 68;
25	thence	N 01°10'22" W	495.31	meters to corner 69;
26	thence	N 14°57'36" E	1,045.27	meters to corner 70;
27	thence	N 44°51'19" W	681.879	meters to corner 71;
28	thence	N 62°02'48" W	504.214	meters to corner 72;
29	thence	N 52°52'51" W	508.002	meters to corner 73;
30	thence	N 23°09'09" W	502.648	meters to corner 74;
31	thence	N 04°30'01" W	495.601	meters to corner 75;
32	thence	N 43°25'3" W	251.678	meters to corner 76;

1	thence	N 30°15'25" E	611.901	meters to corner 77;
2	thence	N 44°05'19" E	500.173	meters to corner 78;
3	thence	N 69°42'20" E	501.463	meters to corner 79;
4	thence	N 54°59'36" E	428.306	meters to corner 80;
5	thence	S 87°17'09" E	561.292	meters to corner 81;
6	thence	N 70°19'09" E	496.481	meters to corner 82;
7	thence	N 62°30'41" E	1083.12	meters to corner 83;
8	thence	N 38°40'16" E	347.298	meters to corner 84;
9	thence	N 56°14'23" E	269.101	meters to corner 85;
10	thence	N 42°45'52" E	429.405	meters to corner 86;
11	thence	N 62°37'05" E	706.11	meters to corner 87;
12	thence	N 72°06'15" E	406.907	meters to corner 88;
13	thence	N 38°45'42" E	884.826	meters to corner 89;
14	thence	S 58°00'31" E	263.665	meters to corner 90;
15	thence	N 78°44'15" E	467.501	meters to corner 91;
16	thence	N 52°09'26" E	279.483	meters to corner 92;
17	thence	N 78°31'12" E	365.352	meters to corner 93;
18	thence	N 25°00'31" E	364.81	meters to corner 94;
19	thence	N 54°02'31" E	254.14	meters to corner 95;
20	thence	N 02°26'07" E	492.144	meters to corner 96;
21	thence	N 33°16'02" E	295.943	meters to corner 97;
22	thence	N 16°12'51" E	470.944	meters to corner 98;
23	thence	N 10°59'21" E	617.155	meters to corner 99;
24	thence	N 48°06'48" E	686.33	meters to corner 100;
25	thence	N 80°31'03" E	366.344	meters to corner 101;
26	thence	S 42°51'14" E	306.634	meters to corner 102;
27	thence	S 60°58'17" E	267.779	meters to corner 103;
28	thence	N 84°38'44" E	767.959	meters to corner 104;
29	thence	N 58°10'19" E	334.055	meters to corner 105;
30	thence	S 66°15'44" E	419.062	meters to corner 106;
31	thence	N 74°27'44" E	446.782	meters to corner 107;
32	thence	S 76°13'57" E	281.493	meters to corner 108;

1	thence	N 64°04'55" E	352.606	meters to corner 109;
2	thence	N 78°15'06" E	326.169	meters to corner 110;
3	thence	S 66°50'38" E	290.843	meters to corner 111;
4	thence	S 73°07'33" E	333.889	meters to corner 112;
5	thence	S 46°29'26" E	214.283	meters to corner 113;
6	thence	N 65°45'11" E	337.855	meters to corner 114;
7	thence	S 87°13'46" E	281.251	meters to corner 115;
8	thence	N 56°47'48" E	568.813	meters to corner 116;
9	thence	S 88°56'42" E	235.559	meters to corner 117;
10	thence	S 70°18'10" E	212.866	meters to corner 118;
11	thence	S 37°43'06" E	796.617	meters to corner 119;
12	thence	S 83°27'37" E	140.292	meters to corner 120;
13	thence	S 53°01'02" E	338.703	meters to corner 121;
14	thence	N 70°39'31" E	150.46	meters to corner 122;
15	thence	S 37°25'17" E	268.495	meters to corner 123;
16	thence	N 79°12'06" E	257.883	meters to corner 124;
17	thence	N 21°23'02" E	90.371	meters to corner 125;
18	thence	N 76°21'50" E	184.283	meters to corner 126;
19	thence	S 71°47'31" E	870.761	meters to corner 127;
20	thence	N 68°02'55" E	227.849	meters to corner 128;
21	thence	S 49°13'29" E	179.114	meters to corner 129;
22	thence	S 14°20'58" E	241.659	meters to corner 130;
23	thence	N 79°29'48" E	229.735	meters to corner 131;
24	thence	S 69°47'18" E	111.442	meters to corner 132;
25	thence	S 51°26'03" E	126.57	meters to corner 133;
26	thence	N 38°08'28" E	122.83	meters to corner 134;
27	thence	S 65°35'45" E	256.196	meters to corner 135;
28	thence	S 22°33'50" E	369.345	meters to corner 136;
29	thence	S 53°50'26" E	175.644	meters to corner 137;
30	thence	N 74°22'44" E	196.166	meters to corner 138;
31	thence	S 26°13'03" E	84.097	meters to corner 139;
32	thence	S 63°54'01" E	163.295	meters to corner 140;





- 1 representatives, unless the Senators decline the membership in the  
2 PAMB;
- 3 d. District Representatives of the Congressional Districts where the BPL  
4 is located, or their duly designated representatives, unless the District  
5 Representatives decline the membership in the PAMB;
- 6 e. Mayor of the Municipality of Balbalan, Province of Kalinga or a duly  
7 authorized representative;
- 8 f. Chairpersons of the all the *barangays* with territorial jurisdiction over  
9 the BPL;
- 10 g. Regional Directors of the following government agencies, namely: the  
11 Department of Agriculture (DA), the National Economic and  
12 Development Authority (NEDA), the Department of Science and  
13 Technology (DOST), the Philippine National Police (PNP), and the  
14 Department of National Defense (DND);
- 15 h. Three (3) representatives from either NGOs or people's organizations  
16 (POs) based in the Province of Kalinga, duly accredited both by the  
17 DENR and the provincial government. The NGOs or POs represented  
18 should have been in existence for at least five (5) years and must have a  
19 record of accomplishments in the field of protected area management;
- 20 i. At least one (1) but not more than three (3) representatives from all the  
21 ICCs/IPs present in the area and recognized by the National  
22 Commission on Indigenous Peoples (NCIP);
- 23 j. One (1) representative from an academic institution, preferably from a  
24 university or college in the Province of Kalinga, with a record of  
25 accomplishments in or related to protected area management; and
- 26 k. One (1) representative from the private sector, preferably a resident of  
27 the Province of Kalinga, who is distinguished in a profession or field of  
28 interest relevant to the protected area management.

29 The terms of office of members of the PAMB, as well as the grounds for  
30 their removal shall be in accordance with the provisions of Republic Act No. 7586,  
31 otherwise known as the "National Integrated Protected Areas System Act of 1992"  
32 as amended by Republic Act No. 11038, otherwise known as the "Expanded

1 National Integrated Protected Areas System Act of 2018”.

2       **SEC. 8. Functions of the PAMB.** – The PAMB shall have the following  
3 powers and functions:

- 4       a. Oversee the management of the protected area;
- 5       b. Approve policies, plans and programs, proposals, agreements, and other  
6       related documents for the management of the protected areas;
- 7       c. Approve the management plan of the protected area and ensure its  
8       harmonization with and integration into the Ancestral Domain Sustainable  
9       Development and Protection Plan, land use plan and other development  
10      plans, public or private, and their implementation;
- 11      d. Adopt a manual of operations to include rules of procedures in the conduct  
12      of business, and the creation of committees and their respective terms of  
13      reference;
- 14      e. Recommend the deputation of appropriate agencies and individuals for the  
15      enforcement of the laws, rules and regulations governing the management  
16      of the protected area;
- 17      f. Allocate financial resources for the implementation of the management plan  
18      and manage the Protected Area Retention Income Account and other funds  
19      in accordance with government accounting, budgeting, and auditing rules  
20      and regulations;
- 21      g. Set fees and charges in accordance with existing guidelines;
- 22      h. Issue rules and regulations for the resolution of conflicts through  
23      appropriate and effective means;
- 24      i. Recommend appropriate policy changes to the DENR and other government  
25      authorities with respect to the management of the BPL;
- 26      j. Monitor and assess the performance of the Protected Area Superintendent  
27      (PASu) and other protected area personnel and compliance of partners with  
28      the terms and conditions of any undertaking, contract or agreement relative  
29      to any project or activity within the BPL;
- 30      k. Recommend from among a shortlist of qualified candidates, the designation  
31      or appointment of the PASu; and
- 32      l. Assess the effectiveness of the management of the protected area: *Provided,*

1 That the members of the PAMB representing the LGUs and national  
2 agencies shall inform their respective constituents, offices or sectors, of  
3 PAMB-approved or other relevant policies, rules, regulations, programs,  
4 and projects and shall ensure that the provisions of this Act and the rules  
5 and regulations issued to implement it are complied with, and used as  
6 reference and framework in their respective plans, policies, programs, and  
7 projects. Failure to comply with the foregoing shall be the basis for  
8 disciplinary action against such member according to administrative rules  
9 and regulations and such penalties as the PAMB may provide: *Provided,*  
10 *further,* That the DENR, through the Regional Director, shall ensure that  
11 the PAMB acts within the scope of its powers and functions. In case of  
12 conflict between the resolutions issued by the PAMB and the existing  
13 administrative orders of national application, the latter shall prevail.

14 **SEC. 9. *The Protected Area Management Office (PAMO).*** — There is  
15 hereby established a Protected Area Management Office (PAMO) to be headed by  
16 a Protected Area Superintendent (PASu) who shall supervise the day to day  
17 management, protection, and administration of the BPL. The PASu shall hold a  
18 permanent plantilla position and shall be appointed by the DENR Secretary. A  
19 sufficient number of support staff with permanent plantilla positions shall  
20 likewise be appointed by the DENR Secretary to assist the PASu in the  
21 management of the protected area.

22 The PASu shall be primarily accountable to the PAMB and the DENR for  
23 the management and operations of the BPL. Pursuant thereto, the PASu shall  
24 have the following duties and responsibilities:

- 25 a. Prepare the management plan, in consultation with the stakeholders,  
26 including the annual work and financial plan and ensure its  
27 implementation;
- 28 b. Ensure the integration of the protected area management plans, programs,  
29 projects, and policies with relevant national and LGUs' plans and programs;
- 30 c. Provide secretariat services to the PAMB and its committees and ensure the  
31 availability of relevant and timely information for decision-making;

- 1 d. Formulate and recommend to the PAMB proposed policies, rules,  
2 regulations, and programs;
- 3 e. Establish, operate, and maintain a database management system which  
4 shall be an important basis for decision-making;
- 5 f. Enforce the laws, rules and regulations relevant to the protected area,  
6 commence and institute administrative and legal actions in collaboration  
7 with other government agencies or organizations, and assist in the  
8 prosecution of offenses committed in violation of the provisions of this Act;
- 9 g. Monitor, evaluate, and report the implementation of management activities  
10 of the protected area;
- 11 h. Request for and receive any technical assistance, support or advice from any  
12 agency or instrumentality of the government as well as academic  
13 institutions, NGOs, and the private sector, as may be necessary for the  
14 effective management, protection and administration of the protected area;
- 15 i. Issue permits and clearances for activities that implement the management  
16 plan and other permitted activities in accordance with terms, conditions,  
17 and criteria established by the PAMB: *Provided*, That all permits for  
18 extraction of natural resources, including collection of wildlife, and its by-  
19 products and derivatives for research purposes, shall continue to be issued  
20 by relevant authorities, subject to prior clearance from the PAMB, through  
21 the PASu, in accordance with the specific acts to be covered;
- 22 j. Collect and receive pertinent fees, charges, donations, and other income for  
23 the protected area: *Provided*, That such fees, charges, donations, and other  
24 income collected and received shall be reported regularly to the PAMB and  
25 the DENR in accordance with existing guidelines;
- 26 k. Prepare and recommend to the PAMB, approval of the annual work and  
27 financial plans of the protected area based on the management plan; and
- 28 l. Perform such other functions as the PAMB and the DENR may assign.

29 The PAMO may be augmented by the deputized local environment and  
30 natural resources officers upon the recommendation of the PAMB and approval of  
31 the DENR.

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### ARTICLE III

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**PROCEEDS AND FEES**

**SEC. 10. *The Banao Protected Landscape Fund.*** – There is hereby established a trust fund to be known as the Banao Protected Landscape Fund for purposes of financing projects of the BPL and the NIPAS. All income generated from the operation and management of wild flora and fauna in the BPL shall accrue to the fund. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the BPL, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the BPL, and such other fees and income derived from the operation of the BPL.

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB. The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the general fund in the National Treasury for purposes of financing the programs and projects of the NIPAS.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign: *Provided*, That the fund shall be deposited in full as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the NIPAS and duly approved projects endorsed by the PAMB in accordance with existing accounting, budgeting and auditing rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose taxes and collect all other fees not enumerated herein which they have traditionally collected, such as property taxes, fees for business permit applications, and rental fees for LGUs' facilities.

**ARTICLE IV**

**TRANSITORY AND MISCELLANEOUS PROVISIONS**

**SEC. 11. *Appropriations.*** – The Secretary of the DENR shall immediately

1 include in the Department's program the implementation of this Act, the funding  
2 of which shall be included in the annual General Appropriations Act.

3 **SEC. 12. *Suppletory Application of the NIPAS Law.*** – The provisions  
4 of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have  
5 suppletory application to this Act.

6 **SEC. 13. *Implementing Rules and Regulations.*** – Within ninety (90)  
7 days from the effectivity of this Act, the Secretary of the DENR shall, in  
8 consultation with the local government of the Municipality of Balbalan, the  
9 provincial government of Kalinga, and concerned national government agencies,  
10 issue the corresponding rules and regulations for the effective implementation of  
11 this Act.

12 **SEC. 14. *Separability Clause.*** – If any section or provision of this Act is  
13 held unconstitutional or invalid, the remaining sections or provisions with the  
14 provisions not affected thereby shall continue to be in full force and effect.

15 **SEC. 15. *Repealing Clause.*** – All laws, decrees, letters of instruction,  
16 executive orders, rules and regulations and other issuances or parts thereof  
17 inconsistent with this Act are hereby repealed or modified accordingly.

18 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after its  
19 publication in the *Official Gazette* or in a newspaper of general circulation

20 Approved,