

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

23 JAN 18 P2:54

SENATE

RECEIVED BY:

S. No. 1691

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITY OF SAN FRANCISCO IN THE PROVINCE OF QUEZON, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO AS THE SAN FRANCISCO PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is a declared policy 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."¹ In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law.²

Pursuant to the said constitutional provisions, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "Expanded NIPAS Act of 2018". Cognizant of the exacting impact of diverse human activities on all components of the natural environment, the NIPAS Act declared it the policy of the State "to secure for the Filipino people of present and future generations the

¹ Article II, Section 16, 1987 Philippine Constitution

² Article XII, Sec. 3, 1987 Philippine Constitution

perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.” The system shall encompass ecologically rich, unique and biologically important areas that are habitats of threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as ‘protected areas’.³

To date, as of January 2023, there are already 114 protected areas in the Philippines that have been so declared through legislation. And yet, based on the records and various suitability assessments by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR), there are still numerous sites in the country that have to be given ‘protected area’ status, by legislative action, in order to ensure its conservation.

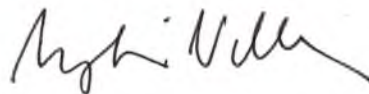
This bill seeks to declare the Mulanay Watershed Forest Reserve (MWFR) in the Municipality of San Francisco, Province of Quezon into the San Francisco Protected Landscape. The MWFR is covered by Proclamation No. 296 series of 1938 and part of the initial components of the NIPAS. The area is characterized by an abundance of forest vegetation and a vital sanctuary of threatened fauna and flora species.

In 2021, the MWFR was subjected to the Protected Area Suitability Assessment (PASA) by the Department of Environment and Natural Resources to determine its suitability to be legislated as a protected area pursuant to the Expanded NIPAS Act. Through the PASA, it was determined that the MWFR is suitable to be declared a protected area under the category of Protected Landscape due to its rich and lush forest vegetation that serves as the habitat of various wildlife, including threatened flora and fauna species. The PASA also resulted to have the area renamed as “San Francisco Protected Landscape” through legislation.

³ Section 2, RA No. 7586, as amended by RA 11038

The MWFR has a total area of 29.6 hectares. Its rich biodiversity of flora and fauna include those in the updated national lists of threatened Philippine plants and animals and their respective categories. The Biodiversity Monitoring System Report identified eighty-three (83) floral species and fifty-nine (59) faunal species in the area, three (3) flora and two (2) fauna species of which were classified as endangered. Significantly, the MWFR also provides clean source of water for the people that can be used domestically and agriculturally.


Considering all the foregoing, I recommend the approval of this bill.



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

ARTICLE I
GENERAL PROVISIONS

1
2
3 Section 1. *Title.* – This Act shall be known as the “San Francisco Protected
4 Landscape Act”.

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

11 In recognition of the richness of the biological resources, both flora and
12 fauna, that are native and distinct to the Mulanay Watershed Forest Reserve, as well
13 as their aesthetic and ecological importance, a parcel of land located in the

1 Municipality of San Francisco, Province of Quezon, is hereby declared a protected
2 area under the category of protected landscape, and shall hereinafter be referred to
3 as the San Francisco Protected Landscape (SFPL). As such, the State shall ensure
4 the conservation, protection, management and rehabilitation of the area. It is
5 likewise recognized that effective administration of this area is possible only through
6 cooperation among the 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, and cultural and indigenous
14 practices.

15 *Sec. 3. Definition of Terms. – As used in this Act:*

- 16 a) *Buffer zones* refer to identified areas outside the boundaries of and
17 immediately adjacent to designated protected areas that need special
18 development control in order to avoid or minimize harm to the
19 protected area;
- 20 b) *Conservation* refers to any act or acts of preservation and sustainable
21 utilization of wildlife or maintenance, restoration and enhancement of
22 habitats;
- 23 c) *Indigenous cultural communities/Indigenous peoples* refer to groups of
24 people sharing common bonds of language, customs, traditions, and
25 other distinctive cultural traits, and who have, since time immemorial
26 occupied, possessed and utilized a territory;
- 27 d) *National park* refers to land of the public domain classified as such in
28 the Constitution which includes all areas under the NIPAS, primarily

1 designated for the conservation of native plants and animals, their
2 associated habitats and cultural diversity;

3 e) *Protected area* refers to an identified portion of land and water set
4 aside by reason of its unique physical and biological significance,
5 managed to enhance biological diversity and protected against
6 destructive human exploitation;

7 f) *Protected landscape* refers to an area of national significance which is
8 characterized by the harmonious interaction of human and land and
9 water while providing opportunities for public enjoyment through
10 recreation, tourism, and other economic activities; and

11 g) *Tenured migrants* refer to protected area occupants who are presently
12 occupying, and have been actually and continuously occupying, a
13 portion of the protected area for five (5) years before the same was
14 established by proclamation or law as a protected area, and are solely
15 dependent therein for subsistence.

16 Sec. 4. *Classification as a National Park.* – The SFPL is comprised of a parcel
17 of land of the public domain located in the Municipality of San Francisco, in the
18 Province of Quezon. All lands of the public domain within the coverage and scope of
19 the SFPL shall fall under the classification of national park as provided for in Article
20 XII, Section 3 of the Constitution.

21 Sec. 5. *Scope and Coverage.* – The boundaries of the San Francisco Protected
22 Landscape are more particularly described as the area beginning at a point marked
23 "1" on the Map, being N 43° 19' 44" E., 2,157.25 meters from QZN-3477 with
24 geographic coordinates of 13° 20' 53.63034" Latitude and 122° 30' 56.32977"
25 Longitude located at Barangay Poblacion, Municipality of San Francisco, Province of
26 Quezon

27 thence N 37° 59' 28" E 307.06 meters to corner 2;

28 thence S 63° 16' 32" E 162.34 meters to corner 3;

- 1 b) Governor of the Province of Quezon or a duly authorized
2 representative;
- 3 c) Senators of the Republic of the Philippines who are duly registered
4 residents of the Province of Quezon, or their duly designated
5 representatives, unless the Senators decline the membership in the
6 PAMB;
- 7 d) District Representative of the Congressional District where the SFPL is
8 located, or a duly designated representative, unless the District
9 Representative declines the membership in the PAMB;
- 10 e) Mayor of the Municipality of San Francisco in the Province of Quezon or
11 a duly authorized representative;
- 12 f) Chairpersons of all the *barangays* with territorial jurisdiction over the
13 SFPL;
- 14 g) Regional Directors of the following government agencies, namely:
15 Department of Agriculture, National Economic and Development
16 Authority, Department of Science and Technology, Philippine National
17 Police, Department of National Defense, and Department of Tourism;
- 18 h) Three (3) representatives from either NGOs, or people's organizations
19 (POs) based in the Province of Quezon, duly accredited both by the
20 DENR and the provincial government. The NGOs or POs represented
21 should have been in existence for at least five (5) years and with track
22 record in or related to protected area management;
- 23 i) At least one (1) but not more than three (3) representatives from all
24 the indigenous cultural communities/ indigenous peoples present in the
25 area and recognized by the National Commission on Indigenous
26 Peoples;
- 27 j) One (1) representative from an academic institution, preferably from a
28 university or college in the Province of Quezon, with proven track
29 record in or related to protected area management; and

1 k) One (1) representative from the private sector, preferably a resident of
2 the Province of Quezon, who is distinguished in a profession or field of
3 interest relevant to the management of a protected area.

4 The terms of office of members of the PAMB, as well as the grounds for their
5 removal shall be in accordance with the provisions of Republic Act No. 7586,
6 otherwise known as the "National Integrated Protected Areas System Act of 1992"
7 as amended by Republic Act No. 11038, otherwise known as the "Expanded National
8 Integrated Protected Areas System Act of 2018".

9 *Sec. 8. Functions of the PAMB.* – The PAMB shall have the following powers
10 and functions:

- 11 a) Oversee the management of the SFPL;
- 12 b) Approve policies, plans and programs, proposals, agreements, and
13 other related documents for the management of the SFPL;
- 14 c) Approve the management plan of the SFPL and ensure its
15 harmonization with and integration into the Ancestral Domain
16 Sustainable Development and Protection Plan, land use plan and other
17 development plans, public or private, and their implementation;
- 18 d) Adopt a manual of operations to include rules of procedures in the
19 conduct of business, and the creation of committees and their
20 respective terms of reference;
- 21 e) Recommend the deputation of appropriate agencies and individuals for
22 the enforcement of the laws, rules and regulations governing the
23 management of the SFPL;
- 24 f) Allocate financial resources for the implementation of the management
25 plan and manage the Protected Area Retention Income Account and
26 other funds in accordance with government accounting, budgeting, and
27 auditing rules and regulations;

- 1 g) Set fees and charges in accordance with existing guidelines;
- 2 h) Issue rules and regulations for the resolution of conflicts through
3 appropriate and effective means;
- 4 i) Recommend appropriate policy changes to the DENR and other
5 government authorities with respect to the management of the SFPL;
- 6 j) Monitor and assess the performance of the Protected Area
7 Superintendent and other protected area personnel and compliance of
8 partners with the terms and conditions of any undertaking, contract or
9 agreement relative to any project or activity within the SFPL;
- 10 k) Recommend from among a shortlist of qualified candidates, the
11 designation or appointment of the Protected Area Superintendent; and
- 12 l) Assess the effectiveness of the management of the SFPL: *Provided,*
13 That the members of the PAMB representing the LGUs and national
14 agencies shall inform their respective constituents, offices or sectors, of
15 PAMB-approved or other relevant policies, rules, regulations, programs,
16 and projects and shall ensure that the provisions of this Act and the
17 rules and regulations issued to implement it are complied with and
18 used as reference and framework in their respective plans, policies,
19 programs, and projects. Failure to comply with the foregoing shall be
20 the basis for disciplinary action against such member according to
21 administrative rules and regulations and such penalties as the PAMB
22 may provide: *Provided, further,* That the DENR, through the Regional
23 Director, shall ensure that the PAMB acts within the scope of its powers
24 and functions. In case of conflict between the resolutions issued by the
25 PAMB and the existing administrative orders of national application, the
26 latter shall prevail.

27 Sec. 9. *The Protected Area Management Office.* — There is hereby
28 established a Protected Area Management Office (PAMO) to be headed by a
29 Protected Area Superintendent (PASu) who shall supervise the day to day

1 management, protection, and administration of the SFPL. The PASu shall hold a
2 permanent plantilla position and shall be appointed by the DENR Secretary. A
3 sufficient number of support staff with permanent plantilla positions shall likewise be
4 appointed by the DENR Secretary to assist the PASu in the management of the
5 protected area.

6 The PASu shall be primarily accountable to the PAMB and the DENR for the
7 management and operations of the SFPL. Pursuant thereto, the PASu shall have the
8 following duties and responsibilities:

- 9 a) Prepare the management plan, in consultation with the stakeholders,
10 including the annual work and financial plan and ensure its
11 implementation;
- 12 b) Ensure the integration of relevant national and LGU plans and
13 programs into SFPL management plans, programs, projects, and
14 policies;
- 15 c) Provide secretariat services to the PAMB and its committees and
16 ensure the availability of relevant and timely information for decision-
17 making;
- 18 d) Formulate and recommend to the PAMB proposed policies, rules,
19 regulations, and programs;
- 20 e) Establish, operate, and maintain a database management system
21 which shall be an important basis for decision-making;
- 22 f) Enforce the laws, rules and regulations relevant to the SFPL,
23 commence and institute administrative and legal actions in
24 collaboration with other government agencies or organizations, and
25 assist in the prosecution of offenses committed in violation of the
26 provisions of this Act;
- 27 g) Monitor, evaluate, and report the implementation of management
28 activities of the SFPL;

- 1 h) Request for and receive any technical assistance, support or advice
2 from any agency or instrumentality of the government as well as
3 academic institutions, NGOs, and the private sector, as may be
4 necessary for the effective management, protection and administration
5 of the SFPL;
- 6 i) Issue permits and clearances for activities that implement the
7 management plan and other permitted activities in accordance with
8 terms, conditions, and criteria established by the PAMB: *Provided*, That
9 all permits for extraction of natural resources for research purposes,
10 including the collection of wildlife and its by-products or derivatives,
11 shall specify the acts to be authorized, and shall continue to be issued
12 by relevant authorities, subject to prior clearance from the PAMB,
13 through the PASu;
- 14 j) Collect and receive pertinent fees, charges, donations, and other
15 income for the SFPL: *Provided*, That such fees, charges, donations,
16 and other income collected and received shall be reported regularly to
17 the PAMB and the DENR in accordance with existing guidelines;
- 18 k) Prepare and recommend to the PAMB, approval of the annual work and
19 financial plans of the SFPL based on the management plan; and
- 20 l) Perform such other functions as the PAMB and the DENR may assign.

21 The PAMO may be augmented by the deputized local environment and
22 natural resources officers upon the recommendation of the PAMB and approval of
23 the DENR.

24 **ARTICLE III**
25 **PROCEEDS AND FEES**

26 Sec. 10. *The San Francisco Protected Landscape Integrated Protected Area*
27 *Fund.* – There is hereby established a trust fund to be known as the San Francisco
28 Protected Landscape Integrated Protected Area Fund (SFPL-IPAF) for purposes of

1 financing projects of the SFPL and the NIPAS. All income generated from the
2 operation and management of wild flora and fauna in the SFPL shall accrue to the
3 SFPL-IPAF. The income shall be derived from fees from permitted sale and export of
4 flora and fauna and other resources from the SFPL, proceeds from the lease of
5 multiple-use areas, contributions from industries and facilities directly benefiting
6 from the SFPL, and such other fees and income derived from the operation of the
7 SFPL.

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

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

23 The LGUs shall continue to impose and collect all other fees not enumerated
24 herein which they have traditionally collected, such as business permits, property tax
25 and rentals of LGUs' facilities.

26 **ARTICLE IV**
27 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

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

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

3 Sec. 12. *Suppletory Application of the NIPAS Law.* – The provisions of
4 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) days from
7 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the
8 local governments of the Municipality of San Francisco, the provincial government of
9 Quezon, and concerned national government agencies, issue rules and regulations
10 for the effective implementation of this Act.

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

14 Sec. 15. *Repealing Clause.* – All laws, decrees, executive orders, rules and
15 regulations, issuance or parts thereof inconsistent with the provisions of this Act are
16 hereby repealed or modified accordingly.

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

Approved,