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

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SENATE

S.B. No. <u>2615</u>

RECEIVED BY

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(In substitution of Senate Bill Nos. 2203 and 2549, taking into consideration House Bill No. 8394)

Prepared by the Committees on Environment, Natural Resources and Climate Change; Ways and Means; and Finance with Senators Villar (C.) and Villar (M.), as authors

AN ACT

DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF MAYANTOC AND SAN JOSE, PROVINCE OF TARLAC AS A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (ENIPAS), TO BE REFERRED TO AS THE MT. SAWTOOTH PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

3 Section 1. *Title.* — This Act shall be known as the "Mt. Sawtooth Protected
 4 Landscape (MSPL) Act."

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

In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to the Mt. Sawtooth, as well as their aesthetic and

1 ecological importance, a parcel of land of the public domain located in the Municipalities of Mayantoc and San Jose in the Province of Tarlac is hereby declared 2 a protected area under the category of protected landscape and shall hereinafter be 3 referred to as the Mt. Sawtooth Protected Landscape (MSPL). As such, the State shall 4 ensure the conservation, protection, management and rehabilitation of the MSPL. 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 Non-Governmental 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, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, and cultural and indigenous practices.

Sec. 3. *Classification as a National Park.* — The MSPL is composed of a parcel of land of the public domain located in the Municipalities of Mayantoc and San Jose in the Province of Tarlac, the metes and bounds of which are described in Section 4 of this Act. All Lands of the public domain within the coverage and scope of the MSPL shall fall under the classification of a national park as provided for in Article XII, Section 3 of the Constitution.

Sec. 4. *Scope and Coverage.* — The MSPL, including its buffer zones, as well as its technical description shall be subject to actual ground survey and demarcation, as fully determined by the Department of Environment and Natural Resources (DENR) Region III.

Beginning at a point marked "1" on the map being S78°51'05"W, 13,763.24 meters from PRS Control Monument TRC-82 with geographic coordinates of 15°35'22.59763" Latitude and 120°20'22.53348" Longitude located in Barangay Maniniog, Municipality of Mayantoc, Province of Tarlac:

29	thence	S 56°50'16" E	967.16	meters to corner	2	;
30	thence	S 32°13'45" E	315.13	meters to corner	3	;

1	thence	S 07°16'50" E	313.65	meters to corner	4	;
2	thence	S 56°09'05" E	468.39	meters to corner	5	;
3	thence	S 13°18'50" E	170.35	meters to corner	6	;
4	thence	N 84°53'31" E	307.97	meters to corner	7	;
5	thence	S 81°55'59" E	323.68	meters to corner	8	;
6	thence	S 27°49'57" W	582.01	meters to corner	9	;
7	thence	S 45°47'41" W	252.52	meters to corner	10	;
8	thence	S 54°11'56" W	155.19	meters to corner	11	;
9	thence	S 1 2°2 9'11" E	178.73	meters to corner	12	;
10	thence	S 17°23'31" W	198.88	meters to corner	13	;
11	thence	S 50°14'24" E	284.01	meters to corner	14	;
12	thence	S 61°44'20" W	255.87	meters to corner	15	;
13	thence	S 23°08'14" W	279.28	meters to corner	16	;
14	thence	S 35°55'16" E	376.55	meters to corner	17	;
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16	thence	S 41°46'38" E	477.66	meters to corner	19	;
17	thence	S 11°24'46" E	189.7	meters to corner	20	;
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11	thence	N 75°15'07" E	245.01	meters to corner	37	;
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14	thence	S 70°46'21" W	481.39	meters to corner	40	;
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20	thence	S 10°38'47" E	570.81	meters to corner	46	;
21	thence	S 53°02'33" W	514.8	meters to corner	47	;
22	thence	S 21°07'06" E	862.91	meters to corner	48	;
23	thence	S 11°45'13" W	533.54	meters to corner	49	;

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3	thence	S 07°26'51" W	303.73	meters to corner	52	;
4	thence	S 23°00'53" E	498.67	meters to corner	53	;
5	thence	S 32°18'38" W	808.94	meters to corner	54	;
6	thence	S 29°13'39" E	531.27	meters to corner	55	;
7	thence	S 24°45'37" W	546.66	meters to corner	56	;
8	thence	S 00°12'42" W	729.42	meters to corner	57	;
9	thence	S 18°40'23" E	692.5	meters to corner	58	;
10	thence	S 02°26'57" W	545.07	meters to corner	59	;
11	thence	S 73°34'05" E	874.55	meters to corner	60	;
12	thence	S 26°43'04" E	859.02	meters to corner	61	;
13	thence	S 30°52'24" W	947.68	meters to corner	62	;
14	thence	S 58°58'55" E	388.16	meters to corner	63	;
15	thence	N 44°09'04" E	442.45	meters to corner	64	;
16	thence	N 65°08'39" E	310.77	meters to corner	65	;
17	thence	S 84°43'04" E	1674.16	meters to corner	66	;
18	thence	S 16°53'03" E	3323.64	meters to corner	67	;
19	thence	S 09°31'54" E	1404.72	meters to corner	68	;
20	thence	S 87°12'07" W	5478.82	meters to corner	69	;
21	thence	N 15°35'40" W	689.11	meters to corner	70	;
22	thence	N 14°23'56" E	838.19	meters to corner	71	;
23	thence	N 07°27'23" W	381.92	meters to corner	72	;

1	thence	N 15°36'08" E	563.83	meters to corner	73	;
2	thence	S 53°42'34" W	1650.05	meters to corner	74	;
3	thence	N 71°47'43" W	5651.53	meters to corner	75	;
4	thence	N 01°35'44" W	3759.5	meters to corner	76	;
5	thence	N 07°48'33" E	2540.5	meters to corner	77	;
6	thence	N 29°08'44" E	4579.25	meters to corner	78	;
7	thence	N 27°30'23" E	4865.06	meters to corner	79	;
8	thence	N 24°08'04" E	4398.23	meters to corner	1	

the point of beginning, containing an area of Twelve Thousand Six Hundred SeventySix (12,676) Hectares, more or less. Bearings and distances of lines were derived using
the PRS 1992 Philippines Zone III coordinate system, subject to ground delineation
and demarcation.

13 The DENR shall likewise appropriately mark on the ground the technical 14 description of Mt. Sawtooth with clearly visible markers and shall prepare appropriate 15 maps therefore.

The certification from the National Mapping and Resource Information Authority (NAMRIA) containing the boundaries and technical descriptions of the **MSPL** is hereby adopted and made an integral part of this Act. In case of inconsistency, the boundaries and technical descriptions in the attached certification shall prevail.

Any modification of the scope and coverage of the MSPL in this Act shall be made through an Act of Congress, after consultation with the government agencies and stakeholders concerned.

Sec. 5. *Buffer Zones.* — The DENR Secretary, upon the recommendation of the Protected Area Management Board (PAMB) created under Sec. 6 of this Act, may designate areas surrounding the MSPL as buffer zones for the purpose of providing an extra layer of protection where restrictions may be applied: *Provided*, That, in cases where the designated buffer zone would cover private lands, the owners thereof shall

be required to design their development with due consideration to the Protected Area 1 Management Plan. 2 3 ARTICLE II MANAGEMENT MECHANISMS 4 Sec. 6. Protected Area Management Board (PAMB). — Within ninety (90) days 5 from the effectivity of this Act, a PAMB shall be created to oversee the management 6 of the MSPL. The PAMB shall be composed of the following: 7 a) Regional Executive Director of DENR Region III where the MSPL is located, 8 as Chairperson; 9 b) Governor of the Province of Tarlac where the MSPL is located or a duly 10 designated representative; 11 c) Senators of the Republic of the Philippines who are duly registered residents 12 of the Province of Tarlac where the MSPL is located, or a duly authorized 13 representative, unless the Senators decline membership in the PAMB; 14 d) District Representatives of the Congressional Districts where the MSPL is 15 located, or their duly designated representatives, unless the District 16 Representatives decline membership in the PAMB; 17 e) Mayors of the municipalities of Mayantoc, and San Jose, in the Province of 18 Tarlac where the MSPL is located, or their duly designated representatives; 19 f) Chairpersons of all the *barangays* with territorial jurisdiction over the MSPL; 20 g) Regional Directors of the following government agencies, namely: the 21 Department of Agriculture (DA), the National Economic and Development 22 Authority (NEDA), the Department of Science and Technology (DOST), the 23 Philippine National Police (PNP), the Department of National Defense 24 (DND), and the Department of Tourism (DOT); 25 h) Three (3) representatives from either NGOs or peoples' organizations (POs) 26 based in the Province of Tarlac, duly accredited both by the DENR and the 27 provincial government. The NGOs or POs represented should have been in 28 existence for at least five (5) years and with a track record in or related to 29 protected area management; 30

- i) At least one (1), but not more than three (3), representatives from all the
 indigenous peoples (IPs)/indigenous cultural communities (ICCs) present in
 the area and recognized by the National Commission on Indigenous Peoples
 (NCIP);
- j) One (1) representative from an academic institution, preferably from a
 university or college in the Province of Tarlac where the MSPL is located,
 with a proven track record in or related to the protected area management;
 and
- k) One (1) representative from the private sector, preferably a resident of the
 Province of Tarlac where the MSPL is located, who is distinguished in a
 profession or field of interest relevant to the protected area management.

The terms of office of members of the PAMB, as well as the grounds for their removal shall be in accordance with the provisions of RA No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992", as amended by RA No. 11038, otherwise known as the "Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018".

- Sec. 7. *Powers and Functions of the PAMB.* The PAMB shall have the following
 powers and functions:
- a) Oversee the management of the MSPL;
- b) Approve policies, plans and programs, proposals, agreements, and other
 related documents for the management of the MSPL;
- c) Approve the management plan of the MSPL and ensure its harmonization
 with and integration with the Ancestral Domain Sustainable Development
 and Protection Plan (ADSDPP), land use plan and other development plan,
 public or private, and its implementation;
- d) Adopt a manual of operations to include rules of procedures in the conduct
 of business, and the creation of committees and their respective terms of
 reference;
- e) Recommend the deputation of appropriate agencies and individuals for the
 enforcement of the laws, rules and regulations governing the management
 of the MSPL;

- f) Allocate financial resources for the implementation of the management plan 1 2 and manage the Protected Area Retention Income Account (PA-RIA) and other funds in accordance with the accounting and budgeting rules and 3 regulations; 4 g) Set fees and charges in accordance with the existing guidelines; 5 h) Issue rules and regulations for the resolution of conflicts through 6 appropriate and effective means; 7 i) Recommend appropriate policy changes to the DENR and other governing 8 authorities with respect to the management of the MSPL; 9 i) Monitor and assess the performance of the Protected Area Superintendent 10 (PASu) and other MSPL personnel and compliance of partners with the 11 terms and conditions of any undertaking, contract or agreement relative to 12 any project or activity within the MSPL; 13 k) Recommend from among a shortlist of gualified candidates, the designation 14 or appointment of the PASu; and 15 1) Assess the effectiveness of the management of the MSPL: Provided, That 16 the members of the PAMB representing the LGUs and national agencies 17 shall inform their respective constituents, offices or sectors, of PAMB-18 approved or other relevant policies, rules, regulations, programs, and 19 projects and shall ensure that the provisions of this Act and its 20 implementing rules and regulations are complied with, and used as 21 reference and framework in their respective plans, policies, programs, and 22 projects. Failure to comply with the foregoing shall be the basis for 23 disciplinary action against such member according to administrative rules
 - and regulations and such penalties as the PAMB may provide: Provided, further, that the DENR, through the Regional Executive Director, shall ensure that the PAMB acts within the scope of its powers and functions, in case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail. Sec. 8. The Protected Area Management Office (PAMO). - There is hereby

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30 established a Protected Area Management Office (PAMO) to be headed by a PASu with 31 a permanent plantilla position who shall supervise the day-to-day management, 32

protection, and administration of the MSPL. The PASu shall hold a permanent plantilla
position and shall be appointed by the DENR Secretary. A sufficient number of support
staff with permanent plantilla position shall be appointed by the DENR Secretary to
assist the PASu in the management of the protected area.

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

- a) Prepare the management plan, in consultation with the stakeholders,
 including the annual work and financial plans and ensure its
 implementation;
- b) Ensure the integration of the protected area management plans, programs,
 projects, and policies with relevant national and LGUs' plans and programs;
- c) Provide secretariat services to the PAMB and its committees and ensure the
 availability of relevant and timely information for decision-making;
- d) Formulate and recommend to the PAMB proposed policies, rules,
 regulations, and programs;
- e) Establish, operate, and maintain a database management system which
 shall be an important basis for decision-making;
- f) Enforce the laws, rules and regulations relevant to the MSPL, commence
 and institute administrative and legal actions in collaboration with other
 government agencies or organizations, and assist in the prosecution of
 offenses committed in violation of this Act;
- g) Monitor, evaluate, and report the implementation of management activities
 of the MSPL;
- h) Request for and receive any technical assistance support or advice from any
 agency or instrumentality of the government as well as academic
 institutions, NGOs, and the private sector, as may be necessary for the
 effective management, protection and administration of the MSPL;
- i) Issue permits and clearances for activities that implement the management
 plan and other permitted activities in accordance with terms, conditions,
 and criteria established by the PAMB: *Provided*, That all permits for

extraction activities, including collection for research purposes, shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASu, in accordance with the specific acts to be covered;

- j) Collect and/or receive pertinent fees, charges, donations, and other income
 for the MSPL: *Provided*, That such fees, charges, donations, and other
 income collected/received shall be reported regularly to the PAMB and the
 DENR in accordance with existing guidelines;
- k) Prepare and recommend to the PAMB, approval of the annual work and
 financial plans of the MSPL based on the management plan; and
- 1) Perform such other functions as the PAMB and the DENR may assign.

12 The PAMO may be augmented by the deputized local environment and natural 13 resources officers upon the recommendation of the PAMB and approval of the DENR.

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ARTICLE III

PROCEEDS AND FEES

Sec. 9. The Mt. Sawtooth Protected Landscape - Integrated Protected Area 16 *Fund (MSPL-IPAF).* — There is hereby established a trust fund to be known as the Mt. 17 Sawtooth Protected Landscape - Integrated Protected Area Fund (MSPL-IPAF) for 18 purposes of financing projects of the MSPL and the NIPAS. All income generated from 19 the operation and management of MSPL Shall accrue to the MSPL-IPAF. The income 20 shall be derived from fees and charges from the use of resources and facilities of the 21 MSPL; contributions from industries and facilities directly benefiting from the MSPL; 22 and such other fees and income derived from the operation of the MSPL. 23

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 MSPL and implementation of duly approved projects of the PAMB.

1 The remaining twenty-five percent (25%) of revenues shall be deposited as a 2 special account in the General Fund in the National Treasury for purposes of financing 3 the projects of the NIPAS.

The fund may be augmented by grants, donations, and endowments 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.

11 The LGUs shall continue to impose and collect all other fees not enumerated 12 herein which they have traditionally collected, such as business permits, property tax 13 and rentals of LGUs' facilities.

 14
 ARTICLE IV

 15
 MISCELLANEOUS PROVISIONS

Sec. 10. *Appropriations.* — The Secretary of the DENR shall immediately include in the Department's program the implementation of the Mt. Sawtooth Protected Landscape (MSPL) Act, the funding at which shall be included in the annual General Appropriations Act.

Sec. 11. *Suppletory Application of the NIPAS Law.* — The provisions of RA No.
7586, as amended by RA No. 11038, shall have suppletory application to this Act.

Sec. 12. *Implementing Rules and Regulations (IRR).* — Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR, in consultation with the local governments of the Municipalities of Mayantoc, and San Jose, the Provincial Government of Tarlac, and concerned national government agencies, issue the corresponding rules and regulations for the effective implementation of this Act.

27 Sec. 13. *Separability Clause.* – If any section or provision of this Act is declared 28 unconstitutional or invalid, the remaining sections or provisions not affected thereby 29 shall continue to be in full force and effect.

Sec. 14. *Repealing Clause.* — All laws, decrees, executive orders, rules and regulations, and other issuances or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

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

Approved,



Republic of the Philippines Department of Environment and Natural Resources NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY www.namria.gov.ph

<u>C E R T I F I C A T I O N</u>

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that the technical description (TD) of Senate Bill No. 2203, also referred to as the "Mt. Sawtooth Protected Landscape", is correct in terms of general location and total area; and compliant with the standard bearing-distance format and PRS92 requirement. Further, its linear error of closure is within the allowable limit. The said TD is subject to ground delineation and demarcation.

This Certification is issued upon the request of the Senate Committee on Environment, Natural Resources and Climate Change, Senate, Pasay City.

ANGCO, PhD, CESO I PETE Use Administrator





ISO 9001:2015 CERTIFIED FOR MAPPING AND GEOSPATIAL INFORMATION MANAGEMENT



Republic of the Philippines Department of Environment and Natural Resources NATIONAL MAPPING AND RESOURCE INFORMATION AUTHORITY www.namria.gov.ph

SENATE BILL NO. 2203

"An Act Establishing Mt. Sawtooth, Located in the Municipalities of Mayantoc and San Jose, Province of Tarlac as a Protected Area Under the Category of Protected Landscape Pursuant to Republic Act 7586 as Amended by Republic Act 11038, Otherwise Known as the Expanded National Integrated Protected Areas System Act of 2018, Providing for Its Management, Funds and for Other Purposes"

TECHNICAL DESCRIPTION

Beginning at a point marked "1" on the map being S 78°51'05" W, 13,763.24 meters from PRS Control Monument **TRC-82** with geographic coordinates of **15°35'22.59763**" **Latitude and 120°20'22.53348**" **Longitude** located in Barangay Maniniog, Municipality of Mayantoc, Province of Tarlac,

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thence	S 23°00'53" E	498.67	meters to corner	53	;
thence	S 32°18'38" W	808.94	meters to corner	54	;
thence	S 29°13'39" E	531.27	meters to corner	55	;
thence	S 24°45'37" W	546.66	meters to corner	56	;
thence	S 00°12'42" W	729.42	meters to corner	57	;
thence	S 18°40'23" E	692.5	meters to corner	58	;
thence	S 02°26'57" W	545.07	meters to corner	59	;
thence	S 73°34'05" E	874.55	meters to corner	60	;
thence	S 26°43'04" E	859.02	meters to corner	61	;
thence	S 30°52'24" W	947.68	meters to corner	62	;
thence	S 58°58'55" E	388.16	meters to corner	63	;
thence	N 44°09'04" E	442.45	meters to corner	64	;
thence	N 65°08'39" E	310.77	meters to corner	65	;
thence	S 84°43'04" E	1674.16	meters to corner	66	;
thence	S 16°53'03" E	3323.64	meters to corner	67	;
thence	S 09°31'54" E	1404.72	meters to corner	68	;
thence	S 87°12'07" W	5478.82	meters to corner	69	;
thence	N 15°35'40" W	689.11	meters to corner	70	;
thence	N 14°23'56" E	838.19	meters to corner	71	;
thence	N 07°27'23" W	381.92	meters to corner	72	;
thence	N 15°36'08" E	563.83	meters to corner	73	;
thence	S 53°42'34" W	1650.05	meters to corner	74	;
thence	N 71°47'43" W	5651.53	meters to corner	75	;
thence	N 01°35'44" W	3759.5	meters to corner	76	;
thence	N 07°48'33" E	2540.5	meters to corner	77	;
thence	N 29°08'44" E	4579.25	meters to corner	78	;
thence	N 27°30'23" E	4865.06	meters to corner	79	;





thence N 24°08'04" E 4398.23 meters to corner 1

the point of beginning, containing an area of **TWELVE THOUSAND SIX HUNDRED SEVENTY-SIX (12,676)** hectares, more or less. Bearings and Distances of lines were derived using the PRS 1992 Philippines Zone III coordinate system, subject to the actual ground demarcation.