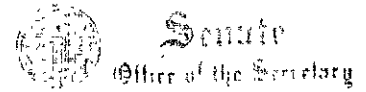



FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
SECOND REGULAR SESSION)



'11 SEP 26 P5:04

SENATE

S. B. No. 2976

RECEIVED BY: 

Introduced by **Senator TEOFISTO "TG" GUINGONA III**

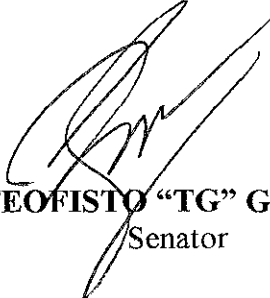
EXPLANATORY NOTE

The Maulawin Spring Watershed Forest Reserve, found in the province of Quezon, is a haven of rich biodiversity. In 23 April 2000, the Maulawin Spring Protected Landscape was officially declared a protected area by virtue of Presidential Proclamation No. 295.

To further safeguard the Maulawin Spring Watershed Forest Reserve from indiscriminate exploitation, and to maintain and preserve its ecological balance, this bill seeks to declare it a protected area with the force and effect of law.

In line with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is incumbent upon Congress to enact a law to provide for the area's management, protection, conservation and sustainable development. It shall be established within the framework of R.A. 7586 or the National Integrated Protected Area System (NIPAS) Act of 1992.

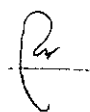
In view of the foregoing, the immediate enactment of this measure is earnestly sought.


TEOFISTO "TG" GUINGONA III
Senator

'11 SEP 26 P5:04

SENATE

S. B. No. 2976

RECEIVED BY: 

Introduced by **Senator TEOFISTO "TG" GUINGONA III**

**AN ACT
TO ESTABLISH THE MAULAWIN SPRING PROTECTED
LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSE AS MANDATED FOR BY THE NIPAS ACT OF
1992**

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

SECTION 1. *Title.* – This act shall be known as the “*Maulawin Spring Protected Landscape Act of 2011.*”

SECTION 2. *Declaration of Policy.* – Pursuant to Republic act 7586, it is hereby declared the policy of the State to regulate the utilization of aggregates, wild flora and fauna, culture and indigenous knowledge, historical artifacts and sites, ensure the continuity of endangered, threatened and rare species towards the end of conserving, protecting and preserving, the scenic, cultural, historical and archeological features of Maulawin Spring Protected Landscape and its surroundings and other forest ecosystems found therein, and providing thereof for the benefit and enjoyment of its people and humankind.

The classified area comprising the Maulawin Spring Protected Landscape shall be within the classification under the Constitution. Public lands classified as agricultural and alienable and disposable upon the passage of this Act shall remain as such and may be disposed of under the law.

SECTION 3. *Scope.* –The boundaries of the Maulawin Spring Protected Landscape are as follows:

“Beginning at a point marked “1” On the map which is N 70°00’W about 1,500.00 meters from Poblacion, Municipality of Guinayangan, Quezon:

| | | | |
|--------|------------|-----------|---------------|
| Thence | S 18°54’ E | 291. 1 m. | to corner 2 ; |
| Thence | S 57°55’W | 260. 6 m. | to corner 3 ; |
| Thence | S 66°46’W | 190. 4 m. | to corner 4; |
| Thence | S 77°58’W | 410. 7 m. | to corner 5; |
| Thence | S 50°55’W | 320. 8 m. | to corner 6; |

| | | | |
|--------|------------|-----------|---------------|
| Thence | S 49°45'W | 320. 9 m. | to corner 7; |
| Thence | N 66°08'W | 390. 3 m. | to corner 8; |
| Thence | N 29°39'W | 234. 3 m. | to corner 9; |
| Thence | N 38°40'W | 399. 1 m. | to corner 10; |
| Thence | N 43°10'W | 159. 7 m. | to corner 11; |
| Thence | N 62°04'W | 149. 7 m. | to corner 12; |
| Thence | N 26°04' E | 234. 1 m. | to corner 13; |
| Thence | N 70°03' E | 219. 6 m. | to corner 14; |
| Thence | N 89°00' E | 269. 6 m. | to corner 15; |
| Thence | S 54°51' E | 200. 1 m. | to corner 16; |
| Thence | S 80°27' E | 199. 7 m. | to corner 17; |
| Thence | N 19°33' E | 139. 4 m. | to corner 18; |
| Thence | N 65°04' E | 199. 6 m. | to corner 19; |
| Thence | N 85°01' E | 149. 8 m. | to corner 20; |
| Thence | S 89°00' E | 119. 8 m. | to corner 21; |
| Thence | S 40°50' E | 160. 3 m. | to corner 22; |
| Thence | S 46°50' E | 200. 3 m. | to corner 23; |
| Thence | N 86°01' E | 209. 7 m. | to corner 1; |

Containing an area of **ONE HUNDRED FORTY NINE AND 01/100 (149.01)**

Any modification on this act due to factors such as changing ecological situations, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by the congress after full consultation with the affected public.

Private lands inside the protected landscape shall be governed as part of the protected area subject to rules and regulations relating thereto. Penal provisions, however, in this Act or any rules and regulations issued by the Protected Area Management Board (PAMB) shall not apply to private lands unless specifically stated.

SECTION 4. *Definition of terms.* – For purpose of this Act, the following terms are defined as follows:

- a. *Alienable and disposable* – (A & D lands) land not belonging to public domain. It can be privately, patented, titled, sold or transferred to another person.
- b. *Department of Environment and Natural Resources (DENR)* – a national government agency tasked of regulating the use of natural resources and administering the programs of environmental management.
- c. *Community Environment and Natural Resources Office (CENRO)* – the community office of the local DENR at the district level.
- d. *Endangered species* – wildlife species that are in danger of extinction and whose survival is unlikely if the causal factor is not reversed.
- e. *Endemic species* – wildlife species peculiar to a locality or region.

- f. *Forest Lands* – lands of the public domain which have been classified as such under the land classification program of the DENR.
- g. *Local Government Units* – (LGUs) refers to the structural units of the government such as province, municipality/city, and barangay.
- h. *Non-Government Organization* – shall refer to any civic development or philanthropic organization, which is multi-sectoral in character.
- i. *Non-Renewable Resources* – resources not capable of being replaced by natural ecological cycles or sound management practices.
- j. *Other Government Agencies* – (OGAs) either national or local government agencies in support to the structural and organizational objectives on the protection and conservation of natural resources and environment and is embodied on its mandate and functions.
- k. *People Organizations* – refers to organizations whose purpose for establishment is to protect or advance the interest of specific sectors, such as but not limited to farmers, fisherfolks, women, and the like
- l. *Private Lands* – lands that constitute ownership by individuals through documents showing private participation.
- m. *Protected Area Management Board* – (PAMB) multi sectoral board under the NIPAS Law of 1992, created for each protected area and vested with powers to administer its implementation.
- n. *Protected Area Superintendent* – (PASu) under the DENR shall serve as the chief operating officer of the protected area.
- o. *Protected Landscape* – areas of national significance which are characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic of these areas.
- p. *Provincial Environment and Natural Resources Office* – (PENRO) the local office of the DENR at the provincial level.
- q. *Watershed Area* – the area of the protected landscape where all activities relating to the development, sustenance and promotion of recreational and interactive participation of its inhabitants is secured.

SECTION 5. *Management Plan.* The Protected Area Superintendent (PASu) shall prepare the Management Plan in consultation with the appropriate offices of the Department of Environment and Natural Resources (DENR) and local experts who may donate their services including but not limited to peoples organizations, non-government organizations, local government units and other government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary of the DENR. Such certification is mandatory if the plan conforms to all laws and rules and regulations issued by

the DENR of national application. In no case shall the DENR be allowed to revise or modify a Management Plan without prior consultation with the PAMB.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by the tenured migrants unless such users are deemed detrimental to biodiversity and the protection of the natural characteristics of the protected area.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASu office or any designated area as approved by members of the PAMB.

SECTION 6. *Institutional Mechanism.* The following administrative and policy- making mechanism shall apply:

A. The Protected Area Management Board - There shall be a PAMB which shall be the policy making body of the protected area. It shall be composed of.

1. The Regional Executive Director, Region IV, of the DENR as the chairman;
2. The Provincial Planning and Development Coordinator of Quezon Province;
3. One (1) representative from the Municipal Government of Guinayangan, Quezon which shall be appointed by their Local Chief Executive;
4. One (1) representative from each Barangays with territory within the protected area which shall be appointed by their respective Sangguniang Barangays;
5. At least three (3) representatives from local non-government organizations (NGO) and community organizations, including people's organizations, cooperatives, church or civic organizations to be chosen among themselves in meeting called for the purpose;
6. One (1) representatives from other government agencies (OGAs) that may be involved in protected area management depending on the needs of the protected area;

Every member of the PAMB shall serve for a term of Five (5) years and shall be considered to have represented his or her sector and shall be deemed to have carried the vote of such sector. Unless challenged in writing five (5) days after the decision being challenged is made known to the members of the sector through the provision of written information.

The PAMB for the Maulawin Spring Landscape shall have the following powers and functions;

1. Issue all rules and regulations to prohibit acts that maybe prejudicial to the protected area and the policy declaration herein set forth as well as established criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;

2. Issue rules and regulation for the resolution of conflict through appropriate sensitive and effectives means;
3. Adopt rules and procedures for the conduct of business including the creation of committees to whom its powers may be delegated;
4. Approve the management plan and oversee the office of the PASu;
5. Deputize interested individual for the enforcement of laws, rules and regulations governing conduct in the Protected Landscape;
6. Approved proposals for budget allocations and exercise responsibility over all funds that may accrue to the Maulawin Spring Protected Landscape as mandated by the Integrated Protected Area Fund which are indicated for the purpose of the above policy declaration.

The DENR through the RED shall exercise the authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a contradiction between administrative orders issued by the DENR pursuant to the NIPAS act for national applications and rules regulation issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply rule or withdraw it whichever is beneficial to the Protected Landscape.

- B. The Protected Area Superintendent (PASu) Officer- There shall be a Protected Area Superintendent (PASu) under the Department of Environment and Natural Resources (DENR) who shall serve as the chief operating officer of the protected area.

The PASu shall have following powers and functions:

1. Prepare the management and development plans as herein provided;
2. Serve as the Secretariat for the PAMB with duty to provide the PAMB with all information necessary for it to make appropriate decisions when necessary;
3. Hire and supervise the necessary personnel to support operations as the budgets allocated in this Act, by the PAMB and/or the DENR may allow;
4. Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, in the planning, protection and management of the protected area;
5. Develop and implement a part information, education and visitor program;
6. Enforce the laws, rules and regulations relevant to the protected area and assist in the prosecution of offenses;
7. Monitor all activities within the protected area for their compliance with the management plan;

8. Perform such other functions as the PAMB may assign; and
9. Delegate authority to his staff whenever necessary.

SECTION 7. Administration and Management. The Maulawin Spring Protected landscape is hereby placed under the control and administration of the DENR through the Protected Area management Board of PAMB. For this purpose, there is hereby created a Protected Landscape Office which shall be equipped with the necessary personnel, as follows:

One (1) Protected Area Superintendent (PASu)

Technical Staff:

- One (1) Asst. Protected Area Superintendent
- One (1) Community Development Officer (CDO) I
- One (1) Forester I
- One (1) Biologist I
- One (1) Administrative Officer (AO) I
- One (1) Record Officer I
- One (1) Protected Area Warden
- One (1) Bookkeeper
- One (1) Computer Programmer
- One (1) Administrative Aid

SECTION 8. Tenured Migrants. Tenured migrants are those who have actually occupied the forest lands within the protected area since June 30, 1987 and are substantially depended on such areas for their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, tenured migrants shall be issued a tenure instrument over such areas as have been occupied or cultivated since June 30, 1987.

If areas occupied by tenured migrants are designated for others zones in which no occupation or other activities are allowed, provisions for their transfer to multiple use zones or buffer zones may be accomplished using humanitarian consideration in so doing.

Upon a cancellation of tenured migrants for cause, abandonment or by voluntary surrender of rights, the PASu shall take immediate steps prior to the cultivation or other activities to be undertaken by other tenured migrants.

SECTION 9. Prohibited Acts and Penalties.

- A. The penalties in Article 309 or 310 of the Revised Penal Code depending on the resources taken, damaged or destroyed shall be imposed upon any person who:
 1. Hunts, destroy, disturbs or removes from the Maulawin Spring Protected Landscape any wild plants or animal products derived there from without a permit from the PAMB;
 2. Conducts mineral explorations or extraction within the Protected Landscape as defined herein;

3. Conducts quarry operation for aggregates, sand and other quarry materials without a permit from the PAMB or without other permits required under existing laws;
4. Engages in fishing with the use of explosives, noxious substances, electricity or drift nets with mesh below three (3) centimeters between the knots when stretched;
5. Cut, remove, gather, take timber or forest products from the forest lands without authorization.
6. Pollutes the bodies, air and land areas in any way of the protected areas;
7. Establishment of infrastructure and other manmade projects without authorization and clearances from the PAMB and other government agencies involved in the granting of clearances.
8. Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value.

B. A fine of not less than P5,000.00 but not more than P250, 000.00 and/ or imprisonment of not less than one (1) year or more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who:

1. Alters topography through digging, blasting, earth-filling activities or stonewalling without a permit from all proper authorities as required under existing laws, rules and regulations and from the PAMB.
2. Damages roads, trails or leaves them in a damaged condition or mutilates, defaces, destroy or vandalizes any object of natural or scenic value within the Protected Landscape;
3. Constructs or maintains any kind of structure without a permit from PAMB or without other requisite permits under existing laws such as but not limited to municipal permits, public works requirements and Environmental Compliance Certificate (ECC);
4. Alters, removes, destroys or defaces boundary works, buoys or sign in the Protected Landscape put up by the PAMB.

C. A fine of less than P5, 000.00 or not more than P1,000.00 and/ or imprisonment from one (1) year to three (3) years shall be imposed upon any person who:

1. Occupies lands classified as Strict Protected Zone as herein defined without a legal instrument for such occupation;
2. Violates any rules and regulations in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;

3. Dumps any waste materials on land or any bodies of water e.g. river, other than in areas identified as dumping sites by the concerned local governments, or leaves exposed or in unsanitary condition on land or any bodies of water e.g. river, human waste or refuse.
4. Kills or injures any protected species or fails to release it when accidentally caught or found beached;
5. Knowingly brings/introduces into the p Protected Landscape any exotic species or substances which may pose a hazard to public health, protected species habitat or population or scenery;
6. Brings out of the Protected Landscape live species without certification of toxic and hazardous substances testing;
7. Possesses instrument/ equipment without clearance from PAMB, shall specify for the legal uses for which it can be applied.

D. A fine of not less than P5, 000.00 nor more than P500,000.00 and/ or imprisonment of not less than one(1) year and not more than five (5) years shall be imposed upon;

1. Any person who shall induce another or conspire to commit any of the above acts or suffer their workers to commit any of the above acts shall be liable in the manner as the one actually performing the act;
2. Any public officer, or officer of law, who, in dereliction of the duties of his office, shall maliciously from instituting persecution for the punishment of violators of the law, or shall tolerate commission of the offense shall also carry the penalty of perpetual disqualification from public office.

SECTION 10. *Special Prosecutors.* Within 30 days from the affectivity of this Acts, the Department of Justice shall appoint a Special Prosecutor to whom cases of violation of laws, rules and regulations in the protected area shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedures.

SECTION 11. *Local Government Units.* Local government units shall participate in the management of the Protected Landscape through its representation in the PAMB and shall ensure that rules for the conduct of business adequately allow the opportunity to consolidate the plans and projects with the management planning process.

SECTION 12. *Revenue Sharing.* The local government units within the protected area shall continue to collect fees and charges including applicable taxes due to local government, fees for local government services or the use of its facilities and other revenues within powers of the local government to collect.

The integrated Protected Area Fund set up under Republic Act 7586 shall include taxes from the permitted sales of wild flora and fauna, donations, endowments, contributions

and grants from the pursuit of the purposes of the protected area and the policy declaration herein but subject to onerous condition as may be imposed by the donor or grantor, proceeds from the leases by tenured migrants and such revenues as the PAMB may legally impose and collect.

SECTION 13. *Existing Facilities within the Protected Landscape.* Within 120 days from the affectivity of this Act, existing facilities such as roads, buildings, water systems, and other facilities existing within the boundaries of the Protected Landscape shall submit project description to the PAMB through the PASu.

Based on its submission, the PAMB, with the help of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the Protected Landscape or whether conditions for its operations shall be imposed. If any of such conditions are violated, the facility shall be liable to pay a fine of P5,000.00 for every day violation upon reaching a total fine of P500,000.00, the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the protected area may be charged a reasonable royalty by the DENR, All incomes from such royalty shall accrue to the Integrated Protected Area Fund (IPAF).

SECTION 14. *Utilization of energy and Non- Renewable Resources.* Any exploitation and utilization of energy resources found within NIPAS areas should be allowed only through a law passed by Congress. Further, protected areas except Strict Nature Reserve and Natural Parks may be subjective to exploration only for the purpose of gathering information on energy resources and if such activity is carried out with the least damage to surrounding areas. The energy survey shall be conducted only in accordance with a program by the DENR. In no case shall an exemption from the Environment Impact Assessment (EIA) system made for energy and non-renewable resources exploitation projects within the protected area.

SECTION 15. *Appropriation.* For the purpose of these act, there is hereby appropriated the amount of P2,125,388.00 for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act of the year following the enactment into law and thereafter.

SECTION 16. *Construction.* The provisions of this Act shall be construed liberally in favor of the Occupants of the Protected Landscape. The NIPAS Act shall have supplementary effect in the implementation of this Act.

SECTION 17. *Repealing Cause.* For the purpose of the scope of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other law, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. Within the scope of the Protected Landscape as herein specified, the penalties under the NIPAS Act hereby superseded.

SECTION 18. *Separability Clause.* If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or section hereof.

SECTION 19. *Effectively Clause.* This Act shall be translated in English and Filipino. The English version shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation and in Filipino in a newspaper readily available in the area in and around the scope specified hereunder. It shall likewise be posted in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area as well as three (3) other places frequented by the public. Fifteen (15) days after the last publication, this Act shall have full force and effect.

Approved,