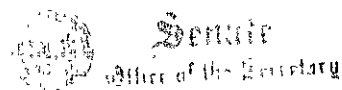



FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



11 SEP 29 P1:27

SENATE

Senate Bill No. 2977

RECEIVED BY: 

Introduced by Senator Edgardo J. Angara

EXPLANATORY NOTE


This bill seeks to declare the *Maulawan* Spring Watershed Forest Reserve in the Municipality of Guinayangan, Province of Quezon as a protected area

The *Maulawan* Spring Watershed Forest Reserve, now the *Maulawan* Spring Protected Landscape, was declared a protected area under the category of Protected Landscape, in 23 April 2000 by virtue of Presidential Proclamation No. 295.

The Reserve has a total land area of 149.01 hectares of public domain and is a prime example of Philippine biodiversity.


This bill seeks to protect this biodiversity and ecological balance, conserve and properly manage the resources available in the Reserve, and promote its sustainable development with the participation of its people. 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 passage of this bill is earnestly sought.


EDGARDO J. ANGARA

11 SEP 29 P1:27

SENATE

RECEIVED BY: 

Senate Bill No. 2977

Introduced by Senator Edgardo J. Angara

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:

1 SECTION 1. *Title.* - This act shall be known as the “Maulawin Spring Protected
2 Landscape Act of 2011.”
3

4 SECTION 2. *Declaration of Policy.* - Pursuant to Republic Act 7586, it is hereby
5 declared the policy of the State to regulate the utilization of aggregates, wild flora and fauna, culture
6 and indigenous knowledge, historical artifacts and sites, ensure the continuity of endangered,
7 threatened and rare species towards the end of conserving, protecting and preserving, and
8 preserving the scenic, cultural, historical and archeological features of Maulawin Spring Protected
9 Landscape and its surroundings and other forest ecosystems found therein, and providing thereof
10 for the benefit and enjoyment of its people and humankind.
11

12 The classified area comprising the Maulawin Spring Protected Landscape shall be within the
13 classification under the constitution. Public lands classified as agricultural and alienable and
14 disposable upon the passage of this Act shall remain as such and may be disposed of under the law.
15

16 SECTION 3. *Scope.* - The boundaries of the Maulawin Spring Protected Landscape are as follows:
17

18 “Beginning at a point marked “1” On the map which is N 70°00’W about 1,500.00 meters
19 from Poblacion, Municipality of Gumayangan, Quezon:
20

21	Thence	S 18°54’ E	291. 1 m.	to corner 2 ;
22	Thence	S 57°55’W	260. 6 m.	to corner 3 ;
23	Thence	S 66°46’W	190. 4 m	to corner 4;
24	Thence	S 77°58’W	410 7 m.	to corner 5;
25	Thence	S 50°55’W	320. 8 m	to corner 6;
26	Thence	S 49°45’W	320. 9 m	to corner 7,
27	Thence	N 66°08’W	390. 3 m.	to corner 8;
28	Thence	N 29°39’W	234. 3 m.	to corner 9;
29	Thence	N 38°40’W	399. 1 m.	to corner 10;
30	Thence	N 43°10’W	159 7 m.	to corner 11;
31	Thence	N 62°04’W	149. 7 m	to corner 12;
32	Thence	N 26°04’ E	234. 1 m.	to corner 13,
33	Thence	N 70°03’ E	219. 6 m.	to corner 14;
34	Thence	N 89°00’ E	269. 6 m.	to corner 15;
35	Thence	S 54°51’ E	200. 1 m.	to corner 16;

1	Thence	S 80°27' E	199.7 m	to corner 17;
2	Thence	N 19°33' E	139.4 m.	to corner 18;
3	Thence	N 65°04' E	199.6 m.	to corner 19;
4	Thence	N 85°01' E	149.8 m	to corner 20;
5	Thence	S 89°00' E	119.8 m.	to corner 21;
6	Thence	S 40°50' E	160.3 m	to corner 22;
7	Thence	S 46°50' E	200.3 m.	to corner 23;
8	Thence	N 86°01' E	209.7 m	to corner 1;

9

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

11

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

16

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

21

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

24

- 25 a. Alienable and disposable – (A & D lands) land not belonging to public domain. It can be
 26 privately, patented, titled, sold or transferred to another person.
- 27
- 28 b. Department of Environment and Natural Resources (DENR) – a national government
 29 agency tasked of regulating the use of natural resources and administering the programs of
 30 environmental management.
- 31
- 32 c. Community Environment and Natural Resources Office (CENRO) – the community office
 33 of the local DENR at the district level
- 34
- 35 d. Endangered species – wildlife species that are in danger of extinction and whose survival is
 36 unlikely if the causal factor is not reversed.
- 37
- 38 e. Endemic species – wildlife species peculiar to a locality or region.
- 39
- 40 f. Forest Lands – lands of the public domain which have been classified as such under the land
 41 classification program of the DENR.
- 42
- 43 g. Local Government Units – (LGUs) refers to the structural units of the government such as
 44 province, municipality/city, and barangay.
- 45
- 46 h. Non-Government Organization – shall refer to any civic development or philanthropic
 47 organization, which is multi-sectoral in character.
- 48
- 49 i. Non-Renewable Resources – resources not capable of being replaced by natural ecological
 50 cycles or sound management practices.
- 51
- 52 j. Other Government Agencies – (OGAs) either national or local government agencies in
 53 support to the structural and organizational objectives on the protection and conservation of
 54 natural resources and environment and is embodied on its mandate and functions.
- 55
- 56 k. People Organizations – refers to organizations whose purpose for establishment is to protect
 57 or advance the interest of specific sectors, such as but not limited to farmers, fisherfolks,
 58 women, and the like.

59

- 1 l. Private Lands - lands that constitute ownership by individuals through documents showing
2 private participation.
- 3
- 4 m. Protected Area Management Board – (PAMB) multi sectoral board under the NIPAS Law of
5 1992, created for each protected area and vested with powers to administer its
6 implementation
- 7
- 8 n. Protected Area Superintendent – (PASu) under the DENR shall serve as the chief operating
9 officer of the protected area.
- 10
- 11 o. Protected Landscape -- areas of national significance which are characterized by harmonious
12 interaction of man and land while providing opportunities for public enjoyment through
13 recreation and tourism within the normal lifestyle and economic of these areas.
- 14
- 15 p. Provincial Environment and Natural Resources Office – (PENRO) the local office of the
16 DENR at the provincial level.
- 17
- 18 q. Watershed Area – the area of the protected landscape where all activities relating to the
19 development, sustenance and promotion of recreational and interactive participation of its
20 inhabitants is secured.
- 21

22 **SECTION 5. *Management Plan.*** The Protected Area Superintendent (PASu) shall
23 prepare the Management Plan in consultation with the appropriate offices of the Department of
24 Environment and Natural Resources (DENR) and local experts who may donate their services
25 including but not limited to peoples organizations, non-government organizations, local
26 government units and other government agencies. The management plan shall be reviewed,
27 approved and adopted by the PAMB and certified by the Secretary of the DENR. Such certification
28 is mandatory if the plan conforms to all laws and rules and regulations issued by the DENR of
29 national application. In no case shall the DENR be allowed to revise or modify a Management Plan
30 without prior consultation with the PAMB.

31
32 The zoning of the protected area shall give primary consideration to the traditional zones
33 used and recognized by the tenured migrants unless such users are deemed detrimental to
34 biodiversity and the protection of the natural characteristics of the protected area.

35
36 The plan shall be in a language understandable in the area, plainly written and available for
37 perusal to the general public at the PASu office or any designated area as approved by members of
38 the PAMB.

39
40 **SECTION 6. *Institutional Mechanism.*** The following administrative and policy- making
41 mechanism shall apply:

- 42
- 43 A. The Protected Area Management Board - There shall be a PAMB which shall be the policy
44 making body of the protected area. It shall be composed of:
- 45
- 46 1. The Regional Executive Director, Region IV, of the DENR as the chairman;
- 47
- 48 2. The Provincial Planning and Development Coordinator of Quezon
49 Province;
- 50
- 51 3. One (1) representative from the Municipal Government of Guinayangan, Quezon
52 which shall be appointed by their Local Chief Executive;
- 53
- 54 4. One (1) representative from each Barangays with territory within the protected area
55 which shall be appointed by their respective Sangguniang Barangays;
- 56
- 57 5. At least three (3) representatives from local non-government organizations (NGO)
58 and community organizations, including people's organizations, cooperatives, church

1 or civic organizations to be chosen among themselves in meeting called for the
2 purpose;

- 3
4 6 One (1) representatives from other government agencies (OGAs) that may be
5 involved in protected area management depending on the needs of the protected
6 area;

7
8 Every member of the PAMB shall serve for a term of five (5) years and shall be considered
9 to have represented his or her sector and shall be deemed to have carried the vote of such sector.
10 Unless challenged in writing five (5) days after the decision being challenged is made known to the
11 members of the sector through the provision of written information.

12
13 The PAMB for the Maulawin Spring Landscape shall have the following powers and
14 functions:

- 15
16 1. Issue all rules and regulations to prohibit acts that maybe prejudicial to the protected
17 area and the policy declaration herein set forth as well as established criteria and set
18 fees for the issuance of permits for activities regulated by this Act or the
19 management plan;
20
21 2. Issue rules and regulation for the resolution of conflict through appropriate sensitive
22 and effectives means;
23
24 3. Adopt rules and procedures for the conduct of business including the creation of
25 committees to whom its powers may be delegated;
26
27 4 Approve the management plan and oversee the office of the PASu;
28
29 5. Deputize interested individual for the enforcement of laws, rules and regulations
30 governing conduct in the Protected Landscape;
31
32 6. Approved proposals for budget allocations and exercise responsibility over all funds
33 that may accrue to the Maulawin Spring Protected Landscape as mandated by the
34 Integrated Protected Area Fund which are indicated for the purpose of the above
35 policy declaration.
36

37 The DENR through the RED shall exercise the authority to oversee the PAMB to ensure
38 that it is acting within the scope of its powers and functions. In case of a contradiction between
39 administrative orders issued by the DENR pursuant to the NIPAS act for national applications and
40 rules regulation issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall
41 decide whether to apply rule or withdraw it which ever is beneficial to the Protected Landscape.
42
43

- 44 B. The Protected Area Superintendent (PASu) Officer- There shall be a Protected Area
45 Superintendent (PASu) under the Department of Environment and Natural Resources
46 (DENR) who shall serve as the chief operating officer of the protected area.
47

48 The PASu shall have following powers and functions:

- 49
50 1. Prepare the management and development plans as herein provided;
51
52 2. Serve as the Secretariat for the PAMB with duty to provide the PAMB with all
53 information necessary for it to make appropriate decisions when necessary;
54
55 3 Hire and supervise the necessary personnel to support operations as the budgets
56 allocated in this Act, by the PAMB and/or the DENR may allow;
57

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;

- 1 2. Conducts mineral explorations or extraction within the Protected Landscape as
2 defined herein;
- 3
- 4 3. Conducts quarry operation for aggregates, sand and other quarry materials
5 without a permit from the PAMB or without other permits required under
6 existing laws,
- 7
- 8 4. Engages in fishing with the use of explosives, noxious substances, electricity or
9 drift nets with mesh below three (3) centimeters between the knots when
10 stretched;
- 11
- 12 5. Cut, remove, gather, take timber or forest products from the forest lands
13 without authorization.
- 14
- 15 6. Pollutes the bodies, air and land areas in any way of the protected areas;
- 16
- 17 7. Establishment of infrastructure and other manmade projects without
18 authorization and clearances from the PAMB and other government agencies
19 involved in the granting of clearances.
- 20
- 21 8. Valuation of the damage shall take into account biodiversity and conservation
22 considerations as well as aesthetic and scenic value.
- 23
- 24
- 25 B. A fine of not less than P5,000.00 but not more than P250,000.00 and/ or imprisonment of not
26 less than one (1) year or more than five (5) years and the restoration and rehabilitation of the
27 damage shall be imposed upon any person who:
- 28
- 29 1. Alters topography through digging, blasting, earth-filling activities or stone- walling
30 without a permit from all proper authorities as required under existing laws, rules and
31 regulations and from the PAMB.
- 32
- 33 2. Damages roads, trails or leaves them in a damaged condition or mutilates, defaces,
34 destroy or vandalizes any object of natural or scenic value within the Protected
35 Landscape;
- 36
- 37 3. Constructs or maintains any kind of structure without a permit from PAMB or
38 without other requisite permits under existing laws such as but not limited to
39 municipal permits, public works requirements and Environmental Compliance
40 Certificate (ECC);
- 41
- 42 4. Alters, removes, destroys or defaces boundary works, buoys or sign in the Protected
43 Landscape put up by the PAMB.
- 44
- 45 C. A fine of less than P5,000.00 or not more than P1,000.00 and/ or imprisonment from one (1)
46 year to three (3) years shall be imposed upon any person who:
- 47
- 48 1. Occupies lands classified as Strict Protected Zone as herein defined without a
49 legal instrument for such occupation;
- 50
- 51 2. Violates any rules and regulations in the management plan of the PAMB or
52 agreements reached before the PAMB in its exercise of adjudicative functions;
- 53
- 54 3. Dumps any waste materials on land or any bodies of water e.g. river, other than
55 in areas identified as dumping sites by the concerned local governments , or
56 leaves exposed or in unsanitary condition on land or any bodies of water e.g.
57 river, human waste or refuse
- 58

- 1 4 Kills or injures any protected species or fails to release it when accidentally
2 caught or found beached;
- 3
- 4 5. Knowingly brings/introduces into the p Protected Landscape any exotic species
5 or substances which may pose a hazard to public health, protected species
6 habitat or population or scenery,
- 7
- 8 6. Brings out of the Protected Landscape live species without certification of toxic
9 and hazardous substances testing;
- 10
- 11 7. Possesses instrument/ equipment without clearance from PAMB, shall specify
12 for the legal uses for which it can be applied.
- 13

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

- 16
- 17 1. Any person who shall induce another or conspire to commit any of the above
18 acts or suffer their workers to commit any of the above acts shall be liable in the
19 manner as the one actually performing the act,
- 20
- 21 2. Any public officer, or officer of law, who, in dereliction of the duties of his
22 office, shall maliciously from instituting persecution for the punishment of
23 violators of the law, or shall tolerate commission of the offense shall also carry
24 the penalty of perpetual disqualification from public office.
- 25

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

31

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

36

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

41

42 The integrated Protected Area Fund set up under Republic Act 7586 shall include taxes
43 from the permitted sales of wild flora and fauna, donations, endowments, contributions and grants
44 from the pursuit of the purposes of the protected area and the policy declaration *herem but subject*
45 to onerous condition as may be imposed by the donor or grantor, proceeds from the leases by
46 tenured migrants and such revenues as the PAMB may legally impose and collect.

47

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

52

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

1 Existing facilities allowed to remain within the protected area may be charged a reasonable
2 royalty by the DENR. All incomes from such royalty shall accrue to the Integrated Protected Area
3 Fund (IPAF).
4

5 **SECTION 14. *Utilization of energy and Non-Renewable Resources.*** Any
6 exploitation and utilization of energy resources found within NIPAS areas should be allowed only
7 through a law passed by Congress. Further, protected areas except Strict Nature Reserve and Natural
8 Parks may be subjective to exploration only for the purpose of gathering information on energy
9 resources and if such activity is carried out with the least damage to surrounding areas. The energy
10 survey shall be conducted only in accordance with a program by the DENR. In no case shall an
11 exemption from the Environment Impact Assessment (EIA) system made for energy and non-
12 renewable resources exploitation projects within the protected area.
13

14 **SECTION 15. *Appropriation.*** For the purpose of these act, there is hereby appropriated
15 the amount of P2,125,388.00 for the initial implementation of this Act. Thereafter, the amount
16 necessary to effectively carry out the provisions of this Act shall be included in the General
17 Appropriations Act of the year following the enactment into law and thereafter.
18

19 **SECTION 16. *Construction.*** The provisions of this Act shall be construed liberally in
20 favor of the Occupants of the Protected Landscape. The NIPAS Act shall have suppletory effect in
21 the implementation of this Act.
22

23 **SECTION 17. *Repealing Cause.*** For the purpose of the scope of this Act, the
24 provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All
25 other law, rules and regulations inconsistent with this Act are hereby repealed or modified
26 accordingly. Within the scope of the Protected Landscape as herein specified, the penalties under the
27 NIPAS Act hereby superseded.
28

29 **SECTION 18. *Separability Clause.*** If any part or section of this Act is declared by the
30 courts as unconstitutional, such declaration shall not affect the other parts or section hereof.
31

32 **SECTION 19. *Effectively Clause.*** This Act shall be translated in English and Filipino.
33 The English version shall be published once a week for three (3) consecutive weeks in a newspaper
34 of general circulation and in Filipino in a newspaper readily available in the area in and around the
35 scope specified hereunder. It shall likewise be posted in the appropriate language in a conspicuous
36 place in the provincial, municipal and barangay halls within the area as well as three (3) other places
37 frequented by the public. Fifteen (15) days after the last publication, this Act shall have full force and
38 effect.
39

40
41 Approved,
42