



Senate
Office of the Secretary

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)

'19 MAY 21 P5:35

SENATE

RECEIVED

COMMITTEE REPORT NO. 670

Submitted jointly by the Committees on Environment and Natural Resources;
Tourism; and Finance on MAY 21 2019.

Re : Senate Bill No. 2228

Recommending its approval in substitution of Senate Bill No. 1820, taking into
consideration House Bill No. 8441.

Sponsor : Senator Villar

MR. PRESIDENT:

The Committees on Environment and Natural Resources; Tourism; and
Finance, to which were referred **Senate Bill No. 1820**, introduced by Senator
Villar, entitled:

"AN ACT

**DECLARING THE BALANGA WETLAND AND NATURE PARK, IN
BARANGAY TORTUGAS, CITY OF BALANGA AS A
RESPONSIBLE, COMMUNITY-BASED ECOTOURISM ZONE, AND
APPROPRIATING FUNDS THEREFOR"**

taking into consideration House Bill No. 8441, introduced by Representatives Garcia
(J.E.) and Nograles (K.A.), entitled:

"AN ACT

**DECLARING THE BALANGA WETLAND AND NATURE PARK
LOCATED IN BARANGAY TORTUGAS, CITY OF BALANGA,
PROVINCE OF BATAAN AS A RESPONSIBLE, COMMUNITY-
BASED ECOTOURISM ZONE AND APPROPRIATING FUNDS
THEREFOR"**

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, Senate Bill No. 2228, prepared jointly by the Committees, entitled:

"AN ACT

**DECLARING THE BALANGA WETLAND AND NATURE PARK
LOCATED IN BARANGAY TORTUGAS, CITY OF BALANGA,
PROVINCE OF BATAAN AS A RESPONSIBLE, COMMUNITY-
BASED ECOTOURISM ZONE AND APPROPRIATING FUNDS
THEREFOR"**

be approved in substitution of Senate Bill No. 1820, taking into consideration House Bill No. 8441, with Senators Villar, Binay and Legarda as authors.

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Respectfully submitted:

Chairpersons:



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Committee on Finance
Vice-Chairperson, Committee on Environment
and Natural Resources



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Committee on Tourism
Member, Committee on Environment and Natural
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Member, Committee on Finance



SEN. CYNTHIA A. VILLAR

Committee on Environment and Natural Resources
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Member, Committee on Tourism

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SEN. JOSEPH VICTOR G. EJERCITO

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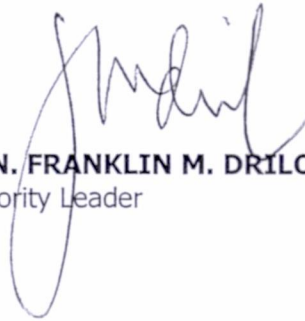
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President Pro-Tempore



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Senate President



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SEVENTEENTH CONGRESS OF THE)
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SENATE BILL NO. 2228

(in substitution of Senate Bill No. 1820, taking into consideration HBN 8441)

Prepared jointly by the Committees on Environment and Natural Resources;
Tourism; and Finance with Senators Villar, Binay and Legarda as authors

AN ACT

**DECLARING THE BALANGA WETLAND AND NATURE PARK LOCATED IN
BARANGAY TORTUGAS, CITY OF BALANGA, PROVINCE OF BATAAN
AS A RESPONSIBLE, COMMUNITY-BASED ECOTOURISM ZONE AND
APPROPRIATING FUNDS THEREFOR**

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

1 **SECTION 1. Short Title.** – This Act shall be known as the “Balanga Wetland
2 and Nature Park Responsible Ecotourism Act”.

3 **SEC. 2. Declaration of Policy.** - The State is mandated to promote a tourism
4 industry that is ecologically sustainable, responsible, participative,
5 culturally sensitive, economically viable, and equitable for the local community.
6 Towards this end, the Balanga Wetland and Nature Park (BWNP) is hereby
7 declared a special ecotourism zone. It shall be accorded priority development
8 by the Department of Environment and Natural Resources (DENR), Department
9 of Tourism (DOT), Department of Public Works and Highways (DPWH), and the
10 Tourism Infrastructure and Enterprise Zone Authority (TIEZA) and shall be
11 subject to the rules and regulations governing the development of

1 ecotourism zones provided in the national ecotourism strategy jointly issued by the
2 Department of Environment and Natural Resources (DENR) and the DOT.

3 **SEC. 3. Objectives.** - Pursuant to the above declaration of policy, the State
4 shall endeavor to accomplish the following:

5 (a) Develop and promote responsible, community-based ecological tourism
6 as the core management strategy in the development of the BWNP;

7 (b) Ensure the conservation of the biodiversity and the preservation of the
8 said ecotourism park;

9 (c) Develop ecotourism products and programs that will generate
10 employment and livelihood for the local residents concerned, consistent with the
11 preservation and maintenance of natural resources;

12 (d) Guarantee that the financial and economic benefits of the tourism
13 industry are equitably shared by, and distributed among the local residents
14 concerned by giving preference and support to community and home-based tourism
15 enterprises, such as, but not limited to, micro and small businesses including local
16 inns, lodges and homestays, restaurants, food and fruit stands, and other similar
17 tourism oriented industries and businesses;

18 (e) Ensure that the quality of local ecotourism programs and activities are
19 educational and enriching for tourists and visitors through the provision of
20 orientation, educational and tour programs by local tour operators, non-government
21 organizations (NGOs), the local government of the City of Balanga, the DENR, and the
22 DOT; and

1 (f) Guarantee that in the development and promotion of the local tourism
2 industry, the local government of the City of Balanga shall ensure that the needs of
3 local residents for adequate water supply, food, energy and local construction
4 materials are first secured and met.

5 **SEC. 4. *Definition of Terms.*** —As used in this Act:

6 (a) *Buffer Zone* refers to identified area outside the boundaries of and
7 immediately adjacent to the BWNP that needs special development control in order to
8 avoid or minimize harm to the BWNP;

9 (b) *Community-Based Ecotourism* refers to a form of tourism where the local
10 community and its residents have substantial control and involvement in the
11 development and management of the local tourism industry and a greater portion
12 of the economic gains remain within the community;

13 (c) *Ecotourism* refers to a form of sustainable tourism within a natural area
14 where community participation, protection and management of natural
15 resources, cultural and indigenous knowledge and practices, environmental
16 education and ethics, as well as economic benefits are fostered and pursued for
17 the enrichment of host communities and the satisfaction of visitors;

18 (d) *Homestay* refers to a system of tourist accommodation where a tourist
19 stays with local residents and experiences the day-to-day life within the local
20 community;

21 (e) *Responsible Ecotourism* refers to a form of sustainable tourism in which
22 both the tourism sector and the tourists take responsibility in the protection,
23 respect, and conservation of the natural environment and the local culture and ways

of life, and where community participation as well as economic benefits are fostered and pursued for the well-being of the local people and visitors.

SEC. 5. *Balanga Wetland and Nature Park Ecotourism Zone.* — The Balanga Wetland and Nature Park (BWNP) located in Barangay Tortugas, City of Balanga, Province of Bataan is hereby declared as a responsible, community-based ecotourism zone. It shall be accorded priority development by the DOT, DENR, DPWH, and TIEZA and shall be subject to the rules and regulations governing the development of ecotourism zones provided in the national ecotourism strategy jointly issued by the DENR and DOT.

SEC. 6. *Scope and Coverage.* — The BWNP, which shall cover an area of One hundred fifty-three thousand five hundred seventy-eight (153,578) square meters of mangrove forest and one hundred eighty-seven thousand five hundred (187,500) square meters of foreshore land, is hereby declared an ecotourism zone. Its boundaries shall be as follows:

A. Mangrove Forest

Beginning at a point marked 1, being N 35°55' E, 335.73 meters from MBM 1, Balanga Cadastre, Bataan.

thence	N 56°5'0" W	25.64	meters to corner 2;
thence	N 43°19'0" E	30.05	meters to corner 3;
thence	N 31°29'0" E	40.25	meters to corner 4;
thence	N 44°10'0" W	399.86	meters to corner 5;
thence	S 57°37'0" W	190.74	meters to corner 6;
thence	N 64°12'0" W	5.16	meters to corner 7;

1	thence	N 5°45'0" W	35.99	meters to corner 8;
2	thence	N 69°0'0" E	17.38	meters to corner 9;
3	thence	N 13°38'0" E	15.10	meters to corner 10;
4	thence	N 63°45'0" W	30.47	meters to corner 11;
5	thence	N 17°14'0" E	10.23	meters to corner 12;
6	thence	N 40°29'0" W	39.61	meters to corner 13;
7	thence	N 25°46'0" E	28.71	meters to corner 14;
8	thence	S 74°22'0" E	37.57	meters to corner 15;
9	thence	N 29°15'0" E	17.33	meters to corner 16;
10	thence	N 57°34'0" W	39.85	meters to corner 17;
11	thence	N 12°42'0" E	62.68	meters to corner 18;
12	thence	N 5°5'0" E	36.88	meters to corner 19;
13	thence	N 37°55'0" W	18.14	meters to corner 20;
14	thence	N 13°35'0" E	49.81	meters to corner 21;
15	thence	N 23°41'0" E	122.08	meters to corner 22;
16	thence	N 40°26'0" E	141.26	meters to corner 23;
17	thence	S 72°36'0" E	29.09	meters to corner 24;
18	thence	S 17°56'0" E	14.59	meters to corner 25;
19	thence	S 12°20'0" E	24.52	meters to corner 26;
20	thence	S 44°59'0" E	34.11	meters to corner 27;
21	thence	S 13°40'0" E	41.09	meters to corner 28;
22	thence	S 4°8'0" W	26.47	meters to corner 29;
23	thence	S 14°22'0" W	31.53	meters to corner 30;

1	thence	S 32°51'0" W	24.32	meters to corner 31;
2	thence	S 8°20'0" W	33.87	meters to corner 32;
3	thence	S 17°3'0" E	69.51	meters to corner 33;
4	thence	S 28°36'0" E	139.68	meters to corner 34;
5	thence	S 37°16'0" E	42.45	meters to corner 35;
6	thence	S 46°20'0" E	36.79	meters to corner 36;
7	thence	S 67°42'0" E	22.58	meters to corner 37;
8	thence	N 88°35'0" E	12.59	meters to corner 38;
9	thence	S 62°9'0" E	54.78	meters to corner 39;
10	thence	S 89°29'0" E	6.71	meters to corner 40;
11	thence	N 45°32'0" E	5.34	meters to corner 41;
12	thence	N 82°23'0" E	8.90	meters to corner 42;
13	thence	S 68°57'0" E	10.75	meters to corner 43;
14	thence	S 54°29'0" E	15.36	meters to corner 44;
15	thence	S 34°53'0" E	19.55	meters to corner 45;
16	thence	S 13°19'0" W	9.46	meters to corner 46;
17	thence	S 33°47'0" E	44.67	meters to corner 47;
18	thence	S 59°14'0" E	17.48	meters to corner 48;
19	thence	N 83°51'0" E	25.33	meters to corner 49;
20	thence	S 39°17'0" E	152.54	meters to corner 50;
21	thence	S 63°16'0" W	225.50	meters to corner 1.

22 to the point of beginning containing an area of one hundred fifty-three thousand five
23 hundred seventy-eight (153,578) square meters, more or less.

1 B. Foreshore Land

2 Beginning at a point marked "1" on the map, being N46°59'E, 565.88 meters
3 from MBM #1, Balanga Cadastre, Bataan.

4	thence	N 12°20'0" W	19.64	meters to corner 2;
5	thence	N 34°53'0" W	31.95	meters to corner 3;
6	thence	N 67°41'0" W	14.62	meters to corner 4;
7	thence	N 39°17'0" W	163.37	meters to corner 5;
8	thence	N 28°36'0" W	136.14	meters to corner 6;
9	thence	S 81°23'0" W	21.17	meters to corner 7;
10	thence	N 55°31'0" E	181.64	meters to corner 8;
11	thence	S 88°36'0" W	13.61	meters to corner 9;
12	thence	N 32°50'0" E	23.23	meters to corner 10;
13	thence	N 13°19'0" E	9.69	meters to corner 11;
14	thence	N 62°9'0" W	50.35	meters to corner 12;
15	thence	N 33°47'0" W	31.44	meters to corner 13;
16	thence	N 72°36'0" W	39.42	meters to corner 14;
17	thence	N 68°56'0" W	18.40	meters to corner 15;
18	thence	N 46°20'0" W	31.44	meters to corner 16;
19	thence	N 17°56'0" W	25.90	meters to corner 17;
20	thence	N 13°40'0" W	49.83	meters to corner 18;
21	thence	N 54°30'0" W	21.35	meters to corner 19;
22	thence	N 37°16'0" W	39.34	meters to corner 20;
23	thence	N 14°22'0" E	36.57	meters to corner 21;

1	thence	N 17°3'0" W	62.98	meters to corner 22;
2	thence	S 83°51'0" W	29.49	meters to corner 23;
3	thence	S 63°16'0" W	152.57	meters to corner 24;
4	thence	N 59°14'0" W	6.29	meters to corner 25;
5	thence	N 44°59'0" W	33.85	meters to corner 26;
6	thence	S 32°39'0" E	877.51	meters to corner 27;
7	thence	N 8°20'0" E	25.02	meters to corner 28;
8	thence	N 4°8'0" E	31.40	meters to corner 1.

9 to the point of beginning containing an area of one hundred eighty-seven thousand
10 five hundred (187,500) square meters, more or less.

11 The metes and bounds of the BWNP shall be indicated on maps and/or nautical
12 charts. Any modification of the coverage of this Act due to such factors as changing
13 ecological situation, new scientific or archeological findings, or discovery of traditional
14 boundaries not previously taken into account shall be made through an act of
15 Congress, after consultation with the concerned government agencies.

16 **SEC. 7. *Establishment of a Buffer Zone.*** — There shall also be established buffer
17 zones surrounding the BWNP for the purpose of providing extra protection around the
18 area, where restrictions shall apply and communities can assist in repealing threats to
19 the BWNP. Such buffer zones shall be managed according to the ecotourism
20 development and management plan formulated pursuant to this Act.

21 Such buffer zone shall be included in the ecotourism development and
22 management plan of the BWNP: *Provided,* That no build up or reclamation detrimental

1 to the biodiversity in the BWNP shall be done within the designated buffer zone. The
2 Council shall exercise its authority over the designated buffer zone.

3 **SEC. 8. *Balanga Wetland and Nature Park Ecotourism Development***
4 ***and Management Plan.*** – The DENR and the DOT, in coordination with
5 the DPWH and TIEZA, shall jointly assist the Balanga Wetland and Nature
6 Park Development Council, herein created, in the formulation of the
7 ecotourism development and management plan for the BWNP that shall be
8 complemented by a set of guidelines for a responsible, community-based
9 ecotourism. The ecotourism development and management plan shall ensure
10 the preservation of the eco-park and shall include the following components:

- 11 (a) Carrying capacity of the eco-park and its migratory birds;
- 12 (b) Specific site assessment;
- 13 (c) Identification of strategic priorities;
- 14 (d) Product development for local income generation;
- 15 (e) Capacity-building for the local community to allow residents therein
16 to ably manage economically viable and responsible, community-based ecotourism
17 business enterprises;
- 18 (f) Support for the formulation of local production groups and networks,
19 including the marketing and pricing of products;
- 20 (g) Marketing strategies that reflect the natural, social and environmental
21 integrity of the BWNP;
- 22 (h) Regular water quality monitoring of the Talisay River;
- 23 (i) Management and maintenance of the mangrove areas;

(j) Solid and liquid wastes management; and

(k) Solutions addressing the problem of the declining population of the waterbirds as reflected in the annual waterbird census.

The process of developing the ecotourism development and management plan for the BWNP shall be participatory, from the bottom up, with the framework to be provided by the DOT and DENR, in consultation with the Balanga Wetland and Nature Park Development Council herein created.

In order to protect the mangrove forest in BWNP, the foreshore areas shall not be leased to any private entity.

SEC. 9. *Formation of the Balanga Wetland and Nature Park Development Council.* - A multi-sectoral council to be known as the "Balanga Wetland and Nature Park Development Council", hereinafter referred to as the Council, shall be created. It shall be composed of the following members:

(a) The Mayor of the City of Balanga as Chairperson;

(b) The head of the City Tourism Office of Balanga City as Vice-chairperson;

(c) The head of the City Environmental and Natural Resources Office of Balanga City;

(d) The Provincial Government Environment and Natural Resources Officer of Bataan;

(e) The Barangay Chairman of Barangay Tortugas;

(f) The Director of the Biodiversity Management Bureau (BMB);

(g) The Chief Operating Officer of the Tourism Infrastructure and Enterprise Zone Authority (TIEZA);

1 (h) The Regional Director of DOT-Region 3;

2 (i) The Regional Director of DENR-Region 3;

3 (j) The Regional Director of DPWH-Region 3;

4 (k) The DENR-Provincial Environment and Natural Resources Officer
5 (PENRO) of Bataan;

6 (l) The Chairman of the City Fisheries and Aquatic Resources Management
7 Council of Balanga City;

8 (m) One representative from an academic institution, preferably from a
9 university or college in the Province of Bataan, with proven track record in or related
10 to wetlands and/or waterbird management;

11 (n) One representative from the private sector, preferably a resident of the
12 Province of Bataan, who is distinguished in a profession or field of interest relevant to
13 wetlands and/or waterbird management; and

14 (o) One representative from either a non-government organization (NGO) or
15 People's Organization (PO), duly accredited both by the DENR and the provincial
16 government of Bataan. The NGO or PO represented should have been in existence for
17 at least five (5) years with track record in or related to wetlands and/or waterbird
18 management.

19 The *ex-officio* members of the Council by virtue of their elective or appointive
20 government positions as specified in the immediately preceding subparagraphs (a),
21 (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) shall serve for the duration of their
22 respective terms of office in their respective elective or appointive government
23 positions.

1 The members of the Council specified under subparagraphs (m), (n), and (o) of
2 this section shall be elected by the *ex-officio* members of the Council in a transparent
3 and fair selection process. They shall each serve a term of three (3) years and may
4 be reappointed for another term.

5 The members of the Council shall serve without compensation, except for the
6 actual and necessary travelling and subsistence expenses incurred in the performance
7 of their duties, either in their attendance in meetings of the Council or in connection
8 with other official business authorized through a resolution of the Council, subject to
9 existing rules and regulations. Each member shall have the full capacity and
10 accountability for decisions binding to the member's sector.

11 The members of the Council duly elected or appointed prior to the effectivity of
12 this Act shall continue their term until the expiration of their term or appointment.
13 Thereafter, members of the Council shall be appointed in accordance with the
14 provisions of this Act: *Provided*, That at least forty percent (40%) of the members of
15 the Council shall be women pursuant to Republic Act No. 9710 or the "Magna Carta
16 of Women".

17 A member of the Council may be removed for any of the following grounds:

18 (1) More than three (3) consecutive unexcused absences from regular
19 meetings of the Council;

20 (2) Commission of acts prejudicial to the development and management of
21 BWNP as embodied in existing rules and regulations governing BWNP;

22 (3) Disassociation from the office or organization being represented;

1 (4) Termination of relationship with the office or organization being
2 represented; or

3 (5) Conviction by final judgment of any criminal act.

4 The local government of the City of Balanga shall provide a secretariat for the
5 Council including the funding necessary to cover the expenses for the performance of
6 its official functions and activities.

7 **SEC. 10. *Functions and Responsibilities of the Council.*** – The Council shall be
8 responsible for the following:

9 (a) Formulation and the implementation of the ecotourism development and
10 management plan in consultation with the local residents, businesses, and other
11 stakeholders;

12 (b) Assessment and evaluation of the potential impact of the development
13 to the environmental safety and well-being of the site, communities, and
14 enterprises;

15 (c) Provision of technical and financial assistance to the communities
16 within the site;

17 (d) Implementation of a monitoring plan for the waterbirds and their habitats
18 to ensure their presence and well-being in BWNP;

19 (e) Formulation of the rules and regulations in relation to the maintenance
20 and security of the ecotourism site; and

21 (f) Performance of other functions as may be necessary to carry out the
22 objectives of this Act.

1 **SEC. 11.** *Formulation of Guidelines and Standards.* – The DENR and DOT
2 shall assist the Council in the formulation of local ecotourism standards ensuring that
3 environmental protection is integrated in the development and management of the
4 ecotourism plans.

5 The guidelines and standards shall:

6 (a) Raise the capacity of all stakeholders and ensure that best practices are
7 followed;

8 (b) Ensure optimal use of water and energy;

9 (c) Reduce waste and pollution through the encouragement of recycling and
10 other environmentally-sound waste management reduction and disposal schemes;

11 (d) Prevent vandalism in the facilities of the eco-park; and

12 (e) Encourage the use of local produce and services, and support the
13 employment of local people.

14 **SEC. 12.** *Coordination with National Agencies.* - The DENR and the DOT
15 shall closely coordinate with the Council, as well as the relevant regional offices of
16 the Department of Labor and Employment (DOLE), Department of Public
17 Works and Highways (DPWH), Department of Transportation (DOTr),
18 Department of Agriculture (DA), Department of Education (DepEd),
19 Department of Trade and Industry (DTI), Department of the Interior and
20 Local Government (DILG), Philippine National Police (PNP), Maritime
21 Industry Authority (MARINA) and other line agencies of the government in the
22 implementation of this Act.

1 **SEC. 13. *Implementing Rules and Regulations.*** — Within thirty (30) days
2 from the effectivity of this Act, the DENR and the DOT, in consultation
3 with the Council, other concerned government agencies, and stakeholders,
4 shall promulgate the necessary rules and regulations for the proper and
5 effective implementation of this Act.

6 **SEC. 14. *Appropriations.*** — The Secretaries of the DENR, DOT, and DPWH
7 and the Chief Operating Officer of TIEZA shall include in their subsidy
8 programs, support for the capital outlay requirements of the BWNP for
9 the preliminary implementation of this Act and enhancement of the facilities
10 of the ecotourism zone which shall be taken from the budget of their
11 respective agencies for the current fiscal year.

12 The budgetary allocations for the succeeding years shall be included in
13 the General Appropriations Act, subject to government audit.

14 **SEC. 15. *Separability Clause.*** — If, for any reason, any provision of
15 this Act is declared unconstitutional or invalid, other provisions hereof
16 which are not affected thereby shall continue to be in full force and effect.

17 **SEC. 16. *Repealing Clause.*** - All laws, decrees, executive orders,
18 proclamation and administrative regulations, or parts thereof inconsistent
19 herewith are hereby repealed or modified accordingly.

20 **SEC. 17. *Effectivity Clause.*** — This Act shall take effect fifteen (15) days after
21 its publication in at least two (2) national newspapers of general circulation or in the
22 *Official Gazette*.

Approved,