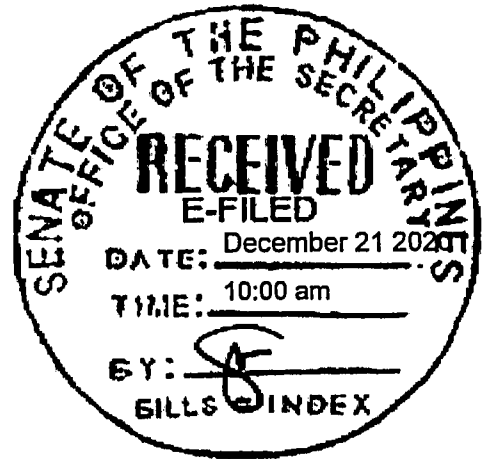


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

Senate Bill No. 1961

Introduced by Senator Juan Miguel F. Zubiri

AN ACT

TO RECLASSIFY THE MANGABUL RESERVATION IN THE MUNICIPALITY OF BAYAMBANG, PROVINCE OF PANGASINAN, INTO ALIENABLE AND DISPOSABLE OF THE PUBLIC DOMAIN FOR THE PURPOSE OF REDISTRIBUTING THE SAME TO THE BONAFIDE AND LONG-TERM FARMERS/OCCUPANTS THEREOF, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Located in San Gabriel 2nd, Bayambang, Pangasinan, the 2,059 hectares-area of the Mangabul Reservation was declared by the Bureau of Lands as insular public domain in 1933 by virtue of Act No. 4041. This reservation used to be partly forested and partly a lake. This same Act awarded the usufructuary rights to the town over the fishery area that was referred to as the Mangabul Fishery Reservation.

Over time, the forested fractions of the reservation were converted into agricultural production and the accumulation of silt over the years and the lahar that flowed from the eruption of Mt. Pinatubo has lessened the fishery area into a few shallow creeks during the dry season. Presently, the entire reservation has become farmlands and residential area comprising of eight (8) barangays.

Controversies arose between the farmers and occupants, and the municipality and the lessees of the fishery reservation. These disputes resulted in many civil and criminal cases, but the courts always recognized the right of the farmers to the possession of the lands.

In 1993, the Department of Environment and Natural Resources (DENR) declared the municipality's usufructuary rights terminated under Article 605 of the Civil Code which disallows usufructuary rights to last in excess of 50 years. When the court

decided in favor of the DENR's claim, the municipality of Bayambang appealed the decision and the case remained pending since.

In order to settle the legal issues and agrarian unrest surrounding this matter, this proposed measure aims to: reclassify the Mangabul Reservation into alienable and disposable land of the public domain, distribute the land ownership to bonafide and long-term farmers and occupants, and grant the usufruct over the remaining creeks in the area to the Municipality of Bayambang, which shall be managed and developed by the farmer-occupants themselves upon payment of reasonable compensation to the municipality.

In view of the foregoing, the early passage of this bill is earnestly requested.



JUAN MIGUEL F. ZUBIRI

1	Thence S. 12 deg. 57' W.,	50.81 m. to point 9;
2	Thence DUE SOUTH,	104.23 m. to point 10;
3	Thence S. 07 deg. 01' W.,	216.93 m. to point 11;
4	Thence S. 68 deg. 20' E.,	694.96 m. to point 12;
5	Thence S. 57 deg. 37' W.,	3,732.73 m. to point 13;
6	Thence N. 54 deg. 16' W.,	842.69 m. to point 14;
7	Thence N. 22 deg. 03' W.,	69.30 m. to point 15;
8	Thence N. 11 deg. 48' W.,	232.63 m. to point 16;
9	Thence N. 21 deg. 09' W.,	32.49 m. to point 17;
10	Thence N. 10 deg. 46' W.,	63.77 m. to point 18;
11	Thence N. 66 deg. 23' W.,	384.43 m. to point 19;
12	Thence N. 08 deg. 55' W.,	110.19 m. to point 20;
13	Thence N. 09 deg. 00' W.,	285.53 m. to point 21;
14	Thence N. 13 deg. 02' E.,	438.96 m. to point 22;
15	Thence S. 85 deg. 17' W.,	450.45 m. to point 23;
16	Thence S. 69 deg. 52' W.,	281.23 m. to point 24;
17	Thence S. 87 deg. 42' W.,	44.92 m. to point 25;
18	Thence N. 01 deg. 52' W.,	286.22 m. to point 26;
19	Thence N. 07 deg. 45' W.,	241.39 m. to point 27;
20	Thence N. 12 deg. 42' W.,	190.57 m. to point 28;
21	Thence N. 03 deg. 07' E.,	24.18 m. to point 29;
22	Thence N. 03 deg. 07' E.,	315.16 m. to point 30;
23	Thence N. 65 deg. 59' W.,	213.00 m. to point 31;
24	Thence N. 15 deg. 41' W.,	140.26 m. to point 32;
25	Thence N. 12 deg. 25' E.,	42.75 m. to point 33;
26	Thence N. 31 deg. 19' E.,	98.52 m. to point 34;
27	Thence N. 02 deg. 06' E.,	276.90 m. to point 35;
28	Thence N. 60 deg. 28' E.,	37.50 m. to point 36;
29	Thence N. 55 deg. 12' E.,	36.33 m. to point 37;
30	Thence N. 73 deg. 36' E.,	101.40 m. to point 38;
31	Thence N. 31 deg. 08' E.,	74.03 m. to point 39;
32	Thence N. 25 deg. 09' E.,	71.45 m. to point 40;
33	Thence N. 45 deg. 16' E.,	108.48 m. to point 41;
34	Thence N. 10 deg. 51' W.,	199.83 m. to point 42;
35	Thence N. 10 deg. 02' W.,	144.13 m. to point 43;
36	Thence N. 10 deg. 03' W.,	65.73 m. to point 44;
37	Thence N. 10 deg. 00' W.,	43.05 m. to point 45;
38	Thence N. 09 deg. 27' E.,	81.80 m. to point 46;
39	Thence N. 82 deg. 39' E.,	91.72 m. to point 47;
40	Thence N. 24 deg. 34' W.,	15.90 m. to point 48;
41	Thence N. 68 deg. 35' E.,	63.07 m. to point 49;
42	Thence N. 83 deg. 05' E.,	55.43 m. to point 50;
43	Thence N. 83 deg. 05' E.,	3.78 m. to point 51;
44	Thence N. 04 deg. 21' W.,	8.75 m. to point 52;
45	Thence N. 04 deg. 21' W.,	330.67 m. to point 53;
46	Thence S. 85 deg. 11' W.,	4.17 m. to point 54;
47	Thence N. 78 deg. 41' E.,	26.23 m. to point 55;
48	Thence N. 75 deg. 12' W.,	25.52 m. to point 56;
49	Thence N. 00 deg. 20' E.,	96.99 m. to point 57;
50	Thence N. 50 deg. 46' E.,	238.41 m. to point 58;
51	Thence N. 73 deg. 57' E.,	138.29 m. to point 59;
52	Thence S. 61 deg. 03' E.,	29.00 m. to point 60;
53	Thence S. 48 deg. 02' E.,	114.67 m. to point 61;
54	Thence S. 50 deg. 52' E.,	66.93 m. to point 62;
55	Thence S. 57 deg. 45' E.,	47.63 m. to point 63;
56	Thence S. 76 deg. 59' E.,	87.46 m. to point 64;

1	Thence N. 72 deg. 15' E.,	48.93 m. to point 65;
2	Thence N. 51 deg. 08' E.,	116.80 m. to point 66;
3	Thence N. 19 deg. 09' E.,	24.39 m. to point 67;
4	Thence N. 38 deg. 53' E.,	62.16 m. to point 68;
5	Thence N. 06 deg. 41' W.,	200.74 m. to point 69;
6	Thence N. 16 deg. 05' E.,	11.62 m. to point 70;
7	Thence N. 22 deg. 06' E.,	97.09 m. to point 71;
8	Thence N. 33 deg. 36' W.,	105.55 m. to point 72;
9	Thence N. 54 deg. 56' E.,	32.90 m. to point 73;
10	Thence N. 56 deg. 35' E.,	23.37 m. to point 74;
11	Thence N. 59 deg. 49' E.,	98.90 m. to point 75;
12	Thence N. 37 deg. 19' W.,	47.29 m. to point 76;
13	Thence N. 43 deg. 02' W.,	84.55 m. to point 77;
14	Thence N. 70 deg. 24' E.,	12.28 m. to point 78;
15	Thence N. 24 deg. 42' W.,	201.61 m. to point 79;
16	Thence N. 55 deg. 42' E.,	88.76 m. to point 80;
17	Thence N. 31 deg. 26' W.,	102.82 m. to point 81;
18	Thence N. 66 deg. 08' W.,	87.76 m. to point 82;
19	Thence N. 68 deg. 38' W.,	48.44 m. to point 83;
20	Thence S. 50 deg. 44' W.,	24.74 m. to point 84;
21	Thence N. 61 deg. 31' W.,	27.91 m. to point 85;
22	Thence S. 86 deg. 53' W.,	11.06 m. to point 86;
23	Thence N. 66 deg. 27' W.,	58.18 m. to point 87;
24	Thence N. 46 deg. 08' W.,	40.78 m. to point 88;
25	Thence N. 61 deg. 33' W.,	60.44 m. to point 89;
26	Thence N. 51 deg. 10' W.,	37.91 m. to point 90;
27	Thence N. 73 deg. 58' W.,	2.64 m. to point 91;
28	Thence N. 53 deg. 41' W.,	102.37 m. to point 92;
29	Thence N. 53 deg. 28' W.,	21.74 m. to point 93;
30	Thence N. 53 deg. 28' W.,	19.99 m. to point 94;
31	Thence N. 53 deg. 24' W.,	608.16 m. to point 95;
32	Thence N. 42 deg. 33' W.,	17.38 m. to point 96;
33	Thence N. 50 deg. 04' W.,	205.37 m. to point 97;
34	Thence N. 43 deg. 11' W.,	44.53 m. to point 98;
35	Thence N. 20 deg. 48' W.,	65.53 m. to point 99;
36	Thence S. 88 deg. 09' E.,	130.52 m. to point 100;
37	Thence S. 85 deg. 19' E.,	379.27 m. to point 101;
38	Thence S. 06 deg. 55' E.,	33.24 m. to point 102;
39	Thence N. 88 deg. 46' E.,	139.03 m. to point 103;
40	Thence N. 86 deg. 27' E.,	210.40 m. to point 104;
41	Thence N. 73 deg. 37' E.,	283.52 m. to point 105;
42	Thence N. 76 deg. 11' E.,	242.50 m. to point 106;
43	Thence N. 07 deg. 38' E.,	11.14 m. to point 107;
44	Thence N. 18 deg. 38' E.,	435.33 m. to point 108;
45	Thence N. 09 deg. 09' E.,	178.43m. to point 109;
46	Thence S. 79 deg. 35' E.,	270.66 m. to point 110;
47	Thence S. 73 deg. 22' E.,	282.50 m. to point 111;
48	Thence S. 80 deg. 11' E.,	897.23 m. to point 112;
49	Thence N. 86 deg. 27' E.,	210.40 m. to point 113;
50	Thence S. 08 deg. 55' W.,	596.35 m. to point 114;
51	Thence S. 09 deg. 43' W.,	50.38 m. to point 115;
52	Thence S. 09 deg. 24' W.,	26.00 m. to point 116;
53	Thence S. 11 deg. 41' W.,	24.08 m. to point 117;
54	Thence S. 11 deg. 41' W.,	11.93m. to point 118;
55	Thence S. 03 deg. 37' W.,	13.37 m. to point 119;
56	Thence S. 03 deg. 37' W.,	29.50 m. to point 120;

1	Thence S. 79 deg. 49' E.,	199.49 m. to point 121;
2	Thence S. 81 deg. 07' E.,	204.49 m. to point 122;
3	Thence S. 79 deg. 23' E.,	193.27 m. to point 123;
4	Thence S. 79 deg. 23' E.,	197.180 m. to point 124;
5	Thence S. 80 deg. 20' E.,	101.38 m. to point 125;
6	Thence S. 03 deg. 26' W.,	1,160.76 m. to point of
7		beginning;

8 **SEC 2.** The aforementioned land shall be distributed in ownership to
9 bonafide and long-term farmers/occupants thereon; but the existing creeks in
10 the same area shall be given the usufruct to the Municipality of Bayambang,
11 Provided, that the said bonafide and long-term farmers/occupants shall manage
12 and develop the said creeks upon payment by them of reasonable compensation
13 to said Municipality.

14 **SEC 3.** The scheme of distribution of the land, including the identities of
15 the bona fide and long-term farmers/occupants thereon, shall be prepared by a
16 Committee which shall be composed of the following: the representative of the
17 Department of Environment and Natural Resources as Chairman; the
18 representative of the Department of Agrarian Reform as Vice-Chairman; and the
19 Mayor of Bayambang, the Head of the farmer's organization, and the Provincial
20 Director of the Philippine National Police, as members. The scheme of
21 distribution shall include the technical description of each lot pertaining to each
22 of the farmers/occupants, following the boundaries of existing integrated social
23 forestry stewardship and/or similar contracts that may have been awarded in
24 their favor; Provided, that said scheme of distribution shall be as equitable as
25 possible without gross disparities among the awardees.

26 Conflicts shall be decided by the Committee after due hearing, appealable
27 to the Department Secretary under whose jurisdiction the issue involve falls. The
28 Secretary's decision or order on appeal may be subject of a petition for review
29 by the Office of the President within fifteen (15) days from promulgation of
30 notice of the decision or order appealed from; Provided, that said petition for
31 review shall be decided within thirty (30) days after receipt thereof, otherwise,
32 the decision or order appealed from shall be deemed ratified and final.

33 **SEC 4.** Once the scheme of distribution is approved by the Committee,
34 the Department of Environment and Natural Resources shall give the technical
35 description, survey maps, and similar documents to the DAR, which shall
36 undertake the actual distribution of the land under the principles of agrarian
37 reform and the applicable provisions of the Comprehensive Agrarian Reform Law
38 and other related laws.

39 **SEC 5.** The existing creeks in the area shall be plotted, surveyed and
40 segregated from the other portions of the area by the DENR, and shall be given
41 in usufruct to the Municipality of Bayambang. The Mayor and the Head of the
42 organization of the farmer's beneficiaries shall meet to discuss and determine
43 the reasonable compensation to be paid to the Municipality for the Management
44 and development thereof by said beneficiaries. In case of disagreement, the
45 Regional Director of DENR Regional Office shall decide.

46 **SEC 6. Repealing Clause.** - Act No. 4041 is hereby repealed, and all
47 other laws, executive and administrative orders, rules and regulations
48 inconsistent with this Act are hereby repealed or modified accordingly.

1 **SEC 7. Separability Clause.** - If, for any reason, any section of this Act
2 shall be deemed unconstitutional or invalid, the other sections or provisions
3 hereof shall not be affected and shall thereby remain in force and in effect.

4 **SEC. 8. Effectivity.** - This Act shall take effect fifteen (15) days after its
5 publication in the Official Gazette or in a newspaper of general circulation.

Approved.