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

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SENATE

s. No. 2276

Introduced by SENATOR CYNTHIA A. VILLAR

AN ACT

DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN, IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is a declared state policy that the State "¹ shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature." In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law.²

Pursuant to the said constitutional provisions, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "Expanded NIPAS Act of 2018". Cognizant of the exacting impact of diverse human activities on all

¹ Article II, Section 16, 1987 Philippine Constitution

² Article XII, Sec. 3, 1987 Philippine Constitution

components of the natural environment, the NIPAS Act declared it 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 establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution." The system shall encompass ecologically rich, unique and biologically important areas that are habitats of threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'.³

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Presently, there are already 107 protected areas in the Philippines that have been so declared through legislation. And yet, based on the records and various suitability assessments by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR), there are still numerous sites in the country that have to be given 'protected area' status, by legislative action, in order to ensure its conservation.

The Naga-Kabasalan Protected Landscape has a contiguous area of Five Thousand Five Hundred and Five 44/100 (5,505.44) hectares, more or less covering the Barangays of Sandayong, Tilubog and Tipan in the Municipality of Naga and Barangays Tampilisan and Diampak in the Municipality of Kabasalan, all within the Province of Zamboanga Sibugay. The entire area also covers two (2) watersheds, Tipan and Busyawan, with perennial springs draining towards Bacalan River and ends to Sibugay Bay. Other attributes consist of cave and biological resources, both beneath and surface areas, not to mention the cultural resource which has potential to be developed for ecological tourism. In a recent monitoring activity conducted by the Philippine Tropical Forest Conservation Foundation (PTFCF) and Kapunungan sa Gagmay'ng Mangingisda sa Concepcion (KGMC), mangroves planted in Kabasalan in 2012 now measure 15 feet in height, with a diameter of 24 cm. Meanwhile, those planted in Naga in 2012 are now 8 ft. in height and mangroves planted in Siay in 2013 are now 2-4 ft. high. Mangrove species of pagatpat (Sonneratia alba), miapi

³ Section 2, RA No. 7586, as amended by RA 11038

(Avicennia marina) and bakawan (Rhizophora spp.) were planted, matched with the conditions of the sites selected. With the growing expanse of mangroves came increased fish catch and reduced time for fishing. The mangroves are now supporting a rich array of marine and terrestrial life, which all the more paved for diversified means of livelihood for community members. The observed increase in income for many fisher folks have enabled them to send their children to school and buy motorized boats for livelihood. Also, mangroves have shielded communities in Kabasalan against strong winds and storm surges during typhoons.⁴

In the initial assessment conducted by DENR Region IX together with the concerned local government units of Zamboanga Sibugay in 2006, it was identified that the biological, physical, and cultural resources are at risk and may face severe damage and extinction in the near future if current economic destructive activities will be left unabated. Initial biodiversity survey also showed a declining population of cave dwelling bats due to over collection.

This bill therefore seeks to declare the Naga-Kabasalan Protected Landscape as a protected area under the category of protected landscape pursuant to Republic Act 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992." This will provide proper management, conservation, protection and utilization of natural resources within the protected area. As Naga-Kabasalan Protected Landscape functions both as watershed and habitat to endemic flora and fauna, its significance is vital to sustain life within Zamboanga Sibugay.

This is the Senate counterpart measure of HB 9326 principally authored by Hon. Ann K. Hofer, the Representative of the Second District of Zamboanga Sibugay.

In view of the foregoing, I recommend the approval of this measure.

CYNTHIA A. VILLAR

⁴ https://www.forestfoundation.ph/mangroves-of-condura-runners-growing-steadily-in-zamboanga-sibugay/

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

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SENATE

s. No. <u>2276</u>

Introduced by SENATOR CYNTHIA A. VILLAR

AN ACT

DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN, IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

Section 1. *Short Title.* – This Act shall be known as the "Naga-Kabasalan
 Protected Landscape Act".

Sec. 2. *Declaration of Policy.* – Cognizant of the profound impact of human activities 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.

9 In recognition of the richness of the biological resources, both flora and 10 fauna, that are native and distinct to Naga and Kabasalan, as well as their aesthetic

and ecological importance, a parcel of land located in the Municipalities of Naga and 1 Kabasalan, in the Province of Zamboanga Sibugay, and covering the Tipan and 2 Busyawan Watersheds, is hereby declared a protected area with the category of 3 protected landscape, and shall hereinafter be referred to as the Naga-Kabasalan 4 Protected Landscape (NKPL). As such, the State shall ensure the conservation, 5 protection, management and rehabilitation of the area. It is likewise recognized that 6 effective administration of this area is possible only through cooperation among 7 national government, local government units (LGUs), concerned nongovernmental 8 organizations (NGOs), private entities and local communities. The use and 9 enjoyment of this area must be consistent with the principles of biological diversity 10 and sustainable development. 11

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, culture and indigenous practices.

16 Sec. 3. *Definition of Terms.* – As used in this Act:

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- 17a)Buffer zones refer to identified areas outside the boundaries of and18immediately adjacent to designated protected areas that need special19development control in order to avoid or minimize harm to the20protected area;
- b) *Conservation* refers to any act or acts of preservation and sustainable
 utilization of wildlife or maintenance, restoration and enhancement of
 habitats;
- c) *Indigenous Cultural Communities (ICCs)/Indigenous Peoples (IPs)* refer to groups of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;
- 28 d) *National park* refers to land of the public domain classified as such in 29 the Constitution which includes all areas under the NIPAS, primarily

designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

 e) Protected area refers to an identified portion of land and water set aside by reason of its unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

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- 7 f) *Protected landscape* refers to an area where the interaction of people 8 and nature over a period of time has produced an area of distinct 9 character with significant ecological, biological, cultural and scenic 10 value and where the safeguarding of the integrity of this interaction is 11 vital to protecting and sustaining the area and its associated nature 12 conservation and other values; and
- 13 g) *Tenured migrants* refer to protected area occupants who have been 14 actually, continuously and presently occupying a portion of the 15 protected area for five (5) years before the proclamation or law 16 establishing the same as a protected area, and are solely dependent 17 therein for subsistence.

Sec. 4. *Classification as a National Park.* – The NKPL is comprised of a parcel of land of the public domain located in the Municipalities of Naga and Kabasalan, in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds. All lands of the public domain within the coverage and scope of the NKPL shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

Sec. 5. *Scope and Coverage.* – The boundaries of the NKPL are more particularly described as the area beginning at a point marked "1" on plan, which is N 22°10′10″ E, 4,975.084 meters from PRS92 "ZSI-34" with geographic coordinates of 07°50′35.33894" Latitude and 122°43′4.49351" Longitude located at Barangay Santa Clara, Municipality of Naga, Province of Zamboanga Sibugay,

29 thence N 15°41'15" W 1027.743 meters to corner 2;

1	thence	N 35º28'06" W	1676.499	meters to corner 3;			
2	thence	N 35º55′27″ E	517.062	meters to corner 4;			
3	thence	N 35º29′46″ W	314.195	meters to corner 5;			
4	thence	N 35º48'59" E	764.172	meters to corner 6;			
5	thence	N 16º05'20" E	715.774	meters to corner 7;			
6	thence	N 81º29′35″ W	996.21	meters to corner 8;			
7	thence	N 35º52′08″ W	722.914	meters to corner 9;			
8	thence	N 09º35′25″ E	849.187	meters to corner 10;	۰. ۱۹۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰ - ۲۰۰۰		
9	thence	N 01º16′50″ E	465.826	meters to corner 11;			
10	thence	N 79º08'17" E	1327.033	meters to corner 12;			
11	thence	N 87º55′03″ E	1158.644	meters to corner 13;			
12	thence	N 89º25'12" E	2080.079	meters to corner 14;			
13	thence	S 89º43'46" E	3566.308	meters to corner 15;			
14	thence	N 89º54′32″ E	2648.389	meters to corner 16;			
15	thence	S 42º52′44″ W	482.645	meters to corner 17;			
16	thence	S 12º02′07″ W	848.104	meters to corner 18;			
17	thence	S 67º19′10″ W	305.745	meters to corner 19;			
18	thence	S 59º44′37″ W	233.975	meters to corner 20;			
19	thence	S 44º12′15″ W	857.531	meters to corner 21;			
20	thence	S 44º36′46″ W	881.287	meters to corner 22;			
21	thence	S 11º13′44″ W	583.8	meters to corner 23;			
22	thence	S 48º46′07″ W	498.278	meters to corner 24;	•		
23	thence	S 71º01′47″ W	284.946	meters to corner 25;			
24	thence	S 30º12′12″ W	326.413	meters to corner 26;			
25	thence	S 57º11′19″ E	380.739	meters to corner 27;			
26	thence	S 02º45′33″ W	349.875	meters to corner 28;			
27	thence	S 56º14′37″ W	1007.79	meters to corner 29;			
28	thence	S 16º23′22″ E	223.829	meters to corner 30;			
29	thence	S 35º17′36″ W	918.23	meters to corner 31;			
30	thence	S 61º12′48″ W	437.18	meters to corner 32;			
31	thence	S 67º37′12″ W	464.451	meters to corner 33;			
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1	thence	S 04º37′27″ E	1148.988	meters to corner 34;
2	thence	S 73º18′03″ W	439.586	meters to corner 35;
3	thence	S 83º43′03″ W	461.714	meters to corner 36;
4	thence	S 62º39′00″ W	274.941	meters to corner 37;
5	thence	S 81º27′17″ W	386.877	meters to corner 38;
6	thence	S 81º27′17″ W	434.867	meters to corner 39;
7	thence	S 62º21′14″ W	499.078	meters to corner 40;
8	thence	N 58º17′06″ W	440.513	meters to corner 41;
9	thence	N 58º41′45″ W	364.662	meters to corner 42;
10	thence	N 41º38′01″ W	253.504	meters to corner 43;
11	thence	N 33º10′43″ W	261.592	meters to corner 44;
12	thence	N 65º05′43″ W	129.98	meters to corner 45;
13	thence	N 52º01′42″ W	218.985	meters to corner 46;
14	thence	N 50⁰05′32″ W	301.894	meters to corner 47;
15	thence	N 39º39′24″ W	415.637	meters to corner 1;
16	and comprises	five thousand five hund	red five and 4	5/100 (5,505.45) hectares,

17 more or less.

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Sec. 6. *Establishment of Buffer Zones.* – The DENR Secretary, upon the recommendation of the Protected Area Management Board (PAMB) created under Section 7 of this Act, may designate areas surrounding the NKPL 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 management plan.

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ARTICLE II MANAGEMENT MECHANISMS

Sec. 7. *Protected Area Management Board (PAMB).* – Within ninety (90) days from the effectivity of this Act, a Protected Area Management Board (PAMB) shall be created to oversee the management of the NKPL. The PAMB shall be composed of the following:

a) DENR Regional Executive Director for Region IX, as Chairperson;

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- b) Governor of the Province of Zamboanga Sibugay or a duly authorized representative;
- 4 c) Senators of the Republic of the Philippines who are duly registered
 5 residents of Zamboanga Sibugay, or duly designated representatives,
 6 unless the Senators decline the membership in the PAMB;
- 7 d) District Representatives of the Congressional Districts where the NKPL
 8 is located, or their duly designated representatives, unless the District
 9 Representatives decline the membership in the PAMB;
- e) Mayors of the Municipalities of Naga and Kabasalan, in the Province of
 Zamboanga Sibugay or their duly authorized representatives;
- 12 f) Chairpersons of the all the barangays with territorial jurisdiction over 13 the NKPL;
- 14g)Regional Directors of the following government agencies, namely: the15Department of Agriculture (DA), the National Economic and16Development Authority (NEDA), the Department of Science and17Technology (DOST), the Philippine National Police (PNP), and the18Department of National Defense (DND);
- h) Three (3) representatives from either NGOs or people's organizations
 (POs), based in the Province of Zamboanga Sibugay, duly accredited
 both by the DENR and the provincial government. The NGO or PO
 represented should have been in existence for at least five (5) years
 and must have a record of accomplishments in the field of protected
 area management;
- i) At least one (1) but not more than three (3) representatives from all
 the ICCs/IPs 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 Zamboanga Sibugay, with a

record of accomplishments in or related to protected area management; and

k) One (1) representative from the private sector, preferably a resident of the Province of Zamboanga Sibugay, who is distinguished in a profession or field of interest relevant to the protected area management.

7 The terms of office of members of the PAMB, as well as the grounds for their 8 removal shall be in accordance with the provisions of Republic Act No. 7586, 9 otherwise known as the "National Integrated Protected Areas System Act of 1992", 10 as amended by Republic Act No. 11038, otherwise known as the "Expanded National 11 Integrated Protected Areas System Act of 2018".

Sec. 8. *Functions of the PAMB.* – The PAMB shall have the following powers
and functions:

a) Oversee the management of the protected area;

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- b) Approve policies, plans and programs, proposals, agreements, and
 other related documents for the management of the protected areas;
- 17 c) Approve the management plan of the protected area and ensure its 18 harmonization with and integration into the Ancestral Domain 19 Sustainable Development and Protection Plan, land use plan and other 20 development plans, public or private, and their 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 protected area;
- 27f)Allocate financial resources for the implementation of the management28plan and manage the Protected Area Retention Income Account and

other funds in accordance with government accounting, budgeting and auditing rules and regulations;

g) Set fees and charges in accordance with existing guidelines;

- h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
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- Recommend appropriate policy changes to the DENR and other government authorities with respect to the management of the NKPL;
- j) Monitor and assess the performance of the Protected Area
 Superintendent (PASu) and other protected area personnel and
 compliance of partners with the terms and conditions of any
 undertaking, contract or agreement relative to any project or activity
 within the NKPL;
- k) Recommend from among a shortlist of qualified candidates, the
 designation or appointment of the PASu; and
- 1) Assess the effectiveness of the management of the protected area: 15 Provided, That the members of the PAMB representing the LGUs and 16 national agencies shall inform their respective constituents, offices or 17 sectors, of PAMB-approved or other relevant policies, rules, 18 regulations, programs, and projects and shall ensure that the 19 provisions of this Act and the rules and regulations issued to 20 implement it are complied with and used as reference and framework 21 in their respective plans, policies, programs, and projects. Failure to 22 comply with the foregoing shall be the basis for disciplinary action 23 against such member according to administrative rules and regulations 24 and such penalties as the PAMB may provide: Provided, further, That 25 the DENR, through the Regional Director, shall ensure that the PAMB 26 acts within the scope of its powers and functions. In case of conflict 27 28 between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail. 29

1 Sec. 9. The Protected Area Management Office (PAMO). - There is hereby 2 established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASu) who shall supervise the day to day 3 management, protection, and administration of the NKPL. The PASu shall hold a 4 permanent plantilla position and shall be appointed by the DENR Secretary. A 5 6 sufficient number of support staff with permanent plantilla positions shall likewise be appointed by the DENR Secretary to assist the PASu in the management of the 7 protected area. 8

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9 The PASu shall be primarily accountable to the PAMB and the DENR for the 10 management and operations of the NKPL. Pursuant thereto, the PASu shall have the 11 following duties and responsibilities:

- a) Prepare the management plan, in consultation with the stakeholders,
 including the annual work and financial plan 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;
- 18 c) Provide secretariat services to the PAMB and its committees and 19 ensure the availability of relevant and timely information for decision-20 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;
- 25f)Enforce the laws, rules and regulations relevant to the protected area,26commence and institute administrative and legal actions in27collaboration with other government agencies or organizations, and28assist in the prosecution of offenses committed in violation of the29provisions of this Act;

- g) Monitor, evaluate, and report the implementation of management activities of the protected area;
- 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 protected area;
- i) 8 Issue permits and clearances for activities that implement the 9 management plan and other permitted activities in accordance with 10 terms, conditions, and criteria established by the PAMB: Provided, That 11 all permits for extraction of natural resources, including collection of wildlife, and its by-products or derivatives for research purposes, shall 12 continue to be issued by relevant authorities, subject to prior clearance 13 from the PAMB, through the PASu, in accordance with the specific acts 14 to be covered; 15
- j) Collect and receive pertinent fees, charges, donations, and other
 income for the protected area: *Provided*, That such fees, charges,
 donations, and other income collected and 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 protected area based on the management
 plan; and
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I) Perform such other functions as the PAMB and the DENR may assign.

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

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ARTICLE III PROCEEDS AND FEES

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Sec. 10. The Naga-Kabasalan Protected Landscape Fund. - There is hereby 3 established a trust fund to be known as the Naga-Kabasalan Protected Landscape 4 Fund for purposes of financing projects of the NKPL and the NIPAS. All income 5 6 generated from the operation and management of wild flora and fauna in the NKPL. 7 shall accrue to the fund. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the NKPL proceeds from · 8 lease of multiple-use areas, contributions from industries and facilities directly 9 benefiting from the NKPL, and such other fees and income derived from the 10 operation of the NKPL. 11

12 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 13 Income Account (PA-RIA) in any authorized government depository bank within the 14 locality: Provided, That disbursements out of such deposits shall be used solely for 15 the protection, maintenance, administration, and management of the protected area 16 and implementation of duly approved projects of the PAMB. The remaining twenty-17 five percent (25%) of revenues shall be deposited as a special account in the 18 19 general fund in the National Treasury for purposes of financing the programs and projects of the NIPAS. 20

The fund may be augmented by grants, donations, endowment 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.

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

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ARTICLE IV TRANSITORY AND MISCELLANEOUS PROVISIONS

Sec. 11. *Appropriations.* – The Secretary of the DENR shall immediately include in the Department's Program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

6 Sec. 12. *Suppletory Application of the NIPAS Law.* – The provisions of 7 Republic Act No. 7586, as amended by Republic Act No. 11038, shall have 8 suppletory application to this Act.

9 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from 10 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the 11 local governments of the Municipalities of Naga and Kabasalan, the provincial 12 government of Zamboanga Sibugay, and concerned national government agencies, 13 issue the corresponding rules and regulations for the effective implementation of 14 this Act.

Sec. 14. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the remaining sections or provisions with the provisions not affected thereby shall continue to be in full force and effect.

Sec. 15. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, issuance or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a national newspaper of general circulation.

Approved,