Office of the Secretary

NINETEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES First Regular Session

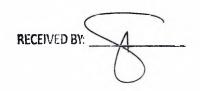
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SENATE s. no. 837

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Introduced by Senator Loren B. Legarda

AN ACT ESTABLISHING THE PHILIPPINE NATIONAL PUBLIC PARKS SYSTEM, AND APPROPRIATING FUNDS, THEREFOR

EXPLANATORY NOTE

It is 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.

The provision of public parks and open spaces is an essential component of community life and tourism. Apart from serving as a space for recreational enjoyment, the establishment of urban parks and open spaces plays a crucial role in protecting the environment, especially against adverse impacts of climate change.

Parks and open spaces act as filters for noise pollution, boost water supply, enrich biodiversity, and help improve air quality and moisture retention, thereby cooling the environment.

The establishment and preservation of national and urban parks and open spaces also promote the health and well-being of the citizenry, contribute to social cohesion, and induce tourism.

In this regard, this bill proposes the establishment and development of parks and recreational facilities in open spaces in cities and municipalities for public use. The implementation of the proposed measure mandates the coordination and cooperation of policies, plans, and programs of different concerned sectors of Philippine society.

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

LOREN LEGARDA

Office of the Secretary

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AN ACT ESTABLISHING THE PHILIPPINE NATIONAL PUBLIC PARKS SYSTEM, AND APPROPRIATING FUNDS, THEREFOR

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

1	Chapter 1
2	Introductory Sections
3	Section 1. Short Title This Act shall be known as the "National
4	Parks of 2022."
5	Sec. 2. Declaration of Policy It is the policy of the State to protect
6	and maintain the health and well-being of the Filipino people through
7	the establishment and preservation of parks and open spaces. To this
8	end, the State recognizes parks and open spaces as valuable assets, and as
9	such:
10	a) shall establish the Philippine National Public Parks System aimed
11	to conserve the scenery, natural and historical objects, and to
12	provide for their enjoyment in such manner and by such means
13	as will leave them unimpaired for the enjoyment of future
14	generations.
15	b) shall recognize that parks and open spaces contribute to human
16	health and well-being, social cohesion/identity, tourism,
17	biodiversity, air quality, carbon sequestration, water

1	management, and cooling of the environment.
2	Sec. 3. Definition of Terms As used in this Act, the following
3	words shall mean:
4	a) Administrator - refers to the Chief Executive Officer and Head of the
5	National and Local Public Parks Authority (NALPA) Secretariat as
6	defined in Sec. 9 of this Act.
7	b) Board - refers to the NALPA Board as defined in Sec. 5 of this Act.
8	c) National and Local Public Parks - refer to any land laid out as a public
9	garden and/or used for public recreation. This does not refer to
10	national shrines administered by the Philippine Veterans Affairs
11	Office.
12	d) National and Local Public Parks System or the System - refers to the
13	system of parks and open spaces as defined under Chapter 4 of
14	this Act.
15	e) NIPAS - refers to the National Integrated Protected Areas System
16	as defined in Republic Act No. 7586, as amended or the NIPAS
17	Act.
18	f) NPDC- refers to the National Parks Development Committee
19	created by Executive Order 30 series of 1963.
20	g) NPF or NPFI - refers to the Nayong Pilipino Foundation Inc., a
21	government-owned and controlled corporation registered with the
22	Securities and Exchange Commission on May 7, 1969, as a non
23	stock, non-profit corporation. Presidential Decree No. 37
24	established the Nayong Pilipino Foundation on November 6, 1972.
25	h) Protected Areas - refers to the Protected Areas as defined under the
26	NIPAS Act.
27	i) Secretariat - refers to the NALPA Secretariat as defined under Sec.
28	7 of this Act.
29	Chapter 2
30	Establishment of the National and Local Public Parks
31	Authority

1	Sec. 4. Composition of the Authority The Authority shall be
2	
	composed of the Board and the Secretariat.
3	Sec. 5. <i>Composition of the Board.</i> - The NALPA Board shall be
4	composed of the representatives of the following:
5	1. Secretary of Tourism as Chairperson;
6	2. Secretary of Environment and Natural Resources Co-
7	Chairperson (who shall be officially represented by the Director
8	of the Biodiversity Management Bureau);
9	3. Secretary of Public Works and Highways as Member;
10	4. Secretary of the Agriculture as Member;
11	5. Secretary of Interior and Local Government as Member;
12	6. Chairperson of the Commission of Higher Education as
13	Member;
14	7. Director-General of the TESDA Secretariat.
15	In addition, the President of the Philippines shall appoint the
16	following members from the private sector:
17	1. Two representatives, from a recognized professional
18	architectural organization; and
19	2. Two representatives, from the academe, preferably in urban
20	planning and development.
21	As soon as all the members of the private sector are appointed,
22	they shall so organize themselves that the term of office of one-third (1 /
23	3) of their number shall expire every year. The member from the private
24	sector appointed thereafter to fill vacancies caused by the expiration of
25	terms shall hold office for three (3) years.
26	The President of the Philippines may, however, revise the
27	membership of the NALPA Board, whenever the President deems it
28	necessary for the effective performance of the Board's functions through
29	an administrative order.
30	The NALPA Board shall meet at least twice a year, or as frequently
31	as may be deemed necessary by its Chairperson. In the absence of the
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Chairperson, a Co-Chairperson shall preside. The internal rules of the
 NALPA Board shall be promulgated during its first organizational
 meeting.

4 The benefits, privileges, and emoluments of the Board shall be 5 consistent with the existing laws and rules.

Sec. 6. *Powers and Functions of the Board.* - The Authority shall primarily
be responsible for the National and Local Public Parks System including
the establishment of policies, plans, and programs taking into consideration
the following:

- a) the State policy declared herein of giving due consideration to the
 establishment and maintenance of national and urban parks,
 open and green spaces, and recreational facilities;
- b) the implementation of the above-mentioned policy requires the
 coordination and cooperation of policies, plans, and programs of
 different concerned sectors of Philippine society; and
- c) equal and active participation of the national government and its
 appropriate agencies, the LGUs, the academe, and the private
 sector shall be made the rule in order to ensure that the National
 and Local Public Parks System shall be fully established and
 maintained.

The Board, shall have the following powers:

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- a) Establish minimum quotas for all LGUs for the designation of
 municipal and city lands for public parks, where applicable;
- b) manage the country's National and Local Public Parks System,
 and in doing so shall guide and assist other government
 agencies and entities, and the LGUs in the planning,
 establishment, and management of parks that will be included
 in the System;
- c) promulgate, after due consultation with concerned groups and
 entities, policies, plans, programs, and guidelines as may be
 necessary for the effective implementation of this Act and the

- establishment of the National and Local Public Parks System;
 d) establish and manage the National and Local Public Parks
 Institute, which shall serve as the national center for park
 administration, management, and maintenance training,
 research, and development;
- e) in coordination with the Biodiversity Management Bureau, shall
 make Protected Areas accessible to the public for recreational
 purposes;
- 9 f) organize and constitute standing committees, subsidiary groups,
 10 or technical working groups for the efficient integration and
 11 coordination of local open spaces and urban parks;
- g) exact reasonable fees and charges for such services provided
 and training conducted and retain such earnings for its own
 use, subject to guidelines promulgated by the Authority;
- h) create, when deemed necessary, an Advisory Committee which
 shall provide expert and technical advice to the Board to be chosen
 from the academe and the private sector: *Provided*, That in case the
 Advisory Committee is created, the Board is hereby authorized to
 set aside a portion of its appropriation for its operation; and
- i) carry out any and all other functions characteristic of public
 institutions of similar mandate and national scope, in line with
 prevailing international principles and best practices.
- Sec. 7. *The NALPA Secretariat.* The NALPA Secretariat, an independent agency of the executive department, shall have the primary mission of providing pro-active leadership in the continuous development of systematic approaches as well as measures to maintain and manage the National and Local Public Parks System, and shall have the following functions and responsibilities:
- a) to establish and maintain a planning process and formulate a
 national parks development plan in which all concerned groups
 and entities at various levels participate;

- 1 b) to provide analytical inputs to policy decision-making of the 2 Authority on the allocation of resources and institutional roles 3 and responsibilities as shall be embodied in the annual national 4 parks plans;
- 5 c) to recommend measures, and implement the same upon 6 approval by the Authority, for the effective and efficient 7 implementation of the national parks development plan;
- 8 d) to propose to the Authority the specific allocation of resources for 9 the programs and projects it shall undertake pursuant to the 10 approved national parks development plan;
- 11 e) to submit to the Authority periodic reports on the progress and 12 accomplishment of work programs of implementation of plans 13 and policies; and
- 14 f) to perform such other functions and duties as may be assigned by the Board.

- 16 Sec. 8. The Dissolution of NPDC and NPF and Transfer to NALPA Secretariat. - The NPDC and NPF are hereby dissolved and all their 17 18 powers, functions, responsibilities, all applicable funds and 19 appropriations, records, assets, and properties are hereby transferred to 20 the NALPA Secretariat.
- 21 Sec. 9. The NALPA Administrator and Chief Executive Officer. - The 22 NALPA Secretariat shall be headed by an Administrator, who shall 23 likewise be a member of the Board. The Administrator shall be appointed 24 by the President of the Philippines and shall enjoy the benefits, privileges 25 and emoluments equivalent to the rank of Undersecretary.

26 As Chief Executive Officer of the Secretariat, the Administrator 27 shall exercise general supervision and control over its technical and 28 administrative personnel. The Administrator shall have the power to 29 recommend to the Authority the structural organization and the 30 complement the Secretariat. personnel of Furthermore, the 31 Administrator shall appoint such personnel necessary to carry out the

objectives, policies, and functions of the Authority subject to Civil Service
 laws, rules, and regulations.

The Administrator may call upon other instrumentalities or entities of the government, non-government, and civic organizations for assistance in terms of the use of their facilities and resources for the management and administration of any park in the System. This authority includes the power to call on the Philippine National Police to maintain peace and order in any park in the System.

9 The performance of the functions of the Administrator under this
10 Act shall, in no case, result in the diminution of the powers of the LGUs
11 to establish their own parks or develop their own open or green spaces.
12 Sec. 10. *Deputy Administrators.* - The Administrator shall be assisted
13 by four (4) Deputy Administrators for (i) Research and Development, (ii)
14 National and Local Public Parks Operations, (iii) Local Public Parks
15 Operations, and (iv) Park Architecture & Planning.

16 The Deputy Administrators shall enjoy the benefits, privileges, and17 emoluments equivalent to the rank of Assistant Secretary.

Sec. 11. *Regional Administrators.* - The Regional Administrators
shall be under the direct control of the Administrator and shall oversee
the operations of National and Local Public Parks at the regional level.

The Regional Administrators shall enjoy the benefits, privileges, and emoluments equivalent to the rank of a Regional Director, and shall provide technical assistance, particularly to local government units for effective supervision, coordination, and monitoring of national and local parks within their localities, and their integration to the National Public Park System.

- Sec. 12. Organizational Divisions. The Secretariat shall have the
 following Divisions which shall be headed by Division Chiefs:
- a) Administrative Division;
- 30 b) Finance Division;
- 31 c) Programs and Public Affairs Division;

- 1 d) Internal Audit Division; 2 e) Security and Safety Division; 3 f) Information and Communications Technology Division; and 4 g) Cultural & Heritage Preservation Division. 5 The following Divisions shall be headed by the Deputies Administrators: 6 a) National Public Park Operations & Management; b) Local Public Park Operations & Management;
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c) Research & Development; and

d) Park Architecture & Planning.

10 Sec. 13. Personnel Training, Development Performance and 11 incentives. - The Authority shall undertake training and development 12 programs to upgrade the capabilities of its personnel in its various 13 functions. Personnel shall be allowed to train or study outside the 14 Institute, in the Philippines, or abroad, on official time, subject to the 15 needs of the service, upon approval of the Administrator.

16 A system of monetary incentives shall be established to reward the superior performance and milestones of professional development on 17 the part of management and administrative and technical personnel, 18 subject to the approval of the Department of Budget and Management 19 20 and, where applicable, to the Civil Service Commission.

21 Sec. 14. Consultants and Technical Assistance, Publication, and 22 Research. - In pursuing its objectives, the Authority is hereby 23 authorized to set aside a portion of its appropriation for the hiring of services of qualified consultants, and private organizations for research 24 work and publication in the field of national and urban parks, and 25 26 open and green spaces. It shall avail itself of the services of other 27 agencies of the Government as may be required.

28 Sec. 15. Privileges of the Authority. - In line with the declared policy and the avowed purposes of this Act, and to ensure its independence 29 and autonomy, the NALPA Secretariat shall be attached solely for 30 budgetary coordination and related purposes to the Office of the 31

President. The Secretariat shall:

- a) be classified as a National Government Agency, primarily for
 administrative purposes, including receiving its annual budget
 from the general appropriations of the National Government to
 cover appropriately the entirety of its mandated operations and
 activities;
- b) be considered as higher in level than a Bureau or Bureau-level
 agency but beneath that of a Department or Department-level
 agency, primarily for administrative purposes as to staffing
 pattern and compensation scales; and
- 11 c) enjoy such privileges and special rules characteristic of both a 12 Government-Owned or Controlled Corporation and a State 13 University or College wherever possible and which, in any and all 14 cases, promote the objectives of this Act; and that special rules as 15 may be necessary to this effect be formulated and appropriately 16 promulgated by the NALPA, the Department of Budget and 17 Management, the Commission on Audit, and other concerned 18 agencies.
 - Chapter 3

The National Parks Institute

Sec. 16. *The Creation of the National Parks Institute.* - There is hereby created the National Parks Institute of the Philippines which shall be under the supervision of the Board. The Institute shall serve as the training and development arm of the Authority. The Institute shall be headed by a Director.

In coordination with CHED and state universities and colleges, and other private universities and institutions, the Institute shall establish a unique training course aimed at supporting the purposes of this Act, and shall:

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a) Formulate and implement training programs for all personnel of NALPA and of LGUs, other agencies, and private entities

1	and institutions who wish to train with the Institute;
2	b) Formulate and implement select mandatory and specialized
3	courses, and for that purpose shall be allowed to issue
4	diplomas and technical certificates under such rules as will be
5	coordinated with CHED and TESDA;
6	c) Develop and implement research and development to support
7	NALPA and for educational training programs; and
8	d) Perform such other related functions as may be prescribed by
9	NALPA and the Board.
10	Chapter 4
11	The National Parks System
12	Sec. 17. Study and Planning of National Parks, Urban Parks,
13	Open Spaces, and Recreational-Area Facilities Within 3 years from the
14	effectivity of this Act, the Authority shall make a comprehensive study of
15	the National Parks, Urban Parks, Open Spaces, and Recreational-Area
16	Facilities programs of the national government and the LGUs and of
17	areas of land throughout the Philippines that are or may be chiefly
18	valuable as National Parks, Urban Parks, Open Spaces, and
19	Recreational-Area Facilities.
20	The report shall be submitted to the Board who shall be
21	empowered to declare specifically identified areas as either National
22	Parks, Urban Parks, Open Spaces, or Recreational-Area Facilities.
23	Sec. 18. Identification of National Parks Notwithstanding any law
24	or proclamation to the contrary, the following parks are hereby
25	considered National Parks and shall be under the authority of the
26	Authority: (1) Rizal Park, and (2) Paco Park.
27	Their Administrator and Provincial Administrators are strictly
28	mandated to investigate, study, and continually monitor areas whose
29	over-all circumstances exhibit qualities of national significance and

30 that may have the potential to become a NALPA Park.

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Sec. 19. Acquisition of Land. - In the exercise of its power under this

Act, the Authority through the Administrator shall have the power to
 acquire land and interests in land within the boundary of any NALPA
 Park. In the same manner and for the establishment of an identified
 National Park, the power of eminent domain shall be exercised through
 the Administrator, or by any of its Deputies or Provincial Administrators.

6 Sec. 20. Creation of Urban Parks and Open Spaces in LGUs. - Within
7 the period provided by the Authority, LGUs shall be obliged to identify
8 Urban Parks and Open Spaces within their jurisdictions.

9 Identified areas may either become NALPA Administered Parks
10 or maintain their nature as Local Parks at the discretion of the LGU.

11 The Authority is hereby mandated to enter into cooperative 12 agreements with colleges and universities, in partnership with LGUs 13 and other agencies, to establish cooperative study units to conduct 14 multi-disciplinary research and develop integrated information 15 products on the resources in the NALPA Parks or the LGU of which 16 the NALPA Park is located for possible commercial production or 17 utilization.

18 Sec. 21. Delineation of Authority and Coverage. - Subject to the IRR 19 and dependent on the categorization of the land or an area, a nature 20 reserve or a declared protected area under the NIPAS shall continue 21 to be under the jurisdiction of the DENR. All other parks established or 22 may be established may be covered under this Act.

Sec. 22. Administration, Management, and Funding of NALPA Parks. Subject to reasonable restrictions under the IRR, the general public is
hereby to be granted free admission to all NALPA Parks. However, the
Authority may levy appropriate fees for special activities or programs.

Sec. 23. *Retention of Income.* - The Authority is hereby authorized to
retain the entirety of its income from all sources of its operations
nationwide and to spend the same for any purpose.

30 Sec. 24. *The NALPA Fund.* -The NALPA Fund is hereby established,
31 to be managed/ administered by the Authority, the income from which

shall be utilized exclusively in awarding grants and providing assistance
 to park development programs, local government units for upgrading
 their capabilities, and to develop and implement training and training related activities for park development. The contribution to the fund shall
 be the following:

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a) a one-time lump sum appropriation from the national government in the amount of Pl00,000,000.00;

- b) donations, grants, endowments, and other bequests or gifts of
 which the Authority is hereby authorized to accept, and
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c) any other income generated by the Authority.

11 The Authority shall be the administrator of the fund, and as 12 such, shall formulate the necessary implementing guidelines for the 13 management of the fund, subject to the following: a) unless otherwise 14 stipulated by the private donor, only earnings of private contributions 15 shall be used; and b) no part of the seed capital of the fund, including 16 earnings, thereof, shall be used to underwrite expenses for 17 administration.

18 The Board shall appoint a reputable government-accredited
19 investment institution as a fund manager, subject to guidelines
20 promulgated by the Board.

21 Sec 25. *Incentives Schemes.* - The Authority shall develop and 22 administer appropriate incentives schemes to encourage the LGUs and 23 private industries and institutions to participate in the development of the 24 National Parks System.

Sec. 26. *Parks and Green Spaces Awards.* – To promote park development in the country and with the view of participating in international park development competitions, the Authority, with the active participation of private industries, shall organize and conduct an annual Parks and Green Spaces Awards. The Authority, through the Secretariat, shall promulgate the necessary rules and guidelines for the effective and efficient conduct of the Annual National Parks and Green

Spaces Competition among the LGUs and for the country's
 participation in international park development competitions.

Sec 27. Exemption from Taxes, Duties, Fees, and Charges. - The
Authority shall be exempt from the payment of taxes, fees, and charges
imposed by the National Government and its political subdivisions,
agencies and instrumentalities regardless of the nature of its activity.

7 All donations in any form shall be exempt from the donor's tax 8 and the same shall be considered as an allowable deduction from the 9 gross income in the computation of the income tax of the donor, in 10 accordance with the provisions of Republic Act No. 8424, otherwise known 11 as the National Internal Revenue Code of 1997, as amended.

Furthermore, the importation of supplies and materials for the use ofthe Authority shall be exempt from customs duties.

Sec 28. Commercial Operations of and inside of NALPA Parks. - The
Authority shall be authorized to undertake commercial operations, the
proceeds of which shall be credited to the NALPA Fund:

- a) The rental of dedicated areas for external events, functions, and
 similar activities;
- b) The lease of dedicated areas for the erection and operation of
 commercial establishments inside NALPA Parks, which NALPA
 shall be allowed to award, through public bidding, and giving
 preference to nonprofit organizations of a nature related to or
 supportive of its mandate, for a term of up to five (5) years per
 contract;
- 25 c) The production and/or licensing of official merchandise;
- d) The award of concession contracts is when the Authority shall
 utilize concession contracts to authorize a person, corporation,
 or other entity to provide accommodations, facilities, and services
 to visitors or users of NALPA Parks.

30 Sec. 29. Contracted Services. - The Authority is authorized to contract
31 out services for Park Management and Safety and Security Services.

1	Chapter 5
2	Miscellaneous Provisions
3	Sec. 30. NALPA Budget The amount necessary to finance the initial
4	implementation of this Act shall be charged against the existing
5	appropriations of the NPDC and the NPF, and shall be supported by
6	funds coming from the Office of the President. Thereafter, such funds as
7	may be necessary for the continued implementation of this Act shall be
8	included in the annual General Appropriations Act.
9	Sec. 31. Implementing Rules and Regulations Within 180 days
10	from the effectivity of this Act, the Administrator shall submit to the
11	Board the implementing rules and regulations of this Act upon prior
12	consultation with all concerned groups and entities.
13	Sec. 32. Transitory Provisions. –
14	a) Within two (2) months after the approval of this Act, the
15	President shall, in consultation with the Secretary of Tourism,
16	appoint the private sector representatives of the Board.
17	b) Within three (3) months after the appointment of the private sector
18	representatives, the President shall, upon the recommendation of
19	the Board, appoint the Administrator.
20	c) Within four (4) months after the appointment of the
21	Administrator, the Board shall convene to determine the
22	organizational structure and staffing pattern of the Authority.
23	d) Within one (1) year after the organization of the Authority, the
24	Board shall convene to determine the organizational structure
25	and staffing pattern of the Authority.
26	e) Upon the effectivity of this Act, and prior to the appointment of
27	the Board and the Administrator, the heads and personnel of both
28	NPDC and the NPF shall continue to exercise their functions and
29	duties, in a holdover capacity, and shall ensure the smooth
30	transition to the Board and the Administrator.
31	f) All personnel of the NPDC and NPF are hereby deemed retired

1 from service. Retirement and separation benefits shall be paid 2 under existing rules and regulations. 3 g) The Authority may at its discretion retain any personnel of NPDC 4 and NPF it deems necessary to carry out its purpose and 5 function. 6 h) The ownership and title to the properties now actually occupied 7 by the NPF and NPDC are hereby transferred in fee simple to the 8 Authority, subject to the following conditions: 9 a. The titles to the land conveyed by this Act shall not be 10 transferred by the Authority to another person or entity 11 without previous authorization by the President of the 12 Philippines. 13 b. The Authority is hereby authorized to mortgage any properties referred to above for the purpose of carrying out 14 15 its objectives and purposes only; and 16 c. In case the Authority is dissolved or ceases, for any reason, 17 to undertake its objectives, or ceases to need any of the lands 18 for any reason, said land shall ipso fucto revert to the National 19 Government without compensation. 20 Sec. 33. Automatic Review. - Every five (5) years, after the effectivity 21 of this Act, an independent review panel composed of three (3) persons

appointed by the President shall review the performance of the
Authority and shall make recommendations, based on its findings to the
President and to both Houses of Congress.

25 Sec. 34. *Repealing Clause.* - All laws, presidential decrees or 26 issuances, executive orders, letters of instruction, administrative 27 orders, rules, or regulations inconsistent with the provisions of this Act 28 are hereby repealed or modified accordingly.

Sec. 35. Separability Clause. - If any provision of this Act is declared
unconstitutional, the remainder of this Act or any provision not affected
thereby shall remain in full force and effect.

Sec 36. *Effectivity.* - This Act shall take effect fifteen (15) days after
 the publication in the Official Gazette or in a newspaper of general
 circulation.

Approved,