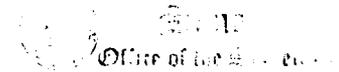


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



24 FEB 14 P5:57

SENATE

RECEIVED BY

S. No. 2551

Introduced by **SENATOR MARK A. VILLAR**

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF POLANGUI AND OAS, AND CITIES OF LIGAO AND TABACO, IN THE PROVINCE OF ALBAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE MT. MASARAGA PROTECTED LANDSCAPE (MMPL), PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Pursuant to the constitutional right of the people to a balanced and healthful ecology, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038. As declared under this Act, the State shall "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'.

As of January 2024, there are 114 protected areas in the Philippines declared through legislation. However, 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 which needs to be given 'protected area' status, by legislative action, in order to ensure its conservation.

Mt. Masaraga in the Province of Albay, is known to be endowed with rich biological diversity of flora and fauna, and a critical watershed for the Bicol River Basin and supports agricultural productivity, sustainable tourism, protection from natural calamities such as typhoons and volcanic eruptions, clean and sustainable source of water, and supports economic growth.

However, this is not included in the Expanded NIPAS of 2018. Mt. Masaraga Protected Landscape (MMPL) Act of 2024 will protect it from future exploitations and devastations such as kaingin, illegal logging, hunting, land grabbing, and irresponsible trekking, and to preserve the unspoiled beauty of the mountain and the rich biodiversity of flora and fauna.

This act also has a wider coverage than the existing Mt. Masaraga Watershed Forest Reserve (MMWFR), which main objective is to maintain the usefulness of Mt. Masaraga, as a source of water for irrigation and domestic use and other forestry purposes only.

In view of all the foregoing, I seek the immediate passage of this bill.

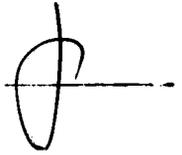


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**AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF
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PROVINCE OF ALBAY, A PROTECTED AREA WITH THE CATEGORY OF
PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED
AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE MT. MASARAGA
PROTECTED LANDSCAPE (MMPL), 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:*

**ARTICLE I
GENERAL PROVISIONS**

1 Section 1. *Title.* — This Act shall be known and referred to as the "Mt.
2 Masaraga Protected Landscape (MMPL) Act".

3 Sec. 2. *Declaration of Policy.* — Cognizant of the profound impact of human
4 activity on all components of the natural environment, it is hereby declared the
5 policy of the State to secure for the Filipino people of present and future
6 generations, the perpetual existence of all native plants and animals through the
7 declaration of protected areas under the National Integrated Protected Areas System
8 (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 Mt. Masaraga, as well as their aesthetic and

1 ecological importance, a parcel of land located in the Municipalities of Oas And
2 Polangui, and the Cities of Ligao and Tabaco, in the Province of Albay is hereby
3 declared a protected area under the category of protected landscape and shall
4 hereinafter be referred to as the Mt. Masaraga Protected Landscape (MMPL). As
5 such, the State shall ensure the conservation, protection, management, and
6 rehabilitation of the area. It is likewise recognized that effective administration of
7 this area is possible only through cooperation among the National Government, local
8 government units (LGUs), concerned non-governmental organizations (NGOs),
9 private entities, and local communities. The use and enjoyment of this area must be
10 consistent with the principles of biological diversity and sustainable development.

11 Towards this end, the State shall ensure the full implementation of this Act,
12 the mobilization of resources for the institutional mechanisms herein established,
13 and the full scientific and technical support needed for the conservation of
14 biodiversity and the integrity of the ecosystems, and cultural and indigenous
15 practices.

16 *Sec. 3. Classification as a National Park.* — The MMPL is comprised of a parcel
17 of land of the public domain located in the Municipalities of Oas and Polangui, and
18 the Cities of Ligao and Tabaco, in the Province of Albay, the metes and bounds of
19 which are described in Section 4 of this Act. All lands of the public domain within the
20 coverage and scope of the MMPL shall fall under the classification of national park as
21 provided for in Article XII, Section 3 of the Constitution.

22 *Sec. 4. Scope and Coverage.* — The boundaries of the MMPL are more
23 particularly described as the area beginning at a point marked "1" on the map being
24 S23°42'25"E, 630.51 meters from PRS Control Monument "CBM-11" with geographic
25 coordinates of 13°18'41.12556" Latitude and 123°35'47.39395" Longitude within the
26 boundary of the Municipality of Oas and the Cities of Ligao and Tabaco, Province of
27 Albay:

28	thence	S 83°05' 20" W	694.83	meters to corner	2 ;
29	thence	S 80°02' 58" W	604.82	meters to corner	3 ;
30	thence	S 76°33' 05" W	494.31	meters to corner	4 ;

1	thence	N 59°55' 53" W	229.45	meters to corner	5 ;
2	thence	N 76°25' 46" W	311.79	meters to corner	6 ;
3	thence	N 53°14' 02" W	238.61	meters to corner	7 ;
4	thence	N 28°27' 37" W	479.32	meters to corner	8 ;
5	thence	N 14°57' 31" E	267.00	meters to corner	9 ;
6	thence	N 64°14' 48" W	217.54	meters to corner	10;
7	thence	N 34°47' 21" W	227.78	meters to corner	11;
8	thence	N 44°04' 23" W	430.3	meters to corner	12;
9	thence	N 08°06' 56" E	550.97	meters to corner	13;
10	thence	N 42°52' 44" E	319.77	meters to corner	14;
11	thence	N 28°41' 18" W	404.04	meters to corner	15;
12	thence	N 58°15'59" W	351.92	meters to corner	16;
13	thence	N 25°08'47" W	375.08	meters to corner	17;
14	thence	S 58°28' 59" E	621.38	meters to corner	18;
15	thence	N 32°05' 33" E	348.02	meters to corner	19;
16	thence	N 08°25' 37" E	272.8	meters to corner	20;
17	thence	N 45°00' 00" E	254.42	meters to corner	21;
18	thence	N 60°01' 13" E	292.49	meters to corner	22;
19	thence	S 46°58' 53" E	548.43	meters to corner	23;
20	thence	S 40°41' 09" E	1717.30	meters to corner	24;
21	thence	N 53°14'00" E	223.03	meters to corner	25;
22	thence	S 47°15' 53" E	1912.7	meters to corner	26;
23	thence	S 06°49'01" E	233.82	meters to corner	27;
24	thence	S 57°57'45" W	847.69	meters to corner	1

25 the point of beginning, containing an area of EIGHT HUNDRED FORTY (840)
26 HECTARES, more or less. Bearings and distances of lines were derived using the PRS
27 1992 Philippines Zone IV coordinate system, subject to ground delineation and
28 demarcation.

29 *Sec. 5. Establishment of Buffer Zones.* — The Secretary of the Department
30 of Environment and Natural Resources (DENR), upon the recommendation of the

1 Protected Area Management Board (PAMB) created under Section 6 of this Act, may
2 designate areas surrounding the MMPL as buffer zones for the purpose of providing
3 an extra layer of protection where restrictions may be applied: *Provided*, That in
4 cases where the designated buffer zone would cover private lands, the owners
5 thereof shall be required to design their development with due consideration to the
6 protected area management plan.

7 ARTICLE II
8 MANAGEMENT MECHANISMS

9 Sec. 6. *Protected Area Management Board (PAMB)*. — Within ninety (90)
10 days from the effectivity of this Act, a Protected Area Management Board (PAMB)
11 shall be created to oversee the management of the MMPL. The PAMB shall be
12 composed of the following:

- 13 a) DENR Regional Executive Director for Region V, as Chairperson;
- 14 b) Governor of the Province of Albay or a duly designated representative;
- 15 c) Senators of the Republic of the Philippines who are duly registered residents
16 of the Province of Albay, or their duly authorized representatives, unless the
17 Senators decline the membership in the PAMB;
- 18 d) District Representative of the Congressional District where the MMPL is
19 located, or a duly designated representative, unless the District
20 Representative declines the membership in the PAMB;
- 21 e) Mayors of the Municipalities of Oas and Polangul, and the Cities of Ligao and
22 Tabaco, in the Province of Albay or their duly designated representatives;
- 23 f) Chairpersons of all the barangays with territorial jurisdiction over the MMPL;
- 24 g) Regional Directors of the following government agencies, namely:
25 Department of Agriculture (DA), National Economic and Development
26 Authority (NEDA), Department of Science and Technology (DOST), Philippine

1 National Police (PNP), Department of National Defense (DND), and
2 Department of Tourism (DOT);

3 h) Three (3) representatives from either NGOs or people's organizations (POs)
4 based in the Province of Albay, duly accredited both by the DENR and the
5 provincial government. The NGOs or POs represented should have been in
6 existence for at least five (5) years and with track record in or related to
7 protected area management;

8 i) At least one (1) but not more than three (3) representatives from all the
9 indigenous cultural communities (ICCs)/indigenous peoples (IPs) present in
10 the area and recognized by the National Commission on Indigenous Peoples
11 (NCIP);

12 j) One (1) representative from an academic institution, preferably from a
13 university or college in the Province of Albay, with proven track record in or
14 related to protected area management; and

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

18 The terms of office of members of the PAMB, as well as the grounds for their
19 removal shall be in accordance with the provisions of Republic Act No. 7586,
20 otherwise known as the "National Integrated Protected Areas System Act of 1992"
21 as amended by Republic Act No. 11038, otherwise known as the "Expanded National
22 Integrated Protected Areas System Act of 2018".

23 *Sec. 7. Functions of the PAMB.* — The PAMB shall have the following powers
24 and functions:

25 a) Oversee the management of the MMPL;

26 b) Approve policies, plans and programs, proposals, agreements, and other
27 related documents for the management of the MMPL;

- 1 c) Approve the management plan of the MMPL and ensure its harmonization
2 with and integration into the Ancestral Domain Sustainable Development and
3 Protection Plan, land use plan and other development plans, public or
4 private, and their implementation;
- 5 d) Adopt a manual of operations to include rules of procedures in the conduct
6 of business, and the creation of committees and their respective terms of
7 reference;
- 8 e) Recommend the deputation of appropriate agencies and individuals for the
9 enforcement of the laws, rules and regulations governing the management
10 of the MMPL;
- 11 f) Allocate financial resources for the implementation of the management plan
12 and manage the Protected Area - Retention Income Account (PA-RIA) and
13 other funds in accordance with government accounting, budgeting, and
14 auditing rules and regulations;
- 15 g) Set fees and charges in accordance with existing guidelines;
- 16 h) Issue rules and regulations for the resolution of conflicts through appropriate
17 and effective means;
- 18 i) Recommend appropriate policy changes to the DENR and other government
19 authorities with respect to the management of the MMPL;
- 20 j) Monitor and assess the performance of the Protected Area Superintendent
21 (PASu) and other protected area personnel and compliance of partners with
22 the terms and conditions of any undertaking, contract or agreement relative
23 to any project or activity within the MMPL;
- 24 k) Recommend from among a shortlist of qualified candidates, the designation
25 or appointment of the Protected Area Superintendent; and
- 26 l) Assess the effectiveness of the management of the MMPL: *Provided*, That
27 the members of the PAMB representing the LGUs and national agencies shall

1 inform their respective constituents, offices or sectors, of PAMB-approved or
2 other relevant policies, rules, regulations, programs, and projects and shall
3 ensure that the provisions of this Act and the rules and regulations issued to
4 implement it are complied with and used as reference and framework in
5 their respective plans, policies, programs, and projects. Failure to comply
6 with the foregoing shall be the basis for disciplinary action against such
7 member according to administrative rules and regulations and such penalties
8 as the PAMB may provide: *Provided, further,* That the DENR, through the
9 Regional Director, shall ensure that the PAMB acts within the scope of its
10 powers and functions. In case of conflict between the resolutions issued by
11 the PAMB and the existing administrative orders of national application, the
12 latter shall prevail.

13 *Sec. 8. The Protected Area Management Office (PAMO).* — There is hereby
14 established a Protected Area Management Office (PAMO) to be headed by a
15 Protected Area Superintendent (PASu) who shall supervise the day-to-day
16 management, protection, and administration of the MMPL. The PASu shall hold a
17 permanent plantilla position and shall be appointed by the DENR Secretary. A
18 sufficient number of support staff with permanent plantilla positions shall likewise be
19 appointed by the DENR Secretary to assist the PASu in the management of the
20 protected area.

21 The PASu shall be primarily accountable to the PAMB and the DENR for the
22 management and operations of the MMPL. Pursuant thereto, the PASu shall have the
23 following duties and responsibilities:

- 24 a) Prepare the management plan, in consultation with the stakeholders,
25 including the annual work and financial plan, and ensure its
26 implementation;
- 27 b) Ensure the integration of relevant national and LGU plans and programs
28 into MMPL management plans, programs, projects, and policies;

- 1 c) Provide secretariat services to the PAMB and its committees and ensure
2 the availability of relevant and timely information for decision-making;
- 3 d) Formulate and recommend to the PAMB proposed policies, rules,
4 regulations, and programs;
- 5 e) Establish, operate, and maintain a database management system which
6 shall be an important basis for decision-making;
- 7 f) Enforce the laws, rules and regulations relevant to the MMPL, commence
8 and institute administrative and legal actions in collaboration with other
9 government agencies or organizations, and assist in the prosecution of
10 offenses committed in violation of the provisions of this Act;
- 11 g) Monitor, evaluate, and report the implementation of management
12 activities of the MMPL;
- 13 h) Request for and receive any technical assistance, support or advice from
14 any agency or instrumentality of the government as well as academic
15 institutions, NGOs, and the private sector, as may be necessary for the
16 effective management, protection and administration of the MMPL;
- 17 i) Issue permits and clearances for activities that implement the
18 management plan and other permitted activities in accordance with
19 terms, conditions, and criteria established by the PAMB: *Provided*, That
20 all permits for extraction of natural resources for research purposes,
21 including the collection of wildlife and its by-products or derivatives, shall
22 specify the acts to be authorized, and shall continue to be issued by
23 relevant authorities, subject to prior clearance from the PAMB, through
24 the PASu;
- 25 j) Collect and receive pertinent fees, charges, donations, and other income
26 for the MMPL: *Provided*, That such fees, charges, donations, and other
27 income collected and received shall be reported regularly to the PAMB
28 and the DENR in accordance with existing guidelines;

- 1 k) Prepare and recommend to the PAMB, approval of the annual work and
2 financial plans of the MMPL based on the management plan; and
3 l) Perform such other functions as the PAMB and the DENR may assign.

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

7 ARTICLE III
8 PROCEEDS AND FEES

9 Sec. 9. *The Mt Masaraga Protected Landscape Integrated Protected Area*
10 *Fund.* — There is hereby established a trust fund to be known as the Mt. Masaraga
11 Protected Landscape Integrated Protected Area Fund (MMPL-IPAF) for purposes of
12 financing projects of the MMPL and the NIPAS. All income generated from the
13 operation and management of the MMPL shall accrue to the MMPL-IPAF. The income
14 shall be derived from fees and charges from the use of resources and facilities of the
15 MMPL, contributions from industries and facilities directly benefiting from the MMPL,
16 and such other fees and income derived from the operation of the MMPL.

17 The PAMB shall retain seventy-five percent (75%) of all revenues raised
18 through the above means, which shall be deposited in the Protected Area-Retained
19 Income Account (PA-RIA) in any authorized government depository bank within the
20 locality: *Provided,* That disbursements out of such deposits shall be used solely for
21 the protection, maintenance, administration, and management of the MMPL and
22 implementation of duly approved projects of the PAMB. The remaining twenty-five
23 percent (25%) of revenues shall be deposited as a special account in the General
24 Fund of the National Treasury for purposes of financing the projects of the NIPAS.

25 The fund may be augmented by grants, donations, and endowments from
26 various sources, domestic or foreign: *Provided,* That the fund shall be deposited in
27 full as a special account in the National Treasury and disbursements therefrom shall
28 be made solely for the protection, maintenance, administration and management of
29 the NIPAS and duly approved projects endorsed by the PAMB in accordance with

1 existing accounting, budgeting and auditing, rules and regulations: *Provided, further,*
2 That the fund shall not be used to cover personal services expenditures.

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

6 ARTICLE IV
7 MISCELLANEOUS PROVISIONS

8 Sec. 10. *Appropriations.* — The Secretary of the DENR shall immediately
9 include in the Department's program the implementation of this Act, the funding of
10 which shall be included in the annual General Appropriations Act.

11 Sec. 11. *Suppletory Application of the NIPAS Law.* — The provisions of
12 Republic Act No. 7586, as amended by Republic Act No. 11038, shall have
13 suppletory application to this Act.

14 Sec. 12. *Implementing Rules and Regulations.* — Within ninety (90) days
15 from the effectivity of this Act, the Secretary of the DENR shall, in consultation with
16 the local governments of the Municipalities of Oas and Polangui, and the Cities of
17 Ligao and Tabaco, the provincial government of Albay, and concerned national
18 government agencies, issue the corresponding rules and regulations for the effective
19 implementation of this Act.

20 Sec. 13. *Separability Cause.* — If any section or provision of this Act is held
21 unconstitutional or invalid, the remaining sections or provisions not affected thereby
22 shall continue to be in full force and effect.

23 Sec. 14. *Repealing Cause.* — All laws, decrees, executive orders, rules and
24 regulations, and other issuances or parts thereof inconsistent with the provisions of
25 this Act are hereby repealed or modified accordingly.

26 Sec. 15. *Effectivity.* — This Act shall take effect fifteen (15) days after its
27 complete publication in the Official Gazette or in a newspaper of general circulation.

Approved,