



HOUSE OF REPRESENTATIVES

H. No. 5906

BY REPRESENTATIVES CLARETE, BANAAG AND SALCEDA, PER COMMITTEE
REPORT NO. 2044

AN ACT DECLARING THE BALIANGAO LANDSCAPE AND
SEASCAPE IN THE MUNICIPALITY OF BALIANGAO,
PROVINCE OF MISAMIS OCCIDENTAL, AS A PROTECTED
AREA, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER
PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “Baliangao
2 Protected Landscape and Seascape Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of
4 the State to secure for the Filipino people the conservation, protection and
5 preservation of its native terrestrial and marine *flora* and *fauna*. In so doing,
6 the State shall ensure the protection of the rich biodiversity of the coastal and
7 marine areas in the Municipality of Baliangao, Province of Misamis
8 Occidental, the promotion of sustainable and participatory development in the

1 management of the natural resources therein and shall also advance and protect
2 the interests of legitimate inhabitants and their customary laws.

3 SEC. 3. *Declaration of Protected Area.* – The ecologically
4 important coastal and marine ecosystems in the Municipality of Baliangao that
5 needs protection and conservation is hereby declared a protected area (PA),
6 under the category of protected landscape and seascape pursuant to the
7 provisions of Republic Act No. 7586, otherwise known as the National
8 Integrated Protected Areas System (NIPAS) Act.

9 SEC. 4. *Scope.* – The coverage of the Baliangao Protected
10 Landscape and Seascape or PA begins at a point marked “1” on the map
11 which is N. 24° 36’ E., 1,673.40 meters:

12	Thence	N. 25° 30’ E.,	1,299.90 m.	to corner 2;
13	Thence	N. 23° 28’ E.,	199.50 m.	to corner 3;
14	Thence	N. 89° 39’ E.,	539.40 m.	to corner 4;
15	Thence	S. 19° 34’ W.,	201.40 m.	to corner 5;
16	Thence	S. 59° 57’ E.,	100.40 m.	to corner 6;
17	Thence	S. 54° 28’ E.,	641.30 m.	to corner 7;
18	Thence	S. 33° 32’ W.,	1,563.70 m.	to corner 8;
19	Thence	S. 03° 35’ W.,	188.40 m.	to corner 9;
20	Thence	S. 54° 58’ E.,	210.60 m.	to corner 10;
21	Thence	S. 44° 28’ E.,	150.40 m.	to corner 11;

1	Thence	S. $00^{\circ} 16'$ W.,	78.50 m.	to corner 12;
2	Thence	S. $12^{\circ} 05'$ E.,	48.30 m.	to corner 13;
3	Thence	S. $59^{\circ} 10'$ W.,	296.60 m.	to corner 14;
4	Thence	S. $02^{\circ} 07'$ E.,	295.10 m.	to corner 15;
5	Thence	S. $16^{\circ} 39'$ E.,	47.20 m.	to corner 16;
6	Thence	S. $53^{\circ} 07'$ W.,	70.10 m.	to corner 17;
7	Thence	S. $04^{\circ} 38'$ W.,	59.10 m.	to corner 18;
8	Thence	S. $16^{\circ} 06'$ W.,	71.90 m.	to corner 19;
9	Thence	S. $07^{\circ} 12'$ E.,	80.40 m.	to corner 20;
10	Thence	S. $10^{\circ} 41'$ W.,	142.10 m.	to corner 21;
11	Thence	S. $24^{\circ} 18'$ E.,	98.80 m.	to corner 22;
12	Thence	S. $11^{\circ} 31'$ E.,	174.20 m.	to corner 23;
13	Thence	S. $10^{\circ} 50'$ E.,	171.60 m.	to corner 24;
14	Thence	S. $19^{\circ} 33'$ E.,	51.80 m.	to corner 25;
15	Thence	S. $00^{\circ} 06'$ W.,	96.10 m.	to corner 26;
16	Thence	S. $04^{\circ} 52'$ E.,	280.20 m.	to corner 27;
17	Thence	S. $33^{\circ} 27'$ W.,	168.90 m.	to corner 28;
18	Thence	S. $12^{\circ} 20'$ W.,	142.30 m.	to corner 29;
19	Thence	S. $74^{\circ} 14'$ W.,	45.50 m.	to corner 30;
20	Thence	N. $39^{\circ} 02'$ W.,	69.40 m.	to corner 31;
21	Thence	N. $12^{\circ} 43'$ W.,	176.70 m.	to corner 32;

1	Thence	N. 01 ⁰ 22' E.,	168.20 m.	to corner 33;
2	Thence	N. 14 ⁰ 19' W.,	247.30 m.	to corner 34;
3	Thence	N. 10 ⁰ 32' E.,	60.90 m.	to corner 35;
4	Thence	N. 04 ⁰ 30' W.,	54.70 m.	to corner 36;
5	Thence	N. 13 ⁰ 12' E.,	200.50 m.	to corner 37;
6	Thence	N. 30 ⁰ 08' W.,	464.10 m.	to corner 38;
7	Thence	N. 18 ⁰ 08' E.,	123.50 m.	to corner 39;
8	Thence	N. 29 ⁰ 17' E.,	128.10 m.	to corner 40;
9	Thence	N. 08 ⁰ 21' E.,	131.80 m.	to corner 41;
10	Thence	N. 70 ⁰ 22' W.,	32.50 m.	to corner 42;
11	Thence	N. 60 ⁰ 31' W.,	49.40 m.	to corner 43;
12	Thence	N. 57 ⁰ 11' W.,	48.60 m.	to corner 44;
13	Thence	S. 67 ⁰ 14' W.,	83.40 m.	to corner 45;
14	Thence	S. 61 ⁰ 22' W.,	54.80 m.	to corner 46;
15	Thence	S. 89 ⁰ 57' W.,	150.70 m.	to corner 47;
16	Thence	N. 66 ⁰ 07' W.,	55.60 m.	to corner 48;
17	Thence	N. 03 ⁰ 57' W.,	67.60 m.	to corner 49;
18	Thence	N. 24 ⁰ 11' E.,	19.40 m.	to corner 50;
19	Thence	N. 30 ⁰ 13' E.,	85.20 m.	to corner 51;
20	Thence	N. 07 ⁰ 30' E.,	57.60 m.	to corner 52;
21	Thence	N. 56 ⁰ 24' E.,	55.90 m.	to corner 53;

1	Thence	N. 69 ^o 11' E.,	462.60 m.	to corner 54;
2	Thence	N. 32 ^o 53' E.,	121.00 m.	to corner 55;
3	Thence	N. 09 ^o 58' W.,	49.70 m.	to corner 56;
4	Thence	N. 50 ^o 24' W.,	88.50 m.	to corner 57;
5	Thence	N. 45 ^o 25' E.,	25.00 m.	to corner 58;
6	Thence	N. 40 ^o 44' W.,	273.60 m.	to corner 59;
7	Thence	S. 87 ^o 22' W.,	180.50 m.	to corner 60;
8	Thence	N. 78 ^o 31' W.,	175.50 m.	to corner 61;
9	Thence	N. 73 ^o 55' W.,	516.10 m.	to corner 62;
10	Thence	N. 41 ^o 15' E.,	508.50 m.	to corner 1,

11 the point of beginning containing an area of two hundred ninety-four and
 12 99/100 hectares (294.99 has.). The area described herein shall also fall under
 13 the classification of national park, subject to private rights if there be any.

14 SEC. 5. *Definition of Terms.* – For purposes of this Act, the
 15 following terms are defined as follows:

16 (a) “General Management Plan” shall refer to the basic long-term
 17 framework plan in the management of the PA and serve as guide in the
 18 preparation of the annual operations plan and budget.

19 (b) “General Management Planning Strategy” shall refer to the guide in
 20 the formulation of site specific management plans for PAs, including buffer
 21 zones.

1 (c) “Integrated Protected Area Fund” shall refer to the trust fund
2 established for purposes of financing projects of the NIPAS.

3 (d) “Management Manual” shall refer to the document containing the
4 individual management plan, basic background information, field inventory of
5 the resources within the area, assessment of assets and limitations, regional
6 interrelationships, particular objectives for managing the area, appropriate
7 division of the area into management zones, review of the boundaries of the
8 area and a design of the management programs.

9 (e) “Protected Landscape/Seascape” shall refer to an area of national
10 significance which is characterized by the harmonious interaction of man and
11 land while providing opportunities for public enjoyment through recreation and
12 tourism within the normal lifestyle and economic activity of these areas.

13 (f) “Protected Area Management Board (PAMB)” shall refer to the
14 site-based decision making body responsible in the planning, resource
15 protection and general administration of the area in accordance with the
16 approved management plan.

17 (g) “Protected Area Superintendent (PASu)” shall refer to the official
18 of the Department of Environment and Natural Resources (DENR) who shall
19 act as the chief operating officer at the PA.

20 (h) “Tenured Migrants” shall refer to persons who have actually and
21 continuously occupied an area for five years prior to the designation of the

1 same as PAs in accordance with the NIPAS Act and are solely dependent
2 therein for subsistence.

3 (i) "Secretary" shall refer to the Secretary of the DENR.

4 SEC. 6. *The Protected Area Management Board (PAMB).* – There
5 shall be a PAMB which shall be the policy making body for the PA. It shall be
6 composed of:

7 (a) The Regional Executive Director (RED) of the DENR-Region X, as
8 chairman;

9 (b) The Governor of Misamis Occidental as co-chairman;

10 (c) The Mayor of the Municipality of Baliangao or his authorized
11 representative;

12 (d) The barangay captains or their authorized representatives with
13 territory inside and adjacent to the PA;

14 (e) One representative each from the nongovernment organizations
15 (NGOs) and people's organizations (POs) concerned with the PA management
16 and duly accredited by the municipal government of Baliangao, chosen from
17 among the accredited organizations in an election duly called for the purpose;

18 (f) The Provincial Planning and Development Officer (PPDO) of the
19 Province of Misamis Occidental, sitting as *ex officio* member, to be endorsed
20 by the governor;

1 (g) The Chief of the Philippine National Police of the Municipality of
2 Baliangao;

3 (h) The head of the Bureau of Fisheries and Aquatic Resources in the
4 Province of Misamis Occidental; and

5 (i) The Provincial Agriculturist of Misamis Occidental.

6 Each member of the PAMB shall serve for a term of five years and shall
7 be considered to represent and carry the vote of the sector being represented in
8 all matters. Members of the PAMB who represent government officials or
9 agencies shall serve co-terminous to the term of office of their principals,
10 unless sooner terminated by the latter.

11 SEC. 7. *Powers and Functions of the Protected Area Management*
12 *Board.* – The PAMB of the Baliangao Protected Landscape and Seascape shall
13 exercise the following powers and functions:

14 (a) Issue all rules and regulations to implement the provisions of this
15 Act and promote the policy declaration herein setforth;

16 (b) Establish criteria and set fees for the issuance of permits for the
17 activities regulated by this Act or the approved management plan;

18 (c) Adopt rules of procedure for the conduct of business, including the
19 creation of committees to whom its powers may be delegated;

20 (d) Approve the management plan and oversee the office of the PASu;

1 (e) Deputize interested individuals for the enforcement of the laws,
2 rules and regulations adopted pursuant to this Act;

3 (f) Accept donations, approve proposals for funding, budget
4 allocations and exercise accountability over all funds that may accrue to the
5 Baliangao Protected Area;

6 (g) Coordinate with appropriate agencies for the regulation of flight
7 patterns of aircraft going over the area to set acceptable latitudinal limits and
8 emissions; and

9 (h) Retain legal counsel, either on a permanent or temporary basis, to
10 provide legal assistance to the PAMB and the PASu staff whenever they are
11 sued in connection with the performance of their duties under this Act.

12 The Secretary shall exercise authority over the PAMB to ensure that it
13 acts within the scope of its powers and functions. In case of conflict between
14 administrative orders of national application issued by the DENR pursuant to
15 the NIPAS Act and the rules and regulations issued by the PAMB, the PAMB
16 shall notify the Secretary who shall resolve such conflict.

17 SEC. 8. *The Protected Area Superintendent's Office (PASO).* –

18 There is hereby established a PASO in charge of the management, protection
19 and administration of the PA. The PASO personnel shall come from existing
20 personnel of the DENR. The PASO shall be headed by the PASu who, as chief

1 operating officer of the PA, shall be accountable to the RED of the DENR-
2 Region X and the PAMB.

3 The PASu shall have the following powers and functions:

4 (a) Prepare the management plan and successor plans as herein
5 provided and undertake its execution;

6 (b) Serve as the Secretariat for the PAMB with duty to provide the
7 PAMB with all information necessary to make appropriate decisions;

8 (c) Establish a productive partnership with the local community,
9 including groups interested in the achievement of the herein goals and
10 objectives, in the planning, protection and management thereof;

11 (d) Develop and implement a park information, education and visitor
12 program;

13 (e) Enforce the laws, rules and regulations relevant to the PA and assist
14 in the prosecution of offenses;

15 (f) Supervise all activities within the PA for conformity with the
16 protection and conservation plan; and

17 (g) Perform such other functions as the PAMB may assign.

18 The PASu shall prepare the management plan in coordination with
19 the appropriate offices of the DENR, local communities and experts on
20 tribal communities with experience in the particular cultures in the area.
21 The management plan shall be reviewed, approved and adopted by the

1 PAMB and certified to by the Secretary to ensure that it conforms to all
2 laws, rules and regulations of national application. In no case shall, the
3 management plan be revised or modified without prior consultation with
4 the PAMB.

5 Within one year from the effectivity of this Act, the management plan
6 shall be put into effect following the general management plan provided under
7 the NIPAS Act and the procedures herein setforth.

8 The PASu shall prepare all successor plans two years before the
9 expiration of the existing plan. The PASu shall cause the publication of
10 notices for comments and suggestions on the next successor's plan in a
11 newspaper of local circulation and the posting of such notices in the provincial,
12 municipal and barangay halls and in three other areas frequented by the public.
13 Public consultations may be conducted on the successor's plan upon the
14 written request of any interested party. The proposed plan shall be made
15 available to the public during the period for comment and the final plan shall
16 be made available during the period of comment. The final version shall be
17 made available for public perusal at the office of the PASu upon the approval
18 of the PAMB.

19 The zoning of the PA shall give primary consideration to sustainable
20 practices of tenured migrants and nearby communities for an appreciable

1 length of time unless such uses are deemed detrimental to biodiversity and
2 protection of the natural characteristics of the PA.

3 SEC 9. *Utilization of Nonrenewable Resources.* – Any
4 exploitation of or utilization of nonrenewable resources within the PA shall not
5 be allowed. Energy projects, whether renewable or otherwise, shall be
6 permitted only through an act of Congress: *Provided*, That exploitation of
7 renewable energy up to three megawatts capacity shall be exempt from such
8 requirement.

9 SEC. 10. *Prohibited Acts.* – The following shall be the prohibitions and
10 penalties applicable to the PA:

11 (a) The penalties in Articles 309 and 310 of the Revised Penal Code,
12 depending on the value of the resources taken, damaged or destroyed shall be
13 imposed upon any person who:

14 (i) Hunts, destroys, collects, disturbs or possesses anywhere within the
15 PA any plants or animals, sand, rocks or products derived therefrom without a
16 permit;

17 (ii) Possesses outside the PA any wild plant or animal or product
18 derived therefrom which came from the PA;

19 (iii) Undertakes mineral exploration or extraction within the PA; and

20 (iv) Hunts, collects, removes or destroys any endangered or protected
21 species.

1 (b) A fine of not less than Five thousand pesos (P5,000.00) nor more
2 than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment
3 from three years to five years shall be imposed upon any person who:

4 (i) Violates any rules and regulations in the protection and
5 conservation plan or by the PAMB or agreements reached before the PAMB in
6 the exercise of adjudicative functions;

7 (ii) Erects any permanent structure on land or on water for any
8 purposes outside the protection and conservation plan without a permit duly
9 issued by the PAMB;

10 (iii) Possesses a chainsaw, hacksaw and other mechanized equipment
11 within the PA without a permit issued by the PAMB;

12 (iv) Throws, dumps or causes to be dumped into the PA any non-
13 biodegradable material or waste whether liquid, solid or gas;

14 (v) Uses, dumps, places or causes to be placed into the PA toxic
15 chemicals, including pesticides and other hazardous substances, unless the
16 same is expressly allowed in the protection and conservation plan; and

17 (vi) Prospects, hunts or otherwise locate hidden treasures.

18 SEC. 11. *Special Prosecutor.* – Within thirty (30) days from the
19 effectivity of this Act, the Department of Justice shall appoint a special
20 prosecutor to whom all cases of violation of laws, rules and regulations in the
21 PA shall be assigned. Such special prosecutor shall coordinate with the PAMB

1 and the PASu in the performance of his/her duties and assist in the training of
2 wardens and rangers in arrest and criminal procedures. Whenever resources of
3 the PAMB would allow, private prosecutors may be appointed, under the
4 control and supervision of the special prosecutor.

5 SEC. 12. *Local Government Units (LGUs).* – The local government of
6 the Municipality of Baliangao and its barangays with territory within the PA
7 shall participate in its management through representation in the PAMB as
8 provided under Section 6 hereof.

9 The LGUs shall retain their power to adopt ordinances over the territory
10 covered under this Act with due consideration to the management objectives of
11 the PA. If a conflict between the LGU and the management objectives of the
12 PA remains unresolved within the PAMB, such conflict shall be resolved by
13 the Secretary.

14 The LGUs may appropriate portions of their share from the annual
15 internal revenue allotment (IRA) and other income for the management of the
16 PA. All amounts appropriated by local governments shall accrue to the
17 Baliangao Protected Area Fund (BPAF): *Provided,* That financial assistance
18 coming from the LGUs shall be exempted from the twenty-five percent (25%)
19 remittance requirement to the National Integrated Protected Area Fund.

20 SEC. 13. *The Baliangao Protected Area Fund (BPAF).* – There is
21 hereby established a trust fund to be known as the Baliangao Protected Area

1 Fund (BPAF) for purposes of financing projects of the PA. All income
2 generated from the operation of the system or management of wild *flora* and
3 *fauna* in the PA shall accrue to the BPAF. These income shall be derived from
4 visitors and tourist fees, fees from permitted sale and export of *flora* and *fauna*
5 and other resources from the PA, proceeds from registration and lease of
6 multiple-use areas, including tourism concessions, contributions from
7 industries and facilities directly benefiting from the PA, and such other fees
8 and income derived from its operation.

9 The BPAF may be augmented by grants, donations, endowment from
10 various sources, domestic or foreign for purposes related to their functions:
11 *Provided*, That the BPAF shall be deposited as a special account in the
12 National Treasury and disbursements therefrom shall be made solely for the
13 protection, maintenance, administration and management of the system, and
14 duly approved projects endorsed by the PAMB in accordance with existing
15 accounting and budgeting rules and regulations: *Provided, further*, That the
16 BPAF shall not be used to cover personal services expenditures.

17 The LGUs shall continue to impose and collect all other fees not
18 enumerated herein which they have traditionally collected, such as business
19 permits, property tax and rentals of the LGUs' facilities. Furthermore, LGUs
20 may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-

1 ons shall be determined based on the contribution of the LGUs in the
2 maintenance and protection of the PA.

3 SEC. 14. *Appropriations.* – The Secretary of the DENR shall
4 immediately include in the Department’s program the implementation of this
5 Act, the funding of which shall be included in the annual General
6 Appropriations Act.

7 SEC. 15. *Construction.* – The provisions of this Act shall be construed
8 liberally in favor of tenured migrants and indigenous cultural communities with
9 due consideration to the protection of biodiversity. The NIPAS Act shall have
10 suppletory application in the implementation of this Act.

11 SEC. 16. *Repealing Clause.* – All laws, executive orders, rules and
12 regulations inconsistent with this Act are hereby repealed or modified
13 accordingly.

14 SEC. 17. *Separability Clause.* – If any part or section of this Act is
15 declared by the courts as unconstitutional, such declaration shall not affect the
16 other parts or sections hereof.

17 SEC. 18. *Effectivity Clause.* – This Act shall take effect fifteen (15)
18 days after its publication in the *Official Gazette* or in a national newspaper of
19 general circulation readily available in the area.

Approved,