



# LEGISLATIVE RESEARCH SERVICE QUICK NOTES

*Second Regular Session, 19<sup>th</sup> Congress*

## **Public Hearing/Inquiry of the Committee on Environment, Natural Resources and Climate Change**

**Chairperson: Sen. Cynthia A. Villar**

**3 April 2024, Wednesday, 10:00 AM, Pecson Room, Senate**

**Re: I. Inquiry, in Aid of Legislation, on the Construction of Resorts within the Chocolate Hills Natural Monument (CHNM) and Management Practices, Presence of Tenurial Agreements, etc., on the Country's Protected Areas**

- **P. S. Res. No. 967—Sen. Nancy S. Binay**
- **P. S. Res. No. 970—Sen. Joel Villanueva**
- **P. S. Res. No. 973—Sen. Loren Legarda**
- **P. S. Res. No. 976—Sen. Cynthia A. Villar**

**II. Privilege Speech of Sen. Raffy T. Tulfo on illegal resort development and the environmental challenges besetting Mt. Apo National Reserve, delivered in the plenary session on 18 March 2024**

### **Background**

- The Philippines has a total of 248 protected areas, broken down as follows: 114 protected areas were declared by law; 13 were established by presidential proclamations; and 121 were designated as initial components.<sup>1</sup>
- Section 3 of Republic Act No. 11038, otherwise known as the “Expanded National Integrated Protected Areas System Act of 2018” (ENIPAS Act), defines “protected area” as identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation.
- The Chocolate Hills Natural Monument (CHNM) is a protected area under the ENIPAS Act. In 2023, it was recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a Global Geopark. These UNESCO Global Geoparks (UGGp) are single, unified geographical areas where sites and landscapes of international geological significance are

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<sup>1</sup> Paraphrased from P.S. Res. No. 976

managed with a holistic concept of protection, education and sustainable development.<sup>2</sup>

- In response to numerous reports regarding the exploitation and degradation of the nation's protected areas, the Committee on Environment, Natural Resources, and Climate Change will convene its initial public hearing/inquiry, in aid of legislation. The focus will be on investigating protected areas identified as subject to exploitation and defacement, as highlighted in news reports, social media, and a recent privilege speech by Senator Tulfo during the plenary session on March 18 of this year.

## **Highlights**

- Proposed Senate Resolution Nos. 967, 970, and 973, filed by Senators Binay, Villanueva, and Legarda, respectively, seek an inquiry into the reported construction of structures within the CHNM.

The resolutions underscore that the CHNM is a protected area under the ENIPAS Act. Section 18(o), thereof, also prohibits constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area without prior clearance from the Protected Area Management Board (PAMB) and permit from the Department of Environment and Natural Resources (DENR), or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB.

- Proposed Senate Resolution No. 976, on the other hand, aims to investigate the management practices, existence of tenurial agreements, and the efficacy of protection mechanisms (or lack thereof) for the Philippines' protected areas.

The resolution highlights reported incidents of exploitation or defacement in these protected areas, including:

- ⇒ Instances of violence, illegal logging, quarrying, and unauthorized construction within the Upper Marikina River Basin Protected Landscape in Rizal Province.
- ⇒ Significant occupation and unauthorized constructions within the Siargao Island Protected Landscape and Seascape in Surigao Del Norte.
- ⇒ Illegal construction of resort facilities, such as an Olympic-sized swimming pool, slides, and concrete cottages in the vicinity of the CHNM in Bohol.
- ⇒ Presence of illegal structures and activities within Mount Apo Natural Park.

This resolution underscores a notable gap in the enforcement of policies, laws, and regulations intended to safeguard the integrity of the Philippines' protected areas.

- Senator Tulfo's privileged speech highlighted various concerning issues plaguing the Mt. Apo Natural Park. These included the proliferation of business establishments, mining and deforestation activities, illegal logging of

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<sup>2</sup> Sourced from <https://www.unesco.org/en/igpp/geoparks/about>

hardwood trees, land conversion for residential settlements, water pollution, introduction of foreign exotic species, presence of sizable communities, population growth, and unsustainable livelihood practices.<sup>3</sup>

### **Possible Points for Discussion**

1. Examination of potential governmental negligence in the conservation and management of protected areas;
2. UNESCO Global Geoparks receive their designation for a four-year period, after which each geopark undergoes a thorough re-examination of its performance and quality through a revalidation process. During this process, the geopark under review prepares a progress report, and a field mission is conducted by two evaluators to assess its quality.<sup>4</sup> The current concern revolves around the potential consequences:
  - ⇒ If the CHNM remains unprotected and continues to deteriorate, there is a risk of it losing its status as a UNESCO Global Geopark. This would not only impact its local preservation efforts but also diminish its prestigious association with the 213 UNESCO Global Geoparks spanning 48 countries.
3. Identification of key challenges hindering the effective protection and management of these areas, including human land use, climate change impacts, limited public involvement, incomplete legislative frameworks, and socio-political and economic constraints;
4. Analysis of potential areas of overlap and exploration of mechanisms for enhanced collaboration and coordination to optimize the efficiency of protected areas management endeavors;
5. Overview of pertinent laws, regulations, proclamations, and policies affecting the protection of the country's preserved regions to facilitate more cohesive legislation;
6. Consideration of prospective legislative measures to address shortcomings in existing legal frameworks.

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<sup>3</sup> Paraphrased from the *Journal of the Senate*, March 18, 2024, p. 33

<sup>4</sup> Sourced from <https://www.unesco.org/en/igpp/geoparks/about>