

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

Fifteenth Congress
Third Regular Session

COMMITTEE REPORT NO. 2379

Submitted by the **Committee on Natural Resources and Committee on Appropriations** on

30 AUG 2012
Re **House Bill No.** 3512

Recommending its approval, in substitution of **House Bill No. 4538**

Sponsors: Representatives Francisco T. Matugas, Joseph Emilio A. Abaya and Lorenzo R. Tañada III

Mr. Speaker:

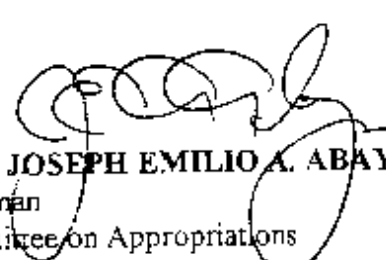
The Committees on Natural Resources and Appropriations to which was referred **House Bill No. 4538**, introduced by Representative **Lorenzo R. Tañada III**, entitled:

"AN ACT TO ESTABLISH THE MAULAWIN SPRING PROTECTED LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSE AS MANDATED FOR BY THE NIPAS ACT OF 1992"

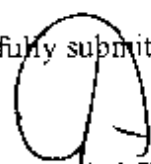
have considered the same and recommend that herein attached **House Bill No. 3512**, entitled:

"AN ACT ESTABLISHING THE MAULAWIN SPRING IN THE MUNICIPALITY OF GUINAYANGAN, QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES"

be approved, in substitution of **House Bill No. 4538**, with Representatives Tañada, Matugas, and Abaya as authors thereof.


HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations

Respectfully submitted,


HON. FRANCISCO T. MATUGAS
Chairman
Committee on Natural Resources

THE HONORABLE SPEAKER
House of Representatives
Quezon City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session

House Bill No. 6512
(In Substitution of HLB. No. 4538)

Introduced by Representatives Lorenzo R. Tañada, Francisco T. Matugas, and Joseph Emilio A. Abaya

**AN ACT ESTABLISHING THE MAULAWIN SPRING IN THE MUNICIPALITY OF
GUINAYANGAN, QUEZON AS A PROTECTED AREA UNDER THE
CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES**

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

1 **SECTION 1. Title.** - This act shall be known as the "*Maulawin Spring Protected*
2 *Landscape (MSPL) Act of 2012*".

3 **SEC. 2 . Declaration of Policy.** Pursuant to Republic Act 7586, otherwise known as the
4 "National Integrated Protected Areas System Act of 1992", it is hereby declared the policy of the
5 State to conserve and preserve the aggregates of wild flora and fauna, culture and indigenous
6 knowledge, historical artifacts and sites, ensure the continuity of endangered, threatened and
7 rare species towards the end of conserving, protecting and preserving, and preserving the
8 scenic, cultural, historical and archeological features of Maulawin Spring Protected
9 Landscape and its surroundings and other forest ecosystems found therein, and providing thereof
10 for the benefit and enjoyment of its people and humankind.

11 The classified area comprising the Maulawin Spring Protected Landscape shall be within
12 the classification under the 1987 Philippine Constitution. Public lands classified as agricultural
13 and alienable and disposable upon the passage of this Act shall remain as such and may be
14 disposed of under the law.

SEC. 3. *Scope and Coverage.* The boundaries of the Maulawin Spring Protected Landscape (MSPL), which fall under the category of protected landscape as defined herein, within the Municipality of Guinayangan, Province of Quezon, are as follows:

TECHNICAL DESCRIPTION

Beginning at a point marked "1" which is N 61°32'21" W, 2348.96 meters from Poblacion of Guinayangan, Tayabas with geographic coordinates of 13°53'54.96"North and 122°27'11.08"East

LINE	BEARING				DISTANCE (meters)	
1-2	S 18 ° 54 '	0	"	E	291.10	
2-3	S 57 ° 55 '	0	"	W	260.60	
3-4	S 66 ° 45 '	59	"	W	190.40	
4-5	S 77 ° 57 '	59	"	W	410.70	
5-6	S 50 ° 54 '	59	"	W	320.80	
6-7	S 49 ° 45 '	0	"	W	320.90	
7-8	N 66 ° 8 '	0	"	W	390.20	
8-9	N 29 ° 39 '	0	"	W	234.30	
9-10	N 38 ° 39 '	59	"	W	399.10	
10-11	N 43 ° 9 '	59	"	W	159.70	
11-12	N 62 ° 3 '	59	"	E	149.70	
12-13	N 26 ° 3 '	59	"	E	234.10	
13-14	N 70 ° 2 '	59	"	E	219.60	
14-15	N 88 ° 59 '	59	"	E	269.60	
15-16	S 54 ° 50 '	59	"	E	200.10	
16-17	S 80 ° 27 '	0	"	E	199.70	
17-18	N 19 ° 33 '	0	"	E	139.40	
18-19	N 65 ° 4 '	0	"	E	199.60	
19-20	N 85 ° 1 '	0	"	E	149.80	
20-21	S 89 ° 0 '	0	"	E	119.80	
21-22	S 40 ° 50 '	0	"	E	160.30	

22-23	S 46 ° 49 '	59 "	E	200.30
23-1	N 85 ° 58 '	29 "	E	209.73

The Maulawin Spring Protected Landscape shall cover a total land area of One Hundred Forty Nine (149.008) hectares.

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps thereof.

Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SEC. 4. Land Classification. - All lands comprising the Maulawin Spring Protected Landscape (MSPL) shall fall under the classification of National Park as provided for in the 1987 Philippine Constitution.

SEC. 5. Definition of Terms. For purpose of this Act, the following terms are defined as follows:

- (a) **Biodiversity** shall refer to variety and variability among living organisms and the ecological complexes in which said organisms occur.
- (b) **Conservation** shall refer to the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.
- (c) **Department of Environment and Natural Resources (DENR)** shall refer to the national government agency tasked of regulating the use of natural resources and administering the programs of environmental management.
- (d) **Endangered Species** shall refer to the wildlife species that are in danger of extinction and whose survival is unlikely if the causal factor is not reversed.
- (e) **Exotic Species** shall refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.
- (f) **Forest Lands** shall refer to the lands of the public domain which have been classified as such, under the land classification program of the DENR.
- (g) **Habitat** shall refer to a place or type of environment where species or subspecies naturally occur or have naturally established their population.

- 1 (h) **Management Board** shall refer to the Management Board of the MSPL.
- 2 (i) **Management Plan** shall refer to the fundamental plan, strategy and/or scheme which
3 shall guide all activities relating to the MSPL in order to attain the objectives of this
4 Act.
- 5 (j) **National Integrated Protected Areas System (NIPAS)** shall refer to the classification
6 and administration of all designated protected areas to maintain essential ecological
7 processes and life - support systems, to preserve genetic diversity, to ensure
8 sustainable use of resources found therein, and to maintain their natural conditions to
9 the greatest extent possible.
- 10 (k) **National Park** shall refer to the land of the public domain classified as such in the
11 1987 Constitution which includes all areas under the National Integrated Protected
12 Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for
13 the conservation of native plants and animals, their associated habitats and cultural
14 diversity.
- 15 (l) **Non-governmental Organization (NGO)** shall refer to an agency, institution,
16 foundation or a group of persons whose purpose is to assist people's
17 organizations/associations in various ways including, but not limited to, organizing,
18 education, training, research and/or resource accessing.
- 19 (m) **Provincial Environment and Natural Resources Office (PENRO)** shall refer to the
20 local office of the DENR at the provincial level.
- 21 (n) **People's Organization (PO)** shall refer to a group of organized migrant communities
22 and/or interested indigenous peoples which may be an association, cooperative,
23 federation, or other legal entity, established to undertake collective action to address
24 community concerns and needs, and mutually share the benefits of the endeavor.
- 25 (o) **Protected Area** shall refer to identified portions of land and/or water set aside by
26 reasons of their unique physical and biological significance, managed to enhance
27 biological diversity and protected against destructive human exploitation.
- 28 (p) **Protected Area Management Board (PAMB)** shall refer to a multi-sectoral policy-
29 making body created in accordance with Republic Act No. 7586 or the NIPAS Act of
30 1992.

1 (q) *Protected Area Superintendent (PASu)* shall refer to the chief operating DENR
2 officer of the MSPL.

3 (r) *Protected Landscape* shall refer to an area of national significance, which is
4 characterized by the harmonious interaction of man and land while providing
5 opportunities for public enjoyment through recreation and tourism within the normal
6 lifestyle and economic activity of the area.

7 (s) *Protected Species* shall refer to plants or animals declared protected under Philippine
8 laws and international conventions, including species listed under the Convention on
9 International Trade of Endangered Species (CITES) and all its Annexes, the Bonn
10 Convention on Migratory Species, the Red-list Categories of the World Conservation
11 Union (IUCN), or plants or animals which the PAMB may deem critical for the
12 conservation and preservation of the MSPL.

13 (t) *Tenured Migrants* shall refer to forest occupants who have actually and continuously
14 occupied a portion of the protected area for at least five (5) years, and are solely
15 dependent therein for subsistence, as of the passage of this Act. A protected area
16 occupant is understood to be "solely dependent for subsistence" when everything
17 indispensable for survival for the household, including food, clothing, shelter and
18 health, comes only from the utilization of resources from the protected area.

19 **SEC. 6. Management Plan.** - There shall be a Management Plan promulgated for the
20 MSPL that shall serve as the basic long-term framework plan in the management of the protected
21 area and guide in the preparation of its annual operations plan and budget.

22 Within one (1) year from the effectivity of this Act, the Management Plan shall have been
23 put into effect following the general management planning strategy provided for under the
24 NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the
25 following:

- 26 (a) The category of the protected area;
27 (b) Period of applicability of the plan;
28 (c) Key management issues;
29 (d) Goals and objectives of management in support of Section 2 hereof;
30 (e) Site management strategy;
31 (f) Major management activities such as, but not limited to, enforcement of laws, habitat

1 and wildlife management, sustainable use management, infrastructure development
2 and maintenance, and fire and pest control;

3 (g) Zoning; and

4 (h) Visitor management programs.

5 The Management Plan shall be prepared by the Protected Area Superintendent (PASu) in
6 coordination with the appropriate offices of the department, local communities and the NGOs. It
7 shall be reviewed and approved by the PAMB and certified by the Secretary of the Department.
8 Such certification shall be mandatory to ensure that the plan conforms to all laws and the
9 applicable rules and regulations issued by the Department: *Provided However*, That the Secretary
10 may revise and modify the protection and conservation plan, after consultation with the PAMB,
11 prior to certification to ensure conformity with applicable laws, rules and regulations.

12 A year before the expiration of the period of the applicability of the plan in effect, the
13 PASu shall cause publication of notices for comments and suggestions on the successor plan in a
14 newspaper of general circulation in the concerned municipalities. Notices shall also be posted in
15 the respective provincial and municipal halls of the concerned provinces and municipalities as
16 well as in the barangay halls bounding or immediately adjacent to the protected landscape. The
17 proposed plan shall be made available to the public during the period for comment and a final
18 plan shall likewise be made available for public perusal at the office of the PASu upon the
19 approval of the PAMB: *Provided*, That the plans shall be plainly written in a language
20 understandable in the area.

21 **SEC. 7. Management of the Maulawin Protected Landscape (MSPL).** - There is hereby
22 created a PAMB which shall have jurisdiction, power and authority over the MSPL for all
23 matters that may affect biodiversity conservation, protection and sustainable development. It
24 shall be composed of:

- 25 1. The Regional Executive Director, Region IV, of the DENR as the chairman;
- 26 2. The Provincial Planning and Development Coordinator of Quezon Province;
- 27 3. One (1) representative from the Municipal Government of Guinayangan, Quezon
28 which shall be appointed by their Local Chief Executive;
- 29 4. One (1) representative from each Barangay with territory within the protected
30 area which shall be appointed by their respective Sangguniang Barangays;
- 31

1 5. At least three (3) representatives from local non-government organizations (NGO)
2 and community organizations, including people's organizations, cooperatives,
3 church or civic organizations to be chosen among themselves in meeting called
4 for the purpose; and

5 6. One (1) representatives from other government agencies that may be involved in
6 protected area management depending on the needs of the protected area.

7 Each member of the PAMB shall serve for a term of five (5) years and shall be
8 considered to represent one's sector and deemed to carry the vote of such sector in all matters. In
9 the case of members who are government officials, their appointment shall be co-terminus with
10 their term of office.

11 The members of the PAMB shall be appointed by the Secretary of the DENR in
12 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members
13 of the PAMB shall be nominated from the current members of the interim PAMB of the
14 MSPL: *Provided*, That the PAMB shall include women as members.

15 The representatives from the local government units (LGUs) and national agencies in the
16 PAMB shall include among their duties, the duty to inform their respective constituents, office or
17 sector of the PAMB approved or other relevant policies, rules, regulations, programs and
18 projects, and to ensure that the provisions of this Act, the NIPAS Act and its implementing rules
19 and regulations are observed, complied with, and used as reference and framework in their
20 respective plans, policies, programs and projects. Failure to comply with the foregoing shall
21 subject such representative to disciplinary action as the PAMB may provide.

22 The members of the PAMB shall not receive any salary but shall be entitled to
23 reimbursements for actual and necessary expenses incurred, either in their attendance in
24 meetings of the PAMB or in connection with other official business authorized by a resolution
25 of the PAMB, subject to existing rules and regulations.

26 **SEC. 8. Powers and Functions of the PAMB.** - The PAMB of the MSPL, which shall
27 decide by consensus or majority vote of the members present constituting a quorum of majority
28 of all the members, shall have the following powers and functions in addition to those provided
29 under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and
30 regulations:

31 (a) Issue all rules and regulations to prohibit acts that maybe prejudicial to the protected

1 area and the policy declaration herein set forth as well as established criteria and set
2 fees for the issuance of permits for activities regulated by this Act or the management
3 plan;

4 (b) Issue rules and regulations for the resolution of conflicts through appropriate,
5 sensitive, and effective means;

6 (c) Adopt rules and procedures in the conduct of business, including the creation of
7 committees to which its powers may be delegated;

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

9 (e) Establish criteria and set fees for the issuance of permits for activities regulated by
10 this Act or the management plan;

11 (f) Recommend the deputization of appropriate individuals for the enforcement of the
12 laws, rules and regulations governing the conduct or management of the MSPL;

13 (g) Approve fees and charges in accordance with existing policies and guidelines and
14 raise funds for the MSPL;

15 (h) Manage the allocation of the MSPL Fund, and other funds for the MSPL,
16 ensure their proper administration and render accounting, and

17 (i) Recommend appropriate policy reforms to the DENR and other government
18 authorities.

19 The DENR through the RED, shall ensure that the PAMB acts within the scope of its
20 powers and functions. In case of a conflict between administrative orders of national application
21 issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the PAMB, the
22 PAMB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw
23 its application in the MSPL.

24 **SEC. 9. *The Protected Area Superintendent (PASu) Office.*** - There is hereby established
25 a PASu Office within the DENR Regional Office to be in charge of the management, protection,
26 and administration of the MSPL. The PASu shall be supported by the existing personnel of the
27 DENR. The head of office shall be the chief operating officer of the MSPL and shall be directly
28 accountable to the Regional Executive Director of the DENR Region IV-A and the PAMB.

29 The PASu shall have full responsibility for the protection of land, water, wildlife and
30 other natural physical and biological resources within the MSPL. As such, the PASu shall have

1 the following duties and responsibilities in addition to those provided under the NIPAS Act and
2 its implementing rules and regulations:

- 3 (a) Establish, operate, and maintain a database management system as a decision support
4 tool;
- 5 (b) Prepare the management and development plans as herein defined;
- 6 (c) Provide a secretariat for the PAMB and supply the PAMB with all the necessary
7 information to make appropriate decisions for the implementation of this Act;
- 8 (d) Enforce the laws, rules and regulations relevant to the MSPL, institute and file legal
9 action independently or in collaboration with other government agencies or
10 organizations and assist in the prosecution of offenses committed in violation of this
11 Act;
- 12 (e) Monitor all activities within the MSPL to ensure its conformity with the management
13 plan;
- 14 (f) Recommend the issuance of permits based on terms, conditions and criteria
15 established by the PAMB;
- 16 (g) Ensure the integration of the MSPL management policies, regulations, programs and
17 projects at all the concerned national and local government unit levels; and
- 18 (h) Perform such other functions as the PAMB may delegate.

19 The PASu shall be supported by a sufficient number of personnel who shall be
20 performing day to day management, protection and administration of the MSPL. Upon the
21 recommendation of the PAMB, the DENR Regional Executive Director shall deputize local
22 community leaders and environment and natural resources officers.

23 **SEC. 10. Tenured Migrants.** - Tenured migrants are those who have actually occupied the
24 forest lands within the protected area since June 30, 1987 and are substantially dependent on
25 such areas for their livelihood. For purposes of official documentation of rights and extent of
26 occupation within the protected area, tenured migrants shall be issued a tenorial instrument over
27 such areas as have been occupied or cultivated since June 30, 1987.

28 Should areas occupied by tenured migrants be designated as zones in which no
29 occupation or other activities are allowed pursuant to the attainment of sustainable development,
30 provision for the transfer of said tenured migrants to multiple use zones or buffer zones shall be
31 accomplished through just and humane means.

1 In the event of termination of a tenurial instrument for cause or by voluntary surrender of
2 rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its
3 natural state prior to the cultivation or other act by the tenured migrant.

4 Within three (3) months from the passage of this Act, the PASu shall submit to the
5 PAMB the complete list of tenured migrants which list shall be final upon approval of the
6 PAMB.

7 **SEC. 11. Prohibited Acts and Penalties.-** The following shall be the prohibitions and
8 penalties applicable to the MSPL, in addition to the prohibited acts as provided in the NIPAS Act
9 and its implementing rules and regulations:

- 10 A. The penalties in Article 309 or 310 of the Revised Penal Code depending on the
11 resources taken, damaged or destroyed shall be imposed upon any person who:
- 12 1. Hunts, destroy, disturbs or removes from the Maulawin Spring Protected
13 Landscape any wild plants or animal products derived there from without a
14 permit from the PAMB;
 - 15 2. Conducts mineral explorations or extraction within the Protected Landscape
16 as defined herein;
 - 17 3. Conducts quarry operation for aggregates, sand and other quarry materials
18 without a permit from the PAMB or without other permits required under
19 existing laws;
 - 20 4. Engages in fishing with the use of explosives, noxious substances, electricity
21 or drift nets with mesh below three (3) centimeters between the knots when
22 stretched;
 - 23 5. Cut, remove, gather, take timber or forest products from the forest lands
24 without authorization; and
 - 25 6. Pollutes the bodies, air and land areas in any way of the protected areas;
 - 26 7. Establishes infrastructure and other manmade projects without authorization
27 and clearances from the PAMB and other government agencies involved in
28 the granting of clearances.

29 Valuation of any damage wrought by any of these illegal acts shall take into
30 account biodiversity and conservation considerations as well as aesthetic and
31 scenic value.

1 B. A fine of not less than Five thousand pesos (P5,000.00) but not more than Two
2 hundred fifty thousand pesos (P250, 000.00) and/ or imprisonment of not less than
3 one (1) year or more than five (5) years and the restoration and rehabilitation of the
4 damage shall be imposed upon any person who:

- 5 1. Alters topography through digging, blasting, earth-filling activities or stone-
6 walling without a permit from all proper authorities as required under existing
7 laws, rules and regulations and from the PAMB;
- 8 2. Damages roads, trails or leaves them in a damaged condition or mutilates,
9 defaces, destroy or vandalizes any object of natural or scenic value within the
10 Protected Landscape;
- 11 3. Constructs or maintains any kind of structure without a permit from PAMB or
12 without other requisite permits under existing laws such as but not limited to
13 municipal permits, public works requirements and Environmental Compliance
14 Certificate (ECC); and
- 15 4. Alters, removes, destroys or defaces boundary works, buoys or sign in the
16 Protected Landscape put up by the PAMB.

17 C. A fine of less than Five thousand pesos (P5, 000.00) or not more than One hundred
18 thousand pesos (P100,000.00) and/ or imprisonment from one (1) year to three (3)
19 years shall be imposed upon any person who:

- 20 1. Occupies lands classified as Strict Protected Zone as herein defined without a
21 legal instrument for such occupation;
- 22 2. Violates any rules and regulations in the management plan of the PAMB or
23 agreements reached before the PAMB in its exercise of adjudicative functions;
- 24 3. Dumps any waste materials on land or any bodies of water e.g. river, other
25 than in areas identified as dumping sites by the concerned local governments,
26 or leaves exposed or in unsanitary condition on land or any bodies of water
27 e.g. river, human waste or refuse;
- 28 4. Kills or injures any protected species or fails to release it when accidentally
29 caught or found beached;

- 1 5. Knowingly brings/introduces into the Protected Landscape any exotic species
- 2 or substances which may pose a hazard to public health, protected species
- 3 habitat or population or scenery;
- 4 6. Brings out of the Protected Landscape live species without certification of
- 5 toxic and hazardous substances testing; and
- 6 7. Possesses instrument/ equipment without clearance from PAMB, shall specify
- 7 for the legal uses for which it can be applied.

8 D. A fine of not less than Five thousand pesos (P5, 000.00) nor more than Five

9 hundred thousand pesos (P500,000.00) and/ or imprisonment of not less than

10 one(1) year and not more than five (5) years shall be imposed upon:

- 11 1. Any person who shall induce another or conspire to commit any of the above
- 12 acts or suffer their workers to commit any of the above acts shall be liable in the
- 13 manner as the one actually performing the act; and
- 14 2. Any public officer, or officer of law, who, in dereliction of the duties of his
- 15 office, shall maliciously from instituting persecution for the punishment of
- 16 violators of the law, or shall tolerate commission of the offense shall also carry
- 17 the penalty of perpetual disqualification from public office.

18 SEC. 12. *Special Prosecutor and Retained Counsel.*- Within thirty (30) days from the

19 effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom

20 cases of violation of laws, rules and regulations in MSPL shall be assigned. Such special

21 prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties

22 and assist in the training of wardens and rangers in arrest and criminal procedures.

23 The PAMB may retain the services of counsel to prosecute and/or assist in the

24 prosecution of cases under the direct control and supervision of the regular or special prosecutor

25 and to defend the members of the PAMB, the PASu and the staff, or any person assisting in the

26 protection, conservation and sustainable development of the MSPL, against any legal action

27 related to their powers, functions and responsibilities as provided in this Act or as delegated or

28 tasked by the PAMB.

29 SEC. 13. *Local Government Units.* - The local government units (LGUs) within the

30 MSPL shall participate in its management through its representation in the PAMB as provided

31 under Section 7 hereof. Said LGUs may appropriate portions of their share from the annual

1 internal revenue allotment and other income for use of the MSPL: *Provided*, That all funds
2 directly coming from the LGUs shall be exempted from the twenty - five percent (25%)
3 remittance requirement for the central Integrated Protected Areas Fund (IPAF).

4 **SEC. 14. MSPL Fund.** - There is hereby established a revolving fund to be known as the
5 MSPL Fund for purposes of financing projects in the MSPL.

6 Income shall be derived from fees from visitors/tourists, fees from permitted sale and
7 export of flora and fauna and other resources from the MSPL, proceeds from the registration and
8 lease of multiple - use areas, including tourism concessions, fees, proceeds, and contributions
9 from industries and facilities directly benefiting the MSPL, and such other fees and income
10 derived from the operation of the MSPL: *Provided*, That the seventy - five percent (75%) of such
11 income shall be set aside and retained by the PAMB which shall appropriate the same
12 exclusively for the management and operation of the MSPL: *Provided Further*, That the
13 remaining twenty - five percent (25%) shall be remitted to the central Integrated Protected Areas
14 Fund (IPAF).

15 The MSPL Fund may be augmented by grants, donations, endowment from various
16 sources, domestic or foreign, for purposes related to their functions: *Provided*, That
17 disbursements therefrom shall be made solely for the protection, maintenance, administration
18 and management of the system, and duly approved projects endorsed by the PAMB in
19 accordance with existing accounting and budgeting rules and regulations: *Provided Further*, That
20 the fund shall not be used to cover personal services expenditures.

21 The LGUs shall continue to impose and collect all other fees not enumerated herein
22 which they have traditionally collected, such as business permits and rentals of LGUs
23 facilities: *Provided*, That the LGUs shall not impose property tax and issue new tax declaration
24 for areas covered by the MSPL. Furthermore, LGUs may charge add - ons to fees imposed by the
25 PAMB: *Provided*, That such add-ons shall be based on the contribution of the LGUs in the
26 maintenance and protection of the MSPL.

27 **SEC. 15. Existing Facilities within the Protected Landscape .-** Within One hundred
28 twenty (120) days from the affectivity of this Act, existing facilities such as roads, buildings,
29 water systems, and other facilities existing within the boundaries of the Protected Landscape
30 shall submit project description to the PAMB through the PASu.

1 Based on its submission, the PAMB, with the help of the DENR, shall determine
2 whether or not the existence of such facility and its future plan and operation will be detrimental
3 to the Protected Landscape or whether or not conditions for its operations shall be imposed. If
4 any of such conditions are violated, the facility shall be liable to pay a fine of Five thousand
5 pesos (P5,000.00) for every day violation upon reaching a total fine of Five hundred thousand
6 pesos (P500,000.00), the PAMB through the PASu and deputizing other government entities,
7 shall cause the cessation and demolition of the facility at the cost of its owners.

8 Existing facilities allowed to remain within the protected area may be charged a
9 reasonable royalty by the DENR. All incomes from such royalty shall accrue to the Integrated
10 Protected Area Fund (IPAF).

11 **SEC. 16. Utilization of Energy and Non-Renewable Resources.** - Any exploitation and
12 utilization of energy resources found within NIPAS areas should be allowed only through a law
13 passed by Congress. Furthermore, protected areas except Strict Nature Reserve and Natural
14 Parks may be subjected to exploration, only for the purpose of gathering information on energy
15 resources provided that such activity is carried out with the least damage to surrounding areas.
16 The energy survey shall be conducted only in accordance with a program by the DENR. In no
17 case shall an exemption from the Environment Impact Assessment (EIA) system made for
18 energy and non-renewable resources exploitation projects within the protected area.

19 **SEC. 17. Reporting Responsibility.** - The PASu, through the PAMB, shall submit an
20 annual accomplishment report to the Secretary of the DENR on the activities undertaken in the
21 MSPL.

22 **SEC. 18. Appropriation.** - The Secretary of the DENR shall immediately include in the
23 DENR's program the implementation of this Act, the funding of which shall be included in the
24 annual General Appropriations Act.

25 **SEC. 19. Construction and Suppletory Application of Existing Laws.** - The provisions
26 of this Act shall be construed liberally in favor of the protection and rehabilitation of the MSPL
27 and the conservation and restoration of its biological diversity, taking into account the needs and
28 interests of qualified tenured migrants, for present and future Filipino generations.

29 The NIPAS Act shall have suppletory effect in the implementation of this Act.

30 **SEC. 20. Transitory Provision.** - In order to ensure the recovery and restoration of
31 biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the

DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the MSPL until the Management Plan shall have been put into effect.

All existing land - use and resource use permits within the MSPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the PAMB.

SEC. 21. *Repealing Clause.* - For the purpose of the scope of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other law, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. Within the scope of the Protected Landscape as herein specified, the penalties under the NIPAS Act hereby superseded.

SEC. 22. *Separability Clause.* - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or section hereof.

SEC. 23. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a national newspaper of general circulation available in the MSPL.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. **4538**

Introduced by HON. LORENZO R. TAÑADA III

AN ACT
TO ESTABLISH THE MAULAWIN SPRING PROTECTED
LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES AS MANDATED FOR BY THE NIPAS ACT OF
1992

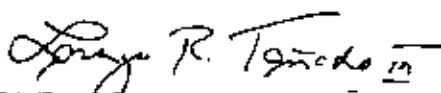
EXPLANATORY NOTE

This bill seeks to declare the Maulawin Spring Watershed Forest Reserve as a protected area in order to protect it from indiscriminate exploitation and to maintain and preserve its ecological balance.

The Forest Reserve covers a total area of 149.01 hectares of public land, and is located in the Municipality of Guinayangan in the Province of Quezon. Due to its biodiversity and ecological significance, the Maulawin Spring Watershed Forest Reserve was declared a Protected Landscape in 25 April 2000 by virtue of Presidential Proclamation No. 295. It is composed of 60% forest, the maintenance of which is essential to the ecological integrity of the entire area, while Maulawin Spring itself is the only source of potable water for the surrounding communities. Maulawin's conservation is thus of the utmost urgency not just for ecological but also for socio-economic reasons.

In line with 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, it is incumbent upon Congress to enact a law to provide for the area's management, protection, conservation and sustainable development. This measure seeks to establish the Maulawin Spring Protected Landscape within the framework of R.A. 7586 or the National Integrated Protected Area System (NIPAS) Act of 1992.

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


LORENZO "ERIN" R. TAÑADA III
Representative
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

H. B. No. **4538**

Introduced by HON. LORENZO R. TAÑADA III

AN ACT
TO ESTABLISH THE MAULAWIN SPRING PROTECTED
LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES, AS MANDATED BY THE NIPAS ACT OF
1992

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

SECTION 1. Title. – This act shall be known as the “Maulawin Spring Protected Landscape Act of 2011.”

SECTION 2. Declaration of Policy. – Pursuant to Republic act 7586, it is hereby declared the policy of the State to regulate the utilization of aggregates, wild flora and fauna, culture and indigenous knowledge, historical artifacts and sites, ensure the continuity of endangered, threatened and rare species towards the end of conserving, protecting and preserving, and preserving the scenic, cultural, historical and archaeological features of Maulawin Spring Protected Landscape and its surroundings and other forest ecosystems found therein, and providing thereof for the benefit and enjoyment of its people and humankind.

The classified area comprising the Maulawin Spring Protected Landscape shall be within the classification under the constitution. Public lands classified as agricultural and alienable and disposable upon the passage of this Act shall remain as such and may be disposed of under the law.

SECTION 3. Scope – The boundaries of the Maulawin Spring Protected Landscape are as follows:

“Beginning at a point marked “1” On the map which is N 70°00’W about 1,500.00 meters from Poblacion, Municipality of Guinayangan, Quezon:

Thence	S 18°54’ E	291. 1 m. to corner 2;
Thence	S 57°55’W	260. 6 m. to corner 3;
Thence	S 66°46’W	190. 4 m. to corner 4;
Thence	S 77°58’W	410. 7 m. to corner 5;
Thence	S 50°55’W	320. 8 m. to corner 6;
Thence	S 49°45’W	320. 9 m. to corner 7;

Thence	N 66°08'W	390.3 m.	to corner 8;
Thence	N 29°39'W	234.3 m.	to corner 9;
Thence	N 38°40'W	399.1 m.	to corner 10;
Thence	N 43°10'W	159.7 m.	to corner 11;
Thence	N 62°04'W	149.7 m.	to corner 12;
Thence	N 26°04' E	234.1 m.	to corner 13;
Thence	N 70°03' E	219.6 m.	to corner 14;
Thence	N 89°00' E	269.6 m.	to corner 15;
Thence	S 54°51' E	200.1 m.	to corner 16;
Thence	S 80°27' E	199.7 m.	to corner 17;
Thence	N 19°33' E	139.4 m.	to corner 18;
Thence	N 65°04' E	199.6 m.	to corner 19;
Thence	N 85°01' E	149.8 m.	to corner 20;
Thence	S 89°00' E	119.8 m.	to corner 21;
Thence	S 40°50' E	160.3 m.	to corner 22;
Thence	S 46°50' E	200.3 m.	to corner 23;
Thence	N 86°01' E	209.7 m.	to corner 1;

Containing an area of ONE HUNDRED FORTY NINE AND 01/100 (149.01)

Any modification on this act due to factors such as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by the congress after full consultation with the affected public.

Private lands inside the protected landscape shall be governed as part of the protected area subject to rules and regulations relating thereto. Penal provisions, however, in this Act or any rules and regulations issued by the Protected Area Management Board (PAMB) shall not apply to private lands unless specifically stated.

SECTION 4. *Definition of terms.* - For purpose of this Act, the following terms are defined as follows:

- a. **Alienable and disposable** - (A & D lands) land not belonging to public domain. It can be privately patented, tiled, sold or transferred to another person.
- b. **Department of Environment and Natural Resources (DENR)** - a national government agency tasked of regulating the use of natural resources and administering the programs of environmental management.
- c. **Community Environment and Natural Resources Office (CENRO)** - the community office of the local DENR at the district level.
- d. **Endangered species** - wildlife species that are in danger of extinction and whose survival is unlikely if the causal factor is not reversed.
- e. **Endemic species** - wildlife species peculiar to a locality or region.

- f. Forest Lands – lands of the public domain which have been classified as such under the land classification program of the DENR.
 - g. Local Government Units – (LGUs) refers to the structural units of the government such as provinces, municipality/city, and barangay.
 - h. Non-Government Organization – shall refer to any civic development or philanthropic organization, which is multi-sectoral in character.
 - i. Non-Renewable Resources – resources not capable of being replaced by natural ecological cycles or sound management practices.
 - j. Other Government Agencies – (OGAs) either national or local government agencies in support to the structural and organizational objectives on the protection and conservation of natural resources and environment and is embodied on its mandate and functions.
 - k. People Organizations – refers to organizations whose purpose for establishment is to protect or advance the interest of specific sectors, such as but not limited to farmers, fishermen, women, and the like.
 - l. Private Lands – lands that constitute ownership by individuals through documents showing private participation.
 - m. Protected Area Management Board – (PAMB) multi sectoral board under the NIPAS Law of 1992, created for each protected area and vested with powers to administer its implementation.
 - n. Protected Area Superintendent – (PASu) under the DENR shall serve as the chief operating officer of the protected area.
 - o. Protected Landscape – areas of national significance which are characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic of these areas.
-
- p. ~~Provincial Environment and Natural Resources Officer – (PENRO) the local office of the DENR at the provincial level.~~
 - q. Watershed Area – the area of the protected landscape where all activities relating to the development, sustenance and promotion of recreational and interactive participation of its inhabitants is secured.

SECTION 5. *Management Plan.* The Protected Area Superintendent (PASu) shall prepare the Management Plan in consultation with the appropriate offices of the Department of Environment and Natural Resources (DENR) and local experts who may donate their services including but not limited to peoples organizations, non-government organizations, local government units and other government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary of the DENR. Such certification is mandatory if the plan conforms to all laws and rules and regulations issued by the DENR of

national application. In no case shall the DENR be allowed to revise or modify a Management Plan without prior consultation with the PAMB.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by the tenured migrants unless such users are deemed detrimental to biodiversity and the protection of the natural characteristics of the protected area.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASo office or any designated area as approved by members of the PAMB.

SECTION 6. *Institutional Mechanism.* The following administrative and policy-making mechanism shall apply:

A. **The Protected Area Management Board.** There shall be a PAMB which shall be the policy making body of the protected area. It shall be composed of:

1. The Regional Executive Director, Region IV, of the DENR as the chairman;
2. The Provincial Planning and Development Coordinator of Quezon Province;
3. One (1) representative from the Municipal Government of Guinayangan, Quezon which shall be appointed by their Local Chief Executive;
4. One (3) representative from each Barangays with territory within the protected area which shall be appointed by their respective Sangguniang Barangays;
5. At least three (3) representatives from local non-government organizations (NGO) and community organizations, including people's organizations, cooperatives, church or civic organizations to be chosen among themselves in meeting called for the purpose;
6. One (1) representatives from other government agencies (OGAs) that may be involved in protected area management, depending on the needs of the protected area;

Every member of the PAMB shall serve for a term of Five (5) years and shall be considered to have represented his or her sector and shall be deemed to have carried the vote of such sector, unless challenged in writing five (5) days after the decision being challenged is made known to the members of the sector through the provision of written information.

The PAMB for the Maulawin Spring Landscape shall have the following powers and functions;

1. Issue all rules and regulations to prohibit acts that may be prejudicial to the protected area and the policy declaration herein set forth as well as established criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;

2. Issue rules and regulation for the resolution of conflict through appropriate sensitive and effective means;
3. Adopt rules and procedures for the conduct of business including the creation of committees to whom its powers may be delegated;
4. Approve the management plan and oversee the office of the PASu;
5. Deputize interested individual for the enforcement of laws, rules and regulations governing conduct in the Protected Landscape.
6. Approved proposals for budget allocations and exercise responsibility over all funds that may accrue to the Maukwin Spring Protected Landscape as mandated by the Integrated Protected Area Fund which are indicated for the purpose of the above policy declaration.

The DENR through the RED shall exercise the authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a contradiction between administrative orders issued by the DENR pursuant to the NIPAS act for national applications and rules and regulation issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply rule or withdraw it, whichever is beneficial to the Protected Landscape.

8. The Protected Area Superintendent (PASu) Officer- There shall be a Protected Area Superintendent (PASu) under the Department of Environment and Natural Resources (DENR) who shall serve as the chief operating officer of the protected area.

The PASu shall have following powers and functions:

1. Prepare the management and development plans as herein provided;
2. Serve as the Secretariat for the PAMB with duty to provide the PAMB with all information necessary for it to make appropriate decisions when necessary;
3. Hire and supervise the necessary personnel to support operations as the budgets allocated in this Act, by the PAMB and/or the DENR may allow;
4. Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, in the planning, protection and management of the protected area,
5. Develop and implement a part information, education and visitor program;
6. Enforce the laws, rules and regulations relevant to the protected area and assist in the prosecution of offenses;
7. Monitor all activities within the protected area for their compliance with the management plan;

8. Perform such other functions as the PAMB may assign; and
9. Delegate authority to his staff whenever necessary.

SECTION 7. Administration and Management. The Maulawin Spring Protected Landscape is hereby placed under the control and administration of the DENR through the Protected Area Management Board or PAMB. For this purpose, there is hereby created a Protected Landscape Office which shall be equipped with the necessary personnel as follows:

One (1) Protected Area Superintendent (PASu)

Technical Staff:

- One (1) Asst. Protected Area Superintendent
- One (1) Community Development Officer (CDO) I
- One (1) Forester I
- One (1) Biologist I
- One (1) Administrative Officer (AO) I
- One (1) Record Officer I
- One (1) Protected Area Warden
- One (1) Bookkeeper
- One (1) Computer Programmer
- One (1) Administrative Aid

SECTION 8. Tenured Migrants. Tenured migrants are those who have actually occupied the forest lands within the protected area since June 30, 1987 and are substantially depended on such areas for their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, tenured migrants shall be issued a tenure instrument over such areas as have been occupied or cultivated since June 30, 1987.

If areas occupied by tenured migrants are designated for others zones in which no occupation or other activities are allowed, provisions for their transfer to multiple use zones or buffer zones may be accomplished using humanitarian consideration in so doing.

~~Upon termination of tenured migrants for cause, abandonment or by voluntary surrender of rights, the PASu shall take immediate steps prior to the cultivation or other activities to be undertaken by other tenured migrants.~~

SECTION 9. Prohibited Acts and Penalties.

- A. The penalties in Article 309 or 310 of the Revised Penal Code depending on the resources taken, damaged or destroyed shall be imposed upon any person who:
 1. Hunts, destroy, disturbs or removes from the Maulawin Spring Protected Landscape any wild plants or animal products derived there from without a permit from the PAMB;
 2. Conducts mineral explorations or extraction within the Protected Landscape as defined herein;

3. Conducts quarry operation for aggregates, sand and other quarry materials without a permit from the PAMB or without other permits required under existing laws;
4. Engages in fishing with the use of explosives, noxious substances, electricity or drift nets with mesh below three (3) centimeters between the knots when stretched;
5. Cut, remove, gather, take timber or forest products from the forest lands without authorization.
6. Pollutes the bodies, air and land areas in any way of the protected areas;
7. Establishment of infrastructure and other man-made projects without authorization and clearances from the PAMB and other government agencies involved in the granting of clearances.
8. Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value.

B. A fine of not less than P5,000.00 but not more than P250, 000.00 and/ or imprisonment of not less than one (1) year or more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who:

1. Alters the topography through digging, blasting, earth-filling activities or stone- walling without a permit from all proper authorities as required under existing laws, rules and regulations and from the PAMB.
2. Damages roads, trails, or leaves them in a damaged condition, or mutilates, defaces, destroy or vandalizes any object of natural or scenic value within the Protected Landscape;
3. ~~Constructs or maintains any kind of structure without a permit from the PAMB or~~ without other requisite permits under existing laws, such as but not limited to municipal permits, public works requirements and Environmental Compliance Certificate (ECC);
4. Alters, removes, destroys or defaces boundary works, buoys or sign in the Protected Landscape put up by the PAMB.

C. A fine of less than P5, 000.00 or not more than P1,000.00 and/ or imprisonment from one (1) year to three (3) years shall be imposed upon any person who:

1. Occupies lands classified as Strict Protected Zone as herein defined without a legal instrument for such occupation;

2. Violates any rules and regulations in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;
3. Dumps any waste materials on land or any bodies of water e.g. river, other than in areas identified as dumping sites by the concerned local governments, or leaves exposed or in unsanitary condition on land or any bodies of water e.g. river, human waste or refuse.
4. Kills or injures any protected species or fails to release it when accidentally caught or found beached;
5. Knowingly brings/introduces into the Protected Landscape any exotic species or substances which may pose a hazard to public health, protected species habitat or population or scenery;
6. Brings out of the Protected Landscape live species without certification of toxic and hazardous substances testing;
7. Possesses instrument/ equipment without clearance from PAMB, shall specify for the legal uses for which it can be applied.

D. A fine of not less than P5, 000.00 nor more than P500,000.00 and/ or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon;

1. Any person who shall induce another or conspire to commit any of the above acts or suffer their workers to commit any of the above acts shall be liable in the manner as the one actually performing the act;
2. Any public officer, or officer of law, who, in dereliction of the duties of his office, shall maliciously from instigating persecution for the punishment of violators of the law, or shall tolerate commission of the offense shall also carry the penalty of perpetual disqualification from public office.

SECTION 10. *Special Prosecutors.* Within 30 days from the effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom cases of violation of laws, rules and regulations in the protected area shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedures.

SECTION 11. *Local Government Units.* Local government units shall participate in the management of the Protected Landscape through its representation in the PAMB and shall ensure that rules for the conduct of business adequately allow for the opportunity to consolidate the plans and projects with the management planning process.

SECTION 12. *Revenue Sharing.* The local government units within the protected area shall continue to collect fees and charges including applicable taxes due to local government, fees for local government services or the use of its facilities and other revenues within the powers of the local government to collect.

The Integrated Protected Area Fund set up under Republic Act 7586 shall include taxes from the permitted sales of wild flora and fauna, donations, endowments, contributions and grants from the pursuit of the purposes of the protected area and the policy declaration herein but subject to such onerous conditions as may be imposed by the donor or grantor, proceeds from the leases by tenured migrants and such revenues as the PAMB may legally impose and collect.

SECTION 13. *Existing Facilities within the Protected Landscape.* Within 120 days from the effectivity of this Act, existing facilities such as roads, buildings, water systems, and other facilities existing within the boundaries of the Protected Landscape shall submit a project description to the PAMB through the PASu.

Based on its submission, the PAMB, with the help of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the Protected Landscape or whether conditions for its operations shall be imposed. If any such conditions are violated, the facility shall be liable to pay a fine of P5,000.00 for each day of violation. Upon reaching a total fine of P500,000.00, the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the protected area may be charged a reasonable royalty by the DENR. All incomes from such royalty shall accrue to the Integrated Protected Area Fund (IPAF).

SECTION 14. *Utilization of energy and Non-Renewable Resources.* Any exploitation and utilization of energy resources found within this area should be allowed only through a law passed by Congress; further, the protected area, except Strict Nature Reserve and Natural Parks, may be subject to exploration only for the purpose of gathering information on energy resources and if such activity is carried out with the least damage to the surrounding areas. The energy survey shall be conducted only in accordance with a program by the DENR. In no case shall an exemption from the Environment Impact Assessment (EIA) system be made for energy and non-renewable resources exploration projects within the protected area.

SECTION 15. *Appropriation.* The amount of P2,125,368.00 is hereby appropriated for the initial implementation of this Act. Thereafter, the amount necessary to effectively carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment and thereafter.

SECTION 16. *Construction.* The provisions of this Act shall be construed liberally in favor of the Occupants of the Protected Landscape. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SECTION 17. *Repealing Clause.* For the purpose of the scope of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other law, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. Within the scope of the Protected Landscape as herein specified, the penalties under the NIPAS Act are hereby superseded.

SECTION 18. *Separability Clause.* Any part or section of this Act hereafter declared by the courts as unconstitutional shall not affect the other parts or sections hereof.

SECTION 19. *Effectively Clause.* This Act shall be translated in English and Filipino. The English version shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation, and the Filipino version in a newspaper readily available in the area in and around the scope specified hereunder. It shall likewise be posted in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area, as well as three (3) other places frequented by the public. Fifteen (15) days after its last publication, this Act shall have full force and effect.

Approved,

4538

Republic of the Philippines
House of Representatives
COMMITTEE ON NATURAL RESOURCES

FIFTEENTH CONGRESS
First Regular Session

MINUTES OF THE 8TH REGULAR MEETING OF THE COMMITTEE ON NATURAL RESOURCES
HELD ON JUNE 8, 2011 (WEDNESDAY), 1:30 P.M. CONFERENCE ROOMS 3 & 4, SPEAKER
RAMON V. MITRA, JR. BUILDING, HOUSE OF REPRESENTATIVES

MEMBERS PRESENT:

Hon. Francisco T. Matugas - Presiding Officer
Hon. Diogracias B. Ramos, Jr.
Hon. Ben P. Evardone
Hon. George P. Arnaiz
Hon. Randolph S. Ting
Hon. Manuel S. Agyao
Hon. Maximo B. Rodriguez
Hon. Emil R. Ong
Hon. Carlos M. Padilla
Hon. Jesus Sacdalan
Hon. Irvin M. Alcala
Hon. Jesus Emmanuel M. Paras
Hon. Rodel M. Batocabe
Hon. Roger G. Mercado
Hon. Orlando B. Fua

I. CALL TO ORDER/ROLL CALL

Honorable Francisco T. Matugas called the meeting to order at 2:00 p.m. The calling of the roll was dispensed with.

II. APPROVAL OF MINUTES OF THE PREVIOUS MEETING

On a motion made duly seconded, there being no objection, the reading of minutes of the previous meeting was dispensed with and the same was approved.

III. INTRODUCTION OF GUESTS/RESOURCE PERSONS

The Committee Secretary acknowledged the guests and resource persons in attendance.

IV. REMARKS FROM THE CHAIR

Chairman Matugas said that the meeting was the last meeting of the committee for the first regular session. He lauded the members and experts coming from different agencies who had contributed a lot in every deliberation of the bills.

V. DELIBERATION ON THE FOLLOWING:

1. **House Bill No. 1396**, entitled: AN ACT DECLARING CERTAIN PARTS OF CAGAYAN DE ORO CITY TO BE KNOWN AS THE CAGAYAN DE ORO WATERSHED AS A PROTECTED AREA/LANDSCAPE AND NATURAL MONUMENT UNDER R.A. NO. 7586 OR NIPAS PROVIDING FOR ITS MANAGEMENT, APPROPRIATING FUNDS THEREFOR," by Hon. Rufus B. Rodriguez and Maximo B. Rodriguez

Rep. Maximo B. Rodriguez said that HB 1396 would put certain parts of Cagayan de Oro City under NIPAS to ensure water supply in the place. According to him Cagayan de Oro City is becoming a big city and already experiencing a problem on water supply.

Regional Technical Director (RTD) Belen Dava of DENR-Region X expressed full support to the passage of the bill into law. However, she recommended that Section 3 of the bill be amended to include only areas of Malasag and Mahuganao of Brgy. Cugman and Batina of Brgy. Tagpangi. She explained that the DENR-Region X, in its Protected Areas System Assessment of the subject area (PASA), reported that only the above-stated areas are suitable for inclusion to NIPAS. There are alienable and disposable lands that are being embraced in the proposed area. This report had already been presented to the authors of the bill, she added.

Mr. Jesus Gerardo of the National Mapping and Resource Information Authority (NAMRIA) interposed no objection to the bill.

Rep. Rodriguez agreed to the said amendment but he said that he would still confirm it to the people affected by the bill.

Rep. Ramos moved for the approval of HB 1396, duly seconded by Rep. Mercado, there being no objection, the same was approved subject to the DENR's recommendation.

2. **House Bill No. 2250**, entitled: AN ACT DECLARING BARANGAY DACALAN IN THE MUNICIPALITY OF TANUDAN, PROVINCE OF KALINGA, A WATERSHED FOREST RESERVE AND PART OF THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS)," by Hon. Manuel S. Agyao

Rep. Agyao said that his bill is a re-filed bill. He said that declaring Brgy. Dacalan as ~~watershed forest reserve is essential because the water supply in the municipality of Tanudan is in a critical level.~~ This is due to unabated deforestation, improper farm practices, and other similar activities that caused degradation of forest resources in the area. The bill would also response the commitment of congress to address the need and interest of the Kalingas for water and watershed conservation and protection.

Mr. Joel Behis of DENR-CAR expressed full support to the passage of the bill into law. He said that the proposed area is biologically significant and important source of potable water in the municipality of Tanudan and other areas downstream the Tanudan river. However, he suggested that Mountain Province be included in the bill because the proposed area has a contiguous forested area in the side of Mountain Province. Hence, the proposed protected area would be 9,252 has and has a breakdown as follows: the part of Kalinga is 3,084 has. and on the part of Mountain Province is 6,168 has. They already submitted the documents to the Protected Areas and wildlife Bureau (PAWB) for further evaluation.

Rep. Agayao noted the latter's recommendation.

Mr. Jesus of the NAMRIA posed no objection to the bill and said that they would coordinate with the NAMRIA-CAR re technical description of the proposed area.

Moved by Rep. Maximo C. Rodriguez, duly seconded by Rep. Mercado, there being no objection, the panel approved HB 2250 subject to the submission of the technical description by the NAMRIA.

3. **House Bill No. 3219**, entitled: "AN ACT ESTABLISHING THE SAMAR ISLAND NATURAL PARK (SINP) SITUATED IN THE PROVINCES OF SAMAR, NORTHERN SAMAR, AS PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT PURSUANT TO REPUBLIC ACT NO. 7586 OR THE NIPAS ACT OF 1992, AND FOR OTHER PURPOSES," by Hon. Ben P. Evardone

Rep. Evardone said that similar version to HB 3219 was filed in the 14th Congress. It passed in the House of Representatives but was not acted upon in the Senate. Thus, the five members of congress of the whole island of Samar decided to re-file the bill. The bill basically declares a major portion of Samar Island as national park. He assured that the existing private rights within the proposed area would be respected. This bill is supported by NGOs especially the religious sectors of the entire country, he added.

RTD Danilo Javier of the DENR-Region VIII interposed no objection to the bill. However, he suggested that Section 13, Par. 2 be amended to exclude the municipalities of Oras, Arteche, Dolores, and San Policarpo, all in Eastern Samar.

Rep. Evardone noted the latter's amendment.

Ms. Rosario Cabardo, Dr. Jaime Sanico, and Mr. Agustin Dosena representing Bishop Isabelo Abarquez of the Diocese of Calbayog, Bishop Emmanuel Trance of the Diocese of Catarman, Bishop Crispin Vaquez of the Diocese of Boro, respectively, expressed full support to the passage of the bill into law. Since the bill was first filed in 2003, together with other NGOs, they have been supporting the SINP bill for which its realization is a cherished dream of the whole populace of Samar.

On a motion of Rep. Batocabe, seconded by Rep. Paras, there being no objection, the body approved HB 3219 with the members present as co-authors.

4. **House Bill 3439**, entitled: AN ACT ESTABLISHING THE BULUSAN VOLCANO NATIONAL PARK IN BULUSAN, SORSOGON, AND APPROPRIATING FUNDS THEREOF," Hon. Deogracias B. Ramos

Rep. Ramos sponsored HB 3439 using its explanatory note. He stated that aside from being a home to a number of wildlife species, it is also a tourist destination for those who enjoy swimming, hiking, spelunking, trekking and others. Nevertheless, with its rich vegetation and abundance of flora and fauna, it has become victim to illegal logging, farming, and squatting. He stressed the need to declare this area as national park to give better protection against these existing threats. He added that the bill also enlarges the coverage of the Bulusan Volcano National Park.

Forester Juan B. Belardo of the DENR Region V expressed full support to the bill.

Rep. Batocabe expressed full support to the bill. He confirmed the urgency of Rep. Ramos with respect to the establishment of Bulusan National Park since he also comes from the Bicol Region.

Mr. Daniel P. Jasmin of the office of the governor, Sorsogon, expressed support the passage of the bill into law. He said that the governor has the same vision with respect to the intention of the bill.

Rep. Batocabe moved for the approval of HB 3439, seconded by Rep. Padilla, there being no objection, the committee approved the same with members present as co-authors.

5. **House Bill 3477**, entitled: **AN ACT ESTABLISHING PENABLANCA PROTECTED LANDSCAPE AND SEASCAPE (PPLS) LOCATED IN THE MUNICIPALITY OF PENABLANCA PROVINCE OF CAGAYAN, AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE,** by Hon. Randolph S. Ting

Rep. Ting said that Penablanca Protected Landscape is one of the most famous landscapes in the country. It is rich in biodiversity and a home to threatened endemic species. Putting it under NIPAS would ensure protection and conservation of its unique features. Moreover, the area is very crucial to the socio-economic progress of Cagayan because it is a source of water supply of Penablanca and Tuguegarao City.

Rep. Ting also said that his bill also increases the area covered by PPLS from 4,136 has. to 118,781.582 has.

RTD Jovito B. Layugan, Jr. of DENR Region II expressed support to the bill.

Rep. Maximo B. Rodriguez moved for the approval of HB 3477, seconded by Rep. Mercado, there being no objection, the committee approved the same.

6. **House Bill No. 4538**, entitled: **AN ACT TO ESTABLISH THE MAULAWIN SPRING PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES,** by Hon. Lorenzo R. Tanada III

Rep. Alcala sponsored HB 4538 using the explanatory note. He said that there is a need to declare Maulawin Spring Watershed Forest Reserve as a protected area to protect it from indiscriminate exploitation and to maintain and preserve its ecological balance. Maulawin Spring is the only source of potable water of the municipality of Guinyangan and surrounding communities in the province of Quezon, thus, its conservation and protection is of the utmost urgency.

For. Victor Mercado of the DENR-Region 4A expressed full support to the bill. The subject area is rich in biodiversity and must be preserved and protected. He disclosed that they already conducted the PASA, survey, and registration of the protected area occupants and the area.

Rep. Mercado moved for the approval of the bill, seconded by Rep. Amaiz, there being no objection, the body approved HB 4538.

7. **House Bill 3255**, entitled: **AN ACT ESTABLISHING MARINE PROTECTED AREAS IN GUIMARAS STRAIT, PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES,** by Hon. Jeffrey P. Ferrer

Rep. Mercado sponsored HB 3255 using its explanatory note as his introduction.

RTD Damaso Fuentes of DENR Region VI expressed full support to the passage of the bill. He said that Guimaras Strait harbors diverse species of flora and fauna and it is vital to have special law to ensure its sustainable management. Nevertheless, he clarified that there are two categories in establishing marine protected area. These are under NIPAS and under Fisheries Code of the Philippines. He stated that HB 3255 is under the Fisheries Code of Philippines, thus, he suggested that the Project Management Office (PMO) will be the Local Government Units (LGU) and the funding provision of the bill should be the LGU concern.

Rep. Paras directed the latter to submit his agency's position paper on HB 3255 to the committee.

Atty. Nunez of Provincial Management Office, Negros Occidental expressed her support to the immediate approval of HB 3255 subject to their recommendations stated in their position paper. She also said that the bill should include a technical description as well as the map prepared by the NAMRIA.

Atty. Nunez also informed the committee that the NAMRIA has already prepared a map based on the delimitation of the area that the LGU of Negros Occidental underwent in the past years and the proponent can just attach it in the bill.

Mr. Gerardo clarified that NAMRIA is involved in the preparation of the technical description of the Guimaras Strait municipal waters.

Moved by Rep. Padilla, duly seconded by Rep. Mercado, there being no objection, the committee approved HB 3255 subject to the submission of the technical description by the NAMRIA and amendment of the DENR-Region VI.

8. **House Bill No. 2121**, entitled: **AN ACT RECLASSIFYING THE 15.6587 HECTARES OF LAND WITHIN LOT NO. 734E OF CAD 115, BAIS CADATRE FROM TIMBERLAND TO FISHPOND DEVELOPMENT INTO ALIENABLE AND DISPOSABLE LAND FOR SOCIALIZED HOUSING PROJECT,** by Hon. George P. Amaiz

Rep. Amaiz sponsored HB 2121 using the explanatory note as his introductory statement. He said that similar bill underwent exhaustive and lengthy discussions in the last congress but it did not pass on third reading in the House of Representatives. He stated that Mayor Karen Villanueva of Bais City, Negros Occidental told him that there is already a Certificate of Title issued over the land subjected in HB 2121 and Regional Technical Director Isabelo Montejo of DENR Region VII also informed him that the title allegedly issued to this land is questionable and the Court had already nullified it.

RTD Montejo interposed no objection to the passage of the bill into law. He said per DENR record that the subject land was titled in the name of Villanueva which was contested in Court by another Villanueva. Upon intervention of the DENR, it was testified by their Geodetic Engineer that the same is within the land classified as timberland for fishpond development. Ergo, even there is a Certificate of Title issued on

the land by the Registry of Deeds it is still contestable because of its current classification.

RTD Montejo clarified further that the area is 23.8 has. and 15.5 has. of which is already developed as residential and in fact had been proclaimed as socialized housing area by Pres. Gloria Macapagal-Arroyo.

Reading thereto, Rep. Arnaiz said that his bill is still necessary.

Mayor Villanueva presented the history of the land subjected in HB 2121 (the 15.5 has. - portion of lot 734E of CAD 115). She said that there was a petition in Court for title for a quite number of years and in May 31, 1989 a Certificate of Title was issued by the Court over that 15.5 has. under the name of the Republic of the Philippines thereby made it a private property of the Republic of the Philippines. She believed that the title that RTD has stated is the one that was claimed by Villanueva's and not her which is under the name of the Republic of the Philippines. She further stated that the one under PD 881 issued by Pres. Arroyo bears exact technical description as that of HB 2121.

The Chair directed Hon. Villanueva to submit the said Certificate of Title to the committee.

Rep. Arnaiz observed that because there was already a Certificate of Title issued in the name of the Republic of the Philippines and since there is already a proclamation issued by President Arroyo declaring this as a socialized housing area, the mayor presumed that there is no need to pass his bill.

Asked by Rep. Paras on the basis of the issuance of a Certificate of Title in favor of the Republic of the Philippines, the mayor said that he is just a mayor for 8 months.

Rep. Arnaiz also said that he is not familiar with the case and he is just familiar of the situation of the area to be converted into alienable and disposable land. He believed that there is a need to pass his bill in order to transfer legal title to the beneficiaries.

RED Zuniga of DENR-4A informed that the area was surveyed in 1916-1917 and that land classification only came in 1919, thus, there was no reclassification during that time. Whether or not it is within timberland or even the title was issued over timberland, it is still valid and binding for all intent and purposes because land classification only took effect in 1919 and this was in 1916-1917. He inquired when the Certificate of Title was issued.

RTD Montejo replied that per DENR record the Certificate of Title was issued after the reclassification of the land as timberland and therefore it is inappropriate for the Court to issue title.

Rep. Arnaiz argued that when the Certificate of Title issued by the Registry of Deeds was nullified, the land returned to its original classification as timberland therefore it is really necessary to approve his bill.

Hon. Villanueva clarified that she never contested the purpose of the bill and was just concerned because of the title issued by the Court making it a patrimonial property of the state thereby making it beyond the power of Congress as far as reclassification of

land. Nevertheless, if there is really a need for an act of Congress to make it final then she would support it.

Moved by Rep. Mercado, duly seconded by Rep. Fua, there being no objection, the panel approved HB 2121.

VI. Other Matters

HR 1133, entitled: "A RESOLUTION DIRECTING THE COMMITTEE ON NATURAL RESOURCES TO CONDUCT AN INQUIRY IN AID OF LEGISLATION ON THE EFFECTS OF EXECUTIVE ORDER (EO) NO. 23, DECLARING A LOGGING MORATORIUM, ON THE LOCAL TREE PLANTERS AND WOOD CUTTING PROCESSORS OF MISAMIS ORIENTAL, GINGOOG CITY AND CAGAYAN DE ORO CITY," by Hon. Maximo B. Rodriguez and Rufus B. Rodriguez

Rep. Maximo B. Rodriguez said that the intention of Executive Order 23 is laudable and DENR is effective in implementing the same. However, he stated that this EO resulted to loss of jobs of many people who principally rely on timber industry in the areas of Misamis Oriental, Gingoog City and Cagayan de Oro City. Wood processors (big or small) are required to comply with a 5-year log supply contract within one month from the effectivity of EO 23, which according to him, impossible to comply with.

Mr. Antonio Olizon, President of Philippine Wood Producers Association (PWPA) expressed dismay on the absence of some DENR officials. He said that their presence is very essential because they are the ones in charged in the implementation of EO 23 and made the Implementing Rules and Regulations.

Mr. Olizon articulated that some sections of EO 23 or subsequent order of the DENR Task Force resulted in a lot of confusion and has affected a lot of people not only in Region X but in the other regions of the country. He stated that EO 23 requires every sawmill (big or small) to secure a five-year log supply and failure to comply it would cause closure of a certain wood processing plant. It is not realistic because their business is dependent on market forces. He further stated that there is a need for congress to look closely into the said provision and the order issued by the DENR. He requested that the DENR officials be present in the next committee hearing.

Mr. Mariano Jesse Velez, Jr., member of the board, PWPA requested for the DENR to revert back the application and renewal of wood processing permits to regional level because "tree plantation" is exempted from the implementation of EO 23. He also requested the Committee on Natural Resources to request the President to amend item 2.5 of Section 2 of EO 23. This item is the basis of the wood processing plant permit's renewal which is impossible for the small wood processors. He further requested the committee to amend RA 460 - regulating the sawmill operations to include other laws applied to sawmills which have been hampering the growth and the sustainability of timber industry particularly for the entire tree plantation. Finally, he requested the committee to request the DENR to review the mandate of EO 23 particularly on forestry concern and recommend reforms to include better budget to transform the agency into a development partner rather than a mere regulator.

Forester Bart Oliveros of the DENR-Central Office clarified that plantation species are not covered in EO 23 and his agency issued a memorandum for this matter. He also said that the DENR has also issued another memorandum stating that the DENR Regional Office

can accept and process new and renewal of Wood Processing Permits with the same provision of EO 23 as a requirement. The 5- year log supply contract is still being reviewed by the DENR.

Mr. Mike Ignacio of Philippine Exports reiterated that failure to comply with a 5-year log supply contract would result to the closure of the wood processing plants. The DENR is only referring to production side but on processing side everything is required of them. He explained that in processing plantation trees the wood processors are required to submit their documents to the DENR-Central Office to have them approved and back to DENR region.

RTD Belen Dava of DENR Region X recommended that item 2.5(Sec.2) of EO 23 be reconsidered and ample time should be given to the wood processors to secure the sustainable source of legally cut logs as their raw materials. She stated that she already submitted to the committee and DENR - Central Office their position paper on the matter.

Rep. Maximo Rodriguez suggested that the DENR would recommend that item 2.5 (Sec.2) of EO 23 shall be held in abeyance and since ample time is recommended by the DENR in securing the said requirement there must be no cancellation or suspension of wood processing permits while it is still to be studied.

Rep. Padilla concurred with the latter and moved that the committee would suggest to hold in abeyance the implementation of item 2.5 of Sec. 2 of EO 23 while studying it further.

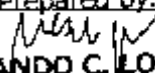
Moved by Rep. Padilla, duly seconded by Rep. Ong, there being no objection, the committee directed wood processors including the Philippine Exports to submit their position papers to the committee.

V. ADJOURNMENT

The meeting was adjourned at 4:11 p.m.

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING MINUTES.

Prepared by:


VENERANDO C. LOFRANCO
Supervising Legislative Staff Officer I

Noted by:


RAUL G. TERSO
Committee Secretary

Approved by:

FRANCISCO T. MATUGAS
Chairman



Republic of the Philippines
House of Representatives
 Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

Congressman, 1st District, Cavite
Chairman, Committee on Appropriations

June 13, 2012

HON. FRANCISCO T. MATUGAS

Chairman
Committee on Natural Resources
House of Representatives

Dear Chairman Matugas:

Please be informed that the Committee on Appropriations recommends the approval of House Bill No. 4538, entitled "AN ACT TO ESTABLISH THE MAULAWIN SPRING PROTECTED LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES AS MANDATED FOR BY THE NIPAS ACT OF 1992", with the following amendments:

- a) On Section 6, page 5, item B, 1st paragraph, delete the provision and in lieu thereof substitute the following:

B. OFFICE OF THE PROTECTED AREA SUPERINTENDENT. THERE IS HEREBY ESTABLISHED A PROTECTED AREA SUPERINTENDENT'S OFFICE IN CHARGE OF THE MANAGEMENT, PROTECTION AND ADMINISTRATION OF THE PA. THE PASu SHALL BE SUPPORTED BY THE EXISTING PERSONNEL OF THE DENR. THE HEAD OF OFFICE SHALL BE THE CHIEF OPERATING OFFICER OF THE MAULAWIN SPRING PROTECTED LANDSCAPE OR PA AND SHALL BE ACCOUNTABLE TO THE REGIONAL EXECUTIVE DIRECTOR OF THE DENR REGION IV-A AND THE PAMB.

- b) On Section 7, page 6, delete the entire section and renumber succeeding sections accordingly.

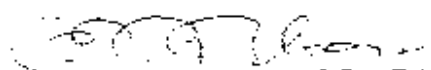


- c) On Section 15, page 9, delete the entire provision and in lieu thereof substitute the following:

SECTION 15. APPROPRIATION. - 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.

Thank you and warmest regards.

Very truly yours.


JOSEPH EMILIO AGUINALDO ABAYA

cc: Deputy Speaker Lorenzo R. Tanada III