

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

SIXTEENTH CONGRESS
First Regular Session



HOUSE BILL NO. 170

Introduced by: **HON. ERIC D. SINGSON**

EXPLANATORY NOTE

In consonance with the policy of the state to protect, conserve and regulate the utilization of the country's resources, RA 1586 or the National Integrated Protected Areas System Act was promulgated to help this national goal. Corollary to this, Presidential Proclamation No. 284 designated Bessang Pass Natual Monument/ Landmark.

Bessang Pass in the Northern Luzon is a place commemorated as site of the last ditch of the Japanese imperial army in World War II. Dubbed as the "Great Battle of Bessang Pass" which the Filipino and American defenders have won, a historical monument was established in memory of the bravery of the soldiers in defending the Filipino homeland. Truly, its historic culture is not only a reminiscent of Filipino nationalism but also of an excellent landscape. It remarkably features a pine and mossy forest ecosystems with rugged terrain and a fresh cool climate, unique to areas with high altitudinal range. The area is also home to various endemic wildlife resources of floral and faunal species that enhance the areas biological diversity and vital support system for the local community.

Bessang Pass Natural Monument/landmark as protected area aims primarily to protect and conserve its scenic, cultural and historical features including the diverse terrestrial resources found therein. It also highlights the town's unique environmental and terrestrial resources found therein. It also highlights the town's unique environmental and socio-cultural attributes thus making it a treasure worth of protection and conservation.

Similarly this measure also hopes to address the different conservation and management issues that affect forestlands, farmlands, fresh water resources and how these concerns relate with the lives in the community, resource demands and development.

This bill, therefore, seeks to provide the policy frameworks and long term mechanism that will protect this valuable ecological wealth and defer its further deterioration that threatens the sustainability of these resources and ultimately the survival of the local inhabitants.

In this light, the approval of this Bill is earnestly requested.

ERIC D. SINGSON

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AN ACT

DECLARING THE BESSANG PASS NATURAL MONUMENT LOCATED IN THE MUNICIPALITY OF CERVANTES, ILOCOS SUR 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:

SECTION 1. *Title.* – This Act shall be known as the Bessang Pass Natural Monument Protected Area Act.

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State, pursuant to Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992 or NIPAS Act, to conserve and regulate the utilization of wildlife resources and other natural resources and to protect and preserve the culture and indigenous knowledge of the people and the integrity of historical sites to ensure their continued existence and enjoyment by all. Towards this end, the State shall protect the endangered, threatened, and rare species of flora and fauna, and preserve the scenic, cultural and historical features, including the diverse terrestrial ecosystem of the Bessang Pass in the Municipality of Cervantes, Ilocos Sur.

SEC. 3. *Category.* – The Bessang Pass, which is known for its intact stand of pine forest in Region 1 and historic site of the Great Battle of Bessang Pass during World War II, is hereby categorized as a natural monument in accordance with the NIPAS Act.

SEC. 4. *Scope.* – The boundaries of the Bessang Pass Natural Monument (BPNM) are as follows:

Parcel 1 begins at a point marked “1” on the map, being S. 66°00’ W., 3,300 meters from corner 10, Project No. 13, block 23 of A&D, LC Map No. 1276:

Point 2 N. 20°33’16” E. 1,378.610 m.
Point 3 N. 69°26’03” E. 748.684 m.
Point 4 S. 78°25’37” E. 1,638.908 m.
Point 5 S. 20°56’52” W. 3,398.480 m.
Point 6 N. 61°42’05” W. 948.030 m.
Point 7 S. 70°33’48” W. 631.166 m.
Point 8 N. 46°50’14” W. 535.089 m.
Point 9 N. 28°01’24” W. 292.903 m.
Point 10 N. 64°40’35” W. 352.890 m.
Point 11 N. 49°26’06” E. 490.845 m.
Point 12 N. 64°25’41” E. 659.415 m.
Point 1 N. 38°54’52” W. 424.160 m.

containing an area of six hundred ninety-three and 3166/10000 (693.3166) hectares. Parcel 2 constitutes the buffer zone whose boundary begins at the corner marked “1” on the map identical to corner “1” of BPNM.

Point 2 S. 39°25’33” E. 423.735 m.
Point 3 S. 64°36’26” W. 594.362 m.
Point 4 S. 49°28’50” W. 486.421 m.
Point 5 S. 65°09’42” E. 353.941 m.
Point 6 S. 28°30’53” E. 282.047 m.
Point 7 S. 47°21’05” E. 535.216 m.
Point 8 N. 70°20’13” E. 636.297 m.
Point 9 S. 62°11’41” E. 950.432 m.
Point 10 N. 21°09’16” E. 3,426.934 m.
Point 11 S. 78°00’50” E. 505.805 m.
Point 12 S. 19°50’34” W. 4,012.372 m.
Point 13 N. 61°48’02” W. 1,255.922 m.
Point 14 S. 69°39’22” W. 623.725 m.
Point 15 N. 46°38’29” W. 910.980 m.
Point 16 N. 27°28’38” W. 218.409 m.

Point 17 N. 64°50'04" W. 355.949 m.
 Point 18 N. 64°50'04" W. 514.149 m.
 Point 19 N. 50°30'41" E. 1,178.639 m.
 Point 20 N. 38°33'59" W. 376.642 m.
 Point 21 N. 21°39'12" E. 952.021 m.
 Point 22 S 74°03'35" E. 505.782 m.
 Point 1 S. 20°20'38" W. 838.323 m.

containing an area of four hundred twenty-seven and 7917/10000 (427.7917) hectares. Parcels 1 and 2 have a total aggregate area of one thousand one hundred twenty-one and 1083/10000 (1,121.1083) hectares, subject to actual ground survey.

SEC. 5. *Land Classification.* – All lands of the public domain comprising the BPNM shall fall under the classification of national park as provided for in the Philippine Constitution: *Provided, That* public lands already classified as agricultural lands or alienable or disposable lands prior to the passage of this Act shall remain as such and disposed of pursuant to existing laws.

SEC. 6. *Definition of Terms.* – For purposes of this Act, the following terms are defined as follows:

- (a) “Biological Resources” refers to living natural resources, including microorganisms, plants and animals, plus the environmental resources to which the species contribute.
- (b) “Buffer Zone” refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of the NIPAS Act that need special development control in order to avoid or minimize harm to the protected area.
- (c) “Endangered Species” refers to species and subspecies of wildlife whose population is in danger of extinction and whose survival is unlikely if the causal factors or threats continue to exist.
- (d) “General Management Plan” refers to the basic long-term framework plan to attain the objectives of conserving and protecting the area and serves as guide in the preparation of the annual operations plan and budget.
- (e) “General Management Planning Strategy” refers to the general guide in the formulation of site specific management plans, including the buffer zones.
- (f) “Indigenous Peoples” refers to people defined as such in Republic Act No. 8371, otherwise known as the “Indigenous People’s Rights Act (IPRA) of 1997”.
- (g) “Integrated Protected Area Fund” refers to the trust fund established for purposes of financing projects of the National Integrated Protected Areas System.
- (h) “Management Manual” refers to an individual management plan containing basic background information, field inventory of the resources, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries, and a design of the management programs.
- (i) “Natural Monument” refers to a relatively small area focused on protection of small features to protect or preserve nationally significant natural and historical features on account of their special interest or unique characteristics.
- (j) “Nongovernment Organization (NGO)” refers to any civic, development, or philanthropic organization which is multi-sectoral in character.
- (k) “Protected Area” refers to any identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation.
- (l) “Protected Area Management Board (PAMB)” refers to the sitebased decision-making body responsible in the planning, resource protection, and general administration of the BPNM.
- (m) “Protected Area Superintendent (PASu)” refers to the chief operating officer of the Department of Environment and Natural Resources (DENR) in the BPNM.
- (n) “Tenured Migrant” refers to any person who has actually and continuously occupied an area for five (5) years prior to the designation of the same as a protected area in accordance with law or the NIPAS Act and are solely dependent therein for subsistence.

SEC. 7. *Control and Supervision.* – The DENR shall be the lead agency tasked to implement the provisions of this Act, through the PAMB. The participation of the local government units (LGUs), other government agencies and nongovernment organizations (NGOs) shall be through membership to the PAMB.

SEC. 8. *Management of the BPNM.* – The PAMB shall serve as the highest policy making body of the BPNM and shall be composed of the following:

- (a) The Regional Executive Director (RED) of the DENR Region 1, as Chairman;
- (b) The Provincial Planning and Development Officer of Ilocos Sur;
- (c) One (1) representative from the municipal government of Cervantes, Ilocos Sur, to be appointed by the sangguniang bayan of Cervantes;
- (d) One (1) representative from Barangay Malaya, Cervantes, Ilocos Sur, to be appointed by the barangay council of Malaya;
- (e) At least three (3) representatives from nongovernment organizations/local community organizations involved in protected area management based in Cervantes, Ilocos Sur, and duly accredited by the municipal government, chosen through an election exclusively called for the purpose by the DENR in coordination with concerned LGUs;
- (f) One (1) representative from each tribal community, chosen in an election to be conducted by the DENR in coordination with the National Commission on Indigenous Peoples (NCIP); and
- (g) One (1) representative from other national government agencies, chosen through an election called for the purpose by the DENR among the representatives of all national government agencies involved in protected area management in the Municipality of Cervantes. Members of the PAMB shall represent their sectors and shall be deemed to carry the vote of the sector being represented unless challenged by any member thereof in writing five (5) days after the challenged decision is made known to the members through written information. In such cases, the sector concerned shall inform the PAMB if it affirms or overrules the vote of its representative.

SEC. 9. *Powers and Functions of the PAMB.* – The PAMB shall exercise the following powers and functions:

- (a) Issue all rules and regulations to prohibit acts that may be prejudicial to the BPNM and the policy declaration herein set forth as well as established biodiversity protection criteria;
- (b) Set fees for the issuance of permits for activities regulated by this Act or the management plan;
- (c) Issue rules and regulations for the resolution of conflict through appropriate culturally sensitive and effective means;
- (d) Adopt rules and procedures for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (e) Approve the management plan and oversee the office of the PASu;
- (f) Deputize interested individuals for the enforcement of the laws, rules and regulations governing conduct in the BPNM and its buffer zone; and

(g) Approve proposals for funding and budget allocation and exercise responsibility over all funds that may accrue to the BPNM. The DENR, through the RED for Region 1, shall exercise authority over the PAMB to ensure that it acts within the scope of its powers and functions. In case of a conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and other pertinent laws and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply the rule or withdraw its application in the BPNM. The decision of the Secretary shall be guided by a preference to local initiatives and specific policies enacted by the PAMB. The decision of the Secretary may be raised on appeal to the Regional Trial Court that has jurisdiction over the BPNM. Within one (1) year from the effectivity of this Act, a management plan shall have been put into effect following the General Management Planning Strategy provided under the NIPAS Act and according to the procedures herein set forth. Such management plan shall contain, among others, the following:

- (1) The category of the protected area;
- (2) Period of applicability of the plan;
- (3) Key management issues;
- (4) Goals and objectives of management in support of Section 2 hereof;
- (5) Site management strategy;
- (6) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control, etc.;
- (7) Zoning; and
- (8) Visitor management programs.

SEC. 10. *The Protected Area Superintendent's (PASu) Office.* – There is hereby established a protected area superintendent's office in charge of the management, protection and administration of the BPNM. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the BPNM and shall be accountable to the DENR RED for Region 1 and the PAMB. The PASu shall have the following powers and functions:

- (a) Prepare the management and successor plans as herein provided;
- (b) 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;
- (c) 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 BPNM;
- (d) Develop and implement a park information, education and visitor program;
- (e) Enforce the laws, rules and regulations relevant to the BPNM and assist in the prosecution of offenses;
- (f) Monitor all activities within the BPNM to ensure compliance with the management plan; and
- (g) Perform such other functions as the PAMB may assign.

The PASu shall prepare the management plan in consultation with the appropriate offices of the DENR and local experts including, but not limited to, people's organizations, nongovernment organizations and local government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and shall be certified to by the DENR Secretary that it conforms to all laws, rules and regulations of national application issued by the DENR. In no case shall the DENR revise or modify the management plan without prior consultation with the PAMB. One (1) year before the expiration of the period of applicability of the existing management plan, the PASu shall cause publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangays halls and in three (3) other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. The final plan shall be prepared in the language understandable in the area and shall be made available for public comment at the office of the PASu upon its approval by the PAMB. The zoning of the BPNM shall give primary consideration to the traditional zones used and recognized by indigenous peoples and tenured migrants unless such uses are deemed detrimental to biodiversity and the protection of its natural characteristics.

SEC. 11. *Special Prosecutor.* – Within thirty (30) days from the effectivity of this Act, the Secretary of Justice shall appoint a special prosecutor to whom all cases for violation of laws, rules and regulations in the BPNM 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.

SEC. 12. *Bessang Pass Natural Monument Protected Area Fund.* – There is hereby established a trust fund to be known as the Bessang Pass Natural Monument Protected Area Fund for purposes of financing projects of the BPNM. All income generated from the operation or management of wild flora and fauna in the BPNM shall accrue to the Fund. These income shall be derived from the visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources, proceeds from registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefiting from the protected area and such other fees and incomes derived from its operation. The Fund may be augmented by grants, donations, endowment from various resources, domestic or foreign, for purposes related to their functions: *Provided, That* the Fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further, That* the Fund shall not be used to cover personal services expenditures. The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of local government units' facilities. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided, That* such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the protected area.

SEC. 13. *Existing Facilities.* – Within sixty (60) days from the effectivity of this Act, major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment and irrigation facilities within the boundaries of the BPNM shall submit a project description to the PAMB through the PASu. The PAMB, with the help of the DENR, shall determine whether the present and future existence, operations and plans of a facility are detrimental to the BPNM or whether conditions for its operation shall be imposed. If any such conditions, once imposed, are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB, through the PASu and other deputized government entities, shall cause the cessation and demolition of the facility at the cost of its owner. Existing facilities allowed to remain within the BPNM may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the protected area fund.

SEC. 14. *Utilization of Nonrenewable Resources.* – Any exploitation and utilization of nonrenewable resources within the BPNM shall be allowed only upon the approval of the PAMB and shall be subject to the Environmental Impact Assessment (EIA) System.

SEC. 15. *Indigenous People's Rights.* – Ancestral domains and the customary rights and interests of indigenous communities within any area of the BPNM shall be accorded due recognition and respect. The preservation of ancestral domains and customary rights shall be considered as one of the management objectives of this Act. The

PASu staff shall be tasked to locate indigenous cultural communities present or occupying areas in or near the site, to be identified by tribal leaders. The evaluation of ancestral domain claims within the BPNM shall be conducted in accordance with the IPRA law, in coordination with the DENR and other concerned groups.

SEC. 16. *Tenured Migrants.* – Persons who have actually and continuously occupied a portion of the BPNM five (5) years before the effectivity of the NIPAS Act and whose livelihood are solely dependent on that area shall be considered as tenured migrants in the BPNM. For the purpose of official ocumentation, recognition of rights and determination of extent of occupation within the BPNM, a tenured migrant shall be issued a tenurial instrument over the area being occupied or cultivated. However, in areas that are designated as zones in which no occupation or other human activities are allowed, a provision for the transfer of tenured migrants to multiple-use zones or the buffer zone shall be undertaken. Upon the cancellation of a tenured migrant instrument for cause, abandonment or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate or restore the area to its natural state.

SEC. 17. *Appropriations.* – The Secretary of Environment and Natural Resources 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.

SEC. 18. *Prohibited Acts and Penalties.* – The following acts are hereby prohibited within the BPNM:

- (a) Hunting, destroying, disturbing or mere possession of any plant or animal or product derived therefrom without a permit from the PAMB;
- (b) Dumping of any waste product detrimental to the BPNM, or to the plants, animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit from the PAMB;
- (d) Mutilating, defacing or destroying objects of natural beauty or objects of interest to cultural communities;
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mining or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fence or enclosure or conducting any business enterprise without a permit from the PAMB;
- (h) Leaving exposed or in unsanitary condition refuse or debris or depositing the same in the grounds or in bodies of water; and
- (i) Altering, removing, destroying or defacing boundary marks or signs.

SEC. 19. *Penalties.* – Whoever violates this Act or any rules and regulations issued by the DENR or the PAMB pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined the amount of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00), exclusive of the value of the thing damaged, or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: *Provided*, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore it or pay for the cost of its restoration: *Provided, further*, That the court shall order the eviction of the offender from the area and the forfeiture in favor of the government of all minerals, timber, or any species collected or removed, including all equipment, devices and firearms used in connection therewith and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: *Provided, finally*, That the DENR may impose administrative fines and penalties consistent with this Act.

SEC. 20. *Reporting Responsibility.* – The PASu, through the PAMB, shall be responsible for the preparation of accomplishment reports and other activities undertaken in the BPNM for submission to the DENR Secretary.

SEC. 21. *Separability Clause.* – If any part or section of this Act is declared by the court as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 22. *Repealing Clause.* – The provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 23. *Effectivity Clause.* – Copies of this Act shall be posted in a conspicuous place in the provincial, municipal and barangay halls within the areas as well as in three (3) other places frequented by the public. This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) newspapers of general circulation available in the area.

Approved,