

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

House Bill No. **6232**

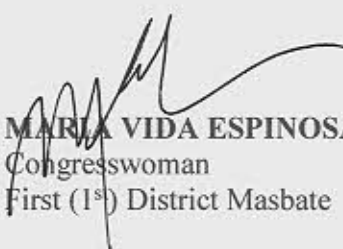


Introduced by Honorable Maria Vida E. Bravo

EXPLANATORY NOTE

Cognizant of the profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement; recognizing the critical importance of protecting and maintaining the natural and physical diversities of the environment notably areas of unique biological significance in order to sustain life; taking into account the socio-cultural, economic, aesthetic and environmental values of the ecosystem of Matang-Tubig Watershed Forest Reserve and its surrounding areas to the Municipality of Monreal, Province of Masbate particularly its crucial Upland and Watershed Forest Ecosystem with the presence of Secondary growth dipterocarp and planted species of Philippine Mahogany Group (PMG) and other Forest Vegetation and presence of Natural spring waters which is considered the sources of water both for domestic and agricultural purposes not to mention also the eco-tourism potential in the Province of Masbate and as come on to all tourist both domestic and international, the diversity of its flora and fauna with some endemic species; and finally, in pursuit of the State's duty 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 hereby declared the policy of the State to secure for the Filipino people to present and future generations the protection and conservation of Matang-Tubig Watershed Forest Reserve and its surrounding areas in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Pursuant to the above policy, the NIPAS Act and as provided herein, Matang-Tubig Watershed Forest Reserve and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established as a protected area under the category of a Natural Biotic Area to be known as the Matang-Tubig Natural Biotic Area.


MARIA VIDA ESPINOSA BRAVO
Congresswoman
First (1st) District Masbate

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**AN ACT ESTABLISHING THE MATANG TUBIG NATURAL BIOTIC AREA
(MTNBA) IN THE MUNICIPALITY OF MONREAL, PROVINCE OF MASBATE AND
APPROPRIATING FUNDS THEREFOR.**

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

Article I – Title, Policies and Scope

**Section I. Title. – This Act shall be known as the MATANG-TUBIG NATURAL
BIOTIC AREA (MTNBA) ACT OF 2015.**

Section 2. Statement of Policy. – Cognizant of the profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement; recognizing the critical importance of protecting and maintaining the natural and physical diversities of the environment notably areas of unique biological significance in order to sustain life; taking into account the socio-cultural, economic, aesthetic and environmental values of the ecosystem of Matang-Tubig Watershed Forest Reserve its surrounding areas to the Municipality of Monreal, Province of Masbate particularly its crucial Watershed and Forest Ecosystem with the presence of Secondary growth dipterocarp and planted Philippine Mahogany and other Forest Vegetation which is considered the sources of potable and agricultural water in the surrounding Barangays within Monreal, Masbate and considering also the ecotourism potential of the natural spring present thereat which can cater to both local and international tourists, the diversity of its flora and fauna with some endemic species; and finally, in pursuit of the State's duty 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 hereby declared the policy of the State to secure for the Filipino people of present and future generations the protection and conservation of Matang-Tubig Watershed Forest Reserve and its surrounding areas in accordance with Republic Act No. 7586 or the National Integrated Protected Areas

System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Section 3. Declaration of Policy. - Pursuant to the above policy, the NIPAS Act and as provided herein, Matang-Tubig Watershed Forest Reserve and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established as a protected area under the category of a Natural Biotic Area to be known as the Matang-Tubig Natural Biotic Area.

Section 4. Definition of Terms. - For purposes of this Act, the following terms are hereby defined:

- (a) "Matang-Tubig Natural Biotic Area" or "protected area" refers to the Matang-Tubig Natural Biotic Area as established herein;
- (b) "Genetically Modified Organisms" or GMO means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology through *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombination barriers that are not techniques used in traditional breeding and selection.
- (c) "LGUs" shall pertain to local government units within the Matang-Tubig Natural Biotic Area;
- (d) "PAMB" refers to the Matang-Tubig Natural Biotic Area Protected Area Management Board;
- (e) "PAMO" – Protected Area Management Office;
- (f) "PASO" shall refer to the Protected Area Superintendent Office comprised of the PASu and his/her staff;
- (g) "PASu" refers to the Protected Area Superintendent.
- (h) "Protected species" shall refer to any plant or animal declared protected under Philippine laws and international conventions, including species listed under the Convention on International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention on Migratory Species, the Red-list Categories of the World Conservation Union (IUCN), or any plant or animal which the PAMB may deem critical for the conservation and preservation of the Matang-Tubig Natural Biotic Area.

Section 5. Scope. - The Matang-Tubig Natural Biotic Area (MTNBA) shall cover parcels of land located within the Municipality of Monreal, Province of Masbate, containing an area of **ONE THOUSAND THREE HUNDRED FIVE (1,305.00) hectares** subject to ground survey with the following technical description:

Beginning at a point marked "1" which is identical to FZ/Cor. #3, Block A, Timberland, LC Project No. 6, Municipality of Monreal, Masbate, certified on February 26, 1925 with geographical coordinates of 12°35'41" North and 123°36'38" East to corner 1,

thence	S 50° 00' 00" E	260.00 meters	to corner 2
thence	S 56° 00' 00" E	280.00 meters	to corner 3
thence	S 43° 00' 00" E	532.00 meters	to corner 4
thence	S 60° 00' 00" E	410.00 meters	to corner 5
thence	S 13° 00' 00" E	206.00 meters	to corner 6
thence	S 27° 00' 00" E	300.00 meters	to corner 7
thence	S 35° 00' 00" E	500.00 meters	to corner 8
thence	S 33° 00' 00" E	232.00 meters	to corner 9
thence	S 33° 00' 00" W	184.00 meters	to corner 10
thence	S 38° 00' 00" E	444.00 meters	to corner 11
thence	S 23° 00' 00" E	240.00 meters	to corner 12
thence	S 19° 00' 00" E	192.00 meters	to corner 13
thence	S 82° 00' 00" E	242.00 meters	to corner 14
thence	S 55° 00' 00" W	504.00 meters	to corner 15
thence	S 35° 00' 00" E	288.00 meters	to corner 16
thence	N 87° 00' 00" E	328.00 meters	to corner 17
thence	S 55° 00' 00" E	218.00 meters	to corner 18
thence	S 19° 00' 00" W	260.00 meters	to corner 19
thence	S 25° 00' 00" E	260.00 meters	to corner 20
thence	S 57° 00' 00" W	372.00 meters	to corner 21
thence	N 71° 00' 00" E	288.00 meters	to corner 22
thence	S 49° 00' 00" E	380.00 meters	to corner 23
thence	S 14° 00' 00" E	288.00 meters	to corner 24
thence	S 40° 00' 00" W	200.00 meters	to corner 25
thence	S 03° 00' 00" W	375.00 meters	to corner 26
thence	S 13° 00' 00" E	252.00 meters	to corner 27
thence	S 66° 00' 00" E	560.00 meters	to corner 28
thence	S 20° 00' 00" E	352.00 meters	to corner 29
thence	S 66° 00' 00" E	560.00 meters	to corner 30
thence	S 09° 00' 00" E	280.00 meters	to corner 31
thence	S 61° 00' 00" W	280.00 meters	to corner 32
thence	D – S	140.00 meters	to corner 33
thence	S 70° 00' 00" E	480.00 meters	to corner 34
thence	S 18° 00' 00" W	384.00 meters	to corner 35
thence	S 27° 00' 00" W	380.00 meters	to corner 36
thence	S 88° 00' 00" W	340.00 meters	to corner 37
thence	S 26° 00' 00" W	440.00 meters	to corner 38
thence	N 62° 00' 00" W	1,500.00 meters	to corner 39
thence	N 26° 00' 00" W	200.00 meters	to corner 40
thence	N 12° 00' 00" W	1,500.00 meters	to corner 41

thence	N 12° 00' 00" W	1,050.00 meters	to corner 42
thence	N 36° 00' 00" W	950.00 meters	to corner 43
thence	N 59° 00' 00" E	400.00 meters	to corner 44
thence	N 25° 00' 00" W	1,550.00 meters	to corner 45
thence	N 25° 00' 00" W	300.00 meters	to corner 46
thence	N 01° 00' 00" W	400.00 meters	to corner 47
thence	N 28° 00' 00" E	1,070.00 meters	to corner 1

Article II – Management, Management Plan and Zoning

Section 6. Management of the Matang-Tubig Natural Biotic Area. – The management and administration of the Matang-Tubig Natural Biotic Area shall be vested with the PAMB; provided, that the management of zones to be established within the MTNBA shall be consultative and participatory.

The PAMB shall be responsible for the planning, resource protection and general administration of the MTNBA in accordance with the approved Management Plan.

Section 7. Management Plan. – There shall be a Management Plan which shall serve as the long-term basic framework for the management of MTNBA, govern all activities within the MTNBA, and guide the preparation of the annual operations plan and budget. The Management Plan shall be consistent with this Act and the nature of the MTNBA as a protected area under the category of a Biotic Area. A Management Manual containing the Management Plan and other supporting data shall be prepared in accordance with the implementing rules of the NIPAS Act.

Within one (1) year from the effectivity of this Act, the PASO shall prepare the Management Plan in accordance with the General Management Planning Strategy as provided in the implementing rules of the NIPAS Act. It shall contain, among others, the following:

- (a) A period of applicability for ten (10) years subject to review every five (5) years;
- (b) Key management issues;
- (c) Goals and objectives of management in support of Section 2 hereof;
- (d) Zoning in accordance with Section 8 hereof;
- (e) Management programs to include enforcement of laws, habitat and wildlife management, ecotourism, sustainable use, management, infrastructure development and maintenance, fire prevention and pest control;
- (f) Sustainable and non-destructive livelihood activities;
- (g) Regulations in furtherance of the preservation and conservation aims of the Matang-Tubig Natural Biotic Area such as allowable activities, resource-use restrictions, among others; and

(h) Other relevant conservation matters.

The Management Plan shall be reviewed and adopted by the PAMB and certified to by the DENR Secretary. The Management Plan shall not be revised or modified without prior consultation with the PAMB. It shall be reviewed and updated every five (5) years.

Two (2) years prior to the expiration of the current Management Plan, the PASO shall cause the publication of notices for comments and suggestions on the new Management Plan that will succeed the old one in a newspaper of general circulation and the posting thereof in the Provincial, Municipality and Barangay Halls of the LGUs comprising the MTNBA, and in three (3) other conspicuous areas frequented by the public within the MTNBA. At least two (2) public hearings shall be conducted on the proposed successor plan and shall be made available for public perusal at the PASO.

The Management Plan and all its successor plans shall be prepared in English, Filipino and Bicol, plainly written and made accessible to the public at the PASO.

Section 8. Zoning – Strict Protection Zone and Multi-Use Zone shall be established within the MTNBA giving primary consideration to its protection and conservation. Zoning shall also take into account the tenurial and livelihood concerns of communities to ensure the efficient protection of habitats, fragile ecosystems and unique areas.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogues, consultations and land and resource-use mapping. Zones shall be demarcated on the ground and indicated on maps with the participation of communities, LGUs, and other stakeholders.

Buffer zone shall also be established within the peripheral areas of the MTNBA in accordance with the Management Plan to serve as a social fence where tenurial and sustainable resource-use rights may be granted to qualified groups and individuals.

Article III – Institutional Mechanism, Roles and Functions

Section 9. PAMB – (a) There shall be a Protected Area Management Board which shall serve as the highest policy-making body of the MTNBA. It shall be composed of the following:

- (1) The Regional Director (RD) of Region V as PAMB Chair;
- (2) The Provincial Planning & Development Officer of Masbate;
- (3) The Environment and Natural Resources Officer (ENRO) of the Province of Masbate (PENRO-LGU);
- (4) One (1) regular representative from municipality of Monreal, Masbate with territory within MTNBA;
- (5) One (1) regular representative from each Barangay with territory within MTNBA;
- (6) One (1) representative from every NGO, PO, Church or Civic Organization but not to exceed five (5), all of whom must be based in or near MTNBA;

- (7) One (1) representative from other government agencies with direct interest or involvement in protected area management; and
- (8) One (1) representative from academic institutions with direct interest or involvement in protected area management.

(b) Every PAMB shall serve for a term of five (5) years, renewable for another five (5) years; Provided, That he/she remains connected with the office or sector he/she is supposed to represent; Provided, further, That LGU representatives must present the necessary endorsement from their respective Sanggunians and their membership shall be co-terminus being an elected officials. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same manner as the original selection process and only for the remaining term.

Section 10. Powers and Functions of the PAMB – The PAMB shall decide by majority vote and shall have the following powers and functions:

- (a) Issue rules and regulations to control, prohibit and regulate all acts that may be prejudicial to the MTNBA pursuant to the policy declarations herein set forth, including the imposition of fines to a maximum of Twenty thousand pesos (P20,000.00) and issuance of cease and desist orders, whenever justified;
- (b) Regulate, control and issue permits in accordance with the Management Plan pertinent environmental laws and regulations particularly with regard to infrastructure activities, public utilities, waste management, business enterprises and research activities within the Matang-Tubig Natural Biotic Area, including the power to prescribe appropriate fees and charges;
- (c) Review, approve and adopt a Management Plan for MTNBA;
- (d) Recommend the deputation through the PASu individuals or groups to augment the protection personnel of MTNBA for the enforcement of laws, rules and regulations therein, and prescribe, qualifications thereof;
- (e) Approve contracts and agreements consistent with the purpose of this Act.
- (f) Accept donations and grants to be deposited as trust fund for MTNBA;
- (g) Review and approve proposals for funding, financial and work plans, and exercise accountability over all funds that may accrue to the MTNBA;
- (h) Promulgate rules and regulations on the conduct of its business
- (i) Monitor and evaluate the performance of all PASO personnel;

- (j) Retain legal counsel to defend cases against the PAMB, the PASO staff and deputized individuals whenever they are sued in connection with the performance of their duties and functions under this Act, and to assist in other PAMB legal matters; and
- (k) Initiate and file suits against persons or entities whose business or activities are detrimental to the protected area.

Section 11. Incentives for MTNBA-PAMB Members - In addition to actual and necessary traveling and subsistence allowance incurred in the performance of their duties, the PAMB members may be granted honoraria and other benefits in attending PAMB or other committee meetings. These expenses may be included in the appropriation of the MTNBA Trust Fund.

Section 12. Protected Area Superintendent's Office – There is hereby created a Protected Area Superintendent's Office (PASO) which shall perform the day-to-day management, protection and administration of the Bong.NP. It shall be headed by the Protected Area Superintendent (PASu) as its chief operating officer who shall be directly accountable to the PAMB and the Community Environment and Natural Resources Officer of San Jacinto Masbate (CENRO-San Jacinto) and Provincial Environment and Natural Resources Officer of the DENR (PENRO-DENR) in Masbate. The PASu shall directly coordinate his/her activities with the CENRO with regard to DENR programs that are related to protected area management.

The PASO shall be staffed by a sufficient number of personnel with functions and qualifications as provided for by the PAMB. The PASO staff shall preferably be hired from residents of the municipality comprising MTNBA, unless otherwise not qualified.

The PASu shall prepare an annual accomplishment report on all activities undertaken in the protected area for PAMB review and submission to the DENR Secretary.

Section 13. Local Government Units – LGUs shall be represented in the PAMB and shall have the following functions:

- (a) Apprise their respective constituents, office and sector on activities and programs for the protected area;
- (b) Ensure consistency in the implementation of all activities in the protected area;
- (c) Retain their ordinance-making powers over the protected area; Provided, That on matters relating to biodiversity conservation, protection and sustainable development, the ordinances shall be consistent with the Management Plan;
- (d) In the formulation of their development plan, LGUs shall consider the MTNBA Management Plan;

- (e) Assist the PAMB in the implementation of the overall park programs, including but not limited to the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar park activities;
- (f) Accredite people's organizations, NGOs and other entities and groups involved in activities within the MTNBA; and
- (g) Provide the PAMB with relevant information and data for the effective management of the protected area.

Article IV – Utilization of Resources

Section 14. Existing Facilities within the MTNBA – Within a year from approval of this Act all existing commercial facilities with capitalization of not less than One hundred thousand pesos (P100,000.00) within the MTNBA or relies heavily from resources within the MTNBA, shall submit to the PASO a sworn statement containing the following information:

- (a) Potential for disturbance of protected species and their habitats;
- (b) Emissions and effluents at all stages of the operation;
- (c) Energy requirements and sources of energy;
- (d) Water supply requirements and sources of water;
- (e) Volume of resources extracted from the MTNBA;
- (f) Future plans for the next five (5) years; and
- (g) Other data they may deem relevant to the conservation objectives of the MTNBA.

Based on these submissions, the PAMB shall determine whether the continued operation and future plans of these facilities are detrimental to the MTNBA or to further undergo the Environmental Impact Statement (EIS) System and secure Environmental Compliance Certificate (ECC) from the Environmental Management Bureau. The PAMB may prescribe conditions or charge reasonable fees for the continued operation of facilities that rely heavily on resources within the MTNBA to ensure that it does not impair the conservation objectives of the Bong.NP. Without prejudice to the filing of the necessary criminal charges, in case of violation of PAMB conditions or non-payment of charges, the PAMB may impose an administrative fine of Five thousand pesos (P5,000.00) for every day of violation upon the owners of the erring facilities but not to exceed a total of Five hundred thousand pesos (P500,000.00). At anytime whenever necessary, the PAMB, through the PASu and other government entities, shall cause the cessation and demolition of said facility at owner's cost. Failure to submit the required

information shall constitute a violation of this Act and subject to the penalties imposed under Section 17 (b) hereof.

Section 15. Utilization of Resources – Except upon prior approval of the PAMB and consistent with the Management Plan the use of natural resources within MTNBA shall not be allowed. However, the sustainable use of resources by tenured migrants for their domestic needs or for subsistence shall not be restricted except protected species and whenever highly detrimental to the ecosystem.

Section 16. Public Lands – Upon passage of this Act, no land within the MTNBA shall be released from the public domain as alienable and disposable and any sale, transfer, alienation or disposition thereof shall be null and void.

Article V – Prohibited Acts

Section 17. Prohibited Acts – The following acts are prohibited within the MTNBA with their respective penalties:

- (a) A fine of not less than Five thousand pesos (P5,000.00) to not more than Five hundred thousand pesos (P500,000.00) and imprisonment of not less than six (6) years and one (1) day to not more than twelve (12) years shall be imposed upon any person who:
 - (1) Hunts, collects, takes, destroys, traps, disturbs or otherwise possesses any wild plant, animal or product, including genetic resources, derived from the MTNBA without prior PAMB permit: Provided, That such permit can only be given for scientific purposes and necessary for protected area management;
 - (2) Cuts, gathers, collects, removes or otherwise possesses timber or other forest products within the MTNBA without prior PAMB permit: Provided, that such permit can only be given for scientific purposes and necessary for protected area management; Provided, further, That no permit shall issue for timber or other forest products within strict protection zones.
 - (3) Engages in kaingin/clearing the mangrove area or otherwise intentionally or negligently causes a forest fire inside the MTNBA;
 - (4) Engages in mineral or energy exploration activities within the MTNBA;
 - (5) Engages in treasure-hunting within the MTNBA;
 - (6) Introduces exotic species or genetically modified organisms within the MTNBA; and
 - (7) Discharges, leaves or dumps any waste product or substance deleterious to the MTNBA ecosystem or to any of the flora and fauna therein;

- (b) A fine of not less than Five thousand pesos (P5,000.00) to not more than Two hundred fifty thousand pesos (P250,000.00) and imprisonment of not less than six (6) months and one (1) day to not more than six (6) years shall be imposed upon any person who:
- (1) Occupies, settles, or possesses any portion of land inside the MTNBA without the necessary permit. Clearing, construction of residence or introduction of improvements shall constitute prima facie evidence of such occupation or settlement;
 - (2) Vandalizes, mutilates, destroys, excavates, defaces or otherwise intentionally damages any natural formation or object of natural beauty inside the MTNBA;
 - (3) Uses or possesses motorized equipment, explosives or any noxious substance anywhere within the strict protection zones of the Bong.NP as delineated by the PAMB;
 - (4) Constructs or maintains any kind of road, structure, fence or enclosure without prior PAMB permit; and
 - (5) Obstructs or hinders the enforcement of this Act, the Management Plan and its pertinent rules and regulations.
- (c) A fine of not less than Five thousand pesos (P5,000.00) to not more than Fifty thousand pesos (P50,000.00) or imprisonment of not less than one (1) month and one (1) day to not more than six (6) months, or both, shall be imposed upon any person who:
- 1 Except as otherwise provided, violates the Management Plan or any rule or resolution promulgated by the PAMB;
 - 2 Alters, removes, destroys or deface boundaries, marks or signs;
 - 3 Enters the MTNBA without prior PAMB permit for purposes of Camping, swimming, fishing and other recreational activities;
 - 4 Dumps, litters or otherwise leaves debris, refuse or garbage within the MTNBA.
- (d) Any provision to the contrary notwithstanding, the commission of any unlawful act under Section 17 (a) shall carry the penalty of imprisonment of not less than twelve (12) years and one (1) day to not more than twenty (20) years and a fine of not less than Five hundred thousand pesos (P500, 000.00) to not more than One million pesos (P1, 000,000.00), whenever the species involved is a protected species as provided herein. Any citizen may institute the necessary charge against an offender for commission of the acts enumerated under this section.
- (e) A conviction under this Section shall carry the accessory penalties of eviction from the MTNBA, payment of damages for rehabilitation and restoration, and the forfeiture of all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense as well as the flora, fauna and resources caught in the possession of the accused. In case the offender is an association, partnership or corporation, the president or manager of the said corporation shall be held liable for the act of his/her employees or workers.
- (f) The DENR through the PASu may impose administrative sanctions against the offender for violations committed under this Act. The PASu may confiscate all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense caught en flagrante

- (a) Fees and charges from facilities and rights directly benefiting from the protected area including rights derived there from;
- (b) Fines from violations inside the protected area;
- (c) Proceeds from lease of multiple use or special use areas including tourism concessions;
- (d) Fees from permitted sale of flora, fauna and other forest resources;
- (e) Entrance fees and rents of facilities in Recreation Zones;
- (f) Contribution, donations endowments and grants from any source, and;
- (g) Other revenues as provided in this Act.

All donations, grants and endowments shall be exempted from donor's tax, documentary stamp tax and all other taxes, charges and fees imposed by the government.

Current sources of revenue of LGUs such as business permits and real property taxes shall be excluded from IPAF.

Section 19. Appropriations – In order to carry out the purposes of this Act, an annual aggregate amount of FIFTY MILLION PESOS ONLY shall be included in the annual General Appropriations Act and allocated for the use of the MTNBA.

Article VII- Miscellaneous Provisions

Section 20 . Separability Clause – If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner the other parts or sections hereof.

Section 21. Repealing Clause – All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

Section 22. Effectivity Clause – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.