

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



Seventeenth Congress
First Regular Session

HOUSE BILL NO. 5512

Introduced by the Honorable Ann K. Hofer

EXPLANATORY NOTE

It is embodied in Section 16, Article II of the 1987 Constitution that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

The Naga-Kabasalan Protected Landscape has a contiguous area of Five Thousand Five Hundred and Five 44/100 (5,505.44) hectares, more or less covering the Barangays of Sandayong, Tilubog and Tipan in the Municipality of Naga and Barangays Tampilisan and Diampak in the Municipality of Kabasalan, all within the Province of Zamboanga Sibugay. The entire area also covers two (2) watersheds, Tipan and Busyawon, with perennial springs draining towards Bacalan River and ends to Sibugay Bay. Other attributes consist of cave and biological resources, both beneath and surface areas, not to mention the cultural resource which has potential to be developed for ecological tourism.

In the initial assessment conducted by DENR Region IX together with the concerned local government units of Zamboanga Sibugay in 2006, it was identified that the biological, physical, and cultural resources are at risk and may face severe damage and extinction in the near future if current economic destructive activities will be left unabated. Initial biodiversity survey also showed a declining population of cave dwelling bats due to over collection.

This bill therefore seeks to declare the Naga-Kabasalan Protected Landscape as a protected area under the category of protected landscape pursuant to Republic Act 7586, otherwise known as the “National Integrated Protected Areas System (NIPAS) Act of 1992.” This will provide proper management, conservation, protection and utilization of natural resources within the protected area. As Naga-Kabasalan Protected Landscape functions both as watershed and habitat to endemic flora and fauna, its significance is vital to sustain life within Zamboanga Sibugay.

In view of the foregoing, the immediate approval of this measure is earnestly sought.



ANN K. HOFER
Second District, Zamboanga Sibugay

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AN ACT
DECLARING THE NAGA-KABASALAN PROTECTED LANDSCAPE LOCATED
IN THE PROVINCE OF ZAMBOANGA SIBUGAY AS A PROTECTED AREA,
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* This Act shall be known as “Naga-Kabasalan Protected
2 Landscape Act.”

3
4 SEC. 2. *Declaration of Policy.* It is hereby declared policy of the State to protect and
5 advance the right of the people to a balanced and healthful ecology in accord with the rhythm
6 and harmony of nature. For this purpose, the state shall secure for the present and future
7 generations of Filipinos the utilization of natural resources within the landscape in
8 municipalities of Naga and Kabasalan, Province of Zamboanga Sibugay to ensure the
9 conservation, protection and preservation of natural biological, physical, and cultural diversity
10 within the area.

SEC. 3. *Scope.* The boundaries of Naga-Kabasalan Protected Landscape are as follows:

TECHNICAL DESCRIPTION				
Tie Point: Corner 1 with coordinates of 122 44' 5.38" E, 7 53' 10.097"N				
Projection: GCS, DATUM: WGS 84 ZONE 51				
CORNER	FROM	TO	BEARING	DISTANCE
1	1	2	N 19-2-24 W	438.43
2	2	3	N 12-50-39 W	601.14
3	3	4	N 35-48-40 W	1546.48
4	4	5	N 52-22-40 E	445.61
5	5	6	N 30-59-51 W	330.85
6	6	7	N 38-6-31 E	762.67
7	7	8	N 35-56-30 E	226.64
8	8	9	N 7-0-21 W	345.96
9	9	10	N 9-36-25 W	399.24
10	10	11	N 80-59-5 W	1005.52
11	11	12	N 37-38-57 W	482.96
12	12	13	N 46-44-15 W	255.06
13	13	14	N 13-17-0 E	808.27
14	14	15	N 4-14-4 E	295.80
15	15	16	N 4-44-8 W	198.96
16	16	17	N 77-28-3 E	1346.05
17	17	18	N 87-59-51 E	2309.30
18	18	19	S 89-6-30 E	1823.42
19	19	20	N 89-21-32 W	5363.45
20	20	21	N 41-8-36 E	506.59
21	21	22	N 10-1-21 E	813.16
22	22	23	N 73-29-44 E	298.03
23	23	24	N 55-37-11 E	243.65
24	24	25	N 44-35-32 E	1727.35
25	25	26	S 11-26-44 W	588.62
26	26	27	S 48-34-29 W	489.02
27	27	28	S 70-38-22 W	281.97
28	28	29	S 30-10-21 W	357.62
29	29	30	S 62-31-38 E	405.20
30	30	31	S 9-5-19 W	364.07
31	31	32	S 57-24-3 W	1003.02
32	32	33	S 21-19-54 E	232.14
33	33	34	S 35-58-37 W	969.38
34	34	35	S 65-19-57 W	863.25
35	35	36	S 3-20-31 E	797.46
36	36	37	S 8-49-13 E	341.07
37	37	38	S 75-27-56 W	486.25
38	38	39	S 85-51-19 W	402.01
39	39	40	S 64-26-24 W	296.30
40	40	41	S 80-37-15 W	832.88
41	41	42	S 62-9-57 W	470.38
42	42	43	N 59-33-30 W	814.40
43	43	44	N 42-6-31 W	233.24
44	44	45	N 34-15-40 W	277.81
45	45	46	N 56-18-36 W	227.96
46	46	47	N 54-9-44 W	369.43
47	47	1	N 40-1-33 W	502.70

The total land area of the Naga-Kabasalan Protected Landscape is Five Thousand Five Hundred and Five 44/100 (5,505.44) hectares, more or less covering the barangays of Sandayong, Tilubong and Tipan, Municipality of Naga and Barangays Tampilisan and Diampak, Municipality of Kabasalan, all within the Province of Zamboanga Sibugay. The entire area also covers two (2) watersheds, Tipan and Busyawan, with perennial springs draining towards Bacalan River that ends to Sibugay Bay.

SEC. 4. *Definition of Terms.* As used in this Act, the following terms shall mean:

- (a) *General Management Plan* refers to the basic long-term framework plan for the management of the protected area and serves as guide in the preparation of the annual operations plan and budget;
- (b) *Indigenous Peoples* refer to people sharing common bonds of language, customs, traditions and other distinctive cultural traits and who have since time immemorial occupied, possessed and utilized a territory;
- (c) *National Integrated Protected Areas System* refers to the classification and administration of all designated protected areas established pursuant to Republic Act No. 7586, otherwise known as the "*National Integrated Protected Areas System Act of 1992*," to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources and to maintain the natural conditions to the greatest extent possible;
- (d) *Non-government Organization (NGO)* refers to any civic, development or philanthropic organization which is multi-sectoral in character;
- (e) *People's Organizations (POs)* refer to organizations of members of the local community whose purpose is to protect or advance the interest of specific sectors such as, but not limited to, farmers, fisherfolks, women and the like;
- (f) *Protected Area Management Board* refers to the management body within the site, responsible for the planning and management of its expenditure program and decisions on matters relating to planning, protection, and general in accordance with the approved management plan;
- (g) *Protected Area Superintended* refers to the chief operating officer of the Department of Environment and Natural Resources (DENR) for the Naga-Kabasalan Protected Landscape; and
- (h) *Protected Landscape* refer to areas of national significance characterized by the harmonious interaction of man and land while providing opportunities for

50 enjoyment through recreation and tourism within the normal lifestyle and economic
51 activity of these areas.

52
53 SEC. 5. *Protected Area Management Board.* A Protected Area Management Board
54 (PAMB) for the Naga-Kabasalan Protected Landscape shall be created and shall serve as the
55 policy-making body of the protected area. It shall be composed of the following: The Regional
56 Executive Director (RED) for DENR Region IX as chairperson; the Zamboanga Sibugay
57 Provincial Planning Development Coordinator; one (1) representative each from the municipal
58 governments of Naga and Kabasalan, to be appointed by their respective sangguniang bayan;
59 one (1) representative from each barangay covering the protected area, to be appointed by their
60 respective barangay councils; at least three (3) representatives from people's organizations
61 (POs) or non-government organization (NGO) and local community organizations duly
62 endorsed by heads of their organizations which are preferably based in the area or which have
63 established and recognized interest in the protected area; two (2) representatives from the
64 Indigenous People and Elders duly endorsed by National Commission on Indigenous Peoples
65 (NCIP); one (1) representative from other national government agencies involved in protected
66 area management, to be appointed by the Secretary of DENR upon recommendation of the
67 head of office of the concerned agencies.

68 Except for any government official who shall serve in *ex officio* capacity, every member
69 of the PAMB shall be appointed by the Secretary of DENR and shall serve for a term of five
70 (5) years without compensation, except for actual and necessary traveling and subsistence
71 expenses incurred in the performance of their duties; *Provided*, That the person remains
72 connected with the organization being represented. In the case of members who are government
73 officials, their appointment shall be coterminous with their term of office. Whenever a vacancy
74 occurs during the term of a non-government PAMB member, a new member shall be chosen
75 in the same manner as the original selection process; *Provided*, That the person shall only serve
76 for the remaining term.

77
78 SEC. 6. *Powers and Functions of the PAMB.* The PAMB for the Naga-Kabasalan
79 Protected Landscape shall exercise the following powers and functions:

- 80 (a) Decide matters related to planning, resource protection and general administration
81 of the area in accordance with the management plan adopted pursuant to NIPAS
82 Act of 1992;

- (b) Approve proposals, work plans, action plans, and guidelines for the management of the Naga-Kabasalan Protected Landscape in accordance with the approved management plan;
- (c) Promulgate rules and regulations to promote and implement development programs and projects on biodiversity conservation and sustainable development as well as developmental and other related activities within the area, consistent with the approved management plan;
- (d) Ensure the implementation of programs, as prescribed in the management plan, in order to provide employment to the people dwelling in and around the area;
- (e) Monitor and evaluate the performance of protected area personnel, NGOs and communities in providing for biodiversity conservation and promoting sociocultural development and economic development of the people and report their assessment to the NIPAS Policy and Program Steering Committee (NPPSC) and the Integrated Protected Areas Fund (IPAF) Governing Board created pursuant to the NIPAS Act of 1992; and
- (f) Approve proposals for funding and budget allocation and exercise responsibility over all funds that may accrue to the protected area donated for the purpose of the above policy declaration.

The DENR, through RED for Region IX, 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 conflict between administrative orders for national application issued by the DENR pursuant to the NIPAS Act of 1992 and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary of DENR who shall decide whether to apply the rule or withdraw it for purposes of the Naga-Kabasalan Protected Landscape. The decision of the Secretary of DENR shall be guided by a preference to local initiative and specific policies enacted by the PAMB. The decision of the Secretary shall be appealable to the Regional Trial Court exercising jurisdiction over the protected area.

SEC. 7. Protected Area Superintendent (PASu) Office. There is hereby established a Protected Area Superintendent's Office in charge of the management, protection, and administration of the Naga-Kabasalan Protected Landscape. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of

the Naga-Kabasalan Protected Landscape and shall be accountable to the DENR RED for Region IX and the PAMB. The PASu shall have the following powers and functions:

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

SEC. 8. *Management and Successor Plans.* The PASu shall prepare the management plan in consultation with the appropriate offices of the DENR and local experts including, but not limited to, POs, NGOs and other government agencies. The management plan shall be reviewed, approved, and adopted by the PAMB and certified by the Secretary of DENR. Such certification shall declare that the management plan conforms to all laws, rules and regulations of national application issued by the DENR. The management plan shall not be revised nor modified without prior consultation with the PAMB.

The PASu, in coordination with all concerned offices, shall prepare all successor plans one (1) year before the expiration of the current plan. The PASu shall cause the 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 barangay 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. A final plan shall be made available for public comment at the Office of the PASu upon its approval by the PAMB.

Within one (1) year from the effectivity of this Act, the management plan shall be put into effect in accordance with the Republic Act No. 7586 or the NIPAS Act of 1992 and the procedure herein set forth.

SEC. 9. *Prohibited Acts and Penalties.* The following are the prohibited acts and penalties applicable in the Naga-Kabasalan Protected Landscape:

(a) The penalties in Article 309, on theft and Article 310, on qualified theft, of the Revised Penal Code, depending on the value of the resource taken, damaged or destroyed, shall be imposed upon any person who found guilty of:

(1) Hunting, destroying, trapping, disturbing or possessing anywhere with the Naga-Kabasalan Protected Landscape of any wild plant, animal or product derived therefrom without a permit from the PAMB;

(2) Cutting, gathering, collecting or removing timber or forest products without permit. A permit is given only for scientific purposes necessary to promote protected area management;

(3) Mineral exploration, extraction, drilling or prospecting for minerals within the protected area;

(4) Constructing and maintaining any kind of road, structure, fence or enclosure without permit from the PAMB. Structures within ancestral domains used by indigenous cultural communities do not need a permit from the PAMB; and

(5) Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks, signs, natural formation, burial grounds, religious sites, artifacts, and objects belonging to indigenous cultural communities and other objects of natural and scenic value.

(b) A fine of not less than One hundred thousand pesos (Php 100,000.00) but not more than Five hundred thousand pesos (Php 500,000.00), or imprisonment of not less than one (1) year but not more than five (5) years, or both, shall be imposed upon:

(1) Any person who found guilty of raising poultry and grazing livestock within the protected area without a permit from the PAMB; and

(2) Any public officer who, in dereliction of the duties of office, shall maliciously refrain from instituting acts necessary to prosecute the violators of this Act or shall tolerate the commission of the offenses herein provided. Conviction for this offense shall also carries the penalty of perpetual disqualification from public office.

(c) A fine of not less than One hundred thousand pesos (Php 100,000.00) but not more than Five hundred thousand pesos (Php 500,000.00), or imprisonment of not less than one (1) year but not more than five (5) years, or both, and the restoration and

rehabilitation of the damage shall be imposed upon any person who commits the following acts:

- (1) Violating any of the rules and regulations in the management plan by the PAMB or agreements reached with the PAMB in the exercise of its adjudicative functions;
- (2) Dumping, burning, and disposing of any poisonous chemicals and waste products, vegetation and materials within the protected area to the detriments of the inhabitants, plants and animals therein;
- (3) Engaging in illegal and destructive fishing practices, such as the use of filter nets and at times, dynamite fishing that caused fishery resources to plunge in terms of catch rates and volume;
- (4) Use of motorized equipment without a permit except motorized vehicles within the national highway, provincial road or other public thoroughfare traversing the park: *Provided*, That such thoroughfares were legally constructed;
- (5) Occupying any portion of land inside the protected area without a permit from the PAMB: *Provided*, That such occupation shall be of such nature as to last more than ten (10) days in the particular portion of the protected area; and
- (6) Entering the protected area without a permit from the PAMB.

Any person who induces or conspires with another person to commit any of the acts prohibited in this section or cause workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

The valuation of the damage resulting from any of the acts prohibited herein shall take into account biodiversity and conservation considerations as well as aesthetic and scenic values. Conviction for any of these acts shall likewise carry penalty of eviction from the protected area and forfeiture in favor of the government of transportation facilities, structures, building materials, equipment, devices and weapons used in the commission of the offense.

The local government unit responsible for the arrest of a violator and the confiscation of materials used in the commission of the offense is entitled to have a fifty percent (50%) share from the proceeds in the disposition of confiscated materials. The other fifty percent (50%) accrues to the Naga-Kabasalan Protected Areas Fund.

The above prohibitions exclude activities identified in the management plans and such other measures that are necessary for protection and preservation of protected area, which are

undertaken by the PASu or other persons deputized by the PAMB. The certified customs and traditional practices of indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

SEC. 10. *Special Prosecutor.* Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violations 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 the person's duties and assist in the training of wardens and rangers in arrest and criminal procedures.

SEC. 11. *Naga-Kabasalan Protected Areas Fund.* There is hereby established a trust fund to be known as the Naga-Kabasalan Protected Areas Fund for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the Naga-Kabasalan Protected Landscape shall accrue to the Fund. These income shall be derived from visitors/tourists fee, fees from permitted sale and export of flora and fauna and other resources from the protected area, proceeds from registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefitting from the protected area, and such other fees and other income derived from the operation of the protected area.

The Fund may be augmented by grants, donations, endowment from various sources, 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 LGUs' 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. 12. *Utilization of Energy and Non-renewable Resources.* The Naga-Kabasalan Protected Landscape may be subjected to exploration for the purpose of gathering information

on energy and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the results of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within the protected area shall be allowed only through an act of Congress.

SEC. 13. *Indigenous People's Rights.* The rights of the indigenous communities to their ancestral domains and other customary rights and interest within the Naga-Kabasalan Protected Landscape shall be accorded due recognition. The preservation and protection of ancestral domains and customary rights shall be considered as one of the management objectives.

The PASu Office shall identify the location of indigenous cultural communities within or near the site, which is identifiable by the tribal leaders. The evaluation of ancestral domain claims within the protected area shall be conducted by the NCIP pursuant to the provisions of Republic Act No. 8371, otherwise known as "The Indigenous Peoples Rights Act of 1997" or the IPRA Law, and its implementing rules and regulations, in coordination with the PAMB.

SEC. 14. *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. 15. *Separability Clause.* If any part or provision of this Act shall be held unconstitutional or invalid, other provisions, which are not affected thereby, shall continue to be in full force and effect.

SEC. 16. *Repealing Clause.* For the purpose of this Act, the provisions of the NIPAS Act are hereby repealed or modified accordingly. Within the scope of the Naga-Kabasalan Protected Landscape as herein specified, the prohibitions and penalties under the NIPAS Act are hereby superseded.

SEC. 17. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) national newspapers of general circulation.

Approved,