

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

Seventeenth Congress
Second Regular Session

HOUSE BILL NO. 6201



Introduced by Honorable Michelle M. Antonio

EXPLANATORY NOTE

The Local Government Code of 1991 (RA 7160) provides decentralization of powers to local government units (LGUs) and states that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and general welfare. Each local government unit in the country faces its own issues for the promotion of its social, environmental, and economic development.

With the vast number of natural resources available in different areas in the country, local government units face environmental problems that require their attention in order to ensure protection of their resources. Thus, Section 447 of the Local Government Code of 1991 also provides the Sangguniang Paglungsod powers to enact ordinances and approve resolutions that protect the environment and impose appropriate penalties for acts which endanger the environment, and provide for the establishment, maintenance, protection, and conservation of the communal forests and watersheds, tree parks, greenbelts, mangroves, and other similar forest development projects in their LGU.

In 2010, the Japan International Cooperation Agency (JICA) conducted a study declaring nine major cities in the Philippines as water-critical areas, one of which is Angeles City in Pampanga. Furthermore, the study has mentioned an

impeding catastrophe in the next ten years, including the Sapangbato Watershed in Pampanga should it be left unprotected.

Sapang Bato, a wide span of mountainous terrain at the upstream area in Angeles between Clark Freeport Zone and the Municipality of Porac, is a natural watershed that has the potential to produce the water needed by the greater Metro Clarks in the next 50 years. Since Angeles City is becoming a hub of investments, matched with the expanding operations of Clark Freeport Zone, more and more people are attracted to migrate in this area. The city has come to be an educational center and a land of opportunity for employment, livelihood and investments. In the latest study of the World Wide Fund for Nature (WWF) and the BPI Foundation, Inc., it was said that Angeles City's population increased by 38 percent in the past 20 years. The city's population density is also very high, growing from 3,807 per square km. to 5,249 per square km. The local business grew by 42% from 2005 to 2012 while the housing industry escalated from 54,059 in 2000 to 72,791 in 2010.

This means increase in number of commercial and industrial activities. And of course, it also means more and more number of people are using energy and water, straining the Watershed more and more.

Thus, there is a need to protect the area and declare it as a watershed sanctuary, prohibit further destruction, irresponsible development, and provide appropriate funding to reforestation, maintenance, and its development as it contributes to the water supply of the city. Policies, guidelines and procedures are needed therefore for the protection, appropriation of funds, and development of the Sapangbato Watershed Protected Area and Eco-park.

In view of the foregoing, approval of this bill is highly recommended.



MICHELLE M. ANTONIO

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AN ACT DECLARING THE SAPANGBATO WATERSHED IN ANGELES CITY, PAMPANGA AS A PROTECTED AREA AND ECO-PARK, PRESCRIBING PENALTIES AND APPROPRIATING FUNDS THEREFORE, AND FOR OTHER PURPOSES

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, "Sapangbato Watershed Protection Act of 2017."

SECTION 2. Declaration of Policy. It is hereby declared the policy of the State to provide a sustainable development for local government units which shall ensure the sustainability of water not only to protect our environment but to ensure the sustainability of life in the future. Likewise, the State shall provide alternative livelihood to increase household income, and food security, design programs for the improvement of delivery of basic and social services, encourage community participation in the implementation of government services, promote responsible citizenship and unity in every barangay and encourage greater private sector participation in community development.

SECTION 3. Sapangbato Watershed as a Protected Area and Eco-park. The Sapangbato Watershed in Angeles City, Pampanga is hereby declared as a protected area and eco-park.

SECTION 4. Supervision and Administration. The city government of Angeles City, in coordination with the Department of Environment and Natural Resources, Department of Tourism and the Provincial Government of Pampanga, shall hold supervision and administration to the Sapangbato Watershed and Eco-park.

SECTION 5. Management and Protection of the Sapangbato Watershed and Eco-park. A Management Committee shall be created to formulate, develop, and implement policies for the development of the Sapangbato Watershed and Eco-park.

SECTION 6. Composition of the Management Committee of the Sapangbato Watershed and Eco-park.

The Management Committee shall be composed of:

- Municipal Mayor *as Chairman*
- A Representative of the Sangguniang Panlungsod *as Member*
- A Representative from the DENR *as Member*
- A Representative from the DOT *as Member*
- A Representative from the a reputable and duly-registered environmental non-government organization *as Member*
- A Representative from an environmental people's organization *as Member*

SECTION 7. Duties and Responsibilities of the Management Committee of the Sapangbato Watershed and Eco-park.

The Management Committee shall perform the following duties and responsibilities and other related tasks, as needed:

- a) Implement sustainable environmental programs, projects and activities such as community-based forest and natural resource management initiatives;

- b) Promote broader and deeper partnership and collaboration in preserving and managing the Sapangbato Watershed Area;
- c) Implement promotions and campaign for the water shed and eco-park;
- d) Initiate fund-raising activities with the private sector community and raise awareness on the importance of the watershed and eco-park;
- e) Draft and implement a comprehensive environmental protection guide for tourist;
- f) Provide or assign park rangers and maintenance personnel who will ensure the protection of the Watershed and eco-park;
- g) Implement fines and penalties on persons caught in violation of prescribed prohibited acts by existing relevant laws and the Management Committee by virtue of protection of the Sapangbato Watershed and Eco-park;
- h) Receive, take and hold by request, device, donation, gift, purchase or lease, from foreign or domestic sources, either absolutely or in trust for any of its purposes, any asset, grant or property, real or personal, subject to such limitations as are provided in existing laws and regulations; to convey such assets, grant or property; invest and reinvest the same and deal with and expand its assets and income in such manner as will best promotes objective;
- i) Prepare and recommend such rules and regulations, implementing guidelines and standards as are necessary for the effective regulation of the land use and development activities in the Watershed and Eco-park, including, but not limited to development rules and regulations pertaining to the following:
 - (i-1) Land use allocation, use of buildings, their height, dimensions, architectural style and designs and other specifications of the building construction to be undertaken therein;

(i-2) Supervision and control of all activities involving tree cutting or burning, diggings, excavations and exploration, littering, disposing garbage, and vandalizing within the Watershed and Eco-park including the use and disposition of natural resources without DENR permit

j) Prescribe and collect in accordance with the local revenue code reasonable amounts to be charged as filing fees, inspection fees, permit fees, and other administrative or service fees necessary for the effective enforcement of its laws and regulatory measures, to be used and disbursed by it in the manner determined by it to promote its objectives;

k) Promulgate rules, regulations and undertake any and all measures as may be necessary to implement this ordinance;

l) Regulate activities inimical to preservation/conservation/rehabilitation of the watershed;

m) Exercise all powers necessary or incidental to the attainment of the objectives of this Act;

Provided, that expenses of the Management Committee shall come by the Local Government Unit concerned.

The declaration of the Sapangbato Watershed as a Protected Area and Eco-park does not and in any case acquire or impede legal ownership against private property rights. The programs only intend to the proper use of the goods and natural resources of the forest. The right to private property is valid and necessary, but property rights has a social function intrinsic to itself, based upon and justified precisely by the principle of the universal destination of the goods and natural resources.

SECTION 8. Penalties and Fines. Any person or establishment who violates any provision of this Act, or any policy, order, decision, ruling or regulation by virtue of protection of the Sapangbato Watershed and Eco-park shall be subject to a penalty to be imposed by the appropriate court ranging from a fine of One

Thousand Pesos (P1,000.00) to Five Thousand Pesos Php5,000.00 or imprisonment of not exceeding six months or both at the discretion of the court.

It may furthermore, after due notice has been given, consider any violation as a continuing one and subject to a daily penalty for as long as the illegal act or condition exists.

This shall be without prejudice to any administrative fines and penalties may prescribe in its rules and regulations, including the revocation or cancellation of location or construction permit and the suspension of construction and/or the demolition of the illegal construction.

In the enforcement of its decisions and in the exercise of its regulatory functions secure the assistance of or deputize the appropriate enforcing officials, such as the building official of Angeles City and other local police officers.

SECTION 9. Priority in Budget Allocation. The National Government shall appropriate such amount, as may be necessary to carry out the objectives of this Act.

SECTION 10. Budget Required. The Department of Environment and Natural Resources and the Department of Tourism shall promulgate a specific programmed budget needed to cover the expenses, for the implementation of this Act.

SECTION 11. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 12. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,