

Republic of the Philippines
HOUSE OF REPRESENTATIVES



SEVENTEENTH CONGRESS

Second Regular Session

House Bill No. **6987**

Introduced by Hon. ROSE MARIE BABY J. ARENAS

EXPLANATORY NOTE

During the Ninth Congress, the Committee on Agrarian Reform conducted an inquiry, in aid of legislation, on the long-festering agrarian unrest affecting about one thousand farming families in the so-called Mangabul Reservation located in Barangay San Gabriel 2nd, Bayambang, Pangasinan. The reservation has an area of 2, 059 hectares, more or less, and is designated by the Bureau of Lands Survey as Insular Public Domain (IPD-92). It used to be partly forested and partly a lake, and in 1993 was declared a public reservation through Act No. 4041 which awarded the usufructuary rights to the Municipality of Bayambang over the fishery area commonly referred to as the Mangabul Fishery Reservation.

Little by little, through the period of some 60 years, the forested portions were converted to agricultural cultivation, and the constant accumulation of silt, and lahar from Mt. Pinatubo, has decreased the fishery area into little more than a few shallow creeks during the dry season. At present, practically the whole area has become farmlands and

the site of residential houses, comprising 8 barangays. Some residents of other barangays go to the area to work the land during the farming season.

Eventually, controversies arose between the farmers and the occupants, on the other hand, and the Municipality and the lessees of the fishery reservation, on the other. These controversies resulted in many civil and criminal cases, but the courts always recognized the right of the farmers to the physical possession of the crop lands.

Subsequently, the Department of Environment and Natural Resources declared the Municipality's usufructuary rights terminated in 1993 under Article 605 of the Civil Code which disallows usufructuary rights to last in excess of 50 years. When the Regional Trial Court decided in favor of the DENR's claim, the Municipality of Bayambang appealed the decision, and the case has remained pending until the present time.

In order to put an end to the legal issues involved and the agrarian unrest in the area, and to promote peace, security and greater production within the community, consistent with law and the requirements of environmental conservation, the Chairman and members of the Committee on Agrarian Reform in the Ninth Congress filed a Bill to undertake the following:

1. Reclassification of the Mangabul Reservation into alienable and disposable land of the public domain;

2. Distribution of the land ownership among the bona fide and long-term farmers and occupants therein;
3. Granting the usufruct over the remaining creeks in the area to the Municipality of Bayambang, which, however, shall be managed and developed by the farmer/occupants themselves upon payment of reasonable compensation to the Municipality;
4. Explicit repeal of Act. No. 4041.

Due to time constraints, action on this bill was not completed in the Ninth, Eleven and Twelve Congress. However, the need for urgent action thereon has become even more critical.

In view of all the foregoing, immediate approval of this Bill is strongly sought.



ROSE MARIE BABY J. ARENAS

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS

Second Regular Session

House Bill No. **6987**

Introduced by Hon. Rose Marie Baby J. Arenas

AN ACT
TO RECLASSIFY THE MANGABUL RESERVATION IN THE MUNICIPALITY
OF BAYAMBANG, PROVINCE OF PANGASINAN, INTO ALIENABLE AND
DISPOSABLE LAND OF THE PUBLIC DOMAIN FOR THE PURPOSE OF
REDISTRIBUTING THE SAME TO THE BONA FIDE AND LONG-TERM
FARMERS/OCCUPANTS THEREOF, AND FOR OTHER PURPOSES

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

Section 1. The timber land comprising the Mangabul Reservation designated by the Bureau of Lands Survey as Insular Public Domain (IPD-92), with an area of 2,059 hectares, more or less, located in the Municipality of Bayambang, Province of Pangasinan, the usufructuary rights over the fishery area of which were granted in 1933 to the said Municipality, is hereby reclassified and declared as alienable and disposable land of the public domain.

Section 2. The aforementioned land shall be distributed in ownership to bona fide and long-term farmers/occupants thereon; but the existing creeks in the

same area shall be given usufruct to the Municipality of Bayambang; Provided, That the said bona fide and long-term farmers/occupants shall manage and develop the said creeks upon payment by them of reasonable compensation to said Municipality.

Section 3. The scheme of distribution of the land, including the identities of the bona fide and long-term farmers/occupants thereon, shall be prepared by a Committee which shall be composed of the following: the representative of the Department of Environment and Natural Resources as Chairman; the representative of the Department of Agrarian Reform as Vice-Chairman; and the Mayor of Bayambang, the Head of the farmer's organization. And the Provincial Director of the Philippine National Police, as members. The scheme of distribution shall include the technical description of each lot pertaining to each of the farmers/occupants, following the boundaries of existing integrated social forestry stewardship and/or similar contracts that may have been awarded in their favor; Provided, That said scheme of distribution shall be as equitable as possible without gross disparities among the awardees.

Conflicts shall be decided by the Committee after due hearing, appealable to the Department Secretary under whose jurisdiction the issue involved falls. The Secretary's decision or order on appeal may be subject of a petition for review by the Office of the President within fifteen (15) days from promulgation of notice of the decision or order appealed from; Provided, That said petition for review shall

be decided within thirty (30) days after receipt thereof, otherwise, the decision or order appealed from shall be deemed ratified and final.

Section 4. Once the scheme of distribution is approved by the Committee, the Department of Environment and Natural Resources shall give the technical description, survey maps, and similar documents to the DAR, which shall undertake the actual distribution of the land under the principles of agrarian reform and the applicable provisions of the Comprehensive Reform Law and other related laws.

Section 5. The existing creeks in the area shall be plotted, surveyed and segregated from the other portions of the area by the DENR, and shall be given in usufruct to the Municipality of Bayambang. The Mayor and the Head of the organization of the farmers' beneficiaries shall meet to discuss and determine the reasonable compensation to be paid to the Municipality for the management and development thereof by said beneficiaries. In case of disagreement, the Head of the DENR Regional Office shall decide.

Section 6. Act No. 4041 is hereby repealed; and all other laws, executive and administrative orders, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

Approved.

2. Distribution of the land ownership among the bona fide and long-term farmers and occupants therein;
3. Granting the usufruct over the remaining creeks in the area to the Municipality of Bayambang, which, however, shall be managed and developed by the farmer/occupants themselves upon payment of reasonable compensation to the Municipality;
4. Explicit repeal of Act. No. 4041.

Due to time constraints, action on this bill was not completed in the Ninth, Eleven and Twelve Congress. However, the need for urgent action thereon has become even more critical.

In view of all the foregoing, immediate approval of this Bill is strongly sought.

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