

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH (18th) CONGRESS
First Regular Session



HOUSE BILL NO. 462

Introduced by **HON. ELISA T. KHO, M.D., FPCCP**

EXPLANATORY NOTE

This bill would seek to declare the Tugbo Watershed Forest Reserve situated in the City of Masbate and in the Municipality of Mobo, Province of Masbate, as a Protected Area pursuant to Republic Act 7586 also known as the NIPAS Act of 1992, to be known as the Tugbo Natural Biotic Area.

The aim of this bill is to protect the forest reserve and manage the watershed of the Tugbo Watershed Forest Reserve which is the primary water source of the City of Masbate and the Municipality of Mobo.

The watershed is characterized by a moderate to intensive forest cover in a mountainous topography. It supports varieties of flora and fauna with its terrestrial ecology. These unique and valuable trees, plants and animals require legal protection to assure their protection and survival.

The Tugbo Watershed Forest Area contain highly vulnerable areas that should not be used for domestic purposes because such usage will endanger the watershed and eventually one of Masbate's sources of water.

In order to preserve and conserve the watershed from further threats of human activity, there is a need to declare it as a protected area.

In view of the importance of this matter, we urgently ask for the passage of this bill.


HON. ELISA T. KHO, M.D., FPCCP
Representative
2nd District, Masbate

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AN ACT
DECLARING THE TUGBO WATERSHED FOREST RESERVE (TWFR)
SITUATED IN THE CITY OF MASBATE AND IN THE MUNICIPALITY OF
MOBO, PROVINCE OF MASBATE, ISLAND OF LUZON AS PROTECTED
AREA PURSUANT TO REPUBLIC ACT 7586, OTHERWISE KNOWN AS
THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS)
ACT OF 1992 AND SHALL BE KNOWN AS TUGBO NATURAL BIOTIC
AREA (TNBA), APPROPRIATING FUNDS THEREFOR, AND FOR OTHER
PURPOSES.

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

Article I. – Title, Policies and Scope

SECTION 1. Title. This Act shall be known as the Tugbo Natural Biotic Area (TNBA) Act of 2018.

SECTION 2. State Policy — It is hereby declared the policy of the State to promote the protection and maintenance of natural and physical diversities of the environment notably of areas of unique biological significance in order to sustain life. Towards this end, 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 the Tugbo Watershed Forest Reserve and its surrounding areas in accordance with Republic Act 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 declared policy of the State, the Tugbo Watershed Forest Reserve (TWFR) situated in the City of Masbate and in the Municipality of Mobo, Province of Masbate is hereby declared and established as Protected Area under the category of a Natural Biotic Area.

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

- (a) “Tugbo Natural Biotic Area” (TNBA) or “Protected Area” shall refer to the Tugbo Watershed Forest Reserve as established herein.
- (b) “LGU” shall pertain to local government units within the Tugbo Natural Biotic Area.
- (c) “NGO” shall pertain to non-governmental organization which is a non-profit, voluntary citizen’s group organized within the Tugbo Natural Biotic Area.
- (d) “PAMB” refers to the Tugbo Natural Biotic Area Protected Area management Board
- (e) “PAMO” - Protected Area Management Office
- (f) “PASu” – refers to the Protected Area Superintendent
- (g) “PASO” – shall refer to the Protected Area Superintendent Office comprised of the PASu and his/her staff.
- (h) “PO” – People’s Organization
- (i) “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 Tugbo Natural Biotic Area (TNBA).

SECTION 5. Scope – The Tugbo Natural Biotic Area (TNBA) shall cover parcels of land located in the City of Masbate and in the Municipality of Mobo, Province of Masbate containing an area of TWO HUNDRED FORTY SIX and 95/100 (246.95) HECTARES subject to ground survey with the following technical descriptions:

Beginning at a point marked “1” S 12°05’W, 3,360.92 meters from BLLM No. 1 of Sitio Matungao, Barangay Tugbo, Masbate City to corner 1,

thence	S 28° 05’ 00” E	42.25 meters	to corner 2
thence	S 48° 38’ 00” E	98.20 meters	to corner 3
thence	S 41° 32’ 00” E	169.35 meters	to corner 4
thence	S 58° 59’ 00” E	95.86 meters	to corner 5
thence	S 46° 08’ 00” E	52.88 meters	to corner 6
thence	S 25° 31’ 00” E	117.29 meters	to corner 7
thence	S 06° 32’ 00” W	260.41 meters	to corner 8

thence	S 24° 49' 00" W	319.43 meters to corner 9
thence	S 37° 24' 00" W	257.08 meters to corner 10
thence	S 30° 28' 00" W	71.13 meters to corner 11
thence	S 54° 10' 00" E	32.59 meters to corner 12
thence	S 65° 15' 00" W	146.44 meters to corner 13
thence	S 56° 49' 00" W	135.21 meters to corner 14
thence	N 77° 42' 00" W	21.10 meters to corner 15
thence	N 49° 55' 00" W	171.57 meters to corner 16
thence	N 76° 28' 00" W	122.31 meters to corner 17
thence	N 54° 57' 00" W	73.81 meters to corner 18
thence	N 64° 24' 00" W	113.23 meters to corner 19
thence	S 56° 13' 00" W	262.39 meters to corner 20
thence	S 04° 15' 00" W	45.60 meters to corner 21
thence	N 45° 28' 00" W	84.50 meters to corner 22
thence	N 15° 21' 00" W	193.52 meters to corner 23
thence	N 42° 11' 00" W	275.28 meters to corner 24
thence	N 31° 43' 00" W	253.20 meters to corner 25
thence	N 19° 50' 00" W	136.88 meters to corner 26
thence	N 07° 10' 00" E	115.08 meters to corner 27
thence	N 05° 45' 00" E	145.77 meters to corner 28
thence	N 03° 30' 00" W	209.06 meters to corner 29
thence	N 41° 43' 00" W	299.58 meters to corner 30
thence	N 64° 31' 00" E	224.57 meters to corner 31
thence	S 05° 43' 00" E	381.30 meters to corner 32
thence	S 77° 46' 00" E	115.19 meters to corner 33
thence	N 67° 03' 00" E	188.63 meters to corner 34
thence	N 38° 03' 00" E	73.54 meters to corner 35
thence	N 42° 04' 00" E	89.28 meters to corner 36
thence	S 69° 43' 00" W	146.35 meters to corner 37
thence	S 52° 20' 00" W	151.08 meters to corner 38
thence	S 16° 18' 00" W	111.61 meters to corner 39
thence	S 41° 43' 00" E	95.27 meters to corner 40
thence	N 68° 49' 00" E	74.23 meters to corner 41
thence	S 55° 12' 00" E	101.79 meters to corner 42
thence	S 17° 12' 00" E	138.71 meters to corner 43
thence	S 12° 48' 00" E	88.47 meters to corner 44
thence	S 41° 47' 00" E	78.48 meters to corner 45
thence	N 70° 32' 00" E	89.53 meters to corner 46
thence	S 71° 14' 00" E	152.64 meters to corner 47
thence	S 46° 01' 00" E	133.11 meters to point "1"

point of beginning.

Article II. – Management, Management Plan and Zoning

SECTION 6. Management of the Tugbo Natural Biotic Area (TNBA) – The management and administration of the Tugbo Natural Biotic Area shall be vested with the Protected Area Management Board (PAMB); provided, that the management of zones to be established within the TNBA shall be consultative and participatory.

The PAMB shall be responsible for the planning, resource protection and general administration of the TNBA 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 TNBA, govern all activities within the TNBA, 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 TNBA 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, eco-tourism, 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 Tugbo 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 Department of Environment and Natural Resources 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, City, Municipality and Barangay Halls of the LGUs comprising the TNBA, and in three (3) other conspicuous areas frequented by the public within the TNBA. 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 Masbate, 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 TNBA 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 zones shall also be established within the peripheral areas of the TNBA 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 TNBA. It shall be composed of the following:

- (1) The Regional Director (RD) of DENR Region V as PAMB Chair;
- (2) The Provincial Planning and Development Officer of Masbate as Ex-Officio Member;
- (3) The Provincial Environment and Natural Resources Officer of Masbate
- (4) One (1) regular representative from the City of Masbate;
- (5) One (1) regular representative of the Municipality of Mobo;
- (6) One regular representative from each of the Barangays within the territory of the TNBA;
- (7) One representative from every NGO, PO, Church or Civic Organization but not to exceed five (5), all of whom must be based in or near TNBA;
- (8) One (1) representative from other government agencies with direct interest or involvement in protected area management; and
- (9) One (1) representative from academic institutions with direct interest or involvement in protected area management.

(b) Every PAMB Member 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 elected officials. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same 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 TNBA pursuant to the policy declarations herein set forth, including the imposition of fines to a minimum of Twenty Thousand Pesos (P 20,000.00) 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 Tugbo Natural Biotic Area, including the power to prescribe appropriate fees and charges;
- (c) Review, approve and adopt a Management Plan for TNBA;
- (d) Recommend the deputation through the PASu, individuals or groups to augment the protection personnel of TNBA 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 a trust fund for TNBA;
- (g) Review and approve proposals for funding, financial and work plans, and exercise accountability over all funds that may accrue to the TNBA;
- (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 TNBA-PAMB Members – In addition to actual and necessary travelling and subsistence allowance incurred in the performance of their duties, the PAMB Members may be granted honoraria and other benefits in attending PAMB meetings. These expenses may be included in the appropriation of the TNBA 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 Tugbo Natural Biotic Area. 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 Masbate City and Municipality of Mobo and the Provincial Environment and Natural Resources Officer of the DENR (PENRO-DENR) 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 such as Assistant PASu

and other Staff with functions and qualifications as provided for by the PAMB. The PASO staff shall preferably be hired from residents of the City of Masbate and Municipality of Mobo, 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, the LGUs shall consider the TNBA Management Plan;
- (e) Assist the PAMB in the implementation of the overall area plan, including but not limited to the imposition, collection and utilization of area fees, enforcement of policies, rules and regulations and other similar activities.
- (f) Accredited people's organizations (POs), NGOs and other entities and groups involved in activities within the TNBA; 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 TNBA – Within one year from the approval of this Act, all existing commercial facilities with capitalization of not less than One Hundred Thousand Pesos (P100,000.00) within the TNBA or relies heavily from resources within the TNBA, shall submit to the PASO a Sworn Statement containing the following:

- (a) Potential for disturbance of protected species and their habitats;
- (b) Emissions and effluents of 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 TNBA;
- (f) Future plans for the next five (5) years; and
- (g) Other data they may deem relevant to the conservation objectives of the TNBA.

Based on these submissions, the PAMB shall determine whether the continued operation and future plans of these facilities are detrimental to the TNBA 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 TNBA to ensure that it does not impair the conservation objectives of the TNBA. 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 the TNBA shall not be allowed. However, the sustainable use of resources by tenured migrants for their domestic needs or 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 TNBA 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 TNBA 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 TNBA 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 TNBA 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 TNBA;

- (4) Engages in mineral or energy exploration activities within the TNBA;
 - (5) Engages in treasure-hunting within the TNBA;
 - (6) Introduces exotic species or genetically modified organisms within the TNBA; and
 - (7) Discharges, leaves or dumps any waste product or substance deleterious to the TNBA 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 TMBA without the necessary permit. Clearing, construction of residences 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 TNBA;
 - (3) Uses or possesses motorized equipment, explosives or any noxious substance anywhere within the strict protection zones of the Tugbo Natural Biotic Area 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 TNBA 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 TNBA.
- (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 TNBA, payment of damages for rehabilitation and restoration, and for 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* including the animals, plants and other resources from the TNBA found in the possession of the offender.
- (g) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the TNBA Trust Fund as herein provided.

Article VI. – Proceeds, Funds and Fees

SECTION 18. TNBA Trust Fund. – The TNBA Trust Fund is hereby established as a special trust fund for the protection, maintenance, administration and management of the TNBA. Seventy-Five percent (75%) of the TNBA Trust Fund shall be retained by the PAMB and be exempted from the deposit to the National Treasury strictly for the above use and the Twenty-Five percent (25%) shall be remitted to the National Integrated Protected Area Fund as required under the NIPAS Law, subject to regular accounting and audit procedures. The TNBA Trust Fund shall be derived from the following sources:

- (a) Fees and charges from the facilities and rights directly benefitting 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 the TNBA Trust Fund.

SECTION 19. Appropriations. – In order to carry out the purposes of this Act, an annual aggregate amount of Twenty Five Million Pesos shall be included in the annual General Appropriations Act and allocated for the use of the TNBA.

Article VII. – Miscellaneous Provisions

SECTION. 20. Separability Clause. – If any part or section of this Act is declared unconstitutional, such declarations 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. – This Act shall take effect fifteen days (15) days after its publication in two (2) newspapers of general circulation.

Approved