



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

House Bill No. 6557



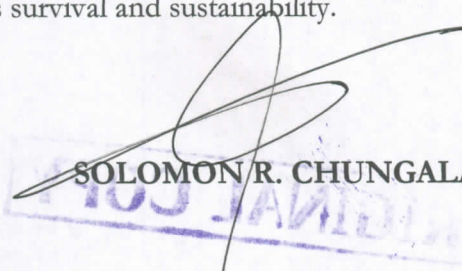
Introduced by **Representative SOLOMON R. CHUNGALAO**

EXPLANATORY NOTE

Article II, Section 16 of the Constitution states that the State shall protect and advance the right of people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Pursuant to RA No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992" as amended by RA 11038 or the "Expanded National Integrated Protected Area System Act of 2018", it is deemed relative that the State shall ensure the protection and conservation of Mt. Pulag Protected Landscapes as a protected area in order to preserve its biological diversity, the uniqueness of its landscapes and its socio-cultural and economic significance for the benefit and enjoyment of the people of the province of Benguet, Nueva Vizcaya, and Ifugao. Consequently, the State shall strengthen institutional mechanisms for the mobilization of resources to provide adequate scientific and technical support for the conservation of biodiversity and the integrity of the ecosystems, cultures and spiritual practices.

This bill seeks to declare the Mt. Pulag Protected Landscape in some portions of the municipalities of Kabayan, Bokod, and Buguias, all in the province of Benguet; portions of Tinoc, Ifugao; and Kayapa, Nueva Vizcaya as a protected area under the category of protected landscape providing for its management and for other purposes.

The bill aims to protect the forest reserve and manage the watershed of the Mt. Pulag Protected Landscape which is the primary source of water several adjacent provinces. The watershed is characterized by a moderate to intensive forest cover in a mountainous topography. It is essential to support varieties of flora and fauna with its terrestrial ecology. This crucial protected landscape requires legal protection to assure its survival and sustainability.


SOLOMON R. CHUNGALAO



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House Bill No. _____

Introduced by **Representative SOLOMON R. CHUNGALAO**

AN ACT DECLARING THE MT. PULAG PROTECTED LANDSCAPE IN SOME PORTIONS OF THE MUNICIPALITIES OF KABAYAN, BOKOD AND BUGUIAS, ALL IN THE PROVINCE OF BENGUET; PORTIONS OF TINOC, IFUGAO; AND KAYAPA, NUEVA VIZCAYA AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Mt. Pulag Protected Landscape of 2019”.

SECTION 2. *Declaration of Policy.* – Pursuant to Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System Act of 1992” as amended by RA 11038 or the “Expanded National Integrated Protected Area System Act of 2018”, it is hereby declared the policy of the State to ensure the protection and conservation of Mt. Pulag Protected Landscape as a protected area in order to preserve its biological diversity, the uniqueness of its landscapes and its socio-cultural and economic significance for the benefit and enjoyment of the people of the Province of Benguet, Nueva Vizcaya, and Ifugao. The State shall ensure the full implementation of this Act by establishing the institutional mechanism for the mobilization of resources and providing for adequate scientific and technical support for the conservation of biodiversity and the integrity of the ecosystems, cultures and spiritual practices.

SECTION 3. *Scope and Coverage.* – The boundaries of the Mt. Pulag Protected Landscape are as follows:

TIE LINE: Corner 1 is S 82-57-35 E, 1,158.387 meters from BBM No. 7 Cad-1030-D (KabayanCadastre) (PRS 92), located at Eddet, Kabayan, Benguet with a Grid Coordinates of 1836708.6701 Northing, 483001.4797 Easting.

LINE	BEARING	DISTANCE
1-2	N 25-27-44 E	4332.46
2-3	N 12-37-3 E	3329.941
3-4	N 26-56-7 W	887.033
4-5	N 30-41-12 W	3929.385
5-6	S 81-56-34 E	113.25
6-7	S 23-23-22 E	157.263
7-8	N 69-31-22 E	185.001
8-9	S 69-30-56 E	200.325
9-10	N 76-55-17 E	263.17
10-11	N 82-24-49 E	1899.687
11-12	S 70-29-53 E	1910.602
12-13	S 47-12-0 E	2838.738
13-14	S 21-24-15 E	2237.76
14-15	S 20-25-39 E	76.532
15-16	S 66-49-21 E	54.612
16-17	S 27-19-46 E	133.237
17-18	S 12-49-13 W	43.163
18-19	S 36-49-33 E	446.315
19-20	S 79-34-6 E	36.665
20-21	S 13-19-2 E	86.101
21-22	S 41-6-17 E	90.763
22-23	S 57-40-0 E	40.487
23-24	S 11-24-44 E	47.842
24-25	S 74-15-49 E	238.542
25-26	S 10-40-10 E	74.13
26-27	N 84-31-15 E	198.68
27-28	S 72-8-13 E	75.876
28-29	N 24-1-5 E	64.869
29-30	S 84-31-40 E	170.909
30-31	N 42-44-36 E	144.277
31-32	N 74-29-48 E	124.163
32-33	S 22-10-2 E	154.834
33-34	S 47-15-24 E	48.093
34-35	S 69-13-34 E	93.385
35-36	S 8-2-37 E	61.508
36-37	S 35-32-16 W	256.161
37-38	S 8-53-26 W	109.463
38-39	N 86-30-45 W	155.352
39-40	S 37-32-37 W	229.999
40-41	S 36-26-15 E	182.584

41-42	S 60-46-35 W	110.508
42-43	S 3-56-17 E	170.253
43-44	S 18-5-16 E	2208.92
44-45	S 18-30-13 W	4393.193
45-46	N 68-33-5 E	103.792
46-47	N 41-17-24 E	567.814
47-48	S 76-10-5 E	270.31
48-49	N 57-38-50 E	262.416
49-50	S 63-25-23 E	440.422
50-51	S 75-41-18 E	147.928
51-52	N 83-45-36 E	141.66
52-53	S 27-31-43 E	130.111
53-54	S 32-8-27 W	3696.443
54-55	S 3-6-53 W	2241.074
55-56	S 41-44-58 W	528.656
56-57	S 20-48-15 E	251.462
57-58	N 81-16-28 W	4017.704
58-59	N 36-56-56 W	1589.577
59-60	N 36-37-9 W	908.841
60-61	N 37-26-16 W	1334.471
61-62	N 14-29-37 E	2381.17
62-63	N 19-2-16 W	1104.59
63-1	N 84-12-42 W	1390.157

SECTION 4. *Land Classification.* – All lands of the public domain comprising the MPPL shall fall under the classification of protected landscapes as provided for in the 1987 Constitution: Provided, the public lands already classified as agricultural lands of alienable and disposable lands prior to the passage of this Act remains such and may be disposed pursuant to existing laws.

SECTION 5. *Definition of Terms.* – As used in this Act;

- a) *Biological Resources* refer to living natural resources, including microorganisms, plants, animals, and other biotic component of the ecosystem with actual or potential use or value;
- b) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of the NIPAS Act that need special development and monitoring in order to avoid or minimize harm to the protected area;
- c) *General Management Plan* refers to the basic long-term framework plan to attain the objectives of conserving and protecting the area which shall serve as guide in the preparation of the annual operations plan and budget;

- d) *General Management Planning Strategy* refers to the general guide in the formulation of site specific management plan that shall include the management of buffer zones and the preservation of ancestral domain lands;
- e) *Indigenous Peoples* refer to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and which have since time immemorial occupied, possessed and utilized a territory;
- f) *Protected Area* refers to identified portion of land and water that are set aside so that their unique physical significance and biological diversity are protected against destructive human exploitation; and,
- g) *Tenured Migrants* refer to persons who have actually and continuously occupied an area for five (5) years prior to its designation as a protected area in accordance with the NIPAS Act, and are solely dependents on its resources for subsistence.

SECTION 6. *Protected Areas Management Board (PAMB).* – There shall be created a Protected Area Management Board (PAMB) which shall serve as the highest policy making body of the MPPL and shall be composed of the following:

- a) The Regional Executive Director (RED) of the Department of Environment and Natural Resources Cordillera Administrative Region (DENR-CAR), as Chairperson;
- b) Governors of the Municipalities of Benguet, Ifugao, and Nueva Vizcaya or their duly designated representatives;
- c) A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB;
- d) District Representatives of the Municipalities of Benguet, Ifugao, and Nueva Vizcaya or their duly designated representatives, unless the District Representative declines membership in the PAMB;
- e) Mayor/s of each municipality/municipalities where the protected area is located or their duly designated representative/s;
- f) Chairperson or Punong Barangay of each barangay of Ekip, Municipality of Bokod, Benguet; Barangays Catlubong and Amlimay, Municipality of Buguias; Barangays Eheh and Impugong Municipality of Tinoc; Barangays Ballay, Bashoy, Duacan, Eddet, Gusaran, Tawangan, Lusod and Poblacion, Municipality of Kabayan, Benguet; to be appointed by their respective barangay councils, as members;
- g) Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);
- h) The three (3) representatives from either NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area managements;

- i) At least one (1) but not more than three (3) representatives from all the IPs/ICCs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);
- j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related to the protected area management; and,
- k) One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management.

Ex officio members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

On the other hand, the member of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of five (5) years and may be reappointed for another term.

Except for government officials who shall serve as *ex officio*, every member of the PAMB shall be appointed by the DENR Secretary and shall serve for a term of five (5) years without compensation provided, that each member remains connected with the organization being represented. In the case of members who are government officials, their appointments shall be coterminous with their term of office. Whenever a vacancy occurs during the term of a nongovernment PAMB member, a new member shall be chosen in the same manner as the original selection process and shall only serve for the remaining term.

The members of the PAMB shall be entitled to reimbursement of actual and necessary travelling and subsistence expenses incurred in attending meetings of the PAMB or any of its committees, subject to government accounting, auditing and budgeting rules and regulations, and subject further to the availability of funds as reflected in the Work and Financial Plan (WFP), which is required in accessing funds from the Integrated Protected Area Fund (IPAF).

SECTION 7. Powers and Functions of the PAMB. – The PAMB shall exercise the following powers and functions:

- a) Issue rules and regulations to prohibit acts that may be prejudicial to the MPPL and the policy declaration herein set forth as well as established biodiversity protection criteria;
- b) Approve the management plan required under Section 10 of this Act and oversee the office of the Protected Area Superintendent (PASu);

- c) Adopt rules and procedures for the conduct of business, including the creation of committees to whom its powers may be delegated;
- d) Set fees for the issuance of permits for activities regulated by this Act or the management plan;
- e) Issue rules and regulations for the resolution of conflicts through appropriate culturally sensitive and effective means;
- f) Approve proposals for funding and budget allocation and exercise responsibility over all funds that may accrue to the MPPL; and,
- g) Deputize interested individuals for the enforcement of the laws, rules and regulations governing the conduct in the MPPL and its buffer zone.

The DENR, through the Regional Director for CAR, shall exercise authority over the PAMB to ensure that it acts within the scope of its powers and functions. In case of a conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and other pertinent laws and the rules and regulations issued by the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw its application in the MPPL. The decision of the DENR Secretary shall be guided by a preference for local initiatives and specific policies enacted by the PAMB. The decision of the DENR Secretary may be raised on appeal to the Regional Trial Court that has jurisdiction over the MPPL.

SECTION 8. *The Protected Area Management Office (PAMO).* – There is hereby created a PAMO to be headed by a PASu with plantilla position who shall perform the day to day management, protection, and administration of the Mt. Pulag Protected Landscapes. Sufficient number of support staff shall be appointed by the DENR to assist the PASu in the management of the Mt. Pulag Protected Landscapes.

The Position are as follows:

No	Item	Salary Grade
1	Park Superintendent	26
1	Asst. Park Superintendent	24
1	Provincial Deputy Park Superintendent	24
1	Legal Officer	24
3	Sr. Ecosystems Management Specialist	18
1	Administrative Officer	18
1	Veterinarian	22

1	Engineer	22
1	GIS	18
1	Community Dev't. Officer III	15
1	Finance Officer	15
1	Cashier	15
1	Supply Officer	15
3	Ecosystem Mgt. Specialist I	15
1	Livelihood Specialist	15
1	Human Resource Dev't. Officer	15
1	Biologist	15
1	Ecotourism Specialist	15
1	Taxonomist	15
3	Legal Assistant	15
1	Communications Assistant	15
1	Records Officer II	15
1	IT Staff	15
4	Community Dev't. Officer I	11
14	Park Development Officer (Park Warden/Park Rangers)	8
2	Driver	6
2	Clerks/ Stenographer	6
1	Utility Worker	4
2	Green Brigade	4

SECTION 9. *Protected Areas Superintendent Management Office.* – There is hereby established a Protected Area Superintendent (PASu) Office in charge of the management, protection and administration of the MPPL. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the MPPL and shall be accountable to the DENR RED for CAR and the PAMB. The PASu shall have the following powers and functions:

- a) Prepare the initial and subsequent management plan as herein provided;
- b) Serve as the secretariat for the PAMB with the duty to provide the PAMB with all the needed information in making appropriate decisions when necessary;

- c) Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, and in the planning, protection and management of the MPPL;
- d) Develop and implement a park information, education and visitor program;
- e) Enforce the laws, rules and regulations relevant to the BPNM and assist in the prosecuting of offenses;
- f) Monitor all activities within the BPNM to ensure compliance with the management plan; and,
- g) Perform such other functions as the PAMB may assign.

SECTION 10. *Protected Area Management Plan.* – Within one (1) year from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided for in the NIPAS Act, the PASu, in coordination with the local communities, appropriate offices of the DENR, LGUs, NGOs, and people's organizations (POs), shall prepare a management plan. The management plan shall contain, among others, the following:

- a) The category of the protected area;
- b) Period of applicability of the plan;
- c) Key management issues;
- d) Goals and objectives of management in support of no. 3 hereof;
- e) Site management strategy;
- f) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control, etc...;
- g) Zoning; and,
- h) Visitor management programs

The management plan shall be reviewed, approved, and adopted by the PAMB and shall be certified by the DENR Secretary that it conforms to all laws, rules and regulations of national application issued by the DENR. In no case shall the DENR revise or modify the management plan without prior consultation with the PAMB.

One (1) year before the expiration of the initial management plan, the PASu shall cause the publication of notices for comments and suggestion on the subsequent management 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 subsequent management plan upon the written request of any interested part. The plan shall be prepared in the language understood in the area and shall be made available to the public during the period for comments.

In the event that no subsequent management plan is adopted upon the expiration of the initial management plan, the latter shall remain in force subject to interim modifications that may be adopted by the PAMB.

SECTION 11. *Integrated Protected Area Trust Fund.* – On the establishment of the IPAF, the pertinent provisions of the NIPAS Act as amended by RA 11038 should be followed. Special Agreement in the Protected Area shall be issued by the PAMB with corresponding amount allowed by law that shall accrue to the IPAF.

SECTION 12. *Mount Pulag Protected Landscape Fund.* – There is hereby a trust fund known as the Mt. Pulag Protected Landscapes Fund, for the purposes of financing projects of the MPPL. All income generated from the operation or management of wild flora in the MPPL shall accrue to the Fund. These incomes shall be derived from the visitor/tourist fees, fees from permitted sale and export of flora and fauna, and other resources from the MPPL, proceeds from the registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefitting from the protected area, administrative fees, permits and such other fees and incomes derived from its operation.

The Fund may be augmented by grants, donations, endowment from various resources, domestic or foreign, for purposes related to their functions: Provided, That the fund shall be subjected to the retention by the PAMB of the protected area, of seventy-five percent (75%) of all revenues raised therefrom and deposited in any government bank within the locality where the protected area is located, and the disbursements shall be made solely for the protection, maintenance, administration, and management of the area and implementation of duly approved projects endorsed by the PAMB in accordance with existing accounting, audition and budgeting rules and regulations: Provided, further, That twenty-five percent (25%) of the revenues shall be deposited as a special account in the National Treasury: Provided finally, 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 protected area.

SECTION 13. *Existing Facilities and Infrastructure.* – Within sixty (60) days from the effectivity of this Act, the owners, operators or public offices in charge of major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment and irrigation facilities within the boundaries of the MPPL shall submit a project description to the PAMB through the PASu, and with the help of the DENR, the PAMB shall determine whether the present and future existence, operations and plans of a facility is determined to the MPPL of conditions for its continued operation shall be imposed. If any such conditions,

once imposed, are violated, the owner of the facility shall be liable to pay fine of five thousand pesos (P 5,000.00) for every violation. Upon reaching a total fine of five hundred thousand pesos (P 500,000.00), the PAMB, through the PASu and other deputized government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the MPPL may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the Fund.

SECTION 14. *Utilization of Nonrenewable Resources.* – Any exploitation and utilization of nonrenewable resources within the MPPL shall be allowed only upon the approval of the PAMB and shall be subject to the Environmental Impact Assessment (EIA) System.

SECTION 15. *Indigenous Peoples Rights.* – Ancestral domains and the customary rights and interest of indigenous communities located within any area of the MPPL shall be accorded due recognition and respect. The preservation of ancestral domains and customary rights shall be considered as one of the management objectives of this Act.

The evaluation of ancestral domain claims within the MPPL shall be conducted in accordance with Republic Act No. 8371, in coordination with the DENR and other concerned groups.

SECTION 16. *Tenured Migrants and Other Protected Area Occupants.* – Persons who have actually and continuously occupied a portion of the MPPL five years before the effectivity of the NIPAS Act and whose livelihood are solely dependent of the area shall be considered as tenured migrants in the MPPL.

For the purposes of official documentation, recognition of rights and determination of the extent of occupation within the MPPL, a tenured migrant shall be issued a tenurial instrument over the area being occupied or cultivated. However, in areas that are designated as zones in which no occupation of other human activities is allowed, a provision for the transfer of tenured migrants to multiple-use zones of the buffer zones shall be undertaken.

Upon the cancellation of a tenured migrant instrument for cause, abandonment or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate or restore the area to its natural state.

SECTION 17. *Prohibited Acts and Penalties.* – In addition to the provisions in the NIPAS Act, the following shall constitute the prohibited acts and penalties in MPPL: Would depend on the situation or needs of the PA.

- a) Hunting, burning, destroying, disturbing, trapping or mere possession of any wild plant or wild animal or product derived therefrom without a permit from the PAMB;
- b) Dumping of any waste product detrimental to the BPNM, or to the plants, animals or inhabitants therein;
- c) Bulldozing, using any motorized equipment to include back hoes, chain saw and other similar instruments without permit from the PAMB;
- d) Burning, cutting, mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities;
- e) Damaging and leaving roads and trails in a damaged condition;
- f) Squatting, treasure hunting, mining or otherwise occupying any land in the identified Strict Protection Zones/Protection Zones, Water sources, watershed without permit;
- g) Constructing or maintaining any kind of structure, fence or enclosure or conducting any business enterprise without a permit from the PAMB;
- h) Leaving exposed or in unsanitary condition refuse, chemicals or debris or depositing the same in the grounds or in bodies of water; and,
- i) Altering, removing, destroying or defacing boundary marks or signs, facilities, fences, hand rails or storm shelters;
- j) Any project, environmental critical or not, outside the scope of the General Management Plan of UARBRR shall be subjected to Environmental Impact Analysis
- k) Prospecting activities shall be presented to the PAMB before issuance of permit
- l) The Licenses, Patents, and Deeds Division should not issue any permit without the consent of the PAMB;
- m) Wild Timber poaching, charcoal making, land conversion of mossy oak forests, pine forests, and other natural ecosystems or areas identified as protection zones and other similar activities that will threaten the ecosystems.

SECTION 18. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to prosecute violations of laws, rules and regulations in the protected area. The special prosecutor shall coordinate with the PAMB and the PASu in the performance of duties and assist in the training of wardens and rangers in arrest and criminal procedures. The PAMB may retain the services of counsel to prosecute and assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor. Said counsel shall also represent and defend the members of the PAMB, the PASu and the staff, or any DENR deputized individuals and volunteers, against any legal action arising from the performance of their powers, functions and responsibilities as provided in the Act.

SECTION 19. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of the DENR through the

BMB. A report on the conditions and benefits of the biological resources and ecosystem services of the protected area shall also be submitted by the PASu to the Secretary every five (5) years. Consequently, the BMB shall likewise prepare a National State of Protected Areas (NSPA) Report every five (5) years and shall submit the same to the President and the Congress of the Philippines.

SECTION 20. *Appropriations.* – The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the Annual General Appropriations Act with a ten percent (10%) markup per succeeding year.

SECTION 21. *Separability Clause.* – If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or section of this Act.

SECTION 22. *Repealing Act.* – All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

SECTION 23. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved,