

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7419



Introduced by Rep. ALLEN JESSE C. MANGAOANG

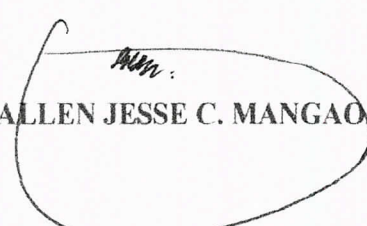
This bill seeks to declare the Banao Protected Landscape situated in Barangays Balbalasang, Talalang and Pantikian, in the Municipality of Balbalan, Province of Kalinga, as a Protected Area under the category of Protected Landscape.

Also known as the Balbalasang-Balbalan National Park, the landscape was declared as a National Park in 1972 by virtue of RA 6463; however it was not included in the list of Protected Areas established under Republic Act 11038, the E-NIPAS Act of 2018, hence, this bill.

Dubbed as the "green heart of the Cordillera", the park is representative of the rich biodiversity and landscape of the Cordillera mountain region with some of the most intact pine forests and richly endemic flora and fauna. An important center for biodiversity conservation, the park is home to 89 species of birds, of which 39 are endemic to the Philippines. In addition, 23 species of mammals, 13 species of amphibians, 13 species of reptiles and 25 species of earthworms have also been documented.

It's a sad fact however that like other Protected Areas and natural reserves in the country, this unique place is slowly succumbing to pollution, destructive human exploitations and the effects of climate change. Without continuing legal protection and an established management and mechanisms for its protection, this place would be further exploited, destroyed and ultimately will be lost to us forever.

Hence, in view of the significance of this legislation, we urgently asked for the approval of this bill.


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HOUSE BILL NO. **7419**

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AN ACT DECLARING THE BANAO PROTECTED LANDSCAPE SITUATED IN BARANGAYS BALBALASANG, TALALANG AND PANTI-KIAN, ALL IN THE MUNICIPALITY OF BALBALAN, PROVINCE OF KALINGA, AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Section 1. Short Title – This Act shall be known as the “Banao Protected Landscape Act of 2020”.

Section 2. Declaration of Policy - Pursuant to Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System Act of 1992”, it is hereby declared the policy of the State to ensure the protection and conservation of the Balbalasang- Balbalan National Park 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 Kalinga. 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 Banao Protected Landscape are as follows:

Tie point begins at a point marked “1” which is N 84-39-46 E, 1,504.726 meters from PRS92 KAL-3101 Control Point, located at Barangay Pantikian, Municipality of Balbalan, Province of Kalinga with geographic coordinates 17-29-47.5291 latitude and 121-10-10.54854 longitude. It covers a total area of 21,573.21 hectares.

LINE	BEARING	DISTANCE (meters)	LINE	BEARING	DISTANCE (meters)
1-2	S07-00-27W	754.661	72-73	N 62-02-48 W	504.214
2-3	S62-04-03W	509.196	73-74	N52-52-51 W	508.002
3-4	S23-57-43W	614.233	74-75	N23-09-09 W	502.648
4-5	S14-19-40 E	381.172	75-76	N04-30-01 W	495.601
5-6	S03-49-09W	426.101	76-77	N 43-25-03 W	251.678
6-7	S30-30-07W	506.908	77-78	N 30-15-25 E	611.901
7-8	S14-18-47 E	623.34	78-79	N 44-05-19 E	500.173
8-9	S20-07-49 E	624.344	79-80	N 69-44-20E	501.463
9-10	S78-11-09 W	583.987	80-81	N54-59-36 E	438.306
10-11	S 48-08-02 W	673.074	81-82	S 87-17-09 E	561.292
11-12	S60-59-23 W	519.62	82-83	S 70-19-09E	496.481

53	12-13	S29-39-02 E	487.468	83-84	S 62-30-41E	1083.12
54	13-14	S 55-24-25W	787.645	84-85	N38-40-16 E	347.298
55	14-15	S 28-23-56 W	473.889	85-86	N 56-14-23 E	269.101
56	15-16	N 88-31-50 W	1215.709	86-87	N 42-45-52 W	429.405
57	16-17	S 76-48-21 W	964.639	87-88	N 62-37-05 E	706.109
58	17-18	N 69-02-38 W	839.004	88-89	N 72-06-15 W	406.908
59	18-19	N 81-33-57 W	805.46	89-90	N 38-45-42 E	884.826
60	19-20	S 78-28-36 W	825.467	90-91	N 58-00-31 E	263.665
61	20-21	S 76-22-37 W	291.24	91-92	N 78-44-15 E	467.501
62	21-22	N 11-13-47 W	1070.012	92-93	N 52-09-26 E	279.483
63	22-23	N 88-13-03 E	1244.616	93-94	N 78-31-12 W	365.352
64	23-24	N 07055-33 E	1283.197	94-95	N 25-00-31 W	364.81
65	24-25	N 16-19-27 W	1196.902	95-96	N 54-02-31 E	254.14
66	25-26	S 59-40-52 W	1569.31	96-97	N 02-26-07 E	492.144
67	26-27	S 37-32-52 W	539.556	97-98	N 33-16-02 E	295.943
68	27-28	S 33-58-36 W	168.592	98-99	N 16-12-51 E	470.944
69	28-29	S 33-35-21 E	781.808	99-100	N 10-59-21 E	617.155
70	29-30	S 02-06-20 E	1595.815	100-101	N 48-06-48 E	686.33
71	30-31	N 81-42-18 W	553.114	101-102	N 80-31-03 E	366.344
72	31-32	S 89-43-07 E	571.785	102-103	S 42-51-14 E	306.634
73	32-33	N 79-37-32 W	418.591	103-104	S 60-58-17 E	267.779
74	33-34	S 61-51-56 W	685.457	104-105	N 84-38-44 E	767.959
75	34-35	S 63-58-20 W	1294.065	105-106	N 58-10-19 E	344.055
76	35-36	S 24-38-25 W	1399.645	106-107	S 66-15-44 E	419.062
77	36-37	S 45-09-52 W	346.793	107-108	N 74-27-44 E	446.782
78	37-38	S 19-05-33 W	939.602	108-109	N 76-13-57 E	281.493
79	38-39	S 50-08-42 W	970.693	109-110	N 64-04-55 E	352.606
80	39-40	N 87-08-05 W	487.388	110-111	N 78-15-06 E	326.169
81	40-41	S 63-23-26 W	657.246	111-112	S 66-50-38 E	290.843
82	41-42	S 27-14-23 E	1334.875	112-113	S 73-07-33 E	333.889
83	42-43	S 38-03-55 W	754.558	113-114	N 46-29-26 E	214.283
84	43-44	N 88-27-55 W	752.596	114-115	N 65-45-11 E	337.855
85	44-45	N 57-46-27 W	748.01	115-116	N 87-13-46 E	281.251
86	45-46	N 74-30-03 W	514.911	116-117	N 56-47-48 E	568.813
87	46-47	S 34-19-25 W	433.384	117-118	N 88-56-42 E	235.559
88	47-48	S 19-30-09 W	1000.89	118-119	N 70-18-10 E	212.866
89	48-49	S 61-31-59 W	463.656	119-120	N 37-43-06 E	796.617
90	49-50	N 72-52-50 W	887.758	120-121	N 83-27-37 E	140.292
91	50-51	N 85-17-44 W	272.916	121-122	N 53-01-02 E	338.703
92	51-52	N 01-58-41 W	563.086	122-123	N 70-39-31 E	150.460
93	52-53	N 46-38-28 E	534.722	123-124	N 37-25-17 E	268.495
94	53-54	N 04-00-56 E	474.144	124-125	N 79-12-06 E	257.883
95	54-55	N 24-57-00 W	401.6	125-126	N 30-57-49 E	117.02
96	55-56	N 00-01-09 E	1025.015	126-127	N 36-52-11 E	100.343
97	56-57	N 29-14-19 E	496.398	127-128	N 24-37-33 E	59.355
98	57-58	N 57-19-11 W	524.72	128-129	S 19-22-14 E	2514.319
99	58-59	N 33-05-49 W	505.836	129-130	S 19-01-15 E	1842.396
100	59-60	N 15-06-25 W	4925.345	130-131	S 19-22-33 E	1945.563
101	60-61	N 11-09-45 E	402.364	131-132	N 79-29-48 E	229.736
102	61-62	N 71-43-53 E	668.243	132-133	N 69-47-18 E	111.442
103	62-63	N 55-53-30 E	522.985	133-134	N 51-26-03 E	126.57
104	63-64	N 19-43-54 E	595.956	134-135	N 38-08-28 E	122.83
105	64-65	N 10-38-05 E	551.111	135-136	N 65-35-45 E	256.196

106	65-66	N 37-17-08 E	456.866	136-137	N 22-33-50 E	369.345
107	66-67	N 04-19-36 W	435.23	137-138	S 53-50-26 E	175.644
108	67-68	N 22-06-21 W	263.828	138-139	S 74-22-44 E	196.166
109	68-69	N 17-32-12 W	536.606	139-140	N 26-13-03 E	84.097
110	69-70	N 01-10-22 W	681.879	140-141	N 63-4-01 E	163.295
111	70-71	N 14-57-36 E	1045.266	141-1	N 24-50-56 E	579.065
112	71-72	N 44-51-19 W	681.879			

Section 4. **Land Classification** – All lands of the public domain comprising the BPL shall fall under the classification of protected landscapes as provided for in the 1987 Philippine Constitution: Provided, The public lands already classified as agricultural lands, alienable and disposable, prior to the passage of this Act remains as 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 dependent on its resources for subsistence.

Section 6. **Protected area Management Board (PAMB)** - The Protected Area Management Board- There shall be created a Protected Area Management Board (PAMB) which shall serve as the highest policy making body of the BPL 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) The Provincial Planning and Development Coordinator (PPDC) of Kalinga as member;
- c) One (1) representative from the municipal government of Balbalan to be appointed by their respective Sangguniang Bayan, as member;
- d) One (1) representative from each barangays of Balbalasang, Talalang and Pantikian to be appointed by their respective barangay councils, as members;

- e) At least three (3) representatives from nongovernment organizations (NGOs) and local community organizations involved in the protected area management based on the jurisdiction of BPL and duly accredited by the municipal government, chosen through an election exclusively called for the purpose by the DENR in coordination with concerned local government units (LGUs), as members;
- f) One (1) representative from each tribal community, chosen in an election to be conducted by the DENR in coordination with the National Commission on Indigenous Peoples (NCIP), as member; and
- g) One (1) representative each, if necessary, from other government agencies involved in the management of the BPL.

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 non-government 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 BPL 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 BPL, and
- g) Deputize interested individuals for the enforcement of the laws, rules and regulations governing the conduct in the BPL and its buffer zone.

The DENR, through the RED 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 BPL. 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 BPL.

Section 8. **The Protected Area Management Office (PAMO)**- There shall be established a Protected Area Management Office (PAMO) to be headed by a Protected Area Superintendent (PASu) who shall serve as the Chief Operating Office of the entire BPL and shall be accountable to the DENR-Regional Executive Director for the Cordillera Administrative Region and the PAMB. Sufficient number of support staff shall be appointed by the DENR to assist the PASu in the management of the Banao Protected Landscape.

The PAMO shall consist of the following positions:

No	Item	Salary Grade
1	Protected Area Superintendent	24
1	Deputy PASu	20
3	Sr. Ecosystems Management	18
6	Ecosystems Management Specialist II	15
9	Ecosystems Management Specialist I	11
4	Administrative Assistant	8
1	Information Officer II	15
1	Information System Analyst	12
20	Forest Technician II	8

Section 9. **Functions of the PAMO**- The PAMO shall perform the day to day management, protection and administration of the BPL and 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 BPL,
- d) Develop and implement a park information, education and visitor program,
- e) Enforce the laws, rules and regulations relevant to the BPL and assist in the prosecution of offenses,
- f) Monitor all activities within the BPL 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 description and category of the protected area;
- b) Period of applicability of the plan;
- c) Key management issues/ Situational analysis;
- d) Vision, goals and objectives;
- e) Site management strategies, interventions and activities;

- 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) Human resources and institutional arrangements
- h) Zoning;
- i) Visitor management programs
- j) Logical framework;
- k) Financial plan;
- l) Management plan implementation; and
- m) Monitoring and evaluation.

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 party. 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. Banao Protected Landscape Fund- There is hereby established a trust fund known as the Banao Protected Landscape Fund for purposes of financing projects of the BPL. The income generated from the operation or management of wild flora, fauna and other natural resources in the BPL, such as income derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the BPL, proceeds from the 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 incomes derived from its operation shall accrue to the said Fund.

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 subject 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 of the protected area.

Section 12. 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 BPL 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 detrimental to the BPL and 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 (P500,000.00), 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 BPL may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the Fund.

Section 13. Utilization of Nonrenewable Resources- Any exploitation and utilization of nonrenewable resources within the BPL shall be allowed only upon the approval of the PAMB and shall be subject to the Environmental Impact Assessment (EIA) System.

Section 14. Indigenous Peoples Rights- Ancestral domains and the customary rights and interest of indigenous communities located within any area of the BPL 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 BPL shall be conducted in accordance with Republic Act No. 8371, in coordination with the DENR and other concerned groups.

Section 15. Tenured Migrants and Other Protected Area Occupants- Persons who have actually and continuously occupied a portion of the BPL 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 BPL.

For the purpose of official documentation, recognition of rights and determination of the extent of occupation within the BPL, 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 or other human activities are allowed, a provision for the transfer of tenured migrants to multiple-use zones or the buffer zone 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 16. Prohibited Acts and Penalties- In addition to the provisions in the NIPAS Act, the following shall constitute the prohibited acts and penalties in BPL:

- a) Hunting, destroying, disturbing or mere possession of any plant or animal or product derived therefrom without a permit from the PAMB;

- b) Dumping of any waste product detrimental to the BPL, or to the plants, animals or inhabitants therein;
- c) Using any motorized equipment without a permit from the PAMB;
- d) 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, mining or otherwise occupying any land;
- 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 debris, or depositing the same in the grounds or in bodies of water; and
- i) Altering, removing, destroying or defacing boundary marks or signs.
- j) Any project, environmentally critical or not, outside the scope of the General Management Plan of BPL 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

Section 17. 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 this Act.

Section 18. 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 19. 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 an initial fund of 75 million and ten percent (10%) markup per succeeding year.

Section 20. 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 21. Repealing Clause- 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 22. **Effectivity Clause**- This Act shall take effect fifteen (15) days after its publication in the Official Gazette **or** in a newspaper of general circulation. It shall likewise be posted in a conspicuous place at the Municipal Hall of Balbalan, in the Barangay halls of Balbalasang, Talalang and Pantikian and in other places frequented by the public.

Approved,