

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 7046



Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

EXPLANATORY NOTE

The United Nations has identified public parks as an integral to the attainment of its Sustainable Development Goals, which is the creation and maintenance of Sustainable Cities and Communities. For this reason, developed countries around the world have incorporated public parks in the habitats of their citizens. This representation seeks to make the Philippines compliant with the aforesaid United Nations mandate thru the approval of the proposed law herein that will create a national parks system.

The proposed law will establish the National And Local Parks Authority (NALPA), which will act as the office that has the primary jurisdiction over the creation, development, and maintenance of public parks. This representation believes that a organic and systemic parks system will contribute to increasing the quality of life of Filipinos.

It should be also be noted that public open spaces are crucial in reducing stress and mental disorders of people. Public parks diminish health inequalities and increase perception of life quality and self-reported general health. Public parks also provide arenas and opportunities for physical activity, increased social interactions and different modes of recreation. It can also be seen in developed countries that cities and towns become more attractive when it has numerous public parks. As such, public parts are made part tourism plans of developed nations.

For the Filipino people, approval of the bill herein is earnestly being sought.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS

First Regular Session
HOUSE BILL NO. **7046**

Introduced by the **Honorable ANIELA BIANCA D. TOLENTINO**

**AN ACT ESTABLISHING THE PHILIPPINE NATIONAL PUBLIC PARKS SYSTEM,
AND APPROPRIATING FUNDS THEREFOR**

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

Chapter 1 - Introductory Sections

Section 1. *Short Title.* — This Act shall be known as the "National Parks Act of 2023'.

Section 2. *Declaration of Policy.* — It is the policy of the State to protect and maintain the health and well-being of the Filipino people, through the establishment and preservation of parks and open spaces. Towards this end, the State recognizes parks and open spaces as valuable assets, and as such mandates:

- a) the establishment of the Philippine National Public Parks System aimed to conserve the scenery, natural and historic objects, and to provide for their enjoyment in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.
- b) the recognition that parks and open spaces contribute to human health and wellbeing, social cohesion / identity, tourism, biodiversity, air quality and carbon sequestration, water management, and cooling the environment.

Section 3. *Definition of Terms.* As used in this Act, the following words shall mean:

- a) Administrator – refers to the Chief Executive Officer and Head of the National and Local Public Parks Authority (NALPA) Secretariat as defined in Sec. of this Act.
- b) Board – refers to the NALPA Board as defined in Sec. 5 of this Act. National and Local Public Parks refer to any land laid out as a public garden and/or used for the purpose of public recreation. This does not refer to national shrines administered by the Philippine Veterans Affairs Office.
- c) National and Local Public Parks System or the System - refers to the system of parks and open spaces as defined under Chapter 4 of this Act.
- d) NIPAS- refers to the National Integrated Protected Areas System as defined in Republic Act No. 7586, as amended, or the NIPAS Act.
- e) NPDC - refers to the National Parks Development Committee created by Executive Order 30 series of 1963.
- f) NPF or NPFI - refers to the Nayong Pilipino Foundation Inc., a government owned and controlled corporation registered with the Securities and Exchange Commission on May 7, 1969, as a non-stock, non-profit corporation. Presidential Decree No. 37 established the Nayong Pilipino Foundation on November 6, 1972.
- g) Protected Areas - refers to the Protected Areas as defined under the NIPAS Act.
- h) Secretariat- refers to the NALPA Secretariat as defined under Sec. 7 of this Act.

Chapter 2 - Establishment of the National and Local Public Parks Authority

Section 4. *Creation of the National and Local Public Parks Authority.* — There is hereby created the National and Local Parks Authority hereinafter referred to as the "Authority". The Authority shall primarily be responsible for the National and Local Public Parks System including the establishment of policies, plans and programs taking into consideration the following:

- a) the State policy declared herein of giving due consideration to the establishment and maintenance of national and urban parks, open and green spaces, and recreational facilities;
- b) the implementation of the above-mentioned policy requires the coordination and cooperation of policies, plans, and programs of different concerned sectors of Philippine society; and
- c) equal and active participation of the national government and its appropriate agencies, the LGUs, the academe, and the private sector shall be made the rule in order to ensure that the National and Local Public Parks System shall be fully established and maintained.

Section 5. *Governing Board of the National and Local Parks Authority.* - In the exercise of its powers and functions, the Authority shall be governed by a Board to be composed of the following:

- a) Secretary of Tourism: Chairperson
- b) Secretary of Environment and Natural Resources: Co-Chairperson (who shall be officially represented by the Director of the Biodiversity Management Bureau)
- c) Secretary of Public Works and Highways: Member
- d) Secretary of the Agriculture Secretary of Interior and Local Government: Member
- e) Chairperson of the Commission of Higher Education: Member
- f) Director-General of the TESDA Secretariat: Member

In addition, the President of the Philippines shall appoint the following members from the private sector: two representatives, from a recognized professional architectural organization; and two representatives, from the academe, preferably in urban planning and development.

As soon as all the members of the private sector are appointed, they shall so organize themselves that the term of office of one-third (1/3) of their number shall expire every year. The member from the private sector appointed thereafter to fill vacancies caused by expiration of terms shall hold office for three (3) years.

The President of the Philippines may, however, revise the membership of the NALPA Board, whenever the President deems it necessary for the effective performance of the Board's functions through an administrative order.

The NALPA Board shall meet at least twice a year, or as frequently as may be deemed necessary by its Chairperson. In the absence of the Chairperson, a Co-Chairperson shall preside. The internal rules of the NALPA Board shall be promulgated during its first organizational meeting.

In the exercise of its functions, the NALPA Board shall be assisted by the NALPA Secretariat as provided for in Section 7 of this Act.

The benefits, privileges and emoluments of the Board shall be consistent with existing laws and rules.

Section 6. *Powers and Functions of the Board.* The Board, shall have the following powers:

- a) Establish minimum quotas for all LCDs for the designation of municipal and city lands for public parks, where applicable.
- b) manage the country's National and Local Public Parks System, and in doing so shall guide and assist other government agencies and entities, and the LCDs in the planning, establishment, and management of parks that will be included in the System;
- c) promulgate, after due consultation with concerned groups and entities, policies, plans, programs and guidelines as may be necessary for the effective implementation of this Act and the establishment of the National and Local Public Parks System;
- d) establish and manage the National and Local Public Parks Institute which shall serve as the national center for park administration, management, and maintenance training, research and development;
- e) in coordination with the Biodiversity Management Bureau, shall make Protected Areas accessible to the public for recreational purposes;
- f) organize and constitute standing committees, subsidiary groups, or technical working groups for the efficient integration and coordination of local open spaces and urban parks;
- g) exact reasonable fees and charges for such services provided and trainings conducted and retain such earnings for its own use, subject to guidelines promulgated by the Authority;
- h) create, when deemed necessary, an Advisory Committee which shall provide expert and technical advice to the Board to be chosen from the academe and the private sector: Provided, that in case the Advisory Committee is created, the Board is hereby authorized to set aside a portion of its appropriation for its operation; and
- i) carry out any and all other functions characteristic of public institutions of similar mandate and national scope, in line with prevailing international principles and best practices.

Section 7. *The NALPA Secretariat*— The NALPA Secretariat, an independent agency of the executive department, shall have the primary mission of providing proactive leadership in the continuous development of systematic approaches as well as measures to maintain and manage the National and Local Public Parks System, and shall have the following functions and responsibilities:

- a) to establish and maintain a planning process and formulate a national parks development plan in which all concerned groups and entities at various levels participate;
- b) to provide analytical inputs to policy decision-making of the Authority on allocation of resources and institutional roles and responsibilities as shall be embodied in the annual national parks plans;
- c) to recommend measures, and implement the same upon approval by the Authority, for the effective and efficient implementation of the national parks development plan;
- d) to propose to the Authority the specific allocation of resources for the programs and projects it shall undertake pursuant to approved national parks development plan;
- e) to submit to the Authority periodic reports on the progress and accomplishment of work programs of implementation of plans and policies; and
- f) to perform such other functions and duties as may be assigned by the Board.

Section 8. *The NALPA Administrator and Chief Executive Officer.* — The NALPA Secretariat shall be headed by an Administrator, who shall likewise be a member of the Board. The Administrator shall be appointed by the President of the Philippines and shall enjoy the benefits, privileges and emoluments equivalent to the rank of Undersecretary.

As Chief Executive Officer of the Secretariat, the Administrator shall exercise general supervision and control over its technical and administrative personnel. The Administrator shall have the power to recommend to the Authority the structural organization and the personnel complement of the Secretariat. Furthermore, Administrator shall appoint such personnel necessary to carry out the objectives, policies and functions of the Authority subject to Civil Service laws, rules and regulations.

The Administrator may call upon other instrumentalities or entities of the government and nongovernment and civic organizations for assistance in terms of the use of their facilities and resources for the management and administration of any park in the System. This authority includes the power to call on the Philippine National Police to maintain peace and order in any park in the System.

The performance of the functions of the Administrator under this Act shall, in no case, result in the diminution of the powers of the LGUs to establish their own parks or develop their own open or green spaces.

Section 9. *Deputy Administrators.* - The Administrator shall be assisted by four (4) Deputy Administrators for: (i) Research and Development, (ii) National and Local Public Parks Operations, (iii) Local Public Parks Operations, and Park Architecture & Planning.

The Deputy Administrators shall enjoy the benefits, privileges and emoluments equivalent to the rank of Assistant Secretary.

Section 10. *Regional Administrators.* - The Regional Administrators shall be under the direct control of the Administrator and shall oversee the operations of National and Local Public Parks at the regional level.

The Regional Administrators shall enjoy the benefits, privileges and emoluments equivalent to the rank of a Regional Director, and shall provide technical assistance particularly to local government units for effective supervision, coordination, and monitoring of national and local parks within their localities, and their integration to the National Public Park System.

Section 11. *Organizational Divisions.* -The Secretariat shall have the following Divisions which shall be headed by Division Chiefs:

- a) Administrative Division
- b) Finance Division
- c) Programs and Public Affairs Division
- d) Internal Audit Division
- e) Security and Safety Division
- f) Information and Communications Technology Division
- g) Cultural & Heritage Preservation Division

The following Divisions shall be headed by the Deputies Administrators:

- a) National Public Park Operations & Management
- b) Local Public Park Operations & Management
- c) Research & Development
- d) Park Architecture & Planning

Section 12. *Personnel Training, Development and Performance Incentives.* - The Authority shall undertake training and development programs to upgrade the capabilities of its personnel in its various functions. Personnel shall be allowed to train or

study outside the Institute, in the Philippines or abroad, on official time, subject to the needs of the service, upon approval of the Administrator.

A system of monetary incentives shall be established to reward the superior performance and milestones of professional development on the part of management and administrative and technical personnel, subject to approval of the Department of Budget and Management and, where applicable, to the Civil Service Commission.

Section 13. *Consultants and Technical Assistance, Publication and Research.* -

In pursuing its objectives, the Authority is hereby authorized to set aside a portion of its appropriation for the hiring of services of qualified consultants, and private organizations for research work and publication in the field of national and urban parks, and open and green spaces. It shall avail itself of the services of other agencies of the Government as may be required.

Section 14. *Privileges of the Authority.* - In line with the declared policy and the avowed purposes of this Act, and to ensure its independence and autonomy, the NALPA Secretariat shall be attached solely for budgetary coordination and related purposes to the Office of the President. The Secretariat shall:

- a) be classified as a National Government Agency, primarily for administrative purposes, including receiving its annual budget from the general appropriations of the National Government to cover appropriately the entirety of its mandated operations and activities;
- b) be considered as higher in level than a Bureau or Bureau-level agency but beneath that of a Department or Department-level agency, primarily for administrative purposes as to staffing pattern and compensation scales; and
- c) enjoy such privileges and special rules characteristic of both a Government-Owned or Controlled Corporation and a State University or College wherever possible and which, in any and all cases, promote the objectives of this Act; and that special rule as may be necessary to this effect be formulated and appropriately promulgated by the NALPA, the Department of Budget and Management, the Commission on Audit, and other concerned agencies.

Section 15. *The Dissolution of NPDC and NFC and Transfer to NALPA Secretariat.* - The NPDC and NFC are hereby dissolved and all their powers, functions, responsibilities, all applicable funds and appropriations, records, assets, and properties are hereby transferred to the NALPA Secretariat.

Chapter 3 -The National Parks Institute

Section 16. *The Creation of the National Parks Institute.* - There is hereby created the National Parks Institute of the Philippines which shall be under the supervision of the Board. The Institute shall serve as the training and development arm of Authority. The Institute shall be headed by a Director.

In coordination with CHED and state universities and colleges, and other private universities and institutions, the Institute shall establish a unique training course aimed at supporting the purposes of this Act, and shall:

- a) formulate and implement training programs for all personnel of NALPA, and of LGUs, and other agencies, and private entities and institutions who wish to train with the Institute;
- b) formulate and implement select mandatory and specialized courses, and for that purpose shall be allowed to issue diplomas and technical certificates under such rules as will be coordinated with CHED and TESDA;
- c) develop and implement research and development to support NALPA and for educational training programs; and
- d) perform such other related functions as may be prescribed by NALPA and the Board.

Chapter 4 - The National Parks System

Section 17. *Study and Planning of National Parks, Urban Parks, Open Spaces, and Recreational-Area Facilities.* - Within 3 years from the effectivity of this Act, the Authority shall make a comprehensive study of the National Parks, Urban Parks, Open Spaces, and Recreational-Area Facilities programs of the national government and the LGUs and of areas of land throughout the Philippines that are or may be chiefly valuable as National Parks, Urban Parks, Open Spaces, and Recreational-Area Facilities.

The report shall be submitted to the Board who shall be empowered to declare specifically identified areas as either National Parks, Urban Parks, Open Spaces, or Recreational-Area Facilities.

Section 18. *Identification of National Parks.* - Notwithstanding any law or proclamation to the contrary, the following parks are hereby considered National Parks and shall be under the jurisdiction of the Authority: (1) the Rizal Park, and (2) the Paco Park.

The Administrator, and its Provincial Administrators, are strictly mandated to investigate, study, and continually monitor areas whose over-all circumstances exhibit qualities of national significance and that may have potential to become a NALPA Park.

Section 19. *Acquisition of Land.* - In the exercise of its power under this Act, the Authority through the Administrator shall have the power to acquire land and interests in land within the boundary of any NALPA Park. In the same manner and for the establishment of an identified National Park, the power of eminent domain shall be exercised through the Administrator, or by any of its Deputies or Provincial Administrators.

Section 20. *Creation of Urban Parks and Open Spaces in LGUs.* - Within the period provided by the Authority, LGUs shall be obliged to identify Urban Parks and Open Spaces within their jurisdictions.

Identified areas may either become NALPA Administered Parks or maintain their nature as Local Parks at the discretion of the LGU.

The Authority is hereby mandated to enter into cooperative agreements with colleges and universities, in partnership with LGUs and other agencies, to establish cooperative study units to conduct multi-disciplinary research and develop integrated information products on the resources in the NALPA Parks, or the LGU of which the NALPA Park is located for possible commercial production or utilization.

Section 21. *Delineation of Authority and Coverage.* - Subject to the IRR and dependent on the categorization of the land or an area, a nature reserve or a declared protected area under the NIPAS shall continue to be under the jurisdiction of the DENR. All other parks established or may be established may be covered under this Act.

Section 22. *Administration, Management, and Funding of NALPA Parks.* - Subject to reasonable restrictions under the IRR, the general public are hereby to be granted free admission to all NALPA Parks. However, the Authority may levy appropriate fees to special activities or programs.

Section 23. *Retention of Income.* - The Authority is hereby authorized to retain the entirety of its income from all sources of its operations nationwide, and to spend the same for any purpose.

Section 24. *The NALPA Fund.* - The NALPA Fund is hereby established, to be managed/administered by the Authority, the income from which shall be utilized exclusively in awarding of grants and providing assistance to park development programs, local government units for upgrading their capabilities, and to develop and implement training and training-related activities for park development. The contribution to the fund shall be the following:

- a) a one-time lump sum appropriation from the National Government in the amount of P100,000,000.00
- b) donations, grants, endowments, and other bequests or gifts of which the Authority is hereby authorized to accept, and
- c) any other income generated by the Authority.

The Authority shall be the administrator of the fund, and as such, shall formulate the necessary implementing guidelines for the management of the fund, subject to the following: a) unless otherwise stipulated by the private donor, only earnings of private contributions shall be used; and b) no part of the seed capital of the fund, including earnings, thereof, shall be used to underwrite expenses for administration.

The Board shall appoint a reputable government-accredited investment institution as fund manager, subject to guidelines promulgated by the Board.

Section 25. *Incentives Schemes.* - The Authority shall develop and administer appropriate incentives schemes to encourage the LGUs and private industries and institutions to participate in the development of the National Parks System.

Section 26. *Parks and Green Spaces Awards.* - To promote parks development in the country and with the view of participating in international park development competitions, the Authority, with the active participation of private industries, shall organize and conduct annual Parks and Green Spaces Awards. The Authority, through the Secretariat, shall promulgate the necessary rules and guidelines for the effective and efficient conduct of Annual National Parks and Green Spaces Competition among the LGUs and for the country's participation in international park development competitions.

Section 27. *Exemption from Taxes, Duties, Fees and Charges.* - The Authority shall be exempt from the payment of taxes, fees and charges imposed by the National Government and its political subdivisions, agencies and instrumentalities regardless of the nature of its activity.

All donations in any form shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of Republic Act No. 8424, otherwise known as the National Internal Revenue Code of 1997, as amended.

Furthermore, importation of supplies and materials for the use of the Authority shall be exempt from customs duties.

Section 28. *Commercial Operations of and inside of NALPA Parks.* - The Authority shall be authorized to undertake commercial operations, the proceeds of which shall be credited to the NALPA Fund:

- a) The rental of dedicated areas for external events, functions and similar activities.
- b) The lease of dedicated areas for the erection and operation of commercial establishments inside NALPA Parks, which NALPA shall be allowed to award, through public bidding, and giving preference to nonprofit organizations of a nature related to or supportive of its mandate, for a term of up to five (5) years per contract.
- c) The production and/or licensing of official merchandise.
- d) The award of concession contracts when the Authority shall utilize concession contracts to authorize a person, corporation, or other entity to provide accommodations, facilities, and services to visitors or users of NALPA Parks.

Section 29. *Contracted Services.* - Then the Authority is authorized to contract our services for Park Management and Safety and Security Services.

Chapter 5 - Miscellaneous Provisions

Section 30. *NALPA Budget.* - The amount necessary to finance the initial implementation of this Act shall be charged against the existing appropriations of the NPDC and the NPF, and shall be supported by funds coming from the Office of the President. Thereafter, such funds as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

Section 31. *Implementing Rules and Regulations.* - Within 180 days from the effectivity of this Act, the Administrator shall submit to the Board the implementing rules and regulations of this Act upon prior consultation with all concerned groups and entities.

Section 32. *Transitory Provisions.*

- a) Within two (2) months after the approval of this Act, the President shall, in consultation with the Secretary of Tourism appoint the private sector representatives of the Board.
- b) Within three (3) months after the appointment of the private sector representatives, the President shall, upon the recommendation of the Board, appoint the Administrator.
- c) Within four (4) months after the appointment of the Administrator, the Board shall convene to determine the organizational structure and staffing pattern of the Authority.
- d) Within one (1) year after the organization of the Authority, the Board shall commission an expert group on funding schemes for the NALPA Fund, as provided in Section 24, the results of which shall be used as the basis for appropriate action by the Board.
- e) Upon the effectivity of this Act, and prior to the appointment of the Board and the Administrator, the heads and personnel of both NPDC and the NPF shall continue to exercise their functions and duties, in holdover capacity, and shall ensure the smooth transition to the Board and the Administrator.
- f) All personnel of the NPDC and NPF are hereby deemed retired from service. Retirement and separation benefits shall be paid under existing rules and regulations.
- g) The Authority may on its discretion retain any personnel of NPDC and NPF it deems necessary to carry out its purpose and function.
- h) The ownership and title to the properties now actually occupied by the NPF and NPDC are hereby transferred in fee simple to the Authority, subject to the following conditions:
 - i) The titles to the land conveyed by this Act shall not be transferred by the Authority to another person or entity without previous authorization by the President of the Philippines.
 - ii) The Authority is hereby authorized to mortgage any properties referred to above for the purpose of carrying out its objectives and purposes only; and
 - iii) In case the Authority is dissolved or ceases, for any reason, to undertake its objectives, or ceases to need any of the lands for any reason, said land shall ipso facto revert to the National Government without compensation.

Section 33. *Automatic Review.* — Every five (5) years, after the effectivity of this Act, an independent review panel composed of three (3) persons appointed by the President

shall review the performance of the Authority and shall make recommendations, based on its findings to the President and to both Houses of Congress.

Section 34. *Repealing Clause.* — All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules or regulation inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 35. *Separability Clause.* - If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Section 36. *Effectivity.* — This Act shall take effect fifteen (15) days after the publication in the Official Gazette or in a newspaper of general circulation.

Approved,