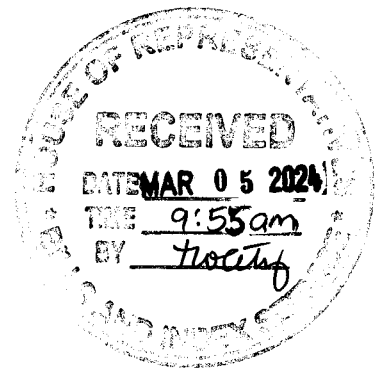




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 10036

Introduced by Representative DANTE S. GARCIA

EXPLANATORY NOTE

Article II Section 16 of the Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. In pursuit of this constitutional mandate, the Republic Act 7586 known as the National Integrated Protected Areas System (NIPAS) Act of 1992, subsequently amended by RA 11038 titled the Expanded National Integrated Protected Areas System (ENIPAS) Act of 2018, was enacted. This stems from the understanding that human activities substantially impact various facets of the environment. Factors such as the consequences of population growth, resource utilization, and industrial development underscore the need for safeguarding and preserving our natural ecosystems. This is particularly crucial in places with unique biophysical characteristics that play a vital role in the well-being and progress of both human and plant and animal life.

As defined in RA 11038, Protected Areas refer to specific areas of land and/or water that have been set aside for protection due to their exceptional physical features and biological diversity. These areas are safeguarded against harmful human exploitation. The primary goal in establishing such sites is to preserve the area's ecological integrity through effective management to ensure its continued provision of ecosystem services.

The Naguilian Protected Landscape (NPL), characterized by undulating to moderately rolling uplands with rugged hills and mountainous terrain, serves as a habitat for diverse flora and fauna within the municipality. It is found that it harbors one hundred ninety-five (195) plant species, belonging to one hundred sixty-nine (169) genera and grouped into seventy-six (76) families. Among these, one hundred thirty-three (133) species or the 68.21% are indigenous, and twenty-four (24) are endemic to the Philippines (12.31%). Notably, one of these endemic species, *Strongylodon juangonzalezii* Hadsall, Alejado & Cajano, is so far found

found to be exclusively thriving in Quezon Province. Further, recent fieldworks in the NPL has led to the identification of a new distribution record for *Amyema* sp., a mistletoe species.

Furthermore, the landscape hosts a total of 100 terrestrial vertebrate species, distributed across 85 genera and 52 families. Birds comprise 66%, reptiles 17%, mammals 12%, and amphibians 5%, with 27% of these terrestrial species being endemic to the Philippines.

These findings underscore the high likelihood of undocumented species with potential economic significance within the 91-hectare NPL. Hence, ensuring the sustainability of Naguilian's unique biological diversity is of paramount importance. This bill aims to establish a framework for the institutionalized conservation and protection of the NPL through proficient and effective management in accordance with RA 11038.

In view hereof, the immediate passage of this bill is earnestly requested.



DANTE S. GARCIA
Representative
Second District, La Union



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HOUSE OF REPRESENTATIVES
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AN ACT

DECLARING AND DESIGNATING NAGUILIAN WATERSHED FOREST RESERVE, SITUATED WITHIN THE MUNICIPALITY OF NAGUILIAN IN THE PROVINCE OF LA UNION AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE PURSUANT TO THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGUILIAN PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

1 **SECTION 1. *Short Title.***—This Act shall be known as the “Naguilian Protected
2 Landscape (NPL) Act.”

3
4 **SEC. 2. *Declaration of Policy.***—Recognizing the profound impact of human activities
5 on various components of the natural environment, especially the consequences arising from
6 population growth, resource exploitation, and industrial advancement, and acknowledging the
7 critical importance of safeguarding and preserving the natural, biological, and physical
8 diversities of the environment, particularly in areas characterized by unique features essential
9 for sustaining human life and development, as well as the well-being of plant and animal life,
10 it is hereby declared as the policy of the State to ensure, for the benefit of the Filipino people,
11 both present and future generations, the perpetual existence of all native plants and animals
12 through the establishment of protected areas under the "National Integrated Protected Areas
13 System (NIPAS).
14

In recognition of the richness of the biological resources, encompassing both flora and fauna, native and distinct to Naguilian, as well as their aesthetic and ecological importance, a parcel of land situated in the municipality of Naguilian in the Province of La Union covering the Naguilian Watershed Forest Reserve, is hereby declared a protected area with the designation of a protected landscape, and henceforth shall be referred to as the Naguilian Protected Landscape (NPL). As such, the State assumes the responsibility for ensuring the conservation, protection, and management of the said area. Furthermore, it is acknowledged that effective administration of this area is achievable only through collaborative efforts involving the national government, local government units (LGUs), concerned non-governmental organizations (NGOs), private entities, and local communities. The utilization and enjoyment of this area must be in conformity with the principles of biological diversity and sustainable development.

Towards this end, the State shall ensure the comprehensive implementation of this Act, the mobilization of resources to support the institutional mechanisms herein established, and the provision of complete scientific and technical support necessary for the conservation of biodiversity and the preservation of the integrity of ecosystems, culture, and indigenous practices.

SEC. 3. *Definition of Terms.*—As used in this Act:

- (a) *Biological diversity or biodiversity* refers to the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (b) *Buffer zones* refers to identified areas outside the boundaries of and immediately adjacent to protected areas that need special development control in order to avoid or minimize harm to the protected area;
- (c) *Conservation* refers to any act or acts of preservation and sustainable utilization of wildlife or maintenance, restoration and enhancement of habitats;
- (d) *Indigenous Cultural Community (ICC)/Indigenous People (IP)* refers to a group of people sharing common bonds of language, customs traditions, and other distinctive cultural traits, and who have, since time immemorial occupied, possessed and utilized a territory;
- (e) *National park* refers to land of the public domain classified as such in the Constitution which includes all areas under the NIPAS, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

- (f) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- (g) *Protected landscape* refers to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities;
- (h) *Tenured migrants* refer to protected area occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence.

SEC. 4. *Classification as a National Park.*—All lands of the public domain within the coverage and scope of NPL shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

SEC. 5. *Scope and Coverage.*—The boundaries of NPL is more particularly described as the area beginning at a point marked “1” on the map, being S 68-41-36 E, 3018.321 meters from PRS92 Control Monument “LUN-3059” with geographic coordinates 16° 33’ 42.73798” Latitude, 120° 24’ 08.44561” Longitude located at Barangay Guising Sur, Naguilian, La Union,

thence	N 6-57-19 E	53.432	meters to corner	2;
thence	N 7-36-52 W	89.629	meters to corner	3;
thence	N 30-26-28 E	213.402	meters to corner	4;
thence	N 31-31-6 E	148.639	meters to corner	5;
thence	N 82-48-38 E	225.384	meters to corner	6;
thence	N 73-22-56 E	75.92	meters to corner	7;
thence	N 58-55-37 E	149.644	meters to corner	8;
thence	N 65-23-49 E	80.982	meters to corner	9;
thence	S 42-53-29 E	393.372	meters to corner	10;
thence	N 40-13-2 E	134.643	meters to corner	11;
thence	N 17-24-46 E	119.791	meters to corner	12;
thence	N 24-54-43 E	141.717	meters to corner	13

e				;
thenc	S 42-59-30 E	361.507	meters to corner	14
e				;
thenc	S 27-20-54 W	151.568	meters to corner	15
e				;
thenc	S 49-29-42 W	56.051	meters to corner	16
e				;
thenc	S 7-18-2 W	124.104	meters to corner	17
e				;
thenc	S 23-57-33 W	226.314	meters to corner	18
e				;
thenc	S 34-58-9 W	103.173	meters to corner	19
e				;
thenc	S 48-29-42 W	129.658	meters to corner	20
e				;
thenc	S 48-49-49 W	27.644	meters to corner	21
e				;
thenc	S 82-18-23 W	136.986	meters to corner	22
e				;
thenc	S 59-37-50 W	126.696	meters to corner	23
e				;
thenc	N 89-8-11 W	79.983	meters to corner	24
e				;
thenc	N 68-40-13 W	329.62	meters to corner	25
e				;
thenc	N 65-5-56 W	397.434	meters to corner	26
e				;
thenc	N 10-27-18 E	78.406	meters to corner	1,

the point of beginning containing an area of ninety-one (91) hectares, more or less. Bearings and distance of lines were derived using PRS92, Philippine Zone III coordinate system, subject to actual ground demarcation.

SEC. 6. *Establishment of Buffer Zones.*—The Secretary of the Department of Environment and Natural Resources (DENR), upon the recommendation of the Protected Area Management Board (PAMB) created under Section 7 of this Act, may designate areas surrounding the NPL as buffer zones for the purpose of providing an extra layer of protection where restrictions may be applied. *Provided, That*, in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan.

ARTICLE II

MANAGEMENT MECHANISMS

SEC. 7. *Protected Area Management Board (PAMB).*—Within ninety (90) days from the effectivity of this Act, a Protected Area Management Board (PAMB) shall be created to oversee the management of the NPL. The PAMB shall be composed of the following:

- (a) The DENR Regional Executive Director for Region 1, as Chairperson;
- (b) The Governor of the Province of La Union, or his/her duly designated representative;
- (c) Senators of the Republic of the Philippines who are duly registered residents of La Union, or their duly designated representatives, unless the Senators decline the membership in the PAMB;
- (d) The Representative of the Second Congressional District of La Union, or his/her duly designated representative, unless the District Representative declines the membership in the PAMB;
- (e) The Mayor of Naguilian, or his/her duly designated representative;
- (f) The Punong Barangay of each barangay with territorial jurisdiction over NPL;
- (g) The Department of Agriculture (DA) Regional Executive Director for Region 1, or his/her designated official representative;
- (h) The Regional Director, or a designated official representative, of the following government agencies for Region 1, namely: the Department of National Defense - Office of Civil Defense (DND-OCD), the National Economic Development Authority (NEDA), the Philippine National Police (PNP), and the Department of Science and Technology (DOST);
- (i) Three (3) representatives from either non-government organizations (NGO) or People's Organizations (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 management;
- (j) At least one (1) but not more than three (3) representatives from all the ICCs/IPs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);
- (k) One (1) representative from an academic institution, preferably from a university or college in the Province of La Union, with a record of accomplishment in or related to protected area management and biodiversity conservation; and
- (l) One (1) representative from the private sector, preferably a resident of La Union, who is distinguished in a profession or field of interest relevant to NPL management.

The terms of office of members of the PAMB, as well as the grounds for their removal shall be in accordance with the provisions of Republic Act No 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", as amended by Republic Act No. 11038, otherwise known as the "Expanded National Integrated Protected Areas System Act of 2018".

SEC. 8. *Powers and Functions of the PAMB.*—The NPL PAMB shall have the following powers and functions:

- (a) Oversee the management of the NPL;
- (b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the NPL;
- (c) Approve the management plan of NPL and ensure its harmonization and integration with the Ancestral Domains Sustainable Development and Protection Plan (ADSDPP), land use plan and other development plans, public or private, and its implementation;
- (d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;
- (e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of NPL;
- (f) Allocate financial resources for the implementation of the management plan, and manage NPL Protected Area Retention Income Account (PARIA) and other funds in accordance with the accounting and budgeting rules and regulations;
- (g) Set fees and charges in accordance with existing guidelines;
- (h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (i) Recommend appropriate policy changes to the DENR and other government authorities;
- (j) Monitor and assess the performance of the Protected Area Superintendent (PASu) and other NPL personnel and compliance of partners with the terms and conditions of any undertaking, contract or agreement;
- (k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASu; and
- (l) Assess the effectiveness of the management of NPL: *Provided*, That the members of the management board representing the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide; *Provided*, further, That the DENR, through the Regional Executive Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders or national application, the latter shall prevail.

SEC. 9. *The Protected Area Management Office (PAMO).*—There is hereby established a PAMO to be headed by a Protected Area Superintendent (PASu) with a

permanent plantilla position who shall supervise the day to day management, protection and administration of NPL. A sufficient number of support staff with permanent plantilla positions shall likewise be appointed by the DENR to assist the PASu in the management of the protected area.

The PASu shall be primarily accountable to the PAMB and the DENR for the management and operations of the NPL. Pursuant thereto, the PASu shall have the following duties and responsibilities:

- (a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plan and ensure its implementation;
- (b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;
- (c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for decision-making;
- (d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;
- (e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;
- (f) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of the provisions of this Act;
- (g) Monitor, evaluate, and report the implementation of management activities of NPL;
- (h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of NPL;
- (i) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with the terms, conditions, and criteria established by the PAMB: *Provided*, That all permits for extraction of natural resources, including collection of wildlife, and its by-products or derivatives for research purposes, shall continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASu, in accordance with the specific acts to be covered;
- (j) Collect and receive pertinent fees, charges, donations, and other income for the protected area: *Provided*, That such fees, charges, donations, and other income collected and received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;
- (k) Prepare and recommend to the PAMB, approval of the annual work and financial plans of NPL based on the management plan;

- (l) Exact and collect administrative fees and fines, for violations of Section 21 of ENIPAS Act, as amended, and other related guidelines, rules and regulations on protected areas and biodiversity conservation;
- (m) Issue permits for the use of facilities and amenities, except for those considered as special uses, as defined in ENIPAS Act of 2018;
- (n) Recommend actions for cutting permit for planted trees solely for the traditional and subsistence uses by ICCs/IPs and tenured migrants, of up to five (5) cubic meters per applicant per year. Provided, that PACBRMA holders with affirmed Community-based Resource Management Plan shall no longer be issued cutting permits. Provided further, that the total volume cut shall not exceed the limits set by the PAMB, and that the location of the cutting is within the appropriate site within the Multiple-Use Zone (MUZ);
- (o) Process applications for Certificate of origin and/or transport permits, for natural resources and other products collected/gathered from the protected area, in accordance with the resource use instruments/agreement, gratuitous permits, issued by the PAMB and/or as the case may be, with the ADSDPP or the CCP of Indigenous Cultural Communities (ICCs)/IPs;
- (p) Examine, assess and process SAPA applications ensuring that all the preconditions and requirements are met including the collection of fees and bond;
- (q) Facilitate the SAPA application of existing facilities and structures which are found to be consistent with the management objectives of the protected area, as well as the conversion of existing Memorandum of Agreement (MOAs) into SAPA;
- (r) Release the SAPA to the proponent upon confirmation of the payment of SAPA fee;
- (s) Effect the suspension, cancellation or termination of SAPA. The PASu shall also cause the re-opening of the subject area to new applications for special use projects;
- (t) Review and evaluate the status, progress, and operations of SAPAs at the end of 25 years;
- (u) Assist the PAMB in the conduct of monitoring the proponent's compliance with the provisions of the SAPA thru periodic review and evaluation every 5 years;
- (v) Facilitate the review of the sufficiency of the rehabilitation plan and bond every 5 years and as necessary;
- (w) Monitor the environmental programs and/or projects implemented, and services rendered by the SAPA proponent, if any;
- (x) Review all existing land use and resource use permits in relation to the PA management plan; and,
- (y) Perform such other functions as the PAMB and the DENR may assign.

The PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR.

ARTICLE III

PROCEEDS AND FEES

SEC. 10. *The Naguilian Protected Landscape Integrated Protected Area Fund.*—

There is hereby established a trust fund to be known as the Naguilian Protected Landscape Integrated Protected Area Fund (NPL-IPAF) for purposes of financing projects of the NPL and the NIPAS. All income generated from the operation of the system or management of wild flora and fauna in the NPL shall accrue to NPL-IPAF. The income shall be derived from fees from visitors/tourists, permitted sale and export of flora and fauna and other allowable use of resources from the protected area, proceeds from Special Use in Protected Area (SAPA) in multiple-use zone for tourism concessions, communication and transmission facilities, power generation projects, large scale agriculture and aquaculture enterprise and other contributions from industries and facilities directly benefiting from the protected area, and other fees and income derived from the operation of NPL.

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of NPL and implementation of duly approved projects of the PAMB. The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the general fund in the National Treasury for purposes of financing the programs and projects of the NIPAS.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign for purposes related to their functions. *Provided*, That the fund shall be deposited as a special account in the national treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the NPL, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That no amount shall be disbursed for the operating expenses of the Department and other concerned agencies.

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 preservation of the protected area.

ARTICLE IV TRANSITORY AND MISCELLANEOUS PROVISIONS

SEC. 11. *Appropriations.*—The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the Annual General Appropriations Act.

SEC. 12. ***Supplementary Application of the NIPAS Law.***—The provisions of Republic Act No. 7586, as amended by the Republic Act No. 11038, shall have supplementary application to this Act.

SEC. 13. ***Implementing Rules and Regulations.***—Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the local government of the municipality of Naguilian, the Provincial Government of La Union, and concerned national government agencies, issue the corresponding rules and regulations for the effective implementation of this Act.

SEC. 14. ***Separability Clause.***—If any section or provision of this Act is held unconstitutional or invalid, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.

SEC. 15. ***Repealing Clause.*** —All laws, decrees, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 16. ***Effectivity***—This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,