



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



Nineteenth Congress
3rd Regular Session
HOUSE BILL NO. **10940**

Introduced by Rep. Ricardo T. Kho and Rep. Olga "Ara" T. Kho

Explanatory Note

The natural beauty of the province of Masbate is evident in its world-class tourist destinations. One of the hidden gems of this island province is the Matang-Tubig Cold Spring located in the Municipality of Monreal, First District of Masbate. In 1994, by virtue of Proclamation No. 368, the Matang-Tubig Watershed and Forest Reserve (MTWFR) was established for the purpose of its protection, maintenance, and improvement.

Until this day, the MTWFR remains useful to the people of Monreal and its neighboring towns not only for forestry purposes and as a source of water irrigation, but more so as a destination for local and international tourists, thereby generating jobs for the townspeople and income to local businesses. However, there is a trade-off to the benefits that the MTWFR brings to its locality. Along with increased human activities in the area is the challenge of preventing environmental damage to maintain its pristine state.

Article II, Section 16 of the Philippine Constitution states 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."

This bill therefore seeks to declare the MTWFR as a natural biotic area under the umbrella of Republic Act 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992", as amended by Republic act No. 11038, or the "National Integrated Protected Areas System (E-NIPAS) of 2018", to ensure that there is sustainability in the conservation, protection, management, and rehabilitation of the area.

The bill also seeks to establish a framework for the management and sustainable use of the area's natural resources, including its flora and fauna. It likewise recognizes the importance of the natural biotic resources in providing ecological balance in the area, as well as the social and economic importance of these resources.

To achieve its objectives, the bill proposes the establishment within ninety (90) days from the effectivity of the Act, a Protected Area Management Board (PAMB) to oversee the management of the area, which will now be known as the **Matang-Tubig Natural Biotic Area**

(MTNBA), and be responsible of formulating policies and guidelines for the conservation and sustainable use of its natural resources. In addition, a trust fund for the purposes of financing the projects and sustaining the operation of the area will be established.

This bill is aligned with the 2030 Agenda for Sustainable Development, particularly SDG 13 – Climate Action, SDG 14 – Life Below Water, and SDG 15 – Life on Land, and is a result of extensive and multisectoral consultation with various attached agencies of the Department of Environment and Natural Resources (DENR) in the Province of Masbate.

The proponents believe that protecting the environment is an intergenerational responsibility, thus, the immediate passage of the proposed bill is earnestly sought.



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1st District Masbate



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HOUSE BILL NO. **10340**

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AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF MONREAL AND SAN JACINTO, IN THE PROVINCE OF MASBATE, A PROTECTED AREA WITH THE CATEGORY OF NATURAL BIOTIC AREA UNDER THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (E-NIPAS) TO BE REFERRED TO AS THE MATANG-TUBIG NATURAL BIOTIC AREA, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Short Title* – This Act shall be known as the “Matang-Tubig Natural Biotic Area Act.”

SEC. 2. *Declaration of Policy* – Cognizant of the profound impact of human activities on all components of the natural environment, it is hereby declared the policy of the state to secure for the Filipino people of present and future generations, the perpetual existence of all native plants and animals through the declaration of protected areas under the National Integrated Protected Areas System (NIPAS) within the classification of national park as provided for in the Constitution.

In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to the Matang-Tubig Watershed Forest Reserve, as well as their aesthetic and ecological importance, a parcel of land located in the Municipalities of Monreal and San Jacinto, in the Province of Masbate, is hereby declared protected area with the category of Natural Biotic Area and shall hereinafter be referred to as Matang-Tubig Natural Biotic Area (MTNBA). As such, the State shall ensure the conservation, protection, management and rehabilitation of the area. It is likewise recognized that effective administration of this area is possible only through cooperation among national government, local government units (LGUs), concerned non-governmental organizations (NGOs), private entities and local

communities. The use and enjoyment of this area must be consistent with the principles of biological diversity and sustainable development.

Towards this end, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the 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. **Bioprospecting** – refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- c. **Buffer Zones** – refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;
- d. **By-products or Derivatives** – refer to the parts taken or substances extracted from wildlife, in raw or in processed form;
- e. **Collecting** – refers to the act of gathering or harvesting wildlife and its by-products or derivatives;
- f. **Conservation** – refers to any act or acts of preservation and sustainable utilization of wildlife or maintenance, restoration and enhancement of habitats;
- g. **Delineation** – refers to the actual ground survey of the boundaries of protected areas and their buffer zones and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies, with the intention of producing a map of the area;
- h. **Demarcation** – refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation;
- i. **Endemic species** – refers to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country;
- j. **Exotic species** – refers to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;
- k. **Exploration** – refers to the act of searching or prospecting for mineral resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means, for the purpose of determining the existence, extent, quantity and quality of resources in an area, and the feasibility of utilizing these resources for profit;
- l. **Hunting** – refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like;
- m. **Integrated Protected Area Fund (IPAF)** – refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas;

- n. ***Invasive alien species*** – refers to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment;
- o. ***Kaingin*** – refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion;
- p. ***Multiple-use zone*** – refers to the area where settlement, traditional and sustainable land use including agriculture, agroforestry, extraction activities, and income generating or livelihood activities may be allowed to the extent prescribed in the protected area management plan;
- q. ***Natural Biotic Area*** – refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;
- r. ***Occupying*** – refers to a continuous stay of individuals or groups within a protected area. Whether residing or engaging in the cultivation of land or fishing for more than twenty-four (24) hours;
- s. ***Poaching*** – refers to gathering, collecting or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit;
- t. ***Protected Area*** – refers to an identified portion of land and water set aside by reason of its unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- u. ***Protected area occupants*** – refers to the persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, Ips, tenured migrants and informal settlers;
- v. ***Protected Area Retained Income Account*** – refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Board (PAMB) created pursuant to RA 11038 representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management;
- w. ***Quarrying*** – refers to the process of extracting, removing, and disposing sand, gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area;
- x. ***Special Account in the General Fund (SAGF)*** - refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;
- y. ***Tenured Migrants*** – refers 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;
- z. ***Threatened species*** – refers to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;

SEC. 4. ***Classification as a National Park*** – The MTNBA is comprised of a parcel of land of the public domain located in the Municipalities of Monreal and San Jacinto, Province of Masbate. All lands of the public domain within the coverage and scope of the MTNBA shall fall under the classification of national park as provided for in Article XII, Section 3 of the Philippine Constitution.

Sec. 5. *Scope and Coverage* - The boundaries of the MTNBA are more particularly described as the area beginning at a **point marked "1"** on the map being N 52°40' W, 3,978 meters from MST-3174 with geographic coordinates of 1398153.023 N, 572092.798 E located in Brgy. Poblacion, Monreal, Masbate which is identical to FZ corner No. 3 Block-A Timberland Monreal, Masbate; as shown in the Bureau of Forestry Map L.C. 493;

Thence S 55°17' E, 269.65 meters to corner 2,
Thence S 39° 41'E, 544.72 meters to corner 3,
Thence S 57° 35'E, 350.66 meters to corner 4,
Thence S 59° 38'E, 465.81 meters to corner 5,
Thence S 41° 57'E, 229.01 meters to corner 6,
Thence S 17° 43'E, 420.01 meters to corner 7,
Thence S 35° 57'E, 456.4 meters to corner 8,
Thence S 39° 38'E, 179.54 meters to corner 9,
Thence S 31° 06'W, 158.97 meters to corner 10,
Thence S 38° 54'E, 388.74 meters to corner 11,
Thence S 34° 05'E, 177.39 meters to corner 12,
Thence S 06° 28'E, 190.44 meters to corner 13,
Thence S 29° 30'E, 263.85 meters to corner 14,
Thence S 59° 36'W, 508.68 meters to corner 15,
Thence S 19° 29'E, 290.56 meters to corner 16,
Thence N 86° 14'E, 320.76 meters to corner 17,
Thence S 56° 59'E, 312.23 meters to corner 18,
Thence S 07° 21'W, 290.31 meters to corner 19,
Thence S 28° 33'E, 307.46 meters to corner 20,
Thence S 54° 59'W, 361.45 meters to corner 21,
Thence S 88° 10'W, 270.22 meters to corner 22,
Thence S 20° 55'E, 471.9 meters to corner 23,
Thence S 46° 44'E, 201.77 meters to corner 24,
Thence S 31° 05'W, 184.17 meters to corner 25,
Thence S 04° 55'W, 327.47 meters to corner 26,
Thence S 09° 33'W, 221.3 meters to corner 27,
Thence S 68° 07'E, 307.34 meters to corner 28,
Thence S 18° 04'E, 320.46 meters to corner 29,
Thence S 67° 56'E, 517.59 meters to corner 30,
Thence S 10° 39'E, 257.23 meters to corner 31,
Thence S 63° 15'W, 287.95 meters to corner 32,
Thence S 17° 51'W, 133.93 meters to corner 33,
Thence S 74° 21'E, 520.58 meters to corner 34,
Thence S 26° 01'W, 399.1 meters to corner 35,
Thence S 38° 08'W, 293.92 meters to corner 36,
Thence S 85° 25'W, 340.8 meters to corner 37,
Thence S 40° 02'W, 457.1 meters to corner 38,
Thence N 56° 14'W, 1,396.6 meters to corner 39,
Thence N 23° 58'W, 893.73 meters to corner 40,
Thence N 06° 05'W, 1,473.52 meters to corner 41,
Thence N 18° 01'W, 1,431.24 meters to corner 42,
Thence N 52° 12'W, 881.85 meters to corner 43,
Thence N 79° 18'E, 554.82 meters to corner 44,
Thence N 21° 22'W, 1,622.01 meters to corner 45,

Thence N 31° 47'W, 442.01 meters to corner 46,
Thence N 02° 00'W, 455.36 meters to corner 47,
Thence N 50° 17'E, 918.62 meters to corner 1,
the point of beginning containing an area of **ONE THOUSAND THREE HUNDRED FIVE (1,305) HECTARES**, more or less subject to final ground delineation/validation.

Sec. 6. ***Establishment of Buffer Zones*** – The Department of Environment and Natural Resources (DENR) Secretary, upon the recommendation of the Protected Area Management Board (PAMB) created under Section 7 of this Act, may designate areas surrounding the MTNBA 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 zones 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 MTNBA. The PAMB shall be composed of the following:

- a. DENR Regional Executive Director for Region V, as Chairperson;
- b. Governor of the Province of Masbate or his/her duly authorized representative;
- c. District Representative of the Congressional District where the MTNBA is located, or his/her duly designated representative, unless the District Representative declines the membership in the PAMB;
- d. Mayors of the Municipalities of Monreal and San Jacinto, Province of Masbate, or his/her duly authorized representative;
- e. Chairpersons of all Barangays with territorial jurisdiction over the MTNBA;
- f. Regional Directors of the following government agencies namely: Department of Agriculture (DA), National Economic Development Authority (NEDA), Department of Science and Technology (DOST), Philippine National Police (PNP), Department of National Defense (DND), and Department of Tourism (DOT);
- g. Three (3) representatives from either NGOs, or People Organizations (POs) based in the Province of Masbate, duly accredited both by the DENR and the Provincial Government. The NGOs or POs represented should have been in existence for at least five (5) years and must have a record of accomplishments in the field of protected area management;
- h. One (1) representative from an academic institution, preferably from a university or college in the Province of Masbate, with proven track record in or related to protected area management; and
- i. One (1) representative from the private sector, preferably a resident of the Province of Masbate, who is distinguished in a profession or field of interest relevant to the protected area 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. *Functions of the PAMB* – The PAMB shall have the following powers and functions:

- a. Oversee the management of the MTNBA;
- b. Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the MTNBA;
- c. Approve the management plan of the protected area and ensure its harmonization with and integration into the land use plan and other development plans, public or private, and their 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 the MTNBA;
- f. Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with government accounting, budgeting, and auditing rules and regulations;
- g. Set fees and charges in accordance with existing guidelines;
- h. Issues 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 with respect to the management of the MTNBA;
- j. Monitor and assess the performance of the Protected Area Superintendent (PASu) and other protected area personnel and compliance of Partners with the terms and conditions of any undertaking, contract or agreement relative to any project or activity within MTNBA;
- 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 the MTNBA: Provided, that the members of the PAMB representing the LGUs and national agencies shall inform their respective constituent, 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 the rules and regulations issued to implement it 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 of national application, the latter shall prevail.

Sec. 9. *The Protected Area Management Office (PAMO)*. – There is hereby established a Protected Area Management Office (PAMO) to be headed by a PASu who shall supervise the day-to-day management, protection, and administration of the MTNBA. The PASu shall hold a permanent plantilla position and shall be appointed by the DENR Secretary. A sufficient number of support staff with permanent plantilla positions shall likewise be appointed by the DENR Secretary or his/her duly authorized representative 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 MTNBA. 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 MTNBA 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 MTNBA, 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 the protected area;
- h. Request for and receive any technical assistance, support or advise 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 the MTNBA;
- i. Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with 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 MTNBA: *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 the MTNBA based on the management plan; and
- l. 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 Matang-Tubig Natural Biotic Area Integrated Protected Area Fund.* – There is hereby established a trust fund to be known as the Matang - Tubig Natural Biotic Area

Integrated Protected Area Fund (MTNBA-IPAF) for purposes of financing the projects and sustaining the operation of the MTNBA. Income generated from the operation and management of the protected area shall accrue to the IPAF. The income shall be derived from fees and charges from the use of resources and facilities of MTNBA; contributions from industries and facilities directly benefitting from the MTNBS; and such other fees and income derived from the operation of the MTNBA.

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited to the Protected Area -Retained Income Accounts (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 the protected area 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 projects of the NIPAS.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign: *Provided*, that the fund shall be deposited in full as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the NIPAS and duly approved projects endorsed by the PAMB in accordance with existing accounting, budgeting, and auditing rules and regulations: *Provided*, further, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all taxes and other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs' facilities.

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 E-NIPAS Law*** – The provisions of the Republic Act. No. 7586, as amended by 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 governments of the Municipality of Monreal, the Provincial Government of Masbate 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,