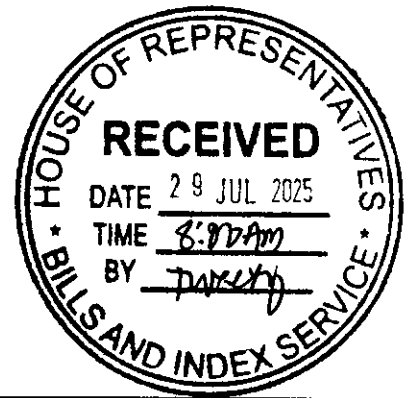


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Carmelo G. Lazatin, Jr.

House Bill No. 2423

AN ACT
DECLARING SAPANGBATO WATERSHED AS A PROTECTED AREA IN THE
PROVINCE OF PAMPANGA, PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Article II, Section 16 of the 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.

Water is a vital resource that affects the quality and growth of various life-forms in the planet. While it may be abundant in some areas worldwide, unfortunately it is also scarce in others. Thereby, the well-being of the population is equally dependent on how water resources are managed and preserved.

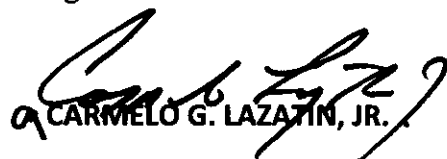
A watershed is a beneficial land feature that drains to different rivers, basins or seas. It offers a wide range of environmental, economic and social benefits. It can provide sustainable clean water supply and serve as a natural filtration system.

It also supports diverse ecosystems and protects endangered species. A watershed is valued as a natural flood control feature and acts as natural defense against typhoons, drought and impacts of climate change. It also aids in agriculture, as a viable source of water for farming and in preventing soil degradation.

However, these benefits can only be fully harnessed only with proper management and conservation of the watershed.

Hence, this bill seeks to effectively manage the Sapangbato Watershed located in Angeles City.

In view thereof, immediate approval of this Bill is sought.


CARMELO G. LAZATIN, JR.



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HOUSE BILL NO. 2423

Introduced by Rep. CARMELO G. LAZATIN, JR.

AN ACT
DECLARING SAPANGBATO WATERSHED AS A PROTECTED AREA IN THE
PROVINCE OF PAMPANGA, PROVIDING FOR ITS MANAGEMENT AND FOR
OTHER PURPOSES

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

1 **SECTION 1. Title** - This Act shall be known and cited as “An Act declaring Sapangbato
2 Watershed as a Protected Area in the Province of Pampanga, providing for its management and
3 for other purposes”.

4
5 **SECTION 2. Declaration of Policy** – it is the policy of the State to protect and advance
6 the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony
7 of nature. To this end, the state shall endeavor to ensure the preservation of the ecological
8 biodiversity within the Sapangbato Watershed located in Barangay Sapangbato, Angeles City
9 through its establishment as a Protected Area.

10
11 **SECTION 3. Scope and Coverage**- The Sapangbato Watershed shall cover a land area of
12 546 hectares in the uplands of Barangay Sapangbato which was identified as Protected Agricultural
13 Land, delineated from the Network of Protected Areas for Agriculture and Agro-industrial
14 Development (NPAAAD) of the Bureau of Soils and Water Management (BSWM) of the
15 Department of Agriculture and with a specific designation as Fragile Agricultural Land
16 (Watershed Protection).

17
18 **SECTION 4. Definition of Terms**

- 19
20
 - Ecological biodiversity shall refer to the variety of ecosystems on Earth.

- Fragile Agricultural Land shall refer to agricultural areas that are prone to degradation or damage due to various factors making them vulnerable to soil degradation, erosion and other environmental issues.
- *National Integrated Protected Areas (NIPAS) -is a network of areas designates to protect the diverse ecosystems and biodiversity of the country.*
- Network of Protected Areas for Agriculture and Agro-industrial Development (NPAAAD) shall refer to a system of identifying and designating agricultural lands that are crucial for food security and sustainable development.
- Protected area refers to identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation;
- Protected Area Management Board (PAMB) is a multi-sectoral body established for each protected area in the Philippines
- Watershed refers to a catchment area or drainage basin from which the waters of a stream system are drawn.

SECTION 5. *Management of the Sapangbato Watershed* – The management of the Sapangbato Watershed shall be undertaken by the Protected Area Management Board, as provided in Section 6 hereof

SECTION 6. *Protected Area Management Board (PAMB)* - The Protected Area Management Board for the Sapangbato Watershed is hereby created and shall exercise the powers and functions herein provided

SECTION 7. *Composition of the Protected Area Management Board*- The Protected Management Board for the Sapangbato Watershed shall be composed of the following:

- a) The DENR Regional Executive Director for Region III, as Chairperson;
- b) The Representative of the 1st District of Pampanga or a deputy, Vice Chairperson;
- c) The Local Chief Executive of Angeles City or his duly authorized representative, as member;
- d) The barangay captain of Barangay Sapangbato, as member;
- e) The Regional Director of the Department of Agriculture for Region III or a duly authorized representative, as member;
- f) The City Environment and Natural Resources Officer (CENRO) of Angeles City, as member;

- 1 g) Three (3) representatives of Civil Society Organization/s operating in the
2 protected area, selected in a meeting duly called for the purpose, as
3 members; and
4 h) Three (3) representatives from the Indigenous Cultural Communities within
5 the protected area, as members.
6
7

8 Each member shall serve a term of three (3) years and shall represent and
9 considered to carry a vote of the sector represented.
10

11 Representatives of government officials or agencies shall serve according to the
12 term of their principals, unless terminated by such official/s.
13

14 **SECTION 8. *Powers and Functions of the PAMB-*** The PAMB for Sapangbato Watershed
15 shall exercise of the following powers and functions:
16

- 17 a) Issue rules and regulations to implement the provisions of this Act;
18 b) Approve, revise or modify management plan for the watershed;
19 c) Deputize and train capable and responsible individuals to enforce the
20 management plan and all relevant laws governing the protection of the
21 Sapangbato Watershed;
22 d) Approve proposals for funding, budget allocations and exercise accountability
23 over all funds that may accrue to the protected area;
24 e) Coordinate with the appropriate agencies regarding the creation of committees
25 to whom its powers may be delegated;
26 f) Shall have a Special Prosecutor who shall represent and defend PAMB and
27 PASu and staff, or DENR- deputized individual and volunteer against any legal
28 action arising from the performance of their powers, functions and
29 responsibilities.
30

31 **SECTION 9. *The Protected Area Management Office*** -There is hereby established a
32 Protected Area Management Office shall be headed by a Protected Area Superintendent that will
33 be in charge with the management, protection and administration of the said watershed. The head
34 of this Office shall report to the Regional Executive Director of DENR as well as to the PAMB.
35 The said office shall exercise the following powers and functions in accordance with the provisions
36 of NIPAS Act:
37

- 38 a) Prepare a Management Plan for Sapangbato Watershed;
39 b) Ensure the integration of the protected area Management Plans, programs,
40 projects and policies with relevant national and LGUs plans and programs;
41 c) Provide secretariat services for PAMB and its committees and ensure the
42 availability of relevant and timely information for decision-making;
43 d) Formulate and recommend to PAMB proposed policies, rules and regulations
44 and programs;
45 e) Establish, operate and maintain a database management system which shall be
46 the basis for decision-making;

- f) Enforce the laws, rules and regulations relevant to the protected area;
- g) Monitor all activities within and around the Sapangbato Watershed and report any violations, structures that may be constructed illegally to the PAMB;
- h) Monitor, evaluate and report the implementation of management activities of protected area;
- i) Perform other functions as may be assigned by the PAMB.

SECTION 10. *The Management Plan*- shall be prepared by the Sapangbato Watershed Protected Area Management Office in accordance with the DENR, Local Government Unit, Civil Society Organizations, local cultural communities, other government agencies who have socio-economic experience in the area.

It shall be reviewed, approved and adopted by the PAMB and shall not be in any way revised nor modified without its approval.

The provisions of the Management Plan should be implemented within one (1) year of its effectivity in accordance with the NIPAS Act. It shall contain the following:

- a) Period of effectivity of the Plan
- b) Fundamental Management issues
- c) Goals and objectives
- d) Site Management Strategy
- e) Disaster Risk Reduction and management plan
- f) Visitor Management programs
- g) Major management activities

SECTION 11. *Prohibited Acts*- the following acts are prohibited within the protected area in accordance with NIPAS Act:

- a) Poaching, killing, destroying, disturbing any wildlife including private lands within the protected area;
- b) Cutting, gathering, removing or collecting timber within the protected area, including private lands therein, without necessary permit, authorization, certification of planted trees or exemption such acts are done in accordance with the duly recognized practices of the Ips/ICCs for subsistence purposes;
- c) Possessing or transporting outside the protected area any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from the protected area or other that exotic species, the culling of which has been authorized under an appropriate permit;
- d) Dumping, throwing, using, or causing to be dumped into or places in the protected area of any toxic chemical, noxious or poisonous substance or non-biodegradable material, untreated sewage or animal waste or products whether

- 1 e) in liquid, solid or gas state, including pesticides and other hazardous substances
2 as defined under Republic Act No. 6969;
3
4 f) Operating any motorized conveyance within the protected area without permit
5 from the PAMB, except when the use of such motorized conveyance is the only
6 practical means of transportation of Ips/ICCs in accessing their ancestral
7 domain/ land;
8
9 g) Altering, removing, destroying boundary marks or signs;
10
11 h) Engaging in “kaingin” or, any manner causing forest fires inside the protected
12 area;
13
14 i) Damaging and leaving roads and trails in damaged condition;
15
16 j) Littering or depositing refuse or debris or in bodies of water;
17
18 k) Possessing or using blasting caps anywhere within the protected area;
19
20 l) Constructing, erecting, or maintaining any kind of structure, fence or enclosure,
21 conducting any business enterprise within the protected area without prior
22 clearance from the PAMB and permit from the DENR, or conducting these
23 activities in a manner that is inconsistent with the management plan duly
24 approved by the PAMB;
25
26 m) Prospecting, hunting or otherwise locating hidden treasure within the protected
27 area;
28
29 n) Purchasing or selling, mortgaging or leasing lands or other portions of the
30 protected area which are covered by any tenurial instrument.
31

32 **SECTION 12.** *Penalties – Violation under this Act shall be subject to the following*
33 *penalties:*
34

35 "(a) A fine of not less than Two hundred thousand pesos (P200,000) but not more
36 than One million pesos (P1,000,000) or imprisonment from one (1) year but not
37 more than six years, or both, plus damages of triple the value of the said resources,
38 or both, shall be imposed upon any person who violates paragraphs (a) to (d) of
39 Section 11 herein;
40

41 "(b) A fine of not less than Two hundred thousand pesos (P200,000) but not more
42 than One million pesos (P1,000,000) or imprisonment from (1) year but not more
43 than six (6) years, or both, shall be imposed upon any person who violates
44 paragraphs (d) to (j) of Section 11 herein;
45

1 "(c) A fine of not less than One million pesos (P1,000,000) but not more than Five
2 million pesos (P5,000,000) or imprisonment from six (6) years but not more than
3 twelve (12) years, or both, shall be imposed upon any person who violates
4 paragraphs (k) to (m) of section 11 herein;
5
6

7 **SECTION 13.** *Special Prosecutors-* The Department of Justice shall designate a
8 special prosecutor to whom all cases of violation of laws, rules and regulations in the protected
9 area shall be assigned, within thirty (30) days from the effectivity of this Act. Such special
10 prosecutor shall coordinate with the PAMB and the PASu in the performance of the person's duties
11 and assist in the training of wardens and rangers in arresting and prosecuting violators of this Act.
12 The PAMB may appoint special private prosecutors on a case-to-case basis to assist the public
13 prosecutor
14

15 **SECTION 14.** *Appropriations.* - The Secretary of the DENR shall immediately
16 include the implementation of this Act in the Department's program and its funding shall be
17 included in the annual General Appropriations Act.
18

19 **SECTION 15.** *Interpretation* - The provisions of this Act shall be liberally
20 construed in favor of the Sapangbato Watershed. The NIPAS Act shall have suppletory effect in
21 the implementation of this Act.
22

23 **SECTION 16.** *Transitory Provision.* - Until the management plan shall have been
24 implemented, the DENR shall cease to issue permits, clearances, compliance documents or any
25 instrument that will allow the exploitation and utilization of resources within the protected area
26

27 **SECTION 17.** *Separability Clause-* Any part or section of this Act that is declared by the
28 courts as unconstitutional shall not affect the other parts or sections hereof.
29

30 **SECTION 18.** *Repealing Clause.* - All laws, rules and regulations inconsistent herewith
31 are hereby repealed or modified accordingly.
32

33 **SECTION 19.** *Effectivity Clause-* This Act shall take effect fifteen (15) days after its
34 publication in the Official Gazette or in the newspaper of general circulation available in and
35 around the scope specified herein. Likewise, it shall be posted in conspicuous places in the
36 provincial, city and barangay halls within the area as well as in three (3) other places frequented
37 by the public.
38

39 Approved,