



Republic of the Philippines
Department of Environment and Natural Resources
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17 March 2022

MEMORANDUM

FOR : The Regional Executive Directors
Region IX
Cordillera Administrative Region

The Administrator
National Mapping Resource and Information Authority

The Directors
Biodiversity Management Bureau
Land Management Bureau
Legal Affairs Service
Policy and Planning Service

FROM : The Director
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS/POSITION ON HOUSE BILL NOS. 9326 and 9329**

This pertains to the letter dated 14 March 2022, from Atty. Eulogio A.M. Sabban, Director, Legislative Office, Office of the Deputy Secretary for Legal Affairs, requesting for comments on House Bill Nos. 9326 and 9329 which sought to declare parcels of land as protected area with the category of protected landscape under the National Integrated Protected Areas System (NIPAS) located in both the Municipalities of Naga and Kabasalan in the province of Zamboanga Sibugay and Municipality of Balbalaban, in the province of Kalinga, respectively. The mentioned bills will lapse into law on 11 April 2022 if not vetoed or acted upon by the President.

In this regard, we would like to seek your comments/positions on the above bills. Kindly submit comments and/or position paper on or before 21 March 2022, in hard and soft copy at the Legislative Liaison Office at telephone number 8920-1761 and e-mail address denrlegislative@yahoo.com for consolidation.

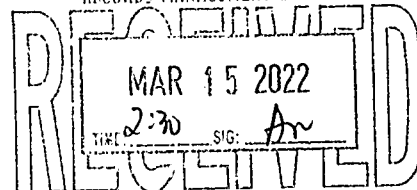

ROMIROSE B. PADIN

**Office of the President
of the Philippines
Malacañang**

14 March 2022

MR. JIM O. SAMPULNA
Acting Secretary
Department of Environment
and Natural Resources (DENR)
4/F DENR Bldg., Visayas Avenue
Diliman, Quezon City

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES
RECORDS MANAGEMENT DIVISION



Thru: **USEC. ERNESTO D. ADOBO, JR.**
Legal, Administration, Human Resource and Legislative Affairs

Sir:

We respectfully request your comments and recommendation on the attached enrolled **House Bills (HBs)**, entitled:

- 1) **HB No. 9326 – “AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR”;**
and
- 2) **HB No. 9329 – “AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITY OF BALBALAN, IN THE PROVINCE OF KALINGA, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE BANAO PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR”;**

presented by Congress on 11 March 2022 for the President's approval.

Kindly include in your recommendation, for approval or otherwise, the justification and/or legal basis for such recommendation. The subject bills will **lapse into law on 11 April 2022** if not vetoed or acted upon by the President, pursuant to Art. VI, Sec. 27 (1) of the Constitution.

We will appreciate if you could submit your comments and recommendation on the said bills on or before **21 March 2022**, either to our office at Room 357, 3rd Floor, Mabini Hall or thru our Telefax Nos. 8-733-39-20/8-736-14-43. Please acknowledge receipt of this letter by email or phone at op_legis@yahoo.com or 8-736-10-14, and designate the responsible/handling officer with whom we can follow-up to facilitate coordination.

Thank you and best regards.

Very truly yours,

ATTY. EULOGIO A.M. SABBAN
Director IV

Legislative Office, Office of the Deputy
Executive Secretary for Legal Affairs

Republic of the Philippines
Congress of the Philippines
Metro Manila
Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty-one.

[REPUBLIC ACT NO.]

AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, 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. *Title.* – This Act shall be known as the “Naga-Kabasalan Protected Landscape 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 Naga and Kabasalan, as well as their aesthetic and ecological importance, a parcel of land located in the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds, is hereby declared a protected area with the category of protected landscape, and shall hereinafter be referred to as the Naga-Kabasalan Protected Landscape (NKPL). 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 nongovernmental 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) *Buffer zones* refer 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;

(b) *Conservation* refers to any act or acts of preservation and sustainable utilization of wildlife or maintenance, restoration and enhancement of habitats;

(c) *Indigenous cultural communities (ICCs)/Indigenous peoples (IPs)* refer to groups 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;

(d) *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;

(e) *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;

(f) *Protected landscape* refers to an area of national significance, which are characterized by the harmonious interaction of human, land, and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities; and

(g) *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.* – The NKPL is comprised of a parcel of land of the public domain located in the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds. All lands of the public domain within the coverage and scope of the NKPL 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 the NKPL are more particularly described as the area beginning at a point marked “1” on the Map, being N 22-10-10 E, 4,975.084 meters from PRS 92 “ZSI-34” with geographic coordinates of 07-50-35.33894 Latitude and 122-43-4.49351 Longitude located in Barangay Santa Clara, Municipality of Naga, Province of Zamboanga Sibugay,

thence	N15-41-15W	1027.743	meters to corner	2;
thence	N35-28-06W	1676.499	meters to corner	3;
thence	N35-55-27E	517.062	meters to corner	4;
thence	N35-29-46W	314.195	meters to corner	5;
thence	N35-48-59E	764.172	meters to corner	6;
thence	N16-05-20E	715.774	meters to corner	7;
thence	N81-29-35W	996.21	meters to corner	8;
thence	N35-52-08W	722.914	meters to corner	9;
thence	N09-35-25E	849.187	meters to corner	10;
thence	N01-16-50E	465.826	meters to corner	11;
thence	N79-08-17E	1327.033	meters to corner	12;
thence	N87-55-03E	1158.644	meters to corner	13;
thence	N89-25-12E	2080.079	meters to corner	14;
thence	S89-43-46E	3566.308	meters to corner	15;
thence	N89-54-32E	2648.389	meters to corner	16;
thence	S42-52-44W	482.645	meters to corner	17;
thence	S12-02-07W	848.104	meters to corner	18;
thence	S67-19-10W	305.745	meters to corner	19;
thence	S59-44-37W	233.975	meters to corner	20;
thence	S44-12-15W	857.531	meters to corner	21;
thence	S44-36-46W	881.287	meters to corner	22;
thence	S11-13-44W	583.80	meters to corner	23;

thence	S48-46-07W	498.278	meters to corner	24;
thence	S71-01-47W	284.946	meters to corner	25;
thence	S30-12-12W	326.413	meters to corner	26;
thence	S57-11-19E	380.739	meters to corner	27;
thence	S02-45-33W	349.875	meters to corner	28;
thence	S56-14-37W	1007.79	meters to corner	29;
thence	S16-23-22E	223.829	meters to corner	30;
thence	S35-17-36W	918.23	meters to corner	31;
thence	S61-12-48W	437.18	meters to corner	32;
thence	S67-37-12W	464.451	meters to corner	33;
thence	S04-37-27E	1148.988	meters to corner	34;
thence	S73-18-03W	439.586	meters to corner	35;
thence	S83-43-03W	461.714	meters to corner	36;
thence	S62-39-00W	274.941	meters to corner	37;
thence	S81-27-17W	386.877	meters to corner	38;
thence	S81-27-17W	434.867	meters to corner	39;
thence	S62-21-14W	499.078	meters to corner	40;
thence	N58-17-06W	440.513	meters to corner	41;
thence	N58-41-45W	364.662	meters to corner	42;
thence	N41-38-01W	253.504	meters to corner	43;
thence	N33-10-43W	261.592	meters to corner	44;
thence	N65-05-43W	129.98	meters to corner	45;
thence	N52-01-42W	218.985	meters to corner	46;
thence	N50-05-32W	301.894	meters to corner	47;
thence	N39-39-24W	415.637	meters to corner	1,

the point of beginning, comprising an area of five thousand five hundred five and 45/100 (5,505.45) hectares, more or less.

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 NKPL 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 NKPL. The PAMB shall be composed of the following:

(a) DENR Regional Executive Director for Region IX, as Chairperson;

(b) Governor of the Province of Zamboanga Sibugay or his/her duly authorized representative;

(c) Senators of the Republic of the Philippines who are duly registered residents of Zamboanga Sibugay, or their duly designated representatives, unless the Senators decline the membership in the PAMB;

(d) District Representative of the Congressional District where the NKPL is located, or his/her duly designated representative, unless the District Representative declines the membership in the PAMB;

(e) Mayors of the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay or their duly authorized representatives;

(f) Chairpersons of all the *barangays* with territorial jurisdiction over the NKPL;

(g) Regional Directors of the following government agencies, namely: Department of Agriculture (DA), National Economic and Development Authority (NEDA), Department of

Science and Technology (DOST), Philippine National Police (PNP), Department of National Defense (DND), and the Department of Tourism (DOT);

(h) Three (3) representatives from either NGOs, or people's organizations (POs) based in the Province of Zamboanga Sibugay, 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;

(i) 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);

(j) One (1) representative from an academic institution, preferably from a university or college in the Province of Zamboanga Sibugay, with a record of accomplishments in or related to protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the Province of Zamboanga Sibugay, 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. *Powers and Functions of the PAMB.* – The PAMB shall have the following powers and functions:

(a) Oversee the management of the protected area;

(b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

(c) Approve the management plan of the protected area and ensure its harmonization with and integration into the Ancestral Domain Sustainable Development and Protection Plan,

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 protected area;

(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) 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 with respect to the management of the NKPL;

(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 the NKPL;

(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 protected area: *Provided*, That the members of the PAMB representing the LGUs and national agencies 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 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 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 NKPL. 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 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 NKPL. 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 the protected area;

(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 the protected area;

(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 the protected area 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 Naga-Kabasalan Protected Landscape Integrated Protected Area Fund.* – There is hereby established a trust fund to be known as the Naga-Kabasalan Protected Landscape Integrated Protected Area Fund (NKPL-IPAF) for purposes of financing the projects of the NKPL and the NIPAS. All income generated from the operation and management of wild flora and fauna in the NKPL shall accrue to the NKPL-IPAF. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources; from the NKPL proceeds; from lease of multiple-use areas; contributions from industries and facilities directly benefiting from the NKPL; and such other fees and income derived from the operation of the NKPL.

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 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 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, and 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 taxes and collect all other fees not enumerated herein which they have traditionally

collected, such as fees for business permit applications, property taxes and rental fees 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. *Suppletory Application of the NIPAS Law.* – The provisions of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have suppletory application to this Act.

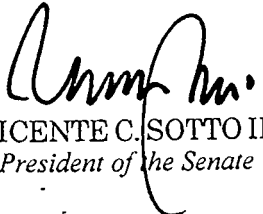
SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the local governments of the municipalities of Naga and Kabasalan, the Provincial Government of Zamboanga Sibugay, and concerned national government agencies, issue the corresponding rules and regulations for the effective implementation of this Act.

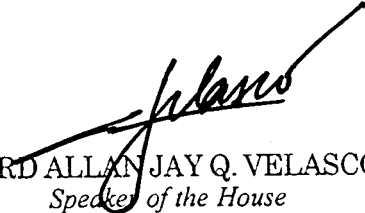
SEC. 14. *Separability Clause.* – If any section or provision of this Act is held unconstitutional or invalid, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.

SEC. 15. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations, issuances or parts thereof inconsistent with the provisions of 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.

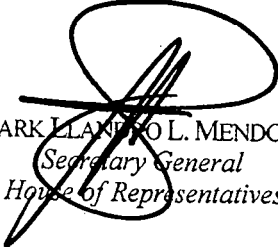
Approved,


VICENTE C. SOTTO III
President of the Senate


LORD ALLAN JAY Q. VELASCO
Speaker of the House of Representatives

This Act which originated in the House of Representatives was passed by the House of Representatives on May 26, 2021, amended by the Senate of the Philippines on September 27, 2021, and which amendments were concurred in by the House of Representatives on December 7, 2021.


MYRA MARIE D. VILLARICA
Secretary of the Senate


MARK ILLANILLO L. MENDOZA
*Secretary General
House of Representatives*

Approved:

RODRIGO ROA DUTERTE
President of the Philippines

○

Republic of the Philippines
Congress of the Philippines
Metro Manila
Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth
day of July, two thousand twenty-one.

[REPUBLIC ACT NO.]

AN ACT DECLARING A PARCEL OF LAND LOCATED IN
THE MUNICIPALITY OF BALBALAN, IN THE
PROVINCE OF KALINGA, A PROTECTED AREA
WITH THE CATEGORY OF PROTECTED LANDSCAPE
UNDER THE NATIONAL INTEGRATED PROTECTED
AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS
THE BANAQ PROTECTED LANDSCAPE, 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. *Title.* – This Act shall be known as the “Banao
Protected Landscape 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 Balbalasang-Balbalan National Park, as well as their aesthetic and ecological importance, a parcel of land located in the Municipality of Balbalan, Province of Kalinga, is hereby declared a protected area with the category of protected landscape, and shall hereinafter be referred to as the Banao Protected Landscape (BPL). 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 nongovernmental 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) *Buffer zones* refer 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;

(b) *Conservation* refers to any act or acts of preservation and sustainable utilization of wildlife or maintenance, restoration and enhancement of habitats;

(c) *Indigenous cultural communities (ICCs)/Indigenous peoples (IPs)* refer to groups 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;

(d) *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;

(e) *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;

(f) *Protected landscape* refers to an area of national significance which are characterized by the harmonious interaction of human, land, and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities; and

(g) *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.* – The BPL is comprised of a parcel of land of the public domain located in the Municipality of Balbalan, Province of Kalinga. All lands of the public domain within the coverage and scope of the BPL 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 the BPL are more particularly described as the area beginning at a point marked "1" on the map, being N 84-39-46 E, 1,504.743 meters from PRS 92 "KAL 3101" with geographic coordinates of 17°29'47.5291" Latitude and 121°10'10.54854" Longitude located

at Barangay Pantikian, Municipality of Balbalan, Province of Kalinga,

thence S 07-00-28 W 754.665 meters to corner 2;
 thence S 62-04-03 W 509.196 meters to corner 3;
 thence S 23-57-43 W 614.233 meters to corner 4;
 thence S 14-19-40 E 381.173 meters to corner 5;
 thence S 03-49-08 W 212.069 meters to corner 6;
 thence S 03-49-09 W 214.032 meters to corner 7;
 thence S 30-30-07 W 506.908 meters to corner 8;
 thence S 14-18-47 E 623.34 meters to corner 9;
 thence S 20-07-49 E 624.344 meters to corner 10;
 thence S 78-11-09 W 583.987 meters to corner 11;
 thence S 48-08-02 W 673.074 meters to corner 12;
 thence S 60-59-23 W 519.62 meters to corner 13;
 thence S 29-39-02 W 487.467 meters to corner 14;
 thence S 55-24-25 W 787.645 meters to corner 15;
 thence S 28-23-56 W 473.888 meters to corner 16;
 thence N 88-31-50 W 1215.71 meters to corner 17;
 thence S 76-48-21 W 964.639 meters to corner 18;
 thence N 69-02-38 W 839.004 meters to corner 19;

thence N 81-33-57 W 805.459 meters to corner 20;
 thence S 78-40-06 W 1116.41 meters to corner 21;
 thence N 11-13-47 W 1070.01 meters to corner 22;
 thence N 88-13-03 E 1244.62 meters to corner 23;
 thence N 07-55-33 E 1283.2 meters to corner 24;
 thence N 16-19-27 W 1196.9 meters to corner 25;
 thence S 59-40-52 W 1569.31 meters to corner 26;
 thence S 36-41-52 W 707.897 meters to corner 27;
 thence S 33-35-21 E 781.808 meters to corner 28;
 thence S 02-06-20 E 1595.82 meters to corner 29;
 thence N 81-42-15 W 553.099 meters to corner 30;
 thence S 89-43-07 W 571.785 meters to corner 31;
 thence N 79-37-31 W 418.591 meters to corner 32;
 thence S 61-51-56 W 685.457 meters to corner 33;
 thence S 63-58-20 W 1294.06 meters to corner 34;
 thence S 24-38-25 W 1399.65 meters to corner 35;
 thence S 45-09-52 W 346.793 meters to corner 36;
 thence S 19-05-33 W 939.602 meters to corner 37;
 thence S 50-08-42 W 970.693 meters to corner 38;

thence N 87-08-05 W 487.388 meters to corner 39;
 thence S 63-23-26 W 657.246 meters to corner 40;
 thence S 27-14-23 W 1334.88 meters to corner 41;
 thence S 38-03-55 W 754.558 meters to corner 42;
 thence N 88-27-55 W 752.596 meters to corner 43;
 thence N 57-46-27 W 748.01 meters to corner 44;
 thence N 74-30-03 W 514.911 meters to corner 45;
 thence S 34-19-24 W 433.384 meters to corner 46;
 thence S 19-30-09 W 1000.89 meters to corner 47;
 thence S 61-31-59 W 463.656 meters to corner 48;
 thence N 72-52-50 W 887.758 meters to corner 49;
 thence N 85-17-44 W 272.916 meters to corner 50;
 thence N 01-58-41 W 563.086 meters to corner 51;
 thence N 46-38-28 E 534.722 meters to corner 52;
 thence N 04-00-56 E 474.144 meters to corner 53;
 thence N 24-57-00 W 401.6 meters to corner 54;
 thence N 00-01-09 E 1025.02 meters to corner 55;
 thence N 29-14-19 E 496.398 meters to corner 56;
 thence N 57-19-11 W 524.72 meters to corner 57;

thence N 33-05-49 W 505.836 meters to corner 58;
 thence N 15-06-24 W 492.345 meters to corner 59;
 thence N 11-09-45 E 402.364 meters to corner 60;
 thence N 71-43-53 E 668.243 meters to corner 61;
 thence N 55-53-30 E 522.985 meters to corner 62;
 thence N 19-43-54 E 595.956 meters to corner 63;
 thence N 10-38-05 E 551.111 meters to corner 64;
 thence N 37-17-08 E 456.866 meters to corner 65;
 thence N 04-19-36 W 435.23 meters to corner 66;
 thence N 22-06-22 W 263.828 meters to corner 67;
 thence N 17-32-12 W 536.606 meters to corner 68;
 thence N 01-10-22 W 495.31 meters to corner 69;
 thence N 14-57-36 E 1045.27 meters to corner 70;
 thence N 44-51-19 W 681.879 meters to corner 71;
 thence N 62-02-48 W 504.214 meters to corner 72;
 thence N 52-52-51 W 508.002 meters to corner 73;
 thence N 23-09-09 W 502.648 meters to corner 74;
 thence N 04-30-01 W 495.601 meters to corner 75;
 thence N 43-25-03 W 251.678 meters to corner 76;

thence N 30-15-25 E 611.901 meters to corner 77;
 thence N 44-05-19 E 500.173 meters to corner 78;
 thence N 69-42-20 E 501.463 meters to corner 79;
 thence N 54-59-36 E 428.306 meters to corner 80;
 thence S 87-17-09 E 561.292 meters to corner 81;
 thence N 70-19-09 E 496.481 meters to corner 82;
 thence N 62-30-41 E 1083.12 meters to corner 83;
 thence N 38-40-16 E 347.298 meters to corner 84;
 thence N 56-14-23 E 269.101 meters to corner 85;
 thence N 42-45-52 E 429.405 meters to corner 86;
 thence N 62-37-05 E 706.11 meters to corner 87;
 thence N 72-06-15 E 406.907 meters to corner 88;
 thence N 38-45-42 E 884.826 meters to corner 89;
 thence S 58-00-31 E 263.665 meters to corner 90;
 thence N 78-44-15 E 467.501 meters to corner 91;
 thence N 52-09-26 E 279.483 meters to corner 92;
 thence N 78-31-12 E 365.352 meters to corner 93;
 thence N 25-00-31 E 364.81 meters to corner 94;
 thence N 54-02-31 E 254.14 meters to corner 95;

thence N 02-26-07 E 492.144 meters to corner 96;
 thence N 33-16-02 E 295.943 meters to corner 97;
 thence N 16-12-51 E 470.944 meters to corner 98;
 thence N 10-59-21 E 617.155 meters to corner 99;
 thence N 48-06-48 E 686.33 meters to corner 100;
 thence N 80-31-03 E 366.344 meters to corner 101;
 thence S 42-51-14 E 306.634 meters to corner 102;
 thence S 60-58-17 E 267.779 meters to corner 103;
 thence N 84-38-44 E 767.959 meters to corner 104;
 thence N 58-10-19 E 334.055 meters to corner 105;
 thence S 66-15-44 E 419.062 meters to corner 106;
 thence N 74-27-44 E 446.782 meters to corner 107;
 thence S 76-13-57 E 281.493 meters to corner 108;
 thence N 64-04-55 E 352.606 meters to corner 109;
 thence N 78-15-06 E 326.169 meters to corner 110;
 thence S 66-50-38 E 290.843 meters to corner 111;
 thence S 73-07-33 E 333.889 meters to corner 112;
 thence S 46-29-26 E 214.283 meters to corner 113;
 thence N 65-45-11 E 337.855 meters to corner 114;

thence S 87-13-46 E 281.251 meters to corner 115;
 thence N 56-47-48 E 568.813 meters to corner 116;
 thence S 88-56-42 E 235.559 meters to corner 117;
 thence S 70-18-10 E 212.866 meters to corner 118;
 thence S 37-43-06 E 796.617 meters to corner 119;
 thence S 83-27-37 E 140.292 meters to corner 120;
 thence S 53-01-02 E 338.703 meters to corner 121;
 thence N 70-39-31 E 150.46 meters to corner 122;
 thence S 37-25-17 E 268.495 meters to corner 123;
 thence N 79-12-06 E 257.883 meters to corner 124;
 thence N 21-23-02 E 90.371 meters to corner 125;
 thence N 76-21-50 E 184.283 meters to corner 126;
 thence S 71-47-31 E 870.761 meters to corner 127;
 thence N 68-02-55 E 227.849 meters to corner 128;
 thence S 49-13-29 E 179.114 meters to corner 129;
 thence S 14-20-58 E 241.659 meters to corner 130;
 thence N 79-29-48 E 229.735 meters to corner 131;
 thence S 69-47-18 E 111.442 meters to corner 132;
 thence S 51-26-03 E 126.57 meters to corner 133;
 thence N 38-08-28 E 122.83 meters to corner 134;

thence S 65-35-45 E 256.196 meters to corner 135;
 thence S 22-33-50 E 369.345 meters to corner 136;
 thence S 53-50-26 E 175.644 meters to corner 137;
 thence N 74-22-44 E 196.166 meters to corner 138;
 thence S 26-13-03 E 84.097 meters to corner 139;
 thence S 63-54-01 E 163.295 meters to corner 140;
 thence S 24-50-56 E 579.065 meters to corner 141;
 thence N 71-13-20 E 158.539 meters to corner 142;
 thence S 87-10-00 E 663.106 meters to corner 143;
 thence S 53-05-25 E 122.614 meters to corner 144;
 thence S 82-22-55 E 434.404 meters to corner 145;
 thence S 54-35-43 E 79.964 meters to corner 146;
 thence S 00-36-36 W 685.539 meters to corner 147;
 thence S 60-57-14 W 679.371 meters to corner 148;
 thence S 27-58-15 E 1280.45 meters to corner 149;
 thence S 09-21-32 W 468.162 meters to corner 150;
 thence S 23-41-03 E 533.622 meters to corner 151;
 thence S 49-57-41 E 0.014 meters to corner 1,

the point of beginning, comprising an area of twenty-one thousand five hundred sixty-seven and 53/100 (21,567.53) hectares, more or less.

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 BPL 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 for the BPL. The PAMB shall be composed of the following:

- (a) DENR Regional Executive Director for the Cordillera Administrative Region as Chairperson;
- (b) Governor of the Province of Kalinga or a duly authorized representative;
- (c) Senators of the Republic of the Philippines who are duly registered residents of the Province of Kalinga, or their duly designated representatives, unless the Senators decline the membership in the PAMB;
- (d) District Representative of the Congressional District where the BPL is located, or his/her designated representative, unless the District Representative declines the membership in the PAMB;
- (e) Mayor of the Municipality of Balbalan, Province of Kalinga or his/her duly authorized representative;
- (f) Chairpersons of all the *barangays* with territorial jurisdiction over the BPL;
- (g) Regional Directors of the following government agencies, namely: the Department of Agriculture (DA), the National

Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), the Department of National Defense (DND), and the Department of Tourism (DOT);

(h) Three (3) representatives from either NGOs or people's organizations (POs) based in the Province of Kalinga, 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;

(i) 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);

(j) One (1) representative from an academic institution, preferably from a university or college in the Province of Kalinga, with a record of accomplishments in or related to protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the Province of Kalinga, 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. *Powers and Functions of the PAMB.* – The PAMB shall have the following powers and functions:

- (a) Oversee the management of the protected area;

(b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

(c) Approve the management plan of the protected area and ensure its harmonization with and integration into the Ancestral Domain Sustainable Development and Protection Plan, 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 protected area;

(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) 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 with respect to the management of the BPL;

(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 the BPL;

(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 protected area: *Provided*, That the members of the PAMB representing the LGUs and national agencies 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 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 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 BPL. 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 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 BPL. 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 the protected area;

(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 the protected area;

(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 and 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 the protected area 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 Banao Protected Landscape Integrated Protected Area Fund.* - There is hereby established a trust fund to be known as the Banao Protected Landscape Integrated Protected Area Fund (BPL-IPAF) for purposes of financing projects of the BPL and the NIPAS. All income generated from the operation and management of wild flora and fauna in the BPL shall accrue to the BPL-IPAF. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the BPL, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the BPL, and such other fees and income derived from the operation of the BPL.

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 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 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 programs and projects of the NIPAS.

The fund may be augmented by grants, donations, and 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 taxes and collect all other fees not enumerated herein which they have traditionally collected, such as property taxes, fees for business permit applications, and rental fees for 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. *Suppletory Application of the NIPAS Law.* – The provisions of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have suppletory application to this Act.

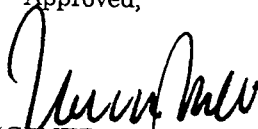
SEC. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the local government of the Municipality of Balbalan, the Provincial Government of Kalinga, and concerned national government agencies, issue 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.

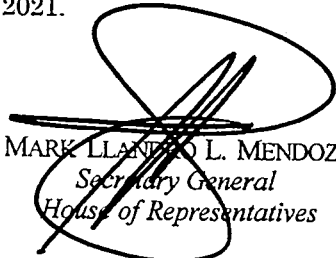
Approved,


VICENTE C. SOTTO III
President of the Senate


LORD ALLAN JAY Q. VELASCO
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was passed by the House of Representatives on May 26, 2021, amended by the Senate of the Philippines on September 27, 2021, and which amendments were concurred in by the House of Representatives on December 7, 2021.


MYRA MARIE D. VILLARICA
Secretary of the Senate


MARK LLANITO L. MENDOZA
*Secretary General
House of Representatives*

Approved:

RODRIGO ROA DUTERTE
President of the Philippines