



HOUSE OF REPRESENTATIVES

H. No. 4806

BY REPRESENTATIVES SINGSON (E.), MATUGAS AND UNGAB, PER COMMITTEE
REPORT NO. 369

AN ACT DECLARING THE BESSANG PASS NATURAL MONUMENT
IN THE MUNICIPALITY OF CERVANTES, ILOCOS SUR AS A
PROTECTED AREA, AND PROVIDING FOR ITS MANAGEMENT

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Bessang
2 Pass Natural Monument (BPNM) Act”.

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to protect
4 and advance the right of the people to a balanced and healthful ecology in
5 accord with the rhythm and harmony of nature. Towards this end, the State
6 shall promote the conservation and protection of the endangered, threatened,
7 and rare species of flora, fauna, and other ecosystems within Bessang Pass in
8 the Municipality of Cervantes, Province of Ilocos Sur, while preserving its
9 scenic, cultural, and historical features.

10 SEC. 3. *Categorization as a Natural Monument.* – Bessang Pass,
11 which is known as the historic site of the Great Battle of Bessang Pass during
12 World War II, and which is located within a verdant of pine forest, is hereby
13 categorized as a natural monument in accordance with the National Integrated
14 Protected Areas System Act of 1992 (NIPAS Act).

1 SEC. 4. *Scope.* – The boundaries of the Bessang Pass Natural
2 Monument are as follows:

3 Core Zone

4 Beginning at a point marked "1" which is N 76° 44' 32" W, 1,339.20
5 meters from Bessang Pass Natural Monument/Landmark with geographic
6 coordinates of 16° 57' 42.57" North and 120° 39' 24.88" East covering a total
7 area of 581.33 hectares.

8	LINE	BEARING	DISTANCE (meters)
9	1-2	N 23° 16' 01" E	1,287.66
10	2-3	N 65° 34' 03" E	683.64
11	3-4	S 81° 50' 22" E	1,441.11
12	4-5	S 18° 44' 07" W	3,189.11
13	5-6	N 63° 43' 53" W	840.34
14	6-7	S 66° 50' 41" W	578.69
15	7-8	N 47° 33' 49" W	476.09
16	8-9	N 29° 28' 33" W	265.23
17	9-10	N 66° 43' 15" W	313.29
18	10-11	N 45° 54' 33" E	447.27
19	11-12	N 60° 09' 22" E	601.85
20	12-1	N 44° 24' 33" W	459.07

21 Buffer Zone

22 Beginning at a point marked "1" which is N 76° 44' 32" W, 1,339.20
23 meters from Bessang Pass Natural Monument/Landmark with geographic
24 coordinates of 16° 57' 42.57" North and 120° 39' 24.88" East covering an area
25 of 358.13 hectares.

1	LINE	BEARING	DISTANCE (meters)
2	1-2	S 44° 24' 33" E	459.07
3	2-3	S 60° 09' 22" W	601.85
4	3-4	S 45° 54' 33" W	447.27
5	4-5	S 66° 43' 15" E	313.29
6	5-6	S 29° 28' 33" E	265.23
7	6-7	S 47° 33' 49" E	476.09
8	7-8	N 66° 50' 41" E	578.69
9	8-9	S 63° 43' 53" E	840.34
10	9-10	N 18° 44' 07" E	3,189.11
11	10-11	S 81° 19' 44" E	465.76
12	11-12	S 18° 21' 10" W	3,771.78
13	12-13	N 63° 04' 32" W	1,108.83
14	13-14	S 67° 09' 58" W	576.83
15	14-15	N 46° 05' 33" W	806.94
16	15-16	N 31° 06' 31" W	210.61
17	16-17	N 65° 49' 35" W	299.88
18	17-18	N 67° 58' 51" W	456.08
19	18-19	N 46° 39' 45" E	1,098.54
20	19-20	N 28° 39' 06" W	343.65
21	20-21	N 23° 15' 47" E	905.23
22	21-22	S 76° 19' 19" E	403.43
23	22-1	S 23° 16' 01" W	777.96

24 SEC. 5. *Land Classification.* — All lands of the public domain
25 comprising the BPNM shall fall under the classification of national park as
26 provided for in the 1987 Philippine Constitution: *Provided,* That public lands
27 already classified as agricultural lands or alienable or disposable lands prior to

1 the passage of this Act shall remain as such and may be disposed pursuant to
2 existing laws.

3 SEC. 6. *Definition of Terms.* – As used in this Act:

4 (a) *Biological resources* refer to living natural resources, including
5 microorganisms, plants, animals, and other biotic component of the ecosystem
6 with actual or potential use or value;

7 (b) *Buffer zones* refer to identified areas outside the boundaries of and
8 immediately adjacent to designated protected areas pursuant to Section 8 of the
9 NIPAS Act that need special development and monitoring in order to avoid or
10 minimize harm to the protected area;

11 (c) *Endangered species* refer to species and subspecies of wildlife
12 whose population is in danger of extinction and whose survival is unlikely if
13 causal factors or threats continue to exist;

14 (d) *General management plan* refers to the basic long-term framework
15 plan to attain the objectives of conserving and protecting the area which shall
16 serve as guide in the preparation of the annual operations plan and budget;

17 (e) *General management planning strategy* refers to the general guide
18 in the formulation of site specific management plan that shall include the
19 management of buffer zones and the preservation of ancestral domain lands;

20 (f) *Indigenous peoples* refer to a group of people sharing common
21 bonds of language, customs, traditions, and other distinctive cultural traits, and
22 which have since time immemorial occupied, possessed and utilized a territory;

23 (g) *Management manual* refers to an individual management plan
24 containing basic background information, field inventory of resources, an
25 assessment of assets and limitations, regional interrelationships, particular
26 objectives for managing the area, appropriate division of the area into
27 management zones, a review of the boundaries, and a design of the
28 management programs;

1 (h) *Natural monument* refers to a relatively small area whose unique
2 and special characteristics are the focus of protection and preservation due to
3 their natural, historical and popular significance;

4 (i) *Protected area* refers to identified portion of land and water that are
5 set aside so that their unique physical significance and biological diversity are
6 protected against destructive human exploitation; and

7 (j) *Tenured migrants* refer to persons who have actually and
8 continuously occupied an area for five (5) years prior to its designation as a
9 protected area in accordance with the NIPAS Act, and are solely dependent on
10 its resources for subsistence.

11 SEC. 7. *The Protected Area Management Board.* -- There shall be
12 created a Protected Area Management Board (PAMB) which shall serve as the
13 highest policy-making body of the BPNM and shall be composed of the
14 following:

15 (a) The Regional Executive Director (RED) of the Department of
16 Environment and Natural Resources (DENR) Region 1, as Chairperson;

17 (b) The Provincial Planning and Development Coordinator (PPDC) of
18 Ilocos Sur, as member;

19 (c) One (1) representative from the municipal government of
20 Cervantes, Ilocos Sur, to be appointed by the Sangguniang Bayan of
21 Cervantes, as member;

22 (d) One (1) representative from Barangay Malaya, Cervantes, Ilocos
23 Sur, to be appointed by the barangay council of Malaya, as member;

24 (e) At least three (3) representatives from nongovernment
25 organizations (NGOs) and local community organizations involved in
26 protected area management based in Cervantes, Ilocos Sur, and duly accredited
27 by the municipal government, chosen through an election exclusively called for

1 the purpose by the DENR in coordination with concerned local government
2 units (LGUs), as members;

3 (f) One (1) representative from each tribal community, chosen in an
4 election to be conducted by the DENR in coordination with the National
5 Commission on Indigenous Peoples (NCIP), as member; and

6 (g) One (1) representative each, if necessary, from other government
7 agencies involved in the management of the BPNM.

8 Except for government officials who shall serve as *ex officio*, every
9 member of the PAMB shall be appointed by the DENR Secretary and shall
10 serve for a term of five (5) years without compensation: *Provided*, That each
11 member remains connected with the organization being represented. In the
12 case of members who are government officials, their appointments shall be
13 coterminous with their term of office. Whenever a vacancy occurs during the
14 term of a nongovernment PAMB member, a new member shall be chosen in
15 the same manner as the original selection process, and shall only serve for the
16 remaining term.

17 The members of the PAMB shall be entitled to reimbursement of actual
18 and necessary traveling and subsistence expenses incurred in attending
19 meetings of the PAMB or any of its committees, subject to government
20 accounting, auditing and budgeting rules and regulations, and subject further to
21 the availability of funds as reflected in the Work and Financial Plan (WFP),
22 which is required in accessing funds from the Integrated Protected Area Fund
23 (IPAF).

24 *SEC. 8. Powers and Functions of the PAMB.* – The PAMB shall
25 exercise the following powers and functions:

26 (a) Issue rules and regulations to prohibit acts that may be prejudicial
27 to the BPNM and the policy declaration herein set forth as well as established
28 biodiversity protection criteria;

1 (b) Approve the management plan required under Section 10 of this
2 Act and oversee the office of the Protected Area Superintendent (PASu);

3 (c) Adopt rules and procedures for the conduct of business, including
4 the creation of committees to whom its powers may be delegated;

5 (d) Set fees for the issuance of permits for activities regulated by this
6 Act or the management plan;

7 (e) Issue rules and regulations for the resolution of conflicts through
8 appropriate culturally sensitive and effective means;

9 (f) Approve proposals for funding and budget allocation and exercise
10 responsibility over all funds that may accrue to the BPNM; and

11 (g) Deputize interested individuals for the enforcement of the laws,
12 rules and regulations governing conduct in the BPNM and its buffer zone.

13 The DENR, through the RED for Region 1, shall exercise authority over
14 the PAMB to ensure that it acts within the scope of its powers and functions. In
15 case of a conflict between administrative orders of national application issued
16 by the DENR pursuant to the NIPAS Act and other pertinent laws and the rules
17 and regulations issued by the PAMB, the PAMB shall notify the DENR
18 Secretary who shall decide whether to apply the rule or withdraw its
19 application in the BPNM. The decision of the DENR Secretary shall be guided
20 by a preference for local initiatives and specific policies enacted by the PAMB.
21 The decision of the DENR Secretary may be raised on appeal to the Regional
22 Trial Court that has jurisdiction over the BPNM.

23 SEC. 9. *The Protected Area Superintendent Office.* -- There is hereby
24 established a Protected Area Superintendent (PASu) Office in charge of the
25 management, protection and administration of the BPNM. The PASu shall be
26 supported by the existing personnel of the DENR. The head of office shall be
27 the chief operating officer of the BPNM and shall be accountable to the DENR

1 RED for Region 1 and the PAMB. The PASu shall have the following powers
2 and functions:

3 (a) Prepare the initial and subsequent management plan as herein
4 provided;

5 (b) Serve as the secretariat for the PAMB with the duty to provide the
6 PAMB with all the needed information in making appropriate decisions when
7 necessary;

8 (c) Establish a productive partnership with the local community,
9 including groups interested in the achievement of the herein goals and
10 objectives, and in the planning, protection and management of the BPNM;

11 (d) Develop and implement a park information, education and visitor
12 program;

13 (e) Enforce the laws, rules and regulations relevant to the BPNM and
14 assist in the prosecution of offenses;

15 (f) Monitor all activities within the BPNM to ensure compliance with
16 the management plan; and

17 (g) Perform such other functions as the PAMB may assign.

18 SEC. 10. *Management Plan.* – Within one (1) year from the effectivity
19 of this Act and in accordance with the General Management Planning Strategy
20 as provided for in the NIPAS Act, the PASu, in coordination with the local
21 communities, appropriate offices of the DENR, LGUs, NGOs, and people's
22 organizations (POs), shall prepare a management plan. The management plan
23 shall contain, among others, the following:

24 (a) The category of the protected area;

25 (b) Period of applicability of the plan;

26 (c) Key management issues;

27 (d) Goals and objectives of management in support of Section 2 hereof;

28 (e) Site management strategy;

1 (f) Major management activities such as, but not limited to,
2 enforcement of laws, habitat and wildlife management, sustainable use
3 management, infrastructure development and maintenance, fire and pest
4 control, etc.;

5 (g) Zoning; and

6 (h) Visitor management programs.

7 The management plan shall be reviewed, approved, and adopted by the
8 PAMB and shall be certified to by the DENR Secretary that it conforms to all
9 laws, rules and regulations of national application issued by the DENR. In no
10 case shall the DENR revise or modify the management plan without prior
11 consultation with the PAMB.

12 One (1) year before the expiration of the initial management plan, the
13 PASu shall cause the publication of notices for comments and suggestions on
14 the subsequent management plan in a newspaper of local circulation and the
15 posting of such notices in the provincial, municipal and barangay halls and in
16 three (3) other areas frequented by the public. Public hearings may be
17 conducted on the subsequent management plan upon the written request of any
18 interested party. The plan shall be prepared in the language understood in the
19 area and shall be made available to the public during the period for comments.

20 In the event that no subsequent management plan is adopted upon the
21 expiration of the initial management plan, the latter shall remain in force
22 subject to interim modifications that may be adopted by the PAMB.

23 SEC. 11. *Bessang Pass Natural Monument Protected Area Fund.* –

24 There is hereby established a trust fund to be known as the Bessang Pass
25 Natural Monument Protected Area Fund, hereinafter referred to as the Fund,
26 for purposes of financing projects of the BPNM. All income generated from
27 the operation or management of wild flora and fauna in the BPNM shall accrue
28 to the Fund. These income shall be derived from the visitor/tourist fees, fees

1 from permitted sale and export of flora and fauna and other resources from the
2 BPNM, proceeds from registration and lease of multiple-use areas including
3 tourism concessions, contributions from industries and facilities directly
4 benefiting from the protected area and such other fees and incomes derived
5 from its operation.

6 The Fund may be augmented by grants, donations, endowment from
7 various resources, domestic or foreign, for purposes related to their functions:
8 *Provided*, That the Fund shall be subject to the retention by the PAMB of the
9 protected area, of seventy-five percent (75%) of all revenues raised therefrom
10 and deposited in any government bank within the locality where the protected
11 area is located; and that disbursements shall be made solely for the protection,
12 maintenance, administration, and management of the area and implementation
13 of duly approved projects endorsed by the PAMB in accordance with existing
14 accounting, auditing and budgeting rules and regulations: *Provided, further*,
15 That twenty-five percent (25%) of the revenues shall be deposited as a special
16 account in the National Treasury: *Provided, finally*, That the Fund shall not be
17 used to cover personal services expenditures.

18 The LGUs shall continue to impose and collect all other fees not
19 enumerated herein which they have traditionally collected, such as business
20 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may
21 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
22 shall be determined based on the contribution of the LGUs in the maintenance
23 and protection of the protected area.

24 SEC. 12. *Facilities Within the Protected Area.* – Within sixty (60)
25 days from the effectivity of this Act, the owners, operators or public officers in
26 charge of major existing facilities such as roads, buildings, water systems,
27 transmission lines, communication facilities, heavy equipment and irrigation
28 facilities within the boundaries of the BPNM shall submit a project description

1 to the PAMB through the PASu, and with the help of the DENR, the PAMB
2 shall determine whether the present and future existence, operations and plans
3 of a facility is detrimental to the BPNM or conditions for its continued
4 operation shall be imposed. If any such conditions, once imposed, are violated,
5 the owner of the facility shall be liable to pay a fine of five thousand pesos
6 (P5,000.00) for every violation. Upon reaching a total fine of five hundred
7 thousand pesos (P500,000.00), the PAMB, through the PASu and other
8 deputized government entities, shall cause the cessation and demolition of the
9 facility at the cost of its owner.

10 Existing facilities allowed to remain within the BPNM may be charged a
11 reasonable royalty by the DENR. All income from such royalty shall accrue to
12 the Fund.

13 SEC. 13. *Utilization of Nonrenewable Resources.* – Any exploitation
14 and utilization of nonrenewable resources within the BPNM shall be allowed
15 only upon the approval of the PAMB and shall be subject to the Environmental
16 Impact Assessment (EIA) System.

17 SEC. 14. *Indigenous Peoples Rights.* – Ancestral domains and the
18 customary rights and interests of indigenous communities located within any
19 area of the BPNM shall be accorded due recognition and respect. The
20 preservation of ancestral domains and customary rights shall be considered as
21 one of the management objectives of this Act.

22 The evaluation of ancestral domain claims within the BPNM shall be
23 conducted in accordance with Republic Act No. 8371, in coordination with the
24 DENR and other concerned groups.

25 SEC. 15. *Tenured Migrants.* – Persons who have actually and
26 continuously occupied a portion of the BPNM five (5) years before the
27 effectivity of the NIPAS Act and whose livelihood are solely dependent on that
28 area shall be considered as tenured migrants in the BPNM.

1 For the purpose of official documentation, recognition of rights and
2 determination of the extent of occupation within the BPNM, a tenured migrant
3 shall be issued a tenurial instrument over the area being occupied or cultivated.
4 However, in areas that are designated as zones in which no occupation or other
5 human activities are allowed, a provision for the transfer of tenured migrants to
6 multiple-use zones or the buffer zone shall be undertaken.

7 Upon the cancellation of a tenured migrant instrument for cause,
8 abandonment or by voluntary surrender of rights, the PASu shall take
9 immediate steps to rehabilitate or restore the area to its natural state.

10 SEC. 16. *Prohibited Acts and Penalties.* – The following acts are
11 hereby prohibited within the BPNM:

12 (a) Hunting, destroying, disturbing or mere possession of any plant or
13 animal or product derived therefrom without a permit from the PAMB;

14 (b) Dumping of any waste product detrimental to the BPNM, or to the
15 plants, animals or inhabitants therein;

16 (c) Using any motorized equipment without a permit from the PAMB;

17 (d) Mutilating, defacing or destroying objects of natural beauty, or
18 objects of interest to cultural communities;

19 (e) Damaging and leaving roads and trails in a damaged condition;

20 (f) Squatting, mining or otherwise occupying any land;

21 (g) Constructing or maintaining any kind of structure, fence or
22 enclosure or conducting any business enterprise without a permit from the
23 PAMB;

24 (h) Leaving exposed or in unsanitary condition refuse or debris or
25 depositing the same in the grounds or in bodies of water; and

26 (i) Altering, removing, destroying or defacing boundary marks or
27 signs.

1 Whoever violates this Act or the rules and regulations issued by the
2 DENR or the PAMB pursuant to this Act, or whoever is found guilty by a
3 competent court of justice of any of the offenses in the preceding paragraph
4 shall be fined the amount of not less than five thousand pesos (P5,000.00) nor
5 more than five hundred thousand pesos (P500,000.00), exclusive of the value
6 of the thing damaged, or imprisonment for not less than one (1) year but not
7 more than six (6) years, or both, as determined by the court: *Provided*, That if
8 the area requires rehabilitation or restoration as determined by the court, the
9 offender shall also be required to restore it or pay for the cost of its restoration:
10 *Provided, further*, That the court shall order the eviction of the offender from
11 the area and the forfeiture in favor of the government of all minerals, timber, or
12 any species collected or removed, including all equipment, devices and
13 firearms used in connection therewith and any construction or improvement
14 made thereon by the offender. If the offender is an association or corporation,
15 the president or manager shall be directly responsible for the act of their
16 employees and laborers: *Provided, finally*, That the DENR may impose
17 administrative fines and penalties consistent with this Act.

18 SEC. 17. *Special Prosecutor.* – Within thirty (30) days from the
19 effectivity of this Act, the Secretary of Justice shall appoint a special
20 prosecutor to whom all cases for violation of laws, rules and regulations in the
21 BPNM shall be assigned. In the prosecution of cases, the special prosecutor
22 shall coordinate with the PAMB and the PASu and shall assist in the training
23 of wardens and rangers in arrest and criminal procedures.

24 SEC. 18. *Reporting Responsibility.* – The PASu, through the PAMB,
25 shall be responsible for the preparation of accomplishment reports and other
26 activities undertaken in the BPNM for submission to the DENR Secretary.

1 SEC. 19. *Appropriations.* – The Secretary of the DENR shall
2 immediately include in the Department's program the implementation of this
3 Act, the funding of which shall be included in the annual General
4 Appropriations Act.

5 SEC. 20. *Separability Clause.* – If any part or section of this Act is
6 declared unconstitutional, such declaration shall not affect other parts or
7 sections hereof.

8 SEC. 21. *Repealing Clause.* – The provisions of the NIPAS Act are
9 hereby modified in accordance with the provisions herein. All other laws, rules
10 and regulations inconsistent with this Act are hereby repealed or modified
11 accordingly.

12 SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after
13 its publication in the *Official Gazette* or in a newspaper of general circulation.
14 It shall likewise be posted in a conspicuous place at the Municipal Hall of
15 Cervantes, Ilocos Sur, in the barangay where the protected area is located and
16 in other places frequented by the public.

Approved,

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