



HOUSE OF REPRESENTATIVES

H. No. 9326

BY REPRESENTATIVES HOFER, BARZAGA AND YAP (E.), PER COMMITTEE REPORT NO. 949

**“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 AREA 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 the House of Representatives of the
Philippines in Congress assembled:*

ARTICLE I

GENERAL PROVISIONS

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3 **SECTION 1. Title.** – This Act shall be known as the “Naga-Kabasalan
4 Protected Landscape Act”.

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

12 In recognition of the richness of the biological resources, both flora and
13 fauna, that are native and distinct to Naga and Kabasalan, as well as their

1 aesthetic and ecological importance, a parcel of land located in the Municipalities
2 of Naga and Kabasalan, in the Province of Zamboanga Sibugay, and covering the
3 Tipan and Busyawan Watersheds, is hereby declared a protected area with the
4 category of protected landscape, and shall hereinafter be referred to as the Naga-
5 Kabasalan Protected Landscape (NKPL). As such, the State shall ensure the
6 conservation, protection, management and rehabilitation of the area. It is likewise
7 recognized that effective administration of this area is possible only through
8 cooperation among national government, local government units (LGUs),
9 concerned nongovernmental organizations (NGOs), private entities and local
10 communities. The use and enjoyment of this area must be consistent with the
11 principles of biological diversity and sustainable development.

12 Towards this end, the State shall ensure the full implementation of this Act,
13 the mobilization of resources for the institutional mechanisms herein established,
14 and the full scientific and technical support needed for the conservation of
15 biodiversity and the integrity of the ecosystems, culture and indigenous practices.

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

- 17 a. *Buffer zones* refer to identified areas outside the boundaries of and
18 immediately adjacent to designated protected areas that need special
19 development control in order to avoid or minimize harm to the protected
20 area;
- 21 b. *Conservation* refers to any act or acts of preservation and sustainable
22 utilization of wildlife or maintenance, restoration and enhancement of
23 habitats;
- 24 c. *Indigenous cultural communities (ICCs)/Indigenous peoples (IPs)* refer to
25 groups of people sharing common bonds of language, customs, traditions,
26 and other distinctive cultural traits, and who have, since time immemorial
27 occupied, possessed and utilized a territory;
- 28 d. *National park* refers to land of the public domain classified as such in the
29 Constitution which includes all areas under the NIPAS, primarily
30 designated for the conservation of native plants and animals, their
31 associated habitats and cultural diversity;
- 32 e. *Protected area* refers to an identified portion of land and water set aside by

1 reason of its unique physical and biological significance, managed to
2 enhance biological diversity and protected against destructive human
3 exploitation;

4 f. *Protected landscape* refers to an area where the interaction of people and
5 nature over a period of time has produced an area of distinct character with
6 significant ecological, biological, cultural and scenic value and where the
7 safeguarding of the integrity of this interaction is vital to protecting and
8 sustaining the area and its associated nature conservation and other values;
9 and

10 g. *Tenured migrants* refer to protected area occupants who have been actually,
11 continuously and presently occupying a portion of the protected area for five
12 (5) years before the proclamation or law establishing the same as a
13 protected area, and are solely dependent therein for subsistence;

14 **SEC. 4. Classification as a National Park.** – The NKPL is comprised of
15 a parcel of land of the public domain located in the Municipalities of Naga and
16 Kabasalan, in the Province of Zamboanga Sibugay, and covering the Tipan and
17 Busyawan Watersheds. All lands of the public domain within the coverage and
18 scope of the NKPL shall fall under the classification of national park as provided
19 for in Article XII, Section 3 of the Constitution.

20 **SEC. 5. Scope and Coverage.** – The boundaries of the NKPL are more
21 particularly described as the area beginning at a point marked “1” on plan, which
22 is N 22° 10’ 10” E, 4,975.084 meters from PRS92 “ZSI-34” with geographic
23 coordinates of 07° 50’ 35.33894” Latitude and 122° 43’ 4.49351” Longitude located
24 at Barangay Santa Clara, Municipality of Naga, Province of Zamboanga Sibugay,

25	thence	N 15°41’15” W	1027.743	meters to corner 2;
26	thence	N 35°28’06” W	1676.499	meters to corner 3;
27	thence	N 35°55’27” E	517.062	meters to corner 4;
28	thence	N 35°29’46” W	314.195	meters to corner 5;
29	thence	N 35°48’59” E	764.172	meters to corner 6;
30	thence	N 16°05’20” E	715.774	meters to corner 7;
31	thence	N 81°29’35” W	996.21	meters to corner 8;
32	thence	N 35°52’08” W	722.914	meters to corner 9;

1	thence	N 09°35'25" E	849.187	meters to corner 10;
2	thence	N 01°16'50" E	465.826	meters to corner 11;
3	thence	N 79°08'17" E	1327.033	meters to corner 12;
4	thence	N 87°55'03" E	1158.644	meters to corner 13;
5	thence	N 89°25'12" E	2080.079	meters to corner 14;
6	thence	S 89°43'46" E	3566.308	meters to corner 15;
7	thence	N 89°54'32" E	2648.389	meters to corner 16;
8	thence	S 42°52'44" W	482.645	meters to corner 17;
9	thence	S 12°02'07" W	848.104	meters to corner 18;
10	thence	S 67°19'10" W	305.745	meters to corner 19;
11	thence	S 59°44'37" W	233.975	meters to corner 20;
12	thence	S 44°12'15" W	857.531	meters to corner 21;
13	thence	S 44°36'46" W	881.287	meters to corner 22;
14	thence	S 11°13'44" W	583.8	meters to corner 23;
15	thence	S 48°46'07" W	498.278	meters to corner 24;
16	thence	S 71°01'47" W	284.946	meters to corner 25;
17	thence	S 30°12'12" W	326.413	meters to corner 26;
18	thence	S 57°11'19" E	380.739	meters to corner 27;
19	thence	S 02°45'33" W	349.875	meters to corner 28;
20	thence	S 56°14'37" W	1007.79	meters to corner 29;
21	thence	S 16°23'22" E	223.829	meters to corner 30;
22	thence	S 35°17'36" W	918.23	meters to corner 31;
23	thence	S 61°12'48" W	437.18	meters to corner 32;
24	thence	S 67°37'12" W	464.451	meters to corner 33;
25	thence	S 04°37'27" E	1148.988	meters to corner 34;
26	thence	S 73°18'03" W	439.586	meters to corner 35;
27	thence	S 83°43'03" W	461.714	meters to corner 36;
28	thence	S 62°39'00" W	274.941	meters to corner 37;
29	thence	S 81°27'17" W	386.877	meters to corner 38;
30	thence	S 81°27'17" W	434.867	meters to corner 39;
31	thence	S 62°21'14" W	499.078	meters to corner 40;
32	thence	N 58°17'06" W	440.513	meters to corner 41;

1	thence	N 58°41'45" W	364.662	meters to corner 42;
2	thence	N 41°38'01" W	253.504	meters to corner 43;
3	thence	N 33°10'43" W	261.592	meters to corner 44;
4	thence	N 65°05'43" W	129.98	meters to corner 45;
5	thence	N 52°01'42" W	218.985	meters to corner 46;
6	thence	N 50°05'32" W	301.894	meters to corner 47;
7	thence	N 39°39'24" W	415.637	meters to corner 1,

8 and comprises five thousand five hundred five and 45/100 (5,505.45) hectares,
9 more or less.

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

17 **ARTICLE II**

18 **MANAGEMENT MECHANISMS**

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

- 23 a. DENR Regional Executive Director for Region IX, as Chairperson;
- 24 b. Governor of the Province of Zamboanga Sibugay or a duly authorized
25 representative;
- 26 c. Senators of the Republic of the Philippines who are duly registered
27 residents of Zamboanga Sibugay, or duly designated representatives,
28 unless the Senators decline the membership in the PAMB;
- 29 d. District Representatives of the Congressional Districts where the NKPL
30 is located, or their duly designated representatives, unless the District
31 Representatives decline the membership in the PAMB;
- 32 e. Mayors of the Municipalities of Naga and Kabasalan, in the Province of

1 Zamboanga Sibugay or their duly authorized representatives;

- 2 f. Chairpersons of the all the *barangays* with territorial jurisdiction over
3 the NKPL;
- 4 g. Regional Directors of the following government agencies, namely:
5 Department of Agriculture (DA), National Economic and Development
6 Authority (NEDA), Department of Science and Technology (DOST),
7 Philippine National Police (PNP), and Department of National Defense
8 (DND);
- 9 h. Three (3) representatives from either NGOs, or people's organizations
10 (POs) based in the Province of Zamboanga Sibugay, duly accredited both
11 by the DENR and the provincial government. The NGOs or POs
12 represented should have been in existence for at least five (5) years and
13 must have a record of accomplishments in the field of protected area
14 management;
- 15 i. At least one (1) but not more than three (3) representatives from all the
16 ICCs/IPs present in the area and recognized by the National
17 Commission on Indigenous Peoples (NCIP);
- 18 j. One (1) representative from an academic institution, preferably from a
19 university or college in the Province of Zamboanga Sibugay, with a
20 record of accomplishments in or related to protected area management;
21 and
- 22 k. One (1) representative from the private sector, preferably a resident of
23 the Province of Zamboanga Sibugay, who is distinguished in a profession
24 or field of interest relevant to the protected area management.

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

30 **SEC. 8. *Functions of the PAMB.*** – The PAMB shall have the following
31 powers and functions:

- 32 a. Oversee the management of the protected area;

- 1 b. Approve policies, plans and programs, proposals, agreements, and other
2 related documents for the management of the protected areas;
- 3 c. Approve the management plan of the protected area and ensure its
4 harmonization with and integration into the Ancestral Domain Sustainable
5 Development and Protection Plan, land use plan and other development
6 plans, public or private, and their implementation;
- 7 d. Adopt a manual of operations to include rules of procedures in the conduct
8 of business, and the creation of committees and their respective terms of
9 reference;
- 10 e. Recommend the députation of appropriate agencies and individuals for the
11 enforcement of the laws, rules and regulations governing the management
12 of the protected area;
- 13 f. Allocate financial resources for the implementation of the management plan
14 and manage the Protected Area Retention Income Account and other funds
15 in accordance with government accounting, budgeting, and auditing rules
16 and regulations;
- 17 g. Set fees and charges in accordance with existing guidelines;
- 18 h. Issue rules and regulations for the resolution of conflicts through
19 appropriate and effective means;
- 20 i. Recommend appropriate policy changes to the DENR and other government
21 authorities with respect to the management of the NKPL;
- 22 j. Monitor and assess the performance of the Protected Area Superintendent
23 (PASu) and other protected area personnel and compliance of partners with
24 the terms and conditions of any undertaking, contract or agreement relative
25 to any project or activity within the NKPL;
- 26 k. Recommend from among a shortlist of qualified candidates, the designation
27 or appointment of the PASu; and
- 28 l. Assess the effectiveness of the management of the protected area: *Provided,*
29 That the members of the PAMB representing the LGUs and national
30 agencies shall inform their respective constituents, offices or sectors, of
31 PAMB-approved or other relevant policies, rules, regulations, programs,
32 and projects and shall ensure that the provisions of this Act and the rules

1 and regulations issued to implement it are complied with and used as
2 reference and framework in their respective plans, policies, programs, and
3 projects. Failure to comply with the foregoing shall be the basis for
4 disciplinary action against such member according to administrative rules
5 and regulations and such penalties as the PAMB may provide: *Provided,*
6 *further,* That the DENR, through the Regional Director, shall ensure that
7 the PAMB acts within the scope of its powers and functions. In case of
8 conflict between the resolutions issued by the PAMB and the existing
9 administrative orders of national application, the latter shall prevail.

10 **SEC. 9. *The Protected Area Management Office (PAMO).*** — There is
11 hereby established a Protected Area Management Office (PAMO) to be headed by
12 a Protected Area Superintendent (PASu) who shall supervise the day to day
13 management, protection, and administration of the NKPL. The PASu shall hold
14 a permanent plantilla position and shall be appointed by the DENR Secretary. A
15 sufficient number of support staff with permanent plantilla positions shall
16 likewise be appointed by the DENR Secretary to assist the PASu in the
17 management of the protected area.

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

- 21 a. Prepare the management plan, in consultation with the stakeholders,
22 including the annual work and financial plan and ensure its
23 implementation;
- 24 b. Ensure the integration of the protected area management plans, programs,
25 projects, and policies with relevant national and LGUs' plans and programs;
- 26 c. Provide secretariat services to the PAMB and its committees and ensure the
27 availability of relevant and timely information for decision-making;
- 28 d. Formulate and recommend to the PAMB proposed policies, rules,
29 regulations, and programs;
- 30 e. Establish, operate, and maintain a database management system which
31 shall be an important basis for decision-making;

- 1 f. Enforce the laws, rules and regulations relevant to the protected area,
2 commence and institute administrative and legal actions in collaboration
3 with other government agencies or organizations, and assist in the
4 prosecution of offenses committed in violation of the provisions of this Act;
5 g. Monitor, evaluate, and report the implementation of management activities
6 of the protected area;
7 h. Request for and receive any technical assistance, support or advice from any
8 agency or instrumentality of the government as well as academic
9 institutions, NGOs, and the private sector, as may be necessary for the
10 effective management, protection and administration of the protected area;
11 i. Issue permits and clearances for activities that implement the management
12 plan and other permitted activities in accordance with terms, conditions,
13 and criteria established by the PAMB: *Provided*, That all permits for
14 extraction of natural resources, including collection of wildlife, and its by-
15 products or derivatives for research purposes, shall continue to be issued by
16 relevant authorities, subject to prior clearance from the PAMB, through the
17 PASu, in accordance with the specific acts to be covered;
18 j. Collect and receive pertinent fees, charges, donations, and other income for
19 the protected area: *Provided*, That such fees, charges, donations, and other
20 income collected and received shall be reported regularly to the PAMB and
21 the DENR in accordance with existing guidelines;
22 k. Prepare and recommend to the PAMB, approval of the annual work and
23 financial plans of the protected area based on the management plan; and
24 l. Perform such other functions as the PAMB and the DENR may assign.

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

28 ARTICLE III

29 PROCEEDS AND FEES

30 SEC. 10. *The Naga-Kabasalan Protected Landscape Fund.* – There is
31 hereby established a trust fund to be known as the Naga-Kabasalan Protected
32 Landscape Fund for purposes of financing projects of the NKPL and the NIPAS.

1 All income generated from the operation and management of wild flora and fauna
2 in the NKPL shall accrue to the fund. The income shall be derived from fees from
3 permitted sale and export of flora and fauna and other resources from the NKPL
4 proceeds from lease of multiple-use areas, contributions from industries and
5 facilities directly benefiting from the NKPL, and such other fees and income
6 derived from the operation of the NKPL.

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

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

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

26 ARTICLE IV

27 TRANSITORY AND MISCELLANEOUS PROVISIONS

28 **SEC. 11. Appropriations.** – The Secretary of the DENR shall immediately
29 include in the Department's program the implementation of this Act, the funding
30 of which shall be included in the annual General Appropriations Act.

31 **SEC. 12. Suppletory Application of the NIPAS Law.** – The provisions
32 of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have

1 suppletory application to this Act.

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

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

11 **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders, rules
12 and regulations, issuance or parts thereof inconsistent with the provisions of this
13 Act are hereby repealed or modified accordingly.

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

16 *Approved,*