

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

Senate
Office of the Secretary

'22 JUL 12 A11 :14

SENATE

S. No. 356



Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE CITY OF GAPAN AND MUNICIPALITY OF GENERAL TINIO IN THE PROVINCE OF NUEVA ECIJA, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO AS THE MINALUNGAO PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

EXPLANATORY NOTE

Under the 1987 Philippine Constitution, it is a declared state policy that the State "shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."¹ In line with safeguarding a healthful ecology, the Constitution likewise provides that Congress shall determine the national parks, which shall be conserved and may not be increased nor diminished, except by law.²

Pursuant to the said constitutional provisions, the National Integrated Protected Areas System (NIPAS) was established by virtue of Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "Expanded NIPAS Act of 2018". Cognizant of the exacting impact of diverse human activities on all components of the natural environment, the NIPAS Act declared it the policy of the State "to secure for the Filipino people of present and future generations the

¹ Article II, Section 16, 1987 Philippine Constitution

² Article XII, Sec. 3, 1987 Philippine Constitution

perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.” The system shall encompass ecologically rich, unique and biologically important areas that are habitats of threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas'.³

Presently, as of July 1, 2022 there are already 113 protected areas in the Philippines that have been so declared through legislation. And yet, based on the records and various suitability assessments by the Biodiversity Management Bureau (BMB) of the Department of Environment and Natural Resources (DENR), there are still numerous sites in the country that have to be given 'protected area' status, by legislative action, in order to ensure its conservation.

Republic Act No. 5100 was enacted on June 17, 1967 establishing the Minalungao National Park in the Province of Nueva Ecija, a parcel of the public domain situated within the territorial jurisdictions of the City of Gapan and the Municipality of General Tinio. Considered as one of the few remaining natural environments in Region 3 and home to a diverse and large number of wildlife, flora and fauna, there is a need to fully protect and preserve the Minalungao National Park from threats to its biological diversity.

The 2,018-hectare Minalungao National Park is a well-known tourist spot in Nueva Ecija and Central Luzon. The unique features of the Minalungao National Park—the river and its natural rock formation—make it an awesome place to visit. It is dissected by the Sumacbao River in almost equal halves. The Sumacbao River flowing between the towering rocks of Minalungao National Park has an approximate width of 10 feet. The river is the main source of water in the area and is used for bathing and washing, and other domestic use. It also provides water for small farms of sustenance farmers. The river is also used for transportation through small bancas

³ Section 2, RA No. 7586, as amended by RA 11038

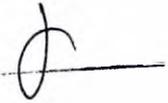
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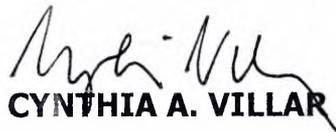
³ Section 2, RA No. 7586, as amended by RA 11038

and bamboo or wooden raft. More importantly, the river provides an abundant supply of freshwater fish like biya, eel and shrimp.⁴

The Minalungao National Park is also inhabited by humans, making farming as a way of life in the area. With only sustenance farming allowed, ecotourism was introduced and started to gain traction. Livelihood sources, such as tour guiding; renting out kiosks, swimming equipment, such as kayak and life vests; boating; putting up a sari-sari store and a souvenir shop were made available to the residents. Some of the household members work as drivers, construction workers, tourism staff and local government employees on a contractual basis. To protect the Minalungao National Park, the DENR implements the Lawin Program. Through the Lawin monitoring system that makes use of a mobile application, forest protectors immediately learn if there's an illegal activity and immediately report it to authorities.⁵

Filed by Rep. Maricel G. Natividad-Nagaño of the 4th District of Nueva Ecija, the house bill declaring Minalungao a protected area was passed by the House of Representatives on May 23, 2022 during the previous 18th Congress; however, due to lack of material time, the Senate was not able to timely act on the bill. This 19th Congress, I see the wisdom of filing a counterpart in the Senate and push for the passage of this bill.

In view of the foregoing, I recommend the approval of this measure.


CYNTHIA A. VILLAR

⁴ <https://businessmirror.com.ph/2021/07/11/minalungao-national-park-nueva-ecijas-best-kept-secret/>

⁵ Ibid

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

1 Section 1. *Title.* – This Act shall be known as the “Minalungao Protected
2 Landscape Act”.

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

9 In recognition of the richness of the biological resources, both flora and
10 fauna, that are native and distinct to a parcel of land located in the City of Gapan
11 and the Municipality of General Tinio, in the Province of Nueva Ecija, as well as their
12 aesthetic and ecological importance, the said area is hereby declared a protected

1 area under the category of protected landscape, and shall hereinafter be referred to
2 as the Minalungao Protected Landscape (MPL). As such, the State shall ensure the
3 conservation, protection, management and rehabilitation of the area. It is likewise
4 recognized that effective administration of this area is possible only through
5 cooperation among national government, local government units (LGUs), concerned
6 nongovernmental organizations (NGOs), private entities and local communities. The
7 use and enjoyment of this area shall be consistent with the principles of biological
8 diversity and sustainable development.

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

13 *Sec. 3. Definition of Terms. – As used in this Act:*

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

1 e) *Protected area* refers to an identified portion of land and water set
2 aside by reason of its unique physical and biological significance,
3 managed to enhance biological diversity and protected against
4 destructive human exploitation;

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

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

14 Sec. 4. *Classification as a National Park.* – The MPL is comprised of a parcel
15 of land of the public domain located in the City of Gapan and the Municipality of
16 General Tinio, in the Province of Nueva Ecija. All lands of the public domain within
17 the coverage and scope of the MPL shall fall under the classification of national park
18 as provided for in Article XII, Section 3 of the Constitution.

19 Sec. 5. *Scope and Coverage.* – The boundaries of MPL are more particularly
20 described as the area beginning at a point marked "1" on the Map, which is S 06°
21 24' W, 1684.09 meters from PRS 92 "NEJ 78 (NE-3)" with geographic coordinates of
22 15°18'53.35653" Latitude and 121°07'07.875" Longitude located at Barangay
23 Kapotatang, Municipality of General Tinio, Province of Nueva Ecija,

24 thence N 09°26' W 149.12 meters to corner 2;

25 thence N 14°00' W 520.00 meters to corner 3;

26 thence N 69°00' E 550.00 meters to corner 4;

27 thence S 12°00' W 150.00 meters to corner 5;

1	thence	S 18°00' W	263.00	meters to corner 6;
2	thence	S 32°00' E	150.00	meters to corner 7;
3	thence	N 39°00' E	150.00	meters to corner 8;
4	thence	N 33°00' E	275.00	meters to corner 9;
5	thence	N 14°00' E	375.00	meters to corner 10;
6	thence	N 41°00' E	425.00	meters to corner 11;
7	thence	N 50°00' E	250.00	meters to corner 12;
8	thence	N 05°00' W	325.00	meters to corner 13;
9	thence	N 08°00' E	425.00	meters to corner 14;
10	thence	N 11°00' E	413.00	meters to corner 15;
11	thence	N 06°00' E	438.00	meters to corner 16;
12	thence	N 90°00' E	4000.00	meters to corner 17;
13	thence	S 00°00' W	1950.00	meters to corner 18;
14	thence	S 00°00' W	2378.00	meters to corner 19;
15	thence	S 90°00' W	5000.00	meters to corner 20;
16	thence	N 19°24' W	499.08	meters to corner 21;
17	thence	N 10°10' E	153.99	meters to corner 22;
18	thence	N 19°44' E	218.18	meters to corner 23;
19	thence	N 21°55' W	192.24	meters to corner 24;
20	thence	N 35°08' W	267.94	meters to corner 1,

21 and comprises two thousand eighteen (2,018) hectares, more or less.

- 1 g) Regional Directors of the following government agencies, namely: the
2 Department of Agriculture, National Economic and Development
3 Authority, Department of Science and Technology, the Philippine
4 National Police, Department of National Defense, and Department of
5 Tourism;
- 6 h) Three (3) representatives from either NGOs, or people's organizations
7 (POs) based in the Province of Nueva Ecija, duly accredited both by the
8 DENR and the provincial government. The NGOs or POs represented
9 should have been in existence for at least five (5) years and with track
10 record in or related to protected area management;
- 11 i) At least one (1) but not more than three (3) representatives from all
12 the indigenous cultural communities/ indigenous peoples present in the
13 area and who are recognized by the National Commission on
14 Indigenous Peoples;
- 15 j) One (1) representative from an academic institution, preferably from a
16 university or college in the Province of Nueva Ecija, with a record of
17 accomplishments in or related to protected area management; and
- 18 k) One (1) representative from the private sector, preferably a resident of
19 the Province of Nueva Ecija, who is distinguished in a profession or
20 field of interest relevant to the management of the protected area.

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

26 *Sec. 8. Functions of the PAMB.* – The PAMB shall have the following powers
27 and functions:

- 28 a) Oversee the management of the MPL;

- 1 b) Approve policies, plans and programs, proposals, agreements, and
2 other related documents for the management of the MPL;
- 3 c) Approve the management plan of the MPL and ensure its
4 harmonization with and integration into the Ancestral Domain
5 Sustainable Development and Protection Plan, land use plan and other
6 development plans, public or private, and their implementation;
- 7 d) Adopt a manual of operations to include rules of procedures in the
8 conduct of business, and the creation of committees and their
9 respective terms of reference;
- 10 e) Recommend the deputation of appropriate agencies and individuals for
11 the enforcement of the laws, rules and regulations governing the
12 management of the MPL;
- 13 f) Allocate financial resources for the implementation of the management
14 plan and manage the Protected Area Retention Income Account and
15 other funds in accordance with government accounting, budgeting, and
16 auditing rules 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
21 government authorities with respect to the management of the MPL;
- 22 j) Monitor and assess the performance of the Protected Area
23 Superintendent and other protected area personnel and compliance of
24 partners with the terms and conditions of any undertaking, contract or
25 agreement relative to any project or activity within the MPL;
- 26 k) Recommend from among a shortlist of qualified candidates, the
27 designation or appointment of the Protected Area Superintendent; and

1 l) Assess the effectiveness of the management of the MPL: *Provided,*
2 That the members of the PAMB representing the LGUs and national
3 agencies shall inform their respective constituents, offices or sectors, of
4 PAMB-approved or other relevant policies, rules, regulations, programs,
5 and projects and shall ensure that the provisions of this Act and the
6 rules and regulations issued to implement it are complied with and
7 used as reference and framework in their respective plans, policies,
8 programs, and projects. Failure to comply with the foregoing shall be
9 the basis for disciplinary action against such member according to
10 administrative rules and regulations and such penalties as the PAMB
11 may provide: *Provided, further,* That the DENR, through the Regional
12 Director, shall ensure that the PAMB acts within the scope of its powers
13 and functions. In case of conflict between the resolutions issued by the
14 PAMB and the existing administrative orders of national application, the
15 latter shall prevail.

16 Sec. 9. *The Protected Area Management Office.* – There is hereby
17 established a Protected Area Management Office (PAMO) to be headed by a
18 Protected Area Superintendent (PASu) who shall supervise the day to day
19 management, protection, and administration of the MPL. The PASu shall hold a
20 permanent plantilla position and shall be appointed by the DENR Secretary. A
21 sufficient number of support staff with permanent plantilla positions shall likewise be
22 appointed by the DENR Secretary to assist the PASu in the management of the MPL.

23 The PASu shall be primarily accountable to the PAMB and the DENR for the
24 management and operations of the MPL. Pursuant thereto, the PASu shall have the
25 following duties and responsibilities:

26 a) Prepare the management plan, in consultation with the stakeholders,
27 including the annual work and financial plan and ensure its
28 implementation;

- 1 b) Ensure the integration of relevant national and LGU plans and
2 programs into MPL management plans, programs, projects, and
3 policies;
- 4 c) Provide secretariat services to the PAMB and its committees and ensure
5 the availability of relevant and timely information for decision-making;
- 6 d) Formulate and recommend to the PAMB proposed policies, rules,
7 regulations, and programs;
- 8 e) Establish, operate, and maintain a database management system
9 which shall be an important basis for decision-making;
- 10 f) Enforce the laws, rules and regulations relevant to the MPL, commence
11 and institute administrative and legal actions in collaboration with other
12 government agencies or organizations, and assist in the prosecution of
13 offenses committed in violation of the provisions of this Act;
- 14 g) Monitor, evaluate, and report on the implementation of management
15 activities of the MPL;
- 16 h) Request for and receive any technical assistance, support or advice
17 from any agency or instrumentality of the government as well as
18 academic institutions, NGOs, and the private sector, as may be
19 necessary for the effective management, protection and administration
20 of the MPL;
- 21 i) Issue permits and clearances for activities that implement the
22 management plan and other permitted activities in accordance with
23 terms, conditions, and criteria established by the PAMB: Provided, That
24 all permits for extraction of natural resources for research purposes,
25 including the collection of wildlife and its by-products or derivatives,
26 shall specify the acts to be authorized, and shall continue to be issued
27 by relevant authorities, subject to prior clearance from the PAMB,
28 through the PASu;

- 1 j) Collect and receive pertinent fees, charges, donations, and other
2 income for the MPL: Provided, That such fees, charges, donations, and
3 other income collected and received shall be reported regularly to the
4 PAMB and the DENR in accordance with existing guidelines;
- 5 k) Prepare and recommend to the PAMB, approval of the annual work and
6 financial plans of the protected area based on the management plan;
7 and
- 8 l) Perform such other functions as the PAMB and the DENR may assign.

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

11 **ARTICLE III**
12 **PROCEEDS AND FEES**

13 *Sec. 10. The Minalungao Protected Landscape Integrated Protected Area*
14 *Fund.* – There is hereby established a trust fund to be known as the Minalungao
15 Protected Landscape Integrated Protected Area Fund (MPL-IPAF) for purposes of
16 financing projects of the MPL and the NIPAS. All income generated from the
17 operation and management of wild flora and fauna in the MPL shall accrue to the
18 MPL-IPAF. The income shall be derived from fees from permitted sale and export of
19 flora and fauna and other resources from the MPL, proceeds from the lease of
20 multiple-use areas, contributions from industries and facilities directly benefiting
21 from the MPL, and such other fees and income derived from the operation of the
22 MPL.

23 The PAMB shall retain seventy-five percent (75%) of all revenues raised
24 through the above means, which shall be deposited to the Protected Area-Retained
25 Income Account (PA-RIA) in any authorized government depository bank within the
26 locality: *Provided*, That disbursements out of such deposits shall be used solely for
27 the protection, maintenance, administration, and management of the protected area
28 and implementation of duly approved projects of the PAMB. The remaining twenty-
29 five percent (25%) of revenues shall be deposited as a special account in the

1 General Fund of the National Treasury for purposes of financing the projects of the
2 NIPAS.

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

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

13 **ARTICLE IV**
14 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

15 Sec. 11. *Appropriations.* – The Secretary of the DENR shall immediately
16 include in the Department's program the implementation of this Act, the funding of
17 which shall be included in the annual General Appropriations Act.

18 Sec. 12. *Suppletory Application of the NIPAS Law.* – The provisions of
19 Republic Act No. 7586, as amended by Republic Act No. 11038, shall have
20 suppletory application to this Act.

21 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from
22 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the
23 local governments of the City of Gapan and Municipality of General Tinio, the
24 provincial government of Nueva Ecija and concerned national government agencies,
25 issue rules and regulations for the effective implementation of this Act.

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

1 Sec. 15. *Repealing Clause.* – All laws, decrees, executive orders, rules and
2 regulations, issuance or parts thereof inconsistent with the provisions of this Act are
3 hereby repealed or modified accordingly.

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

Approved,