

23 MAY 16 P 4 :46

**SENATE**

**S. No. 2204**

RECEIVED BY



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Introduced by **SENATOR CYNTHIA A. VILLAR**

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**AN ACT**

**DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF POLANGUI AND OAS, AND CITIES OF LIGAO AND TABACO, IN THE PROVINCE OF ALBAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO AS THE MT. MASARAGA PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR**

**EXPLANATORY NOTE**

Under the 1987 Philippine Constitution, it is a declared 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."<sup>1</sup> 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.<sup>2</sup>

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

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<sup>1</sup> Article II, Section 16, 1987 Philippine Constitution

<sup>2</sup> Article XII, Sec. 3, 1987 Philippine Constitution

the Filipino people of present and future generations the 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’.<sup>3</sup>

To date, as of May 2023, there are already 114 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.

The attached bill seeks to designate Mt. Masaraga, located in the 3rd District of the Province of Albay, as a protected area under the Expanded National Integrated Protected Areas System (NIPAS). It proposes a more comprehensive scope of protection than the existing Mt. Masaraga Watershed Forest Reserve (MMWFR), which currently focuses on preserving the mountain's utility as a source of water for irrigation, domestic use, and forestry.

The proposed Mt. Masaraga Protected Landscape (MMPL), encompassing 840 hectares, includes barangays from the Municipalities of Oas and Polangui and the Cities of Ligao and Tabaco. At an elevation of 1,328 meters above sea level, Mt. Masaraga is situated northwest of Mayon Volcano. The terrain is characterized by steep, rugged slopes, with roughly 60% of the area susceptible to landslides.

Notably, Mt. Masaraga boasts a rich biodiversity and serves as an essential watershed for the Bicol River Basin. It plays a vital role in supporting agricultural

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<sup>3</sup> Section 2, RA No. 7586, as amended by RA 11038

productivity, sustainable tourism, protection against natural calamities such as typhoons and volcanic eruptions, and providing a clean and sustainable water source.

By declaring Mt. Masaraga a protected area, we can protect it from potential exploitation and damage. This includes harmful activities like kaingin (slash-and-burn agriculture), illegal logging, hunting, land grabbing, and irresponsible trekking. Our goal is to preserve the pristine beauty of the mountain and the diverse array of flora and fauna it harbors.

With the filing of the house bill declaring Mt. Masaraga as a protected landscape by Representative Fernando T. Cabredo of the 3<sup>rd</sup> District of Albay in the House of Representatives, I see the wisdom of filing this counterpart bill in the Senate.

In this connection, I earnestly recommend the approval of this bill.

  
**CYNTHIA A. VILLAR**

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**DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF POLANGUI AND OAS, AND CITIES OF LIGAO AND TABACO, IN THE PROVINCE OF ALBAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO AS THE MT. MASARAGA 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**

1 Section 1. *Title.* – This Act shall be known and referred to as the "Mt. Masaraga  
2 Protected 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 hereby declared the policy  
5 of the State to secure for the Filipino people of present and future generations, the  
6 perpetual existence of all native plants and animals through the declaration of  
7 protected areas under the National Integrated Protected Areas System (NIPAS) within  
8 the classification of national park as provided for in the Constitution.

9 In recognition of the richness of the biological resources, both flora and fauna,  
10 that are native and distinct to Mt. Masaraga, as well as their aesthetic and ecological  
11 importance, the area is hereby declared a protected area under the category of

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

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

13 *Sec. 3. Classification as a National Park.* – The MMPL is comprised of a parcel  
14 of land of the public domain located in the Municipalities of Oas and Polangui, and the  
15 Cities of Ligao and Tabaco, in the Province of Albay, the metes and bounds of which  
16 are described in Section 4 of this Act. All lands of the public domain within the coverage  
17 and scope of the MMPL shall fall under the classification of national park as provided  
18 for in Article XII, Section 3 of the Constitution.

19 *Sec. 4. Scope and Coverage.* – The boundaries of the Mt. Masaraga Protected  
20 Landscape are more particularly described as the area beginning at a point marked  
21 "1" on the Map being S 23° 42' 25" E., 630.514 meters from CBM – 11 with geographic  
22 coordinates of 13° 18' 41.126" N, 123°35'47.394"E with grid coordinates of  
23 1,472,076.895 N, 564,627.987 E located within the boundary of the Municipalities of  
24 Polangui and Oas and the Cities of Ligao and Tabaco,

25	thence	S 83°05' 20" W	694.833	meters to corner	2;
26	thence	S 80°02' 58" W	604.821	meters to corner	3;
27	thence	S 76°33' 05" W	494.314	meters to corner	4;
28	thence	N 59°55' 53" W	229.453	meters to corner	5;

1	thence	N 76°25' 46" W	311.792	meters to corner	6;
2	thence	N 53°14' 02" W	238.608	meters to corner	7;
3	thence	N 28°27' 37" W	479.319	meters to corner	8;
4	thence	N 14°57' 31" E	267.003	meters to corner	9;
5	thence	N 64°14' 48" W	217.535	meters to corner	10;
6	thence	N 34°47' 21" W	227.781	meters to corner	11;
7	thence	N 44°04' 23" W	430.302	meters to corner	12;
8	thence	N 08°06' 56" E	550.965	meters to corner	13;
9	thence	N 42°52' 44" E	319.770	meters to corner	14;
10	thence	N 28°41' 18" W	404.041	meters to corner	15;
11	thence	N 58°15'59" W	351.917	meters to corner	16;
12	thence	N 25°08'47" W	375.082	meters to corner	17;
13	thence	S 58°28' 59" E	621.379	meters to corner	18;
14	thence	N 32°05' 33" E	348.024	meters to corner	19;
15	thence	N 08°25' 37" E	272.801	meters to corner	20;
16	thence	N 45°00' 00" E	254.422	meters to corner	21;
17	thence	N 60°01' 13" E	292.486	meters to corner	22;
18	thence	S 46°58' 53" E	548.430	meters to corner	23;
19	thence	S 40°41' 09" E	1717.299	meters to corner	24;
20	thence	N 53°14'00" E	223.026	meters to corner	25;
21	thence	S 47°15' 53" E	1912.698	meters to corner	26;
22	thence	S 06°49'01" E	233.823	meters to corner	27;
23	thence	S 57°57'45" W	847.692	meters to corner	1,

24 and comprises eight hundred forty and 81/100 (840.81) hectares, more or less.

25 *Sec. 5. Establishment of Buffer Zones.* – The Secretary of the Department of  
26 Environment and Natural Resources (DENR), upon the recommendation of the  
27 Protected Area Management Board created under Section 6 of this Act, may designate  
28 areas surrounding the MMPL as buffer zones for the purpose of providing an extra  
29 layer of protection where restrictions may be applied: Provided, That in cases where

1 the designated buffer zone would cover private lands, the owners thereof shall be  
2 required to design their development with due consideration to the protected area  
3 management plan.

4 **ARTICLE II**  
5 **MANAGEMENT MECHANISMS**

6 *Sec. 6. Protected Area Management Board.* – Within ninety (90) days from the  
7 effectivity of this Act, a Protected Area Management Board (PAMB) shall be created to  
8 oversee the management of the MMPL. The PAMB shall be composed of the following:

- 9 a) DENR Regional Executive Director for Region V, as Chairperson;
- 10 b) Governor of the Province of Albay or a duly authorized representative;
- 11 c) Senators of the Republic of the Philippines who are duly registered  
12 residents of the Province of Albay, or their duly designated  
13 representatives, unless the Senators decline the membership in the  
14 PAMB;
- 15 d) District Representative of the Congressional District where the MMPL is  
16 located, or a duly designated representative, unless the District  
17 Representative declines the membership in the PAMB;
- 18 e) Mayors of the Municipalities of Oas and Polangui, and the Cities of Ligao  
19 and Tabaco, in the Province of Albay or their duly authorized  
20 representatives;
- 21 f) Chairpersons of all the barangays with territorial jurisdiction over the  
22 MMPL;
- 23 g) Regional Directors of the following government agencies, namely:  
24 Department of Agriculture, National Economic and Development  
25 Authority, Department of Science and Technology, Philippine National  
26 Police, Department of National Defense, and Department of Tourism;
- 27 h) Three (3) representatives from either NGOs, or people’s organizations  
28 (POs) based in the Province of Albay, duly accredited both by the DENR

1 and the provincial government. The NGOs or POs represented should  
2 have been in existence for at least five (5) years and with track record  
3 in or related to protected area management;

4 i) At least one (1) but not more than three (3) representatives from all the  
5 indigenous cultural communities/ indigenous peoples present in the area  
6 and recognized by the National Commission on Indigenous Peoples;

7 j) One (1) representative from an academic institution, preferably from a  
8 university or college in the Province of Albay, with proven track record  
9 in or related to protected area management; and

10 k) One (1) representative from the private sector, preferably a resident of  
11 the Province of Albay, who is distinguished in a profession or field of  
12 interest relevant to the management of a protected area.

13 The terms of office of members of the PAMB, as well as the grounds for their  
14 removal shall be in accordance with the provisions of Republic Act No. 7586, otherwise  
15 known as the "National Integrated Protected Areas System Act of 1992" as amended  
16 by Republic Act No. 11038, otherwise known as the "Expanded National Integrated  
17 Protected Areas System Act of 2018".

18 *Sec. 7. Functions of the PAMB.* – The PAMB shall have the following powers and  
19 functions:

20 a) Oversee the management of the MMPL;

21 b) Approve policies, plans and programs, proposals, agreements, and other  
22 related documents for the management of the MMPL;

23 c) Approve the management plan of the MMPL and ensure its  
24 harmonization with and integration into the Ancestral Domain  
25 Sustainable Development and Protection Plan, land use plan and other  
26 development plans, public or private, and their implementation;



- 1 d) Adopt a manual of operations to include rules of procedures in the  
2 conduct of business, and the creation of committees and their respective  
3 terms of reference;
- 4 e) Recommend the deputation of appropriate agencies and individuals for  
5 the enforcement of the laws, rules and regulations governing the  
6 management of the MMPL;
- 7 f) Allocate financial resources for the implementation of the management  
8 plan and manage the Protected Area Retention Income Account and  
9 other funds in accordance with government accounting, budgeting, and  
10 auditing rules and regulations;
- 11 g) Set fees and charges in accordance with existing guidelines;
- 12 h) Issue rules and regulations for the resolution of conflicts through  
13 appropriate and effective means;
- 14 i) Recommend appropriate policy changes to the DENR and other  
15 government authorities with respect to the management of the MMPL;
- 16 j) Monitor and assess the performance of the Protected Area  
17 Superintendent and other protected area personnel and compliance of  
18 partners with the terms and conditions of any undertaking, contract or  
19 agreement relative to any project or activity within the MMPL;
- 20 k) Recommend from among a shortlist of qualified candidates, the  
21 designation or appointment of the Protected Area Superintendent; and
- 22 l) Assess the effectiveness of the management of the MMPL: *Provided,*  
23 That the members of the PAMB representing the LGUs and national  
24 agencies shall inform their respective constituents, offices or sectors, of  
25 PAMB-approved or other relevant policies, rules, regulations, programs,  
26 and projects and shall ensure that the provisions of this Act and the rules  
27 and regulations issued to implement it are complied with and used as  
28 reference and framework in their respective plans, policies, programs,  
29 and projects. Failure to comply with the foregoing shall be the basis for

1 disciplinary action against such member according to administrative rules  
2 and regulations and such penalties as the PAMB may provide: *Provided,*  
3 *further,* That the DENR, through the Regional Director, shall ensure that  
4 the PAMB acts within the scope of its powers and functions. In case of  
5 conflict between the resolutions issued by the PAMB and the existing  
6 administrative orders of national application, the latter shall prevail.

7 *Sec. 8. The Protected Area Management Office.* – There is hereby established  
8 a Protected Area Management Office (PAMO) to be headed by a Protected Area  
9 Superintendent (PASu) who shall supervise the day-to-day management, protection,  
10 and administration of the MMPL. The PASu shall hold a permanent plantilla position  
11 and shall be appointed by the DENR Secretary. A sufficient number of support staff  
12 with permanent plantilla positions shall likewise be appointed by the DENR Secretary  
13 to assist the PASu in the management of the protected area.

14 The PASu shall be primarily accountable to the PAMB and the DENR for the  
15 management and operations of the MMPL. Pursuant thereto, the PASu shall have the  
16 following duties and responsibilities:

- 17 a) Prepare the management plan, in consultation with the stakeholders,  
18 including the annual work and financial plan and ensure its  
19 implementation;
- 20 b) Ensure the integration of relevant national and LGU plans and programs  
21 into MMPL management plans, programs, projects, and policies;
- 22 c) Provide secretariat services to the PAMB and its committees and ensure  
23 the availability of relevant and timely information for decision-making;
- 24 d) Formulate and recommend to the PAMB proposed policies, rules,  
25 regulations, and programs;
- 26 e) Establish, operate, and maintain a database management system which  
27 shall be an important basis for decision-making;
- 28 f) Enforce the laws, rules and regulations relevant to the MMPL, commence

1 and institute administrative and legal actions in collaboration with other  
2 government agencies or organizations, and assist in the prosecution of  
3 offenses committed in violation of the provisions of this Act;

4 g) Monitor, evaluate, and report the implementation of management  
5 activities of the MMPL;

6 h) Request for and receive any technical assistance, support or advice from  
7 any agency or instrumentality of the government as well as academic  
8 institutions, NGOs, and the private sector, as may be necessary for the  
9 effective management, protection and administration of the MMPL;

10 i) Issue permits and clearances for activities that implement the  
11 management plan and other permitted activities in accordance with  
12 terms, conditions, and criteria established by the PAMB: Provided, That  
13 all permits for extraction of natural resources for research purposes,  
14 including the collection of wildlife and its by-products or derivatives, shall  
15 specify the acts to be authorized, and shall continue to be issued by  
16 relevant authorities, subject to prior clearance from the PAMB, through  
17 the PASu;

18 j) Collect and receive pertinent fees, charges, donations, and other income  
19 for the MMPL: *Provided*, That such fees, charges, donations, and other  
20 income collected and received shall be reported regularly to the PAMB  
21 and 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 MMPL 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 natural  
26 resources officers upon the recommendation of the PAMB and approval of the DENR.

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**ARTICLE III  
PROCEEDS AND FEES**

3           Sec. 9. *The Mt. Masaraga Protected Landscape and Seascape Integrated*  
4 *Protected Area Fund.* — There is hereby established a trust fund to be known as the  
5 Mt. Masaraga Protected Landscape Integrated Protected Area Fund (MMPL-IPAF) for  
6 purposes of financing projects of the MMPL and the NIPAS. All income generated from  
7 the operation and management of the MMPL shall accrue to the MMPL-IPAF. The  
8 income shall be derived from fees and charges from the use of resources and facilities  
9 of MMPL, contributions from industries and facilities directly benefiting from the MMPL,  
10 and such other fees and income derived from the operation of the MMPL.

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

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

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

1 **ARTICLE IV**  
2 **PENAL PROVISIONS**

3 Sec. 10. *Prohibited Acts and Penalties.* – The prohibited acts and their  
4 corresponding penalties under Sections 20 and 21 of Republic Act No. 7586, as  
5 amended by Republic Act No. 11038, shall form part of this Act.

6 **ARTICLE V**  
7 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

8 Sec. 11. *Appropriations.* – The Secretary of the DENR shall immediately include  
9 in the Department’s program the implementation of this Act, the funding of which shall  
10 be included in the annual General Appropriations Act.

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

14 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from  
15 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the  
16 local governments of the Municipalities of Oas and Polangui, and the Cities of Ligao  
17 and Tabaco, the provincial government of Albay, and concerned national government  
18 agencies, issue rules and regulations for the effective implementation of this Act.

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

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

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

*Approved,*