



HOUSE OF REPRESENTATIVES

H. No. 8202

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BY REPRESENTATIVES BARZAGA, CO (E.) AND CABREDO, PER COMMITTEE REPORT NO. 551

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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 AREAS 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 House of Representatives of the Philippines in Congress assembled*

ARTICLE I

GENERAL PROVISIONS

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2  
3 SECTION 1. *Title.* – This Act shall be known as the “Mt. Masaraga  
4 Protected Landscape Act”.

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

12 In recognition of the richness of the biological resources, both flora and

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

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

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

23 **SEC. 4. *Scope and Coverage.*** – The boundaries of the Mt. Masaraga  
24 Protected Landscape are more particularly described as the area beginning at a  
25 point marked "1" on the map being S 23°42'25" E, 630.51 meters from PRS Control  
26 Monument "CBM-11" (13°18'41.12556" Latitude and 123°35'47.39395" Longitude)  
27 within the boundary of the Municipality of Oas and Polangui and the Cities of  
28 Ligao and Tabaco, Province of Albay,

29	thence	S 83°05' 20" W	694.83	meters to corner	2;
30	thence	S 80°02' 58" W	604.82	meters to corner	3;
31	thence	S 76°33' 05" W	494.31	meters to corner	4;
32	thence	N 59°55' 53" W	229.45	meters to corner	5;

1	thence	N 76°25' 46" W	311.79	meters to corner	6;
2	thence	N 53°14' 02" W	238.61	meters to corner	7;
3	thence	N 28°27' 37" W	479.32	meters to corner	8;
4	thence	N 14°57' 31" E	267.00	meters to corner	9;
5	thence	N 64°14' 48" W	217.54	meters to corner	10;
6	thence	N 34°47' 21" W	227.78	meters to corner	11;
7	thence	N 44°04' 23" W	430.30	meters to corner	12;
8	thence	N 08°06' 56" E	550.97	meters to corner	13;
9	thence	N 42°52' 44" E	319.77	meters to corner	14;
10	thence	N 28°41' 18" W	404.04	meters to corner	15;
11	thence	N 58°15' 59" W	351.92	meters to corner	16;
12	thence	N 25°08'47" W	375.08	meters to corner	17;
13	thence	S 58°28' 59" E	621.38	meters to corner	18;
14	thence	N 32°05' 33" E	348.02	meters to corner	19;
15	thence	N 08°25' 37" E	272.80	meters to corner	20;
16	thence	N 45°00' 00" E	254.42	meters to corner	21;
17	thence	N 60°01' 13" E	292.49	meters to corner	22;
18	thence	S 46°58' 53" E	548.43	meters to corner	23;
19	thence	S 40°41' 09" E	1717.30	meters to corner	24;
20	thence	N 53°14' 00" E	223.03	meters to corner	25;
21	thence	S 47°15' 53" E	1912.70	meters to corner	26;
22	thence	S 06°49' 01" E	233.82	meters to corner	27;
23	thence	S 57°57' 45" W	847.69	meters to corner	1,

24 containing an area of eight hundred forty (840) hectares, more or less. Bearings  
25 and Distances of lines were derived using the PRS 1992 Philippines Zone IV  
26 coordinate system, subject to ground delineation and demarcation.

27 **SEC. 5. *Establishment of Buffer Zones.*** – The Secretary of the  
28 Department of Environment and Natural Resources (DENR), upon the  
29 recommendation of the Protected Area Management Board created under Section  
30 6 of this Act, may designate areas surrounding the MMPL as buffer zones for the  
31 purpose of providing an extra layer of protection where restrictions may be  
32 applied: *Provided*, That in cases where the designated buffer zone would cover

1 private lands, the owners thereof shall be required to design their development  
2 with due consideration to the protected area management plan.

3 **ARTICLE II**

4 **MANAGEMENT MECHANISMS**

5 **SEC. 6. *Protected Area Management Board.*** – Within ninety (90) days  
6 from the effectivity of this Act, a Protected Area Management Board (PAMB) shall  
7 be created to oversee the management of the MMPL. The PAMB shall be composed  
8 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 Representatives of the Congressional Districts where the MMPL  
16 is located, or their duly designated representatives, unless the District  
17 Representatives decline 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  
29 and the provincial government. The NGOs or POs represented should  
30 have been in existence for at least five (5) years and with track record in  
31 or related to protected area management;
- 32 (i) At least one (1) but not more than three (3) representatives from all the

1 indigenou cultural communities/indigenou peoples present in the area  
2 and recognized by the National Commission on Indigenou Peoples;

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

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

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

14 **SEC. 7. *Functions of the PAMB.*** – The PAMB shall have the following  
15 powers and functions:

16 (a) Oversee the management of the MMPL;

17 (b) Approve policies, plans and programs, proposals, agreements, and other  
18 related documents for the management of the MMPL;

19 (c) Approve the management plan of the MMPL and ensure its harmonization  
20 with and integration into the Ancestral Domain Sustainable Development  
21 and Protection Plan, land use plan and other development plans, public or  
22 private, and their implementation;

23 (d) Adopt a manual of operations to include rules of procedures in the conduct  
24 of business, and the creation of committees and their respective terms of  
25 reference;

26 (e) Recommend the deputation of appropriate agencies and individuals for the  
27 enforcement of the laws, rules and regulations governing the management  
28 of the MMPL;

29 (f) Allocate financial resources for the implementation of the management plan  
30 and manage the Protected Area Retention Income Account and other funds  
31 in accordance with government accounting, budgeting, and auditing rules  
32 and regulations;

- 1 (g) Set fees and charges in accordance with existing guidelines;
- 2 (h) Issue rules and regulations for the resolution of conflicts through  
3 appropriate and effective means;
- 4 (i) Recommend appropriate policy changes to the DENR and other government  
5 authorities with respect to the management of the MMPL;
- 6 (j) Monitor and assess the performance of the Protected Area Superintendent  
7 and other protected area personnel and compliance of partners with the  
8 terms and conditions of any undertaking, contract or agreement relative to  
9 any project or activity within the MMPL;
- 10 (k) Recommend from among a shortlist of qualified candidates, the designation  
11 or appointment of the Protected Area Superintendent; and
- 12 (l) Assess the effectiveness of the management of the MMPL: *Provided*, That  
13 the members of the PAMB representing the LGUs and national agencies  
14 shall inform their respective constituents, offices or sectors, of PAMB-  
15 approved or other relevant policies, rules, regulations, programs, and  
16 projects and shall ensure that the provisions of this Act and the rules and  
17 regulations issued to implement it are complied with and used as reference  
18 and framework in their respective plans, policies, programs, and projects.  
19 Failure to comply with the foregoing shall be the basis for disciplinary  
20 action against such member according to administrative rules and  
21 regulations and such penalties as the PAMB may provide: *Provided*,  
22 *further*, That the DENR, through the Regional Director, shall ensure that  
23 the PAMB acts within the scope of its powers and functions. In case of  
24 conflict between the resolutions issued by the PAMB and the existing  
25 administrative orders of national application, the latter shall prevail.

26 **SEC. 8. *The Protected Area Management Office.*** – There is hereby  
27 established a Protected Area Management Office (PAMO) to be headed by a  
28 Protected Area Superintendent (PASu) who shall supervise the day to day  
29 management, protection, and administration of the MMPL. The PASu shall hold  
30 a permanent plantilla position and shall be appointed by the DENR Secretary. A  
31 sufficient number of support staff with permanent plantilla positions shall  
32 likewise be appointed by the DENR Secretary to assist the PASu in the

1 management of the protected area.

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

5 (a) Prepare the management plan, in consultation with the stakeholders,  
6 including the annual work and financial plan and ensure its  
7 implementation;

8 (b) Ensure the integration of relevant national and LGU plans and programs  
9 into MMPL management plans, programs, projects, and policies;

10 (c) Provide secretariat services to the PAMB and its committees and ensure the  
11 availability of relevant and timely information for decision-making;

12 (d) Formulate and recommend to the PAMB proposed policies, rules,  
13 regulations, and programs;

14 (e) Establish, operate, and maintain a database management system which  
15 shall be an important basis for decision-making;

16 (f) Enforce the laws, rules and regulations relevant to the MMPL, commence  
17 and institute administrative and legal actions in collaboration with other  
18 government agencies or organizations, and assist in the prosecution of  
19 offenses committed in violation of the provisions of this Act;

20 (g) Monitor, evaluate, and report the implementation of management activities  
21 of the MMPL;

22 (h) Request for and receive any technical assistance, support or advice from any  
23 agency or instrumentality of the government as well as academic  
24 institutions, NGOs, and the private sector, as may be necessary for the  
25 effective management, protection and administration of the MMPL;

26 (i) Issue permits and clearances for activities that implement the management  
27 plan and other permitted activities in accordance with terms, conditions,  
28 and criteria established by the PAMB: *Provided*, That all permits for  
29 extraction of natural resources for research purposes, including the  
30 collection of wildlife and its by-products or derivatives, shall specify the acts  
31 to be authorized, and shall continue to be issued by relevant authorities,  
32 subject to prior clearance from the PAMB, through the PASu;

1 (j) Collect and receive pertinent fees, charges, donations, and other income for  
2 the MMPL: *Provided*, That such fees, charges, donations, and other income  
3 collected and received shall be reported regularly to the PAMB and the  
4 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 MMPL based on the management plan; and

7 (l) Perform such other functions as the PAMB and the DENR may assign.

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

### 11 ARTICLE III

#### 12 PROCEEDS AND FEES

13 SEC. 9. *The Mt. Masaraga Protected Landscape and Seascape*  
14 *Integrated Protected Area Fund.* – There is hereby established a trust fund to  
15 be known as the Mt. Masaraga Protected Landscape Integrated Protected Area  
16 Fund (MMPL-IPAF) for purposes of financing projects of the MMPL and the  
17 NIPAS. All income generated from the operation and management of the MMPL  
18 shall accrue to the MMPL-IPAF. The income shall be derived from fees and  
19 charges from the use of resources and facilities of MMPL, contributions from  
20 industries and facilities directly benefiting from the MMPL, and such other fees  
21 and income derived from the operation of the MMPL.

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

31 The fund may be augmented by grants, donations, and endowments from  
32 various sources, domestic or foreign: *Provided*, That the fund shall be deposited in



1 full as a special account in the National Treasury and disbursements therefrom  
2 shall be made solely for the protection, maintenance, administration and  
3 management of the NIPAS and duly approved projects endorsed by the PAMB in  
4 accordance with existing accounting, budgeting and auditing rules and  
5 regulations: *Provided, further*, That the fund shall not be used to cover personal  
6 services expenditures.

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

#### 10 ARTICLE IV

#### 11 PENAL PROVISIONS

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

#### 15 ARTICLE V

#### 16 TRANSITORY AND MISCELLANEOUS PROVISIONS

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

20 **SEC. 12. *Supplementary Application of the NIPAS Law.*** – The provisions  
21 of Republic Act No. 7586, as amended by Republic Act No. 11038, shall have  
22 supplementary application to this Act.

23 **SEC. 13. *Implementing Rules and Regulations.*** – Within ninety (90)  
24 days from the effectivity of this Act, the Secretary of the DENR shall, in  
25 consultation with the local governments of the Municipalities of Oas and Polangui,  
26 and the Cities of Ligao and Tabaco, the provincial government of Albay, and  
27 concerned national government agencies, issue rules and regulations for the  
28 effective implementation of this Act.

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

32 **SEC. 15. *Repealing Clause.*** – All laws, decrees, executive orders, rules

1 and regulations, issuance or parts thereof inconsistent with the provisions of this  
2 Act are hereby repealed or modified accordingly.

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

Approved,