



HOUSE OF REPRESENTATIVES

H. No. 4855

BY REPRESENTATIVES SINGSON, BANAAG, ANDAYA, DOMOGAN AND DUMPIT,
PER COMMITTEE REPORT NO. 1164

AN ACT DECLARING THE SANTA LUCIA WATERSHED LOCATED IN
THE MUNICIPALITY OF SALCEDO, PROVINCE OF ILOCOS SUR
AS A PROTECTED AREA

*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 “Salcedo Protected
2 Area Act of 2005”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to regulate the utilization of wildlife resources and other natural
5 resources; the culture and indigenous knowledge as well as the historical and
6 aesthetic values of its communities; and to ensure the continuity of ecological
7 processes and life-support systems, including natural biological and physical
8 diversities thereof for the benefit of its people of the present and future
9 generations. For this purpose, the State hereby declares as a protected area
10 (PA), under the category of protected landscape as defined herein, the Santa
11 Lucia Watershed located in the town of Salcedo, Province of Ilocos Sur, whose
12 thick molave forests and indigenous species of trees serve as life-support

1 system to migratory and endemic species of birds, amphibians, reptiles and
 2 mammals, some of which are listed under the endangered category.

3 SEC. 3 Scope. – The boundaries of the Salcedo Protected Landscape
 4 are as follows:

5 Beginning at T.L. corner 1 on the map being $76^{\circ} 32''$ E, about
 6 3,470 m. from BLLM No. 1, Municipality of Salcedo, Ilocos Sur;

7	thence	S $40^{\circ} 01' 59''$ W	239.014 m.	to point 2;
8	thence	S $33^{\circ} 12' 56''$ E	219.616 m.	to point 3;
9	thence	S $37^{\circ} 01' 15''$ W	368.472 m.	to point 4;
10	thence	S $10^{\circ} 54' 52''$ W	169.342 m.	to point 5;
11	thence	S $20^{\circ} 11' 15''$ E	193.505 m.	to point 6;
12	thence	S $25^{\circ} 58' 30''$ W	225.068 m.	to point 7;
13	thence	S $57^{\circ} 06' 03''$ W	442.332 m.	to point 8;
14	thence	S $73^{\circ} 09' 23''$ W	189.406 m.	to point 9;
15	thence	S $45^{\circ} 03' 13''$ W	191.224 m.	to point 10;
16	thence	N $44^{\circ} 46' 07''$ W	194.183 m.	to point 11;
17	thence	N $66^{\circ} 45' 54''$ W	355.773 m.	to point 12;
18	thence	N $47^{\circ} 45' 58''$ W	326.236 m.	to point 13;
19	thence	N $31^{\circ} 59' 59''$ E	231.161 m.	to point 14;
20	thence	N $07^{\circ} 05' 59''$ E	271.015 m.	to point 15;
21	thence	N $56^{\circ} 53' 59''$ E	301.128 m.	to point 16;
22	thence	S $41^{\circ} 13' 38''$ E	259.686 m.	to point 17;
23	thence	S $81^{\circ} 13' 06''$ E	160.260 m.	to point 18;
24	thence	S $06^{\circ} 51' 03''$ W	110.355 m.	to point 19;
25	thence	N $01^{\circ} 07' 18''$ E	230.818 m.	to point 20;
26	thence	N $11^{\circ} 50' 07''$ W	240.717 m.	to point 21;
27	thence	N $46^{\circ} 56' 19''$ E	240.961 m.	to point 22;

1 thence N 81° 49' 06" E 160.427 m. to point 23
 2 thence N 25° 47' 56" W 130.287 m. to point 24;
 3 thence S 82° 13' 00" E 170.288 m. to point 25;
 4 thence N 76° 49' 06" E 210.616 m. to point 26;
 5 thence N 88° 48' 03" E 250.566 m. to point 27;
 6 thence S 06° 53' 57" W 189.286 m. to point 28;
 7 thence S 76° 13' 32" E 130.167 m. to point 1, the point
 8 of beginning, containing an area of one hundred seventy-four and 1604/10000
 9 (174.1604) hectares, subject to actual ground survey.

10 Any modification on this Act due to factors such as changing ecological
 11 situations, new scientific or archaeological findings, or discovery of traditional
 12 boundaries not previously taken into account shall be made through an act of
 13 Congress after full consultation with the affected public.

14 Private lands inside the PA shall be governed as part of the PA subject
 15 to rules and regulations relating thereto. Penal provisions, however, in this Act
 16 or in rules and regulations issued by the Protected Area Management Board
 17 (PAMB) shall not apply to private lands unless specifically stated.

18 SEC. 4. *Definition of Terms.* – For purposes of this Act, the following
 19 terms shall be defined as follows:

20 (a) "Protected Area Management Board (PAMB)" refers to the site-
 21 based decision-making body responsible in the planning, resource protection
 22 and general administration of the area in accordance with the approved
 23 management plan.

24 (b) "General Management Plan" refers to the basic framework plan in
 25 the management of the PA and in the preparation of the annual operations plan
 26 and budget.

27 (c) "General Management Planning Strategy (GMPS)" refers to the
 28 guide in the formulation of site management plans including buffer zones.

1 (d) "Tenured migrants" refers to any person or persons who actually
2 and continuously occupied an area for five years prior to the designation of the
3 same as PA in accordance with Republic Act No. 7586, otherwise known as
4 the National Integrated Protected Areas System Act of 1992 or the NIPAS Act,
5 and is solely dependent therein for subsistence.

6 (e) "Protected Area Superintendent (PASu)" refers to the chief
7 operating Department of Environment and Natural Resources (DENR) officer
8 at the PA.

9 (f) "Protected landscapes" refers to areas of national significance
10 characterized by the harmonious interaction of man and land while providing
11 opportunities for public enjoyment through recreation and tourism within the
12 normal lifestyle and economic activity of these areas.

13 (g) "Forest lands" refers to all lands within the Salcedo Protected
14 Landscape which are public lands and have not been classified as alienable or
15 disposable.

16 SEC. 5. *Administration and Management.* – The DENR shall be the
17 lead agency in the administration and management of the PA and shall also
18 promote the permanent preservation of the area, to the greatest extent possible,
19 of their natural conditions.

20 SEC. 6. *Control and Supervision.* – Direct supervision in the
21 implementation of the provisions of this Act shall be made through the PAMB.

22 The PASu shall prepare the management plan in consultation with the
23 appropriate offices of the DENR and local experts who may donate their
24 services including, but not limited to, people's organizations (POs),
25 nongovernment organizations (NGOs), local government units (LGUs) and
26 other government agencies. The management plan shall be reviewed,
27 approved and adopted by the PAMB and certified by the Secretary of the
28 DENR. Such certification is mandatory and shall state that the plan conforms

1 to all laws, rules and regulations of national application issued by the DENR.
2 In no case shall the DENR revise or modify a management plan without prior
3 consultation with the PAMB.

4 The PASu, in coordination with all concerned officials, shall prepare all
5 successor plans. One year before the expiration of the period of applicability
6 of the plan in effect, the PASu shall cause the publication of notices for
7 comments and suggestions on the next successor plan in a newspaper of local
8 circulation and the posting of such notices in the provincial, municipal and
9 barangay halls and in three other areas frequented by the public. Public
10 hearings may be conducted on the successor plan upon the written request of
11 any interested party. A finalized plan shall be made available for public
12 perusal at the office of the PASu upon its approval by the PAMB.

13 Within one year from the effectivity of this Act, a management plan
14 shall have been put into effect following the GMPS provided under the NIPAS
15 Act and according to the procedure herein set forth.

16 SEC. 7. *Institutional Mechanism.* – The following administrative and
17 policy-making mechanisms shall apply:

18 (A) The Protected Area Management Board (PAMB) – There shall be a
19 PAMB which shall serve as the policy-making body of the PA. The Board
20 shall be composed of:

21 (1) The Regional Executive Director (RED), Region I of the DENR as
22 the chairman;

23 (2) The provincial planning and development officer of Ilocos Sur;

24 (3) One representative from the municipal government of Salcedo, to
25 be appointed by the sangguniang bayan;

26 (4) One representative from the barangay who has jurisdiction over
27 such area, to be appointed by the sangguniang barangay;

1 (5) At least three representatives from NGOs and community
2 organizations (COs), including PO, church or civic organizations based in or
3 near the PA, whose representatives shall be chosen by among themselves; and

4 (6) One representative from other national government agencies
5 involved in PA management.

6 The PAMB shall exercise the following powers and functions:

7 (i) Decide matters relating to planning, resource protection and general
8 administration of the area in accordance with the GMPS;

9 (ii) Approve proposals, work plans, action plans, guidelines for the
10 management of the PA in accordance with the approved management plan;

11 (iii) Promulgate rules and regulations to promote development programs
12 and projects on biodiversity conservation and sustainable development as well
13 as developmental activities and such other related activities within the PA
14 consistent with the approved management plan;

15 (iv) Ensure the implementation of programs as prescribed in the
16 management plan in order to provide employment to the people dwelling in
17 and around the PA;

18 (v) Monitor and evaluate the performance of PA personnel, NGOs and
19 the communities in providing for biodiversity conservation and sociocultural
20 economic development and report their assessment to the NIPAS Policy and
21 Program Steering (NPPS) Committee and the Integrated Protected Area Fund
22 (IPAF) Governing Board; and

23 (vi) Approve proposals for funding, budget allocations and exercise
24 responsibility over all funds that may accrue to the PA, donated for the purpose
25 of the above policy declaration.

26 The DENR, through the RED, shall exercise the authority to oversee the
27 PAMB to ensure that the latter acts within the scope of its powers and
28 functions. In case of a conflict between administrative orders issued by the

1 DENR and the rules and regulations issued by the PAMB, the latter shall notify
2 the DENR Secretary who shall decide whether to apply the rule or withdraw it
3 for purposes of the Salcedo Protected Landscape. The decision of the
4 Secretary shall be guided by a preference to local initiative and specific
5 policies enacted by the PAMB. The decision of the Secretary shall be
6 appealable to the regional trial court that has jurisdiction over the PA.

7 (B) Protected Area Superintendent (PASu) Office – There is hereby
8 established a PASu's office in charge of the management, protection and
9 administration of the PA. The PASu shall be supported by the existing
10 personnel of the DENR. The head of office shall be the chief operating officer
11 of the Salcedo Protected Landscape or the PA and shall be accountable to the
12 RED of the DENR-I and the PAMB. The PASu shall have the following
13 powers and functions:

14 *Administrative –*

- 15 (1) Serve as chief administrative officer of the PA for the purpose of
16 implementing the management plan as detailed in the annual work program;
- 17 (2) Establish a productive partnership with the local community,
18 including groups, in the planning, protection and management of the PA;
- 19 (3) Ensure the performance and good morale of his staff;
- 20 (4) Ensure the proper utilization of annual budget allocations and the
21 proper disposition of fees and other funds generated within the PA;
- 22 (5) Develop and implement a natural history documentation program
23 and to oversee research that may be conducted within the area;
- 24 (6) Develop and implement a park information, education and visitor
25 program;
- 26 (7) Integrate the roles of NGOs and the DENR staff in the operation of
27 the area; and

1 (8) Document the processes involved in the establishment and
2 management of the PA, with particular reference to the development of
3 relationships with cultural communities, tenured migrants, buffer zone
4 residents and others in establishing effective protection of the area.

5 Regulatory –

6 (1) Act as peace officer for the purpose of maintaining peace and order
7 within the PA;

8 (2) Enforce the rules and regulations established to protect the area and
9 preserve it from trespass, damage, injury and illegal occupancy;

10 (3) Require permits, when necessary, from any person entering or
11 passing across, through, or any part of the PA;

12 (4) Summarily remove or eject from the area persons who have
13 rendered disorderly conduct or who have violated any of the regulations of the
14 PA;

15 (5) Require persons who are cutting or gathering forest products, or
16 hunting or fishing within the PA to produce, upon demand, any authority or
17 permit to do so; and

18 (6) Seize and confiscate timber and other forest products, game birds,
19 animals and fish, including instruments, tools and conveyances used inside the
20 PA by unauthorized persons.

21 The PASu may, as necessary, delegate authority to his staff.

22 SEC. 8. *Prohibited Acts and Penalties.* –

23 (A) The penalties in Articles 309, on theft and 310, on qualified theft,
24 of the Revised Penal Code, depending on the value of the resource taken,
25 damaged or destroyed, shall be imposed upon any person who:

26 (1) Hunts, destroys, disturbs or removes any wild plants or animal
27 products derived therefrom without a permit from the PAMB;

1 (2) Conducts mineral exploitations or extractions within the forest
2 lands as defined herein; and

3 (3) Cut, remove, gather or take timber or other forest products from the
4 forest lands *without authorization*.

5 Valuation of the damage shall take into account biodiversity and
6 conservation considerations as well as aesthetic and scenic values.

7 (B) A fine of not less than Five thousand pesos (P5,000.00) but not
8 more than Two hundred fifty thousand pesos (P250,000.00) and/or
9 imprisonment of not less than one year nor more than five years, and the cost
10 of restoration and rehabilitation of the damage shall be imposed upon any
11 person who:

12 (1) Alters topography through digging, blasting, earth-filling activities
13 or stonewalling without a permit from all proper authorities as required under
14 existing laws, rules and regulations, and from the PAMB;

15 (2) Damages roads or trails or leaves them in a damaged condition or
16 mutilates, defaces, destroys or vandalizes any object of natural beauty or scenic
17 value within the PA;

18 (3) Constructs or maintains any kind of structure without a permit from
19 the PAMB or without other requisite permits under existing laws such as, but
20 not limited to, municipal permits, public works requirements and
21 Environmental Compliance Certificates (ECC); and

22 (4) Alters, removes, destroys or defaces boundary marks/monuments or
23 signs in the PA.

24 (C) A fine of not less than Five thousand pesos (P5,000.00) nor more
25 than One hundred thousand pesos (P100,000.00) and/or imprisonment from
26 one year to three years shall be imposed upon any person who:

27 (1) Occupies lands classified as forest lands as herein defined without a
28 legal instrument for such occupation;

1 (2) Violates any rules and regulations in the management plan of the
2 PAMB or agreements reached before the PAMB in its exercise of adjudicative
3 functions;

4 (3) Dumps any waste materials on land other than in areas identified as
5 *dumping sites by the concerned local governments, or leaves exposed or in*
6 *unsanitary condition on land human wastes or refuse; and*

7 (4) Possesses a chainsaw without clearance from the PAMB which
8 shall specify the legal uses for which it can be applied.

9 (D) A fine of not less than Five thousand pesos (P5,000.00) nor more
10 than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not
11 less than one year and not more than five years, or both, shall be imposed
12 upon:

13 (1) Any person who shall induce another or conspire to commit any of
14 the above acts or suffer their workers to commit any of the above acts; and

15 (2) Any public officer or officer of the law, who, in dereliction of the
16 duties of his office, shall maliciously refrain from instituting prosecution for
17 the punishment of violators of the law or shall tolerate commission of the
18 offense. Conviction for this offense shall also carry the penalty of perpetual
19 disqualification from public office.

20 SEC. 9. *Special Prosecutor.* – Within thirty (30) days from the
21 effectivity of this Act, the Department of Justice shall appoint a special
22 prosecutor to whom all cases of violations of laws, rules and regulations in the
23 PA shall be assigned. Such special prosecutor shall coordinate with the PAMB
24 and the PASu in the performance of his/her duties and assist in the training of
25 wardens and rangers in arrest and criminal prosecution procedures.

26 SEC. 10. *The Salcedo Protected Area Fund.* – There is hereby
27 established a trust fund to be known as the Salcedo Protected Area Fund for
28 purposes of financing projects of the system. All income generated from the

1 operation of the system or management of wild flora and fauna in the PA shall
2 accrue to the fund. These income shall be derived from visitors/tourist fees,
3 fees from permitted sale and export of flora and fauna and other resources from
4 the PAs, proceeds from registration and lease of multiple-use areas, including
5 tourism concessions, contributions from industries and facilities directly
6 benefiting from the PA; and such other fees and income derived from the
7 operation of the PA.

8 The fund may be augmented by grants, donations, endowment from
9 various sources, domestic or foreign, for purposes related to their functions:
10 *Provided*, That the fund shall be deposited as a special account in the National
11 Treasury and disbursements therefrom shall be made solely for the protection,
12 maintenance, administration and management of the system, and duly approved
13 projects endorsed by the PAMB in accordance with the existing accounting
14 and budgeting rules and regulations: *Provided, further*, That the fund shall not
15 be used to cover personal services expenditures.

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

22 *SEC. 11. Utilization of Energy and Non-renewable Resources.* – Any
23 exploitation and utilization of energy and other non-renewable resources within
24 the PA shall be allowed only through PAMB approval. In no case shall an
25 exemption from the Environmental Impact Assessment (EIA) System be made
26 for energy and non-renewable resources exploitation projects within the PA.

27 *SEC. 12. Appropriations.* – The Secretary of the DENR shall
28 immediately include in the Department's program the implementation of this

1 Act, the funding of which shall be included in the annual General
2 Appropriations Act.

3 SEC. 13. *Repealing Clause.* – Within the scope of the PA as herein
4 specified, the prohibitions and the penalties under the NIPAS Act are hereby
5 superseded. All other laws and rules and regulations inconsistent with this Act
6 are hereby repealed or modified accordingly.

7 SEC. 14. *Separability Clause.* – If any part or section of this Act is
8 declared by the court as unconstitutional, such declaration shall not affect the
9 other parts or sections hereof.

10 SEC. 15. *Effectivity Clause.* – This Act shall take effect fifteen (15)
11 days after its publication in the *Official Gazette* or in a national newspaper of
12 general circulation readily available in the PA. It shall be translated in Filipino
13 and Ilocano and shall likewise be posted in the appropriate language in a
14 conspicuous place in the municipal and barangay halls within the area as well
15 as in three other places frequented by the public.

Approved,

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