



HOUSE OF REPRESENTATIVES

H. No. 10714

BY REPRESENTATIVES NATIVIDAD-NAGAÑO, BARZAGA AND YAP (E.), PER COMMITTEE REPORT
No. 1440

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

Be it enacted by the Senate and 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 “Minalungao Protected
4 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 the policy of
7 the State to secure for the Filipino people of present and future generations, the
8 perpetual existence of all native plants and animals through the declaration of
9 protected areas under the National Integrated Protected Areas System (NIPAS)
10 within the classification of national park as provided for in the Constitution.

11 In recognition of the richness of the biological resources, both flora and
12 fauna, that are native and distinct to a parcel of land located in the City of Gapan

1 and the Municipality of General Tinio, in the Province of Nueva Ecija, as well as
2 their aesthetic and ecological importance, the said area is hereby declared a
3 protected area under the category of protected landscape, and shall hereinafter be
4 referred to as the Minalungao Protected Landscape (MPL). As such, the State shall
5 ensure the conservation, protection, management and rehabilitation of the area.
6 It is likewise recognized that effective administration of this area is possible only
7 through cooperation among national government, local government units (LGUs),
8 concerned nongovernmental organizations (NGOs), private entities and local
9 communities. The use and enjoyment of this area shall 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 ecosystems, and cultural and indigenous
15 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/Indigenous peoples* refer to groups of
25 people sharing common bonds of language, customs, traditions, and other
26 distinctive cultural traits, and who have, since time immemorial occupied,
27 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 of national significance which is
5 characterized by the harmonious interaction of human and land and water
6 while providing opportunities for public enjoyment through recreation,
7 tourism, and other economic activities; and

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

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

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

25	thence	N 09°26' W	149.12	meters to corner 2;
26	thence	N 14°00' W	520.00	meters to corner 3;
27	thence	N 69°00' E	550.00	meters to corner 4;
28	thence	S 12°00' W	150.00	meters to corner 5;
29	thence	S 18°00' W	263.00	meters to corner 6;
30	thence	S 32°00' E	150.00	meters to corner 7;
31	thence	N 39°00' E	150.00	meters to corner 8;
32	thence	N 33°00' E	275.00	meters to corner 9;

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

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

18 **SEC. 6. *Establishment of Buffer Zones.*** – The Secretary of the
19 Department of Environment and Natural Resources (DENR), upon the
20 recommendation of the Protected Area Management Board created under Section
21 7 of this Act, may designate areas surrounding the MPL as buffer zones for the
22 purpose of providing an extra layer of protection where restrictions may be
23 applied: *Provided,* That in cases where the designated buffer zones would cover
24 private lands, the owners thereof shall be required to design their development
25 with due consideration to the protected area management plan.

26 **ARTICLE II**

27 **MANAGEMENT MECHANISMS**

28 **SEC. 7. *Protected Area Management Board.*** – Within ninety (90) days
29 from the effectivity of this Act, a Protected Area Management Board (PAMB) shall
30 be created to oversee the management of the MPL. The PAMB shall be composed
31 of the following:

32 (a) DENR Regional Executive Director for Region III, as Chairperson;

1 The terms of office of members of the PAMB, as well as the grounds for
2 their removal shall be in accordance with the provisions of Republic Act No. 7586,
3 otherwise known as the “National Integrated Protected Areas System Act of 1992”
4 as amended by Republic Act No. 11038, otherwise known as the “Expanded
5 National Integrated Protected Areas System Act of 2018”.

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

- 8 (a) Oversee the management of the MPL;
- 9 (b) Approve policies, plans and programs, proposals, agreements, and other
10 related documents for the management of the MPL;
- 11 (c) Approve the management plan of the MPL and ensure its harmonization
12 with and integration into the Ancestral Domain Sustainable Development
13 and Protection Plan, land use plan and other development plans, public or
14 private, and their implementation;
- 15 (d) Adopt a manual of operations to include rules of procedures in the conduct
16 of business, and the creation of committees and their respective terms of
17 reference;
- 18 (e) Recommend the deputation of appropriate agencies and individuals for the
19 enforcement of the laws, rules and regulations governing the management
20 of the MPL;
- 21 (f) Allocate financial resources for the implementation of the management plan
22 and manage the Protected Area Retention Income Account and other funds
23 in accordance with government accounting, budgeting, and auditing rules
24 and regulations;
- 25 (g) Set fees and charges in accordance with existing guidelines;
- 26 (h) Issue rules and regulations for the resolution of conflicts through
27 appropriate and effective means;
- 28 (i) Recommend appropriate policy changes to the DENR and other government
29 authorities with respect to the management of the MPL;
- 30 (j) Monitor and assess the performance of the Protected Area Superintendent
31 and other protected area personnel and compliance of partners with the
32 terms and conditions of any undertaking, contract or agreement relative to

- 1 (b) Governor of the Province of Nueva Ecija or a duly authorized
2 representative;
- 3 (c) Senators of the Republic of the Philippines who are duly registered
4 residents of Nueva Ecija, or their duly designated representatives,
5 unless the Senators decline the membership in the PAMB;
- 6 (d) District Representatives of the Congressional Districts where the MPL
7 is located, or their duly designated representatives, unless the District
8 Representatives decline the membership in the PAMB;
- 9 (e) Mayors of the City of Gapan and of the Municipality of General Tinio, in
10 the Province of Nueva Ecija or their duly authorized representatives;
- 11 (f) Chairpersons of all the *barangays* with territorial jurisdiction over the
12 MPL;
- 13 (g) Regional Directors of the following government agencies, namely: the
14 Department of Agriculture, National Economic and Development
15 Authority, Department of Science and Technology, the Philippine
16 National Police, Department of National Defense, and Department of
17 Tourism;
- 18 (h) Three (3) representatives from either NGOs, or people's organizations
19 (POs) based in the Province of Nueva Ecija, duly accredited both by the
20 DENR and the provincial government. The NGOs or POs represented
21 should have been in existence for at least five (5) years and with track
22 record in or related to protected area management;
- 23 (i) At least one (1) but not more than three (3) representatives from all the
24 indigenous cultural communities/ indigenous peoples present in the area
25 and who are recognized by the National Commission on Indigenous
26 Peoples;
- 27 (j) One (1) representative from an academic institution, preferably from a
28 university or college in the Province of Nueva Ecija, with a record of
29 accomplishments in or related to protected area management; and
- 30 (k) One (1) representative from the private sector, preferably a resident of
31 the Province of Nueva Ecija, who is distinguished in a profession or field
32 of interest relevant to the management of the protected area.

1 any project or activity within the MPL;

2 (k) Recommend from among a shortlist of qualified candidates, the designation
3 or appointment of the Protected Area Superintendent; and

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

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

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

29 (a) Prepare the management plan, in consultation with the stakeholders,
30 including the annual work and financial plan and ensure its
31 implementation;

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

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

4 ARTICLE III

5 PROCEEDS AND FEES

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

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

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

