

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



Senate
Office of the Secretary

23 - JAN 23 P12 :07

SENATE

RECEIVED BY: _____

S. No. 1725

Introduced by **SENATOR CYNTHIA A. VILLAR**

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITY OF SAN ANDRES IN THE PROVINCE OF QUEZON, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE AND SEASCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO AS THE ALIBIJABAN PROTECTED LANDSCAPE AND SEASCAPE, 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."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

To date, as of January 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.

This bill seeks to declare the Alibijaban Wilderness Area (AWA) into the Alibijaban Protected Landscape and Seascape in the Municipality of San Andres, Province of Quezon. It has a total area of 1,055.84 hectares with 472.51 hectares as landscape area and 583.33 hectares as seascape area. By virtue of Presidential Proclamation No. 2151 series of 1981, the Alibijaban Island was declared as a wilderness area.

The Alibijaban has a unique ecosystem with a wide range of variety of species listed as endangered or near threatened and is rich sanctuary to various flora and fauna. AWA is a home to sixty-nine (69) flora species, including trees, shrubs, palms and other vines. Of these 69 species, twenty six (26) are classified as true mangroves, while the rest are associates and beach forest species. Among the 26 mangrove species identified in the island, five (5) of these were listed in the National List of Threatened Species in the Philippines namely *Ceriops decandra* (Griff.) Ding Hou., *Aegiceras floridum* Roem, *Pemphis acidula* J.R. & Forst., *Camptostemon philippinense* (Vidal) Becc. and *Xylocarpus rumphii* (Kostel.) Mabb.

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

So far, there are thirty-eight (38) identified avian species that could be found in AWA, which include the Tabon bird (*Magapodius freycinet pusillius*) that is one of two subspecies under the family Megapodidae and considered endemic to the island. AWA is also a roosting site of the Golden Crown Flying Fox and Large Flying Fox, other migratory birds and some species of reptiles. The island is also noted for the presence of unique fauna, including the species of marine turtle such as pawikan or Green Sea Turtle (*Chelonia mydas*), Hawksbill (*Erytmochelys imbricate*), Olive Ridley (*Lepidochelys olivacea*) and Leatherback (*Dermochelys coriacea*). Additionally, Whale Sharks (*Rhincodon typus*) and Bottled Nose Dolphin are occasional visitors of Alibijan Island.

In 2020, AWA and its surrounding seascape were subjected to a Protected Area Suitability Assessment (PASA) conducted by the Department of Environment and Natural Resources (DENR) to determine whether the same is suitable to be legislated as a Protected Area. Data from three (3) ecosystems, namely Seagrass, Mangrove, and Coral reefs were gathered and indeed the Alibijaban Wilderness Area can be considered as a protected area with a wide variety of species.

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



CYNTHIA A. VILLAR

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CATEGORY OF PROTECTED LANDSCAPE AND SEASCAPE UNDER THE
NATIONAL INTEGRATED PROTECTED AREA SYSTEM, TO BE REFERRED TO
AS THE ALIBIJABAN PROTECTED LANDSCAPE AND SEASCAPE, 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
2
3 Section 1. *Title.* – This Act shall be known as the “Alibijaban Protected
4 Landscape and Seascape Act”.

5 Sec. 2. *Declaration of Policy.* – Cognizant of the profound impact of human
6 activity on all components of the natural environment, it is hereby declared the
7 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 System
10 (NIPAS) 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 the Alibijaban Wilderness Area, as well as their
13 aesthetic and ecological importance, a parcel of land located in the Municipality of

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

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

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

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

1 designated for the conservation of native plants and animals, their
2 associated habitats and cultural diversity;

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

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

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

17 Sec. 4. *Classification as a National Park.* – The APLS is comprised of a parcel
18 of land of the public domain located in the Municipality of San Andres, in the
19 Province of Quezon. All lands of the public domain within the coverage and scope of
20 the APLS shall fall under the classification of national park as provided for in Article
21 XII, Section 3 of the Constitution.

22 Sec. 5. *Scope and Coverage.* – The boundaries of the Alibijaban Protected
23 Landscape and Seascape are more particularly described follows:

24 The Alibijaban Protected Seascape pertains to the area beginning at a point
25 marked "1" on the Map, being N 70° 29' 43" E., 3,662.89 meters from QZN-3479
26 with geographic coordinates of 13° 19' 22.93063" Latitude and 122° 40' 39.46402"
27 Longitude located at Municipality of San Andres in the Province of Quezon,

28 thence N 00°53' 42" W 1538.10 meters to corner 2;

1	thence	N 07°49' 49" E	843.63	meters to corner	3;
2	thence	N 14°44' 52" E	1258.88	meters to corner	4;
3	thence	N 46°29' 39" E	584.06	meters to corner	5;
4	thence	N 58°29' 45" E	612.09	meters to corner	6;
5	thence	S 64°14' 28" E	390.02	meters to corner	7;
6	thence	S 11°04' 53" E	379.66	meters to corner	8;
7	thence	S 01°02' 49" W	1289.75	meters to corner	9;
8	thence	S 03°15' 18" E	711.57	meters to corner	10;
9	thence	S 03°26' 44" E	1288.49	meters to corner	11;
10	thence	S 01°25' 29" E	1068.79	meters to corner	12;
11	thence	S 04°10' 29" W	924.65	meters to corner	13;
12	thence	S 27°24' 41" W	375.87	meters to corner	14;
13	thence	S 64°38' 46" W	1272.21	meters to corner	15;
14	thence	N 40°16' 25" W	310.24	meters to corner	16;
15	thence	N 16°58' 44" W	1069.61	meters to corner	17;
16	thence	N 00°02' 59" E	1124.57	meters to corner	1,

17 the point of beginning containing an area of five hundred eighty-three and 33/100
18 (583.33) hectares.

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

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ARTICLE II
MANAGEMENT MECHANISMS

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

- 7 a) DENR Regional Executive Director for Region IV-A, as Chairperson;
- 8 b) Governor of the Province of Quezon or a duly authorized
9 representative;
- 10 c) Senators of the Republic of the Philippines who are duly registered
11 residents of the Province of Quezon, or their duly designated
12 representatives, unless the Senators decline the membership in the
13 PAMB;
- 14 d) District Representative of the Congressional District where the APLS is
15 located, or a duly designated representative, unless the District
16 Representative declines the membership in the PAMB;
- 17 e) Mayor of the Municipality of San Andres, in the Province of Quezon or
18 a duly authorized representative;
- 19 f) Chairpersons of all the *barangays* with territorial jurisdiction over the
20 APLS;
- 21 g) Regional Directors of the following government agencies, namely:
22 Department of Agriculture, National Economic and Development
23 Authority, Department of Science and Technology, Philippine National
24 Police, Department of National Defense, and Department of Tourism;
- 25 h) Three (3) representatives from either NGOs, or people’s organizations
26 (POs) based in the Province of Quezon, duly accredited both by the
27 DENR and the provincial government. The NGOs or POs represented
28 should have been in existence for at least five (5) years and with track
29 record in or related to protected area management;

- 1 i) At least one (1) but not more than three (3) representatives from all
2 the indigenous cultural communities/ indigenous peoples present in the
3 area and recognized by the National Commission on Indigenous
4 Peoples;
- 5 j) One (1) representative from an academic institution, preferably from a
6 university or college in the Province of Quezon, with proven track
7 record in or related to protected area management; and
- 8 k) One (1) representative from the private sector, preferably a resident of
9 the Province of Quezon, who is distinguished in a profession or field of
10 interest relevant to the management of a protected area.

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

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

- 18 a) Oversee the management of the APLS;
- 19 b) Approve policies, plans and programs, proposals, agreements, and
20 other related documents for the management of the APLS;
- 21 c) Approve the management plan of the APLS and ensure its
22 harmonization with and integration into the Ancestral Domain
23 Sustainable Development and Protection Plan, land use plan and other
24 development plans, public or private, and their implementation;
- 25 d) Adopt a manual of operations to include rules of procedures in the
26 conduct of business, and the creation of committees and their
27 respective terms of reference;
- 28 e) Recommend the deputation of appropriate agencies and individuals for

1 the enforcement of the laws, rules and regulations governing the
2 management of the APLS;

3 f) Allocate financial resources for the implementation of the management
4 plan and manage the Protected Area Retention Income Account and
5 other funds in accordance with government accounting, budgeting, and
6 auditing rules and regulations;

7 g) Set fees and charges in accordance with existing guidelines;

8 h) Issue rules and regulations for the resolution of conflicts through
9 appropriate and effective means;

10 i) Recommend appropriate policy changes to the DENR and other
11 government authorities with respect to the management of the APLS;

12 j) Monitor and assess the performance of the Protected Area
13 Superintendent and other protected area personnel and compliance of
14 partners with the terms and conditions of any undertaking, contract or
15 agreement relative to any project or activity within the APLS;

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

18 l) Assess the effectiveness of the management of the APLS: *Provided,*
19 That the members of the PAMB representing the LGUs and national
20 agencies shall inform their respective constituents, offices or sectors, of
21 PAMB-approved or other relevant policies, rules, regulations, programs,
22 and projects and shall ensure that the provisions of this Act and the
23 rules and regulations issued to implement it are complied with and
24 used as reference and framework in their respective plans, policies,
25 programs, and projects. Failure to comply with the foregoing shall be
26 the basis for disciplinary action against such member according to
27 administrative rules and regulations and such penalties as the PAMB
28 may provide: *Provided, further,* That the DENR, through the Regional
29 Director, shall ensure that the PAMB acts within the scope of its powers

1 and functions. In case of conflict between the resolutions issued by the
2 PAMB and the existing administrative orders of national application, the
3 latter shall prevail.

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

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

- 15 a) Prepare the management plan, in consultation with the stakeholders,
16 including the annual work and financial plan and ensure its
17 implementation;
- 18 b) Ensure the integration of relevant national and LGU plans and
19 programs into APLS management plans, programs, projects, and
20 policies;
- 21 c) Provide secretariat services to the PAMB and its committees and
22 ensure the availability of relevant and timely information for decision-
23 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
27 which shall be an important basis for decision-making;

- 1 f) Enforce the laws, rules and regulations relevant to the APLS,
2 commence and institute administrative and legal actions in
3 collaboration with other government agencies or organizations, and
4 assist in the prosecution of offenses committed in violation of the
5 provisions of this Act;
- 6 g) Monitor, evaluate, and report the implementation of management
7 activities of the APLS;
- 8 h) Request for and receive any technical assistance, support or advice
9 from any agency or instrumentality of the government as well as
10 academic institutions, NGOs, and the private sector, as may be
11 necessary for the effective management, protection and administration
12 of the APLS;
- 13 i) Issue permits and clearances for activities that implement the
14 management plan and other permitted activities in accordance with
15 terms, conditions, and criteria established by the PAMB: *Provided*, That
16 all permits for extraction of natural resources for research purposes,
17 including the collection of wildlife and its by-products or derivatives,
18 shall specify the acts to be authorized, and shall continue to be issued
19 by relevant authorities, subject to prior clearance from the PAMB,
20 through the PASu;
- 21 j) Collect and receive pertinent fees, charges, donations, and other
22 income for the APLS: *Provided*, That such fees, charges, donations,
23 and other income collected and received shall be reported regularly to
24 the PAMB and the DENR in accordance with existing guidelines;
- 25 k) Prepare and recommend to the PAMB, approval of the annual work and
26 financial plans of the APLS based on the management plan; and
- 27 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 Alibijaban Protected Landscape and Seascape Integrated*
7 *Protected Area Fund.* – There is hereby established a trust fund to be known as the
8 Alibijaban Protected Landscape and Seascape Integrated Protected Area Fund
9 (APLS-IPAF) for purposes of financing projects of the APLS and the NIPAS. All
10 income generated from the operation and management of wild flora and fauna in
11 the APLS shall accrue to the APLS-IPAF. The income shall be derived from fees from
12 permitted sale and export of flora and fauna and other resources from the APLS,
13 proceeds from the lease of multiple-use areas, contributions from industries and
14 facilities directly benefiting from the APLS, and such other fees and income derived
15 from the operation of the APLS.

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 the
19 locality: *Provided,* That disbursements out of such deposits shall be used solely for
20 the protection, maintenance, administration, and management of the APLS and
21 implementation of duly approved projects of the PAMB. The remaining twenty-five
22 percent (25%) of revenues shall be deposited as a special account in the General
23 Fund of the National Treasury for purposes of financing the projects of the NIPAS.

24 The fund may be augmented by grants, donations, and endowments from
25 various sources, domestic or foreign: *Provided,* That the fund shall be deposited in
26 full as a special account in the National Treasury and disbursements therefrom shall
27 be made solely for the protection, maintenance, administration and management of
28 the NIPAS and duly approved projects endorsed by the PAMB in accordance with
29 existing accounting, budgeting and auditing rules and regulations: *Provided, further,*

1 That the fund shall not be used to cover personal services expenditures.

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

5 **ARTICLE IV**
6 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

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

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

13 Sec. 13. *Implementing Rules and Regulations.* – Within ninety (90) days from
14 the effectivity of this Act, the Secretary of the DENR shall, in consultation with the
15 local governments of the Municipality of San Andres, the provincial government of
16 Quezon, and concerned national government agencies, issue rules and regulations
17 for the effective implementation of this Act.

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

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

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

Approved,