HOUSE OF REPRESENTATIVES

H. No. 8395

BY REPRESENTATIVES BARZAGA, CO (E.) AND LABADLABAD, PER COMMITTEE REPORT NO. 624

AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF PRESIDENT MANUEL A. ROXAS, KATIPUNAN, AND SIAYAN IN THE PROVINCE OF ZAMBOANGA DEL NORTE, A PROTECTED AREA, WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM, TO BE REFERRED TO AS THE MT. GUTOM 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:

1   **ARTICLE I**

2   **GENERAL PROVISIONS**

3   **SECTION 1.** *Title.* – This Act shall be known as the "Mt. Gutom Protected

4 Landscape Act".

5   **SEC. 2.** *Declaration of Policy.* – Cognizant of the profound impact of

6 human activities on all components of the natural environment, it is hereby

7 declared the policy of the State to secure for the Filipino people of present and

8 future generations, the perpetual existence of all native plants and animals

9 through the declaration of protected areas under the National Integrated

10 Protected Areas System (NIPAS) within the classification of national park as

11 provided for in the Constitution.

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

13 *fauna*, that are native and distinct to Mt. Gutom, as well as their aesthetic and

ecological importance, a parcel of land located in the Municipalities of President Manuel A. Roxas, Katipunan, and Siayan, in the Province of Zamboanga del Norte, is hereby declared a protected area with the category of protected landscape, and shall hereinafter be referred to as the Mt. Gutom Protected Landscape (MGPL). As such, the State shall ensure the conservation, protection, management, and rehabilitation of the area. It is likewise recognized that effective administration of this area is possible only through cooperation among national government, local government units (LGUs), concerned nongovernmental organizations (NGOs), private entities, and local communities. The use and enjoyment of this area must be consistent with the principles of biological diversity and sustainable development.

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

SEC. 3. *Classification as a National Park.* – The MGPL is comprised of a parcel of land of the public domain situated in the Municipalities of President Manuel A. Roxas, Katipunan, and Siayan, in the Province of Zamboanga del Norte, the metes and bounds of which are described in Section 4 of this Act. All lands of the public domain within the coverage and scope of the MGPL shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

SEC. 4. *Scope and Coverage.* – The boundaries of the MGPL are more particularly described as the area beginning at a point marked "1" on the Map, being S 46°35'35" W, 1,025.782 meters from PRS 92 "ZGN-5852" with geographic coordinates of 08° 22' 44.13038" N Latitude and 123° 10' 10.020" E Longitude located in Barangay Panampalay, Municipality of President Manuel A. Roxas, Province of Zamboanga del Norte,

thence	S 22° 43' 53" E	651.73	meters to corner	2;
thence	S 68° 13' 51" W	790.92	meters to corner	3;
thence	S 63° 24' 8" E	1120.38	meters to corner	4;
thence	N 1° 40' 0" W	360.72	meters to corner	5;

1	thence	N 63° 19' 4" E	112.61	meters to corner	6;
2	thence	S 49° 18' 32" E	139.41	meters to corner	7;
3	thence	N 43° 53' 21" E	203.96	meters to corner	8;
4	thence	S 83° 58' 25" E	592.97	meters to corner	9;
5	thence	N 21° 58' 16" E	684.61	meters to corner	10;
6	thence	N 31° 7' 45" E	476.16	meters to corner	11;
7	thence	N 55° 20' 36" E	521.27	meters to corner	12;
8	thence	S 86° 54' 12" E	175.84	meters to corner	13;
9	thence	N 54° 12' 59" E	638.93	meters to corner	14;
10	thence	N 35° 9' 26" W	372.30	meters to corner	15;
11	thence	N 52° 28' 8" E	602.90	meters to corner	16;
12	thence	S 13° 26' 25" W	383.08	meters to corner	17;
13	thence	S 15° 37' 56" W	258.98	meters to corner	18;
14	thence	S 9° 52' 56" E	395.94	meters to corner	19;
15	thence	S 58° 36' 19" W	624.75	meters to corner	20;
16	thence	S 16° 26' 19" E	336.67	meters to corner	21;
17	thence	S 68° 16' 1" E	309.43	meters to corner	22;
18	thence	N 67° 37' 18" E	364.95	meters to corner	23;
19	thence	S 70° 27' 42" E	217.66	meters to corner	24;
20	thence	S 60° 38' 26" E	121.47	meters to corner	25;
21	thence	S 29° 22' 52" E	640.48	meters to corner	26;
22	thence	S 89° 17' 32" E	1353.99	meters to corner	27;
23	thence	N 16° 52' 48" E	1306.47	meters to corner	28;
24	thence	S 44° 3' 6" E	773.09	meters to corner	29;
25	thence	S 16° 16' 15" E	866.82	meters to corner	30;
26	thence	N 82° 2' 51" W	592.13	meters to corner	31;
27	thence	S 61° 48' 11" W	1195.31	meters to corner	32;
28	thence	S 6° 47' 59" E	581.09	meters to corner	33;
29	thence	S 36° 8' 46" E	748.53	meters to corner	34;
30	thence	S 49° 22' 8" E	575.69	meters to corner	35;
31	thence	S 81° 22' 8" E	393.42	meters to corner	36;
32	thence	S 4° 45' 55" W	637.43	meters to corner	37;

1	thence	N 66° 42' 29" W	314.19	meters to corner	38;
2	thence	S 56° 1' 14" W	844.29	meters to corner	39;
3	thence	S 20° 49' 6" W	516.34	meters to corner	40;
4	thence	S 20° 35' 26" W	335.88	meters to corner	41;
5	thence	S 24° 20' 42" W	1481.34	meters to corner	42;
6	thence	S 62° 0' 32" W	797.72	meters to corner	43;
7	thence	S 24° 39' 41" E	978.93	meters to corner	44;
8	thence	S 73° 18' 18" W	846.18	meters to corner	45;
9	thence	S 84° 56' 59" W	913.57	meters to corner	46;
10	thence	N 43° 10' 44" W	1275.40	meters to corner	47;
11	thence	N 53° 24' 38" W	663.54	meters to corner	48;
12	thence	S 8° 23' 45" E	374.48	meters to corner	49;
13	thence	N 68° 50' 40" W	256.36	meters to corner	50;
14	thence	S 45° 43' 8" W	199.08	meters to corner	51;
15	thence	N 57° 55' 5" W	237.64	meters to corner	52;
16	thence	S 28° 4' 41" W	462.96	meters to corner	53;
17	thence	N 87° 35' 37" W	688.73	meters to corner	54;
18	thence	N 2° 34' 11" E	115.90	meters to corner	55;
19	thence	N 62° 40' 35" W	194.76	meters to corner	56;
20	thence	N 26° 29' 54" W	152.86	meters to corner	57;
21	thence	N 66° 30' 43" W	171.50	meters to corner	58;
22	thence	N 41° 53' 53" W	353.39	meters to corner	59;
23	thence	S 30° 15' 34" W	176.73	meters to corner	60;
24	thence	N 79° 58' 32" W	90.50	meters to corner	61;
25	thence	N 0° 1' 18" W	121.04	meters to corner	62;
26	thence	N 53° 37' 3" E	97.64	meters to corner	63;
27	thence	N 5° 9' 9" E	58.13	meters to corner	64;
28	thence	N 62° 31' 21" W	159.57	meters to corner	65;
29	thence	N 40° 23' 48" W	283.23	meters to corner	66;
30	thence	N 43° 39' 49" W	341.80	meters to corner	67;
31	thence	N 58° 57' 29" W	152.99	meters to corner	68;
32	thence	N 35° 49' 25" W	188.18	meters to corner	69;

1	thence	N 16° 18' 28" E	93.23	meters to corner	70;
2	thence	N 34° 21' 17" W	223.06	meters to corner	71;
3	thence	N 62° 2' 15" W	484.85	meters to corner	72;
4	thence	N 5° 51' 12" W	198.06	meters to corner	73;
5	thence	N 40° 30' 34" W	139.50	meters to corner	74;
6	thence	S 62° 28' 48" W	153.18	meters to corner	75;
7	thence	N 15° 5' 13" W	193.59	meters to corner	76;
8	thence	N 55° 32' 1" W	116.00	meters to corner	77;
9	thence	N 40° 20' 51" W	583.18	meters to corner	78;
10	thence	N 8° 4' 45" E	178.61	meters to corner	79;
11	thence	N 58° 57' 17" W	499.34	meters to corner	80;
12	thence	N 55° 42' 56" E	170.49	meters to corner	81;
13	thence	N 19° 36' 2" W	150.14	meters to corner	82;
14	thence	N 49° 16' 2" E	92.94	meters to corner	83;
15	thence	N 35° 26' 55" W	173.61	meters to corner	84;
16	thence	S 84° 31' 10" W	106.16	meters to corner	85;
17	thence	N 68° 8' 17" W	189.79	meters to corner	86;
18	thence	N 66° 44' 12" W	191.73	meters to corner	87;
19	thence	N 3° 22' 16" W	86.03	meters to corner	88;
20	thence	N 53° 24' 11" E	144.12	meters to corner	89;
21	thence	N 0° 1' 6" W	65.68	meters to corner	90;
22	thence	N 85° 4' 17" W	292.95	meters to corner	91;
23	thence	N 4° 49' 7" E	522.23	meters to corner	92;
24	thence	N 13° 54' 0" W	531.15	meters to corner	93;
25	thence	N 51° 1' 10" E	931.12	meters to corner	94;
26	thence	S 83° 48' 18" E	1982.17	meters to corner	95;
27	thence	N 27° 27' 21" E	532.57	meters to corner	96;
28	thence	N 47° 19' 8" W	931.19	meters to corner	97;
29	thence	N 4° 0' 45" E	572.31	meters to corner	98;
30	thence	S 71° 47' 34" E	662.19	meters to corner	99;
31	thence	S 18° 54' 17" E	528.62	meters to corner	100;
32	thence	N 63° 45' 57" E	869.31	meters to corner	101;

1 thence   N 65° 38' 25" E   612.99   meters to corner   1,

2 containing an area of five thousand four hundred sixty-eight (5,468) hectares,

3 more or less. Bearings and distances of lines were derived using the PRS 92

4 Philippines Zone IV coordinate system, subject to ground delineation and

5 demarcation.

6   **SEC. 5.** *Establishment of Buffer Zones.* – The Secretary of the

7 Department of Environment and Natural Resources (DENR), upon the

8 recommendation of the Protected Area Management Board (PAMB) created under

9 Section 6 of this Act, may designate areas surrounding the MGPL as buffer zones

10 for the purpose of providing an extra layer of protection where restrictions may be

11 applied: *Provided,* That in cases where the designated buffer zone would cover

12 private lands, the owners thereof shall be required to design their development

13 with due consideration to the protected area management plan.

14 <center>**ARTICLE II**</center>

15 <center>**MANAGEMENT MECHANISMS**</center>

16   **SEC. 6.** *Protected Area Management Board (PAMB).* – Within ninety

17 (90) days from the effectivity of this Act, a Protected Area Management Board

18 (PAMB) shall be created to oversee the management of the MGPL. The PAMB

19 shall be composed of the following:

20   (a) DENR Regional Executive Director for Region IX, as Chairperson;

21   (b) Governor of the Province of Zamboanga del Norte;

22   (c) Senators of the Republic of the Philippines who are duly registered

23   residents of the Province of Zamboanga del Norte, or their duly

24   designated representatives, unless the Senators decline the membership

25   in the PAMB;

26   (d) District Representatives of the Congressional Districts where the MGPL

27   is located, or their duly designated representatives, unless the District

28   Representatives decline the membership in the PAMB;

29   (e) Mayors of the Municipalities of President Manuel A. Roxas, Katipunan,

30   and Siayan, in the Province of Zamboanga del Norte, or their duly

31   authorized representatives;

32   (f) Chairpersons of all the barangays with territorial jurisdiction over the

MGPL;

(g) Regional Directors of the following government agencies, namely: Department of Agriculture (DA), National Economic and Development Authority (NEDA), Department of Science and Technology (DOST), Philippine National Police (PNP), Department of National Defense (DND) and Department of Tourism (DOT);

(h) Three (3) representatives from either NGOs or people's organizations (POs), based in the Province of Zamboanga del Norte, duly accredited both by the DENR and the provincial government. The NGOs or POs represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

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

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

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

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

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

(a) Oversee the management of the MGPL;

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

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

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

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

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

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

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

(i) Recommend appropriate policy changes to the DENR and other government authorities with respect to the management of the MGPL;

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

(k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASu; and

(l) Assess the effectiveness of the management of the MGPL: *Provided,* That the members of the PAMB representing the LGUs and national agencies shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and the rules and regulations issued to implement it are complied with and used as reference and framework in their respective plans, policies, programs, and projects.

Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further,* That the DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

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

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

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

(b) Ensure the integration of the MGPL management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;

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

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

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

(f) Enforce the laws, rules and regulations relevant to the MGPL, commence and institute administrative and legal actions in collaboration with other

government agencies or organizations, and assist in the prosecution of offenses committed in violation of the provisions of this Act;

(g) Monitor, evaluate, and report the implementation of management activities of the MGPL;

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

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

(j) Collect and receive pertinent fees, charges, donations, and other income for the MGPL: *Provided,* That such fees, charges, donations, and other income collected and received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;

(k) Prepare and recommend to the PAMB, approval of the annual work and financial plans of the MGPL based on the management plan; and

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

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

ARTICLE III

PROCEEDS AND FEES

SEC. 9. ***The Mt. Gutom Protected Landscape-Integrated Protected Area Fund.*** – There is hereby established a trust fund to be known as the Mt. Gutom Protected Landscape Integrated Protected Area Fund (MGPL-IPAF) for purposes of financing projects of the MGPL and the NIPAS. All income generated from the operation and management of the MGPL shall accrue to the MGPL-IPAF.

The income shall be derived from fees and charges from the use of resources and facilities of the MGPL, contributions from industries and facilities directly benefiting from the MGPL, and such other fees and income derived from the operation of the MGPL.

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

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

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

ARTICLE IV

PENAL PROVISIONS

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

ARTICLE V

TRANSITORY AND MISCELLANEOUS PROVISIONS

SEC. 11. *Appropriations.* – The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding

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

2   **SEC. 12.** ***Suppletory Application of the NIPAS Law.*** – The provisions

3   of Republic Act No. 7586 as amended by Republic Act No. 11038, shall have

4   suppletory application to this Act.

5   **SEC. 13.** ***Implementing Rules and Regulations.*** – Within ninety (90)

6   days from the effectivity of this Act, the Secretary of the DENR shall, in

7   consultation with the local governments of the Municipality of President Manuel

8   A. Roxas, Katipunan, and Siayan, the provincial government of Zamboanga del

9   Norte, and concerned national government agencies, issue the corresponding rules

10   and regulations for the effective implementation of this Act.

11   **SEC. 14.** ***Separability Clause.*** – If any section or provision of this Act is

12   held unconstitutional or invalid, the remaining sections or provisions not affected

13   thereby shall continue to be in full force and effect.

14   **SEC. 15.** ***Repealing Clause.*** – All laws, decrees, letters of instruction,

15   executive orders, rules and regulations and other issuances or parts thereof

16   inconsistent with this Act are hereby repealed or modified accordingly.

17   **SEC. 16.** ***Effectivity.*** – This Act shall take effect fifteen (15) days after its

18   publication in the *Official Gazette* or in a newspaper of general circulation.

     Approved,