"AN ACT
DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN, IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREA SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, 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

SECTION 1. Title. – This Act shall be known as the “Naga-Kabasalan Protected Landscape Act”.

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

In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to Naga and Kabasalan, as well as their
aesthetic and ecological importance, a parcel of land located in the Municipalities
of Naga and Kabasalan, in the Province of Zamboanga Sibugay, and covering the
Tipan and Busyawan Watersheds, is hereby declared a protected area with the
category of protected landscape, and shall hereinafter be referred to as the Naga-
Kabasalan Protected Landscape (NKPL). 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. Definition of Terms. – As used in this Act:

a. Buffer zones refer to identified areas outside the boundaries of and
immediately adjacent to designated protected areas that need special
development control in order to avoid or minimize harm to the protected
area;

b. Conservation refers to any act or acts of preservation and sustainable
utilization of wildlife or maintenance, restoration and enhancement of
habitats;

c. Indigenous cultural communities (ICCs)/Indigenous peoples (IPs) refer to
groups of people sharing common bonds of language, customs, traditions,
and other distinctive cultural traits, and who have, since time immemorial
occupied, possessed and utilized a territory;

d. National park refers to land of the public domain classified as such in the
Constitution which includes all areas under the NIPAS, primarily
designated for the conservation of native plants and animals, their
associated habitats and cultural diversity;

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

f. *Protected landscape* refers to an area where the interaction of people and nature over a period of time has produced an area of distinct character with significant ecological, biological, cultural and scenic value and where the safeguarding of the integrity of this interaction is vital to protecting and sustaining the area and its associated nature conservation and other values; and

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

SEC. 4. Classification as a National Park. – The NKPL is comprised of a parcel of land of the public domain located in the Municipalities of Naga and Kabasalan, in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds. All lands of the public domain within the coverage and scope of the NKPL shall fall under the classification of national park as provided for in Article XII, Section 8 of the Constitution.

SEC. 5. Scope and Coverage. – The boundaries of the NKPL are more particularly described as the area beginning at a point marked “1” on plan, which is N 22° 10’ 10” E, 4,975.084 meters from PRS92 “ZSI-34” with geographic coordinates of 07° 50’ 35.33894” Latitude and 122° 43’ 4.49351” Longitude located at Barangay Santa Clara, Municipality of Naga, Province of Zamboanga Sibugay,

thence N 15°41'15” W 1027.743 meters to corner 2;

thence N 35°28'06” W 1676.499 meters to corner 3;

thence N 35°55'27” E 517.062 meters to corner 4;

thence N 35°29'46” W 314.195 meters to corner 5;

thence N 35°48'59” E 764.172 meters to corner 6;

thence N 16°05'20” E 715.774 meters to corner 7;

thence N 81°29'35” W 996.21 meters to corner 8;

thence N 35°52'08” W 722.914 meters to corner 9;
<table>
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<tr>
<th></th>
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<td>6</td>
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<td>9</td>
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<td>30</td>
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<td>32</td>
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<td>N 58°17'06&quot; W 440.513</td>
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</table>
thence N 58°41'45" W 364.662 meters to corner 42;
thence N 41°38'01" W 253.504 meters to corner 43;
thence N 33°10'43" W 261.592 meters to corner 44;
thence N 65°05'43" W 129.98 meters to corner 45;
thence N 52°01'42" W 218.985 meters to corner 46;
thence N 50°05'32" W 301.894 meters to corner 47;
thence N 39°39'24" W 415.637 meters to corner 1,
and comprises five thousand five hundred five and 45/100 (5,505.45) hectares, more or less.

SEC. 6. Establishment of Buffer Zones. – The DENR Secretary, upon the recommendation of the Protected Area Management Board (PAMB) created under Section 7 of this Act, may designate areas surrounding the NKPL as buffer zones for the purpose of providing an extra layer of protection where restrictions may be applied: Provided, That, in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan.

ARTICLE II

MANAGEMENT MECHANISMS

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

a. DENR Regional Executive Director for Region IX, as Chairperson;
b. Governor of the Province of Zamboanga Sibugay or a duly authorized representative;
c. Senators of the Republic of the Philippines who are duly registered residents of Zamboanga Sibugay, or duly designated representatives, unless the Senators decline the membership in the PAMB;
d. District Representatives of the Congressional Districts where the NKPL is located, or their duly designated representatives, unless the District Representatives decline the membership in the PAMB;
e. Mayors of the Municipalities of Naga and Kabasalan, in the Province of
Zamboanga Sibugay or their duly authorized representatives;

f. Chairpersons of the all the barangays with territorial jurisdiction over
the NKPL;

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), and Department of National Defense
(DND);

h. Three (3) representatives from either NGOs, or people’s organizations
(POs) based in the Province of Zamboanga Sibugay, 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
must have a record of accomplishments in the field of protected area
management;

i. At least one (1) but not more than three (3) representatives from all the
ICCs/IPs 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 Sibugay, with a
record of accomplishments in or related to protected area management;
and

k. One (1) representative from the private sector, preferably a resident of
the Province of Zamboanga Sibugay, 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. 8. Functions of the PAMB. – The PAMB shall have the following
powers and functions:

a. Oversee the management of the protected area;
b. Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

c. Approve the management plan of the protected area 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 protected area;

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 NKPL;

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 NKPL;

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 protected area: 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. 9. 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 NKPL. 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 protected area.

The PASu shall be primarily accountable to the PAMB and the DENR for the management and operations of the NKPL. 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 protected area 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 protected area, 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 protected area;

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 protected area;

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 protected area: 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 protected area 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. 10. The Naga-Kabasalan Protected Landscape Fund. – There is hereby established a trust fund to be known as the Naga-Kabasalan Protected Landscape Fund for purposes of financing projects of the NKPL and the NIPAS.
All income generated from the operation and management of wild flora and fauna in the NKPL shall accrue to the fund. The income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the NKPL proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the NKPL, and such other fees and income derived from the operation of the NKPL.

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

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

SEC. 13. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with the local governments of the Municipalities of Naga and Kabasalan, the provincial government of Zamboanga Sibugay, and concerned national government agencies, issue the corresponding rules and regulations for the effective implementation of this Act.

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

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

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

Approved,