

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3870**



Introduced by **REP. EVELINA G. ESCUDERO**

EXPLANATORY NOTE

Article II, Section 16 of the Philippine Constitution states 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."

This bill seeks to establish the Taal Volcano Protected Landscape (TVPL) under the National Integrated Protected Areas System (NIPAS).

Taal Volcano is one of the lowest active volcanoes in the world and the deepest lake in the Philippines and 3rd largest lake next to Lagunal Lake and Lake Mainit. Tawilis (*Sardinella tawilis*), the only freshwater sardine known in the world is endemic to Taal Lake. It is considered as the most valuable fish in the area that demand massive conservation. Taal Lake is also home to a venomous "sea snake" (*Hydrophis semperi*). This species is one of the only few snakes of its type that breeds in freshwater and is only known freshwater sea snake in the Philippines.

The passage of this bill will help protect and conserve the watershed area surrounding the lake as well as its cultural, historical, scenic and diverse fresh water ecosystem and resources.


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AN ACT
DECLARING THE TAAL VOLCANO ISLAND NATIONAL PARK, PROVINCE OF BATANGAS, ISLAND OF LUZON, AND ITS WATERSHED AREAS, A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES AS MANDATED FOR BY THE NIPAS ACT OF 1992

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled :

SECTION 1. Title. This Act shall be known as the “**Taal Volcano Protected Landscape Act.**”

SEC. 2. Declaration of Policy . Pursuant to Republic Act 7586 or the NIPAS Act of 1992, it is hereby declared the policy of the state to regulate the utilization of fishery resources, historical artifacts and sites, ensure the continuity of endangered, threatened and rare species, and providing thereof for the benefit and enjoyment of its people and humankind.

The classified area comprising the Taal Volcano Protected Landscape shall be within the National Park classification under the Constitution. Public lands classified as agricultural and alienable and disposable upon the passage of this Act shall remain as such and may be disposed of under the law.

SEC. 3. Scope; The boundaries of Taal Volcano Protected Landscape are as follows :

Beginning at a point marked “I” with a geographical position of 14°06’09.4” N latitude and 121°05’51.80” E longitude, thence :

S 34°58’E 12,480.40 m to point 2, 14°00’36.08” N lat and 121°09’50.50” E long;
S 31°18’W 8,872.70 m to point 3, 13° 56’ 29.47” N lat and 121° 07’ 16.29 “ E long;
S 55° 09’ W 11,663.92 m to point 4, 13° 52’ 52.65” N lat and 121° 01’ 57.33” E long;
S 78°36 W 6,334.47 m to point 5 , 13° 52’ 11.93” N lat and 120° 58’30.51” E long;
S 54°17W 8,104.91 m to point 6, 13° 54’ 45.84” N lat and 120° 54’ 51.30” E long ;
N24°40W 17,627.26 to point 7 14°03’27.03” N lat and 120° 50’45.95” E long;
N 51° 17 E 5,037.16 m to point 8 , 14° 05’09.63” N lat and 120°52’ 56.90” E long ;
N 67° 18 E 15,441.45 m to point 9, 14°08’ 23.67” N lat and 121°00’51.19” E long;
S 65°19’E 9,903.61 m to point of beginning,

containing an approximate area of **SIXTY FIVE THOUSAND SEVEN HUNDRED TWENTY AND 20.86/100 (65,720.2086) HECTARES** with TIE POINT at corner “I” at S 78-23’W, 4,775.38 meters from BLLM I Cad 424, Sto. Tomas Cadastre, Batangas.

Any modifications of this Act due to factors such as changing ecological situations or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by Congress after full consultation with the affected public.

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

SEC. 4. *Definition of Terms.* For purpose of this Act, the following terms are defined as follows :

- a. **Alienable and Disposable Lands- (A & D Lands)** land not belonging to public domain. It can be privately owned, patented, titled, sold or transferred to another person.
- b. **Community Environment and Natural Resources Office (CENRO)** - the community office of the local DENR at district level.
- c. **Department of Agriculture- Bureau of Fisheries and Aquatic Resources (DA-BFAR)** - a national agency tasked of regulating the use of the Taal Lake waters including its management and administration.
- d. **Department of Environment and Natural Resources (DENR)** - a national agency tasked of regulating the use of natural resources and administering the programs of environmental management.
- e. **Department of Tourism (DOT)** – the primary national agency tasked to encourage, promote and develop tourism as a major socioeconomic activity with the support of both the private and public sectors, and to undertake the necessary steps to ensure the safe, convenient and enjoyable stay and travel of the country's domestic and foreign tourists.
- f. **Endangered Species-** wildlife species that are endangered of extinction and whose survival is unlikely if the casual factor is not reserved.
- g. **Endemic Species-** wildlife species peculiar to a locality or region.
- h. **Fishery and Aquatic Resources Management Cooperatives (FARMCs)-** an organization as mandated by law to collaboratively manage the Taal Lake Area including the water resources therein.
- i. **Forest Lands** – lands of the public domain which have been classified as such under the land classification of the DENR.
- j. **Local Government Units (LGUs)-** refer to the structural units of the government such as province, municipality/city and barangay.
- k. **National Disaster Coordinating Council (NDCC)** – refer to the council in charge of the plans and programs related to disaster prevention, strategy and coordination.
- l. **Non-Government Organization (NGOs)-** a group of persons whose purpose is to assist people's organizations or associations in various fields including but not limited to organizing, educating, training, research and/or resource assessing.
- m. **Non- Renewable Resources-** resources not capable of being replaced by natural ecological cycles or sound management practices.

- n. Other Government Agencies (OGAs) – either national or local government agencies in support to the structural and organizational objectives on the protection and conservation of natural resources and environment and is embodied on its mandate and function.
- o. People Organizations (POs) – a group of people, maybe an association, cooperative, federation or legal entity established by the community to undertake collective action to address community concerns and needs and mutually share the benefits from the endeavor.
- p. Philippine Institute of Volcanology and Seismology (PHILVOCS) – the national agency tasked to undertake the studies, formulation of strategies and policies, development of disaster preparedness plans, and safeguard the area for degradatory destruction by the volcano and mankind.
- q. Private Lands- lands that constitute ownership by individuals through documents showing private participation.
- r. Protected Area Management Board (PAMB) – a multi-sectoral board created under the NIPAS Law of 1992, created for each protected area and vested with powers to administer its implementation.
- s. Protected Area Superintendent (PASu) – under the DENR serve as the chief operating officer of the protected area.
- t. Protected Landscape- areas of significance which are characterized by harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity for these areas.
- u. Provincial Environment and Natural Resources Offices (PENRO) – the local office of the DENR at the provincial level.
- v. Taal Lake Waters- the body of water embracing the Taal Lake area including its watershed.
- w. Tourism Authority- the implementing arm of the DOT for development. Its corporate mission is to provide and maintain the necessary physical infrastructure facilities to support in the development and promotion of the Philippines as a tourist destination.
- x. Volcanic Activity – the active force relating to or produced by a volcano.
- y. Watershed Area- the area of the protected landscape where all activities relating to the development, sustenance, and promotion of recreational and interactive participation of its inhabitants is secured.

SEC. 5. *Management Plan.* The Protected Landscape Management Plan shall be prepared in consultation with the appropriate offices of the (DENR) and local experts who may donate their service including but not limited to peoples organizations, non-government organizations, local government units, and other government agencies. The management Plan shall be reviewed, approved and adopted by PAMB and certified by the Secretary of the DENR. Such certification is mandatory if the plan conforms to all laws and rules and regulations issued by the DENR of national applications. In no case shall the DENR be allowed to revise or modify the Management Plan without prior consultation with the PAMB.

Within one (1) year from the effectivity of this Act, a Management Plan shall have been put into effect following the General Management Planning Strategy provided under the (NIPAS) Act and according to the procedure herein set forth. It shall contain among others the following:

- a. The category of the protected area;
- b. Period of applicability of the plan;

- c. Key management issue;
- d. Goals and objectives of management in support of Section 2 hereof;
- e. Site management strategy;
- f. Major management activities such as but not limited to enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;
- g. Zoning; and
- h. Visitor management programs.

The PASu in coordination with all concerned offices shall prepare successor plans. One (1) year before the expiration of the period of applicability of the plans in effect, the PASu shall cause publication of notices for comments and suggestions on the next successor plan. These must be in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. A finalized plan shall be made available for public perusal at the Office of the PASu upon its approval by the PAMB or any strategic place designated for the purpose.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by the tenured migrants unless such uses are deemed detrimental to bio- diversity and the protection of the natural characteristics of the protected area.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASu Office or any designated area as approved by members of the PAMB.

SEC. 6. *Institutional Mechanism.* The following administrative and policy- making mechanisms shall apply:

- (A) The protected Area Management Board (PAMB)- there shall be a PAMB which shall be the policy making body of the protected area. It shall be composed of:
 1. The Regional Executive Director of the DENR as the Chairman;
 2. The Provincial Planning and Development Officer;
 3. One (1) representative from each municipal government of the protected area, to be appointed by the municipal mayor or by majority vote of each Sangguniang Bayan;
 4. One (1) representative from each municipal government at the barangay level of the protected area to be appointed by the Association of Barangay Chairman (ABC);
 5. At least three (3) representatives each from Non Government Organizations (NGOs) to be chosen among themselves.
 6. One (1) representative each from Other Government Agencies (OGAs) depending on the needs of the protected area;
 7. At least three (3) representatives from Peoples Organizations (POs) or cooperatives to be selected among themselves.

Every member of the PAMB shall be considered to represent his or her sector and shall be deemed to carry to vote of such sector. Unless challenged in writing five (5) days after the decision being challenged is made known to the members of the sector through the provision of the written information.

The PAMB for the Taal Volcano Protected Landscape shall have the following powers:

1. Issue all rules and regulations to prohibit acts that maybe prejudicial to the protected area and the policy declaration herein set forth as well as established criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
2. Issue rules and regulations for the resolution of conflict through appropriate sensitive and effective means;
3. Adopt rules and procedures for the conduct of business, including the creation of committees to whom its powers maybe delegated;
4. Approve the management plan and oversee the Office of the PASu;
5. Deputize interested individuals for the enforcement of laws, rules and regulations governing conduct of the protected landscape;
6. Approve proposals for budget allocation and exercise responsibility over all funds that may accrue to the Taal Volcano Protected Landscape as mandated by the Integrated Protected Area Fund which are indicated for the purpose of the above policy declaration.

The DENR through the RED shall exercise authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of contradiction between administrative orders issued by the DENR pursuant to the NIPAS Act for national application and the rules and regulations issued by the PAMB.

The PAMB shall notify the secretary of the DENR who shall decide whether to apply rule of withdraw it for the purpose of he Protected Landscape. The decision of the Secretary shall be guided by a preference to locally initiated and specific policies enacted by the PAMB. The Regional Trial Court shall uphold the decision of the Secretary with jurisdiction over the Protected Landscape.

(B) The Protected Area Superintendent (PASu) Office - There shall be a Protected Area Superintendent (PASU) under the DENR who shall serve as the Chief Operating Officer of the Protected Area. The PASu shall have the following powers and functions:

1. Prepare the management and successor plans as herein provided;
2. Serve as the Secretariat for the PAMB with the PENRO and with the duty to provide the PAMB with all information necessary for it to make appropriate decisions when necessary;
3. Hire and supervise the necessary personnel to support the operations as the budgets allocated in this Act, by the PAMB and the DENR may allow;
4. Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, in the planning, protection and management of the protected landscape;
5. Develop and implement a park information, education and visitor program;
6. Enforce the laws rules and regulations relevant to the protected area and assist in the prosecution of offenses;
7. Monitor all activities within the protected area for their compliance with the management plan;
8. Perform such other functions as the PAMB may assign;

9. Delegate authority to his staff whenever necessary.

- (C) The Department of Environment and Natural Resources (DENR) shall be independent from PAMB regarding regulatory functions of areas belonging to its administrative jurisdiction or whenever the need for areas such as classified forests is deemed necessary for its use or activities as mandated.
- (D) The Philippine Institute of Volcanology and Seismology (PHILVOCS) will be an independent national agency tasked of implementing guidelines regarding disaster preparedness. It shall have coordinated efforts to suppress the unwanted proliferation of migrants into the island volcano, provide technical data on volcanic activity and be independent from PAMB on resolutions regarding volcanic condition.
- (E) The Department of Tourism (DOT) shall have full powers in the implementation of its legal mandates on the developments and policies on the area and independent from PAMB on decisions but must conform to the NIPAS Act.
- (F) The National Disaster Risk reduction & Management Council (NDRRMC) through the Provincial Disaster Risk Reduction & Management Council (PDRRMC) shall establish an emergency plan, strategies and disaster preparedness activity and shall be independent of all action plans relative to volcanic eruption and other operations.
- (G) The Department of Agriculture- Bureau of Fisheries Aquatic Resources (DA-BFAR) and Fishery and Aquatic Resources Management Cooperatives (FARMCs) shall have full implementation of its mandates in the Taal Lake Waters and independent from PAMB on its researches, developments and actions. They shall, however, conform to the protection and conservation of the environment and natural resources of the area.

SEC. 7 . *Tenured Migrants* . Tenured migrants are those who have actually and continuously occupied the protected area since birth and substantially dependent on such areas for their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, the tenured migrants shall be issued tenurial instruments over such areas as have been occupied or cultivated . If despite consideration paid to current practices , areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed, provision for their transfer to multiple use zones maybe accomplished using humanitarian consideration in so doing.

Upon a cancellation of a tenured migrant instrument for cause, abandonment or by voluntary surrender of rights, the PASU shall take immediate step to rehabilitate the area in order to return it to its natural state prior to the cultivation or other activity by the tenured migrant

SEC. 8 . *Prohibited Acts and Penalties.*

- (A) The penalties in Article 309 and 310 of the revised Penal Code depending on the value , the resources taken, damaged or destroyed shall be imposed upon any person who :
 - 1. Hunts, destroy, disturbs or remove from the Protected Landscape, any wild plants or animal products derived there from without a permit from **PAMB**.
 - 2. Conducts mineral explorations or extractions within the Protected Landscape as defined herein.
 - 3. Conduct quarry operations for aggregates, sand and other quarry materials without a permit from PAMB or without other permits required under existing laws.
 - 4. Engages in commercial fishing within the Taal Lake area without a permit or recognition from PAMB .

5. Engages in fishing with the use of explosives , noxious substances , electricity or drift with mesh below three (3) centimeters between the knots when stretch.
 6. Cut, remove, gather, take timber or forest products from the forest lands and private lands without authorization.
 7. Establishment of infrastructures and other man-made projects without authorization and clearances from the PAMB and other government agencies involved in the granting of permits and clearances thereof,
- (B) Valuation of the damage shall take into account biodiversity and conservations considerations as well as aesthetic and scenic value.
- (C) A fine of not less than PHP 5,000 but not more than Php 250,000 and/or imprisonment of not less than one year (1) nor more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who:
1. Alters topography through digging, blasting, earth filling activities or stone walling without a permit from all proper authorities as required under existing laws , rules and regulations and from PAMB,
 2. Damages roads, trails or leaves them in a damaged condition or mutilates, defaces, destroys or vandalizes any object of natural beauty or scenic value within the Protected Landscape;
 3. Constructs or maintains any kind of structure without a permit from PAMB or without other requisite permits under existing laws such as but not limited to municipal permits, public works requirements and environmental Compliance Certificate (ECC);
 4. Alters , removes, destroys or defaces boundary marks, buoys or signs in the Protected Landscape put up by the PAMB.
- (D) A fine not less than Php 5,000 nor more than Php 100,000.00 and/or imprisonment from one (1) year to three (3) years shall be imposed upon a person who :
1. Occupies lands classified as Strict Protected Zones without a legal instrument for such occupation as herein defined;
 2. Violates any rules and regulations in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;
 3. Dumps any wastes materials on land or sea other than in areas identified as dumping sites by the local governments or leaves exposed or in unsanitary conditions on land or sea as human waste or refuse;
 4. Kills or injures any protected species or fails to release it when accidentally caught or found beached;
 5. Knowingly brings into Protected Landscape any exotic species or substances which may pose hazard to public health, protected species habitat or populations or scenery;
 6. Brings out of Protected Landscape live species without certification of toxic and hazardous substances testing;

7. Possesses instruments/equipments without clearances from the PAMB, which shall specify for the legal uses for which it can be applied.

(E) Imprisonment of six (6) years and one (1) day to ten (10) years and/or fine not less than Php 5,000.00 shall be imposed upon any alien engaging activity within the municipal waters of the Protected Landscape. The offender shall further be protected after serving the sentence. If such activity is carried on using a vessel, an equipment or infrastructure, the penalty shall include the confiscation of such instruments and subsequently turn over the same in favor of the government. The same penalty shall be imposed to any Filipino citizen proven to be in connivance and/or knowingly aiding and abetting in the commission of the offense.

(F) A fine of not less than Php 5,000.00 or more than Php 500,000.00 and/or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon:

1. Any person who shall induce another or conspire to commit any of the above acts or suffer their workers to commit any of the above acts shall be liable in the same manner as the one actually performing the act;
2. Any public officer or officer by law, who in dereliction of the duties of his office, shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate commission of the offense. Conviction for this offense shall also carry the penalty of perpetual disqualification from public office.

SEC. 9. *Special Prosecutors*. Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom all cases of violation of laws, rules and regulations in the Protected Landscape shall be assigned.

SEC. 10. *Local Government Units*. Local Government Units shall participate in the management of the Protected Landscape through its representation in the PAMB and shall ensure that rules for the conduct of business adequately allow them the opportunity to consolidate plans and projects with the management planning process.

SEC. 11. *Revenue Sharing*. The Local Government Units within the Protected Landscape shall continue to collect fees and charges including applicable taxes due to local government services or the use of its facilities and other revenues within the powers of the local government to collect.

The Integrated Protected Area Fund (IPAF) set up under Republic Act 7586 shall include taxes from the permitted sale of flora and fauna, donations, endowments, contributions and grants for the pursuit of the purposes of the Protected Landscape. These include the policy declaration herein but subject to onerous conditions as may be imposed by the donor or grantor. Proceeds from the leases by tenured migrants and such revenues as the PAMB may legally impose and collect.

SEC. 12. *Existing Policies within the Protected Landscape*. Within one hundred twenty (120) days from the effectivity of this Act, major existing policies such as roads, buildings, seaports, water systems, power plants, transmission lines, communication facilities, heavy equipments, irrigation facilities, commercial sea vessels, medical facilities and junk shops existing within the boundaries of the Protected Landscape, shall submit project descriptions to the PAMB through the PASu.

Based on its submission, the PAMB, with the help of the DENR, shall determine whether existence of such facility and its future plan and operation will be detrimental to the Protected Landscape or whether conditions for its operations shall be imposed. If any of such conditions are violated, the facility shall be liable to pay a fine of Php 5,000.00 for every day of violation. Upon reaching a total fine of Php 500,000.00, the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of the owners.

Such facilities allowed to remain within the Protected Landscape may be charged a reasonable royalty by the DENR. All incomes from such royalty shall accrue to the IPAF.

SEC. 13. *Utilization of Energy and Non-Renewable Resources* . Any exploitation and utilization of energy and other non-renewable resources within the Protected Landscape shall be allowed only through PAMB approval. In no case shall an exemption from the Environmental Impact Assessment (EIA) System be made for energy and non-renewable resources exploitation projects within the Protected Landscape.

SEC. 14. *Appropriation* . The amount necessary to carry out the provisions of this Act shall be included in the General appropriations Act in the year following its enactment into law.

SEC. 15. *Construction*. The provisions of the Act shall be construed liberally in favor of the occupants of the Protected landscape. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 16. *Repealing Clause*. For the purpose of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, regulations inconsistent with this Act are hereby repealed or modified accordingly. Within the scope of the Protected Landscape as herein specified, the prohibitions and penalties under the NIPAS Act are hereby superseded.

SEC. 17. *Separability Clause* . If any part or section of this Act is declared by the court, as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 18. *Effectivity Clause* . This Act shall be translated in English and Pilipino. The English version shall be published once a week for three (3) consecutive weeks in a newspaper of general circulation and in Pilipino in a newspaper readily available in the area and around the scope specified hereunder. It shall likewise be posted in the appropriate language in a conspicuous place in the provincial, municipal/city and barangay halls within the area as well as three (3) other places frequented by the public. Fifteen (15) days after the last publication, this Act shall have full force and effect.

Approved,