

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

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Seventeenth Congress
First Regular Session

HOUSE BILL NO. **2362**

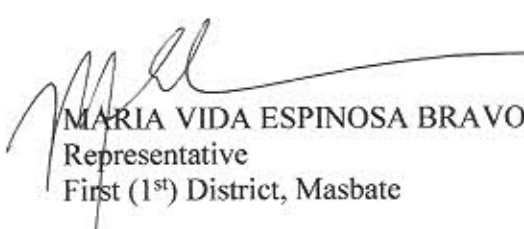
Introduced By Congresswoman MARIA VIDA ESPINOSA BRAVO

EXPLANATORY NOTE

In pursuit to the State's Constitutional guarantee and duty to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is hereby declared the policy of the State to secure for the Filipino people and its future generations, the protection of its surrounding areas and natural resources in accordance with Republic Act No. #7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992.

Cognizant thereto, the innate profound impact of human activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement, the State recognizes the critical importance of protecting and maintaining the natural and physical diversities of the our environment notably areas of unique biological significance which are the Marine and Mangrove Forest Ecosystem.

Pursuant to the above cited policy, the NIPAS Act and as provided herein, Bongsanglay Natural Park (Municipality of Batuan, Masbate) and its surrounding vicinities with boundaries is hereby declared and established as a protected area under the category of a natural park to be known as the Bongsanglay Natural Park.


MARIA VIDA ESPINOSA BRAVO
Representative
First (1st) District, Masbate

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. **2362**

Introduced by Congresswoman MARIA VIDA ESPINOSA BRAVO

AN ACT
ESTABLISHING THE BONGSANGLAY MANGROVE FOREST RESERVE
AND NATURAL PARK, PROVINCE OF MASBATE AND APPROPRIATING
FUNDS THEREFOR.

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

Article I.—Title, Policies and Scope

SECTION 1. Title. - This Act shall be known as the Bongsanglay
Mangrove Forest Reserve and Natural Park Act of 2016.

SECTION 2. Statement of Policy. - The State's Constitutional guarantee
and duty to protect and advance the right of the people to a balanced and healthful
ecology in accord with the rhythm and harmony of nature, it is hereby declared the
policy of the State to secure for the Filipino people and its future generations, the
protection of its surrounding areas and natural resources in accordance with
Republic Act No. #7856 or the National Integrated Protected Areas System
(NIPAS) Act of 1992.

SECTION 3. Declaration. - Pursuant to above cited policy, the NIPAS
Act and as provided therein, Bongsanglay Mangrove Forest Reserve and its
surrounding vicinities and boundaries, a natural marine and mangrove forest with
the presence of natural mangrove forest vegetation and diversity of flora and fauna

considered as the last frontier in the Province of Masbate, Bicol Region, is hereby declared and established as a protected area under the category of a Natural Park to be known as the Bongsanglay Mangrove Forest Reserve and Natural Park Act of 2016.

SECTION 4. Definition of Terms. - For purposes of this Act, the following are hereby defined:

- a) Bong NP or Protected Area refers to the Bongsanglay Natural Park as established herein;
- b) Genetically Modified Organisms or GMO means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology through in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles or fusion of cells beyond the taxonomic family that overcome natural physiological reproductive or recombination barriers that are not techniques used in traditional breeding and selection;
- c) LGU shall pertain to local government units within the Bong NP;
- d) PAMB refers to the Bong NP Protected Area Management Board;
- e) PAMO refers to Protected Area Management Office;
- f) PASO refers to the Protected Area Superintendent Office comprised of the PASu and his/her staff;
- g) PASu refers to the Protected Area Superintendent;
- h) Protected Area Species shall refer to any plant or animal declared protected under Philippine laws and international conventions, including species listed under the Convention on International Trade of Endangered Species (CITES) and all of its annexes, the Bonn Convention of Migratory Species, the Red-list Categories of the World Conservation Union (IUCN), or any plant or animal which the PAMB may deem critical for the conservation and preservation of the Bong NP.

SECTION 5. Scope. - The Bongsanglay Natural Park (Bong NP) shall cover parcels of land located within the Municipality of Batuan, Province of Masbate, containing an area of 518.90 hectares subject to ground survey with the following technical description:

Beginning at a point marked 1 which is S 52°28'00" W 6,328.87 meters from BLLM no. 4 of Barangay Burgos, Batuan, Masbate with geographical coordinates of 12°23'38.39 North and 123°44'49.04 East to corner 1

Thence	S 21°01'20" W	100.35 meters	to corner 2
Thence	S 64°52'21" W	53.59 meters	to corner 3

Thence	N 11°01'15" W	74.11 meters	to corner 4
Thence	N 05°42'08" W	47.68 meters	to corner 5
Thence	N 05°58'55" W	155.26 meters	to corner 6
Thence	N 37°29'07" W	116.59 meters	to corner 7
Thence	N31°30'08" W	246.76 meters	to corner 8
Thence	N39°05'51" W	497.61 meters	to corner 9
Thence	N14°27'54" W	152.51 meters	to corner 10
Thence	N77°03'16" W	221.82 meters	to corner 11
Thence	N33°24'45" W	118.05 meters	to corner 12
Thence	N22°02'50" E	67.06 meters	to corner 13
Thence	N54°02'35" W	277.68 meters	to corner 14
Thence	N21°09'57" W	122.78 meters	to corner 15
Thence	N40°39'40" E	85.38 meters	to corner 16
Thence	N15°40'34" W	164.72 meters	to corner 17
Thence	N19°19'17" W	115.44 meters	to corner 18
Thence	N21°23'40" E	298.59 meters	to corner 19
Thence	N09°55'27" W	49.00 meters	to corner 20
Thence	N21°58'10" W	268.13 meters	to corner 21
Thence	N05°28'28" E	48.72 meters	to corner 22
Thence	N75°39'07" W	82.20 meters	to corner 23
Thence	N63°03'18" W	46.82 meters	to corner 24
Thence	N09°24'38" E	57.46 meters	to corner 25
Thence	N88°39'55" E	64.54 meters	to corner 26
Thence	N25°29'50" E	68.54 meters	to corner 27
Thence	N33°43'34" E	208.27 meters	to corner 28
Thence	N37°53'39" W	183.48 meters	to corner 29
Thence	N40°15'35" W	121.35 meters	to corner 30
Thence	N00°53'50" W	115.21 meters	to corner 31
Thence	N00°41'22" W	100.84 meters	to corner 32
Thence	N25°01'00" E	72.12 meters	to corner 33
Thence	N48°25'49" E	229.55 meters	to corner 34
Thence	N18°00'06" E	105.28 meters	to corner 35
Thence	N71°35'58" E	166.29 meters	to corner 36
Thence	S68°36'09" E	205.36 meters	to corner 37
Thence	S30°54'09" E	81.55 meters	to corner 38
Thence	S75°16'48" E	128.92 meters	to corner 39
Thence	S19°53'05" E	167.48 meters	to corner 40
Thence	S90°00'00" E	1,250.00 meters	to corner 41
Thence	S00°00'00" E	2,457.04 meters	to corner 42
Thence	S89°59'59" W	179.84 meters	to corner 43
Thence	S37°31'12" W	334.65 meters	to corner 44
Thence	S33°55'24" W	153.56 meters	to corner 45
Thence	N27°40'37" W	72.54 meters	to corner 46
Thence	N00°51'34" W	222.27 meters	to corner 47
Thence	S89°54'08" W	77.91 meters	to corner 48

Thence	S01°33'10" W	238.43 meters	to corner49
Thence	S14°53'20" W	216.52 meters	to corner50
Thence	S35°51'21" W	134.50 meters	to corner51
Thence	S13°44'10" W	96.75 meters	to corner52
Thence	S17°55'48" W	43.97 meters	to corner01

Article II— Management Plan and Zoning

SECTION 6. Management of the Bongsanglay Natural Park. -The Management and administration shall be vested within the PAMB; provided that the management of zones to be established within shall be consultative and participatory. The PAMB shall be responsible for the planning, resource protection and general administration of the Bongsanglay Natural Park in accordance with the approved Management Plan.

SECTION 7. Management Plan. - There shall be a management plan which shall serve as the long term framework for the management of Bongsanglay Natural Park, govern all activities and guide the preparation of the annual operations plan and budget. The Management Plan shall be consistent with this Act and the protected area under the category of a natural park. A management plan and other supporting data shall be prepared in accordance with the implementing rules of the NIPAS Act.

Within one (1) year from the effectivity of this Act, the PASO shall prepare the management plan in accordance with the General Management Planning Strategy as provided in the implementing rules of the NIPAS Act. It shall contain among others the following:

- a) A period of applicability for (10) ten years subject to review every five (5) years;
- b) Key Management
- c) Goals and objectives of management in support of Section 2 thereof;
- d) Zoning in accordance with Section 8 thereof;
- e) Management programs to include enforcement of laws, habitat and wildlife management, ecotourism, sustainable use, management, infrastructure development and maintenance, fire prevention and pest control;
- f) Sustainable and non-destructive livelihood activities;
- g) Regulations in furtherance of the preservation and conservation aims of the Natural Park such as allowable activities, resource-use restrictions, among other; and
- h) Other relevant conservation matters;

The management plan shall be reviewed and adopted by the PAMB and certified to by the DENR Secretary. The Management Plan shall not be revised or modified without prior consultation with the PAMB. It shall be reviewed and updated every five (5) years.

Two (2) years prior to the expiration of the current Management Plan, the PASO shall cause the publication of notices for comments and suggestions on the new Management Plan that will succeed the old one in a newspaper of general circulation and the posting thereof in the provincial, municipality and barangay halls of the LGU's comprising the Bongsanglay Natural Park, and in three (3) other conspicuous areas frequented by the public within the natural park. At least (2) public hearings shall be conducted on the proposed successor plan and shall be made available for public perusal at the PASO.

The Management Plan and all its successor plans shall be prepared in English, Filipino and Bicol, plainly written and made accessible to the public at the PASO.

SECTION 8. Zoning. - Strict protection zone and multi-use zone shall be established within the Bongsanglay Natural Park giving primarily consideration to its protection and conservation. Zoning shall also take into account the tenurial and livelihood concerns of the communities to ensure the efficient protection of habitats, fragile ecosystems and unique areas.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogues, consultations and land resource-use mapping. Zones shall be demarcated on the ground and indicated on maps with the participation of community, LGU's and other stakeholders.

Buffer zone shall also be established within the peripheral areas of the Bongsanglay Natural Park in accordance with the Management Plan to serve as a social fence where tenurial and sustainable resource-use rights may be granted to qualified groups and individuals.

SECTION 9. PAMB. - There shall be Protected Area Management Board which shall serve as the highest policy-making body of the Bongsanglay Natural Park. It shall be composed of the following:

- 1) The Regional Executive Director (RED) of Region V as PAMB Chair;
- 2) The Provincial Planning and Development Officer of Masbate;
- 3) The Environment and Natural Resources Officer (ENRO) of the Province of Masbate (PENRO-LGU);

- 4) One (1) regular representative from the Municipality of Batuan with territory within Bongsanglay Natural Park;
- 5) One (1) regular representative from every NGO, PO, church or civic organization but not to exceed five (5), all of whom must be based in or near Bongsanglay Natural Park;
- 6) One (1) representative from other government agencies with direct interest or involvement in protected area management; and
- 7) One regular representative from each barangay with territory within Bongsanglay Natural Park;
- 8) One (1) representative from academic institutions with direct interest or involvement in protected area management;

Every PAMB shall serve for a term of five (5) years, renewable for another five (5) years; provided, that he/she remains connected with the Office or sector he/she is supposed to represent; provided, further, that the LGU representatives must present the necessary endorsement from their respective Sanggunaians and their membership shall be co terminus being an elected officials. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same manner as the original selection process and only for the remaining term.

SECTION 10. Powers and Functions of the PAMB. - The PAMB shall decide by majority vote and shall have the following powers and functions:

- 1) Issue rules and regulations in control, prohibit and regulate all acts that may be prejudicial to the Bongsanglay Natural Park pursuant to the policy declarations herein set forth, including the imposition of fines to a maximum of Twenty Thousand Pesos (P20,000.00) and issuance of cease and desist orders, whenever justified;
- 2) Regulate, control and issue permits in accordance with the Management Plans pertinent to environmental laws and regulations particularly with regard to infrastructure activities, public utilities, waste management, business enterprises and research activities within the Bongsanglay Natural Park, including the power to prescribe appropriate fees and charges;
- 3) Review, approve and adopt a Management Plan for Bongsanglay Natural Park;
- 4) Recommend the deputation through the PASu individuals or groups to augment the protection personnel of Bongsanglay Natural Park for the enforcement of laws, rules and regulations therein, and prescribe, qualifications thereof;
- 5) Approve contracts and agreements consistent with the purpose of this Act;

- 6) Accept donations and grants to be deposited as trust fund for Bongsanglay Natural Park;
- 7) Review and approve proposals for funding, financial and work plans, and exercise accountability over all funds that may accrue to the Bongsanglay Natural Park;
- 8) Promulgate rules and regulations on the conduct of its business;
- 9) Monitor and evaluate the performance of all PASO personnel;
- 10) Retain legal counsel to defend cases against the PAMB, the PASO staff and deputized individuals whenever they are sued in connection with the performance of their duties and functions under this Act and to assist in other PAMB legal matters; and
- 11) Initiate and file suits against persons or entities whose business or activities are detrimental to the protected areas.

SECTION 11. Incentives for Bongsanglay Natural Park - PAMB Members. In addition to the actual and necessary travelling and subsistence allowance incurred in the performance of their duties, the PAMB members may be granted honoraria and other benefits in attending PAMB or other committee meetings. These expenses may be included in the appropriation of Bongsanglay Natural Park Trust Fund.

SECTION 12. Protected Area Superintendent's Office. - There is hereby created a Protected Area Superintendent's Office (PASO) which shall perform the day-to-day management, protection and administration of the Bongsanglay Natural Park. It shall be headed by the Protected Area Superintendent (PASu) as chief operating officer who shall be directly accountable to the PAMB and the community Environment and Natural Resources Officer of San Jacinto Masbate (CENRO-San Jacinto Masbate) and Provincial Environment and Natural Resources Officer of the DENR (PENRO-DENR) in Masbate. The PASu shall directly coordinate his/her activities with the CENRO with regard to the DENR programs that are related to the protected area management.

The PASO shall be staffed by a sufficient number of personnel with functions and qualifications as provided for by the PAMB. The PASO staff shall preferably be hired from residents of the Municipalities comprising Bongsanglay Natural Park, unless otherwise not qualified.

The PASu shall prepare an annual accomplishment report on all activities undertaken in the protected area for PAMB. The PASO staff shall preferably be hired from residents of the municipalities comprising Bongsanglay Natural Park, unless otherwise not qualified.

The PASu shall prepare an annual accomplishment report on all activities undertaken in the protected area for PAMB review and submission to the DENR Secretary.

SECTION 13. Local Government Units. - LGU's shall be represented in the PAMB and shall have the following functions:

- 1) Apprise their respective constituents, office and sector on activities and programs for the area;
- 2) Ensure consistency in the implementation of all activities in the protected area;
- 3) Retain their ordinance-making powers over the protected area; provided, that on matters relating to biodiversity conservation, protection and sustainable development, the ordinances shall be consistent with the Management Plan;
- 4) In the formulation of their development plan, LGU's shall consider the Bongsanglay Natural Park;
- 5) Assist the PAMB in the implementation of the overall park programs, including but not limited to the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar park activities;
- 6) Accredited people's organizations, NGO's and other entities and groups involved in activities within the Bongsanglay Natural Park;
- 7) Provide the PAMB with relevant information and data for the effective management of the protected area.

Article IV- Utilization of Resources

SECTION 14. Existing Facilities within the Bongsanglay Natural Park. - Within a year from the approval of this Act, all existing commercial facilities with capitalization of not less than One Hundred Thousand Pesos (P100,000.00) within the Bongsanglay natural Park or relies heavily from resources within the Bongsanglay Natural Park, shall submit to the PASO a sworn statement containing the following information:

- 1) Potential for disturbance of protected species and their habitats;
- 2) Emissions and effluents at all stages of the operation;
- 3) Energy requirements and sources of energy;
- 4) Water supply requirements and sources of water;
- 5) Volume of resources extracted from the Bongsanglay Natural Park;
- 6) Future plans for the next five (5) years; and
- 7) Other data they may deem relevant to the conservation objectives of Bongsanglay Natural Park;

Based on these submissions, the PAMB shall determine whether the continued operation and future plans of these facilities are detrimental to the Bongsanglay Natural Park or to further undergo the Environmental Impact Statement (EIS) System and secure Environmental Compliance Certificate (ECC) from the Environmental Management Bureau. The PAMB may prescribe conditions or charge reasonable fees for the continued operation of facilities that rely heavily on resources within the Bongsanglay Natural Park to ensure that it does not impair the conservation objectives of the Bongsanglay Natural Park. Without prejudice to the filing of the necessary criminal charges, in case of violation of PAMB conditions or non-payment of charges, the PAMB may impose an administrative fine of Five Thousand Pesos (P5,000.00) for every violation upon the owners of the erring facilities but not to exceed a total of Five Thousand Pesos (P5,000.00). At any time whenever necessary, the PAMB, through the PASu and other government entities, shall cause the cessation and demolition of said facility at the owner's cost. Failure to submit the required information shall constitute a violation of this Act and subject to the penalties imposed under Section 17 (b) hereof.

SECTION 15. Utilization of Resources. - Except upon prior approval of the PAMB and consistent with the Management Plan, the use of the Bongsanglay Natural Park shall not be allowed. However, the sustainable use of resources by tenured migrants for their domestic needs or for subsistence shall not be restricted except protected species and whenever highly detrimental to the ecosystem.

SECTION 16. Public Lands. - Upon the passage of this Act, no land within the Bongsanglay Natural Park shall be released from the public as alienable and disposable and any sale, transfer, alienation or disposition thereof shall be null and void.

Article V- Prohibited Acts

SECTION 17. Prohibited Acts. - The following are acts prohibited within the Bongsanglay Natural Park with their respective penalties.

- 1) A fine of not less than Five Thousand Pesos (P5,000.00) to not more than Five Hundred Thousand Pesos (P500,000.00) and imprisonment of not less than six (6) years and one (1) day to not more than twelve (12) years shall be imposed upon any person who:
 - a) Hunts, collects, takes, destroys, traps, disturbs or otherwise possess any wild plant, animal or product, including genetic resources, derived from the Bongsanglay Natural Park without prior PAMB

- permit; Provided, that such permit can only be given for scientific purposes and necessary for protected area management;
- b) Cuts, gathers, collects, removes or otherwise possess timber or other Mangrove Forest products within the Bongsanglay Natural Park without prior PAMB permit; Provided, that such permit can only be given for scientific purposes and necessary for protected area management; Provided, further, that no permit shall be issue to timber or other forest products within strict protection zones;
 - c) Engages in "kaingin"/clearing the mangrove area or otherwise intentionally or negligently causes a forest fire inside the Bongsanglay Natural Park;
 - d) Engages in mineral or energy exploration activities within the Bongsanglay Natural Park;
 - e) Engages in treasure hunting within the Bongsanglay Natural Park;
 - f) Introduces exotic species genetically modified organisms within the Bongsanglay Natural Park; and
 - g) Discharges, leaves or dumps any waste product or substance deleterious to the Bongsanglay Natural Park ecosystem or to any of the flora and fauna therein;
- 2) A fine of not less than Five Thousand Pesos (P5,000.00) to not more than Two Hundred Fifty Thousand Pesos (P250,000.00) and imprisonment of not less than six (6) months and (1) one day to not more than six (6) years shall be imposed upon any person who:
- a) Occupies, settles or possess any portion of land inside the Bongsanglay Natural Park without the necessary permit. Clearing, construction of residence or introduction of improvements shall constitute prima facie evidence of such occupation or settlement;
 - b) Vandalizes, mutilates, destroys, excavates, defaces or otherwise intentionally damages any natural formation or object of natural
 - c) formation or natural beauty inside the Bongsanglay Natural Park;
 - d) Uses or possesses motorized equipment, explosives or any noxious substance anywhere within strict protection zones of the Bongsanglay Natural Park as delineated by the PAMB;
 - e) Constructs or maintains any kind of road, structure, fence or enclosure without prior PAMB permit; and
 - f) Obstructs or hinders the enforcement of this Act, the Management Plan and its pertinent rules and regulations.
- 3) A fine of not less than (P500,000.00) Five Hundred Thousand Pesos to not more than Fifty Thousand Pesos (P50,000.00) or imprisonment of not less than one (1) month and (1) one day to not more than (6) six months, or both shall be imposed upon any person who:
- a) Except as otherwise provided, violates the Management Plan or any rule or resolution promulgated by the PAMB;

- b) Alters, removes, destroys or deface boundaries, marks or signs;
 - c) Enters the Bongsanglay Natural Park without prior PAMB permit for purposes of camping, swimming, fishing and other recreational activities;
 - d) Dumps, litters or otherwise leaves debris, refuse or garbage within the Bongsanglay Natural Park;
- 4) Any provision to the contrary notwithstanding, the commission of any unlawful act under Section 17 (a) shall carry the penalty of imprisonment of not less than twelve years (12) years and one (1) day to not more than (20) twenty years and a fine of not less than Five Hundred Thousand Pesos (P500,000.00) to not more than One Million Pesos (P1,000,000.00), whenever the species involved is a protected species as provided herein. Any citizen may institute the necessary charge against an offender for commission of the acts enumerated under this section;
 - 5) A conviction under this Section shall carry the accessory penalties of eviction from the Bongsanglay Natural Park, payment of damages for rehabilitation and restoration and forfeiture of all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense as well as the flora, fauna, resources caught in the possession of the accused. In case the offender is an association, partnership or corporation, the president or manager of the said corporation shall be held liable for the act of his/her employees or workers.
 - 6) The DENR through the PASu may impose administrative sanctions against the offender for violations committed under this Act. The PASu may confiscate all conveyances, equipment, device, instrument, tool or weapon used in the commission of the offense caught en flagrante including animals, plants and other resources from the Bongsanglay Natural Park found in the possession of the offender;
 - 7) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF as herein provided.

Article VI – Proceeds and Fees

SECTION 18. Integrated Protected Area Fund. - The Integrated Areas Fund (IPAF) for Bongsanglay Natural Park is hereby established as a special trust fund for the protection, maintenance, administration and management of the Bongsanglay Natural Park. Seventy Five Percent (75%) of the IPAF shall be retained by the PAMB and be exempted from deposit to the National Treasury strictly for the above use and Twenty Five Percent (25%) shall be remitted to the

National IPAF as required under the NIPAS Law, subject to regular accounting rules and audit procedures. The IPAF shall be derived from the following sources:

- a) Fees and charges from facilities and rights directly benefiting from the protected area including rights derived therefrom;
- b) Fines from violations inside the protected area;
- c) Proceeds from lease of multiple use or special use areas including tourism concessions;
- d) Fees from permitted sale flora, fauna and other forest resources;
- e) Entrance fees and rents of facilities in Recreation Zones;
- f) Contribution, donations, endowments and grants from any source; and
- g) Other revenues as provided in this Act.

All donations, grants and endowments shall be exempted from donor's tax, documentary stamp tax and all other taxes, charges and fees imposed by the Government.

Current sources of revenues of LGU's such as business permits and real property taxes shall be excluded from IPAF.

SECTION 19. Appropriations. In order to carry out the purposes of this Act, an annual aggregate amount of Twenty Five Million Pesos (P25,000,000.00) shall be included in the General Appropriations Act and allocated for the use of the Bongsanglay Natural Park.

SECTION 20. Separability Clause. If any part or section of this Act is declared unconstitutional, such declaration shall not affect in any manner the other parts or sections hereof.

SECTION 21. Repealing Clause. All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 22. Effectivity Clause. This Act shall take effect Fifteen days (15) after its publication in two (2) newspapers of general circulation.

Approved,