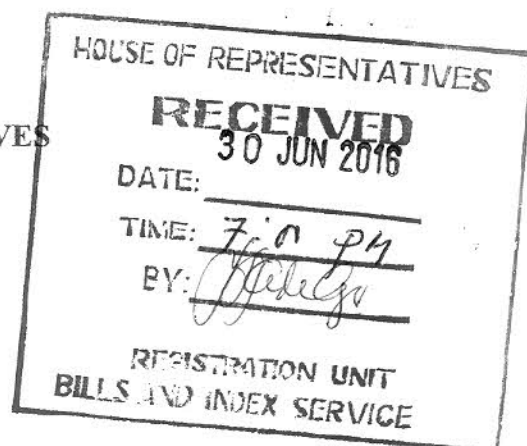


Republic of the Philippines  
**HOUSE OF THE REPRESENTATIVES**  
Quezon City, Metro Manila

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 230



Introduced by: **HON. ERIC D. SINGSON**

**EXPLANATORY NOTE**

In consonance with the policy of the state to protect, conserve and regulate the utilization of the country's resources, RA 1586 or the National Integrated Protected Areas System Act was promulgated to help this national goal. Corollary to this, Presidential Proclamation No. 284 designated Bessang Pass Natual Monument/ Landmark.

Bessang Pass in the Northern Luzon is a place commemorated as site of the last ditch of the Japanese imperial army in World War II. Dubbed as the "Great Battle of Bessang Pass" which the Filipino and American defenders have won, a historical monument was established in memory of the bravery of the soldiers in defending the Filipino homeland. Truly, its historic culture is not only a reminiscent of Filipino nationalism but also of an excellent landscape. It remarkably features a pine and mossy forest ecosystems with rugged terrain and a fresh cool climate, unique to areas with high altitudinal range. The area is also home to various endemic wildlife resources of floral and faunal species that enhance the areas biological diversity and vital support system for the local community.

Bessang Pass Natural Monument/landmark as protected area aims primarily to protect and conserve its scenic, cultural and historical features including the diverse terrestrial resources found therein. It also highlights the town's unique environmental and terrestrial resources found therein. It also highlights the town's unique environmental and socio-cultural attributes thus making it a treasure worth of protection and conservation.

Similarly this measure also hopes to address the different conservation and management issues that affect forestlands, farmlands, fresh water resources and how these concerns relate with the lives in the community, resource demands and development.

This bill, therefore, seeks to provide the policy frameworks and long term mechanism that will protect this valuable ecological wealth and defer its further deterioration that threatens the sustainability of these resources and ultimately the survival of the local inhabitants.

In this light, the approval of this Bill is earnestly requested.

  
ERIC D. SINGSON

CONGRESS OF THE PHILIPPINES  
SEVENTEENTH CONGRESS  
Second Regular Session

HOUSE OF REPRESENTATIVES  
H.B. No. 230

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BY REPRESENTATIVES ERIC D. SINGSON

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**AN ACT DECLARING THE BESSANG PASS NATURAL MONUMENT  
IN THE MUNICIPALITY OF CERVANTES, ILOCOS SUR AS A  
PROTECTED AREA, AND PROVIDING FOR ITS MANAGEMENT**

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

1       **SECTION 1. *Short Title.*** – This Act shall be known as the “Bessang  
2 Pass Natural Monument (BPNM) Act”.

3       **SEC. 2. *Declaration of Policy.*** – It is the policy of the State to protect  
4 and advance the right of the people to a balanced and healthful ecology in  
5 accord with the rhythm and harmony of nature. Towards this end, the State  
6 shall promote the conservation and protection of the endangered, threatened,  
7 and rare species of flora, fauna, and other ecosystems within Bessang Pass in  
8 the Municipality of Cervantes, Province of Ilocos Sur, while preserving its  
9 scenic, cultural, and historical features.

10       **SEC. 3. *Categorization as a Natural Monument.*** – Bessang Pass,  
11 which is known as the historic site of the Great Battle of Bessang Pass during  
12 World War II, and which is located within a verdant of pine forest, is hereby  
13 categorized as a natural monument in accordance with the National Integrated  
14 Protected Areas System Act of 1992 (NIPAS Act).

1           SEC. 4. *Scope.* – The boundaries of the Bessang Pass Natural  
2 Monument are as follows:

3           Core Zone

4           Beginning at a point marked "1" which is N 76° 44' 32" W, 1,339.20  
5 meters from Bessang Pass Natural Monument/Landmark with geographic  
6 coordinates of 16° 57' 42.57" North and 120° 39' 24.88" East covering a total  
7 area of 581.33 hectares.

| 8  | LINE  | BEARING         | DISTANCE (meters) |
|----|-------|-----------------|-------------------|
| 9  | 1-2   | N 23° 16' 01" E | 1,287.66          |
| 10 | 2-3   | N 65° 34' 03" E | 683.64            |
| 11 | 3-4   | S 81° 50' 22" E | 1,441.11          |
| 12 | 4-5   | S 18° 44' 07" W | 3,189.11          |
| 13 | 5-6   | N 63° 43' 53" W | 840.34            |
| 14 | 6-7   | S 66° 50' 41" W | 578.69            |
| 15 | 7-8   | N 47° 33' 49" W | 476.09            |
| 16 | 8-9   | N 29° 28' 33" W | 265.23            |
| 17 | 9-10  | N 66° 43' 15" W | 313.29            |
| 18 | 10-11 | N 45° 54' 33" E | 447.27            |
| 19 | 11-12 | N 60° 09' 22" E | 601.85            |
| 20 | 12-1  | N 44° 24' 33" W | 459.07            |

21          Buffer Zone

22          Beginning at a point marked "1" which is N 76° 44' 32" W, 1,339.20  
23 meters from Bessang Pass Natural Monument/Landmark with geographic  
24 coordinates of 16° 57' 42.57" North and 120° 39' 24.88" East covering an area  
25 of 358.13 hectares.

26

| 1  | LINE  | BEARING         | DISTANCE (meters) |
|----|-------|-----------------|-------------------|
| 2  | 1-2   | S 44° 24' 33" E | 459.07            |
| 3  | 2-3   | S 60° 09' 22" W | 601.85            |
| 4  | 3-4   | S 45° 54' 33" W | 447.27            |
| 5  | 4-5   | S 66° 43' 15" E | 313.29            |
| 6  | 5-6   | S 29° 28' 33" E | 265.23            |
| 7  | 6-7   | S 47° 33' 49" E | 476.09            |
| 8  | 7-8   | N 66° 50' 41" E | 578.69            |
| 9  | 8-9   | S 63° 43' 53" E | 840.34            |
| 10 | 9-10  | N 18° 44' 07" E | 3,189.11          |
| 11 | 10-11 | S 81° 19' 44" E | 465.76            |
| 12 | 11-12 | S 18° 21' 10" W | 3,771.78          |
| 13 | 12-13 | N 63° 04' 32" W | 1,108.83          |
| 14 | 13-14 | S 67° 09' 58" W | 576.83            |
| 15 | 14-15 | N 46° 05' 33" W | 806.94            |
| 16 | 15-16 | N 31° 06' 31" W | 210.61            |
| 17 | 16-17 | N 65° 49' 35" W | 299.88            |
| 18 | 17-18 | N 67° 58' 51" W | 456.08            |
| 19 | 18-19 | N 46° 39' 45" E | 1,098.54          |
| 20 | 19-20 | N 28° 39' 06" W | 343.65            |
| 21 | 20-21 | N 23° 15' 47" E | 905.23            |
| 22 | 21-22 | S 76° 19' 19" E | 403.43            |
| 23 | 22-1  | S 23° 16' 01" W | 777.96            |

24        SEC. 5. *Land Classification.* – All lands of the public domain  
25 comprising the BPNM shall fall under the classification of national park as  
26 provided for in the 1987 Philippine Constitution: *Provided,* That public lands  
27 already classified as agricultural lands or alienable or disposable lands prior to

1 the passage of this Act shall remain as such and may be disposed pursuant to  
2 existing laws.

3 SEC. 6. *Definition of Terms.* – As used in this Act:

4 (a) *Biological resources* refer to living natural resources, including  
5 microorganisms, plants, animals, and other biotic component of the ecosystem  
6 with actual or potential use or value;

7 (b) *Buffer zones* refer to identified areas outside the boundaries of and  
8 immediately adjacent to designated protected areas pursuant to Section 8 of the  
9 NIPAS Act that need special development and monitoring in order to avoid or  
10 minimize harm to the protected area;

11 (c) *Endangered species* refer to species and subspecies of wildlife  
12 whose population is in danger of extinction and whose survival is unlikely if  
13 causal factors or threats continue to exist;

14 (d) *General management plan* refers to the basic long-term framework  
15 plan to attain the objectives of conserving and protecting the area which shall  
16 serve as guide in the preparation of the annual operations plan and budget;

17 (e) *General management planning strategy* refers to the general guide  
18 in the formulation of site specific management plan that shall include the  
19 management of buffer zones and the preservation of ancestral domain lands;

20 (f) *Indigenous peoples* refer to a group of people sharing common  
21 bonds of language, customs, traditions, and other distinctive cultural traits, and  
22 which have since time immemorial occupied, possessed and utilized a territory;

23 (g) *Management manual* refers to an individual management plan  
24 containing basic background information, field inventory of resources, an  
25 assessment of assets and limitations, regional interrelationships, particular  
26 objectives for managing the area, appropriate division of the area into  
27 management zones, a review of the boundaries, and a design of the  
28 management programs;

(h) *Natural monument* refers to a relatively small area whose unique and special characteristics are the focus of protection and preservation due to their natural, historical and popular significance;

(i) *Protected area* refers to identified portion of land and water that are set aside so that their unique physical significance and biological diversity are protected against destructive human exploitation; and

(j) *Tenured migrants* refer to persons who have actually and continuously occupied an area for five (5) years prior to its designation as a protected area in accordance with the NIPAS Act, and are solely dependent on its resources for subsistence.

SEC. 7. *The Protected Area Management Board.* – There shall be created a Protected Area Management Board (PAMB) which shall serve as the highest policy-making body of the BPNM and shall be composed of the following:

(a) The Regional Executive Director (RED) of the Department of Environment and Natural Resources (DENR) Region 1, as Chairperson;

(b) The Provincial Planning and Development Coordinator (PPDC) of Ilocos Sur, as member;

(c) One (1) representative from the municipal government of Cervantes, Ilocos Sur, to be appointed by the Sangguniang Bayan of Cervantes, as member;

(d) One (1) representative from Barangay Malaya, Cervantes, Ilocos Sur, to be appointed by the barangay council of Malaya, as member;

(e) At least three (3) representatives from nongovernment organizations (NGOs) and local community organizations involved in protected area management based in Cervantes, Ilocos Sur, and duly accredited by the municipal government, chosen through an election exclusively called for

1 the purpose by the DENR in coordination with concerned local government  
2 units (LGUs), as members;

3 (f) One (1) representative from each tribal community, chosen in an  
4 election to be conducted by the DENR in coordination with the National  
5 Commission on Indigenous Peoples (NCIP), as member; and

6 (g) One (1) representative each, if necessary, from other government  
7 agencies involved in the management of the BPNM.

8 Except for government officials who shall serve as *ex officio*, every  
9 member of the PAMB shall be appointed by the DENR Secretary and shall  
10 serve for a term of five (5) years without compensation: *Provided*, That each  
11 member remains connected with the organization being represented. In the  
12 case of members who are government officials, their appointments shall be  
13 coterminous with their term of office. Whenever a vacancy occurs during the  
14 term of a nongovernment PAMB member, a new member shall be chosen in  
15 the same manner as the original selection process, and shall only serve for the  
16 remaining term.

17 The members of the PAMB shall be entitled to reimbursement of actual  
18 and necessary traveling and subsistence expenses incurred in attending  
19 meetings of the PAMB or any of its committees, subject to government  
20 accounting, auditing and budgeting rules and regulations, and subject further to  
21 the availability of funds as reflected in the Work and Financial Plan (WFP),  
22 which is required in accessing funds from the Integrated Protected Area Fund  
23 (IPAF).

24 SEC. 8. *Powers and Functions of the PAMB.* – The PAMB shall  
25 exercise the following powers and functions:

26 (a) Issue rules and regulations to prohibit acts that may be prejudicial  
27 to the BPNM and the policy declaration herein set forth as well as established  
28 biodiversity protection criteria;

1 (b) Approve the management plan required under Section 10 of this  
2 Act and oversee the office of the Protected Area Superintendent (PASu);

3 (c) Adopt rules and procedures for the conduct of business, including  
4 the creation of committees to whom its powers may be delegated;

5 (d) Set fees for the issuance of permits for activities regulated by this  
6 Act or the management plan;

7 (e) Issue rules and regulations for the resolution of conflicts through  
8 appropriate culturally sensitive and effective means;

9 (f) Approve proposals for funding and budget allocation and exercise  
10 responsibility over all funds that may accrue to the BPNM; and

11 (g) Deputize interested individuals for the enforcement of the laws,  
12 rules and regulations governing conduct in the BPNM and its buffer zone.

13 The DENR, through the RED for Region 1, shall exercise authority over  
14 the PAMB to ensure that it acts within the scope of its powers and functions. In  
15 case of a conflict between administrative orders of national application issued  
16 by the DENR pursuant to the NIPAS Act and other pertinent laws and the rules  
17 and regulations issued by the PAMB, the PAMB shall notify the DENR  
18 Secretary who shall decide whether to apply the rule or withdraw its  
19 application in the BPNM. The decision of the DENR Secretary shall be guided  
20 by a preference for local initiatives and specific policies enacted by the PAMB.  
21 The decision of the DENR Secretary may be raised on appeal to the Regional  
22 Trial Court that has jurisdiction over the BPNM.

23 SEC. 9. *The Protected Area Superintendent Office.* – There is hereby  
24 established a Protected Area Superintendent (PASu) Office in charge of the  
25 management, protection and administration of the BPNM. The PASu shall be  
26 supported by the existing personnel of the DENR. The head of office shall be  
27 the chief operating officer of the BPNM and shall be accountable to the DENR.



1 RED for Region 1 and the PAMB. The PASu shall have the following powers  
2 and functions:

3 (a) Prepare the initial and subsequent management plan as herein  
4 provided;

5 (b) Serve as the secretariat for the PAMB with the duty to provide the  
6 PAMB with all the needed information in making appropriate decisions when  
7 necessary;

8 (c) Establish a productive partnership with the local community,  
9 including groups interested in the achievement of the herein goals and  
10 objectives, and in the planning, protection and management of the BPNM;

11 (d) Develop and implement a park information, education and visitor  
12 program;

13 (e) Enforce the laws, rules and regulations relevant to the BPNM and  
14 assist in the prosecution of offenses;

15 (f) Monitor all activities within the BPNM to ensure compliance with  
16 the management plan; and

17 (g) Perform such other functions as the PAMB may assign.

18 SEC. 10. *Management Plan.* – Within one (1) year from the effectivity  
19 of this Act and in accordance with the General Management Planning Strategy  
20 as provided for in the NIPAS Act, the PASu, in coordination with the local  
21 communities, appropriate offices of the DENR, LGUs, NGOs, and people's  
22 organizations (POs), shall prepare a management plan. The management plan  
23 shall contain, among others, the following:

24 (a) The category of the protected area;

25 (b) Period of applicability of the plan;

26 (c) Key management issues;

27 (d) Goals and objectives of management in support of Section 2 hereof;

28 (e) Site management strategy;

1 (f) Major management activities such as, but not limited to,  
2 enforcement of laws, habitat and wildlife management, sustainable use  
3 management, infrastructure development and maintenance, fire and pest  
4 control, etc.;

5 (g) Zoning; and

6 (h) Visitor management programs.

7 The management plan shall be reviewed, approved, and adopted by the  
8 PAMB and shall be certified to by the DENR Secretary that it conforms to all  
9 laws, rules and regulations of national application issued by the DENR. In no  
10 case shall the DENR revise or modify the management plan without prior  
11 consultation with the PAMB.

12 One (1) year before the expiration of the initial management plan, the  
13 PASu shall cause the publication of notices for comments and suggestions on  
14 the subsequent management plan in a newspaper of local circulation and the  
15 posting of such notices in the provincial, municipal and barangay halls and in  
16 three (3) other areas frequented by the public. Public hearings may be  
17 conducted on the subsequent management plan upon the written request of any  
18 interested party. The plan shall be prepared in the language understood in the  
19 area and shall be made available to the public during the period for comments.

20 In the event that no subsequent management plan is adopted upon the  
21 expiration of the initial management plan, the latter shall remain in force  
22 subject to interim modifications that may be adopted by the PAMB.

23 SEC. 11. *Bessang Pass Natural Monument Protected Area Fund.* –

24 There is hereby established a trust fund to be known as the Bessang Pass  
25 Natural Monument Protected Area Fund, hereinafter referred to as the Fund,  
26 for purposes of financing projects of the BPNM. All income generated from  
27 the operation or management of wild flora and fauna in the BPNM shall accrue  
28 to the Fund. These income shall be derived from the visitor/tourist fees, fees

1 from permitted sale and export of flora and fauna and other resources from the  
2 BPNM, proceeds from registration and lease of multiple-use areas including  
3 tourism concessions, contributions from industries and facilities directly  
4 benefiting from the protected area and such other fees and incomes derived  
5 from its operation.

6 The Fund may be augmented by grants, donations, endowment from  
7 various resources, domestic or foreign, for purposes related to their functions:  
8 *Provided*, That the Fund shall be subject to the retention by the PAMB of the  
9 protected area, of seventy-five percent (75%) of all revenues raised therefrom  
10 and deposited in any government bank within the locality where the protected  
11 area is located; and that disbursements shall be made solely for the protection,  
12 maintenance, administration, and management of the area and implementation  
13 of duly approved projects endorsed by the PAMB in accordance with existing  
14 accounting, auditing and budgeting rules and regulations: *Provided, further*,  
15 That twenty-five percent (25%) of the revenues shall be deposited as a special  
16 account in the National Treasury: *Provided, finally*, That the Fund shall not be  
17 used to cover personal services expenditures.

18 The LGUs shall continue to impose and collect all other fees not  
19 enumerated herein which they have traditionally collected, such as business  
20 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may  
21 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons  
22 shall be determined based on the contribution of the LGUs in the maintenance  
23 and protection of the protected area.

24 SEC. 12. *Facilities Within the Protected Area.* – Within sixty (60)  
25 days from the effectivity of this Act, the owners, operators or public officers in  
26 charge of major existing facilities such as roads, buildings, water systems,  
27 transmission lines, communication facilities, heavy equipment and irrigation  
28 facilities within the boundaries of the BPNM shall submit a project description

1 to the PAMB through the PASu, and with the help of the DENR, the PAMB  
2 shall determine whether the present and future existence, operations and plans  
3 of a facility is detrimental to the BPNM or conditions for its continued  
4 operation shall be imposed. If any such conditions, once imposed, are violated,  
5 the owner of the facility shall be liable to pay a fine of five thousand pesos  
6 (P5,000.00) for every violation. Upon reaching a total fine of five hundred  
7 thousand pesos (P500,000.00), the PAMB, through the PASu and other  
8 deputized government entities, shall cause the cessation and demolition of the  
9 facility at the cost of its owner.

10 Existing facilities allowed to remain within the BPNM may be charged a  
11 reasonable royalty by the DENR. All income from such royalty shall accrue to  
12 the Fund.

13 SEC. 13. *Utilization of Nonrenewable Resources.* – Any exploitation  
14 and utilization of nonrenewable resources within the BPNM shall be allowed  
15 only upon the approval of the PAMB and shall be subject to the Environmental  
16 Impact Assessment (EIA) System.

17 SEC. 14. *Indigenous Peoples Rights.* – Ancestral domains and the  
18 customary rights and interests of indigenous communities located within any  
19 area of the BPNM shall be accorded due recognition and respect. The  
20 preservation of ancestral domains and customary rights shall be considered as  
21 one of the management objectives of this Act.

22 The evaluation of ancestral domain claims within the BPNM shall be  
23 conducted in accordance with Republic Act No. 8371, in coordination with the  
24 DENR and other concerned groups.

25 SEC. 15. *Tenured Migrants.* – Persons who have actually and  
26 continuously occupied a portion of the BPNM five (5) years before the  
27 effectivity of the NIPAS Act and whose livelihood are solely dependent on that  
28 area shall be considered as tenured migrants in the BPNM.

1 For the purpose of official documentation, recognition of rights and  
2 determination of the extent of occupation within the BPNM, a tenured migrant  
3 shall be issued a tenurial instrument over the area being occupied or cultivated.  
4 However, in areas that are designated as zones in which no occupation or other  
5 human activities are allowed, a provision for the transfer of tenured migrants to  
6 multiple-use zones or the buffer zone shall be undertaken.

7 Upon the cancellation of a tenured migrant instrument for cause,  
8 abandonment or by voluntary surrender of rights, the PASu shall take  
9 immediate steps to rehabilitate or restore the area to its natural state.

10 SEC. 16. *Prohibited Acts and Penalties.* – The following acts are  
11 hereby prohibited within the BPNM:

12 (a) Hunting, destroying, disturbing or mere possession of any plant or  
13 animal or product derived therefrom without a permit from the PAMB;

14 (b) Dumping of any waste product detrimental to the BPNM, or to the  
15 plants, animals or inhabitants therein;

16 (c) Using any motorized equipment without a permit from the PAMB;

17 (d) Mutilating, defacing or destroying objects of natural beauty, or  
18 objects of interest to cultural communities;

19 (e) Damaging and leaving roads and trails in a damaged condition;

20 (f) Squatting, mining or otherwise occupying any land;

21 (g) Constructing or maintaining any kind of structure, fence or  
22 enclosure or conducting any business enterprise without a permit from the  
23 PAMB;

24 (h) Leaving exposed or in unsanitary condition refuse or debris or  
25 depositing the same in the grounds or in bodies of water; and

26 (i) Altering, removing, destroying or defacing boundary marks or  
27 signs.

1       Whoever violates this Act or the rules and regulations issued by the  
2       DENR or the PAMB pursuant to this Act, or whoever is found guilty by a  
3       competent court of justice of any of the offenses in the preceding paragraph  
4       shall be fined the amount of not less than five thousand pesos (P5,000.00) nor  
5       more than five hundred thousand pesos (P500,000.00), exclusive of the value  
6       of the thing damaged, or imprisonment for not less than one (1) year but not  
7       more than six (6) years, or both, as determined by the court: *Provided*, That if  
8       the area requires rehabilitation or restoration as determined by the court, the  
9       offender shall also be required to restore it or pay for the cost of its restoration:  
10      *Provided, further*, That the court shall order the eviction of the offender from  
11      the area and the forfeiture in favor of the government of all minerals, timber, or  
12      any species collected or removed, including all equipment, devices and  
13      firearms used in connection therewith and any construction or improvement  
14      made thereon by the offender. If the offender is an association or corporation,  
15      the president or manager shall be directly responsible for the act of their  
16      employees and laborers: *Provided, finally*, That the DENR may impose  
17      administrative fines and penalties consistent with this Act.

18      SEC. 17. *Special Prosecutor.* – Within thirty (30) days from the  
19      effectivity of this Act, the Secretary of Justice shall appoint a special  
20      prosecutor to whom all cases for violation of laws, rules and regulations in the  
21      BPNM shall be assigned. In the prosecution of cases, the special prosecutor  
22      shall coordinate with the PAMB and the PASu and shall assist in the training  
23      of wardens and rangers in arrest and criminal procedures.

24      SEC. 18. *Reporting Responsibility.* – The PASu, through the PAMB,  
25      shall be responsible for the preparation of accomplishment reports and other  
26      activities undertaken in the BPNM for submission to the DENR Secretary.  
27

1        SEC. 19. *Appropriations.* – The Secretary of the DENR shall  
2 immediately include in the Department's program the implementation of this  
3 Act, the funding of which shall be included in the annual General  
4 Appropriations Act.

5        SEC. 20. *Separability Clause.* – If any part or section of this Act is  
6 declared unconstitutional, such declaration shall not affect other parts or  
7 sections hereof.

8        SEC. 21. *Repealing Clause.* – The provisions of the NIPAS Act are  
9 hereby modified in accordance with the provisions herein. All other laws, rules  
10 and regulations inconsistent with this Act are hereby repealed or modified  
11 accordingly.

12        SEC. 22. *Effectivity.* – This Act shall take effect fifteen (15) days after  
13 its publication in the *Official Gazette* or in a newspaper of general circulation.  
14 It shall likewise be posted in a conspicuous place at the Municipal Hall of  
15 Cervantes, Ilocos Sur, in the barangay where the protected area is located and  
16 in other places frequented by the public.

Approved,

A handwritten signature in black ink, appearing to be 'Enil', with a long horizontal stroke extending to the right.

O