

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3950

Introduced by Representative

FRANZ E. ALVAREZ

EXPLANATORY NOTE

This Bill specifies the boundary limits of agricultural lands with respect to present or future forest or timber lands, mineral lands, and national parks in the municipalities of Araceli, Dumaran, Taytay, El Nido and Coron in the Province of Palawan thereby effectively enabling the Constitutional mandate enshrined in Section 4 of Article XII of the 1987 Constitution which states:

"Section 4. The Congress shall, as soon as possible, determine, by law, the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas."

The principal objective of once and for all limiting the expanse of agricultural land areas in the said municipalities is to arrest the unabated trading and exploitation of unclassified lands that is reducing forest cover and compromising the rich biodiversity of Palawan. It is our shared dream to see our people realize their full potential as human beings while ensuring the continued existence of the very environment that will make such possible for us and the future generation.

As early as 1990, Palawan has been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a Biosphere Reserve. According to the Palawan Council for Sustainable Development, a policy-making institution that balances development and preservation, Palawan's potential to showcase the co-existence of sustainable development and protection of the environment even led to its inclusion in UNESCO's Man and Biosphere Reserve Program.

Our gains highlighted by these two UNESCO recognition are threatened by the lack of clear classification of lands as Palawan largely remains "unclassified" within Philippine statutory context. Without legal classification, what should be protected forests cannot but succumb to exploitation carried out in the guise of habitation and agriculture.

Select Palawan areas were, in several instances, subjected to various kinds of classification by the National Government. These decrees, however, are ineffective instruments to carry out our aspirations for failing to adapt to the present situation and provide for the necessary guarantee to survive in the future. These decrees are even contradictory as will be discussed following the enumeration:

1. Proclamation No. 219 (1967) DECLARING THE ENTIRE PROVINCE OF PALAWAN AS GAME REFUGE AND BIRD SANCTUARY, AND THE SMALL ISLANDS OF PALAWAN AS NATIONAL RESERVES

2. Proclamation No. 530-B (1969) AMENDING PROCLAMATION NO. 219 DATED JULY 2, 1967 WHICH DECLARES THE ENTIRE PROVINCE OF PALAWAN AS GAME REFUGE AND BIRD SANCTUARY, AND THE SMALL ISLANDS OF PALAWAN AS NATIONAL RESERVES
3. Proclamation No. 1232 (1974) AMENDING FURTHER PROCLAMATION NO. 219 DATED JULY 2, 1967, AS AMENDED BY PROCLAMATION NO. 530-B DATED MARCH 8, 1968, DECLARING THE ENTIRE PROVINCE OF PALAWAN AS GAME REFUGE AND BIRD SANCTUARY, AND THE SMALL ISLANDS OFF PALAWAN AS NATIONAL RESERVES, BY EXCLUDING THEREFROM THE ISLANDS OF BUGSUK, PANDANAN, MANTANGULE AND GABUNG, ALL IN THE MUNICIPALITY OF BALABAC, PROVINCE OF PALAWAN, AND OPENING THE SAME TO DISPOSITION AND ALIENATION UNDER THE PUBLIC LAND ACT
4. Proclamation No. 1440 (1975) AMENDING FURTHER PROCLAMATION NO. 219 DATED JULY 2, 1967, AS AMENDED BY PROCLAMATION NO. 530-B DATED MARCH 8, 1968, AND AMENDED FURTHER BY PROCLAMATION NO. 1232 DATED FEBRUARY 6, 1974, DECLARING THE ENTIRE PROVINCE OF PALAWAN AS GAME REFUGE AND BIRD SANCTUARY, AND THE SMALL ISLANDS OF PALAWAN AS NATIONAL RESERVES, BY EXCLUDING THEREFROM THE ISLAND OF BANCALAN, IN THE MUNICIPALITY OF BALABAC, PROVINCE OF PALAWAN, AND OPENING THE SAME TO DISPOSITION AND ALIENATION UNDER THE PUBLIC LAND ACT
5. Proclamation No. 2152 (1981) WITHDRAWING FROM ENTRY, SALE, SETTLEMENT OR OTHER FORMS OF DISPOSITION, AND ESTABLISHMENT AS MANGROVE SWAMP FOREST RESERVES CERTAIN PARCELS OF THE PUBLIC DOMAIN AND/OR PARTS OF THE COUNTRY INCLUDING THE ENTIRE PROVINCE OF PALAWAN
6. Department Administrative Order No. 87-08 (1987) IMPLEMENTATION OF THE PROVISIONS OF PROCLAMATION NO. 2152 DECLARING THE ENTIRE PROVINCE OF PALAWAN AND CERTAIN PARCELS OF THE PUBLIC DOMAIN AND/OR PARTS OF THE COUNTRY AS MANGROVE SWAMP FOREST RESERVES
7. Department Administrative Order No. 91-61 (1991) RULES ON THE ACCEPTANCE, IDENTIFICATION, EVALUATION AND DELINEATION OF ANCESTRAL LAND CLAIMS IN THE PROVINCE OF PALAWAN
8. Department Administrative Order No. 98-40 (1998) DECLARING PORTIONS OF THE PUBLIC FOREST AS ALIENABLE OR DISPOSABLE FOR CROPLAND AND OTHER PURPOSES AND SETTING ASIDE CERTAIN PARCELS THEREOF FOR PERMANENT FOREST PURPOSES UNDER LC PROJECT NO. 5-G OF EL NIDO, PALAWAN
9. Department Administrative Order No. 04-44 (2004) DECLARING PORTIONS OF THE PUBLIC FOREST AS AGRICULTURAL LAND (ALIENABLE AND DISPOSABLE) FOR CROPLAND AND OTHER PURPOSES AND SETTING ASIDE CERTAIN PARCELS THEREOF FOR PERMANENT FOREST PURPOSES UNDER LC PROJECT NO. 1-Z-A OF PUERTO PRINCESA CITY, PALAWAN
10. Department Administrative Order No. 04-45 (2004) DECLARING PORTIONS OF THE PUBLIC FOREST AS AGRICULTURAL LAND (ALIENABLE AND DISPOSABLE) FOR CROPLAND AND OTHER PURPOSES AND SETTING ASIDE CERTAIN PARCELS THEREOF FOR PERMANENT FOREST PURPOSES UNDER LC PROJECT NO. 1-Z OF PUERTO PRINCESA CITY, PALAWAN
11. Department Administrative Order No. 2007-21 (2007) DECLARING PORTIONS OF THE PUBLIC FOREST AS AGRICULTURAL LAND (ALIENABLE AND DISPOSABLE) FOR CROPLAND AND OTHER PURPOSES AND SETTING ASIDE CERTAIN PARCELS THEREOF FOR PERMANENT FOREST PURPOSES UNDER LC PROJECT NO. 16-A OF MUNICIPALITY OF CULION, PALAWAN

12. Department Administrative Order No. 2008-05 (2008) DECLARING PORTIONS OF THE PUBLIC FOREST AS AGRICULTURAL LAND (ALIENABLE AND DISPOSABLE) FOR CROPLAND AND OTHER PURPOSES AND SETTING ASIDE CERTAIN PARCELS THEREOF FOR PERMANENT FOREST PURPOSES UNDER LC PROJECT NO. 1-Z-B OF PUERTO PRINCESA CITY, PALAWAN

A Proclamation declared the entire Province of Palawan as Game Refuge and Bird Sanctuary with small islands as national reserves, while another, declared it as Mangrove Swamp Forest Reserve. Following those Proclamations came Department Administrative Orders that excluded certain portions and classified the areas as alienable and disposable agricultural lands. These administrative classifications, if only periodically and consistently decreed, could have answered the need for the use of both the government and the people lasted only until 2008.

In effect, we see huge tracts of populated and developed areas in unclassified public forests. The worst part is when due to the uncertainty in the classification of what is presently occupied by residents, people venture into what should genuinely be treated as preservation forests, mangrove swamps and foreshores, and small islands. Living in said areas may be tolerated in the meantime for lack of a clear national land use policy and the more important human need to survive. What is deplorable though, is the exploitation of the resources and the inordinate occupation of land fueled by speculation that the land will increase in value.

This Bill moves ahead of the proposed National Land Use and Management Act as it builds upon the technical description generated by the assessment and ground survey of Department Administrative Order No. 2008-24 (2008) or the GUIDELINES FOR THE ASSESSMENT AND DELINEATION OF BOUNDARIES BETWEEN FORESTLANDS, NATIONAL PARKS AND AGRICULTURAL LANDS previously conducted in Palawan.

The perspective, this Bill emphasizes, is to identify the areas for habitation, utilization, and development leaving what is outside the zone in the status quo and within the ambit of existing laws. The limitation, coupled with stricter enforcement of environment laws, hopes to pull or herd to these areas those presently occupying and speculating on unclassified lands, or areas that are better off reserved as forest lands or national parks. This approach reverses what has been traditionally done with respect to national parks delineation in Palawan that both restricted the expanse of what should ideally be protected as national parks while encompassing highly developed, populated and urban settlements.

In view of the foregoing, the immediate passage of this Bill is earnestly sought.



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**AN ACT DELIMITING THE EXTENT OF ALIENABLE AND DISPOSABLE LANDS
VIS-A-VIS FOREST LANDS AND NATIONAL PARKS IN THE MUNICIPALITIES OF
ARACELI, DUMARAN, TAYTAY, EL NIDO AND CORON IN THE PROVINCE OF PALAWAN
BY CLASSIFYING PARCELS OF PUBLIC FORESTS AS AGRICULTURAL LANDS UNDER
THE 1987 CONSTITUTION**

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

SECTION 1. The parcels of public forest in the Municipalities of Araceli, Dumarán, Taytay, El Nido and Coron in the Province of Palawan are hereby classified as agricultural lands that are alienable and disposable under the purview of Commonwealth Act No. 141, otherwise known as the Public Land Act, as amended.

Said parcels of land are more particularly described in the technical description appended to this Bill generated by the Department of Environment and Natural Resources pursuant to the provisions of Department Administrative Order No. 2008-24 (2008) or the GUIDELINES FOR THE ASSESSMENT AND DELINEATION OF BOUNDARIES BETWEEN FORESTLANDS, NATIONAL PARKS AND AGRICULTURAL LANDS.

SEC. 2. Within six (6) months following the effectivity of this Act, the Secretary of the Department of Environment and Natural Resources shall promulgate the rules and regulations for the effective implementation of this Act.

SEC. 3. This Act shall take effect fifteen (15) days after publication in the Official Gazette or two (2) newspapers of general circulation.

Approved,