

H. No. 9326

Republic of the Philippines
Congress of the Philippines
Metro Manila
Eighteenth Congress
Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-sixth day of July, two thousand twenty-one.

[REPUBLIC ACT NO. **11686**]

AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE MUNICIPALITIES OF NAGA AND KABASALAN IN THE PROVINCE OF ZAMBOANGA SIBUGAY, A PROTECTED AREA WITH THE CATEGORY OF PROTECTED LANDSCAPE UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE NAGA-KABASALAN PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND APPROPRIATING FUNDS THEREFOR

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

ARTICLE I

GENERAL PROVISIONS

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

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

In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to Naga and Kabasalan, as well as their aesthetic and ecological importance, a parcel of land located in the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds, is hereby declared a protected area with the category of protected landscape, and shall hereinafter be referred to as the Naga-Kabasalan Protected Landscape (NKPL). As such, the State shall ensure the conservation, protection, management and rehabilitation of the area. It is likewise recognized that effective administration of this area is possible only through cooperation among national government, local government units (LGUs), concerned nongovernmental organizations (NGOs), private entities and local communities. The use and enjoyment of this area must be consistent with the principles of biological diversity and sustainable development.

Towards this end, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and indigenous practices.

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

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

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

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

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

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

(f) *Protected landscape* refers to an area of national significance, which are characterized by the harmonious interaction of human, land, and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities; and

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

SEC. 4. *Classification as a National Park.* – The NKPL is comprised of a parcel of land of the public domain located in the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay, and covering the Tipan and Busyawan Watersheds. All lands of the public domain within the coverage and scope of the NKPL shall fall under the classification of national park as provided for in Article XII, Section 3 of the Constitution.

SEC. 5. *Scope and Coverage.* – The boundaries of the NKPL are more particularly described as the area beginning at a point marked “1” on the Map, being N 22-10-10 E, 4,975.084 meters from PRS 92 “ZSI-34” with geographic coordinates of 07-50-35.33894 Latitude and 122-43-4.49351 Longitude located in Barangay Santa Clara, Municipality of Naga, Province of Zamboanga Sibugay,

thence	N15-41-15W	1027.743	meters to corner	2;
thence	N35-28-06W	1676.499	meters to corner	3;
thence	N35-55-27E	517.062	meters to corner	4;
thence	N35-29-46W	314.195	meters to corner	5;
thence	N35-48-59E	764.172	meters to corner	6;
thence	N16-05-20E	715.774	meters to corner	7;
thence	N81-29-35W	996.21	meters to corner	8;
thence	N35-52-08W	722.914	meters to corner	9;
thence	N09-35-25E	849.187	meters to corner	10;
thence	N01-16-50E	465.826	meters to corner	11;
thence	N79-08-17E	1327.033	meters to corner	12;
thence	N87-55-03E	1158.644	meters to corner	13;
thence	N89-25-12E	2080.079	meters to corner	14;
thence	S89-43-46E	3566.308	meters to corner	15;
thence	N89-54-32E	2648.389	meters to corner	16;
thence	S42-52-44W	482.645	meters to corner	17;
thence	S12-02-07W	848.104	meters to corner	18;
thence	S67-19-10W	305.745	meters to corner	19;
thence	S59-44-37W	233.975	meters to corner	20;
thence	S44-12-15W	857.531	meters to corner	21;
thence	S44-36-46W	881.287	meters to corner	22;
thence	S11-13-44W	583.80	meters to corner	23;

thence	S48-46-07W	498.278	meters to corner	24;
thence	S71-01-47W	284.946	meters to corner	25;
thence	S30-12-12W	326.413	meters to corner	26;
thence	S57-11-19E	380.739	meters to corner	27;
thence	S02-45-33W	349.875	meters to corner	28;
thence	S56-14-37W	1007.79	meters to corner	29;
thence	S16-23-22E	223.829	meters to corner	30;
thence	S35-17-36W	918.23	meters to corner	31;
thence	S61-12-48W	437.18	meters to corner	32;
thence	S67-37-12W	464.451	meters to corner	33;
thence	S04-37-27E	1148.988	meters to corner	34;
thence	S73-18-03W	439.586	meters to corner	35;
thence	S83-43-03W	461.714	meters to corner	36;
thence	S62-39-00W	274.941	meters to corner	37;
thence	S81-27-17W	386.877	meters to corner	38;
thence	S81-27-17W	434.867	meters to corner	39;
thence	S62-21-14W	499.078	meters to corner	40;
thence	N58-17-06W	440.513	meters to corner	41;
thence	N58-41-45W	364.662	meters to corner	42;
thence	N41-38-01W	253.504	meters to corner	43;
thence	N33-10-43W	261.592	meters to corner	44;
thence	N65-05-43W	129.98	meters to corner	45;
thence	N52-01-42W	218.985	meters to corner	46;
thence	N50-05-32W	301.894	meters to corner	47;
thence	N39-39-24W	415.637	meters to corner	1,

the point of beginning, comprising an area of five thousand five hundred five and 45/100 (5,505.45) hectares, more or less.

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

ARTICLE II

MANAGEMENT MECHANISMS

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

- (a) DENR Regional Executive Director for Region IX, as Chairperson;
- (b) Governor of the Province of Zamboanga Sibugay or his/her duly authorized representative;
- (c) Senators of the Republic of the Philippines who are duly registered residents of Zamboanga Sibugay, or their duly designated representatives, unless the Senators decline the membership in the PAMB;
- (d) District Representative of the Congressional District where the NKPL is located, or his/her duly designated representative, unless the District Representative declines the membership in the PAMB;
- (e) Mayors of the municipalities of Naga and Kabasalan in the Province of Zamboanga Sibugay or their duly authorized representatives;
- (f) Chairpersons of all the *barangays* with territorial jurisdiction over the NKPL;
- (g) Regional Directors of the following government agencies, namely: Department of Agriculture (DA), National Economic and Development Authority (NEDA), Department of

Science and Technology (DOST), Philippine National Police (PNP), Department of National Defense (DND), and the Department of Tourism (DOT);

(h) Three (3) representatives from either NGOs, or people's organizations (POs) based in the Province of Zamboanga Sibugay, duly accredited both by the DENR and the provincial government. The NGOs or POs represented should have been in existence for at least five (5) years and must have a record of accomplishments in the field of protected area management;

(i) At least one (1) but not more than three (3) representatives from all the ICCs/IPs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

(j) One (1) representative from an academic institution, preferably from a university or college in the Province of Zamboanga Sibugay, with a record of accomplishments in or related to protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the Province of Zamboanga Sibugay, who is distinguished in a profession or field of interest relevant to the protected area management.

The terms of office of members of the PAMB, as well as the grounds for their removal, shall be in accordance with the provisions of Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", as amended by Republic Act No. 11038, otherwise known as the "Expanded National Integrated Protected Areas System Act of 2018".

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

- (a) Oversee the management of the protected area;
- (b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;
- (c) Approve the management plan of the protected area and ensure its harmonization with and integration into the Ancestral Domain Sustainable Development and Protection Plan,

land use plan and other development plans, public or private, and their implementation;

(d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;

(e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of the protected area;

(f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with government accounting, budgeting, and auditing rules and regulations;

(g) Set fees and charges in accordance with existing guidelines;

(h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;

(i) Recommend appropriate policy changes to the DENR and other government authorities with respect to the management of the NKPL;

(j) Monitor and assess the performance of the Protected Area Superintendent (PASu) and other protected area personnel, and compliance of partners with the terms and conditions of any undertaking, contract or agreement relative to any project or activity within the NKPL;

(k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASu; and

(l) Assess the effectiveness of the management of the protected area: *Provided*, That the members of the PAMB representing the LGUs and national agencies shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and the rules and regulations issued to implement it are complied with and used as reference and framework in their respective plans, policies,

programs, and projects. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further*, That the DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail.

SEC. 9. *The Protected Area Management Office (PAMO).*

– There is hereby established a Protected Area Management Office (PAMO) to be headed by a PASu who shall supervise the day to day management, protection, and administration of the NKPL. The PASu shall hold a permanent plantilla position and shall be appointed by the DENR Secretary. A sufficient number of support staff with permanent plantilla positions shall likewise be appointed by the DENR Secretary to assist the PASu in the management of the protected area.

The PASu shall be primarily accountable to the PAMB and the DENR for the management and operations of the NKPL. Pursuant thereto, the PASu shall have the following duties and responsibilities:

(a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plan and ensure its implementation;

(b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;

(c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for decision-making;

(d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;

(e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making;

(f) Enforce the laws, rules and regulations relevant to the protected area, commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of the provisions of this Act;

(g) Monitor, evaluate, and report the implementation of management activities of the protected area;

(h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;

(i) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with the terms, conditions, and criteria established by the PAMB: *Provided*, That all permits for extraction of natural resources, including collection of wildlife, and its by-products or derivatives for research purposes, shall continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASu, in accordance with the specific acts to be covered;

(j) Collect and receive pertinent fees, charges, donations, and other income for the protected area: *Provided*, That such fees, charges, donations, and other income collected and received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;

(k) Prepare and recommend to the PAMB, approval of the annual work and financial plans of the protected area based on the management plan; and

(l) Perform such other functions as the PAMB and the DENR may assign.

The PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR.

ARTICLE III PROCEEDS AND FEES

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

The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited to the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area and implementation of duly approved projects of the PAMB. The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the general fund in the National Treasury for purposes of financing the projects of the NIPAS.

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign: *Provided*, That the fund shall be deposited in full as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the NIPAS and duly approved projects endorsed by the PAMB in accordance with existing accounting, budgeting and auditing rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose taxes and collect all other fees not enumerated herein which they have traditionally

collected, such as fees for business permit applications, property taxes and rental fees of LGUs' facilities.

ARTICLE IV

TRANSITORY AND MISCELLANEOUS PROVISIONS

SEC. 11. Appropriations. – The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

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

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

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

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


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

Approved,


VICENTE C. SOTTO III
President of the Senate



LORD ALLAN JAY Q. VELASCO
Speaker of the House
of Representatives

This Act which originated in the House of Representatives was passed by the House of Representatives on May 26, 2021, amended by the Senate of the Philippines on September 27, 2021, and which amendments were concurred in by the House of Representatives on December 7, 2021.


MYRA MARIE D. VILLARICA
Secretary of the Senate


MARK LLANERO L. MENDOZA
Secretary General
House of Representatives

Approved: APR 08 2022


RODRIGO ROA DUTERTE
President of the Philippines



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