H. No. 9488

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. 11806]

AN ACT DECLARING A PARCEL OF LAND LOCATED IN THE CITY OF MASBATE AND THE MUNICIPALITY OF MOBO, IN THE PROVINCE OF MASBATE, A PROTECTED AREA WITH THE CATEGORY OF NATURAL BIOTIC AREA UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS), TO BE REFERRED TO AS THE TUGBO NATURAL BIOTIC AREA, 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. *Short Title.* – This Act shall be known as the "Tugbo Natural Biotic Area 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 the Tugbo Watershed Forest Reserve, as well as their aesthetic and ecological importance, a parcel of land located in the City of Masbate and the Municipality of Mobo, in the Province of Masbate, is hereby declared a protected area with the category of natural biotic area, and shall hereinafter be referred to as the Tugbo Natural Biotic Area (TNBA). 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 include all areas under the NIPAS, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

(e) *Natural biotic area* refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

(f) *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; 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 TNBA is comprised of a parcel of land of the public domain located in the City of Masbate and Municipality of Mobo, in the Province of Masbate. All lands of the public domain within the coverage and scope of the TNBA 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 TNBA are more particularly described as the area beginning at a

point marked "1" on plan, which is N 51° 03' 09" E, 2,824.619 meters from PRS92 "MST-3103" with geographic coordinates of 12° 17' 37.39667" Latitude and 123° 35' 33.97029" Longitude located at Barangay Sinalongan, City of Masbate, Province of Masbate,

thence	N45-05-00W	84.15	meters to corner 2;
thence	N15-13-00W	193.84	meters to corner 3;
thence	N41-37-00W	274.35	meters to corner 4;
thence	N31-22-00W	252.93	meters to corner 5;
thence	N19-35-00W	137.03	meters to corner 6;
thence	N07-04-00W	115.36	meters to corner 7;
thence	N05-48-00E	146.16	meters to corner 8;
thence	N03-27-00W	209.60	meters to corner 9;
thence	N41-20-00W	298.59	meters to corner 10;
thence	N64-42-00E	226.65	meters to corner 11;
thence	N03-45-00E	382.31	meters to corner 12;
thence	S77-55-00E	116.36	meters to corner 13;
thence	N67-13-00E	190.43	meters to corner 14;
thence	N38-17-00E	73.96	meters to corner 15;
thence	N42-18-00E	89.84	meters to corner 16;
thence	S69-58-00E	147.69	meters to corner 17;
thence	S52-42-00E	151.96	meters to corner 18;

thence	S16-10-00W	111.25	meters to corner 19;
thence	S42-06-00E	95.59	meters to corner 20;
thence	S69-04-00E	74.90	meters to corner 21;
thence	S55-33-00E	102.45	meters to corner 22;
thence	S17-25-00E	138.51	meters to corner 23;
thence	S12-57-00E	88.30	meters to corner 24;
thence	S42-10-00E	78.74	meters to corner 25;
thence	S85-17-00E	232.19	meters to corner 26;
thence	S46-24-00E	133.69	meters to corner 27;
thence	S28-24-00E	42.27	meters to corner 28;
thence	S49-01-00E	98.69	meters to corner 29;
thence	S41-55-00E	169.91	meters to corner 30;
thence	S59-19-00E	96.55	meters to corner 31;
thence	S46-31-00E	53.11	meters to corner 32;
thence	S25-49-00E	117.28	meters to corner 33;
thence	S06-29-00W	259.70	meters to corner 34;
thence	S24-38-00W	317.14	meters to corner 35;
thence	S37-10-00W	30.03	meters to corner 36;
thence	S37-10-00W	225.61	meters to corner 37;
thence	S30-16-00W	70.80	meters to corner 38;

thence	S54-32-00E	32.79	meters to corner 39;
thence	S65-04-00W	145.07	meters to corner 40;
thence	S56-36-00W	134.08	meters to corner 41;
thence	S77-36-00W	20.88	meters to corner 42;
thence	N49-32-00W	170.68	meters to corner 43;
thence	N76-17-00W	121.08	meters to corner 44;
thence	N54-35-00W	73.34	meters to corner 45;
thence	N64-06-00W	112.29	meters to corner 46;
thence	S56-00-00W	260.23	meters to corner 47;
thence	S04-13-00W	45.48	meters to corner 1,

and comprises two hundred twenty-four (224) 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 TNBA 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 TNBA. The PAMB shall be composed of the following:

(a) DENR Regional Executive Director for Region V, as Chairperson;

(b) Governor of the Province of Masbate or his/her duly authorized representative;

(c) Senators of the Republic of the Philippines who are duly registered residents of the Province of Masbate, or their duly designated representatives, unless the Senators decline the membership in the PAMB;

(d) District Representative of the Congressional District where the TNBA is located, or his/her duly designated representative, unless the District Representative declines the membership in the PAMB;

(e) Mayors of the City of Masbate, and Municipality of Mobo, in the Province of Masbate, or their duly authorized representatives;

(f) Chairpersons of all the barangays with territorial jurisdiction over the TNBA;

(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 Department of Tourism (DOT);

(h) Three (3) representatives from either NGOs, or people's organizations (POs) based in the Province of Masbate, 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 Masbate, with proven track record in or related to protected area management; and

(k) One (1) representative from the private sector, preferably a resident of the Province of Masbate, 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. *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 TNBA;

(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 TNBA;

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

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, 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 and collect all taxes and other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals 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 City of Masbate and Municipality of Mobo, the provincial government of Masbate, 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, letters of instruction, executive orders, rules and regulations and other issuances or parts thereof inconsistent with 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 August 3, 2021, amended by the Senate of the Philippines on January 31, 2022, and which amendments were concurred in by the House of Representatives on February 2, 2022.

MYRA MARIE D. VILLARICA
Secretary of the Senate

MARK LLANDRO L. MENDOZA
Secretary General
House of Representatives

Approved:

JUN 0 2 2022

~~Lapsed into law on~~ ..... without the signature of the President, in accordance with Article VI, Section 27 (1), of this Constitution.

RODRIGO ROA DUTERTE
President of the Philippines

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