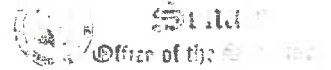


NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



24 MAR 19 P12 :01

SENATE

RECEIVED BY

*JSV*

P.S. Resolution No. 976

Introduced by Senator Cynthia A. Villar

**RESOLUTION**

**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MANAGEMENT PRACTICES, THE PRESENCE OF TENURIAL AGREEMENTS, AND THE PROTECTION MECHANISMS OR THE LACK THEREOF, ACCORDED TO THE COUNTRY'S PROTECTED AREAS, IN LIGHT OF DISTRESSING REPORTS OF EXPLOITATION OR DEFAACEMENT OF CERTAIN PROTECTED AREAS, SUCH AS THE UPPER MARIKINA RIVER BASIN PROTECTED LANDSCAPE IN RIZAL, THE SIARGAO ISLAND PROTECTED LANDSCAPE AND SEASCAPE IN SURIGAO DEL NORTE, THE CHOCOLATE HILLS NATURAL MONUMENT IN THE PROVINCE OF BOHOL, THE MOUNT APO NATURAL PARK IN THE PROVINCES OF NORTH COTABATO AND DAVAO DEL SUR, AND DAVAO CITY, AMONG OTHERS**

**WHEREAS**, the 1987 Philippine Constitution provides under Article II, Section 16 that "The state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature;"

**WHEREAS**, the Constitution further provides that Congress shall determine by law the specific limits of national parks by marking clearly their boundaries on the ground, and thereafter, such national parks so determined shall be conserved and may not be increased nor diminished, except by law<sup>1</sup>;

**WHEREAS**, under Republic Act (RA) No. 7586, as amended by RA No. 11038, otherwise known as the "*Expanded National Integrated Protected Areas System Act of 2018*" (ENIPAS Act), it is declared a policy of the State " to secure for the Filipino people of present and future generations, the perpetual existence of all native plants

<sup>1</sup> The 1987 Philippine Constitution, Article XII, Section 4

and animals through the establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.” - x x x – “To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as protected areas<sup>2</sup>;

**WHEREAS**, at present, there exist in the Philippines a total of two hundred forty-eight protected areas, broken down as follows: one hundred fourteen (114) protected areas declared by law, thirteen (13) protected areas established by presidential proclamations, and one hundred twenty-one (121) protected areas designated as initial components;

**WHEREAS**, the Department of Environment and Natural Resources (DENR) is “the primary government agency responsible for the conservation, management, development and proper use of the country’s environment and natural resources, specifically forest and grazing lands, mineral resources, including those in reservation and watershed areas, and lands of the public domain, as well as the licensing and regulation of all natural resources as may be provided for by law in order to ensure equitable sharing of the benefits derived therefrom for the welfare of the present and future generations of Filipinos<sup>3</sup>;

**WHEREAS**, under Section 11 of RA No. 11038, a Protected Area Management Board (PAMB) shall be created for each of the protected areas designated as initial component, established by presidential proclamation, and declared by law, chaired by the Regional Director in whose jurisdiction the protected area falls, and including as members national public officials from relevant government agencies, pertinent local public officials, representatives from NGO (non-governmental organization) or PO (people’s organization), representatives from IPs (Indigenous Peoples) or ICCs (Indigenous Cultural Communities) present in the protected area, a representative from an academic institution, and a private sector representative;

**WHEREAS**, under Section 11-A of RA No. 11038, the PAMB is endowed with various powers and functions, including the management oversight of protected areas; the formulation and approval of policies, plans, and programs; the harmonization of management plans with other pertinent development plans; the creation of operational procedures; the deputation of enforcement agencies and individuals; the financial management for implementation of plans; the setting of fees and charges; the issuance of conflict resolution regulations; policy recommendation; performance

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<sup>2</sup> Republic Act (RA) No. 11038, Section 2

<sup>3</sup> Executive Order No. 192, series of 1987, Section 4

monitoring; recommendation of key personnel; and the overall assessment of management effectiveness for protected areas;

**WHEREAS**, under the General Welfare Clause of the Local Government Code of the Philippines (Section 16, RA No. 7160), local government units are tasked with ensuring the enhancement of the right of the people to a balanced ecology; in accordance with this responsibility, their respective Sanggunians are empowered to enact ordinances and pass resolutions that are necessary for the protection of the environment, including the imposition of penalties for environmentally harmful activities that result in pollution or ecological imbalance<sup>4</sup>;

**WHEREAS**, cases involving the exploitation or defacement of protected areas surface in news reports and social media, every so often;

**WHEREAS**, as early as 2020, there were recurring reports of violations of environmental laws in the Upper Marikina River Basin Protected Landscape (UMRBPL), a 26,125.64-hectare legislated protected area in the Province of Rizal, with incidents including violence, illegal logging, quarrying, and construction of illegal structures that threaten the integrity of this critical watershed, and such occurrences highlight the flooding experienced by Rizal and Marikina residents during the onslaught of Typhoon Ulysses in 2020;

**WHEREAS**, in the third quarter of 2023, disturbing reports surfaced of substantial occupation and unauthorized constructions within the Siargao Island Protected Landscape and Seascape (SIPLAS), a 283,974.77-hectare protected area in Surigao del Norte, by Socorro Bayanihan Services Inc. (SBSI), which apparently have flagrantly violated the terms and conditions of its Protected Area Community-Based Resource Management Agreement (PACBRMA) on the said protected area;

**WHEREAS**, just this March 2024, we were taken aback by online aerial images of a resort's structures, including an Olympic-sized swimming pool, slides, and concrete cottages, built within the vicinity of the Chocolate Hills Natural Monument, a 13,994.95-hectare protected area and recognized as a UNESCO Global Geopark;

**WHEREAS**, Senator Raffy T. Tulfo, in his privilege speech on March 18, 2024, also raised concern on the presence of illegal structures and conduct of illegal activities at Mt. Apo Natural Park, a legislated protected area under RA No. 9237; he mentioned the presence of business establishments, clearing operations of forest areas, land conversion for settlements, water pollution, introduction of foreign exotic species,

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<sup>4</sup> RA No. 7160, Sections 447 (1) (vi), 458 (1) (vi), 468 (1) (vi)

presence of large communities, increasing population, and destructive livelihood in the said protected area<sup>5</sup>;

**WHEREAS**, despite reports of exploitation in the four (4) mentioned protected areas, there likely exist additional unreported violations and exploitation activities in other protected areas, leading to ongoing degradation; it is noteworthy that the Philippines has a total of 248 protected areas, of which 114 have been formally legislated, and there is concern that these areas may not be receiving the necessary level of protection to preserve their integrity as protected areas;

**WHEREAS**, while the Philippines has established a robust framework of policies, laws, and regulations for the protection of our protected areas, there appears to be a deficiency in their implementation, necessitating greater efforts from those responsible to protect them as well as all of us Filipinos to safeguard our protected areas;

**WHEREAS**, it is deemed essential to examine the management practices, the issuance of tenurial agreements, and the adequacy or absence of protection mechanisms provided to each of the country's protected areas, to ensure that the original intentions and wise foresight in their establishment are not undermined, thereby securing a sustainable future for the present and future generations.

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved by the Senate of the Philippines, to direct the appropriate Committee to conduct an inquiry, in aid of legislation, on the management practices, the presence of tenurial agreements, and the protection mechanisms or the lack thereof, accorded to the country's protected areas, in light of disturbing reports of exploitation or defacement of certain protected areas, such as the and the Upper Marikina River Basin Protected Landscape in Rizal, the Siargao Island Protected Landscape and Seascape in Surigao Del Norte, Chocolate Hills Natural Monument (CHNM) in the Province of Bohol, the Mount Apo Natural Park in the Provinces of North Cotabato and Davao del Sur, and Davao City, among others.

*Adopted,*

  
**CYNTHIA A. VILLAR**

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<sup>5</sup> <https://mb.com.ph/2024/3/18/after-chocolate-hills-tulfo-raises-concerns-over-structures-in-mt-apo>