

Attention: 12
Dir. Corazon
Catibog Sibia
Protected Area
and Wildlife
Bureau

Republika ng Pilipinas
KAGAWARAN NG KATARUNGAN
Department of Justice
Manila
OPINION NO. 90, S. 1094

June 20, 1994

PALAWAN INTEGRATED
AREA DEVELOPMENT
PLAN

Secretary Angel C. Alcala
Department of Environment and
Natural Resources
Visayas Avenue, Diliman
Quezon City

S i r :

This has reference to your request for a legal opinion concerning the relationship of K.A. No. 7586 (the "National Integrated Protected Areas System [NIPAS] Act of 1992") vis-a-vis R.A. No. 7611 (the "Strategic Environmental Plan [SEK] for Palawan Act"), particularly on the following issues:

1. Should the composition of PAMB ["Protected Area Management Board"] for any protected area in Palawan follow what NIPAS law requires?
2. Does the Palawan Council for Sustainable Development (PCSD) possess complete administrative and management authority over protected areas in Palawan? Since DENR [Department of Environment and Natural Resources] acts as vice-chairman of the council, does it imply then that the first question contains an expressed truth which some lawyers opine?
3. Can DENR give an authority to a Municipal Office to administer a protected area in Palawan?
4. What is the effect of the SEP law on Sec. 10 of the NIPAS law (administration and management of the protected area system)?
5. What is the effect of SEP law on Sec. 16 of the NIPAS law (IPAS Fund)?

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As we see it, the basic query to be resolved is whether or not Palawan, which is specifically governed by the SEP law, is still covered by the NIPAS law.

A view has been expressed by the Assistant Secretary for Legal Affairs of your Office that Palawan is still covered by the NIPAS law despite the enactment of the SEP law since the latter merely provides for an environmental plan for the province which is not inconsistent with the vision of the NIPAS law to establish a national integrated protected areas system.

We believe that the whole of Palawan is governed specifically and primarily by the SEP law and suppletorily, insofar as applicable, by the NIPAS law.

It is noted that the NIPAS law, approved on June 1, 1992, is a law of general application intended to carry into effect, on a national scale, the declared 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 establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution" (Sec. 2, R.A. No. 7586). The SEP law, approved on June 19, 1992, on the other hand, is a special law enacted for the adoption of a "comprehensive framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province" in line with the declared policy of the State "to protect, develop and conserve its natural resources" (Secs. 2 and 4, R.A. No. 7611). Examination of the subject laws likewise shows that while one is general, and the other special, in application, both laws, however, address the issue of conservation, protection, management and sustainable development of natural resources of the country.

The rule is that a general law and a special law on the same subject are statutes in *pari materia* and should, accordingly, be read together and harmonized, if possible, with a view to giving effect to both. The rule is expressed in the maxim, *interpretare et concordare legibus est optimus interpretandi*, or every statute must be so construed

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and harmonized with other statutes as to form a uniform system of jurisprudence. For the assumption is that whenever the legislature enacts a law, it has in mind the previous statutes relating to the same subject matter, and in the absence of any express repeal or amendment, the new statute is deemed enacted in accord with the legislative policy embodied in those prior statutes (*City of Naga vs. Agna*, 71 SCRA 176).

Insofar as the sustainable development of Palawan is concerned, it is, as we have stated, specifically and primarily governed by the SEP law. Contrary to the view expressed by the DENR Assistant Secretary for Legal Affairs, the SEP Law does not merely provide for an environmental plan (SEP) for the province of Palawan. It also establishes the implementing administrative machinery therefor, which is the Palawan Council for Sustainable Development (herein referred to as "Council"), and the support mechanisms and staff to ensure the SEP's viability and success.

Notably, the NIPAS law (R.A. No. 7586) provides for the "general management planning strategy" which shall "serve as guide in formulating individual plans for each protected area" (Sec. 9) and creates a Protected Area Management Board (PAMB) for the management of each of the established protected areas in accordance with the general management strategy (Sec. 11). The PAMBs are under the DENR (Sec. 11) which is the department mandated to administer and manage the system ["National Integrated Protected Area System" or NIPAS] (Sec. 10).

On the other hand, the SEP law (R.A. No. 7611) adopts the Strategic Environmental Plan (SEP) "for Palawan which shall serve to guide the local government of Palawan and the government agencies concerned in the formulation and implementation of plans, programs and projects affecting said province" (Sec. 4). The SEP philosophy as set forth in Section 5 of the SEP law envisions to achieve for Palawan what the NIPAS law is intended to achieve for the whole country on a national scale.

The Council, as the implementing machinery of the SEP, has similar powers and functions as the DENR which is the implementing agency of the NIPAS law (see Sec. 19, R.A. No. 7611 vis-a-vis Sec. 10, R.A. No. 7586). On the other hand, the Palawan Council for Sustainable Development Staff (formerly Palawan

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Integrated Area Development Office), which provides staff support to the Council, performs comparable functions as the PAMB, which is the support arm of the DENR in each protected area (see Sec. 20, R.A. No. 7611, vis-a-vis Sec. 11, R.A. No. 7586).

Upon these premises, we resolve your specific queries as follows:

1. Your first query on whether the composition of the PAMB in any protected area in Palawan should follow that prescribed in the NIPAS law, is rendered academic by the conclusion reached above that Palawan is governed specifically and primarily by the SEP law and only suppletorily by the NIPAS law. As discussed above, the PAMB manages a protected area established pursuant to the NIPAS law. In the case of Palawan, the Council administers and implements the SEP for Palawan, assisted by the Palawan Council for Sustainable Development Staff. Since the protection and conservation of the protected areas in Palawan are included in the SEP for Palawan and since the SEP is administered and implemented by the Council and its support staff as provided for in the SEP law, it is believed that the establishment of the PAMB in Palawan is not intended by the SEP or the NIPAS law.

2. In answer to your second query, we believe that the Council possesses "complete administrative and management authority over protected areas in Palawan". An examination of the specific powers and functions of the Council under Section 19 of the SEP law reveals that, like DENR with respect to the NIPAS law, the Council has the authority to promulgate rules and regulations to implement the SEP and the provisions of the SEP law (par. 8); to call upon any department, office, or agency for cooperation or assistance (par. 3); and to accept donations, grants or gifts for purposes of the SEP (par. 4). More importantly, the Council is vested with the power to enforce the provisions of the SEP law and "other existing laws, rules and regulations similar to or complementary" with the SEP law (par. 9); and to "perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of Palawan" (par. 10).

* Evidently, within the province of Palawan, the agency intended by the lawmakers to administer and enforce the laws and regulations governing protected areas in Palawan is the Council, and no other.

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3. Your third query on whether the DENR can authorize a Municipal Officer to administer a protected area in Palawan is answered in the negative based on our answers to your first and second queries.

4. Your fourth query on the effect of the SEP law on Section 10 of the NIPAS law is answered in accordance with our discussion of the second query. The Council administers and manages the protected areas in Palawan as provided for in the SEP for Palawan and in consonance with the provisions of "other existing laws, rules and regulations similar to or complementary with this (SEP) Act" (par. 8, Sec. 19, *supra*). The NIPAS law is one such complementary law, and for Palawan, it is the Council, not the DENR, which shall administer and manage the protected areas in accordance with, among others, the applicable provisions of the NIPAS law.

5. Your fifth, and last, query inquires about the effect of the SEP law on the Integrated Protected Areas (IPAS) fund established in Section 16 of the NIPAS law. Our view is that the IPAS fund which is established "for purposes of financing the projects of the System" has nothing to do with the SEP which is funded by a different source, namely, the "donations, grants, gifts, loans, and other fundings from domestic and foreign sources" which the Council is expressly authorized to generate (Sec. 19, par. 4, R.A. 7611), as well as the regular appropriations authorized for the implementation of the SEP law pursuant to Section 21 thereof. It goes without saying that the IPAS fund, which derives income "from the operation of the System or management of wild flora and fauna" (Sec. 16), will not derive income from the operation of the SEP which is not deemed part of the System covered by the NIPAS law.

Please be guided accordingly.

Very truly yours,


FRANKLIN M. DRILON
Secretary