

HOUSE OF REPRESENTATIVES

Quezon City, Metro Manila

**19th Congress
First Regular Session**

House Bill No. 5055



Introduced by **REPRESENTATIVE EMIGDIO P. TANJUATCO III**

EXPLANATORY NOTE

This bill seeks to declare the Kaliwa River Forest Reserve situated in the Provinces of Rizal and Quezon, as the Kaliwa River Forest and Wildlife Sanctuary (KRFWS) and be classified as a Protected Area under the National Integrated Protected Areas System (NIPAS) pursuant to Republic Act 7586 of 1992, as amended by Republic Act 11038 or the Expanded National Integrated Protected Areas System (NIPAS) Act of 2018.

Also known as Kaliwa Watershed Forest Reserve (KWFR), the sanctuary is a 31,883-hectare forest reservation straddling Municipalities of Tanay, Rizal and General Nakar, Quezon that is currently reserved as a permanent forest under Presidential Proclamation No. 573, s. 1969.

It is home to various threatened wildlife such as the Endangered Northern Philippine Hawk-eagle (*Nisaetus philippensis*), the Philippine Brown Deer (*Rusa marianna*), the Philippine Warty Pig (*Sus philippensis*), the Vulnerable Northern Rufous Hornbill (*Buceros hydrocorax*), the Critically Endangered Philippine Eagle (*Pithecophaga jefferyi*), and restricted-range birds of the Luzon Endemic Bird Area, all of which are found nowhere else in the planet. The biggest portion of its vegetation has approximately 12,147 hectares of residual forests which has around 172 plant or flora species recorded: 39 of which are endemic or only found in the country, and 17 are threatened or vulnerable to endangerment or extinction in the near future. Notable species also spotted in the area are the endangered and rare Rafflesia manillana and Jade vine (*Strongylodon macrobotrys*), and other critically endangered tree species like Red Lauan (*Shorea negrosensis*), White Lauan (*Shorea contorta*), Mayapis (*Shorea palosapis*), Bagtikan (*Parashorea malaanonan*), Tiaong (*Shorea ovata*) and Dungon (*Heritiera sylvatica*).¹

Declaring the reserve as a protected area will ensure that these flora and fauna will continue to be preserved and that the area will receive the appropriate management so that its existing biodiversity is not disturbed

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


EMIGDIO P. TANJUATCO

¹ <https://haribon.org.ph/kaliwa-dam-will-destroy-sierra-madre-biodiversity-haribon-foundation/>

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AN ACT

DECLARING THE KALIWA RIVER FOREST AND WILDLIFE SANCTUARY IN THE MUNICIPALITIES OF TANAY, RIZAL AND GENERAL NAKAR, QUEZON, FOR ITS SUSTAINED MANAGEMENT AND PROTECTION, AS A PROTECTED AREA UNDER THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) OF THE REPUBLIC OF THE PHILIPPINES PURSUANT TO NATIONAL INTEGRATED PROTECTED AREAS SYSTEM (NIPAS) ACT OF 1992, AS AMENDED BY EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYTEM (ENIPAS) ACT OF 2018.

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

SECTION 1. Title. — This Act shall be known and cited as the “Kaliwa River Forest and Wildlife Sanctuary Act”.

SEC. 2. Declaration of Policy. — It is the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. For this purpose, the State shall secure for the present and future generations of Filipinos the perpetual existence of all flora and fauna in the Kaliwa River Forest and Wildlife Sanctuary Protected Area within the Municipalities of Tanay, Rizal, and General Nakar, Quezon, through its establishment as a component of the National Integrated Protected Areas System (NIPAS), without prejudice to the continued occupation thereof of any indigenous tribes whose cultural and historical affinity with the area have long been established by formal and anecdotal evidence. The State shall likewise promote the participation of local communities in the management of the Kaliwa River Forest and Wildlife Sanctuary and protect the way of life of the people living in and around the protected area.

SEC. 3. Scope and Coverage. — The Kaliwa River Forest and Wildlife Sanctuary shall cover the tract of land embraced and situated in the Provinces of Rizal and Quezon, Island of Luzon, containing a total area of 31,883.13 hectares, the metes and bounds of which are delineated as follows:

Beginning at a point marked "1" on Map of the proposed Kaliwa River Forest and Wildlife Sanctuary, being N 25°24'00" W of BLLM- 12, PLS-39 Tanay, Rizal with geographic coordinates 14°34'15.71" and 121°20'25.85" at a distance of 5,187.88 meters,

thence	N 47°23'00" W	372.58 m. to point 2
thence	N 10°28'00" W	3,645.88 m. to point 3
thence	N 44°53'00" E	2,447.62 m. to point 4
thence	N 2°00'00" W	862.44 m. to point 5
thence	N 7°17'00" W	2,929.29 m. to point 6
thence	N 28°45'00" W	898.46 m. to point 7
thence	N 11°17'00" W	3,123.32 m. to point 8
thence	N 24°22'00" W	4,092.00 m. to point 9
thence	N 11°0'00" W	1,501.20 m. to point 10
thence	N 69°28'00" E	3,483.03 m. to point 11
thence	N 27°34'00" E	3,840.08 m. to point 12
thence	S 66°53'00" E	6,744.21 m. to point 13
thence	S 28°36'00" E	6,253.15 m. to point 14
thence	S 9°0'00" E	7,333.79 m. to point 15
thence	S 11°3'00" W	4,421.09 m. to point 16
thence	S 30°48'00" E	6,804.13 m. to point 17
thence	S 21°25'00" E	1,657.49 m. to point 18
thence	S 44°5'00" W	788.83 m. to point 19
thence	S 82°52'00" W	6,270.29 m. to point 20
thence	N 79°42'00" W	3,994.26 m. to point 21
thence	N 40°52'00" W	2,902.78 m. to point 22
thence	N 9°38'00" W	980.02 m. to point 23
thence	N 37°20'00" W	1,523.34 m. to point 24
thence	N 81°32'00" W	2,334.09 m. to point 1

The technical descriptions provided in this Act shall be subject to actual ground survey and Verification by the Department of Environment and Natural Resources (DENR) immediately after the effectivity of this Act. Any modification on the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government offices.

SEC. 4. *Definition of Terms.* - For the purpose of this Act, the following terms shall be defined as follows:

- (a) *Biological diversity or biodiversity* shall refer to the wealth of life forms found on earth, the millions of different plants, animals and microorganisms, the genes they contain and the intricate ecosystem they form
- (b) *General/ management plan* shall refer to the basic long-term framework plan for the management of the protected area that shall serve as guide in the preparation of the annual operations plan and budget.
- (c) *General Management Planning Strategy (GMPS)* shall refer to a guide in the formulation of site-specific management plans, including buffer zones.

- (d) *Indigenous people* shall refer to 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.
- (e) *Indigenous Peoples Rights Act (IPRA)* shall refer to Republic Act No. 8371.
- (f) *Integrated Protected Area Fund (IPAF)* refer to a trust fund established for the purpose of financing projects within the protected area.
- (g) *Management manual* shall refer to the individual management plan containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division into management zones, review of boundaries and design of the management programs of the area.
- (h) *National Integrated Protected Areas System (NIPAS)* shall refer to the classification and administration of all designated protected areas established pursuant to Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System Act of 1992”, to maintain essential ecological processes and life support systems, to preserve genetic diversity, to ensure sustainable use of resources and to maintain the natural conditions within the area to the greatest extent possible.
- (i) *Natural monument* shall refer to a relatively small area focused on small features to protect and preserve nationally significant natural features on account of their special interest or unique characteristics.
- (j) *Protected area* shall refer to identified portions of land and water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation.
- (k) *Protected landscape* shall refer to an area of national significance that provides opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.
- (l) *Protected Area Superintendent (PASu)* shall refer to the DENR officer assigned to act as chief operating officer of the Kaliwa River Forest and Wildlife Sanctuary.
- (m) *Secretary* shall refer to the Secretary of the DENR.
- (n) *Tenured migrants* shall refer to persons who have actually and continuously occupied an area for five (5) years prior to its designation as a protected area in accordance with the provisions of Republic Act No. 7586 or the NIPAS Act of 1992, and are solely dependent therein for subsistence.

SEC. 5. *Management of the Kaliwa River Forest and Wildlife Sanctuary.* — The management of the Kaliwa River Forest and Wildlife Sanctuary shall be vested in the Protected Area Management Board (PAMB), as provided in Section 6 hereof. It shall serve as the highest policy-making body for the protected area and shall promote partnership, participation, cooperation and coordination with local communities and civil society organizations.

SEC. 6. *The Protected Area Management Board (PAMB).* - A Protected Area Management Board for the Kaliwa River Forest and Wildlife Sanctuary is hereby created and shall exercise the powers and functions herein provided.

SEC. 7. *Composition of the PAMB.* — The PAMB for the Kaliwa River Forest and Wildlife Sanctuary shall be composed of the following.

- (a) The DENR Regional Executive Director (RED) for Region IV-A, as Chairman;
- (b) The Members of Congress from the Second District of Rizal and the First District of Quezon or their duly authorized representatives, as Co-Vice Chairpersons;
- (c) The Governors of the provinces of Rizal and Quezon or their duly authorized representatives;
- (d) The Mayors of Tanay, Rizal and General Nakar, Quezon, or their duly authorized representatives, as members;
- (e) The barangay captains of the barangays having jurisdiction over any portion of the protected area, as members;
- (f) The Regional Director of the Department of Agriculture (DA) for Region IV-A or a duly authorized representative, as member;
- (g) The Municipal Environment and Natural Resources Officers (MENRO) of Tanay, Rizal and General Nakar, Quezon, as members;
- (h) Three (3) representatives from nongovernment organizations (NGOs) operating in the protected area, selected from among themselves in a meeting duly called for the purpose, as members; and
- (i) Three (3) representatives from the Indigenous Cultural Communities (ICCs) within the protected area, as members.

The selection of NGO representatives shall be geared towards achieving geographical representation and preference shall be accorded to organizations that are involved in the conservation and protection of the protected area.

Each member of the PAMB shall serve for a term of three (3) years and shall be considered to represent and carry the vote of the sector represented.

The members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such official/s.

SEC. 8. Powers and Functions of the PAMB. - The PAMB for the Kaliwa River Forest and Wildlife Sanctuary shall exercise the following powers and functions:

- (a) Issue rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth;
- (b) Establish criteria and set fees for the issuance of permits for the activities regulated by this Act or the approved management plan;
- (c) Identify the buffer zone for the protected area;
- (d) Adopt rules and procedures for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (e) Approve, revise or modify the management plan;
- (f) Deputize and train interested, capable and responsible individuals for the enforcement of the laws, rules and regulations governing conduct in the protected area;
- (g) Accept donations, approve proposals for funding, budget allocations and exercise accountability over all funds that may accrue to the protected area,
- (h) Coordinate with appropriate agencies for the regulation of flight patterns of aircraft going over the area to set acceptable latitudinal limits and emissions; and
- (i) Retain legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the PASu Office staff whenever they are sued in connection with the performance of their duties under this Act.

The DENR, through the RED, shall exercise authority over the PAMB to ensure that it is acting within the scope of its powers and functions. If a conflict arises between

the administrative orders of national application issued by the DENR pursuant to the NIPAS Act or the IPRA and the rules and regulations issued by the PAMB, the DENR shall resolve such conflict.

SEC. 9. *The Protected Area Superintendent Office.* There is hereby established a Protected Area Superintendent's (PASu) Office in-charge of the management, protection and administration of the Kaliwa River Forest and Wildlife Sanctuary. The PASu Office shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the protected area and shall be accountable to the RED of the DENR Region IV-A and the PAMB. The PASu shall have the following powers and functions:

- (a) Prepare the management and successor plans;
- (b) Provide a secretariat which will provide to the PAMB all information necessary to make appropriate decisions;
- (c) Establish a productive partnership with the local community, including groups interested in the achievement of the goals and objectives of the protected area and in the planning, protection and management of the protected area;
- (d) Develop and implement a park information, education and visitor program;
- (e) Enforce laws, rules and regulations relevant to the protected area and assist in the prosecution of the offenses committed in violation of this Act;
- (f) Monitor all activities within the protected area in conformity with the management plan; and
- (g) Perform such other functions as the PAMB may assign.

SEC. 10. *Management Plan.* — The PASu shall prepare a management plan in accordance with the GMPS and in coordination with the appropriate offices of the DENR, local communities, the municipal governments of Tanay, Rizal and General Nakar, Quezon, NGOs, other government agencies and experts with socio-environmental, economic and ecological experience in the area.

The management plan shall be reviewed, approved and adopted by the PAMB and certified to by the DENR Secretary so that it conforms to all laws, rules and regulations of national application. In no case shall the management plan be revised or modified without prior consultation with the PAMB.

Within one (1) year from the effectivity of this Act, the management plan shall be put into effect in accordance with the NIPAS Act. It shall contain, among others, the following:

- (a) Period of applicability of the plan;
- (b) Key management issues;
- (c) Goals and objectives of management;
- (d) Site management strategy;
- (e) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control, etc;
- (f) Zoning; and
- (g) Visitor management programs.

The PASu shall prepare all successor plans two (2) years before the expiration of the existing plans and shall cause the publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other areas frequented by the public. Public consultations may be conducted on the successor plans upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment and the final version

shall be made available for public perusal at the office of the PASu.

The management plan shall be prepared in a language understandable in the area, plainly written and available for perusal anytime to the general public at the PASu Office.

SEC. 11. *Tenured Migrants and Private Rights.* — Tenured migrants shall be eligible to become stewards of portions of lands within the allowed and designated zones. The PAMB shall identify, verify and review all tenure instruments, land claims and permits for resource use and recommend the issuance of the appropriate tenure instrument consistent with the land classification, allowed resource use and zoning provided in the management plan.

Nothing in this Act shall be construed to mean any diminution of accrued rights earned by tenured migrants. However, tenured migrants occupying areas which may be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development shall be transferred to multiple-use zones or buffer zones, to be accomplished through just and humane means.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

All private rights within the protected area shall be protected in accordance with existing laws.

SEC. 12. *Existing Facilities Within the Kaliwa River Forest and Wildlife Sanctuary.* — Existing facilities allowed to remain within the Kaliwa River Forest and Wildlife Sanctuary may be charged a reasonable fee by the PAMB, which shall be embodied in a Special Use Agreement in Protected Areas (SAPA) to be entered into with the owner of the facility. All income from such fees shall accrue to the Kaliwa River Forest and Wildlife Sanctuary Fund established pursuant to this Act.

In setting the user fees on man-made facilities managed by the private entities, the rates shall be determined by the private entity but shall be comparable to the fees charged for similar facilities in a protected area. For all other facilities, the user fees therein shall be determined in consultation with the PAMB.

SEC. 13. *Utilization of Nonrenewable Resources.* — Any exploration or utilization of nonrenewable resources within the protected area shall not be allowed. Energy projects, renewable or otherwise, shall be permitted only through an act of Congress.

SEC. 14. *Prohibited Acts.* — The following acts shall be prohibited and violations thereof shall be penalized accordingly:

(a) A fine of not less than five hundred thousand pesos (P500,000.00) nor more than one million pesos (P1,000,000.00) and imprisonment of not less than six (6) years but not more than twelve (12) years shall be imposed upon any person found guilty of:

- (1) Hunting, destroying, trapping, disturbing or possessing anywhere within the protected area of any wild plant or animal or products derived therefrom without a permit from the PAMB: *Provided*, That such permit shall only be given for scientific purposes necessary for protected area management;
- (2) Cutting, gathering, collecting or removing timber or forest products permit: *Provided, further*, that such permit shall only be given for scientific purposes necessary for protected area

management;

- (3) Possessing outside the protected area any wild plant or animal or products derived therefrom which came from the protected area;
- (4) Mineral exploration or extraction, drilling or prospecting for minerals within the protected area;
- (5) Constructing or maintaining any kind of road, structure, fence or enclosure without permit from the PAMB: *Provided*, finally, that structures within the ancestral domains used by the indigenous cultural communities shall not need a permit from the PAMB; and
- (6) Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks or signs, natural formations, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and other objects of natural and scenic value or affixing marks or signs on trees.

(b) A fine of not less than one hundred thousand pesos (P100,000.00) nor more than five hundred thousand pesos (P500,000.00) and imprisonment of not less than one (1) year but not more than five (5) years shall be imposed upon:

- (1) Any person or persons found guilty of grazing and/or causing livestock to graze or raising poultry within the protected area without a permit from the PAMB;
- (2) Any public officer of the law, who, in dereliction of the duties of one's office, shall maliciously refrain from instituting acts necessary to prosecute the violators of this Act or shall tolerate the commission of offense shall also carry the penalty of perpetual disqualification from public office,
- (3) Use of motorized equipment without a permit except motorized vehicles within the national highway, provincial road or other public thoroughfare traversing the park: *Provided*, that such thoroughfares were legally constructed;
- (4) Occupying any portion of land inside the protected area without a permit from the PAMB: *Provided, further*, that such occupation shall not last for more than (10) days in the particular portion of the protected area; and
- (5) Entering the protected area without a permit from the PAMB.

Any person who shall induce or conspire with another person to commit any of the acts prohibited in this section or cause workers to commit any such acts shall be liable in the same manner as the one actually performing the act.

The valuation of the damage resulting from any of the acts prohibited herein shall take into account the biodiversity and conservation consideration as well as aesthetic and scenic values. Conviction for any of these acts shall likewise carry the penalty of eviction from the protected area and forfeiture in favor of the government of transportation facilities, structures, building materials, equipment, devices and weapons used in the commission of the offense.

If the above acts are committed by a corporation, the penalties shall be imposed on its executive officers and the board of directors.

The local government unit (LGU) responsible for the arrest of a violator and the confiscation of materials used in the commission of the offense shall have a fifty percent (50%) share from the proceeds in the disposition of confiscated materials. The other fifty percent (50%) shall accrue to the Kaliwa River Forest and Wildlife Sanctuary Fund.

The above prohibitions shall not include activities identified in the management plans and such other measures which are necessary for the preservation of the protected

area and which shall be undertaken by the PASu or other persons deputized by the PAMB. The customs and traditional practices of indigenous cultural communities certified by proper authorities shall likewise be allowed and the above prohibitions shall not apply.

SEC. 15. *Special Prosecutors.* — Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations in the protected area shall be assigned.

Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of the person's duties and assist in the training of wardens and rangers in arresting and prosecuting violators of this Act. The PAMB may appoint special private prosecutors on a case-to-case basis to assist the public prosecutor.

SEC. 16. *The Kaliwa River Forest and Wildlife Sanctuary Fund.* - There is hereby established a trust fund to be known as the Kaliwa River Forest and Wildlife Sanctuary Fund to be used to finance the projects of the system. All income generated from the operation of the protected area or management of its wild flora and fauna in the protected area shall accrue to the Fund. Such income shall be derived from visitors/tourists fee, fees from the permitted sale and export of flora and fauna and other resources from the protected area, proceeds from the registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefiting from the protected area, and such other fees and income derived from the operation of the protected area: *Provided*, that seventy-five percent (75%) of the same shall be set aside and retained by the PAMB which shall appropriate it exclusively for the management and operation of the Kaliwa River Forest and Wildlife Sanctuary: *Provided, further*, that the remaining twenty-five percent (25%) of such income shall be remitted to the central Integrated Protected Areas Fund (IPAF).

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

The LGUs shall continue to impose and collect all other fees not enumerated herein which they shall additionally collect, such as business permit fees and rentals of LGUs facilities. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, that such add-ons shall be determined based on the contribution of the LGUs in the maintenance and preservation of the protected area.

SEC. 17. *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. 18. *Interpretation.* — The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the Kaliwa River Forest and Wildlife Sanctuary and the conservation and restoration of biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 19. *Transitory Provision.* - In order to ensure the sustainability and integrity of the watershed and water resources, the recovery and restoration of biological diversity, and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any instrument that allows exploitation and utilization of resources within the protected area until the management plan shall have been put into effect.

SEC. 20. *Separability Clause.* — If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 21. *Repealing Clause.* - All laws, rules and regulations inconsistent herewith are hereby repealed or modified accordingly.

SEC. 22. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation readily available in and around the scope specified herein. It shall likewise be posted in a conspicuous place in the provincial, municipal, and barangay halls within the areas as well as in three (3) other places frequented by the public.

Approved,