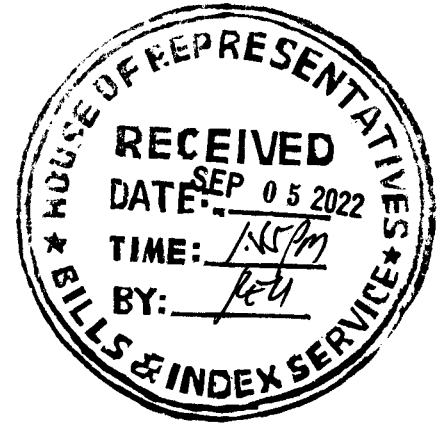


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila

NINETEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 4419



---

Introduced by Representative CIRIACO B. GATO, JR., MD, FPSO-HNS

---

**EXPLANATORY NOTE**

This bill seeks to reclassify Barangay Itbud, Municipality of Uyugan, Province of Batanes, from a National Park into Alienable and Disposable residential area/site.

In 1910, people migrated and settled in the area after the Spanish rule in 1789 and before the American occupation. In 1920, the first chapel, residential stone and lime houses, and school buildings were constructed. Grades I and II classes were opened in 1927-1928. Home to at least five hundred people, Barangay Itbud is now a detached barangay of the Municipality of Uyugan, situated along the National Road, 23km south of the capital town – Basco. Its conversion from a National Park to an Alienable and Disposable residential area/site will provide long-time residents opportunities and entitlements as genuine owners.

The Department of Environment and Natural Resources, through the Provincial Environment and Natural Resources Office in Batanes, approved the Survey Plan for the six (6) hectare-wide Barangay Itbud. It provides the Technical Description of the map location, as a basis whether to exclude Barangay Itbud as part of the BPLS under NIPAS, for the assessment and reclassification of the land to sustainable development and strengthen land conservation and cultural practices of importance to Batanes' Indigenous people while maintaining a sound

ecosystem that will be beneficial to the whole community.

This bill was filed in the 17th and 18th Congress; however, due to lack of material time, it did not become a law.

In view of the forgoing considerations, the approval of this bill is ardently sought.



**CIRIACO B. GATO, JR., MD, FPSO-HNS**

**Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City, Metro Manila**

**NINETEENTH CONGRESS  
First Regular Session**

**HOUSE BILL NO. 4419**

---

**Introduced by Representative CIRIACO B. GATO, JR., MD, FPSO-HNS**

---

**AN ACT TO CONVERT BARANGAY ITBUD, MUNICIPALITY OF UYUGAN,  
PROVINCE OF BATANES, FROM ITS PRESENT CLASSIFICATION AS NATIONAL  
PARK TO AN ALIENABLE AND DISPOSABLE RESIDENTIAL LAND/SITE**

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

**ARTICLE I  
Title and Guiding Principles**

**SECTION 1. Short Title.** – This Act shall be known as the “Batanes Land Classification Act of 2022”.

**SECTION 2. Declaration of Policy.** – It is hereby declared the policy of the State to provide access to land development and sustainability in certain localities in the Philippines in the highest consideration to advocate social welfare and put forward the advancement of rural development and industrialization in the far-flung areas.

In relation thereto, with consideration for the integrity of farmers and landowners to fair remuneration and the ecological needs of the country, this Act must implement more equitable distribution to empower the people and give them the chance to improve their quality of life and to identify issues using locally available resources and knowledge towards increased productivity in their residential site.

The State shall adhere to the principles that land distribution is a social responsibility, and the awarding of land and titles should promote high productivity in the community and the district.

The State recognizes the role of the Local Government and strategically, local stakeholders in providing services and access to land systematization in supporting the Filipino People. Thus, these authorities must be given the necessary power to reorganize the land use. It is hereby declared the policy of the State to address the concerns of the citizens to reestablish public relations and mobilize them to protect the area of concern.

***SECTION 3. Objectives.*** – Pursuant to the above declaration of policy, the State shall endeavor to accomplish the following objectives:

- (a) Develop and promote comprehensive approach and social contract in mending local based issues in a collective manner by all relevant stakeholders including planning, organizing, decision making, implementation, and evaluation.
- (b) Ensure the conservation of the land and the local cultural heritage in the community.
- (c) Development of an extensive tourism to stimulate investments and produce livelihood for the locality as a tourism-based economy for undeveloped remote areas whilst preserving the heritage and culture.
- (d) Enabling all Indigenous cultural community stakeholders to advance skills and competencies which accords inclusive local development.
- (e) Guarantee that the development of the residential area governed by the LGU ensures the necessities of the residents in terms of public services and establishment of certain structures shall be first met and safeguarded.

## **ARTICLE II**

### **Definition of Terms**

#### ***SECTION 4. Definition of Terms.*** - As used in this Act:

(a) “*Alienable and Disposable Land*” - Alienable and disposable lands refer to those lands of the public domain which have been the subject of the present system of classification and declared as not needed for forest, mineral purposes, and national park;<sup>1</sup>

(b) “*BPLS*” refers to Batanes Protected Landscape and Seascape;

(c) “*Indigenous cultural community*” - refers to a group 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<sup>2</sup>;

(d) “*Indigenous People*” – refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, become historically differentiated from the majority of Filipinos;<sup>3</sup>

(e) “*Land Classification*” - A system for determining land of the public domain into forest land, mineral land, national parks, and agricultural land based on the 1987 Constitution<sup>4</sup>;

(f) “*Land Reclassification*” - The process of allocating land of the public domain to specific uses

---

<sup>1</sup> THIRTEENTH CONGRESS OF THE REPUBLIC OF PHILIPPINES SENATE Introduced ..., <https://legacy.senate.gov.ph/lisdata/11405641.pdf>.

<sup>2</sup> Republic Act 1138/ [https://lawphil.net/statutes/repacts/ra2018/ra\\_11038\\_2018.html](https://lawphil.net/statutes/repacts/ra2018/ra_11038_2018.html)

<sup>3</sup> Republic Act No. 8371 <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>

<sup>4</sup> <https://fasps.denr.gov.ph/index.php/resources/glossary-of-terms/land-classification#:~:text=Term,land%20and%20alienable%20%26%20disposable%20land.>

such as agriculture, residential, industrial, or commercial.;<sup>5</sup>

(g) “*Land Use*” - The manner of utilizing the land, including its allocation, development, and management.<sup>6</sup>

(h) “*Land Use Conversion*” – refers to the conversion of a piece of agricultural land’s existing physical use into another use such as commercial, residential, industrial, or other agricultural use other than cultivation of the soil, crop planting, or tree growth, as allowed by Department of Agrarian Reform (DAR);<sup>7</sup>

(i) “*National Integrated Protected Areas System (NIPAS)*” - is the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;<sup>8</sup>

(j) “*National Park*” - refers to a forest reservation essentially of natural wilderness character which has been withdrawn from settlement, occupancy, or any form of exploitation except in conformity with approved management plan and set aside as such exclusively to conserve the area or preserve the scenery, the natural and historic objects, wild animals, and plants therein and to provide enjoyment of these features in such areas;<sup>9</sup>

---

<sup>5</sup> Foreign-Assisted and Special Projects Service / <https://fasps.denr.gov.ph/index.php/resources/glossary-of-terms/land-reclassification>

<sup>6</sup> DAR ADMINISTRATIVE ORDER NO. 01-02/

<http://lis.dar.gov.ph/documents/368#:~:text=Land%20Use%20Conversion%20refers%20to%20the%20act%20or,of%20produce%20therefrom%2C%20as%20approved%20by%20DAR.%202.13.>

<sup>7</sup> DAR ADMINISTRATIVE ORDER NO. 01-02/

<http://lis.dar.gov.ph/documents/368#:~:text=Land%20Use%20Conversion%20refers%20to%20the%20act%20or,of%20produce%20therefrom%2C%20as%20approved%20by%20DAR.%202.13.>

<sup>8</sup> REPUBLIC ACT NO. 7586/

[https://lawphil.net/statutes/repacts/ra1992/ra\\_7586\\_1992.html#:~:text=%22National%20Integrated%20Protecte d%20Areas%20System%20%28NIPAS%29%22%20is%20the,their%20natural%20conditions%20to%20the%20great est%20extent%20possible%3B](https://lawphil.net/statutes/repacts/ra1992/ra_7586_1992.html#:~:text=%22National%20Integrated%20Protecte d%20Areas%20System%20%28NIPAS%29%22%20is%20the,their%20natural%20conditions%20to%20the%20great est%20extent%20possible%3B)

<sup>9</sup> REPUBLIC ACT NO. 7586/

[https://lawphil.net/statutes/repacts/ra1992/ra\\_7586\\_1992.html#:~:text=%22National%20Integrated%20Protecte d%20Areas%20System%20%28NIPAS%29%22%20is%20the,their%20natural%20conditions%20to%20the%20great est%20extent%20possible%3B](https://lawphil.net/statutes/repacts/ra1992/ra_7586_1992.html#:~:text=%22National%20Integrated%20Protecte d%20Areas%20System%20%28NIPAS%29%22%20is%20the,their%20natural%20conditions%20to%20the%20great est%20extent%20possible%3B)

(k) “*Protected Area*” - Protected area (PA) refers to identified portions of land and/or water set aside for their unique physical and biological diversity and protected from destructive human exploitation. PAs are categorized as: (a) Natural Park; (b) Natural Monument; (c) National Park; (d) Wildlife Sanctuary; (e) Protected Landscape/Seascape; (f) Resource Reserve; (g) Natural Biotic Area; (h) Marine Reserve; (i) Managed Resource Protected Area; (j) Game Refuge and Bird/Fish Sanctuary; (k) Watershed Forest Reserve; (l) Watershed Reservation; (m) Wilderness Area; (n) Mangrove Swamp Forest Reserve; and (o) Other Categories established by law, conventions or international agreements which the Philippine Government is a signatory;<sup>10</sup>

(l) “*Protected Area Suitability Assessment (PASA)*” – refers to a rapid screening and evaluation of protected areas, to determine their suitability for retention, establishment, or disestablishment as protected areas, the modification of their boundaries, or the inclusion of proposed additional areas in the System;<sup>11</sup>

(m) “*Residential Area/Site*” – refers to the land used as a permanent residence or domicile;

(n) “*Timber Land*” – land covered with forest that is suitable or managed for timber.

### **ARTICLE III** ***Land Management and Classification***

**SECTION 5. Land Classification.** – The land comprising Barangay Itbud, with approximate area of six (6) hectares, situated along the National Road, 23 km south of the capital town – Basco is reflected as Project No. 6, Block-B, Timber Land as per Land Classification Map 610 duly approved on August 04, (1926). However, according to Section 2 of R.A. 8991 otherwise known as the Batanes Protected Area Act of 2000, the land coverage within the area of Barangay Itbud is classified as a National Park under the Constitution and to some extent, the conversion of National Park or any portion thereof into Residential Land shall require the conduct of Protected Area Suitability Assessment (PASA) pursuant to RA 7586, as amended by

---

<sup>10</sup> Philippine Protected Areas at a Glance/

[https://legacy.senate.gov.ph/publications/SEPO/AAG%20on%20Protected%20Areas\\_Final%20Sept2021.pdf#:~:text=Protected%20area%20%28PA%29%20refers%20to%20identified%20portions%20of,biological%20diversity%20and%20protected%20from%20destructive%20human%20exploitation.](https://legacy.senate.gov.ph/publications/SEPO/AAG%20on%20Protected%20Areas_Final%20Sept2021.pdf#:~:text=Protected%20area%20%28PA%29%20refers%20to%20identified%20portions%20of,biological%20diversity%20and%20protected%20from%20destructive%20human%20exploitation.)

<sup>11</sup> Technical Guide on Biodiversity Assessment and Monitoring System for Coastal and Marine Ecosystems, BMB Technical Bulletin No. 2019-04, 2019

RA 11038. Moreover, PASA will be the basis if Barangay Itbud should be excluded from the coverage of BPLS under the National Integrated Protected Areas System.

***SECTION 6. Ecological Sustainability.*** - The final use of the herein declared residential land shall not in any way prejudice ecological balance, and the removal of forest products therein shall continue to be subject to forestry laws and regulations.

***SECTION 7. Disestablishment as Protected Area and Declaration as Residential Site.*** – When in the opinion of the DENR a certain protected area should be withdrawn or disestablished, or its boundaries modified as warranted by a study and sanctioned by the majority of the members of the respective committee for the protected area as herein established in Section 8, it shall, in turn, advise Congress. Disestablishment of a protected area under the System or modification of its boundary shall take effect pursuant to an act of Congress. Thereafter, said area shall revert to the category of a National Park unless otherwise classified by Congress: Provided, however, that after disestablishment by Congress, The Secretary may recommend the transfer of such disestablished area to other government agencies to serve other priority programs of national interest.

***SECTION 8. Political Boundaries and Jurisdiction.*** – Within six (6) months following the effectivity of this Act, the DENR shall issue the final land classification maps covering Barangay Itbud and shall also establish the boundary on the ground between permanent forestlands and residential land with concrete minor monuments at corners, major monuments every 1 kilometer, and visible cut lines, signboards and uniformly-spaced distinctive tress between the concrete monuments which shall be maintained at all times.



**ARTICLE IV**  
***Disposition and Administration of Residential Site***

***SECTION 9. Agencies and Program Administration.*** - The scheme of distribution of the land, including the identities of the bona fide and long-term farmers/occupants thereon, shall be prepared by a Committee which shall be composed of the following: the representative of the Department of Environment and Natural Resources as Chairman; the representative of the Agrarian Reform as Vice-Chairman; and the Municipal Mayor of Uyugan and the Head of the homeowner's organization. The scheme of distribution shall include the technical description of each lot pertaining to each of the occupants. Provided, that the distribution shall be as equitable as possible without gross disparities among the awardees.

Conflicts shall be decided by the Committee after due hearing, appealable to the Department Secretary under whose jurisdiction the issue involved falls into. The Secretary's decision or order on appeal may be subject to a petition for review by the Office of the President within fifteen (15) days from promulgation of notice of the decision or order appealed from; Provided, that said petition for review shall be decided within thirty (30) days after receipt thereof, otherwise, the decision or order from shall be deemed ratified and final.

***SECTION 10. Land Distribution.*** – Once the Committee approves the scheme of distribution, the DENR shall undertake the actual distribution of the residential land pursuant to the provisions of Commonwealth Act No. 141, otherwise known as the Public Land Act, or the Residential Free Patent Law (R.A. 10023), whichever is applicable.

**ARTICLE V**  
**Miscellaneous Provisions**

**SECTION 11. Disciplinary and Corrective Proceedings.** - Administrative offenses committed by persons involved in or in relation to the implementation of this Act, shall be subject to administrative penalties in accordance with the applicable rules under the concern agencies or government departments.

**SECTION 12. Implementing Rules and Regulations (IRR).** - Within thirty (30) days following the approval of this Act, the DENR shall be tasked to formulate and approve the necessary rules and regulations, orders, and circulars to implement the objectives and purposes of this Act. The rules and regulations shall include provisions on land distribution and such other matters as the DENR may deem necessary or essential to fully implement the objectives and the purposes of this Act.

**SECTION 13. Repealing Clause.** - All other laws, orders, rules, regulations and other issuances, or parts thereof, which are inconsistent with this Act are hereby repealed, amended, or modified accordingly.

**SECTION 14. Separability Clause.** - If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, it shall not affect the validity of the other provisions thereof.

**SECTION 15. Effectivity Clause.** - This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or in any newspaper of general circulation in the Philippines unless it is otherwise provided.

Approved,

### ***Survey Plan***

Pursuant to *Republic Act 7586, as amended by Republic Act 11038*, requiring the conduct of *Protected Area Suitability Assessment (PASA)*, attached herewith is the *Survey Plan* including *Technical Description of Boundaries* with the area ***One Hundred Twenty-Four Thousand Seven Hundred Seventy-Six (124, 776) sq. m.*** covered by Barangay Itbud, Municipality of Uyugan, Province of Batanes. The survey was done from January 6-7, 2020, and approved on June 25, 2020, by the Engineering Department under the Office of Survey and Mapping Division of DENR-Region 02.

---

LINE	BEARING	DISTANCE
1-2	S 68 30'W	7.61 m.
2-3	S 44 16'W	13.82 m.
3-4	N 35 05'W	10.99 m.
4-5	N 07 25'W	75.22 m.
5-6	S 88 54'E	9.99 m.
6-7	N 26 51'E	58.50 m.
7-8	N 09 24'W	29.62 m.
8-9	N 38 14'W	23.97 m.
9-10	N 38 14'W	32. 80 m.
10-11	N 23 42'W	38. 32 m.
11-12	N 36 36'W	18.46 m.
12-13	N 28 12'W	49.48 m.
13-14	N 85 40'E	54.61 m.
14-15	S 72 28'E	45.88 m.
15-16	S 82 56'E	16.59 m.
16-17	N 64 17'E	13.43 m.
17-18	S 40 30'E	3.36 m.
18-19	S 19 43'W	31.93 m.
19-20	N 76 35'E	40.42 m.
20-21	S 70 09'E	11.57 m.
21-22	N 03 07'W	96.43 m.
22-23	N 52 44'E	16.58 m.
23-24	DUE EAST	21.92 m.
24-25	S 42 56'E	31.88 m.
25-26	S 73 22'E	56.01 m.
26-27	S 50 20'E	32.10 m.
27-28	S 36 48'W	62.63 m.

28-29	S 00 46'E	30.69 m.
29-30	S 62 08'W	27.56 m.
30-31	S 65 47'E	18.32 m.
31-32	S 58 31'E	31.97 m.
32-33	N 69 35'E	22.32 m.
33-34	S 89 00'E	30.52 m.
34-35	S 81 17'E	26.51 m.
35-36	S 88 32'E	24.50 m.
36-37	N 82 47'E	27.22 m.
37-38	DUE EAST	15.92 m.
38-39	S 87 29'E	15.96 m.
39-40	N 79 02'E	51.68 m.
40-41	N 09 29'E	58.33 m.
41-42	N 34 36'E	43.11 m.
42-43	N 86 11'E	39.51 m.
43-44	N 26 04'E	46.11 m.
44-45	S 81 38'E	26.59 m.
45-46	S 03 56'E	163.76 m.
46-47	S 42 01'E	66.12 m.
47-48	S 86 17'E	26.02 m.
48-49	S 18 32'W	17.01 m.
49-50	S 18 32'W	27.58 m.
50-51	N 82 15'W	71.71 m.
51-52	S 89 19'W	125.61 m.
52-53	S 57 58'W	9.69 m.
53-54	S 59 20'W	81.14 m.
54-55	S 66 22'W	63.31 m.
55-56	S 72 22'W	28.51 m.
56-57	S 88 53'W	40.82 m.