

REPUBLIC
ACT

**Republic Act
No. 7586
June 01, 1992**

SUBJECT : An Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining its Scope and Coverage, and for other Purposes

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

Sec. 1. Title. - This Act shall be known and referred to as the "National Integrated Protected Areas Act of 1992."

Sec. 2. Declaration of Policy. - Cognizant of the profound impact of man's activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement and recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment notably on areas with biologically unique features to sustain human life and development, as well as plant and animal life, 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 establishment of a comprehensive system of integrated protected areas within the classification of national park as provided for in the Constitution.

It is hereby recognized that these areas, although distinct in features, possess common ecological values that may be incorporated into a holistic plan representative of our natural heritage; that effective administration of these areas is possible only through cooperation among national government, local government and concerned private organizations; that the use and enjoyment of these protected areas must be consistent with the principles of biological diversity and sustainable development.

To this end, there is hereby established a National Integrated Protected Areas System (NIPAS), which shall encompass outstandingly remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as "protected areas."

Sec. 3. Categories. - The following categories of protected areas are hereby established:

- (a) Strict nature reserve;
- (b) Natural park;
- (c) Natural monument;
- (d) Wildlife sanctuary;
- (e) Protected landscapes and seascapes;
- (f) Resource reserve;
- (g) Natural biotic areas; and
- (h) Other categories established by law, conventions or international agreements which the Philippine Government is a signatory.

Sec. 4. Definition of Terms. - For purposes of this Act, the following terms shall be defined as follows:

- (a) **National Integrated Protected Areas Systems (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;
- (b) **Protected area** refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- (c) **Buffer zones** are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;
- (d) **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;
- (e) **"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 area;

- (f) **"Natural monument"** is a relatively small area focused on protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;
- (g) **"Natural biotic area"** is 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;
- (h) **"Natural park"** is a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;
- (i) **"Protected landscapes/seascapes"** are areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas;
- (j) **"Resource reserve"** is an extensive and relatively isolated and uninhabited area normally with difficult access designated as such to protect natural resources of the area for future use and prevent or contain development activities that could affect the resource pending the establishment of objectives which are based upon appropriate knowledge and planning;
- (k) **"Strict nature reserve"** is an area possessing some outstanding ecosystem, features and/or species of flora and fauna of national scientific importance maintained to protect nature and maintain processes in an undisturbed state in order to have ecologically representative examples of the natural environment available for scientific study, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state;
- (l) **"Tenured migrant communities"** are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected

areas in accordance with this Act and are solely dependent therein for subsistence; and

- (m) **"Wildlife sanctuary"** comprises an area which assures the natural conditions necessary to protect nationally significant species, groups of species, biotic communities or physical features of the environment where these may require specific human manipulation for their perpetuation.

Sec. 5 Establishment and Extent of the System. - The establishment and operationalization of the System shall involve the following:

- (a) All areas or islands in the Philippines proclaimed, designated or set aside, pursuant to a law, presidential decree, presidential proclamation or executive order as national park, game refuge, bird and wildlife sanctuary, wilderness area, strict nature reserve, watershed, mangrove reserve, fish sanctuary, natural and historical landmark, protected and managed landscape/seascape as well as identified virgin forests before the effectivity of this Act are hereby designated as initial components of the System. The initial components of the System shall be governed by existing laws, rules and regulations, not inconsistent with this Act;
- (b) Within one (1) year from the effectivity of this Act, the DENR shall submit to the Senate and the House of Representatives a map and legal description or natural boundaries of each protected area initially comprising the System. Such maps and legal descriptions shall, by virtue of this Act, constitute the official documentary representation of the entire system, subject to such changes as Congress deems necessary;
- (c) All DENR records pertaining to said protected areas, including maps and legal descriptions or natural boundaries, copies of rules and regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications shall be made available to the public. These legal documents pertaining to protected areas shall also be available to the public in the respective DENR Regional Offices, Provincial Environment and Natural Resources Offices (PENROs) and Community Environment and Natural Resources Offices (CENROs) where NIPAS areas are located;
- (d) Within three (3) years from the effectivity of this Act, the DENR shall study and review each area tentatively composing the System as to its suitability or non-suitability for preservation as protected area and inclusion in the System

according to the categories established in Section 3 hereof and report its findings to the President as soon as each study is completed. The study must include in each area:

- (1) A forest occupants survey;
- (2) An ethnographic study;
- (3) A protected area resource profile;
- (4) Land use plans done in coordination with the respective Regional Development Councils; and
- (5) Such other background studies as will be sufficient bases for selection.

The DENR shall:

- i Notify the public of the proposed action through publication in a newspaper of general circulation, and such other means as the System deems necessary in the area or areas in the vicinity of the affected land thirty (30) days prior to the public hearing;
 - ii Conduct public hearings at the locations nearest to the area affected;
 - iii At least thirty (30) days prior to the date of hearing, advise all local government units (LGUs) in the affected areas, national agencies concerned, people's organizations and nongovernment organizations and invite such officials to submit their views on the proposed action at the hearing not later than thirty (30) days following the date of the hearing; and,
 - iv Give due consideration to the recommendations at the public hearing; and provide sufficient explanation for his recommendations contrary to the general sentiments expressed in the public hearing;
- (e) Upon receipt of the recommendations of the DENR, the President shall issue a presidential proclamation designating the recommended areas as protected areas and providing for measure for their protection until such time when Congress shall have enacted a law finally declaring such recommended areas as part of the integrated protected area systems; and
- (f) Thereafter, the President shall send to the Senate and the House of Representatives his recommendations with respect to the designations as protected areas or reclassification of each area on which review has been completed, together with maps and legal description of boundaries. The

President, in his recommendation, may propose the alteration of existing boundaries of any or all proclaimed protected areas, addition of any contiguous area of public land of predominant physical and biological value. Nothing contained herein shall limit the President to propose, as part of his recommendation to Congress, additional areas which have not been designated, proclaimed or set aside by law, presidential decree, proclamation or executive order as protected area/s.

Sec. 6 Additional Areas to be Integrated to the System. - Notwithstanding the establishment of the initial component of the System, the Secretary shall propose the inclusion in the System of additional areas with outstanding physical features, anthropological significance and biological diversity in accordance with the provisions of Section 5(d).

Sec. 7 Disestablishment as Protected Area. - 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 boards for the protected area as herein established in Section II, 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 public forest 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.

Sec. 8 Buffer Zones. - For each protected area, there shall be established peripheral buffer zones when necessary, in the same manner as Congress establishes the protected area, to protect the same from activities that will directly and indirectly harm it. Such buffer zones shall be included in the individual protected area management plan that shall be prepared for each protected area. The DENR shall exercise its authority over protected areas as provided in this Act on such area designated as buffer zones.

Sec. 9 Management Plans. - There shall be a general management planning strategy to serve as guide in formulating individual plans for each protected area. The management planning strategy shall, at the minimum, promote the adoption and implementation of innovative management techniques including, if necessary, the concept of zoning, buffer zone management for multiple use and protection, habitat conservation and rehabilitation, diversity management, community organizing, socio economic and scientific researches, site-specific policy development, pest management, and fire control. The management planning strategy shall also provide guidelines for the protection of indigenous cultural communities, other tenured migrant communities and sites and for

close coordination between and among local agencies of the Government as well as the private sector.

Each component area of the System shall be planned and administered to further protect and enhance the permanent preservation of its natural conditions. A management manual shall be formulated and developed which must contain the following: an individual management plan prepared by three (3) experts, basic background information, field inventory of the resources within the area, an assessment of assets and limitation, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs.

Sec. 10 Administration and Management of the System. — The National Integrated Protected Areas System is hereby placed under the control and administration of the Department of Environment and Natural Resources. For this purpose, there is hereby created a division in the regional offices of the Department to be called the Protected Areas and Wildlife Division in regions where protected areas have been established, which shall be under the supervision of a Regional Technical Director, and shall be include subordinate officers, clerks, and employees as may be proposed by the Secretary, duly approved by the Department of Budget and Management, and appropriated for by Congress. The Service thus established shall manage protected areas and promote the permanent preservation, to the greatest extent possible of their natural conditions.

To carry out the mandate of this Act, the Secretary of the DENR is empowered to perform any and all of the following acts:

- (a) To conduct studies on various characteristic features and conditions of the different protected areas, using commonalities in their characteristics, classify and define them into categories and prescribe permissible or prohibited human activities in each category in the System;
- (b) To adopt and enforce a land-use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected areas;
- (c) To cause the preparation of and exercise the power to review all plans and proposals for the management of protected areas;
- (d) To promulgate rules and regulations necessary to carry out the provisions of this Act;
- (e) To deputize field officers and delegate any of his powers under this Act and other laws to expedite its implementation and enforcement;

- (f) To fix and prescribe reasonable NIPAS fees to be collected from government agencies or any person, firm or corporation deriving benefits from the protected areas;
- (g) To exact administrative fees and fines as authorized in Section 21 for violations of guidelines, rules and regulations of this Act as would endanger the viability of protected areas;
- (h) To enter into contracts and/or agreements with private entities or public agencies as may be necessary to carry out the purposes of this Act;
- (i) To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursements or other property in the interest of the NIPAS, its activities, or its services;
- (j) To call on any agency or instrumentality of the Government as well as academic institutions, nongovernment organizations and the private sector as may be necessary to accomplish the objectives and activities of the System;
- (k) To submit an annual report to the President of the Philippines and to Congress on the status of protected areas in the country;
- (l) To establish a uniform marker for the System, including an appropriate and distinctive symbol for each category in the System, in consultation with appropriate government agencies and public and private organizations;
- (m) To determine the specification of the class, type and style of buildings and other structures to be constructed in protected areas and the materials to be used;
- (n) Control the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection, and sanitation systems and other public utilities within the protected area;
- (o) Control occupancy of suitable portions of the protected area and resettle outside of said area forest occupants therein, with the exception of the members of indigenous communities ; and
- (p) To perform such other functions as may be directed by the President of the Philippines, and to do such acts as may be necessary or incidental to the accomplishment of the purpose and objectives of the System.

Sec. 11 Protected Area Management Board. — A Protected Area Management Board for each of the establishment protected area shall be created and shall be composed of the following: the Regional Executive Director under whose jurisdiction the protected area is located; one (1) representative from the autonomous regional government, if applicable; the Provincial Development Officer; one (1) representative from the municipal government; one (1) representative from each barangay covering the protected area; one (1) representative from each tribal community, if applicable; and, at least three (3) representatives from nongovernment organizations/local community organizations, and if necessary, one (1) representative from other departments or national government agencies involved in protected area management.

The Board shall, by a majority vote, decide the allocations for budget, approve proposals for funding, decide matters relating to planning, peripheral protection and general administration of the area in accordance with the general management strategy. The members of the Board shall serve for a term of five (5) years without compensation, except for actual and necessary traveling and subsistence expenses incurred in the performance of their duties. They shall be appointed by the Secretary of the DENR as follows:

- (a) A member who shall be appointed to represent each local government down to barangay level whose territory or portion is included in the protected area. Each appointee shall be the person designated by the head of such LGU, except for the Provincial Development Officer who shall serve *ex officio*;
- (b) A member from nongovernment organizations who shall be endorsed by heads of organizations which are preferably based in the area or which have established and recognized interest in protected areas;
- (c) The RED/s in the region/s where such protected area lies shall sit as *ex officio* member of the Board and shall serve as adviser/s in matters related to the technical aspect of management of the area; and
- (d) The RED shall act as chairman of the Board. when there are two (2) or more REDs in the Board, the secretary shall designate one (1) of them to be the Chairman. Vacancies shall be filled in the same manner as the original appointment.

Sec. 12 Environmental Impact Assessment. — Proposals for activities which are outside the scope of the management plan for protected areas shall be subject to an environmental impact assessment as required by law before they are adopted, and the results thereof shall be taken into consideration in the decision-making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippines Environment Impact

Assessment (EIA) system. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such manner as will minimize any adverse effects and take preventive and remedial action when appropriate. The proponent shall be liable for any damage due to lack of caution or indiscretion.

Sec. 13 Ancestral Lands and Rights Over Them. — Ancestral lands and customary rights and interest arising shall be accorded due recognition. The DENR shall prescribe rules and regulations to govern ancestral lands within protected areas: Provided, That the DENR shall have no power to evict indigenous communities from their present occupancy nor resettle them to another area without their consent: Provided, however, That all rules and regulations, whether adversely affecting said communities or not, shall be subjected to notice and hearing to be participated in by members of concerned indigenous community.

Sec. 14 Survey for Energy Resources. — Consistent with the policies declared in Section 2 hereof, protected areas, except strict nature reserves and natural parks, may be subjected to exploration only for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within NIPAS areas shall be allowed only through a law passed by Congress.

Sec. 15 Areas Under the Management of Other Departments and Government Instrumentalities. — Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than the DENR, such jurisdiction shall, prior to the passage of this Act, remain in the said department or government instrumentality: Provided, That the department or government instrumentality exercising administrative jurisdiction over said protected area or a portion thereof shall coordinate with the DENR in the preparation of its management plans, upon the effectivity of this Act.

Sec. 16 Integrated Protected Areas Fund. — There is hereby established a trust fund to be known as Integrated Protected Areas (IPAS) Fund for purposes of financing projects of the System. The IPAS may solicit and receive donations, endowments, and grants in the form of contributions, and such endowments shall be exempted from income or gift taxes and all other taxes, charges or fees imposed by the Government for any political subdivision or instrumentality thereof.

All incomes generated from the operation of the System or management of wild flora and fauna shall accrue to the Fund and may be utilized directly by the DENR for the above purpose. These incomes shall be derived from:

- (a) Taxes from the permitted sale and export of flora and fauna and other resources from protected areas;
- (b) Proceeds from lease of multiple-use areas;
- (c) Contributions from industries and facilities directly benefiting from the protected areas; and
- (d) Such other fees and incomes derived from the operation of the protected area.

Disbursements from the Fund shall be made solely for the protection, maintenance, administration, and management of the System, and duly approved projects endorsed by the PAMBs, in the amounts authorized by the DENR.

Sec. 17 Annual Report to Congress. — At the opening of each session of Congress, the DENR shall report to the President, for transmission to Congress, on the status of the System, regulation in force and other pertinent information, together with recommendations.

Sec. 18 Field Officers. — All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rule on criminal procedure for the violation of laws and regulation relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be construed as preventing regular law enforcers and police officers from arresting any person in the act of violating said laws and regulations.

Sec.19 Special Prosecutors. — The Department of Justice shall designate special prosecutors to prosecute violations of laws rules and regulations in protected areas.

Sec. 20 Prohibited Acts. — Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within protected areas:

- (a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived there from without a permit from the Management Board;
- (b) Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit from the Management Board;
- (d) Mutilating, defacing or destroying objects of natural beauty or objects of interest to cultural communities (of scenic value);
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral locating, or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fences or enclosures, conducting any business enterprise without a permit;
- (h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
- (i) Altering, removing destroying or defacing boundary marks or signs.

Sec. 21 Penalties. — Whoever violates, this Act or any rules and regulations issued by the Department pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000) nor more than Five hundred thousand pesos (P500,000), exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as determined by the court: Provided, That, if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration to the damage: Provided, further, That the court shall order the eviction of the offender from the land and the forfeiture in favor of the Government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers: Provided, finally, That the DENR may impose administrative fines and penalties consistent with this Act.

Sec. 22 Separability Clause. — If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections of this Act.

Sec. 23 Repealing Clause. — All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

Sec. 24 Effectivity Clause. — This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved:

NEPTALI A. GONZALES
President of the Senate

RAMON V. MITRA
*Speaker of the House
of Representatives*

This Act which is a consolidation of House Bill No. 34696 and Senate Bill No. 1914 was finally passed by the House of Representatives and the Senate on February 6, 1992.

ANACLETO D. BADOY, JR.
Secretary of the Senate

CAMILO L. SABIO
*Secretary General
House of Representatives*

Approved: June 1, 1992

CORAZON C. AQUINO
President of the Philippines

**Republic Act
No. 7607
June 04, 1992**

SUBJECT : An Act Providing a Magna Carta of Small Farmers

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

Sec. 1 Title. This Act shall be known as the "Magna Carta of Small Farmers."

CHAPTER I GENERAL PROVISIONS

Sec. 2 Declaration or Policy. It is the declared policy of the State to give the highest priority to the development of agriculture such that equitable distribution of benefits and opportunities is realized through the empowerment of small farmers. While the State recognizes the fact that the welfare and development of the small farmers is their primordial responsibility, the State shall provide the necessary support mechanism towards the attainment of their socioeconomic endeavors.

Recognizing that rural development based on growth and equity required full integration of women and youth in the mainstream of development, the State shall ensure that these sectors are provided ample opportunity to develop their skills, acquire productive employment and contribute to their communities to the fullest of their capabilities.

To ensure the efficient use and sustainability of land, water and other productive resources, the State shall ensure that ecological balance and environmental protection are maintained and observed in its pursuit of rural development goals.

In pursuance of this policy, the State shall recognize the right of small farmers and farm workers, as well as cooperatives and independent farmers' organizations, to participate in the planning, organization, management and implementation of agricultural programs and projects especially through the *bayanihan* spirit. It shall support agriculture through appropriate policies, research, technology and training, and adequate financial, production, marketing and other support services to enhance agricultural productivity. In addition, it shall provide incentives and reward systems to small farmers so as to accelerate agricultural productivity and to promote self-sufficiency and full development of agricultural potentials.

Sec. 3 Scope of Application. This Act shall cover all small farmers and, to the extent herein provided, the departments, offices, agencies, subdivisions or instrumentalities of the National Government.

Sec. 4 Definition of Terms. For purposes of this Act, the term:

- (1) **"Small farmer"** refers to natural persons dependent on small-scale subsistence farming as their primary source of income and whose sale, barter or exchange of agricultural products do not exceed a gross value of One hundred eighty thousand pesos (P180,000.00) *per annum* based on 1992 constant prices. An inter agency committee composed of the Department of Agrarian Reform, the Department of Trade and Industry, the Department of Finance and the National Economic and Development Authority and headed by the Department of Agriculture may conduct periodic review and adjustments of the income level to take into account the effects of changes in inflation, devaluation and consumer price index;
- (2) **"Farmers' organization"** refers to farmers' cooperatives, associations, or corporations duly registered with appropriate government agencies and which are composed primarily of small agricultural producers, farmers, farmworkers, and other agrarian reform beneficiaries who voluntarily join together to form business enterprises which they themselves own, control and patronize;
- (3) **"Small agricultural producer"** refers to any self-employed individual who, by himself or with his family provides the primary labor requirement of his business enterprise or one who earns at least fifty percent (50%) of his gross income from the payment, proceeds or income of the labor he provides;
- (4) **"Production infrastructure"** refers to farm-to-market roads, irrigation, rural electrification, ports, drying areas, public sites, warehouses and other physical facilities used for productivity enhancing services, extension management assistance, training, research and development;
- (5) **"Pre-harvest activities"** include, but are not limited to, seedbed and land preparation, planting, weeding, pest and disease control, fertilizer application, water management and harvesting;
- (6) **"Postharvest activities"** include, but are not limited to, threshing, drying, milling, storing and handling of produce and such other activities as shelling, stripping, winnowing, chipping and washing;

- (7) **"Extension services"** refers to the technology transfer provided by the Government and nongovernment organizations to the agricultural sector such training of farmers, credit assistance and the like;
- (8) **"Transportation infrastructure"** includes roads, bridges, ports, airports and the different modes of transportation using these infrastructure;
- (9) **"Pre-harvest facilities"** include, but are not limited to, plows, harrows, tractors, rotavators and sprayers;
- (10) **"Postharvest facilities"** include, but are not limited to, threshers, moisture meters, dryers, weighing scales, milling equipment, storage facilities, buying stations, market infrastructure and transportation facilities;
- (11) **"Market infrastructure"** refers to facilities such as market buildings slaughterhouses, holding pens and cold storage used by the farmers in marketing their produce;
- (12) **"Input subsidy"** refers to assistance extended by the Government to the farmers in terms of discounted prices of farm inputs such as fertilizers, pesticide and seed;
- (13) **"Agrarian reform credit"** includes production or other types of loans used for the acquisition of work animals, farm equipment and machinery, seeds, fertilizers, poultry and livestock feeds and other similar items; acquisition of lands authorized under the Comprehensive Agrarian Reform Law (CARL); construction or acquisition of facilities for the production and effective merchandising of agricultural commodities;
- (14) **"Price subsidy"** refers to the payment of Government of an additional amount for every unit of output sold by the farmers in the open market;
- (15) **"Farmworker"** is a natural person who renders service value as an employee or laborer in an agricultural enterprise or farm regardless of whether his compensation is paid on a daily, weekly, monthly or pakyaw basis;
- (16) **"Upland farming"** refers to planting of upland crops which usually require less water than other crops, as in non-irrigated and elevated farm areas;
- (17) **"Rural bank"** refers to banks duly organized under Republic Act Numbered Seven hundred twenty with authority to operate under existing laws;

- (18) **"Cooperative bank"** refers to banks whose owners are farmers' associations or cooperatives;
- (19) **"Private development bank"** refers to banks duly organized under Republic Act Numbered Four thousand ninety-three with authority to operate under existing laws;
- (20) **"Banks"** collectively used, means the rural banks, cooperative banks, and private development banks as defined in paragraphs 17, 18 and 19, Section 3 of this Act;
- (21) **"Irrigated lands"** are agricultural lands which are supported by irrigation services;
- (22) **"Non-irrigated lands"** are agricultural lands which lack irrigation systems and are usually rainfed;
- (23) **"Certified seed"** refers to seeds that passed the seed certification standards of the Bureau of Plant Industry and which are the progeny of foundation, registered or certified seeds that are so handled as to maintain satisfactory genetic identity and varietal purity.
- (24) **"Good seed"** refers to seeds that are the progeny of certified seeds so handled as to maintain a minimum acceptable level of genetic purity and identity and which is selected at the farm level;
- (25) **"Cooperative"** refers to a duly registered association of persons, with a common bond of interest, who have voluntarily joined together to achieve a lawful common social economic end, making equitable contributions to the capital required and accepting a fair share of the risks and benefits of the undertaking in accordance with universally accepted cooperative principles;
- (26) **"Integrated Pest Management (IPM)"** refers to a pest management system which utilizes all suitable methods and techniques in as compatible a manner as possible to maintain the pest population at a level below that causing economically unacceptable damage or loss without endangering the environment; and
- (27) **"Locally available materials"** refers to form lumber, gravel and sand, nipa, sawali, old G.I. sheets and other low-cost, indigenous or used materials that could be used as inputs in small infrastructure projects.

CHAPTER II FARMERS' ORGANIZATION

Sec. 5 Right to Organize. The State recognizes the right of farmers to organize themselves to promote their welfare and advance or safeguard their interests. Towards these end, the Government shall assist small farmers in establishing such self-help organizations such as farmers' cooperatives and associations.

In particular, the Government shall encourage the formation of marketing cooperatives among farmers in order to enable members to purchase inputs at lower cost and obtain fair prices for their produce.

Sec. 6 Farmers' Representation in Government. After voluntarily organizing themselves on the barangay, municipal, provincial and regional levels, the farmers who have been elected through all levels shall elect from among themselves their national officials who, notwithstanding existing laws to the contrary, shall occupy a seat in the boards of concerned government agencies such as, but not limited to, the Philippine Coconut Authority, the National Food Authority, the Philippine Crop Insurance Corporation, the National Irrigation Administration and others.

On all other levels, the farmer representatives shall serve as members of planning and implementing units of the local governments and shall act as the official representatives of the farmers with whom the Government shall coordinate with: *Provided*, That all farmer representatives are members of primary farmers' organizations preferably cooperatives and have been elected in all preceding levels.

CHAPTER III EMPOWERMENT OF THE SMALL FARMERS

Sec. 7 General Provisions. Empowerment of small farmers refers to provision of opportunities whereby farmers can have access to ownership or management of production resources. To achieve this, small farmers' rights and obligations that specifically promote such empowerment are hereby given a legislative mantle. Through these provisions, the farmers' rights to participate in the charting of their political, economic and social development are made inviolable. Likewise, the corresponding obligations of the farmers to initiate, or undertake patriotic and nationalistic endeavors must be fulfilled.

Sec. 8 Farmers' Rights. The farmers have the right to:

- (1) Conduct their activities in an atmosphere guaranteed by a support price program for certain agricultural commodities such as rice and corn;
- (2) Participate in a market free from monopoly, cartel or any other situation which may suppress prices to their disadvantage;
- (3) Be covered by social security to serve as protection from event such as calamities, death, sickness and disability;
- (4) Avail of credit at minimal interest rates and with a minimum of collateral requirements for their farm and basic household needs;
- (5) Avail of and distribute farm inputs and services;
- (6) Be heard and represented in the Government;
- (7) Be regularly informed of such vital information as market prices, government agricultural policies, market demands and farming practices;
- (8) Benefit from our country's natural resources under existing laws;
- (9) Pursue any appropriate education and skills development towards the improvement of the quality of life;
- (10) Eventually assume certain processing and marketing functions of government agencies; and
- (11) Avail of technical assistance from the appropriate government agency in the preparation of project feasibility studies in availing loans and other forms of government economic assistance.

Sec. 9 Farmers' Obligations. The farmers shall:

- (1) Make use of their farmers' organizations preferably cooperatives in order to enhance their capabilities in production, processing marketing and financing towards self-reliance;
- (2) Aim for increased productivity through the use of recommended farm practices and quality inputs;

- (3) Comply with the terms and conditions stipulated in the availment of any form of assistance from the Government, financial institutions and nongovernment organizations to enable others to equally benefit from such assistance;
- (4) Adopt production and marketing strategies to avail of economies of scale, soil and climatic conditions, idle farm labor and innovative agricultural technology through crop zonification, diversification, home and backyard industries, farming systems and similar activities;
- (5) Through their cooperative, share with the consuming public the benefits derived from economies of scale, integration of processing and marketing activities and the application of better technology in the form of reasonable prices and superior quality of products;
- (6) Share in the delivery of public services by contributing available labor and material resources to activities such as the maintenance of irrigation canals, the construction of small water impounding projects, the establishment of buying stations and public markets, and the establishment of plant nurseries and seedbanks;
- (7) Exert efforts to meet local demand requirements to avert any shortage that may necessitate importation;
- (8) Participate in the conservation, protection and development of the national patrimony;
- (9) Promptly pay all applicable fees, license fees and taxes to the appropriate government agencies;
- (10) Participate in and contribute to government insurance and social security programs; and
- (11) Undertake self-help community development projects such as cottage industries, backyard farming and other economic-enhancement projects.

CHAPTER IV INFRASTRUCTURE AND FARM INPUTS

Sec. 10 Provision of Infrastructure Support, Inputs and Services.

Consistent with the country's thrust for social equity and increased agricultural productivity, the Government shall provide infrastructure support, access to farm inputs and services to the agriculture sector, particularly to small farmers based on

their absorptive capacity. In the construction and maintenance of infrastructure projects, the Government shall undertake this with the farmers' organizations for the purpose of utilizing locally available manpower and materials.

Every farmer shall be assisted in gaining access to, obtaining, owning or operating facilities necessary for pre-and postharvest activities, for support services, and for procurement and distribution of inputs through their farmers' organizations. Each city or municipality which is predominantly agriculture-based shall ensure that appropriate linkages with component barangays, nongovernment organizations and concerned government agencies are established to ensure that such assistance is made available to local farmers.

Sec. 11 Transportation Infrastructure. The Government shall provide farm-to-market roads, feeder roads and bridges which will link the farms to the market. Priority shall be given to areas predominantly populated by small farmers and where agricultural productivity is relatively low.

To ensure accessibility of markets to farmers and thereby minimize product wastage, the Government shall also provide for the construction of additional piers or wharves and airports and the improvement of such existing facilities especially in areas having surplus agricultural production and in other strategic areas in the country. It shall devise schemes to allow farmers to operate and eventually obtain their own transport equipment

The Department of Public Works and Highways shall, in coordination with other agencies or subdivisions of the National Government, implement the provisions of this section. Farmers' organizations shall participate in site identification, preparation, actual execution and maintenance of infrastructure projects especially in tapping available local manpower and materials.

Sec. 12 Communications Infrastructure. To facilitate farmers' access to vital information, the Government shall make available at least one (1) communication facility in each municipality for this purpose. This facility is to be operated by the Department of Agriculture or by a designated viable farmers' organization.

Sec. 13 Postharvest Facilities/Services. Every barangay which is predominantly agriculture-based shall be entitled to at least one (1) storage facility and a multi-purpose pavement/plaza which can be used for various purposes including drying of agricultural produce.

These shall be located in the chosen barangay site or in any area to be approved by the *sangguniang barangay* in consultation with the small farmers and farmers'

organizations who shall provide the labor and other locally available materials for the construction and maintenance of the facilities. Priority shall be given to areas where no such facilities are available and predominantly populated by small farmers. The selected site shall, as much as practicable, be accessible by transportation and communication facilities and must be near the center of the barangay.

The farmers' organization may collect reasonable fees for services rendered in connection with the use of such facilities: Provided, That the collections therefrom shall be used only for the maintenance, improvement and expansion of these facilities: *Provided, further*, That an amount representing rental fees for the land shall be remitted to the barangay, where applicable

Sec. 14 Postharvest Facilities. The National Food Authority (NFA) shall establish the necessary postharvest facilities such as rice mills, dryers, threshers, warehouses, cold storage and other facilities which are needed in the area. Such postharvest facilities shall be leased to farmers' organizations. Viable cooperatives shall have the option to buy such facilities from the NFA. Under-utilized or non-operational postharvest facilities of the Government shall be made available to farmers' organizations through lease or sale.

Sec. 15 Market Infrastructure. To assure farmers of markets for their produce, the Government shall assist farmers' organizations in establishing and operating market infrastructure, facilities and equipment.

Sec. 16 Use of Good Seeds and Planting Materials. The State shall ensure that every farmer has the equal opportunity to avail of, to produce and to market good seeds and planting materials recommended by the Department of Agriculture as capable of producing high-yielding, pest-and-disease resistant, and widely-adopted crops for irrigated, rainfed and upland areas. Farmers' organizations shall coordinate with the field offices of the Department of Agriculture and other concerned government agencies in ensuring that seeds and the means necessary to engage in the production and marketing of seeds suited to prevailing conditions in their respective communities are made available to small farmers.

To ensure the constant availability of appropriate and affordable seeds of recommended varieties, the Department of Agriculture, through the Bureau of Plant Industry, and in cooperation with the private seed producers' associations, the farmers' organizations, the Institute of Plant Breeding of the University of the Philippines at Los Baños, and other state universities, colleges, and other institutions, shall extend all the necessary support needed to give the farmers the capability to undertake seed production and distribution services.

The Department of Agriculture shall conduct information campaigns and accelerate dissemination of technology on the use, production and storage of quality seeds. It shall also provide seed quality control services to discourage the use of inferior seeds and other varieties.

Sec. 17 Use of Fertilizers and Pesticides. The Government together with the small farmers shall encourage the use of fertilizers and pesticides which have an acceptable level of deleterious effects on the health and the environment. They shall also promote the use of organic fertilizer and Integrated Pest Management (IPM). In addition, they shall promote efficient and proper usage of fertilizer and pesticide taking into consideration the characteristics of the soil and crop and thereby eliminate losses due to wasteful and improper application. The Government shall support farmers' organizations in the trading of fertilizers and pesticides.

The Department of Agriculture shall formulate policies and implement programs regulating the use of fertilizers and pesticides. It shall conduct an extensive information campaign on the nature and consequences of using highly toxic pesticides. It shall monitor and regulate the sale of pesticides to ensure that banned pesticides are not sold in the market. It shall conduct thorough evaluation to check the data submitted by pesticide companies.

The Department of Agriculture shall likewise ensure adequate supply fertilizers at reasonable prices. To eliminate added cost passed on by traders to farmers, farmers' organizations shall be encouraged to undertake the distribution of fertilizers to their members.

CHAPTER V FARM MACHINERY AND EQUIPMENT

Sec. 18 Availability of Farm Machinery and Equipment. The Department of Agriculture, through the barangay or municipal governments and farmers' organizations, shall support activities to ensure the availability of farm machinery and equipment for the use of small farmers in both pre-and post harvest operations. For purposes of monitoring, all farm machinery and equipment must be registered with the municipal government. The Department shall devise a program to increase the population of draft animals in the area. Local agricultural officers shall, in coordination with farmers' organizations, devise schemes in the sharing, pooling, leasing or acquiring draft animals, equipment or machinery needed by the farmers.

The Government shall support the farmers in acquiring their inventory of farm equipment. With the use of grants-in-aid, as well as other domestic and foreign funds, the Government shall acquire and distribute to farmers' organizations farm equipment and

machinery so as to increase their productive capabilities. The funding requirement for this undertaking shall be included in the annual budget of the Department of Agriculture.

CHAPTER VI WATER MANAGEMENT AND IRRIGATION FACILITIES

Sec. 19 Water Management. The Government shall provide adequate support services that will address the development, management and conservation of water resources. The Department of Public Works and Highways, through the National Irrigation Administration and the Department of Agriculture, and with the participation of farmers' organizations, shall undertake the implementation of small water impounding projects which can provide supplemental irrigation and additional income from fish and duck raising, and at the same time minimize soil erosion, siltation and flooding. Training programs for small farmers on these subjects shall be provided.

Focus shall also be made on small irrigation systems which are more efficient, cost-effective and cheaper to establish: The design and construction of irrigation systems shall be based not only on economic rate of return but also on the sustainable use of these systems. Inefficient and underutilized irrigation systems shall be rehabilitated, improved and maintained.

To enhance the compatibility of environmental protection with sustained agricultural productivity, the Department of Environment and Natural Resources shall adopt measures to promote conservation practices such as reforestation, watershed management, antipollution programs and other similar measures. In addition, the Department of Agriculture shall implement specific measures to ensure that farming practices are not detrimental to the environment.

To ensure the protection of watersheds and availability of irrigation services in rainfed and upland farms, the Department of Environment and Natural Resources shall in collaboration with local government units, strictly enforce conservation measures and provide for the restoration of the protective forest cover and stability of the country's critical watersheds. Farmer-beneficiaries shall be organized into irrigator's associations which shall be tapped by the Department of Environment and Natural Resources to implement its community-based reforestation projects, particularly the development and management of watershed of the irrigation projects. To ensure the integration of irrigation delivery systems with other agriculture support services, there shall be close coordination among the National Irrigation Administration, the Department of Agriculture, and the Department of Environment and Natural Resources through the local development councils.

The Bureau of Soils and Water Management shall prepare for each barangay municipality or city which is predominantly agriculture-based parcellary maps identifying agricultural lands which can be reached by irrigation systems. In order to ensure the availability of irrigation services in areas with production potential, the Government shall implement irrigation pump distribution programs particularly in areas predominantly populated by small farmers.

Sec. 20 Access to Irrigation Services. While the Government, through the National Irrigation Administration (NIA) and other concerned offices, continues to provide irrigation services, farmers' organizations shall be encouraged to spearhead the construction of irrigation systems. Towards this end, the Government shall encourage small farmers to join or form irrigators' associations. In addition, it shall promote participation of farmers to develop their capabilities to eventually assume the operation and maintenance of irrigation systems and the responsibility of collecting fees from the individual members and remitting an amount to the NIA.

The NIA shall undertake the development and institutionalization of second-crop irrigation facilities in support of multi-crop farming. It shall also devise schemes for small farmers to avail of electric pumps or diesel-powered deep well irrigation systems in barangays or communities where water is scarce.

CHAPTER VII AGRICULTURAL CREDIT

Sec. 21 Rural Credit Delivery System. An efficient credit delivery system guided by a sound rural credit policy geared towards the needs of small farmers shall be established. The features of the credit delivery system for small farmers shall include, among others, a maximum rate of interest not to exceed seventy-five percent (75%) of commercial rate per annum inclusive of all service, penalty and other charges. It shall also include minimum collateral requirements, accessibility, reasonable repayment terms, expeditious documentation and processing procedures. Services shall be expanded to include not only loans for procurement of production inputs but also for other needs and purposes of small farmers such as education and health needs.

The Department of Agriculture, through the Agricultural Credit Policy Council, (ACPC) and other concerned agencies, shall give subsidies for the education and training of small farmers on credit awareness, loan acquisition and loan repayment. It shall conduct an intensive information drive that will promote the establishment of strong and viable farmers' organizations such as cooperatives, credit unions, rotating savings, and credit associations and non-government organizations (NGOs) which plays major role in increasing small farmers' access to credit. Likewise, the Government shall also set up a system which will provide information on the credit worthiness of potential borrowers.

In order to reduce the risks and administrative costs of lending institutions, the Government shall expand its loan guarantee coverage under the Comprehensive Agricultural Loan Fund to be administered by the ACPC and crop insurance programs to cover not only rice and corn but other crops, livestock, poultry, fishery, and agro-forestry as well. The ACPC shall conduct special projects to promote innovative financing schemes for small farmers. Payments under such insurance program shall be prompt and any delay without just cause shall entitle the beneficiary to reasonable interest rate on the amount due.

In addition, the Government shall promote the development of farmers' organizations. Toward this end, the Government, through the ACPC and other concerned agencies, shall subsidize costs of information dissemination, monitoring training and registration. The farmers' organizations may serve as conduits of rural banks, private development banks and other banks for effective agricultural credit delivery. An amount shall be earmarked for lending exclusively to farmers' cooperatives at subsidized interest rates.

All agricultural lending programs of the Government are hereby consolidated and placed under the administration of the Land Bank of the Philippines. The funds shall be augmented by annual budgetary allocations which shall be managed as a self-sustaining fund base by the Land Bank of the Philippines in coordination with the ACPC.

A portion of all loanable agricultural funds shall be utilized for direct lending to small farmers for their production, processing, postharvest and marketing requirements.

To be able to generate funds that will be used to cover for the administrative costs of the agricultural funds being handled by the Land Bank of the Philippines, all government agencies that are involved in the development of the small farmers shall be allowed the option to deposit their funds in the Land Bank of the Philippines.

Sec. 22 Cooperative Banks. Small farmers shall have access to reasonable credit/loan package. The Government shall promote the establishment of cooperative banks and promote the growth of networks of cooperative banks.

CHAPTER VIII WAGE, INCENTIVES AND PRICE SUPPORT

Sec. 23 Incentives. Small farmers, including agricultural share tenants and lessees, regular and seasonal farm-workers and beneficiaries under the Comprehensive Agrarian Reform Law (CARL), shall be entitled to the following privileges or incentives:

- (1) Financial and technical assistance shall be awarded to deserving farmers' organizations implementing livelihood projects. Concerned national offices or agencies shall assist them in locating markets for their produce and by providing other support services necessary for the success of their projects;
- (2) Barangay, municipal or provincial officials shall assist their respective communities to make the necessary representations before the appropriate government agencies in seeking assistance for agro-based projects. They shall be encouraged to support farmers to set up site specific agro-based projects that shall be operated in a business-like manner;
- (3) The Department of Agriculture and other concerned agencies shall promote investment and financing programs designed to channel financial resources livelihood projects in the countryside;
- (4) Preferential tariff terms shall be extended on farm inputs and spare parts, farm machinery and equipment imported by farmers' organizations provided that they are used specifically for their projects;
- (5) The Government shall give incentives and recognition to farmers and farm organizations adopting more efficient farm technologies or equipment resulting in increased productivity and income;
- (6) The Government shall widen the scope of the existing crop and livestock insurance programs by providing an insurance scheme that can accommodate major crops, livestock and other produce of small farmers;
- (7) Study tours of short duration; local or overseas, shall be provided to deserving small farmers to improve their technological competence and knowledge;
- (8) A system of certification of farm skills shall be instituted by the Department of Agriculture through duly authorized institutions to upgrade the skills of farm and farm workers;
- (9) Farmers' insurance coverage by the Social Security System subject to its charter shall be extended to small farmers and farm workers; and
- (10) Importations shall not be allowed on agricultural products that are produced locally in sufficient quantity. Importation policies should include the protection of new and developing crops such as soybean, ramie, sorghum and wheat. Importation policies shall be reviewed periodically by the Government in consultation with farmers' organizations.

Sec. 24 Income-generating Activities. Small farmers shall be encouraged to engage in other income-generating activities to supplement their farm income. National agencies, in collaboration with local government units, shall provide technical and skills training assistance through farmers' organizations, and shall also be tasked to provide marketing assistance to small farmers.

Farmer's organizations shall be the main conduits for funding livelihood projects. Assistance to livelihood projects shall include identification of specific markets and facilitating access to market facilities. The Government shall also provide other support services necessary for the success of livelihood projects. Priority shall be given to demand-pulled production activities.

Sec. 25 Price Support. The Department of Agriculture, through its appropriate agencies shall establish a price support system for certain agricultural products, especially rice and corn, taking into consideration the need to increase the real income of small farmers: *Provided, however,* That the price support established shall not result in the increase of the retail prices of such products beyond the paying capacity of the average consumer: *Provided, further,* That the Government shall also endeavor to set farmgate prices that respond to the changing economic conditions.

In addition the Government shall minimize importation of farm inputs which are being developed locally, such as fertilizers and seeds, except at times of calamities or emergencies.

Sec. 26 Minimum Wage. Rural workers including regular farmworkers shall be entitled to wage levels prescribed by the Regional Tripartite Wages and Productivity Board pursuant to Republic Act Numbered Sixty-seven hundred twenty-seven. Contract workers or seasonal farm workers shall also be entitled to minimum wages unless they receive higher wages under the terms of their contracts.

Sec. 27 Procurement of Agricultural Produce. The National Food Authority or any other appropriate agency of the Department of Agriculture which implements the government price support for agricultural produce, especially rice and corn, shall only procure and purchase *palay* corn or other agricultural produce directly from small farmers or farmers' organizations. Such agency shall devise an effective procurement scheme to ensure that small farmers can avail of this benefit

Any official or employee of such agency who allows, consorts or connives with any trader or nonfarmer in the purchase of rice, corn or other agricultural produce or inputs subject to price support or any other government subsidy which is intended exclusively to benefit small farmers, shall be punished by a fine of not less than Ten thousand pesos

(P10,000) or by imprisonment for a term of not less than two (2) years but not more than four (4) years, or both at the discretion of the court, without prejudice to administrative sanctions imposed by the subject agency with perpetual disqualification to hold public office. The Probation Law shall not apply to penalties imposed under this Act.

Authentic copies of any evidence of procurement or purchase of *palay*, corn and other agricultural produce enjoying price support as provided in this section shall, within thirty (30) days from the issuance thereof, be furnished the Bureau of Internal Revenue by the National Food Authority or any other agency of the Government implementing price support therefor, subject to the penalties provided in the preceding paragraph for violation thereof.

The penalties provided under this section shall likewise apply to any official or employee of the National Food Authority or to any such similar agency of the Government who consorts or connives with any trader or nonfarmer in the sale of rice, com or other agricultural produce sold under any government program.

CHAPTER IX RESEARCH AND EXTENSION SERVICES

Sec. 28 Research and Development System. The R and D System shall conduct mission-oriented or strategic research and adaptation trials taking into consideration specific needs of the intended beneficiaries. The results of these adaptation trials shall be verified under actual farm conditions to determine their performance in comparison with existing farming systems.

The R and D System shall complement national research centers by contributing studies or actual data to such studies. It shall concentrate on addressing the problems faced by farmers at the local level. The R and D System shall also tap the knowledge or experience of the farmers in the area and through proper assessment and development, synthesize such with the present stock data.

The Philippine Council for Agriculture and Resources Research and Development shall be the lead agency to strengthen the existing R and D System in coordination with the Bureau of Agricultural Research, the Philippine Rice Research Institute and other government research institutions; private research institutions; state colleges and universities; and the farmers' organizations in the area.

Sec. 29 Demonstration Farms. Technology verification and piloting shall be conducted by the farmers' organizations on the farmers' fields under the supervision of the R and D personnel. These demonstration farms shall showcase technologies that have passed regional adaptability tests.

Emphasis shall be given on the case of application of the concept/technique, the use of indigenous technology and materials, resource conservation, the increase in productivity and income of the farmers and other similar considerations.

Sec. 30 Focus on Research, Training and Extension. Research, training and extension shall focus on the development and transfer of adaptive technologies that provide solutions to problems encountered by the small farmers in the areas of production, postharvest and processing, marketing, entrepreneurship and management, and community organizing and institutional development.

Sec. 31 Studies on Soil Types and Climatic Conditions. The Bureau of Soils and Water Management (BSWM) and other concerned agencies shall conduct studies in the municipalities and provinces in order to determine the best use of the land, the most profitable cropping mix, and the fertilizers needed for such areas and crops. The BSWM shall likewise determine the soil management practices suitable for the areas to ensure sustainability of farming in these areas.

Sec. 32 Extension Services. The extension workers of the Department of Agriculture shall serve as linkages between the small farmers and farmer's organizations. Together, they shall identify on-farm problems to be referred to the research and development institutions. They shall likewise disseminate tested location-specific technologies to their farmer clientele. The farmers' organization shall complement the extension program of the Department of Agriculture for more effective technology transfer and information dissemination.

Sec. 33 Agro-industrial Linkages. The Department of Trade and Industry and the Department of Agriculture shall jointly devise a program that will increase the linkage between agriculture and industries, especially those in industrial estates, through the promotion of processing industries in order to develop a sound agri-based industrial development of rural communities.

CHAPTER X FINAL PROVISIONS

Sec. 34 Appropriations. The amounts necessary to carry out the provisions of this Act are hereby authorized to be appropriated in the General Appropriations Act of the year following its enactment into law. Other funding sources like the Philippine Aid Plan may also be tapped for the purpose.

Sec. 35 Implementing Guidelines. Within sixty (60) days from the sixty (60) days from the effectivity of this Act, the Department of Agriculture shall issue the necessary rules and regulations to implement this Act.

Sec. 36 Repealing Clause. All laws, decrees, executive orders, administrative orders, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly: *Provided, however,* That nothing in this Act shall amend, modify or repeal the provisions of Republic Act Numbered Seventy-one hundred sixty, otherwise known as the Local Government Code of 1991.

Sec. 37 Separability Clause. In case any provision of this Act or any portion thereof is declared unconstitutional by a competent court, other provisions shall not be affected thereby.

Sec.38 Effectivity Clause. This Act shall take effect fifteen (15) days after this publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved, June 4, 1992.

Republic Act
No. 7611
June 19, 1992

SUBJECT : An Act Adopting the Strategic Environmental Plan for Palawan, Creating the Administrative Machinery for its Implementation, Converting the Palawan Integrated Area Development Project Office to its Support Staff, Providing Funds Therefor, and for other Purposes

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

CHAPTER I GENERAL PROVISION

Sec.1 Title. This Act shall be known as the "Strategic Environmental Plan (SEP) for Palawan Act."

Sec.2 Declaration of Policy. It is hereby declared the policy of the State to protect, develop and conserve its natural resources. Toward this end, it shall assist and support the implementation of plans, programs and projects formulated to preserve and enhance the environment, and at the same time pursue the socioeconomic development goals of the country.

It shall support and promote the sustainable development goals for the provinces through proper conservation, utilization and development of natural resources to provide optimum yields on a continuing basis. With specific reference to forest resources, the State shall pursue and implement forest conservation and protection through the imposition of a total commercial logging ban as hereinafter provided.

It shall also adopt the necessary measures leading to the creation of an institutional machinery including, among others, fiscal and financial programs to ensure the effective and efficient implementation of environmental plans, programs, and projects.

It shall also promote and encourage the involvement of all sectors of society and maximize people participation in natural resource management, conservation and protection.

Sec.3 Definition of Terms. - As used in this Act, the following terms are defined as follows:

(1) **"Palawan"** refers to the Philippine province composed of islands and islets located 7^o47' and 12^o22' north latitude and 117^o00' and 111^o951' east longitude, generally bounded by the South China Sea to the northwest and by the Sulu Sea to the east;

(2) **"Sustainable development"** means the improvement in the quality of life of the present and future generations through the complementation of development and environmental protection activities;

(3) **"Natural resources"** refers to life-support systems such as the sea, coral reefs, soil, lakes, rivers, streams, and forests as well as useful products found therein such as minerals, wildlife, trees and other plants, including the aesthetic attributes of scenic sites that are not man-made;

(4) **"Tribal land areas"** refers to the areas comprising both land and sea that are traditionally occupied by the cultural minorities;

(5) **"Environmentally critical areas"** refers to terrestrial, aquatic and marine areas that need special protection and conservation measures as they are ecologically fragile;

(6) **"Participatory processes"** means the involvement of all the key sectors of development, from the grassroots to the policy-making bodies of the National Government, in providing the values and ideas from which strategic development and environmental protection action can come about;

(7) **"Conservation"** refers to the wise use of natural resources that assures regeneration and replenishment for continuous benefit;

(8) **"Ecology"** refers to the life-sustaining interrelationship and interactions of organisms with each other and with their physical surroundings;

(9) **"Commercial logging"** refers to the cutting, felling or destruction of trees from old growth and residual forests for the purpose of selling or otherwise disposing of the cut or felled logs for profit;

(10) **"SEP"** refers to the Strategic Environmental Plan discussed in Section 4 of this Act;

(11) "ECAN" refers to the Environmentally Critical Areas Network as provided in Section 7 of this Act; and

(12) "EMES" refers to the Environmental Monitoring and Evaluation System provided in Section 13 of this Act.

CHAPTER II

STRATEGIC ENVIRONMENTAL PLAN: ADOPTION, PHILOSOPHY AND LEGAL EFFECTS

Sec.4 Strategic Environmental Plan. -A comprehensive, framework for the sustainable development of Palawan compatible with protecting and enhancing the natural resources and endangered environment of the province is hereby adopted. Such framework shall be known as the Strategic Environmental Plan for Palawan, hereinafter referred to as SEP and 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. 5 Strategic Environmental Plan (SEP) Philosophy. - The SEP shall have, as its general philosophy, the sustainable development of Palawan, which is the improvement in the quality of life of its people in the present and future generations through the use of complementary activities of development and conservation that protect life-support ecosystems and rehabilitate exploited areas to allow upcoming generations to sustain development growth. It shall have the following features:

- (1) **Ecological viability** - The physical and biological cycles that maintain the productivity of natural ecosystems must always be kept intact;
- (2) **Social acceptability** - The people themselves, through participatory processes, should be fully committed to support sustainable development activities by fostering equity in access to resources and the benefits derived from them; and
- (3) **Integrated approach** - This allows for a holistic view of problems and issues obtaining in the environment as well as opportunities for coordination and sharing that will eventually provide the resources and political will to actually implement and sustain SEP activities.

Sec.6 Legal Effects. - The SEP shall serve as the framework to guide the governmental agencies concerned in the formulation and implementation of plans, programs and projects affecting the environment and natural resources of Palawan. It shall therefore be incorporated in the Regional Development Plan of Region IV as part of

said plan. All local governments in Palawan and the concerned national and regional government agencies operating therein shall coordinate and align their projects and the corresponding budgets with the projects, programs and policies of the SEP, as administered and implemented by an administrative machinery hereinafter created.

Sec.7 Environmentally Critical Areas Network (ECAN) -The SEP shall establish a graded system of protection and development control over the whole of Palawan, including its tribal lands forests, mines, agricultural areas, settlement areas, small islands, mangroves, coral reefs, sea grass beds and the surrounding sea. This shall be known as the Environmentally Critical Areas Network, hereinafter referred to as ECAN, and shall serve as the main strategy of the SEP.

The ECAN shall ensure the following:

- (1) Forest conservation and protection through the imposition of a total commercial logging ban in all areas of maximum protection and in such other restricted use zones as the Palawan Council for Sustainable Development as hereinafter created may provide;
- (2) Protection of watersheds;
- (3) Preservation of biological diversity;
- (4) Protection of tribal people and the preservation of their culture.
- (5) Maintenance of maximum sustainable yield;
- (6) Protection of the rare and endangered species and their habitat;
- (7) Provision of areas [or environmental and ecological research, education and training; and
- (8) Provision of areas for tourist and recreation.

Sec.8 Main Components. - The areas covered by the ECAN shall be classified into three (3) main components;

- (1) **Terrestrial** - The terrestrial component shall consist of the mountainous as well as ecologically important low hills and lowland areas of the whole province. It may be further subdivided into smaller management components;

(2) **Coastal/marine area** - This area includes the whole coastline up to the open sea. This is characterized by active fisheries and tourism activities; and

(3) **Tribal ancestral lands** -These are the areas traditionally occupied by the cultural communities.

Sec.9 Terrestrial Component: Management Scheme and Zonation. - The terrestrial component may be further subdivided into smaller management components for a more efficient supervision. These management components, in turn, shall each be further subdivided into the following zones;

(1) **Area of maximum protection or core zone** -This zone shall be fully and strictly protected and maintained free of human disruption. Included here are all types of natural forest which include first growth forest, residual forest and edges of intact forest, areas above one thousand (1,000) meters elevation, peaks of mountains or other areas with very steep gradients, and endangered habitats and habitats of endangered and rare species. Exceptions, however, may be granted to traditional use of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes.

(2) **Buffer zone** - This area permits regulated use and may be further subdivided into three (3) sub-zones;

(a) **Restricted use area.** Generally surrounds the core zone and provides a protective barrier. Limited and nonconsumptive activities may be allowed in this area;

(b) **Controlled use area.** Encircles and provides the outer barrier to the core and restricted use areas. Controlled forest extraction, like the collecting of minor forest products, and strictly controlled logging and mining may be allowed; and

(c) **Traditional use area.** Edges of intact forests where traditional land use is already stabilized or is being stabilized. Management and control shall be carried out with the other supporting programs of the SEP.

(3) **Multiple/manipulative use area** - This is the area where the landscape has been modified for different forms of land use such as intensive timber extraction, grazing and pastures, agriculture and infrastructure development. Control and management shall be strictly integrated with the other supporting programs of the SEP and other similar programs of the Government.

Sec.10 Coastal/Marine Zone. -A different and simplified scheme of management and zonation shall be applied to this component due to its geographical characteristics, critical nature, and patterns of resource use. Equitable access to the resource and management responsibility by the local community shall be the underlying management philosophy of this component.

- (1) **Core zone** - This area shall be designated free from any human activity. This includes sanctuaries for rare and endangered species, selected coral reefs, sea grass and mangrove ecosystem reserves.
- (2) **Multiple use zone** - Aside from being the development area, this zone also serves as the buffer zone where fishery, mariculture, recreation, rehabilitation of small islands and mangrove ecosystem, education and research are allowed.

Sec.11 Tribal Ancestral Lands. - These areas, traditionally occupied by cultural minorities, comprise both land and sea areas. These shall be treated in the same graded system of control and prohibition as in the others abovementioned except for stronger emphasis in cultural considerations. The SEP, therefore, shall define a special kind of zonation to fulfill the material and cultural needs of the tribes using consultative processes and cultural mapping of the ancestral lands.

CHAPTER III MANAGEMENT OF RESOURCES OUTSIDE OF THE ECOLOGICALLY CRITICAL AREAS

Sec. 12 Management of Resources Outside of the Ecologically Critical Areas. - The SEP shall provide for the management of resources outside of the ECAN and shall include coastal resources, resources of the catchment areas, timber and mines, development in the lowlands, and settlement areas. It shall also provide for tourism planning.

CHAPTER IV SUPPORT MECHANISMS

Sec.13 Environmental Monitoring and Evaluation System (EMES). In order to monitor achievement of its goals, the SEP shall establish an Environmental Monitoring and Evaluation System (EMES) which shall ensure a systematic and reliable means of data generation for the various concerns of the SEP. It shall measure changes in environmental status, identify adverse environmental trends and crisis area, recommend solutions assess the implementation of the SEP and suggest measures to make the SEP more responsible to the changing needs.

Sec.14 Environmental Research. - The SEP shall provide for a system of research so that additional information for accurate planning as well as data to solve new problems in the implementation of the SEP shall be supplied. As such, the SEP's researches shall not be confined to the physical and biological features of the environment, achieved through surveys, monitoring, resource assessments and research into processes, but shall also extend to policies and socioeconomic questions.

Sec.15 Environmental Education and Extension. - The SEP shall design an environmental information and education designed to gradually wean the people away from destructive practices and shall recommend practical ways as an alternative.

Training programs for the nongovernmental organizations (NGOs), business sector representatives, and community leaders shall be organized. This may establish linkages between the NGOs, community leaders, sector representatives and the staff of line agencies' development communication or public information section and, at the same time, be used to plan out a comprehensive public information drive.

Simultaneously, community organizing shall be enhanced to reinforce non-formal approaches, complementing regular environment/science courses in the school.

CHAPTER V ADMINISTRATIVE MACHINERY FOR THE IMPLEMENTATION OF THE SEP

Sec. 16 Palawan Council for Sustainable Development. The governance, implementation and policy direction of the Strategic Environmental Plan shall be exercised by the herein created Palawan Council for Sustainable Development (PCSD), hereinafter referred to as the Council which shall be under the Office of the President. It shall be composed of the Members of the House of Representative representing the Province of Palawan, the Deputy Director General of the National Economic and Development Authority, the Undersecretary of Environment and Natural Resources, the Undersecretary for Special Concerns of the Department of Agriculture, the Governor of Palawan, the Mayor of Puerto Princesa City, the President of the Mayor's League of Paiawan, the President of the Provincial Chapter of the Liga ng mga Barangay, the Executive Director of the Palawan Council for Sustainable Development Staff as provided in Section 20 of this Act, and such other members from the public or private sectors as the majority of the Council may deem necessary.

The Council shall elect, from among its members a Chairman and a Vice-Chairman.

Sec.17 Quorum. - A majority of the members of the Council shall constitute a quorum for the conduct of business.

Sec.18 Compensation. - The members of the Council shall be entitled to per diems and allowances in accordance with existing laws in the performance of their duties and in carrying out the business of the Council. The per diems shall be in the amount of Five hundred pesos (p500.00) for every meeting: Provided, That the per diems collected do not exceed the equivalent of per diems for four (4) meetings in a month.

Sec.19 Powers and Functions. -In order to successfully implement the provisions of this Act, the Council is hereby vested with the following powers and functions:

- (1) Formulate plans and policies as may be necessary to carry out the provisions of this Act.
- (2) Coordinate with the local governments to ensure that the latter's plans, programs and projects are aligned with the plans, programs and policies of the SEP.
- (3) Call on any department, bureau, office, agency or instrumentality of 'the Government, and on private entities and organizations for cooperation and assistance in the performance of its functions;
- (4) Arrange, negotiate for, and accept donations, grants, gifts, loans, and other fundings from domestic and foreign sources to carry out the activities and purposes of the SEP;
- (5) Recommend to the Congress of the Philippines such matters that may require legislation in support of the objectives of the SEP;
- (6) Delegate any or all of its powers and functions to its support staff, as hereinafter provided, except those which by provisions of law cannot be delegated;
- (7) Establish policies and guidelines for employment on the basis of merit, technical competence and moral character and prescribe a compensation and staffing pattern;
- (8) Adopt, amend and rescind such rules and regulations and impose penalties therefor for the effective implementation of the SEP and the other provisions of this Act;

- (9) Enforce the provisions of this Act and other existing laws, rules and regulations similar to or complementary with this Act;
- (10) Perform related functions which shall promote the development, conservation, management, protection, and utilization of the natural resources of Palawan; and
- (11) Perform such other powers and functions as may be necessary in carrying out its functions, powers, and the provisions of this Act.

Sec.20 Conversion of Palawan Integrated Area Development Project Office (PIADPO) to the Palawan Council for Sustainable Development Staff. - The Palawan Integrated Area Development Project Office, hereinafter referred to as PIADPO, is hereby converted to the Palawan Council for Sustainable Development Staff which shall serve as the regular professional support staff of the Council and shall provide the machinery to coordinate the policy and functions, implement programs, and organize such services as may be required by the Council in the exercise of its functions. It shall be independent of any other department or agency of the Government other than the herein provided Council. All the applicable powers, functions, personnel, complement, staff, appropriations, records, equipment, property, funds, and other assets of the PIADPO, as well as all its obligations and liabilities, are hereby transferred to the Palawan Council for Sustainable Development Staff.

The incumbent Director of the PIADPO shall be the Executive Director of the Palawan Council for Sustainable Development Staff and shall lead all its operations. Thereafter, the Executive Director shall be appointed by the members of the Council. He shall also be ex officio member of the Council.

CHAPTER VI APPROPRIATIONS AND FINAL PROVISIONS

Sec.21 Appropriations. - The amount necessary to carry out the provisions of this Act shall be charged to the current fiscal year appropriations of the PIADPO. Thereafter, such sums as may be necessary shall be included in the annual General Appropriations Act.

Sec.22 Separability Clause. - If any of the provisions of this Act shall be declared unconstitutional, the other provisions of this Act shall remain valid.

Sec.23 Separability Clause. - All laws, decrees, orders, rules and regulations or parts thereof contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Sec.24 Effectivity Clause. This Act shall take effect upon its approval.

Approved,

NEPTALI A. GONZALES
President of the Senate

RAMON V. MITRA
*Speaker of the House
of Representatives*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on February 7, 1992 and February 6, 1992, respectively.

ANACLETO D. BADOY, JR.
Secretary of the Senate

CAMILO L. SABIO
*Secretary General
House of Representatives*

Approved: June 19, 1992

CORAZON C. AQUINO
President of the Philippines

Republic Act

No. 7623

July 08, 1992

SUBJECT : An Act Declaring Volcano Island in Taal Lake Province or Batangas, A Tourist Zone Under the Joint Jurisdiction or the Department or Tourism, The Department or Environment and Natural Resources, and The Municipalities or Laurel, Balete, Agoncillo, San Nicolas, and Talisay

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

Sec.1 The Volcano Island in Taal Lake. Province of Batangas, is hereby declared a tourist zone under the joint jurisdiction of the Department of Tourism, the Department of Environment and Natural Resources, and the municipalities of Laurel, Balete, Agoncillo, San Nicolas, and Talisay. As such, it shall be accorded priority development by the Department of Tourism and the Department of Environment and Natural Resources and shall be subject to rules and regulations governing the development of tourist zones.

Sec.2 The Department of Tourism in coordination with the Department of Environment and Natural Resources shall, within one (1) year from the approval of this Act, prepare a tourism development plan for Volcano Island and the coastal areas of the municipalities of Laurel, Balete, Agoncillo, San Nicolas, and Talisay, which shall provide for the construction, improvement and/or maintenance of such appropriate facilities and infrastructure as shall encourage tourism in the area.

Sec.3 The Department of Tourism in coordination with the Department of Environment and Natural Resources shall take immediate steps to implement said development plan and shall incorporate the same in the department's overall tourism development programs for the ensuing calendar year.

Sec.4 Any law which is inconsistent with any provision of this Act is hereby repealed or modified accordingly.

Sec.5 This Act shall take effect fifteen (15) days from its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulations, whichever comes earlier.

Approved.

NEPTALI A. GONZALES
President of the Senate

RAMON V. MITRA
*Speaker of the House
of Representative*

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on February 3, 1992 and January 23, 1992, respectively.

ANACLETO D. BADOY, JR.
Secretary of the Senate

CAMILO L. SABIO
*Secretary General
House of Representatives*

Approved: July 08, 1992

FIDEL V. RAMOS
President of the Philippines