

RA 7586: Protected Areas System in the Philippines¹

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Introduction

The Philippines is renowned as one of the countries with the highest level of biodiversity in the world. As a matter of fact, it has 52, 177 described species, half of which are endemic. It is a home for more than 1, 130 terrestrial species (49% are endemic) and it has a floral biodiversity of 10,000-14,000 species (more than half are endemic) (DENR-PAWB, n.d.). During the 80s, the effects of deforestation and loss of habitat were already evident due to the major exportation of timber. Industrialization and continuous unwise use of resources threatened the country's ecological balance. Due to this, although the country has many endemic species, some of these life forms are critically endangered such as the infamous Philippine eagle, Philippine crocodile, and tamaraw (DENR-PAWB, n.d.).

To conserve the environment and protect the country's biodiversity, efforts were made to ratify the constitution and to formulate new laws to prevent environmental degradation (Viña et al., 2010). In 1987, the Philippine Strategy for Sustainable Development was drafted by the Department of Environment and Natural Resources (DENR) with the aim of achieving sustainable development. To attain this goal, the integrated protected areas system was formulated (Philippine Government, 1989). This advocacy received funding from different international organizations and later on, a bill regarding protected areas was presented to the Congress in 1991. In 1992, this bill was signed into law by President Aquino as the NIPAS Act.

The NIPAS act

RA 7586 primarily aims "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".³

The NIPAS act covers all protected areas whether terrestrial, coastal or marine. Since 1992, a total of 234 protected areas covering 5.23 million hectares and .22 million hectares buffer zone were governed under the NIPAS Act (DENR, 2009).

National integrated protected areas system. This refers to "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".⁴

¹ A short policy paper submitted to the Food and Fertilizer Technology Center (FFTC) for the Project titled "Asia-Pacific Information in Agricultural Policy". Short policy papers, as corollary outputs of the project describe pertinent Philippine laws and regulations on agriculture, aquatic and natural resources.

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³ Lifted verbatim from Section 2 of RA 7586.

⁴ Lifted verbatim from Section 4.a of RA 7586.

Categories and criteria in the determination of appropriate category of a protected area. Listed in Section 3 of the NIPAS Act are the following categories of protected areas: (1)strict nature reserve, (2)natural park, (3)natural monument, (4)wildlife sanctuary, (5)protected landscapes and seascapes, (6)resource reserve, (7) natural biotic areas, (8) and other categories established by law, conventions or international agreements which the Philippine Government is signatory.

Buffer zones. Section 4 of RA 7586 defined buffer zones as “outside the boundaries of and immediately adjacent to designated protected areas”. These areas managed by PAMB serve as a social fence and source of income for local communities near the protected areas (PA) in order to minimize or prevent harm to the PAs.

Indigenous cultural community. RA 7586 and the Indigenous People Rights Act (IPRA) refers indigenous cultural community (ICC) as “a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos”. ICCs who are dwelling in PAs since time immemorial are given the title for ancestral domains. According to IPRA law, they have the right to continue their cultural and spiritual practices inside the PAs.

Tenured migrant community. Tenured migrant community according to NIPAS Act is a group of people living within the PAs five years before it was designated as a PA. This group of people are solely dependent on the PA for their economic activities.

Management plans. According to Sec.9, management plans are devised as a planning strategy that shall serve as a guideline for promoting the adoption and implementation of innovative management techniques necessary for governing each protected area. This guideline shall also include the protection of ICCs and tenured migrant communities as well as the close coordination with local officials and private sectors.

Protected area management board. The Protected Area Management Board (PAMB) is composed of the Regional Executive Director, one representative for Autonomous Regional Government, at least one representative from Provincial and Municipal government, one representative from NGOs/Pos, and at most 3 from ICCs. However, members of PAMB shall not receive a salary for doing their duties. They are only given sufficient funds for travel activities related to their responsibilities as a member of PAMB. The PAMB is basically responsible for making sure that the Management Plan is properly implemented. Originally, the PAMB only make recommendations for approval of DENR but when the revised Implementing Rules and Regulations was released in 2008, the PAMB gained power to make decisions except for granting of permits and setting of fees.

Integrated protected areas fund. It is stated in the revised IRR of NIPAS Act that the Integrated Protected Areas Fund (IPAF) is a trust fund which shall finance the projects under the integrated protected areas system. This fund comes from the fees and income generated from the operation of PAs and from the solicitations and donations which are tax-exempt. Seventy-five percent of the revenues generated by a certain PA shall be used to for its development and maintenance while the remaining twenty-five percent shall go to the national fund which shall be used for the development and maintenance of other PAs which are not generating enough money.

Conclusion

The NIPAS Act serves as a legal basis to conserve biodiversity in the country in pursuit of sustainable development through managing selected protected areas. Since its enactment twenty years ago, the NIPAS Act has faced several issues and challenges such as the overlapping of policies with other existing environmental laws and lack of sufficient funds for the development and maintenance of protected areas. Administrative issues also arise when it

comes to partnering with local government officials. To address these problems, the DENR is now looking at the possibility of decentralizing the management of protected areas and making community-based initiatives that complement government efforts. Aside from that, the DENR released the revised IRR of NIPAS Act in 2008. To date, an in-depth review of the NIPAS Act was done by DENR in partnership with GIZ and Siliman University in order to make recommendations for further improving the effectiveness of managing the protected areas.

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