

S. No. 2228
H. No. 8441

Republic of the Philippines
Congress of the Philippines
Metro Manila

Seventeenth Congress

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[REPUBLIC ACT NO. **11365**]

AN ACT DECLARING THE BALANGA WETLAND AND NATURE PARK LOCATED IN BARANGAY TORTUGAS, CITY OF BALANGA, PROVINCE OF BATAAN AS A RESPONSIBLE, COMMUNITY-BASED ECOTOURISM ZONE AND APPROPRIATING FUNDS THEREFOR

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

SECTION 1. *Short Title.* – This Act shall be known as the “Balanga Wetland and Nature Park Responsible Ecotourism Act”.

SEC. 2. *Declaration of Policy.* – The State is mandated to promote a tourism industry that is ecologically sustainable, responsible, participative, culturally sensitive, economically viable, and equitable for the local community. Towards this end, the Balanga Wetland and Nature Park (BWNP) is hereby

declared a special ecotourism zone. It shall be accorded priority development by the Department of Environment and Natural Resources (DENR), Department of Tourism (DOT), Department of Public Works and Highways (DPWH), and the Tourism Infrastructure and Enterprise Zone Authority (TIEZA) and shall be subject to the rules and regulations governing the development of ecotourism zones provided in the national ecotourism strategy jointly issued by the DENR and the DOT.

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

(a) Develop and promote responsible, community-based ecological tourism as the core management strategy in the development of the BWNP;

(b) Ensure the conservation of the biodiversity and the preservation of the said ecotourism park;

(c) Develop ecotourism products and programs that will generate employment and livelihood for the local residents concerned, consistent with the preservation and maintenance of natural resources;

(d) Guarantee that the financial and economic benefits of the tourism industry are equitably shared by, and distributed among the local residents concerned by giving preference and support to community and home-based tourism enterprises, such as, but not limited to, micro and small businesses including local inns, lodges and homestays, restaurants, food and fruit stands, and other similar tourism oriented industries and businesses;

(e) Ensure that the quality of local ecotourism programs and activities are educational and enriching for tourists and visitors through the provision of orientation, educational and tour programs by local tour operators, nongovernment organizations (NGOs), the local government of the City of Balanga, the DENR, and the DOT; and

(f) Guarantee that in the development and promotion of the local tourism industry, the local government of the City of Balanga shall ensure that the needs of local residents for adequate water supply, food, energy and local construction materials are first secured and met.

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Buffer zone* refers to identified area outside the boundaries of and immediately adjacent to the BWNP that needs special development control in order to avoid or minimize harm to the BWNP;

(b) *Community-based ecotourism* refers to a form of tourism where the local community and its residents have substantial control and involvement in the development and management of the local tourism industry and a greater portion of the economic gains remain within the community;

(c) *Ecotourism* refers to a form of sustainable tourism within a natural area where community participation, protection and management of natural resources, cultural and indigenous knowledge and practices, environmental education and ethics, as well as economic benefits are fostered and pursued for the enrichment of host communities and the satisfaction of visitors;

(d) *Homestay* refers to a system of tourist accommodation where a tourist stays with local residents and experiences the day-to-day life within the local community;

(e) *Responsible ecotourism* refers to a form of sustainable tourism in which both the tourism sector and the tourists take responsibility in the protection, respect, and conservation of the natural environment and the local culture and ways of life, and where community participation as well as economic benefits are fostered and pursued for the well-being of the local people and visitors.

SEC. 5. *Balanga Wetland and Nature Park Ecotourism Zone.* – The BWNP located in Barangay Tortugas, City of

Balanga, Province of Bataan is hereby declared as a responsible, community-based ecotourism zone. It shall be accorded priority development by the DOT, DENR, DPWH, and the TIEZA and shall be subject to the rules and regulations governing the development of ecotourism zones provided in the national ecotourism strategy jointly issued by the DENR and the DOT.

SEC. 6. *Scope and Coverage.* – The BWNP, which shall cover an area of one hundred fifty-three thousand five hundred seventy-eight (153,578) square meters of mangrove forest and one hundred eighty-seven thousand five hundred (187,500) square meters of foreshore land, is hereby declared an ecotourism zone. Its boundaries shall be as follows:

(a) Mangrove Forest

Beginning at a point marked 1, being N 35°55' E, 335.73 meters from MBM 1, Balanga Cadastre, Bataan.

thence	N 56° 5'0" W	25.64	meters to corner 2;
thence	N 43°19'0" E	30.05	meters to corner 3;
thence	N 31°29'0" E	40.25	meters to corner 4;
thence	N 44°10'0" W	399.86	meters to corner 5;
thence	S 57°37'0" W	190.74	meters to corner 6;
thence	N 64°12'0" W	5.16	meters to corner 7;
thence	N 5° 45'0" W	35.99	meters to corner 8;
thence	N 69° 0'0" E	17.38	meters to corner 9;
thence	N 13°38'0" E	15.10	meters to corner 10;
thence	N 63°45'0" W	30.47	meters to corner 11;
thence	N 17°14'0" E	10.23	meters to corner 12;

thence	N 40°29'0" W	39.61	meters to corner 13;
thence	N 25°46'0" E	28.71	meters to corner 14;
thence	S 74°22'0" E	37.57	meters to corner 15;
thence	N 29°15'0" E	17.33	meters to corner 16;
thence	N 57°34'0" W	39.85	meters to corner 17;
thence	N 12°42'0" E	62.68	meters to corner 18;
thence	N 5° 5'0" E	36.88	meters to corner 19;
thence	N 37°55'0" W	18.14	meters to corner 20;
thence	N 13°35'0" E	49.81	meters to corner 21;
thence	N 23°41'0" E	122.08	meters to corner 22;
thence	N 40°26'0" E	141.26	meters to corner 23;
thence	S 72°36'0" E	29.09	meters to corner 24;
thence	S 17°56'0" E	14.59	meters to corner 25;
thence	S 12°20'0" E	24.52	meters to corner 26;
thence	S 44°59'0" E	34.11	meters to corner 27;
thence	S 13°40'0" E	41.09	meters to corner 28;
thence	S 4° 8'0" W	26.47	meters to corner 29;
thence	S 14°22'0" W	31.53	meters to corner 30;
thence	S 32°51'0" W	24.32	meters to corner 31;
thence	S 8°20'0" W	33.87	meters to corner 32;
thence	S 17° 3'0" E	69.51	meters to corner 33;

thence S 28°36'0" E 139.68 meters to corner 34;
 thence S 37°16'0" E 42.45 meters to corner 35;
 thence S 46°20'0" E 36.79 meters to corner 36;
 thence S 67°42'0" E 22.58 meters to corner 37;
 thence N 88°35'0" E 12.59 meters to corner 38;
 thence S 62°9'0" E 54.78 meters to corner 39;
 thence S 89°29'0" E 6.71 meters to corner 40;
 thence N 45°32'0" E 5.34 meters to corner 41;
 thence N 82°23'0" E 8.90 meters to corner 42;
 thence S 68°57'0" E 10.75 meters to corner 43;
 thence S 54°29'0" E 15.36 meters to corner 44;
 thence S 34°53'0" E 19.55 meters to corner 45;
 thence S 13°19'0" W 9.46 meters to corner 46;
 thence S 33°47'0" E 44.67 meters to corner 47;
 thence S 59°14'0" E 17.48 meters to corner 48;
 thence N 83°51'0" E 25.33 meters to corner 49;
 thence S 39°17'0" E 152.54 meters to corner 50;
 thence S 63°16'0" W 225.50 meters to corner 1.

to the point of beginning containing an area of one hundred fifty-three thousand five hundred seventy-eight (153,578) square meters, more or less.

(b) Foreshore Land

Beginning at a point marked "1" on the map, being N 46°59' E, 565.88 meters from MBM #1, Balanga Cadastre, Bataan.

thence N 12°20'0" W 19.64 meters to corner 2;
 thence N 34°53'0" W 31.95 meters to corner 3;
 thence N 67°41'0" W 14.62 meters to corner 4;
 thence N 39°17'0" W 163.37 meters to corner 5;
 thence N 28°36'0" W 136.14 meters to corner 6;
 thence S 81°23'0" W 21.17 meters to corner 7;
 thence N 55°31'0" E 181.64 meters to corner 8;
 thence S 88°36'0" W 13.61 meters to corner 9;
 thence N 32°50'0" E 23.23 meters to corner 10;
 thence N 13°19'0" E 9.69 meters to corner 11;
 thence N 62°9'0" W 50.35 meters to corner 12;
 thence N 33°47'0" W 31.44 meters to corner 13;
 thence N 72°36'0" W 39.42 meters to corner 14;
 thence N 68°56'0" W 18.40 meters to corner 15;
 thence N 46°20'0" W 31.44 meters to corner 16;
 thence N 17°56'0" W 25.90 meters to corner 17;
 thence N 13°40'0" W 49.83 meters to corner 18;
 thence N 54°30'0" W 21.35 meters to corner 19;

thence N 37°16'0" W 39.34 meters to corner 20;
 thence N 14°22'0" E 36.57 meters to corner 21;
 thence N 17°3'0" W 62.98 meters to corner 22;
 thence S 83°51'0" W 29.49 meters to corner 23;
 thence S 63°16'0" W 152.57 meters to corner 24;
 thence N 59°14'0" W 6.29 meters to corner 25;
 thence N 44°59'0" W 33.85 meters to corner 26;
 thence S 32°39'0" E 877.51 meters to corner 27;
 thence N 8°20'0" E 25.02 meters to corner 28;
 thence N 4°8' 0" E 31.40 meters to corner 1.

to the point of beginning containing an area of one hundred eighty-seven thousand five hundred (187,500) square meters, more or less.

The metes and bounds of the BWNP shall be indicated on maps and/or nautical charts. Any modification of the coverage of this Act due to such factors as changing ecological situation, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the concerned government agencies.

SEC. 7. *Establishment of a Buffer Zone.* – There shall also be established buffer zones surrounding the BWNP for the purpose of providing extra protection around the area, where restrictions shall apply and communities can assist in repealing threats to the BWNP. Such buffer zones shall be managed according to the ecotourism development and management plan formulated pursuant to this Act.

Such buffer zone shall be included in the ecotourism development and management plan of the BWNP: *Provided,*

That no build up or reclamation detrimental to the biodiversity in the BWNP shall be done within the designated buffer zone. The Council shall exercise its authority over the designated buffer zone.

SEC. 8. *Balanga Wetland and Nature Park Ecotourism Development and Management Plan.* – The DENR and the DOT, in coordination with the DPWH and the TIEZA, shall jointly assist the Balanga Wetland and Nature Park Development Council, herein created, in the formulation of the ecotourism development and management plan for the BWNP that shall be complemented by a set of guidelines for a responsible, community-based ecotourism. The ecotourism development and management plan shall ensure the preservation of the eco-park and shall include the following components:

- (a) Carrying capacity of the eco-park and its migratory birds;
- (b) Specific site assessment;
- (c) Identification of strategic priorities;
- (d) Product development for local income generation;
- (e) Capacity-building for the local community to allow residents therein to ably manage economically viable and responsible, community-based ecotourism business enterprises;
- (f) Support for the formulation of local production groups and networks, including the marketing and pricing of products;
- (g) Marketing strategies that reflect the natural, social and environmental integrity of the BWNP;
- (h) Regular water quality monitoring of the Talisay River;
- (i) Management and maintenance of the mangrove areas;

(j) Solid and liquid wastes management; and

(k) Solutions addressing the problem of the declining population of the waterbirds as reflected in the annual waterbird census.

The process of developing the ecotourism development and management plan for the BWNP shall be participatory, from the bottom up, with the framework to be provided by the DOT and the DENR, in consultation with the Balanga Wetland and Nature Park Development Council herein created.

In order to protect the mangrove forest in the BWNP, the foreshore areas shall not be leased to any private entity.

SEC. 9. *Formation of the Balanga Wetland and Nature Park Development Council.* – A multi-sectoral council to be known as the “Balanga Wetland and Nature Park Development Council”, hereinafter referred to as the Council, shall be created. It shall be composed of the following members:

(a) The Mayor of the City of Balanga as Chairperson;

(b) The head of the City Tourism Office of the City of Balanga as Vice-chairperson;

(c) The head of the City Environmental and Natural Resources Office of the City of Balanga;

(d) The Provincial Government Environment and Natural Resources Officer of Bataan;

(e) The Barangay Chairman of Barangay Tortugas;

(f) The Director of the Biodiversity Management Bureau (BMB);

(g) The Chief Operating Officer of the TIEZA;

(h) The Regional Director of DOT-Region 3;

(i) The Regional Director of DENR-Region 3;

(j) The Regional Director of DPWH-Region 3;

(k) The DENR-Provincial Environment and Natural Resources Officer (PENRO) of Bataan;

(l) The Chairman of the City Fisheries and Aquatic Resources Management Council of the City of Balanga;

(m) One (1) representative from an academic institution, preferably from a university or college in the Province of Bataan, with proven track record in or related to wetlands and/or waterbird management;

(n) One (1) representative from the private sector, preferably a resident of the Province of Bataan, who is distinguished in a profession or field of interest relevant to wetlands and/or waterbird management; and

(o) One (1) representative from either NGO or people's organization (PO), duly accredited both by the DENR and the provincial government of Bataan. The NGO or PO represented should have been in existence for at least five (5) years with track record in or related to wetlands and/or waterbird management.

The *ex officio* members of the Council by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

The members of the Council specified under subparagraphs (m), (n), and (o) of this Section shall be elected by the *ex officio* members of the Council in a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

The members of the Council shall serve without compensation, except for the actual and necessary travelling and subsistence expenses incurred in the performance of their duties, either in their attendance in meetings of the Council or in connection with other official business authorized through a resolution of the Council, subject to existing rules and regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

The members of the Council duly elected or appointed prior to the effectivity of this Act shall continue their term until the expiration of their term or appointment. Thereafter, members of the Council shall be appointed in accordance with the provisions of this Act: *Provided*, That at least forty percent (40%) of the members of the Council shall be women pursuant to Republic Act No. 9710 or "The Magna Carta of Women".

A member of the Council may be removed for any of the following grounds:

- (a) More than three (3) consecutive unexcused absences from regular meetings of the Council;
- (b) Commission of acts prejudicial to the development and management of the BWNP as embodied in existing rules and regulations governing the BWNP;
- (c) Disassociation from the office or organization being represented;
- (d) Termination of relationship with the office or organization being represented; or
- (e) Conviction by final judgment of any criminal act.

The local government of the City of Balanga shall provide a Secretariat for the Council including the funding necessary to cover the expenses for the performance of its official functions and activities.

SEC. 10. *Functions and Responsibilities of the Council.*

– The Council shall be responsible for the following:

- (a) Formulation and implementation of the ecotourism development and management plan in consultation with the local residents, businesses, and other stakeholders;
- (b) Assessment and evaluation of the potential impact of the development to the environmental safety and well-being of the site, communities, and enterprises;
- (c) Provision of technical and financial assistance to the communities within the site;
- (d) Implementation of a monitoring plan for the waterbirds and their habitats to ensure their presence and well-being in the BWNP;
- (e) Formulation of the rules and regulations in relation to the maintenance and security of the ecotourism site; and
- (f) Performance of other functions as may be necessary to carry out the objectives of this Act.

SEC. 11. *Formulation of Guidelines and Standards.* – The DENR and the DOT shall assist the Council in the formulation of local ecotourism standards ensuring that environmental protection is integrated in the development and management of the ecotourism plans.

The guidelines and standards shall:

- (a) Raise the capacity of all stakeholders and ensure that best practices are followed;
- (b) Ensure optimal use of water and energy;
- (c) Reduce waste and pollution through the encouragement of recycling and other environmentally-sound waste management reduction and disposal schemes;

(d) Prevent vandalism in the facilities of the eco-park; and

(e) Encourage the use of local produce and services, and support the employment of local people.

SEC. 12. *Coordination with National Agencies.* – The DENR and the DOT shall closely coordinate with the Council, as well as the relevant regional offices of the Department of Labor and Employment (DOLE), Department of Public Works and Highways (DPWH), Department of Transportation (DOTr), Department of Agriculture (DA), Department of Education (DepEd), Department of Trade and Industry (DTI), Department of the Interior and Local Government (DILG), Philippine National Police (PNP), Maritime Industry Authority (MARINA) and other line agencies of the government in the implementation of this Act.

SEC. 13. *Implementing Rules and Regulations.* – Within thirty (30) days from the effectivity of this Act, the DENR and the DOT, in consultation with the Council, other concerned government agencies, and stakeholders, shall promulgate the necessary rules and regulations for the proper and effective implementation of this Act.

SEC. 14. *Appropriations.* – The Secretaries of the DENR, DOT, and DPWH and the Chief Operating Officer of the TIEZA shall include in their subsidy programs, support for the capital outlay requirements of the BWNP for the preliminary implementation of this Act and enhancement of the facilities of the ecotourism zone which shall be taken from the budget of their respective agencies for the current fiscal year.

The budgetary allocations for the succeeding years shall be included in the General Appropriations Act, subject to government audit.

SEC. 15. *Separability Clause.* – If, for any reason, any provision of this Act is declared unconstitutional or invalid, other provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 16. *Repealing Clause.* – All laws, decrees, executive orders, proclamations and administrative regulations, or parts thereof inconsistent herewith are hereby repealed or modified accordingly.

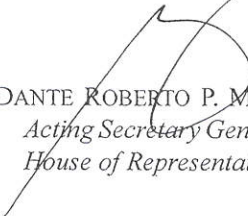
SEC. 17. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) national newspapers of general circulation or in the *Official Gazette*.

Approved,


GLORIA MACAPAGAL ARROYO
*Speaker of the House
of Representatives*


VICENTE C. SOTTO III
President of the Senate

This Act was passed by the Senate of the Philippines as Senate Bill No. 2228 on May 27, 2019, and adopted by the House of Representatives as an amendment to House Bill No. 8441 on May 29, 2019.


DANTE ROBERTO P. MALING
*Acting Secretary General
House of Representatives*


MYRA MARIE D. VILLARICA
Secretary of the Senate

Approved: AUG 08 2019




RODRIGO ROA DUTERTE
President of the Philippines

