

# Review of the National Integrated Protected Areas System Act of 1992

## Environment and Rural Development Program

### Introduction

The National Integrated Protected Areas System Act of 1992 (Republic Act No. 7586), commonly known as the NIPAS Act was enacted primarily for biodiversity conservation. This law provides the legal and developmental framework for the establishment and management of protected areas (PAs) in the Philippines. It has a vital role in implementing one of the top ten major approaches of the Philippine Strategies for Sustainable Development. However, no review has yet been done on this Act, despite the need for it. The law needs to be harmonized with other laws, and needs to be strengthened because although it is all right in protecting habitats, it is weak inadequate in terms of protecting mobile species.

Thus, Silliman University has been engaged by the DENR and the GIZ to review the NIPAS Act. The review is aimed to identify which of the law's provisions should be amended to improve its ability to provide stronger legal and policy backstops for multi-scale Protected Area (PA) management in the Philippines.

The terrestrial and marine sites picked out for the study were chosen for their geographical, topographical and political relevance. Their current states of affairs were verified using the Management Effectiveness Tracking Tool (METT) and Management Effectiveness Assessment Tool (MEAT).

The analysis in this review is based on how the NIPAS Act is being practiced and applied on the ground, as well as on how the law's policies correlate with other existing laws in the country through comparative analysis. The analysis provides the salient features and provisions of the NIPAS law and other pertinent laws as well as the existing and potential problem areas.

### Comparative Legal Analysis of the NIPAS Act

The pertinent laws that were examined for provisions that may hinder the successful implementation of the NIPAS Act are:

- The NIPAS Law and the 1987 Philippine Constitution
- The NIPAS Law and the Convention of Biological Diversity
- The NIPAS Law and the Revised Forestry Code of the Philippines
- The NIPAS Law and the Wildlife Resources Conservation and Protection Act
- The NIPAS Law and the Philippines Fisheries Code
- The NIPAS Law and the Agriculture and Fisheries Modernization Act
- The NIPAS Law and the Philippine Mining Act
- The NIPAS Law and the Indigenous People Rights Act
- The NIPAS Law and the Local Government Code.

### Recommendations

Using the six (6) parameters of PA "management effectiveness" adopted by the World Commission on Protected Areas (WCPA), an earlier study by Silliman University of six (6) PAs in the Visayas showed five (5) of them being poorly managed.

The study identified ten (10) "critical factors of effectiveness". The 10 are consistent with and confirmed in other studies and observations in the elsewhere in the Philippines (e.g., see assessments of PA management effectiveness in the Philippines in the "Report on the Workshop on Management Effectiveness Assessment of Protected Areas" by Paul Basintal, Assistant Director, Sabah Parks, at the 2nd ASEAN Heritage Parks Conference & 4th Regional Conference on Protected Areas, 23-27 April 2007, Kota Kinabalu, Sabah, Malaysia; also see experiences in the Northern Sierra Madre Natural Park in Arano & Pearson 1998 and Snelder & Bernardo 2005; also, DENR-USAID CRMP 2002 and La Vina et al., 2011). The comparative legal analysis and the review of the NIPAS Act on the basis of the 10 critical factors led to the following recommendations:

## Critical Factors

- **Provide clear criteria of area characteristic** for inclusion within NIPAS to strengthen implementation and provide guidance to implementers and policy makers. This recommendation pertains to Section 5 of the Act which is on the “Establishment and Extent of the System”.
- **Streamline the administrative steps in establishing a PA**  
The current administrative procedure in establishing a PA is tedious and bureaucratic. The process should be streamlined by eliminating repetitive procedures and giving PAWB more authority in the review process.
- **Improve the NIPAS fencing mechanism**  
Setting the minimum criteria will serve as bases on categorizing different PAs to prevent vagueness and avoid abuse of administrative discretion. In determining the appropriate category of a proposed protected area and identifying / establishing PA buffer zones, additional criteria may be used as deemed necessary.
- **Improve the NIPAS gating mechanism**  
The NIPAS law is not clear on the time-frame within which policy makers should formulate the individual management plan of a particular PA. Section 9 of the NIPAS Act should be amended to require a general management planning process to produce a management plan for each protected area within a specific period of time, based on a management strategy as has been adopted by the PAWB.
- **Improve the sourcing mechanism**  
The current funding mechanism (called the IPAF) for the implementation of the NIPAS law is insufficient. The IPAF should be restructured. It should come from the annual budget through an automatic appropriation from the General Appropriations Act (GAA). The existing sources of revenue for the IPAF should only be supplemental. The law should also encourage the establishment of private foundations for the sole purpose of generating public and private support for the protected areas.
- **Strengthen the existing adaptability mechanisms of the law**  
The current adaptability mechanisms of the NIPAS law are inadequate. The law is weak regarding the protection of areas that are proposed to be included within the system. It is recommended that Section 6 of the NIPAS Act

be strengthened by protecting proposed areas for inclusion or expansion in this manner. In the same vein, the disestablishment of an already proclaimed PA should be made more stringent in order to uphold the policy of the law of preserving areas of rich biodiversity in perpetuity.

- **Restructure the management board**  
There is a need to clearly define the roles and responsibilities, qualifications, selection, appointment, term of office and removal of PAMB members. The composition of the PAMB should be streamlined so that it will be more of a management board as it should be, rather than an assembly of stakeholders as it now operates.
- **Improve the staffing and personnel opportunities in the PA**  
The law should provide concrete provisions on staffing and personnel opportunities, salaries, benefits, and security of tenure of the staff and personnel actually involved in PA management.
- **Eliminate vague terminologies** in the law, resolve constitutional issues, clarify jurisdictional issues.
- **Definition of "national park"**  
The term “national park” needs to be defined not as a mere forest reservation, but as a constitutional category of public land. Section 4 (e) of the NIPAS Act should be amended to be consistent with the definition of “national park” found in Republic Act No. 9486, otherwise known as the Central Cebu Protected Landscape Act of 2007.
- **Eliminate terrestrial bias in the law**  
Amendments to the NIPAS law should be introduced to include marine ecosystems where the law mentions forest and terrestrial areas. Examples are Section 18 where the term “field officers” are made to refer to “all officials, technical personnel and forest guards”, and Section 20 where the NIPAS law punishes “hunting”, “destroying objects of scenic value”, “damaging roads and trails”, “squatting, mineral locating, or occupying any land”, “constructing or maintaining any kind of structure, fence or enclosures”, and “altering, removing destroying or defacing boundary marks”, which all appear to refer to terrestrial areas alone.

### For more information

Dr. Walter Salzer

Program Director and Principal Advisor

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

2B PDCP Bank Center, V.A. Rufino corner

L.P. Leviste Sts. Salcedo Village, Makati City, Philippines

Phone +63 2 892 9051 local 101

Fax +62 2 892 3374

Email walter.salzer@giz.de

Website: www.enrdph.org

Theresita Mundita S. Lim  
Director

DENR-Protected Areas and  
Wildlife Bureau

Phone +63 2 924 6031 to 35  
local 202 to 204

Email director@pawb.gov.ph