

Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO TRANSITION AUTHORITY 2
Cotabato City

First Regular Session

BTA PARLIAMENT
BTA Parliament Bill No. 126

Bangsamoro Autonomous Region in Muslim Mindanao
Parliament
BILLS AND INDEX DIVISION
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AN ACT
DECLARING THE DIMAPATYOY WATERSHED IN DATU ODIN SINSUAT MUNICIPALITY, MAGUINDANAO DEL NORTE, AS A PROTECTED AREA IN THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO (BARMM), DEFINING PRESERVATION MEASURES, VIOLATIONS AND PENALTIES, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES

Explanatory Note

The newly established Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) is one of the regions in the country endowed with rich land and inland water resources. Specifically, the Bangsamoro Autonomous Region's inland water resources include lakes, marshes, large bodies of rivers and tributaries, particularly found in the mainland areas of Maguindanao and Lanao del Sur provinces.

Lake Lanao, the second largest lake in the country, is a proclaimed watershed reserve by virtue of Proclamation No. 871, issued on February 26, 1992. It is qualified as part of the initial components of the National Integrated Protected Area System (NIPAS) of the government under the NIPAS Act of 1992 or Republic Act No. 7586. Lake Lanao has five watersheds with rivers and major tributaries totaling over 431km. The waters from these rivers and tributaries drain into the lake and goes out through a singular outlet, namely the Agus River, which supplies hydroelectric power to the entirety of Mindanao.¹

¹ Department of Environment and Natural Resources (2015). *Lake Lanao Watershed*. Retrieved from <https://forestry.dennr.gov.ph/inremp/lanao.html>

The Dimapatoy Watershed measures approximately 37.65 square kilometers with an elevation of 157 meters (above sea level). Located in the Municipality of Datu Odin Sinsuat (7.1407 deg. N, 124.2018 deg E),² the watershed serves as one of the main sources of drinking water supply of Cotabato City.³ Simultaneously, the watershed partly supplies to the Municipalities of Datu Odin Sinsuat and Sultan Kudarat. In addition, Cotabato City alone has a residence of more than 300,000 individuals.⁴

The Dimapatoy Conservation Area is a location which receives protection because of its recognized natural, ecological, and economic values. The protected area shall be effectively managed as a critical tool for safeguarding biodiversity in the area, maintaining eco-system balance, preserving important habitats, building resilience to climate change, providing food supply, conserving natural resources, and foremost, maintaining adequate and quality water supply.

Last October 29-31, 2022, Severe Tropical Storm Paeng (internationally known as Nalgae) brought disastrous effects not only in the landslide and flood affected areas, but also the service areas of the Metro Cotabato Water District (MCWD), covering the Cotabato City and Maguidanao areas, as water supply was disrupted for three days due to mud that coalesced with the water source. This is attributed to the lack of trees that could hold the heavy rains around the area.⁵

Republic Act No. 11054, also known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, established that the Bangsamoro Government shall have the power, authority, and right to explore, develop, and utilize the natural resources, including surface and subsurface and nonrenewable resources in the Bangsamoro Autonomous Region.

The protection, conservation, rehabilitation, and development of forests, coastal and marine resources, including the adoption of programs and projects, to ensure the maintenance of ecological balance and biodiversity, shall be given priority.

In view of the foregoing, the approval of this measure is earnestly sought.


MP BAINATAN ADIL-AMPATUAN, MNSA

² Elias, N. U. & Nuñez, O. M. (2015). *Microhabitat utilization of leaf-dwelling pholcids (Araneae: Pholcidae) in Mount Baya, Camp Abuhacar, and Dimapatoy Watershed in Mindanao, Philippines*. Retrieved from https://www.ajbils.com/sites/default/files/AsianJBIolLifeSci_4_3_189.pdf

³ Metro Cotabato Water District (n.d.). *Brief History and Background Information*. Retrieved from metrocotabatowd.gov.ph/?page_id=542

⁴ Philippine Statistics Authority (2020). *Census of Population*. Retrieved from <https://psa.gov.ph/sites/default/files/attachments/ird/pressrelease/Region%2012.xlsx>

⁵ Sarmiento, B. S. (2022). *Deadly landslides prompt Philippine president to call for tree planting*. Retrieved from <https://news.mongabay.com/2022/11/deadly-landslides-prompt-philippine-president-to-call-for-tree-planting/>

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Be it enacted by the Bangsamoro Autonomous Region in Muslim Mindanao, Bangsamoro Transition Authority (BTA) interim Parliament

Section 1. Short Title. - This Act shall be known as "*Dimapatoy Protected Area Act of 2022*".

Section 2. Declaration of Policy. - As a matter of policy, the Bangsamoro Government is empowered to declare natural resources and aquatic parks, forest, watershed reservation, and other protected areas in the Bangsamoro Autonomous Region.

The Parliament shall pass a law to establish protected areas, the procedure for the declaration and management thereof, and the role of the Bangsamoro Government and other stakeholders in the process: provided, that protected areas to be declared within the ancestral domains shall be subject to the free, prior and informed consent of the non-Moro indigenous people.

Section 3. Dimapatoy Watershed as Protected Area. - Consistent with the provisions of Section 8, Article XIII of R.A. No. 11054, the Dimapatoy Watershed in

Datu Odin Sinsuat, Maguindanao del Norte is hereby declared as Protected Area in BARMM.

Section 4. *Protective Measures.* – In accordance with this act, the following protection and preservation measures are hereby adopted:

- a) Annual tree planning inside and in the adjacent areas of the Dimapatoy Watershed shall be done by the Ministry of Environment, Natural Resources and Energy (MENRE) in collaboration with the Datu Odin Sinsuat-Local Government Units (DOS-LGU); and
- b) Deployment of forest guards in the stations at the entry and exit points of the watershed by the MENRE with the support of the DOS-LGU.

Section 5. *Prohibited Acts.* – In accordance with this Act, the following acts are strictly banned, prohibited, or disallowed:

- a) Illegal or unauthorized cutting or gathering of trees and plants of any species from the declared watershed area and its environs;
- b) Gathering and burning of dried plants and trees within the watershed area and in its surroundings;
- c) Open burning of solid waste and other disposable materials within the watershed area;
- d) Open dumping and/or burning of biodegradable and non-biodegradable materials and waste in the watershed area;
- e) Transport and dumping, in bulk, of collected domestic, industrial, and/or commercial waste in the watershed area other than centers or facilities prescribed for the purpose;
- f) Construction or operations of landfills or any waste disposal facility or groundwater reservoir in the watershed area or any portions thereof;
- g) Open dumping and/or burning of biodegradable or non-biodegradable materials in flood prone areas within the watershed;
- h) Littering, throwing, and/or dumping of waste matters in the surroundings of watershed areas along its roads, canals, parks and establishments or causing or permitting the same;
- i) Discharging or depositing any waste pollutant to the water body of the watershed or such which will impede natural flow in the water body;

- j) Discharging, injecting, or allowing entry into the soil around the watershed or anything that would pollute groundwater;
- k) Discharging regulated water pollutants without the valid required discharge permit from the appropriate agencies pursuant to this Act; and
- l) Mining and quarrying activities such as but not limited to mining of fossil fuels, metal ores, and other minerals; and quarrying of stone, sand, and clay.

Section 6. *Violations, Fines and Penalties.* - Omission of any watershed protection measures or violation of any of the prohibitions as enumerated under Sections 4 and 5 of this Act shall be meted with fines and penalties.

The penalties shall within the form of fines or imprisonment or both. The Municipal District Office of the MENRE, in close cooperation with the DOS-LGU, shall determine the offense and the corresponding penalties that shall be meted out and to be implemented by the DOS-LGU.

Any person who violates any of the provisions under Section 5, shall upon conviction, be punished by certain amount or imprisonment within certain number of days as determined by MENRE and DOS-LGU.

The Local Government of DOS shall formulate and specify the penalties and fines through the passage of municipal ordinance by the Sangguniang Bayan of DOS municipality.

Section 7. *Separability Clause.* - In case any provision hereof is declared void and unconstitutional, the other provisions not so declared and affected by such declaration shall remain in force and effect.

Section 8. *Repealing Clause.* - All laws and executive orders which are inconsistent with the provision of this Act are hereby repealed or amended accordingly.

Section 9. *Effectivity.* - This Act shall take effect after fifteen (15) days following its complete publication in at least one (1) local newspaper of general circulation in the Bangsamoro Autonomous Region.

Adopted,


MP ENGR. BAJANTAN ADIL-AMPATUAN, MNSA
Author