

TERMINAL REPORT
on the
IMPLEMENTATION
of the
BARANGAY FOREST PROTECTION AND
MANAGEMENT SCHEMES PROJECT
in New Bataan, Compostela Valley Province



Prepared and Submitted by
Paglilingkod Batas Pangkapatiran Foundation, Incorporated
New Bataan Service Provider

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INTRODUCTION

The Municipality of New Bataan is composed of fourteen (14) barangays. However, the project as designed only covers four (4) barangays; namely, San Roque, Cabinuangan (Poblacion), Andap and Fatima. In 2004, as the various program intervention of the Upland Development Programme in Southern Mindanao were downloaded in the municipality, the Certificate of Ancestral Domain Title (CADT) was awarded to the Mandaya-Mansaka Tribes that covers 84% of the entire land area of the municipality. Of the UDP-assisted barangays, Cabinuangan and Andap were entirely included in the delineated CADT. While a substantial portion (91%) of the land area of Barangay San Roque also forms part of the CADT and a small portion of Barangay Fatima was likewise covered by the said tenurial instrument.



A small Mandaya Village in Sitio Manurigao, Andap who for several centuries since the time of their ancestors find their subsistence from forest resources.

Prior to the implementation of the BFPMS project, the Mandaya-Mansaka CADT-holders were already in the process of formulating their Land Use Plans as a take off point for the formulation of their Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). In terms of

significant legislatures, the state through the 1987 Constitution, “*recognizes and promotes the rights of the indigenous cultural communities within the framework of national unity and development*” (sec. 22, Art. II). At the same time “*recognize, respect, and protect the rights of the indigenous cultural communities to preserve and develop their cultures, traditions, and institutions...*” (sec. 17, Art. XIV). The inclusion of these provisions in the constitution provide the legal mandate to enact the Indigenous Peoples Rights Act of 1997 (IPRA) which enumerates the various fundamental rights of IPs.

Considering that the project sites are within the ancestral domains of the indigenous peoples occupying the said areas, property rights over these lands are already recognize by virtue of the above mentioned legislation. It likewise articulated that the *management, protection, conservation and utilization of resources* within their ancestral domain is both a right and responsibility of the IP communities concern.

It is within this legal framework that the mechanisms of the project implementation was redesigned, thereby, mobilizing substantial participation of the IP communities in firming up plans to protect and manage the remaining forests aside from the Barangay Councils of the identified barangays. Subsequently, the processes undertaken by the project fully complement to the entire ADSDPP formulation activities. PBPF as a service institution is also the assisting NGO of the IP communities of New Bataan in coming up with their ADSDPP in accordance to the guidelines set forth by NCIP.

BRIEF BIOPHYSICAL PROFILE OF THE PROJECT SITES

Aside from the four (4) barangays identified by UDP, the project implementation covered entirely the CADT areas within the administrative boundary of New Bataan. measuring about 46,403.359 hectares. The inclusion of the areas within the CADT other than the four (4) UDP-assisted barangays was intentionally done as agreed upon by the concerned barangay councils and the Municipal LGU.



One of the thousands of Almaciga timber stand that are naturally grown in forestlands of Andap.

a. Land Area

Total land area of the barangays identified by UDP as a planning unit of the Barangay Forest Protection and Management is about 34,666.578 hectares representing 63% of the total land area of New Bataan. With decision to cover the entire CADT areas in the municipality, the planning unit area expanded to 86% of the municipality's total land area.

AREA	NON-CADT	CADT	TOTAL
Andap	-	25,345.653	25,345.653
Cabinuangan	35.027	2,962.705	2,997.732
Fatima	714.67	120.748	835.418
San Roque	383.366	5,104.409	5487.775
Other Areas	-	12,869.845	12,869.845
TOTAL	1,133.063	46,403.359	47,536.422
	2%	84%	86%

b. Forest Cover

Forest cover of the planning unit for the BFPMS measures 29,145.54 hectares or 53% of the total land area of the municipality. Sixty nine percent (69%) is an open canopy forests while close canopy forest is only 31% of the total forest cover. Meanwhile, 35% of the total forest cover are mossy forests which can be found within the mountain ranges of Sitio Manurigao, Barangay Andap. Of the UDP-assisted barangays, heavily forested barangays are Andap and San Roque. Barangay Fatima and Cabinuangan had patches of plantation forests with very few timber stand.

AREA	OPEN CANOPY	CLOSE CANOPY	TOTAL
Andap	6,776.853	7,645.195	14,422.048
Cabinuangan	-	-	-
Fatima	-	-	-
San Roque	2,822.97	1009.39	3832.36
Other Areas	10,494.517	400.215	10,894.732
TOTAL	20,094.74	9,054.8	29,145.54
	36%	17%	53%

c. Hydrology

There are four (4) major watershed divides¹ that define its various water catchments. These are Cateel River in the north, Caraga River in the southern portion, Manurigao River in the East and Agusan River in the West. Cateel River watershed divide is part of the proclaimed Cateel Watershed which stretches out up to Davao Oriental. Manurigao and Caraga watershed divide are part of Manay-Caraga Cluster Watershed.



Maa River whose headwaters flows from a mossy forests in Barangay Andap with an elevation of 2000 masl and traverses downstream across the poblacion center.

NARRATIVE OF THE PROJECT IMPLEMENTATION

A. Preparatory Activities (February to March 2006)



Coordination meeting with Mayor Cualing and Datu Daniel Pagantupan, IP sectoral representative in the SB for the implementation of the BFPMS project in New Bataan.

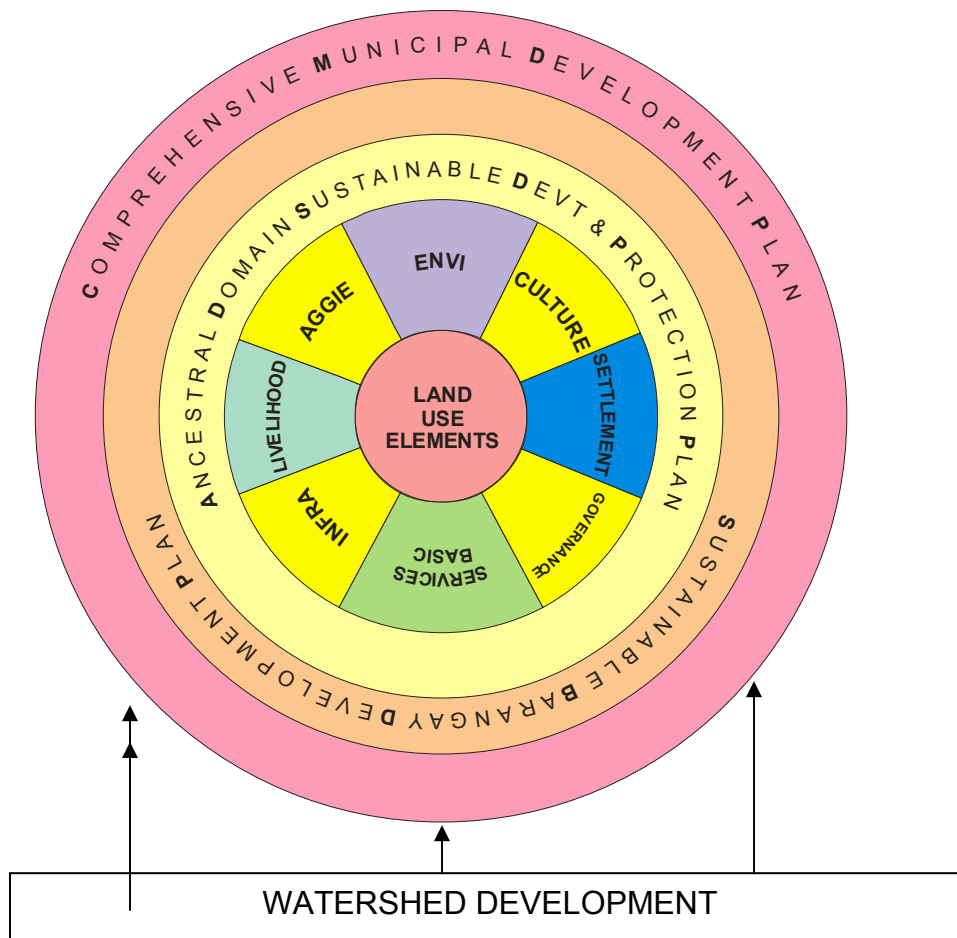
Institutional arrangements such as consultations and preparatory meetings with IP leaders and the Barangay Councils of the covered barangays commenced in February 2006. However, on the part of the IP communities, discussions were already held sometime in December 2005 after signifying our intent to implement the project and the confirmation of UDP through its Environment Coordinator that they will get our services as service provider. With the concurrence of the concerned

Barangay Council that the project be interfaced in the whole ADSDPP formulation framework and eventually formalized during the meeting with the UDP's Co-Directors on March 2006 in New Bataan, the actual project implementation started. However, the implementation was delayed due to some procedural matters that UDP and the LGU have to respond for the downloading of the TAMA

¹ Please see attached map in the annex page

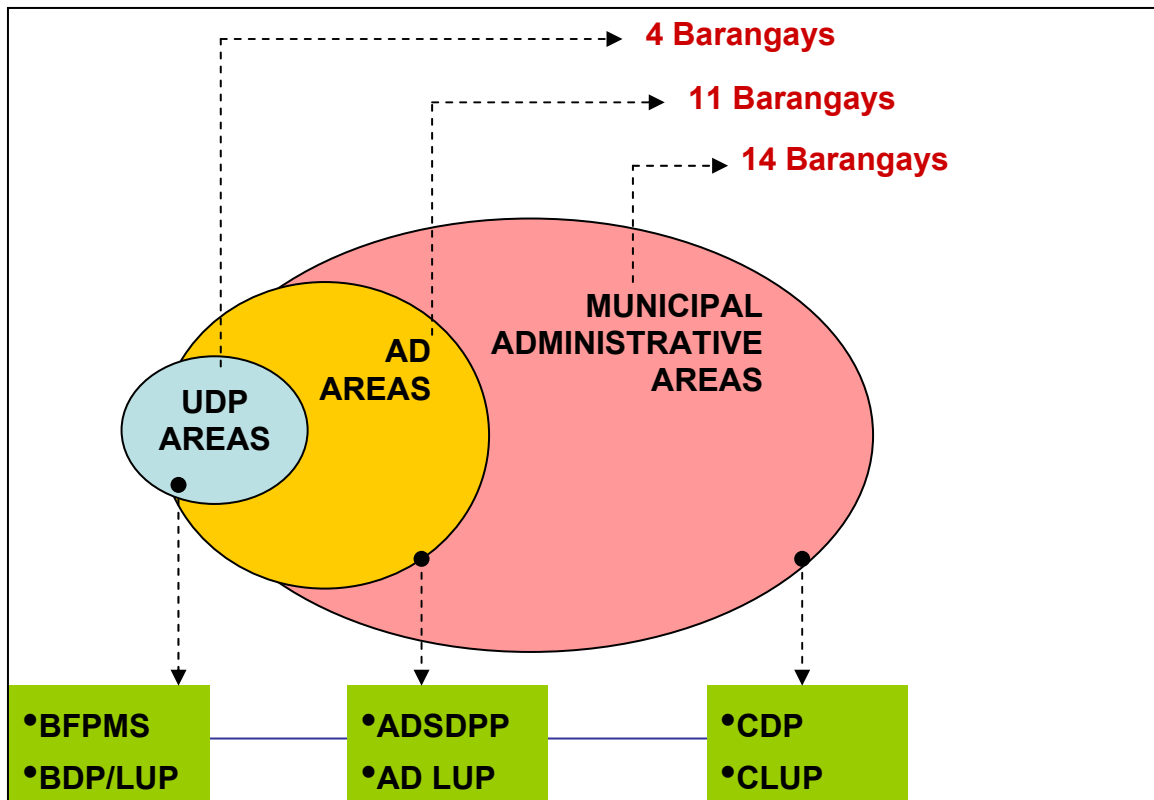
funds to support the activities of the project. Funds were downloaded only in April 2006.

B. The Implementing Framework



The development planning in the area should take off from looking into land use elements. Land use elements consider factors related to environment, agricultural practices and potentials, culture, livelihood options, basic services, settlement needs and infrastructure requirements. In summary, this become the main hub of the entire planning wheel. The inter-phasing strategy is aimed to harmonize and deliver the various management plans intended to be formulated such as Barangay Forest Protection and Management Schemes and Land Use based Barangay Development Plan for UDP assisted- barangays, ADSDPP for the IP communities within the delineated CADT and Comprehensive Plan for the LGU. The framework likewise ensures optimum maximization of resources being pulled together to deliver the plans appropriate to concern stakeholders. However, all plans to be formulated should be firmed up within the framework of Watershed Development.

C. The Planning Units



D. Implementation Proper (April to June 2006)

a. Identification of Protection Areas

In the barangay level, a Barangay Forest Protection Committee (BFPC)² was organized together with the concerned Barangay Council. The committee is headed by the Barangay Captain with selected barangay councils, BDC members, IP leaders and UBA leaders as committee members. On the other hand, the Community Working Group for the formulation of the ADSDPP is the IPs counterpart who are both tasked to identify proposed protection areas. Identification of these areas were based on the Propose Land Use that was validated by the IP communities as CADT-holders and likewise concurred by the Barangay Council and the BFPC in the succeeding processes.

² Please see List of members per barangays in attached annexes to this report

As reflected in the validated Land Use, the following Protection and Conservation Areas were identified:

a.1. Protection Forest and Headwaters

These are forest covers situated within critical slopes (above 50%) and elevation of more than 1000 masl. On the other hand, these areas also include headwaters of river tributaries to major river systems in the municipality such as Cateel River in the north, Manurigao River in the east, Agusan River in the west and Caraga River in the South. These cover an area of about 24,968.529 hectares covering the mountain ranges of Kinayan and Kumaykay in Barangays San Roque and Kahayag, Tubod and White Peak in Andap. There are about 17 headwaters³ covered.

Protection Forest

LOCATION	AREA (has)	PERCENTAGE over Land Area
Andap	15, 742.277	63%
Cabinuangan	-	
San Roque	2,009.615	8%
Fatima	-	
Kahayag	922.253	4%
Pagsabangan	728.597	3%
Cagan Valley	4541.012	18%
Davao Oriental	1024.722	4%
TOTAL	24,968.529	100%

Looking at the table above, 71% of the Protected Area is within the UDP-assisted barangays (Andap and San Roque). The biggest area is in Barangay Andap (63%).

a.2. Community Watershed Areas

There about four Community Watershed Areas⁴ being established. The Mapaso Watershed in Barangay San Roque (381.218 has.), Sarmiento Watershed in Cabinuangan (245.716 has.), Fatima Watershed in Fatima (337.346 has.) and Callawan Watershed (492.381 has.) which is situated within borders of Fatima, Cabinuangan and Camanlangan. A joint ordinance of the three barangays mentioned where the said watershed is situated is being finalized for its formal declaration and management.

Community Watershed Areas

LOCATION	AREA (has)	PERCENTAGE
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³ Please see attached list and map in the annex page

⁴ Please see attached map in the annex page

		over Land Area
Fatima	337.346	35%
Cabinuangan	245.716	25%
San Roque	381.218	40%
TOTAL	964.28	100%

b. Delineation of the Protection Areas

A GIS Team was tasked to conduct perimeter survey of the identified protection areas. However, during the actual delineation, community members and barangay council members were also present in the conduct of the survey. Perimeter survey was only done within the identified community watershed areas. As to protection forests, only GPS positions of major headwaters of river tributaries were taken including top peaks and gullies that serve as natural landmarks considering its budget limitation. The resources at hand including allotted by the LGU and PBPB aside from the TAMA funds can cope up the needed perimeter survey considering the topographic situation of the areas and vegetative conditions. Considering the area to be surveyed, substantial amount is needed to complete the perimeter points.

c. Community Validation and Approval of the Protection Areas



Members of the IP community shared their views to finalize their community rules for the establishment of a Protection Forest within their ancestral domain.

Protection Forest which entirely within the titled ancestral domain of the IP communities of New Bataan were presented in all affected IP settlements, clans who have possessions of lands within the identified areas. The validated protection forest areas were incorporated in their Land Use and Community Rules on Environmental Protection and Management. Since, identification of protection

forests is a right and main task of the IP communities as enshrined in IPRA, the concern Barangay Councils shall only identify concrete mechanisms to support the IP declaration. Consequently, the concerned Barangay Councils concurred the protection forest declaration of the IP communities.

As to the proclaimed watershed areas of the concerned barangays, landowners within the delineated areas were invited and consulted prior to

its final inclusion in the Barangay Land Use policies. Objectives of establishing a watershed were explained and openly accepted by the landowners concerned.

d. Forest Protection Policies and Management Schemes

d.1. Policy Formulation

Remaining forest cover in New Bataan falls within two governance structures to govern. There is the Local Government Units (from barangay to the municipal level) who by virtue of the Local Government Code through its general welfare clause are mandated to promote a balance ecology in their respective administrative areas. One the other, the IP Communities through its Tribal Councils, as part of the self-governance provision of IPRA has the right to manage, protect and conserve the natural environment within their ancestral domains.

It is in this legal context that both the LGU and IP leadership agreed on certain terms as to protection policies to be formulated. Protection Forest policies is mainly formulated by the IP communities as part of their sets of community rules to be incorporated to their ADSDPP. Thus, policies providing legal basis to the proclamation of the Protection Forests and Headwaters shall emanate from the community rules agreed upon by the IP communities. In support to this, the concern barangay councils shall initially enact Resolution supporting the IP declaration adapting the outlined policy guidelines in terms of management and protection. Legal sanctions and penalties shall be based on the IP community rules since under existing national legislature can impose higher sanctions than the barangay as the lowest unit of Local governance.

Furthermore, policies pushing for the proclamation of protected community watershed areas are the main task of the barangay councils through enactment of Barangay Ordinances.

d.2. Forest Management Schemes

1. Covenant for the Forest – this will be signed by settlers/ IP communities in the uplands (within and adjacent the forest) to manifest their support to forest protection and ensure soil and water conservation mechanisms within their upland farms.
2. Co-Management Agreement for the Protection and Management of the Forest – this agreement shall be executed by the CADT-holders, DENR, LGU and NCIP. This agreement shall give legitimacy to the management of the forest by the IP with technical support from LGU and DENR.

RECOMMENDATIONS

As a follow through mechanisms to be installed in the succeeding months, the following major activities and milestones are to be done:

1. Mobilize resources to formulate a comprehensive management plan and zoning of the identified Protection Forests and Headwaters including provision for the ground survey of its perimeter or boundary lines.
2. Conduct Watershed Management Planning for the identified community watersheds. On the other hand, a Farm Planning sessions among farmers/ landowners within the delineated areas to ensure sustainable mechanisms for soil and water conservation alternatives.
3. Conduct Biodiversity Assessment within the Forest and Agro Ecosystems. This study could very well complement in strengthening the approaches and framework of the Diversified Farming Systems installed in the area as a mechanisms to improve the biodiversity of the agro-ecosystems.

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