

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 432

INTRODUCED BY: **REP. LEOVIGILDO B. BANAAG**
1st District, Agusan del Norte

EXPLANATORY NOTE

This is a refiled bill from H.B. 5532 during the 12th Congress, authored by this Representation and former Rep. Edelmiro A. Amante.

The 1987 Constitution provides: "*The exploration, development and utilization of natural resources shall be under the full control and supervision of the State*" (Par.1, Sec.2, Art. XII).

Pursuant thereto, the National Integrated Protected Areas System Act of 1992 (NIPAS Law) implements the said Constitutional provision, thus: "*Towards this end, there is hereby established a National Integrated Protected Areas System which shall encompass outstanding remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetlands or marine, all of which shall be designated as 'protected areas'*".

Conformably with the above, this bill seeks the establishment of the Mt. Hilong-Hilong Range as a Protected Landscape under the NIPAS Law, in view of the following factors:

First, it is the headwater of four (4) major river systems in the Agusan Provinces namely: (1) the Taguibo River in Butuan City; (2) the Wawa River in Sibagat, Agusan del Sur; (3) the Cabadbaran River and Santiago River in Agusan del Norte;

Second, it is a proclaimed watershed forest reserve;

Third, it is a nesting place of the endangered Philippine Eagle, the habitat of bats in natural caves, and likewise, site of other wildlife, flora and fauna;

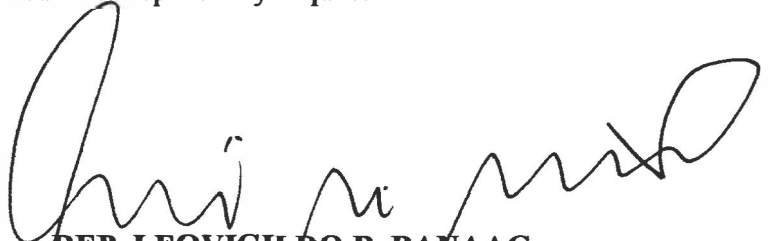
Fourth, it is a natural ecotourism site, with virgin forests, and waterfalls, that need be protected and preserved for posterity;

Fifth, it is the abode and source of livelihood of indigenous people;

Sixth, it is a wind-swept area having an elevation of 3,500 to 5,000 feet above sea level, and compatible to the establishment of environment-friendly windmill installations.

Wherefore, the establishment of the Mt. Hilong-Hilong Range as a Protected Landscape will help ensure bio-diversity protection and conservation of this "altitude area" which is vital to the lives of more than 600,000 inhabitants of Butuan City and Agusan del Norte.

Hence, the immediate approval of this measure is respectfully requested.



REP. LEOVIGILDO B. BANAAG
1st District, Agusan del Norte
(Butuan City – Las Nieves)

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HOUSE BILL NO. 432

INTRODUCED BY:

REP. LEOVIGILDO B. BANAAG, 1st District, Agusan del Norte

AN ACT ESTABLISHING THE *MT. HILONG-HILONG RANGE* SITUATED IN THE *CITY OF BUTUAN*, AND IN THE *MUNICIPALITIES OF REMEDIOS T. ROMUALDEZ, CABADBARAN, AND SANTIAGO* IN *AGUSAN DEL NORTE*, AS A *PROTECTED LANDSCAPE* UNDER THE *NATIONAL INTEGRATED PROTECTED AREAS SYSTEM*

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

SECTION 1. *Title of the Act.* This Act shall be known as the “Mt. Hilong-Hilong Protected Landscape Act of 2004”

SECTION 2. *Declaration of Policy.* Pursuant to Republic Act 7586, it is hereby declared the policy of the State to regulate the utilization of wildlife resources (flora and fauna) and other resources found therein, culture and indigenous knowledge, historical sites, ensure the continuity of endangered, threatened and rare species, towards the end of conserving, protecting and preserving the scenic, cultural, historical features of the Mt. Hilong-Hilong Range, including the diverse terrestrial ecosystem thereof for the benefit of its people of the present and future generations.

SECTION 3. *Definition of Terms.* For purposes of this Act, the following terms shall be defined as follows:

- a. “*Protected Area Management Board*” is the site-based decision-making body responsible in the planning, resource protection and general administration of the area in accordance with the approved management plan;
- b. “*General Management Plan*” refers to the basic long term framework plan in the management of the protected area and as guide in the preparation of the annual operations plans and budget;

- b. *"General Management Plan"* refers to the basic long term framework plan in the management of the protected area and as guide in the preparation of the annual operations plans and budget;
- c. *"Management Manual"* contains an individual management plan, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area, and a design of the management programs;
- d. *"General Management Planning Strategy"* serve as guide in the formulation of site specific management plans, including buffer zones;
- e. *"Integrated Protected Area Fund"* is a trust fund established for purposes of financing projects of the system;
- f. *"Indigenous People"* refers to people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have since time immemorial occupied possessed and utilized a territory;
- g. *"Temured Migrants"* refers to any person who has actually and continuously occupied an area for five (5) years prior to the designation of the same as protected areas in accordance with the NIPAS and are solely dependent therein for subsistence;
- h. *"Protected Area Superintendent"* is the Chief Operating DENR Officer at the protected area;
- i. *"Natural Monument / Landmark"* is a relatively small area focused on protection of small features to protect or preserve nationally significant natural and historical features on account of their special interest or unique characteristics;
- j. *"Buffer Zone"* are identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 that need special development control in order to avoid or minimize harm to the protected area;
- k. *"Endangered (E) Species"*, species and subspecies of wildlife whose populations are in danger of extinction and whose survival is unlikely if the casual factors continue operation;
- l. *"Non-Government Organization"* shall refer to any civic development or philanthropic organization which is multi-sectoral in character;
- m. *"Protected Area"* refers to identified positions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;
- n. *"Biological Diversity"* refers to the variety and variability among living organisms and the ecological complexes in which said organisms occur.

- o. *“Biological Resources”* refers to living natural resources, including microorganisms, plants and animals, plus the environmental resources to which the species contribute.

SECTION 4. Scope. The boundaries of the Mt. Hilong-Hilong Range Protected Landscape Area are as follows:

As shown in the Forest Management Bureau Map No. WR 120A, more particularly described as follows:

Beginning at point “1” on the map, a point designated as corner 1 located at the top of the ridge with latitude $C9^{\circ} 01'27.04''$ and longitude $125^{\circ} 38'54.56''$ being Due North, 1,000 meters from the junction of Iyao Creek and Taguibo River;

Thence $N 25^{\circ} 00' E$, 1,050 meters to corner 2, a point on top of ridge;

Thence $N 71^{\circ} 00' E$, 500 meters to corner 3, a point on top of ridge;

Thence $S 77^{\circ} 00' E$, 875 meters to corner 4, a point on top of ridge;

Thence $N 23^{\circ} 00' E$, 300 meters to corner 5, a point on top of ridge;

Thence $N 44^{\circ} 00' E$, 500 meters to corner 6, a point on top of ridge;

Thence $N 27^{\circ} 30' E$, 550 meters to corner 7, a point on top of ridge;

Thence $N 62^{\circ} 00' E$, 650 meters to corner 8, a point on top of ridge;

Thence $N 25^{\circ} 00' E$, 650 meters to corner 9, a point on top of ridge;

Thence $N 23^{\circ} 00' W$, 650 meters to corner 10, a point on top of ridge;

Thence $N 50^{\circ} 00' E$, 625 meters to corner 11, a point on top of ridge;

Thence $N 06^{\circ} 00' W$, 650 meters to corner 12, a point on top of ridge;

Thence $N 56^{\circ} 00' E$, 775 meters to corner 13, a point on top of ridge;

Thence $N 78^{\circ} 00' E$, 875 meters to corner 14, a point on top of ridge;

Thence $N 15^{\circ} 00' E$, 1,200 meters to corner 15, a point on top of ridge;

Thence $N 07^{\circ} 00' E$, 475 meters to corner 16, a point on top of ridge;

Thence $N 03^{\circ} 00' E$, 1,025 meters to corner 17, a point at the peak of Mt. Hilong-Hilong, elevation 2,012 meters;

Thence N 85° 00' E, 500 meters to corner 18, a point on top of ridge;
Thence S 67° 00' E, 400 meters to corner 19, a point on top of ridge;
Thence N 50° 00' E, 600 meters to corner 20, a point on top of ridge;
Thence S 56° 00' E, 400 meters to corner 21, a point on top of ridge;
Thence S 09° 00' W, 1,275 meters to corner 22, a point on top of ridge;
Thence S 20° 30' W, 475 meters to corner 23, a point on top of ridge;
Thence S 40° 30' E, 450 meters to corner 24, a point on top of ridge;
Thence S 72° 00' E, 350 meters to corner 25, a point on top of ridge;
Thence S 31° 00' E, 250 meters to corner 26, a point on top of ridge;
Thence S 28° 00' W, 225 meters to corner 27, a point on top of ridge;
Thence S 06° 45' W, 1,050 meters to corner 28, a point on top of ridge;
Thence S 30° 30' W, 350 meters to corner 29, a point on top of ridge;
Thence S 06° 00' E, 300 meters to corner 30, a point on top of ridge;
Thence S 50° 00' W, 350 meters to corner 31, a point on top of ridge;
Thence S 73° 00' E, 375 meters to corner 32, a point on top of ridge;
Thence Due South, 450 meters to corner 33, a point on top of ridge;
Thence S 32° 00' E, 650 meters to corner 34, a point on top of ridge;
Thence S 08° 00' W, 550 meters to corner 35, a point on top of ridge;
Thence S 43° 00' E, 450 meters to corner 36, a point on top of ridge;
Thence S 40° 00' W, 1,900 meters to corner 37, a point on top of ridge;
Thence N 82° 00' W, 550 meters to corner 38, a point on top of ridge;
Thence S 18° 30' W, 1,100 meters to corner 39, a point on top of ridge;
Thence S 44° 00' E, 425 meters to corner 40, a point on top of ridge;
Thence Due South, 450 meters to corner 41, a point on top of ridge;

Thence S 86° 00' W, 475 meters to corner 42, a point on top of ridge;

Thence S 59° 00' W, 600 meters to corner 43, a point on top of ridge;

Thence S 84° 00' W, 1,350 meters to corner 44, a point on top of ridge;

Thence S 24° 00' W, 500 meters to corner 45, a point on top of ridge;

Thence S 37° 00' W, 1,200 meters to corner 46, a point on top of ridge;

Thence N 48° 00' W, 550 meters to corner 47, a point on top of ridge;

Thence S 63° 00' W, 475 meters to corner 48, a point on top of ridge;

Thence N 60° 00' W, 1,200 meters to corner 49, a point on top of ridge;

Thence N 31° 00' W, 1,000 meters to corner 50, a point on top of ridge;

Thence N 17° 00' W, 450 meters to corner 51, a point on top of ridge;

Thence S 82° 00' E, 175 meters to corner 52, a point on the ground;

Thence N 34° 00' E, 200 meters to corner 53, a point on the ground;

Thence S 88° 00' E, 150 meters to corner 54, a point on the ground;

Thence N 21° 00' E, 300 meters to corner 55, a point on the ground;

Thence N 82° 30' E, 325 meters to corner 56, a point on the bank of the river;

Thence N 07° 30' W, 100 meters to corner 57, a point on the ground;

Thence N 67° 00' W, 250 meters to corner 58, a point on the ground;

Thence N 52° 00' W, 125 meters to corner 59, a point on the ground;

Thence S 61° 30' W, 200 meters to corner 60, a point on the ground;

Thence S 64° 00' W, 130 meters to corner 61, a point on the ground;

Thence S 85° 30' W, 500 meters to corner 62, a point on the bank of the river, junction of Iyao Creek and Taguibo River;

Thence Due North, 1000 meters to corner 1, the point of beginning, containing an area of FOUR THOUSAND THREE HUNDRED SIXTY SEVEN AND 44/100 (P4,367.44) hectares, more or less.

These areas shall be under the administrative jurisdiction of the DENR and shall be administered in accordance with the provisions of the NIPAS Act of 1992.

SECTION 5. *Control and Supervision.* The DENR shall be the lead agency to implement the provisions of this Act through the Protected Area Management Board (PAMB). The LGUs, OGAs and NGOs joint participation is through their membership in the PAMB.

SECTION 6. *Management of the Protected Area.* There shall be a Protected Area Management Board which shall have sole jurisdiction, power and authority, such as but not limited to, policy making and permit granting, over the protected area for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

1. The Regional Executive Director for Region XIII of the DENR or his/her duly designated representative as Chair;
2. The City Mayor of Butuan City, and the Provincial Governor of Agusan del Norte, within the protected area or his/her duly designated representative, as Members;
3. The Presidents of the Liga ng Mga Barangay of the City of Butuan and the Province of Agusan del Norte, as Members;
4. One (1) representative from each tribal community, as Members;
5. Maximum of three (3) representatives from Peoples Organizations and NGO's, as Members;
6. The Tourism Officers of said LGU's, as Members;
7. Representatives from government agencies involved in the protected area management, as Members;
8. The Protected Area Superintendent, as Ex-Officio Member;
9. Representatives from the water districts of the LGU's concerned, as Members;
10. The respective Congressmen of the LGU's concerned, or their representatives, as Ex-Officio Advisors.

In the selection of people's and non-government organizations representatives, preference shall be accorded to those organizations that are involved in the conservation and protection of the protected area and in the field of development work. The representation of non-government and people's organizations shall be institutional and shall endeavor to achieve geographic balance.

Every member of the Protected Area Management Board shall serve for a term of three (3) years subject however to the elected office held, government employment and/or official designation

of the local government unit, national agency or people's organization or non-government organization Representation in the Protected Area Management Board shall, as much as practicable, ensure sufficient representation of stakeholders interests.

Representation of the local government units and national agencies in the Protected Area Management Board shall include the duty of appraising their respective constituents, office or sector, ensuring consistency between this Act, the Local Government Code, other relevant statutes and ordinances, local and national development plans and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the Protected Area Management Board may provide. Conflicts arising out of jurisdiction, powers and functions, provision between this Act, ordinances, implementing rules, management plans and other statutes shall be harmonized. The local government units and national agencies are mandated to resolve such conflicts within the Protected Area Management Board. If a conflict between the LGU, national agencies and the protected area management objectives remain unresolved with the PAMB, it shall be resolved through mediation. Any conflict arising therefrom shall be resolved towards achieving the rationale and spirit of this Act.

Members of the PAMB shall represent his or her sector and shall be deemed to carry the vote of such sector unless challenged in writing five (5) days after the decision being challenged is made known to the members of the sector through the provisions of written information.

The PAMB for Mt. Hilong-Hilong Range shall have the following powers and functions:

1. Issue all rules and regulations to prohibit acts that may be prejudicial to the protected area and the policy declaration herein set forth as well as established criteria; and set fees for the issuance of permits for activities regulated by this Act or in the Management Plan;
2. Issue rules and regulations for the resolution of conflict through appropriate culturally sensitive and effective means;
3. Adopt rules and procedures for the conduct of business, including the creation of committees to whom its powers may be delegated;
4. Approve the management plan and oversee the office of the PASu;
5. Deputize appropriate individuals for the enforcement of the laws, rules and regulations governing conduct or management of the protected area;
6. Approve proposals for funding, budget allocations and exercise responsibility over all funds that may accrue to the Mt. Hilong-Hilong Range.

The DENR through the Regional Executive Director (RED) shall exercise the authority to oversee the PAMB to ensure that is acting within the scope of its powers and functions. In case of a conflict between administrative orders issued by the DENR pursuant to the NIPAS Act for national application and the rules and regulations issued by PAMB, the PAMB shall notify the Secretary of the DENR who shall decide whether to apply the rule or withdraw it. The decision of the Secretary shall be guided by a preference to local initiatives and specific policies enacted by the PAMB. The decision

of the Secretary shall be appealable to the Regional Trial Court having jurisdiction over the protected area.

The Protected Area Superintendent (PASu) shall prepare the management plan in consultation with the appropriate offices of the Department of Environment and Natural Resources (DENR) and local authorities, professionals or experts, who may donate their services including but not limited to people's organizations, non-government organizations, local government agencies. The Management Plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary of the DENR. Such certification is mandatory if the plan conforms to all laws, rules and regulations issued by the DENR of national application. In no case shall the DENR be allowed to revise or modify management plan without prior consultation with the PAMB.

Within one year from the effectivity of this Act, a Management Plan shall be put into effect following the General Management Planning Strategy provided under the National Integrated Protected Area Systems (NIPAS) Act and according to the procedure herein set forth. It shall contain, among others, the following:

- a. the category of the protected area;
- b. period of applicability of the plan;
- c. key management issues;
- d. goals and objectives of management in support of Section 2 hereof;
- e. site management strategy;
- f. major management activities such as but not limited to enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;
- g. zoning; and
- h. Visitor management programs.

The PASu in coordination with all concerned offices shall prepare all successor plans. One year before the expiration of the period of applicability of the plan effect, the PASu shall cause publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the city, provincial, municipal and barangay hall and in three other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interest party. A finalized plan shall be made available for public comment at the office of the PASu upon its approval by PAMB.

The zoning of the protected area shall give primary consideration for the traditional zones used and recognized by the tribal communities and other tenured migrants unless such uses are deemed detrimental to bio-diversity and the protection of the natural characteristics of the protected area.

The plan shall be in a language understandable in the area, plainly written and available for comments to the general public at the PASu office.

SECTION 7. *Special Prosecution.* Within 30 days from the effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom all cases of violation of laws, rules and regulations in the protected area shall be assigned. Such Special Prosecutor shall coordinate with

the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedures.

SECTION 8. *Integrated Protected Area Fund (IPAF).* The Integrated Protected Area Fund set up under Republic Act 7586 shall include the following sources:

1. Taxes for the permitted sale and export of flora and fauna and other resources;
2. Proceeds from the lease of multiple use areas, including tourism concessions;
3. Contributions from industries and facilities directly benefiting from the protected area;
4. Fines and fees, including protected area entry fees collected and derived from operation of the protected area;
5. Contributions, donations, endowments and grants from any source; and
6. Such other revenues as may be derived from the operation of the protected area.

Seventy five (75%) percent of all income derived from the above sources shall be deposited at the Special Trust Fund of the Mt. Hilong-Hilong Range under Sub-Fund Code 401-028 and Twenty five (25%) percent shall be deposited at the Central IPAF under Fund code 401. The sub-fund shall be under the control and discretion of the PAMB. IPAF collections are exempted from being deposited to the National Treasury.

SECTION 9. *Existing Facilities Within Protected Area.* Within 60 days from the effectivity of this Act, major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipments, irrigation facilities existing within the boundaries of the protected area shall submit project description to the PAMB through the PASU.

The PAMB, with the help of DENR, shall determine whether the existence of such facility and its future plan and operations will be detrimental to the protected area or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of P5,000.00 for every violation. Upon reaching a total fine of P500,000.00, the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the protected area may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the Integrated Protected Area Fund (IPAF).

SECTION 10. *Utilization of Non-renewable Resources.* Any exploitation and utilization of non-renewable resources within the Protected Area shall be allowed only through PAMB approval and said activities shall be subjected to the Environmental Impact Assessment (EIA) System.

SECTION 11. *Indigenous People's Rights.* Ancestral domain and other customary rights and interests of indigenous communities within Mt. Hilong-Hilong Range shall be accorded due recognition. The preservation of ancestral domain and customary rights shall be considered as one of the management objectives.

The Protected Area staff shall be tasked to locate any indigenous cultural communities that may exist or near the site, which is identifiable, by the tribal leaders.

The evaluation of ancestral domain claims within protected areas shall be conducted by the PAMB in coordination with the indigenous community affairs of the DENR and other concerned groups in accordance with the procedures set forth in DAO 61 series of 1991 with any of the following evidences as proof of ancestral domain claims:

1. tax declaration and proof of payment of taxes;
2. Survey plans and/or sketch maps;
3. Spanish documents;
4. Historical accounts;
5. Ancient documents;
6. Burial grounds or pictures thereof;
7. Anthropological data;
8. Written records of customs and traditions;
9. Old improvements such as planted tress, stone walls, and rice fields. Water systems, orchards, farms, monuments, houses and other old structures, or pictures thereof;
10. Written and oral testimonies of living witnesses under oath;
11. Traditional structures of indigenous social and government systems, with names of recognized leaders;
12. Religious sites and/or artifacts in the area;
13. Other documents attesting directly or indirectly to the long terms occupation of the area that show possession since time immemorial, or through their predecessor-in-interest in the concept of owners and in accordance with their customs and traditions; and
14. Other criteria that may be promulgated by the PAMB duly approved by the Secretary.

SECTION 12. *Tenured Migrants and Private Rights.* Tenured migrants shall be eligible to become stewards of portions of lands within the allowed and designated zones. The PAMB shall identify, verify and review all tenure instruments, land claims and issuances of permits for resource use within the protected area and recommend the issuance of the appropriate tenure instrument consistent with the land classification, proper and allowed use of resources found therein and zoning provided in the management of successor plans.

Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants. If, however, areas occupied by tenured migrants are designated as zones in which no occupations or other activities are allowed pursuant to the attainment of sustainable development, provision for their transfer to multiple use zones or buffer zones shall be accomplished through just and humane means.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

All private rights within the protected area shall be protected in accordance with the existing law.

SECTION 13. *Prohibited Acts.* The following shall be the prohibitions and penalties applicable to the protected area:

1. The penalties and qualifications prescribed in Art. 309 and 310 of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed on any person who:
 - a. Hunts, takes, destroys, disturbs or possesses any wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom, within particularly identified regulated or prohibited areas or zones in the protected area including private lands without the necessary protected area permit, authorization or exemption, as issued or promulgated by the PAMB;
 - b. Cuts, gathers, removes or collects timber or any forest products, within particularly identified regulated or prohibited areas or zones in the protected area including private lands without the necessary protected area permit, authorization or exemption, as issued or promulgated by the PAMB;
 - c. Possesses outside the protected area any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the PAMB or products derived therefrom which is ascertained to have been taken from the protected area. It shall be presumed to have been taken from the protected area if the subject plants, animals, flora or fauna is found in possession of person or conveyances that has traveled to the protected area in the past seventy-two (72) hours;
 - d. Engages in mineral exploration or extraction, in whatever scale, within the protected area without the necessary protected area permit or authorization from the PAMB;
 - e. Engages in quarrying of sand, gravel, guano, limestone or any material within the protected area without an environmental clearance certificate duly issued by the DENR and authenticated by the PAMB;
 - f. Hunts, collects, removes or destroys endangered or protected species, except when collection or removal is for scientific research and is exempted from the prohibition by the PAMB.
2. A fine of not less than P5,000.00 but not more than P250,000.00 and/or imprisonment of not less than one (1) year nor more than five (5) years and the restoration and rehabilitation of the damage shall be imposed on any person who destroys or defaces for no useful purpose any natural formation within the protected area, Provided; that a useful purpose of that which is in the management plan or is approved as such by the PAMB prior to the commission of the act.
3. A fine of not less than P5,000.00 but not more than P250,000.00 and/or imprisonment of not less than one (1) year nor more than five (5) years shall be imposed upon any public officer, prosecutor or officer of the law who, in dereliction of the duties of his office, shall, without legal justification, refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be subject to immediate administrative confiscation, independent of the judicial proceedings by the Protected Area Superintendent Office upon apprehension, subject however to due process and substantial evidence. When legal action is however filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall, independent of the administrative proceedings, shall not be released until after a judgment. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the Integrated Protected Area Fund. Procedure for the sale thereof shall be promulgated by the PAMB.

SECTION 14. *Appropriations.* The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act in the year following its enactment into Law.

SECTION 15. *Reporting Responsibility.* The Protected Area Superintendent (PASu) through the PAMB shall be responsible in the preparation of accomplishment report on the activities undertaken in the protected area for submission to the Secretary.

SECTION 16. *Separability Clause.* If any part or section of this Act is declared by the court as unconstitutional such declaration shall not affect the other parts or section hereof.

SECTION 17. *Repealing Clause.* For the purpose of the scope of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provision herein. All other laws, proclamations, rules and regulations inconsistent with this Act are hereby modified accordingly.

SECTION 18. *Effectivity Clause.* Copies of this Act shall be posted in a conspicuous place in provincial, municipal and barangay hall within the areas as well as in three (3) other places frequented by the public. This Act shall take effect fifteen (15) days after its complete publication in two (2) newspapers of general circulation.

Approved,