

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1257



Introduced by Hon. Corazon T. Nuñez-Malanyaon

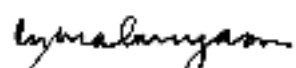
EXPLANATORY NOTE

The Aliwagwag Falls is the catchment area and main tributary to the watershed of Cateel River, which supplies irrigation water to 17,000 hectares of ricelands of the municipality of Cateel, Province of Davao Oriental. In addition to irrigation, the spectacular view of the massive falls gives it a high eco-tourism potential. The waterfalls also has potential for providing for the energy requirement not only of Davao Oriental but also of the neighboring provinces of Compostela Valley and Davao.

There are threats, however, to the viability of the area as a source of irrigation, as a destination for eco-tourism, and as a source of energy. These are poaching and commercial logging. If these continue unabated, the forest cover will soon vanish, the waterfalls will cease to fall, tourists will not come, and no power will be realized.

It is therefor the intention of this bill to put an end to further exploitation and to preserve and maintain the viability of the Aliwagwag Falls and its watershed as a protected area.

Towards this end, an early approval of this bill is earnestly requested


CORAZON T. NUÑEZ-MALANYAON

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

THIRTEENTH CONGRESS
First Regular Session
House Bill No. 1257

Introduced by Hon. Corazon T. Nuñez-Malanyaon

AN ACT
ESTABLISHING THE ALIWAGWAG FALLS LOCATED IN
THE MUNICIPALITIES OF BOSTON AND CATEEL, PROVINCE
OF DAVAO ORIENTAL AND THE MUNICIPALITY OF COMPOSTELA,
PROVINCE OF COMPOSTELA VALLEY AS A PROTECTED AREA
UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND ITS
PERIPHERAL AREAS AS BUFFER ZONE, APPROPRIATING FUNDS

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

SECTION 1. Title.- This Act shall be known as the "Aliwagwag Falls Protected Landscape Act of 2004."

SEC.2. Declaration of Policy. - Considering its unique aesthetic features, rich biodiversity, and critical role as a water catchment area which is a tributary to the watershed of Cateel River, it is hereby declared the policy of the State to protect and conserve the Aliwagwag Falls, its resources, and communities of people therein and their way of life, in accord with the rhythm and harmony of nature. In so doing, the State shall ensure the protection of bio-diversity, promote sustainable and participatory development, advance and protect the interests of legitimate inhabitant and honor customary laws.

SEC.3. Scope. - The Aliwagwag Falls Protected Landscape situated in the Municipalities of Boston and Cateel, Davao Oriental and the Municipality of Compostela, in the Province of Compostela Valley, which shall be withdrawn from sale, settlement, lease or other modes of disposition, subject to existing rights, is more particularly described as follows:

Beginning at a point marked "1" on the map and on the ground being identical to corner 8 of former TLA No. 201 of Eastcoast Development Enterprise;

Thence,	S. 58°33' E,	361.1 meters	to corner 2
Thence,	S. 58°33' E,	546.9 meters	to corner 3
Thence,	S. 58°33' E,	515.9 meters	to corner 4
Thence,	S. 58°33' E,	361.1 meters	to corner 5
Thence,	S. 23°50' W.,	402.6 meters	to corner 6
Thence,	S. 23°50' W.,	432.8 meters	to corner 7
Thence,	S. 23°50' W.,	352.3 meters	to corner 8
Thence,	S. 23°50' W.,	352.3 meters	to corner 9

Thence,	S. 23°50' W.,	352.3 meters	to corner 10
Thence,	S. 23°50' W.,	422.7 meters	to corner 11
Thence,	S. 23°50' W.,	523.4 meters	to corner 12
Thence,	S. 23°50' W.,	533.4 meters	to corner 13
Thence,	S. 23°50' W.,	402.6 meters	to corner 14
Thence,	S. 23°50' W.,	402.6 meters	to corner 15
Thence,	S. 45°37' E.,	256.7 meters	to corner 16
Thence,	S. 45°37' E.,	380.0 meters	to corner 17
Thence,	S. 45°37' E.,	308.1 meters	to corner 18
Thence,	S. 45°37' E.,	359.4 meters	to corner 19
Thence,	S. 45°37' E.,	359.4 meters	to corner 20
Thence,	S. 45°37' E.,	359.4 meters	to corner 21
Thence,	S. 45°37' E.,	410.8 meters	to corner 22
Thence,	S. 45°37' E.,	359.4 meters	to corner 23
Thence,	S. 18°22' E.,	529.4 meters	to corner 24
Thence,	S. 45°26' W.,	444.3 meters	to corner 25
Thence,	S. 37°29' W.,	348.2 meters	to corner 26
Thence,	S. 19°59' W.,	403.7 meters	to corner 27
Thence,	S. 32°34' W.,	399.7 meters	to corner 28
Thence,	S. 25°45' W.,	301.5 meters	to corner 29
Thence,	S. 72°06' W.,	290.0 meters	to corner 30
Thence,	S. 57°36' W.,	244.2 meters	to corner 31
Thence,	N. 71°37' W.,	433.9 meters	to corner 32
Thence,	S. 32°34' W.,	349.8 meters	to corner 33
Thence,	S. 32°34' W.,	349.8 meters	to corner 34
Thence,	S. 32°34' W.,	299.8 meters	to corner 35
Thence,	S. 22°52' W.,	402.9 meters	to corner 36
Thence,	S. 34°32' W.,	448.9 meters	to corner 37
Thence,	S. 26°44' W.,	421.8 meters	to corner 38
Thence,	S. 39°28' W.,	258.2 meters	to corner 39
Thence,	N. 35°23' W.,	244.1 meters	to corner 40
Thence,	N. 90°00' W.,	327.1 meters	to corner 41
Thence,	S. 37°29' W.,	298.5 meters	to corner 42
Thence,	S. 59°39' W.,	243.7 meters	to corner 43
Thence,	S. 79°47' W.,	336.9 meters	to corner 44
Thence,	N. 57°25' W.,	348.6 meters	to corner 45
Thence,	N. 60°27' W.,	290.2 meters	to corner 46
Thence,	N. 61°43' W.,	350.4 meters	to corner 47
Thence,	S. 61°43' W.,	340.7 meters	to corner 48
Thence,	N. 66°32' W.,	241.4 meters	to corner 49
Thence,	N. 80°48' W.,	433.2 meters	to corner 50
Thence,	N. 70°01' W.,	367.8 meters	to corner 51
Thence,	N. 73°29' W.,	221.7 meters	to corner 52
Thence,	N. 15°47' E.,	276.6 meters	to corner 53
Thence,	N. 52°29' E.,	355.9 meters	to corner 54
Thence,	N. 52°29' E.,	244.1 meters	to corner 55
Thence,	N. 29°17' E.,	159.1 meters	to corner 56
Thence,	N. 51°22' W.,	242.6 meters	to corner 57
Thence,	N. 84°53' W.,	365.6 meters	to corner 58
Thence,	N. 40°21' W.,	438.6 meters	to corner 59
Thence,	N. 19°35' W.,	441.7 meters	to corner 60

Thence,	N. 57°25' W.,	242.1 meters	to corner 61
Thence,	S. 65°51' W.,	223.2 meters	to corner 62
Thence,	N. 18°36' W.,	274.9 meters	to corner 63
Thence,	N. 63°29' W.,	579.8 meters	to corner 64
Thence,	N. 60°27' W.,	425.6 meters	to corner 65
Thence,	N. 56°24' W.,	339.0 meters	to corner 66
Thence,	N. 61°27' W.,	386.8 meters	to corner 67
Thence,	N. 82°50' W.,	240.6 meters	to corner 68
Thence,	N. 59°26' W.,	338.7 meters	to corner 69
Thence,	N. 58°25' W.,	484.0 meters	to corner 70
Thence,	N. 06°51' W.,	373.8 meters	to corner 71
Thence,	N. 06°51' W.,	491.9 meters	to corner 72
Thence,	N. 06°51' W.,	541.1 meters	to corner 73
Thence,	N. 31°25' W.,	342.3 meters	to corner 74
Thence,	N. 31°25' W.,	322.7 meters	to corner 75
Thence,	N. 31°25' W.,	391.2 meters	to corner 76
Thence,	N. 15°40' W.,	393.0 meters	to corner 77
Thence,	N. 15°40' W.,	393.0 meters	to corner 78
Thence,	N. 15°40' W.,	393.0 meters	to corner 79
Thence,	N. 66°32' W.,	366.9 meters	to corner 80
Thence,	N. 17°37' W.,	422.3 meters	to corner 81
Thence,	N. 17°37' W.,	294.6 meters	to corner 82
Thence,	N. 17°37' W.,	422.3 meters	to corner 83
Thence,	N. 40°30' E.,	321.9 meters	to corner 84
Thence,	N. 16°38' W.,	392.9 meters	to corner 85
Thence,	N. 16°38' W.,	491.1 meters	to corner 86
Thence,	N. 16°38' W.,	491.1 meters	to corner 87
Thence,	N. 44°31' E.,	484.6 meters	to corner 88
Thence,	N. 44°31' E.,	504.8 meters	to corner 89
Thence,	N. 44°31' E.,	504.8 meters	to corner 90
Thence,	N. 24°39' W.,	441.1 meters	to corner 91
Thence,	N. 07°49' W.,	491.8 meters	to corner 92
Thence,	N. 33°23' E.,	479.8 meters	to corner 93
Thence,	N. 33°23' E.,	499.8 meters	to corner 94
Thence,	N. 33°23' E.,	569.6 meters	to corner 95
Thence,	N. 66°09' E.,	668.6 meters	to corner 96
Thence,	N. 88°03' E.,	519.0 meters	to corner 97
Thence,	N. 78°36' E.,	414.3 meters	to corner 98
Thence,	N. 78°36' E.,	435.0 meters	to corner 99
Thence,	N. 45°37' E.,	287.6 meters	to corner 100
Thence,	N. 61°31' E.,	258.2 meters	to corner 101
Thence,	S. 33°33' W.,	319.5 meters	to corner 102
Thence,	S. 70°24' E.,	331.1 meters	to corner 103
Thence,	S. 70°24' E.,	362.4 meters	to corner 104
Thence,	S. 70°24' E.,	363.4 meters	to corner 105
Thence,	S. 70°24' E.,	393.5 meters	to corner 106
Thence,	S. 70°24' E.,	517.7 meters	to corner 107
Thence,	S. 70°24' E.,	362.4 meters	to corner 108
Thence,	S. 48°37' E.,	359.8 meters	to corner 109
Thence,	S. 81°11' E.,	394.2 meters	to corner 110
Thence,	S. 81°11' E.,	363.1 meters	to corner 111

Thence,	S. 81°11" E.,	373.5 meters	to corner 112
Thence,	S. 81°11" E.,	415.0 meters	to corner 113
Thence,	S. 81°11" E.,	290.5 meters	to corner 114
Thence,	S. 81°11" E.,	435.7 meters	to corner 115
Thence,	S. 81°11" E.,	363.1 meters	to corner 116
Thence,	S. 81°11" E.,	332.0 meters	to corner 117
Thence,	S. 81°11" E.,	352.7 meters	to corner 118
Thence,	S. 81°11" W.,	363.1 meters	to the point of beginning
Containing an approximate area of ten thousand four hundred ninety one and 33/100 (10,491.33) hectares"			

Any modification of this technical description due to factors such as changing ecological situations, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act of Congress after full consultation with the affected public and concerned government agencies.

Sec.3. Buffer Zone. - The Aliwagwag Falls Protected Landscape shall be surrounded by a buffer zone, which shall be withdrawn from sale, settlement, lease or other modes of disposition, subject to existing rights, and given special development control. Such buffer zone hereunder described as:

"Bounded on the west and north directions by the remaining portion of the TLA No. 43 of PICOP Resources Inc., on the east by the remaining portion of TLA No. 201 of Eastcoast Development Enterprises, on the east southeast by the remaining portion of TLA No. 096 of Valderrama Lumber Manufacturers, Inc. and on the south by the road which connects the Municipalities of Compostela, Compostela Valley Province and Cateel, Davao Oriental.

Beginning at a point marked "1" on the map and on the ground being identical to corner 1 of the protected landscape and identical to corner 8 of former TLA No. 201 of Eastcoast Development Enterprises;

Thence	N 81°00' W	350.0 meters	to corner 2
Thence	N 81°00' W	340.0 meters	to corner 3
Thence	N 81°00' W	320.0 meters	to corner 4
Thence	N 81°00' W	350.0 meters	to corner 5
Thence	N 81°00' W	420.0 meters	to corner 6
Thence	N 81°00' W	280.0 meters	to corner 7
Thence	N 81°00' W	400.0 meters	to corner 8
Thence	N 81°00' W	360.0 meters	to corner 9
Thence	N 81°00' W	350.0 meters	to corner 10
Thence	N 81°00' W	380.0 meters	to corner 11
Thence	N 48°00' W	350.0 meters	to corner 12
Thence	N 70°00' W	350.0 meters	to corner 13
Thence	N 70°00' W	500.0 meters	to corner 14
Thence	N 70°00' W	380.0 meters	to corner 15
Thence	N 70°00' W	350.0 meters	to corner 16
Thence	N 70°00' W	350.0 meters	to corner 17
Thence	N 70°00' W	320.0 meters	to corner 18
Thence	N 35°00' E	320.0 meters	to corner 19
Thence	N 61°00' W	250.0 meters	to corner 20
Thence	N 45°00' W	280.0 meters	to corner 21

Thence	S 78°00' W	420.0 meters	to corner 22
Thence	S 78°00' W	400.0 meters	to corner 23
Thence	N 88°00' W	500.0 meters	to corner 24
Thence	S 65°00' W	650.0 meters	to corner 25
Thence	S 32°00' W	570.0 meters	to corner 26
Thence	S 32°00' W	500.0 meters	to corner 27
Thence	S 32°00' W	480.0 meters	to corner 28
Thence	S 08°00' E	500.0 meters	to corner 29
Thence	S 25°00' E	450.0 meters	to corner 30
Thence	S 43°00' W	500.0 meters	to corner 31
Thence	S 43°00' W	500.0 meters	to corner 32
Thence	S 43°00' W	480.0 meters	to corner 33
Thence	S 17°00' E	500.0 meters	to corner 34
Thence	S 17°00' E	500.0 meters	to corner 35
Thence	S 39°00' W	320.0 meters	to corner 36
Thence	S 18°00' E	430.0 meters	to corner 37
Thence	S 18°00' E	300.0 meters	to corner 38
Thence	S 18°00' E	430.0 meters	to corner 39
Thence	S 67°00' E	380.0 meters	to corner 40
Thence	S 16°00' E	400.0 meters	to corner 41
Thence	S 16°00' E	400.0 meters	to corner 42
Thence	S 16°00' E	400.0 meters	to corner 43
Thence	S 32°00' E	400.0 meters	to corner 44
Thence	S 32°00' E	330.0 meters	to corner 45
Thence	S 32°00' E	350.0 meters	to corner 46
Thence	S 07°00' E	550.0 meters	to corner 47
Thence	S 07°00' E	500.0 meters	to corner 48
Thence	S 07°00' E	380.0 meters	to corner 49
Thence	S 59°00' E	500.0 meters	to corner 50
Thence	S 60°00' E	350.0 meters	to corner 51
Thence	S 83°00' E	250.0 meters	to corner 52
Thence	S 62°00' E	400.0 meters	to corner 53
Thence	S 57°00' E	350.0 meters	to corner 54
Thence	S 64°00' E	440.0 meters	to corner 55
Thence	S 64°00' E	600.0 meters	to corner 56
Thence	S 19°00' E	280.0 meters	to corner 57
Thence	N 67°00' E	230.0 meters	to corner 58
Thence	S 58°00' E	250.0 meters	to corner 59
Thence	S 20°00' E	340.0 meters	to corner 60
Thence	S 41°00' E	450.0 meters	to corner 61
Thence	S 85°00' E	380.0 meters	to corner 62
Thence	S 52°00' E	250.0 meters	to corner 63
Thence	S 28°00' W	160.0 meters	to corner 64
Thence	S 51°00' W	240.0 meters	to corner 65
Thence	S 51°00' W	350.0 meters	to corner 66
Thence	S 15°00' W	280.0 meters	to corner 67
Thence	Foll. The road gen. In N-Westerly dir. Abt.	220.0 meters	to corner 68
Thence	N 02°00' E	260.0 meters	to corner 69
Thence	N 57°00' E	280.0 meters	to corner 70
Thence	N 57°00' E	350.0 meters	to corner 71

Thence	Foll. The road gen. In N-Easterly dir. abt.	300.0 meters	to corner 72
Thence	Foll. The road gen. In N-Westerly dir. Abt.	500.0 meters	to corner 73
Thence	Foll. The road gen. In N-Westerly dir. Abt.	620.0 meters	to corner 74
Thence	Foll. The road gen. In N-Westerly dir. Abt.	250.0 meters	to corner 75
Thence	Foll. The road gen. In S-Westerly dir. Abt.	275.0 meters	to corner 76
Thence	Foll. The road gen. S-Westerly dir. Abt.	180.0 meters	to corner 77
Thence	Foll. The road gen. N-Westerly dir. Abt.	460.0 meters	to corner 78
Thence	Foll. The road gen. N-Westerly dir. abt.	600.0 meters	to corner 79
Thence	Foll. The road gen. In N-Westerly dir. Abt.	300.0 meters	to corner 80
Thence	Foll. The road gen. S-Westerly dir. Abt.	130.0 meters	to corner 81
Thence	Foll. The road gen. N-Westerly dir. Abt.	350.0 meters	to corner 82
Thence	Foll. The road gen. In N-Westerly dir. Abt.	400.0 meters	to corner 83
Thence	Foll. The road gen. In S-Westerly dir. Abt.	250.0 meters	to corner 84
Thence	Foll. The road gen. S-Westerly dir. Abt.	550.0 meters	to corner 85
Thence	N 63°00' W	350.0 meters	to corner 86
Thence	N 03°00' W	500.0 meters	to corner 87
Thence	N 03°00' W	500.0 meters	to corner 88
Thence	N 03°00' W	500.0 meters	to corner 89
Thence	N 28°30' W	350.0 meters	to corner 90
Thence	N 28°30' W	375.0 meters	to corner 91
Thence	N 28°30' W	330.0 meters	to corner 92
Thence	N 11°00' W	500.0 meters	to corner 93
Thence	N 11°00' W	500.0 meters	to corner 94
Thence	N 61°00' W	400.0 meters	to corner 95
Thence	N 13°00' W	500.0 meters	to corner 96
Thence	N 13°00' W	500.0 meters	to corner 97
Thence	N 13°00' W	350.0 meters	to corner 98
Thence	N 33°00' E	300.0 meters	to corner 99
Thence	N 14°00' W	400.0 meters	to corner 100
Thence	N 14°00' W	480.0 meters	to corner 101
Thence	N 14°00' W	500.0 meters	to corner 102
Thence	N 37°00' E	500.0 meters	to corner 103
Thence	N 37°00' E	500.0 meters	to corner 104
Thence	N 37°00' E	500.0 meters	to corner 105
Thence	N 24°00' W	330.0 meters	to corner 106
Thence	N 05°00' W	320.0 meters	to corner 107
Thence	N 05°00' W	350.0 meters	to corner 108
Thence	N 26°00' E	400.0 meters	to corner 109

Thence	N 26°00' E	400.0 meters	to corner 110
Thence	N 26°00' E	400.0 meters	to corner 111
Thence	N 26°00' E	500.0 meters	to corner 112
Thence	N 60°00' E	350.0 meters	to corner 113
Thence	N 60°00' E	380.0 meters	to corner 114
Thence	S 85°00' E	480.0 meters	to corner 115
Thence	N 74°00' E	500.0 meters	to corner 116
Thence	N 74°00' E	500.0 meters	to corner 117
Thence	S 30°00' E	300.0 meters	to corner 118
Thence	S 27°00' W	350.0 meters	to corner 119
Thence	S 69°00' E	360.0 meters	to corner 120
Thence	S 69°00' E	500.0 meters	to corner 121
Thence	S 69°00' E	500.0 meters	to corner 122
Thence	S 69°00' E	500.0 meters	to corner 123
Thence	S 69°00' E	400.0 meters	to corner 124
Thence	S 69°00' E	350.0 meters	to corner 125
Thence	S 41°00' E	210.0 meters	to corner 126
Thence	S 80°00' E	500.0 meters	to corner 127
Thence	N 80°00' E	500.0 meters	to corner 128
Thence	S 80°00' E	500.0 meters	to corner 129
Thence	S 80°00' E	500.0 meters	to corner 130
Thence	S 80°00' E	500.0 meters	to corner 131
Thence	S 80°00' E	500.0 meters	to corner 132
Thence	S 80°00' E	500.0 meters	to corner 133
Thence	S 80°00' E	500.0 meters	to corner 134
Thence	S 54°00' E	500.0 meters	to corner 135
Thence	S 54°00' E	500.0 meters	to corner 136
Thence	S 54°00' E	650.0 meters	to corner 137
Thence	S 20°00' W	500.0 meters	to corner 138
Thence	S 20°00' W	500.0 meters	to corner 139
Thence	S 20°00' W	500.0 meters	to corner 140
Thence	S 20°00' W	500.0 meters	to corner 141
Thence	S 20°00' W	500.0 meters	to corner 142
Thence	S 20°00' W	550.0 meters	to corner 143
Thence	S 20°00' W	550.0 meters	to corner 144
Thence	Foll. Aliwagwag Cr. Downstream In SE dir. Abt.	450.0 meters	to corner 145
Thence	Foll. Aliwagwag Cr. Downstream In SE dir. Abt.	450.0 meters	to corner 146
Thence	Foll. Aliwagwag Cr. Downstream In SE dir. Abt.	410.0 meters	to corner 147
Thence	Foll. Aliwagwag Cr. Downstream In SE dir. Abt.	420.0 meters	to corner 148
Thence	Foll. Aliwagwag Cr. Downstream In SE dir. Abt.	550.0 meters	to corner 149
Thence	Foll. Cateel R. Upstream	230.0 meters	to corner 150

Thence	In SW dir abt Foll. Aliwagwag Cr. Upstream in NW Dir. Abt.	500.0 meters	to corner 151
Thence	Foll. Aliwagwag Cr. Upstream in NW Dir. Abt.	500.0 meters	to corner 152
Thence	Foll. Aliwagwag Cr. Upstream In NW dir. Abt.	450.0 meters	to corner 153
Thence	Foll. Aliwagwag Cr. Upstream In NW dir. Abt.	450.0 meters	to corner 154
Thence	S 20°00' W	350.0 meters	to corner 155
Thence	S 38°00' E	500.0 meters	to corner 156
Thence	S 38°00' E	500.0 meters	to corner 157
Thence	S 38°00' E	500.0 meters	to corner 158
Thence	S 38°00' E	500.0 meters	to corner 159
Thence	S 38°00' E	500.0 meters	to corner 160
Thence	Foll. The road gen. In S-Westerly dir. Abt.	650.0 meters	to corner 161
Thence	N 18°00' W	520.0 meters	to corner 162
Thence	N 45°00' W	350.0 meters	to corner 163
Thence	N 45°00' W	400.0 meters	to corner 164
Thence	N 45°00' W	350.0 meters	to corner 165
Thence	N 45°00' W	350.0 meters	to corner 166
Thence	N 45°00' W	300.0 meters	to corner 167
Thence	N 45°00' W	300.0 meters	to corner 168
Thence	N 45°00' W	370.0 meters	to corner 169
Thence	N 45°00' W	250.0 meters	to corner 170
Thence	N 25°00' E	400.0 meters	to corner 171
Thence	N 25°00' E	400.0 meters	to corner 172
Thence	N 25°00' E	530.0 meters	to corner 173
Thence	N 25°00' E	520.0 meters	to corner 174
Thence	N 25°00' E	420.0 meters	to corner 175
Thence	N 25°00' E	350.0 meters	to corner 176
Thence	N 25°00' E	350.0 meters	to corner 177
Thence	N 25°00' E	350.0 meters	to corner 178
Thence	N 25°00' E	430.0 meters	to corner 179
Thence	N 25°00' E	400.0 meters	to corner 180
Thence	N 58°00' W	350.0 meters	to corner 181
Thence	N 58°00' W	500.0 meters	to corner 182
Thence	N 58°00' W	530.0 meters	to corner 183
Thence	N 58°00' W	350.0 meters	to the point of beginning, containing an approximate area of four hundred twenty one (421.0) hectares, more or less."

Such buffer zones are established for the purpose of providing an extra layer around the protected area in which restrictions can apply and communities can assist in repelling threats to the area. Such buffer zone shall be managed according to the management plan herein provided.

SEC. 5. *Definition of Terms.* - The following terms are hereby defined for the purpose of this Act:

- a) "Ancestral Domain" refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, *force majeure*, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- b) "Biodiversity" refers to the variety of life in all its forms.
- c) "Buffer Zones" are identified areas outside the boundaries of and immediately adjacent to designated areas that need special development control in order to avoid or minimize harm to the protected area.
- d) "Indigenous Cultural Communities" shall refer to Filipino tribes who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of language, customs, traditions and other distinctive cultural traits.
- e) "Industrial Forest Management Agreement (IFMA)" refers to a production-sharing contract entered into by and between the Department of Environment and Natural Resources (DENR) and a qualified person, whether natural or juridical, wherein the former grants to the latter the exclusive right and responsibility to invest in, develop, manage, and protect a defined area or the production forestland, including the establishment, management and utilization of industrial forest plantation, consistent with the principle of sustainable development primarily to supply the raw material requirements of wood-based processing and energy-related industries and wherein both parties share in the benefits therefrom.
- f) "National Integrated Protected Area System" refers to the classification of all designated protected areas pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, to maintain essential ecological processes and life-support systems, to protect genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent as possible.
- g) "Non-renewable Resources" shall refer to those resources found within the Aliwagwag Falls Protected Landscape and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- h) "Protected Areas" refers to identifies portions 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
- i) "Protected Landscape" is an area of national significance which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the

normal lifestyle and economic activity of the area.

- j) "Protected Species" shall refer to any species listed under the Convention of International Trade of Endangered Species (CITES), or any plant or animal that shall be declared as protected under Philippine laws, rules and regulations issued by the DENR or the Protected Area Management Board (PAMB) or through the management plan herein provided.
- k) "Non-government Organization (NGO)" shall refer to any civic, development, or philanthropic organization which is multi-sectoral in character.
- l) "People's Organization (PO)" shall refer to any group of people formed to advance the interests of the sector represented, provided that such sector is marginalized, poor or disempowered.
- m) "Public Consultation" refers to a meeting or dialogue with the concerned or affected individuals within and outside the protected area designed to identify and resolve issues and problems affecting them.
- n) *Timber License Agreement (TLA)" refers to a privilege granted by the State to a person to utilize forest resources within a forestland with the right of possession and occupation thereof to the exclusion of others except the Government, but with the corresponding obligation to develop, protect, and rehabilitate the same in accordance with the terms and conditions set forth in the said agreement.

SEC.6. *Management Plan.* - The Protected Area Superintendent (PASu) shall prepare a management plan in coordination with the appropriate offices of the DENR, NGOs, POs, concerned private sector, and local communities and tribal experts who have experience in the particular cultures in the area. The Management Plan shall be reviewed, approved and adopted by the Protected Area Management Board and certified to by the Secretary. Such certification is mandatory in order to determine if the plan conforms to all laws, rules and regulations of national application issued by the DENR. Provided, That, the Management Plan shall not be revised nor modified with 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 for under the NTPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- a) Period of applicability of the plan;
- b) Key management issues;
- c) Goals and objectives of management in support of Section 2 hereof;
- d) Site management strategy;
- e) 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, etc.;

- f) Zoning; and
- g) Visitor management programs.

The PASu shall prepare all successor plans. Two (2) years before the expiration of the period of applicability of the plan in effect, the PASu shall cause the 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 provincial, municipal and barangay halls and in three other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment and a finalize plan shall be made for public perusal at the Office of the PASu upon the approval of the PAMB.

The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by indigenous cultural communities, and whenever applicable, those that have been sustainably used in the development of TLA No. 43, TLA No. 47, and IFMA No. 28 and by tenured migrant communities for an appreciable length of time unless such uses are deemed detrimental to biodiversity and the protection of the natural characteristics of the Aliwagwag Falls Protected Landscape.

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

SEC. 7. *Institutional Mechanisms.* - The following administrative and policy making mechanisms shall be observed:

(A.) **The Protected Area Management Board.** - The PAMB shall be the policy-making body of the protected area. It shall be composed of:

- (1) The Regional Executive Director of DENR Region XI, as chairman,
- (2) The Barangay Captains or their authorized representatives with territory inside the protected area;
- (3) One (1) NGO/PO representative concerned with protected area management chosen from among the three (3) municipalities with territory inside the protected area and duly accredited with the municipality being represented;
- (4) The Regional Director of the Department of Agriculture or his authorized representative;
- (5) The Provincial Officer of the National Commission on Indigenous Peoples (NCIP);
- (6) The Mayors or their authorized representatives of the towns with territory inside the protected area;
- (7) The Provincial Manager of the Land Bank of the Philippines (LBP)
- (8) One (1) representative of the owners and operators of existing facilities to be chosen from among themselves;

- (9) The Provincial Planning and Development Officers of the Provinces of Davao Oriental and Compostela Valley, sitting as ex officio members, to be endorsed by their respective Governors;
- (10) One (1) representative each from the Sangguniang Panlalawigan of Davao Oriental and the Sangguniang Panlalawigan of Compostela Valley to be elected from among themselves;
- (11) One (1) representative from each indigenous cultural community within the protected area chosen through customary practices;
- (12) One (1) representative each from the holders of TLA No. 43, TLA No. 47, and IFMA No. 28, until their expiration;

Every member of the PAMB shall serve for a term of five (5) years and shall be considered to represent and carry the vote of his or her sector in all matters. PAMB members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such official/s.

The PAMB of the Aliwagwag Falls Protected Landscape shall have the following powers and functions:

- (a) Issue all rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth;
- (b) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the approved management plan;
- (c) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- (d) Approve the management plan and oversee the office of the PASu;
- (e) Deputize interested individuals for the enforcement of the laws, rules and regulations adopted pursuant to this Act;
- (f) Accept donations, approve proposals for funding and budget allocations, and exercise accountability over all funds that may accrue to the Aliwagwag Falls Protected Landscape;
- (g) Coordinate with appropriate agencies for the regulation for flight patterns of all aircraft going over the area to set acceptable altitudinal limits and emissions; and
- (h) Retain legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the PASu staff whenever they are sued in connection with the performance of their duties under this Act.

The DENR Secretary shall exercise authority over the PAMB to ensure that it is acting within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to NIPAS Act and the rules and regulations issued by the PAMB, the PAMB shall notify the DENR Secretary who shall resolve such conflict.

(B) The Protected Area Superintendent (PASu). A PASu, who is an employee of the DENR, shall be appointed and shall serve as the chief operating officer of the Aliwagwag Falls Protected Landscape. The PASu shall have the following powers and functions:

- (1) Prepare the management and successor plans as herein provided;
- (2) Provide a secretariat for the PAMB to supply it with information necessary to make appropriate decisions;
- (3) Hire and supervise the necessary personnel to support operations as the budget made available by the PAMB may allow;
- (4) Establish a productive partnership with the local community, private sector, including groups interested in the achievement of the goals and objectives of the protected area, and in the planning, protection and management thereof;
- (5) Develop and implement a park information, education and visitor program;
- (6) Enforce the laws, rules and regulations relevant to the protected area and assist in the prosecution of offenses thereof;
- (7) Monitor all activities within the protected area for conformity with the management plan; and
- (8) Perform such other functions as the PAMB may assign.

SEC. 8. *Ancestral Lands and Domains.* - For the purpose of this Act, the following shall govern ancestral lands and domains in the protected area:

- a) The rights of the indigenous peoples to the ancestral domains are hereby fully recognized. Traditional property regimes exercised by the indigenous cultural communities in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all land and resource found within ancestral lands.
 - b) The following presumptions shall govern, unless proven to be contrary to documented or oral custom by clear and convincing evidence in the proper administrative or judicial proceeding providing due hearing to all concerned:
 - i.) All lands currently occupied by indigenous cultural communities since time immemorial shall be presumed to be ancestral lands.
 - ii.) Rights and obligations within ancestral lands are presumed to be governed by customary law.
 - iii.) Rights and obligations within ancestral lands governed by customary laws are presumed to be held collectively by the community.
 - iv.) Rights and obligations within ancestral lands proven to be held by individuals under customary laws are presumed to be held in trust by such individuals for the whole community.
 - v.) The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place of the payment of taxes.
-

on ancestral domains. Real property taxes, however, shall accrue when there is a determination by the PAMB upon a petition by an interested party, that the properties are commercially used and not in conformity with traditional and sustainable natural resource management practices.

Owing to differences in cultural and social worldview, the provisions of this Act shall be construed liberally in favor of indigenous cultural communities and their members.

SEC. 9. *Tenured Migrants and Transient Farmers.* - Tenured migrants are those members of households that have actually and continuously occupied the area within the Aliwagwag Falls Protected Landscape since July 1, 1987 and are substantially dependent on the protected area for their livelihood. For purposes of official documentation of rights and extent of occupation in the protected area, the tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since July 1, 1987. Tenured migrants may occupy and use the area specified in the instrument for a term of twenty-five (25) years renewable for the same period. The holder of the instrument upon the lapse of this period may negotiate for a new instrument and his occupancy shall be evaluated by the PAMB for purposes of such renewal.

If despite consideration paid to current practices, areas occupied by tenured migrants are designated as zones where no occupation or other activities are allowed, a provision for their transfer to multiple-use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating land within the protected area since July 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restricted to cultivation: Provided, That this right can only be transferred to direct descendants and that said tenure instruments shall not be divisible to numerous heirs.

Tenured migrant instruments may be cancelled for violation of the terms and conditions specified therein, upon the holder's repeated refusal to comply with the management plan or the regulation set by the PAMB, or by voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, 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 transient or tenured migrant.

SEC.10. *Contracts Over Lands.* - The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the protected area to persons outside the protected area not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PAMB: Provided, That verification and validation by the PAMB shall depend on the subsisting rights to enter into such contract due to vested rights, customary practices or individual ownership prior to the establishment of the area as protected area.

SEC.11. *Prohibited Acts.* - The following shall be the prohibitions and penalties applicable to the protected area:

(A) The penalties in Article 309 and 310 of the Revised Penal Code depending on the value of the resources taken, damaged or destroyed shall be imposed upon any person who:

1. Hunts, destroys, traps, disturbs or possesses anywhere within the Aliwagwag Falls Protected Landscape of any wild plants or animals or products derived

therefrom without a permit from the PAMB provided that such permits shall only be given for scientific purposes necessary for protected area management;

2. Cuts, gathers, collects or removes timber or forest products without permit, provided that such permits shall only be given for scientific purposes necessary for protected area management;
3. Possesses outside the protected area any wild plants or animals or products derived therefrom which came from the protected area;
4. Explores or extracts, drills or engages in prospecting for minerals within the Aliwagwag Falls Protected Landscape;
5. Constructs or maintains any kind of road, structure, fence or enclosure without a permit from the PAMB, provided that structures within ancestral domains used by indigenous cultural communities need not need a permit from the PAMB.
6. Alters, mutilates, excavates, removes, destroys or defaces boundary marks or signs, natural formations, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and other objects of natural and scenic value or affixing marks or signs on trees,

Valuation of the damage shall take into account bio-diversity and conservation considerations as well as aesthetic and scenic value. The commission of these acts likewise carries the penalty of eviction from the protected area and the forfeiture of all transportation, structures and building materials, equipment, devices, weapons used for the commission of the offense as well as the protected area resources caught in the possession of the accused.

The local government unit responsible for the imposition of the penalties herein and the arrest and confiscation of the materials shall have a fifty percent (50%) share in the disposition thereof while the rest shall accrue to the PAMB.

(B) A fine of not less than One hundred thousand pesos (P100,000.00) nor more than Five hundred thousand pesos (P500,000.00) and /or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon;

1. Any person or persons responsible for grazing and or causing livestock to be grazed or raising poultry within the protected area without permit from the PAMB.
2. Any public officer or officer of the law who, in dereliction of the duties of his office, shall maliciously 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

A person who induces another or conspires to commit any of the acts in this section or suffer his workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

All activities contained in the management plans and such other measures as are necessary for protection, preservation, and protected area management as certified by the PAMB and the DENR Secretary and undertaken by the PASu or those deputized by PAMB shall not be covered by the above. The certified customs and traditional practices of the indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

(C). A fine of not less than One thousand pesos (P1,000.00) but not more than One hundred thousand pesos (P100,000.00) 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 upon any person who commits any of the following acts:

1. Violating any rules and regulations in the management plan or agreements reached before the PAMB in the exercise of its adjudicative functions;
2. Dumping, burning, or disposing of any waste products, vegetation or materials within the protected area to the detriment of the inhabitants, plants or animals therein;
3. Using motorized equipment without a permit except motorized vehicles in areas where the national highway, provincial road or other public thoroughfare traverse the park, provided that such thoroughfares were legally constructed;
4. Occupying any portion of land inside the Aliwagwag Falls Protected Landscape without a permit from the PAMB: Provided, That occupation shall be of such nature as to last more than ten days in a particular portion of the protected area; and
5. Entering the protected area without a permit from the PAMB.

SEC.12. *Special Prosecutors.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate 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 procedure. The PAMB may appoint a special private prosecutor on a case to case basis to assist the public prosecutor in the enforcement of protected area laws.

SEC.13. *Local Government Units.* - Local government units (LGUs) shall participate in the management of the Aliwagwag Falls Protected Landscape through representation in the PAMB. The LGU shall retain their ordinance-making powers over the territory covered under this Act but with due consideration to the protected area management objectives. If a conflict between the LGUs and the protected area management objectives remains unresolved within the PAMB, it shall be resolved through mediation between the Secretaries of the DENR and the Department of Interior and Local Government.

SEC.14. *Integrated Protected Areas Funds.* - The following shall constitute part of the Integrated Protected Areas Fund (IPAF) and shall be subject to its rules as provided for under the NIPAS Act, from the moment they accrue:

1. Proceeds from the special land use and resource utilization and real property taxes from commercially used ancestral domains, as may be set by the PAMB;
2. Fees extracted from permitted collection of wild flora and fauna and other resources within the protected area as may be set by the DENR and PAMB;
3. Fees from industries and facilities directly benefiting from the protected area;
4. Fines and fees, including protected area entry and visitor's fees, as may be imposed and collected from the operation of the protected area;
5. Contributions, donations, endowments and grants from any legal source intended for the operation of the protected area.

The LGU shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected such as business permits, property taxes and rentals of local government unit facilities. Furthermore, local government units may charge add-ons to fees imposed by the PAMB provided that such add-ons shall be determined based on the contribution of the local government in the maintenance and protection of the protected area.

SEC.15. *Existing Facilities within the Protected Area (PA).* - Within thirty (30) days from the effectivity of this Act, all commercial facilities existing within the boundaries of the protected area with a total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the PAMB through the PASu the initial environmental examination and the environment compliance certificate, the waste cycle, fuel requirements and transportation of fuel within the PA, personnel and expected personnel traffic within the park, project life cycle, and exit or repair plans for degraded structures, studies on the effects of operation on wildlife, the development plans and mitigating measures against adverse environmental impact and such other relevant information as may affect protected area management.

Based on its admission, the PAMB with the help of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the protected area. Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe conditions for the operation of the facility to ensure that it does not contradict protected area management objectives. If any such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed and the operation of the facility shall be ordered to cease. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB, through the PASu and deputizing other government entities, shall cause the demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the protected area may be charged a reasonable fee by the PAMB which shall be embodied in a Memorandum of Agreement to be entered into by the PAMB and the owner of the facility. All incomes derived from such fees shall accrue to the IPAF.

SEC.16. *Utilization of Non-renewable Resources.* - Any exploration for, exploitation, or utilization of non-renewable resources within the protected area shall not be allowed. Energy projects, whether renewable or otherwise, shall be permitted only through an Act of Congress: Provided, That exploitation or exploration of renewable

energy up to three (3) megawatts capacity shall be exempt from such requirement.

SEC.17. *Appropriation.* - The Secretary of the Department of Environment and Natural Resources shall include in its program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC.18. *Construction in Favor of Tenured Migrants and Indigenous Communities.* - The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration to the protection of biodiversity. The NIPAS Act, except the provisions on the prohibitions and penalties therein, shall have supplementary effect in the implementation of this Act.

SEC.19. *Transitory Provisions.* - All persons who will not qualify as tenured migrants, transient farmers, or those who have no ancestral domains within the protected area shall be allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all crops planted by such unqualified persons shall be confiscated and the proceeds thereof shall accrue to the IPAF.

The holders of TLA No. 43, TLA No. 47, and IFMA No. 28 shall continue to operate in their respective areas within the terms of these agreements: Provided, That they shall be allowed to harvest only within sustainably managed residual forests and all planted species located within the multiple-use zones pursuant to the zoning plan to be adopted for the Aliwagwag Falls Protected Landscape

SEC.20. *Separability Clause.* - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC.21. *Repealing Clause.* - For purposes of the establishment of the Aliwagwag Falls Protected Landscape, all laws, rules and regulations inconsistent herewith are modified accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SEC.22. *Effectivity Clause.* - This Act shall be translated in Filipino, Cebuano and Kamayo or the language of the indigenous communities residing within the Aliwagwag Falls Protected Landscape and its buffer zones and surrounding areas. It shall be published once every week for three consecutive weeks in a newspaper of general circulation readily available in the areas in and around the scope specified herein. It shall likewise be posted for the same three weeks in the appropriate language in a conspicuous place in the provincial, municipal, and barangay halls within the area as well as in three other places frequented by the public. Fifteen (15) days after the last publication, this Act shall have full force and effect.

Approved.