

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Second Regular Session)

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



THIRTEENTH CONGRESS
Second Regular Session

HOUSE BILL No. 4622

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

EXPLANATORY NOTE

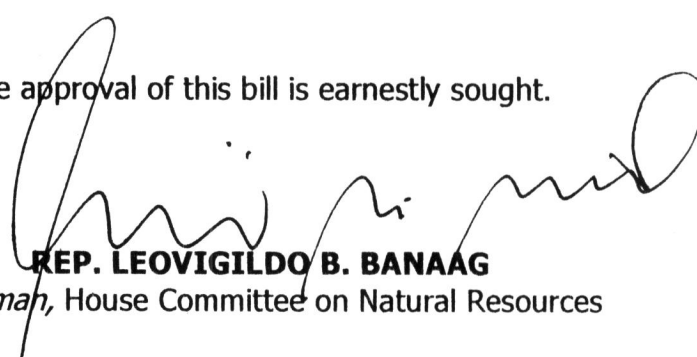
This bill seeks to conserve and protect the unique biodiversity resources of Mt Mayapay, a majestic mountain with an elevation of 2,214 feet above sea level, located 15 kilometers southwest of Poblacion, Butuan City. It provides a panoramic view of Butuan City, and the surrounding areas of Agusan del Norte, Agusan del Sur, Gingoog City, Butuan Bay, the Mindanao Sea, Camiguin Island, the coastlines of Surigao del Norte, and Bohol.

Before the area was denuded by loggers and poachers, Mt Mayapay and its peripheral areas used to be a vital watershed in the environ of Butuan City and the Municipality of Buenavista, Agusan del Norte.

At present, the ecosystem of Mt Mayapay is highly endangered, threatening to extinction whatever few remaining endemic flora and fauna thriving in the area.

Hence, the urgency of enacting this bill into law, to restore biodiversity at Mt Mayapay and its buffer zones.

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


REP. LEOVIGILDO B. BANAAG
Chairman, House Committee on Natural Resources

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Introduced by
HON. LEOVIGILDO B. BANAAG, 1st District, Agusan del Norte

AN ACT ESTABLISHING THE MOUNT MAYAPAY NATIONAL PARK (MMNP) SITUATED IN THE CITY OF BUTUAN AND THE MUNICIPALITY OF BUENAVISTA, AGUSAN DEL NORTE, AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT PURSUANT TO LAW, AND FOR OTHER PURPOSES

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

CHAPTER I
INTRODUCTORY PROVISIONS

SECTION 1. Title. This Act shall be known as the Mount Mayapay Natural Park Act of 2005.

SECTION 2. Declaration of Policy. Considering the importance of unique biological resources of Mount Mayapay as well as its aesthetic and ecological importance, it thus expedient for the State to undertake steps for its protection and preservation. It is therefore declared a policy of the State to ensure the protection and preservation of Mount Mayapay, its environment, the communities, their culture and way of life therein, in accord with the rhythm and harmony of nature. In so doing, the State shall ensure the protection of biodiversity, sustainable and participatory development, and shall also recognize and advance the interests of legitimate inhabitants of the area and respect their customary laws.

SECTION 3. Category. Given its physical and natural features, its socio-cultural and economic importance in its valuable role as life support system for biodiversity and the people living within and around Mount Mayapay, there is a need to establish Mt. Mayapay as a "Natural Park" in accordance with Sections 3(b) and 4(h) of Republic Act 7586 otherwise known as the "National Island Protected Areas System (NIPAS) Act".

SECTION 4. Scope. Subject to the provisions of the Presidential Proclamation issued by President Manuel L. Quezon declaring a Military Reservation consisting of **TWO THOUSAND AND TWENTY EIGHT (2,028) HECTARES**, more or less in the area, the Mount Mayapay Natural Park Protected Area shall cover parcels of land located in the City of Butuan and the Municipality of Buenavista in the Province of Agusan del Norte, which contains an aggregate area of **EIGHT THOUSAND FOUR HUNDRED FIFTY SIX (8,456) HECTARES**, more or less.

Beginning at a point marked "273" on the map, which is located in the Province of Agusan del Norte at 8.849066° North Latitude, 125.413598 °East Longitude, thus:

Cor No	Geographic Coordinates (WGS 84), degrees		UTM Coordinates (Zone 51), meters		Bearing to Next Corner			Distance meters
	Longitude	Latitude	Easting	Northing	deg	min		
273	125.413598	8.849066	765472.541077	979025.942109	N	53	26.4985 E	473.9822
274	125.417074	8.851595	765853.268199	979308.264643	N	56	37.1207 E	406.8370
275	125.420174	8.853598	766192.988738	979532.109081	N	35	25.0406 E	607.4585
276	125.423402	8.858051	766545.028569	980027.158315	N	62	48.1217 E	737.8425
277	125.429385	8.861060	767201.290579	980364.399670	N	11	6.3641 W	364.6768
278	125.428768	8.864298	767131.044231	980722.246831	N	21	4.3239 E	217.9213
279	125.429492	8.866131	767209.396244	980925.595440	N	47	12.3866 E	341.3708
280	125.431782	8.868212	767459.896748	981157.508235	N	12	35.9082 W	224.5213
281	125.431350	8.870195	767410.924679	981376.623635	N	21	53.6526 E	327.2732
282	125.432477	8.872932	767532.963174	981680.291824	S	79	36.3337 E	208.4705
283	125.434338	8.872580	767738.012584	981642.679480	N	43	30.0148 E	208.0032
284	125.435648	8.873935	767881.193425	981793.558769	N	29	47.6754 E	152.1910
285	125.436343	8.875124	767956.816063	981925.631886	N	76	30.9717 W	166.2844
286	125.434876	8.875484	767795.115056	981964.403994	N	84	58.0371 W	227.7210
287	125.432816	8.875678	767568.271879	981984.379928	N	75	14.6201 W	334.4747
288	125.429882	8.876467	767244.828637	982069.572587	N	21	29.4436 W	345.1829
289	125.428752	8.879377	767118.370369	982390.757211	N	38	39.9582 W	426.7570
290	125.426349	8.882404	766851.740993	982723.969387	N	37	3.8243 W	292.6727
291	125.424760	8.884525	766675.345892	982957.511850	N	62	54.2910 E	213.6272
292	125.426494	8.885393	766865.528045	983054.812045	N	47	46.2223 E	245.1063

293	125.428153	8.886871	767047.019078	983219.548513	N	13	14.6005	E	338.3820
294	125.428877	8.889843	767124.538260	983548.931468	N	5	37.8440	E	308.0942
295	125.429170	8.892612	767154.767525	983855.539059	N	7	40.9983	W	344.2714
296	125.428772	8.895698	767108.739223	984196.719613	N	42	39.3217	W	354.3000
297	125.426606	8.898067	766868.669712	984457.286575	N	11	19.2519	E	309.9590
298	125.427177	8.900810	766929.515797	984761.214711	N	11	16.1903	E	311.2597
299	125.427748	8.903565	766990.345390	985066.472577	N	67	47.8090	W	309.2601
300	125.425153	8.904638	766704.016693	985183.338789	S	80	18.6234	W	310.4401
301	125.422369	8.904184	766398.005165	985131.089424	S	54	0.5611	W	271.5343
302	125.420363	8.902755	766178.302890	984971.521904	S	36	23.5189	W	204.9830
303	125.419248	8.901271	766056.684932	984806.515490	N	87	14.5316	W	230.8789
304	125.417153	8.901385	765826.073405	984817.623229	N	24	49.9280	E	183.4473
305	125.417863	8.902885	765903.114328	984984.109342	N	27	50.5237	W	298.4336
306	125.416612	8.905278	765763.734822	985247.995628	N	21	36.9122	E	278.8891
307	125.417561	8.907615	765866.469796	985507.272853	N	62	39.1945	W	217.6658
308	125.415810	8.908530	765673.129485	985607.262501	N	39	12.9993	W	238.9545
309	125.414448	8.910212	765522.049126	985792.394818	N	54	26.8650	E	174.2034
310	125.415742	8.911119	765663.778697	985893.684200	N	84	9.8023	E	325.5348
311	125.418687	8.911399	765987.625986	985926.787462	N	54	19.2571	E	336.4125
312	125.421182	8.913156	766260.893266	986122.997524	S	86	8.0612	E	279.7087
313	125.423717	8.912969	766539.965621	986104.141362	N	11	10.8605	W	116.8139
314	125.423518	8.914006	766517.314286	986218.738037	N	62	6.2151	W	312.3508
315	125.421018	8.915343	766241.259911	986364.878290	N	27	13.3076	E	221.3795
316	125.421950	8.917116	766342.527125	986561.738220	N	25	58.9066	W	156.0755
317	125.421337	8.918388	766274.152584	986702.039662	S	35	1.1222	W	274.3274
318	125.419893	8.916367	766116.731170	986477.375392	S	88	16.7926	W	377.4174
319	125.416464	8.916287	765739.483794	986466.047697	N	40	21.9917	W	335.2313
320	125.414506	8.918608	765522.362468	986721.465708	S	53	0.6793	W	212.6200
321	125.412955	8.917462	765352.531059	986593.541746	N	55	12.5899	W	264.7511
322	125.410988	8.918840	765135.104636	986744.600999	N	56	50.0650	W	116.9655
323	125.410102	8.919424	765037.193481	986808.587974	N	0	30.3085	E	1118.6158
324	125.410258	8.929532	765047.055511	987927.160292	N	0	27.3835	W	232.9200
325	125.410255	8.931637	765045.200196	988160.072884	S	82	25.0987	E	327.7431
326	125.413205	8.931227	765370.078215	988116.831685	S	37	52.2696	E	349.2356
327	125.415137	8.928723	765584.470167	987841.147800	S	89	16.0823	E	572.2670
328	125.420337	8.928623	766156.690532	987833.839287	N	87	46.4909	E	538.2327
329	125.425226	8.928780	766694.517480	987854.735034	N	33	25.3599	E	215.9921
330	125.426318	8.930402	766813.488522	988035.008340	S	68	39.1724	E	162.6251
331	125.427691	8.929858	766964.956436	987975.810390	N	87	12.1149	E	1743.0394
332	125.443518	8.930523	768705.918034	988060.893071	N	68	1.1433	E	218.8199
333	125.445367	8.931251	768908.831770	988142.796400	S	67	22.2796	E	253.6684
334	125.447489	8.930355	769142.972519	988045.196266	N	39	34.3734	E	210.7603
335	125.448719	8.931815	769277.239601	988207.653199	N	3	26.6118	E	537.8719
336	125.449045	8.936665	769309.546819	988744.553914	S	79	26.7991	E	616.5896
337	125.454547	8.935608	769915.707079	988631.626900	S	79	12.9800	E	173.7237
338	125.456096	8.935304	770086.363073	988599.123516	S	70	10.3129	E	1050.0022
339	125.465051	8.932026	771074.116269	988242.966011	S	21	47.4804	E	1158.5060
340	125.468894	8.922279	771504.186525	987167.244971	N	17	5.8946	E	223.4423
341	125.469504	8.924205	771569.881166	987380.811500	N	53	44.8713	E	644.5762
342	125.474251	8.927618	772089.682699	987761.973915	N	48	23.6632	E	862.8240
343	125.480149	8.932756	772734.845802	988334.887301	S	78	30.9050	E	547.1326
344	125.485015	8.931739	773271.023582	988225.949475	S	55	18.8004	E	193.3408
345	125.486453	8.930735	773430.003460	988115.921870	S	52	15.9054	E	348.8300

346	125.488947	8.928789	773705.876427	987902.435325	S	7	2.1297	W	383.3289
347	125.488497	8.925354	773658.924589	987521.992763	S	75	0.8949	E	234.6324
348	125.490553	8.924792	773885.578111	987461.325112	S	43	14.9703	E	319.0012
349	125.492525	8.922679	774104.150706	987228.972406	S	10	40.3113	W	273.0888
350	125.492049	8.920257	774053.578943	986960.607031	S	76	57.5300	E	240.6356
351	125.494176	8.919752	774288.008296	986906.308084	S	33	39.3536	E	334.1903
352	125.495842	8.917227	774473.218205	986628.134705	S	75	22.7766	E	214.5272
353	125.497725	8.916725	774680.799089	986573.985727	S	35	44.8548	W	273.7622
354	125.496258	8.914727	774520.862694	986351.800952	S	61	29.3097	E	238.8203
355	125.498158	8.913684	774730.719431	986237.804156	S	79	20.3540	E	418.0984
356	125.501887	8.912960	775141.601606	986160.459899	S	56	8.1240	E	127.4079
357	125.502844	8.912312	775247.395789	986089.464350	S	84	56.0123	E	365.4653
358	125.506150	8.911998	775611.433323	986057.190919	S	59	52.1938	E	595.7791
359	125.510814	8.909264	776126.716133	985758.131792	S	54	33.8143	E	469.0683
360	125.514270	8.906783	776508.894524	985486.167149	S	13	54.2184	W	267.9064
361	125.513669	8.904437	776444.519218	985226.110083	S	74	21.1432	E	424.5806
362	125.517377	8.903377	776853.364670	985111.593393	S	37	29.4416	E	319.2615
363	125.519127	8.901076	777047.677990	984858.274955	S	60	39.5771	E	202.3895
364	125.520724	8.900169	777224.106075	984759.105141	S	60	7.5190	E	268.9662
365	125.522835	8.898944	777457.331535	984625.132410	S	56	10.0562	E	228.2551
366	125.524550	8.897784	777646.936479	984498.048278	S	76	33.6618	E	154.1382
367	125.525910	8.897451	777796.854174	984462.225570	S	2	31.8886	W	291.4251
368	125.525775	8.894821	777783.982411	984171.084830	S	44	33.7751	W	678.9695
369	125.521416	8.890479	777307.554019	983687.333297	S	38	9.9177	W	353.4885
370	125.519414	8.887981	777089.121604	983409.409867	S	37	57.5788	W	409.9144
371	125.517103	8.885076	776836.980177	983086.215652	N	64	1.5487	E	506.6054
372	125.521255	8.887053	777292.414649	983308.090490	N	66	40.8835	E	358.4799
373	125.524255	8.888315	777621.613491	983449.991607	S	58	5.6544	E	192.8195
374	125.525736	8.887384	777785.301746	983348.082350	S	34	7.0293	E	268.3742
375	125.527090	8.885367	777935.829634	983125.897575	S	22	45.8891	E	171.7359
376	125.527684	8.883932	778002.282893	982967.539809	S	59	48.3772	E	222.0564
377	125.529421	8.882911	778194.213165	982855.862540	S	46	19.2069	W	1304.8235
378	125.520791	8.874826	777250.550498	981954.715966	S	79	8.0850	W	354.7881
379	125.517621	8.874243	776902.122347	981887.839578	S	67	43.5203	W	329.8414
380	125.514840	8.873132	776596.894174	981762.815027	S	27	19.0478	E	149.4389
381	125.515455	8.871928	776665.474861	981630.042052	N	81	48.1731	E	302.1637
382	125.518175	8.872299	776964.551634	981673.123283	S	19	14.4255	W	154.9660
383	125.517702	8.870980	776913.485120	981526.813064	S	62	3.6319	W	230.3942
384	125.515846	8.870017	776709.944700	981418.865037	S	13	44.5304	E	236.8018
385	125.516343	8.867935	776766.197849	981188.841857	S	2	26.4358	W	278.6461
386	125.516218	8.865420	776754.332080	980910.448524	S	34	27.8422	E	85.6365
387	125.516654	8.864779	776802.792906	980839.842895	S	39	27.6635	E	96.2170
388	125.517205	8.864104	776863.944088	980765.558016	S	87	45.4159	E	298.9017
389	125.519918	8.863980	777162.616814	980753.860397	S	45	9.7377	E	258.1521
390	125.521570	8.862324	777345.674557	980571.837447	S	13	52.9157	W	149.1262
391	125.521236	8.861018	777309.895839	980427.066914	S	7	9.3670	W	342.8111
392	125.520827	8.857947	777267.190611	980086.926149	S	33	56.5486	E	234.3671
393	125.522004	8.856182	777398.052160	979892.495725	S	28	40.6838	W	286.1285
394	125.520741	8.853922	777260.742361	979641.466821	S	32	46.3581	W	245.4828
395	125.519521	8.852065	777127.860580	979435.058835	S	80	12.1526	W	264.6342
396	125.517149	8.851674	776867.085754	979390.028001	S	79	31.3338	W	492.6663
397	125.512742	8.850894	776382.634156	979300.436237	N	80	32.1755	W	239.9460
398	125.510594	8.851265	776145.953687	979339.888207	N	71	8.6601	W	222.3059

399	125.508687	8.851927	775935.577462	979411.733583	N	77	35.8867	W	503.4725
400	125.504226	8.852934	775443.853029	979519.861573	N	27	55.7671	E	224.3737
401	125.505193	8.854719	775548.946314	979718.101222	N	42	4.6282	E	319.3591
402	125.507152	8.856848	775762.958957	979955.142973	N	1	1.8123	E	182.5324
403	125.507193	8.858497	775766.240803	980137.645825	N	74	15.0421	E	159.5692
404	125.508591	8.858879	775919.819653	980180.957009	N	28	41.9869	E	242.2475
405	125.509661	8.860792	776036.152025	980393.443758	S	85	49.5397	W	204.3877
406	125.507808	8.860670	775832.306508	980378.566786	S	82	32.7113	W	213.1508
407	125.505886	8.860433	775620.957273	980350.912415	S	71	22.3125	W	180.6648
408	125.504327	8.859922	775449.757053	980293.204162	N	48	51.6412	W	230.3561
409	125.502760	8.861302	775276.272735	980444.753314	N	14	0.2629	W	265.9833
410	125.502191	8.863638	775211.905675	980702.830784	S	60	58.9115	W	99.3027
411	125.501399	8.863208	775125.068688	980654.660588	S	0	6.6944	E	368.3957
412	125.501383	8.859879	775125.786077	980286.265574	N	56	34.4119	W	305.8569
413	125.499074	8.861417	774870.519475	980454.751279	N	44	47.7617	W	309.5119
414	125.497106	8.863415	774652.441631	980674.386573	N	88	1.4792	W	373.6268
415	125.493714	8.863554	774279.036818	980687.263952	N	42	51.6773	W	468.7168
416	125.490838	8.866678	773960.203002	981030.834019	N	35	48.3555	W	188.7526
417	125.489844	8.868068	773849.774655	981183.912861	S	88	15.4626	W	261.4564
418	125.487469	8.868012	773588.439112	981175.964479	N	82	33.1242	W	141.3055
419	125.486197	8.868186	773448.325726	981194.280750	N	80	11.0723	W	244.3303
420	125.484012	8.868577	773207.571810	981235.932272	N	78	3.9587	W	137.9916
421	125.482787	8.868843	773072.562601	981264.466464	S	53	40.1511	W	245.7957
422	125.480979	8.867539	772874.546896	981118.846105	S	42	50.9975	W	238.7611
423	125.479493	8.865967	772712.169731	980943.801735	S	50	48.9256	W	194.6047
424	125.478115	8.864865	772561.328501	980820.846762	S	6	37.4564	W	158.7578
425	125.477939	8.863441	772543.014481	980663.148861	S	11	47.9670	W	291.0624
426	125.477381	8.860870	772483.495977	980378.236854	S	1	24.8282	W	231.6034
427	125.477315	8.858778	772477.781606	980146.703982	S	12	31.8368	W	238.4116
428	125.476831	8.856678	772426.055425	979913.971354	S	7	26.9708	W	230.9931
429	125.476545	8.854610	772396.106519	979684.927975	S	7	49.5181	W	326.1312
430	125.476122	8.851693	772351.702647	979361.833740	S	27	18.7494	W	363.0481
431	125.474589	8.848788	772185.120101	979039.259399					

SECTION 5. Definition of Terms. The following terms are hereby defined for the purposes of this Act.:

- a. *Protected Area* – refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance bio-diversity and protected against destructive human exploitation;
- b. *Buffer Zone* – refers to the identified area outside the boundaries of, and immediately adjacent to, the designated protected areas pursuant to Section 8 of the NIPAS Act that need special development control to avoid or minimize harm to the protected area;

- 1 c. *Natural Park* – refers to a relatively large area not materially/ substantially altered by
2 human activity, where extractive resource uses with long term irreversible damage
3 are not allowed and maintained to protect outstanding natural scenic areas of
4 national or international significance for scientific, educational and recreational use;
- 5 d. *Biodiversity* – refers to the variety and variability among living things, and the
6 interconnectedness of all life forms in a particular environment;
- 7 e. *Non-renewable resources* – shall refer to those resources found within the protected
8 area, the natural replenishment rate of which is either not known or takes more than
9 twenty-five years;
- 10 f. *Protected species* – refers to any individual species of plants and animals that are or
11 shall be declared as protected under Philippine laws, rules and regulations issued by
12 the DENR, species listed as protected against trade, hunting, and harvest under
13 International Conventions to which the Philippines is or will become signatory
14 including but not limited to the Convention on International Trade of Endangered
15 Species (CITES). In addition to these, they include species which may restricted for
16 use under regulations issued by the PAMB or DENR, and those particularly mentioned
17 in the Management Plan for the protected area;
- 18 g. *Tenured Migrant Communities* – are communities within protected areas which have
19 been in actual, physical, continuous occupation of such area for five (5) years before
20 the designation of the same as protected areas in accordance with the NIPAS Act and
21 are solely dependent therein for subsistence;
- 22 h. *Non-Government Organization (NGO)* – shall refer to any civic, developmental or
23 philanthropic organization which is multi-sectoral in character;

- i. *People's Organization (PO)* – shall refer to any grouping of people formed to advance the interests of the sector represented, provided such sector is marginalized, poor or disempowered; and
- j. *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.

CHAPTER II PROTECTED AREA MANAGEMENT

SECTION 6. Management Plan. Within one (1) year from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided in the NIPAS Act, there shall be a Management Plan to be prepared by the Office of the Protected Area Superintendent in coordination with the local communities, local government units (LGUs), appropriate offices of the DENR, non-government organizations (NGOs) and people's organizations (POs), and experts with socio-economic, anthropological and ecological experience in the area.

The Management Plan shall contain, among others, the following:

- a. Period of applicability of the plan preferably for at least (5) years;
- 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, biodiversity conservation, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;
- f. Establishment and delineation of zones and the regulated and/or prohibited activities therein, such as, but not limited to, multi-purpose use zones, buffer zones, recreational zone, strict protection zones and other special zones which can provide

1 effective management of the protected area and promote sustainable development of
2 all legitimate stakeholders. To avoid relocation, primary consideration shall be
3 accorded to the traditional zones used which have been proven sustainable and in
4 consonance with the biodiversity and protection of the natural characteristics of the
5 protected area; and

6 g. Visitor management programs.

7 The Management Plan shall be consistent with the nature of Mount Mayapay as a protected
8 area under the category of a natural park. It shall be reviewed and approved by the Protected
9 Area Management Board (PAMB) and certified to by the DENR Secretary that it conforms to all
10 laws and regulations issued by the DENR. The Management Plan shall not be revised no modified
11 except by prior consultation with the PAMB and in accordance with the procedure herein set forth.
12 If any part or section of the Management Plan is inconsistent with existing laws, the DENR
13 Secretary shall certify to the other provisions of the plan which are consistent with the laws. The
14 DENR Secretary may accept or adopt such inconsistent provisions, or shall notify the PAMB of the
15 provisions that need modification or revision.

16 In no case shall the Management Plan be approved without first conducting the proper public
17 consultation by the PAMB.

18 Two (years) before the expiration of the initial Management Plan, there shall be a
19 Subsequent Plan to be prepared by the Office of the Protected Area Superintendent (PASu) in the
20 same manner as the procedure and principles herein set forth and in accordance with the General
21 Management Planning Strategy as provided for in the NIPAS Act. In the same period, the Office
22 of the PASu shall cause the publication of notices for comments and suggestions on the proposed
23 successor plan in a newspaper of local circulation and the actual posting of such notices in
24 conspicuous places within the local government units in the Mount Mayapay Natural Park. The

1 proposed new Management Plan shall be made available for public perusal in all agencies, offices,
2 and organizations duly represented in the PAMB. The proposed plan shall also be made available
3 for public perusal at large.

4 In the event that no Subsequent Plan is adopted upon the expiration of the initial
5 management plan, the latter shall remain in force subject to interim modifications that may be
6 adopted by the PAMB.

7 The Management Plan shall also be made available in the local language understood by the
8 people living in the area, plainly written and obtainable at the Office of the PASu by the general
9 public.

10 **SECTION 7. The Protected Area Management Board.** There shall be a Protected Area
11 Management Board (PAMB) which shall serve as the highest policy-making body of the Mount
12 Mayapay Natural Park for matters concerning the same. It shall be composed of the following:

- 13 a. The Regional Executive Director of DENR Region XIII who shall sit as PAMB
14 Chairperson;
- 15 b. The Mayor of Butuan City or his authorized permanent representative, who shall sit
16 as Co-Chairperson;
- 17 c. The Provincial Governor of Agusan del Norte or his authorized permanent
18 representative, who shall also sit as Co-Chairperson;
- 19 d. The Mayor of the Municipality of Buenavista, Agusan del Norte, or his authorized
20 permanent representative;
- 21 e. A representative from the Barangay Captains, with territory inside the protected area,
22 chosen among themselves;

- 1 f. Representatives from national or local government agencies operating within the
2 protected area which can substantially contribute to protected area management;
3 g. At least twenty-five percent (25%) of the PAMB shall come from representatives from
4 POs/NGOs involved with protected area management, chosen among themselves,
5 and
6 h. Other stakeholders who can potentially assist and contribute in the protection,
7 preservation, and conservation of Mount Mayapay Natural Park.

8 In the selection of representatives from the POs and NGOs, the following criteria shall be
9 primarily considered:

- 10 a) active involvement in the ecological conservation, preservation, rehabilitation and
11 protection of the protected area;
12 b) great potential in community organizing and other development work;
13 c) favorable track record in community work; and
14 d) duly accredited by the LGU concerned and by the DENR.

15 Any action, decision and policy made by the Mount Mayapay PAMB shall be valid and
16 subsisting unless overturned by the DENR Secretary for either being contrary to existing laws,
17 rules and regulations or violative of the existing applicable management plan.
18

19 **SECTION 8. *Term of Office.*** Every Member of the PAMB shall serve for a term of five (5)
20 years provided that he/she remains a member or employee of the sector or office represented. In
21 case of a vacancy, a new member shall be chosen in accordance with the original selection
22 process, however, only the unexpired term shall be served.

23 **SECTION 9. *Powers and Functions.*** The PAMB of Mount Mayapay Natural Park shall have
24 the following powers and functions:

- a. Decide and approve matters relating to proposals, work and action plans, guidelines and policies and other activities for the management of the protected area;
- b. Review, approve and adopt the management plans and development programs and their respective implementing rules and regulations;
- c. Recommend and approve the establishment and delineation of zones;
- d. Establish supplemental criteria and guidelines for park fees for activities regulated by this Act or the management plan subject to the approval of DENR pursuant to Section 10(f) of the NIPAS Act;
- e. Ensure effective implementation of development activities within the protected area;
- f. Adopt rules and procedures in the conduct of business, roles, and responsibilities, and discipline of its board members, including the creation of standing committees;
- g. Evaluate the performance and activities of the Office of the PASu;
- h. Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue;
- i. Request assistance from any government agency, office, board, private or public person to achieve the objectives of this Act;
- j. Monitor and evaluate the performance of protected area personnel, NGOs, and the communities in biodiversity conservation, socio-cultural and economic development, and report its assessment to the DENR; and
- k. Participate in the selection and designation process of the DENR in the appointment of the Protected Area Superintendent;

The DENR, through the Regional Executive Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between Administrative Orders issued by the DENR pursuant to the NIPAS Act and other laws, and resolutions issued by PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its application.

SECTION 10. The Office of the Mount Mayapay Natural Park (MMNP) Protected

Area Superintendent. There is hereby created an Office of the Mount Mayapay Natural Park (MMNP) Superintendent within the DENR headed by the Protected Area Superintendent (PASu) who shall have a minimum salary grade level of twenty-four (24), and shall serve as the Chief Operating Officer of the protected area. The PASu shall have the following powers and functions:

A. Administrative

1. Serve as Chief Operations Officer of the Protected Area for the purpose of implementing the Management Plan as detailed in the annual work program;
2. Establish a productive partnership with the local community, including groups, in the planning, protection, and management of the protected area;
3. Ensure the performance and good morale of his staff;
4. Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area;
5. Develop and implement a park information, education, and visitor program;
6. Develop and implement a natural history documentation program and to oversee research that may be conducted within the area;
7. Integrate the roles of NGO and DENR staff in the operation of the area; and
8. Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others in establishing effective protection of the area.

B. Regulatory

- 1 1. To act as a Peace Officer for the purpose of maintaining peace and order within the
2 protected area. As a peace officer, he shall exercise police supervision therein and
3 may arrest any person found in any place within the protected areas who is
4 committing, has committed, or is about to commit an offense which is prohibited by
5 this Act.
- 6 2. Enforce rules and regulations established to protect the area and preserve the area
7 from trespass, damage, injury, and illegal occupancy.
- 8 3. Require, when necessary, any person entering or passing through or any part of the
9 protected area under his jurisdiction, to give the following information: name,
10 address, the proposed duration of stay inside the protected area, and the portion
11 which he intends to visit or has visited and such other information of similar nature
12 as may be referred to him;
- 13 4. Summarily remove or eject from the area persons who have rendered themselves
14 obnoxious by disorderly conduct or bad behavior or who have violated any of the
15 regulations on the protected area.
- 16 5. Require persons cutting and/or gathering forest products or hunting or fishing within
17 the protected area to produce, upon demand, authority or permit to do so;
- 18 6. Seize and confiscate timber and other forest products, game birds, animals, and fish
19 including instruments, tools and conveyances used inside the protected area by
20 unlicensed persons, or if licensed, in violation of protected area laws, rules, and
21 regulations, and to report them in accordance with the present rules, regulations,
22 and guidelines issued by the Secretary of the DENR concerning confiscation, seizure,
23 and disposition of illegally cut, gathered, transported forest products, and other
24 natural resources and confiscated wildlife; and

1 7. Perform such other powers and duties as may from time to time be prescribed by
2 higher authorities.

3 The Office of the PASu shall be supported by a sufficient number of personnel who shall
4 perform day-to-day management, protection, and administration of the protected area.

5 All DENR employees detailed to the protected area at the time of effectivity of this Act shall
6 be accorded preference to form part of the Protected Area Superintendent Office.

7 **CHAPTER III** 8 **TENURED MIGRANTS**

9 **SECTION 11. Tenured Migrants.** Tenured Migrants shall be eligible to become stewards of
10 portions of lands within the allowed and designated zones. The PAMB shall identify, verify, review
11 all tenure instruments, land claims, and issuance of permits for resource use within the protected
12 area and recommend the issuance of the appropriate tenure instrument consistent with the land
13 classification, proper and allowed use of resources found therein, and zoning provided in the
14 management and successor plans. Farmers who have been cultivating land within the protected
15 area are considered to be occupying such lands and shall be entitled to a tenure instrument
16 limited to cultivation and residence, *Provided*, that the rights under such can only be transferred
17 to direct descendants.

18 Nothing herein shall be construed to mean any diminution of accrued rights earned by
19 tenured migrants. If the areas occupied by tenured migrants are designated as zones which no
20 occupation or other activities are allowed, they shall be transferred to multiple use zones or buffer
21 zones to be accomplished through just and humane means.

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

4 **SECTION 12. Existing Rights.** All prior property and private rights within the protected
5 area already existing and/or vested prior to the effectivity of this Act, shall be protected and
6 respected in accordance with existing laws. Consequently, all lands classified as Alienable and
7 Disposable prior to the passage of this Act shall continue and remain to be classified as Alienable
8 and Disposable and shall be available for titling subject to existing rules and regulations.

9 Existing built-up Barangays and populated areas within the City of Butuan, and the
10 Municipality of Buenavista, Agusan del Norte, and other existing built-up and populated areas
11 within the MMNP shall be surveyed by the DENR and reclassified into Alienable and Disposable in
12 accordance with existing laws, rules, and regulations. Development of these areas shall be in
13 accordance with the general management plan of MMNP.

14 Persons who have been cultivating land within the protected area for five (5) years prior to
15 the effectivity of this Act are considered to be occupying such lands and shall be entitled to a
16 tenure restricted to cultivation. *Provided,* That the rights under such can only be transferred to
17 direct descendants.

18 Tenured migrant instruments are transferable only to the nearest of kin. However, if the
19 land is idle for at least five (5) consecutive years, the PAMB shall have the right to control and
20 manage the area.

21
22 **SECTION 13. Cancellation of Tenured Migrant Instruments.** Tenured migrant
23 instruments may be cancelled for:

1. violation of the terms and conditions specified therein;
2. the repeated refusal of the holder of the tenure instrument to comply with the Management Plan for the Mount Mayapay Natural Park; or
3. by voluntary surrender of such rights.

Upon cancellation of a tenured migrant instrument, the Office of the PASu shall immediately undertake the necessary steps to rehabilitate the area in order to restore it to its natural state prior to the cultivation or similar acts by the transient or tenured migrant.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

SECTION 14. Special Prosecutor. Within thirty (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 Protected Area Superintendent in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB shall periodically submit an evaluation of the performance of the designated Special Prosecutor to the Department of Justice.

SECTION 15. Administrative Confiscation and Fine. Administrative proceedings for violation of Section 20 of Republic Act 7586 shall proceed independently and without prejudice to judicial action. The PAMB through the PASu is hereby empowered to impose an administrative fine ranging from Five Thousand Pesos (P5,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00) and the cancellation of permit or license issued. Decisions of the PASu may be appealed within thirty (30) days from the receipt of the decision to the PAMB Executive

1 Committee. The decision of the PAMB Executive Committee is appealable to the DENR Secretary
2 within a period of sixty (60) days from the receipt of the decision.

3 All conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of
4 the crime, and similar devices shall be subject to immediate administrative confiscation by the
5 Office of the PASu upon apprehension without prejudice to criminal action. Once the proper
6 criminal information is filed in the regular courts, the said conveyances, vessels, equipment,
7 paraphernalia, implements, gear, tools, instruments of the crime and similar devices shall be in
8 *custodia legis* but shall continue to be subject to administrative confiscation and may only be
9 released by the trial court to the owner pending trial on a writ of replevin, upon consultation with
10 the PASu and with proper consideration of the pending administrative proceedings and the
11 potential forfeiture of the said objects.

12 Administrative fines collected and the proceeds of the sale on forfeiture of all objects
13 administratively and judicially confiscated or forfeited pursuant hereto shall accrue to the Mt.
14 Mayapay PAMB Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

15 The LGUs responsible for the arrest of violators and confiscation of instruments of the crime
16 may claim a share in the disposition thereof while the rest shall accrue to the PAMB. The sharing
17 scheme for this shall be agreed upon by LGUs and the PAMB.

18 **SECTION 16. Special Counsel.** The PAMB may retain the services of a competent lawyer
19 who may be deputized by the Secretary of Justice, to prosecute or assist in the prosecution of
20 cases or defend the members of the PAMB, the PASu and staff or any person assisting in the
21 protection, conservation, and sustainable development of the protected area against any legal
22 action related to their powers, functions and representatives as provided in this Act or as
23 delegated or tasked by the PAMB.

CHAPTER VI
MOUNT MAYAPAY PROTECTED AREA FUND

SECTION 17. Protected Area Fund. The following shall inure to the Mount Mayapay Protected Area Funds:

- a. Visitors/ Tourist fees;
- b. Registration of structures/ facilities;
- c. Fees and royalties from permitted cutting, sale and export of flora and fauna and other resources from the protected area;
- d. Fees from the use of portions of the protected area and other facilities;
- e. Donations and solicitations;
- f. Contributions from industries and facilities directly benefiting from the protected area;
- g. Taxes from permitted sale of flora and fauna;
- h. Such other fees and income derived from the conduct of permitted activities in particular zones of the protected area;
- i. Fines, fees, and damages, other than those intended for rehabilitation, collected from violators;
- j. Proceeds from the sale of confiscated goods and materials; and
- k. Such other proceeds from prohibited and penalized acts.

All donations, contributions, endowments, and grants to Mount Mayapay Natural Park shall accrue to its Protected Area Subfund.

SECTION 18. Utilization of the Protected Area Funds. As provided for in Section 16 of Republic Act 7586, an Integrated Protected Area Fund (IPAF) shall be established as a Special Fund and shall be disbursed solely for the protection, maintenance, administration, and

management of MMNP and the System. At least seventy-five (75) percent of the funds collected shall form part of the MMNP Subfund which shall be retained in the Protected Area and made readily available for disbursement upon prior approval of the MMNP-PAMB. The remaining fund, other than the subfund, shall form part of the Central-IPAF which shall in turn be deposited to the National Treasury.

Disbursement from the Mount Mayapay IPAF shall be made only for the following and should be approved by the PAMB:

- a) Rehabilitation of denuded area, riverbanks, and waterways;
- b) Finance environment-friendly livelihood programs;
- c) PAMB operations; and
- d) Honorarium for deputized park wardens.

The PAMB shall promulgate guidelines for the Mount Mayapay Protected Area Fund within one (1) month from the approval of this Act, and determine an equitable sharing scheme with the LGUs concerned for the revenues derived from facilities or activities within the protected area.

The LGUs within the protected area shall continue to impose and collect other fees not enumerated herein, permissible under the 1991 Local Government Code, such as business permits, property taxes, and rentals of local government facilities, if any. Furthermore, the LGUs may charge additional fees on top of those already imposed by the PAMB; *Provided*, That such additional fees shall be established based on the contribution of the LGU to the maintenance and preservation of the protected area.

**EXISTING FACILITIES,
UTILIZATION OF NON-RENEWABLE RESOURCES,
ENVIRONMENTAL IMPACT ASSESSMENT,
AND COLLABORATION AMONG GOVERNMENT, NON-GOVERNMENT, AND
PEOPLE'S ORGANIZATIONS**

SECTION 19. Existing Facilities within the Protected Area. Existing facilities within the

protected area shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. All future commercial facilities within the boundaries of the protected area with a total capitalization exceeding One Million Pesos (P1,000,000.00) which may be periodically adjusted by the PAMB, through the PASu, shall also submit the following information:

- a. Environmental Impact Assessment and/or Environmental Management Plan;
- b. Environmental Compliance Certificate, if any; and
- c. Development Plan, if any.

Failure to submit the required information shall constitute a violation of this Act. Based on its submission, the PAMB, with the assistance of the DENR shall assess such facility and its future plan and operation vis-à-vis the objectives 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 of such conditions are violated, a fine of Five Thousand Pesos (P5,000.00) for every day of violation shall be imposed. If the fine reaches the total amount of Five Hundred Thousand Pesos (P500,000.00), regardless of duration, the PAMB, through the PASu, and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of the owners.

Existing and future facilities allowed within the protected area may be charged a reasonable fee by the PAMB, pursuant to Section 10(f) of the NIPAS Act, on the extent of its impact on the environment and biodiversity.

SECTION 20. Utilization of Non-renewable Resources For Energy Projects, Ban on Mining Activities. Any exploration or utilization of non-renewable resources within the protected

area shall not be allowed. Energy sources within the protected area shall only be allowed through an Act by Congress.

No mining activities shall be allowed inside the MMNP.

SECTION 21. Environmental Impact Assessment System. Existing laws, rules and regulations relating to Environmental Impact Assessment (EIA) shall be applicable to projects and activities intended inside the protected area. The issuance of the Environmental Compliance Certificate (ECC) or its exemption shall be coordinated with the PAMB.

SECTION 22. Collaboration Among Government, Non-Government Organizations and People's Organizations. For the purpose of attaining the objectives of this Act, all government agencies, NGOs, and POs and their personnel shall continuously foster and develop a strong and true collaboration.

All NGOs and POs and private entities implementing any park conservation, protection, and development program must be accredited by the LGUs and the DENR.

SECTION 23. Roles of Local Government Units and National Agencies on the Protected Area. The LGUs and relevant national agencies shall be represented in the PAMB and shall have the following roles.

- a. Apprise their respective constituents, offices, and other sectors on activities and programs for the protected area;
- b. Ensure consistency in the implementation of all activities in the protected area;
- c. Retain their ordinance-making powers over the protected area and shall consider the Management Plan and the rules and regulations adopted by the PAMB in their

1 legislative agenda relating to biodiversity, conservation, protection, and sustainable
2 development;

3 d. In the formulation of their development plan, local government units shall consider
4 the protected area management plan for Mount Mayapay Protected Area to be
5 prepared by the PAMB;

6 e. Assist the PAMB in the implementation of the overall park programs, including but
7 not limited to the imposition, collection, and utilization of park fees, enforcement of
8 policies, rules and regulations and other similar park activities;

9 f. Accredite POs, NGOs, and other entities and groups involved in activities within the
10 protected area; and

11 g. Provide the PAMB with relevant information and data for the effective management
12 of the protected area.

13 **SECTION 24. Projects on Public Service.** All existing and future development projects of
14 public service utilities involving water services, communication facilities, power and energy
15 generation, public security, health and education services and other facilities which will promote
16 public welfare, shall be implemented within areas designated/ approved by the PAMB and other
17 appropriate government agencies.

18 **CHAPTER VII**
19 **APPROPRIATIONS AND MISCELLANEOUS PROVISIONS**

20 **SECTION 25. Appropriations.** An initial amount of Twenty Million Pesos (P20,000,000.00)
21 shall be included in the General Appropriations Act as operating budget for the Mount Mayapay

1 Protected Area. Thereafter, such sums as may be necessary for its continued operation shall be
2 included in the annual General Appropriations Act.

3 **SECTION 26. Separability Clause.** If any part of this Act is declared unconstitutional,
4 such declaration shall not affect the other parts or sections hereof.

5 **SECTION 27. Repealing Clause.** All other existing laws, rules and regulations inconsistent
6 with this Act are hereby repealed, amended, or modified accordingly.

7 **SECTION 28. Effectivity Clause.** This Act shall take effect fifteen (15) days after it
8 complete publication in the Official Gazette or in at least two (2) national newspapers of general
9 circulation, whichever comes earlier.

Approved,