

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 211



Introduced by HON. EUFRANIO C. ERIGUEL, M.D.

EXPLANATORY NOTE

This Bill, which was previously filed in the 15th Congress and approved by the House of Representatives on third reading, seeks establish the Agoo-Damortis Landscape and Seascape, located in the Municipalities of Agoo, Sto. Tomas, and Rosario in the Province of La Union as a protected area, providing for its management and for other purposes. In conformity with the 1987 Constitution which sought to “protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature,” the declaration of the Agoo-Damortis Landscape and Seascape as a protected area would ensure the implementation of the appropriate protection and conservation activities in the national park which would further enhance among others the tourism industry in the Province of La Union.

The shores and territorial waters of La Union from Agoo to Damortis, which covers 10,629.22 hectares, was first established as a national park by virtue of Republic Act No. 4570 dated June 19, 1965 and later affirmed as Agoo-Damortis Protected Seascape and Landscape by virtue of Presidential Proclamation No. 277 dated April 23, 2000 as an initial component under Republic Act 7586 otherwise known as the National Integrated Protected Areas System. •

The Agoo-Damortis Protected Seascape and Landscape, situated within the Lingayen Gulf, has been identified to have unique and abundant biological, geological and hydrological features. The area has also been identified as a migratory site of at least

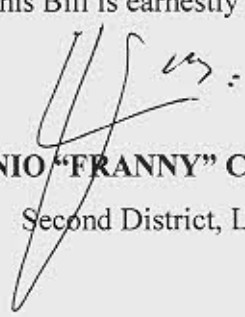
more than fifteen (15) species of birds and certain species of reptiles and fish. More importantly, major rivers are located within the protected area which includes the Agoo river, Cupang River and Bani River.

Notwithstanding its importance, the Agoo-Damortis Protected Seascap and Landscape has been completely neglected over the years and is thus facing serious threats to its biodiversity. Aside from the continued erosion occurring in some areas of the park, there is also the alarming depletion of marine resources as well as an escalating decrease in fish haul and destruction of corals over the years. Thus, the immediate need to arrest this indiscriminate use of natural resources.

Given the various laws and issuances on the area, it is imperative to legislate a law which will harmonize their provisions and to define the parameters, mechanisms and structure of the management of the Agoo-Damortis Protected Seascap and Landscape/ National Park, giving very active role to the public constituency. It is crucial to protect the area from unashamed exploitation in order to sustain its ecological balance as well as protect its source of water supply.

This Bill, therefore, in seeking to establish the Agoo-Damortis Protected Seascap and Landscape as a protected area, also seeks to provide for a comprehensive and sustained conservation system through an effective and responsive management of the area for the benefit of our children and their future.

In view of the foregoing, the passage of this Bill is earnestly sought.



EUFRANIO "FRANNY" C. ERIGUEL, M.D.
Second District, La Union

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 214

Introduced by **HON. EUFRANIO C. ERIGUEL, M.D.**

AN ACT
ESTABLISHING THE AGOO-DAMORTIS PROTECTED LANDSCAPE AND
SEASCAPE IN THE PROVINCE OF LA UNION AS A PROTECTED AREA,
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* – This Act shall be known as the “Agoo-Damortis Protected Landscape and Seascape (ADPLS) Act of 2013.”

SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to regulate the utilization of terrestrial and marine resources within the Agoo-Damortis landscape and seascape to ensure the continuity of endangered, threatened, and rare species therein, as well as conserve, protect and preserve its scenic, educational, cultural, historical and recreational features, through its establishment as a protected area in accordance with the provisions of Republic Act No. 7586, otherwise known as the “National Integrated Protected Area System Act of 1992.”

SEC. 3. *Land Classification.* – All lands and waters of the public domain comprising the ADPLS shall fall under the classification of National Park as provided for in the 1987 Philippine Constitution.

SEC. 4. *Scope.* – The boundaries of the ADPLS shall be as follows:

Parcel I - Beginning at Corner "1", N34°23'45"W, 5,314.48 meters from BLLM # 1,
CAD 314-D, Agoo, Cadastre (N-1806567.81 and E-218537.90)

LINE	BEARING	DISTANCE (meters)
1-2	S. 32° 40' 40" E.	327.20
2-3	S. 07° 55' 14" E.	105.19
3-4	N. 41° 29' 47" E.	31.45
4-5	S. 39° 42' 35" E.	69.48
5-6	S. 48° 10' 47" W.	23.10
6-7	S. 31° 11' 05" E.	80.48
7-8	S. 28° 44' 42" E.	138.46
8-9	S. 24° 20' 27" E.	41.76
9-10	N. 71° 33' 54" E.	20.05
10-11	S. 31° 50' 07" E.	194.08
11-12	N. 58° 20' 55" E.	77.69
12-13	S. 15° 18' 46" E.	78.90
13-14	S. 69° 08' 43" W.	20.36
14-15	S. 04° 36' 59" E.	34.91
15-16	N. 88° 27' 39" W.	17.29
16-17	S. 04° 05' 08" E.	146.23
17-18	N. 67° 16' 54" E.	18.38
18-19	S. 02° 59' 25" E.	121.56
19-20	S. 03° 48' 27" E.	266.03
20-21	S. 06° 33' 48" W.	321.00
21-22	S. 01° 31' 16" E.	392.41
22-23	S. 08° 44' 29" W.	426.22
23-24	S. 09° 01' 05" W.	326.55
24-25	S. 10° 15' 59" W.	424.44
25-26	S. 08° 38' 10" W.	413.27
26-27	S. 30° 58' 40" W.	315.94
27-28	S. 00° 53' 33" W.	319.84
28-29	S. 03° 16' 04" W.	294.01

29-30	S. 04° 57' 41" W.	413.76
30-31	S. 03° 13' 28" W.	64.42
31-32	S. 02° 56' 17" E.	273.96
32-33	S. 07° 20' 07" E.	244.80
33-34	S. 08° 27' 18" E.	135.55
34-35	S. 03° 35' 53" E.	295.92
35-36	S. 01° 23' 40" E.	241.96
36-37	S. 01° 03' 39" W.	48.93
37-38	S. 01° 06' 44" E.	93.33
38-39	S. 00° 05' 51" W.	265.44
39-40	S. 12° 42' 29" E.	455.06
40-41	S. 33° 57' 13" E.	81.91
41-42	S. 40° 09' 56" E.	129.22
42-43	S. 19° 01' 32" E.	166.74
43-44	S. 23° 14' 10" E.	90.70
44-45	S. 20° 29' 50" E.	103.49
45-46	S. 21° 35' 43" E.	257.23
46-47	S. 25° 29' 00" E.	386.38
47-48	S. 25° 03' 09" E.	307.01
48-49	S. 31° 29' 22" E.	533.33
49-50	S. 29° 22' 17" E.	206.88
50-51	S. 22° 49' 27" E.	409.87
51-52	S. 16° 46' 09" E.	354.82
52-53	S. 12° 09' 28" E.	402.20
53-54	S. 09° 57' 23" E.	379.88
54-55	S. 34° 49' 38" E.	310.12
55-56	S. 51° 26' 29" E.	239.82
56-57	S. 26° 56' 39" E.	244.92
57-58	S. 42° 47' 55" E.	508.69
58-59	S. 48° 02' 11" E.	326.53
59-60	S. 35° 55' 01" E.	294.20
60-61	S. 05° 29' 32" E.	189.31

61-62	S. 29° 58' 17" E.	511.40
62-63	N. 61° 58' 55" E.	111.86
63-64	N. 29° 10' 22" E.	489.73
64-65	N. 15° 18' 03" W.	99.56
65-66	N. 46° 18' 22" W.	491.79
66-67	N. 13° 47' 39" W.	416.05
67-68	N. 25° 38' 27" W.	728.56
68-69	N. 57° 54' 29" E.	1081.11
69-70	S. 60° 37' 54" E.	273.40
70-71	S. 04° 51' 23" W.	139.11
71-72	S. 54° 09' 23" E.	2260.34
72-73	S. 24° 54' 08" E.	2164.43
73-74	N. 87° 11' 24" E.	147.85
74-75	S. 09° 45' 08" E.	117.66
75-76	S. 18° 35' 15" E.	268.58
76-77	S. 14° 25' 24" E.	260.05
77-78	S. 22° 50' 17" E.	274.26
78-79	S. 20° 34' 31" E.	314.49
79-80	S. 41° 43' 05" E.	229.39
80-81	S. 29° 24' 56" E.	195.53
81-82	S. 11° 08' 02" E.	86.79
82-83	S. 18° 11' 56" E.	208.85
83-84	S. 16° 01' 15" E.	329.90
84-85	S. 17° 58' 53" E.	162.87
85-86	S. 52° 18' 20" E.	25.19
86-87	S. 07° 46' 46" E.	324.60
87-88	S. 17° 55' 03" E.	285.64
88-89	S. 14° 15' 05" E.	292.57
89-90	S. 25° 49' 52" E.	221.43
90-91	S. 21° 34' 53" E.	219.21
91-92	S. 46° 58' 29" E.	195.18
92-93	S. 88° 57' 53" W.	4914.67

93-94	N. 53° 18' 37" W.	6304.71
94-95	N. 29° 38' 36" W.	4194.52
95-96	N. 22° 01' 26" W.	1601.73
96-97	N. 21° 49' 58" W.	2764.87
97-98	N. 02° 49' 35" E.	5502.18
98-99	N. 84° 05' 21" E.	5217.01
99-100	S. 06° 06' 55" E.	21.05
100-1	S. 17° 41' 25" E.	21.72

Parcel II - Beginning at Corner "I", N. 34° 23' 45" W., 5,314.48 meters from BLLM #1,
CAD 314-D, Agoo, Cadastre (N-1806567.81 and E-218537.90)

LINE	BEARING	DISTANCE (meters)
1-2	N. 78° 07' 33" E.	50.95
2-3	S. 33° 26' 23" E.	335.04
3-4	S. 06° 37' 57" E.	45.67
4-5	S. 39° 38' 03" E.	135.62
5-6	S. 44° 59' 59" W.	22.38
6-7	S. 25° 03' 27" E.	179.35
7-8	N. 73° 04' 20" E.	25.36
8-9	S. 28° 24' 18" E.	176.32
9-10	N. 59° 02' 10" E.	110.73
10-11	S. 11° 57' 54" E.	162.85
11-12	S. 20° 07' 10" W.	113.48
12-13	S. 09° 09' 44" E.	33.13
13-14	S. 19° 29' 10" E.	72.74
14-15	S. 05° 20' 29" E.	130.33
15-16	S. 05° 05' 23" E.	261.62
16-17	S. 06° 48' 07" W.	325.13
17-18	S. 01° 35' 28" E.	398.95
18-19	S. 08° 37' 50" W.	418.31
19-20	S. 08° 46' 49" W.	335.21
20-21	S. 10° 35' 35" W.	421.81

21-22	S. 07° 53' 42" W.	418.59
22-23	S. 31° 20' 21" W.	317.46
23-24	S. 01° 21' 50" W.	310.26
24-25	S. 02° 29' 06" W.	304.13
25-26	S. 04° 15' 20" W.	405.19
26-27	S. 05° 31' 39" W.	65.72
27-28	S. 02° 19' 17" E.	273.48
28-29	S. 07° 16' 39" E.	245.69
29-30	S. 09° 54' 15" E.	134.94
30-31	S. 02° 57' 14" E.	296.86
31-32	S. 02° 59' 11" E.	242.99
32-33	S. 04° 51' 52" W.	49.77
33-34	S. 00° 19' 59" E.	90.73
34-35	S. 00° 13' 35" E.	266.92
35-36	S. 13° 08' 02" E.	438.76
36-37	S. 30° 34' 45" E.	53.92
37-38	S. 39° 48' 20" E.	144.20
38-39	S. 20° 33' 21" E.	189.30
39-40	S. 22° 46' 13" E.	92.68
40-41	S. 21° 41' 39" E.	366.75
41-42	S. 24° 46' 51" E.	363.71
42-43	S. 25° 37' 00" E.	313.57
43-44	S. 31° 17' 45" E.	514.86
44-45	S. 30° 08' 41" E.	234.24
45-46	S. 22° 33' 03" E.	404.40
46-47	S. 16° 34' 05" E.	353.33
47-48	S. 12° 23' 15" E.	418.03
48-49	S. 09° 43' 39" E.	374.64
49-50	S. 36° 10' 21" E.	260.08
50-51	S. 52° 44' 31" E.	249.20
51-52	S. 25° 13' 16" E.	241.40
52-53	S. 42° 43' 59" E.	499.85

53-54	S. 48° 15' 33" E.	328.03
54-55	S. 35° 49' 16" E.	334.39
55-56	S. 04° 03' 44" E.	186.15
56-57	S. 29° 44' 11" E.	451.99
57-58	N. 61° 17' 38" E.	50.52
58-59	N. 29° 49' 48" E.	439.03
59-60	N. 12° 48' 15" W.	71.41
60-61	N. 46° 21' 31" W.	487.66
61-62	N. 14° 16' 29" W.	430.01
62-63	N. 25° 18' 32" W.	774.91
63-64	N. 58° 06' 40" E.	1154.33
64-65	S. 60° 35' 49" E.	328.79
65-66	S. 02° 38' 33" W.	137.30
66-67	S. 54° 05' 57" E.	2245.41
67-68	S. 24° 59' 13" E.	2141.70
68-69	S. 89° 37' 57" E.	164.59
69-70	S. 07° 41' 12" E.	173.53
70-71	S. 18° 54' 32" E.	262.07
71-72	S. 15° 19' 33" E.	261.45
72-73	S. 21° 48' 05" E.	272.71
73-74	S. 19° 49' 12" E.	269.15
74-75	S. 42° 01' 34" E.	230.08
75-76	S. 30° 21' 05" E.	228.62
76-77	S. 08° 52' 50" E.	102.51
77-78	S. 19° 10' 44" E.	205.53
78-79	S. 16° 05' 02" E.	329.40
79-80	S. 17° 29' 27" E.	131.63
80-81	S. 38° 09' 26" E.	37.57
81-82	S. 07° 19' 25" E.	339.32
82-83	S. 18° 32' 18" E.	277.08
83-84	S. 14° 51' 16" E.	304.53
84-85	S. 27° 28' 27" E.	208.10

85-86	S. 20° 27' 14" E.	208.31
88-89	N. 46° 58' 29" W.	195.18
89-90	N. 21° 34' 53" W.	219.21
90-91	N. 25° 49' 52" W.	221.43
91-92	N. 14° 15' 05" W.	292.57
92-93	N. 17° 55' 03" W.	285.64
93-94	N. 07° 46' 46" W.	324.60
94-95	N. 52° 18' 20" W.	25.19
95-96	N. 17° 58' 53" W.	162.87
96-97	N. 16° 01' 15" W.	329.90
97-98	N. 18° 11' 56" W.	208.85
98-99	N. 11° 08' 02" W.	86.79
99-100	N. 29° 24' 56" W.	195.53
100-101	N. 41° 43' 05" W.	229.39
101-102	N. 20° 34' 31" W.	314.49
102-103	N. 22° 50' 17" W.	274.26
103-104	N. 14° 25' 24" W.	260.05
104-105	N. 18° 35' 15" W.	268.58
105-106	N. 09° 45' 08" W.	117.66
106-107	S. 87° 11' 24" W.	147.85
107-108	N. 24° 54' 08" W.	2164.43
108-109	N. 54° 09' 23" W.	2260.34
109-110	N. 04° 51' 23" E.	139.11
110-111	N. 60° 37' 54" W.	273.40
111-112	S. 57° 54' 29" W.	1081.11
112-113	S. 25° 38' 27" E.	728.56
113-114	S. 13° 47' 39" E.	416.05
114-115	S. 46° 18' 22" E.	491.79
115-116	S. 15° 18' 03" E.	99.56
116-117	S. 29° 10' 22" W.	489.73
117-118	S. 61° 58' 55" W.	111.86
118-119	N. 29° 58' 17" W.	511.40

119-120	N. 05° 29' 32" W.	189.31
120-121	N. 35° 55' 01" W.	294.20
121-122	N. 48° 02' 11" W.	326.53
122-123	N. 42° 47' 55" W.	508.69
123-124	N. 26° 56' 39" W.	244.92
124-125	N. 51° 26' 29" W.	239.82
125-126	N. 34° 49' 38" W.	310.12
126-127	N. 09° 57' 23" W.	379.88
127-128	N. 12° 09' 28" W.	402.20
128-129	N. 16° 46' 09" W.	354.82
129-130	N. 22° 49' 27" W.	409.87
130-131	N. 29° 22' 17" W.	206.88
131-132	N. 31° 29' 22" W.	533.33
132-133	N. 25° 03' 09" W.	307.01
133-134	N. 25° 29' 00" W.	386.38
134-135	N. 21° 35' 43" W.	257.23
135-136	N. 20° 29' 50" W.	103.49
136-137	N. 23° 14' 10" W.	90.70
137-138	N. 19° 01' 32" W.	166.74
138-139	N. 40° 09' 56" W.	129.22
139-140	N. 33° 57' 13" W.	81.91
140-141	N. 12° 42' 29" W.	455.06
141-142	N. 00° 05' 51" E.	265.44
142-143	N. 01° 06' 44" W.	93.33
143-144	N. 01° 03' 39" E.	48.93
144-145	N. 01° 23' 40" W.	241.96
145-146	N. 03° 35' 53" W.	295.92
146-147	N. 08° 27' 18" W.	135.55
147-148	N. 07° 20' 07" W.	244.80
148-149	N. 02° 56' 17" W.	273.96
149-150	N. 03° 13' 28" E.	64.42
150-151	N. 04° 57' 41" E.	413.76

151-152	N. 03° 16' 04" E.	294.01
152-153	N. 00° 53' 33" E.	319.84
153-154	N. 30° 58' 40" E.	315.94
154-155	N. 08° 38' 10" E.	413.27
155-156	N. 10° 15' 59" E.	424.44
156-157	N. 09° 01' 05" E.	326.55
157-158	N. 08° 44' 29" E.	426.22
158-159	N. 01° 31' 16" W.	392.41
159-160	N. 06° 33' 48" E.	321.00
160-161	N. 03° 48' 27" W.	266.03
161-162	N. 02° 59' 25" W.	121.56
162-163	N. 17° 41' 25" W.	21.72
163-164	S. 67° 16' 54" W.	18.38
164-165	N. 04° 05' 08" W.	146.23
165-166	S. 88° 27' 39" E.	17.29
166-167	N. 06° 06' 55" W.	21.05
167-168	N. 04° 36' 59" W.	34.91
168-169	N. 69° 08' 43" E.	20.36
169-170	N. 15° 18' 46" W.	78.90
170-171	S. 58° 20' 55" W.	77.69
171-172	N. 31° 50' 07" W.	194.08
172-173	S. 71° 33' 54" W.	20.05
173-174	N. 24° 20' 27" W.	41.76
174-175	N. 28° 44' 42" W.	138.46
175-176	N. 31° 11' 05" W.	80.48
176-177	N. 48° 10' 47" E.	23.10
177-178	N. 39° 42' 35" W.	69.48
178-179	S. 41° 29' 47" W.	31.45
179-180	N. 07° 55' 14" W.	105.19
180-1	N. 32° 40' 40" W.	327.20

Any modification of this Act due to factors such as changing ecological situations, new scientific discovery of traditional boundaries not previously taken into account shall

be made through an Act of Congress passed after full consultation with the affected public.

SEC. 5. Definition of Terms. – For purposes of this Act, the following terms are defined as follows:

- (a) **Biological diversity** shall refer to the variety and variability among living organisms and the ecological complexes in which living organisms occur.
- (b) **Biological resources** shall refer to living natural resources, including the microorganisms, plants and animals, plus the environmental resources to which the species contribute.
- (c) **Buffer zone** shall refer to identified areas outside the boundaries of and immediately adjacent to or surrounding a designated protected area that need special development control in order to avoid or minimize harm to other protected area.
- (d) **Endangered species** shall refer to species and subspecies of wildlife whose populations are in danger of extinction and whose survival is unlikely if the causal factors continue to operate.
- (e) **General Management Plan** shall refer to the basic long-term framework plan in the management of the protected area and serves as guide in the preparation of the annual operations plan and budget.
- (f) **General Management Planning Strategy (GMPS)** shall refer to the general guide in the formulation of site-specific management plans including buffer zones.
- (g) **Management manual** shall refer to the individual management plan for the ADPLS containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing, appropriate division into management zones, review of the boundaries and design of the management programs.
- (h) **NIPAS Act** shall refer to Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System Act of 1992”.
- (i) **Nongovernment organization (NGO)** shall refer to any civic, development or philanthropic organization, which is multi-sectoral in character.

- (j) **People's organization (PO)** shall refer to organizations of members of the local community whose purpose for establishment is to protect or advance the interest of specific sectors such as, but not limited to, farmers, fisherfolk, women and the like.
- (k) **Protected Area Management Board (PAMB)** shall refer to the management body within the site, responsible for the budgetary allocation for activities and programs in the ADPLS, and making decisions on matters relating to planning, peripheral protection, and general administration in accordance with the General Management Plan.
- (l) **Protected Area Superintendent (PASu)** shall refer to the Chief Operating Officer of the Department of Environment and Natural Resources (DENR) in the ADPLS under the supervision of the PAMB and the concerned DENR Regional Executive Director (RED).
- (m) **Protected landscape and seascape** shall refer to areas of national significance characterized by the harmonious interaction of man and land while providing opportunities for enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.
- (n) **Protected species** shall refer to existing individuals of any species listed under the Convention on International Trade of Endangered Species (CITES), or any plants or animals that are declared to be protected under Philippine laws, rules and regulations issued by the DENR or the PAMB or the management plan herein provided for.
- (o) **Tenured migrant** shall refer to any person who has actually and continuously occupied the protected area for five (5) years prior to its designation as a protected area in accordance with the NIPAS Act and is solely dependent therein for subsistence.

SEC. 6. Control and Supervision. – The ADPLS shall be under the administrative jurisdiction of the DENR and shall be administered in accordance with the provisions of this Act and the applicable provisions of the NIPAS Act. The DENR shall address issues pertaining to the maintenance of the ecological processes and life support systems, preservation of genetic diversity and the sustainable use of the resources within the ADPLS.

SEC. 7. Management. – The ADPLS shall be under the management of the PAMB, composed of the following as members:

- (a) The DENR RED of Region I as chairperson and advisor on matters related to the technical aspects of protected area management;
- (b) The Provincial Planning and Development Coordinator (PPDC) of the Province of La Union;
- (c) One (1) representative from each of the municipal governments of Agoo, Sto. Tomas, and Rosario, La Union, to be appointed by the respective Sangguniang Bayan;
- (d) The Regional Director of the Bureau of Fisheries and Aquatic Resources (BFAR)-Region I, or the person's permanent representative;
- (e) One (1) representative from each of the nineteen (19) barangays within the ADPLS, to be appointed by their respective Sanggunian; and
- (f) Three (3) representatives from local nongovernment organizations (NGOs), and community and people's organizations, to be chosen by the respective sectors in an election called for the purpose by the DENR, in coordination with the local government units (LGU's)

Each member of the PAMB shall serve for a term of five (5) years and shall be considered to represent and carry the vote of such sector in all matters. In case of members who are government officials, their membership shall be co-terminus with their term of office. Whenever a vacancy occurs during the term of a member, a new member shall be appointed in the same manner as the original appointment in order to complete such unfinished term.

The members of the PAMB shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in meetings of the PAMB or in connection with other official business authorized by resolution of the PAMB, subject to existing rules and regulations.

The following shall be the duties and functions of the PAMB:

- (1) Decide matters relating to planning, resource protection and general administration of the area in accordance with the General Management Planning Strategy (GMPS);

- (2) Approve proposals, work plans, action plans and guidelines for the management of the protected area in accordance with the approved management plan;
- (3) Delineate and demarcate protected area boundaries and buffer zones pursuant to the technical description provided in this Act;
- (4) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual of the protected area;
- (5) Ensure the implementation of programs as prescribed in the management plan in order to provide employment to the people dwelling in and around the protected area;
- (6) Control and regulate the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation systems and other public utilities within the protected area; and
- (7) Monitor and evaluate the performance of protected area personnel, NGOs, and the communities in biodiversity conservation and socio-cultural and economic development and report their assessments to the NIPAS Policy and Program Steering Committee (NPPSC) and the Integrated Protected Area Fund (IPAF) Governing Board.

The PASu shall prepare the management plan in consultation with the appropriate offices of the DENR and local experts including, but not limited to, people's organizations, non-government organizations and local government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and shall be certified by the Secretary of the DENR that the management plan conforms to all laws, rules and regulations of national application issued by the DENR. In no case shall the DENR revise or modify the management plan without prior consultation with the PAMB.

The PASu, in coordination with all concerned offices, shall likewise prepare all successor plans. One (1) year 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 (3) other areas frequented by the public. Public hearings may be conducted on the successor plan upon

the written request of any interested party. The final plan shall be prepared in a language understandable in the area, plainly written and available for public comment at the office of the PASu upon its approval by the PAMB.

The zoning of the ADPLS shall give primary consideration to the traditional zones used and recognized by tenured migrants unless such uses are deemed detrimental to biodiversity and the protection of its natural characteristics.

SEC. 8. *Special Prosecutors.* – 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 the laws and 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 the person's duties and assist in the training of rangers in apprehension and criminal procedures.

SEC. 9. *Agoo-Damortis Protected Area Fund.* – There is hereby established a trust fund to be known as the Agoo-Damortis Protected Landscape and Seascape Fund (ADPLSF) for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the ADPLS shall accrue to the fund. This income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the ADPLS, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from it, and such other fees and incomes derived from its operation.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration, and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The local government units (LGUs) shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs facilities. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined

based on the contribution of the LGUs in the maintenance and protection of the protected area.

SEC. 10. *Existing Facilities within the ADPLS.* – Within sixty (60) days from the effectivity of this Act, existing facilities such as roads, buildings, airports, seaports, water systems, power plants, transmission lines, communication facilities, heavy equipment, irrigation facilities, commercial sea vessels, medical facilities and junk shops of government organizations or agencies, non-government organizations, and private individuals and institutions within the protected area shall be assessed in terms of their significance to national interest and their impact on the ADPLS. The owners of these facilities shall be required to submit their individual project descriptions including their future plans to the PAMB through the PASu. For those facilities found significant to national interest, a contract shall be negotiated between the PAMB and the operator and the payment of fees for the use of the land shall be based on profit-sharing principle or other measures in accordance with law. Other facilities whose purposes are found inconsistent with protected management shall be directed to vacate such area, if possible, at the earliest possible time.

Upon review and evaluation of all existing facilities, the PAMB shall imposed conditions on the operation of the facilities that are detrimental to the ADPLS. If such conditions are violated, the owner of such facilities shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every day of violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB through the PASu and deputized government entities shall cause the cessation and demolition of the facility at the cost of its owners. Fees collected shall accrue to the ADPLSF established in Section 9 hereof.

SEC. 11. *Utilization of Energy Resources.* – The ADPLS may be subjected to exploration for the purpose of gathering information on energy resources and only if such activity is carried out with the least damage to surrounding areas. Surveys shall be conducted only in accordance with a program approved by the DENR, and the results of such surveys shall be made available to the public and submitted to the President for recommendation to Congress. Any exploitation and utilization of energy resources found within the ADPLS shall be allowed only through an Act of Congress.

SEC. 12. *Tenured Migrants.* – Those who have actually and continuously occupied portions of the protected areas since June 30, 1987 and are solely dependent

therein for subsistence are considered as tenured migrants. Their proof of length of occupancy shall be documented through a tenure instrument over such areas as have been occupied or cultivated and/or developed since June 30, 1987. In case the areas occupied by tenured migrants fall within management zones that do not allow occupancy or other critical management activities, provisions for their transfer to multiple-use zones shall be utilized using humanitarian considerations.

The rights, interest and activities of tenured migrants within the ADPLS and its adjoining buffer zones shall be governed by the principles of biodiversity protection and sustainable development and by the guidelines prescribed in the management plan as well as the prohibitions set out in the NIPAS Act: *Provided*, That all plans, policies and guidelines affecting tenured migrants shall be developed and implemented in partnership with them. When a tenured migrant instrument is cancelled for cause, abandonment and/or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other developmental activities by the tenured migrant.

SEC. 13. *Indigenous People's Rights.* – The rights of the indigenous communities to their ancestral domains and other customary rights and interest within the ADPLS shall be accorded due recognition. The preservation and protection of ancestral domains and customary rights shall be considered as a management objective.

The PASu Office shall identify the location of indigenous cultural communities within or near the site, which is identifiable by the tribal leaders.

The evaluation of ancestral domain claims within the ADPLS shall be conducted by the National Commission on Indigenous Peoples (NCIP) pursuant to the provisions of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” or the IPRA law, and its implementing rules and regulations, in coordination with the PAMB.

SEC. 14. *Appropriations.* – The Secretary of the Department of Environment and Natural Resources shall immediately include in the Department’s program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 15. *Reporting Responsibility.* – The PASu, through the PAMB, shall be responsible in the preparation of accomplishment reports on all activities undertaken in the ADPLS for submission to the DENR Secretary.

SEC. 16. *Prohibited Acts and Penalties.* – The following acts are hereby prohibited within the ADPLS:

- (a) Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the PAMB;
- (b) Dumping of any waste products detrimental to the ADPA, or to the plants and animals or inhabitants therein;
- (c) Use of any motorized equipment without a permit from the PAMB;
- (d) Mutilating, defacing or destroying objects of natural beauty or objects of interest to cultural communities;
- (e) Damaging and leaving roads and trails in a damaged condition;
- (f) Squatting, mineral location or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fence or enclosure, conducting any business enterprise without a permit from the PAMB;
- (h) Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
- (i) Altering, removing, destroying or defacing boundary marks or signs.

SEC. 17. *Penalties.* – Whoever violates this Act or any rules and regulations issued by the Department or the PAMB pursuant to this Act or whoever is found guilty by a competent court of justice of any of the offenses in the preceding section shall be fined in the amount of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00), exclusive of the value of the thing damaged or imprisonment of not less than one (1) year but not more than six (6) years, or both, as determined by the court: *Provided*, That if the area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage: *Provided, further*, That the court shall order the eviction of the offender from the area and the forfeiture in favor of the government of all minerals, timber, or any terrestrial or marine species collected or removed, including all equipment, devices and firearms used in connection therewith and any construction or improvement made thereon by the offender. If the offender is an association or a corporation, the

president or manager shall be directly responsible for the act of his employees and laborers: *Provided, finally,* That the DENR may impose administrative fines and penalties consistent with this Act.

SEC. 18. *Separability Clause.* – If any part or section of this Act is declared unconstitutional by the court, such declaration shall not affect the other parts or sections hereof.

SEC. 19. *Repealing Clause.* – All laws, presidential decrees, executive orders, and rules and regulations inconsistent with any provision of this Act shall be deemed repealed or modified accordingly.

SEC. 20. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in two (2) national newspapers of general circulation.

Approved,