

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
1st Regular Session

HOUSE BILL NO. 591



Introduced by Representative ROMMEL C. AMATONG

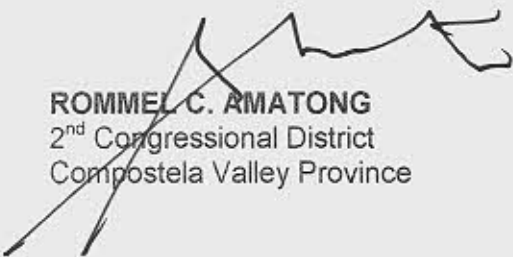
EXPLANATORY NOTE

This Bill seeks to establish and strengthen the legal status of the Mainit Hot Springs Protected Landscape (HSHPL) and to expand its boundaries to include the entire Manat River Watershed.

The Mainit Hot Springs are located in the headwaters of the Manat River in Barangay Bukal and Barangay Mainit, in the Municipality of Nabunturan, the capital town of Compostela Valley (COMVAL) Province. The lands around the Mainit Hot Springs officially became Mainit Hot Springs National Park through a Presidential Proclamation No.466 dated December 12, 1957 and pursuant to Republic Act No. 3915. The same area was converted into a Protected Landscape under the NIPAS Law of 1991 to accommodate aboriginal Mansaka tribesmen to continue to reside inside their ancestral domain within the Upper Manat River Valley. However, these administrative actions failed to prevent timber poaching by both legitimate and unlicensed loggers, illegal harvesting of other forest products, illegal hunting and animal poaching, illegal mining and quarrying, and illegal entry and residence of migrant farmers, traders and small miners. Destruction and degradation of the environment continue to a point when droughts and flush floods are now threatening to ravage the rich agricultural lands of the Lower Manat River Valley in the municipalities Nabunturan and Montevista. A strong Congressional Act is, therefore, urgently needed to adequately protect and rehabilitate this only remaining thinly forested watershed at the headwaters of the Manat River.

Moreover, to ensure active and intelligent participation of the indigenous Mansaka population and the tenured migrants in developing a successful and sustainable program of rehabilitating the ecological treasures found within the Mainit Hot Springs Protected Landscape, this bill provides for the implementation of a value education program intended to convert Park dwellers into rehabilitators and protectors of biodiversity and wildlife habitat. It also stipulates for the creation of a world-class but community based eco-tourism project, as a sustainable source of livelihood for the indigenous Mansaka and the tenured migrants residing and occupying parcels of land within the Protected Area.

The approval of this bill is therefore most earnestly sought.


ROMMEL C. AMATONG
2nd Congressional District
Compostela Valley Province

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9
10 AN ACT

11 ESTABLISHING MAINIT HOTSPRINGS LOCATED IN THE MUNICIPALITIES OF
12 NABUNTURAN, MAWAB, AND MACO IN THE PROVINCE OF COMPOSTELA VALLEY AS
13 A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK AND ITS
14 PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING FOR ITS MANAGEMENT, AND
15 FOR OTHER PURPOSES

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

17
18 CHAPTER ONE
19 INTRODUCTORY PROVISIONS

20 **SECTION 1. Title.** This Act shall be known as the Mainit Hot Springs Protected Landscape Act
21 of 2013.

22 **SEC. 2. Declaration of Policy.** Considering that the aesthetic, economic, cultural, and
23 ecological importance of Mainit Hot Spring's and its unique biological resources are now being
24 seriously threatened by extractive and destructive activities of timber and wildlife poachers, by
25 illegal and franchised miners, by *kaingin* or slash-and-burn farmers, and land speculators, it is
26 hereby declared the policy of the State to secure its protection and conservation, and to
27 promote the welfare of the indigenous peoples and communities residing therein as well as their
28 culture and way of life. In so doing, the State shall:

29 A. Ensure the protection and conservation, restoration and rehabilitation of biodiversity and
30 wildlife habitat in Mainit Hot Springs Protected Landscape through sustainable and participatory
31 development;

32 B. Advance, respect, and protect the customs and interests of its legitimate inhabitants, tenured
33 migrants, and indigenous peoples alike;

34 C. . Promote ecotourism as a strategy to provide sustainable source of income and livelihood to
35 park dwellers and to motivate them to become actively responsible for the protection,
36 conservation, restoration and rehabilitation of the entire Manat River Watershed into a Natural
37 Park;

D. Assist indigenous Mansaka and Tenured Migrants families to resettle their residences in hazard free sites at the northern entrance of the Park and to create for themselves an ecovillage(s) or ecologically friendly community(-ies); and

E. Foster partnership among government, non-government organizations, people's organizations, and religious groups in conducting continuous Information and Education Campaign (IEC) to help Protected Area dwellers to develop environmentally friendly world views, life style, norms, attitudes, values and behaviors that will transform them from being destroyers of natural resources to being restorers, rehabilitators, conservers and protectors of biodiversity and wildlife habitats.

SEC. 3. *Definition of Terms.*

A. "*Ancestral Domain/Ancestral Lands*" refers to all areas generally belonging to Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs), subject to property or prior rights within the ancestral domains already existing and vested upon the effectivity of Republic Act No. 8371 or the Indigenous People's Rights Act (IPRA) of 1997, comprising of lands, inland waters, and natural resources therein held under a claim of ownership, occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth, or as a consequence of government projects or any other voluntary dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still semi-nomadic and/or shifting cultivators.

B. "*Authorized Representative*" refers to a proxy who is invested with full authority to make decision and cast a vote on behalf of his/her principal or the person represented.

D. "*Biodiversity*" refers to the variety and variability among all living organisms and the ecological complex in which they occur.

E. "*Buffer Zones*" are identified areas outside the boundaries of the designated protected area pursuant to Section 8 of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, that need special development and control in order to provide an extra layer around the protected area where restrictions may apply and managed according to the management plan and applicable rules and regulations issued as provided for in this Act and related statutes.

For Mainit Hotsprings Protected Landscape (MHSPL) to fulfill its function as source of potable water and irrigation water for outlying lowland communities in the Municipalities of Nabunturan and Montevista, its boundary must encompass all the lands of the Manat River Watershed. Extractive and destructive activities occurring in the headwaters of the Manat River and its tributaries have adverse effects on the rehabilitation work being undertaken down streams, around the area of the hot springs. Its Buffer Zone to be truly effective, its external boundary must be measured at a distance of approximately one kilometer away from the top of the MHSPL mountain ridge boundary.

Areas of MHSPL, which had earlier been committed by the government to private entrepreneurs, shall be treated temporarily as part of the MHSPL Buffer Zone. A MOA with these entrepreneurs must be made so that they will refrain from such activities that will cause damage to the restoration work being undertaken

- 82 in other zones of the Protected Area. To protect macro and micro organisms present in the Park from the
83 trauma caused by vibration, noise, air and water pollution, the use of dynamite and explosives must be
84 avoided. Ores extracted by mining companies with permission from the Government shall not be
85 transported on the road that traverses the Park. These companies may not use Manat River and its
86 tributaries as conduits to dispose of their mining wastes. If possible, all processing of ores shall be made
87 inside Government owned processing plants outside of the Protected Area and its Buffer Zone to ensure
88 safe disposal of toxic, and waste toxic mine tailings willing not pollute our rivers and bays.
- 89 They will also faithfully undertake restoration activities stipulated in their franchises. Upon the termination
90 of MOAs, contracts and mining permits, the area becomes an integral part of the Protected Area;
- 91 F.. *"Community Based Eco-Tourism Program"* entails the participation of the greatest number of local
92 residents in sharing the economic benefits derived by participating in developing the potentials of MHSPL
93 into a world class eco-tourism destination. For this purpose, they must be organized into a tourism
94 cooperative. They will also earn their living by being employed as tourism management officers and
95 members of the park rehabilitating and maintenance crew, picnic and camping ground maintenance
96 personnel, tourist guides, lecturers (on ecology, reforestation and Mansaka culture and arts), scientific
97 assistants, park wardens, interpreters, life guards, forest guards, etc. They will be encouraged to engage
98 in cottage industries producing and selling handicrafts and souvenirs, fruits from their agro-forest farms,
99 and native food to visitors and tourists. The IPs (Indigenous Peoples) will earn by organizing and
100 managing the Mansaka Culture Tours. Unlike privately owned mountain resorts, the income derived from
101 a community-based eco-tourism cooperative is shared among MHSPL residents, who are organized in a
102 tourism cooperative and who are actively involved in its protection, conservation, rehabilitation, and
103 restoration as a Natural Park.
- 104 Eco-tourism requires low-impact type of development, avoiding and minimizing alteration of the natural
105 landscape and eco-system. It does not involve costly construction of artificial swimming pools, spas, golf
106 courses and tennis courts, hotels and function halls. The more natural the beauty of MHSPL is, the more
107 stunning, the more enjoyable, the more attractive, and the more famous it becomes among world class
108 eco-tourists. What is required is for MHSPL residents to allow the forest to grow undisturbed, and to
109 hasten the rehabilitation by planting indigenous species of timber trees, fruit bearing trees, and forest
110 growing cash crops for immediate forest cover. It is a low-impact development, not the capital intensive,
111 extractive, destructive and oppressive program usually undertaken by rich tourism entrepreneurs.
- 112 G. *"Ecosystem"* refers to the community of micro and macro organisms, plants and animals, their physical
113 environment, and the interactions between them.
- 114 H. *"Environmental Impact Assessment"* refers to the Environment Impact Assessment System issued by
115 the Department of Environment and Natural Resources (DENR) established under Presidential Decree
116 No. 1586 or supervening legislation.
- 117 I. *"Endangered Species"* refers to species or subspecies whose populations are in danger of extinction
118 and whose survival is unlikely if the causal factors continue operating;
- 119 J. *"Endemic Species"* refers to species or subspecies, which has limited distribution, often within the
120 geographical limits of the State;
- 121 K. *"Exotic Species"* refers to species or subspecies which do not naturally occur within the country or
122 within the biogeographic region of the Philippines in which the Protected Area is situated.
- 123 L. *"Habitat"* refers to an area inhabited by wildlife in the natural state.
- 124 M. *"Indigenous Cultural Communities"* refers to the ICCs/IPs as defined in the IPRA. Specifically in the
125 Mainit Hot Springs Protected Landscape, the original ICCs/IPs are the Mansaka people belonging to the

- 126 Maynukas-Dumagno clan; other IP families now found inside the Park, like the Mandaya and the
 127 Agusanon-Manobo, are migrants, who came into these parts after the 1950s when the century old trees
 128 were illegally logged and later when illegal gold mining started. Both these aboriginal and migrant IP's
 129 residing within the Manat River Watershed are substantially dependent upon the Protected Area.
- 130 N. "*Indigenous Species*" refers to native Philippine species and/or subspecies with an existing or
 131 historical natural occurrence and distribution within the MHSPL and its buffer zones;
- 132 O. "*IPRA Law*" refers to the Indigenous Peoples Rights Act or Republic Act No. 8371 and its pertinent
 133 rules and regulations;
- 134 P. "*Kaingin Farming*" refers to the slash and burn of vegetation to clear the land for agricultural purposes;
- 135 Q. "*Large-scale Infrastructure Projects*" refers to major port facilities, major highways, tall edifices, major
 136 dams, and the like;
- 137 R. "*Management Plan (MP)*" refers to the fundamental plan, strategy, and/or scheme which shall guide
 138 all activities relating to the Mainit Hot Springs Protected Landscape in order to attain the objectives of this
 139 Act as stated in Section 2 hereof.
- 140 T. "*Multi-Use Zones*" refers to areas where settlement, traditional and/or sustainable land use, including
 141 agriculture, agro-forestry, extraction activities and other income generating or livelihood activities may be
 142 allowed to the extent prescribed in the management plan;
- 143 U. "*Natural Park*" refers to a relatively large area not materially altered by human activity where extractive
 144 resource use and large-scale infrastructure projects are not allowed in its Strict Protection Zones and
 145 maintained to protect outstanding natural and scenic areas of natural or international significance for
 146 education, scientific and recreational use; "*Natural Park*" also refers to a Protected Area where there is
 147 stricter implementation of Management Plan designed to restore the Park into its original state as an
 148 uninhabited tropical rain forest prior to the destructive and extractive activities of illegal logging, timber
 149 poaching, illegal mining, hunting of wild life and *kaingin* farming.
- 150 V. "*NIPAS Act*" refers to the National Integrated Protected Areas System Act of 1992 or Republic Act No.
 151 7586, and its pertinent rules and regulations;
- 152 W. "*Non-Government Organization (NGO)*." refers to any civic, development, conservation, philanthropic
 153 non-stock, non-profit organization, duly registered, having by-laws, a democratically elected
 154 representation and multi-sectored in character;
- 155 X. "*Non-renewable Resources*" refers to those resources found within the MHSPL and its Buffer Zones,
 156 the natural replenishment rate of which is either not known, or takes more than twenty five (25) years to
 157 accomplish;
- 158 Y. "*PASu*" refers to the Protected Area Superintendent;
- 159 Z. "*PAMB*" refers to the Protected Area Management Board;
- 160 AA. "*People's Organization (PO)*" refer to any organized group of people, especially the sector of the
 161 poor, marginalized, disempowered and indigenous population, residing within the MHSPL and its buffer
 162 zones formed to advance the interest of the sector they represent;
- 163 BB. "*Protected Landscape (PL) or Protected Area*" (PA) refers to identified portions of land and water set
 164 aside by reason of their unique physical and biological significance, managed to enhance biological

165 diversity and protected against human exploitation, and unless the context otherwise provides, shall refer
166 to the MHSPL;

167 CC. "*Protected Species*" refers to any plant (*flora*) or animal (*fauna*) that is declared "*protected*" under
168 Philippine laws, rules and regulations issued by the DENR. This also includes species listed as
169 "*protected*" against trade, hunting and harvest under International Convention to which Philippines is or
170 will become signatory, including but not limited to plants and animals listed under CITES, the Bonn
171 Convention on Migratory Animals, those specified under the red-list categories of the International Union
172 for Conservation of Nature (IUCN). In addition to these, they include species which may be restricted for
173 use under regulations issued by DENR and the PAMB, those species which may not be considered
174 threatened elsewhere but are in danger of extinction within the MHSPL as determined by DENR and the
175 PAMB, and those particularly mentioned in the Management Plan of this protected area;

176 DD. "*Public Consultation*" refers to a meeting or dialogue with the concerned or affected individuals within
177 and outside the Protected Area (PA) designed to identify and resolve issues and problems affecting them;
178 30. "*Quarrying*" refers to the process of extracting, removing and disposing quarry resources, as defined
179 by law, found on or underneath the surface of private or public land.

180 EE. "*Recreational Zones*" refers to areas within the PA which are designated for eco- tourism, sports,
181 recreational and environmental education activities as may be allowed according to prescriptions of the
182 Management Plan MP);

183 FF. "*Secretary*" refers to the Secretary of the Department of Environment and Natural Resources (DENR)

184 GG. "*Special Use Zone*" refers to specific areas within the PL containing existing installations of national
185 significance such as telecommunication facilities, irrigation dams, pipes and canals, dynamos/electricity
186 generators and power line;

187 HH. "*Strict Protection Zone*" refers to areas with high biodiversity value which shall be closed to all human
188 activity except for scientific studies and/or ceremonial or religious use for the ICC/s/IP/s;

189 II. "*Sustainable Use*" refers to the use of components of biological diversity in a way and at a rate that
190 does not lead to the decline of the species used. It does not cause permanent or long-term reduction or
191 qualitative degradation or extinction of biological species and the ecological functions of resources
192 extracted or disturbed, thereby maintaining its potentials to meet the needs and aspirations of the present
193 and future Filipino generations;

194 JJ. "*Tenured Migrants*" refers to individuals and households within the MHSPL who actually and
195 continuously occupied such areas for five (5) years prior to the conversion of Mainit National Park as
196 Mainit Hot Springs Protected Landscape MHSPL) by virtue of the NIPAS Law of 1992 and are
197 substantially dependent therein for subsistence;

198 KK. "*Traditional*" refers to using no power machinery resource in extraction process and consistent with
199 historically customary techniques of production; – refers to wild forms and varieties of flora and fauna,
200 including captive-bred or propagated individuals, parts, derivatives and by-products thereof;

201 LL. "*Timber*" refers to wood having an average diameter of at least fifteen (15) centimeters and a length
202 of at least one and a half (1.5) meter in its unaltered state, or wood regardless of size, sewn or hewn on
203 two or more sides usually referred to as *tablon*

204 MM. "*Zones*" refers to the divisions within the MHSPL into levels of protection and permitted use of
205 natural resources such as strict Protection Zones, Restoration Zones, Cultural Zones,

206 Recreational Zones, Multi Use Zones, Special Use Zones and Buffer Zones, as provided under
207 existing rules and regulations.

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CHAPTER TWO SCOPE

212 **SEC. 4. Scope.** The Mainit Hot Springs Protected Landscape (MHSPL) shall coincide with the
213 natural boundaries of the Manat River Watershed, and shall cover lands situated mainly in the
214 Municipality of Nabunturan; but certain parcels of lands of the Protected Area are also located
215 within the boundaries of the municipalities of New Bataan, Mawab and Maco in the province of
216 Compostela Valley.

217 **A. The Boundaries of the PROTECTED AREA:**

218 The boundaries of the Mainit Hot Springs Protected Landscape, containing an area of
219 64,807,618.65 square meters, more or less, subject to ground demarcation are as follows:

220 Beginning at a point marked "1" on the map and on the ground; being S. 45° 59' W. about
221 5,341.50 meters from PRS 92 Concrete Monument No. COV 3106:

222

223 Thence, N 76°06' E 324.51 meters to point 2,

224 Thence, S 33°20' E 272.92 meters to point 3,

225 Thence, S 11°38' E 173.57 meters to point 4,

226 Thence, S 33°08' E 722.53 meters to point 5,

227 Thence, DUE EAST 705.00 meters to point 6,

228 Thence, S 58°24' E 457.93 meters to point 7,

229 Thence, N 26°56' E 353.31 meters to point 8,

230 Thence, S 69°41' E 143.96 meters to point 9,

231 Thence, S 33°19' E 209.40 meters to point 10,

232 Thence, S 75°19' E 217.08 meters to point 11,

233 Thence, N 16°39' E 314.17 meters to point 12,

234 Thence, N 26°07' E 227.19 meters to point 13,

235 Thence, N 45°58' E 208.63 meters to point 14,

236 Thence, N 46°59' E 205.18 meters to point 15,

237 Thence, N 42°20' E 304.38 meters to point 16,

238 Thence, N 43°51' E 353.62 meters to point 17,

239 Thence, N 42°10' E 357.53 meters to point 18,

240 Thence, N 25°09' W 270.65 meters to point 19,

241 Thence, N 48°05' E 262.01 meters to point 20,

242 Thence, N 29°31' E 304.51 meters to point 21,

243 Thence, N 12°01' E 240.26 meters to point 22,

244 Thence, N 10°37' E 162.79 meters to point 23,

245 Thence, N 01°30' E 190.07 meters to point 24,

246 Thence, N 01°09' W 250.05 meters to point 25,

247 Thence, N 34°13' E 151.16 meters to point 26,

248 Thence, S 40°11' E 294.49 meters to point 27,

249 Thence, S 68°12' E 242.33 meters to point 28,
 250 Thence, N 27°01' E 286.23 meters to point 29,
 251 Thence, N 52°00' E 203.04 meters to point 30,
 252 Thence, N 86°54' E 185.27 meters to point 31,
 253 Thence, S 80° 55' E 126.59 meters to point 32,
 254 Thence, S 34°44' E 456.32 meters to point 33,
 255 Thence, N 75°21' E 335.93 meters to point 34,
 256 Thence, N 54°35' E 276.09 meters to point 35,
 257 Thence, N 20°21' E 330.64 meters to point 36,
 258 Thence, Following ridge Southeasterly Direction to a point
 259 Located S 79° 42' E about 894.43 meters to Cor. 37,
 260 Thence, following ridge Southeasterly direction to a point
 261 Located S 50° 08' E about 1,341.83 meters to Cor. 38,
 262 Thence, following ridge Southeasterly direction to a point
 263 Located S 06° 00' E about 1,578.65 meters to Cor. 39,
 264 Thence, following ridge Southwesterly direction to a point
 265 Located S 03° 44' W about 1,152.44 meters to Cor. 40,
 266 Thence, Following ridge Southwesterly direction to a point
 267 Located S 37° 44' W about 1,315.15 meters to Cor. 41,
 268 Thence, Following ridge Southwesterly direction to a point
 269 Located S 05° 15' W about 984.12 meters to Cor. 42,
 270 Thence, Following ridge Southeasterly Direction to a point
 271 Located S 36° 12' E about 855.06 meters to Cor. 43,
 272 Thence, Following ridge Southeasterly direction to a point
 273 Located S 58° 26' E about 1,050.49.83 meters to Cor. 44,
 274 Thence, following ridge Southeasterly direction to a point
 275 Located S 61° 18' E about 1,020.36 meters to Cor. 45,
 276 Thence, following ridge Southeasterly direction to a point
 277 Located S 68° 34' E about 1,149.48 meters to Cor. 46,
 278 Thence, Following ridge Southwesterly direction to a point
 279 Located S 04° 36' W about 872.81 meters to Cor. 47,
 280 Thence, Following ridge Southwesterly direction to a point
 281 Located S 59° 10' W about 1,083.02 meters to Cor. 48,
 282 Thence, Following ridge Southwesterly Direction to a point
 283 Located S 62° 48' W about 1,006.29 meters to Cor. 49,
 284 Thence, Following ridge Northwesterly direction to a point
 285 Located N 69° 15' W about 1,058.64 meters to Cor. 50,
 286 Thence, Following ridge Southwesterly direction to a point
 287 Located S 50° 02' W about 1,167.70 meters to Cor. 51,
 288 Thence, Following ridge Northwesterly direction to a point
 289 Located N 84° 05' W about 1,553.26 meters to Cor. 52,
 290 Thence, Following ridge Northwesterly direction to a point
 291 Located N 68° 10' W about 1,411.28 meters to Cor. 53,
 292 Thence, Following ridge Northwesterly direction to a point
 293 Located N 52° 05' W about 1,261.21 meters to Cor. 54,
 294 Thence, Following ridge Northwesterly Direction to a point
 295 Located N 68° 03' W about 1,471.64 meters to Cor. 55,
 296 Thence, Following ridge Northwesterly direction to a point

Located N 24° 03' W about 1,325.03 meters to Cor. 56,
 Thence, Following ridge Northwesterly direction to a point
 Located N 37° 21' W about 1,088.04 meters to Cor. 57,
 Thence, Following ridge Northwesterly direction to a point
 Located N 21° 37' W about 1,425.22 meters to Cor. 58,
 Thence, following ridge Northwesterly direction to a point
 Located N 65° 14' W about 1,073.84 meters to Cor. 59,
 Thence, following ridge Northwesterly direction to a point
 Located N 24° 44' W about 836.72 meters to Cor. 60,
 Thence, N 56° 01' E 1,055.33 meters to point 61,
 Thence, N 40° 26' E 886.71 meters to the point of beginning.

Sec. 5. Establishment of Buffer Zone. Buffer zone of the Mainit Hot Spring Protected Landscape is hereby established through this Act pursuant to Section 8 of the NIPAS Act to serve as additional peripheral layer of protection to the protected area by providing regulated benefits and livelihood opportunities to local communities to build a strong social fence to the protected area. The boundary of the buffer zones, subject to ground demarcation is hereby described as follows.

B. The Boundaries of the BUFFER ZONE

A parcel of land containing an area of 32,368,984.47 square meters, more or less, declared as Buffer Zone, beginning at a point marked "1" on the map and on the ground being S 46° 25' W about 14,816.97 meters from PRS Concrete Monument No. COV 3106;

Thence, S 28° 32' E 648.85 meters to point 2,
 Thence, S 06° 07' E 140.80 meters to point 3,
 Thence, S 33° 48' E 673.96 meters to point 4,
 Thence, N 85° 36' E 651.92 meters to point 5,
 Thence, S 48° 22' E 301.04 meters to point 6,
 Thence, S 59° 32' E 98.62 meters to point 7,
 Thence, N 27° 54' E 384.71 meters to point 8,
 Thence, S 66° 48' E 228.47 meters to point 9,
 Thence, S 31° 42' E 199.81 meters to point 10,
 Thence, DUE EAST 120.00 meters to point 11,
 Thence, N 06° 29' E 221.42 meters to point 12,
 Thence, N 32° 00' E 235.85 meters to point 13,
 Thence, N 49° 24' E 230.49 meters to point 14,
 Thence, N 45° 00' E 176.78 meters to point 15,
 Thence, N 38° 40' E 320.16 meters to point 16,
 Thence, N 41° 59' E 336.34 meters to point 17,
 Thence, N 53° 08' E 250.00 meters to point 18,
 Thence, N 18° 26' W 395.28 meters to point 19,
 Thence, N 65° 03' E 237.12 meters to point 20,
 Thence, N 30° 12' E 318.16 meters to point 21,
 Thence, N 14° 56' E 232.86 meters to point 22,
 Thence, N 04° 58' W 115.43 meters to point 23,

342 Thence 06° E 214.77 meters to point 24, °N 12
 343 Thence 17° E 125.10 meters to point 25, °N 02
 344 Thence 43° W 201.00 meters to point 26, °N 05
 345 Thence, N 41°59' E 269.07 meters to point 27,
 346 Thence, S 49°03' E 450.14 meters to point 28,
 347 Thence, N 44°04' E 215.70 meters to point 29,
 348 Thence, N 54°47' E 208.09 meters to point 30,
 349 Thence, N 73°04' E 240.42 meters to point 31,
 350 Thence, 17° E 251.25 meters to point 32, °S 84
 351 Thence, S 34°42' E 395.25 meters to point 33,
 352 Thence, N 63°26' E 447.21 meters to point 34,
 353 Thence, 37° E 195.00 meters to point 35 °N 22
 354 Thence, N 39°17' E 284.25 meters to point 36,
 355 Thence, N 59°21' E 313.85 meters to point 37,
 356 Thence, N 11°49' E 219.66 meters to point 38,
 357 Thence, N 22°33' W 351.92 meters to point 39,
 358 Thence, N 05°57' E 241.30 meters to point 40,
 359 Thence, S 62°09' E 299.71 meters to point 41,
 360 Thence, S 60°57' E 514.78 meters to point 42,
 361 Thence, N 72°26' E 414.31 meters to point 43
 362 Thence, N 80°38' E 461.14 meters to point 44,
 363 Thence, N 89°15' E 385.03 meters to point 45,
 364 Thence, S 07°54' E 181.73 meters to point 46,
 365 Thence, S 14°56' E 543.35 meters to point 47,
 366 Thence, S 20°55' E 546.01 meters to point 48,
 367 Thence, S 54°36' E 466.15 meters to point 49,
 368 Thence, S 32°00' W 141.51 meters to point 50,
 369 Thence, S 15°57' W 182.01 meters to point 51,
 370 Thence, S 02°52' E 200.25 meters to point 52,
 371 Thence, S 73°09' E 172.41 meters to point 53,
 372 Thence, S 60°57' E 154.43 meters to point 54,
 373 Thence, DUE SOUTH 135.00 meters to point 55,
 374 Thence, S 57°16' E 166.43 meters to point 56,
 375 Thence S 51°20' E 128.06 meters to point 57,
 376 Thence, S 20°25' W 501.52 meters to point 58,
 377 Thence, S 56°35' W 299.54 meters to point 59,
 378 Thence, S 05°21' W 160.70 meters to point 60,
 379 Thence, S 29°21' E 183.58 meters to point 61,
 380 Thence, S 08°37' E 333.77 meters to point 62,
 381 Thence, S 13°24' E 323.81 meters to point 63,
 382 Thence, S 29°03' E 308.87 meters to point 64,
 383 Thence, S 43°56' W 1,909.52 meters to point 65,
 384 Thence, S 43°45' E 1,626.73 meters to point 66,
 385 Thence, S 41°14' E 1,023.98 meters to point 67,
 386 Thence, S 76°30' E 668.46 meters to point 68,
 387 Thence, S 43°27' E 1,308.63 meters to point 69,
 388 Thence, S 03°16' W 876.43 meters to point 70,
 389 Thence, S 18°39' W 1,250.89 meters to point 71,

390 Thence, S 43°41' W 1,230.69 meters to point 72,
 391 Thence, S 86°56' W 2,804.02 meters to point 73,
 392 Thence, S 85°59' W 1,428.50 meters to point 74,
 393 Thence, N 83°59' W 1,910.50 meters to point 75,
 394 Thence, N 58°17' W 1,616.52 meters to point 76,
 395 Thence, N 37°20' W 692.03 meters to point 77,
 396 Thence, N 82°53' W 886.85 meters to point 78,
 397 Thence, N 25°35' W 1,042.16 meters to point 79,
 398 Thence, N 23°35' W 1,936.81 meters to point 80,
 399 Thence, N 42°55' W 1,945.83 meters to point 81,
 400 Thence, N 46°24' W 1,450.00 meters to point 82,
 401 Thence, N 02°52' W 1,001.25 meters to point 83,
 402 Thence, N 07°08' E 201.56 meters to point 84,
 403 Thence, N 61°23' E 313.25 meters to point 85,
 404 Thence, N 68°45' E 482.83 meters to point 86,
 405 Thence, N 15°57' E 182.01 meters to point 87,
 406 Thence, N 14°02' W 206.16 meters to point 88,
 407 Thence, N 50°43' E 355.32 meters to point 89,
 408 Thence, N 09°15' E 217.83 meters to point 90,
 409 Thence, S 85°33' E 1,544.67 meters to point 91,
 410 Thence, S 33°59' W 536.68 meters to point 92,
 411 Thence, S 40°26' W 886.71 meters to point 93,
 412 Thence, S 56°01' W 1,055.33 meters to point 94,
 413 Thence, S 24°44' E 836.72 meters to point 95,
 414 Thence, S 65°14' E 1,073.84 meters to point 96,
 415 Thence, S 21°37' E 1,425.22 meters to point 97,
 416 Thence, S 37°21' E 1,088.04 meters to point 98,
 417 Thence, S 24°03' E 1,325.03 meters to point 99,
 418 Thence, S 68°03' E 1,471.64 meters to point 100,
 419 Thence, S 52°05' E 1,261.21 meters to point 101,
 420 Thence, S 68°10' E 1,411.28 meters to point 102,
 421 Thence, S 84°05' E 1,553.26 meters to point 103,
 422 Thence, N 50°02' E 1,167.70 meters to point 104,
 423 Thence, S 69°15' E 1,058.64 meters to point 105,
 424 Thence, N 62°48' E 1,006.29 meters to point 106,
 425 Thence, N 59°10' E 1,083.02 meters to point 107,
 426 Thence, N 04°36' E 872.81 meters to point 108,
 427 Thence, N 68°34' W 1,149.48 meters to point 109,
 428 Thence, N 61°18' W 1,020.36 meters to point 110,
 429 Thence, N 58°26' W 1,050.49 meters to point 111,
 430 Thence, N 36°12' W 855.06 meters to point 112,
 431 Thence, N 05°15' E 984.12 meters to point 113,
 432 Thence, N 37°44' E 1,315.15 meters to point 114,
 433 Thence, N 03°44' E 1,152.44 meters to point 115,
 434 Thence, N 06°00' W 1,578.65 meters to point 116,
 435 Thence, N 50°08' W 1,341.83 meters to point 117,
 436 Thence, N 79°42' W 894.43 meters to point 118,
 437 Thence, S 20°21' W 330.64 meters to point 119,

Thence, S 54° 35' W 276.09 meters to point 120,
 Thence, S 75° 21' W 335.93 meters to point 121,
 Thence, N 34° 44' W 456.32 meters to point 122,
 Thence, N 80° 55' W 126.59 meters to point 123,
 Thence, S 86° 54' W 185.27 meters to point 124,
 Thence, S 52° 00' W 203.04 meters to point 125,
 Thence, S 27° 01' W 286.23 meters to point 126,
 Thence, N 68° 12' W 242.33 meters to point 127,
 Thence, N 40° 11' W 294.49 meters to point 128,
 Thence, S 34° 13' W 151.16 meters to point 129,
 Thence, S 01° 09' E 250.05 meters to point 130,
 Thence, S 01° 30' W 190.07 meters to point 131,
 Thence, S 10° 37' W 162.79 meters to point 132,
 Thence, S 12° 01' W 240.26 meters to point 133,
 Thence, S 29° 31' W 304.51 meters to point 134,
 Thence, S 48° 05' W 262.01 meters to point 135,
 Thence, S 25° 09' E 270.65 meters to point 136,
 Thence, S 42° 10' W 357.53 meters to point 137,
 Thence, S 43° 51' W 353.62 meters to point 138,
 Thence, S 42° 20' W 304.38 meters to point 139,
 Thence, S 46° 59' W 205.18 meters to point 140,
 Thence, S 45° 58' W 208.63 meters to point 141,
 Thence, S 26° 07' W 227.19 meters to point 142,
 Thence, S 16° 39' W 314.17 meters to point 143,
 Thence, N 75° 19' W 217.08 meters to point 144,
 Thence, N 33° 19' W 209.40 meters to point 145,
 Thence, N 69° 41' W 143.96 meters to point 146,
 Thence, S 26° 56' W 353.31 meters to point 147,
 Thence, N 58° 24' W 457.93 meters to point 148,
 Thence, DUE WEST 705.00 meters to point 149,
 Thence, N 33° 08' W 722.53 meters to point 150,
 Thence, N 11° 38' W 173.57 meters to point 151,
 Thence, N 33° 20' W 272.92 meters to point 152,
 Thence, S 76° 06' W 324.51 meters to point 153,
 Thence, N 33° 59' E 536.68 meters to point of beginning.

CHAPTER THREE PROTECTED AREA MANAGEMENT

SEC. 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 (PASu) in coordination with the local communities, indigenous cultural communities/indigenous peoples, local government units, appropriate offices of the DENR, non-government and people's organizations, existing operators in the park and experts with socio-economic, anthropological and ecological experience in the area. It shall contain, among others, the following:

- 485 A. Period of applicability of the plan preferably at least five (5) years;
- 486 B. Key management issues;
- 487 C. Goals and objectives of management in support of Section 2 hereof;
- 488 D. Site management strategy;
- 489 E. Detailed description of major management activities such as, but not limited to, enforcement
 490 of laws, biodiversity conservation, habitat and wildlife management, sustainable use
 491 management, infrastructure development and maintenance, fire and pest control;
- 492 F. A statement identifying community based ecotourism as a major strategy to provide
 493 sustainable source of income and livelihood to park dwellers and to motivate them to get
 494 actively involved in the protection, conservation, restoration and rehabilitation of the entire
 495 Manat River Watershed into a Natural Park that will attract continuous visits by world class
 496 ecotourists. If a community based ecotourism venture succeed, Park dwellers will have
 497 sufficient source of livelihood; they will abandon their destructive and extractive activities in the
 498 Park, like mining, quarrying, timber poaching, and *kainging* farming. They will rehabilitate and
 499 protect the environment because of the income they derive from it.
- 500 G. A provision to create a special Ecotourism Development Committee which will be
 501 responsible for the planning, establishment and development of a sustainable community based
 502 ecotourism industry that can provide adequate jobs and source of livelihood to the Park
 503 dwellers, as well as revenues for the management of the Protected Area. The Ecotourism
 504 Development Committee will be composed of accredited NGOs and POs already engaged in
 505 the 4 restoration and protection of the Park, assisted by local representatives of the Department
 506 of Tourism (DOT). This committee will organize and train Park dwellers into a cooperative that
 507 will operate and manage a successful ecotourism program for the benefit of its members and for
 508 the restoration of a Natural Park.
- 509 H. A statement of purpose to protect community based ecotourism venture from any
 510 competition of private entrepreneurs who can destroy the natural features of the Park by
 511 constructing artificial recreation centers, swimming pools, spas, golf courses, tennis courts,
 512 hotels, etc.; and pollute the air, the river and the streams. These expensive artificially
 513 constructed resorts can be located outside of the Park. The only structures to be allowed inside
 514 Mainit Hot Springs Protected Landscape are unobtrusive porous pathways so that ecotourists
 515 can walk through the Park and observe the existing flora and fauna, walk along the crystal clear
 516 Manat River, marvel at the hot springs along its bank, explore the caves and waterfalls, admire
 517 the majesty and grandeur of a tropical forest, and experience the indigenous Mansaka culture
 518 and way of life;
- 519 I. Establishment and delineation of zones and the regulated and/or prohibited activities therein,
 520 such as, but not limited to, multi-purpose use zones, buffer zones, recreational zones, strict
 521 protection zones and other special zones, which can provide for an effective management of the
 522 Protected Area, and its restoration into a Natural Park.
- 523 J. A plan to designated residential area for indigenous Mansaka families and Tenured Migrants;
 524 will be set aside on a hazard-free site within the vicinity of the northern entrance of the Park. It

525 must be provided with running water, electricity, pathways, facilities for garbage, human waste,
526 and animal manure disposal, public facilities like school buildings, churches, public buildings
527 and covered courts, market place, health center, etc. within the context of ecological village
528 living;

529 K. A section showing a concerted effort to persuade and assist indigenous Mansaka and
530 Tenured Migrants families to resettle themselves within the designated residential area in
531 strongly built homes with facilities for running water and electricity, septic tanks and sanitary
532 waste disposal system, located in hazard free sites, and in a healthy atmosphere that will
533 enable them to develop their indigenous culture and create for themselves dignified and
534 ecologically friendly neighborhoods;

535 L. A provision for the restoration of biodiversity and wildlife habitat along the portion of the
536 Manat River banks, where the hot springs are located, requires relocation and clearing away of
537 crowded slum-like neighborhoods, backyard ball-mills and gold processing plants that pollute
538 the Manat River with cyanide and mercury from mine tailings, and with garbage and human
539 wastes;

540 M. A plan to mark the site of *Matikadung* Ampilan Dumagno's village, the ancient Mansaka
541 burial ground, and the place where the Ba-is Makers were cursed, will be developed into
542 shrines; and the old school building other structures near the hot springs will be converted into a
543 Museum to show case the beauty of Mansaka Culture;

544 N. A declaration that areas of the Manat River Watershed, which had earlier been committed
545 by the government to private entrepreneurs, will be treated as part of the Buffer Zone. A MOA
546 with these entrepreneurs must be made so that they will refrain from such activities that will
547 cause damage to the restoration work being undertaken in other zones of the Protected Area.
548 They will also faithfully undertake restoration activities stipulated in their franchises. Ores
549 extracted with permission from the Government by mining companies will be processed outside
550 of the Park; but to avoid noise and pollution, these ores shall not be transported through the
551 Park. These companies may not use Manat River and its tributaries as conduits to dispose of
552 their mining wastes.

553 O. A proposal that, if possible, all processing of ores shall be made inside Government owned
554 processing plants outside of the Protected Area and its Buffer Zone to ensure safe disposal of
555 toxic waste. Upon the termination of contracts and mining permits, the area becomes an integral
556 part of the Protected Area;

557 P. A clear provision for a Visitor Management Programs, where visitors are received at the
558 Visitor's Center. They are given orientation on the ecological importance of Mainit Hot Springs
559 Protected Landscape (MHSPL) and briefed on park rules against pollution, destructive and
560 extractive activities. The visitors can choose one of the five (5) Nature Tours through the Park:

- 561 1). the River Walk & Waterfalls Tour,
562 2). the Cave Exploration Tour,
563 3). the Biodiversity & Biodiversity Restoration Tour,
564 4). the Tropical Farm Tour, and

565 5). the Mansaka Eco-Cultural Tour.

566 Each of these tours will take one day. Visitors will be encouraged to stay four or five days to
567 complete the tours. Park residents will earn good income by providing tourists with bed and
568 breakfast facilities. They will also earn by being employed tourism management officers and
569 park maintenance crew, picnic and camping ground maintenance personnel, tourist guides, park
570 wardens, interpreters, life guards, production and sales of souvenirs, fruits and native food, etc.
571 The IPs (Indigenous Peoples) will earn by organizing and managing the Mansaka Culture Tours.
572 Only legitimate visitors, park wardens, tenured migrants and members of the indigenous
573 Mansaka community of Mainit Hot Springs Protected Landscape (MHSPL) are permitted to
574 enter the Park.

575 Q. A declaration that this Management Plan shall be consistent with the nature of Mainit Hot
576 Springs as a Protected Area under the category of a Natural Park. It shall be reviewed and
577 approved by the PAMB and certified to by the Secretary that it conforms to all laws and
578 regulations issued by the DENR. The Management Plan shall not be revised nor modified
579 except by prior 5 consultation with the PAMB and in accordance with the procedure herein set
580 forth. If any part or section of the Management Plan is inconsistent with existing laws, the
581 Secretary shall certify to the other provisions of the plan that are consistent with the laws.
582 Unless the Secretary accepts or adopts such inconsistent provisions, he/she shall notify the
583 PAMB of the provisions that need modification or revision.

584 R. A provision that one year before the expiration of the initial Management Plan, there shall be
585 a subsequent plan to be prepared by the Office of the Protected Area Superintendent in the
586 same manner as the procedure and principles herein set forth and in accordance with the
587 General Management Planning Strategy as provided in the NIPAS Act. In the same period, the
588 Office of the Protected Area Superintendent shall cause the publication of notices for comments
589 and suggestions on the proposed plan in a newspaper of local circulation and the actual posting
590 of such notices in conspicuous places within the local government units in the Mainit Hot
591 Springs Protected Landscape. The proposed new Management Plan shall be made available for
592 public perusal in all agencies, offices, and organizations duly represented in the PAMB.

593 S. A provision that, in the event that no subsequent plan is adopted upon the expiration of the
594 initial management plan, the latter shall remain in force subject to interim modifications that may
595 be adopted by the PAMB.

596

597 **SEC. 7. The Protected Area Management Board.** There shall be a Protected Area
598 Management Board which shall serve as the highest policy-making body of the Mainit Hot
599 Springs Protected Landscape. It shall be composed of the following:

600 A. The **Regional Executive Director (RED) of the Department of Environment and Natural**
601 **Resources (DENR)** or his permanent representative; if he is interested and if has the time for it,
602 the RED is the ex-officio chairman of the PAMB; otherwise PAMB elects its own Chairman;

603 B. The **Provincial Governor of Compostela Valley Province** or his authorized permanent
604 representative, preferably the Provincial Planning and Development Officer;

- 605 C. The **Congressman of the 2nd Congressional District of the Province of Compostela**
606 **Valley** or his authorized permanent representative;
- 607 D. The **Municipal Mayors of Nabunturan, Maco, Mawab and New Bataan**, Province of
608 COMVAL or their respective authorized permanent representatives;
- 609 E. One (1) authorized **representative each from each of the Sanguniang Pambarangays of**
610 **Mainit, Bukal, and other barangays** whose lands are within the boundaries of the Mainit Hot
611 Springs Protected Landscape;
- 612 F. One (1) **representative of the Association of Barangay Captains (ABC)** for all the
613 barangays affected by whatever is happening to Manat River and its Watershed – especially the
614 barangays of Mainit, Inupoan, Manat, Matilo, Ogao, New Antequera, Cabidanan, Sta. Maria,
615 Nabunturan, Pangutusan, Basak, Magading, Linoan and Siocon;
- 616 G. One (1) **representative from the Nabunturan Association of Barangay Tribal Councils**
617 **(Nasbatrico)**, which is undertaking a reforestation program within the Manat River Watershed
618 under a Community Based Forest Management Agreement with DENR;
- 619 H. One (1) permanent and duly elected **representative from** the indigenous **Mansaka**
620 **community** residing since time immemorial within the Manat River Watershed (within which the
621 Mainit Hot Springs Protected Landscape is located);
- 622 I. One (1) duly elected **representative of the Tenured Migrants**, whose status is defined by
623 the NIPAS Law;
- 624 J. One (1) **representative from the Quasi Parish of St. Vincent Ferrer** within whose
625 jurisdiction the five Catholic chapel communities located within the Protected Area belong;
- 626 K. One (1) **representative from each non-Catholic religious groups** whose membership
627 exceeds the minimum of two hundred (200) families of IPs and Tenured Migrants residing within
628 the Protected Area;
- 629 L. One (1) **representative for each people's organizations (POs) and non-government**
630 **organizations (NGOs)** with good track records in actively promoting the welfare and well being
631 of IPs and Tenured Migrants, and in the restoration, conservation and protection of biodiversity
632 and wildlife habitat within the Mainit Hot Springs Protected Landscape;
- 633 M. One (1) **representative for each of national government agencies** like the **Nabunturan**
634 **Water District**, the **National Commission of Indigenous Peoples (NCIP)** and **Department of**
635 **Tourism (DOT)**, which are permanently concerned with the above mentioned Protected Area
636 and Watershed, and can potentially contribute to protected area management; and
- 637 N. One (1) **representative for each organized group of stakeholders** who are not residents
638 of the Protected Area, but are affected positively or negatively by with whatever happens within
639 the Manat River watershed, and who can potentially assist and contribute in the protection,
640 preservation, and conservation of the Mainit Hot Springs Protected Landscape.

641

642 **SEC.8. *Term of Office of the PAMB Members.***

643 A. Every member of the PAMB shall serve for a term of five (5) years provided that he/she
644 remains a member or employee of the sector or office he/she is representing. If a vacancy
645 occurs, a new member shall be chosen in accordance with the original selection process,
646 however, only the remaining term shall be served.

647 B. In the appointment of these ex-officio members and in the selection of representatives from
648 people's (POs) and non-government organizations (NGOs), the following criteria shall be
649 primarily considered:

650 1). Actual active involvement in the ecological conservation, preservation, rehabilitation and
651 protection of the Protected Area;

652 2). Willingness to spend efforts and time and the resources of their individual offices in
653 fulfilling the duties as a member and/or officer of the Protected Area Management Board; for
654 example, the Provincial Governor, the Municipal Mayors, and the respective Barangay
655 Captains must be willing to use the police power of their individual offices to protect the
656 Mainit Hot Springs Protected Landscape from timber and wild animal poachers, illegal and
657 destructive activities of miners, and from soil eroding farming techniques of *kaingin*, *swidden*,
658 or slash-and-burn farming;

659 3). Great potential in community organizing and other development works, favorable track
660 record in community work; and

661 4). Duly accredited or recommended by the concerned Local Government Unit and by the
662 Department of Environment and Natural Resources (DENR).

663

664 C. The Secretary of the Department of the Department of Environment and Natural Resources,
665 assisted by the Protected Area Superintendent (PASu) and the Provincial Environment and
666 Natural Resources Officer, will issue the appointment papers to which candidate PAMB
667 members will affix their signatures to signify their pledge to serve faithfully.

668 D. For the efficient functioning of the Protected Area Management Board (PAMB), any ex-officio
669 or elected member who is not willing to spend time and effort to fulfill his duties as a member or
670 officer of the PAMB must be immediately released of his/her duties and be replaced, if it is
671 possible. 5) This serious act of dismissing an inactive PAMB member will be done in an official
672 meeting convened by the majority of active members for this purpose of strengthening the
673 highest policy-making body of the Protected Area.

674 E. Each of the above mentioned members is entitled to one (1) vote during policy deliberations,
675 as well as in this act of strengthening the PAMB by dismissing inactive members and admitting
676 new candidate members (still waiting for confirmatory appointment by DENR Secretary). An
677 authorized representative or proxy deliberates and votes in the name of his/her principal; he/she
678 makes commitments for the office and officer he/she represents.

679

680 **SEC. 9. Powers and Functions of the PAMB.**

681 A. The PAMBoard of Mainit Hot Springs Protected Landscape, being the highest policy- making
682 body, and normally headed by the Regional Executive Director of DENR, shall have the
683 following powers and functions:

- 684 1). Causes the drafting and approval of a Comprehensive Policies and Development
685 Management Plan for the Mainit Hot Springs Protected Area through the cooperative efforts
686 of the Provincial Environment and Natural Resource Officer (PENRO), the Protected Area
687 Supervisor (PASu), of concerned NGOs and POs;
- 688 2). Ensures the effective implementation of the duly approved comprehensive policies and
689 development plans for the Protected Area;
- 690 3). As needs arises, the PAMB reviews, approves and adopts additional policies,
691 management plans and development programs and their respective implementing rules and
692 regulations;
- 693 4). Decides and approves matters relating to proposals, work and action plans, guidelines
694 and policies and other activities for the management of the protected area;
- 695 5). Adopts rules and procedures in the conduct of business, roles, and responsibilities, and
696 discipline of its board members, including the creation of standing committees;
- 697 6). Recommends and approves the establishment and delineation of zones;
- 698 7). Establish supplemental criteria and guidelines for park fees for activities regulated by this
699 Act or the management plan subject to DENR's approval pursuant to Section 10(f) of
700 the NIPAS Act;
- 701 8). Evaluates the performance and activities and participates actively in the process of
702 selection and designation of the DENR in the appointment of the Protected Area
703 Superintendent;
- 704 9). Recommends to the Secretary of DENR the appointment of all PAMB members;
- 705 10). Monitors and evaluates the performance of protected area personnel, NGOs, and the
706 communities in bio-diversity conservation and socio-cultural and economic development and
707 report its assessment to the DENR;
- 708 11). Evaluates and recommends compliance to all existing requirements set by the DENR
709 particularly in the issuance of the Environmental Compliance Certificate;
- 710 12). Recognizes and defends the rights and privileges of indigenous communities under the
711 provisions of this Act and other applicable laws;
- 712 13). Accepts donations, approve proposals for funding and budget allocation and exercise
713 accountability over all funds that may accrue;

714 14). Request assistance from any government agency, office, board, private or public person
715 to achieve the objectives of this Act; and

716 15). Convenes a Research, Evaluation and Planning Assembly every five years to draft a
717 new Comprehensive Policies and Development Management Plan for MHSPL.

718 B. The PAMB is strong and as effective only if each of its members, especially the Regional
719 Executive Director of DENR, the Provincial Governor, the Congressman, the Mayors and the
720 Barangay Captains are willing to spend time and to use the resources of their individual offices
721 in the implementation of the NIPAS Law and the Comprehensive Policies and Development
722 Management Plan to rehabilitate, restore, conserve and protect the MHSPL and the Manat
723 River Watershed. For example, the Provincial Governor, the Municipal Mayors, and the
724 respective Barangay Captains must be willing to use the police power of their individual offices
725 to protect the Mainit Hot Springs Protected Landscape from timber and wild animal poachers,
726 illegal and destructive activities of miners, and from soil eroding farming techniques of kaingin,
727 swidden, or slash-and-burn farming;

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

732 **SEC 10. The Executive Committee of the Protected Area Management Board.** While the
733 PAMB sets the regulations and policies based on a Comprehensive Management and
734 Development Plan, there shall be an Executive Committee within the PAMB to which the latter
735 may delegate some of its executive powers and functions. This executive committee is the
736 working Secretariat; it sees to it that the Protected Area Supervisor (PASu) and his staff, the
737 NGOs and POs faithfully implement the policies and decisions of the PAMB and of the NIPAS
738 Law.

739 A. The **EXECOM** is a smaller decision-making board that shall be composed of the following:

740 1). The **Regional Technical Director (RTD) for Protected Area and Wildlife of Region**
741 **XI**, who shall sit as Chairman, or the Provincial Environment and Natural Resources Officer
742 (PENRO) as his authorized representative;

743 2). One (1) authorized **representative from the office of the 2nd Congressional District**
744 **of Compostela Valley Province**; (c) One (1) authorized **representative from the Office of**
745 **the Provincial Governor** of the Province of Compostela Valley;

746 3). One (1) authorized **representative from the Office of the Mayor** of the Municipality of
747 Nabunturan;

748 4). All **Barangay Captains** whose barangays, or part of their barangays, are located within
749 the boundaries of the Mainit Hot Springs Protected Landscape, including barangays located
750 outside of the municipality of Nabunturan;

751 5). One (1) authorized **representative from the Nabunturan Association of Barangay Tribal**
752 **Councils (Nasbatrico)**;

- 753 6). One (1) authorized **representative from the MHSPL Mansaka Tribal Council**;
- 754 7). One (1) duly elected **representative of the Tenured Migrants**, whose status is defined
755 by the NIPAS Law;
- 756 8). One (1) **representative from each NGOs and POs** which are actually active in the
757 implementation of the PAMB objectives and the MHSPL Comprehensive Management and
758 Development Plan;
- 759 9). One (1) duly elected **representative from POs of communities down stream along the,**
760 **affected by rehabilitation, conservation or destruction of the Manat River Watershed**;
- 761 10). One (1) **representative from each national government agencies such as**
762 **Nabunturan Water District, the DOT and NICP, and other national agencies** actually
763 involved in the implementation of the integrated program to promote eco-tourism and
764 reforestation the Mainit Hot Springs Protected Landscape (MHSPL).

765 B. Because of its smaller size, the EXECOM gathers regularly to:

- 766 1). Examine, monitor, and promote the actual day to day promulgation of rules and
767 regulations and the implementation action plans based on the dully approved
768 Comprehensive Policies and Management Plan governing the use and the conduct of
769 activities within MHSPL consistent with the principle of biodiversity conservation and
770 sustainable development;
- 771 2). Review complaints, suggestions, proposals for plans of actions and guidelines for the
772 management and development of the Protected Area (PA) in accordance with the NIPAS
773 Act, and present comments, evaluations and suggestions regarding these plans to the
774 PAMB and to the regularly (preferably, every five years) convened research, evaluation and
775 planning assembly (REPA) for through study, reformulation and approval;
- 776 3). Make short range decisions on administrative issues referred by the Protected Area
777 Superintendent (PASu, and evaluate his and his staff's performance onthe actual
778 implementation of action plans, and preparation of plans or reviewing existing plans relating
779 to resource conservation, rehabilitation, protection; and
- 780 4) Monitor and evaluates the performance of the Host NGO, other NGOs and POs, in
781 providing for biodiversity conservations, eco-tourism and socio-economic development of
782 IPs and tenured migrants in MHSPL.

783 C. The EXECOM reports their assessment of the implementation of the Comprehensive
784 Development Plan to the PAMB through their EXECOM Chairman.

785 **SEC. 11. The Protected Area Superintendent Office.** There shall be a Protected Area
786 Superintendent Office for Mainit Hot Springs Protected Landscape within the DENR headed by
787 the Protected Area Superintendent who shall serve as the chief operating officer of the
788 protected area. The Protected Area Superintendent Office shall have the following powers and
789 functions:

790 **A. Administrative**

- 791 1). Serve as chief administrative officer of the protected area for the purpose of
792 implementing the Management Plan as detailed in the annual work program;
- 793 2). Establish a productive partnership with the local community, including groups, in the
794 planning, protection, and management of the protected area;
795
- 796 3). Ensure the performance and good morale of his staff
- 797 4). Ensure the proper utilization of annual budget allocations and the proper disposition of
798 fees and other funds generated within the protected area;
- 799 5). Develop and implement a park information, education and visitor program;
- 800 6). Develop and implement a natural history documentation program and to oversee
801 research that may be conducted within the area;
- 802 7). Integrate the roles of NGO and DENR staff in the operation of the area;
- 803 8). Encourage and assist NGOs, Pos and LGUs to organize a community based
804 ecotourism program that will serve as an important source of income and „livelihood for park
805 dwellers and motivate them to get actively involved in the rehabilitation, conservation and
806 protection of biodiversity and wild life habitat of the Mainit Hot Springs Protected Landscape;
807 and
- 808 9). Document the processes involved in the establishment and management of the
809 Protected Area, with particular reference to the development of relationships with the
810 indigenous cultural communities, tenured migrants buffer zone residents and others in
811 establishing effective protection of the area;

812 **B. Regulative**

- 813 1). To act as peace officer for the purpose of maintaining peace and order within the
814 Protected Area. As peace officer, he shall exercise police supervision therein and may
815 arrest any person found in any place within Protected Area who is committing, has
816 committed, or is about to commit an offense which is prohibited in this Act;
- 817 2). Enforce rules and regulations established to protect the area and preserve the area from
818 trespass, damage, injury and illegal occupancy;
- 819 3). Require, when necessary, any person entering or passing through or any part of the
820 Protected Area under his jurisdiction, to give the following information: name, address, the
821 proposed duration of stay inside the protected area and the portion which he intends to visit
822 or has visited and such other information of similar nature as may be referred to him;
- 823 4). Summarily remove or eject from the area persons who have rendered themselves
824 obnoxious by disorderly conduct or bad behavior or who have violated any of the regulations
825 on the Protected Area;

5). Require persons cutting and/or gathering forest products or hunting or fishing within the Protected Area to produce, upon demand, authority or permit to do so;

6). Seize and confiscate timber or other forest products, game birds, animals, and fish including instruments, tools and conveyances used inside the protected area by unlicensed persons, or if licensed, in violation of Protected Area laws, rules and regulations, and to report them in accordance with the present rules, regulations and guidelines issued by the Secretary concerning confiscation, seizure and disposition of illegally cut, gathered, transported forest products, and 4 other natural resources and confiscated wildlife;

7). Take active role in organizing and monitoring the management of a community based ecotourism program

8). Assist and enable indigenous Mansaka and Tenured Migrant families to resettle themselves in ecologically friendly villages, and allow Mother Nature to erase the vestiges of slum-like communities created during the gold rush days;

9). The Protected Area Supervisor (PASu) shall clear the Park of all illegal migrants and transients. He shall not allow any non-resident to cultivate or claim rights of occupancy to any piece of land within the Park; and

10). Perform such other powers and duties as may from time to time be prescribed by higher authorities.

C. The Protected Area Superintendent Office shall be supported by a sufficient number of personnel who shall be performing day-to-day management, protection and administration of the PA. All DENR employees detailed with the Protected Area at the time of the effectivity of this Act shall be accorded preference to form part of the Protected Area Superintendent Office.

CHAPTER FOUR ANCESTRAL DOMAIN AND TENURED MIGRANTS

SEC. 12. *Ancestral Lands and Domain.* The rights of indigenous cultural communities to their ancestral domains shall be fully recognized subject to Section 56 of the IPRA. Traditional property regimes exercised by indigenous cultural communities in accordance with their customary laws shall govern the relationships of all individuals within their communities with respect to all lands and resources found within ancestral lands.

Indigenous cultural communities may apply for Certificates of Ancestral Domain Title (CADT) as provided in the IPRA. The provisions of this Act shall be construed liberally in favor of the indigenous cultural communities in accordance with the conservation and preservation objectives of the Mainit Hot Springs Protected Landscape and its resources.

Nothing herein shall be construed to impair or diminish prior or existing rights currently enjoyed by the indigenous cultural communities as provided by existing laws. Permits, licenses or authorities required by this Act or any other statutes concerning the continued use, extraction or exploitation of forest products and/or possession or occupation of land within the Protected Area;

shall not be unnecessarily withheld from the indigenous cultural communities by the granting authority.

SEC. 13. Tenured Migrants. “*Tenured Migrants*” are individuals and households who have actually and continuously occupied public lands which are not alienable and disposable within the Protected Area before June 1, 1987 and are substantially dependent on the Protected Area for their livelihood. This Act specifically disqualifies transient miners and shop keepers, non-residents land speculators, individuals who own lands outside the Park, and those individuals earning their main source of livelihood outside of the Protected Area from being classified as tenured migrants, even if they are also engaged in cultivating pieces of lands within the Park.

Tenured Migrants shall be eligible to become stewards of portions of lands within the allowed and designated zones. The PAMB shall identify, verify and, subject to Section 56 of the IPRA, review all tenure instrument, land claims, and issuance of permits for resource use within the Protected Area and recommend the issuance of the appropriate tenure instrument consistent with the land classification, proper and allowed use of resources found therein, and zoning provided in the management or successor plans. Farmers who have been cultivating land within the Protected Area are considered to be occupying such lands and shall be entitled to a tenure instrument limited to cultivation and residence provided that the rights under such can only be transferred to one direct descendant. The rest of his children must find employment and livelihood outside of the Protected Area to limit population growth within the Protected Area.

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

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

The Protected Area Supervisor (PASu) shall clear the Park of all illegal migrants and transients. He shall not allow any non-resident to cultivate or claim rights of occupancy to any piece of land within the Park.

SEC. 14. Existing Rights. All prior and property and private rights within the 18 Protected Area and ancestral domains already existing and/or vested upon the effectivity of this Act, shall be protected and respected in accordance with existing laws. Owners of such lands found within the Protected Area and its Buffer Zone will be convinced to manage the development of economic potentials of their real properties in such a way that they, too, practice in their own way the restoration, rehabilitation and conservation of biodiversity and wildlife habitat.

In other words, titled real property holder, legitimate miners, individuals and group with reforestation contracts with the Department of Environment and Natural Resources (DENR) can still participate in this Protected Area concept provided they are willing to take utmost care to restore, rehabilitate and conserve of biodiversity and wildlife habitat of the Mainit Hot Spring Protected Landscape and the Manat River Watershed. Technically speaking, these “previously committed” properties are considered part of the Buffer Zone.

CHAPTER FIVE
PROHIBITED ACTS AND PENALTIES

SEC. 15. *Special Prosecutor.* Within thirty (30) days from the effectivity of the 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.

SEC. 16. *Prohibited Acts and Penalties.*

A. The penalties and qualifications prescribed in Articles 309 and 310 of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed upon any person who:

1). Hunts, takes, destroys, disturbs or possesses any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived there from, or any form of extraction or use of resources within particularly identified regulated or prohibited areas or zones in protected area, including private lands, without the necessary Protected Area permit, authorization or exemption, as issued or promulgated by the PAMB;

2). Cuts, gathers, removes or collects timber or any forest products within particularly identified prohibited areas or zones in the Protected Area;

3). Including private lands, without the necessary Protected Area permit, authorization or exemption, as issued or promulgated by the PAMB;

4). Cuts, destroys any tree or shrubs or other erosion-preventing plants, or builds or introduces any structure that would cause erosion in riparian areas of the Protected Area pursuant to Section 16 of Presidential Decree No. 705 or the Revised Forestry Reform Code;

5). Possesses outside the protected area any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the PAMB or products derived therefrom which is ascertained to have been taken from the Protected Area. It shall be presumed to have been taken from the Protected Area if the subject plant, animals, flora or fauna is found in possession or control of persons who traveled to the protected area within seventy-two (72) hours before the time of their arrest;

7). Hunts, collects, removes, or destroys endangered or protected species, except when collection or removal is for scientific research and is so exempted from this prohibition by the PAMB.

B. A fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), or imprisonment ranging from five (5) years to ten (10) years, or both, at the discretion of the court, and the restoration and rehabilitation of the damage or, when appropriate, the ejectment therefrom, shall be imposed upon any person who:

- 949 1) Occupies, settles, or possesses any portion of the Protected Area, introduces
950 improvements, agricultural or otherwise, or performs *kaingin* therein not sanctioned by law
951 or without the proper permit and authority as required by the PAMB;
- 952 2) Sells, buys, or offers to sell or buy any real property or rights within particularly identified
953 regulated areas or zones in the Protected Area;
- 954 3) Occupies or possesses any portion of lands within the Protected Area by using force,
955 intimidation, threat, deceit or by taking advantage of the absence or tolerance of the rightful
956 possessor, occupant, or claimant;
- 957 4) Uses explosives, noxious substances, or electricity for fishing within the protected area.
958 The possession of explosives, noxious or poisonous substances, electro- fishing devices
959 and paraphernalia, or fish caught through explosives, noxious or poisonous substances or
960 electricity within and nearby fishing areas or fishing boats shall constitute *prima facie*
961 evidence that the possessor thereof committed the act herein prohibited;
- 962 5) Destroys, damages, mutilates, defaces, or commits any act of vandalism on any object of
963 natural beauty, object of anthropological or cultural importance, or non- renewable resource
964 within the Protected Area;
- 965 6) Throws, discharges, or dumps within the protected zone any substance that is deleterious
966 or potentially deleterious to the ecosystem or of the plants, animals or inhabitants in the
967 protected and buffer areas, or committing same activities within the buffer zone without
968 appropriate permit or authority;
- 969 7) Alters, removes, destroys or defaces any boundary markers, monuments, or interpretative
970 signs relating to the Protected Area;
- 971 8) Causes damage to road, trails and pathways;
- 972 9) Engages in any degree or form location/exploration, quarrying or extraction of mineral;
- 973 10) Obstructs or hinders the enforcement of this Act, its related laws, rules, and regulations.
- 974 C. A fine ranging from Five thousand pesos (P5,000.00) to One hundred thousand pesos
975 (P100,000.00), or imprisonment ranging from one (1) year to six (6) years, or both, at the
976 discretion of the court, shall be imposed upon any person who:
- 977 1). Violates any rules and regulations promulgated by the Protected Area Management Board
978 or its duly authorized delegate or any agreement or commitment reached before the
979 Protected Area Management Board;
- 980 2). Deals any product illegally derived from the protected area, such as, but not limited to,
981 selling, buying, offering to sell or buy any timber, forest product, natural growing or wild
982 terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom or any
983 resource from within particularly identified regulated or prohibited areas or zones in the
984 Protected Area without the necessary permit, authorization or exemption for the utilization,

985 and/or extraction thereof as provided by this Act and other existing laws, rules and
986 regulations;

987 3). Uses any equipment which facilitates extraction of resources, regardless of such intention
988 or purpose within the Protected Area without the necessary Protected Area permit or
989 authorization;

990 4). Leaves debris, refuse, or garbage in exposed or unsanitary condition anywhere within the
991 Protected Area;

992 5). Enters any portion of the Protected Area for purposes of mountain climbing, camping,
993 spelunking, study, research or recreational visit without the necessary permit or authorization.

994 Administrative procedures for the investigation and validation of the violation shall be prepared
995 by the PAMB in coordination with the appropriate bureaus of the DENR. If the act is committed
996 by a corporation, organization, partnership or association, the penalty shall be imposed on the
997 chief executive officer and/or board of trustees of the corporation, organization or managing
998 partner of the partnership or association. Valuation of the damage shall take into account
999 biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation by
1000 the DENR or the concerned government agency shall be presumed correct unless proven
1001 otherwise. Any person who shall induce or conspire with another person or persons to commit
1002 any of the acts prohibited in this Act or suffer their workers to commit any of the same shall be
1003 liable in the same manner as the one actually performing the act.

1004 **SEC. 17. Administrative Confiscation and Fine.** Administrative proceedings for violation of
1005 the foregoing prohibited acts shall proceed independently and without prejudice to judicial
1006 action. The PAMB through the Protected Area Superintendent is hereby empowered to impose
1007 an administrative fine ranging from Five thousand pesos (P5,000.00) to One hundred fifty
1008 thousand pesos (P150,000.00) and/or the cancellation of permit or license issued. Decisions of
1009 the Protected Area Superintendent may be appealed within thirty (30) days from receipt of the
1010 decision to the PAMB Executive Committee. The decision of the PAMB Executive Committee is
1011 can be appealed to the DENR Secretary within a period of sixty (60) days from the receipt of the
1012 decision. All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and
1013 similar devices shall be subject to immediate administrative confiscation by the Protected Area
1014 Superintendent Office upon apprehension without prejudice to criminal action. Once the proper
1015 criminal action is filed in the regular courts, the said conveyances, vessels, equipment,
1016 paraphernalia, implements, gear, tools and similar devices shall be in *custodia legis* but shall
1017 continue to be subject to administrative confiscation and may only be released by the trial court
1018 to the owner pending trial upon consultation with the Protected Area Superintendent and with
1019 proper consideration of the pending administrative proceedings and the potential forfeiture of
1020 the said objects.

1021 Administrative fines collected and the proceeds of the sale of all objects administratively or
1022 judicially confiscated or forfeited pursuant hereto shall accrue to the Integrated Protected Area
1023 Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

1024 **SEC. 18. Special Counsel.** The Protected Area Management Board may retain the services of
1025 a competent lawyer to prosecute or assist in the prosecution of cases of defend the members of
1026 the PAMB, the Protected Area Superintendent and staff or any person assisting in the
1027 protection, conservation, and sustainable development of the Protected Area against any legal

1028 action related to their powers, functions and responsibilities as provided in this Act or as
1029 delegated or tasked by the PAMB.

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CHAPTER SIX MAINIT HOTSPRINGS PROTECTED AREA FUNDS

1035 **SEC. 19. Mainit Hot Springs Protected Area Funds.** The following shall constitute part of the
1036 Mainit Hot Springs Protected Area Funds:

1037 A. Sources of MHSPL Funds

1038 1). Visitors/Tourist fee;

1039 2). Sale of souvenirs at the Visitors Center;

1040 3). Fees and royalties from permitted cutting, sale and export of flora and fauna or other
1041 resources from the Protected Area;

1042 4). Fees from use of portions of the Protected Area and other facilities;

1043 5). Donations and solicitation;

1044 6). Contributions from industries and facilities located outside the PA but directly benefiting
1045 from the Protected Area;

1046 7). Taxes from tourism-related enterprises located outside of the needs of eco- tourists and
1047 Park visitors;

1048 8). Such other fees and incomes derived from the conduct of permitted activities in particular
1049 zones of the Protected Area like a community based Ecotourism Program;

1050 9). Fines, fees and damages, other than those intended for rehabilitation, collected from
1051 violators;

1052 10). Proceeds from the sale of confiscated goods;

1053 11). Tax imposed on sales of fruits and cash crops produced by IPs and Tenured Migrants
1054 under MOA and other tenurial instruments;

1055 12). Such other proceeds from prohibited or penalized acts; and

1056 13). The annual amount appropriated by the National Government as budget for salary of
1057 personnel and for the operating expenses of the Mainit Hot Springs Protected Landscape.

B. Disbursement from the Mainit Hot Springs Protected Area Fund shall be made only for the following and should be approved by the PAMB:

1). Rehabilitation of denuded area, riverbanks and waterways;

2). Finance environment friendly livelihood programs;

3). PAMB operations; and

4). Honoraria for deputized Park Wardens.

The PAMB shall promulgate guidelines for the Mainit Hot Springs Protected Area Fund within one month from the approval of this Act and determine an equitable sharing scheme with the respective local government units for the revenues derived from facilities or activities within the Protected Area.

CHAPTER SEVEN

EXISTING FACILITIES, UTILIZATION OF NON-RENEWABLE RESOURCES, ENVIRONMENTAL IMPACT ASSESSMENT, AND PARTNERSHIP AMONG GOVERNMENT, NON-GOVERNMENT AND PEOPLES' ORGANIZATIONS

SEC. 20. 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. Within thirty (30) days from the effectivity of this Act, unless extended by the PAMB, 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 Protected Area Superintendent the following information:

A. Environmental Impact Assessment and/or Environmental Management Plan;

B. Environmental Compliance Certificate, if any; and

C. Developmental 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 Protected Area Superintendent (PASu) and deputizing other

1091 government entities shall cause the cessation and demolition of the facility at the cost of its
1092 owners.

1093 The removal of existing facilities which provide basic services and amenities to the public shall
1094 require the concurrence of the Local Government Unit consistent with the responsibility of the
1095 local government to its constituents.

1096 Existing facilities allowed to remain within the Protected Area may be charged a reasonable fee,
1097 subject to DENR approval pursuant to Section 10(f) of the NIPAS Act by the PAMB based on
1098 the extent of its impact on the environment and biodiversity.

1099 **SEC.21. Utilization of Non-renewable Resources.** Any exploration, exploitation or utilization
1100 of non-renewable resources within the Protected Area shall not be allowed. Franchises to
1101 establish and operate privately owned resorts, and mining exploration and exploitation permits
1102 shall not be issued; upon their expiration, existing business franchises inside the park, and
1103 mining exploration and exploitation permits shall no longer be renewed. Only a cooperative
1104 organization of the Indigenous Mansaka people, Tenured Migrants and environmentally
1105 concerned Stakeholders shall be allowed to establish and operate an ecotourism cooperative
1106 that protects and develops the natural beauty of the Park.

1107 **SEC. 22. Environmental Impact Assessment System.** Existing laws, rules and regulations
1108 relating to Environmental Impact Assessment shall be applicable to projects and activities
1109 intended in the Protected Area. The issuance of the Environmental Compliance Certificate or its
1110 exemption shall be coordinated with the PAMB.

1111 **SEC. 23. Partnership among Government, Non-Government Organizations and Peoples'**
1112 **Organizations.** For the purpose of attaining the objectives of this Act, all Government
1113 Organizations and Agencies (GOs), Non-Government Organizations (NGOs), Peoples'
1114 Organizations (POs) and their personnel shall continuously foster and develop a strong and true
1115 partnership.

1116 All non-Government Organizations (GOs), people's organizations (POs) and private entities
1117 implementing any park conservation, protection and development program must be accredited
1118 by the local government units and the DENR.

1119 **SEC. 24. Roles of Local Government Units and National Agencies in the Protected Area.**
1120 Local government units and relevant national agencies shall be represented in the PAMB and
1121 shall have the following roles:

1122 A. Appraise their respective constituents, office, and sector on activities and programs for the
1123 Protected Area;

1124 B. Ensure consistency in the implementation of all activities in the protected ;

1125 C. Retain their ordinance-making powers over the Protected Area and shall consider the
1126 Management Plan and the rules and regulations adopted by the PAMB in their legislative
1127 agenda relating to biodiversity, conservation, protection and sustainable development;

1128 D. In the formulation of their development plan, local government units shall consider the
1129 Protected Area management plan for Mainit Hot Springs Protected Area to be prepared by the
1130 PAMB;

1131 E. Assist the PAMBoard in the implementation of the over-all park programs, including but not
1132 limited to the imposition, collection and utilization of park fees, enforcement of policies, rules
1133 and regulations and other similar park activities;

1134 F. Accredite people's organizations, non-government organizations and other entities and
1135 groups involved in activities within the Protected Area; and

1136 G. Provide the PAMB with relevant information and data for the effective management of the
1137 Protected Area.

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1139 **SEC.25. Public Service Utilities, Projects.** All existing and future development projects of
1140 public service utilities involving water services, communication facilities, power and energy
1141 generation, public security, health and education services and other facilities which will promote
1142 public welfare, shall be implemented within areas designated/approved by the PAMB and other
1143 appropriate government agencies.

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CHAPTER EIGHT APPROPRIATION AND MISCELLANEOUS PROVISIONS

1149 **SEC. 26. Appropriation.** An initial amount of One Hundred Million (P 100,000,000.00) Pesos
1150 shall be included in the General Appropriations Act as operating budget for the Mainit Hot
1151 Springs Protected Landscape. Thereafter, such sums as may be necessary for the salary of
1152 Park officers and employees, and for its continued operation shall be included in the annual
1153 General Appropriations Act may be necessary. These expenditures of which shall be subject to
1154 government accounting and audit procedures.

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1156 **SEC. 27. Construction.-** The provisions of this Act shall be construed liberally in favor of
1157 tenured migrants and indigenous cultural communities and with due consideration of the prior
1158 property rights of the stakeholders, to the sustainable development, and the conservation and
1159 protection of biodiversity. Republic Act Nos. 7160, 7586, 8371 and 8550 or the Local
1160 Government Code, NIPAS Act, IPRA, and Philippine Fisheries Code of 1998, respectively, and
1161 other existing forestry laws and their corresponding rules and regulations not inconsistent hereto
1162 shall have suppletory effect in the implementation of this Act.

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1164 **SEC. 28. Repealing Clause.** All other existing laws, rules and regulations inconsistent with this
1165 Act are hereby repealed or modified accordingly.

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1167 **SEC. 29. *Separability Clause.*** If any part or section of this Act is declared unconstitutional,
1168 such declaration shall not affect the other parts or sections hereof.

1169 **SEC. 30. *Effectivity Clause.*** This Act shall be translated in the Cebuano- Visayan language. It
1170 shall be published once in a newspaper of general circulation readily available in the Protected
1171 Area. It shall likewise be posted for three (3) consecutive weeks starting on the day of
1172 publication in newspapers in both the English and Cebuano-Visayan languages in a
1173 conspicuous place in the provincial, municipal and barangay halls within the area as well as in
1174 three (3) other places frequented by the public. This Act shall take effect thirty (30) days from
1175 such publication and posting.

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1177 Approved,

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