

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

Sixteenth Congress
1st Regular Session

House Bill No. 1865



Introduced by HONORABLE BELMA A. CABILAO

EXPLANATORY NOTE

The Buug Natural Biotic Area has been designated and set aside as Watershed and Forest Reserve pursuant to Presidential Proclamation No. 18 dated August 9, 1966. The area is now designated as an initial component of the National Integrated Protected Areas System (NIPAS) under Proclamation No. 63 dated December 22, 1998. The protected area is located at Barangays of Talairan, Bulaan, Bliss, Basalem, Talamimi, Labrador, Pling, Gintoloan and Poblacion Buug all in the Municipality of Buug, Province of Zamboanga Sibugay with an area of ONE THOUSAND NINETY FIVE (1,095) HECTARES and buffer zone of FOUR HUNDRED SEVENTY (470) HECTARES.

The highest peak of the protected area is practically a natural Dipterocarp forest for Tanguile and Lavan species. The presence of monkeys could still be enjoyed watching in Barangay Talairan. A few meters away from the market site of Buug you can see big trees of falcatta and gmelina and for the physical features include the panoramic view of adjacent portion of Sibugay Valley and Dumanquillas Bay Protected Landscape and Seascape. It is the only source of potable water in the municipality of Buug and other nearby communities.

Pursuant to Section 2, Article XII of the Constitution, "the state shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone and reserve its enjoyment exclusively to Filipino citizens" and further provided under Section 2 of the NIPAS Act which states that "it is the policy of the state to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals through the establishment of a comprehensive system of integrated protected areas.

Buug Natural Biotic Area had always been a biological valuable nature site in this part of the country and is always threatened with the high impact of man's activities. Its establishment into a protected area is vital in promoting permanent protection and preservation to a great extent possible of its natural conditions.

In view of all these considerations, the early passage of this bill is earnestly sought.

Belma A. Cabilao
HON. BELMA ARELLANO CABILAO
Representative, 1st District
Zamboanga Sibugay Province

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Introduced by HONORABLE BELMA A. CABILAO

AN ACT DECLARING BUUG NATURAL BIOTIC AREA LOCATED IN THE MUNICIPALITY OF BUUG, PROVINCE OF ZAMBOANGA SIBUGAY AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL BIOTIC AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONES PROVIDING FOR ITS MANAGEMENT AND OTHER PURPOSES.

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

SECTION 1. *Title* - "This Act shall be known as the "Buug national Biotic Area Act of 2013"

SECTION 2. *Declaration of Policy* - Pursuant to Republic Act No. 7586, it is hereby declared the policy of the state to regulate the utilization of aggregates, wild flora and fauna, ensure the continuity of endangered, threatened and rare species towards the end of conserving, protecting and preserving the scenic features, including the diverse terrestrial thereof for the benefit of its people and mankind.

SECTION 3. *Scope* - The Buug Natural Biotic Area, including its buffer zones cover a total of about ONE THOUSAND FIVE HUNDRED SIXTY FIVE (1,565) hectares. It begins at a point marked "1" which is identical to corner No. 1 of Project No. 19-B, Block C, Timberland, LC Map No. 2004:

Thence S60°00'W,	175.00 meters	to corner 2;
Thence S75°00'W,	300.00 meters	to corner 3;
Thence S35°00'W,	250.00 meters	to corner 4;
Thence S73°00'W,	250.00 meters	to corner 5;
Thence S61°00'W,	235.00 meters	to corner 6;
Thence S81°00'W,	160.00 meters	to corner 7;
Thence N48°00'W,	350.00 meters	to corner 8;
Thence N66°00'W,	340.00 meters	to corner 9;
Thence N20°00'E,	250.00 meters	to corner 10;
Thence N08°00'E,	361.00 meters	to corner 11;
Thence N29°17'E,	171.30 meters	to corner 12;
Thence N86°35'E,	223.30 meters	to corner 13;
Thence S20°34'E,	68.90 meters	to corner 14;
Thence S31°13'W,	138.30 meters	to corner 15;
Thence S78°09'E,	209.10 meters	to corner 16;
Thence N44°22'E,	165.10 meters	to corner 17;
Thence S77°10'E,	174.10 meters	to corner 18;
Thence N73°22'E,	164.60 meters	to corner 19;
Thence S09°34'E,	199.00 meters	to corner 20;

Thence S02°00'W,	218.10 meters	to corner 21;
Thence N74°02'E,	470.70 meters	to corner 22;
Thence N58°00'E,	288.00 meters	to corner 23;
Thence N17°00'E,	143.00 meters	to corner 24;
Thence N17°00'E,	210.00 meters	to corner 25;
Thence N29°00'E,	340.00 meters	to corner 26;
Thence N13°00'E,	240.00 meters	to corner 27;
Thence N07°00'E,	180.00 meters	to corner 28;
Thence N12°00'E,	240.00 meters	to corner 29;
Thence N28°00'W,	350.00 meters	to corner 30;
Thence N17°18'E,	112.20 meters	to corner 31;
Thence N03°15'E,	158.90 meters	to corner 32;
Thence N07°02'W,	150.10 meters	to corner 33;
Thence N16°37'W,	225.50 meters	to corner 34;
Thence N12°26'W,	245.00 meters	to corner 35;
Thence N19°23'W,	210.20 meters	to corner 36;
Thence N70°20'W,	206.30 meters	to corner 37;
Thence N89°00'W,	231.30 meters	to corner 38;
Thence S80°18'W,	241.40 meters	to corner 39;
Thence S76°37'W,	194.70 meters	to corner 40;
Thence N32°00'W,	300.00 meters	to corner 41;
Thence N76°40'E,	534.47 meters	to corner 42;
Thence N21°37'E,	215.46 meters	to corner 43;
Thence N44°38'E,	643.49 meters	to corner 44;
Thence N50°37'E,	397.17 meters	to corner 45;
Thence N44°39'E,	330.74 meters	to corner 46;
Thence N53°45'E,	336.40 meters	to corner 47;
Thence N11°38'W,	284.90 meters	to corner 48;
Thence N12°28'E,	195.14 meters	to corner 49;
Thence N24°38'W,	233.14 meters	to corner 50;
Thence N05°49'E,	184.98 meters	to corner 51;
Thence S10°25'E,	203.10 meters	to corner 52;
Thence S48°05'E,	191.78 meters	to corner 53;
Thence S61°06'E,	248.85 meters	to corner 54;
Thence S68°08'E,	220.66 meters	to corner 55;
Thence S67°01'E,	215.75 meters	to corner 56;
Thence S84°03'E,	234.82 meters	to corner 57;
Thence N60°37'E,	188.12 meters	to corner 58;
Thence N49°29'E,	187.66 meters	to corner 59;
Thence S63°38'E,	182.70 meters	to corner 60;
Thence S19°46'E,	304.98 meters	to corner 61;
Thence S32°36'E,	324.57 meters	to corner 62;
Thence S73°19'E,	161.92 meters	to corner 63;
Thence S05°01'E,	255.12 meters	to corner 64;
Thence S33°37'W,	138.89 meters	to corner 65;
Thence S29°19'E,	174.69 meters	to corner 66;
Thence S54°02'W,	132.47 meters	to corner 67;
Thence S23°32'E,	194.88 meters	to corner 68;
Thence S28°31'E,	234.73 meters	to corner 69;
Thence N83°33'W,	183.81 meters	to corner 70;
Thence N73°12'W,	222.95 meters	to corner 71;
Thence N65°20'W,	187.32 meters	to corner 72;
Thence N63°03'W,	232.16 meters	to corner 73;
Thence N79°05'W,	258.45 meters	to corner 74;

Thence S16°12'W,	138.97 meters	to corner 75;
Thence S09°35'W,	199.92 meters	to corner 76;
Thence S15°22'W,	174.75 meters	to corner 77;
Thence S11°36'W,	229.87 meters	to corner 78;
Thence S12°50'E,	215.09 meters	to corner 79;
Thence S11°51'E,	190.10 meters	to corner 80;
Thence S06°59'E,	180.12 meters	to corner 81;
Thence S12°32'W,	204.84 meters	to corner 82;
Thence S02°05'E,	265.10 meters	to corner 83;
Thence S05°02'E,	205.12 meters	to corner 84;
Thence S04°36'W,	145.03 meters	to corner 85;
Thence S30°29'E,	234.66 meters	to corner 86;
Thence S08°00'W,	230.00 meters	to corner 87;
Thence S08°00'W,	150.00 meters	to corner 88;
Thence S84°00'W,	180.00 meters	to corner 89;
Thence S37°00'W,	230.00 meters	to corner 90;
Thence S12°00'E,	140.00 meters	to corner 91;
Thence S58°00'E,	200.00 meters	to corner 92;
Thence S75°00'E,	160.00 meters	to corner 93;
Thence S16°00'W,	150.00 meters	to corner 94;
Thence S11°00'W,	170.00 meters	to corner 95;
Thence S46°00'W,	210.00 meters	to corner 96;
Thence S00°10'E,	240.00 meters	to corner 97;
Thence S30°00'W,	250.00 meters	to corner 98;
Thence S64°00'W,	150.00 meters	to corner 99;
Thence S44°00'W,	170.00 meters	to corner 100;
Thence S22°00'W,	210.00 meters	to corner 101;
Thence S24°00'E,	150.00 meters	to corner 102;
Thence S82°00'W,	280.00 meters	to corner 103;
Thence N66°00'W,	285.00 meters	to corner 104;
Thence N12°00'E,	175.00 meters	to corner 105;
Thence N25°00'W,	280.00 meters	to corner 106;
Thence N33°00'W,	260.00 meters	to corner 107;
Thence N53°00'W,	270.00 meters	to corner 108;
Thence S83°00'E,	280.00 meters	to corner 1;

The point of beginning containing an area of ONE THOUSAND NINETY FOUR AND POINT NINE HUNDRED FIFTY SEVEN (1,094.957) HECTARES, more or less.

The Buffer Zone Parcel 1 begins at a point marked "1" which is identical to corner 9 of Project No. 19-B, Block-C, T.L, Map No. 2004;

Thence N27°02'W,	260.10 meters	to corner 2;
Thence N70°01'W,	140.20 meters	to corner 3;
Thence N51°02'W,	240.30 meters	to corner 4;
Thence N78°01'W,	180.30 meters	to corner 5;
Thence N00°01'E,	235.10 meters	to corner 6;
Thence N27°57'E,	290.00 meters	to corner 7;
Thence N52°58'E,	239.80 meters	to corner 8;
Thence S86°00'E,	239.60 meters	to corner 9;
Thence S60°58'E,	174.80 meters	to corner 10;
Thence N89°35'W,	249.60 meters	to corner 11;
Thence S79°59'E,	279.60 meters	to corner 12;
Thence S87°00'E,	244.60 meters	to corner 13;

Thence N84°59'W,	264.60 meters	to corner 14;
Thence S48°58'E,	329.70 meters	to corner 15;
Thence S38°58'E,	179.90 meters	to corner 16;
Thence S06°00'E,	239.90 meters	to corner 17;
Thence S74°02'E,	470.70 meters	to corner 18;
Thence N02°00'E,	218.10 meters	to corner 19;
Thence N09°34'W,	199.00 meters	to corner 20;
Thence S73°22'W,	164.60 meters	to corner 21;
Thence N77°10'W,	174.10 meters	to corner 22;
Thence S44°22'W,	165.10 meters	to corner 23;
Thence N78°09'W,	209.10 meters	to corner 24;
Thence N31°13'E,	138.30 meters	to corner 25;
Thence N20°34'W,	68.90 meters	to corner 26;
Thence S86°35'W,	223.30 meters	to corner 27;
Thence S29°17'W,	171.30 meters	to corner 28;
Thence S08°30'W,	361.20 meters	to corner 29;
Thence S20°27'W,	250.60 meters	to corner 01;

The point of beginning containing an area of ONE HUNDRED SEVEN AND POINT SEVEN HUNDRED FORTY EIGHT (107.748) HECTARES, more or less.

The Buffer Zone Parcel 2 begins at a point marked "1" which is identical to corner 30 of Buug Natural Biotic Area;

Thence N31°58'W,	289.80 meters	to corner 02;
Thence N38°58'W,	309.80 meters	to corner 03;
Thence N51°58'W,	249.70 meters	to corner 04;
Thence N02°00'E,	180.00 meters	to corner 05;
Thence N61°58'W,	259.70 meters	to corner 06;
Thence N66°58'W,	269.60 meters	to corner 07;
Thence N76°37'E,	194.70 meters	to corner 08;
Thence N80°16'E,	241.40 meters	to corner 09;
Thence N89°00'E,	321.30 meters	to corner 10;
Thence S70°20'E,	206.30 meters	to corner 11;
Thence S19°23'E,	210.20 meters	to corner 12;
Thence S12°26'E,	245.00 meters	to corner 13;
Thence S16°37'E,	225.50 meters	to corner 14;
Thence S07°02'E,	150.00 meters	to corner 15;
Thence S03°15'W,	158.90 meters	to corner 16;
Thence S17°18'W,	112.20 meters	to corner 01;

The point of beginning containing an area of FORTY FOUR AND POINT THREE HUNDRED FORTY EIGHT (44.348) HECTARES, more or less.

The Buffer Zone Parcel 3 begins at a point marked "1" which is identical to corner 51 of Buug National Biotic Area;

Thence N39°04'E,	113.92 meters	to corner 02;
Thence N68°00'E,	207.46 meters	to corner 03;
Thence N39°32'E,	233.81 meters	to corner 04;
Thence N12°01'E,	424.29 meters	to corner 05;
Thence S83°43'E,	340.47 meters	to corner 06;
Thence S73°29'E,	164.71 meters	to corner 07;

Thence S46°32'E,	137.84 meters	to corner 08;
Thence S27°28'E,	336.77 meters	to corner 09;
Thence S10°57'W,	175.59 meters	to corner 10;
Thence S40°05'E,	155.96 meters	to corner 11;
Thence S21°49'E,	166.48 meters	to corner 12;
Thence S08°56'W,	265.76 meters	to corner 13;
Thence S49°29'W,	187.66 meters	to corner 14;
Thence S60°37'W,	188.12 meters	to corner 15;
Thence N84°03'W,	234.82 meters	to corner 16;
Thence N67°01'W,	215.75 meters	to corner 17;
Thence N68°02'W,	220.66 meters	to corner 18;
Thence N61°06'W,	248.85 meters	to corner 19;
Thence N48°05'W,	191.78 meters	to corner 20;
Thence N10°25'W,	203.10 meters	to corner 01;

The point beginning containing an area of ONE HUNDRED TWENTY SIX AND POINT FIVE HUNDRED NINETEEN (126.519) HECATRES, more or less.

The Buffer Zone Parcel 4 begins at a point marked "1" which is identical to corner 26 of Project No. 19-C, Block 1, T.C., LC Map No. 2228;

Thence S43°42'W,	232.47 meters	to corner 02;
Thence S73°27'W,	297.18 meters	to corner 03;
Thence S71°25'W,	162.23 meters	to corner 04;
Thence N30°29'W,	234.66 meters	to corner 05;
Thence N04°36'W,	145.03 meters	to corner 06;
Thence N05°02'W,	205.12 meters	to corner 07;
Thence N02°05'W,	265.10 meters	to corner 08;
Thence N12°32'E,	204.84 meters	to corner 09;
Thence N06°59'E,	180.12 meters	to corner 10;
Thence N11°51'W,	190.10 meters	to corner 11;
Thence N12°50'W,	215.09 meters	to corner 12;
Thence N11°36'E,	229.87 meters	to corner 13;
Thence N15°22'E,	174.75 meters	to corner 14;
Thence N09°35'E,	199.92 meters	to corner 15;
Thence N16°12'E,	138.97 meters	to corner 16;
Thence S79°05'E,	258.45 meters	to corner 17;
Thence S63°03'E,	232.16 meters	to corner 18;
Thence S65°20'E,	187.32 meters	to corner 19;
Thence S73°12'E,	222.95 meters	to corner 20;
Thence S83°33'E,	183.81 meters	to corner 21;
Thence S25°08'W,	262.32 meters	to corner 22;
Thence S06°48'E,	203.96 meters	to corner 23;
Thence S27°13'E,	197.91 meters	to corner 24;
Thence S36°22'E,	197.42 meters	to corner 25;
Thence S44°13'W,	157.67 meters	to corner 26;
Thence N75°15'W,	96.83 meters	to corner 27;
Thence S37°53'W,	475.14 meters	to corner 28;
Thence S30°24'W,	169.85 meters	to corner 29;
Thence S11°59'E,	317.14 meters	to corner 1;

The point of beginning containing an area of ONE HUNDRED NINETY ONE AND POINT TWO HUNDRED EIGHTY FOUR (191.284) HECTARES, more or less.

The technical description of Buug National Biotic Area and Buffer Zone shall be subject to ground verification survey.

SECTION 4. *Definition of Terms* – For the purpose of this Act, the following are defined as follows:

- (a) *Natural Biotic Area* – is an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace.
- (b) *Buffer Zone* – identified area outside the boundaries of an immediately adjacent to designated protected areas pursuant to Section 8 NIPAS Act of 1992 that need special development control in order to avoid or minimize harm to the protected area;
- (c) *Integrated Protected Area Fund* – is a trust fund established for purposes of financing projects of the system.
- (d) *Tenured Migrant Communities* – are communities within protected areas which have actually and continuously occupied such areas for five (5) years before the designation of the same as protected area in accordance with the NIPAS Act and are solely dependent therein for subsistence.
- (e) *Protected Area Superintendent* – is the Chief Operating DENR Officer at the Protected Area.
- (f) *Protected Area* – refers to identified portion of land and water set aside by reason of their unique physical and biological significance managed to enhance biological diversity and protected against destructive human exploitation.
- (g) *Trust Fund* – is an account maintained in any government depository bank for a specific purpose.
- (h) *Central Integrated Protected Area Fund* – is a trust fund maintained by PAWB in any government depository bank representing 25% remittances from the different protected areas in accordance with Section 61 DAO 25, Series of 1992.
- (i) *Indigenous Cultural Communities* – refers to group of people sharing common bonds of language, customs, traditions and other distinctive cultural traits, and who have, since time immemorial, occupied, possessed and utilized a territory.
- (j) *Multiple Use Zone* – an area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, maybe allowed to the prescribed in the management plan. Land tenure maybe granted to tenured residents, whether indigenous cultural community members or migrants.
- (k) *Protected Area Superintendent (PASu)* – is the Chief Operating Officer of the protected area.
- (l) *Sustainable Use Zone* – it is an area of high recreational tourism, educational or environmental awareness values where ecotourism, recreational conservation education or public awareness activities may be allowed.

- (m) *Restoration Zone* - is an area of degraded habitat or where the long term goal will be restore natural habitat with its associated biodiversity and to rezone the area to a more strict protection level. Exotic species shall not be use in the restoration process.
- (n) *Strict Protection Zone* - is an area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by indigenous communities.
- (o) *Habitat Management Zone* - is an area with significance habitat and species values where management practices area required periodically to maintain specific non climax habitat types or conditions required by rare, threatened or endangered species. Examples would be forest openings for the tamarraws or bushy forest for the Philippine tarsier. Human habitation and sustainable use maybe allowed if they play a habitat management role.
- (p) *Special Use Zone* - is an area containing existing installation of national significance, such as telecommunication facilities, irrigation canals or electric power lines. Such installation may be retained subject to mutual agreement among the concerned parties such installation will not violate any of the prohibition contained in Section 20 of the Act.

SECTION 5. *Management of Buug Natural Biotic Area* - The management of the Buug Natural Biotic Area shall be vested in the Protected Area Management Board (PAMB) as herein provided, which shall serve as the highest policy making body for the Protected Areas (PA). Through the PAMB, the management structure for the PA, shall promote partnership cooperation and coordination with local communities and civil society organizations,

- a. To conduct studies of various characteristics, features and conditions of the protected area, using common characteristics, classify and define them into categories and prescribe permissible or prohibit human activities in each category in the system.
- b. To adopt and enforce a land use scheme and zoning plan in adjoining areas for the preservation and control of activities that may threaten the ecological balance in the protected area.
- c. To cause the preparation of and exercise the power to review all plans and proposals for the management of protected area.
- d. To promulgate rules and regulations necessary to carry out the provisions of this Act.
- e. To deputize Field Officers and delegate any of this powers under this Act and other laws to expedite is implementation and enforcement.
- f. To enter into contract/s and/or agreements with private entities or public agencies as any be necessary to carry out the purpose on this Act.
- g. To approve administrative fees and fines pursuant to Section 21 of the NIPAS Act for violation of guidelines, rules and regulations of this Act as would endanger the viability of the protected area.

- h. To accept in the name of the Philippine Government and in behalf of NIPAS funds, gifts or bequests of money for immediate disbursement or other property in the interest of NIPAS, or its services.
- i. To call on any agency or instrumentality of the government as well as academic institutions, non-government organizations and the private section as may be necessary to accomplish the objectives of the system.
- j. To submit an Annual Report to the President of the Philippines and to Congress on the status of the protected area.
- k. To establish a uniform marker for the system, including an appropriate and distinctive symbol for the protected area, in consultation with appropriate government agencies in public and private organizations.
- l. To approve the specifications of the class, type and style of building and other structure to be constructed in protected area and the materials to be used.
- m. To perform such other functions as may be directed by the President of the Philippines and to do such as may be necessary or incidental to the accomplishment of the purpose and objectives of the system.

SECTION 6. *Protected Area Management Board* - There is hereby created a Protected Area Management Board for Buug Natural Biotic Area shall be composed of the following members;

- 1. The Regional Executive Director (RED) of the DENR-R9 as the Chairman.
- 2. One (1) representative from the Local Government Unit of Buug Municipality.
- 3. All Barangay Chairmen whose barangay is within or inside the protected area.
- 4. One (1) representative from the Peoples Organization - Buug Tribal Council
- 5. One (1) representative each from NGOs, Church sector and Development.
- 6. One (1) representative from Provincial Planning and Development Coordinator.
- 7. Representative from Other Government Agency

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 his/her sector in all matters. The members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such official/s.

The PAMB en banc shall hold regular meetings at least every six (6) months. Special meeting may be called upon proper notice as the need arises.

The PAMB members shall be entitled to honorarium and reimbursement of traveling expenses incurred in attending PAMB meetings, which expenses shall be included in the Buug Natural Biotic Area budget.

The Board shall, by a majority vote, approve or take necessary action to:

- a) Decide allocation for budget

- b) Approve proposal for funding
- c) Decide matters relating to planning, peripheral or resources protection and general administration of the area in accordance with the General Management Planning Strategy (GMPS)
- d) Approve the delineation and demarcation of the protected area boundaries, buffer zone, ancestral domains and recognize the right and privileges of indigenous communities and tenured migrants under the provision of this Act.
 - d.1. The PAMB and the PASu shall exercise authority over buffer zones in the cooperation with NGOs and other government institution/s.
 - d.2. When a claim of ancestral domain is established following the procedures identified in Section 46 of DAO No. 25, the Secretary shall direct the delineation and demarcation of the same in coordination with the PAMB.
 - d.3. The evaluation of ancestral domain shall follow the procedures set forth in DAO 2 series of 1993. The PAMB, in coordination with Indigenous Community Affairs Division of DENR and other concerned groups, shall undertake this evaluation.
 - d.4. The PAMB shall evaluate the evidences in support of tenured migrants status for the granting of tenurial instruments.
- e. 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, ensuring that the management plan provides livelihood benefits for local residents.
- f. Control and regulate the construction, regulation, operation and maintenance of road, trails, waterworks, sewerage, fire protection and sanitation system and other public utilities within the protected area.
- g. 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.

The management manual shall be drafted with the assistance of the experts in such fields as socio-economic planning, ecology and protected area management, reviewed and indorsed by the PAMB, approved by the Secretary.

- h. Resolve with assistance from the NGOs, conflicts between livelihood protection needs of the communities and protected areas respectively.

Thus, zoning and regulatory approach would be applied within the framework of negotiations among all parties, to rapidly curtail and then phase out livelihood activities which area not compatible with the management objectives.

- i. Monitor and evaluate the performance of the protected area personnel, NGOs and the communities in providing for biodiversity conservation and socio-cultural

and economic development and report their assessment of IPAF Governing Board.

- j. Exercise regulatory functions for prohibited acts inside the protected area.

SECTION 7. *Protected Area Office (PAO)* – There shall be a Protected Office which will be established adjacent the Protected Area.

The PASu shall be the Chief, Operating DENR Officer on site, which shall be directly responsible to the PAMB. His duties and responsibilities shall be in accordance with Section 38, DAO 25 Series of 1992 to include administrative and regulatory functions.

The PASu shall have the following staff:

- a. One (1) Forester
- b. Five (5) Forest Guards
- c. One (1) Utility Worker
- d. One (1) Flora and Fauna Specialist
- e. One (1) Community Organizer

The PAMB shall endeavor to upgrade capabilities in the protection, management and development of the protected area with the use of modern equipment and technologies.

SECTION 8. *Tenured Migrants* – Any person who has actually and continuously occupies an area for five (5) years prior to the proclamation of Buug Natural Biotic Area in accordance with the Section 5 of the NIPAS Act or RA 7586 and is solely dependent on the Protected Area for subsistence shall be considered a tenured migrant. As a Tenured Migrant he or she shall be eligible to become steward of a portion of land with multiple use management or buffer zone of the Protected Area from those which he may derive subsistence. Provided, however that those migrants who would not qualify for the category for tenured migrants shall be resettled outside the Protected Area.

The PAMB shall consider the following as evidences in support of tenured migrant status:

- 1. Cultivated trees at their fruit-bearing stage
- 2. Physical structures in the area indicating prolonged occupancy
- 3. Tax declaration receipts
- 4. Certification from the Barangay Chairman or any two (2) respected members of the nearest community attesting to occupancy
- 5. Other relevant data (e.g. previous census report)

The PAMB shall develop a tenurial instrument consistent with the conservation goals of NIPAS. Such instrument shall be prepared within twelve (12) months from the effectivity of this Act.

The right, interests and activities of tenured migrants within protected areas and their adjoining buffer zones shall be governed by the principles of biodiversity protection/conservation and sustainable development and by the guidelines prescribed in the General Management Planning Strategy (GMPS) as well as the prohibitions set forth in Section 20 of the NIPAS Act. Provided, that all plans, policies and guidelines affecting tenured migrants shall be developed and implemented in partnership with them.

In no case shall the tenurial instruments or the rights and interests therein be transferred, sold, lease, encumbered or made as collateral, security or joint venture; otherwise, it shall be void; provided that said rights can only be transferred to direct descendants.

Any violation of the terms and conditions of the tenurial instruments or any provisions of this Act or abandonment by a tenured migrant shall constitute sufficient ground for revocation of his/her tenurial right.

Upon cancellation of a tenured migrant 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.

SECTION 9. *Other Activities within Protected Area* – The project will consider development capability in moderate intensity with minimal structures subject to review of the PAMB to determine which of these facilities are to be maintained and established and those that are detrimental to the resources of the protected area shall be demolished.

Proposals for activities which area outside the scope of GMPS for protected areas shall be subject to an Environmental Impact Assessment (EIA) as required by law and upon recommendation by the PAMB before they are adopted, and the results thereof shall be taken into consideration in the decision making process. No actual implementation of such activities shall be allowed without the required Environmental Compliance Certificate (ECC) under the Philippine Environmental Impact Assessment System (EIAS). In addition to the requirements needed in obtaining ECC within the protected area, PAMB clearance must be secured. Likewise, all existing proponent in the area shall furnish PAMB a copy of their ECC's for monitoring purposes within thirty (30) days upon approval. In instances where such activities are allowed to be undertaken, the proponent shall plan and carry them out in such a manner that will minimize any adverse effects.

SECTION 10. *Integrated Protected Area Fund* – The following shall constitute part of the Integrated Protected Area Funds and shall be subject to the rules on Integrated Protected Area. Funds the moment they accrue:

- a. Fees derived from permitted collection of flora and fauna and other resources within the Buug Natural Biotic Area other than protected species, as maybe set by the DENR and PAMB;
- b. Proceed from the lease of land and facilities within the multiple-use and recreational zones, and permitted resources-use utilization including commercially-operated facilities within the Buug Natural Biotic Area;
- c. Fees, royalties and contributions from industries, facilities directly benefiting from resources originating from Buug Natural Biotic Area;
- d. Fines and fees, including entry and visitors fees, as may be collected from the operation of the Buug Natural Biotic Area and set by the Protected Management Board, and
- e. Donations, endowments, grants and other gratuitous sums received from legal sources fro purposes of management and conservation of the Buug Natural Biotic Area. Provided, that the lawful conditions attached to donations shall be respected. Provided further, that these conditions shall be subject to review by the PAMB and DENR.

The Protected Area Management Board shall have the power to disburse the Integrated Protected Area Funds. Twenty Five percent (25%) of the Integrated Protected Area Funds shall be for the use of the National Government to support the operation of the National Integrated Protected Area System. The remaining Seventy Five percent (75%) thereof, including item(s) above, shall be allocated to the operationalization of the Buug Natural Biotic Area.

SECTION 11. *Special Prosecutor* – The Regional Legal Affairs, DENR, R-9, Pagadian City shall advise the PAMB through the RED being the chairman of the Buug Natural Biotic Area on all legal matters concerning Protected Area Management and which shall be responsible for providing PAMB through the PASu with the legal assistance in litigation involving the interest of the Buug Natural Biotic Area.

The legal affairs Office shall conduct preliminary investigation on the basis of complaints filed by the PASu. PAMB or any interested person against a natural or judicial person believed to have violated Section 17 of DAO 25, series of 1992 and those persons who committed the prohibited acts as enumerated under Section 12 hereof.

SECTION 12. *Prohibited Acts*. – The following acts are prohibited in Buug Natural Biotic Area;

1. Hunting, destroying, disturbing or mere possession of any plants or animals and its products derived from Buug Natural Biotic Area without a permit from the Protected Area Management Board;
2. Dumping of any waste products or introduction of activities detriment to the protected area or to the plants and animals or inhabitants therein;
3. Use of any motorized equipment within prohibited areas without a permit from the PAMB;
4. Mutilating, defacing or destroying of objects natural beauty, or objects of interests to cultural communities;
5. Damaging and leaving roads and trails in a damaged conditions;
6. Squatting, mineral exploration, or otherwise occupying any land;
7. Constructing or maintaining any kind of structure, fence or enclosures, conducting any business enterprise without prior permit from the PAMB;
8. Altering, removing, or destroying or defacing boundary marks or signs;
9. Extraction of Flora and Fauna;
10. Conduct of the following activities without permit from the PAMB;

Mountain climbing
Camping
Spelunking/caving
Researching
Touring

In order to punish destructive activities that has not been anticipated, the PAMB is hereby authorized to impose corresponding administrative penalties.

SECTION 13. *Penalties* - Any person who violates this Act or any rules or regulations issued by the Department of Environment and Natural Resources pursuant to this Act and found guilty by a competent court of any of the offenses enumerated in the preceding Section shall be fined in the amount of TEN THOUSAND PESOS (Php 10,000.00) and not more than FIVE HUNDRED THOUSAND PESOS (Php 500,000.00) exclusive of the value of the thing damaged or imprisonment for not less than one (1) year but not more than six (6) years, or both, as maybe determined by the court.

Provided further, that the Court shall order the eviction of the offender from the land and forfeiture in favor of the government of all minerals, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvements made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees or laborers. Provided finally, that the PAMB may impose fines and penalties of violations not covered by existing regulations.

SECTION 14. *Appropriations*. There is hereby authorized the appropriation of the sum of One Million (Php 1,000,000.00) pesos or more as maybe necessary out of any funds in the National Treasury not otherwise appropriated to carry out the purposes of this Act, thereafter, the amount of at least Two Million Five Hundred Thousand Pesos (Php 2,500,000.00) so as maybe necessary shall be included in the annual appropriations act of the National Government which shall be used for the creation of Plantilla positions of personnel manning the protected area including that of the monthly operating expenses, equipment and other incidental expenses incurred.

SECTION 15. *Separability Clause* - If any provisions of this Act is declared as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 16. *Repealing Clause* - All laws, presidential decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be deemed repealed or modified accordingly.

SECTION 17. *Effectivity* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation readily available in and around the scope specified herein. It shall likewise be posted in a conspicuous place in the Provincial, Municipal and Barangay halls within the area as well as in the three (3) other places frequented by the public.