

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Sixteenth Congress
First Regular Session

HOUSE BILL NO. 2191



Introduced by
HON. FERDINAND L. HERNANDEZ & HON. PEDRO B. ACHARON, JR.

Majestic Mt. Matutum, a non-active volcano, can be found north of General Santos City in the Province of South Cotabato. Its atypical contour or silhouette is believed to have been formed by volcanic episodes over the centuries. Its last eruption was in 1911. The 320-meter wide crater is well-preserved.

The name "*Matutum*" is believed to have come from the *Blaa'n* term "*Amyak Maleh*," which means "climb" and "plant." Said description cannot be more accurate. Towering at 2,286 meters above sea level, Mt. Matutum is South Cotabato's most imposing land mark. Trekkers are offered a breathtaking view and panoramic landscape that stretches from General Santos City all the way to the City of Koronadal. Reports also indicate that the forested slopes of this geologic site also teem with huge ferns, trees and plants, and provide habitat and sanctuary to about 110 plant and 57 animal species, including our national bird, the Philippine Eagle. Sightings of the *tarsier*, the world's smallest primate, have also been reported.

Studies likewise indicate that Mt. Matutum forms the headwaters and catchment area for several major drainages including the Klinan, Silway and Buayan Rivers, which empty into Sarangani Bay through General Santos City. There are also numerous creeks with cool and clear water flowing down the hillsides.

Indeed, its ecological features have allowed Mt. Matutum to emerge as one of the greenest outdoor destinations and a potential major ecotourism hub not just in the Province of South Cotabato but in the entire island of Mindanao.

This mountain has been nominated as a UNESCO World Heritage Site. Its forests are being protected and managed by the *Blaa'n*, an indigenous group that still thrives in the southern part of South Cotabato. It has a forest reserve of about 14,000 hectares, of which 3,000 hectares are believed to be primary forest.

Mt. Matutum has been declared a protected landscape on March 25, 1995 through Presidential Proclamation 552 issued by then President Fidel Ramos. However, as required by Republic Act 7586 or the National Integrated Protected Areas System Act of 1992, Congress still needs to enact a law to formally and finally declare this site as part of our National Integrated Protected Area System. It is for this reason that this bill is filed.

If approved, this measure will be in furtherance of Article II, Section 16 of the 1987 Constitution, which provides that the "*State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.*"

I enjoin all my colleagues from the 16th Congress, especially from Mindanao, to fast-track the approval of this measure.


FERDINAND L. HERNANDEZ


PEDRO B. ACHARON, JR.

**Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City**

**SIXTEENTH CONGRESS
First Regular Session**

HOUSE BILL NO. 2191

Introduced by Hon. Ferdinand L. Hernandez & Hon. Pedro B. Acharon Jr.

AN ACT ESTABLISHING MT. MATUTUM LOCATED IN THE MUNICIPALITIES OF POLOMOLOK, TAMPAKAN AND TUPI, PROVINCE OF SOUTH COTABATO AND THE MUNICIPALITY OF MALUNGON PROVINCE OF SARANGANI AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. *Title.* - This Act shall be known as the "Mt. Matutum Protected Landscape (MMPL) Act of 2013".

SECTION 2. *Declaration of Policy.* - The importance of the Mt. Matutum as the host of diverse plant and animal species including their educational, aesthetic and cultural and religious importance behooves the State to undertake steps for their protection and preservation. It is therefore declared the policy of the State to ensure the protection and conservation of this mountain and their associated forest, biodiversity, cultural and religious importance. In so doing, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, culture and religious practices.

SECTION 3. *Scope and Coverage.* - The boundaries of Mt. Matutum which falls under the category of Protected Landscape as defined herein, located within the Municipalities of Polomolok, Tampakan and Tupi, Province of South Cotabato and the Municipality of Malungon, Province of Sarangani as a protected area, providing for its management and for other purposes, more particularly described as follows:

Beginning at point marked 1 which is S 80°15' 07" E, 1,132.21 meters from PRS92 - CTS -3354, Municipality of Tupi with geographic coordinates of 06°20'46.74" North and 124°59'32.91" East

LINE	BEARING	DISTANCE (meters)
1 - 2	N 01°45'37" W	423.20
2 - 3	S 81°57'37" W	357.51
3 - 4	N 65°14'52" W	523.05
4 - 5	N 24°46'30" W	214.77
5 - 6	N 47°57'13" W	864.53
6 - 7	N 80°28'39" E	471.50
7 - 8	N 53°52'08" E	325.63
8 - 9	N 58°22'52" E	329.98
9 - 10	N 64°17'24" E	299.67
10 - 11	N 60°42'59" E	462.04
11 - 12	N 75°20'46" W	292.52
12 - 13	N 22°16'33" W	269.08
13 - 14	N 51°41'28" W	254.88
14 - 15	N 39°53'36" W	333.66
15 - 16	N 74°39'29" W	521.59
16 - 17	N 60°27'12" W	214.95
17 - 18	N 45°25'12" E	289.21
18 - 19	N 58°39'34" E	182.65
19 - 20	N 28°26'05" W	260.42
20 - 21	N 37°03'05" W	189.20
21 - 22	N 52°06'16" E	245.84
22 - 23	N 81°58'11" E	243.39
23 - 24	N 13°42'08" W	291.29
24 - 25	N 70°04'27" E	255.28
25 - 26	S 84°51'55" E	346.39
26 - 27	N 62°49'08" E	249.56
27 - 28	N 74°06'46" E	135.16
28 - 29	S 68°34'28" E	254.59
29 - 30	N 86°20'17" E	250.51
30 - 31	N 10°20'20" W	451.33
31 - 32	S 76°33'56" W	253.95
32 - 33	S 73°23'16" W	188.88
33 - 34	N 63°59'47" W	228.09
34 - 35	S 52°46'28" W	193.40
35 - 36	S 68°46'34" W	220.99
36 - 37	N 82°04'02" W	246.36
37 - 38	N 08°20'03" W	158.68
38 - 39	N 67°39'52" E	139.46
39 - 40	N 04°59'52" E	264.00
40 - 41	N 36°03'16" E	463.85
41 - 42	N 73°31'46" E	239.84
42 - 43	S 88°07'47" E	490.26
43 - 44	N 51°40'19" W	188.66
44 - 45	N 48°42'30" W	153.06
45 - 46	N 52°45'54" E	251.21
46 - 47	N 61°51'30" E	195.06

47 - 48	N 33°17'49" E	202.19
48 - 49	N 47°33'10" E	222.25
49 - 50	N 57°33'48" E	253.56
50 - 51	N 49°08'18" E	382.13
51 - 52	N 64°39'13" E	273.31
52 - 53	N 32°37'09" E	267.13
53 - 54	N 14°51'01" E	273.12
54 - 55	N 56°54'10" E	294.84
55 - 56	N 81°39'21" E	151.60
56 - 57	S 83°39'35" E	226.38
57 - 58	N 68°11'54" E	328.50
58 - 59	N 54°16'04" E	171.23
59 - 60	N 26°17'09" E	275.49
60 - 61	N 18°23'45" E	465.80
61 - 62	N 14°55'53" E	186.29
62 - 63	S 75°57'49" E	214.40
63 - 64	S 66°43'56" E	217.71
64 - 65	S 86°17'58" E	201.42
65 - 66	N 78°08'03" E	384.21
66 - 67	S 86°20'17" E	250.51
67 - 68	S 87°57'45" E	253.16
68 - 69	S 73°09'45" E	238.21
69 - 70	N 74°58'00" E	181.20
70 - 71	N 42°04'30" E	194.00
71 - 72	N 21°01'46" W	509.97
72 - 73	N 63°16'45" E	164.58
73 - 74	N 09°01'20" E	299.71
74 - 75	N 23°11'54" E	198.01
75 - 76	S 84°41'07" E	129.56
76 - 77	N 50°13'37" E	225.09
77 - 78	N 59°49'09" E	163.11
78 - 79	N 56°02'07" E	173.62
79 - 80	N 37°05'34" E	205.60
80 - 81	N 57°59'40" E	188.68
81 - 82	S 56°36'05" E	218.00
82 - 83	S 84°10'25" E	147.76
83 - 84	S 51°01'20" E	478.52
84 - 85	S 63°58'54" E	421.74
85 - 86	S 46°43'41" E	328.25
86 - 87	S 46°15'16" W	290.69
87 - 88	S 46°09'05" E	281.49
88 - 89	S 50°38'40" E	244.43
89 - 90	N 38°17'55" E	272.68
90 - 91	N 58°24'39" E	204.27
91 - 92	S 80°44'28" E	416.43
92 - 93	N 65°56'42" E	377.81
93 - 94	N 40°01'03" E	138.41
94 - 95	S 25°17'55" E	343.99
95 - 96	S 80°05'14" E	209.12
96 - 97	N 61°06'04" E	285.56
97 - 98	S 83°43'21" E	201.21
98 - 99	S 63°02'36" E	196.33
99 - 100	S 49°10'29" E	194.26

100	-	101	N 73°52'31" E	219.64
101	-	102	S 47°30'40" E	161.38
102	-	103	S 33°23'18" E	210.79
103	-	104	S 30°04'06" E	131.73
104	-	105	S 47°48'56" E	172.74
105	-	106	S 57°38'20" E	358.71
106	-	107	S 23°08'13" E	366.48
107	-	108	S 84°16'03" W	260.30
108	-	109	S 62°13'48" W	233.94
109	-	110	S 41°14'40" W	183.53
110	-	111	S 63°58'13" W	239.27
111	-	112	S 29°11'14" E	293.23
112	-	113	S 11°39'01" E	297.12
113	-	114	S 25°34'28" E	155.21
114	-	115	S 82°58'37" E	139.04
115	-	116	S 32°50'02" E	278.49
116	-	117	S 14°10'01" E	318.69
117	-	118	S 62°50'17" E	214.67
118	-	119	N 75°24'53" E	202.53
119	-	120	S 80°58'27" E	280.47
120	-	121	S 66°35'31" E	251.72
121	-	122	S 32°23'59" E	184.76
122	-	123	S 55°40'11" E	297.89
123	-	124	S 85°21'24" E	395.30
124	-	125	S 68°16'52" E	772.86
125	-	126	S 19°53'36" W	273.31
126	-	127	S 36°24'26" E	421.21
127	-	128	S 34°06'52" E	262.10
128	-	129	S 13°11'13" E	245.47
129	-	130	S 04°13'48" W	338.92
130	-	131	S 56°15'25" E	300.65
131	-	132	S 58°42'14" E	325.34
132	-	133	S 65°25'01" E	374.99
133	-	134	S 48°44'19" E	357.85
134	-	135	S 21°43'56" E	307.88
135	-	136	S 30°45'59" E	299.10
136	-	137	S 41°44'01" W	806.71
137	-	138	S 51°23'13" W	190.69
138	-	139	S 20°52'28" W	378.87
139	-	140	S 08°47'37" W	183.15
140	-	141	S 22°35'46" E	562.15
141	-	142	S 27°23'55" E	215.13
142	-	143	S 40°53'15" W	108.47
143	-	144	S 04°11'31" E	191.51
144	-	145	S 36°57'51" W	242.80
145	-	146	N 70°58'27" W	276.08
146	-	147	S 82°49'46" W	312.44
147	-	148	N 80°41'24" W	432.70
148	-	149	S 27°51'00" E	378.89
149	-	150	S 53°00'53" W	497.00
150	-	151	S 62°09'08" W	179.82
151	-	152	S 14°23'36" W	349.99
152	-	153	S 20°24'18" E	266.74

153	-	154	S 04°00'15" W	200.49
154	-	155	S 27°54'52" W	170.88
155	-	156	S 35°38'23" W	260.86
156	-	157	S 20°19'23" W	316.72
157	-	158	S 50°55'53" W	218.96
158	-	159	N 23°05'24" W	346.78
159	-	160	N 72°34'55" W	374.16
160	-	161	S 01°12'33" W	379.08
161	-	162	S 20°05'29" E	360.97
162	-	163	S 14°49'52" W	332.06
163	-	164	S 04°08'40" W	345.90
164	-	165	S 77°56'19" W	119.64
165	-	166	N 88°26'41" W	221.08
166	-	167	S 69°39'12" W	255.97
167	-	168	N 77°07'00" W	192.85
168	-	169	S 51°26'36" W	346.55
169	-	170	S 44°34'20" W	189.51
170	-	171	S 73°59'26" W	246.56
171	-	172	S 73°26'02" W	164.84
172	-	173	S 69°14'36" W	234.20
173	-	174	N 04°53'06" E	117.43
174	-	175	N 24°21'23" W	162.46
175	-	176	N 13°57'29" W	178.26
176	-	177	N 04°11'05" E	123.33
177	-	178	N 01°53'17" W	182.10
178	-	179	N 15°37'09" W	193.13
179	-	180	N 86°15'25" W	321.69
180	-	181	N 71°15'00" W	460.43
181	-	182	S 10°24'45" W	237.92
182	-	183	S 14°21'41" W	213.68
183	-	184	S 31°47'14" W	250.59
184	-	185	S 89°14'46" W	228.02
185	-	186	N 54°19'11" W	327.47
186	-	187	N 17°26'24" W	437.09
187	-	188	S 60°49'38" W	235.93
188	-	189	S 46°37'05" W	250.42
189	-	190	N 72°20'26" W	537.32
190	-	191	N 32°17'12" W	453.05
191	-	192	N 14°23'30" E	273.59
192	-	193	S 85°39'01" W	448.29
193	-	194	S 65°29'33" W	298.93
194	-	195	S 55°47'03" W	634.88
195	-	196	S 01°18'18" E	395.10
196	-	197	S 09°56'26" W	393.91
197	-	198	N 75°25'01" W	254.19
198	-	199	N 68°37'45" W	222.28
199	-	200	N 59°55'53" W	153.68
200	-	201	N 51°20'24" W	275.33
201	-	202	S 82°24'19" W	257.26
202	-	203	S 09°20'51" W	246.27
203	-	204	S 26°55'39" W	353.31
204	-	205	N 84°19'32" W	313.54
205	-	206	S 52°43'38" W	483.81

206	-	207	N 09°48'21" W	328.80
207	-	208	N 51°00'11" W	371.86
208	-	209	N 70°20'46" E	267.59
209	-	210	N 66°17'50" E	268.66
210	-	211	N 33°21'29" W	287.34
211	-	212	N 69°14'24" W	296.23
212	-	213	N 76°12'01" W	117.39
213	-	214	N 85°10'10" W	142.51
214	-	215	S 65°51'16" W	158.90
215	-	216	N 29°53'47" W	515.61
216	-	217	N 48°24'59" W	474.61
217	-	218	N 03°53'04" W	487.12
218	-	219	N 42°07'52" E	324.97
219	-	220	N 10°03'49" W	297.58
220	-	221	N 41°50'10" W	281.86
221	-	222	N 03°53'37" W	191.44
222	-	223	N 71°25'54" W	408.25
223	-	224	N 88°43'59" W	407.10
224	-	225	N 84°54'01" W	382.51
225	-	226	N 45°56'39" W	257.42
226	-	227	N 88°11'11" W	379.19
227	-	228	S 68°25'53" W	457.00
228	-	1	N 73°25'08" W	371.45

containing a total land area of **THIRTEEN THOUSAND NINE HUNDRED FORTY SEVEN (13,947.00) hectares.**

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps therefore. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

All lands comprising the MMPL shall fall under the classification of National Park as provided for in the Philippine Constitution.

SECTION 4. Definition of Terms. - For purposes of this Act, the following terms are defined as follows:

(a) "Biodiversity" refers to variety and variability among living organisms and the ecological complexes in which said organisms occur.

(b) "Biological Resources" include genetic resources, organisms or parts thereof, population, or any other biotic component of ecosystems with actual or potential use or value for humanity.

(c) "Bioprospecting" means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.

(d) "By-products or Derivatives" mean any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.

(e) "Collection or collecting" refers to the act of gathering or harvesting wildlife, its by-products or derivatives.

(f) "Conservation" means sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.

(g) "Ecosystem" means the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

(h) "Endangered Species" refer to species or subspecies that are not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

(i) "Endemic Species" refer to species or subspecies of flora and fauna which are naturally occurring and found only within specific areas in the country.

(j) "Exotic Species" refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.

(k) "Habitat" means a place or type of environment where species or subspecies naturally occurs or has naturally established its population.

(l) "Hunting" refers to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like.

(m) "Management Plan" refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the MMPL in order to attain the objectives of this Act.

(n) "MMPL Fund" refers to the revolving fund to be established for the purpose of financing projects in the MMPL.

(o) "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.

(p) "Multiple-Use Zone" refers to an area where settlement, traditional and/or sustainable land use, including agriculture, agroforestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan.

(q) "National Integrated Protected Areas System (NIPAS)" refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

(r) "National Park" refers to the land of the public domain classified as such in the 1987 Constitution which includes all areas under the National Integrated Protected Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity.

(s) "Non-Governmental Organization (NGO)" refers to an agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.

(t) "People's Organization (PO)" refers to a group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.

(u) "Protected Area" refers to identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

(v) "Protected Area Superintendent (PASu)" refers to the chief operating DENR officer of the MMPL.

(w) "Protected Landscape" refers to an area of national significance, which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.

(x) "Quarrying" means the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land.

(y) "Special Use Zone" refers to an area containing existing installations of national significance, such as telecommunications facilities, irrigation canals or electric power lines.

(z) "Strict Protection Zone" refers to a natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.

(aa) "Tenured Migrants" refer to forest occupants who have actually and continuously occupied a portion of the protected area for at least five (5) years, and are solely dependent therein for subsistence, as of the passage of this Act. A protected area occupant is understood to be "solely dependent for subsistence" when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.

(bb) "Wildlife" means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

SECTION 5. *Management Plan.* - There shall be a Management Plan promulgated for the MMPL that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget. Within one (1) year from the effectivity of this Act, the Management Plan shall have been put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- (a) The category of the protected area;
- (b) Period of applicability of the plan;
- (c) Key management issues;
- (d) Goals and objectives of management in support of Section 2 hereof;
- (e) Site management strategy;
- (f) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable-use management, infrastructure development and maintenance, and fire and pest control;
- (g) Zoning; and
- (h) Visitor management programs.

The Management Plan shall be prepared by the Protected Area Superintendent (PASu) in coordination with the appropriate offices of the department, local communities and the NGOs. It shall be reviewed and approved by the MMPL-MB and certified by the Secretary of the Department. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department: *Provided, however,* That the Secretary may revise and modify the protection and conservation plan, after consultation with the MMPL-MB, prior to certification to ensure conformity with applicable laws, rules and regulations.

A year before the expiration of the period of the applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the successor plan in a newspaper of general circulation in the concerned municipalities. Notices shall also be posted in the respective provincial and municipal halls of the: concerned provinces and municipalities as well as in the barangay halls bounding or immediately adjacent to the protected landscape. The proposed plan shall be made available to the public during the period for comment and a final plan shall likewise be made available for public perusal at the office of the PASu upon the approval of the MMPL-MB: *Provided,* That the plans shall be plainly written in a language understandable in the area.

SECTION 6. *Mt. Matutum Protected Landscape Management Board (MMPL-MB).* - There is hereby created a MMPL-MB which shall be responsible for the site specific management of the MMPL including all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of the following:

- (a) The Regional Executive Director (RED) of DENR Region 12 as Chairperson and advisor on matters related to the management of the MMPL;
- (b) The Provincial Planning and Development Coordinator (PPDC) of the Provinces of South Cotabato and Sarangani;
- (c) The Municipal Mayors of the Municipalities of Polomolok, Tampakan and Tupi, all in the Province of South Cotabato, or their duly designated representatives;
- (e) The Municipal Mayor of Malungon Province of Sarangani, or his/her duly designated representative;
- (f) One representative from each of the Barangay covering the MMPL;

- (g) One (1) representative from each department or national government agency directly involved in the MMPL or has long term projects or permanent facility located therein;
- (i) At least one (1) representative from an accredited NGO operating in the MMPL, which has been existing for five (5) years with track records related to the protection and management of the MMPL;
- j) At least one (1) representative from an accredited PO operating in the MMPL, which has been existing for five (5) years with track records related to the protection and management of the MMPL;
- (k) One (1) representative from academic institutions directly involved in the protection and management of the MMPL; and
- (l) One representative from each tribal community within MMPL as certified and endorsed by the NCIP, if applicable.

Each member of the MMPL-MB shall serve for a term of five (5) years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, their appointment shall be co-terminus with their term of office. The members of the MMPL-MB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the MMPL-MB shall be nominated from the current members of the interim Management Board of the MMPL: *Provided*, That the MMPL-MB shall include women as members. The representatives from the local government units (LGUs) and national agencies in the MMPL-MB shall include among their duties, the duty to inform their respective constituents, office or sector, of MMPL-MB-approved or other relevant policies, rules, regulations, programs and projects, and to ensure that the provisions of this Act, the NIPAS Act and its implementing rules and regulations are observed, complied with, and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the MMPL-MB may provide.

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

SECTION 7. *Powers and Functions of the MMPL-MB.* – The MMPL-MB, which shall decide by consensus or majority vote of the members present constituting a quorum of majority of all the members, shall have the following powers and functions in addition to those provided under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

- (a) Issue rules and regulations to prohibit acts that may be prejudicial to the MMPL and to the declaration of policy set forth under the NIPAS;
- (b) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (c) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (d) Approve the management plan and oversee the office of the PASu;
- (e) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
- (f) Recommend the deputation of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the MMPL;
- (g) Approve fees and charges in accordance with existing guidelines and raise funds for the MMPL;
- (h) Manage the allocation of the MMPL Fund, and other funds for the MMPL, ensure their proper administration and render accounting; and
- (i) Recommend appropriate policy changes to the DENR and other government authorities.

The DENR, through the RED, shall ensure that the MMPL-MB acts within the scope of its powers and functions. In case of a conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the MMPL-MB, the MMPL-MB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw its application in the MMPL.

SECTION 8. *The Protected Area Superintendent (PASu) Office.* - There is hereby established a PASu Office within the DENR Regional Office to be in charge of the management, protection and administration of the MMPL. The PASu shall be supported by the existing personnel of the

DENR. The head of office shall be the chief operating officer of the MMPL and shall be directly accountable to the MMPL-MB. The PASu shall have full responsibility for the protection of land, water, wildlife and other natural physical and biological resources within the MMPL. As such, the PASu shall have the following duties and responsibilities in addition to those provided under the NIPAS Act and its implementing rules and regulations:

- (a) Establish, operate and maintain a database management system as decision support tool;
- (b) Prepare the management plans as herein defined;
- (c) Provide a secretariat for the Management Board and supply the same with all the necessary information to make appropriate decisions for the implementation of this Act;
- (d) Enforce the laws, rules and regulations relevant to the MMPL, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;
- (e) Monitor all activities within the MMPL to ensure its conformity with the management plan;
- (f) Recommend the issuance of permits based on terms, conditions and criteria established by the MMPL-MB;
- (g) Ensure the integration of the MMPL management policies, regulations, programs and projects at all the concerned national and local government unit levels; and
- (h) Perform such other functions as the MMPL-MB may delegate.

The PASu shall be supported by a sufficient number of personnel who shall be performing day to day management, protection and administration of the MMPL. Upon the recommendation of the MMPL-MB, the DENR Regional Executive Director shall deputize local community leaders and environment and natural resources officers.

SECTION 9. *Mt. Matutum Protected Landscape Fund.* - There is hereby established a revolving fund to be known as the MMPL Fund for purposes of financing projects in the MMPL. Income shall be derived from fees from visitors/tourists, fees from permitted sale and export of flora and fauna and other resources from the MMPL, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds, and contributions from industries and facilities directly benefiting the MMPL, and such other fees and income derived from the

operation of the MMPL: *Provided*, That the seventy-five percent (75%) shall be set aside and retained by the MMPL-MB which shall appropriate the same exclusively for the management and operation of the MMPL: *Provided, further*, That the remaining twenty-five percent (25%) shall be remitted to the central Integrated Protected Areas Fund (IPAF). The MMPL Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the MMPL-MB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the Fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits and rentals of LGUs facilities. *Provided*, That the LGUs shall not impose property tax and issue new tax declaration for areas covered by the MMPL. Furthermore, LGUs may charge add-ons to fees imposed by the MMPL-MB: *Provided*, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the MMPL.

SECTION 10. *Tenured Migrants and Other MMPL Stakeholders*. - Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The MMPL-MB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the MMPL and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the Management Plan. Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, provision for the transfer of said tenured migrants to multiple use zones or buffer zones shall be accomplished through *just* and humane means. In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant. Within three (3) months from the passage of this Act, the PASu shall submit to the MMPL-MB the complete list of tenured migrants which list shall be final upon approval of the MMPL-MB.

SECTION 11. *Existing Facilities within the MMPL*. - Within sixty (60) days from the effectivity of this Act, existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the MMPL shall submit project descriptions to the MMPL-MB through the PASu. The MMPL-MB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plan and operations will be detrimental to the MMPL or whether conditions

for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the MMPL-MB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the MMPL may be charged a reasonable royalty by the MMPL-MB. All income from such royalty shall accrue to the MMPL Fund.

SECTION 12. *Renewable and Nonrenewable Resources.* – Any exploration and exploitation or utilization of nonrenewable resources including mining within the MMPL shall not be allowed. Renewable energy projects within the MMPL shall be permitted only through an act of Congress except energy from wind, sun and water sources and not more than three (3) megawatt capacity for mini-hydro power: *Provided*, That these renewable energy projects are outside the strict protection zone, adopt reduced impact technologies, and undergo the Environmental Impact Assessment (EIA) system as provided by law and: *Provided, further*, That the MMPL-MB has endorsed the project.

SECTION 13. *Special Prosecutor and Retained Counsel.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the MMPL shall be assigned. Such special prosecutor shall coordinate with the MMPL-MB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedures. The MMPL-MB may retain the services of counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the MMPL-MB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the MMPL, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the MMPL-MB.

SECTION 14. *Local Government Units.* - The local government units (LGUs) within the MMPL shall participate in its management through representation in the MMPL-MB as provided under Section 6 hereof. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the MMPL: *Provided*, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the central Integrated Protected Areas Fund (IPAF).

SECTION 15. *Prohibited Acts and Penalties.* - The following shall be the prohibitions and penalties applicable to the MMPL, in addition to the prohibited acts as provided in the NIPAS Act and its implementing rules and regulations:

(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 or a fine of at least triple the value of the said resources, or both, shall be imposed upon any person who:

(1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within particularly identified regulated or prohibited areas or zones in the MMPL including private lands without the necessary permit, authorization or exemption: *Provided*, That hunting of animals shall be absolutely prohibited except for scientific research;

(2) Cuts, gathers, removes or collects timber or any forest products within particularly identified regulated or prohibited areas or zones in the MMPL including private lands without the necessary permit, authorization or exemption;

(3) Possesses or transports, within or outside the MMPL any timber, forest products, wild terrestrial or aquatic plants, animals, or by-products derived therefrom which is ascertained to have been taken from the MMPL;

(4) Undertakes mineral exploration or extraction within the MMPL;

(5) Engages in quarrying of sand, gravel, guano, limestone or any material within the MMPL;

(6) Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the MMPL-MB;

(7) Conducts bioprospecting within the MMPL without prior MMPL-MB approval in accordance with existing guidelines;

(8) Engages in *kaingin* or, in any manner, causing forest fires inside the MMPL; or

(9) Establishes or introduces any exotic species within the MMPL, which are detrimental to endemic species and the ecosystem therein.

(b) A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who:

(1) Violates any rules and regulations in the management plan or by the MMPL-MB or agreements reached before the MMPL-MB in the exercise of adjudicative functions;

(2) Erects any structure on land or on water for any purposes outside the management plan duly allowed by the MMPL-MB: *Provided*, That large-scale private infrastructure and other projects such as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf courses, heavily mechanized commercial and nontraditional farming, and other activities that cause increased in-migration and resource degradation are absolutely prohibited;

(3) Possesses a chainsaw, hacksaw and other mechanized equipment within the MMPL without a permit;

(4) Throws, dumps or causes to be dumped into the MMPL any non-biodegradable material or waste whether liquid, solid or gas;

(5) Uses, dumps, places or causes to be placed into the MMPL toxic chemicals and non-biodegradable products, including pesticides and other hazardous substances, soaps and shampoos, and washing detergents, unless the same is expressly allowed in the management plan;

(6) Prospects, hunts or otherwise locates hidden treasures within the MMPL;

(7) Informally occupies or dwells in any land within the MMPL without clearance from the MMPL-MB;

(8) Possesses or uses blasting caps or explosives anywhere within the MMPL;

(9) Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;

(10) Alters, removes or destroys boundary marks or signs;

(11) Purchases or sells, mortgages or leases lands or other portions of the MMPL which are covered by any tenurial instrument.

Valuation of the damage for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence. Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act. All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject however to due process and substantial evidence requirements. When legal action is however, filed in the regular courts, the said conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the MMPL Fund. Procedure for the sale thereof shall be promulgated by the MMPL-MB.

However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PASu once for release in its natural habitat, subject to existing regulations. The penalties specified in this section shall be in addition to the penalties contained in Republic Act No. 9072 (National Caves and Cave Resources Management and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act), and other related laws. Conviction for any offense under this Act of a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

SECTION 16. *Reporting Responsibility.* - The PASu, through the MMPL-MB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the MMPL.

SECTION 17. *Appropriations.* - The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 18. *Construction and Suppletory Application of Existing Laws.* - The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the MMPL and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SECTION 19. *Transitory Provision.* - In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the MMPL until the Management Plan shall have been put into effect. All existing land-use and resource use permits within the MMPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the MMPL-MB.

SECTION 20. *Repealing Clause.* - For the purpose of this Act, the provisions of Republic Act No. 7586 or the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SECTION 21. *Separability Clause.* - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 22. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the *Official Gazette* or in a national newspaper of general circulation available in the MMPL.

Approved,