

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 2629



Introduced by Honorable LILIA MACROHON-NUÑO

EXPLANATORY NOTE

This Bill seeks to establish the Pasonanca Watershed Forest Reserve in Zamboanga City as a Protected Area under the category of a natural park, to be known as the **Pasonanca Natural Park**.

This Bill was first filed by Congressman Erico Basilio A. Fabian during the 13th and 14th Congress and was again filed on July 01, 2010 as H.B. 422 during the 15th Congress. It was referred to the Committee on Natural Resources, passed the 1st and 2nd Reading and became House Bill No. 4830 Per Committee Report No. 1203 and was pending action in the Senate upon the adjournment of the 15th Congress.

The Pasonanca Natural Park and its buffer zones are situated in Zamboanga City, with a total area of 17,414 hectares. It embraces the following areas: Pasonanca, Lumayang, Tolosa, Bungiao, Dulian, Baluno, Salaan, Cacao, Lunzuran, La Paz, Lapacan, and Lamisahan. At least 90% of the natural park is still intact with secondary and primary growth dipterocarp forest. There are cultivated lands, man-made plantations, grasslands and some built-up area.

It is an initial component of the National Integrated Protected Area System (NIPAS), being subject of a previous proclamation preceding NIPAS-Proclamation No. 199, dated December 17, 1987, known as the Pasonanca Watershed Forest Reserve. It was re-assessed as to its suitability as a protected area under NIPAS and later covered under Presidential Proclamation No. 132 dated July 5, 1999.

The dense forest is still high in floral and faunal species diversity. The fauna composition represents diverse species constituting the four (4) classes of vertebrate forms including the endangered species of Philippine raptors, notably the Philippine eagle (*Pithecopaga jefferyi*). The floral composition is diverse and widely distributed in different types of ecosystems.

The perennial springs/streams/creeks are traversing and ultimately drain the stretch of the Tumaga River. The park's watershed is the source of water for domestic use by the city's populace as well as for industrial, aquaculture and irrigation to farmlands. Being the only remaining virgin forest, which is near and accessible to the center of population, the park faces potential threats brought about by certain pressures, e.g., increase in population and development.

Approval of this Bill will provide the Pasonanca Natural Park, among other things, adequate protection and conservation measures, coordinated management schemes among stakeholders and interest groups, as well as the necessary funding mechanism for sustainability in its operations. Approval of this Bill is a penultimate step required under the NIPAS process for the actual ground survey and delineation of the boundaries of the protected area and the identified management zones.

Similar laws have already been enacted covering natural parks, including the Northern Sierra Madre Natural Park (R.A. 9125); Mt. Kanlaon Natural Park (R.A. 9154); Mt. Kitanglad Range Protected Area (R.A. 8978); Mt. Apo Protected Area (R.A. 9237); and Mt. Malindang Range Natural Park (R.A. 9304).

In view of the above, approval of this Bill is earnestly requested.



LILIA MACROHON-NUÑO

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Introduced by Honorable LILIA MACROHON-NUÑO

**AN ACT ESTABLISHING THE PASONANCA WATERSHED FOREST RESERVE
LOCATED IN ZAMBOANGA CITY AS A PROTECTED AREA UNDER THE
CATEGORY OF NATURAL PARK AND ITS PERIPHERAL AREAS AS BUFFER
ZONES, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES**

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

CHAPTER I
INTRODUCTORY PROVISIONS

Section 1. Title – This Act shall be known as the **Pasonanca Natural Park
Act of 2013.**

Section 2. Declaration of Policy. – Considering the importance of the Pasonanca Watershed Forest Reserve's unique biological resources and its aesthetics, socio-cultural, economic and ecological importance, it is hereby declared the policy of the state to secure its protection and conservation including those people and communities residing therein as well as their way of life. For this reason, the State shall: (a) ensure the protection and conservation of biodiversity; (b) advance, respect, and protect the customs and interests of its legitimate inhabitants; and (c) foster partnerships among government, non-government organizations, and people's organizations.

Section 3. Definition of Terms For purposes of this Act, the following terms are defined as follows:

- (a) "Biodiversity or biological diversity" refers to the variability among living organisms, including genetic and structural differences, between individuals and within and between species.
- (b) "Buffer Zone" refers to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of R.A. 7586 (the NIPAS Act) that need special development control in order to avoid or minimize harm to the protected area.
- (c) "Conservation" refers to the optimum utilization and management of natural resources in order to meet the needs and aspirations of the present and the future.
- (d) "Environmental Impact" refers to the Environment Impact Assessment System established under Presidential Decree No. 1586 or supervening legislation.
- (e) "Integrated Protected Area Fund (IPAF)" is a trust fund established for purposes of financing projects of the System.
- (f) "Management Plan" refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Pasonanca Natural Park in order to attain the objectives of this Act as stated in Section 2 hereof.
- (g) "Multiple Use Zone" refers to areas where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan. Land tenure may be granted to tenured residents, whether indigenous or community member migrants.
- (h) "National Integrated Protected Area System (NIPAS)" is 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.

- i) "Natural Park" is a relatively large area not materially altered by human activity where extractive resource uses are not allowed, and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use.
- (j) "PAMB" refers to the Protected Area Management Board.
- (k) "Protected Area" refers to identified portions 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.
- (l) "Protected Area Superintendent (PASu)" is the Chief Operating Officer of the Protected Area.
- (m) "Recreation Zone" is an area of high recreational, tourism, educational or environmental awareness values where eco-tourism, recreational conservation, education or public awareness activities may be allowed.
- (n) "Restoration Zone" is an area of degraded habitat or where the long-term goal will be to restore natural habitat with its associated biodiversity and to rezone the area to a more strict protection level. Exotic species shall not be used in the restoration process.
- (o) "Stakeholders" refers to individuals, communities, organizations or aggrupation of specific interests or sectors which have particular interest in the achievement of the objective of this Act or dependence, access, or utilization of resources within the protected area such as but not limited to the local government units, people's organizations, non-government

organizations, indigenous cultural communities, the DENR, and other concerned government agencies.

- (p) "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.
- (q) "Tenured Migrants Communities" are communities within protected areas which have been actually and continuously occupied for five (5) years before the designation of the same as a protected area in accordance with the NIPAS Act and are solely dependent therein for subsistence.
- (r) "Trust Fund" is an account maintained in any government depository bank for a specific purpose.

SECTION 4. Scope – The Pasonanca Natural Park, including its buffer zone, covers a total area of about 17,414.00 hectares; its technical description shall be subject to actual ground survey and demarcation. It begins at a point marked "1" which is S 11 27 W at 1,904.88 meters from FNSP-ZS 75 ASHTECH POINT MONUMENT;

Thence	N 36°44' W	670.00 meters	to corner 2;
Thence	N 36°44' W	233.86 meters	to corner 3;
Thence	N 36°44' W	272.74 meters	to corner 4;
Thence	N 36°04' W	1,774.66 meters	to corner 5;
Thence	N 36°04' W	1,074.66 meters	to corner 6;
Thence	N 74°15' W	1,000.00 meters	to corner 7;
Thence	N 14°45' W	338.34 meters	to corner 8;
Thence	N 38°00' W	1,920.00 meters	to corner 9;
Thence	N 61°00' W	460.00 meters	to corner 10;
Thence	N 22°00' W	300.00 meters	to corner 11;

Thence	N 13°00' W	180.00 meters	to corner 12;
Thence	N 14°00' E	280.00 meters	to corner 13;
Thence	N 50°00' E	220.00 meters	to corner 14;
Thence	N 63°00' E	240.00 meters	to corner 15;
Thence	N 80°00' E	220.00 meters	to corner 16;
Thence	N 17°00' W	220.00 meters	to corner 17;
Thence	N 53°00' W	290.00 meters	to corner 18;
Thence	N 27°00' W	260.00 meters	to corner 19;
Thence	N 11°00' E	220.00 meters	to corner 20;
Thence	N 49°00' E	240.00 meters	to corner 21;
Thence	N 25°00' E	280.00 meters	to corner 22;
Thence	N 08°00' W	260.00 meters	to corner 23;
Thence	N 22°00' E	680.00 meters	to corner 24;
Thence	N 17°00' W	240.00 meters	to corner 25;
Thence	N 36°00' E	210.00 meters	to corner 26;
Thence	N 05°00' E	240.00 meters	to corner 27;
Thence	N 12°00' E	220 .00 meters	to corner 28;
Thence	N 40°00' W	140.00 meters	to corner 29;
Thence	N 26°00' W	240.00 meters	to corner 30;
Thence	N 54°00' W	290.00 meters	to corner 31;
Thence	N 02°00' W	260.00 meters	to corner 32;
Thence	N 11°00' E	300.00 meters	to corner 33;
Thence	N 12°00' W	360.00 meters	to corner 34;
Thence	N 20°00' W	360.00 meters	to corner 35;
Thence	N 30°00' W	420.00 meters	to corner 36;
Thence	N 29°00' W	1,050.00 meters	to corner 37;
Thence	N 63°00' E	1,870.00 meters	to corner 38;

Thence	Due North	50.00 meters	to corner 39;
Thence	N 62°00' E	200.00 meters	to corner 40;
Thence	N 56°00' E	180.00 meters	to corner 41;
Thence	N 39°00' E	140.00 meters	to corner 42;
Thence	N 32°00' E	240.00 meters	to corner 43;
Thence	N 10°00' E	230.00 meters	to corner 44;
Thence	N 72°00' E	160.00 meters	to corner 45;
Thence	N 70°00' E	280.00 meters	to corner 46;
Thence	N 09°14' E	2,269.30 meters	to corner 47;
Thence	N 06°02' E	2,567.50 meters	to corner 48;
Thence	N 15°37' W	2,089.80 meters	to corner 49;
Thence	N 89°35' E	3,119.80 meters	to corner 50;
Thence	N 44°05' E	2,048.80 meters	to corner 51;
Thence	S 43°07' E	346.10 meters	to corner 52;
Thence	S 23°49' E	566.40 meters	to corner 53;
Thence	S 44°43' E	273.30 meters	to corner 54;
Thence	S 07°30' E	933.20 meters	to corner 55;
Thence	S 06°34' W	227.30 meters	to corner 56;
Thence	S 06°32' W	258.80 meters	to corner 57;
Thence	S 01°07' W	398.40 meters	to corner 58;
Thence	S 01°14' E	335.80 meters	to corner 59;
Thence	S 40°13' E	332.50 meters	to corner 60;
Thence	S 37°47' E	241.40 meters	to corner 61;
Thence	S 44°15' E	242.40 meters	to corner 62;
Thence	S 44°15' E	242.40 meters	to corner 63;
Thence	S 44°15' E	242.40 meters	to corner 64;
Thence	S 43°17' E	282.30 meters	to corner 65;

Thence	S 44°15' E	242.40 meters	to corner 66;
Thence	S 45°58' E	202.50 meters	to corner 67;
Thence	S 65°51' E	67.40 meters	to corner 68;
Thence	S 44°50' E	232.30 meters	to corner 69;
Thence	S 41°16' E	259.30 meters	to corner 70;
Thence	S 42°56' E	199.10 meters	to corner 71;
Thence	S 41°16' E	259.20 meters	to corner 72;
Thence	S 41°16' E	259.20 meters	to corner 73;
Thence	S 23°41' E	374.10 meters	to corner 74;
Thence	S 00°04' E	288.40 meters	to corner 75;
Thence	S 00°24' E	235.90 meters	to corner 76;
Thence	S 00°18' W	351.40 meters	to corner 77;
Thence	S 08°12' W	317.60 meters	to corner 78;
Thence	S 41°29' W	324.70 meters	to corner 79;
Thence	S 57°34' W	357.60 meters	to corner 80;
Thence	S 83°29' W	256.50 meters	to corner 81;
Thence	S 25°32' W	357.00 meters	to corner 82;
Thence	S 23°15' W	188.40 meters	to corner 83;
Thence	S 34°43' W	229.60 meters	to corner 84;
Thence	S 31°39' W	324.80 meters	to corner 85;
Thence	S 38°26' W	272.30 meters	to corner 86;
Thence	S 44°47' W	314.10 meters	to corner 87;
Thence	S 44°47' W	314.10 meters	to corner 88;
Thence	S 11°33' W	243.00 meters	to corner 89;
Thence	S 19°25' W	241.80 meters	to corner 90;
Thence	S 06°03' W	632.00 meters	to corner 91;
Thence	S 53°20' W	2,308.20 meters	to corner 92;

Thence	S 58°29' E	788.60 meters	to corner 93;
Thence	S 74°28' E	815.20 meters	to corner 94;
Thence	S 12°58' E	1,268.50 meters	to corner 95;
Thence	S 38°39' W	752.10 meters	to corner 96;
Thence	S 00°20' E	1,509.50 meters	to corner 97;
Thence	S 02°00' E	880.00 meters	to corner 98;
Thence	S 48°15' W	230.00 meters	to corner 99;
Thence	S 43°20' E	50.00 meters	to corner 100;
Thence	S 50°15' W	970.00 meters	to corner 101;
Thence	S 31°30' W	240.00 meters	to corner 102;
Thence	S 02°45' E	250.00 meters	to corner 103;
Thence	S 72°05' E	380.00 meters	to corner 104;
Thence	S 15°00' E	850.00 meters	to corner 105;
Thence	N 16°00' W	250.00 meters	to corner 106;
Thence	N 35°20' W	170.00 meters	to corner 107;
Thence	N 12°15' W	260.00 meters	to corner 108;
Thence	N 56°45' W	390.00 meters	to corner 109;
Thence	N 79°30' W	370.00 meters	to corner 110;
Thence	S 19°45' W	345.00 meters	to corner 111;
Thence	S 24°30' W	270.00 meters	to corner 112;
Thence	S 04°30' W	350.00 meters	to corner 113;
Thence	S 04°30' W	360.00 meters	to corner 114;
Thence	S 19°00' W	235.00 meters	to corner 115;
Thence	S 30°40' W	425.00 meters	to corner 116;
Thence	Due South	140.00 meters	to corner 117;
Thence	S 23°45' W	1,150.00 meters	to corner 118;
Thence	S 12°20' W	1,940.00 meters	to corner 1;

The point of beginning, containing an area of TWELVE THOUSAND ONE HUNDRED SIX AND POINT EIGHTY SEVEN (12,106.87) HECTARES, more or less.

The Buffer Zone 1 begins at a point marked "corner 1" on the map which is identical to perimeter corner No. 8 of Pasonanca Natural Park;

Thence	N 69°23' W	824.69 meters	to corner 2;
Thence	S 76°25' W	204.89 meters	to corner 3;
Thence	N 49°35' W	673.85 meters	to corner 4;
Thence	S 69°36' W	240.65 meters	to corner 5;
Thence	S 21°53' E	366.85 meters	to corner 6;
Thence	S 62°56' W	285.46 meters	to corner 7;
Thence	S 07°09' E	168.99 meters	to corner 8;
Thence	N 75°17' W	512.49 meters	to corner 9;
Thence	S 43°18' W	302.14 meters	to corner 10;
Thence	S 20°06' E	444.36 meters	to corner 11;
Thence	S 82°15' W	235.92 meters	to corner 12;
Thence	S 61°05' W	203.73 meters	to corner 13;
Thence	N 41°53' W	233.37 meters	to corner 14;
Thence	S 34°05' W	223.92 meters	to corner 15;
Thence	N 59°31' W	193.96 meters	to corner 16;
Thence	N 23°19' E	360.13 meters	to corner 17;
Thence	N 75°35' W	252.16 meters	to corner 18;
Thence	N 04°05' W	258.45 meters	to corner 19;
Thence	N 28°31' E	459.08 meters	to corner 20;
Thence	N 49°35' W	249.27 meters	to corner 21;
Thence	N 06°07' W	341.97 meters	to corner 22;
Thence	N 47°05' E	138.33 meters	to corner 23;

Thence	S 89°34' E	516.03 meters	to corner 24;
Thence	N 23°19' E	460.16 meters	to corner 25;
Thence	N 58°32' W	204.11 meters	to corner 26;
Thence	N 68°40' E	283.53 meters	to corner 27;
Thence	N 07°45' E	359.77 meters	to corner 28;
Thence	S 65°59' W	224.59 meters	to corner 29;
Thence	N 32°52' W	359.10 meters	to corner 30;
Thence	N 57°10' E	353.78 meters	to corner 31;
Thence	N 06°06' E	239.23 meters	to corner 32;
Thence	N 74°36' W	128.11 meters	to corner 33;
Thence	N 18°26' E	641.42 meters	to corner 34;
Thence	N 56°47' W	560.99 meters	to corner 35;
Thence	N 85°52' E	1,012.76 meters	to corner 36;
Thence	N 02°14' E	784.28 meters	to corner 37;
Thence	N 50°24' E	315.61 meters	to corner 38;
Thence	N 81°45' E	165.63 meters	to corner 39;
Thence	N 42°05' E	252.67 meters	to corner 40;
Thence	S 87°11' E	332.13 meters	to corner 41;
Thence	S 22°00' W	680.00 meters	to corner 42;
Thence	S 08°00' E	260.00 meters	to corner 43;
Thence	S 25°00' W	280.00 meters	to corner 44;
Thence	S 49°00' W	240.00 meters	to corner 45;
Thence	S 11°00' W	220.00 meters	to corner 46;
Thence	S 27°00' E	260.00 meters	to corner 47;
Thence	S 53°00' E	290.00 meters	to corner 48;
Thence	S 17°00' E	220.00 meters	to corner 49;
Thence	S 80°00' W	220.00 meters	to corner 50;

Thence	S 63°00' W	240.00 meters	to corner 51;
Thence	S 50°00' W	220.00 meters	to corner 52;
Thence	S 14°00' W	280.00 meters	to corner 53;
Thence	S 13°00' E	180.00 meters	to corner 54;
Thence	S 22°00' E	300.00 meters	to corner 55;
Thence	S 61°00' E	460.00 meters	to corner 56;
Thence	S 38°00' E	1,920.00 meters	to corner 1;

The point of beginning containing an area of SIX HUNDRED EIGHTY ONE (681.00) HECTARES, more or less.

The Buffer Zone 2 begins at a point marked "corner 1" which is identical to perimeter corner 97 of Pasonanca Natural Park;

Thence	N 00°20' W	1,509.50 meters	to corner 2;
Thence	N 38°39' E	752.10 meters	to corner 3;
Thence	N 12°58' W	1,268.50 meters	to corner 4;
Thence	N 74°28' W	815.20 meters	to corner 5;
Thence	N 58°29' W	788.60 meters	to corner 6;
Thence	N 53°20' E	2,308.20 meters	to corner 7;
Thence	N 06°03' E	632.00 meters	to corner 8;
Thence	N 19°25' E	241.80 meters	to corner 9;
Thence	N 11°33' E	243.00 meters	to corner 10;
Thence	N 44°47' E	314.10 meters	to corner 11;
Thence	N 44°47' E	314.10 meters	to corner 12;
Thence	N 38°26' E	272.30 meters	to corner 13;
Thence	N 31°39' E	324.80 meters	to corner 14;
Thence	N 34°43' E	229.60 meters	to corner 15;
Thence	N 23°15' E	188.40 meters	to corner 16;
Thence	N 25°32' E	357.00 meters	to corner 17;

Thence	N 83°29' E	256.50 meters	to corner 18;
Thence	N 57°34' E	357.60 meters	to corner 19;
Thence	N 41°29' E	324.70 meters	to corner 20;
Thence	N 08°12' E	317.60 meters	to corner 21;
Thence	N 00°18' E	351.40 meters	to corner 22;
Thence	N 00°24' W	235.90 meters	to corner 23;
Thence	N 00°04' W	288.40 meters	to corner 24;
Thence	N 23°41' W	374.10 meters	to corner 25;
Thence	N 41°16' W	259.20 meters	to corner 26;
Thence	N 41°16' W	259.20 meters	to corner 27;
Thence	N 42°56' W	199.10 meters	to corner 28;
Thence	N 41°16' W	259.30 meters	to corner 29;
Thence	N 44°50' W	232.30 meters	to corner 30;
Thence	N 65°51' W	67.40 meters	to corner 31;
Thence	N 45°58' W	202.50 meters	to corner 32;
Thence	N 44°15' W	242.40 meters	to corner 33;
Thence	N 43°17' W	282.30 meters	to corner 34;
Thence	N 44°15' W	242.40 meters	to corner 35;
Thence	N 44°15' W	242.40 meters	to corner 36;
Thence	N 44°15' W	242.40 meters	to corner 37;
Thence	N 37°47' W	241.40 meters	to corner 38;
Thence	N 40°13' W	332.50 meters	to corner 39;
Thence	N 01°14' W	335.80 meters	to corner 40;
Thence	N 01°07' E	398.40 meters	to corner 41;
Thence	N 06°32' E	258.80 meters	to corner 42;
Thence	N 06°34' E	227.30 meters	to corner 43;
Thence	N 07°30' W	933.20 meters	to corner 44;

Thence	N 44°43' W	273.30 meters	to corner 45;
Thence	N 43°07' W	346.10 meters	to corner 46;
Thence	N 23°49' W	566.40 meters	to corner 47;
Thence	N 44°05' E	2,310.00 meters	to corner 48;
Thence	S 50°35' E	2,220.00 meters	to corner 49;
Thence	S 17°00' E	680.00 meters	to corner 50;
Thence	S 52°50' W	640.00 meters	to corner 51;
Thence	S 19°32' E	960.00 meters	to corner 52;
Thence	S 40°05' W	568.00 meters	to corner 53;
Thence	Following downstream of Cahumban River		
	S.W. directions	1,380.00 meters	to corner 54;
Thence	Following downstream Manicahan River		
	S.W. & E directions	6,600.00 meters	to corner 55;
Thence	S 44°35' W	2,820.00 meters	to corner 56;
Thence	S 07°50' W	980.00 meters	to corner 57;
Thence	S 60°00' W	400.00 meters	to corner 58;
Thence	S 15°00' E	600.00 meters	to corner 59;
Thence	S 26°00' E	890.00 meters	to corner 60;
Thence	S 35°00' E	500.00 meters	to corner 61;
Thence	S 21°00' W	340.00 meters	to corner 62;
Thence	S 80°00' W	260.00 meters	to corner 63;
Thence	S 75°00' W	210.00 meters	to corner 64;
Thence	S 73°25' W	180.00 meters	to corner 65;
Thence	N 55°00' W	118.00 meters	to corner 66;
Thence	S 85°30' W	194.00 meters	to corner 67;
Thence	S 29°00' W	405.00 meters	to corner 68;
Thence	S 64°30' W	360.00 meters	to corner 69;

Thence	S 21°00' W	550.00 meters	to corner 70;
Thence	S 11°00' E	220.00 meters	to corner 71;
Thence	S 56°15' E	380.00 meters	to corner 72;
Thence	S 05°30' W	400.00 meters	to corner 73;
Thence	N 88°00' W	460.00 meters	to corner 74;
Thence	N 86°00' W	290.00 meters	to corner 75;
Thence	N 18°00' W	368.00 meters	to corner 76;
Thence	N 67°00' W	230.00 meters	to corner 77;
Thence	N 55°00' W	200.00 meters	to corner 78;
Thence	S 86°10' W	264.00 meters	to corner 1

The point of beginning containing an area of FOUR THOUSAND SIX HUNDRED TWENTY SIX (4, 626) HECTARES, more or less.

CHAPTER II PROTECTED AREA MANAGEMENT

SECTION 5. *Management and Institutional Mechanism* – The management and administration of the Pasonanca Natural Park shall be consultative and participatory. The sole policy-making body is vested with the Protected Area Management Board (PAMB), chaired by the DENR Regional Executive Director of Region IX. Within the PAMB, there will be an Executive Committee (EXECOM) to which the PAMB may delegate some of its powers and functions. The PAMB may also create other committees. The Protected Area Superintendent (PASu) is the DENR chief operating officer of the entire park and its buffer zones.

SECTION 6. *The Protected Area Management Board* – The Protected Area Management Board (PAMB) shall be composed of the following:

- a) The Regional Executive Director (RED) of DENR, Region IX, *ex officio*, who shall sit as PAMB Chairman, as provided for under Section 11 (d) of the NIPAS Act;

- b) The Mayor of Zamboanga City or his/her duly designated representative;
- c) The chairman of the committee on natural resources and environmental protection of the Sangguniang Panlungsod of Zamboanga City;
- d) The General Manager of the Zamboanga City Water District (ZCWD) or his/her duly designated representative;
- e) The Planning and Development Officer of Zamboanga City;
- f) The Barangay Chairmen of Zamboanga City whose areas of jurisdiction are within the protected area;
- g) Three (3) representatives from Zamboanga City-based non-government organizations (NGOs) and community organizations, including People's Organizations (POs), church or civic organizations, with interests within the protected area;
- h) Three (3) representatives from national government agencies with offices in Zamboanga City, involved in protected area management or which can contribute to the protection and conservation of the park;
- i) Three (3) representatives from stakeholders who can assist and contribute in the protection and conservation of the park.

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

- a) Active involvement in the ecological conservation, preservation, rehabilitation and protection of the park;
- b) Good potential in community organizing and other development works;
- c) Favorable track record in community work; and

- d) Duly accredited by the city government of Zamboanga and the DENR.

SECTION 7. *Term of Office of the PAMB Members* – Except for government officials who shall serve *ex-officio*, every member of the PAMB shall be appointed by the DENR Secretary and shall serve for a term of five (5) years without compensation, provided that he/she remains connected with the organization he/she represents. Whenever a vacancy occurs during the term of a non-government PAMB member, a new member shall be chosen in the same manner as the original selection process, provided, that he/she shall only serve for the remaining term.

The PAMB members shall be entitled to reimbursement of actual and necessary traveling and subsistence expenses incurred in attending meetings of the PAMB or any of its committees, subject to government accounting, auditing, and budgeting rules and regulations, and subject further to the availability of funds as reflected in the Work and Financial Plan (WFP) as required in accessing of funds in the Integrated Protected Area Fund (IPAF).

SECTION 8. *Duties and Functions of PAMB*. – The PAMB is the highest policy-making body of the Pasonanca Natural Park, and shall have the following powers and functions:

- (a) Approve or decide on all matters related to or based on the approved management plan, proposals, work and action plans, resource protection, delineation and demarcation of protected area boundaries, buffer zones, ancestral domains, recognition of rights and privileges, and guidelines and policies for the management and conservation of the park;
- (b) Review and adopt the park's Management Plan and development program and their implementing rules and regulations, and ensure strict compliance therewith;
- (c) Control and regulate the construction and maintenance of roads, trails, waterworks, sewerage, fire protection and

sanitation systems and other utilities within the protected area;

- (d) Control and supervise the office of the PASu and monitor and evaluate the performance of the protected area personnel, NGOs, and communities involved in conservation and development;
- (e) Issue all necessary permits within the Pasonanca Natural Park, including its buffer zones, and collect reasonable fees therefor, in accordance with the management plan and consistent with the conservation and protection of the park. The PAMB may delegate this authority to the PASu under proper guidelines;
- (f) Deputize, through the EXECOM, individuals for the enforcement of all laws, rules, and regulations governing conduct within the protected area and its buffer zones, and prescribe the qualifications therefor;
- (g) Accept donations and grants and approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue;
- (h) Coordinate with the appropriate agencies of the government, local or national, on all matters related to the protection and conservation of the protected area and its buffer zones, and request for their assistance, of whatsoever nature, for the purpose;
- (i) Retain a legal counsel, either on permanent, temporary, or part-time basis, to defend cases against the PAMB, the PASu office and staff, and deputized individuals whenever they are sued in connection with the performance of their duties under this Act, and to assist the PAMB on all legal matters;
- (j) Adopt rules and procedures for the conduct of business, including the creation of committees, to which certain powers of the PAMB may be delegated.

The DENR, through the Regional Executive Director of Region IX, shall ensure that the Protected Area Management Board (PAMB) acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to Republic Act No. 7586 and the rules and regulations or resolutions issued by the PAMB, the DENR Secretary shall decide whether or not to allow such rule, regulation, or resolution.

Section 9. *The Executive Committee (EXECOM) of the PAMB.* –

There shall be an Executive Committee to be created by the PAMB, to which the PAMB may delegate specific duties and functions. It shall be composed of the DENR Regional Technical Director of Region IX as Chairman, and six (6) members of the PAMB, to be designated by the PAMB, as follows: (1) The Mayor of Zamboanga City or his representative; (2) The General Manager of the ZCWD or his representative; (3) Two (2) Barangay chairmen; (4) One representative each from the NGO's and stakeholders.

The PAMB *en banc* shall hold regular meetings at least once every quarter of the year. The EXECOM shall meet on a regular basis as may be necessary or proper.

SECTION 10. *The Office of the Protected Area Superintendent (PASu)* – There shall be a Protected Area Office (PAO) in the Pasonanca Natural Park headed by the Protected Area Superintendent (PASu) who shall serve as the DENR chief operating officer at the site and head secretariat of the PAMB. The PASu shall be directly responsible to the PAMB and the DENR Regional Executive Director (RED) of Region IX, and shall have the following powers and functions:

- (a) Prepare the management plan and its successor plans as herein provided;
- (b) Serve as secretariat to the PAMB with the duty to provide the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;

- (c) Supervise the necessary personnel to support operations as the budget may allow;
- (d) Establish a productive partnership with local communities, including groups supporting the achievement of the goals and objectives of this Act;
- (e) Develop and implement park information, education and visitor programs;
- (f) Enforce the laws, rules and regulations and PAMB resolutions relevant to the protected area and its buffer zones, and assist in the prosecution of offenses;
- (g) Monitor all activities within the protected area and its buffer zones in conformity with the management plan; and
- (h) Perform such other functions as the PAMB may assign.

The PASu, who shall come from the regional office of the DENR of Region IX, shall perform day-to-day management and protection activities within the protected area. He shall be supported by the following staff members designated and detailed by the DENR Regional Director of Region IX:

- a) Two (2) Registered Foresters;
- b) Ten (10) Forest Guards;
- c) One (1) Utility Worker;
- d) Two (2) Ecosystems Management Specialists;
- e) One (1) Community Development Officer;
- f) One (1) Administrative Officer; and
- g) One (1) Records Officer

SECTION 11. *Management Plan* – Within one (1) year from the effectivity of this Act, the Protected Area Superintendent shall prepare a sufficiently flexible Management Plan in accordance with the General Management Planning Strategy (GMPS) in coordination with the appropriate offices of the DENR, local communities, the city government of Zamboanga, NGOs, other

government agencies, and available experts with socio-environmental, economics, and ecological experience in the area. The plan shall contain, among others, the following:

- a) The preferred period applicability, at least for ten (10) years, subject to periodic review as determined necessary by the Board;
- b) The analysis of key management issues and problems considered as threats to conservation, management and maintenance, including the impact on the important features of the area;
- c) Broad, long-term vision which takes the form of goals, and a "vision statement"; including guiding policies for management, sets of objectives, and specific statements on what management can achieve within the timeframe of the plan;
- d) Site management strategies;
- e) Zoning plan to illustrate the boundaries, classification and management and other activities allowed or prohibited for each zone;
- f) Management programs to include enforcement of laws, habitat and wildlife management, eco-tourism, sustainable use of resources, infrastructure development and maintenance, fire prevention and pest control;
- g) Mechanisms for protection of tenured migrants in the exercise of their rights;
- h) Sustainable and non-destructive livelihood activities.
- i) Regulations in furtherance of the preservation and conservation objectives, such as the scheme in the issuance of permits and rules on the restrictions of resource-use.

The management plan shall be reviewed and adopted by the Protected Area Management Board and certified by the DENR Secretary that it conforms to all laws, rules and regulations issued by the DENR. In no case shall the management plan be revised or modified without prior approval of the PAMB and in accordance with the procedures herein set forth.

One (1) year before the expiration of the management plan, the office of the PASu shall prepare a successor management plan in the same manner as the procedure and principles herein set forth and in accordance with the General Management Planning Strategy (GMPS). In the same period, the PASu shall cause the publication of notices for comments and suggestions on the successor plan in a newspaper of local circulation and the posting of such notices in the city and barangay halls of the barangay units comprising the Pasonanca Natural Park, and in three (3) other conspicuous places frequented by the public within the Pasonanca Natural Park. At least two public hearings shall be conducted on the successor plan.

The management plan shall be in English and in Chabacano, plainly written and available for public perusal at the office of the PASu.

SECTION 12. *Management Zoning* – Zones shall be established in the Pasonanca Natural Park to provide protection for critical or representative habitats within which similar management emphasis is applied and comparable level of use permitted while different uses segregated. It shall be demarcated on the ground and indicated on maps after undertaking such steps as community, land and resource-use mapping and dialogue with the participation of communities, the city government of Zamboanga, and other stakeholders. Within each zone, management prescriptions shall be reasonably uniform but may differ in type or intensity from those in other zones in order to accommodate multiple objectives.

CHAPTER III TENURED MIGRANTS

SECTION 13. *Tenured Migrants* – Any person who had been actually and continuously occupying an area for five (5) years prior to the proclamation of

the Pasonanca Watershed Forest Reservation (Proclamation No. 199, dated December 17, 1987) and is solely dependent on the protected area for subsistence shall be considered a tenured migrant. The park is an initial component pursuant to Section 5 (a) of the NIPAS Act.

As a Tenured Migrant, he or she shall be eligible to become a steward of a reasonable portion of land within the multiple use or buffer zones of the protected area from which he may derive subsistence. Provided, however that those migrants who do not qualify within the category of Tenured Migrants shall be resettled outside the protected area.

The PAMB shall review all tenure instruments, land claims, or permits issued for resource use within the protected area, if any, and recommend the issuance of appropriate tenure instrument consistent with the management or successor plans. Those who have been cultivating land within the protected area are considered to be occupying such lands and shall be entitled to tenure instrument limited to cultivation and residence. Provided, that the rights under such can only be transferred to direct descendants.

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 or buffer zones to be undertaken 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 the natural state prior to the cultivation or other act by the tenured migrant.

Section 14. Existing Rights. – All prior property and private rights within the protected area and its buffer zones and ancestral domains already existing and/or vested upon prior to the effectivity of this Act shall be protected and respected in accordance with existing laws.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

SECTION 15. *Special Prosecutor* – 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 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 park personnel in arrest and criminal procedures. The PAMB shall periodically submit an evaluation of the performance of the special prosecutor of the DOJ.

SECTION 16. *Prohibited Acts* – Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within the protected area:

- 1) Hunting, destroying, disturbing or mere possession of any plants or animals and its products derived therefrom without a permit from the Protected Area Management Board;
- 2) Dumping of any waste products or any form of activity detrimental to the protected area, or to the plants and animals or inhabitants therein;
- 3) Use of any vehicles or equipments within prohibited areas without a permit from the PAMB;
- 4) Mutilating, defacing or destroying of objects of natural beauty, or objects of interests to cultural communities;
- 5) Damaging and leaving roads and trails in a damaged condition;
- 6) Squatting, mineral exploration, or otherwise occupying any portion of land;
- 7) Constructing or maintaining any kind of structure, fence or enclosures, or conducting any business enterprise without prior permit from the PAMB;

- 8) Altering, removing, or destroying or defacing boundary marks or signs.

SECTION 17. *Penalties* – Any person found guilty of any offense enumerated above shall be fined in an amount of not less than Five Thousand Pesos (P 5,000.00) nor more than Five Hundred Thousand Pesos (P 500,000.00), exclusive of the value of the thing damaged, and/or imprisonment of not less than one (1) year but not more than six (6) years, as determined by the court. Provided, that if the area requires rehabilitation or restoration, as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage; Provided further, that the court shall order the eviction of the offender from the land and the forfeiture in favor of the government of all mineral, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith, and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his employees and laborers. Provided finally that, for such offenses the DENR may conduct separate administrative proceedings against the offender and impose the corresponding fines and penalties in accordance with law.

CHAPTER V PROTECTED AREA FUND

SECTION 18. *Integrated Protected Area Fund (IPAF)* – There is hereby established a trust fund known as the Integrated Protected Area Fund (IPAF) to ensure sustained financing of the protected area operations. The funds for the IPAF will come from, among other things, donations, contribution from industries and facilities directly benefiting from the protected area, and collections from user fees such as proceeds from lease of multiple use areas and fees from the permitting system. Likewise, the PAMB shall develop a user fee policy that will specify sharing of the proceeds between the city government of Zamboanga and the PAMB.

The fund may be augmented by grants, donations, and endowment from various sources, domestic or foreign, for purposes related to their functions. *Provided*, that the fund shall be deposited as a special account in the national

treasury and disbursement therefrom shall be made solely for the protection, maintenance, administration, and management of the system, and duly approved projects endorsed by PAMB in accordance with existing accounting and budgeting rules and regulations.

CHAPTER VI
EXISTING FACILITIES, UTILIZATION OF RESOURCES,
ENVIRONMENTAL IMPACT ASSESSMENT, AND PARTNERSHIP WITH
OTHER AGENCIES

SECTION 19. *Existing Facilities within the Protected Area* – Existing facilities, if any, 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 PAMB, all commercial facilities existing within the boundaries of the protected area with a total capitalization of not less than One Hundred Thousand Pesos (P100,000.00) shall submit to the PAMB, through the PASu, a sworn statement containing the following information:

- a) Environmental Impact Assessment and/or Environmental Management Plan;
- b) Environmental Compliance Certificate; and
- c) Development Plan

Failure to submit the required information shall constitute a violation of this Act. Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facilities and their future plans and operations are detrimental to the protected area.

The PAMB may prescribe conditions for the operation of the facilities to ensure that they do not conflict with the management objectives. If any such conditions are violated, a fine shall be imposed as prescribed by the PAMB. The PAMB, through the PASu or other deputized government entities, is authorized to cause the immediate cessation and demolition of any facility within the protected area whose continued operation is deemed detrimental to said area, with the cost to be borne by their owners/operators.

The removal of existing facilities which provide basic services and amenities to the public shall require the concurrence of the city government of Zamboanga consistent with the responsibility of the local government to its constituents.

Existing facilities remaining within the protected area may be charged reasonable fees by the PAMB, subject to DENR approval, pursuant to Section 10(f) of the NIPAS Act based on the extent of their impact on the environment and biodiversity. All incomes derived from such fees shall accrue to the IPAF.

SECTION 20. *Utilization of non-renewable resources* – Any exploration, exploitation or utilization of non-renewable resources within the protected area shall not be allowed.

SECTION 21. *Environmental Impact Assessment System*. Existing laws, rules and regulations relating to Environmental Impact Assessment shall be applicable to projects and activities intended in the protected area. The issuance of the Environmental Compliance Certificate or its exemptions shall be coordinated with the PAMB.

SECTION 22. *Partnership among Government, Non- Government Organizations and People's Organizations*. – For the purpose of attaining the objectives of this Act, all Government, Non- Government Organizations and People's Organizations and their personnel shall continuously foster and develop a strong and true partnership.

All Non- Government Organizations, People's Organizations and private entities implementing any park conservation, protection and development programs must be accredited by the city government of Zamboanga and the DENR.

SECTION 23. *Roles of the Local Government Unit and National Agencies in the Protected Area*. – The city government of Zamboanga and relevant national agencies represented in the PAMB shall have the following roles:

- a) Apprise their respective constituents, office or sector on activities and programs for the protected area;

- b) Ensure consistency in the implementation of all activities in the protected area;
- c) In the exercise of its ordinance-making power over the protected area, the city council of Zamboanga shall consider the Management Plan and the rules and regulations adopted by the PAMB in the legislative agenda relating to biodiversity, conservation, protection and sustainable development;
- d) In the formulation of its development plan, the city government of Zamboanga shall consider the Protected Area Management Plan for the Pasonanca Natural Park;
- e) Assist the PAMB in the implementation of the overall park programs, including but not limited to the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar activities;
- f) Accredited people's organizations, non-government organizations and other entities and groups involved in the activities within the protected area;
- g) Provide the PAMB with relevant information and data for the effective management of the protected area; and
- h) The city government of Zamboanga may, subject to availability of funds, provide an annual financial assistance for the protection and enhancement of the protected area.

SECTION 24. *Public Service Utilities, Projects.* – All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services and others which will promote public welfare, shall be implemented within areas designated /approved by the PAMB.

CHAPTER VII TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 25. *Appropriations* – The Secretary shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 26. *Construction* – The provisions of this Act shall be construed liberally in favor of tenured migrants and with due consideration of the prior property rights of the stakeholders to sustainable development, and the conservation and protection of biodiversity. Existing forestry laws and their corresponding rules and regulations not inconsistent herewith shall have suppletory effect in the implementation of this Act.

SECTION 27. *Implementing Rules and Regulations* – Ninety (90) days after the effectivity of this Act, the Department of Environment and Natural Resources (DENR), in consultation with the Senate Committee on Environment and Natural Resources, the House of Representatives Committee on Natural Resources, and the PAMB, shall promulgate the necessary rules and regulations to effectively implement the provisions of this Act.

SECTION 28. *Separability Clause* – If any provision of this Act is declared as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 29. *Repealing Clause* – All existing laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 30. *Effectivity Clause* – This Act shall be translated in Chabacano. It shall be published once in a newspaper of general circulation which is readily available in and around the protected area. It shall be posted for a continuous period of thirty (30) days at the City Hall of Zamboanga and the barangay halls of the affected areas. This Act shall take effect thirty (30) days from such publication and posting.

APPROVED.