

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2838



Introduced by: **HON. FERNANDO V. GONZALEZ**
HON. AL FRANCIS C. BICHARA
HON. EDCCEL "GREX" B. LAGMAN

AN ACT
ESTABLISHING THE MAYON VOLCANO NATURAL PARK (MVNP) IN
THE PROVINCE OF ALBAY AS A PROTECTED AREA, PROVIDING
FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Mayon Volcano Natural Park is a part of the State's National Integrated Protected Areas System. Cognizant of the economic, aesthetic and environmental values of the ecosystem of Mt. Mayon and its surrounding areas to the Province of Albay, particularly, its unique and almost perfect cone, its crucial watershed function with the presence of springs and major rivers that provide potable water to three (3) cities of Legazpi, Tabaco, and Ligao and five (5) municipalities of Malilipot, Sto. Domingo, Daraga, Camalig, and Guinobatan, Albay, the diversity of its flora and fauna with some endemic species such as the Tariktik Hornbill (*Penelopides Panini*), Black naped-oriole (*Oriolus chinensis*), Reticulated phyton (*Phython Reticulatus*), Oriental Civet cat (*Viverra Tngalunga*) and the famous pitcher plant or the *Saracenia Alata* and the different species of orchids, it is imperative that the protection, preservation and conservation of Mayon Volcano Natural Park and its surrounding areas be declared a national policy in accordance

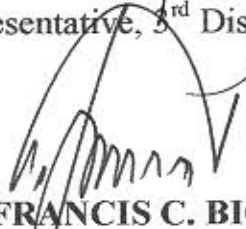
with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Pursuant to the above policy, the NIPAS Act, and as provided herein, Mayon Volcano Natural Park and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established a protected area under the category of a natural park to be known as the Mayon Volcano Natural Park (MVNP).

In view of the foregoing, immediate passage of this bill is earnestly requested.



FERNANDO V. GONZALEZ
Representative, 3rd District, Albay



AL FRANCIS C. BICHARA
Representative, 2nd District, Albay



EDCEL "GREX" B. LAGMAN
Representative, 1st District, Albay

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MANAGEMENT, AND FOR OTHER PURPOSES

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

Article I
TITLE, POLICIES, OBJECTIVES AND JURISDICTION

SECTION 1. Title.

This Act shall be known and referred to as the **MAYON VOLCANO NATURAL PARK Act of 2013**.

SECTION 2. Declaration of Policy.

Mayon Volcano Natural Park is a part of the State's National Integrated Protected Areas System. Cognizant of such, and the profound impact of man's activities on all components of the natural environment particularly the effect of increasing population, resources exploitation and industrial advancement, and recognizing the critical importance of protecting and maintaining the natural, biological and physical diversities of the environment, as well as plant and animal life, it is hereby declared 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 within the classification of National Park as provided for in the Constitution.

SECTION 3. Category.

Aside from the geological and unique physical features of Mayon Volcano, the park is essentially a forest reservation characterized by natural wilderness. It is endowed with rich natural resources and is abundant in rare endemic species of flora and fauna, some of which are found to be endangered and nearly threatened as classified under the list of the Convention of International Trade of Endangered Species (CITES). The lower slopes are covered with vegetation primarily composed of stunted trees and species of dipterocarp forests. It is for these reasons that Mayon Volcano is categorized as Natural Park per categorization of Protected Areas under Sec. 3 of Republic Act 7586.

SECTION 4. Definition of Terms.

For purposes of this Act, the following terms shall be defined as follows:

“Bioprospecting” shall refer to the research, collection and utilization of biological and genetic resources for the purposes of applying the knowledge derived therefrom for commercial and academic purposes.

“Buffer Zone” shall refer to the identified areas outside the boundaries of and immediately adjacent to the MVNP pursuant to Section hereof that need special development control in order to avoid or minimize harm to the Natural Park.

“By-products” or “Derivatives” shall mean any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.

“Collection” or “Collecting” shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives.

“Chainsaw” shall refer to any portable power saw or similar cutting implement, rendered operative by an electric or internal combustion engine or similar means that may be used but is not limited to felling of trees or cutting of timbers.

“Disturbance of Wildlife” shall refer to any act that alters the natural condition of the area.

“Exploitation” shall refer to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose whether commercial or otherwise.

“Exotic Species” shall refer to the species or sub-species that do not naturally occur within the MVNP at present or in historical time. It shall include the genetically modified organisms (GMOs).

"FPIC" shall refer to "Free and Prior Informed Consent", it shall mean the consensus of all members of the PAMBs/ICCs/Ips to be determined in accordance with their customary laws practices, free from any external manipulation, interference and coercion, and obtained after full disclosing the intent and scope of an activity, in a language and process understandable to the community.

"General Management Plan" shall mean the basic long-term framework plan in the management of the protected area and serve as guide in the preparation of the annual plan and budget.

"General Management Planning Strategy" shall mean the guide in the formulation of the site-specific management plans, including buffer zones

"Habitat" shall mean the place or environment where species or sub-species naturally occur or has naturally established its population.

"IPAF" shall mean the "Integrated Protected Area Fund" as provided in RA 7586 of the NIPAS Act of 1992, which is primarily established to sustain the operations of the Protected Areas.

"Littering" shall refer to the disposal of small amount of non-biodegradable solid waste materials such as, cigarette butts, candy wrappers, plastic bags, bottles, glasses, in the MVNP which may cause or contribute to the deterioration of the resources or habitats in the MVNP.

"Management Manual" shall contain an individual management plan, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area and a design of the management programs.

"MOA" shall refer to "Memorandum of Agreement" signed among the Protected Area Management Board (PAMB) of MVNP and other concerned parties with a common objective or undertaking a specific activity for the Natural Park.

"NIPAS Act" shall refer to the "National Integrated Protected Area System Act of 1992 or RA 7586.

"National Park" shall refer to one of the classification of public domain as provided for in the Philippine Constitution of 1987 specifically designated for the protection of the natural heritage comprising the important plants and animals and habitats of the country.

"Natural Park" shall refer to one of the categories of the protected areas as defined in the NIPAS Act of 1992 or RA 7586. It shall refer to 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 area or national or international significance for scientific, educational and recreational use.

"Natural Resources" shall refer to life support system such as but not limited to the sea, coral reefs, soil, lakes, rivers, streams and forests as well as useful products found therein such as minerals, wildlife, trees and other plants including the aesthetic attributes or scenic sites that are not man-made.

"NGO" shall pertain to non-government organization. It shall refer to any civic, developmental, philanthropic non-stock, non-profit organization, duly registered, having by-laws, democratically elected representation and multi-sectoral in character.

"POs" shall refer to "Peoples Organization" which pertains to any group of people formed to advance the interests of the sector they represent.

"Protected Area" shall refer to the 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 and unless the context otherwise provides, shall refer to the Mayon Volcano Natural Park.

"Protected Area Management Board" (PAMB) shall refer to the site based decision-making body responsible for planning, resource protection and general administration of the area in accordance with the approved management plan.

"Protected Area Superintendent" (PASu) shall refer to the Chief, operating DENR official at the Protected Area.

"Protected Area Staff" shall refer to other DENR protected area site personnel supporting the Protected Area Superintendent who performs day to day protection and administration activities in the Protected area.

"Resource User's Fee" shall refer to the amount exacted from the use of the resources, which is being paid annually (periodically)

"Threatened Species" shall be the general term to denote species or sub-species considered as critically endangered, vulnerable or other accepted categories of wildlife whose population is at risk of extinction.

"Waste" shall mean the waste materials generated from the use of the resource as ecotourism and other industrial purposes.

"Wildlife" shall refer to the wild forms and varieties of plants and animals in all development stages, including those, which are in captivity or are being bred or propagated.

SECTION 5. Scope and Coverage

Pursuant to Presidential Proclamation No. 413, and in accordance with Republic Act 7586 otherwise known as the NIPAS Act of 1992, the Mayon Volcano located in the Cities of Tabaco, Legazpi and Ligao and in the Municipalities of Malilipot, Sto. Domingo, Daraga, Camalig and Guinobatan, Albay, Island of Luzon is hereby and established as part of the NIPAS under the category of Natural Park as defined herein. It shall be referred to as MVNP and shall have the following technical description, as follows:

Beginning at a point marked "1" on the Bureau of Forestry Map No. N.P. 21, to corner 1.

thence	S 35° 00' W	630 meters	to corner 2
thence	S 89° 00' W	897 meters	to corner 3
thence	S 63° 00' W	1,850 meters	to corner 4
thence	S 87° 00' W	810 meters	to corner 5
thence	N 82° 00' W	1,085 meters	to corner 6
thence	N 44° 00' W	990 meters	to corner 7
thence	N 87° 32' W	1,550 meters	to corner 8
thence	N 04° 02' W	100 meters	to corner 9
thence	N 43° 23' W	1,050 meters	to corner 10
thence	N 77° 34' W	173.30 meters	to corner 11
thence	N 84° 29' W	781.10 meters	to corner 12
thence	N 61° 09' E	1,192.40 meters	to corner 13
thence	N 25° 56' E	13.80 meters	to corner 14
thence	N 42° 34' W	14.50 meters	to corner 15
thence	S 70° 52' W	200.40 meters	to corner 16
thence	S 74° 47' E	125.20 meters	to corner 17
thence	S 64° 08' W	236.60 meters	to corner 18
thence	S 56° 38' W	250.70 meters	to corner 19
thence	S 80° 02' W	95.40 meters	to corner 20
thence	S 83° 10' W	50.00 meters	to corner 21
thence	S 67° 02' W	80.20 meters	to corner 22
thence	N 35° 22' W	46.80 meters	to corner 23
thence	N 61° 09' E	104.50 meters	to corner 24
thence	N 09° 20' W	21.30 meters	to corner 25
thence	N 49° 30' W	447.30 meters	to corner 26
thence	N 34° 29' W	52.50 meters	to corner 27
thence	N 35° 18' E	39.50 meters	to corner 28
thence	N 52° 46' E	23.20 meters	to corner 29

thence	S 03° 21' E	25.80 meters	to corner 30
thence	N 62° 33' E	140.90 meters	to corner 31
thence	N 68° 01' E	49.60 meters	to corner 32
thence	N 60° 03' E	173.20 meters	to corner 33
thence	N 76° 40' E	53.40 meters	to corner 34
thence	N 49° 30' E	261.40 meters	to corner 35
thence	N 29° 43' W	23.70 meters	to corner 36
thence	N 88° 21' W	100.60 meters	to corner 37
thence	N 52° 01' W	73.70 meters	to corner 38
thence	N 68° 40' W	126.30 meters	to corner 39
thence	N 09° 34' W	44.80 meters	to corner 40
thence	N 39° 51' W	77.00 meters	to corner 41
thence	N 67° 09' W	27.90 meters	to corner 42
thence	N 34° 22' E	17.00 meters	to corner 43
thence	S 32° 52' W	52.60 meters	to corner 44
thence	S 76° 37' W	126.60 meters	to corner 45
thence	S 57° 44' W	149.00 meters	to corner 46
thence	N 22° 09' W	19.90 meters	to corner 47
thence	N 18° 35' W	13.30 meters	to corner 48
thence	N 35° 59' W	67.10 meters	to corner 49
thence	S 57° 25' W	240.40 meters	to corner 50
thence	N 47° 14' W	25.40 meters	to corner 51
thence	N 40° 29' W	22.40 meters	to corner 52
thence	N 84° 30' W	49.30 meters	to corner 53
thence	N 61° 18' W	56.00 meters	to corner 54
thence	N 45° 49' W	90.20 meters	to corner 55
thence	N 43° 32' W	44.00 meters	to corner 56
thence	S 77° 37' W	64.50 meters	to corner 57
thence	N 09° 24' W	81.60 meters	to corner 58
thence	N 46° 58' W	90.20 meters	to corner 59
thence	N 20° 18' W	80.80 meters	to corner 60
thence	N 77° 15' E	30.40 meters	to corner 61
thence	S 77° 26' E	80.80 meters	to corner 62
thence	S 80° 41' E	60.80 meters	to corner 63
thence	N 59° 20' E	64.60 meters	to corner 64
thence	N 84° 53' E	206.40 meters	to corner 65
thence	N 29° 21' W	129.00 meters	to corner 66
thence	N 40° 08' E	12.60 meters	to corner 67
thence	N 53° 11' E	50.30 meters	to corner 68
thence	N 01° 31' E	21.20 meters	to corner 69
thence	S 60° 44' E	72.60 meters	to corner 70
thence	N 72° 01' E	150.06 meters	to corner 71
thence	N 21° 13' W	124.30 meters	to corner 72
thence	N 49° 11' W	237.50 meters	to corner 73

thence	N 13° 53' W	18.10 meters	to corner 74
thence	N 84° 57' W	496.00 meters	to corner 75
thence	N 80° 47' W	88.00 meters	to corner 76
thence	N 59° 11' E	11.40 meters	to corner 77
thence	N 10° 09' E	41.60 meters	to corner 78
thence	N 84° 55' E	108.10 meters	to corner 79
thence	N 75° 16' E	386.60 meters	to corner 80
thence	N 72° 41' E	183.70 meters	to corner 81
thence	N 79° 00' E	250.00 meters	to corner 82
thence	N 51° 00' E	90.00 meters	to corner 83
thence	N 16° 00' W	40.00 meters	to corner 84
thence	N 75° 00' W	70.00 meters	to corner 85
thence	S 69° 00' W	120.00 meters	to corner 86
thence	N 57° 55' W	300.80 meters	to corner 87
thence	N 39° 40' W	172.20 meters	to corner 88
thence	N 53° 05' W	36.60 meters	to corner 89
thence	N 46° 35' W	310.80 meters	to corner 90
thence	N 11° 53' W	51.40 meters	to corner 91
thence	N 46° 17' W	44.40 meters	to corner 92
thence	S 53° 27' E	50.30 meters	to corner 93
thence	S 42° 55' E	100.40 meters	to corner 94
thence	S 54° 14' E	100.30 meters	to corner 95
thence	S 72° 37' E	113.40 meters	to corner 96
thence	N 53° 38' E	80.50 meters	to corner 97
thence	N 86° 58' E	205.20 meters	to corner 98
thence	N 43° 18' E	13.30 meters	to corner 99
thence	N 13° 33' W	55.50 meters	to corner 100
thence	N 00° 29' W	25.20 meters	to corner 101
thence	N 49° 48' W	417.40 meters	to corner 102
thence	N 68° 23' W	85.90 meters	to corner 103
thence	N 41° 13' W	101.30 meters	to corner 104
thence	N 77° 03' E	52.80 meters	to corner 105
thence	N 17° 28' E	240.40 meters	to corner 106
thence	S 62° 19' W	279.10 meters	to corner 107
thence	N 06° 00' W	76.10 meters	to corner 108
thence	S 70° 04' E	63.50 meters	to corner 109
thence	S 70° 15' E	421.70 meters	to corner 110
thence	S 82° 12' E	23.30 meters	to corner 111
thence	N 39° 32' E	111.60 meters	to corner 112
thence	S 82° 20' E	29.80 meters	to corner 113
thence	N 80° 10' E	30.30 meters	to corner 114
thence	N 78° 28' E	57.50 meters	to corner 115
thence	N 88° 43' E	07.00 meters	to corner 116
thence	N 53° 34' E	27.60 meters	to corner 117

thence	N 88° 36' E	110.00 meters	to corner 118
thence	N 70° 32' E	100.90 meters	to corner 119
thence	N 34° 15' E	36.40 meters	to corner 120
thence	N 77° 00' E	40.40 meters	to corner 121
thence	N 05° 16' E	90.10 meters	to corner 122
thence	N 12° 28' E	51.80 meters	to corner 123
thence	N 05° 00' W	04.80 meters	to corner 124
thence	N 05° 21' W	23.30 meters	to corner 125
thence	N 01° 38' W	116.20 meters	to corner 126
thence	S 79° 06' E	180.10 meters	to corner 127
thence	N 58° 45' E	140.60 meters	to corner 128
thence	N 43° 41' W	60.20 meters	to corner 129
thence	N 20° 34' E	146.50 meters	to corner 130
thence	N 68° 25' E	356.60 meters	to corner 131
thence	N 34° 26' E	157.80 meters	to corner 132
thence	N 66° 23' E	18.40 meters	to corner 133
thence	N 22° 31' W	112.10 meters	to corner 134
thence	N 38° 52' W	33.00 meters	to corner 135
thence	N 04° 47' E	41.10 meters	to corner 136
thence	N 21° 56' W	75.00 meters	to corner 137
thence	N 78° 30' W	56.80 meters	to corner 138
thence	N 24° 41' W	200.70 meters	to corner 139
thence	N 49° 46' W	120.30 meters	to corner 140
thence	S 74° 29' E	172.50 meters	to corner 141
thence	N 84° 48' E	14.60 meters	to corner 142
thence	S 69° 20' E	425.70 meters	to corner 143
thence	N 89° 30' E	218.40 meters	to corner 144
thence	N 08° 00' W	55.20 meters	to corner 145
thence	S 58° 36' E	21.20 meters	to corner 146
thence	S 40° 48' W	24.60 meters	to corner 147
thence	N 23° 53' E	20.00 meters	to corner 148
thence	N 56° 00' E	30.50 meters	to corner 149
thence	N 43° 49' E	303.80 meters	to corner 150
thence	N 09° 03' E	79.50 meters	to corner 151
thence	N 04° 26' E	111.35 meters	to corner 152
thence	N 26° 43' E	270.20 meters	to corner 153
thence	N 44° 00' E	111.40 meters	to corner 154
thence	N 87° 09' E	15.70 meters	to corner 155
thence	N 49° 08' E	150.00 meters	to corner 156
thence	S 25° 56' E	75.00 meters	to corner 157
thence	S 32° 14' E	72.60 meters	to corner 158
thence	N 54° 28' E	43.30 meters	to corner 159
thence	N 55° 36' E	321.00 meters	to corner 160
thence	N 76° 16' E	69.80 meters	to corner 161

thence	S 60° 06' E	51.30 meters	to corner 162
thence	N 44° 57' E	385.30 meters	to corner 163
thence	S 10° 52' E	125.50 meters	to corner 164
thence	S 32° 49' E	32.60 meters	to corner 165
thence	N 72° 54' E	43.30 meters	to corner 166
thence	N 78° 26' E	25.00 meters	to corner 167
thence	S 55° 58' E	100.20 meters	to corner 168
thence	N 76° 25' E	70.90 meters	to corner 169
thence	N 89° 42' E	81.40 meters	to corner 170
thence	S 48° 23' E	100.50 meters	to corner 171
thence	S 57° 05' E	28.00 meters	to corner 172
thence	N 66° 51' E	62.00 meters	to corner 173
thence	S 49° 50' E	45.80 meters	to corner 174
thence	S 46° 33' E	50.00 meters	to corner 175
thence	N 45° 49' E	670.30 meters	to corner 176
thence	N 69° 65' E	111.40 meters	to corner 177
thence	S 81° 22' E	90.60 meters	to corner 178
thence	S 80° 43' W	81.10 meters	to corner 179
thence	S 26° 07' E	575.10 meters	to corner 180
thence	S 22° 05' E	92.70 meters	to corner 181
thence	N 53° 40' E	140.00 meters	to corner 182
thence	N 79° 31' E	87.00 meters	to corner 183
thence	N 83° 24' E	54.20 meters	to corner 184
thence	N 29° 38' E	474.90 meters	to corner 185
thence	N 86° 15' E	96.20 meters	to corner 186
thence	N 46° 57' E	31.50 meters	to corner 187
thence	N 62° 15' E	23.20 meters	to corner 188
thence	S 82° 20' E	30.40 meters	to corner 189
thence	N 49° 41' E	62.90 meters	to corner 190
thence	N 14° 27' E	106.60 meters	to corner 191
thence	N 16° 25' E	217.20 meters	to corner 192
thence	S 19° 00' E	38.00 meters	to corner 193
thence	N 65° 00' E	30.00 meters	to corner 194
thence	N 65° 00' E	450.00 meters	to corner 195
thence	N DUE E	400.00 meters	to corner 196
thence	S 28° 00' E	180.00 meters	to corner 197
thence	S 05° 00' W	350.00 meters	to corner 198
thence	S 60° 00' E	425.00 meters	to corner 199
thence	S 55° 00' E	190.00 meters	to corner 200
thence	S DUE S	325.00 meters	to corner 201
thence	S 48° 00' E	250.00 meters	to corner 202
thence	S 70° 00' E	175.00 meters	to corner 203
thence	S 27° 00' W	180.00 meters	to corner 204
thence	S 23° 00' E	130.00 meters	to corner 205

thence	S 50° 00' W	230.00 meters	to corner 206
thence	S 08° 00' E	152.00 meters	to corner 207
thence	S 79° 00' E	350.00 meters	to corner 208
thence	S 45° 00' E	135.00 meters	to corner 209
thence	S 26° 00' E	180.00 meters	to corner 210
thence	S 48° 00' W	230.00 meters	to corner 211
thence	S 57° 00' E	150.00 meters	to corner 212
thence	S 72° 00' E	275.00 meters	to corner 213
thence	S 65° 00' E	175.00 meters	to corner 214
thence	S 08° 00' W	150.00 meters	to corner 215
thence	S 37° 00' E	225.00 meters	to corner 216
thence	S 38° 00' E	275.00 meters	to corner 217
thence	S 88° 00' E	271.30 meters	to corner 218
thence	S 13° 00' E	200.00 meters	to corner 219
thence	S 05° 00' E	110.00 meters	to corner 220
thence	S 21° 00' E	420.00 meters	to corner 221
thence	N 75° 00' E	300.00 meters	to corner 222
thence	N 57° 00' E	250.00 meters	to corner 223
thence	DUE E	250.00 meters	to corner 224
thence	S 77° 00' E	550.00 meters	to corner 225
thence	S 83° 00' E	675.00 meters	to corner 226
thence	S 80° 00' E	900.00 meters	to corner 227
thence	S 50° 00' W	520.00 meters	to corner 228
thence	S 33° 00' E	550.00 meters	to corner 229
thence	S 23° 00' E	550.00 meters	to corner 230
thence	S 02° 00' W	320.00 meters	to corner 231
thence	S 54° 00' W	740.00 meters	to corner 232
thence	S 32° 00' W	500.00 meters	to corner 233
thence	S 76° 00' W	700.00 meters	to corner 234
thence	N 70° 00' W	500.00 meters	to corner 1

Containing an approximate area of **FIVE THOUSAND SEVEN HUNDRED SEVENTY FIVE AND 70/100 (5,775.70) HECTARES**, subject to actual ground survey.

The classified forestlands comprising Mayon Volcano Natural Park shall fall within the classification of national park as provided under the 1987 Philippine Constitution.

SECTION 6. Jurisdiction over MVNP

The overall authority and jurisdiction over the MVNP shall be exercised by the MVNP-PAMB, with oversight by the DENR. This jurisdiction and authority shall be exercised in harmony with the powers, rights and authorities of the Local Government Units having territorial jurisdiction over MVNP. Provided however, that in the issues of protection and conservation, the authority of the PAMB shall take precedence.

SECTION 7. MVNP Buffer Zone

The PAMB may identify and recommend the establishment of a buffer zone, in consultation with the stakeholders.

The buffer zone shall be a component of the MVNP under the jurisdiction of the PAMB. Specific management prescription and land use management options shall be provided by the PAMB for the buffer zone. Such prescriptions and Land use options shall be incorporated in the General management plan (GMP) and the LGU's Comprehensive Land Use Plans (CLUP) and corresponding ordinances be provided therein.

Article II MANAGEMENT AND INSTITUTIONAL MECHANISMS

SECTION 8. The MVNP – PAMB

There is hereby created a Protected Area Management Board (PAMB) which shall be the sole policy making body of the MVNP and its buffer zones composed of the following:

- a. The DENR Regional Executive Director as Chairperson
- b. The Governor of Albay as vice-chair and the Provincial Planning and Development Officer as his alternate.
- c. The municipal/City mayors of the municipality/city with territory within MVNP
- d. The Barangay Captain with territory within MVNP.
- e. At least seven (7) representatives, from non-government organizations/people's organizations/community based organizations involve in the PA protection and conservation initiatives in their areas of operations.
- f. One (1) representative from each departments or national government agencies involved in protected area management, specifically the DA, DAR, DOT, DPWH DOST and the Academe.
- g. For continuity of business and proper representation of the entity member in the PAMB, a permanent alternate shall be appointed by each entity member in case the principal representative is not available.

The management and administration of MVNP shall be vested with the MVNP Protected Area Management Board. The Board, in addition to the powers and functions as enumerated in the NIPAS Act of 1992, shall include:

- a. authority to impose and collect resource user's fees and provide for its disposition;
- b. designate collecting officers for funds generated for the MVNP and formulate procedures for the management and disbursement thereof;

- c. recommend the appointment of all staff of the Protected Area Office, including the Protected Area Superintendent (PASu), to the DENR Regional Executive Director (RED) based on internal selection criteria;
- d. exact fines and fees for violations of this Act, guidelines, rules and regulations within MVNP;
- e. promulgate its procedural rules, which shall include discipline and removal of its officers and members;
- f. provide the necessary mechanisms to ensure the harmonization, complementation, consultation and participatory decision-making processes among the various stakeholders;
- g. as the sole authority, to enter into any contract or agreement concerning the MVNP as maybe necessary to carry out the purposes of this Act; and
- h. perform such other functions necessary for the fulfillment of the provisions of this Act and all other applicable laws, rules and regulations.

The MVNP-PAMB shall coordinate with the DENR regarding confiscation of materials or resources from the MVNP, which shall be disposed of in accordance with the guidelines of the DENR. A report on this subject shall be regularly rendered by the concerned officer of the DENR and the PASu to the MVNP-PAMB. The proceeds of the disposition of these materials or resources shall accrue to the MVNP-PAMB Trust Fund.

SECTION 9. Term of Office of MVNP-PAMB members

The Secretary of the DENR shall appoint the members of the MVNP-PAMB. Except for Local Government Official-representative to the PAMB whose term of office shall be co-terminus with their elected term of office in the PAMB, the member shall serve for a term of five (5) years; Provided that, he/she remains connected with the sector he/she represents.

The MVNP-PAMB shall issue the necessary guidelines for the selection and qualification of its members, and replacement process in case a vacancy occurs.

SECTION 10. Incentives for MVNP-PAMB Members

In addition to actual and necessary traveling and subsistence allowance incurred in the performance of their duties, the PAMB members may be granted honoraria and other benefits in attending PAMB or other committee meetings. These expenses may be included in the appropriation of the MVNP Trust Fund.

SECTION 11. The MVNP - Protected Area Office (MVNP-PAO)

There shall be an MVNP-PAO, to be headed by Protected Area Superintendent (PASu) who shall serve as the Chief Operating Officer of the park. The DENR shall create necessary positions for the Protected Area Office Staff.

The PASu shall have full responsibility for the protection of land, water, wildlife and other resources within MVNP. As such, he shall have the following duties and responsibilities in addition to those under existing laws and regulations:

- a. Prepare the management plan and its successor plans as herein provided
- b. Serve as a secretariat to the Protected Area Management Board (PAMB) with the duty to provide the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act.
- c. Recommend the hiring of the necessary personnel to support the operations of Mayon Volcano Natural Park (MVNP) subject to the availability of funds.
- d. Develop and implement park information, education and visitor programs.
- e. 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.
- f. Monitor all the activities within the MVNP and its buffer zones in conformity with the management plan, and
- g. Perform such other functions as the PAMB may assign.

The PASu shall be directly accountable to the PAMB and the RED. He/she shall however, provide necessary coordinative mechanisms to the CENRO and PENRO.

SECTION 12. The General Management Plan (GMP).

There shall be a MVNP General Management Plan. The GMP shall articulate the over-all strategic direction for the protection and management of the MVNP. It shall also include all site-specific management strategies and activity targets for all management zones and for other sectoral concerns of the MVNP. The GMP shall be prepared by the MVNP-PAO in close collaboration with the PAMB and other stakeholders of MVNP. The GMP shall cover a period of applicability for twenty-five (25) years, subject to periodic review every five (5) years or as the need arises.

The GMP shall be reviewed and approved by the PAMB. The GMP shall also be presented to all the Municipal/City LGUs within the MVNP and shall be indorsed by them for implementation and integration in their specific CLUPs and MDPs. All other stakeholders shall likewise be consulted in the process.

The GMP shall conform to all national environmental programs of the government, and shall be affirmed by the DENR Secretary.

SECTION 13. The Role of Local Government Units

The Provincial Government of Albay and the Municipal/City LGUs in Albay with stakes in Mayon Volcano Natural Park are hereby recognized as key partners in the protection and management of the MVNP. As such, they shall participate in the management of the MVNP through the MVNP-PAMB. The provisions of this Act shall be incorporated into the Municipal/City and Provincial plans as part of their environmental concerns and shall ensure that local ordinances pertaining to environment are consistent with this Act and the General Management Plan (GMP), as herein provided.

The Local Government Units shall also allocate not less than 3% of their local development fund to finance conservation and development projects/activities in the MVNP protected area, within the framework of the GMP and approved by the PAMB.

SECTION 14. The Role of the DENR.

The DENR shall provide the necessary coordinative and support umbrella in the management and protection of MVNP. With this, the DENR shall:

- a. initiate the institutionalization of MVNP-PAO;
- b. institute the capacity development process of the MVNP-PAMB
- c. provide personnel and funds for services and operations of the MVNP-PAO
- d. provide physical resource support to MVNP-PAO; and
- e. provide additional technical support, as may be required.

The DENR, through the RED of Region V, shall ensure that the PAMB acts within the scope of its powers and functions.

SECTION 15. Fund Management

The MVNP-PAMB shall have the sole power to decide on the use of all revenues, grants, endowments, donations and other income pertaining to MVNP. The fund shall be for the purpose of financing and sustaining projects and activities in the MVNP to attain the objectives of this Act.

Funds generated from the following sources shall be retained 100% by the MVNP-PAMB and shall be known as the MVNP-PAMB Trust Fund.

- a. Fees/contributions from facilities, institutions directly benefiting from the protected area (sewerage systems, telecommunications);
- b. Fines from industries/facilities operation inside the protected area;
- c. Contributions donations, endowments and grants from any source;
- d. Water resource use
- e. Other revenues as may be derived from the operation of the protected area;

- f. Proceeds from the confiscation, disposition of confiscated products of resources from the MVNP; and
- g. Administrative fines, penalties arising from the disposition imposed by the Act.

However, the funds derived from the following sources shall be remitted to the IPAF, pursuant to the fund-sharing guidelines under RA 7586;

- a. Fees from permitted sale of flora, fauna and other resources;
- b. Proceeds from lease of multiple use or special use areas including tourism concessions; and rents of facilities in recreation areas; and
- c. Entrance fees

In the implementation of project and activities as a consequence of these fund sources, preferential and priority attention shall be given to areas where actual extraction of resources has taken place.

Article III UTILIZATION OF RESOURCES

SECTION 16. Resource Use

No person or entity shall enter, enjoy or utilize any portion of the MVNP and the resources therein for whatever purpose without prior permission from the PAMB or the MVNP-PASu as herein provided. Tenured migrants if there is any may be allowed to cultivate, harvest and utilize resources in their designated multiple use zone, buffer zones and in other allowable zones as may be indicated in the GMP.

Bio-prospecting and other biodiversity-related researches shall be allowed only to PAMB-accredited research institutions. Stricter procedures in the conduct of such academic and commercial research activities shall be issued by the PAMB within six months from the effectivity of this Act.

The derivation and utilization of resources within the MVNP shall be governed by the MVNP-GMP and shall be allowed only for the purpose of maintaining the ecological balance and integrity of the MVNP.

SECTION 17. Utilization Permits and User's Fees.

The PAMB shall have the exclusive power to issue permits and impose conditions thereon, or impose and collect fees for the derivation and utilization of the resources within the MVNP; provide, however, that the PAMB may delegate to the PASu the authority to issue permits and to collect fees for temporary access to the MVNP, such as passage and visiting, subject to the limits as may be provided by the PAMB; provided, however, that entry into the MVNP for emergency reasons shall not be subject to the entrance or user's fees.

SECTION 18. Water User's Fees.

A water user's fee shall be collected from any water user where water is used for any of the following purposes: domestic use, industrial/commercial use, irrigation, recreation, or power generation in an amount which the MVNP-PAMB may determine after due consultation with the LGUs within the MVNP.

The MVNP-PAMB shall formulate the necessary rules and regulations for the effective implementation of this section.

SECTION 19. Energy and Non-renewable Resources

Any exploration, exploitation or utilization of non-renewable resources, such as minerals and fossil fuel such as oil, coal and natural gas within MVNP shall not be allowed. Energy projects shall be allowed only through an Act of Congress, except from sun and wind sources.

SECTION 20. Environmental Impact Assessment

Any development activity within the MVNP, being Environmentally Critical Area (ECA) shall be required to undergo the Environmental Impact Assessment (EIA) system pursuant to PD 1586. The PAMB shall determine the developmental activities that would require ECC in consultation with the concerned agency.

Article IV TENURED MIGRANTS

SECTION 21. The Rights of the Tenured Migrants

The rights of the Tenured Migrants if there be any shall covered by an appropriate tenorial instruments issued by the DENR. Such tenorial instrument shall be issued to organized tenured migrant communities.

Article V PROHIBITED ACTS AND PENALTIES

SECTION 22. The following are the prohibited acts and their corresponding penalties.

1. Hunting, Collecting, Catching, Gathering, Capturing, Wounding, Killing, Destroying or possessing anywhere within the MVNP or its Buffer Zones any species of plants and animals or their by-product or derivatives, or transporting of these plants and animal species without prior approval of the PAMB. The offender shall be penalized with a fine of not less than Five Thousand (Php. 5,000.00) Pesos but not more than Five Hundred Thousand (PHP. 500,000.00) Pesos and imprisonment of not less than six

(6) years and one (1) day, but not more than twelve (12) years and forfeiture of all resources, equipment and conveyances used for violating this Section. The PAMB shall also impose an administrative fine based on the market value of the resources, plus ten times the market value of the resources as environmental damages, and forfeiture of all resources, equipment and conveyances used for violating this Section.

2. Bio-prospecting without obtaining prior PAMB clearance and FPIC, and the appropriate DENR permit. Penalty shall be six (6) months and one (1) day to six (6) years of imprisonment, and fine of Two Hundred Thousand (Php. 200,000.00) Pesos to One Million (Php. 1,000,000.00) Pesos and forfeiture of the resources subject of the offense, together with the equipment and conveyance used. The PAMB shall also impose an administrative fine of Five Hundred Thousand (Php. 500,000.00) Pesos to Two Million (Php. 2,000,000.00) Pesos and forfeiture of all resources, equipment and conveyances used for violating this Section. Violation of the terms and conditions of any existing permits granted to institutions or individuals shall constitute the commission of this offense. In addition to the penalties herein provided, any permits granted to the offender shall be automatically cancelled.
3. Acts of Vandalism, such as mutilating, transporting, destroying, excavating or in any manner damaging any natural formation or object of natural beauty inside the MVNP. This shall also include the removal, destruction and alteration of boundary markers and signs. Fine of not less than Twenty Five Thousand (Php. 25,000.00) but not more than Five Hundred Thousand (Php. 500,000.00) Pesos, and/or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years and the restoration and rehabilitation of the damaged area. The PAMB shall also separately impose on the offender, a fine equivalent to the value of rehabilitating or restoring the damaged area.
4. Burning, Clearing, kaingin within the MVNP or its Buffer Zones. Judicial fine of not less than ten times the value of the burned or cleared areas and imprisonment of one (1) year and one (1) day but not more than Six (6) years. The PAMB shall also separately impose on the offender, an administrative fine equivalent to the value of rehabilitating or restoring the damaged area.
5. The unreasonable Disturbance of Wildlife and other Habitats, Reproductive Cycles, Roosting and Feeding Grounds and Migratory Paths. Judicial fines and penalties shall be in accordance with the provision of Wildlife Act. The PAMB shall also impose an administrative fine of not less than Ten Thousand (Php. 10,000.00) Pesos but not more than Fifty Thousand (Php. 50,000.00) Pesos.

6. Exploration, Exploitation or Extracting, Drilling, or prospecting for mineral resources, treasure hunting, or quarrying within the MVNP or its Buffer Zones. Judicial fine of not less than Five Hundred Thousand (Php.500, 000.00) Pesos, but not more than Five Million (Php. 5,000,000.00) and/or imprisonment of not less than six (6) months and one (1) day but not more than Six (6) years, and the restoration and rehabilitation of the damaged area, together with the confiscation of equipment, tools, vehicles and resources. The PAMB shall also separately impose on the offender, a fine equivalent to the value of rehabilitating or restoring the damaged area.
7. Possession or use of chainsaw, power saw and other motorized equipment anywhere within the MVNP or its buffer zones without prior permit from the PAMB. Imprisonment of six (6) years and one (1) day to eight (8) years or a fine of thirty thousand (Php.30, 000.00) Pesos to Fifty (Php.50, 000.00) Pesos shall be imposed to the offender in violation of this Section. The PAMB shall also confiscate the Chainsaw, power saw or other motorized equipment.
8. Introduction of Exotic Species within MVNP. Fine of not less than Five (Php.5, 000.00) Pesos, but not more than Five Hundred Thousand (Php.500, 000.00) Pesos and/or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years. The PAMB shall also confiscate the exotic species of fauna and flora. Should the court or the PAMB determine that these species are detrimental to the integrity of MVNP, they shall order the appropriate disposition of the same.
9. Construction or maintaining any kind of road, edifice, or any kind of enclosure, structure, facility or any infrastructure projects, or operating business enterprise, within MVNP without prior permit from the PAMB. Fine of not less than Five Hundred Thousand (Php.500, 000.00) Pesos, but not more than Five Million (Php. 5,000,000.00) and/or imprisonment of not less than six (6) months and one (1) day but not more than Six (6) years, and demolition of the improvements which may be detrimental to the integrity of the MVNP shall be imposed. The court shall forfeit in favor of the PAMB all improvements, equipments and conveyances used in violation of this Section.
10. Unauthorized entry except in emergency situations. The PAMB shall impose an administrative fine of One thousand (Php.1, 000.00) pesos to thirty thousand (Php.30, 000.00) pesos as herein provided.

11. Unauthorized occupation or cultivation of areas without PAMB permit.
The PAMB shall impose an administrative fine of ten thousand (Php.10, 000.00) Pesos to Seven hundred thousand (Php.700, 000.00) pesos together with the forfeiture of all improvements, which may be detrimental to the integrity of the MVNP.
12. Dumping of Waste and littering within MVNP and its buffer Zones.
Dumping of waste shall be punishable by imprisonment of six (6) months and one (1) day but not more than six (6) years and a fine of five thousand (Php.5, 000.00) to two hundred fifty thousand (Php.250, 000.00) pesos. The violator shall also order to clean up the waste and pay for the clean up thereof.
13. For violation of any rules and regulations provided in the GMP or any resolutions approved by the PAMB, an administrative fine of not less than five thousand (Php.5, 000.00) pesos but not more than fifty thousand (Php.50, 000.00) pesos shall be imposed.

In all the above-mentioned provisions, should the offender be an association or corporation, the officers shall be directly responsible for the act of the employees and shall suffer the corresponding fines and penalties as herein provided. In case the offender is not a citizen of the Philippines, he or she shall be immediately deported to his or her country of origin after serving his sentence and upon payment of all criminal and administrative fines. For cases involving foreigners, no plea-bargaining shall be allowed without the concurrence of the PAMB, the DENR and any such person who have initiated the filing of the case as complainant.

SECTION 23. Rules and Regulations.

The PAMB shall promulgate within three (3) months from the passage of this Act, the appropriate rules and regulations.

SECTION 24. Fines and Forfeitures

All criminal fines and forfeitures that may be imposed by the Courts, and the administrative fines and forfeitures that may be imposed by the PAMB under this Act, shall be given to the PAMB and shall form part of the funds and assets of the MVNP.

Article VI
LAW ENFORCEMENT AND PROSECUTION

SECTION 25. Law Enforcement.

The DENR shall implement the provisions of this law and has the power to call upon other agencies for assistance.

The DENR upon the recommendation of the PAMB shall deputize any group or persons in writing to enforce the provisions of this Act. Such deputation shall be in writing and signed by the DENR Secretary or the RED to be valid and effective.

SECTION 26. Inspection Powers.

The PASu and Law enforcers shall have the power to stop, board, search and inspect all vehicles and conveyances within MVNP for the purpose of enforcing the provisions of this Act, other laws, rules and regulations.

The PAMB, PASu and other authorized law enforcers may enter premises or areas subject of a lease, permit or concession from the PAMB or DENR for monitoring of compliance with environmental laws, rules and regulations. Any hindrance made to these inspections shall be considered a violation of these rules and shall subject the offender to the immediate closure of his enterprise pending full inspection as may be warranted.

SECTION 27. Special Prosecutors and Counsels.

The department of Justice, upon recommendation of the PAMB shall designate special prosecutor, either or both from among state and public prosecutors to do the preliminary investigation and prosecute violations of this Act, other laws, rules and regulations within the MVNP. Such special prosecutor shall coordinate with PAMB, PASu and Staff of MVNP-PAO in the performance of his/her duties and assist in the training of Forest Rangers in arrest and criminal procedures. The PAMB shall periodically submit an evaluation of the performance of the designated special prosecutor to the DOJ.

The PAMB may retain the services of a competent lawyer to prosecute and/or assist in the prosecution of cases under the direct control or supervision of the special prosecutor and to defend the members of the PAMB, PASu, Staff of the MVNP-PAO, or persons assisting in the protection, conservation and development of the MVNP, against any legal action related to the powers, functions and responsibilities as provided in this Act. Or as delegated or tasked by the PAMB.

Section 28. Citizen Suit

For purposes of enforcing the provision of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a. Any person who violates or fail to comply with the provision of this Act its implementing rules and regulations, or
- b. Those mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act, and/or
- c. Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations, or abuses his authority in the performance of this duty or in any manner improperly performs his duties under this Act or its implementing rules and regulations. Provided, however, that no suit can be filed until after thirty (30) days notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees, and statements, likewise, upon prima facie showing of the non-enforcement or violation complained of exempt the plaintiff from filing an injunction bond for the issuance of preliminary injunctions.

In the event that the citizen's suit should prevail, the court shall award reasonable attorney's fees, moral damages and litigation costs to the plaintiff.

SECTION 29. Suits and Strategic Legal Action against Public Participation (SLAPP) and the Enforcement of this Act.

Where a suit is brought against a person who filed an action as provided in Section 27 and 28 of this Act, or against any person, institution or government agency implementing this Act, it shall be the duty of the investigating prosecutor or the Court, as the case maybe, to make a determination within a period of (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal resource of the person complained of in enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the Court, as the case may be, shall dismiss the complaint.

In addition, the person who has brought the suit to harass, vex, exert undue pressure or stifle such legal recourse shall be liable for the payment of attorney's fees and damages in favor of the respondent.

This provision shall apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

Article VII TRANSITORY PROVISIONS

SECTION 30. Selection and Appointment of the New MVNP-PAMB Members-Representatives

The MVNP-PAMB existing and functioning as such prior to the effectivity of this Act (otherwise known as the "Proclamation PAMB"), shall continue to dispose of its powers and functions until the regular Mayon Volcano Natural Park Management Board ("MVNPMB") has been constituted in accordance with the provisions of this Act.

Within one (1) month from the effectivity of this Act, the existing MVNP-PAMB shall draw up the guidelines, in consultation with the agencies and sectors to be represented in the MVNPMB, for the selection of its representatives.

Within three (3) months from the effectivity of this Act, the members of the MVNPMB which shall be constituted in accordance with this Act, and shall have been appointed by the Secretary of the DENR.

SECTION 31. Continuation of the MVNP-Protected Area Office.

The present PAO shall continue to exist and function as such, subject to institutionalization in accordance with Section 11 hereof. Within three (3) months after the appointment of all its members, the MVNPMB, upon recommendation of the PAO, shall finalize an institutionalization plan for the PAO, and the criteria for selection of personnel to fill-up the items. Within two (2) months thereafter, a PASu shall be recommended by the MVNPMB and appointed by the RED.

Section 32. Continuation of all other Arrangements.

Except when otherwise provided by this Act, all arrangements, commitments and agreements prior to the effectivity of this Act shall continue to subsist until validity amended, revised, repealed or renewed or upon end of its term.

Article VIII
GENERAL PROVISIONS

SECTION 33. Allocation.

For the purpose of this Act, there is hereby appropriated the amount of **Twenty Million (Php.20,000,000.00)** pesos every year for the first five (5) years from the effectivity of this Act. After the said five years, the internally generated revenues from the MVNP shall support the operations for the MVNP, without prejudice to any additional appropriation in the General Appropriations Act, as Congress may deem appropriate.

The Budget of the MVNP-PAMB and the MVNP-PAO shall be included in the budget of the DENR beginning the fiscal year immediately following the effectivity of this Act until such time that the revenues derived from the MVNP shall have been sufficient to cover the same.

SECTION 34. Construction and Suppletory Application of Existing Laws.

The provision of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. Provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992, existing forestry and environmental laws, and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SECTION 35. Separability Clause.

If any part or section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or section hereof.

SECTION 36. Repealing Clause.

All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SECTION 37. Effectivity Clause.

This Act shall take effect immediately after its complete publication in a newspaper of general circulation.

APPROVED