

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2900



Introduced by
REP. LAWRENCE LEMUEL H. FORTUN

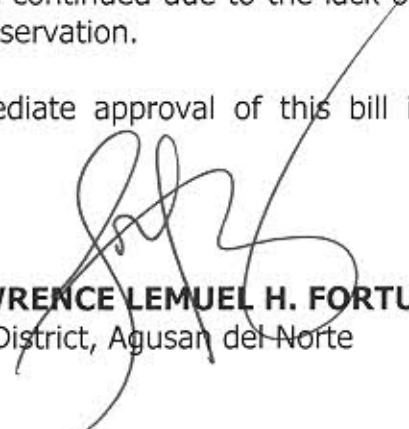
EXPLANATORY NOTE

This bill seeks to conserve and protect the unique biodiversity resources of Mt. Mayapay, a prominent natural landmark in the Caraga Region. It is a magnificent mountain located east of Butuan City, considered the range's highest peak with an elevation of 2,214 feet above sea level, with a plateau formation that is the predominant feature of the city's backdrop. The mountain provides a panoramic view of the City of Butuan, and the surrounding areas of the Provinces of Agusan del Norte and Agusan del Sur, the City of Gingoog, the Butuan Bay, the Mindanao Sea, the Camiguin Island, the coastlines of the Provinces of Surigao del Norte and Bohol.

Mt. Mayapay, along with its peripheral areas, was a vital watershed in the environs of Butuan City and the Municipality of Buenavista, Agusan del Norte until it was abused by loggers and poachers. At present, the ecosystem of Mt Mayapay has been invaded, assaulted and is now highly endangered, threatening to extinction whatever few remaining endemic flora and fauna thriving in the area. Moreover, experts have expressed alarm that if nothing is done to arrest its continuous degradation, landslides that may claim thousands of lives are not remote given the fact that the mountain lies along the fault line.

The people of City of Butuan and the Province of Agusan del Norte have come together and strongly voiced their concerns on the sad state of Mt. Mayapay and the real threat of a forthcoming destruction of lives and properties should its devastation continue. Various sectors have taken initiatives calling for the protection and conservation of this glorious mountain. However, activities contributing to its further deterioration have continued due to the lack of a law that ensures its protection, rehabilitation and conservation.

In view of the foregoing, the immediate approval of this bill is earnestly sought.


REP. LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte

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

SIXTEENTH CONGRESS
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HOUSE BILL NO. 2900

Introduced by REP. LAWRENCE LEMUEL H. FORTUN

AN ACT
ESTABLISHING THE MT. MAYAPAY NATURAL PARK (MMNP) SITUATED IN
THE CITY OF BUTUAN AND THE MUNICIPALITY OF BUENAVISTA, AGUSAN
DEL NORTE, AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT
PURSUANT TO LAW, AND FOR OTHER PURPOSES

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

CHAPTER I

POLICIES AND OBJECTIVES

1 **SECTION 1. Title.** This act shall be known as the Mt. Mayapay Natural Park Act of
2 2013.

3 **SECTION 2. Declaration of Policy.** In recognition of the richness of the biological
4 resources, both flora and fauna, found in and unique to Mt. Mayapay, as well as the
5 mountain's aesthetic and ecological importance, it is hereby declared the policy of
6 the State to ensure the conservation, protection and management of Mt. Mayapay,
7 its environment, the communities therein, their culture and way of life, in accord
8 with the rhythm and harmony of nature.

9 The conservation and protection of biological and physical diversities to
10 sustain human, plant and animal life in Mt. Mayapay shall be pursued through
11 sustainable and participatory management among the national government, through
12 the Department Environment and Natural Resources (DENR), the local government
13 units (LGUs), nongovernmental organizations (NGOs), people's organizations (POs),
14 indigenous peoples (IPs) and other stakeholders in the area.

15 **SECTION 3. Declaration as Protected Area.** – In accordance with Republic Act

16 No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS
17 Act), Mt. Mayapay is hereby declared a protected area under the category of a
18 natural park and shall be known as the "Mt. Mayapay Natural Park".

19 **SECTION 4. Scope and Coverage.** Subject to the provisions of the Presidential
20 Proclamation issued by President Manuel L. Quezon declaring a Military Reservation
21 Consisting of **TWO THOUSAND ONE HUNDRED THIRTY-NINE (2,139)**
22 **HECTARES**, more or less in the area, the Mt. Mayapay Natural Park Protected Area
23 shall cover parcels of land located in the City of Butuan and the Municipality of
24 Buenavista in the Province of Agusan del Norte, which contains an aggregate area of
25 **FIFTEEN THOUSAND FIVE HUNDRED TWENTY-EIGHT (15,528)** hectares and
26 a core protected zone area of **EIGHT THOUSAND FOUR HUNDRED FIFTY SIX**
27 **(8,456) HECTARES**, more or less.

28 Beginning at a point marked "1" on the map, which is located in the Province
29 of Agusan Del Norte at $08^{\circ} 48' 16.27''$ N, $126^{\circ} 34' 14.93''$ E, thus:

thence	N	81	°	41.96	1	W	,	2,829.99	m	to point	2	;
thence	N	32	°	42.42	1	W	,	157.52	m	to point	3	;
thence	N	83	°	7.33	1	W	,	711.21	m	to point	4	;
thence	N	87	°	49.75	1	W	,	636.88	m	to point	5	;
thence	N	34	°	4.96	1	W	,	269.45	m	to point	6	;
thence	N	58	°	55.99	1	W	,	363.89	m	to point	7	;
thence	S	46	°	44.20	1	W	,	216.30	m	to point	8	;
thence	S	56	°	12.71	1	W	,	303.53	m	to point	9	;
thence	N	59	°	29.27	1	W	,	126.49	m	to point	10	;
thence	S	50	°	11.04	1	W	,	177.71	m	to point	11	;
thence	N	53	°	0.75	1	W	,	284.92	m	to point	12	;
thence	N	46	°	25.25	1	W	,	128.31	m	to point	13	;
thence	N	82	°	13.98	1	W	,	184.92	m	to point	14	;
thence	S	37	°	38.39	1	W	,	422.96	m	to point	15	;
thence	S	72	°	30.98	1	W	,	324.42	m	to point	16	;
thence	S	35	°	4.84	1	W	,	84.23	m	to point	17	;
thence	N	72	°	17.47	1	W	,	3,478.82	m	to point	18	;
thence	N	59	°	9.19	1	W	,	1,338.67	m	to point	19	;
thence	N	67	°	26.04	1	W	,	2,136.46	m	to point	20	;
thence	S	61	°	28.07	1	W	,	2,763.81	m	to point	21	;
thence	S	84	°	7.44	1	W	,	3,004.67	m	to point	22	;
thence	N	39	°	33.93	1	W	,	2,971.66	m	to point	23	;
thence	N	29	°	1.55	1	W	,	119.59	m	to point	24	;
thence	N	37	°	41.65	1	E	,	177.89	m	to point	25	;
thence	N	26	°	33.90	1	W	,	128.76	m	to point	26	;
thence	S	61	°	15.60	1	W	,	226.21	m	to point	27	;
thence	S	76	°	42.08	1	W	,	361.60	m	to point	28	;
thence	N	14	°	41.11	1	E	,	959.08	m	to point	29	;
thence	S	85	°	30.91	1	E	,	327.31	m	to point	30	;
thence	S	7	°	56.61	1	E	,	277.79	m	to point	31	;
thence	N	83	°	0.09	1	E	,	572.66	m	to point	32	;
thence	S	83	°	54.33	1	E	,	2,235.93	m	to point	33	;
thence	N	3	°	49.80	1	E	,	480.72	m	to point	34	;
thence	N	53	°	26.64	1	E	,	473.97	m	to point	35	;

thence	N	56	°	37.19	I	E	,	406.84	m	to point	36	;
thence	N	35	°	25.17	I	E	,	607.43	m	to point	37	;
thence	N	62	°	48.19	I	E	,	737.84	m	to point	38	;
thence	N	11	°	6.38	I	W	,	364.65	m	to point	39	;
thence	N	21	°	4.39	I	E	,	217.91	m	to point	40	;
thence	N	47	°	12.52	I	E	,	341.37	m	to point	41	;
thence	N	12	°	36.05	I	W	,	224.51	m	to point	42	;
thence	N	21	°	53.76	I	E	,	327.26	m	to point	43	;
thence	S	79	°	36.48	I	E	,	208.48	m	to point	44	;
thence	N	43	°	30.11	I	E	,	208.00	m	to point	45	;
thence	N	29	°	47.78	I	E	,	152.18	m	to point	46	;
thence	N	76	°	30.96	I	W	,	166.29	m	to point	47	;
thence	N	84	°	57.99	I	W	,	227.72	m	to point	48	;
thence	N	75	°	14.73	I	W	,	334.48	m	to point	49	;
thence	N	21	°	29.55	I	W	,	345.16	m	to point	50	;
thence	N	38	°	40.08	I	W	,	426.74	m	to point	51	;
thence	N	37	°	3.90	I	W	,	292.67	m	to point	52	;
thence	N	62	°	54.51	I	E	,	213.63	m	to point	53	;
thence	N	47	°	46.32	I	E	,	245.10	m	to point	54	;
thence	N	13	°	14.63	I	E	,	338.36	m	to point	55	;
thence	N	5	°	37.92	I	E	,	308.07	m	to point	56	;
thence	N	7	°	41.10	I	W	,	344.26	m	to point	57	;
thence	N	42	°	39.38	I	W	,	354.29	m	to point	58	;
thence	N	11	°	19.25	I	E	,	309.94	m	to point	59	;
thence	N	11	°	16.26	I	E	,	311.24	m	to point	60	;
thence	N	67	°	47.99	I	W	,	309.25	m	to point	61	;
thence	S	80	°	18.74	I	W	,	310.44	m	to point	62	;
thence	S	54	°	0.68	I	W	,	271.53	m	to point	63	;
thence	S	36	°	23.62	I	W	,	204.98	m	to point	64	;
thence	N	87	°	14.54	I	W	,	230.88	m	to point	65	;
thence	N	24	°	50.04	I	E	,	183.44	m	to point	66	;
thence	N	27	°	50.68	I	W	,	298.42	m	to point	67	;
thence	N	21	°	37.00	I	E	,	278.87	m	to point	68	;
thence	N	62	°	39.29	I	W	,	217.66	m	to point	69	;
thence	N	39	°	13.12	I	W	,	238.95	m	to point	70	;
thence	N	54	°	26.96	I	E	,	174.20	m	to point	71	;
thence	N	84	°	9.85	I	E	,	325.54	m	to point	72	;
thence	N	54	°	19.34	I	E	,	336.41	m	to point	73	;
thence	S	86	°	7.99	I	E	,	279.71	m	to point	74	;
thence	N	11	°	10.82	I	W	,	116.81	m	to point	75	;
thence	N	62	°	6.34	I	W	,	312.35	m	to point	76	;
thence	N	27	°	13.40	I	E	,	221.37	m	to point	77	;
thence	N	25	°	58.92	I	W	,	156.07	m	to point	78	;
thence	S	35	°	1.22	I	W	,	274.32	m	to point	79	;
thence	S	88	°	16.85	I	W	,	377.42	m	to point	80	;
thence	N	40	°	22.17	I	W	,	335.22	m	to point	81	;
thence	S	53	°	0.84	I	W	,	212.62	m	to point	82	;
thence	N	55	°	12.68	I	W	,	264.75	m	to point	83	;
thence	N	56	°	50.24	I	W	,	116.96	m	to point	84	;
thence	N	0	°	30.31	I	E	,	1,118.54	m	to point	85	;
thence	N	0	°	27.34	I	W	,	232.91	m	to point	86	;
thence	S	82	°	25.10	I	E	,	327.75	m	to point	87	;
thence	S	37	°	52.40	I	E	,	349.22	m	to point	88	;
thence	S	89	°	16.04	I	E	,	572.28	m	to point	89	;
thence	N	87	°	46.44	I	E	,	538.23	m	to point	90	;
thence	N	33	°	25.54	I	E	,	215.98	m	to point	91	;
thence	S	68	°	39.20	I	E	,	162.63	m	to point	92	;
thence	N	87	°	12.13	I	E	,	1,743.06	m	to point	93	;
thence	N	68	°	1.22	I	E	,	218.82	m	to point	94	;
thence	S	67	°	22.42	I	E	,	253.67	m	to point	95	;
thence	N	39	°	34.53	I	E	,	210.75	m	to point	96	;
thence	N	3	°	26.61	I	E	,	537.85	m	to point	97	;
thence	S	79	°	26.81	I	E	,	616.60	m	to point	98	;
thence	S	79	°	13.04	I	E	,	173.73	m	to point	99	;
thence	S	70	°	10.41	I	E	,	1,050.00	m	to point	100	;
thence	S	21	°	47.56	I	E	,	1,158.45	m	to point	101	;
thence	N	17	°	5.96	I	E	,	223.43	m	to point	102	;
thence	N	53	°	44.98	I	E	,	644.57	m	to point	103	;
thence	N	48	°	23.79	I	E	,	862.80	m	to point	104	;

thence	S	78	°	30.99	I	E	,	547.14	m	to point	105	;
thence	S	55	°	18.82	I	E	,	193.34	m	to point	106	;
thence	S	52	°	16.05	I	E	,	348.83	m	to point	107	;
thence	S	7	°	2.17	I	W	,	383.30	m	to point	108	;
thence	S	75	°	1.02	I	E	,	234.63	m	to point	109	;
thence	S	43	°	15.07	I	E	,	318.99	m	to point	110	;
thence	S	10	°	40.32	I	W	,	273.07	m	to point	111	;
thence	S	76	°	57.54	I	E	,	240.64	m	to point	112	;
thence	S	33	°	39.50	I	E	,	334.18	m	to point	113	;
thence	S	75	°	22.82	I	E	,	214.53	m	to point	114	;
thence	S	35	°	44.95	I	W	,	273.75	m	to point	115	;
thence	S	61	°	29.33	I	E	,	238.82	m	to point	116	;
thence	S	79	°	20.43	I	E	,	418.10	m	to point	117	;
thence	S	56	°	8.30	I	E	,	127.41	m	to point	118	;
thence	S	84	°	55.96	I	E	,	365.46	m	to point	119	;
thence	S	59	°	52.33	I	E	,	595.78	m	to point	120	;
thence	S	54	°	33.94	I	E	,	469.06	m	to point	121	;
thence	S	13	°	54.24	I	W	,	267.89	m	to point	122	;
thence	S	74	°	21.15	I	E	,	424.58	m	to point	123	;
thence	S	37	°	29.57	I	E	,	319.25	m	to point	124	;
thence	S	60	°	39.65	I	E	,	202.39	m	to point	125	;
thence	S	60	°	7.64	I	E	,	268.97	m	to point	126	;
thence	S	56	°	10.25	I	E	,	228.25	m	to point	127	;
thence	S	76	°	33.58	I	E	,	154.14	m	to point	128	;
thence	S	2	°	31.90	I	W	,	291.40	m	to point	129	;
thence	S	44	°	33.90	I	W	,	678.95	m	to point	130	;
thence	S	38	°	10.08	I	W	,	353.48	m	to point	131	;
thence	S	37	°	57.71	I	W	,	409.90	m	to point	132	;
thence	N	64	°	1.65	I	E	,	506.61	m	to point	133	;
thence	N	66	°	40.99	I	E	,	358.48	m	to point	134	;
thence	S	58	°	5.68	I	E	,	192.82	m	to point	135	;
thence	S	34	°	7.17	I	E	,	268.37	m	to point	136	;
thence	S	22	°	46.02	I	E	,	171.72	m	to point	137	;
thence	S	59	°	48.45	I	E	,	222.06	m	to point	138	;
thence	S	46	°	19.34	I	W	,	1,304.80	m	to point	139	;
thence	S	79	°	8.08	I	W	,	354.80	m	to point	140	;
thence	S	67	°	43.67	I	W	,	329.84	m	to point	141	;
thence	S	27	°	19.24	I	E	,	149.44	m	to point	142	;
thence	N	81	°	48.17	I	E	,	302.16	m	to point	143	;
thence	S	19	°	14.48	I	W	,	154.96	m	to point	144	;
thence	S	62	°	3.71	I	W	,	230.39	m	to point	145	;
thence	S	13	°	44.67	I	E	,	236.79	m	to point	146	;
thence	S	2	°	26.52	I	W	,	278.64	m	to point	147	;
thence	S	34	°	28.06	I	E	,	85.64	m	to point	148	;
thence	S	39	°	27.69	I	E	,	96.21	m	to point	149	;
thence	S	87	°	45.43	I	E	,	298.91	m	to point	150	;
thence	S	45	°	9.90	I	E	,	258.14	m	to point	151	;
thence	S	13	°	52.98	I	W	,	149.12	m	to point	152	;
thence	S	7	°	9.44	I	W	,	342.79	m	to point	153	;
thence	S	33	°	56.65	I	E	,	234.36	m	to point	154	;
thence	S	28	°	40.78	I	W	,	286.12	m	to point	155	;
thence	S	32	°	46.50	I	W	,	245.47	m	to point	156	;
thence	S	80	°	12.14	I	W	,	264.63	m	to point	157	;
thence	S	79	°	31.38	I	W	,	492.67	m	to point	158	;
thence	N	80	°	32.14	I	W	,	239.95	m	to point	159	;
thence	N	71	°	8.82	I	W	,	222.31	m	to point	160	;
thence	N	77	°	35.96	I	W	,	503.48	m	to point	161	;
thence	N	27	°	55.91	I	E	,	224.37	m	to point	162	;
thence	N	42	°	4.77	I	E	,	319.35	m	to point	163	;
thence	N	1	°	1.82	I	E	,	182.52	m	to point	164	;
thence	N	74	°	15.13	I	E	,	159.57	m	to point	165	;
thence	N	28	°	42.11	I	E	,	242.23	m	to point	166	;
thence	S	85	°	49.56	I	W	,	204.39	m	to point	167	;
thence	S	82	°	32.78	I	W	,	213.16	m	to point	168	;
thence	S	71	°	22.48	I	W	,	180.66	m	to point	169	;
thence	N	48	°	51.83	I	W	,	230.35	m	to point	170	;
thence	N	14	°	0.27	I	W	,	265.96	m	to point	171	;
thence	S	60	°	59.15	I	W	,	99.31	m	to point	172	;
thence	S	0	°	6.70	I	E	,	368.37	m	to point	173	;

thence	N	56	°	34.55	I	W	,	305.85	m	to point	174	;
thence	N	44	°	47.85	I	W	,	309.50	m	to point	175	;
thence	N	88	°	1.52	I	W	,	373.64	m	to point	176	;
thence	N	42	°	51.81	I	W	,	468.70	m	to point	177	;
thence	N	35	°	48.41	I	W	,	188.74	m	to point	178	;
thence	S	88	°	15.47	I	W	,	261.46	m	to point	179	;
thence	N	82	°	33.15	I	W	,	141.31	m	to point	180	;
thence	N	80	°	11.03	I	W	,	244.33	m	to point	181	;
thence	N	78	°	4.05	I	W	,	137.99	m	to point	182	;
thence	S	53	°	40.18	I	W	,	245.79	m	to point	183	;
thence	S	42	°	51.14	I	W	,	238.75	m	to point	184	;
thence	S	50	°	49.04	I	W	,	194.60	m	to point	185	;
thence	S	6	°	37.57	I	W	,	158.75	m	to point	186	;
thence	S	11	°	47.98	I	W	,	291.04	m	to point	187	;
thence	S	1	°	24.93	I	W	,	231.60	m	to point	188	;
thence	S	12	°	31.79	I	W	,	238.40	m	to point	189	;
thence	S	7	°	27.05	I	W	,	230.98	m	to point	190	;
thence	S	7	°	49.57	I	W	,	326.11	m	to point	191	;
thence	S	27	°	18.82	I	W	,	363.03	m	to point	192	;
thence	N	82	°	13.29	I	E	,	238.06	m	to point	193	;
thence	N	85	°	2.93	I	E	,	211.11	m	to point	194	;
thence	S	87	°	11.58	I	E	,	252.65	m	to point	195	;
thence	N	88	°	37.94	I	E	,	296.00	m	to point	196	;
thence	N	88	°	38.98	I	E	,	249.00	m	to point	197	;
thence	N	88	°	37.65	I	E	,	243.49	m	to point	198	;
thence	N	88	°	39.01	I	E	,	262.43	m	to point	199	;
thence	N	88	°	37.85	I	E	,	257.36	m	to point	200	;
thence	N	88	°	37.84	I	E	,	250.98	m	to point	201	;
thence	N	88	°	37.61	I	E	,	250.10	m	to point	202	;
thence	N	89	°	51.08	I	E	,	241.59	m	to point	203	;
thence	N	89	°	3.59	I	E	,	274.18	m	to point	204	;
thence	N	89	°	4.54	I	E	,	258.88	m	to point	205	;
thence	N	89	°	3.37	I	E	,	249.97	m	to point	206	;
thence	N	89	°	3.18	I	E	,	248.76	m	to point	207	;
thence	N	89	°	4.45	I	E	,	270.44	m	to point	208	;
thence	S	64	°	51.72	I	E	,	136.36	m	to point	209	;
thence	S	71	°	16.27	I	E	,	132.80	m	to point	210	;
thence	S	53	°	40.22	I	E	,	214.88	m	to point	211	;
thence	N	76	°	18.11	I	E	,	190.81	m	to point	212	;
thence	S	45	°	24.72	I	W	,	112.69	m	to point	213	;
thence	S	63	°	38.15	I	E	,	88.99	m	to point	214	;
thence	S	77	°	59.53	I	E	,	96.92	m	to point	215	;
thence	N	67	°	14.89	I	E	,	102.95	m	to point	216	;
thence	S	7	°	16.81	I	E	,	128.40	m	to point	217	;
thence	S	2	°	3.88	I	W	,	192.94	m	to point	218	;
thence	S	16	°	11.67	I	E	,	194.36	m	to point	219	;
thence	S	58	°	50.40	I	W	,	116.57	m	to point	220	;
thence	N	70	°	24.75	I	W	,	167.47	m	to point	221	;
thence	S	53	°	15.68	I	W	,	135.16	m	to point	222	;
thence	N	72	°	54.53	I	W	,	288.49	m	to point	223	;
thence	S	59	°	13.05	I	W	,	210.17	m	to point	224	;
thence	S	4	°	52.32	I	W	,	150.13	m	to point	225	;
thence	S	85	°	25.52	I	W	,	139.39	m	to point	226	;
thence	S	29	°	55.39	I	E	,	163.43	m	to point	227	;
thence	S	49	°	14.20	I	W	,	159.37	m	to point	228	;
thence	N	86	°	58.60	I	W	,	167.49	m	to point	229	;
thence	S	35	°	31.59	I	E	,	159.67	m	to point	230	;
thence	S	41	°	47.27	I	E	,	247.98	m	to point	231	;
thence	N	1	°	44.01	I	W	,	98.29	m	to point	232	;
thence	N	59	°	4.44	I	E	,	114.76	m	to point	233	;
thence	N	0	°	24.66	I	E	,	158.25	m	to point	234	;
thence	N	33	°	14.72	I	E	,	149.64	m	to point	235	;
thence	N	85	°	28.60	I	E	,	122.71	m	to point	236	;
thence	N	8	°	51.50	I	E	,	104.82	m	to point	237	;
thence	N	69	°	6.92	I	E	,	93.54	m	to point	238	;
thence	N	79	°	59.97	I	E	,	153.72	m	to point	239	;
thence	S	57	°	31.51	I	E	,	215.55	m	to point	240	;
thence	S	0	°	33.75	I	E	,	179.81	m	to point	241	;
thence	N	56	°	24.73	I	E	,	156.01	m	to point	242	;

thence	N	37	°	10.78	'	E	,	158.87	m	to point	243	;
thence	N	37	°	48.48	'	E	,	175.15	m	to point	244	;
thence	N	9	°	39.14	'	E	,	186.88	m	to point	245	;
thence	N	2	°	23.51	'	E	,	172.49	m	to point	246	;
thence	N	7	°	51.18	'	E	,	174.31	m	to point	247	;
thence	N	36	°	29.44	'	E	,	130.03	m	to point	248	;
thence	N	81	°	14.86	'	E	,	187.90	m	to point	249	;
thence	N	42	°	57.67	'	E	,	95.56	m	to point	250	;
thence	S	86	°	6.46	'	E	,	75.61	m	to point	251	;
thence	S	54	°	36.11	'	E	,	443.55	m	to point	252	;
thence	S	69	°	15.36	'	E	,	255.36	m	to point	253	;
thence	S	54	°	34.43	'	E	,	204.42	m	to point	254	;
thence	N	62	°	1.51	'	E	,	201.92	m	to point	255	;
thence	S	84	°	29.10	'	E	,	192.54	m	to point	256	;
thence	N	87	°	43.84	'	E	,	219.37	m	to point	257	;
thence	N	11	°	0.72	'	W	,	182.73	m	to point	258	;
thence	N	2	°	12.09	'	W	,	243.79	m	to point	259	;
thence	S	85	°	31.90	'	E	,	203.81	m	to point	260	;
thence	N	0	°	29.81	'	W	,	297.33	m	to point	261	;
thence	N	3	°	20.90	'	E	,	84.39	m	to point	262	;
thence	N	78	°	33.68	'	E	,	189.41	m	to point	263	;
thence	N	2	°	37.87	'	W	,	177.41	m	to point	264	;
thence	N	2	°	47.39	'	E	,	212.23	m	to point	265	;
thence	N	76	°	57.24	'	E	,	468.25	m	to point	266	;
thence	N	48	°	1.35	'	E	,	310.93	m	to point	267	;
thence	S	86	°	55.40	'	E	,	1,565.03	m	to point	268	;
thence	S	58	°	25.84	'	E	,	605.36	m	to point	269	;
thence	S	59	°	47.59	'	E	,	554.74	m	to point	270	;
thence	S	15	°	16.14	'	E	,	1,897.53	m	to point	271	;
thence	S	66	°	58.32	'	W	,	613.94	m	to point	272	;
thence	S	6	°	3.99	'	E	,	213.84	m	to point	273	;
thence	S	36	°	23.47	'	E	,	225.68	m	to point	274	;
thence	S	9	°	32.04	'	E	,	230.78	m	to point	275	;
thence	S	14	°	56.94	'	E	,	226.03	m	to point	276	;
thence	S	1	°	40.10	'	E	,	212.96	m	to point	277	;
thence	S	6	°	33.68	'	W	,	260.86	m	to point	278	;
thence	S	37	°	9.73	'	E	,	268.68	m	to point	279	;
thence	S	14	°	31.29	'	W	,	280.11	m	to point	280	;
thence	N	89	°	21.90	'	E	,	264.08	m	to point	281	;
thence	S	0	°	58.37	'	E	,	250.99	m	to point	282	;
thence	S	4	°	33.89	'	W	,	367.99	m	to point	283	;
thence	S	36	°	13.94	'	W	,	394.49	m	to point	284	;
thence	S	0	°	4.78	'	E	,	240.80	m	to point	285	;
thence	S	38	°	56.18	'	W	,	184.98	m	to point of beginning		

30

31 Any modification of the coverage of this Act due to such factors as changing
 32 ecological situations or new scientific or archeological findings not previously taken
 33 into account shall be made through an Act of Congress, after consultation with the
 34 affected public and concerned government agencies.

35

36 **SECTION 5. Establishment of Buffer Zones.** - Buffer zones are hereby
 37 established along and adjacent to the peripheral boundaries to serve as protective
 38 layer to the area and its resources. The buffer zones shall also serve as a social
 39 fence against the entry of intruders that bring destruction or conduct activities

detrimental to the park. Prescriptions for the management of buffer zones shall be included as components of the protected area management plan. The Department of Environment and Natural Resources shall exercise the same authority over buffer zones in the same manner as protected areas: Provided, however, that there shall be consultation with the affected communities.

The buffer zones shall be established by the DENR, in consultation with the affected communities after conducting a thorough study on their implications to the development of the park and the surrounding communities.

SECTION 6. Definition of Terms. The following terms are hereby defined for the purposes of this Act:

- a. Biodiversity – shall refer to the variety and variability among living things, and the interconnectedness of all life forms in a particular environment;
- b. Buffer zones – shall refer to areas that are outside the boundaries of and are immediately adjacent to designated protected areas, pursuant to Section 5 hereof, that need special development control in order to avoid or minimize encroachment and harm to the protected area;
- c. Conservation – shall refer to any act or acts of preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat.
- d. DENR – shall refer to the Department of Environment and Natural Resources, a national government agency created under Executive Order 192 with jurisdiction over forestlands and protected areas.
- e. Indigenous Cultural Communities/Indigenous Peoples — shall refer to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through

69 resistance to political, social and cultural inroads of colonization, non-
70 indigenous religions and cultures, became historically differentiated from
71 the majority of Filipinos. ICCs/IPs shall likewise include peoples who are
72 regarded as indigenous on account of their descent from the populations
73 which inhabited the country, at the time of conquest or colonization, or at
74 the time of inroads of non-indigenous religions and cultures, or the
75 establishment of present state boundaries, who retain some or all of their
76 own social, economic, cultural and political institutions, but who may have
77 been displaced from their traditional domains or who may have resettled
78 outside their ancestral domains;

79 f. Natural Park - shall refer to a relatively large area not materially altered by
80 human activity where extractive resource uses are regulated and
81 maintained to protect outstanding natural and scenic areas of national or
82 international significance for scientific, educational and recreational use.

83 g. Non-renewable resources – shall refer to those resources found within the
84 protected area, the natural replenishment rate of which is either not
85 known or takes more than twenty-five years;

86 h. NIPAS Act - shall refer to Republic Act No. 7586, entitled "An Act Providing
87 for the Establishment and Management of National Integrated Protected
88 Areas System, Defining its Scope and Coverage, and for Other Purposes",
89 which mandates the classification and administration of all designated
90 protected areas in order to maintain ecological processes and life support
91 systems, to preserve genetic diversity, to ensure sustainable use of
92 resources found within the protected areas and to maintain their natural
93 conditions to the greatest extent possible.

94 i. NGO - shall refer to any nongovernmental organization or any civic,
95 developmental, environmental or philanthropic non-stock, non-profit
96 organization.

- j. PAMB - shall refer to the Protected Area Management Board, a governing body created for each protected area pursuant to the NIPAS Act, and tasked to oversee all activities inside the protected area and its buffer zone.
- k. PASu - shall refer to the Protected Area Superintendent, the chief operating officer of the DENR who is directly responsible to the PAMB and the concerned DENR Regional Executive Director.
- l. PO - shall refer to any locally based people's organization or to any group of people formed to advance the interests of the sector they represent.
- m. Protected Area - shall refer to any 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.
- n. Secretary - shall refer to the Secretary of the DENR.
- o. Tenured Migrant - shall refer to any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area and is primarily dependent on that area for subsistence.

CHAPTER II

PROTECTED AREA MANAGEMENT

SECTION 7. Management Plan. A Management Plan shall be prepared within one (1) year from the effectivity of this Act. The Management Plan shall be in accordance with the General Management Planning Strategy as provided in the NIPAS Act and prepared by the Office of the Protected Area Superintendent in coordination with the local communities, local government units (LGUs), appropriate offices of the DENR, non-government organizations (NGOs) and people's organizations (POs), and experts with socio-economic, anthropological and ecological experience in the area.

The Management Plan shall contain, among others, the following:

- a. Period of applicability of the plan preferably for at least ten (10) years;
- b. Key management issues;
- c. Goals and objectives of management in support of Section 2 hereof;
- d. Site management strategy;
- e. Major management activities such as, but not limited to, enforcement of laws, biodiversity conservation, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;
- f. Establishment and delineation of zones and the regulated and/or prohibited activities therein, such as, but not limited to, multi-purpose use zones, buffer zones, recreational zone, strict protection zones and other special zones which an provide effective management of the protected area and promote sustainable development of all legitimate stakeholders. To avoid relocation, primary consideration shall be accorded to the traditional zones used which have been proven sustainable and in consonance with the biodiversity and protection of the natural characteristics of the protected area; and
- g. Visitor management programs.

The Management Plan shall be consistent with the nature of Mt. Mayapay as a protected area under the category of a natural park. It shall be reviewed and approved by the Protected Area Management Board (PAMB) and certified to by the Secretary that it conforms to all laws and regulations issued by the DENR. The Management Plan shall not be revised or modified except by prior consultation with the PAMB and in accordance with the procedure therein set forth. If any part or section of the Management Plan is inconsistent with existing laws, the Secretary may accept or adopt such inconsistent provisions, or shall notify the PAMB of the provisions that need modification or revision.

In no case shall the Management Plan be approved without first conducting a proper public consultation by the PAMB.

Two years before the expiration of the initial Management Plan, there shall be a Subsequent Plan to be prepared by the Office of the Protected Area Superintendent (PASu) in the same manner as the procedure and principles herein set forth and in accordance with the General Management Planning Strategy as provided for in the NIPAS Act. In the same period, the Office of the PASu shall cause the publication of notices for comments and suggestions on the proposed Subsequent Plan in a newspaper of local circulation and the actual posting of such notices in conspicuous places within the local government units in the Mt. Mayapay Natural Park. The proposed new Management Plan shall be made available for public perusal in all agencies, offices and organizations duly represented in the PAMB. The proposed plan shall also be made available for public perusal at large.

In the event that no subsequent plan is adopted upon the expiration of the initial Management Plan, the latter shall remain in force subject to interim modifications that may be adopted by the PAMB.

The Management Plan shall also be made available in the local language understood by the people living in the area plainly written and obtainable at the Office of the PASu by the general public.

SECTION 8. The Protected Area Management Board.

A. The PAMB shall be the highest policy making body of the MMNP. It shall be composed of the following:

1. The Regional Executive Director of DENR Region XIII who shall sit as PAMB chairperson;
2. The Provincial Governor of Agusan del Norte or his duly authorized permanent representative;
3. The Mayor of Butuan City or his duly authorized permanent representative;

- 184 4. The Mayor of the Municipality of Buenavista, Agusan del Norte, or his
185 duly authorized permanent representative;
- 186 5. A representative from among the Barangay Captains, of the barangays
187 within the protected area to be chosen among themselves;
- 188 6. Two (2) members from the Academe appointed by the Secretary;
- 189 7. A representative from the IPs residing inside the MMNP or within its
190 buffer zones; and
- 191 8. Three (3) representatives from the NGOs and three (3) representatives
192 from POs involved with protected area management, chosen among
193 themselves.

194
195 In the selection of representatives from the POs and NGOs, the following criteria
196 shall be primarily considered:

- 197 a) Active involvement in the ecological conservation, preservation,
198 rehabilitation and protection of the protected area;
- 199 b) Great potential in community organizing and other development work;
- 200 c) Favorable track record in community work; and
- 201 d) Duly accredited by the LGU concerned and by the DENR.

202 Any action, decision and policy made by the Mt. Mayapay PAMB shall be valid
203 and subsisting unless overturned by the DENR Secretary for either being contrary to
204 existing laws, rules and regulations or violative of the existing applicable
205 Management Plan.

206
207 B. There shall be an Executive Committee (ExeCom) within the PAMB to
208 whom may be delegated some of its powers and functions, including the
209 authority to rule on appeal the decisions of the Protected Area
210 Superintendent referred to in Section 19 of this Act, to be composed of
211 the Regional Technical Director of Protected Areas and Wildlife and
212 Coastal Zone Management Service as chairperson, and at least two (2)

213 representatives each from the LGUs, the NGOs, and the IPs. The PAMB
214 shall determine the scope and extent of the authority to be delegated to
215 the ExeCom.

216 C. The PAMB en banc shall hold a regular meeting at least once every three
217 (3) months and the ExeCom shall hold regular meetings at least once a
218 month. For both bodies, a quorum shall consist of a simple majority of the
219 members. The chairperson may call for a special meeting as deemed
220 necessary.

221 D. Every Member of the PAMB shall serve for a term of five (5) years
222 provided that he/she remains a member or employee of the sector or
223 office being represented. The term of office of the NGO and the PO
224 representatives in the PAMB shall be coterminous with the duration and
225 existence of the organization's projects in the protected area. Whenever a
226 seat allotted for the NGOs or POs shall be vacant, a new member shall be
227 chosen in the same manner as the original selection process, and shall
228 serve only the unexpired term.

229 E. Except for government officials who shall serve as *ex officio* members of
230 the PAMB, each member shall serve for a term of five (5) years without
231 compensation.

232 The members of the PAMB shall be entitled to reimbursement of actual
233 traveling and subsistence expenses incurred in attending the meetings of the PAMB
234 or its committees, subject to existing accounting and budgeting rules and
235 regulations. These expenses shall be included in the annual budgetary allocation
236

237 **SECTION 9. Powers and Functions.** The PAMB of Mt. Mayapay Natural Park shall
238 have the following powers and functions:

239 a. Review, approve and adopt the management plans and development
240 programs and their respective implementing rules and regulations;

- b. Decide and approve matters relating to proposals, work and action plans, guidelines and policies and other activities for the management of the protected area;
- c. Recommend and approve the establishment and delineation of zones;
- d. Establish supplemental criteria and guidelines for park fees for activities regulated by this Act or the management plan subject to the approval of DENR pursuant to Section 10(f) of the NIPAS Act;
- e. Ensure effective implementation of development activities within the protected area;
- f. Adopt rules and procedures in the conduct of business, roles, and responsibilities, and discipline of its board members, including the creation of standing committees;
- g. Evaluate the performance and activities of the Office of the PASu;
- h. Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue;
- i. Request assistance from any government agency, office, board, private or public person to achieve the objectives of this Act;
- j. Monitor and evaluate the performance of protected area personnel, NGOs, and the communities in biodiversity conservation, socio-cultural and economic development, and report its assessment to the DENR; and
- k. Participate in the selection and designation process of the DENR in the appointment of the Protected Area Superintendent;

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

SECTION 10. The Office of the Mt. Mayapay Natural Park (MMNP)

Protected Area Superintendent (PASu) Office. There is hereby established a PASu office in charge of the management, protection and administration of the MMNP. The office shall be headed by the Protected Area Superintendent who shall be the chief operating officer of the MMNP and shall be accountable to the RED of the DENR Region XIII (Caraga Region) and PAMB. The PASu shall be supported by existing personnel of the DENR. The PASu shall have the following administrative and regulatory powers and functions:

1. Prepare and recommend to the PAMB the approval of the annual work and financial plans;
2. Establish a productive partnership with the local community and stakeholders, including groups who are interested in attaining the goals and objectives of the MMNP;
3. Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area;
4. Formulate and implement park information, education, communication and visitor programs;
5. Develop a management information system to ensure that relevant and updated information are available for scientific research, planning, monitoring and decision-making;
6. Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others in establishing effective protection of the area;
7. Enforce laws, rules and regulations pursuant to existing environmental laws and DENR orders to protect and preserve the MMNP from trespass, damage, injury and illegal occupancy; and
8. Perform such other functions as the PAMB or the RED may assign.

The Office of the PASu shall be supported by a sufficient number of personnel who shall perform day-to-day management, protection, and administration of the protected area.

All DENR employees detailed to the protected area at the time of effectivity of this Act shall be accorded preference to form part of the Protected Area Superintendent Office.

SECTION 11. Roles of Local Government Units and National Agencies on the Protected Area. The LGUs and relevant national agencies shall be represented in the PAMB and shall have the following roles:

- a. Apprise the respective constituents, offices, and other sectors on activities and programs for the protected area;
- b. Ensure consistency in the implementation of all activities in the protected area;
- c. Retain their ordinance-making powers over the protected area and shall consider the Management Plan and the rules and regulations adopted by the PAMB in their legislative agenda relating to biodiversity, conservation, protection, and sustainable development;
- d. In the formulation of their development plan, local government units shall consider the protected area management plan for Mt. Mayapay Protected Area to be prepared by the PAMB;
- e. Assist the PAMB in the implementation of the overall park fees, including but not limited to the imposition, collection, and utilization of park fees, enforcement of policies, rules and regulations and other similar park activities;
- f. Accredite POS, NGOs, and other entities and groups involved in activities within the protected area; and
- g. Provide the PAMB with relevant information and data for the effective management of the protected area.

SECTION 12. Collaboration among Government, Non-Government Organizations and People's Organizations. For the purpose of attaining the objectives of this Act, all government agencies, NGOs, and POs and their personnel shall continuously foster and develop a strong and true collaboration.

All NGOs and POs and private entities implementing any park conservation, protection, and development program must be accredited by the LGUs and the DENR.

CHAPTER III

ANCESTRAL LAND/DOMAINS AND TENURED MIGRANTS

SECTION 13. Ancestral Lands and Domains. – The rights of the IPs to their ancestral lands and domains shall be recognized subject to existing and prior rights.

Traditional property regimes exercised by the IPs in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all lands and other resources found within their ancestral lands and domains.

SECTION 14. Tenured Migrants. A tenured migrant shall be issued a tenurial instrument and shall be eligible to become stewards of portions of lands within the allowed and designated zones on the areas they have been occupying or cultivating not exceeding the size to be determined by PAMB.

The tenurial instrument shall cover a period of ten (10) years, subject to renewal based on the performance evaluation and compliance of the terms and conditions stipulated in the instrument.

The PAMB shall identify, verify, review all tenurial instruments, land claims, and issuance of permits for resource use within the protected area and recommend the issuance of the appropriate tenurial instrument consistent with the land classification, proper and allowed use of resources found therein, and zoning provided for in the Management Plan.

Tenurial instruments issued prior to the effectivity of this Act shall be respected but the renewal of the same shall be subject to the rules set forth by the PAMB in accordance with the Management Plan.

Farmers who have been cultivating land within the protected area are considered to be occupying such lands and shall be entitled to a tenurial instrument limited to cultivation and residence. Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants.

If tenured migrants occupy areas designated as zones where occupation or certain activities are prohibited under this Act, they shall be transferred to multiple use zones or buffer zones to be accomplished through just and humane means.

The tenurial instruments or the rights and interests arising therefrom shall not be transferred or otherwise conveyed to any person except direct descendants who shall qualify in accordance with the rules and regulations set by the PAMB. The same shall not be sold, leased or used as a security for a loan or any obligation.

In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area consistent with the nature of Mt. Mayapay as a protected area under the category of a natural park.

SECTION 15. Existing Rights. All prior property and private rights within the protected area already existing and/or vested prior to the effectivity of this Act, shall be protected and respected in accordance with existing laws. Lands subsequently classified as Alienable and Disposable shall be available for titling subject to existing rules and regulations.

Existing built-up Barangays and populated areas within the City of Butuan, and the Municipality of Buenavista, Agusan del Norte, and other existing built-up and populated areas within the MMNP shall be respected and recognized. The same shall be subject to such required processes which the DENR may conduct as a pre-requisite to the reclassification of the said areas into alienable and disposable lands

in accordance with existing laws, rules, and regulations. All development and improvement in these areas shall be in accordance with the general Management Plan of MMNP.

Persons who have been cultivating lands with appropriate legal authority within the protected area for at least five (5) years prior to the effectivity of this Act who are primarily dependent thereon for subsistence may be entitled to the issuance of appropriate tenurial instruments subject to such rules and regulations set consistent with the MMNP Management Plan. However, if the lands have been idle for at least five (5) consecutive years, the PAMB shall have the right to assume control and management of the area.

These tenurial instruments or the rights and interests arising therefrom shall not be transferred or otherwise conveyed to any person except qualified direct descendants according to the rules and regulations set by the PAMB. Any sale, lease, or use of the instruments as security for any obligation shall likewise be void.

SECTION 16. Cancellation of Tenurial Instruments. Tenured migrant instruments may be cancelled for:

1. Violation of the terms and conditions specified therein;
2. The repeated refusal for at least two (2) instances of the holder of the tenurial instrument to comply with the Management Plan for the Mt. Mayapay Natural Park; or
3. By voluntary surrender of such rights;
4. Conviction by final judgment of any of the prohibited acts as defined of any Prohibited Acts provided for in Chapter IV of this Act.

Upon cancellation of a tenured migrant instrument, the Office of the PASu shall immediately undertake the necessary steps to rehabilitate the area consistent with the provisions of the Management Plan.

412 **CHAPTER IV**

413 **PROHIBITED ACTS AND PENALTIES**

414
415 **Section 17. Prohibited Acts.** - The following shall be the prohibitions and
416 penalties within the MMNP:

417 (a) A fine of not less than Five Thousand Pesos (P5,000.00) but not more than
418 Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less
419 than six (6) years and one (1) day but not more than twelve (12) years, or
420 both, at the discretion of the court shall be imposed upon any person who:

421 (1) Hunts, collects destroys, traps, disturbs or possesses anywhere within the
422 MMNP any wild plant or animal or product derived therefrom without prior
423 PAMB permit;

424 (2) Possesses, without permit from the PAMB, any wild plant or animal or
425 product derived from such wild plant or animal within the MMNP or in any
426 of its management zones where the species is not endemic;

427 (3) Cuts, gathers, collects or removes timber or other forest products;

428 (4) Establishes or introduces exotic species that have allelopathic or
429 detrimental effect to endemic species without prior PAMB permit;

430 (5) Engages in kaingin or slash-and-burn farming or any activity that causes
431 forest fire;

432 (6) Engages in quarrying or the process of extracting, removing and disposing
433 of quarry resources found on or underneath the MMNP; and

434 (7) Engages in the extraction, exploration, development, utilization or
435 processing of mineral resource, minerals or rocks with economic value
436 found on or underneath the MMNP.

437
438 (b) A fine of not less than Five Thousand Pesos (P5,000) but not more than Two
439 Hundred Fifty Thousand Pesos (P250,000) or imprisonment of not less than
440 six (6) months but not more than six (6) years, or both, at the discretion of

the court, and the restoration and rehabilitation of the damage resulting from violations shall be imposed upon any person who:

- (1) Violates the Management Plan or any resolution issued by the PAMB;
- (2) Vandalizes, mutilates, transports, destroys, excavates or in any manner intentionally damages any natural formation or object of natural beauty inside the protected area, or the burial or religious sites including artifacts and other objects belonging to the ICCs/IPs;
- (3) Dumps, burns or otherwise disposes of any substance deleterious to the ecosystem plants and animals or human inhabitants or committing the same in the buffer and multiple-use areas without appropriate authority or permit;
- (4) Uses or possesses a motorized equipment anywhere within the strict protection zone without a prior permit from the PAMB;
- (5) Engages in grazing or raising of poultry and other livestock for commercial purposes: Provided, that existing grazing or poultry and other livestock farms shall be phased out within five (5) years after the effectivity of this Act;
- (6) Causes damage or leaves roads and trails in damaged condition;
- (7) Occupies any tract of land without a prior PAMB permit. Any clearing, construction of residence or introduction of improvements shall constitute prima facie evidence of occupation or settlement;
- (8) Alters, removes, destroys or defaces boundaries, marks or signs;
- (9) Constructs and maintains a building, edifice or any kind of structure or conducts any business enterprise without prior PAMB permit;
- (10) Enters the MMNP without a prior PAMB permit for purposes of bird watching, swimming, trekking, filming, camping, spelunking or caving and other similar activities;

(11) Conducts biorospecting, research work or any study without prior PAMB permit or in violation of existing guidelines; and engages in treasure hunting.

(c) A fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court shall be imposed upon any public officer or law enforcement officer, who, in dereliction of the duties of his office, shall maliciously refrain from instituting proper action for the punishment of violators of the law or shall tolerate the commission of offenses. A conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

(d) In case the species involved in the violations enumerated under Section 17 (1) are protected species, the penalty to be imposed shall not be less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than Five hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) in addition to the accessory penalties provided in the immediately succeeding paragraph. Furthermore, any citizen may institute the necessary charge against the offender for commission of the acts enumerated under Section 17(1) involving protected species.

(e) A conviction under this section shall likewise carry the penalty of eviction from the MMNP, payment of damages for the rehabilitation and restoration and the forfeiture of all equipment, device and weapon/s used in the commission of the offense as well as the resources caught in the possession of the accused. In case the offender is not a Filipino citizen, he/she shall be immediately deported to his/her country of origin after service of his/her sentence. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of the employees and laborers.

SECTION 18. Special Prosecutor. Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom all cases of violation of laws, rules, and regulations in the protected area shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB shall periodically submit an evaluation of the performance of the designated Special Prosecutor to the Department of Justice.

SECTION 19. Administrative Confiscation and Fine. Administrative proceedings for violation of Section 20 of Republic Act 7586 shall proceed independently and without prejudice to judicial action. The PAMB Executive Committee is hereby empowered to hear administrative proceedings and impose administrative fines ranging from Five Thousand Pesos (P5,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00). Decisions of the PAMB Execom may be appealed within thirty (30) days from the receipt of the decision to the DENR Secretary. Decisions on imposition of fines shall be executed pending appeal.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of the crime, and similar devices shall be subject to immediate administrative confiscation by the Office of the PASu upon apprehension without prejudice to criminal action. Once the proper criminal information is filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of the crime and similar devices shall be in *custodia legis* but shall continue to be subject to administrative confiscation and may only be released by the trial court to the owner pending trial on a writ of replevin, upon consultation with the PASu and with proper consideration of the pending administrative proceedings and potential forfeiture of the said objects.

Administrative fines collected and the proceeds of the sale on forfeiture of all objects administratively and judicially confiscated or forfeited pursuant hereto shall accrue

to the Mt. Mayapay Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

The LGUs responsible for the arrest of violators and confiscation of instruments of the crime may claim a share in the disposition thereof while the rest shall accrue to the PAMB. The sharing scheme for this shall be agreed upon by LGUs and the PAMB.

In the case of criminal conviction, the penalty consisting of fines and damages shall directly accrue to the Mt. Mayapay Fund.

SECTION 20. Special Counsel. The PAMB may retain the services of a competent lawyer who may be deputized by the Secretary of Justice, to assist in the prosecution of cases or defend the members of the PAMB, the PASu and staff or any person assisting in the protection, conservation and sustainable development of the protected area against any legal action related to their powers, functions and representatives as provided in this Act or as delegated or tasked by the PAMB.

CHAPTER V

MT. MAYAPAY PROTECTED AREA FUND

SECTION 21. The Mt. Mayapay Natural Park Protected Fund. There is hereby established a trust fund to be known as the Mt. Mayapay Natural Park Protected Area Fund for purposes of financing projects of the System. All income generated from the operation of the system or the management of wild flora and fauna in the MMNP shall accrue to the fund.

These income shall be derived from, but not limited to, the following:

- a. Visitors/ Tourist fees;
- b. Registration of structures/facilities;
- c. Fees from the use of portions of the protected area and other facilities;
- d. Donations and solicitations;

- e. Contributions from industries and facilities directly benefiting from the protected area;
- f. Such other fees and income derived from the conduct of permitted activities in particular zones of the protected area;
- g. Fines, fees, and damages, other than those intended from rehabilitation, collected from violators; and
- h. Proceeds from the sale of confiscated goods and materials.

The PAMB shall promulgate guidelines for the Mt. Mayapay Protected Area Fund within one (1) month from the approval of this Act, and determine an equitable sharing scheme with the LGUs concerned for the revenues derived from facilities or activities within the protected area.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign. Provided, that the fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations; Provided, further, that the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs facilities. Furthermore, LGUs may impose supplemental charges to the fees imposed by the PAMB; Provided, that such supplemental charges shall be determined based on the contribution of the LGUs in the maintenance and protection of the MMNP.

CHAPTER VI

Existing Facilities

SECTION 22. Existing Facilities and Environmental Impact Assessment Compliance within the Protected Area.

Within ninety (90) days from the effectivity of this Act, the appointed PASu shall make an inventory of existing facilities within the boundaries of the MMNP and submit the said inventory to the PAMB through a sworn statement containing the following information:

- (a) List of infrastructure, machineries and facilities and their potential disturbances to protected species and their habitat, reproductive cycles, nesting and feeding grounds;
- (b) Noise levels of all stages of operation;
- (c) Energy requirements and sources of energy;
- (d) Volume of resources extracted from the protected area; and
- (e) Future plans for the next five (5) years

The PAMB, with the technical assistance from the DENR, shall determine whether the existence and operation of said infrastructure, machineries and facilities and its future plans and operations would be detrimental to the MMNP.

Existing laws, rules and regulations relating to the Environment Impact Statement (EIS) System shall be applicable to projects and activities intended in the MMNP. The issuance by the DENR of an Environmental Compliance Certificate (ECC) or its exemption for any project or activity in the MMNP shall be coordinated with the PAMB.

CHAPTER VII

UTILIZATION OF RESOURCES

SECTION 23. Utilization of Non-renewable Resources and Ban on Mining

Activities. Any exploration or utilization of non-renewable resources within the protected area shall not be allowed. No mining activities shall be allowed inside the MMNP.

SECTION 24. Utilization of Energy Resources . Any exploration or utilization of non-renewable resources for generation of energy within the protected area shall not be allowed. Energy generation projects utilizing renewable resource such as,

but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

SECTION 25. Utilization of Other Resources. Livelihood activities requiring the use of resources derived from the MMNP shall be allowed only when it is found to be sustainable and consistent with the Management Plan and only upon prior PAMB approval.

The utilization of non-tangible resources such as, but not limited to, aesthetic value, filming, camping and trekking areas, researches on flora and fauna, and other related activities shall require the approval of the PAMB pursuant to a corresponding permit system to be adopted. The PAMB shall establish a mechanism that would streamline the processing of these permits in order to promote its viability to enhance revenue collection.

A permanent office, strategically situated within the MMNP, shall be established for this purpose, where the PASu or his duly authorized representative can judiciously act on requests from respective parties with authority from the PAMB.

SECTION 26. Projects of Public Service Utilities. 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 other facilities which will promote public welfare, shall be implemented within areas designated/ approved by the PAMB and other appropriate government agencies.

CHAPTER VIII

APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

SECTION 27. Appropriations. The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act and the funding

of which in the initial amount of Fifty Million Pesos (P50,000,000.00) shall be included in the annual General Appropriations Act.

SEC. 28. Transitory Provisions. – A new PAMB shall be convened and created within three (3) months from the effectivity of this Act. During the same period, the DENR, in coordination with the PAMB, the Committee on Natural Resources of the House of Representatives, the Senate Committee on Environment and Natural Resources and the concerned Congressional District Representatives shall undertake the preparation of the implementing rules and regulations of this Act.

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

SECTION 30. Repealing Clause. All laws, proclamations, rules and regulations, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 31. Effectivity Clause. This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,