

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

FIFTEENTH CONGRESS
First Regular Session

House Bill 5041



Introduced by HON. ERIC D. SINGSON

EXPLANATORY NOTE

The Lidlidda-Banayoyo Protected Landscape with its relatively large area supports a variety of wildlife with the existence of several forest tree species. It also provides for the domestic as well as agricultural and commercial/industrial requirements of the aforementioned municipalities. Likewise, it is also suitable for recreational and educational purposes and will provide for effective management, protection and conservation of the existing water resources.

The main purpose for the establishment of Lidlidda-Banayoyo as a protected area is to protect and conserve its remaining forest cover which maintains the watershed within the area that also supports the water resources requirements of the different barangays of the two municipalities.

It is the policy of the State through the promulgation of RA 1586 or the National Integrated Protected Area System to secure for the Filipino people of present and future generations the perpetual existence of all native plants and animals, i.e., the use and enjoyment of these protected areas must be consistent with principles of biological diversity and sustainable development. The proclamation of the site, therefore, as a protected area is geared towards these goals.

The designation of Lidlidda Protected Landscape was earlier done through Presidential Proclamation No. 266. However, for this congressional Act it is proposed that it be renamed as Lidlidda-Banayoyo Protected Landscape to give emphasis on its location since the area lies within the aforementioned municipalities. The necessary amendment for the Presidential Proclamation shall likewise be done.


ERIC D. SINGSON

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House Bill **5041**

Introduced by HON. ERIC D. SINGSON

AN ACT
DECLARING THE LIDLIDDA-BANAYOYO LANDSCAPE LOCATED IN THE
PROVINCE OF ILOCOS SUR AS A PROTECTED AREA, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Lidlidda-Banayoyo Protected Landscape Act”.

SECTION 2. *Declaration of Policy.* – It is the policy of the State to regulate the utilization of wild flora and fauna consistent with sustainable development and biological diversity conservation. For this purpose, the State shall protect certain lands of the public domain more particularly known as the Lidlidda-Banayoyo area, which supports a variety of wildlife, especially indigenous forest tree species, possesses natural features suitable for recreational and educational purposes and, as a watershed, provides the agricultural and household water requirements of the communities within the municipalities of Lidlidda and Banayoyo, both located in the Province of Ilocos Sur.

SECTION 3. *Scope.* – The boundaries of the Lidlidda-Banayoyo Protected Landscape (LBPL) are as follows: Beginning at a point on Parcel 1, being identical to corner “1” is N. 88°W., about 500 m. from Poblacion, Lidlidda, Ilocos Sur:

Thence S. 18° 01' 48" W. 289.686 m. to point 2;
Thence S. 20° 00' 51" E. 219.741 m. to point 3;
Thence S. 00° 59' 29" E. 169.797 m. to point 4;
Thence S. 02° 59' 38" E. 259.688 m. to point 5;
Thence S. 51° 03' 33" W. 219.863 m. to point 6;
Thence S. 60° 03' 16" W. 209.844 m. to point 7;
Thence S. 10° 00' 08" E. 179.783 m. to point 8;
Thence S. 87° 04' 04" E. 519.881 m. to point 9;
Thence S. 44° 03' 15" W. 229.829 m. to point 10;
Thence S. 29° 01' 20" E. 199.775 m. to point 11;
Thence S. 13° 00' 21" E. 219.736 m. to point 12;
Thence S. 83° 04' 00" E. 89.972 m. to point 13;
Thence N. 49° 56' 29" E. 200.128 m. to point 14;
Thence N. 51° 56' 24" E. 260.157 m. to point 15;
Thence S. 32° 01' 41" E. 219.758 m. to point 16;
Thence S. 08° 01' 08" W. 179.792 m. to point 17;
Thence S. 60° 03' 16" E. 139.896 m. to point 18;
Thence S. 67° 04' 00" W. 399.875 m. to point 19;
Thence S. 70° 03' 39" E. 489.723 m. to point 20;
Thence S. 56° 03' 04" E. 89.928 m. to point 21;
Thence S. 48° 02' 40" E. 699.355 m. to point 22;
Thence N. 38° 56' 58" E. 180.148 m. to point 23;
Thence N. 47° 57' 20" W. 580.535 m. to point 24;
Thence N. 34° 57' 10" E. 110.097 m. to point 25;
Thence N. 47° 57' 20" W. 120.111 m. to point 26;
Thence N. 09° 58' 43" E. 50.057 m. to point 27;
Thence N. 56° 56' 14" E. 330.168 m. to point 28;
Thence N. 25° 58' 43" W. 480.550 m. to point 29;
Thence N. 67° 55' 58" E. 190.056 m. to point 30;
Thence N. 64° 56' 02" E. 160.057 m. to point 31;
Thence S. 59° 03' 13" E. 399.697 m. to point 32;
Thence S. 05° 59' 51" E. 799.036 m. to point 33;

Thence S. 26° 01' 17" E. 379.565 m. to point 34;
 Thence S. 28° 01' 25" E. 329.627 m. to point 35;
 Thence S. 40° 02' 11" E. 319.673 m. to point 36;
 Thence S. 65° 03' 57" W. 339.880 m. to point 37;
 Thence S. 79° 41' 08" W. 2,688.765 m. to point 38;
 Thence N. 75° 33' 10" W. 247.173 m. to point 39;
 Thence N. 37° 57' 55" W. 490.511 m. to point 40;
 Thence N. 02° 59' 12" E. 140.166 m. to point 41;
 Thence N. 31° 57' 20" E. 160.148 m. to point 42;
 Thence N. 15° 58' 19" E. 140.158 m. to point 43;
 Thence N. 31° 58' 18" W. 240.264 m. to point 44;
 Thence N. 31° 58' 18" W. 230.253 m. to point 45;
 Thence N. 16° 59' 21" W. 150.179 m. to point 46;
 Thence N. 07° 58' 51" E. 260.301 m. to point 47;
 Thence S. 78° 04' 07" W. 209.982 m. to point 48;
 Thence N. 28° 58' 30" W. 210.236 m. to point 49;
 Thence N. 68° 55' 57" E. 70.019 m. to point 50;
 Thence N. 07° 00' 04" W. 120.145 m. to point 51;
 Thence N. 24° 58' 47" W. 280.323 m. to point 52;
 Thence N. 33° 58' 11" W. 160.173 m. to point 53;
 Thence S. 85° 04' 02" E. 299.919 m. to point 54;
 Thence N. 06° 00' 08" W. 100.120 m. to point 55;
 Thence N. 69° 56' 20" W. 180.102 m. to point 56;
 Thence N. 51° 57' 07" W. 100.087 m. to point 57;
 Thence S. 79° 04' 08" W. 169.989 m. to point 58;
 Thence S. 22° 02' 04" W. 139.854 m. to point 59;
 Thence S. 79° 03' 35" E. 189.926 m. to point 60;
 Thence S. 34° 01' 49" E. 159.827 m. to point 61;
 Thence S. 22° 02' 04" W. 89.906 m. to point 62;
 Thence S. 19° 00' 47" E. 159.811 m. to point 63;
 Thence S. 15° 00' 30" E. 169.797 m. to point 64;
 Thence S. 29° 01' 29" E. 209.764 m. to point 65;
 Thence S. 17° 01' 44" E. 289.683 m. to point 66;
 Thence N. 34° 58' 07" W. 180.193 m. to point 67;
 Thence N. 12° 59' 38" W. 140.168 m. to point 68;
 Thence N. 42° 57' 37" W. 200.197 m. to point 69;
 Thence N. 46° 57' 23" W. 330.309 m. to point 70;
 Thence N. 70° 56' 18" W. 220.120 m. to point 71;
 Thence S. 66° 03' 58" W. 139.953 m. to point 72;
 Thence N. 36° 57' 59" W. 280.295 m. to point 73;
 Thence S. 67° 04' 00" W. 219.931 m. to point 74;
 Thence S. 76° 04' 07" W. 259.967 m. to point 75;
 56' 01" W. 100.033 m. to point 76;
 Thence N. 39° 56' 55" E. 200.161 m. to point 77;
 Thence N. 70° 55' 56" E. 300.069 m. to point 78;
 Thence N. 62° 56' 05" E. 200.079 m. to point 79;
 Thence N. 81° 55' 51" E. 300.000 m. to point 80;
 Thence N. 12° 58' 31" E. 80.090 m. to point 81;
 Thence N. 38° 56' 58" E. 220.181 m. to point 82;
 Thence N. 82° 55' 51" E. 179.997 m. to point 83;
 Thence N. 19° 59' 08" W. 130.153 m. to point 84;
 Thence N. 75° 55' 52" E. 420.054 m. to point 85;
 Thence S. 77° 03' 52" E. 139.940 m. to point 86;
 Thence S. 56° 03' 04" E. 159.871 m. to point 87;
 Thence S. 00° 59' 29" E. 149.821 m. to point 88;
 Thence N. 32° 57' 17" E. 330.300 m. to point 89;
 Thence N. 11° 59' 42" W. 220.264 m. to point 90;
 Thence N. 53° 57' 01" W. 50.042 m. to point 91;
 Thence S. 20° 01' 56" W. 209.776 m. to point 92;
 Thence N. 84° 55' 57" W. 240.065 m. to point 93;
 Thence N. 32° 57' 17" E. 200.182 m. to point 94;
 Thence N. 52° 56' 22" E. 330.193 m. to point 95;
 Thence N. 49° 57' 13" W. 60.054 m. to point 96;
 Thence S. 62° 03' 53" W. 239.901 m. to point 97;
 Thence N. 04° 00' 17" W. 190.228 m. to point 98;
 Thence N. 22° 57' 52" E. 310.320 m. to point 99;
 Thence S. 72° 04' 04" W. 79.983 m. to point 100;
 Thence S. 29° 02' 29" W. 179.827 m. to point 101;

Thence S. 02° 00' 43" W. 279.668 m. to point 102;
 Thence S. 88° 04' 07" W. 120.015 m. to point 103;
 Thence N. 09° 59' 51" W. 180.217 m. to point 104;
 Thence S. 77° 04' 07" W. 89.991 m. to point 105;
 Thence S. 03° 59' 42" E. 379.543 m. to point 106;
 Thence S. 37° 02' 55" W. 149.872 m. to point 107;
 Thence S. 74° 04' 06" W. 339.943 m. to point 108;
 Thence S. 66° 03' 58" W. 229.900 m. to point 109;
 Thence S. 38° 57' 52" W. 290.300 m. to point 110;
 Thence N. 28° 57' 20" E. 270.260 m. to point 111;
 Thence N. 41° 56' 49" E. 300.233 m. to point 112;
 Thence N. 27° 57' 34" E. 200.195 m. to point 113;
 Thence N. 23° 57' 48" E. 340.347 m. to point 114;
 Thence N. 31° 57' 20" E. 220.203 m. to point 115;
 Thence N. 73° 55' 53" E. 280.047 m. to point 116;
 Thence N. 09° 58' 43" E. 130.149 m. to point 117;
 Thence N. 19° 59' 08" W. 190.140 m. to point 118;
 Thence N. 09° 58' 43" E. 180.206 m. to point 119;
 Thence N. 59° 56' 44" E. 130.096 m. to point 120;
 Thence S. 17° 01' 44" W. 219.760 m. to point 121;
 Thence S. 48° 03' 26" W. 229.845 m. to point 122;
 Thence N. 73° 56' 13" W. 90.044 m. to point 123;
 Thence N. 33° 57' 13" E. 240.215 m. to point 124;
 Thence N. 28° 57' 30" E. 220.212 m. to point 125;
 Thence N. 28° 57' 30" E. 140.135 m. to point 126;
 Thence N. 15° 58' 19" E. 120.132 m. to point 127;
 Thence S. 77° 03' 52" E. 119.948 m. to point 128;
 Thence N. 38° 56' 58" E. 80.066 m. to point 129;
 Thence N. 89° 55' 53" E. 219.963 m. to point 130;
 Thence N. 84° 55' 51" E. 219.986 m. to point 131;
 Thence S. 54° 02' 59" E. 199.833 m. to point 132;
 Thence S. 01° 59' 34" E. 129.844 m. to point 133;
 Thence N. 73° 55' 53" E. 100.017 m. to point 134;
 Thence N. 37° 57' 01" E. 160.134 m. to point 135;
 Thence N. 16° 59' 21" W. 160.190 m. to point 136;
 Thence N. 08° 58' 47" E. 130.150 m. to point 137;
 Thence S. 74° 03' 47" E. 229.888 m. to point 138;
 Thence N. 82° 55' 51" E. 149.997 m. to point 139;
 Thence S. 08° 00' 00" E. 179.783 m. to point 140;
 Thence S. 19° 00' 47" E. 179.787 m. to point 141;
 Thence S. 60° 03' 50" W. 129.941 m. to point 142;
 Thence N. 89° 55' 53" E. 189.968 m. to point 143;
 Thence S. 13° 00' 21" E. 199.760 m. to point 144;
 Thence S. 41° 03' 07" W. 239.810 m. to point 145;
 Thence S. 44° 03' 15" W. 219.837 m. to point 146;
 Thence N. 58° 56' 46" W. 100.076 m. to point 147;
 Thence S. 46° 03' 21" W. 89.935 m. to point 148;
 Thence S. 78° 03' 21" E. 79.967 m. to point 149;
 Thence S. 58° 03' 10" E. 79.938 m. to point 150;
 Thence S. 42° 02' 19" E. 129.870 m. to point 151;
 Thence S. 21° 00' 56" E. 49.941 m. to point 152;
 Thence S. 65° 03' 57" W. 259.908 m. to point 153;
 Thence S. 30° 01' 33" E. 119.866 m. to point 1, the
 point of beginning, containing an area of one thousand seventy-nine and
 249/1000 (1,079.249) hectares, more or less, as Parcel 1;
 Thence N. 00° 30' 35" E. 239.239 m. to point 2;
 Thence N. 67° 21' 55" E. 100.239 m. to point 3;
 Thence N. 74° 18' 52" E. 201.531 m. to point 4;
 Thence N. 16° 33' 55" W. 79.549 m. to point 5;
 Thence N. 66° 22' 19" W. 30.204 m. to point 6;
 Thence S. 11° 27' 41" E. 100.488 m. to point 7;
 Thence S. 17° 27' 36" W. 700.250 m. to point 8;
 Thence S. 12° 27' 23" E. 582.260 m. to point 9;
 Thence S. 63° 36' 33" W. 1,629.275 m. to point 10;
 Thence N. 45° 29' 14" E. 120.484 m. to point 11;
 Thence N. 30° 39' 24" W. 208.467 m. to point 12;
 Thence N. 58° 25' 22" E. 251.462 m. to point 13;
 Thence S. 88° 49' 35" E. 161.428 m. to point 14;

Thence N. 04° 31' 15" E. 159.593 m. to point 15;
 Thence N. 09° 31' 45" W. 189.113 m. to point 16;
 Thence N. 88° 11' 59" E. 474.116 m. to point 17;
 Thence N. 56° 26' 03" E. 412.290 m. to point 18;
 Thence N. 13° 32' 56" W. 208.902 m. to point 19;
 Thence N. 19° 34' 58" W. 278.313 m. to point 20;
 Thence N. 48° 28' 28" E. 291.298 m. to point 1,

the point of beginning, containing an area of seventy-eight and 1889/10000 (78.1889) hectares more or less, as Parcel II. The LBPL contains a total aggregate area of approximately one thousand one hundred fifty-seven and 4379/10000 (1,157.4379) hectares. Any modification on this Act due to factors such as changing ecological conditions, new scientific or archaeological findings or discovery of traditional boundaries not previously taken into account shall be made through an Act of Congress after full consultation with the affected public. All lands inside the LBPL shall be governed or managed as part of the protected area and subject to the rules and regulations issued by the PAMB, except titled private lands duly registered pursuant to Presidential Decree No. 1529, otherwise known as the Property Registration Decree.

SECTION 4. *Land Classification.* – All lands of the public domain comprising the LBPL shall fall under the classification of national park as provided for in the Philippine Constitution: *Provided, That* public lands already classified as agricultural lands open to disposition for productive purposes prior to the passage of this Act shall remain as such and may be disposed of pursuant to existing laws.

SECTION 5. *Definition of Terms.* –

- (a) "Forest lands" refers to all lands of the public domain within the LBPL that have not been classified as agricultural lands open to disposition and all unclassified lands of the public domain.
- (b) "General Management Plan" refers to the basic long-term framework plan in the management of a protected area and serves as guide in the preparation of the annual operations plan and budget for all protected areas.
- (c) "General Management Planning Strategy (GMPS)" refers to the general guide in the formulation of site-specific management plans including buffer zones.
- (d) "Nongovernment organization (NGO)" refers to any civic, development or philanthropic organization which is multisectoral in character.
- (e) "People's organization" refers to organizations of members of the local community whose purpose for establishment is to protect or advance the interest of specific sectors such as, but not limited to, farmers, fisherfolk, women and the like.
- (f) "Protected Area Management Board (PAMB)" refers to the management body within the site, responsible for deciding the budgetary allocation, and decisions on matters relating to planning, peripheral protection and general administration of the protected area in accordance with the general management plan.
- (g) "Protected Area Superintendent (PASu)" refers to the chief operating officer of the Department of Environment and Natural Resources (DENR) in the protected area under the supervision of the PAMB and the concerned DENR Regional Executive Director (RED).
- (h) "Protected landscape" refers to areas of national significance characterized by the harmonious interaction of man and land while providing opportunities for enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.
- (i) "Protected species" refers to existing individuals of any species listed under the Convention on International Trade of Endangered Species (CITES), or any plants or animals that are declared protected under Philippine laws, rules and regulations issued by the DENR or the PAMB, or the management plan herein provided for.
- (j) "Tenured migrants" refers to any person who has actually and continuously occupied the protected area for five (5) years prior to its designation as a protected area in accordance with the provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992 or the NIPAS Act, and is solely dependent therein for subsistence.

SECTION 6. *Management Plan.* – The PASu shall prepare the management plan in consultation with the appropriate offices of the DENR and local experts including, but not limited to, people's organizations, NGOs and other government agencies. The management plan shall be reviewed, approved and adopted by the PAMB and certified to by the Secretary of the DENR. Such certification shall declare that the management plan conforms to all laws, rules and regulations of national application issued by the DENR. The management plan shall not be revised nor modified without prior consultation with the PAMB. The PASu, in coordination with all concerned offices, shall prepare all successor plans one (1) year before the expiration of the current plan. The PASu shall cause the publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other areas frequented by the public. Public hearings may be conducted on the successor plan upon the written request of any interested party. A final plan shall be made available for public comment at the Office of the PASu upon its approval by the PAMB. Within one (1) year from the effectivity of this Act, the management plan shall have been put into effect following the GMPS, as provided under Republic Act No. 7586 or the NIPAS Act and according to the procedure herein set forth.

SECTION. 7. *Institutional Mechanism.* – The following administrative and policy-making mechanisms shall apply.

(a) The PAMB shall be the policy-making body of the LBPL. It shall be composed of:

- (1) The Regional Executive Director (RED) for DENR Region 1, who shall act as the Chairman;
- (2) The Ilocos Sur Provincial Planning and Development Officer;
- (3) One (1) representative each from the municipal governments of Lidlidda and Banayoyo to be appointed by their respective sangguniang bayan;
- (4) One (1) representative from each barangay with territory inside the protected area to be appointed by their respective barangay councils;
- (5) At least three (3) representatives from NGOs and community organizations (COs), including people's organizations (POs), church or civic organizations based in or near the LBPL and duly accredited by the municipal government units concerned. The representatives of these organizations shall be chosen from among the sectors or organizations being represented in an election called for the purpose by the DENR in coordination with the local government units (LGUs) concerned; and
- (6) A representative each from other national government agencies involved in protected area management, to be appointed by the DENR Secretary upon the recommendation of the head of office of the concerned agencies.

(b) The PAMB shall exercise the following powers and functions:

- (1) Decide matters related to planning, resource protection and general administration of the area in accordance with the GMPS adopted pursuant to the NIPAS Act;
- (2) Approve proposals, work plans, action plans and guidelines for the management of the LBPL in accordance with the approved management plan;
- (3) Promulgate rules and regulations to promote and implement development programs and projects on biodiversity conservation and sustainable development as well as developmental and other related activities within the area, consistent with the approved management plan;
- (4) Ensure the implementation of programs, as prescribed in the management plan, in order to provide employment to the people dwelling in and around the area;
- (5) Monitor and evaluate the performance of protected area personnel, NGOs and communities in providing for biodiversity conservation and promoting socio-cultural development and economic development of the people and report their assessment to the NIPAS Policy and Program Steering Committee (NPPSC) and the Integrated Protected Area Fund Governing Board created pursuant to the NIPAS Act; and (6) Approve proposals for funding and budget allocation and exercise responsibility over all funds that may accrue to the protected area donated for the purpose of the above policy declaration. The DENR, through the RED for Region 1, shall exercise the authority to oversee the PAMB to ensure that it is acting within the scope of its powers and functions. In case of a conflict between administrative orders for national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw it for purposes of the LBPL. The decision of the DENR Secretary shall be guided by a preference to local initiative and specific policies enacted by the PAMB. The decision of the Secretary shall be appealable to the Regional Trial Court having jurisdiction over the protected area.

(c) Protected Area Superintendent (PASu) Office. – There is hereby established a Protected Area Superintendent's Office in charge of the management, protection and administration of the LBPL. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the LBPL and shall be accountable to the DENR RED for Region 1 and the PAMB. The PASu shall have the following powers and functions:

- (1) Prepare the management and successor plans as herein provided;
- (2) Serve as the secretariat for the PAMB with duty to provide the PAMB with all information necessary for it to make appropriate decisions when necessary;
- (3) Supervise the necessary personnel to support the operations of the office;

- (4) Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, in the planning, protection and management of the protected area;
- (5) Develop and implement a park information, education and visitor program;
- (6) Enforce the laws and the rules and regulations relevant to the protected area and assist in the prosecution of offenses;
- (7) Monitor all activities within the protected area to ensure compliance with the management plan; and
- (8) Perform such other functions as the PAMB may assign.

SECTION. 8. *Prohibited Acts and Penalties.* –

(a) The penalties in Article 309, on theft and Article 310, on qualified theft, of the Revised Penal Code, depending on the value of the resource taken, damaged or destroyed, shall be imposed upon any person who:

- (1) Hunts, destroys, disturbs or removes from the LBPL any wild plant or animal without a permit from the PAMB;
- (2) Conducts mineral exploration or extraction without a permit from the PAMB; and
- (3) Cut, remove, gather or take timber or forest products from the forestlands without an authorization from the PAMB. Valuation of the damage shall take into account biodiversity and conservation consideration as well as aesthetic and scenic value.

(b) A fine of not less than Five thousand pesos (P5,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment of not less than one (1) year nor more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who:

- (1) Alters the topography through digging, blasting, earth-filling activities or stonewalling without a permit from proper authorities as required under existing laws, rules and regulations, and from the PAMB;
- (2) Damages roads, trails or leaves them in a damaged condition or mutilates, defaces, destroys or vandalizes any object of natural beauty or scenic value within the protected area;
- (3) Constructs or maintains any kind of structure without a permit from the PAMB or without the requisite permits under existing laws such as, but not limited to, municipal permits, public works requirements and Environmental Clearance Certificates (ECC); and
- (4) Alters, removes, destroys or defaces boundary marks/monuments or signs in the protected area.

(c) A fine of not less than Five thousand pesos (P5,000.00) nor more than One hundred thousand pesos (P100,000.00) and/or imprisonment from one (1) year to three (3) years shall be imposed upon any person who:

- (1) Occupies lands classified as forestlands as herein defined without a legal instrument for such occupation;
- (2) Violates any rules and regulations in the management plan of the PAMB in its exercise of adjudicative functions;
- (3) Dumps any waste materials on land other than in areas identified as dumping sites by the concerned local governments, or leaves exposed or in unsanitary condition on land, human wastes or refuse; and
- (4) Possesses a chainsaw without a clearance from the PAMB, which shall specify the legal uses for which it can be applied.

(d) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year nor more than five (5) years, or both, shall be imposed upon:

- (1) Any person who shall induce another or conspire to commit any of the above acts or suffer their workers to commit any of the above acts; and
- (2) Any public officer or officer of the law, who, in dereliction of the duties of his office, shall maliciously refrain from prosecuting the violators of this Act, or shall tolerate the commission of the offense. Conviction for this offense shall also carry the penalty of perpetual disqualification from public office.

SECTION. 9. *Special Prosecutors.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a special prosecutor to whom all cases of violations of laws and 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 procedures.

SECTION. 10. *Lidlidda-Banayoyo Protected Areas Fund.* – There is hereby established a trust fund to be known as the Lidlidda-Banayoyo Protected Areas Fund for purposes of financing projects of the system. All income generated from the operation of the system or management of wild flora and fauna in the LBPL shall accrue to the Fund. These income shall be derived from visitors/tourists fee, fees from permitted sale and export of flora and fauna and other resources from the protected area, proceeds from registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefiting from the protected area, and such other fees and other income derived from the operation of the protected area. The Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the Fund shall be deposited as a special account in the National Treasury and 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 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the protected area.

SECTION. 11. *Utilization of Energy and Nonrenewable Resources.* – Any exploitation and utilization of energy and other nonrenewable resources within the LBPL shall be allowed only through the PAMB approval. In no case shall an exemption from the Environmental Impact Assessment (EIA) System be made for energy and nonrenewable resources exploitation projects within the LBPL.

SECTION. 12. *Appropriations.* – The Secretary of Environment and Natural Resources shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION. 13. *Separability Clause.* – If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION. 14. *Repealing Clause.* – For the purpose of this Act, the provisions of the NIPAS Act are hereby repealed or modified accordingly. Within the scope of the protected area as herein specified, the prohibitions and penalties under the NIPAS Act are hereby superseded.

SECTION. 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a national newspaper of general circulation readily available in the area. It shall likewise be posted in the appropriate language in a conspicuous place in the municipal and barangay halls within the area as well as in three (3) other places frequented by the public.

Approved,