

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SIXTEENTH CONGRESS
Second Regular Session

House Bill No. **5185**



Introduced by : Rep. Josephine Y. Ramirez-Sato

EXPLANATORY NOTE

This bill seeks to declare the Mt. Calavite Wildlife Sanctuary in the Municipality of Paluan, in Occidental Mindoro, as a protected area.

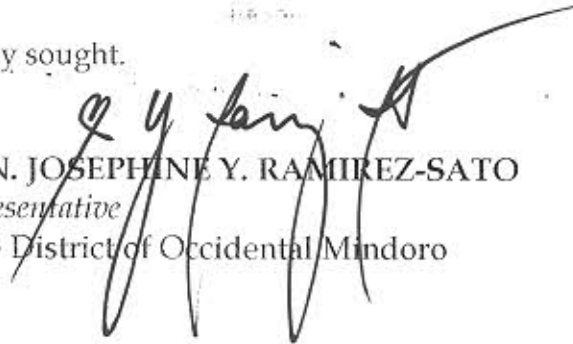
The Mt. Calavite Wildlife Sanctuary (MCWS), which covers 18,235.42 hectares is hosts to a variety of endangered endemic species flora and fauna classified as threatened by the International Union for the Conservation of Nature. At present, Mt. Calavite is recorded to have 2 critically endangered, 3 endangered, 3 vulnerable, and 24 restricted-ranged species. Examples of these species are the critically endangered Tamaraw, critically endangered Mindor Bleeding-heart pigeon, vulnerable Spotted Imperial Pigeon, endangered Mindoro Tarictic Hornbill, vulnerable Scarlet-collared Flowerpecker. Mt. Calavite is also home to vulnerable population of indigenous people, the sub-group Iraya-Mangyan.

Recognizing the value of the area, the Mt. Calavite Wildlife Sanctuary was established under the National Integrated Protected Areas System (NIPAS) by virtue of Presidential Proclamation No. 292 signed by Pres. Joseph Ejercito Estrada, dated April 23, 2002.

This bill, therefore, seeks to declare Mt. Calavite Wildlife Sanctuary as protected in order to protect it from indiscriminate exploitation and to be able to maintain ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act this now to ensure that our children and the succeeding generations will inherit a living earth with all the bountiful natural resources and vibrant wildlife.

The passage of this bill is earnestly sought.


HON. JOSEPHINE Y. RAMIREZ-SATO
Representative
Lone District of Occidental Mindoro

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"AN ACT DECLARING THE MT. CALAVITE WILDLIFE SANCTUARY, SITUATED IN THE MUNICIPALITY OF PALUAN PROVINCE OF OCCIDENTAL MINDORO 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. Title. — This Act shall be known as the "Mt. Calavite Wildlife Sanctuary (MCWS) Act."

Section 2. Declaration of Policy. — In view of the importance of Mt. Calavite's unique biological and its aesthetic, economical and ecological importance, it is hereby declared the policy of the State to ensure the protection and conservation of Mt. Calavite, the communities, their culture and way of life therein in accord with the rhythm and harmony of nature. In so doing, the State shall ensure full implementation of this Act, mobilize resources in order to put into operation institutional mechanisms and full scientific and technical support to ensure the protection of biodiversity, sustainable and participatory development, advance and protect the interests of its legitimate inhabitants and honor customary laws.

It shall further be the policy of the State to promote the Mt. Calavite Wildlife Sanctuary, with the end in view of fostering widespread awareness and concern for the same. Towards this end, the State shall undertake to carry out comprehensive and holistic promotions, training and information campaign programs for the benefit of the general public, in pursuance of the duty of the State to uphold the primacy of protecting, preserving and promoting these resources.

Finally, it shall be the policy of the State to encourage the participation of the private sector and the local government units in the protection, preservation and promotion of the Mt. Calavite Wildlife Sanctuary.

Section 3. Scope and Coverage. – The boundaries of the Mt. Calavite Wildlife Sanctuary, situated in the Municipality of Paluan, Province of Occidental Mindoro, containing an approximate area of 18,235.42 hectares, are as follows:

CORNER	LINE	UTM LUZON		BEARING	DISTANCE
		NORTHING	EASTING		
1	1 - 2	1487601	224994	N 60°16'53" W	804.86
2	2 - 3	1488000	224295	N 51°50'53" W	581.15
3	3 - 4	1488359	223838	N 31°03'47" W	296.52
4	4 - 5	1488613	223685	N 34°03'08" W	394.68
5	5 - 6	1488940	223464	S 40°33'26" W	282.99
6	6 - 7	1488725	223280	S 40°13'36" W	696.80
7	7 - 8	1488193	222830	N 40°33'31" W	730.51
8	8 - 9	1488748	222355	S 46°21'21" W	239.07
9	9 - 10	1488583	222182	S 42°24'05" W	452.31
10	10 - 11	1488249	221877	S 42°37'22" E	375.09
11	11 - 12	1487973	222131	S 47°09'18" E	263.23
12	12 - 13	1487794	222324	S 17°42'45" E	476.59
13	13 - 14	1487340	222469	S 15°28'30" E	251.10
14	14 - 15	1487098	222536	S 16°03'15" E	289.28
15	15 - 16	1486820	222616	N 62°39'29" W	428.92
16	16 - 17	1487017	222235	S 41°07'07" W	240.26
17	17 - 18	1486836	222077	S 21°30'31" W	218.19
18	18 - 19	1486633	221997	S 22°18'41" W	500.47
19	19 - 20	1486170	221807	N 85°45'48" W	351.96
20	20 - 21	1486196	221456	N 31°34'52" W	572.84
21	21 - 22	1486684	221156	N 34°19'23" W	652.64
22	22 - 23	1487223	220788	S 10°14'42" E	601.59
23	23 - 24	1486631	220895	S 12°34'14" E	445.68
24	24 - 25	1486196	220992	S 45°05'57" W	408.00
25	25 - 26	1485908	220703	N 88°54'39" W	526.10
26	26 - 27	1485918	220177	S 53°40'00" W	427.02
27	27 - 28	1485665	219833	S 65°48'08" W	346.44
28	28 - 29	1485523	219517	S 55°36'00" W	380.55
29	29 - 30	1485308	219203	S 63°18'12" W	389.52
30	30 - 31	1485133	218855	N 90°00'00" W	370.00
31	31 - 32	1485133	218485	N 67°47'42" W	764.71
32	32 - 33	1485422	217777	S 70°35'51" W	505.72
33	33 - 34	1485254	217300	S 79°02'00" W	294.38
34	34 - 35	1485198	217011	S 49°10'04" E	1050.71
35	35 - 36	1484511	217806	S 60°56'43" E	453.01
36	36 - 37	1484291	218202	S 76°03'49" W	278.19
37	37 - 38	1484224	217932	S 87°50'49" W	399.28
38	38 - 39	1484209	217533	S 71°15'45" W	239.70
39	39 - 40	1484132	217306	N 40°45'48" W	114.87
40	40 - 41	1484219	217231	N 86°12'19" W	392.86
41	41 - 42	1484245	216839	S 79°48'23" W	322.08
42	42 - 43	1484188	216522	S 14°27'03" E	368.66
43	43 - 44	1483831	216614	S 52°43'09" W	279.01
44	44 - 45	1483662	216392	S 06°16'10" E	448.68

CORNER	LINE	UTM LUZON		BEARING	DISTANCE
		NORTHING	EASTING		
45	45 - 46	1483216	216441	S 29°08'18" E	398.42
46	46 - 47	1482868	216635	S 07°13'27" E	286.27
47	47 - 48	1482584	216671	S 67°22'02" W	345.62
48	48 - 49	1482451	216352	S 30°00'54" E	341.84
49	49 - 50	1482153	216523	S 64°10'44" E	447.70
50	50 - 51	1481960	216926	S 50°25'20" E	321.76
51	51 - 52	1481755	217174	S 52°11'44" E	355.65
52	52 - 53	1481537	217455	S 29°11'50" W	428.44
53	53 - 54	1481163	217246	S 63°30'47" W	327.36
54	54 - 55	1481017	216953	S 63°26'05" W	348.83
55	55 - 56	1480861	216641	S 55°34'43" E	608.56
56	56 - 57	1480517	217143	S 62°42'01" W	593.05
57	57 - 58	1480245	216616	N 86°24'33" W	494.97
58	58 - 59	1480276	216122	N 65°19'09" W	380.78
59	59 - 60	1480435	215776	N 76°26'58" W	285.96
60	60 - 61	1480502	215498	N 76°53'26" W	374.77
61	61 - 62	1480587	215133	N 52°47'49" W	344.01
62	62 - 63	1480795	214859	N 48°46'20" W	257.95
63	63 - 64	1480965	214665	N 40°15'34" W	436.36
64	64 - 65	1481298	214383	N 45°00'00" W	261.63
65	65 - 66	1481483	214198	N 49°12'02" W	250.99
66	66 - 67	1481647	214008	N 45°23'32" W	206.48
67	67 - 68	1481792	213861	N 47°07'59" W	246.95
68	68 - 69	1481960	213680	N 36°22'42" W	419.82
69	69 - 70	1482298	213431	S 01°58'07" W	320.19
70	70 - 71	1481978	213420	S 00°52'04" W	264.03
71	71 - 72	1481714	213416	S 12°14'46" W	264.01
72	72 - 73	1481456	213360	S 09°34'42" E	324.52
73	73 - 74	1481136	213414	S 33°31'12" W	280.68
74	74 - 75	1480902	213259	N 73°45'29" W	371.84
75	75 - 76	1481006	212902	N 85°25'55" W	389.24
76	76 - 77	1481037	212514	N 45°28'31" W	340.84
77	77 - 78	1481276	212271	N 59°42'12" W	412.31
78	78 - 79	1481484	211915	N 47°57'22" W	452.44
79	79 - 80	1481787	211579	N 50°16'34" W	269.13
80	80 - 81	1481959	211372	N 41°03'54" W	267.92
81	81 - 82	1482161	211196	N 49°24'53" W	385.81
82	82 - 83	1482412	210903	N 02°40'18" W	300.33
83	83 - 84	1482712	210889	N 46°51'14" W	415.29
84	84 - 85	1482996	210586	N 38°23'11" W	392.94
85	85 - 86	1483304	210342	N 25°45'54" W	416.40
86	86 - 87	1483679	210161	N 51°53'02" W	312.67
87	87 - 88	1483872	209915	N 53°36'01" W	316.81
88	88 - 89	1484060	209660	N 39°55'58" W	288.21
89	89 - 90	1484281	209475	N 31°55'24" W	296.91
90	90 - 91	1484533	209318	N 13°36'56" W	297.36
91	91 - 92	1484822	209248	N 24°43'16" W	222.38
92	92 - 93	1485024	209155	N 66°32'06" W	339.04
93	93 - 94	1485159	208844	N 74°24'52" W	349.86
94	94 - 95	1485253	208507	N 16°55'39" W	288.50

CORNER	LINE	UTM LUZON		BEARING	DISTANCE
		NORTHING	EASTING		
95	95 - 96	1485529	208423	N 06°20'24" W	452.77
96	96 - 97	1485979	208373	N 14°29'37" E	455.50
97	97 - 98	1486420	208487	N 36°09'55" W	488.04
98	98 - 99	1486814	208199	N 39°36'38" W	414.07
99	99 - 100	1487133	207935	N 43°36'10" W	290.00
100	100 - 101	1487343	207735	N 23°46'20" W	367.15
101	101 - 102	1487679	207587	N 30°56'20" W	398.73
102	102 - 103	1488021	207382	N 46°27'04" E	474.62
103	103 - 104	1488348	207726	N 78°00'16" E	442.67
104	104 - 105	1488440	208159	N 38°20'00" E	328.91
105	105 - 106	1488698	208363	N 38°58'38" E	310.01
106	106 - 107	1488939	208558	N 16°23'22" E	318.96
107	107 - 108	1489245	208648	N 04°44'38" E	241.83
108	108 - 109	1489486	208668	N 00°34'15" E	301.01
109	109 - 110	1489787	208671	N 15°29'57" E	246.98
110	110 - 111	1490025	208737	N 21°01'02" E	203.54
111	111 - 112	1490215	208810	N 06°58'26" W	329.44
112	112 - 113	1490542	208770	N 46°26'45" E	364.28
113	113 - 114	1490793	209034	N 00°56'10" W	306.04
114	114 - 115	1491099	209029	N 00°59'05" W	349.05
115	115 - 116	1491448	209023	N 72°12'27" E	366.53
116	116 - 117	1491560	209372	N 74°38'18" E	283.11
117	117 - 118	1491635	209645	N 31°31'13" E	388.29
118	118 - 119	1491966	209848	N 27°16'10" E	436.51
119	119 - 120	1492354	210048	N 87°42'33" E	175.14
120	120 - 121	1492361	210223	N 24°18'53" E	330.30
121	121 - 122	1492662	210359	N 30°03'39" E	337.38
122	122 - 123	1492954	210528	N 73°44'41" E	457.28
123	123 - 124	1493082	210967	N 73°12'48" E	439.74
124	124 - 125	1493209	211388	N 59°35'44" E	474.22
125	125 - 126	1493449	211797	N 54°59'46" E	399.21
126	126 - 127	1493678	212124	N 34°28'58" E	461.00
127	127 - 128	1494058	212385	N 18°30'06" E	542.01
128	128 - 129	1494572	212557	N 56°21'34" E	319.51
129	129 - 130	1494749	212823	N 65°45'19" E	309.28
130	130 - 131	1494876	213105	N 65°30'05" E	347.26
131	131 - 132	1495020	213421	N 60°45'57" E	403.38
132	132 - 133	1495217	213773	N 67°20'07" E	295.85
133	133 - 134	1495331	214046	N 58°31'12" E	323.63
134	134 - 135	1495500	214322	N 60°40'26" E	492.06
135	135 - 136	1495741	214751	N 67°37'11" E	239.00
136	136 - 137	1495832	214972	N 69°49'57" E	345.16
137	137 - 138	1495951	215296	N 68°15'09" E	394.05
138	138 - 139	1496097	215662	N 76°28'55" E	402.14
139	139 - 140	1496191	216053	N 69°31'10" E	265.80
140	140 - 141	1496284	216302	N 75°30'36" E	367.70
141	141 - 142	1496376	216658	N 77°18'26" E	455.12
142	142 - 143	1496476	217102	N 75°05'11" E	411.87
143	143 - 144	1496582	217500	N 75°13'31" E	376.45
144	144 - 145	1496678	217864	N 86°01'48" E	317.76

CORNER	LINE	UTM LUZON		BEARING	DISTANCE
		NORTHING	EASTING		
145	145 - 146	1496700	218181	N 85°20'41" E	394.30
146	146 - 147	1496732	218574	N 85°59'01" E	471.16
147	147 - 148	1496765	219044	N 80°14'38" E	513.42
148	148 - 149	1496852	219550	N 74°51'09" E	512.82
149	149 - 150	1496986	220045	S 84°34'39" E	455.04
150	150 - 151	1496943	220498	S 79°42'34" E	352.67
151	151 - 152	1496880	220845	S 76°15'33" E	282.07
152	152 - 153	1496813	221119	S 80°15'42" E	614.86
153	153 - 154	1496709	221725	S 74°01'54" E	345.32
154	154 - 155	1496614	222057	S 70°57'53" E	392.46
155	155 - 156	1496486	222428	S 75°44'30" E	438.51
156	156 - 157	1496378	222853	S 70°33'35" E	504.78
157	157 - 158	1496210	223329	N 84°13'03" E	317.62
158	158 - 159	1496242	223645	S 63°41'19" E	403.84
159	159 - 160	1496063	224007	S 09°29'22" E	345.73
160	160 - 161	1495722	224064	S 12°31'43" E	341.12
161	161 - 162	1495389	224138	N 83°24'11" E	295.96
162	162 - 163	1495423	224432	S 48°38'32" E	345.06
163	163 - 164	1495195	224691	S 09°31'43" E	283.92
164	164 - 165	1494915	224738	S 05°34'19" W	288.36
165	165 - 166	1494628	224710	S 03°25'09" E	318.57
166	166 - 167	1494310	224729	S 02°15'38" E	2458.91
167	167 - 168	1491853	224826	S 05°50'45" E	294.53
168	168 - 169	1491560	224856	S 00°53'42" E	320.04
169	169 - 170	1491240	224861	S 00°19'15" E	357.01
170	170 - 171	1490883	224863	S 01°36'42" E	462.18
171	171 - 172	1490421	224876	S 01°41'21" E	373.16
172	172 - 173	1490048	224887	S 11°42'44" E	334.97
173	173 - 174	1489720	224955	S 00°09'39" W	356.00
174	174 - 175	1489364	224954	S 01°31'45" W	412.15
175	175 - 176	1488952	224943	S 00°19'09" E	359.01
176	176 - 177	1488593	224945	S 03°08'47" E	382.58
177	177 - 178	1488211	224966	S 02°54'13" E	276.35
178	178 - 1	1487935	224980	S 02°24'00" E	334.29

The DENR-National Mapping and Resource Information Authority (NAMRIA) shall validate the technical descriptions provided in this Act through actual survey/demarcation. The metes and bounds of the Mt. Calavite Wildlife Sanctuary shall be indicated on the map. The

The technical description of the buffer zone will be supplemented to this act by the DENR-PENRO and will be likewise validated by NAMRIA.

Any modification of this Act due to factors such as changing ecological situations, new scientific or archaeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an Act passed by Congress after full consultation with the affected public and concerned government agencies.

Section 4. Definition of Terms. — The following terms are hereby defined for the purpose of this Act:

- (a) **Ancestral domain** - refers to all lands and natural resources occupied or possessed by indigenous cultural communities, by themselves or through their ancestors, communally or individually, in accordance with their customs and traditions since time immemorial, continuously to the present except when interrupted by war, force majeure, or displacement by force, deceit or stealth. It includes all adjacent areas generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.
- (b) **Indigenous cultural communities** - shall refer to tribes, including but not limited to Mangyan (i.e. Iraya, Alangan, Taobuid, Buhid, Hanunoo, Gubatnon, Ratagnon) who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of language, customs, traditions and other distinctive cultural traits.
- (c) **Non-renewable resources** - shall refer to those resources found within the PA and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- (d) **Protected species** - shall refer to any species listed under the Convention of International Trade of Endangered Species (CITES), or any plant or animal that shall be declared as protected under Philippine laws, rules and regulations issued by the Department of Environment and Natural Resources (DENR) or the Protected Area Management Board (PAMB) or through management plan herein provided.
- (e) **Non-government organization** - shall refer to any civic, development or philanthropic organization which is multi-sectoral in character.
- (f) **People's organization** - shall refer to any grouping of people formed to advance the interests of the sector represented, provided such sector is marginalized, poor or disempowered.
- (g) **Public consultation** - shall refer to a meeting dialogue with the concerned or affected individuals within and outside the PA designed to identify and resolve issues and problems affecting them.
- (h) **Secretary** - shall refer to the Secretary of the DENR.

Section 5. Management Plan. - There shall be a management plan promulgated for the MCWS that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

The Protected Area Superintendent (PASu) shall prepare the management plan in coordination with the appropriate offices of the DENR and local communities and tribal experts who have experience in the particular cultures in the area. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary. Such certification is mandatory if the plan conforms to all laws, rules and regulations issued by the DENR of national application. In no case shall the management plan be revised or modified without prior consultation with the PAMB.

Within one (1) year from the effectivity of this Act, the management plan shall have been put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

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

The PASu shall prepare all successor plans in coordination with the appropriate offices of the department, local communities and the NGOs. It shall be reviewed and approved by the Management Board and certified by the Secretary of the Department. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department: *Provided, however,* That the Secretary may revise and modify the protection and conservation plan, after consultation with Management Board, prior to certification to ensure conformity with applicable laws, rules and regulations.

Two (2) years before the expiration of the period of applicability of the plan in effect, the PASu shall cause 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. The proposed plan shall be made available to the public during the period for comment and a finalized plan shall be made available for public perusal at the office of the PASu upon the approval of the PAMB.

The zoning of the PA shall give primary consideration to the traditional zones used and recognized by indigenous cultural communities and, whenever applicable, those that have been sustainably used by tenured migrant communities for an appreciable length of time unless such uses are deemed detrimental to biodiversity and the protection of the natural characteristics of the PA.

The plan shall be in a language understandable in the area, plainly written and available for perusal to the general public at the PASu office.

Section 6. *Management of the Mt. Calavite Wildlife Sanctuary.* — Pursuant to Section 11 of Republic Act No. 7586 or the NIPAS Act of 1992, there shall be a Management Board which shall have jurisdiction, power and authority over the MCWS for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- (1) The Regional Executive Director, DENR Region 4B as Chairperson;
- (2) The Provincial Planning and Development Officer/Coordinator;
- (3) The Mayor of the Municipality of Paluan or his duly designated representative;
- (4) One (1) representative chosen from among the Barangays covering the MCWS such as Brgys. Harrizon, Alipaoy, and Bagong Bayan in the municipality of Paluan;
- (5) One (1) representative from each department or national government agency directly involved in the MCWS or with long term projects or permanent facility located therein;
- (6) At least three (3) representatives from accredited NGOs operating within Paluan chosen from among themselves in a meeting duly called for the purpose; and
- (7) At least two (2) representatives from accredited POs operating within Paluan chosen from among themselves in a meeting duly called for the purpose.

Each member of the MCWS shall serve for a term of five (5) years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, the term of office shall be attached to the office held.

The members of the Management Board shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the Management Board *shall* be nominated from the current members of the interim Management Board: *Provided, That* at least one-third (1/3) of the members thereof shall be women.

In the selection of the representatives of POs and NGOs, preference shall be accorded to those organizations that are involved in the conservation, protection and development of the MCWS.

Representation shall be by institution and shall aim to achieve balance in representation by geographic location or areas.

The representatives from the local government units (LGUs) and national agencies in the Management Board shall include among their duties, the duty to inform their respective constituents, office or sector, of Management Board-approved or other relevant policies, rules, regulations, programs and projects and ensure that the provisions of this Act, the NIPAS Act and its implementing rules and regulations are observed, complied with and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the Management Board may provide.

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

Section 7. Powers and Functions of the Management Board. — The Management Board shall have the following powers and functions in addition to those provided under the NIPAS Act of 1992 and its Implementing Rules and Regulations:

- (a) Issue rules and regulations to prohibit acts that may be prejudicial to the MCWS and to the declaration of policy set forth under the NIPAS Act;
- (b) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;

- (c) Issue rules and regulations for the discipline and removal of its officers and members;
- (d) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (e) Approve the management plan and oversee the office of the Protected Area Superintendent (PASu);
- (f) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;
- (g) Recommend the deputation of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the MCWS;
- (h) Approve fees and charges in accordance with existing guidelines/policies and raise funds for the MCWS;
- (i) Report to the DENR, on a quarterly basis, the status of the implementation of this Act, with emphasis on the disbursement of funds appropriated for the execution of the various policies and programs hereunder, and on the status of cases for the prosecution of violations of this Act;
- (j) Formulate programs for the promotion, training and information dissemination pertaining to the Mt. Calavite and its significance as a vital natural resource of the country;
- (k) Manage the allocation of the MCWS and other funds for the MCWS, ensure their proper administration, and render accounting; and
- (l) Recommend appropriate policy changes to the DENR and other government authorities.

The DENR, through the Regional Executive Director (RED), shall ensure that the Management Board acts within the scope of its powers and functions. In case of a conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and the rules issued by Management Board, the Secretary of the DENR shall decide whether to apply the rule or withdraw its application.

Section 8. Incentives of Management Board Members. – In addition to actual and necessary traveling and subsistence expenses incurred in the performance of their duties, Management Board members may be granted allowances and insurance coverage in attending Board meetings. These expenses may be included in the budget for the MCWS.

Section 9. Protected Area Superintendent (PASu) Office. — There is hereby established a PASu Office in charge of the implementation of the projects, programs and policies for the management, protection and administration of the MCWS. It will be headed by a Protected Area Superintendent (PASu) and shall be supported by the existing personnel of the DENR. The PASu shall be the Chief Operating Officer of the MCWS and shall be accountable to the RED of the DENR and the Management Board. The PASu shall have the following duties and responsibilities in addition to those provided under existing laws and regulations;

- (a) Establish, operate and maintain a database management system as decision support tool;
- (b) Prepare and execute the management plan for the MCWS;
- (c) Provide a secretariat for the MCWS and supply the Management Board with all the information necessary to make appropriate decisions for the implementation of this Act;
- (d) Enforce the laws, rules and regulations relevant to the MCWS and assist in the prosecution of offenses;
- (e) Supervise all activities within the MCWS to ensure its conformity with the management plan;
- (f) Ensure the integration of the MCWS management policies, regulations, programs and projects at all the concerned national and local government unit levels;
- (g) Implement the promotion, training and information campaign programs as formulated by the Management Board;
- (h) Report to the Management Board, on a quarterly basis, the status of the implementation of the various programs under this Act, such as, but not limited to, the database management system, the management plan of the MCWS, and the enforcement of the laws, rules and regulations relevant to the MCWS and the prosecution of the violations thereof;
- (i) Recommend to the DENR the issuance of permits based on terms, conditions and criteria established by the Management Board; and
- (j) Perform other functions as the Management Board may delegate.

The PASu shall be supported by a sufficient number of personnel who shall be performing day to day management, protection and administration of the MCWS. All position titles and items of the DENR employees detailed with the MCWS at the time of the effectivity of this Act shall be transferred to form part of the PASu Office.

Section 10. *Ancestral Lands and Domains.* — For purposes of this Act, the following shall govern ancestral lands and domains in the protected area:

- (a) The rights of the indigenous peoples to the ancestral domains are hereby fully recognized. Traditional property regimes exercised by the indigenous cultural communities in accordance with their customary laws shall govern the relationships of all individuals within their communities with respect to all land and resources found within ancestral lands.
- (b) An indigenous cultural community, through its representatives as provided in Section 4 herein may apply for Certificates of Ancestral Domain Title (CADT) as herein defined to be recorded in the same manner as Certificates of Title under the Property Registration Decree. Each CADT would contain documentation, if any, of the customary rights pertaining to the indigenous cultural community involved. The Department shall make rules and regulations for the proper implementation of this section, which shall specify the kinds of evidence admissible to prove title, the process of documentation of the written and oral traditions for inclusion in the CADT and the recognition of customary leadership within the tribe: Provided, That such rules shall not, in any way, impair, diminish or effect a deprivation of the vested and customary rights of the community and its members: Provided, further, That the non-documentation of these rights do not preclude their exercise under the law: Provided, finally, That there shall be no prescription for the exercise of these rights. For purposes of determining the existence of these rights in order to resolve conflicts, recourse to customs shall be given preference, with due consideration to the dynamism of culture.
- (c) Presumptions — The following presumptions shall govern, unless proven to be contrary to documented or oral custom by clear and convincing evidence in the proper administrative or judicial proceeding providing due hearing to all parties concerned:
 - c.1 All lands presently occupied by indigenous cultural communities since time immemorial shall be presumed to be ancestral lands.
 - c.2 Rights and obligations within ancestral lands are presumed to be governed by customary law.
 - c.3 Rights and obligations within ancestral lands governed by customary law are presumed to be held collectively by the community.

- c.4 Rights and obligations within ancestral lands proven to be held by individuals under customary law are presumed to be held in trust by such individuals for the whole community.
- c.5 The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place for the payment of taxes on ancestral domains. Real property taxes, however, shall accrue when there is a determination by the PAMB upon a petition by an interested party that the properties are commercially used and not in conformity with traditional and sustainable natural resource management practices.

Owing to differences in cultural and social worldview, the provisions of the Act shall be construed liberally in favor of indigenous cultural communities and their members.

Section 11. *Tenured Migrants and Transient Farmers.* — Tenured migrants are those members of households that have actually and continuously occupied the Mt. Calavite Wildlife Sanctuary since July 1, 1987 and are substantially dependent on the PA for their livelihood. For the purposes of official documentation of rights and extent of occupation within the PA, the tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since July 1, 1987. Tenured migrants may occupy and use the area specified in the instrument for a term of twenty-five (25) years renewable for another twenty-five (25) years. The holder of the instrument upon the lapse of this period may negotiate for a new instrument and his/her occupancy shall be evaluated by the PAMB for purposes of such renewal.

If despite consideration paid to current practices, areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed, provision for their transfer to multiple use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating land within the PA since July 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restrictive to cultivation: Provided, that the rights under such can only be transferred to direct descendants.

Tenured migrant instruments may be cancelled for violation of the terms and conditions specified therein, upon the holder's repeated refusal to comply with the management plan or the regulations set by the PAMB or by voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the transient or tenured migrant.

Tenured migrant instruments are transferable only to direct descendants but are not visible to numerous heirs.

Section 12. *Special Prosecutors and Counsels.* — Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the MCWS shall be assigned. Such special prosecutor shall coordinate with the Management Board and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and other criminal procedures. The Management Board may retain the services of a counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the Management Board, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the MCWS, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the Management Board.

Section 13. *Prohibited Acts.* — The following shall be the prohibitions and penalties applicable to the PA:

- (a) The penalties in Articles 309 and 310 of the Revised Penal Code depending on the value of the resources taken, damaged or destroyed shall be imposed upon any person who performs any of the following acts:
 - a.1 Hunting, destroying, trapping, disturbing or possessing anywhere within Mt. Calavite Wildlife Sanctuary any wild plants or animals or products derived therefrom without a permit from the PAMB: Provided, That such permits shall only be given for scientific purposes necessary for protected area management;
 - a.2 Cutting, gathering, collecting or removing timber or forest products without permit: Provided, That such permits shall only be given for scientific purposes necessary for protected area management;
 - a.3 Possessing outside the PA any wild plants or animals or products derived therefrom which came from the PA;
 - a.4 Mineral exploration or extraction, drilling or prospecting for minerals within the Mt. Calavite Wildlife Sanctuary;
 - a.5 Construction or maintaining any kind of road, structure, fence or enclosure without permit from the PAMB: Provided, That

structures within ancestral domains used by indigenous cultural communities need not be under a permit from the PAMB; and

- a.6 Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks or signs, natural formations, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and other object of natural and scenic value or affixing marks or signs on trees.

Valuation of the damage shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Commission of these acts likewise carries the penalty of eviction from the PA and the forfeiture of all transportation, structures and building materials, equipment, devices, weapons used for the commission of the offense as well as the PA resources caught in the possession of the accused.

The local government unit responsible for the imposition of the penalties herein and the arrest and confiscation of the materials shall have a fifty percent (50%) share in the disposition thereof while the rest shall accrue to the PAMB.

- (b) A fine of not less than One hundred thousand pesos (P100,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year and not more than five (5) years shall be imposed upon:

- b.1 Any person found guilty of grazing, causing livestock to be grazed or raising poultry within the PA without permit from the PAMB; and

- b.2 Any public officer or officer of the law, who, in dereliction of the duties of his/her office, shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

Any person who shall induce another or conspire to commit any of the acts in this section or suffer his/her workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

All activities contained in the management plans and such other measures as are necessary for protection, preservation and protected area management as certified by the PAMB and the Secretary and undertaken by the PASu or those deputized by the PAMB shall not be covered by the above. The certified customs and traditional practices of the indigenous cultural

communities are also allowable activities over which the above prohibitions shall not apply.

(c) A fine of not less than One thousand pesos (P1,000.00) but not more than One hundred thousand pesos (P100,000.00) 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 commits any of the following acts:

- c.1 Violating any rule or regulation in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;
- c.2 Dumping, burning or disposition of any waste products, vegetation or materials within the PA to the detriment of inhabitants, plants or animals therein;
- c.3 Use of motorized equipment without a permit except the use of motorized vehicle in areas where the national highway, provincial road or other public thoroughfare traversing the park: Provided, That such thoroughfares were legally constructed;
- c.4 Occupation of any portion of land inside the protected area without a permit from the PAMB: Provided, That occupation shall be of such a nature as to last more than ten (10) days in a particular portion of the PA; and
- c.5 Entry into the PA without a permit from the PAMB.

Section 14. Poaching by Foreigners. — It shall be unlawful for any foreign person, corporation or entity to fish or operate any fishing vessel in the ARNP. The entry of any foreign fishing vessel in the ARNP shall constitute *prima facie* evidence that the vessel is engaged in fishing in the area. The presence of any foreign national in a fishing vessel of either Philippine or foreign registry in ARNP shall be *prima facie* evidence that the vessel is engaged in fishing in the Park.

Violation of the above shall be punished by imprisonment of six (6) years and one (1) day to twelve years (12) years and a fine of One hundred thousand US dollars (US\$100,000.00), in addition to the forfeiture of its poached animals and other forest products, and equipment: *Provided*, That in case of non-payment of fine, subsidiary imprisonment shall be imposed: *Provided, further*, That the Management Board is empowered to impose an administrative fine of not less than Fifty thousand US dollars (US\$50,000.00), but not more than Two hundred thousand US dollars (US\$200,000.00) or its

equivalent in Philippine currency, in addition to the confiscation and forfeiture poached animals and other forest products, and equipment: *Provided, finally,* That a bond may be posted for the vessels which shall not be less than One hundred thousand US dollars(US\$100,000.00).

A hold departure order shall be issued as a condition for the grant of bail to any foreign offender. All passports and documents which may be used by the accused to flee the country must be surrendered to the court.

Section 15. *Violation of Environmental Impact Assessment System.* –

The Management Board shall prosecute violations of laws and rules on Environmental Impact Assessment System. Such violations shall be punished by imprisonment of three (3) years to five (5) years; fine of One hundred thousand pesos (P100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation. If the offender is a corporation, the directors and officers shall suffer the imprisonment. The Management Board shall also impose administrative fine of One hundred thousand pesos (P100,000.00) for every day each violation subsists; rehabilitation of the affected area or the amount equivalent thereto; and confiscation and forfeiture of the vessels, structures, effects, materials and equipment used, and the products of such violation.

Section 16. *Violation of Standards.* – The owner, operator and top three (3) officers of any business entity and or organization violating the standards set by the Management Board, such as, but not limited to, safety and sanitation standards, shall suffer administrative penalty of fine ranging from Twenty thousand pesos (P20,000.00) to Fifty thousand pesos (P50,000.00) for every day each violation subsists, and from suspension of three (3) months to cancellation of permit to operate in MWCS.

Section 17. *Contracts Over Lands within the PA.* – The purchase, sale encumbrance, mortgage, usufruct or lease of lands within the PA to persons outside the PA not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PAMB: *Provided;* That verification and validation by the PAMB shall depend on the subsisting rights to enter into such contract due to vested rights, customary practices or individual ownership prior to the establishment of the area as protected area.

Section 18. *Local Government Units.* — Local government units (LGUs) shall participate in the management of the Mt. Calavite Wildlife Sanctuary through representation in the PAMB as provided under Sec. 7A. The LGU retains its ordinance-making powers over the territory covered under this Act but with due consideration to the protected area management objectives. If a conflict between the LGU and the protected area management objectives remains unresolved within the PAMB, it shall be resolved through mediation.

Section 19. *Integrated Protected Area Funds.* — The following shall constitute part of the Integrated Protected Area Funds (IPAF) and shall be subject to the rules on IPAF from the moment they accrue:

- (1) Proceeds from special land use and resource utilization and real property taxes from commercially used ancestral domains, as may be set by the PAMB;
- (2) Fees exacted from permitted collection of wild flora and fauna and other sources within the PA as may be set by the Department and by the PAMB;
- (3) Fees from industries and facilities directly benefiting from the PA;
- (4) Fines and fees, including PA entry and visitor's fees, as may be imposed and collected from the operation of the PA and set by the PAMB; and
- (5) Contributions, donations, endowments and grants from any legal source intended for the operation of the PA.

The local government units shall continue to impose and collect all other fees not enumerated herein which it has traditionally collected such as business permits, property taxes and rentals of local government unit facilities. Furthermore, local government units may charge add-ons to fees imposed by the PAMB: Provided, that such add-ons shall be determined based on the contribution of the local government unit in the maintenance and protection of the PA.

Section 20. *Existing Facilities within the PA.* — Within thirty (30) days from the effectivity of this Act, all commercial facilities existing within the boundaries of the PA with the total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the PAMB through the PASu the initial environmental examination and the environment compliance certificate, the waste cycle, fuel requirements and transportation of fuel within

the PA, personnel and expected personnel traffic within the park, project life cycle, and exit or repair plans for degraded structure, studies on the effects of operation on wildlife, the development plans and mitigating measures against adverse environmental impact and such other relevant information as may affect protected area management.

Based on its submission, the PAMB with the help of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the PA. Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe conditions for the operation of the facility to ensure that it does not contradict protected area management objectives. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed and the operation of the facility shall be ordered to cease. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB, through the PASu and deputizing other government entities, shall cause the demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the PA may be charged a reasonable fee by the PAMB which shall be embodied in a Memorandum of Agreement to be entered into by the PAMB and the owner of the facility. All incomes derived from such fees shall accrue to the IPAF.

Section 21. *Utilization of Non-renewable Resources.* — Any exploration for, exploitation or utilization of non-renewable resources within the PA shall not be allowed. Energy projects, whether renewable or otherwise, shall be permitted only through an act of Congress: Provided, That exploitation or exploration or renewable energy up to three (3) megawatts capacity shall be exempt from such requirement.

Section 22. *Appropriation.* — The amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act in the year following its enactment into law.

Section 23. *Construction in Favor of Tenure Migrants.* — The provisions 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 Management Act of 1992 and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the implementation of this Act.

Section 24. *Repealing Clause.* — All laws, rules and regulations inconsistent herewith are modified accordingly. The prohibitions and penalties under Republic Act No. 7586 are hereby superseded for the entire area covered by this Act.

Section 25. *Separability Clause.* — If any part or section of this Act is declared by the court as unconstitutional, such declaration shall not affect the other parts or sections hereof.

Section 26. *Transitory Provision.* — All persons who do not qualify as tenured migrants, transient farmers or who have no ancestral domains within the PA shall be allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all planted crops of such unqualified persons shall be confiscated and proceeds thereof shall accrued to the IPAF.

Section 27. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a national newspaper of general circulation available in the MCWS. It shall likewise be posted for the same time in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three (3) other places frequented by the public.

Approved,