

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

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 5631



**Introduced by Rep. Abdullah D. Dimaporo
And Rep. Imelda Quibranza Dimaporo**

EXPLANATORY NOTE

This bill seeks to conserve and protect an area of the public domain located in the heart of the Municipality of Nunungan, Lanao del Norte, under the protective mechanism provided by Republic Act No. 7586 of the National Integrated Protected Areas System (NIPAS).

The proposed protected area is locally known and admired for its natural rainforest whose biodiversity and wild life have been enhanced by the proud Maranao settlers of the area. It was proclaimed by Her Excellency President Gloria Macapagal, under Proclamation No. 1344, dated 30 July 2007, as a natural park and includes Lake Nunungan and at least two other smaller lakes or bodies of water and river tributaries.

There have been several sightings by scientists of the Department of Environment and Natural resources (DENR), of adult Philippine monkey-eating eagles under its "Eagle Watch" Program, in the densely forested mountain range, which appears to be the natural habitat of these eagles. The area is also teeming with monkeys, which could explain why the eagles made Mt. Inayawan its natural habitat.

The hinterland town of Nunungan, which is some 20 kilometers from the national highway of Lanao del Norte, is one of the last forest frontiers of the Province. The eagle's sighted natural habitat is some 3-1/2 hours trek from the town's *poblacion*.

In view of the foregoing and in order to curb potential threats to the integrity of the area as home to endangered species of flora and fauna, approval of the bill is earnestly sought.

IMELDA QUIBRANZA DIMAPORO

Representative

First District, Lanao del Norte

ABDULLAH D. DIMAPORO

Representative

2nd District, Lanao del Norte

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AN ACT

**DECLARING THE MT. INAYAWAN RANGE, LOCATED IN THE
MUNICIPALITY OF NUNUNGAN, PROVINCE OF LANA DEL
NORTE, AS A PROTECTED AREA, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSE**

*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. Inayawan Range Natural Park
Act.”

Sec. 2. Declaration of Policy. – Cognizant of the profound impact of man’s activities
on all components of the natural environment particularly the effect of increasing population,
resource exploitation and industrial advancement, and recognizing the critical importance of
protecting and maintaining the unique biological resources, ecological and aesthetic
importance to sustain human life and promote economic development as well as plant and
animal life of the Mt. Inayawan Range, it is hereby declared the policy of the state to ensure
its protection and conservation and preserve and promote the culture and way of life of the
communities therein in accord with the rhythm and harmony of nature. As such, the State
shall ensure the protection and conservation of its biological diversity, promote sustainable
participatory development, and honor and protect the interests of its legitimate inhabitants
and their customary laws.

Sec. 3. Category. – Given the natural physical features and socio-cultural and
economic importance that contribute to its valuable role as life support system for the living
within and around the area, the Mt. Inayawan Range is hereby declared a protected area
under the category of natural park, to known as the Mt. Inayawan Range Natural Park
(MIRNP), and its peripheral areas as buffer zone. Such protected area and buffer zone shall
become part of the National Integrated Protected Area System (NIPAS), subject to such
rights as are provided for in this Act.

Sec. 4. Scope and Coverage. - The MIRNP shall cover lands of the public domain located in the Municipality of Nunungan, Province of Lanao del Norte.

It shall have the following description, to wit: Beginning at tie point S 02°24' W. as described in DENR NIPAS Map, 7, 146.30 meters from the junction of Dipolo River and Salug River to corner "1"

Thence	N. 76°48' W.	1,683.50 m	to corner 2
Thence	N. 81°36' W.	1,620.90 m	to corner 3
Thence	N. 30°20' W.	2,253.40 m	to corner 4
Thence	N. 62°05' W.	1,667.00 m	to corner 5
Thence	N. 34°40' E.	2,020.90 m	to corner 6
Thence	N. 23°26' E.	1,253.60 m	to corner 7
Thence	N. 89°01' E	2,227.20 m	to corner 8
Thence	S. 84°30' E	933.50 m	to corner 9
Thence	S. 85°28' E	1,791.40 m	to corner 10
Thence	S. 70°38' E	1,889.60 m	to corner 11
Thence	N. 87°44' E	647.80 m	to corner 12
Thence	S. 18°42' E	356.00 m	to corner 13
Thence	S. 15°45' W.	397.00 m	to corner 14
Thence	S. 03°03' E.	1,274.60 m	to corner 15
Thence	S. 18°39' E.	1,790.40 m	to corner 16
Thence	S. 71°27' E.	1,348.60 m	to corner 17
Thence	N. 69°30' E.	696.20 m	to corner 18
Thence	S. 78°47' E.	748.20 m	to corner 19
Thence	S. 84°32' E.	647.80 m	to corner 20
Thence	S. 08°17' E.	662.50 m	to corner 21
Thence	S. 36°59' E.	2,238.10 m	to corner 22
Thence	S. 34°37' E.	2,361.30 m	to corner 23
Thence	S. 31°14' E.	1,157.00 m	to corner 24
Thence	S. 37°20' E.	1,483.50 m	to corner 25
Thence	S. 56°48' W.	692.70 m	to corner 26
Thence	S. 15°17' E.	341.40 m	to corner 27
Thence	S. 71°25' W.	1,139.20 m	to corner 28
Thence	S. 31°28' E.	420.10 m	to corner 29
Thence	S. 34°50' E.	84.30 m	to corner 30
Thence	S. 58°12' W.	94.20 m	to corner 31

Thence	N. 76°59' W.	1,234.54 m	to corner 32
Thence	N. 10°20' E.	1,920.00 m	to corner 1, the point of beginning, containing an area of eight thousand four hundred twenty-four (8,424) hectares, more or less, subject to actual ground survey.

The buffer zone of the MIRNP begins at corner "1" which is located at 124°57'00" E. and 8°47'22"N., near the junction of Kihangad River and a branch creek N. 66°48'05" W., at a distance of 456.94 meters from the said junction;

Thence	N. 82°16' W.	3,266.70 m	to corner 2
Thence	N. 31°13' W.	2, 428.20 m	to corner 3
Thence	N. 60°04' W.	1,820.10 m	to corner 4
Thence	N. 33°28' E.	2,178.00 m	to corner 5
Thence	N. 26°45' E.	1, 428.50 m	to corner 6
Thence	N. 86°02' E.	1,725.70 m	to corner 7
Thence	N. 69°53' E.	1,962.40 m	to corner 8
Thence	S. 64°44' E.	2, 046.20 m	to corner 9
Thence	S. 86°49' E.	721.80 m	to corner 10
Thence	S. 59°11' E.	1,212.20. m	to corner 11
Thence	Due East	720.70 m	to corner 12
Thence	S. 31°51' E	872.60 m	to corner 13
Thence	S. 07°35' W	303.20 m	to corner 14
Thence	S. 27°42' W	429.90 m	to corner 15
Thence	S.03°01' W.	1,143.60 m	to corner 16
Thence	S. 18°02' E.	1,609.20 m	to corner 17
Thence	N. 78°25' E.	899.10 m	to corner 18
Thence	N. 31°49' E.	318.70 m	to corner 19
Thence	S.77°57' E.	1. 248.60 m	to corner 20
Thence	S. 82°30' E.	1,114.20 m	to corner 21
Thence	S. 04°45' w.	965.00 m	to corner 22
Thence	S. 34°37' E.	2, 361.40 m	to corner 23
Thence	S. 31°14' E.	1, 157.00 m	to corner 24
Thence	S. 37°20' E.	1,483.20 m	to corner 25
Thence	S. 56°48' W.	692.70 m	to corner 26
Thence	S. 56°17' E	341.40 m	to corner 27

Thence	S. 71°25' W	1,139.60 m	to corner 28
Thence	S. 31°28' E	420.10 m	to corner 29
Thence	S. 34°50' W.	84.40 m	to corner 30
Thence	S. 24°55' E.	94.00 m	to corner 31
Thence	S. 71°14' E.	1,440.70 m	to corner 32
Thence	N. 61°59' W.	1,840.70 m	to corner 33
Thence	S. 56°17' E	341.40 m	to corner 27
Thence	S. 71°25' W	1,139.60 m	to corner 28
Thence	S. 31°28' E	420.10 m	to corner 29
Thence	S. 71°28' W	1,139.60 m	to corner 28
Thence	S. 31°28' E	420.10 m	to corner 29
Thence	S. 34°50' W.	84.40 m	to corner 30
Thence	S. 24°55' E.	94.00 m	to corner 31
Thence	S. 71°14' E.	1,440.70 m	to corner 32
Thence	N. 61°59' W.	1,840.70 m	to corner 33
Thence	N. 50°32' W	1,713.10 m	to corner 34
Thence	N. 71°06' W	1,313.60 m	to corner 35
Thence	S. 52°44' E	2,890.10 m	to corner 36
Thence	S. 71°25' W	1,139.60 m	to corner 28
Thence	S. 31°28' E	420.10 m	to corner 29
Thence	S. 34°50' W.	84.40 m	to corner 30
Thence	S. 24°55' E.	94.00 m	to corner 31
Thence	S. 71°14' E.	1,440.70 m	to corner 32
Thence	N. 61°59' W.	1,840.70 m	to corner 33
Thence	N. 50°32' W.	1,713.10 m	to corner 34
Thence	N. 71°06' W.	1,313.60 m	to corner 35
Thence	N. 31°28' E.	2,890.06 m	to corner 36
Thence	N. 73°02' W.	1,885.14 m	to corner 37
Thence	N. 19°31' W.	1,420.60 m	to corner 1,

the point of beginning, containing an area of One thousand two hundred twenty-two (1,222) hectares, more or less, subject to actual ground survey and delineation.

Sec. 5. Land Classification. - All lands of the public domain comprising the MIRNP shall fall under the classification of national park as provided for in the Philippine Constitution subject however, to private rights and the rights of the indigenous peoples in accordance with Republic Act No.8371, otherwise known as the Indigenous Peoples Rights Act (IPRA) of 1997.

Sec. 6. 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. "Biodiversity" refers to the variety of life in all its forms found on earth

c. "Buffer Zone" refers specific areas outside the boundaries of and immediately adjacent to designated areas that need special development control in order to avoid or minimize harm to the protected area.

d. "Indigenous Cultural Communities (ICC)" refers to a group of people sharing common bonds of language, customs and tradition and other distinct cultural traits, as further defined under Republic Act No. 8371.

e. "National Integrated Protected Area System (NIPAS)" refers to the classification and inclusion of all designated protected areas into one system pursuant to Republic Act No. 7586 or the National Integrated Area System (NIPAS) Act of 1992 to maintain essential ecological processes and life support system, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

f. "Natural Park" refers to a relatively large area not materially altered by human activity where extractive resource uses are not allowed, and maintained to protect outstanding natural and scenic uses of national or international significance for scientific, educational and recreational use.

g. "Non-government organization (NGO)" refers to any civic, developmental or philanthropic organization, which is multi-sectoral in character.

h. "Non-renewable resources" refers to those resources found within the protected area, the natural replenishment rate of which either not known or takes more than twenty-five (25) years.

i. "People's Organization (PO)" refers to any grouping of people formed to advance the interests of the sector being represented, provided such sector is marginalized, poor or disempowered.

j. "Private rights" refers to the rights of individual persons to own, under existing laws, and in the case of indigenous cultural communities, rights or possession since time immemorial, which possession may include places of abode and worship, burial grounds and well-defined territories.

k. "Protected Area (PA)" refers to the identified portions of land and water, set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity, and protected against destructive human exploitation.

l. "Protected Area Management Board (PAMB)" refers to a multi-sectoral body tasked to adopt policies, promulgate rules and regulations, and undertake planning activities for the appropriate management strategy to ensure resource protection and the general administration of the protected area.

m. "Protected Species" refers to individual species of plants and animals that is or shall be declared as protected under Philippine laws, rules and regulations issued by the DENR, species listed as protected against trade, hunting and harvest under international conventions to which the Philippines is or will become a signatory such as, but not limited to, the Convention on International Trade of Endangered Species (CITES). These include species that may be restricted for use under regulations issued by the Protected Area Management Board (PAMB) or by the DENR, and those particularly mentioned in the management plan.

n. "Public Consultation" refers to a meeting or dialogue between or among concerned or affected individuals within and outside of the protected area designed to identify and resolve issues and problems affecting them.

o. "Secretary" refers to the Secretary of Environment and Natural Resources.

p. "Tenured Migrants" refers to occupants within the protected area who have actually and continuously occupied such area for five (5) years before the designation of the same as protected area and are solely dependent therein for subsistence.

Sec. 7. Management Plan - The protection, conservation, rehabilitation, management, and overall development of the MIRNP and its human occupants shall be pursued in accordance with the management plan. The management plan shall be prepared in coordination with the appropriate offices of the DENR, technical experts, local communities and experts on indigenous cultures in the area and shall be reviewed, approved, and adopted by the PAMB. The Secretary shall certify that such plan conforms to all laws and rules and regulations of national application issued by the DENR. Within one year from the effectivity of this Act, the management plan shall be 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) Period of applicability of the plan;
- (b) Key management issues;
- (c) Goals and objectives;
- (d) Site management strategy;
- (e) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development, visitor management program and maintenance, fire and pest control, etc; and
- (f) Zoning

The PASu shall prepare all successor plans two (2) years before the expiration of the period of applicability 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 three 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 final plan, which shall be prepared in the language understandable in the area, shall be made available for public perusal at the Office of the PASu upon approval of the PAMB. The zoning of the protected area shall give primary consideration to the traditional zones used and recognized by indigenous cultural communities and wherever 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 protection of the natural characteristics of the area.

The Department of Environment and Natural Resources, government financial institutions such as the Development Bank of the Philippines and the Land Bank of the Philippines, public tertiary educational institutions such as the University of the Philippines and the Mindanao State University and government agencies such as the Department of Trade and Industry and similar institutions and agencies, shall assist the PAMB in the planning and execution of plans when so requested by the PAMB.

Sec. 8. Institutional Mechanisms. - The following administrative and policy-making mechanisms shall apply;

- A. There shall be a PAMB which shall be the policy-making body of the protected area. It shall be composed of;
 - 1. The Regional Executive Director (RED) of the DENR region X, who shall act as the Chairman;
 - 2. The Provincial Governor of Lanao de Norte as co-chairman;
 - 3. The mayor of the Municipality of Nunungan, Lanao de Norte, member;
 - 4. One representative from each barangay with territory inside the protected area or their authorized representatives, to be appointed by the concerned barangay legislative councils, member;
 - 5. At least three representatives from local NGOs operating within the protected area, chosen from among the representatives of the organizations in an election duly called for the purpose, members;

5. A representatives from other national government agencies with projects within the protected area, to be appointed by the DENR Secretary upon the recommendation of the concerned head of office, members; and
6. Representatives from other national government agencies with projects within the projected area, to be appointed by the DENR Secretary upon the recommendation of the concerned head of office, members; and
7. The Provincial Planning and Development Officer, the Provincial DILG Officer and the Members of Congress representing Lanao del Norte to the House of Representatives and the Senate, if any; sitting as ex officio members. Each member of the PAMB shall serve for a term of five years, and shall be considered to represent and carry the vote of the sector being represented in all matters. In the case of government officials, the tenure of membership in the PAMB shall be attached to the office held.

B. The PAMB, by majority vote, shall approve or take necessary actions on the following:

1. Matters relating to planning, resource protection and general administration of the area though the adoption of the management plan;
2. Proposals, work plans, action plans, and guidelines including agreements and other related documents for the management of the protected area in accordance with the approved management plan.
3. Delineation and demarcation of boundaries of the protected area, management zones, buffer zone and ancestral domains, and recognition of rights and privileges of indigenous communities under the provisions of this Act and the IPRA;
4. Rules and regulations to promote development of programs and projects on biodiversity conservation and sustainable development consistent with the management plan;
5. Implementation of programs as prescribed in the management plan;
6. Control and regulation on the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation system and other public utilities within the protected area;
7. Monitoring and evaluating the performance of protected area personnel and compliance of partners to the terms and conditions of any undertaking, contract or agreement;
8. Setting the criteria and fees for the issuance of permits for activities regulated by this Act or the management plan;
9. Donations, proposal for funding, budget allocations and accountability over all funds that may accrue to the MIRNP;

10. Retaining legal counsel, either in a permanent or temporary basis, to defend cases against the PAMB and personnel of the Office of the PASu whenever they are sued in connection with the performance of their duties under this Act; and
11. Identifying tenured migrants and recommending the issuance of corresponding appropriate tenurial instruments.

The DENR, through the RED for Region X or any of its duly authorized officials, shall exercise authority to oversee the PAMB to ensure that it acts within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the RED shall notify the Secretary who shall decide whether to apply the rule or withdraw its application in the MIRNP.

Sec. 9. The 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 MIRNP. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the MIRNP and shall be accountable to the RED of DENR Region X and the PAMB. The PASu shall have the following powers and functions:

- a. Enforce rules and regulations to protect the area and its resources from trespassers, damage, vandalism and illegal occupancy;
- b. Seize and assume custody of apprehended items after issuance of appropriate seizure receipts in accordance with DENR Administrative Order No. 97-32;
- c. Upon prior clearance and approval of the PAMB, recommend to the concerned Community Environment and Natural Resources Offices (CENRO) the disposal of confiscated cultural and natural resources such as artifacts, forest products, wild flora and fauna, marine fishery and mineral resources, except those resources held under *custodia legis*; those that are the subject of donation; those that must be deposited with appropriate government agency, and resources that will be utilized for the infrastructure needs of the DENR;
- d. Issue special use permit for game fishing, camping and other short term and low impact recreational activities to be undertaken for not more than one week;
- e. Recommend to the PAMB the zoning classification of certain areas in accordance with the approved Management Manual;
- f. Recommend to the RED of DENR Region X the issuance of cutting of permits for planted trees in multiple-use and buffer zones for a volume of up to (5) cubic meters per applicant per year, for traditional and subsistence use only: *Provided*, that the issuance of said permit is in accordance with the management plan, duly indorsed by the PAMB, and shall not adversely affect the ecological balance of the area;
- g. Recommend to the RED of DENR Region X, with the endorsement of the PAMB after determining the ecological implications, the issuance of cutting permits only

for planted trees in established buffer zones for a volume of up to five (5) cubic meters but not to exceed twenty (20) cubic meters per applicant per year for commercial purposes;

- h. Recommend the issuance of certificate of origin, discharge and transport permits, and other relevant permits for natural resources and other products collected/gathered from the protected area in accordance with the approved research agreements, gratuitous permits and memorandum of agreements approved by the PAMB and the DENR, where applicable;
- i. Recommend the issuance or renewal of special use permits on public infrastructure projects in designated multiple-use zones and established buffer zones where no timber cutting is involved subject to the approved management plan; *Provided*, That the issuance of a special permit is subject to the submission by the applicant of the required Environmental Compliance Certificate (ECC) for the project: That special use permit shall be renewed only upon determination by the appropriate DENR office that no condition of the previous ECC for the project has been violated;
- j. Assist the appropriate DENR office in the review of the Environmental impact Statement (EIS) for proposed projects to be implemented;
- k. Establish a productive partnership with the local community particularly with groups concerned with planning, protection and management of the MIRNP.
- l. Integrate the roles of NGOs, other government agencies, and the DENR in the operation of the MIRNP;
- m. Coordinate the implementation of all relevant activities related to tenured migrants and ancestral domains claims, subjects to the IPRA and related issuances;
- n. Take the lead in the implementation of the MIRNP management plan, specifically in the conduct, monitoring and evaluation of research studies, survey and inventory, information, education and communication, ecotourism, restoration, rehabilitation and alternative livelihood activities and projects within the appropriate management zones and the buffer zone;
- o. Take the lead in the implementation of various activities related to the management of the MIRNP;
- p. Evaluate the performance of staff based on the prescribed evaluation system;
- q. Recommend the designation of staff to perform functions other than those inherent to their positions;
- r. Approve the application for leave of absence of the staff of the Office of the PASu with or without commutation;

- s. Approve local travel of the staff of the Office of the PASu outside the protected area and/or established buffer zone not exceeding thirty (30) days;
- t. Serve as head of the secretariat to the PAMB;
- u. Submit reportorial requirements regularly to the concerned Provincial Environment and Natural Resources Office (PENRO) and to the PAMB, and observe and comply with the proper flow of PAO documents;
- v. Collect and/or receive pertinent fees, charges, donations and other income; *Provided*, That such fees, charges, donations and other income collected shall be reported quarterly to the PAMB; *Provided*, finally, That a book of accounts shall be maintained, which shall be certified by the accountant of the DENR Region X, or the nearest PENRO in accordance with DENR Adm. Order No. 96-22;
- w. Recommend the approval of payrolls, contracts, disbursement vouchers, purchase orders and other expenses;
- x. Prepare and recommend, for approval of the PAMB, the annual work and financial plans; and
- y. Such other functions, which may be assigned by the PAMB

Sec. 10. Ancestral Lands and Domains. – The rights of indigenous peoples to their ancestral domains are hereby fully recognized. Traditional property regimes exercised by indigenous cultural communities in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all land and resources found within ancestral lands.

Pursuant thereto, 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:

1. All lands occupied by indigenous cultural communities since time immemorial shall be presumed to be ancestral lands. Rights and obligations within ancestral lands are presumed to be governed by customary laws.
2. Rights and obligations within ancestral lands governed by customary laws are presumed to be held collectively by the community.
3. 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.

The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place of the payment of taxes on ancestral domains. Owing to differences in cultural and social worldview, the provisions of this Act shall be liberally construed in favor of indigenous cultural communities and their members.

Sec. 11. Tenured Migrants and Transient Farmer. - Tenured migrants are members of households that have actually and continuously occupied the MIRNP since June 1, 1987, based on the data from the 1999 Survey and Registration of the Protected Area Occupants (SRPAO), and are substantially dependent on the protected area for their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, a tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since June 1, 1987 or earlier. Tenured migrants may occupy and use the area specified in the instrument of a term of twenty-five (25) years renewable for another twenty-five (25) years. Upon the lapse of this period, the holder of the instrument may negotiate for a tenurial instrument, which shall be evaluated by the PAMB.

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, a provision for their transfer to multiple-use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating certain parcels of the MIRNP since June 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restricted to cultivation: *Provided*, that the rights under such tenure instruments 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 upon voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, the PASu shall take immediate steps to rehabilitate the area to restore its natural state prior to cultivation by the transient or tenured migrant. Tenured migrant instruments are transferable only to the nearest of kin: *Provided*, That if the land is left idle for a minimum of five (5) years, the PAMB shall initiate cancellation proceedings of any tenured migrant instrument.

Sec. 12. Prohibited Acts. - The penalties in Article 309 and Article 310 of the Revised Penal Code and/or Section 21 of Republic Act No. 7586, depending on the value of the resources taken, damaged or destroyed shall be imposed upon any person found guilty by competent court of:

1. Hunting, destroying, trapping, disturbing or possessing of any wild plants or animals or product derived therefrom anywhere within the MIRNP without a permit from the PAMB: *Provided*, That any permit for these activities shall only be issued for scientific purposes necessary for protected area management;
2. Cutting, gathering, collection or removing timber or forest products without permits; *Provided*, that such permits shall only be issued for scientific purposes necessary for protected area management;
3. Entry to the MIRNP or possessing outside the protected area any wild plants or animals or products derived therefrom, which came from the protected area without a permit issued by PAMB;
4. Mineral exploration or extraction, drilling or prospecting for minerals within the MIRNP;

5. Constructing or maintaining any kind of road, structure, fence or enclosure without a permit from the PAMB; *Provided*, That structures within ancestral domains used by the indigenous cultural communities need not be covered by a permit from the PAMB. Valuation from the damage shall take into account biodiversity and conservation consideration as well as aesthetic and scenic value. The commission of these acts likewise shall carry the penalty of eviction from the protected area and the forfeiture of all transportation, structures and building materials, equipment, devices and weapons used for the commission of the offense as well as the protected area 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 proceeds from the disposition thereof while the rest shall accrue to the PAMB.

Sec. 13. Validity of Contracts Over Lands Within the MIRNP. – The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the MIRNP to persons residing outside the protected area not otherwise qualified to hold lands therein shall be null and void *ab initio*.

Sec. 14. Special Prosecutors. – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate 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 may avail of the services of a private prosecutor on case-to-case basis to assist the special prosecutor.

Sec. 15. Local Government Units. – Local government units shall participate in the management of the MIRNP through representation in the PAMB as provided under Section 8A hereof. The LGUs shall retain their ordinance-making powers over their respective territories covered under this Act, with due consideration to 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 by the Office of the Provincial Governor.

Sec. 16. The Mt. Inayawan Protected Area Fund (MIPAF). - There is hereby established a trust fund to be known as the Mt. Inayawan Protected Area Fund (MIPAF) for purposes of financing projects of the MIRNP. The trust fund shall be entrusted with the Provincial Treasurer and exclusively used for the management of the MIRNP. All income generated from the operation of the MIRNP or management of wild flora and fauna therein shall accrue to the fund. These income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora 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 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 Provincial 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 local government units 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 units in the maintenance and protection of the MIRNP.

Sec. 17. Utilization of Nonrenewable Resources. - Any exploration for or exploitation or utilization of nonrenewable resources within the MIRNP shall not be allowed. Energy projects, utilizing either renewable or nonrenewable resources, shall be permitted only through an Act of Congress; *Provided*, That exploitation of renewable energy up to three (3) megawatts capacity shall be exempt from such requirement.

Sec. 18. Development of Botanical Garden and Arboretum. - The Secretary of Environment and Natural Resources shall develop a Botanical Garden and Arboretum of endangered and new species in the Mt. Inayawan Range and Natural Park.

Sec. 19. 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 be included in the annual General Appropriations Act.

Sec. 20. Construction. - The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities and with due consideration to the protection of biodiversity. The NIPAS Act shall have suppletory effect in the implementation of this Act.

Sec. 21. Transitory Provision. - All persons who do not qualify as tenured migrants or transient farmers within the MIRNP shall be allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all crops planted by such unqualified persons shall be confiscated and the proceeds thereof shall accrue to the MIPAF

Sec. 22. 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 section hereof.

Sec. 23. Repealing Clause. - The prohibitions and penalties under the NIPAS Act, which are not inconsistent herewith, shall continue to apply. For the purpose of the MIRNP, all laws, rules and regulations inconsistent herewith are modified accordingly.

Sec. 24. Effectivity Clause. - This Act shall take effect upon its approval.

Approved,