

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

Sixteenth Congress
Third Regular Session

HOUSE BILL NO. 6266



**Introduced by Honorable Imelda Quibranza-Dimaporo
and Honorable Abdullah D. Dimaporo**

EXPLANATORY NOTE

This bill seeks to declare the Lipatan and Rupagan watershed areas located in the municipalities of Kauswagan, Poona Piagapo, Bacolod, Pantao Ragat and Matungao, Province of Lanao del Norte as components of the National Integrated Protected Areas System under the category of protected landscape.

Republic Act No. 7586, otherwise known as the "*National Integrated Protected Areas System Act*" was enacted on June 1, 1992, with the aim of recognizing the critical importance of protecting and maintaining the natural biological and physical diversities of the environment. The vital focus is on areas with biologically unique features to sustain human life and development.

Under the law, "*protected landscape*" refers to areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas. The use and enjoyment of these areas must be consistent with the principles of biological diversity and sustainable development.

Lipatan and Rapugan watershed areas are the main sources of water of the surrounding municipalities and home of various wildlife resources, some of which are unique and endangered species. Without sufficient protection, the watershed areas are exposed to destructive activities polluting the natural quality of the river. Water pollution affects the entire biosphere which includes plants and organisms living in the bodies of water. The effects are damaging not only to individual species and population, but also to the natural biological communities.

As a strategic preventive and conservation measure, this bill seeks to declare Lipatan and Rapugan watershed areas located in the municipalities of Kauswagan, Poona Piagapo, Bacolod, Pantao Ragat and Matungao, Province of Lanao del Norte as

components of the National Integrated Protected Areas System under the category of protected landscape. The passage of this bill will be a major leap towards the sustainable development and management of our national ecological treasures. The bill also aims to respond and balance the objectives of biodiversity and the needs of the upland and lowland residents in and around the protected and buffer areas in Lanao del Norte.

In view of the foregoing, approval of this bill is highly and earnestly recommended.



ABDULLAH D. DIMAPORO



IMELDA QUIBRANZA-DIMAPORO

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AN ACT

DECLARING THE LIPATAN AND RUPAGAN WATERSHED AREAS
LOCATED IN THE MUNICIPALITIES OF KAUSWAGAN, POONA
PIAGAPO, BACOLOD, PANTAO RAGAT AND MATUNGAO,
PROVINCE OF LANA DEL NORTE AS COMPONENTS OF THE
NATIONAL INTEGRATED PROTECTED AREAS SYSTEM UNDER
THE CATEGORY OF PROTECTED LANDSCAPE AND PROVIDING
FOR ITS MANAGEMENT

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

SECTION 1. **Short Title.** – This Act shall be cited as the “*Lipatan and
Rapugan Protected Landscape Act.*”

SEC. 2. **Declaration of Policy.**– It is the policy of the State to protect
and advance the right of the people to a balanced and healthful ecology in
accord with the rhythm and harmony of nature. For this purpose, the State shall
secure for the present and future generations of Filipinos the perpetual existence
of all native plants and animals within the Lipatan and Rapugan watershed
areas in the municipalities of Kauswagan, Poona Piagapo, Bacolod, Pantao
Ragat and Matungao, Province of Lanao del Norte, through its establishment as

1 a component of the National Integrated Protected Areas System under the
2 category of protected landscape.

3 The State shall likewise promote the participation of local communities
4 in the management of the Lipatan and Rapugan watershed areas and protect the
5 way of life of the people living in and around the protected area.

6 SEC. 3. *Scope.* – The boundaries of the Lipatan and Rapugan Protected
7 Landscape are as follows:

8 a) *Lipatan Watershed Area* –The total land area of the Lipatan
9 Watershed Area is twenty thousand four hundred eighty eight (20,488) hectares,
10 more or less, located within the territory of municipalities of Kauswagan, Poona
11 Piagapo, Pantao Ragat and Matungao, Province of Lanao del Norte.

Lipatan Watershed

TECHNICAL DESCRIPTION					
Corner	Latitude	Longitude	Corner	Latitude	Longitude
1	8° 11' 21.204" N	124° 7' 43.745" E	45	8° 1' 54.821" N	124° 11' 13.566" E
2	8° 11' 4.883" N	124° 7' 44.215" E	46	8° 1' 37.327" N	124° 11' 19.703" E
3	8° 11' 0.616" N	124° 7' 53.745" E	47	8° 1' 28.112" N	124° 11' 7.044" E
4	8° 10' 52.239" N	124° 8' 2.490" E	48	8° 1' 10.127" N	124° 11' 5.445" E
5	8° 10' 40.628" N	124° 8' 18.963" E	49	8° 0' 49.321" N	124° 11' 1.518" E
6	8° 10' 33.147" N	124° 8' 28.613" E	50	8° 0' 31.864" N	124° 10' 54.765" E
7	8° 10' 8.074" N	124° 8' 34.087" E	51	8° 0' 21.078" N	124° 10' 52.156" E
8	8° 9' 48.418" N	124° 8' 32.483" E	52	8° 0' 1.283" N	124° 10' 54.161" E
9	8° 9' 39.692" N	124° 8' 28.332" E	53	7° 59' 53.041" N	124° 11' 0.324" E
10	8° 9' 24.787" N	124° 8' 28.032" E	54	7° 59' 49.650" N	124° 11' 17.844" E
11	8° 9' 15.515" N	124° 8' 34.969" E	55	7° 59' 39.329" N	124° 11' 32.250" E
12	8° 8' 59.290" N	124° 8' 47.043" E	56	7° 59' 23.656" N	124° 11' 30.915" E
13	8° 8' 45.622" N	124° 9' 3.509" E	57	7° 58' 55.923" N	124° 11' 22.844" E
14	8° 8' 39.287" N	124° 9' 17.158" E	58	7° 58' 45.419" N	124° 11' 11.214" E
15	8° 8' 16.237" N	124° 9' 34.241" E	59	7° 58' 22.087" N	124° 10' 52.072" E
16	8° 8' 8.230" N	124° 9' 48.143" E	60	7° 58' 8.219" N	124° 10' 48.681" E
17	8° 7' 57.915" N	124° 10' 0.491" E	61	7° 57' 49.992" N	124° 10' 41.412" E
18	8° 7' 47.604" N	124° 10' 11.033" E	62	7° 57' 28.956" N	124° 10' 27.948" E
19	8° 7' 42.824" N	124° 10' 19.916" E	63	7° 57' 10.777" N	124° 10' 3.925" E

20	8° 7' 23.633" N	124° 10' 35.332" E	64	7° 56' 53.394" N	124° 9' 30.626" E
21	8° 7' 1.892" N	124° 10' 43.907" E	65	7° 56' 39.573" N	124° 9' 10.225" E
22	8° 6' 51.014" N	124° 10' 28.404" E	66	7° 56' 24.215" N	124° 8' 47.758" E
23	8° 6' 37.420" N	124° 10' 19.340" E	67	7° 56' 6.016" N	124° 8' 30.181" E
24	8° 6' 17.099" N	124° 10' 25.469" E	68	7° 55' 32.943" N	124° 8' 0.707" E
25	8° 6' 0.160" N	124° 10' 17.427" E	69	7° 55' 32.447" N	124° 7' 59.803" E
26	8° 5' 42.718" N	124° 10' 5.773" E	70	7° 55' 32.447" N	124° 7' 59.803" E
27	8° 5' 32.468" N	124° 9' 55.172" E	71	7° 55' 41.236" N	124° 7' 41.012" E
28	8° 5' 14.229" N	124° 9' 52.284" E	72	7° 55' 53.835" N	124° 7' 39.113" E
29	8° 5' 3.436" N	124° 9' 51.995" E	73	7° 56' 2.573" N	124° 7' 39.008" E
30	8° 4' 43.905" N	124° 9' 51.681" E	74	7° 56' 22.641" N	124° 7' 31.073" E
31	8° 4' 33.382" N	124° 9' 46.494" E	75	7° 56' 34.606" N	124° 7' 25.821" E
32	8° 4' 13.844" N	124° 9' 48.759" E	76	7° 56' 50.502" N	124° 7' 40.041" E
33	8° 4' 9.995" N	124° 9' 46.685" E	77	7° 57' 0.555" N	124° 7' 52.828" E
34	8° 3' 48.626" N	124° 10' 0.031" E	78	7° 57' 15.202" N	124° 7' 53.577" E
35	8° 3' 28.061" N	124° 10' 1.777" E	79	7° 57' 40.912" N	124° 7' 50.038" E
36	8° 3' 13.916" N	124° 10' 5.346" E	80	7° 57' 54.936" N	124° 7' 43.826" E
37	8° 3' 0.046" N	124° 10' 2.212" E	81	7° 58' 3.041" N	124° 7' 40.239" E
38	8° 2' 48.979" N	124° 10' 7.852" E	82	7° 58' 13.626" N	124° 7' 46.133" E
39	8° 2' 34.573" N	124° 10' 12.839" E	83	7° 58' 28.514" N	124° 7' 53.133" E
40	8° 2' 15.562" N	124° 10' 10.464" E	84	7° 58' 36.348" N	124° 7' 54.573" E
41	8° 1' 57.721" N	124° 10' 3.194" E	85	7° 58' 49.194" N	124° 7' 56.412" E
42	8° 1' 56.501" N	124° 10' 25.362" E	86	7° 58' 56.395" N	124° 7' 54.628" E
43	8° 2' 6.974" N	124° 10' 47.821" E	87	7° 59' 4.612" N	124° 7' 57.099" E
44	8° 2' 3.845" N	124° 11' 3.538" E	88	7° 59' 11.426" N	124° 7' 55.958" E
89	7° 59' 21.582" N	124° 7' 54.182" E	117	8° 3' 56.718" N	124° 4' 38.668" E
90	7° 59' 38.803" N	124° 7' 53.585" E	118	8° 4' 33.979" N	124° 4' 40.701" E
91	7° 59' 46.372" N	124° 7' 58.246" E	119	8° 4' 49.662" N	124° 4' 38.422" E
92	7° 59' 50.837" N	124° 8' 10.245" E	120	8° 5' 0.954" N	124° 4' 44.898" E
93	8° 0' 2.931" N	124° 8' 4.736" E	121	8° 5' 21.518" N	124° 4' 43.663" E
94	8° 0' 13.495" N	124° 7' 54.840" E	122	8° 5' 36.690" N	124° 4' 40.352" E
95	8° 0' 21.754" N	124° 7' 42.360" E	123	8° 6' 3.545" N	124° 4' 35.008" E
96	8° 0' 43.729" N	124° 7' 41.776" E	124	8° 6' 13.484" N	124° 4' 24.204" E
97	8° 1' 17.692" N	124° 7' 27.691" E	125	8° 6' 13.539" N	124° 4' 24.145" E
98	8° 1' 34.396" N	124° 7' 28.123" E	126	8° 6' 30.926" N	124° 4' 31.213" E
99	8° 1' 55.132" N	124° 7' 10.778" E	127	8° 6' 54.300" N	124° 4' 36.432" E
100	8° 1' 57.972" N	124° 7' 6.274" E	128	8° 7' 9.319" N	124° 4' 42.403" E
101	8° 1' 42.673" N	124° 6' 21.503" E	129	8° 7' 32.813" N	124° 4' 50.847" E
102	8° 1' 35.538" N	124° 5' 58.410" E	130	8° 7' 41.139" N	124° 5' 0.926" E
103	8° 1' 34.939" N	124° 5' 42.166" E	131	8° 8' 10.527" N	124° 5' 15.575" E
104	8° 1' 39.845" N	124° 5' 33.414" E	132	8° 8' 30.791" N	124° 5' 30.329" E
105	8° 1' 39.776" N	124° 5' 10.984" E	133	8° 8' 45.166" N	124° 5' 36.815" E
106	8° 1' 40.612" N	124° 4' 46.366" E	134	8° 8' 47.449" N	124° 5' 48.039" E
107	8° 1' 42.113" N	124° 4' 12.790" E	135	8° 8' 47.694" N	124° 5' 52.424" E
108	8° 1' 57.818" N	124° 4' 2.518" E	136	8° 8' 58.731" N	124° 5' 57.483" E
109	8° 2' 24.801" N	124° 4' 3.620" E	137	8° 9' 10.383" N	124° 6' 12.988" E

110	8° 2' 59.229" N	124° 4' 7.835" E	138	8° 9' 34.749" N	124° 6' 31.107" E
111	8° 3' 13.408" N	124° 3' 51.114" E	139	8° 9' 48.119" N	124° 6' 28.823" E
112	8° 3' 25.758" N	124° 3' 45.667" E	140	8° 10' 12.256" N	124° 6' 36.884" E
113	8° 3' 36.815" N	124° 3' 43.698" E	141	8° 10' 25.356" N	124° 6' 39.242" E
114	8° 3' 36.815" N	124° 3' 43.698" E	142	8° 10' 58.737" N	124° 6' 50.166" E
115	8° 3' 42.653" N	124° 4' 11.817" E	143	8° 11' 19.235" N	124° 7' 12.532" E
116	8° 3' 51.347" N	124° 4' 28.857" E	144	8° 11' 23.342" N	124° 7' 14.607" E

- 1 b) *Rapugan Watershed Area.* – The total land area of the Rapugan
- 2 Watershed Area is two thousand six hundred fifty seven (2,657) hectares, more
- 3 or less, located within the territory of the municipalities of Kauswagan, Poona
- 4 Piagapo and Bacolod, Province of Lanao del Norte.

Rapugan Watershed

TECHNICAL DESCRIPTION					
Corner	Latitude	Longitude	Corner	Latitude	Longitude
1	8°11' 42.068" N	124°3' 48.037" E	31	8°3' 42.653" N	124°4' 11.817" E
2	8°11' 36.274" N	124°3' 52.277" E	32	8°3' 36.815" N	124°3' 43.698" E
3	8°11' 23.419" N	124°3' 53.984" E	33	8°3' 58.403" N	124°3' 43.818" E
4	8°11' 16.158" N	124°3' 54.287" E	34	8°4' 9.154" N	124°3' 36.047" E
5	8°11' 3.119" N	124°3' 52.640" E	35	8°4' 26.178" N	124°3' 36.929" E
6	8°10' 34.338" N	124°3' 39.056" E	36	8°4' 35.932" N	124°3' 29.316" E
7	8°10' 25.339" N	124°3' 40.322" E	37	8°4' 50.454" N	124°3' 29.161" E
8	8°10' 2.208" N	124°3' 40.519" E	38	8°5' 22.585" N	124°3' 27.181" E
9	8°9' 46.156" N	124°3' 36.221" E	39	8°5' 54.212" N	124°3' 21.527" E
10	8°9' 34.874" N	124°3' 26.133" E	40	8°6' 19.126" N	124°3' 15.048" E
11	8°9' 21.002" N	124°3' 23.518" E	41	8°6' 37.638" N	124°3' 12.518" E
12	8°9' 7.643" N	124°3' 21.420" E	42	8°7' 10.070" N	124°3' 6.059" E
13	8°8' 51.460" N	124°3' 18.283" E	43	8°7' 33.722" N	124°2' 50.487" E
14	8°8' 35.002" N	124°3' 21.850" E	44	8°7' 42.228" N	124°2' 40.967" E
15	8°8' 13.661" N	124°3' 25.404" E	45	8°7' 54.886" N	124°2' 28.267" E
16	8°7' 57.196" N	124°3' 31.873" E	46	8°8' 17.544" N	124°2' 12.402" E
17	8°7' 44.837" N	124°3' 40.350" E	47	8°8' 42.493" N	124°2' 4.987" E
18	8°7' 18.088" N	124°3' 48.016" E	48	8°8' 54.700" N	124°2' 5.405" E
19	8°7' 7.400" N	124°3' 50.438" E	49	8°9' 5.358" N	124°2' 8.398" E
20	8°6' 47.715" N	124°3' 59.798" E	50	8°9' 26.042" N	124°2' 10.644" E
21	8°6' 29.465" N	124°4' 6.712" E	51	8°9' 44.127" N	124°2' 23.843" E
22	8°6' 13.484" N	124°4' 24.204" E	52	8°10' 1.763" N	124°2' 36.848" E
23	8°6' 3.545" N	124°4' 35.008" E	53	8°10' 8.103" N	124°2' 44.924" E
24	8°5' 36.690" N	124°4' 40.352" E	54	8°10' 32.224" N	124°2' 59.688" E
25	8°5' 21.518" N	124°4' 43.663" E	55	8°10' 43.846" N	124°3' 2.362" E
26	8°5' 0.954" N	124°4' 44.898" E	56	8°10' 47.057" N	124°3' 3.144" E

27	8°4' 49.662" N	124°4' 38.422" E	57	8°11' 4.425" N	124°3' 20.147" E
28	8°4' 33.979" N	124°4' 40.701" E	58	8°11' 13.772" N	124°3' 33.067" E
29	8°3' 56.718" N	124°4' 38.668" E	59	8°11' 20.321" N	124°3' 35.019" E
30	8°3' 51.347" N	124°4' 28.857" E	60	8°11' 41.442" N	124°3' 41.587" E

SEC. 4. *Definition of Terms.*— As used in this Act:

a) *Biological diversity* or *biodiversity* refers to the wealth of life forms found on earth, the millions of different plants, animals and microorganisms, the genes they contain and the intricate ecosystem they form;

b) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;

c) *General management plan* refers to the basic long-term framework plan for the management of the protected area and serves as guide in the preparation of the annual operations plan and budget;

d) *General Management Planning Strategy* refers to a guide in the formulation of site specific management plans, including buffer zones;

e) *Indigenous peoples* refer to people sharing common bonds of language, customs, traditions and other distinctive cultural traits and who have since time immemorial occupied, possessed and utilized a territory;

f) *Integrated Protected Areas Fund* refers to a trust fund established for purposes of financing projects within a protected area;

g) *Management manual* refers to the individual management plan containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular

1 objectives for managing the area, appropriate division into management zones,
2 review of the boundaries and design of the management programs of the area;

3 h) *National Integrated Protected Areas System* refers to the
4 classification and administration of all designated protected areas established
5 pursuant to Republic Act No. 7586, otherwise known as the "*National*
6 *Integrated Protected Areas System Act of 1992*," to maintain essential
7 ecological processes and life-support systems, to preserve genetic diversity, to
8 ensure sustainable use of resources and to maintain the natural conditions to the
9 greatest extent possible;

10 i) *Protected area* refers to identified portions of land and water set
11 aside by reasons of their unique physical and biological significance, managed
12 to enhance biological diversity and protected against destructive human
13 exploitation;

14 j) *Protected Area Management Board* refers to the site-based
15 decision-making body responsible for the planning, resource protection and
16 general administration of the area in accordance with the approved management
17 plan;

18 k) *Protected landscape* refers to an area of national significance
19 which is characterized by the harmonious interaction of man and land while
20 providing opportunities for public enjoyment through recreation and tourism
21 within the normal lifestyle and economic activity of the area;

1 l) *Protected Area Superintendent* refers to the chief operating officer
2 of the Department of Environment and Natural Resources (DENR) for the
3 Lipatan and Rapugan Protected Landscape;

4 m) *Secretary* refers to the Secretary of the DENR; and

5 n) *Tenured migrants* refer to persons who have actually and
6 continuously occupied an area for five years prior to the designation of the same
7 as a protected area in accordance with the provisions of Republic Act No. 7586
8 and are solely dependent therein for subsistence.

9 SEC. 5. *Management of the Lipatan and Rapugan Protected*
10 *Landscape.* – The management of the Lipatan and Rapugan Protected
11 Landscape is vested in the Protected Area Management Board (PAMB) as
12 herein provided, which serves as the highest policy-making body for the
13 protected area. Through the PAMB, the management structure for the protected
14 area shall promote partnership, participation, cooperation and coordination with
15 local communities and civil society organizations.

16 SEC. 6. *Protected Area Management Board.*– The PAMB for the
17 Lipatan and Rapugan Protected Landscape is composed of:

18 a) The Regional Executive Director of the DENR – Region X, as
19 chairperson;

20 b) The mayors of the municipalities of Kauswagan, Poona Piagapo,
21 Bacolod, Pantao Ragat and Matungao, Province of Lanao del Norte or their
22 authorized representatives;

c) The barangay captains within the territory and adjacent to the protected area or their authorized representatives;

d) The Regional Director of the Department of Agriculture (DA) – Region X or an authorized representative;

e) The Provincial Environment and Natural Resources Officer of Lanao del Norte;

f) The Community Environment and Natural Resources Officers of the municipalities of Kauswagan, Poona Piagapo, Bacolod, Pantao Ragat and Matungao, Lanao del Norte;

g) Two non-government organization or people's organization representatives concerned with protected area management, chosen from the five municipalities with territory inside the protected area and duly accredited with the municipality being represented; and

h) The Provincial Planning and Development Officer of Lanao del Norte, sitting as *ex-officio* member, to be endorsed by the provincial governor.

Each member of the PAMB shall serve for a term of five (5) years and shall carry the vote of the represented sector in all matters. The members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such officials.

SEC. 7. Powers and Functions of the PAMB.– The PAMB for the Lipatan and Rapugan Protected Landscape shall exercise the following powers and functions:

- 1 a) Issue rules and regulations to implement the provisions and
2 promote the policy declaration set forth in this Act;
- 3 b) Establish criteria and set fees for the issuance of permits for the
4 activities regulated by this Act or the approved management plan;
- 5 c) Identify the buffer zones for the protected area;
- 6 d) Adopt rules of procedure for the conduct of business, including the
7 creation of committees to whom its powers may be delegated;
- 8 e) Approve the management plan and oversee the office of the
9 Protected Area Superintendent;
- 10 f) Deputize interested individuals for the enforcement of the laws,
11 rules and regulations adopted pursuant to this Act;
- 12 g) Accept donations, approve proposals for funding and budget
13 allocation and exercise accountability over all funds that may accrue to the
14 protected area;
- 15 h) Coordinate with appropriate agencies for the regulation of flight
16 patterns of aircraft going over the area to set acceptable latitudinal limits and
17 emissions; and
- 18 i) Retain a legal counsel, either on a permanent or temporary basis, to
19 provide legal assistance to the PAMB and the Protected Area Superintendent
20 staff whenever they are sued in connection with the performance of their duties
21 under this Act.

1 The Secretary shall exercise authority over the PAMB to ensure that it
2 exercises its authority within the scope of its powers and functions. In case of
3 conflict between administrative orders of national application issued by the
4 DENR pursuant to Republic Act No. 7586 and the rules and regulations issued
5 by the PAMB, the PAMB shall notify the Secretary who shall resolve such
6 conflict.

7 The local government units of Kauswagan, Poona Piagapo, Bacolod,
8 Pantao Ragat and Matungao shall participate in the management of the
9 protected area through representation in the PAMB as provided under Section 6
10 of this Act. The local government units shall retain the power to adopt
11 ordinances over the territory covered under this Act, giving due consideration,
12 however, to protected area management objectives. If any conflict between
13 these local government units and protected area management objectives remains
14 unresolved within the PAMB, the Secretary shall resolve such issue with the
15 concerned local government unit.

16 SEC. 8. *Protected Area Superintendent.*— There is hereby established
17 an Office of the Protected Area Superintendent in charge of the management,
18 protection and administration of the protected area. The Protected Area
19 Superintendent shall be supported by the existing personnel of the DENR and
20 shall be the chief operating officer of the Lipatan and Rapugan Protected
21 Landscape. The Protected Area Superintendent shall be accountable to the
22 Regional Executive Director of the DENR – Region X and the PAMB.

1 The Protected Area Superintendent shall exercise the following powers
2 and functions:

- 3 a) Prepare the management and successor plans as herein provided;
- 4 b) Provide a secretariat for the PAMB to supply the latter with all
5 information necessary to make appropriate decisions;
- 6 c) Hire and supervise the necessary personnel to support operations
7 as the budget made available by the PAMB may allow;
- 8 d) Establish a productive partnership with the local communities,
9 including groups interested in the achievement of the goals and objectives of
10 the protected area and in the planning, protection and management thereof;
- 11 e) Develop and implement a park information, education and visitor
12 program;
- 13 f) Enforce the laws, rules and regulations relevant to the protected
14 area and assist in the prosecution of offenses thereof;
- 15 g) Monitor all activities within the protected area for conformity with
16 the management plan; and
- 17 h) Perform such other functions as the PAMB may assign.

18 The Protected Area Superintendent shall prepare a management plan in
19 coordination with the appropriate offices of the DENR, the local government
20 units, the local communities and experts on tribal communities who have
21 experience in the particular cultures in the area. The management plan shall be
22 reviewed, approved and adopted by the PAMB and certified by the Secretary so

1 that it conforms to all laws, rules and regulations of national application. In no
2 case shall the management plan be revised or modified without prior
3 consultation with the PAMB.

4 Within one year from the effectivity of this Act, the management plan
5 shall be put into effect in accordance with Republic Act No. 7586 and the
6 procedure herein set forth. It contains, among others, the following:

- 7 a) Period of applicability of the plan;
- 8 b) Key management issues;
- 9 c) Goals and objectives of management;
- 10 d) Site management strategy;
- 11 e) Major management activities including the enforcement of laws,
12 habitat and wildlife management, sustainable use management, infrastructure
13 development and maintenance, fire and pest control;
- 14 f) Zoning; and
- 15 g) Visitor management programs.

16 The Protected Area Superintendent shall prepare all successor plans two
17 (2) years before the expiration of the existing plans and shall cause the
18 publication of notices for comments and suggestions on the next successor
19 plans in a newspaper of local circulation and the posting of such notices in the
20 provincial, municipal and barangay halls and in three other areas frequented by
21 the public. Public consultations may be conducted on the successor plans upon
22 the written request of any interested party. The proposed plans shall be made

1 available to the public during the period for comment and the final version shall
2 be made available for public perusal at the office of the Protected Area
3 Superintendent.

4 The zoning of the protected area gives primary consideration to cultural,
5 economic and social practices consistent with sustainable management
6 principles by tenured migrants and nearby communities for an appreciable
7 length of time unless such uses are deemed detrimental to biodiversity
8 conservation and the protection of the natural characteristics of the protected
9 area.

10 The management plan shall be prepared in a language understandable in
11 the area, plainly written and available for perusal anytime to the general public
12 at the office of Protected Area Superintendent.

13 SEC. 9. *Existing Facilities Within the Protected Area.*— Existing
14 facilities allowed to remain within the protected area may be charged a
15 reasonable fee by the PAMB, which is embodied in a memorandum of
16 agreement to be entered into with the owner of the facility. All incomes derived
17 from such fees accrue to the Integrated Protected Areas Fund.

18 In setting the user fees on man-made facilities managed by private
19 entities, the rates shall be determined by the private entity but shall be
20 comparable to the fees charged for similar facilities in a protected area. For all
21 other facilities, the user fees therein shall be determined in consultation with the
22 PAMB.

1 SEC. 10. *Utilization of Non-renewable Resources.*— Any exploration
2 for and exploitation or utilization of non-renewable resources within the
3 protected area shall not be allowed. Energy projects, renewable or otherwise,
4 shall be permitted only through an act of Congress. The exploitation of
5 renewable energy up to three (3) megawatts capacity shall be exempt from such
6 requirement.

7 SEC. 11. *Prohibited Acts.* – a) The penalties prescribed for theft under
8 Articles 309 and 310 of the Revised Penal Code shall be imposed upon any
9 person found guilty of:

10 1) Hunting, destroying, trapping, disturbing or possessing anywhere
11 within the protected area of any wild plant, animal or product derived
12 therefrom without a permit from the PAMB. A permit is given only for
13 scientific purposes necessary to promote protected area management;

14 2) Cutting, gathering, collecting or removing timber or forest
15 products without a permit. A permit is given only for scientific purposes
16 necessary for protected area management;

17 3) Possessing outside the protected area any wild plant, animal or
18 product derived therefrom;

19 4) Mineral exploration, extraction, drilling or prospecting for
20 minerals within the protected area;

21 5) Constructing and maintaining any kind of road, structure, fence or
22 enclosure without permit from the PAMB. Structures within ancestral

2 from the PAMB; and

3 6) Altering, mutilating, excavating, removing, destroying or defacing

4 boundaries, marks, signs, natural formation, burial grounds, religious

5 sites, artifacts, and objects belonging to indigenous cultural communities

6 and other objects of natural and scenic value.

7 b) A fine of not less than One hundred thousand pesos (P100,000.00)

8 but not more than Five hundred thousand pesos (P500,000.00), or imprisonment

9 of not less than one year but not more than five years, or both, shall be imposed

10 upon:

11 1) Any person found guilty of raising poultry and grazing of livestock

12 within the protected area without a permit from the PAMB; and

13 2) Any public officer who, in dereliction of the duties of office, shall

14 maliciously refrain from instituting acts necessary to prosecute the

15 violators of this Act or shall tolerate the commission of offenses

16 herein provided. Conviction for this offense also carries the

17 penalty of perpetual disqualification from public office.

18 c) A fine of not less than One hundred thousand pesos (100,000.00)

19 but not more than Five hundred thousand pesos (P500,000.00), or imprisonment

20 of not less than one (1) year but not more than five (5) years, or both, and the

21 restoration and rehabilitation of the damage shall be imposed upon any person

22 who commits the following acts:

- 1) Violating any rules and regulations in the management plan by the PAMB or agreements reached with the PAMB in the exercise of its adjudicative functions;
- 2) Dumping, burning and disposing of any waste products, vegetation and materials within the protected area to the detriment of the inhabitants, plants and animals therein;
- 3) Use of motorized equipment without a permit except motorized vehicles within the national highway, provincial road or other public thoroughfare traversing the park: *Provided*, That such thoroughfares were legally constructed;
- 4) Occupying any portion of land inside the protected area without a permit from the PAMB: *Provided*, That such occupation shall be of such nature as to last more than ten (10) days in the particular portion of the protected area; and
- 5) Entering the protected area without a permit from the PAMB.

Any person who induces or conspires with another person to commit any of the acts prohibited in this section or cause workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

The valuation of the damage resulting from any of the acts prohibited herein shall take into account biodiversity and conservation considerations as well as aesthetic and scenic values. Conviction for any of these acts shall likewise carry the penalty of eviction from the protected area and forfeiture in

1 *in favor of the government of transportation facilities, structures, building*

2 materials, equipment, devices and weapons used in the commission of the
3 offense.

4 The local government unit responsible for the arrest of a violator and the
5 confiscation of materials used in the commission of the offense is entitled to
6 have a fifty percent (50%) share from the proceeds in the disposition of
7 confiscated materials. The other fifty percent (50%) accrues to the Integrated
8 Protected Areas Fund.

9 The above prohibitions exclude activities identified in the management
10 plans and such other measures as are necessary for protection, preservation and
11 protected area management, which are undertaken by the Protected Area
12 Superintendent or other persons deputized by the PAMB. The certified customs
13 and traditional practices of indigenous cultural communities are also allowable
14 activities over which the above prohibitions shall not apply.

15 SEC. 12. *Special Prosecutor.*— Within thirty (30) days from the
16 effectivity of this Act, the Department of Justice (DOJ) shall designate a special
17 prosecutor to whom all cases of violation of laws, rules and regulations in the
18 protected area are assigned. Such special prosecutor shall coordinate with the
19 PAMB and the Protected Area Superintendent in the performance of duties and
20 assist in the training of wardens and rangers in arresting and prosecuting
21 violators of this Act. The PAMB may appoint a special private prosecutor on a
22 case-to-case basis to assist the public prosecutor.

1 SEC. 13. *Integrated Protected Areas Fund.*— All income generated
2 from the operation of the protected area or the management of wild flora and
3 fauna in the protected area shall accrue to the Integrated Protected Areas Fund.
4 These income are derived from visitors or tourists fees, fees from permitted sale
5 and export of flora and fauna and other resources from the protected area,
6 proceeds from registration and lease of multiple-use areas, including tourism
7 concessions, contributions from industries and facilities directly benefiting from
8 the protected area, and such other fees and income derived from the operation
9 of the protected area.

10 The trust fund may be augmented by grants, donations, or endowment
11 from various sources, whether domestic or foreign, for purposes related to their
12 functions. The trust fund shall be deposited as a special account in the National
13 Treasury and disbursements therefrom shall be made solely for the protection,
14 maintenance, administration and management of the system, and duly approved
15 projects endorsed by the PAMB in accordance with existing accounting and
16 budgeting rules and regulations. The trust fund shall not be used to cover
17 personnel services expenditures.

18 The local government units shall continue to impose and collect all other
19 fees not enumerated herein which they have traditionally collected, such as
20 business permits, property tax and rentals of local government units' facilities.
21 Furthermore, the local government units may charge add-ons to fees imposed by

1 the PAMB. Such add-ons are determined based on the contribution of the local

2 government units in the maintenance and protection of the protected area.

3 SEC. 14. *Appropriations.*—The Secretary shall immediately include in

4 the program of the DENR the implementation of this Act, the funding of which

5 shall be included in the annual General Appropriations Act.

6 SEC. 15. *Construction.*—The provisions of this Act shall be construed

7 liberally in favor of the protection and rehabilitation of the Lipatan and

8 Rapugan watershed areas and water resources and the conservation and

9 restoration of biological diversity, taking into account the needs and interests of

10 qualified tenured migrants, for present and future Filipino generations.

11 Republic Act No. 7586 shall have suppletory effect in the implementation of

12 this Act.

13 SEC. 16. *Transitory Provision.*—In order to ensure the sustainability

14 and integrity of the watershed areas and water resources, the recovery and

15 restoration of biological diversity and to develop sustainable livelihood

16 opportunities for tenured migrants, the DENR shall henceforth cease to issue

17 concessions, licenses, permits, clearances, compliance documents or any other

18 instruments that allow exploitation and utilization of resources within the

19 protected area until the management plan shall have been put into effect.

20 SEC. 17. *Separability Clause.*—If any provision or part of this Act is

21 declared unconstitutional or invalid, the remaining parts or provisions not

22 affected shall remain in full force and effect.

1 SEC. 18. *Repealing Clause.* – All laws, executive orders, presidential
2 decrees, rules and regulations or parts thereof contrary to or inconsistent with
3 any provisions of this Act is hereby repealed, amended or modified accordingly.

4 SEC. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after
5 its publication in the *Official Gazette* or in a newspaper of general circulation.

6 Approved,