

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 6406



Introduced by HON. NELSON L. DAYANGHIRANG

EXPLANATORY NOTE

This bill seeks to declare the Aliwagwag Falls located in the Municipality of Cateel, Davao Oriental as a protected area.

The Aliwagwag Falls is considered as one of the most picturesque and stunning waterfalls in Mindanao, encompassing a total area of 10,491 hectares. This natural wonder has been recognized for its terrestrial biodiversity as a natural habitat for different types of birds, animals and marine species that have been sighted in the area. The area around the Aliwagwag Falls is not only a home for these species, but it also supports an estimated 17,000 hectares of rice land in the Municipality of Cateel.

Considering the potential of the Aliwagwag Falls as a prime tourist destination in the Davao Region and with the irrigation it provides the rice granary of the province, it is therefore imperative to take the necessary actions to protect and to develop sustainably the Aliwagwag Falls. Properly developed, the area could also be a hydro-electric source.

It is very important to take actions now to protect our natural resources, our environment from increasing deterioration, not only to protect the diverse species that made this area their habitat, but most especially to guarantee the future generation of our country will have the opportunity to appreciate the natural beauty of the area.

This bill has been refiled thrice since the Twelfth Congress during the term of former Congresswoman, now Governor, Corazon N. Malanyaon and had already been reconciled with a Senate version introduced by Senator Pia S. Cayetano during the Thirteenth Congress. We, therefore, once more seek the declaration of the Aliwagwag Falls as a protected area to shield it from exploitation, and be able to sustain its ecological stability and thus preserve it for our future generation.

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


NELSON L. DAYANGHIRANG

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HOUSE BILL NO. 6406

Introduced by HON. NELSON L. DAYANGHIRANG

AN ACT DECLARING THE ALIWAGWAG FALLS LOCATED IN THE MUNICIPALITIES OF BOSTON AND CATEEL, PROVINCE OF DAVAO ORIENTAL, AND THE MUNICIPALITY OF COMPOSTELA, PROVINCE OF COMPOSTELA VALLEY 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 Aliwagwag Falls Protected Landscape (AFPL) Act of 2011”.

SEC. 2. *Declaration of Policy.* – Considering its unique aesthetic features, rich biodiversity and critical role as a water catchment area of Cateel River, it is hereby declared the policy of the State to protect and conserve the area where the Aliwagwag Falls is located, its resources and communities of people and their way of life in accord with the rhythm and harmony of nature. The State shall ensure the protection of biodiversity, promotion of sustainable and participatory development and advancement of the interests of legitimate inhabitants with due consideration to customary laws.

SEC. 3. *Scope and Coverage.* – The AFPL, which is situated in the municipalities of Boston and Cateel, Province of Davao Oriental, and the Municipality of Compostela, Province of Compostela Valley is more particularly described as follows:

Corner 1 is equivalent to the tie point having a Latitude 7 47' 19.59" N. and Longitude 126 16' 43.08" E.

LINE	BEARING	DISTANCE
1-2	S. 58° 52' 39" E.	347.90
2-3	S. 55° 48' 15" E.	529.91
3-4	S. 56° 07' 45" E.	494.05
4-5	S. 57° 03' 02" E.	361.60
5-6	S. 15° 36' 39" W.	396.75
6-7	S. 16° 33' 25" W.	433.81
7-8	S. 18° 26' 05" W.	355.39
8-9	S. 22° 57' 49" W.	360.07

9-10	S. 17° 14' 29" W.	341.25
10-11	S. 17° 15' 56" W.	435.45
11-12	S. 18° 43' 50" W.	516.22
12-13	S. 18° 37' 17" W.	545.53
13-14	S. 21° 38' 39" W.	380.87
14-15	S. 15° 23' 43" W.	402.16
15-16	S. 36° 23' 03" E.	265.24
16-17	S. 39° 08' 10" E.	369.48
17-18	S. 39° 48' 20" E.	307.22
18-19	S. 40° 42' 39" E.	318.77
19-20	S. 37° 15' 59" E.	324.80
20-21	S. 40° 10' 45" E.	330.97
21-22	S. 39° 36' 38" E.	423.05
22-23	S. 39° 03' 11" E.	383.51
23-24	S. 16° 38' 06" E.	480.91
24-25	S. 41° 07' 17" W.	469.94
25-26	S. 33° 27' 11" W.	377.16
26-27	S. 12° 15' 53" W.	396.79
27-28	S. 27° 36' 46" W.	412.20
28-29	S. 19° 08' 01" W.	291.44
29-30	S. 69° 26' 38" W.	288.07
30-31	S. 52° 59' 50" W.	242.75
31-32	N. 72° 47' 02" W.	417.68
32-33	S. 29° 38' 18" W.	374.98
33-34	S. 29° 21' 27" W.	309.47
34-35	S. 26° 06' 50" W.	319.16
35-36	S. 19° 23' 52" W.	422.98
36-37	S. 29° 07' 26" W.	450.28
37-38	S. 22° 11' 25" W.	461.23
38-39	S. 32° 34' 26" W.	240.06
39-40	N. 28° 23' 34" W.	236.34
40-41	S. 88° 03' 30" W.	331.73
41-42	S. 34° 07' 42" W.	305.48
42-43	S. 56° 18' 35" W.	243.13
43-44	N. 80° 41' 24" W.	347.35
44-45	N. 57° 00' 41" W.	381.86
45-46	N. 67° 22' 48" W.	292.20
46-47	S. 63° 26' 05" W.	351.82
47-48	S. 56° 18' 35" W.	344.43
48-49	N. 67° 17' 08" W.	261.94
49-50	N. 79° 57' 02" W.	450.84
50-51	S. 65° 16' 57" W.	389.72
51-52	N. 77° 09' 51" W.	227.65
52-53	N. 02° 23' 09" E.	269.96
53-54	N. 45° 00' 00" E.	381.45
54-55	N. 44° 59' 59" E.	238.41
55-56	N. 16° 51' 30" E.	193.76
56-57	N. 41° 25' 25" W.	254.80
57-58	N. 89° 11' 35" W.	399.01
58-59	N. 38° 46' 27" W.	439.67

59-60	N. 10° 37' 10" W.	365.90
60-61	N. 57° 20' 20" W.	260.31
61-62	S. 64° 43' 20" W.	223.71
62-63	N. 15° 49' 09" W.	350.43
63-64	N. 62° 48' 43" W.	578.03
64-65	N. 59° 53' 55" W.	448.17
65-66	N. 53° 18' 36" W.	357.39
66-67	N. 64° 55' 57" W.	384.62
67-68	N. 88° 40' 04" W.	241.69
68-69	N. 61° 01' 56" W.	359.68
69-70	N. 54° 09' 44" W.	499.07
70-71	N. 03° 19' 04" W.	388.38
71-72	N. 04° 39' 37" W.	518.69
72-73	N. 04° 51' 52" W.	530.12
73-74	N. 29° 08' 53" W.	334.57
74-75	N. 27° 53' 50" W.	324.27
75-76	N. 26° 12' 40" W.	407.12
76-77	N. 16° 35' 53" W.	304.91
77-78	N. 11° 58' 34" W.	379.12
78-79	N. 11° 00' 12" W.	412.17
79-80	N. 66° 28' 03" W.	380.00
80-81	N. 14° 44' 36" W.	441.60
81-82	N. 13° 32' 09" W.	312.11
82-83	N. 13° 17' 05" W.	415.71
83-84	N. 29° 27' 30" E.	348.50
84-85	N. 16° 09' 52" W.	403.69
85-86	N. 12° 27' 29" W.	494.91
86-87	N. 12° 56' 47" W.	501.63
87-88	N. 38° 52' 03" E.	483.55
88-89	N. 38° 36' 40" E.	517.77
89-90	N. 38° 33' 30" E.	495.84
90-91	N. 25° 01' 00" W.	465.08
91-92	N. 04° 26' 50" W.	507.26
92-93	N. 22° 12' 12" E.	594.79
93-94	N. 26° 51' 29" E.	491.30
94-95	N. 28° 15' 50" E.	593.33
95-96	N. 60° 26' 00" E.	671.90
96-97	S. 84° 29' 40" E.	468.56
97-98	N. 70° 51' 06" E.	428.28
98-99	N. 76° 19' 43" E.	427.95
99-100	S. 38° 48' 40" E.	331.73
100-101	S. 57° 25' 33" E.	240.06
101-102	S. 27° 22' 39" W.	354.37
102-103	S. 67° 42' 51" E.	370.45
103-104	S. 70° 33' 35" E.	354.56
104-105	S. 68° 31' 23" E.	368.35
105-106	S. 71° 33' 54" E.	373.16
106-107	S. 69° 08' 43" E.	505.11
107-108	S. 68° 50' 19" E.	373.59
108-109	S. 42° 30' 37" E.	365.90

109-110	S. 87° 30' 37" E.	388.10
110-111	S. 79° 12' 56" E.	360.38
111-112	S. 80° 41' 24" E.	347.35
112-113	S. 81° 22' 21" E.	412.06
113-114	S. 79° 22' 49" E.	274.43
114-115	S. 80° 25' 32" E.	472.99
115-116	S. 80° 41' 24" E.	347.35
116-117	S. 80° 02' 57" E.	325.19
117-118	S. 80° 41' 24" E.	347.35
118-1	S. 82° 24' 19" E.	340.14

The technical descriptions provided in this Act shall be subject to ground survey and verification to be conducted by the Department of Environment and Natural Resources (DENR). Any subsequent modification of the technical description due to factors such as changing ecological situations, new scientific or archaeological findings or discovery or traditional boundaries not previously taken into account shall be made through an act of Congress, after consulting the affected public and concerned government agencies.

SEC. 4. *Land Classification.* – All lands of the public domain comprising the AFPL shall fall under the classification of national park as provided for in the Philippine Constitution: *Provided,* That public lands already classified or declared by law as agricultural or alienable and disposable prior to the passage of this Act shall remain as such and may be disposed of pursuant to the provisions of Commonwealth Act No. 141 or the Public Land Act, as amended, and other public land laws.

The buffer zone shall retain its land classification.

SEC. 5. *Buffer Zone.* – The buffer zone for the AFPL is hereby established and shall be given special development control, subject to existing rights, to serve as a protective belt around the AFPL. Its development shall be provided in the management plan. The buffer zone is more particularly described as follows:

Corner 1 is equivalent to the point having a Latitude 7° 47' 19.59" N. and Longitude 126° 16' 43.08" E.

LINE	BEARING	DISTANCE
1-2	S. 58° 52' 39" E.	347.90
2-3	S. 55° 48' 15" E.	529.91
3-4	S. 56° 07' 45" E.	494.05
4-5	S. 57° 03' 02" E.	361.60
5-6	S. 15° 36' 39" W.	396.75
6-7	S. 16° 33' 25" W.	433.81
7-8	S. 18° 26' 05" W.	355.39
8-9	S. 22° 57' 49" W.	360.07
9-10	S. 17° 14' 29" W.	341.25
10-11	S. 17° 15' 56" W.	435.45
11-12	S. 18° 43' 50" W.	516.22
12-13	S. 18° 37' 17" W.	545.53
13-14	S. 21° 38' 39" W.	380.87
14-15	S. 15° 23' 43" W.	402.16

15-16	S. 36° 23' 03" E.	265.24
16-17	S. 39° 08' 10" E.	369.48
17-18	S. 39° 48' 20" E.	307.22
18-19	S. 40° 42' 39" E.	318.77
19-20	S. 37° 15' 59" E.	324.80
20-21	S. 40° 10' 45" E.	330.97
21-22	S. 39° 36' 38" E.	423.05
22-23	S. 39° 03' 11" E.	383.51
23-24	S. 16° 49' 53" E.	483.64
24-25	N. 00° 12' 21" E.	657.81
25-26	N. 39° 21' 34" W.	544.74
26-27	N. 41° 14' 29" W.	459.43
27-28	N. 37° 05' 34" W.	486.50
28-29	N. 40° 53' 15" W.	513.31
29-30	N. 38° 44' 27" W.	521.79
30-31	N. 15° 22' 34" E.	392.65
31-32	Foll. River dwn. stream gen. SE. dir.	667.59
32-33	Foll. River dwn. stream gen. SE. dir.	521.80
33-34	Foll. River dwn. stream gen. SE. dir.	584.71
34-35	Foll. River dwn. stream gen. SE. dir.	484.36
35-36	N. 45° 44' 38" E.	257.69
36-37	Foll. River up stream gen. NW. dir.	543.10
37-38	Foll. River up stream gen. NW. dir.	426.06
38-39	Foll. River up stream gen. NW. dir.	576.48
39-40	Foll. River up stream gen. NW. dir.	443.10
40-41	N. 88° 00' 07" E.	410.12
41-42	N. 19° 31' 18" E.	552.32
42-43	N. 18° 26' 05" E.	493.85
43-44	N. 17° 52' 15" E.	532.04
44-45	N. 19° 47' 55" E.	502.97
45-46	N. 17° 25' 04" E.	505.90
46-47	N. 20° 13' 29" E.	479.12
47-48	N. 19° 24' 41" E.	526.85
48-49	N. 53° 12' 46" W.	655.91
49-50	N. 54° 54' 59" W.	485.78
50-51	N. 54° 42' 23" W.	516.03
51-52	N. 80° 21' 07" W.	480.03
52-53	N. 82° 17' 54" W.	536.29
53-54	N. 80° 59' 53" W.	490.94
54-55	N. 81° 09' 02" W.	540.95
55-56	N. 78° 41' 24" W.	424.32
56-57	N. 78° 41' 24" W.	538.56
57-58	N. 81° 23' 22" W.	513.08
58-59	N. 82° 49' 41" W.	487.11
59-60	N. 37° 48' 56" W.	271.45
60-61	N. 68° 35' 13" W.	350.67
61-62	N. 71° 21' 11" W.	410.42
62-63	N. 72° 10' 51" W.	470.67
63-64	N. 67° 39' 33" W.	505.22
64-65	N. 69° 36' 18" W.	532.69

65-66	N. 26° 33' 54" E.	386.47
66-67	N. 60° 03' 15" W.	339.83
67-68	N. 36° 32' 13" W.	330.63
68-69	S. 74° 10' 03" W.	445.80
69-70	S. 77° 14' 32" W.	521.78
70-71	N. 84° 37' 56" W.	479.00
71-72	S. 58° 30' 54" W.	392.21
72-73	S. 58° 05' 59" W.	369.46
73-74	S. 25° 20' 46" W.	471.03
74-75	S. 28° 52' 20" W.	391.08
75-76	S. 26° 09' 28" W.	402.94
76-77	S. 26° 01' 46" W.	459.49
77-78	S. 08° 22' 27" E.	637.32
78-79	S. 21° 39' 21" E.	351.26
79-80	S. 40° 52' 20" W.	440.20
80-81	S. 37° 39' 20" W.	513.43
81-82	S. 37° 21' 50" W.	519.48
82-83	S. 13° 17' 54" E.	542.66
83-84	S. 14° 12' 57" E.	495.26
84-85	S. 14° 09' 05" E.	386.20
85-86	S. 32° 09' 51" W.	366.75
86-87	S. 18° 13' 01" E.	266.19
87-88	S. 13° 21' 05" E.	519.75
88-89	S. 13° 56' 44" E.	491.38
89-90	S. 63° 37' 52" E.	417.96
90-91	S. 10° 25' 42" E.	530.47
91-92	S. 11° 29' 59" E.	473.60
92-93	S. 28° 57' 03" E.	343.83
93-94	S. 29° 14' 55" E.	366.83
94-95	S. 26° 23' 12" E.	368.01
95-96	S. 01° 11' 59" E.	489.17
96-97	S. 03° 47' 10" E.	523.49
97-98	S. 02° 41' 01" E.	492.16
98-99	S. 57° 42' 12" E.	934.49
99-100	N. 85° 54' 51" E.	251.57
100-101	S. 67° 08' 52" E.	389.00
101-102	S. 43° 57' 30" E.	348.59
102-103	N. 84° 59' 12" E.	146.51
103-104	S. 50° 08' 23" E.	343.58
104-105	S. 64° 56' 10" E.	568.16
105-106	S. 16° 21' 20" E.	491.01
106-107	N. 42° 19' 28" E.	193.94
107-108	N. 72° 58' 46" E.	131.21
108-109	S. 63° 13' 16" E.	153.44
109-110	S. 01° 48' 31" W.	243.37
110-111	S. 38° 41' 43" E.	643.02
111-112	N. 89° 02' 13" E.	304.74
112-113	S. 62° 14' 29" E.	219.91
113-114	S. 30° 15' 23" W.	142.29
114-115	S. 56° 57' 35" W.	375.70

115-116	S. 47° 39' 46" W.	311.75
116-117	Due South	271.41
117-118	S. 73° 29' 44" E.	216.31
118-119	N. 02° 09' 06" E.	270.29
119-120	N. 45° 00' 00" E.	381.45
120-121	N. 44° 59' 59" E.	238.41
121-122	N. 16° 51' 30" E.	193.76
122-123	N. 41° 25' 25" W.	254.80
123-124	N. 89° 11' 35" W.	399.01
124-125	N. 38° 46' 27" W.	439.67
125-126	N. 10° 37' 10" W.	365.90
126-127	N. 57° 20' 20" W.	260.31
127-128	S. 64° 43' 20" W.	223.71
128-129	N. 15° 49' 09" W.	350.43
129-130	N. 62° 48' 43" W.	578.03
130-131	N. 59° 53' 55" W.	448.17
131-132	N. 53° 18' 36" W.	357.39
132-133	N. 64° 55' 57" W.	384.62
133-134	N. 88° 40' 04" W.	241.69
134-135	N. 61° 01' 56" W.	359.68
135-136	N. 54° 09' 44" W.	499.07
136-137	N. 03° 19' 04" W.	388.38
137-138	N. 04° 39' 37" W.	518.69
138-139	N. 04° 51' 52" W.	530.12
139-140	N. 29° 08' 53" W.	334.57
140-141	N. 27° 53' 50" W.	324.27
141-142	N. 26° 12' 40" W.	407.12
142-143	N. 16° 35' 53" W.	304.91
143-144	N. 11° 58' 34" W.	379.12
144-145	N. 11° 00' 12" W.	412.17
145-146	N. 66° 28' 03" W.	380.00
146-147	N. 14° 44' 36" W.	441.60
147-148	N. 13° 32' 09" W.	312.11
148-149	N. 13° 17' 05" W.	415.71
149-150	N. 29° 27' 30" E.	348.50
150-151	N. 16° 09' 52" W.	403.69
151-152	N. 12° 27' 29" W.	494.91
152-153	N. 12° 56' 47" W.	501.63
153-154	N. 38° 52' 03" E.	483.55
154-155	N. 38° 36' 40" E.	517.77
155-156	N. 38° 33' 30" E.	495.84
156-157	N. 25° 01' 00" W.	465.08
157-158	N. 04° 26' 50" W.	507.26
158-159	N. 22° 12' 12" E.	594.79
159-160	N. 26° 51' 29" E.	491.30
160-161	N. 28° 15' 50" E.	593.33
161-162	N. 60° 26' 00" E.	671.90
162-163	S. 84° 29' 40" E.	468.56
163-164	N. 70° 51' 06" E.	428.28
164-165	N. 76° 19' 43" E.	427.95

165-166	S. 38° 48' 40" E.	331.73
166-167	S. 57° 25' 33" E.	240.06
167-168	S. 27° 22' 39" W.	354.37
168-169	S. 67° 42' 51" E.	370.45
169-170	S. 70° 33' 35" E.	354.56
170-171	S. 68° 31' 23" E.	368.35
171-172	S. 71° 33' 54" E.	373.16
172-173	S. 69° 08' 43" E.	505.11
173-174	S. 68° 50' 19" E.	373.59
174-175	S. 42° 30' 37" E.	365.90
175-176	S. 87° 30' 37" E.	388.10
176-177	S. 79° 12' 56" E.	360.38
177-178	S. 80° 41' 24" E.	347.35
178-179	S. 81° 22' 21" E.	412.06
179-180	S. 79° 22' 49" E.	274.43
180-181	S. 80° 25' 32" E.	472.99
181-182	S. 80° 41' 24" E.	347.35
182-183	S. 80° 02' 57" E.	325.19
183-184	S. 80° 41' 24" E.	347.35
184-1	S. 82° 24' 19" E.	340.14

SEC. 6. *Definition of Terms.* – The following terms are hereby defined for the purpose of this Act:

(a) *Ancestral domain* shall refer to all areas generally belonging to indigenous cultural communities or indigenous peoples (ICCs/IPs) comprising lands, inland waters, coastal areas and natural resources held under a claim of ownership occupied or possessed by ICCs/IPs, by themselves or through their ancestors, communally or individually since time immemorial, continuously to the present except when interrupted by war, *force majeure* or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary dealings entered into by government or public individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pasture, residential, agricultural and other lands individually-owned, whether alienable and disposable or otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by ICCs/IPs but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting cultivators.

(b) *Biodiversity* shall refer to the variety and variability among living organisms and ecological complexes in which said organisms occur.

(c) *Buffer zone* shall refer to identified areas outside the boundaries of and immediately adjacent to the AFPL that need special development control in order to protect and/or minimize any harm to the AFPL.

(d) *By-product or derivatives* shall refer to any part taken or substance extracted from wildlife in raw or in processed form, including stuffed animals and herbarium specimens.

(e) *Collection or collecting* shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives.

(f) *Conservation* shall refer to sustainable use of wildlife and/or maintenance, restoration and enhancement of habitat.

(g) *Endangered species* shall refer to any species or subspecies of flora and fauna that are not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

(h) *Habitat* shall refer to a place or type of environment where a species or subspecies naturally occurs or has naturally established its population.

(i) *Hunting* shall refer to the act of collecting wild fauna for food and/or recreational purposes with the use of weapons such as guns, bows and arrows, spears and the likes.

(j) *Indigenous cultural community or indigenous peoples (ICC/IPs)* shall refer to a group of people or a homogenous society identified by self-ascription and ascription by others who have continuously lived as an organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, nonindigenous religions and cultures became historically differentiated from the majority of Filipinos. It shall also include people who are regarded as indigenous on account of their descent from the populations which inhabited the country at the time of conquest or colonization, or at the time of inroads of nonindigenous religions and cultures or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions but who may have resettled outside their ancestral domains.

(k) *Industrial Forest Management Agreement (IFMA)* shall refer to a production-sharing contract entered into by and between the DENR and a qualified person, whether natural or juridical, wherein the former grants to the latter the exclusive rights and responsibility to invest in, develop, manage and protect a defined area of the production forestland, including the establishment, management and utilization of industrial forest plantation, consistent with the principle of sustainable development primarily to supply the raw material requirements of wood-based processing and energy-related industries, and wherein both parties share in the benefits.

(l) *Management plan* shall refer to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the protected area in order to attain the objectives of this Act.

(m) *Mineral* shall refer to all naturally occurring inorganic substance in solid, gas, liquid or any intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy.

(n) *Multiple-use zone* shall refer to a portion of the protected area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction

activities and other income-generating or livelihood activities, may be allowed to the extent prescribed in the management plan.

(o) *National Integrated Protected Areas System (NIPAS)* shall refer to the classification of all designated protected areas pursuant to Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", in order to maintain essential ecological processes and life-support systems, to protect genetic diversity, to ensure sustainable use of resources and to maintain their natural conditions to the greatest extent possible.

(p) *National park* shall refer to land of the public domain classified as such pursuant to the 1987 Philippine Constitution and includes all areas under the NIPAS Act of 1992, which were designated for the conservation of native plants and animals, their associated habitats and cultural diversity.

(q) *Non-governmental organization (NGO)* shall refer to any civic, development or philanthropic organization which is created by private individuals or organizations with no participation or representation of the government or any of its agencies or branches.

(r) *Nonrenewable resources* shall refer to those resources found within the AFPL and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.

(s) *People's organization (PO)* shall refer to a group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation or other legal entity, established to undertake collective action to address community concerns and needs, and who mutually share the benefits of the endeavor.

(t) *Protected areas* shall refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

(u) *Protected landscape* shall refer to an area of national significance which is 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 the area.

(v) *Protected species* shall refer to any species listed under the Convention on 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 DENR or the Protected Area Management Board (PAMB) or through the management plan herein provided.

(w) *Public consultation* shall refer to a meeting or dialogue with concerned or affected individuals within and outside the AFPL, designed to identify and resolve issues and problems affecting them.

(x) *Timber License Agreement (TLA)* shall refer to a privilege granted by the State to a person to utilize forest resources within a forestland with the right of possession and

occupation thereof to the exclusion of others except the government, but with a corresponding obligation to develop, protect and rehabilitate the same in accordance with the terms and conditions set forth in the said agreement.

SEC. 7. *Creation of the Protected Area Management Board (PAMB).* – There is hereby created a Protected Area Management Board for the AFPL (AFPL-PAMB) which shall have sole jurisdiction, power and authority over the AFPL for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of the following:

- (a) The Regional Executive Director (RED) of the DENR Region XI, as chairperson;
- (b) The provincial planning and development officers of the provinces of Davao Oriental and Compostela Valley;
- (c) The mayors of the municipalities of Boston and Cateel, Province of Davao Oriental, and the Municipality of Compostela, Province of Compostela Valley, or their duly designated representatives;
- (d) A representative from each barangay with territory within the AFPL;
- (e) At least two (2) representatives from POs;
- (f) At least three (3) representatives from local NGOs;
- (g) One (1) representative from government agencies involved in the management of the AFPL; and
- (h) One (1) representative from each tribal community within the AFPL.

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

The members of the AFPL-PAMB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. Their nominations shall be conducted during a joint meeting of the current PAMB: *Provided, That* at least one-third (1/3) of the members 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 AFPL. Representation shall be by institution and shall aim to achieve balance by geographic location or areas.

The representatives from the LGUs and national agencies shall include among their duties the task of informing or educating their respective constituencies, offices or sectors pertaining to policies, rules, regulations, programs and projects of the AFPL-PAMB. These representatives shall likewise ensure that the provisions of this Act and its implementing rules and regulations are observed, complied with and used as reference and framework in the respective plans, policies, programs and projects of their offices or organizations. Failure to comply with the foregoing shall subject such representative/s to disciplinary action as may be provided by the AFPL-PAMB.

The members of the AFPL-PAMB shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in

meetings of the AFPL-PAMB or in connection with other official business authorized by the AFPL-PAMB, subject to existing rules and regulations.

SEC. 8. *Powers and Functions of the AFPL-PAMB.* – The AFPL-PAMB shall have the following powers and functions, in addition to the duties and functions enumerated in the implementing rules and regulations of the NIPAS Act:

- (a) Issue rules and regulations pertaining to the prohibited acts enumerated in Section 12 of this Act and the NIPAS Act;
- (b) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (c) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (d) Approve the management plan and oversee the office of the PASu;
- (e) Establish criteria and set fees for the issuance of permits to activities regulated by this Act or the management plan;
- (f) Recommend the deputation of appropriate individuals, including local community leaders, for the enforcement of the laws, rules and regulations governing the conduct or management of the AFPL;
- (g) Approve fees and charges in accordance with DENR Administrative Order No. 51, series of 2000, and raise funds for the AFPL;
- (h) Administer the AFPL Fund and other funds allocated to the AFPL from other sources and render proper accounting; and
- (i) Recommend appropriate policy changes to the DENR and other government authorities.

The RED shall ensure that the AFPL-PAMB acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and the issuances of the PAMB, such conflict shall be raised to the DENR Secretary, who shall decide which rule or regulation shall apply to the AFPL in case attempts to harmonize the conflicting issuances fail.

SEC. 9. *Protected Area Superintendent's Office.* – The office of the Protected Area Superintendent (PASu) is hereby created within the DENR Regional Office XI to be headed by the PASu who shall serve as the DENR's Chief Operating Officer for the AFPL. The PASu shall report directly to the RED of the DENR Region XI and shall be accountable to the PAMB. The PASu and the staff shall reside within the AFPL and shall establish an office in the area.

The PASu shall have full responsibility over the protection of the land, water, wildlife and other natural physical and biological resources within the AFPL. As such, the PASu 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) Establish, operate and maintain a database management system as a decision support tool;
- (b) Prepare the management plan as herein defined;
- (c) Provide a secretariat for the AFPL-PAMB and supply the latter with the necessary information to make appropriate decisions;
- (d) Enforce the laws, rules and regulations relevant to the AFPL, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;
- (e) Monitor all activities within the AFPL to ensure its conformity with the management plan;
- (f) Ensure the integration of the AFPL management policies, regulations, programs and projects in all concerned national and local government unit levels;
- (g) Recommend the issuance of permits based on the terms, conditions and criteria established by the AFPL-PAMB; and
- (h) Perform such other powers and duties as may, from time to time, be prescribed by the AFPL-PAMB and higher authorities.

SEC. 10. *Indigenous Peoples' Rights.* – Ancestral domain and other customary rights and interests of indigenous communities within the AFPL shall be accorded due recognition. The preservation of ancestral domain and customary rights shall be considered as a management objective. The maintenance, management and development of ancestral domains which are found to be necessary for the AFPL will be pursuant to Section 58 of Republic Act No. 8371, otherwise known as “The Indigenous Peoples Rights Act of 1997” (IPRA).

The identification, delineation and recognition of ancestral domain claims within the AFPL shall be conducted by the National Commission on Indigenous Peoples (NCIP) pursuant to the provisions of the IPRA and its implementing rules and regulations, in coordination with the AFPL-PAMB.

SEC. 11. *Tenured Migrants and Other AFPL Occupants.* – Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The AFPL-PAMB shall identify, verify and review all tenurial instruments, land claims and issuances of permits for resource use within the AFPL and recommend the issuance of the appropriate tenurial instrument consistent with the zoning provided in the management plan.

Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the aim of attaining sustainable development, a provision for the transfer of said tenured migrants to multiple-use zones or buffer zones shall be accomplished through just and humane means.

In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Other AFPL occupants who do not qualify as tenured migrants shall be resettled outside the AFPL as determined by the AFPL-PAMB. The AFPL-PAMB shall determine, plan and implement a definite schedule for resettling them outside of the AFPL following the procedures set forth by existing law.

SEC. 12. *Prohibited Acts.* – The following shall be the prohibitions and penalties applicable to the AFPL, in addition to the prohibited acts provided in the NIPAS Act and its pertinent rules and regulations:

- (a) The penalties provided for 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:
 - (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or byproducts derived therefrom within particularly identified, regulated or prohibited areas or zones, including private lands, without the necessary permit, authorization or exemption: *Provided*, That hunting of animals shall be absolutely prohibited except for scientific research and for traditional hunting by the ICCs/IPs;
 - (2) Cuts, gathers, removes or collects timber or any forest product within particularly identified, regulated or prohibited areas or zones, including private lands, without the necessary permit, authorization or exemption;
 - (3) Possesses or transports, within or outside the AFPL, any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna, or by-products derived therefrom which is ascertained to have been taken from the AFPL;
 - (4) Engages in quarrying of sand, gravel, guano, limestone or any material;
 - (5) Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the AFPL-PAMB;
 - (6) Conducts bioprospecting activities without prior AFPL-PAMB approval in accordance with existing guidelines; or
 - (7) Establishes or introduces exotic species which are detrimental to endemic species or without prior AFPL-PAMB approval;
- (b) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not more than six (6) years shall be imposed upon any person who:

(1) Violates any rule and regulation in the management plan or agreement reached before the AFPL-PAMB in the exercise of its adjudicative functions;

(2) Erects any structure on land or on water for any purpose outside the management plan: *Provided*, That large-scale private infrastructure and other projects such as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf courses, heavily mechanized commercial and nontraditional farming and other activities that cause increased immigration, pollution and resource degradation are absolutely prohibited;

(3) Possesses a chainsaw, hacksaw and other mechanized equipment within the AFPL without a permit;

(4) Throws, dumps, places or causes to be placed into the AFPL any nonbiodegradable material or waste whether liquid, solid or gas;

(5) Uses, dumps, places or causes to be placed into the AFPL toxic chemicals, including pesticides and other hazardous substances, unless the same is expressly allowed in the management plan;

(6) Prospects, hunts or otherwise locates hidden treasures;

(7) Informally occupies or dwells in any land without clearance from the AFPL PAMB;

(8) Possesses or uses blasting caps or explosives;

(9) Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land; religious, spiritual or historical sites and artifacts; and other objects of natural or scenic value;

(10) Alters, removes or destroys boundary marks or signs;

(11) Engages in slash-and-burn farming or kaingin or in any manner, causing forest fires; or

(12) Purchases, sells, mortgages or leases lands which are covered by any tenorial instrument.

Valuation of the damage resulting from any of the prohibited acts pursuant to this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act, or suffer their workers to commit any of the same, shall be liable in the same manner as the one actually performing the act.

All conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu office upon apprehension, subject, however, to due process and substantial evidence requirements. When legal action is, however, filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue into the Integrated Protected Areas Fund (IPAF). The procedure for the sale hereof shall be promulgated by the PAMB.

The penalties specified in this section shall be imposed in addition to the penalties contained in Republic Act No. 9072, otherwise known as the "National Caves and Cave Resources Management and Protection Act", Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act", and other related laws.

Conviction for any offense under this Act by a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

SEC. 13. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the AFPL shall be assigned. Such special prosecutor shall coordinate with the AFPL-PAMB and the PASu in the performance of one's duties and assist in the training of wardens and rangers in arrest and criminal procedures. The AFPL-PAMB 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 AFPL-PAMB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the AFPL, against any legal action related to their powers, functions and responsibilities as provided for in this Act or as delegated or tasked by the AFPL-PAMB.

SEC. 14. *The Aliwagwag Falls Protected Landscape (AFPL) Fund.* – There is hereby established a trust fund to be known as the AFPL Fund for purposes of financing projects of the AFPL. Seventy-five percent (75%) of the income generated from the operation of the AFPL or management of wild flora and fauna in the AFPL shall accrue to the fund. The remaining twenty-five percent (25%) of the income of the AFPL shall form part of the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

Income shall be derived from visitors/tourists fees, fees from permitted sale and export of flora and fauna and other resources from the AFPL, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds and contributions from industries and facilities directly benefiting from the AFPL, and such other fees and income derived from the operation of the AFPL.

The AFPL-PAMB may impose and charge reasonable fees such as, but not limited to, water users fees for water extracted by commercial water extractors/distributors sourced and generated from the protected area. Such fee structure may change as the AFPL-PAMB may see it.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the AFPL-PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may charge adds-ons to fees imposed by the AFPL-PAMB: *Provided*, That such adds-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the AFPL.

SEC. 15. *Existing Facilities Within the AFPL.* – Within sixty (60) days from the effectivity of this Act, operators of major facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment and irrigation facilities existing within the boundaries of the AFPL shall submit a project description to the AFPL-PAMB through the PASu.

The AFPL-PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plans and operations will be detrimental to the AFPL or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the AFPL-PAMB, through the PASu and other deputized government entities, shall cause the cessation and demolition of the facility at the cost of its owner.

Existing facilities allowed to remain within the AFPL may be charged a reasonable fee by the DENR. All income from such royalty shall accrue to the AFPL Fund.

SEC. 16. *Utilization of Resources.* – Any exploitation of or utilization of nonrenewable resources within the AFPL shall not be allowed. Energy projects within the AFPL shall be allowed only through an act of Congress, except energy from wind, sun and water sources of not more than one (1) megawatt capacity for mini-hydro power: *Provided*, That these renewable energy projects are established outside the strict protection zone, adopt reduced impact technologies and undergo the environmental impact assessment (EIA) system as provided by law: *Provided, further*, That AFPL-PAMB endorsement has been obtained.

SEC. 17. *Appropriations.* – The Secretary of the DENR shall include in its program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 18. *Construction and Suppletory Application of Existing Laws.* – The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. The provisions of the NIPAS Act of 1992, existing forestry laws and their corresponding rules and regulations not inconsistent hereto shall have suppletory effect in the implementation of this Act.

SEC. 19. *Transitory Provisions.* – In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows the exploitation and utilization of resources within the AFPL until the management plan has been put into effect.

All existing land-use and resource-use permits within the AFPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the AFPL-PAMB. Moreover, areas determined as wildlife habitat and potable water sources shall be declared protected and special-use zones, respectively, and their management and uses shall be consistent with the provisions of the respective executive orders, presidential proclamations and amendments establishing them.

SEC. 20. *Reporting Responsibility.* – The PASu, through the AFPL-PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the AFPL.

SEC. 21. *Separability Clause.* – If, for any reason, any part or section of this Act is declared invalid or unconstitutional, such other parts not affected thereby shall continue to be in full force and effect.

SEC. 22. *Repealing Clause.* – All laws, decrees, proclamations, rules and regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 23. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,