



Republic of the Philippines
Congress of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5107

Introduced by **HON. CARLITO "Lito" S. MARQUEZ**
Lone District, Aklan

EXPLANATORY NOTE

On April 18, 2002, former President Gloria Macapagal -Arroyo issued Presidential Proclamation No. 186 which set aside the Northwest Panay Peninsula Protected Natural Park (NWPPNP) and designated it as a protected area under the jurisdiction of the Department of Environment Natural Resources and that it be managed in accordance with the provisions of the National Integration Protection Area System Act of 1992 (NIPAS Act).

The NIPAS Act specifically provides that after the issuance of an edict, which is Presidential Proclamation 186 that designated NWPPNP as a protected area and provided for *interim* measures for its protection and management, the passage of a law must be clearly enacted to assert the area as protected.

A cursory reading of Section 2, Article XII of the 1987 Philippine Constitution provides:

*"All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. **The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State.**"*

The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least 60 per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of waterpower, beneficial use may be the measure and limit of the grant.” (Emphasis supplied)

Pursuant to the above-quoted constitutional *proviso*, the proposed measure chases to uphold and guarantee the conservation, protection, management and rehabilitation of the biological resources, both flora and fauna, that are native and distinct to Panay Island and the Panay-Negros biographical region, as well as their aesthetic and ecological prominence.

The benefit of this proposed bill is not alone restrained to the fortification of said area and its environment. To be consistent and in harmony with “*intergenerational responsibility*” and “*intergenerational justice*”, this bill likewise postulates sustainable livelihood opportunities to its tenured migrants.

The bill would also tend to allow for entry and development inside the NWPPNP’s northern edge for renewable energy projects under the auspices of the Department of Energy like the PetroWind Energy, Incorporated (PWEI) for its Nabas Wind Farm, to name a few. The Nabas Phase 1 that consists 18 wind turbine generators produces 36 megawatts which was put on commercial operation on June 10, 2015. Accordingly, Nabas Phase 2 is designed to generate 14 megawatts from its 7 wind turbine generators but it is sad to note that there has been no activity done yet on Nabas Phase 2 as PWEI is waiting for the passage of this proposed measure and not be held hostage by provisions of Section 14 of the NIPAS Act. This would contribute to the power of the Visayas Region sourced from clear energy, not to mention the royalties to be paid to the local and national government and the development of an eco-tourism area, to name a few.

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



HON. CARLITO “Lito” S. MARQUEZ



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AN ACT
DECLARING THE NORTHWEST PANAY PENINSULA LOCATED IN
THE MUNICIPALITIES OF NABAS, MALAY AND BURUANGA,
PROVINCE OF AKLAN AND IN THE MUNICIPALITIES OF LIBERTAD
AND PANDAN, PROVINCE OF ANTIQUE AS A PROTECTED AREA
UNDER THE CATEGORY OF NATURAL PARK, PROVIDING FOR ITS
MANAGEMENT AND FOR OTHER PURPOSES

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

ARTICLE I

POLICIES AND OBJECTIVES

SECTION 1. Title. - This Act shall be known as the "Northwest Panay Peninsula Natural Park (NPPNP) Act".

SECTION 2. Statement of Policy. - In recognition of the richness of the biological resources, both flora and fauna, that are native and distinct to Panay Island and the Panay-Negros biographical region, as well as their aesthetic and ecological importance, it is hereby declared the policy of the State to ensure the conservation, protection, management and rehabilitation of these areas.

The conservation and protection of biological and physical diversities to sustain human, plant and animal life shall be pursued through sustainable and participatory management among the national government, through the Department of Environment and Natural Resources (*DENR*) and the provincial governments of Aklan and Antique, the local government units (LGUs) of the municipalities of Nabas, Malay and Buruanga in the Province of Aklan and the municipalities of Libertad and Pandan in the Province of Antique, the non-governmental organizations (NGOs), people's organizations (POs), local stakeholders and the indigenous cultural communities (ICCs), particularly the Aetas, locally called "*Ati*".

SECTION 3. Declaration as Protected Area. - Pursuant to and in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System Act of 1992 (*NIPAS Act*), a tract of land of the public domain situated within the Northwest Panay Peninsula is hereby declared a protected area under the category of a natural park.

SECTION 4. Scope and Coverage. - The NPPNP shall cover a certain parcel of land located in the municipalities of Nabas, Malay and Buruanga, Province of Aklan and in the municipalities of Libertad and Pandan, Province of Antique. Its boundaries are more particularly described as follows:

Beginning at a point marked "1" of the map, which is N. 82° 37' E., three thousand three hundred twenty-six and four tenth (3,326.4) meters; from BLLM No. 7, PSC-38 of Libertad, Antique;

Thence S. 74° 34' W.,	1,389.91 meters to corner 2;
Thence N. 74° 23' W.,	1,671.82 meters to corner 3;
Thence S. 64° 12' W.,	2,112.89 meters to corner 4;
Thence N. 54° 59' W.,	1,306.72 meters to corner 5;
Thence N. 47° 07' W.,	1,572.37 meters to corner 6;
Thence N. 36° 09' W.,	1,331.49 meters to corner 7;
Thence N. 43° 16' E.,	1,743.57 meters to corner 8;
Thence S. 40° 18' E.,	1,049.46 meters to corner 9;
Thence N. 11° 45' W.,	766.12 meters to corner 10;
Thence N. 07° 16' E.,	1,735.66 meters to corner 11;
Thence N. 30° 53' W.,	699.43 meters to corner 12;
Thence N. 31° 50' E.,	1,188.35 meters to corner 13;
Thence N. 87° 15' E.,	2,298.33 meters to corner 14;
Thence N. 15° 19' E.,	1,171.69 meters to corner 15;
Thence S. 84° 01' E.,	2,398.04 meters to corner 16;
Thence N. 87° 54' E.,	805.44 meters to corner 17;
Thence S. 48°23' E.,	2,356.49 meters to corner 18;
Thence S. 50° 18' E.,	1,269.20 meters to corner 19;
Thence S. 58° 49' E.,	1,424.64 meters to corner 20;
Thence S. 78° 05' E.,	2,152.13 meters to corner 21;
Thence S. 51° 59' E.,	1,238.41 meters to corner 22;
Thence S. 30° 12' E.,	2,266.24 meters to corner 23;
Thence S. 05° 39' E.,	1,685.24 meters to corner 24;
Thence S. 22° 26' W.,	1,764.83 meters to corner 25;
Thence S. 53° 35' W.,	1,081.73 meters to corner 26;
Thence N. 86° 42' W.,	533.23 meters to corner 27;
Thence S. 10° 33' W.,	1,117.38 meters to corner 28;
Thence S. 79° 32' W.,	962.01 meters to corner 29;
Thence N. 57° 20' W.,	1,807.07 meters to corner 30;
Thence N. 64° 49' W.,	1,535.10 meters to corner 31;
Thence N. 74° 48' W.,	2,453.48 meters to corner 1;

the point of beginning, containing an approximate area of twelve thousand nine and twenty-nine hundredth (12,009.29) hectares, more or less, subject to actual ground survey.

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

SECTION 5. *Land Classification.*- All lands of the public domain within the coverage and scope of this Act shall fall under the classification of national park as provided for in the Philippine Constitution.

SECTION 6. *Establishment of Buffer Zones.*- Buffer zones shall be established along and adjacent to the peripheral boundaries to serve as protective layer to the area and its resources. The buffer zones shall also serve as a social fence against the entry of intruders that bring destruction or conduct activities detrimental to the park. Prescriptions for the management of buffer zones shall be included as components of the protected area management plan. The DENR shall exercise the same authority over buffer zones in the same manner as protected areas: Provided, however, that there shall be consultation with the affected communities.

The buffer zones shall be established by the DENR, in consultation with the affected communities, after conducting a thorough study on their implications to the development of the park and the surrounding communities.

SECTION 7. *Definition of Terms.* - For purposes of this Act, the following terms shall be defined as follows:

- a) *Bioprospecting* - shall refer to any research activity or collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- b) *Buffer zones* - shall refer to areas that are outside the boundaries of and are immediately adjacent to designated protected areas, pursuant to Section 3 of this Act, that need special development control in order to avoid or minimize encroachment and harm to the protected area;
- c) *By-products or Derivatives* - shall refer to any part taken or substance extracted from wildlife, in raw or processed form, which include stuffed animals and herbarium specimens;
- d) *Cave* - shall refer to any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either on private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole or other feature which is an extension of the entrance. The term also includes cave resources but not any mine tunnel, aqueduct or other man-made excavation;
- e) *Collection or Collecting* - shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives;
- f) *Conservation* - shall refer to any act or acts of preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat;

g) *DENR* - shall refer to the Department of Environment and Natural Resources, a national government agency created under Executive Order No. 192 with jurisdiction over forestlands and protected areas;

h) *General Management Planning Strategy (GMPS)* - shall refer to a document that serves as a guide in the formulation of site-specific development plans, including plans for the buffer zone;

i) *Indigenous Cultural Community (ICC)* - shall refer to a group of 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;

j) *Integrated Protected Areas Fund (IPAF)* - shall refer to a special account in the National Treasury established for the purpose of promoting the sustained financing for the operations of the NIPAS. The IPAF may receive revenues generated within the protected area or through donor support and such other funds provided by law;

k) *Local Government Unit (LGU)* - shall refer to any local government unit, a political body created under Republic Act No. 7160, otherwise known as the "*Local Government Code of 1991*", a body politic and corporate endowed with powers to be exercised by it in conformity with law, and exercising powers as a political subdivision of the national government and as a corporate entity representing the inhabitants of the territory;

l) *National park* - shall refer to a tract of land of the public domain classified as such pursuant to the 1987 Philippine Constitution;

m) *Natural park* - shall refer to a relatively large area not materially altered by human activity where extractive resource uses are regulated and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use;

n) *National Integrated Protected Areas System (NIPAS) Act* - shall refer to Republic Act No. 7586, entitled "*An Act Providing for the Establishment and Management of National Integrated Protected Areas System, Defining its Scope and Coverage, and for Other Purposes*", which mandates the classification and administration of all designated protected areas in order to maintain ecological processes and life support systems, to preserve genetic diversity, to ensure sustainable use of resources found within the protected areas and to maintain their natural conditions to the greatest extent possible;

o) *NGO* - shall refer to any non-governmental organization or any civic, developmental, environmental or philanthropic non-stock, non-profit organization;

p) *Northwest Panay Biodiversity Management Council (NPBMC)* - shall refer to a multi-sectoral body organized in 1999 and was instrumental in the proclamation of the NPPNP as a protected area;

q) *Protected Area Management Board (PAMB)* - shall refer to a governing body created for each protected area pursuant to the NIPAS Act, and tasked to oversee all activities inside the protected area and its buffer zone;

r) *Protected Area Superintendent (PASu)* - shall refer to the chief operating officer of the DENR who is directly responsible to the PAMB and the concerned DENR Regional Executive Director;

s) *Peninsula* - shall refer to a strip of land projecting into water; a narrow piece of land that juts out from the mainland into a sea or lake;

t) *People's Organization* (PO) - shall refer to any locally based people's organization or to any group of people formed to advance the interests of the sector they represent;

u) *Protected area* - shall refer to any identified portion 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;

v) *Secretary* - shall refer to the Secretary of the DENR; and

w) *Tenured migrant* - shall refer to any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area and is usually dependent on that area for subsistence.

ARTICLE II

MANAGEMENT, MANAGEMENT PLAN AND ZONING

SECTION 8. *Management of the Northwest Panay Peninsula Natural Park.* - The management and administration of the NPPNP shall be vested in the PAMB: *Provided,* That the processes and procedures in the management of zones to be established in the area shall be consultative and participatory.

SECTION 9. *Local Government Units.* As members of the PAMB, the LGUs are mandated to participate in the affairs and support the programs and projects of the protected area.

Specific co-management strategies, through the signing of memoranda of agreement, may be adopted, at the discretion of the PAMB, to strengthen and empower its partner POs, NGOs, ICCs and LGUs in all management schemes and undertakings of the NPPNP.

There shall be an integration of objectives of the NPPNP with the development plans of the two (2) provinces of Aklan and Antique. The respective LGUs shall ensure that local ordinances on environmental protection and conservation and the allocation of funds for environmental programs are consistent with this Act and the management plan.

SECTION 10. *The Northwest Panay Biodiversity Management Council (NPBMC).* - The NPBMC shall continue to serve as the coordinating body among member LGUs to strengthen policy direction and heighten the commitment of the communities within and bordering the NPPNP.

The NPBMC shall work closely with the PAMB to reduce the pressure on the NPPNP from the surrounding communities through development programs and other activities geared towards the protection, conservation and sustainable use of the latter's resources. The NPBMC may also provide assistance to the PAMB.

SECTION 11. *The General Management Planning Strategy (GMPS).* - The GMPS for the NPPNP shall be prepared to provide a long-term basic management framework, govern all activities and serve as guide in the preparation of annual operations and budgetary requirements.

The GMPS shall identify the allowable uses for each zone. The preparation of GMPS shall be undertaken by the PAMB under the supervision of the DENR, in consultation with the different stakeholders. In addition to the contributions from various technical experts on biodiversity management, the PAMB shall solicit the assistance of NGOs and academic institutions in the preparation of the GMPS, particularly in the areas of community-based resource management and ICC concerns. The plan must be consistent with the objectives of the NPPNP.

The GMPS shall contain information on the following:

- a) The period of applicability which shall be twenty-five (25) years subject to review and modifications, whenever the PAMB deems it necessary;
- b) Key management issues;
- c) Goals and objectives of management in support of Section 2 of this Act;
- d) Site management strategies;
- e) Zoning, in accordance with Section 11 of this Act;
- f) Management programs, to include the enforcement of laws, habitat and wildlife management, ecotourism, sustainable-use management, infrastructure development and maintenance, fire prevention and pest control;
- g) Mechanisms for the protection of the identified core zone and tenured migrants;
- h) Sustainable and non-destructive livelihood activities;
- i) Regulations on the preservation and conservation of resources such as permits, resource-use restrictions and the like; and
- j) Other information as may be deemed necessary.

The GMPS shall be reviewed and adopted by the PAMB and certified by the Secretary that it conforms to all laws, rules and regulations issued by the DENR. The revision or modification of the GMPS shall be undertaken after consultation with the approval by the PAMB.

The GMPS shall be prepared in English, but shall be translated in a dialect commonly understood among the majority of the residents. It shall be made available for public perusal at the Office of the PASu.

SECTION 12. *Management Zones.* - Management zones shall be established within the NPPNP, giving primary consideration to its protection and conservation. Zoning shall take into account the tenorial and livelihood concerns of communities to ensure the efficient protection of habitats, fragile ecosystem and unique areas, without compromising the general welfare of the local inhabitants.

The establishment and management of zones shall involve the communities concerned through dialogues, consultations and land resource-use mapping with the aid of geographic information system and latest technologies. Such management zones shall be delineated and established on the ground with the participation of communities, LGUs and other stakeholders.

All zones that shall be established shall be indicated on maps for control point and management purposes.

ARTICLE III

INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS OF MANAGEMENT

SECTION 13. *Institutional Mechanisms, Roles and Functions of Management.* -

a) The PAMB shall be the highest policy-making body of the NPPNP. It shall be composed of the following:

- 1) The DENR Regional Executive Director (RED) for Region VI, as chairperson and adviser on matters related to the technical aspects of protected area management;
- 2) The governors of the provinces of Aklan and Antique or their duly authorized representatives, preferably the respective provincial planning and development officers (PPDO) or environment and natural resources officers;
- 3) The mayors of the municipalities of Nabas, Malay and Buruanga, Province of Aklan and the municipalities of Libertad and Pandan, Province of Antique, or their duly authorized representatives;
- 4) All punong barangays with territorial jurisdiction over the NPPNP, or their duly authorized representatives;
- 5) Three (3) representatives from the NGOs based in the provinces of Aklan and Antique and at least seven (7) POs duly accredited by the DENR and LGUs with tangible projects within the NPPNP at the time of their membership in the PAMB. In the absence of accredited NGOs, any environmental NGO may be appointed by the Secretary to nominate its representative as PAMB member;
- 6) A representative from the ICCs residing inside the NPPNP or within its buffer zones; and
- 7) A representative each from other national government agencies involved in Protected Area Management.

b) There shall be an Executive Committee (ExeCom) within the PAMB to whom may be delegated some of its powers and functions, to be composed of the Regional Technical Director for Protected Areas, Wildlife Zones and Coastal Management Service as chairperson, and at least two (2) representatives each from the LGUs, the NGOs and the ICCs. The PAMB shall determine the scope and extent of the authority to be delegated to the ExeCom.

c) Except for government officials who shall serve as *ex officio*, each PAMB member shall serve for a term of five (5) years without compensation: Provided, that such government official remains connected with the office or agency being represented. The term of office of the NGO and the PO representatives in the PAMB shall be coterminous with the duration and existence of the organizations' projects in the protected area. Whenever a seat allotted for the NGOs becomes vacant, a new member shall be chosen in the same manner as the original selection process: Provided further, that the substitute shall only serve for the remaining term of the predecessor. In the case of elective government officials, their membership in the PAMB shall be coterminous with their respective terms of office.

The PAMB *en banc* shall hold a regular meeting at least twice a year and the ExeCom shall hold regular meetings at least once every four (4) months. For both bodies, a quorum shall consist of a simple majority of the members. The chairperson may call for a special meeting as deemed necessary.

The members of the PAMB shall be entitled to reimbursement of actual traveling and subsistence expenses incurred in attending the meetings of the PAMB or its committees, subject to existing accounting and budgeting rules and regulations. These expenses shall be included in the annual budgetary allocation for the NPPNP.

SECTION 14. *Functions of the PAMB.* - The PAMB shall decide by a majority vote and shall have the following powers and functions:

- a) Formulate rules and regulations pertaining to activities that are prejudicial to the NPPNP;
- b) Issue necessary permits for all activities in accordance with the management plan and pertinent laws and regulations on forest resources and environmental protection;
- c) Decide on matters relating to planning, resource protection and general administration in accordance with the GMPS;
- d) Approve proposals, work plans, action plans and guidelines for management in accordance with the approved management plan;
- e) Promulgate rules and regulations to promote development programs and projects on biodiversity conservation and sustainable development consistent with the management manual;
- f) Ensure the implementation of programs, as prescribed in the management plan, in order to provide employment to the people dwelling in and around the NPPNP;
- g) Control and regulate the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation systems and other public utilities;
- h) Monitor and evaluate the performance of personnel, NGOs and the communities in contributing to biodiversity conservation and sociocultural and economic development, and report its assessment to the NIPAS Policy and Program Steering Committee and the IPAF governing board;
- i) Deputize, through the PASu, interested individuals for the enforcement of laws, rules and regulations and prescribe the necessary qualification standards for individuals or groups applying for deputation;
- j) Accept donations, approve proposals for funding and budget allocation, and exercise accountability over all funds that may accrue to the NPPNP; *and*
- k) Create committees that may be needed for the effective implementation of programs and projects.

The DENR, through the RED for Region VI, shall ensure that the PAMB exercises authority within the scope of its powers and functions. In case of conflict between issuances of the DENR pursuant to the NIPAS Act and the rules and regulations or resolutions of the PAMB, the Secretary shall decide whether to apply the rule or withdraw its application in the NPPNP.

SECTION 15. *The PASu Office.* There is hereby established a PASu office in charge of the management, protection and administration of the NPPNP. The PASu shall be supported by the existing personnel of the DENR. The PASu shall be the chief operating officer of the NPPNP and shall be accountable to the RED of the DENR VI and the PAMB. The PASu shall have the following powers and functions:

- a) Prepare and recommend to the PAMB the approval of the annual work and financial plans;
- b) Develop a management information system to ensure that relevant and updated information are available for planning, monitoring and decision-making;
- c) Collect and/or receive pertinent fees, donations and other income for the protected area;
- d) Initiate the preparation of the GMPS in coordination with other government offices and sectors;
- e) Serve as head of the secretariat for the PAMB;

- f) Establish a productive partnership with the local community and stakeholders, including groups who are interested in attaining the goals and objectives of the NPPNP;
- g) Formulate and implement park information, education, communication and visitor programs;
- h) Enforce laws, rules and regulations pursuant to existing environmental laws and DENR orders to protect and preserve the NPPNP from trespass, damage, injury and illegal occupancy;
- i) Certify whether a proposed activity or project is allowable or not within the management zones;
- j) Issue cutting permit for planted trees for a volume of up to five (5) cubic meters per applicant per year for traditional and subsistence livelihood of ICCs/indigenous peoples (IPs) and tenured migrants only: *Provided*, that Protected Area Community-Based Resource Management Agreement (PACBRMA) holders with affirmed community resource management plans shall no longer be issued cutting permits: *Provided further*, that the total volume of extraction does not exceed the limit set by the PAMB and the location of extraction is within the appropriate site within the multiple-use zone;
- k) Issue certificates of origin and transport permits for natural resources and other products collected or gathered from the NPPNP in accordance with the resource-use instruments or agreements or gratuitous permits issued by the PAMB and/or the DENR;
- l) Monitor all activities within the NPPNP and its buffer zones; *and*
- m) Perform such other functions as the PAMB or the RED may assign.

ARTICLE IV

ANCESTRAL LANDS/DOMAINS AND TENURED MIGRANTS

SECTION 16. *Ancestral Lands and Domains.* -The rights of the ICCs to their ancestral lands and domains shall be recognized subject to existing and prior rights.

Traditional property regimes exercised by the ICCs in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all lands and other resources found within their ancestral lands and domains.

The provisions of this Act shall be construed liberally in favor of the ICCs in accordance with the conservation objectives of the NPPNP that would not impair, diminish or derogate any prior or existing right currently enjoyed by the ICCs under existing laws.

SECTION 17. *Tenured Migrants.* Tenured migrants are households that have actually and continuously occupied the NPPNP before April 25, 1997 and are solely dependent on the area for their livelihood. A tenured migrant shall be issued a tenorial instrument on the areas they have been occupying or cultivating, not to exceed a maximum of five (5) hectares per household. In consideration of current practices in areas occupied by tenured migrants, especially in strict protection zones where no occupation or other activities are allowed, a provision for their transfer to sustainable-use zones shall be accomplished through just and humane means.

To effectively provide a social fence to the NPPNP, a tenorial instrument to be issued pursuant to this Act must be limited solely to the sustainable-use zones in accordance with GMPS. The tenorial instruments or the rights and interests arising out of such instruments shall not be transferred, sold, leased or used as collateral for a loan, otherwise it shall be void. The said rights can be transferred only to direct descendants.

A tenurial instrument shall cover a period of twenty-five (25) years, renewable for another twenty-five (25) years based on the performance evaluation and compliance with the terms and conditions stipulated in the said instrument.

Any violation of the terms and conditions of the tenurial instrument or any provision of this Act or abandonment by a tenured migrant shall constitute a sufficient ground for the cancellation of the tenurial instrument.

Upon cancellation of a tenured migrant instrument for cause or by voluntary surrender of rights, the PAMB shall take immediate steps or strategies to develop, rehabilitate and maintain the area for protection, conservation and sustainable use.

ARTICLE V

ILLEGAL ACTS

SECTION 18. *Prohibited Acts.* - The following shall be the prohibitions and penalties within the NPPNP;

a) A fine of not less than Five Thousand Pesos (PhP5,000.00) but not more than Five Hundred Thousand Pesos (PhP500,000.00) or imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or both, at the discretion of the court shall be imposed upon any person who shall:

- 1) Hunt, collect, destroy, trap, disturb or possess anywhere within the NPPNP any wild plant or animal or product derived therefrom without prior PAMB permit;
- 2) Possess, without a permit from the PAMB, any wild plant or animal or product derived from such wild plant or animal within the NPPNP or in any of its management zones where the species is not endemic;
- 3) Cut, gather, collect or remove timber or other forest products, as well as undertake any activity not compatible with the use of the respective zones within the NPPNP without prior PAMB permit: *Provided*, that any permit issued shall be valid for only one (1) month from the date of issue either to tenured migrants within sustainable, monitored and controlled quotas or for scientific purposes in accordance with existing guidelines and outside the strict protection zones;
- 4) Establish or introduce exotic species that have allelopathic or detrimental effect to endemic species without prior PAMB permit; or
- 5) Engage in *kaingin* or slash-and-burn farming or any activity that causes forest fire.

b) A fine of not less than Five Thousand Pesos (PhP5,000.00) but not more than Two Hundred Fifty thousand pesos (PhP250,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court, and the restoration and rehabilitation of the damage resulting from violations shall be imposed upon any person who shall:

- 1) Violate the management plan or any resolution issued by the PAMB;
- 2) Vandalize, mutilate, transport, destroy, excavate or in any manner intentionally damages any natural formation or object of natural beauty inside the protected area, or the burial or religious sites including artifacts and other objects belonging to the ICCs/IPs;
- 3) Dump, burn or otherwise dispose of any substance deleterious to the ecosystem, plants and animals or human inhabitants or committing the same in the buffer and multiple-use areas without appropriate authority or permit;
- 4) Use or possess a motorized equipment anywhere within the strict protection zone without a prior permit from the PAMB;

- 5) Use or possess chainsaws and band saws without prior PAMB permit: *Provided*, that permits may only be issued for use within the multiple-use zones;
- 6) Engage in grazing or raising of poultry and other livestock for commercial purpose: *Provided*, that existing grazing or poultry and other livestock farms shall be phased out within five (5) years after the effectivity of this Act;
- 7) Cause damage or leave roads and trails in damaged condition;
- 8) Occupy any tract of land without a prior PAMB permit. Any clearing, construction of residence or introduction of improvements shall constitute *prima facie* evidence of occupation or settlement;
- 9) Alter, remove, destroy or deface boundaries, marks or signs;
- 10) Construct and maintain a building, edifice or any kind of structure or conduct any business enterprise without a prior PAMB permit;
- 11) Enter the NPPNP without a prior PAMB permit for purposes of bird watching, swimming, trekking, filming, camping, spelunking or caving and other similar activities;
- 12) Conduct bioprospecting, research work or any study without a prior PAMB permit or in violation of existing guidelines; *or*
- 13) Engage in treasure hunting.

c) A fine of not less than One Hundred Thousand Pesos (PhP 100,000.00) but not more than Five Hundred Thousand Pesos (PhP500,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court shall be imposed upon any public officer or law enforcement officer, who, in dereliction of the duties of his office, shall maliciously refrain from instituting proper action for the punishment of violators of the law or shall tolerate the commission of offenses. A conviction of this offense shall also carry the penalty of *perpetual disqualification* from public office;

d) In case the species involved in the violations enumerated under Section 18-a hereof, are protected species, the penalty to be imposed shall not be less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than Five Hundred Thousand Pesos (PhP500,000.00) to One Million Pesos (PhP 1,000,000.00) in addition to the accessory penalties provided in the immediately succeeding paragraph. Furthermore, any citizen may institute the necessary charge against the offender for the commission of the acts enumerated under Section 18-a involving protected species;

e) A conviction under this section shall likewise carry the penalty of eviction from the NPPNP, payment of damages for the rehabilitation and restoration and the forfeiture of all equipment, device and weapon/s used in the commission of the offense as well as the resources caught in the possession of the accused. In case the offender is not a citizen of the Philippines, he/she shall be immediately deported to his/her country of origin after service of his/her sentence. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of the employees and laborers;

f) The PASu or the duly deputized personnel may arrest even without a warrant any person who has committed or is committing in one's presence any of the offenses defined in this section. The PASu may also seize and confiscate in favor of the government the tools and equipment used in committing the offenses and the resources caught in the possession of the offender and file the necessary charges therefore: *Provided*, that the DENR may impose administrative fines and penalties in accordance with law; *and*

g) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF for the protected area.

SECTION 19. *Special Prosecutor.* - 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 NPPNP shall be assigned. Such special prosecutor shall coordinate with the 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.

ARTICLE VI

PROCEEDS AND FEES

SECTION 20. *The Northwest Panay Peninsula Natural Park Protected Area Fund.* - There is hereby established a trust fund to be known as the Northwest Panay Peninsula Natural Park Protected Area Fund for purposes of financing projects of the system. All income generated from the operation of the system or the management of wild flora and fauna in the NPPNP shall accrue to the fund. The said income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the NPPNP, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the NPPNP and such other fees and income derived from the operation of the NPPNP.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign: Provided, that the fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations; Provided further, that the fund shall not be used to cover personal services expenditures.

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

ARTICLE VII

EXISTING FACILITIES

SECTION 21. *Existing Facilities.* - Within ninety (90) days from the effectivity of this Act, the PAMB shall be organized and a PASu shall be appointed who, within the same period shall make an inventory of existing facilities within the boundaries of the NPPNP and submit the said inventory to the PAMB through a sworn statement containing the following information:

- a) List of infrastructure, machineries and facilities and their potential disturbances to protected species and their habitat, reproductive cycles, nesting and feeding grounds;
- b) Noise levels at all stages of operation;
- c) Energy requirements and sources of energy;
- d) Water supply requirements and sources of water;
- e) Volume of resources extracted from the protected area; and
- f) Future plans for the next five (5) years.

Based on the submitted documents, the PAMB, with technical assistance from the DENR, shall determine whether the existence and operation of said infrastructure, machineries and facilities and its future plans and operations would be detrimental to the NPPNP.

Existing laws, rules and regulations relating to the Environmental Impact Statement (EIS) System shall be applicable to projects and activities intended in the NPPNP. The issuance by the DENR of an Environmental Compliance Certificate (ECC) or its exemption for any project or activity in the NPPNP shall be coordinated with the PAMB.

ARTICLE VIII

UTILIZATION OF RESOURCES

SECTION. 22. *Utilization of Resources.* - Livelihood activities requiring the use of resources derived from the NPPNP shall be allowed only when it is found to be sustainable and consistent with the GMPS and only upon prior PAMB approval. Only non-timber products can be utilized for livelihood purposes, except trees planted in tenured areas. No exploration, exploitation or utilization of non-renewable resources for commercial purposes or by non-tenured migrants or non-ICCs shall be allowed. Energy generation projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

Commercial utilization of resources by tenured migrants and the ICCs shall be allowed only upon prior PAMB approval and in accordance with the GMPS. Commercial exploitation and utilization of water resources and other permitted resources and establishment or installation of infrastructure such as, but not limited to, access roads, telecommunication facilities, etc., within the NPPNP shall require PAMB approval: Provided, that these are not in conflict with the GMPS and shall undergo the EIS System.

The utilization of non-tangible resources such as, but not limited to, aesthetic value, filming, camping and trekking areas, caving adventures, researches on flora and fauna, and other related activities shall require the approval of the PAMB pursuant to a corresponding permitting system to be adopted. The PAMB shall establish a mechanism that would streamline the processing of these permits in order to promote its viability to enhance revenue collection.

A permanent office, strategically situated within the NPPNP, shall be established for this purpose, where the PASu or his duly authorized representative can judiciously act on requests from respective parties with authority from the PAMB.

ARTICLE IX

TRANSITORY AND MISCELLANEOUS PROVISIONS

SECTION 23. *Appropriations.* - The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 24. *Applicability.* - The provisions of this Act shall be construed liberally in favor of tenured migrants and the ICC, with due consideration to the protection of biodiversity. The NIPAS Act shall supplement the implementation of this Act.

SECTION 25. *Transitory Provisions.* - A new PAMB shall be convened and created within three (3) months from the effectivity of this Act. During the same period, the DENR, in coordination with the PAMB, the Committee on Natural Resources of the House of Representatives, the Senate Committee on Environment and Natural Resources and the concerned Congressional District Representatives shall undertake the preparation of the implementing rules and regulations of this Act.

SECTION 26. *Separability Clause.* - If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof

SECTION 27. *Repealing Clause.* - All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 28. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a national newspaper of general circulation.

Approved,