

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6990



Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT ESTABLISHING THE QUEZON PROTECTED LANDSCAPE IN THE MUNICIPALITIES OF ATIMONAN, PAGBILAO AND PADRE BURGOS, PROVINCE OF QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

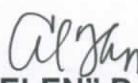
EXPLANATORY NOTE

Consistent with Article II, Section 16 of the Constitution, which provides that: "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature", this bill seeks to declare the Quezon Protected Landscape as a protected area to protect it from indiscriminate exploitation and to maintain and preserve its biodiversity and ecological balance.

This Forest Reserve in the municipalities of Atimonan, Pagbilao and Padre Burgos in the Province of Quezon is a haven of rich biodiversity covering a total area of nine hundred and eighty-three (983) hectares of lands of public domain. It was declared a protected area on 02 June 2003 by virtue of Proclamation No. 394.

This important measure seeks to provide for the management, protection, conservation and sustainable development of the Quezon Protected Landscape within the framework of Republic Act 7586 or the National Integrated Protected Area System (NIPAS) Act of 1992.

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


ANGELINA "HELEN" D.L. TAN, M.D.
4th District, Quezon

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 6990

Introduced by: Hon. Angelina "Helen" D.L. Tan, M.D.

AN ACT ESTABLISHING THE QUEZON PROTECTED LANDSCAPE IN THE MUNICIPALITIES OF ATIMONAN, PAGBILAO AND PADRE BURGOS, PROVINCE OF QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

SECTION 1. **Title.** - This act shall be known as the "Quezon Protected Landscape Act".

SEC. 2. **Declaration of Policy.** - Pursuant to Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System Act of 1992", it is hereby declared the policy of the State to conserve and preserve the aggregates of wild flora and fauna, culture and indigenous knowledge, historical artifacts and sites, ensure the continuity of endangered, threatened and rare species towards the end of conserving, protecting and preserving, and preserving the scenic, cultural, historical and archaeological features of Quezon Protected Landscape (QPL) and its surroundings and other forest ecosystems found therein, and providing thereof for the benefit and enjoyment of its people and humankind.

The classified area comprising the QPL shall be within the classification under the 1987 Philippine Constitution. Public lands classified as agricultural, alienable and disposable upon the passage of this Act shall remain as such and may be disposed of under the law.

SEC. 3. **Scope and Coverage.** - The boundaries of the QPL, which fall under the category of protected landscape as defined herein, within the Municipalities of Atimonan, Pagbilao and Padre Burgos, Province of Quezon, are as follows:

TECHNICAL DESCRIPTION

From Q ZN-3908 PRS '92 BRGY. MALINAO IBABA, ATIMONAN, QUEZON to Corner 1

LINE	BEARING	DISTANCE
1-2	S 02-19W	118.88 M
2-3	S 00-46W	275.50 M
3-4	S 00-46W	338.20 M
4-5	S 00-46W	102.90 M
5-6	S.67-14W	1223.60 M
6-7	S.67-14W	79.40 M
7-8	S 06-50E	64.89 M
8-9	S 39-58E	44.36 M
9-10	S 29-45E	24.19 M

10-11	S 12-32E	36.88 M
11-12	S 49-24	9.22 M
12-13	N 63-26W	22.36 M
13-14	S 55-43W	93.19 M
14-15	S 31-02W	71.78 M
15-16	S 75-44W	58.81 M
16-17	N 56-30W	40.77 M
17-18	N 85-49W	41.11 M
18-19	N 72-17W	75.58 M
19-20	S 66-08W	56.86 M
20-21	S 61-10W	39.38 M
21-22	S 70-52W	91.56 M
22-23	S 78-07W	116.50 M
23-24	S 31-25W	84.38 M
24-25	N 47-44W	14.86 M
25-26	N 22-03W	62.58 M
26-27	S 86-40W	51.59 M
27-28	S 04-34W	62.70 M
28-29	S 49-08W	34.38 M
29-30	S 84-26W	82.39 M
30-31	S 21-27W	30.08 M
31-32	N 80-28W	120.67 M
32-33	S 45-00W	62.22 M
33-34	S 04-58E	46.17 M
34-35	S 18-49W	46.48 M
35-36	Due South	42.00 M
36-37	S 59-02W	34.99 M
37-38	N 87-03W	51.94 M
38-39	N 66-39W	43.71 M
39-40	S 74-27W	50.34 M
40-41	S 42-35W	67.23 M
41-42	S 00-57W	60.51 M
42-43	S 46-20W	45.62 M
43-44	S 18-58W	135.35 M
44-45	S 40-32W	40.79 M
45-46	S 70-49W	27.50 M
46-47	N 75-05W	70.00 M
47-48	S 64-55W	74.90 M
48-49	N 58-56W	350.87 M
49-50	N 23-05W	791.13 M
50-51	N 23-05W	15.00 M
51-52	N 13-18W	521.80 M
52-53	N 22-59W	355.50 M
53-54	N 31-42W	504.90 M
54-55	N 39-10W	342.40 M
55-56	N 63-50W	204.20 M
56-57	S 84-13W	192.40 M
57-58	S 63-14W	174.70 M
58-59	N 71-18W	265.40 M
59-60	N 17-37W	85.60 M
60-61	N 24-51E	73.60 M
61-62	N 07-21E	84.90 M
62-63	N 01-50E	84.70 M
63-64	N 41-36E	157.10 M
64-65	N 62-40E	141.20 M
65-66	N 73-47E	120.80 M
66-67	N 66-43E	146.10 M
67-68	S 78.17E	221.00 M
68-69	Due East	231.30 M
69-70	N 59-39E	232.10 M

70-71	N 47-36E	177.10 M
71-72	N 56-38E	186.80 M
72-73	N 80-53E	140.80 M
73-74	N 02-57E	91.80 M
74-75	N 76-49E	150.90 M
75-76	N 76-49E	171.10 M
76-77	N 76-49E	125.80 M
77-78	N 81.53E	221.30 M
78-79	S 84-09E	175.90 M
79-80	N 68-44E	181.30 M
80-81	N 68-44E	181.30 M
81-82	N 41.36E	91.20 M
82-83	S 46-43E	285.10 M
83-84	S 45-22E	175.70 M
84-85	S 31-19E	201.50 M
85-86	S 78-22E	3.70 M
86-87	S 49-52E	94.10 M
87-88	S 65-33E	85.90 M
88-89	S 53-04E	180.50 M
89-90	S 45-47E	30.40 M
90-91	S 34-33E	231.40 M
91-92	S 60-49E	1306.77 M
92-1	S 23-37E	14.80 M

The QPL shall cover a total land area of nine hundred and eighty-three (983) hectares.

The Department of Environment and Natural Resources (DENR) shall appropriately mark on the ground the technical descriptions provided in this Act with clearly visible markers and shall prepare appropriate maps thereof.

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

SEC. 4. *Land Classification.* - All lands comprising the QPL shall fall under the classification of National Park as provided for in the 1987 Philippine Constitution.

SEC. 5. *Definition of Terms.* - For purposes of this Act, the following terms are defined as follows:

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

(b) Conservation shall refer to the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.

(c) Department of Environment and Natural Resources (DENR) shall refer to the national government agency tasked of regulating the use of natural resources and administering the programs of environmental management.

(d) Endangered species shall refer to the wildlife species that are in danger of extinction and whose survival is unlikely if the causal factor is not reversed.

(e) Exotic species shall refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.

(f) Forestlands shall refer to the lands of the public domain, which have been classified as such, under the land classification program of the DENR.

(g) Habitat shall refer to a place or type of environment where species or subspecies naturally occur or have naturally established their population.

(h) Management Board shall refer to the Management Board of the QPL.

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

(j) National Integrated Protected Areas System (NIPAS) shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible.

(k) National park shall refer to the land of the public domain classified as such in the 1987 Constitution, which includes all areas under the NIPAS pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity.

(l) Nongovernmental organization (NGO) shall refer to an agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.

(m) Provincial Environment and Natural Resources Office (PENRO) shall refer to the local office of the DENR at the provincial level.

(n) 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 mutually share the benefits of the endeavor.

(o) Protected area shall refer to identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

(p) Protected Area Management Board (PAMB) shall refer to a multi-sectoral policy-making body created in accordance with Republic Act No. 7586 or the NIPAS Act of 1992.

(q) Protected Area Superintendent (PASu) shall refer to the chief operating DENR officer of the QPL.

(r) 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.

(s) Protected species shall refer to plants or animals declared protected under Philippine laws and international conventions, including species listed

under the Convention on International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention on Migratory Species, the Red-list Categories of the World Conservation Union (IUCN), or plants or animals which the PAMB may deem critical for the conservation and preservation of the QPL.

(t) Tenured migrants shall refer to forest occupants who have actually and continuously occupied a portion of the protected area for at least five (5) years, and are solely dependent therein for subsistence, as of the passage of this Act. A protected area occupant is understood to be "solely dependent for subsistence" when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the protected area.

SEC. 6. *Management Plan.* - There shall be a management plan promulgated for the QPL that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

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

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

The management plan shall be prepared by the Protected Area Superintendent (PASu) in coordination with the appropriate offices of the Department, local communities and the NGOs. It shall be reviewed and approved by the PAMB and certified by the Secretary of the Department. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department: Provided, That the Secretary may revise and modify the protection and conservation plan, after consultation with the PAMB, prior to certification to ensure conformity with applicable laws, rules and regulations.

A year before the expiration of the period of the applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the successor plan in a newspaper of general circulation in the concerned municipalities. Notices shall also be posted in the respective provincial and municipal halls of the concerned provinces and municipalities as well as in the barangay halls bounding or immediately adjacent to the protected landscape. The proposed plan shall be made available to the public during the period for comment and a final plan shall likewise be made available for public

perusal at the office of the PASu upon the approval of the PAMB: Provided, That the plans shall be plainly written in a language understandable in the area.

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

(a) The Regional Executive Director (RED) of the DENR-Region IV -A, as the Chairman;

(b) The Provincial Planning and Development Coordinator of Quezon Province;

(c) One (1) representative each from the local government units of Pagbilao, Padre Burgos and Atimonan, Province of Quezon, which shall be appointed by their local chief executive;

(d) One (1) representative from each barangay with territory within the protected area, which shall be appointed by their respective sangguniang barangays;

(e) At least three (3) representatives from local NGOs and community organizations, including people's organizations, cooperatives, church or civic organizations to be chosen among themselves in meeting called for the purpose; and

(f) One (1) representative from other government agencies that may be involved in protected area management depending on the needs of the protected area,

Each member of the PAMB shall serve for a term of five (5) years and shall be considered to represent one's sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, their appointment shall be coterminous with their terms of office.

The members of the PAMB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the PAMB shall be nominated from the current members of the interim PAMB of the QPL: *Provided*, That the PAMB shall include women as members.

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

The members of the 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 PAMB or in connection with other official business authorized by a resolution of the PAMB, subject to existing rules and regulations.

SEC. 8. *Powers and Functions of the PAMB.* - The PAMB of the QPL, which shall decide by consensus or majority vote of the members present

constituting a quorum of majority of all the members, shall have the following powers and functions in addition to those provided under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

(a) Issue all rules and regulations to prohibit acts that may be prejudicial to the protected area and the policy declaration herein set forth as well as established criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;

(b) Issue rules and regulations for the resolution of conflicts through appropriate, sensitive 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 for activities regulated by this Act or the management plan;

(f) Recommend the deputization of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the QPL;

(g) Approve fees and charges in accordance with existing policies and guidelines and raise funds for the QPL;

(h) Manage the allocation of the QPL Fund, and other funds for the QPL, ensure their proper administration and render accounting; and

(i) Recommend appropriate policy reforms to the DENR and other government authorities.

The DENR, through the RED, shall ensure that the PAMB acts within the scope of its powers and functions. In case of a conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply the rule or withdraw its application in the QPL.

SEC. 9. *The Protected Area Superintendent (PASu) Office.* - There is hereby established a PASu Office within the DENR Regional Office to be in charge of the management, protection and administration of the QPL. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the QPL and shall be directly accountable to the RED of the DENR-Region IV-A and the PAMB.

The PASu shall have full responsibility for the protection of land, water, wildlife and other natural physical and biological resources within the QPL. As such, the PASu shall have the following duties and responsibilities in addition to those provided under the NIPAS Act and its implementing rules and regulations:

(a) Establish, operate and maintain a database management system as a decision support tool;

(b) Prepare the management and development plans as herein defined;

(c) Provide a secretariat for the PAMB and supply the PAMB with all the necessary information to make appropriate decisions for the implementation of this Act;

(d) Enforce the laws, rules and regulations relevant to the QPL, 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 QPL to ensure its conformity with the management plan;

(f) Recommend the issuance of permits based on terms, conditions and criteria established by the PAMB;

(g) Ensure the integration of the QPL management policies, regulations, programs and projects at all the concerned national and local government unit levels; and

(h) Perform such other functions as the PAMB may delegate.

The PASu shall be supported by a sufficient number of personnel who shall be performing day-to-day management, protection and administration of the QPL. Upon the recommendation of the PAMB, the DENR-RED shall deputize local community leaders and environment and natural resources officers.

SEC. 10. *Tenured Migrants.* - Tenured migrants are those who have actually occupied the forestlands within the protected area since June 30, 1987 and are substantially dependent on such areas for their livelihood. For purposes of official documentation of rights and extent of occupation within the protected area, tenured migrants shall be issued a tenurial instrument over such areas as have been occupied or cultivated since June 30, 1987.

Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, 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.

Within three (3) months from the passage of this Act, the PASu shall submit to the PAMB the complete list of tenured migrants which list shall be final upon approval of the PAMB.

SEC. 11. *Prohibited Acts and Penalties.* - The following shall be the prohibitions and penalties applicable to the QPL, in addition to the prohibited acts as provided in the NIPAS Act and its implementing rules and regulations:

(a) The penalties in Article 309 or 310 of the Revised Penal Code depending on the resources taken, damaged or destroyed shall be imposed upon any person who:

(1) Hunts, destroys, disturbs or removes from the QPL any wild plants or animal products derived therefrom without a permit from the PAMB;

(2) Conducts mineral explorations or extraction within the protected landscape as defined herein;

(3) Conducts quarry operation for aggregates, sand and other quarry materials without a permit from the PAMB or without other permits required under existing laws;

(4) Engages in fishing with the use of explosives, noxious substances, electricity or drift nets with mesh below three (3) centimeters between the knots when stretched;

(5) Cuts, removes, gathers, takes timber or forest products from the forestlands without authorization,

(6) Pollutes the bodies, air and land areas in any way of the protected areas; and

(7) Establishes infrastructure and other man-made projects without authorization and clearances from the PAMB and other government agencies involved in the granting of clearances.

Valuation of any damage wrought by any of these illegal acts shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value.

(b) A fine of not less than Five thousand pesos (P5,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) and/or imprisonment of not less than one (1) year or more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who:

(1) Alters topography through digging, blasting, earth-filling activities or stone-walling without a permit from all proper authorities as required under existing laws, rules and regulations and from the PAMB;

(2) Damages roads, trails or leaves them in a damaged condition or mutilates, defaces, destroys or vandalizes any object of natural or scenic value within the protected landscape;

(3) Constructs or maintains any kind of structure without a permit from the PAMB or without other requisite permits under existing laws such as, but not limited to, municipal permits, public works requirements and Environmental Compliance Certificate (ECC); and

(4) Alters, removes, destroys or defaces boundary works, buoys or signs in the protected landscape put up by the PAMB;

(c) A fine of not less than Five thousand pesos (P5,000.00) but not more than One hundred thousand pesos (P100,000.00) and/or imprisonment from one (1) year to three (3) years shall be imposed upon any person who:

(1) Occupies lands classified as Strict Protected Zone as herein defined without a legal instrument for such occupation;

(2) Violates any rules and regulations in the management plan of the PAMB or agreements reached before the PAMB in its exercise of adjudicative functions;

(3) Dumps any waste materials on land or any bodies of water e.g. river, other than in areas identified as dumping sites by the concerned local governments, or leaves exposed or in unsanitary condition on land or any bodies of water e.g. river, human waste or refuse;

(4) Kills or injures any protected species or fails to release it when accidentally caught or found beached;

(5) Knowingly brings/introduces into the protected landscape any exotic species or substances, which may pose a hazard to public health, protected species habitat or population or scenery;

(6) Brings out of the protected landscape live species without certification of toxic and hazardous substances testing; and

(7) Possesses instrument/equipment without clearance from the PAMB, shall specify for the legal uses for which it can be applied.

(d) A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not more than five (5) years shall be imposed upon:

(1) Any person who shall induce another or conspire to commit any of the above acts or suffer their workers to commit any of the above acts shall be liable in the manner as the one actually performing the act; and

(2) Any public officer, or officer of law, who, in dereliction of his duties shall maliciously disregard instituting persecution procedures for the punishment of violators of the law, or shall tolerate commission of the offense, or shall also carry the penalty of perpetual disqualification from public office.

SEC. 12 *Special Prosecutor and Retained Counsel.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom cases of violation of laws, rules and regulations in the QPL shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedures.

The PAMB may retain the services of 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 PAMB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable development of the QPL, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

SEC. 13. *Local Government Units (LGUs).* - The LGUs within the QPL shall participate in its management through its representation in the PAMB as provided under Section 7 hereof. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the QPL: Provided, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the central Integrated Protected Areas Fund (IPAF).

SEC. 14. *Quezon Protected Landscape Fund.* - There is hereby established a revolving fund to be known as the QPL Fund for purposes of financing projects in the QPL.

Income shall be derived from fees from visitors/tourists, fees from permitted sale and export of flora and fauna and other resources from the QPL, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds and contributions from industries and facilities directly benefiting the QPL, and such other fees and income derived from the operation of the QPL: Provided, That the seventy-five percent (75%) of

such income shall be set aside and retained by the PAMB which shall appropriate the same exclusively for the management and operation of the QPL: *Provided, further, That the remaining twenty-five percent (25%) shall be remitted to the central IPAF.*

The QPL 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 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 and rentals of the LGUs facilities: *Provided, That the LGUs shall not impose property tax and issue new tax declaration for areas covered by the QPL. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: Provided, further, That such add-ons shall be based on the contribution of the LGUs in the maintenance and protection of the QPL.*

SEC. 15. *Existing Facilities within the Protected Landscape.* - Within one hundred twenty (120) days from the effectivity of this Act, existing facilities such as roads, buildings, water systems and other facilities existing within the boundaries of the protected landscape shall submit project description to the PAMB through the PASu.

Based on its submission, the PAMB, with the help of the DENR, shall determine whether or not the existence of such facility and its future plan and operation will be detrimental to the protected landscape or whether or not conditions for its operations shall be imposed. If any of such conditions are violated, the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every day of violation. Upon reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB, through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the protected area may be charged a reasonable royalty by the DENR. All incomes from such royalty shall accrue to the IPAF.

SEC. 16. *Utilization of Energy and Nonrenewable Resources.* - Any exploitation and utilization of energy resources found within the NIPAS areas should be allowed only through a law passed by Congress. Furthermore, protected areas except Strict Nature Reserve and Natural Parks may be subjected to exploration, only for the purpose of gathering information on energy resources: *Provided, That such activity is carried out with the least damage to surrounding areas. The energy survey shall be conducted only in accordance with a program by the DENR. In no case shall an exemption from the EIA system made for energy and nonrenewable resources exploitation projects within the protected area.*

SEC. 17. *Reporting Responsibility.* - The PASu, through the PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the QPL.

SEC. 18. *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.

SEC. 19. **Construction and Suppletory Application of Existing Laws.**

- The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the QPL and the conservation and restoration of its biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations.

The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 20. **Transitory Provision.** - 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 exploitation and utilization of resources within the QPL until the management plan shall have been put into effect.

All existing land use and resource-use permits within the QPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the PAMB.

SEC. 21. **Repealing Clause.** - For the purpose of the scope of this Act, the provisions of the NIPAS Act are hereby modified in accordance with the provisions herein. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. Within the scope of the protected landscape as herein specified, the penalties under the NIPAS Act are hereby superseded.

SEC. 22. **Separability Clause.** - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

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

Approved,