

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8262

Introduced by **HON. RONALD M. COSALAN**



EXPLANATORY NOTE

On January 20, 2018, a fire razed 5.9 hectares of grassland in Mt. Pulag when a butane tank, used by trekkers in cooking food, exploded. Similarly, a bush fire also struck Mt. Ulap in Itogon town in Benguet province.

Mt. Pulag National Park is a critical biodiversity area because of its rich plant and animal life. The park, which extends to five towns in the provinces of Benguet, Ifugao and Nueva Vizcaya, is home to rare animals, like the cloud rat, which thrive in the mossy forest, and the Luzon shrew, which populates the grassland summit. Roberto Cereno, director of the Training Center for Tropical Resources and Ecosystem Sustainability of the University of the Philippines Los Baños, a biodiversity management expert, said it would take a year for that portion of Mt. Pulag to recover from the fire.

Hence, the public is clamoring for a law declaring the Mt. Pulag National Park as a protected area to prevent the recurrence of such a tragedy and the possible total decimation/destruction of this natural resource. Recently, the House of Representatives approved on third reading House Bill 6772 on the Enhanced National Integrated Protected Areas System (ENIPAS), which unfortunately did not include Mt. Pulag National Park.

Actually, Mt. Pulag is one of the mountains included in the Upper Agno River Basin Resource Reserve (UARBRR), with Mt. Data, Mt. Pack, Mt. Panotoan, Mt. Pawaadan, Mt. Cawal, Mt. Patapat, Mt. Tacpangan, Mt. Bucad, Mt. Singakalsa, Mt. Mongoto, and Mt. Nanagto. The Upper Agno River Basin is one of the most important protected areas in the country owing to its cultural, biological, hydrological and ecological contributions. Its waters support four major dams in Luzon, to wit: Ambuklao, Binga, San Roque and Magat Dam. Thus, it has been christened as the watershed cradle of Northern Luzon since six of the major river systems are sustained by its forests. The area is occupied by four indigenous groups called the Ibalois, Ikaraos, Kalanguyas and Kankanaeys. It is home to different natural resources and a rich biodiversity.

These resources need to be guarded to help the stakeholders cope up with the fast rate of land use changes, population growth, and rapid development within and surrounding areas.

In this connection, we urgently appeal for the establishment of the Upper Agno River Basin Protected Landscape (UARBPL). Hoping for your most urgent support for this bill.


RONALD M. COSALAN

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HOUSE BILL NO. **8262**

Introduced by **HON. RONALD M. COSALAN**

AN ACT

DECLARING THE UPPER AGNO RIVER BASIN PROTECTED LANDSCAPE IN THE MUNICIPALITIES OF BOKOD AND KABAYAN; AND SOME PORTIONS OF THE MUNICIPALITIES OF ATOK, BUGUIAS, ITOGON, LA TRINIDAD, AND TUBLAY, ALL IN THE PROVINCE OF BENGUET; PORTIONS OF BAUKO, MT. PROVINCE; PORTIONS OF TINOC, IFUGAO AND; KAYAPA, NUEVA VIZCAYA AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPES PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

Section 1. Short Title - This Act shall be known as the "Upper Agno River Basin-Protected Landscapes Act of 2018.

Section 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 ensure the protection and conservation Of Upper Agno River Basin as a protected area in order to preserve its biological diversity, the uniqueness of its landscapes/seascape and its socio- cultural and economic significance for the benefit and enjoyment of the people of the Province of Benguet, Nueva Vizcaya, Mt. Province and Ifugao. The State shall ensure the full implementation of this Act by establishing the institutional mechanism for the mobilization of resources and providing for adequate scientific and technical support for the conservation of biodiversity and the integrity of the ecosystems, cultures and spiritual practices.

Section 3. Scope and Coverage - The boundaries of the Upper Agno River Basin Protected Landscapes are as follows:

Tie point begins at a point marked "1" which is N 38-51-36, 200.81 meters from PRS92 BGT-3097 Control Point, located at Brgy. Caliking, Municipality of Atok, Province of Benguet with geographic coordinates of 16-30-3 latitude and 120- 40-40.38 longitude. It covers a total of 78, 315.03 hectares.

31						
32	LINE	BEARING	DISTANCE	LINE	BEARING	
33	DISTANCE		(meters)		(meters)	
34	1-2	N 38-51-36 E	158.74	109-110	N 68-47-15 E	600.64
35	2-3	N 56-55-9 E	1332.76	110-111	S 26-26-1 E	801.36
36	3-4	N 11-55-57 E	666.17	111-112	S 83-2-8 W	1903.36
37	4-5	N 4-46-38 W	266.60	112-113	S 77-29-41 W	263.25
38	5-6	N 38-11-37 E	984.61	113-114	N 68-56-31 W	200.38
39	6-7	N 51-45-2 E	397.93	114-115	S 70-5-47 W	185.05
40	7-8	N 86-22-39 E	390.45	115-116	N 22-48-58 W	157.31
41	8-9	N 42-13-47 E	777.73	116-117	N 81-22-9 W	113.28
42	9-10	N 31-7-15 W	514.53	117-118	S 30-6-49 E	3930.49
43	10-11	N 41-6-14 E	484.09	118-119	S 26-21-46 E	887.28
44	11-12	N 72-18-12 E	335.76	119-120	S 13-11-21 W	3330.86
45	12-13	N 3-36-16 W	498.14	120-121	S 26-1-58 W	4333.69
46	13-14	N 55-24-19 E	995.59	121-122	S 83-38-30 E	1390.55
47	14-15	N 84-55-57 E	790.95	122-123	S 18-28-4 E	1104.90
48	15-16	N 24-3-38 E	982.11	123-124	S 15-3-47 W	2381.84
49	16-17	N 30-56-48 E	989.39	124-125	S 36-28-21 E	3833.89
50	17-18	N 23-5-37 E	508.15	125-126	S 80-42-23 E	1851.00
51	18-19	N 67-25-27 E	866.29	126-127	S 11-18-20 W	1190.81
52	19-20	N 49-29-27 E	1171.30	127-128	S 7-39-40 W	1526.70
53	20-21	N 49-39-52 E	921.14	128-129	S 22-58-1 W	908.65
54	21-22	N 33-51-35 E	577.77	129-130	S 69-26-45 W	876.04
55	22-23	N 39-20-30 W	773.73	130-131	S 69-26-45 W	876.04
56	23-24	N 87-22-56 E	448.94	131-132	S 13-42-25 E	1350.46
57	24-25	N 22-34-33 E	857.70	132-133	S 6-50-51 W	947.76
58	25-26	N 33-7-39 E	1267.46	133-134	S 18-28-18 E	984.73
59	26-27	N 10-55-36 W	887.93	134-135	S 18-28-18 E	984.73
60	27-28	N 24-43-10 E	434.85	135-136	S 41-16-2 W	662.55
61	28-29	N 29-0-0 W	300.00	136-137	S 18-34-22 E	788.04
62	29-30	N 23-0-0 E	230.00	137-138	S 9-46-14 W	489.09
63	30-31	N 52-39-57 W	200.94	138-139	S 9-17-56 E	748.84
64	31-32	N 15-27-14 E	540.99	139-140	S 3-44-42 E	826.77
65	32-33	N 5-44-42 W	662.20	140-141	S 36-15-11 W	663.37
66	33-34	N 67-58-16 E	792.78	141-142	S 24-13-15 W	828.02
67	34-35	N 23-53-54 W	772.72	142-143	S 32-4-35 W	1583.68
68	35-36	N 28-31-49 E	412.83	143-144	S 1-4-28 E	2293.40
69	36-37	N 73-22-41 E	1347.40	144-145	S 29-19-59 W	1812.70
70	37-38	N 13-54-12 W	961.73	145-146	S 39-51-17 W	1243.65
71	38-39	N 38-16-0 W	714.08	146-147	S 11-42-56 E	221.62
72	39-40	N 38-10-47 E	947.63	147-148	S 38-6-13 W	1560.56
73	40-41	N 23-22-20 W	1147.17	148-149	S 6-54-29 E	557.04
74	41-42	N 29-28-33 E	559.22	149-150	S 50-2-34 W	3000.56
75	42-43	N 8-10-41 W	892.79	150-151	S 2-30-55 W	1162.12
76	43-44	N 55-47-12 W	647.25	151-152	S 29-33-37 W	385.13
77	44-45	N 16-3-25 W	1218.27	152-153	S 84-54-21 W	1396.52
78	45-46	N 50-48-41 W	811.90	153-154	S 53-45-17 W	715.44

79	46-47	N 70-16-34 E	1856.66	154-155	N 85-10-23 W	1129.00
80	47-48	N 30-38-26 E	881.48	155-156	N 1-28-8 E	819.27
81	48-49	N 67-45-47 E	975.29	156-157	N 0-36-19 W	1136.06
82	49-50	N 46-51-19 E	668.16	157-158	N 78-30-3 W	356.15
83	50-51	N 17-24-17 E	474.16	158-159	N 14-28-47 W	1127.82
84	51-52	N 25-47-13 W	766.57	159-160	N 49-53-57 W	894.22
85	52-53	N 18-33-41 E	1101.29	160-161	N 1-45-58 W	838.68
86	53-54	N 49-24-51 E	544.53	161-162	N 56-59-26 W	1259.55
87	54-55	N 2-52-51 W	665.76	162-163	N 8-30-35 W	903.78
88	55-56	N 29-0-0 E	300.00	163-164	N 22-30-50 E	666.50
89	56-57	N 43-0-0 W	270.00	164-165	N 40-26-47 W	1457.29
90	57-58	N 14-6-5 E	690.64	165-166	S 87-29-7 W	592.57
91	58-59	N 38-21-1 E	644.01	166-167	N 40-27-2 W	659.69
92	59-60	N 12-27-7 E	608.76	167-168	N 18-0-59 W	562.58
93	60-61	N 82-0-0 E	340.00	168-169	N 46-13-15 W	862.87
94	61-62	N 25-1-20 E	811.68	169-170	S 65-20-7 W	1159.82
95	62-63	N 45-49-25 E	385.59	170-171	N 51-35-43 W	806.49
96	63-64	N 5-25-26 E	1235.06	171-172	S 38-5-57 W	941.62
97	64-65	N 58-55-24 E	338.74	172-173	S 57-28-26 W	559.81
98	65-66	N 6-54-44 E	299.43	173-174	S 19-31-14 W	751.18
99	66-67	N 37-39-15 E	689.23	174-175	N 34-1-10 W	48.26
100	67-68	N 67-0-55 E	524.23	175-176	N 84-50-9 W	1710.95
101	68-69	N 21-56-8 E	1042.67	176-177	N 64-10-21 W	1042.09
102	69-70	N 45-45-0 E	708.29	177-178	N 20-6-8 W	1847.55
103	70-71	S 89-36-22 E	337.74	178-179	N 1-26-12 E	319.10
104	71-72	N 27-41-43 E	897.13	179-180	S 89-48-47 W	613.00
105	72-73	N 60-25-20 E	309.17	180-181	N 32-4-33 W	600.92
106	73-74	S 72-57-2 E	719.84	181-182	N 51-8-29 W	1106.15
107	74-75	N 57-43-42 E	596.24	182-183	N 5-29-37 W	433.80
108	75-76	N 37-34-39 E	1378.34	183-184	S 67-21-33 W	418.23
109	76-77	S 41-2-56 E	455.24	184-185	S 50-26-56 W	639.47
110	77-78	S 4-26-28 E	996.30	185-186	S 71-41-23 W	655.10
111	78-79	S 21-54-38 E	1170.98	186-187	N 53-26-22 W	592.61
112	79-80	N 78-2-13 E	712.04	187-188	N 37-41-44 W	1429.35
113	80-81	N 83-32-54 E	521.35	188-189	S 76-50-50 W	1085.48
114	81-82	N 46-16-12 E	454.40	189-190	N 20-50-43 W	834.63
115	82-83	S 55-44-39 E	478.38	190-191	N 89-57-47 W	1376.58
116	83-84	S 43-19-50 E	694.37	191-192	N 40-29-20 W	1148.03
117	84-85	N 68-49-34 E	803.29	192-193	N 25-39-38 W	424.91
118	85-86	S 1-7-49 E	986.77	193-194	N 7-18-47 E	604.92
119	86-87	S 29-37-53 W	322.49	194-195	N 29-39-50 E	592.81
120	87-88	S 22-0-41 W	521.48	195-196	N 12-27-47 E	401.34
121	88-89	S 23-11-12 W	610.35	196-197	N 51-10-41 E	275.96
122	89-90	S 18-16-5 E	459.18	197-198	N 32-19-3 E	486.33
123	90-91	S 29-34-0 E	506.18	198-199	N 51-15-12 E	483.13
124	91-92	S 10-9-20 W	446.97	199-200	N 33-54-56 E	630.56
125	92-93	S 31-47-5 E	707.94	200-201	N 53-5-16 E	645.40
126	93-94	S 14-54-37 E	449.76	201-202	N 46-57-8 E	329.21

127	94-95	S 28-7-45 W	376.93	202-203	N 14-21-2 E	426.96
128	95-96	S 1-50-44 E	765.90	203-204	N 31-54-53 E	231.89
129	96-97	S 11-28-35 W	813.70	204-205	N 88-54-51 E	169.71
130	97-98	S 3-45-59 W	608.20	205-206	N 42-14-16 E	870.68
131	98-99	S 14-53-45 E	473.35	206-207	N 46-26-45 E	518.89
132	99-100	S 45-20-47 W	842.42	207-208	N 58-39-18 E	457.14
133	100-101	S 40-2-16 E	499.11	208-209	N 67-14-21 E	460.77
134	101-102	S 24-22-52 E	386.80	209-210	N 75-30-9 E	383.51
135	102-103	S 64-18-27 W	1028.02	210-211	S 82-36-40 E	435.89
136	103-104	S 55-21-45 W	647.01	211-212	S 26-8-18 E	471.61
137	104-105	S 81-33-30 W	735.75	212-213	S 37-28-6 E	113.08
138	105-106	S 65-53-46 W	1067.95	213-214	S 73-0-0 E	280.00
139	106-107	S 46-35-23 W	1159.41	214-215	N 52-30-0 E	137.80
140	107-108	S 7-51-22 W	778.54	215-1	N 60-5-26 E	610.30
141	108-109	S 17-15-12 E	766.96			

Section 4. **Land Classification-** All lands of the public domain comprising the UARBPL shall fall under the classification of protected landscapes as provided for in the 1987 Philippine Constitution: Provided, The public lands already classified as agricultural lands of alienable of disposable lands prior to the passage of this Act remains such and may be disposed pursuant to existing laws.

Section 5. **Definition of Terms-** As used in this Act:

- a) *Biological resources* refer to living natural resources, including microorganisms, plants, animals, and other biotic component of the ecosystem with actual or potential use or value,
- b) *Buffer zones* refer to identified areas outside the boundaries of and immediately adjacent to designated protected areas pursuant to Section 8 of the NIPAS Act that need special development and monitoring in order to avoid or minimize harm to the protected area,
- c) *General Management Plan* refers to the basic long-term framework plan to attain the objectives of conserving and protecting the area which shall serve as guide in the preparation of the annual operations plan and budget,
- d) *General management planning strategy* refers to the general guide in the formulation of site specific management plan that shall include the management of buffer zones and the preservation of ancestral domain lands;
- e) *Indigenous peoples* refer to a group of people sharing common bonds of language, customs, traditions, and other distinctive cultural traits, and which have since time immemorial occupied, possessed and utilized a territory;
- f) *Protected area* refers to identified portion of land and water that are set aside so that their unique physical significance and biological diversity are protected against destructive human exploitation; and

- g) *Tenured migrants* refer to persons who have actually and continuously occupied an area for five (5) years prior to its designation as a protected area in accordance with the NIPAS Act, and are solely dependent on its resources for subsistence.

Section 6. **Protected Area Management Board (PAMB)** - The Protected Area Management Board- There shall be created a Protected Area Management Board (PAMB) which shall serve as the highest policy making body of the UARBPL and shall be composed of the following:

- a) The Regional Executive Director (RED) of the Department of Environment and Natural Resources Cordillera Administrative Region (DENR-CAR), as Chairperson.
- b) The Provincial Planning and Development Coordinator (PPDC) of Benguet, Nueva Vizcaya, Mt. Province, and Ifugao as members;
- c) One (1) representative from each municipality government of Atok, Bokod, Buguias, Itogon Kabayan, La Trinidad and Tublay, Province of Benguet; Municipality of Bauko, Province of Mt. Province; Municipality of Tinoc, Province of Ifugao; and Municipality of Kayapa, Province of Nueva Vizcaya to be appointed by their respective Sangguniang Bayan, as members;
- d) One (1) representative from each barangays Abiang, Catubo, Paoay, Kaliking, and Topdak, Municipality of Atok, Benguet; Barangay Monamon, Municipality of Mt. Province; Barangays Ambuklao, Bila, Bobok-Bisal, Daclan, Ekip, Karao, Nawal, Pito, Poblacion, and Tikey, Municipality of Bokod, Benguet; Barangays Abatan, Amgaleygey, Amlimay, Baculongan Norte, Bangao, Buyacaoan, Calamagan, Catlubong, Loo, Natubleng, Poblacion, Baculongan Sur, Lengaoan, and Sebang, Municipality of Buguias, Benguet; Barangays Loakan and Tinongdan, Municipality of Itogon, Benguet; Barangays Adaoy, Ballay, Bashoy, Batan, Duacan, Eddet, Gusaran, Kabayan Barrio, Pacso, and Poblacion, Municipality of Kabayan, Benguet; Barangays Ambiong, Beckel, Lubas, and Shilan, Municipality of La Trinidad, Benguet; Barangays Ahin and Tokukan, Municipality of Tinoc, Ifugao; Barangays Ambassador and Caponga, Municipality of Tublay, Benguet; and Barangays Ansipsip, Cabayo, and Pangawan, Municipality of Kayapa, Nueva Vizcaya to be appointed by their respective barangay councils, as members;
- e) At least three (3) representatives from nongovernment organizations (NGOs) and local community organizations involved in the protected area management based in the jurisdiction of UARBPL and duly accredited by the municipal government, chosen through an election exclusively called for the purpose by the DENR in coordination with concerned local government units (LGUs), as members
- f) One (1) representative from each tribal community, chosen in an election to be conducted by the DENR in coordination with the National Commission on Indigenous Peoples (NCIP), as member; and
- g) One (1) representative each, if necessary, from other government agencies involved in the management of the UARBPL

214 Except for government officials who shall serve as *ex officio*, every member of the PAMB
215 shall be appointed by the DENR Secretary and shall serve for a term of five (5) years without
216 compensation provided, that each member remains connected with the organization being
217 represented. In the case of members who are government officials, their appointments shall be
218 coterminous with their term of office. Whenever a vacancy occurs during the term of a
219 nongovernment PAMB member, a new member shall be chosen in the same manner as the
220 original selection process and shall only serve for the remaining term.

221
222 The members of the PAMB shall be entitled to reimbursement of actual and necessary
223 traveling and subsistence expenses incurred in attending meetings of the PAMB or any of its
224 committees, subject to government accounting, auditing and budgeting rules and regulations,
225 and subject further to the availability of funds as reflected in the Work and Financial Plan
226 (WFP), which is required in accessing funds from the Integrated Protected Area Fund (IPAF).

227
228 **Section 7. Powers and Functions of the PAMB-** The PAMB shall exercise the
229 following powers and functions:

- 230
231 a) Issue rules and regulations to prohibit acts that may be prejudicial to the UARBPL and
232 the policy declaration herein set forth as well as established biodiversity protection
233 criteria
234 b) Approve the management plan required under Section 10 of this Act and oversee the
235 office of the Protected Area Superintendent (PASu),
236 c) Adopt rules and procedures for the conduct of business, including the creation of
237 committees to whom its powers may be delegated.
238 d) Set fees for the issuance of permits for activities regulated by this Act or the
239 management plan,
240 e) Issue rules and regulations for the resolution of conflicts through appropriate culturally
241 sensitive and effective means,
242 f) Approve proposals for funding and budget allocation and exercise responsibility over
243 all funds that may accrue to the UARBPL; and
244 g) Deputize interested individuals for the enforcement of the laws, rules and regulations
245 governing the conduct in the UARBPL and its buffer zone.

246
247 The DENR, through the RED for CAR, shall exercise authority over the PAMB to ensure
248 that it acts within the scope of its powers and functions. In case of a conflict between
249 administrative orders of national application issued by the DENR pursuant to the NIPAS Act
250 and other pertinent laws and the rules and regulations issued by the PAMB, the PAMB shall
251 notify the DENR Secretary who shall decide whether to apply the rule or withdraw its
252 application in the UARBPL. The decision of the DENR Secretary shall be guided by a preference
253 for local initiatives and specific policies enacted by the PAMB. The decision of the DENR
254 Secretary may be raised on appeal to the Regional Trial Court that has jurisdiction over the
255 UARBPL.

Section 8. **The Protected Area Management Office (PAMO)-** There is hereby created a PAMO to be headed by a PASu with plantilla position who shall perform the day to day management, protection, and administration of the Upper Agno River Basin Protected Landscapes. Sufficient number of support staff shall be appointed by the DENR to assist the PASu in the management of the Upper Agno River Basin Protected Landscapes.

The Positions are as follows:

No	Item	Salary Grade	Equivalent Salary
1	Park Superintendent	26	92,108
1	Asst. Park Superintendent	24	73,299
1	Provincial Deputy Park Superintendent	24	73,299
1	Legal Officer	22	58,717
3	Sr. Ecosystems Management Specialist	18	38,085
1	Administrative Officer	18	38,085
1	Veterinarian	18	38,085
1	Engineer	18	38,085
1	GIS	18	38,085
1	Community Development Officer III	15	29,010
1	Finance Officer	15	29,010
1	Cashier	15	29,010
1	Supply Officer	15	29,010
3	Ecosystems Mgt. Specialist I	15	29,010
1	Livelihood Specialist	15	29,010
1	Human Resource Development Officer	15	29,010
1	Biologist	15	29,010
1	Ecotourism Specialist	15	29,010
1	Taxonomist	15	29,010
3	Legal Assistant	15	29,010
1	Communications Assistant	15	29,010
1	Records Officer II	15	29,010
1	IT Staff	15	29,010
1	Lawyer	15	29,010
4	Community Development Officer I	11	20,179
4	Park Development Officer (Park Warden)	8	16,282
3	Drivers	6	14,340
2	Clerks/ Stenographer	6	14,340
1	Utility Worker	4	12,674

2	Green Brigade	4	12,674
TOTAL			716,064

Section 9. **Protected Area Superintendent Office-** There is hereby established a Protected Area Superintendent (PASu) Office in charge of the management, protection and administration of the UARBPL. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the UARBPL and shall be accountable to the DENR RED for CAR and the PAMB. The PASu shall have the following powers and functions:

- a) Prepare the initial and subsequent management plan as herein provided.
- b) Serve as the secretariat for the PAMB with the duty to provide the PAMB with all the needed information in making appropriate decisions when necessary;
- c) Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, and in the planning, protection and management of the UARBPL,
- d) Develop and implement a park information, education and visitor program;
- e) Enforce the laws, rules and regulations relevant to the UARBPL and assist in the prosecution of offenses
- f) Monitor all activities within the UARBL to ensure compliance with the management plan, and
- g) Perform such other functions as the PAMB may assign.

Section 10. **Protected Area Management Plan-** Within one (1) year from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided for in the NIPAS Act, the PASu, in coordination with the local communities, appropriate offices of the DENR, LGUs, NGOs, and people's organizations (POs), shall prepare a management plan. The management plan 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 no. 3 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, fire and pest control, etc;
- g) Zoning; and
- h) Visitor management programs

The management plan shall be reviewed, approved, and adopted by the PAMB and shall be certified by the DENR Secretary that it conforms to all laws, rules and regulations of national application issued by the DENR. In no case shall the DENR revise or modify the management plan without prior consultation with the PAMB.

One (1) year before the expiration of the initial management plan, the PASu shall cause the publication of notices for comments and suggestion on the subsequent management plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal, and barangay halls and in three (3) other areas frequented by the public. Public hearings may be conducted on the subsequent management plan upon the written request of any interested party. The plan shall be prepared in the language understood in the area and shall be made available to the public during the period for comments.

In the event that no subsequent management plan is adopted upon the expiration of the initial management plan, the latter shall remain in force subject to interim modifications that may be adopted by the PAMB.

Section 11. Integrated Protected Area Trust Fund- On the establishment of the IPAF, the pertinent provisions of the NIPAS Act as amended by RA 10629 should be followed. Special Agreement in the Protected Area shall be issued by the PAMB with corresponding amount allowed by law that shall accrue to the IPAF.

Section 12. Upper Agno River Basin Protected Landscapes Fund- There is hereby a trust fund known as the Upper Agno River Basin Protected Landscapes Fund, for the purposes of financing projects of the UARBPL. All income generated from the operation or management of wild flora in the UARBPL shall accrue to the Fund. These income shall be derived from the visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the UARBPL, proceeds from the registration and lease of multiple-use areas including tourism concessions, contributions from industries and facilities directly benefitting from the protected area and such other fees and incomes derived from its operation.

The Fund may be augmented by grants, donations, endowment from various resources, domestic or foreign, for purposes related to their functions Provided, That the Fund shall be subject to the retention by the PAMB of the protected area, of seventy-five percent (75%) of all revenues raised therefrom and deposited in any government bank within the locality where the protected area is located, and the disbursements shall be made solely for the protection, maintenance, administration, and management of the area and implementation of duly approved projects endorsed by the PAMB in accordance with existing accounting, audition and budgeting rules and regulations: Provided, further, That twenty-five percent (25%) of the revenues shall be deposited as a special account in the National Treasury: Provided finally, that the Fund shall not be use 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 protected area.

Section 13. **Existing Facilities and Infrastructure-** Within sixty (60) days from the effectivity of this Act, the owners, operators or public offices in charge of major existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment and irrigation facilities within the boundaries of the UARBPL shall submit a project description to the PAMB through the PASu, and with the help of the DENR, the PAMB shall determine whether the present and future existence, operations and plans of a facility is detrimental to the UARBPL of conditions for its continued operation shall be imposed. If any such conditions, once imposed, are violated, the owner of the facility shall be liable to pay fine of five thousand pesos (P 5, 000.00) for every violation. Upon reaching a total fine of five hundred thousand pesos (P500,000.00), the 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 UARBPL may be charged a reasonable royalty by the DENR. All income from such royalty shall accrue to the Fund.

Section 14. **Utilization of Nonrenewable Resources-** Any exploitation and utilization of nonrenewable resources within the UARBPL shall be allowed only upon the approval of the PAMB and shall be subject to the Environmental Impact Assessment (EIA) System.

Section 15. **Indigenous Peoples Rights-** Ancestral domains and the customary rights and interest of indigenous communities located within any area of the UARBPL shall be accorded due recognition and respect. The preservation of ancestral domains and customary rights shall be considered as one of the management objectives of this Act.

The evaluation of ancestral domain claims within the UARBPL shall be conducted in accordance with Republic Act No. 8371, in coordination with the DENR and other concerned groups.

Section 16. **Tenured Migrants and Other Protected Area Occupants-** Persons who have actually and continuously occupied a portion of the UARBPL five years before the effectivity of the NIPAS Act and whose livelihood are solely dependent of the area shall be considered as tenured migrants in the UARBPL.

For the purpose of official documentation, recognition of rights and determination of the extent of occupation within the UARBPL, a tenured migrant shall be issued a tenurial instrument over the area being occupied or cultivated. However, in areas that are designated as zones in which no occupation of other human activities are allowed, a provision for the transfer of tenured migrants to multiple-use zones or the buffer zone shall be undertaken.

Upon the cancellation of a tenured migrant instrument for cause, abandonment or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate or restore the area to its natural state.

394 Section 17. **Prohibited Acts and Penalties-** In addition to the provisions in the
395 NIPAS Act, the following shall constitute the prohibited acts and penalties in UARBPL:

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- 397 a) Hunting, destroying, disturbing or mere possession of any plant or animal or
 - 398 product derived therefrom without a permit from the PAMB;
 - 399 b) Dumping of any waste product detrimental to the BPNM, or to the plants, animals
 - 400 or inhabitants therein;
 - 401 c) Using any motorized equipment without a permit from the PAMB;
 - 402 d) Mutilating, defacing or destroying objects of natural beauty, or objects of interest to
 - 403 cultural communities;
 - 404 e) Damaging and leaving roads and trails in a damaged condition;
 - 405 f) Squatting, mining or otherwise occupying any land;
 - 406 g) Constructing or maintaining any kind of structure, fence or enclosure or conducting
 - 407 any business enterprise without a permit from the PAMB;
 - 408 h) Leaving exposed or in unsanitary condition refuse or debris or depositing the same
 - 409 in the grounds or in bodies of water; and
 - 410 i) Altering, removing, destroying or defacing boundary marks or signs.
 - 411 j) Any project, environmental critical or not, outside the scope of the General
 - 412 Management Plan of UARBRR shall be subjected to Environmental Impact Analysis.
 - 413 k) Prospecting activities shall be presented to the PAMB before issuance of permit
 - 414 l) The Licenses, Patents, and Deeds Division should not issue any permit without the
 - 415 consent of the PAMB.
 - 416

417 Section 18. **Special Prosecutor and Retained Counsel-** Within thirty (30) days from
418 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to
419 prosecute violations of laws, rules and regulations in the protected area. The special prosecutor
420 shall coordinate with the PAMB and the PASu in the performance of duties and assist in the
421 training of wardens and rangers in arrest and criminal procedures. The PAMB may retain the
422 services of counsel to prosecute and assist in the prosecution of cases under the direct control
423 and supervision of the regular or special prosecutor. Said counsel shall also represent and
424 defend the members of the PAMB, the PASu and the staff, or any DENR deputized individuals
425 and volunteers, against any legal action arising from the performance of their powers, functions
426 and responsibilities as provided in this Act.

427

428 Section 19. **Reporting Responsibility-** The PASU, through the PAMB, shall submit
429 an annual accomplishment report of the protected area to the Secretary of the DENR through
430 the PAMB. A report on the conditions and benefits of the biological resources and ecosystem
431 services of the protected area shall also be submitted by the PASu to the Secretary every five (5)
432 years. Consequently, the PAMB shall likewise prepare a National State of Protected Areas
433 (NSPA) Report every five (5) years and shall submit the same to the President and the Congress
434 of the Philippines.

435

436 Section 20. **Appropriations-** The Secretary of the DENR shall immediately include in
437 the DENR's program the implementation of this Act, the funding of which shall be included in

the Annual General Appropriations Act with an initial fund of 75 million and ten percent (10%) markup per succeeding year.

Section 21. **Separability Clause-** If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or section of this Act.

Section 22. **Repealing Clause-**All other laws, decrees, orders, issuances, rules and regulations which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 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. It shall likewise be posted in a conspicuous place at the Municipal Halls of Atok, Bauko, Bokod, Buguias, Itogon, Kabayan, La Trinidad, Bauko, Tinoc, Tublay, and Kayapa in the barangays where it is covered by the protected area and in other places frequented by the public.

Approved,