



REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

Eighteenth Congress
First Regular Session

House Bill No. 4420



Introduced by REPRESENTATIVE AURELIO D. GONZALES, JR.

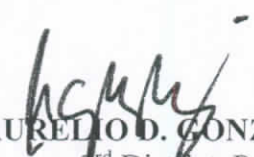
EXPLANATORY NOTE

This bill seeks to institutionalize the proclamation of Mt. Arayat as a Protected Landscape with the aim of preserving its beauty as well as its economic and ecological benefit to the people of Pampanga.

Mt. Arayat is currently facing environmental challenges, such as illegal logging. If no action is taken, it is only a matter of time before Arayat degrades into an unrecoverable husk of land mass, devoid of life and potential natural hazard to people living within its periphery. The preservation of Arayat is in accordance with Article II, Section 16 of the 1987 Constitution which states 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."

Even before the advent of the Spanish colonizers, Mt. Arayat has been revered by the Kapampangans. The solitary mountain that sits in the flatlands of Pampanga is also considered as the "last bastion of Climate Change in the region", a fitting description to the mighty mountain that is a symbol of pride of the people of Pampanga.

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


AURELIO D. GONZALES, JR.
3rd District, Pampanga



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**AN ACT ESTABLISHING MT. ARAYAT IN THE PROVINCE OF PAMPANGA AS
PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE,
PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES**

Section 1. Title. – This Act shall be known as the “*Mt. Arayat Protected Landscape (MAPL) Act of 2019*”.

Section 2. Declaration of Policy. – The importance of Mt. Arayat in the province of Pampanga as the only known Protected Area categorized as Initial Component under ENIPAS Act, including its educational, aesthetic, and biodiversity importance behooves the state to undertake for their protection and preservation.

It is therefore declared the policy of the State to ensure the protection and conservation of this mountain and its associated forest, biodiversity, cultural and religious importance. In so doing, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanism herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystem, culture and religious practices.

Section 3. Scope and Coverage. - The boundaries of the Mt. Arayat Protected Landscape (MAPL), which falls under the category of protected landscape as defined herein, within the municipalities of Magalang and Arayat in the Province of Pampanga are as follows:

TECHNICAL DESCRIPTION

Beginning at point marked “1” on Bureau of Forestry map No. N. P. 3-1, which is S. 71° 36' E., 7,325.67 meters from M. B. M. No. 19, Magalang cadastre No. 95;

Thence	N. 70° 00' W.,	615.27	meters to corner 2;
Thence	N. 70° 03' W.,	661.60	meters to corner 3;
Thence	S. 66° 25' W.,	525.08	meters to corner 4;
Thence	S. 75° 01' W.,	698.62	meters to corner 5;
Thence	N. 77° 48' W.,	1,135.47	meters to corner 6;

Thence	N. 88° 05' W.,	895.38	meters to corner 7;
Thence	N. 40° 49' W.,	1,000.79	meters to corner 8;
Thence	N. 40° 49' W.,	870.52	meters to corner 9;
Thence	N. 40° 06' W.,	781.24	meters to corner 10;
Thence	N. 38° 01' W.,	623.62	meters to corner 11;
Thence	N. 42° 44' E.,	264.00	meters to corner 12;
Thence	N. 42° 44' E.,	1,274.00	meters to corner 13;
Thence	N. 42° 44' E.,	872.00	meters to corner 14;
Thence	N. 42° 44' E.,	1,715.78	meters to corner 15;
Thence	N. 07° 44' E.,	1,142.32	meters to corner 16;
Thence	N. 75° 03' E.,	141.89	meters to corner 17;
Thence	N. 39° 39' E.,	440.88	meters to corner 18;
Thence	N. 76° 20' E.,	613.77	meters to corner 19;
Thence	N. 52° 41' E.,	149.57	meters to corner 20;
Thence	S. 65° 29' E.,	1,379.25	meters to corner 21;
Thence	S. 66° 48' E.,	946.18	meters to corner 22;
Thence	S. 48° 27' E.,	716.05	meters to corner 23;
Thence	S. 42° 11' E.,	432.91	meters to corner 24;
Thence	S. 23° 04' E.,	1,280.82	meters to corner 25;
Thence	S. 21° 10' E.,	538.18	meters to corner 26;
Thence	S. 26° 52' E.,	330.97	meters to corner 27;
Thence	S. 86° 56' W.,	865.56	meters to corner 28;
Thence	S. 02° 53' W.,	854.84	meters to corner 29;
Thence	S. 73° 00' E.,	242.85	meters to corner 30;
Thence	S. 24° 59' W.,	1,305.18	meters to corner 31;
Thence	S. 83° 05' W.,	437.77	meters to corner 32;
Thence	S. 09° 42' E.,	416.39	meters to corner 33;
Thence	S. 32° 03' E.,	377.38	meters to corner 34;
Thence	S. 02° 04' E.,	565.66	meters to corner 34-A;
Thence	S. 39° 09' W.,	49.84	meters to corner 35;
Thence	S. 39° 09' W.,	225.54	meters to corner 36;
Thence	S. 60° 46' E.,	157.91	meters to corner 37;
Thence	S. 01° 09' W.,	90.46	meters to corner 1, the point of beginning.

Corners 1, 3, 5, 7, 11, 16, 18, 20, 22, 24, 25, 27, 32, 28 and 29, and 26, are F. R. concrete monuments B. F., 20 by 20/30 by 30 by 100 cm.; corners 2, 4, 6, 8 to 10, 13 to 14, 17, 19, 21, 30, 31, 23, 33, 34, and 12, are F. R. concrete monuments E. F. 15 by 15/20 by 20 by 60 cm.; corner 15 is M. B. M. No. 18; corners 35 and 37 are intersection points; and corners 34—A and 36 are P. L. S. concrete monuments, 15 by 15 by 60 cm.

Lot 2.—Beginning at point marked 1, on Bureau of Forestry map No. N.. P. 3-1, which is S. 72° 32' E., 7,144.67 meters from M. B. M. No. 19, Magalang cadastre No. 95; thence N. 39° 09' E., 225.54 meters to corner 2; thence S. 01° 03' W., 252.08 meters to corner 3; thence N. 60° 46' W., 157.91 meters to corner 1, the point of beginning.

Corner 1, is a P. L. S. concrete monument, 15 by 15 by 60 cm.; and corners 2, and 3 are intersection points.

The Mt. Arayat Protected Landscape shall cover a total land area of three thousand seven hundred fifteen and 2274/1000 (3,715.2274) hectares.

Section 4. Land Classification. - All lands comprising the Mt. Arayat Protected Landscape (MAPL) shall fall under the classification of National Park as provided for in the Philippine Constitution.

Section 5. Buffer Zones. - Buffer zones surrounding the MAPL shall be established pursuant to the ENIPAS Act for the purpose of providing an extra layer of protection around the area, where restrictions can apply and communities can assist in repealing threats to the MAPL. Such buffer zones shall be managed according to the management plan formulated pursuant to this Act.

Section 6. Definition of Terms. - For purposes of this Act, the following terms are defined as follows:

"(a) *Biological diversity* or *biodiversity* refers to the variability among the living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

"(b) *Bioprospecting* refers to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;

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

"(d) *By-products* or *Derivatives* refers to parts taken or substances extracted from wildlife, in raw or in processed form;

"(e) *Collecting* refers to the act of gathering or harvesting wildlife and its by-products or derivatives;

"(f) *Conveyance* refers to every kind of vessel, including motorized or nonmotorized vehicles, non-displacement crafts and seaplanes that are used or may be used as a means of transportation on land or water. It shall include everything found therein except personal effects;

"(g) *Delineation* refers to the actual ground survey of the boundaries of protected areas and their buffer zones and management and management zones using the global positioning system (GPS) or other applicable survey instruments and technologies, with the intention of producing a map of the area;

"(h) *Demarcation* refers to the establishment of the boundaries of protected areas and their buffer zones using visible markers, monuments, buoys in case of marine areas, and known natural features and landmarks, among others, as a result of the actual ground delineation;

"(i) *Ecosystem goods and services* refers to the multitude of material and nonmaterial provisions and benefits from healthy ecosystems necessary for human sustenance, well-being, and survival including support processes, provisioning and environment regulating services, and cultural resource preservation services;

"(j) *Endemic species* refers to the species or subspecies of flora and fauna which are naturally occurring and found within specific areas in the country;

"(k) *Exotic species* refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;

"(l) *Exploration* refers to the act of searching or prospecting for mineral resources, as defines by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling, or any other means, for the purpose of determining the existence, extent, quantity, and quality of resources in an area, and the feasibility of utilizing these resources for profit;

"(m) *Gear* refers to any instrument or device and its accessories utilized in taking, catching gathering, killing, hunting, destroying, disturbing, removing, or possessing resources within the protected area;

"(n) *Genetically modified organism* (GMO) refers to any living organism that possesses a novel combination of genetic material through the use of modern biotechnology;

"(o) *Hunting* refers to the killing or catching of wild fauna for food and recreational purposes, with the use of weapons such as guns, bow and arrow, spears, traps and snares, and the like;

"(p) *Indigenous Cultural Community (ICC)/Indigenous People (IP)* refers 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;

"(q) *Integrated Protected Area Fund (IPAF)* refers to the special account established for the purpose of financing projects of the NIPAS and individual protected areas;

"(r) *Invasive alien species* refers to species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete native species, and take over the new environment;

"(s) *Kaingin* refers to the slash-and-burn cultivation of vegetated land in a protected area, whether occupied or not, shifting and permanent with little or no provision to prevent soil erosion;

"(t) *Multiple-use zone* refers to the area where settlement, traditional and sustainable land use including agriculture, agroforestry, extraction activities, and income generating or livelihood activities, and may be allowed to the extent prescribed in the protected area management plan;

"(u) *National Integrated Protected Areas System (NIPAS)* refers 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;

"(v) *National park* refers to the lands of the public domain classified as such in the Constitution which include all areas under the NIPAS pursuant to this Act, primarily designated for the conservation of native plants and animals, their associated habitats and cultural diversity;

"(w) *Natural biotic area* refers to an area set aside to allow the way of life of societies living in harmony with the environment to adapt to modern technology at their pace;

"(x) *Natural monument* refers to a relatively small area focused on the protection of small features to protect or preserve nationally significant natural features on account of their special interest or unique characteristics;

"(y) *Natural park* refers to a relatively large area not materially altered by human activity where extractive resources uses not allowed and is maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, recreational use;

"(z) *Occupying* refers to a continuous stay of individuals or groups within a protected area, whether residing or engaging in the cultivation of land or fishing for more that twenty-four (24) hours;

"(aa) *Poaching* refers to gathering, collecting, or possessing products or natural resources from the protected area by any individual person, corporation or entity whether local or foreign; in the case of marine protected areas, operating any foreign fishing vessels by any person, corporation, or entity without a permit;

"(bb) *Protected area* refers to identified portions of land and/or water set aside by reason of their unique physical and biological diversity and protected against destructive human exploitation;

"(cc) *Protected Area Occupants* refers to persons who are residing, utilizing, and cultivating areas within the protected area. *Iâwphil* These include private owners, IPs, tenured migrants and informal settlers;

"(dd) *Protected Area Retained Income Account* refers to the trust fund maintained by any protected area and administered by the respective Protected Area Management Boards (PAMB) created pursuant to this Act representing the seventy-five percent (75%) of revenues generated from the protected area to support its operation and management;

"(ee) *Protected landscapes and/or seascapes* refer to areas of national significance which are characterized by the harmonious interaction of man and land and water while providing opportunities for public enjoyment through recreation, tourism, and other economic activities;

"(ff) *Protected species* refers to plants or animals declared protected under Philippine laws, rules, and regulations. These shall include all species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora and all its Annexes, the Convention on the Conservation of Migratory Species (CMS), those specified under the red-list categories of the International Union for Conservation of Nature and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area;

"(gg) *Quarrying* refers to the process of extracting, removing, and disposing sand gravel, guano, limestone, and all other resources used as building and construction materials that are found within the protected area;

"(hh) *Resource reserve* refers to an extensive, relatively isolated, and uninhabited area which is difficult to access and is designated to protect the natural resources of the area for future use and prevent or contain development activities that could affect the resources, pending the establishment of sustainable resources utilization goals which are based upon appropriate information and planning;

"(ii) *Special Account in the General Fund (SAGF)* refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;

"(jj) *Strict nature reserve* refers to an area possessing some outstanding ecosystem, features, and species of flora and fauna of national scientific importance that should be maintained to protect and to preserve nature in its undisturbed state and to preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability for scientific study, environmental to ensure their availability for scientific study, environmental monitoring, education, and for the for the maintenance of genetic resources in a dynamic and evolutionary state;

"(kk) *Tenure migrants* refer to protected area occupants who have been actually, continuously and presently occupants who have been actually, continuously and presently occupying a portion of the protected area for five (5) years before the proclamation or law establishing the same as a protected area, and are solely dependent therein for subsistence;

"(ll) *Threatened species* refer to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;

"(mm) *Wetlands* refers to wide variety of inland habitats such as marshes, peatlands, floodplains, rivers and lakes, and coastal areas such as saltmarshes, mangroves, intertidal mudflats and seagrass beds, and also coral reefs and other marine areas no deeper than six (6) meters at low, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons;

"(nn) *Wildlife* refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those who which are in capacity or are being bred, fed, or propagated; and

"(oo) *Wildlife Sanctuary*. - refers to an area which assures the natural conditions necessary to protect nationally significant species, group of species, biotic communities or physical features of the environment which may require specific human manipulations for their perpetuation."

Section 7. Management Plan. -Within one (1) year from the establishment of the MAPL there shall be a management plan formulated that serve as the basic long-term plan for the management of the MAPL and guide in the preparation of its annual operations plan and budget.

"The management plan shall, at the minimum, promote the adoption and implementation of innovative management techniques including, when necessary, zoning, buffer zone management, habitat conservation and rehabilitation, diversity management, community organizing and development, socioeconomic and scientific researches, site-specific policy development, climate change adaptation and mitigation, disaster risk reduction and management, waste sewerage and septic management, and gender and development, among others.

Section 8. Management of the Mt. Arayat Protected Landscape (MAPL). – The PAMB of MAPL shall have jurisdiction, power and authority over the MAPL for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

"(a) DENR Regional Director under whose jurisdiction the protected area is located, as Chairperson;

"(b) Governor/s of the province/s where the protected area is located or their duly designated representative/s;

"(c) A Senator of the Republic of the Philippines who is a duly registered resident of the city or province where the protected area is located or a duly authorized representative, unless the Senator declines membership in the PAMB;

"(d) District Representative/s of the Congressional district/s where the protected area is located or their duly designated representatives, unless the District Representative declines membership in the PAMB;

"(e) Mayor/s of the city/cities or municipality/municipalities where the protected area is located or their duly designated representative/s;

"(f) Chairperson/s of the barangay/s where the protected area is located;

"(g) Regional Directors of the following government agencies, namely: The Department of Agriculture (DA), the National Economic and Development Authority (NEDA), the Department of Science and Technology (DOST), the Philippine National Police (PNP), and the Department of National Defense (DND);

"(h) Three (3) representatives from either an NGO or PO, duly accredited both by the DENR and the provincial government. The NGO or PO represented should have been in existence for at least five (5) years and with track record in or related to protected area management;

"(i) At least one (1) but not more than three (3) representatives from all the IPs/ICCs present in the area and recognized by the National Commission on Indigenous Peoples (NCIP);

"(j) One (1) representative from an academic institution, preferably from a university or college in the province where the protected area is located, with proven track record in or related is located, with proven track record in or related to the protected area management; and

"(k) One (1) representative from the private sector, preferably a resident of the province where the protected area is located, who is distinguished in a profession or field of interest relevant to the protected area management.

" *Ex officio* members or members of the PAMB by virtue of their elective or appointive government positions as specified in the immediately preceding subparagraphs (a), (b), (c), (d), (e), (f), and (g), shall serve for the duration of their respective terms of office in their respective elective or appointive government positions.

"On the other hand, the members of the PAMB specified under subparagraphs (h), (i), (j), and (k) of this section shall be appointed by the DENR Secretary after the conduct of a transparent and fair selection process. They shall each serve a term of three (3) years and may be reappointed for another term.

The members of the PAMB shall serve without compensation, except for the actual and necessary traveling and subsistence expenses incurred in the performance of their duties, either in

their attendance in meetings of the PAMB or in connection with other official business authorized through resolution of the PAMB, subject to existing rules and regulations. Each member shall have the full capacity and accountability for decisions binding to the member's sector.

"The PAMB members duly appointed prior to the effectivity of this Act shall continue their term until the expiration of their appointment. Thereafter, members of the management board shall be appointed in accordance with the provisions of this Act: *Provided*, That the Regional Director of the DENR shall ensure that the relevant members of the PAMB are duly appointed by the DENR Secretary: *Provided, further*, that at least forty percent (40%) of the PAMB members shall be women, pursuant to Republic Act No. 9710 or 'The Magna Carta of Women'.

"A member of the PAMB may be removed for any of the following grounds:

"(1) More than three (3) consecutive unexcused absences from regular meetings of the management board;

"(2) Commission of acts prejudicial to the management of protected areas as embodied in Section 20 hereof and/or other existing rules and regulations governing protected areas;

Section 9. Powers and Functions of the PAMB. - The PAMB of MAPL, 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 NIP AS Act of 1992 as amended by Republic Act No. 11038 or the ENIPAS Act of 2019 and its implementing rules and regulations:

"(a) Oversee the management of the protected area;

"(b) Approve policies, plans and programs, proposals, agreements, and other related documents for the management of the protected areas;

"(c) Approve the management plan of the protected area and ensure its harmonization and integration with the ADSDPP, land use plan and other development plan public or private, and its implementation;

"(d) Adopt a manual of operations to include rules of procedures in the conduct of business, and the creation of committees and their respective terms of reference;

"(e) Recommend the deputation of appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the management of protected area;

"(f) Allocate financial resources for the implementation of the management plan and manage the Protected Area Retention Income Account and other funds in accordance with the accounting and budgeting rules and regulations;

"(g) Set fees and charges in accordance with the existing guidelines;

"(h) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;

"(i) Recommend appropriate policy changes to the DENR and other governing authorities;

"(j) Monitor and assess the performance of the protected area personnel and compliance of partners with the terms and conditions of any undertaking, contract or agreement;

"(k) Recommend from among a shortlist of qualified candidates, the designation or appointment of the PASU; and

"(l) Assess the effectiveness of the management of the protected area: *Provided*, That the members of the management board representing the LGUs and national agencies in the PAMB shall inform their respective constituents, offices or sectors, of PAMB-approved or other relevant policies, rules, regulations, programs, and projects and shall ensure that the provisions of this Act and its implementing rules and regulations are complied with, and used as reference and framework in their respective plans, policies, programs, and projects. Failure to comply with the foregoing shall be the basis for disciplinary action against such member according to administrative rules and regulations and such penalties as the PAMB may provide: *Provided, further*, That The DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing administrative orders of national application, the latter shall prevail."

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 MAPL.

Section 10. *The Protected Area Management Office (PAMO)* – There is hereby established a Protected Area Management Office (PAMO), to be headed by a Protected Area Superintendent (PASU) with a permanent plantilla position who shall supervise the management, protection and administration of the protected area. A sufficient number of support staff with permanent plantilla position shall be appointed by the DENR to assist the PASU in the management of the protected area.

"The PASU of MAPL shall be primarily accountable to the PAMB and the DENR for the management and operations of the protected area. Pursuant thereto, the PASU shall have the following duties and responsibilities:

"(a) Prepare the management plan, in consultation with the stakeholders, including the annual work and financial plans and ensure its implementation;

"(b) Ensure the integration of the protected area management plans, programs, projects, and policies with relevant national and LGUs' plans and programs;

"(c) Provide secretariat services to the PAMB and its committees and ensure the availability of relevant and timely information for decision-making;

"(d) Formulate and recommend to the PAMB proposed policies, rules, regulations, and programs;

"(e) Establish, operate, and maintain a database management system which shall be an important basis for decision-making of the PAMB;

"(f) Enforce the laws, rules and regulations relevant to the protected area. Commence and institute administrative and legal actions in collaboration with other government agencies or organizations, and assist in the prosecution of offenses committed in violation of this Act;

"(g) Monitor, evaluate, and report the implementation of management activities of MAPL;

"(h) Request for and receive any technical assistance support or advice from any agency or instrumentality of the government as well as academic institutions, NGOs, and the private sector, as may be necessary for the effective management, protection and administration of the protected area;

"(i) Issue permits and clearances for activities that implement the management plan and other permitted activities in accordance with terms, conditions, and criteria established by the PAMS: *Provided*, that all permits for extraction activities, including collection for research purposes, shall also continue to be issued by relevant authorities, subject to prior clearance from the PAMB, through the PASU, in accordance with the specific acts to be covered;

"(j) Collect and/or receive pertinent fees, charges, donations, and other income for the protected area: *Provided*, that such fees, charges, donations, and other income collected /received shall be reported regularly to the PAMB and the DENR in accordance with existing guidelines;

"(k) Prepare and recommend to the management plan; and

"(l) Perform such other functions as the PAMB and the DENR may assign.

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

Section 11. *Mt. Arayat Protected Landscape Fund*, - There is hereby established a revolving fund to be known as the MAPL Fund (MAPLF) for purposes of financing projects in the MAPL.

"There is hereby established a trust fund to be known as Mt. Arayat Protected Landscape Fund (MAPLF) for purpose of financing the projects and sustaining the operation of MAPL and the System. Income generated from the operation and management of MAPL shall accrue to the MAPLF. The income shall be derived from fees and charges from the use of resources and facilities of protected areas; contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

"The PAMB shall retain seventy-five percent (75%) of all revenues raised through the above means, which shall be deposited in the Protected Area-Retained Income Account (PA-RIA) in any authorized government depository bank within the locality: *Provided*, That disbursement out of such deposits shall be used solely for the protection, maintenance, administration, and management of the MAPL and implementation of duly approved projects of the PAMB.

"Grants, donations, and endowments from various sources, domestic or foreign, shall be deposited in full in a special account in the National Treasury to be used for the purpose specified in the deeds and instruments covering them.

"Voluntary or legislated payments for ecosystem goods and services, including fines, penalties, and compensation for damages from MAPL offenses shall accrue fully to the PA-RIA and shall be managed by the PAMB.

"The remaining twenty-five percent (25%) of revenues shall be deposited as a special account in the General Fund in the National Treasury for purposes of financing the projects of the System.

"The use of the IPAF shall be in accordance with existing accounting, budgeting, and auditing rules and regulations: *Provided, further*, That the IPAF shall not be used to cover personal services expenditures.

The DENR shall submit to the Department of Budget and Management (DBM) and the Department of Finance (DOF) quarterly reports on the financial and physical accomplishments on the utilization of the IPAF and other documents as may be required by the DBM, and shall furnish a copy of the same to the House Committee on Appropriations and the Senate Committee on Finance."

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

Section 11. *Tenured Migrants and Other MAPL Stakeholders*, - Tenure migrants shall be eligible to become stewards of the portion of lands within multiple-use zones. The PAMB shall identify, verify and review all tenurial instruments, land claims, issuances of permits for resource use within the MAPL and recommend the issuance of the appropriate tenure instrument consistent with the zoning provided in the management plan and the provisions of this Act.

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.

Section 12. *Existing Facilities Within the MAPL*, - Within sixty (60) days from the effectivity of this Act, an inventory of all existing facilities such as roads, buildings and structures, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities, among others, within the protected area shall be conducted.

"The PAMB, with the assistance of the DENR, may impose conditions for the continuous operation of a facility found to be detrimental to the protected area until its eventual relocation. If the conditions are violated, the owner of the facility shall be made liable, a fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six years, or both, plus damages of triple the value of the said resources

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

Section 13. *Prohibited Acts and Penalties.* - The following shall be the prohibitions and penalties applicable to the MAPL, in addition to the prohibited acts as provided in the ENIPAS Act and its implementing rules and regulations:

"(a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the MAPL;

"(b) Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom, including in private lands within the protected area without the necessary permit, authorization or exemption: *Provided*, That the PASU of MAPL as authorization or exemption only for culling, scientific research, the exemptions provided under Section 27(a) of Republic Act No. 9147 (Wildlife Resources, Conservation and Protection Act) or harvests of non-protected species in multiple-use zones by tenured migrants and IPs;

"(c) Cutting, gathering, removing or collecting timber within the MAPL including private lands therein, without the necessary permit, authorization, certification of planted trees

"(d) Possessing or transporting outside the MAPL any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from the MAPL other than exotic species, the culling of which has been authorized under an appropriate permit;

"(e) Dumping, throwing, using, or causing to be dumped into or places in the protected area of any toxic chemical, noxious or poisonous substance or non-biodegradable material, untreated sewage or animal waste or products whether in liquid, solid or gas state, including pesticides and other hazardous substances as defined under Republic Act No. 6969, otherwise known as the "Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990" detrimental to the protected area, or to the plants and animals or inhabitants therein;

"(f) Operating any motorized conveyance within the MAPL without permit from the PAMB, except when the use of such motorized conveyance is the only practical means of transportation of IPs/ICCs in accessing their ancestral domain/land;

"(g) Altering, removing, destroying or defacing boundary marks or signs within MAPL;

"(h) Engaging in 'kaingin' or, any manner, causing forest fires inside the MAPL;

"(i) Mutilating, defacing, destroying, excavating, vandalizing or, in any manner damaging any natural formation, religious, spiritual, historical sites, artifacts and other objects of natural beauty, scenic value or objects of interest to IPs/ICCs;

"(j) Damaging and leaving roads and trails in damaged condition;

"(k) Littering or depositing refuse or debris on the ground or in bodies of water;

"(l) Possessing or using blasting caps or explosives anywhere within the MAPL;

"(m) Occupying or dwelling in any public land within the MAPL without clearance from the PAMB;

"(n) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the MAPL without prior clearance from the PAMB and permit from the DENR, or conducting these activities in a manner that is inconsistent with the management plan duly approved by the PAMB;

"(o) Undertaking mineral exploration or extraction within the MAPL;

"(p) Engaging in commercial or large-scale quarrying within the MAPL;

"(q) Establishing or introducing exotic species, including GMOs or invasive alien species within the MAPL;

"(r) Conducting bioprospecting within the MAPL without prior PAMB clearance in accordance with existing guidelines: *Provided*, that in addition to the penalty provided herein, any commercial use of any substance derived from non-permitted bioprospecting within a MAPL area will not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF;

"(s) Prospecting, hunting or otherwise locating hidden treasure within the MAPL;

"(t) Purchasing or selling, mortgaging or leasing lands or other portions of the MAPL which are covered by any tenurial instrument; and

"(u) Constructing any permanent structure within the forty (40)-meter easement from the high water mark of any natural body of water or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067: *Provided*, That construction for common usage wharves and shoreline protection shall be permitted by the PAMB only after thorough EIA."

"(a) A fine of not less than Two hundred thousand pesos (P200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six years, or both, plus damages of triple the value of the said resources, or both, shall be imposed upon any person who violates paragraphs (a) to (e) of Section 13 herein;

"(b) A fine of not less than Two hundred thousand pesos (200,000) but not more than One million pesos (P1,000,000) or imprisonment from one (1) year but not more than six years, or both, shall be imposed upon any person who violates paragraphs (f) to (p) of Section 13 herein;

"(d) A fine of Fifty thousand pesos (P50,000) daily shall be imposed on the owner of existing facilities within MAPL under Section 12 of this Act, if the existence of the same and its future plans and operations will be detrimental to the protected area. For every continuing violation, or if the violation continues to be committed for thirty (30) days and upon reaching a total fine of Five hundred thousand pesos (P500,000), the PAMB through the PASU and other deputized government entities, shall cause the cessation of operation and either forfeit in favor of the PAMO or demolish the facility at the cost of its owner. If the facility is government-owned, the agency in charge shall submit a plan for a substitute facility that complies with the protected area standards and, within one (1) year, execute the approved protected area management plan;

"(e) Administrative fines of not less than Fifty thousand pesos (P50,000), but not exceeding Five million pesos (P5,000,000), shall be imposed by the DENR Secretary for the violation of any rule, regulation, or provision of any agreement reached with the PAMB: *Provided*, That if an area which has sustained damage from any activity conducted therein requires

rehabilitation or restoration as determined by the court, the offender shall be required to restore or pay compensation for damage, which payment shall accrue to the MAPLF.

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

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

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

Section 14. *Local Government Units.* - The local government units (LGUs) within the MAPL shall participate in its management through representation in the PAMB. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the MAPL: Provided, that all funds directly coming from the LGU's shall be exempted from the twenty-five percent (25%) remittance requirement for the central Integrated Protected Areas Fund (IPAF).

Section 15. *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 all cases of violation of laws, rules and regulations in the MAPL shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu of MAPL 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 MAPL, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

Section 16. *Renewable and Non-renewable Resources.* - Any exploration and exploitation or utilization of non-renewable resources including mining within the MAPL shall not be allowed. Renewable energy projects within the MAPL shall be permitted only through an act of Congress except energy from wind, sun and water sources and not more than three (3) megawatt capacity for mini-hydro power: Provided, that these renewable energy projects are outside the strict protection zone, adopt reduced impact technologies, and undergo the Environmental Impact Assessment (EIA) system as provided by law and: Provided, further, That the PAMB has endorsed the project.

Section 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 MAPL.

Section 18. *Appropriations.* - The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

Section 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 MAPL 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 supplementary effect in the implementation of this Act.

Section 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 MAPL until the Management Plan shall have been put into effect.

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

Section 21. *Repealing Clause.* - For the purpose of this Act, the provisions of Republic Act No. 11038 or the ENIPAS 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. The prohibitions and penalties under the ENIPAS Act are hereby superseded for the entire area covered by this Act.

Section 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. All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary to or inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 23. *Effectivity Clause.* - This Act shall take effect immediately upon its complete publication in a national newspaper of general circulation available in the MAPL.

Approved,