

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9055



Introduced by **HONORABLE ROGELIO D. PACQUIAO**

EXPLANATORY NOTE

This bill seeks to ensure the protection and conservation of Mt. Busa's biophysical, economic, socio-cultural, and scientific values for the benefit of the present and future generation, through its declaration as a protected area under the category of protected landscape, pursuant to Republic Act No. 7586, otherwise known as the "National Integrated Protected Areas System (NIPAS) Act of 1992," as amended.

Mt. Busa, considered as the highest peak of Sarangani with an elevation of 2,064 meters above sea level, spans across the municipalities of Maitum, Kiamba, and Maasim in the province of Sarangani, and the towns of T'boli and Lake Sebu in neighboring South Cotabato. Covering a total area of 114,438.65 hectares, the forest reserves and watershed of Mt. Busa serve as the primary source of fresh water, food, and basic materials of the adjacent communities, majority of whom are farmers and fisherfolk. It sustains the Sarangani Bay Protected Seascapes; two major river systems (Pangi and Siguel rivers) enabling a hydro powerplant; and approximately 63 waterfalls which support the ecotourism industry in the province. Moreover, it plays a significant role in mitigating the effects of climate change, by sequestering large amounts of carbon and serving as a physical barrier to protect nearby communities from natural disasters such as flooding and landslides.

Aside from providing basic resources, livelihood opportunities, and protection to the municipalities, Mt. Busa bears paramount significance to the local indigenous peoples (IPs). Like their ancestors before them, they are dependent on Mt. Busa for a wide range of goods and services, and they consider the mountain as an intangible heritage that is tied to their way of life, culture, and traditions. As a case in point, the growing and farming of *abaca*—a banana species native to the Philippines—is one of the traditional economic activities of IPs in the upland areas and forestlands in Mt. Busa.¹

According to the Community Environment and Natural Resources Office (CENRO) of Maasim-Kiamba-Maitum, the mossy forest of Mt. Busa, declared as a key biodiversity area and an important bird area, is a critical habitat to globally threatened and irreplaceable species, such

¹ United States Agency for International Development, "Protect Wildlife Quarterly Progress Report 10". Available at https://pdf.usaid.gov/pdf_docs/PA00WDVJ.pdf.

as the Philippine eagle (*Pithecophaga jefferyi*), the Southern rufous hornbill (*Buceros mindanensis*), the Mindanao flying lizard (*Draco mindanensis*), Taylor's dwarf reed snake (*Pseudorabdion taylori*), and several frog and orchid species. Recent studies and reports show that Mt. Busa harbors approximately 200 species of plants, 58 species of birds, 30 species of amphibians, 24 species of reptiles, and 12 species of mammals. These numbers will likely increase with more field survey efforts in the mountain.

Unfortunately, land conversion, *kaingin* (slash-and-burn), wildlife hunting, illegal logging, and mining are all threatening the biodiversity and ecosystem services in Mt. Busa.² Exacerbating the mountain's declining health are the effects of climate change. At present, only about 27% of Mt. Busa's forest cover remains.

Mt. Busa and its environment are a fundamental part of the lives of people in Sarangani, which is why it is crucial to conserve and manage it sustainably before it is all too late. If nothing is done to protect Sarangani's 'last frontier,' rapid degradation of biodiversity and natural resources and an increase in natural and economic hazards will soon follow, ultimately putting the bordering populations at risk.

The 1987 Constitution mandates the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature (Sec. 16, Art. II). Additionally, Republic Act No. 9147, otherwise known as the "Wildlife Resources Conservation and Protection Act" provides for a necessary environmental policy to protect and conserve Philippine wildlife resources and habitats. This bill aims to promote ecological balance by maintaining the genetic resources, enhancing biodiversity, and ensuring harmonious relationship among significant biotic and human communities within Mt. Busa.

In doing so, this bill warrants that all valid tenurial instruments are respected. Proper consultation with the stakeholders including the IPs shall be conducted in the protection and conservation efforts of Mt. Busa. The provisions of "The Indigenous Peoples' Rights Act of 1997" shall be upheld to ensure that the rights of the IPs concerned are respected and protected.

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


REP. ROGELIO D. PACQUIAO

² Mindanews, "Sarangani officials want Mt. Busa declared a protected landscape." Available at <https://www.mindanews.com/top-stories/2019/12/sarangani-officials-want-mt-busa-declared-a-protected-landscape/>.

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AN ACT

ESTABLISHING MT. BUSA-MAKIMA, LOCATED IN THE MUNICIPALITIES OF MAASIM, KIAMBA AND MAITUM, PROVINCE OF SARANGANI AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE PURSUANT TO REPUBLIC ACT 7586 AS AMENDED BY REPUBLIC ACT 11038, OTHERWISE KNOWN AS THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018, PROVIDING FOR ITS MANAGEMENT, FUNDS AND FOR OTHER PURPOSES

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

Section 1. *Title.* – This Act shall be known as the “Mt. Busa-MAKIMA Protected Landscape (MBMKMPL) Act of 2021.”

Section 2. *Declaration of Policy.* – The importance of the Mt. Busa-MAKIMA as the host of diverse plant and animal species with all their educational, aesthetic, cultural and religious significance, behooves the State to undertake steps to ensure the protection and conservation of this mountain and its associated forest, its biodiversity, and the integrity of its ecosystems and associated cultural and religious practices.

Section 3. *Scope and Coverage.* – The Mt. Busa-MAKIMA Protected Landscape, including its buffer zones, as well as its technical description shall be subject to actual ground survey and demarcation, to be fully and finally determined by the Department of Environment and Natural Resources (DENR).

The DENR shall likewise appropriately mark on the ground the technical description of Mt. Busa-MAKIMA with clearly visible markers and shall prepare appropriate maps therefore.

All lands comprising the MBMKMPL shall fall under the classification of National Park as provided for in the Philippine Constitution, subject to prior right.

Section 4. *Definition of Terms.* – For the purposes of this Act, the following terms shall be 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 non-motorized 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 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" refers 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 defined 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, 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) "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 than twenty-four (24) hours;
- (x) "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;

- (y) "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;
- (z) "Protected area occupants" refers to persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IPs, tenured migrants and informal settlers;
- (aa) "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;
- (bb) "Protected landscapes" refers to areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation, tourism, and other economic activities;
- (cc) "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, the DENR, PAMB or any government agency that may deem it necessary for conservation and preservation in the protected area;
- (dd) "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;
- (ee) "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;
- (ff) "Special Account in the General Fund (SAGF)" refers to the trust fund deposited in the national treasury representing the twenty-five percent (25%) of revenues generated from the operation of individual protected area and earmarked to support the NIPAS;
- (gg) "Tenured migrants" refers to protected area 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;

- (hh) “Threatened species” refers to species or subspecies considered critically endangered, vulnerable, or other accepted categories of wildlife whose population is at risk of extinction;
- (ii) “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
- (jj) “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 5. *Management Plan.* – Within one (1) year from the effectivity of this Act, a management plan shall have been formulated to serve as the basic long-term framework plan for the management of the MBMKMPL 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.

The plan shall be harmonized with the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or the “Indigenous People's Right Act of 1997”, the respective Comprehensive Land Use Plans (CLUPs) of local governments required under Republic Act No. 7160 or the “Local Government Code of 1991,” and other local plans.

Section 6. *Protected Area Management Board (PAMB).* – Within three (3) months after the effectivity of this Act, a PAMB shall be created for MBMKMPL. The PAMB shall be composed of the following:

- (a) DENR Regional Executive Director of DENR Region XII, as Chairperson;
- (b) Governor of Sarangani Province or a duly designated representative;
- (c) A Senator of the Republic of the Philippines who is a duly registered resident of Region XII or a duly authorized representative, unless the Senator declines membership in the PAMB;
- (d) The District Representative of Sarangani Province or a duly designated representative, unless the District Representative declines membership in the PAMB;
- (e) Mayors of Maitum, Kiamba and Maasim, Sarangani or their duly designated representative/s;

- (f) Chairperson/s of the barangay/s covering the area of MBMKMPL;
- (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), the Department of National Defense (DND), the National Commission on Indigenous Peoples (NCIP) and the Department of Tourism (DOT);
- (h) The Provincial Planning Officer of Protected Area Management Board (PAMB) in Sarangani;
- (i) Three (3) representatives from relevant non-government organizations (NGOs) or peoples' organizations (POs), duly accredited by both 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;
- (j) 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);
- (k) One (1) representative from an academic institution, preferably from a university or college in Sarangani, with proven track record in or related to the protected area management; and
- (l) One (1) representative from the private sector, preferably a resident of Sarangani, 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), (g), and (h), 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 (i), (j), (k) and (l) 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 a 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.

Members of the management board shall be appointed in accordance with the provisions of this Act: *Provided*, that the Regional Executive Director of the DENR Region XII 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;
- (3) Disassociation from the office or organization being represented;
- (4) Termination of relationship with the office or organization being represented; or
- (5) Conviction by final judgment of any criminal act.

Section 7. Powers and Functions of the PAMB. – The PAMB shall have the following powers and functions:

- (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 Executive 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.

Section 8. *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 shall be primarily accountable to the PAMB and the DENR for the management and operations of the MBMKMPL. Pursuant thereto, the PASu shall have the following duties and responsibilities:

- (a) Lead the preparation of 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;
- (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 MBMKMPL;

- (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 MBMKMPL;
- (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 PAMB: *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 PAMO may be augmented by the deputized local environment and natural resources officers upon the recommendation of the PAMB and approval of the DENR.

Section 9. Integrated Protected Area Fund (IPAF). – There is hereby established a trust fund to be known as Integrated Protected Area Fund (IPAF) for the purpose of financing the projects and sustaining the operations of MBMKMPL. Income generated from the operation and management of MBMKMPL shall accrue to the MBMKMPL-IPAF. The income shall be derived from fees and charges from the use of resources and facilities of MBMKMPL; contributions from industries and facilities directly benefiting from the MBMKMPL; and such other fees and income derived from the operation of the MBMKMPL.

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 MBMKMPL 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 MBMKMPL 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.

Section 10. Tax Exemptions. – All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the MBMKMPL, shall be exempted from donor's tax and shall be considered as allowable deduction from the gross income of the donor for the purpose of computing the taxable income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

Section 11. Special Prosecutors and Retained Counsel. – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint special prosecutors to prosecute violations of laws, rules and regulations in MBMKMPL. The special prosecutors shall coordinate with the PAMB and the PASu in the performance of 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 assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor. Said counsel shall also represent and defend the members of the PAMB, PASu and the staff, or any DENR-deputized individual and volunteer, against any legal action arising from the performance of their powers, functions and responsibilities as provided in this Act.

Section 12. Prohibited Acts. – Except as may be allowed by the nature of their categories and pursuant to rules and regulations governing the same, the following acts are prohibited within MBMKMPL:

- (a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the MBMKMPL;
- (b) Hunting, taking, collecting, or possessing of any wildlife, or by-products derived therefrom, including in private lands within MBMKMPL without the necessary permit, authorization or exemption: *Provided*, that the PASu as authorized by the PAMB shall issue a permit, authorization or exemption only for culling, scientific research, the exceptions 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 MBMKMPL including private lands therein, without the necessary permit, authorization, certification of planted trees or exemption such as for culling exotic species; except, however, when such acts are done in accordance with the duly recognized practices of the IPs/ICCs for subsistence purposes;

- (d) Possessing or transporting outside MBMKMPL any timber, forest products, wildlife, or by-products derived therefrom which are ascertained to have been taken from MBMKMPL other than exotic species, the culling of which has been authorized under an appropriate permit;
- (e) Using any harvesting tool or any variations that destroys terrestrial habitat as may be determined by the DA or the DENR; *Provided*, that mere possession of such tools within MBMKMPL shall be *prima facie* evidence of their use;
- (f) Dumping, throwing, using, or causing to be dumped into or placed in MBMKMPL 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 MBMKMPL, or to the plants and animals or inhabitants therein;
- (g) Operating any motorized conveyance within MBMKMPL 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;
- (h) Altering, removing, destroying or defacing boundary marks or signs within MBMKMPL;
- (i) Engaging in *kaingin* or, in any manner, causing forest fires inside MBMKMPL;
- (j) 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;
- (k) Damaging and leaving roads and trails in damaged condition;
- (l) Littering or depositing refuse or debris on the ground or in bodies of water/river system;
- (m) Possessing or using blasting caps or explosives anywhere within MBMKMPL;
- (n) Occupying or dwelling in any public land within MBMKMPL without clearance from the PAMB;
- (o) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within MBMKMPL 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;
- (p) Undertaking mineral exploration or extraction within MBMKMPL;
- (q) Engaging in commercial or large-scale quarrying within MBMKMPL;

- (r) Establishing or introducing exotic species, including GMOs or invasive alien species within MBMKMPL;
- (s) Conducting bioprospecting within MBMKMPL 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 protected area will not be allowed and all revenue earned from illegal commercialization thereof shall be forfeited and deposited as part of the IPAF;
- (t) Prospecting, hunting or otherwise locating hidden treasure within MBMKMPL;
- (u) Purchasing or selling, mortgaging or leasing lands or other portions of MBMKMPL which are covered by any tenurial instrument; and
- (v) Constructing any permanent structure within the forty (40)-meter easement from any natural body of water (river) or issuing a permit for such construction pursuant to Article 51 of Presidential Decree No. 1067.

Section 13. Penalties. – Violation under this Act shall be subject to the following penalties:

- (a) A fine of not less than Two hundred thousand pesos (Php 200,000) but not more than One million pesos (Php 1,000,000) or imprisonment from one (1) year but not more than six (6) 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 20 of the NIPAS Act as amended;
- (b) A fine of not less than Two hundred thousand pesos (Php 200,000) but not more than One million pesos (Php 1,000,000) or imprisonment from one (1) year but not more than six (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (p) of Section 20 of the NIPAS Act as amended;
- (c) A fine of Fifty thousand pesos (Php 50,000) daily shall be imposed on the owner of existing facilities within a protected area under Section 24 of this Act, if the existence of the same and its future plans and operations will be detrimental to MBMKMPL. 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 (Php 500,000), 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;
- (d) Administrative fines of not less Fifty thousand pesos (Php 50,000), but not exceeding Five million pesos (Php 5,000,000), 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 IPAF.

On the basis of a court order, the DENR shall cause the eviction of an offender from the MBMKMPL: *Provided*, that in cases of emergency, the DENR Secretary may order the immediate exit or departure of the offender from MBMKMPL. The DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate.

An *emergency* occurs when there is a demonstrated impending threat to human life and biodiversity or to species found within the ecosystem of the MBMKMPL.

All minerals, timber or species collected or removed from the MBMKMPL, including all equipment, devices, conveyances, and firearms used in connection therewith, shall be forfeited in favor of the government, and any construction or improvement made thereon by the offender shall be subject to confiscation by the PAMO, subject to the application of due process.

The conveyance, equipment, paraphernalia, implements, tools, and similar devices used in the commission of the crime shall be dealt with in accordance with Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment, Paraphernalia, Conveyance and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of Procedures for Environmental Cases) issued by the Supreme Court. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PAMO for rehabilitation and release to its natural habitat, subject to existing regulations. Valuation of the damages shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. The valuation and assessment by the DENR, in coordination with other concerned government agencies, shall be presumed regular, unless otherwise proven by the preponderance of evidence.

If the offender is an association or corporation, the president or manager, who is proven to have participated in or have actual knowledge of any violation against the provisions of this Act shall be directly liable for the act of the employees and laborers: *Provided*, finally, that the DENR may impose administrative fines and penalties consistent with this Act.

Any person who shall induce another or conspire to commit any of the acts prohibited in this Act, or force their workers to commit any of the same, shall be liable as principal.

The penalties specified in this section shall be in addition to the penalties provided in Republic Act No. 9072 or the "National Caves and Cave Resources Management and Protection Act", Republic Act No. 9147 or the "Wildlife Resources Conservation and Protection Act," Republic Act No. 8550 or the "Philippine Fisheries Code of 1998" and other related laws.

The conviction of a public officer of the law, whether from the LGU or any national government agency, for any violation of the provisions of this Act shall carry the accessory penalty of perpetual disqualification from public office.

Section 14. Existing Rights. – All property and private rights within the MBMKMPL and its buffer zones already existing and/or vested upon the effectivity of this Act shall be protected and respected in accordance with existing laws: *Provided*, that the exercise of such property

and private rights shall be harmonized, as far as practicable, with the provisions of this Act. Notwithstanding this Act, all existing rights, contracts, or agreements entered into by government for utilization of natural resources within MBMKMPL shall continue to be recognized and governed by Philippine laws.

The renewal of permits, contracts, and agreements shall be subject to the provisions of this Act. If the permits, contracts, agreements are not renewed, such areas shall be rehabilitated or restored by the permit holders within the period provided by the pertinent laws and shall revert to the national parks classification. As such, all holders of permits, contracts, and agreements are required to prepare and submit a rehabilitation plan to the PAMB: *Provided*, that upon renewal, a sufficient bond shall be remitted by the proponent to the DENR to be released to the depository bank in the event of damage by a closure of the establishment after satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB.

The occupation of the LGUs and communities within the MBMKMPL shall be respected. Within ninety (90) days after the creation of the PAMB, the Board shall assess the physical occupation of said LGUs and communities within MBMKMPL and recommend to proper authorities measures to ensure the protection of their well-being. Municipalities with existing townships and town centers within the MBMKMPL shall continue to occupy such townships and town centers: *Provided*, that in the development of their CLUPs and barangay development plans, due consideration shall be given to the intended use for conservation and biodiversity as well as the objectives for MBMKMPL to keep human habitation and environmental conservation in harmony.

Section 15. *Tenured Migrants and Other MBMKMPL Occupants.* – Tenured migrants shall be eligible to become stewards of portions 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 MBMKMPL 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, the provision for the transfer of the tenured migrants to multiple-use zones or buffer zones shall be accomplished through just and humane means: *Provided*, that MBMKMPL occupants who are not qualified as tenured migrants shall be resettled outside the MBMKMPL.

The rights of the tenured migrants may be transferred only to the spouse or one of their direct descendants listed at the time of the survey. 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.

Following the protected area occupants survey required under Section 5(c)(1) of NIPAS Act as amended, the DENR Regional Executive Director shall submit to the Biodiversity Management Bureau (BMB) within two (2) years from the passage of this Act, the final list of tenured migrants, which shall be the basis for tenured migrants recognition and issuance of tenurial instruments. Within the two (2)-year period, the DENR Regional Executive Director shall submit accomplishment report every six (6) months.

The DENR through the BMB shall issue guidelines for the determination of the reckoning period for the recognition of the tenured migrants.

Section 16. Existing Facilities Within the MBMKMPL. – 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 MBMKMPL shall be conducted.

The DENR Regional Executive Director shall submit the inventory of the facilities with corresponding descriptions and an assessment report containing the appropriate recommendations to the DENR Secretary through the BMB.

The PAMB, with the assistance of the DENR, may impose conditions for the continuous operation of a facility found to be detrimental to the MBMKMPL until its eventual relocation. If the conditions are violated, the owner of the facility shall be made liable pursuant to Section 21 (d) of the NIPAS Act, as amended.

Existing facilities allowed to remain within the MBMKMPL shall be charged a reasonable fee by the PAMB based on existing guidelines. Structures found within the forty (40)-meter easement shall be demolished unless proven necessary to protect the river and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations.

Section 17. Special Uses Within Protected Area. – Consistent with Section 2 hereof, special uses may be allowed within MBMKMPL except in strict protection zones. The PAMB may recommend the issuance of tenurial instrument subject to compliance to ECC and payment of corresponding user fee equivalent to five percent (5%) of the zonal value of commercial land within the nearest barangay or municipality where the project is located multiplied by the area of development plus one percent (1%) value of improvement as premium: *Provided*, that the activity shall not be detrimental to ecosystem functions and biodiversity, and cultural practices and traditions.

A sufficient bond shall be remitted by the proponent to the DENR to be released to the depository bank in the event of damage by or closure of the establishment after the satisfactory rehabilitation according to the zones and objectives of the management plan as attested by the PAMB.

Section 18. Local Government Units (LGUs). – The LGUs within MBMKMPL shall participate in its management through representation in the PAMB as provided for in this law. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the MBMKMPL: *Provided*, that all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the IPAF under Section 16 of the NIPAS Act, as amended.

The LGUs shall continue to impose and collect other fees not enumerated under Section 16 of the NIPAS Act, as amended which they have traditionally collected, such as business permits and rentals of LGU facilities: *Provided*, that the LGUs shall not impose property tax on properties owned by the government nor issue any tax declarations for areas covered by the protected area. 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 LGUs in the maintenance and protection of MBMKMPL.

LGUs with territory inside MBMKMPL shall align their CLUPs, local development plans, disaster risk reduction management plans and other required plans according to the objectives specified herein and in the protected area management plans. Within six (6) months from the approval of the protected area management plan, the PAMB and the PASu shall collaborate with the LGU concerned in the formulation of the CLUP and other local plans and in the enforcement thereof. The concerned LGU official shall be held administratively and criminally liable for failure to enforce and/or implement the provisions of this Act.

Section 19. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit an annual accomplishment report of MBMKMPL to the Secretary of DENR through the BMB. A report on the conditions and benefits of the biological resources and ecosystem services of MBMKMPL shall also be submitted by the PASu, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall include MBMKMPL in its National State of Protected Areas (NSPAs) report every five (5) years and shall submit the same to the President, the Senate and the House of Representatives.

Section 20. *Appropriations.* – The Secretary of the DENR shall immediately include in the DENR's program the implementation of Mt. Busa-MAKIMA Protected Landscape (MBMKMPL) Act, the funding of which shall be included in the annual General Appropriations Act of the DENR.

Section 21. *Construction and Interpretation.* – The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of MBMKMPL and the conservation and restoration of biological diversity taking into account the needs and interests of qualified tenured migrants, vested rights, IPs and local communities, and the benefits from ecosystem services and functions of MBMKMPL, for present and future generations: *Provided*, that nothing in this Act shall be construed as a diminution of local autonomy or in derogation of ancestral domain rights under the Indigenous Peoples' Rights Act of 1997.

Section 22. *Joint Congressional Oversight Committee.* – To monitor and oversee the implementation of this Act, a Joint Congressional Oversight Committee is hereby created. It shall be composed of the Chairpersons of the Senate Committee on Environment and Natural Resources and the House Committee on Natural Resources as Chairperson and Co-chairperson, respectively, and five (5) members each from the Senate and the House of Representatives as members: *Provided*, that two (2) of the five (5) members are nominated by the respective minority leaders of the Senate and the House of Representatives.

Section 23. *Implementing Rules and Regulations (IRR).* – Within six (6) months from the effectivity of this Act, the DENR shall prepare the IRR of this Act.

Section 24. *Transitory Provision.* – In order to enhance biological diversity and to develop sustainable livelihood opportunities for tenure migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or other instruments that allow utilization of resources within the MBMKMPL until the management plan shall have been put into effect.

All existing land use and resource use permits issued for purposes which are authorized within the MBMKMPL shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the PAMB.

Section 25. *Separability Clause.* – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

Section 26. *Repealing Clause.* – 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 27. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,