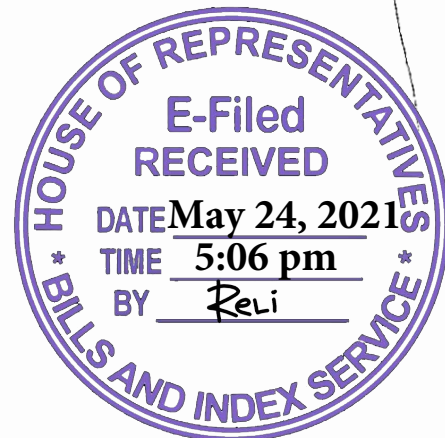


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 9427



Introduced by Rep. Abdullah D. Dimaporo and Rep. Mohamad Khalid Q. Dimaporo

EXPLANATORY NOTE

This bill seeks to declare the Sultan Naga Dimaporo Protected Landscape and Seascape within the Municipality of Sultan Naga Dimaporo, Province of Lanao del Norte as component of the National Integrated Protected Areas System under the category of protected landscape and seascape.

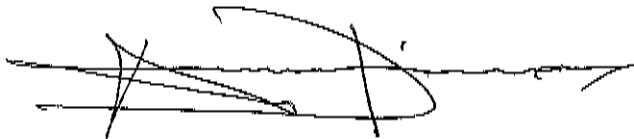
Republic Act No. 7568, otherwise known as the "*National Integrated Protected Areas System (NIPAS) Act*", provides the legal framework for the establishment and management of protected areas in the Philippines. Initial components comprising of proclaimed national parks, game refuge and wildlife sanctuaries, nature reserves, wilderness areas, mangrove reserves, watershed reservations, fish sanctuaries, and protected landscapes and seascapes were previously identified under NIPAS Act. There are initial components and areas which have specific laws for their establishment such as Batanes Island Protected Landscape and Seascape, Northern Sierra Madre Natural Park, Tubbataha Reefs Natural Park and Central Cebu Protected Landscape.

Under the law, "*protected landscapes or seascapes*" refer to areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas. The use and enjoyment of these areas must be consistent with the principles of biological diversity and sustainable development.

Located at the southwestern part of the Province of Lanao del Norte, the Municipality of Sultan Naga Dimaporo is bordered on the southeast by the Municipality of Picong in Lanao del Sur, on the west by the municipalities of Tukuran and Aurora, both in Zamboanga del Sur, and to the south by the trip of Illana Bay, part of Celebes Sea.

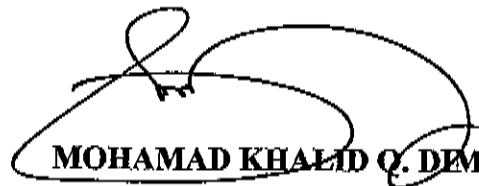
The purpose for declaring the Sultan Naga Dimaporo Protected Landscape and Seascape, as a component of the NIPAS, under the category of protected landscape and seascape, is to protect and conserve biological diversity and unique scenic features for sustainable development in the area. Further it will accelerate the implementation of programs relative to the protection and management of national ecological treasures, as well as, the conservation and restoration of the biodiversity resources such as its flora and fauna and their habitats.

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



ABDULLAH D. DIMAPORO

Second District, Lanao del Norte



MOHAMAD KHALID Q. DIMAPORO

First District, Lanao del Norte

Republic of the Philippines
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EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 9427

Introduced by Rep. Abdullah D. Dimaporo and Rep. Mohamad Khalid Q. Dimaporo

AN ACT DECLARING THE SULTAN NAGA DIMAPORO PROTECTED LANDSCAPE AND SEASCAPE AREA WITHIN THE MUNICIPALITY OF SULTAN NAGA DIMAPORO, PROVINCE OF LANA DEL NORTE AS COMPONENT OF THE NATIONAL INTEGRATED PROTECTED AREAS SYSTEM UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND SEASCAPE AND PROVIDING FOR ITS MANAGEMENT

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

SECTION 1. *Short Title.* — This Act shall be cited as the "Sultan Naga Dimaporo Protected Landscape and Seascape Act "

SEC. 2. *Declaration of Policy.* — It is the policy of 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. For this purpose, the State shall secure for the present and future generations of Filipinos the perpetual existence of all endangered, threatened and rare species of terrestrial and marine resources within the landscape and seascape areas in the Municipality of Sultan Naga Dimaporo, Province of Lanao del Norte, through its establishment as a component of the National Integrated Protected Areas System under the category of protected landscape and seascape.

The State shall likewise promote the participation of local communities in the management of the Sultan Naga Dimaporo landscape and seascape areas and protect the way of life of the people living in and around the protected area.

SEC. 3. *Scope.* – The boundaries of the Sultan Naga Dimaporo Protected Landscape and Seascape are as follows:

SULTAN NAGA DIMAPORO		
TECHNICAL DESCRIPTION		
Corner	Latitude	Longitude
1	7° 49' 44.0"	123° 37' C7.9" E
2	7° 49' 53.1"	123° 37' 38.2" E
3	7° 49' 43.7"	123° 37' 44.3" E
4	7° 49' 25.2"	123° 38' 48.1" E
5	7° 49' 14.7"	123° 39' 36.4" E
6	7° 49' 07.2"	123° 40' 12.8" E
7	7° 48' 55.9"	123° 41' C9.1" E
8	7° 48' 26.1"	123° 41' 41.8" E
9	7° 47' 44.7"	123° 42' 42.2" E
10	7° 47' 25.9"	123° 43' 17.4" E
11	7° 46' 16.4"	123° 44' C6.7" E
12	7° 44' 32.9"	123° 44' 17.4" E
13	7° 44' 03.3"	123° 45' 37.5" E
14	7° 43' 20.9"	123° 46' 10.6" E
15	7° 43' 03.4"	123° 46' 23.2" E
16	7° 42' 27.0"	123° 47' 35.8" E
17	7° 42' 17.5"	123° 48' 15.8" E
18	7° 41' 57.0"	123° 49' C7.3" E
19	7° 40' 38.1"	123° 48' 10.3" E
20	7° 40' 58.6"	123° 47' 13.8" E
21	7° 41' 08.1"	123° 46' 33.8" E

22	7° 41' 44.6"	123° 45' 26.2" E
23	7° 42' 02.0"	123° 45' 13.6" E
24	7° 42' 44.5"	123° 44' 40.5" E
25	7° 43' 14.1"	123° 43' 23.4" E
26	7° 44' 57.5"	123° 43' 09.7" E
27	7° 46' 07.0"	123° 42' 20.4" E
28	7° 46' 25.9"	123° 41' 45.2" E
29	7° 47' 07.3"	123° 40' 44.8" E
30	7° 47' 37.1"	123° 40' 11.9" E
31	7° 47' 48.4"	123° 39' 15.8" E
32	7° 47' 54.0"	123° 38' 33.6" E
33	7° 48' 07.6"	123° 37' 52.4" E

The proposed area of the Sultan Naga Dimaporo Protected Landscape and Seascape is seven thousand four hundred thirty-six (7,436) hectares, more or less, located within the territory of the Municipality of Sultan Naga Dimaporo, Province of Lanao del Norte.

SEC. 4. *Definition of Terms.* — As used in this Act:

- a) *Biological diversity or biodiversity* refers to the wealth of life forms found on earth, the millions of different plants, animals and microorganisms, the genes they contain and the intricate ecosystem they form;
- b) *Buffer zones* refer 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;
- c) *General management plan* refers to the basic long-term framework plan for the management of the protected area and serves as guide in the preparation of the annual operations plan and budget;

- d) *General Management Planning Strategy* refers to a guide in the formulation of site-specific management plans including buffer zones;
- e) *Indigenous peoples* refer to 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;
- f) *Integrated Protected Areas Fund* refers to a trust fund established for purposes of financing projects within a protected area;
- g) *Management manual* refers to the individual management plan containing basic background information, field inventory of the resources, assessment of assets and limitations, regional interrelationships, particular objectives for managing the area appropriate division into management zones, review of the boundaries and design of the management programs of the area;
- h) *Multiple Use Zone* refers to the portion of the protected area where traditional, settlement, or special uses of the land including agroforestry, agricultural, extraction activities and income generating or livelihood activities may be allowed to the extent prescribed in the management plan.
- i) *National Integrated Protected Areas System* refers to the classification and administration of all designated protected areas established pursuant to Republic Act No. 7586 to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources and to maintain the natural conditions to the greatest extent possible;
- j) *Protected area* refers to identified portions of land and water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation;

- k) *Protected Area Management Board* refers to the site-based decision-making body responsible in the planning, resource protection and general administration of the area in accordance with the approved management plan;
- l) *Protected landscape* and seascape refer to areas of national significance which are characterized by the harmonious interaction of man and land while providing opportunities for enjoyment through recreation and tourism within the normal lifestyle and economic activity of the people inhabiting these areas;
- m) *Protected Area Superintendent* refers to the chief operating officer of the Department of Environment and Natural Resources (DENR) for the Sultan Naga Dimaporo Protected Landscape and Seascape;
- n) *Secretary* refers to the Secretary of the DENR; and
- o) *Tenured migrants* refer to persons who have actually and continuously occupied an area for five years prior to the designation of the same as a protected area in accordance with the provisions of Republic Act No. 7586 and are solely dependent therein for subsistence.

SEC. 5. *Management of the Sultan Naga Dimaporo Protected Landscape and Seascape.*

— The management of the Sultan Naga Dimaporo Protected Landscape and Seascape is vested in the Protected Area Management Board (PAMB) as herein provided, which serves as the highest policy-making body for the protected area. Through the PAMB, the management structure for the protected area shall promote partnership, participation, cooperation and coordination with local communities and civil society organizations.

SEC. 6. *Protected Area Management Board.* — The PAMB for the Sultan Naga Dimaporo Protected Landscape and Seascape is composed of:

- a) The Regional Executive Director of the DENR—Region X, as chairperson;
- b) The Mayor of the Municipality of Sultan Naga Dimaporo, Province of Lanao del Norte or an authorized representative;

c) The barangay captains within the territory and adjacent to the protected area or their authorized representatives;

d) The Regional Director of the Department of Agriculture (DA) —Region X or an authorized representative;

e) The Provincial Environment and Natural Resources Officer of Lanao del Norte;

f) The Community Environment and Natural Resources Officer of Sultan Naga Dimaporo

g) Two non-government organization or people's organization representatives concerned with protected area management, chosen from the Municipality of Sultan Naga Dimaporo with territory inside the protected area and duly accredited by it; and

h) The Provincial Planning and Development Officer and Representatives of the Province of Lanao del Norte to the House of Representatives, if any; sitting as ex officio members.

Each member of the PAMB shall serve for a term of five years, and shall be considered to represent and carry the vote of the sector being represented in all matters. In the case of government officials, the tenure of membership in the PAMB shall be attached to the office held.

SEC. 7. Powers and Functions of the PAMB. — The PAMB for the Sultan Naga Dimaporo protected Landscape and Seascape shall exercise the following powers and functions:

a) Issue rules and regulations to implement the provisions and promote the policy declaration set forth in this Act;

b) Establish criteria and set fees for the issuance of permits for the activities regulated by this Act or the approved management plan;

c) identify the buffer zones for the protected area;

d) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated:

e) Approve the management plan and oversee the office of the Protected Area Superintendent;

f) Deputize interested individuals for the enforcement of the laws, rules and regulations adopted pursuant to this Act;

g) Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue to the protected area;

h) Coordinate with appropriate agencies for the regulation of flight patterns of aircraft going over the area to set acceptable latitudinal limits, and emissions; and

i) Retain a legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the Protected Area Superintendent staff whenever they are sued in connection with the performance of their duties under this Act.

The Secretary of the DENR shall exercise authority over the PAMB to ensure that it exercises its authority within the scope of its powers and function. In case of conflict between administrative orders of national application issued by the DENR pursuant to Republic Act No. 7586 and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary who shall resolve such conflict.

The barangays in the Municipality of Sultan Naga Dimaporo shall participate in the management of the protected area through representation in the PAMB as provided under Section 6 of this Act. The Municipality of Sultan Naga Dimaporo shall retain its power to adopt ordinances over the territory covered under this Act, giving due consideration, however, to protected area management objectives. If any conflict between the IP municipality and the protected area management objectives remains unresolved within the PAMB, the Secretary shall resolve such conflict.

SEC. 8. *Protected Area Superintendent.* - There is hereby established an Office of the Protected Area Superintendent in charge of the management, protection and administration of the protected area. The Protected Area Superintendent shall be supported by the existing personnel of the DENR and shall be the chief operating officer of the Sultan Naga Dimaporo Protected Landscape and Seascape. The Protected Area Superintendent shall be accountable to the Regional Executive Director of the DENR—Region X and the PAMB. The Protected Area Superintendent shall exercise the following powers and functions:

a) Prepare the management and successor plans as herein provided

b) Provide a secretariat for the PAMB to supply the latter with all information necessary to make appropriate decisions;

- c) Hire and supervise the necessary personnel to support operations as the budget made available by the PAMB may allow;
- d) Establish a productive partnership with the local communities, including groups interested in the achievement of the goals and objectives of the protected area and in the planning, protection and management thereof;
- e) Develop and implement a park information, education and visitor program;
- f) Enforce the law, rules and regulations relevant to the protected area and assist in the prosecution of offenses thereof;
- g) Monitor all activities within the protected area for conformity with the management plan; and
- h) Perform such other functions as the PAMB may assign

The Protected Area Superintendent shall prepare a management plan in coordination with the appropriate offices of the DENR, the barangays within the Municipality of Sultan Naga Dimaporo, the local communities and experts on tribal communities who have experience in the particular cultures in the area. The management plan shall be reviewed, approved and adopted by the PAMB and certified by the Secretary so that it conforms to all laws, rules, and regulations of national application. In no case shall the management plan be revised or modified without prior consultation with PAMB.

Within one year from the effectivity of this Act, the management plan shall be put into effect in accordance with the Republic Act No. 7586 and the procedure herein set forth. It contains, among others, the following:

- (i) Period of applicability of the plan;
- (ii) Key management issues;
- (iii) Goals and objectives of management;
- (iv) Site management strategy;
- (v) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire and pest control;

- (vi) Zoning;
- (vii) Visitor management programs; and
- (viii) Income Generating or Livelihood Activities

The Protected Area Superintendent shall prepare all successor plans two years before the expiration of the existing plans and shall cause the publication of notices for comments and suggestions on the next successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three other areas frequented by the public. Public consultations may be conducted on the successor plan upon the written request of any interested party. The proposed plan shall be made available to the public during the period for comment and the final version shall be made available for public perusal at the office of the Protected Area Superintendent.

The zoning of the protected areas gives primary consideration to cultural, economic, and social practices consistent with sustainable management principles by tenured migrants and nearby communities for an appreciable length of time unless such uses are deemed detrimental to biodiversity conservation and the protection of the natural characteristics of the protected area.

The management plan shall be prepared in a language understandable in the area, plainly written and available for perusal anytime to the general public at the Office of Protected Area Superintendents.

SEC. 9. Existing Facilities within the Protected Area. – Existing facilities allowed to remain within the protected area may be charged a reasonable fee by the PAMB, which is embodied in a memorandum of agreement to entered into with the owner of the facility. All incomes derived from such fees accrue to the Integrated Protected Areas Fund.

In setting the user fees on man-made facilities managed by private entities, the rates shall be determined by the private entity but shall be comparable to the fees charged for similar facilities in a protected area. For all other facilities, the user fees therein shall be determined in consultation with the PAMB

SEC. 10. *Utilization of Non-renewable Resources.* – Any exploration for and exploitation or utilization of non-renewable resources within the protected area shall not be allowed. Energy projects, renewable or otherwise, shall be permitted only through an act of Congress, the exploitation of renewable energy up to three (3) megawatts capacity shall be exempt from such requirement.

SEC. 11. *Prohibited Acts*

(a) The penalties prescribed for theft under Articles 309 and 310 of the Revised Penal Code shall be imposed upon any person found guilty of:

1. Hunting, destroying, trapping, disturbing or possessing anywhere within the protected area of any wild plant, animal or product derived therefrom without permit from the PAMB. A permit is given only for scientific purposes necessary to promote protected area management;
2. Cutting, gathering, collecting or removing timber or forest products without a permit. A permit is given only for scientific purposes necessary for protected area management;
3. Possessing outside the protected area any wild plant, animal or product derived therefrom which came from the protected area;
4. Mineral exploration or extraction, drilling or prospecting for minerals within the protected area;
5. Constructing or maintaining any kind of road, structure, fence or enclosure without permit from the PAMB. Structures within ancestral domains used by indigenous cultural communities do not need a permit from the PAMB;
6. Altering, mutilating, excavating, removing, destroying or defacing boundaries, marks or signs, natural formation, burial grounds, religious sites, artifacts, objects belonging to indigenous cultural communities and scenic value or affixing marks or signs on trees;
7. Destroying the natural habitat of marine life, converting mangrove forests into fishponds and disposing poisonous chemicals therein;

8. Unabating illegal and destructive fishing activities such as the use of filter nets and dynamite fishing which threaten and endanger the future population and the sustainability of fishing resources; and
9. Gathering, possessing, selling or exporting ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

(b) A fine of not less than One hundred thousand pesos (P100,000.00); but not more than Five hundred thousand pesos (P500,000.00), or imprisonment of not less than one year but not more than five years, or both, shall be imposed upon:

1. Any person found guilty of grazing or causing livestock to graze or raising poultry within the protected area without a permit from the PAMB;
2. Any public officer who, in dereliction of the duties of office, shall maliciously refrain from instituting acts necessary to prosecute the violators of this Act or shall tolerate the commission of offenses herein provided. Conviction for this offense also carries the penalty of perpetual disqualification from public office.

(c) A fine of not less than One hundred thousand pesos (100 000.00) but not more than Five hundred thousand pesos (P500,000.00), or imprisonment of not less than one (1) year but not more than five (5) years, or both, and the restoration and rehabilitation of the damage shall be imposed upon any person who commits the following acts:

1. Violating any rules and regulations in the management plan by the PAMB or agreements reached with the PAMB in the exercise of its adjudicative functions;
2. Dumping, burning or disposing of any waste products, vegetation or materials within the protected area to the detriment of the inhabitants, plants or animals therein;
3. Use of motorized equipment without a permit except motorized vehicles within the national highway, provincial road or other public thoroughfare traversing the park: *Provided*, that such thoroughfares were legally constructed;

4. Occupying any portion of land inside the protected area without a permit from the PAMB: *Provided*, that such occupation shall be of such nature as to last more than ten (10) days in the particular portion of the protected area; and
5. Entering the protected area without a permit from the PAMB.

Any person who induces or conspires with another person to commit any of the acts prohibited in this section or cause workers to commit any of such acts, shall be liable in the same manner as the one actually performing the act.

The valuation of the damage resulting from any of the acts prohibited herein in shall take into account biodiversity and conservation considerations as well as aesthetic and scenic values. Conviction for any of these acts shall likewise carry the penalty of eviction from the protected area and forfeiture in favor of the government of transportation facilities, structures, building materials, equipment, devices, and weapons used in the commission of the offense.

The local government unit responsible for the arrest of a violator and the confiscation of materials used in the commission of the offense is entitled to have a fifty percent (50%) share from the proceeds in the disposition of confiscated materials. The other fifty percent (50%) accrues to the Integrated Protected Areas Fund.

The above prohibitions exclude activities identified in the management plans and such other measures as are necessary for protection, preservations protected area management, which are undertaken by the Protected Area Superintendent or other persons deputized by the PAMB. The certified customs and traditional practices of indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

SEC. 12. *Special Prosecutor.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations in the protected area are assigned. Such special prosecutor shall coordinate with the PAMB and the Protected Area Superintendent in the performance of duties and assist in

the training of wardens and rangers in arresting and prosecuting violators of this Act. The PAMB may appoint a special private prosecutor on a case-to-case basis to assist the public prosecutor.

SEC. 13. *Integrated Protected Areas Fund.* — All income generated from the operation of the protected area or the management of wild flora and fauna in the protected area shall accrue to the Integrated Protected Areas Fund. These income are derived from visitors or tourists fees, fees from permitted sale and export of flora and fauna and other resources from the protected area, proceeds from registration and lease of multiple-use areas, including tourism concessions, 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 trust fund may be augmented by grants, donations, or endowment from various sources, whether domestic or foreign, for purposes related to their functions. The trust fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects and endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations. The trust fund shall not be used to cover personnel services expenditures.

The local government unit shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of local government unit facilities. Furthermore, the local government unit may charge add-ons to fees imposed by the PAMB. Such add-ons are determined based on the contribution of the local government units in the maintenance and protection of the protected area.

SEC. 14. *Appropriations.* - The Secretary shall immediately include in the program of the DENR the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 15. *Construction.* - The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the Sultan Naga Dimaporo Protected Landscape and

Seascape areas and water resources and the conservation and restoration of biological diversity, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations. Republic Act No. 7586 shall have supplementary effect in the implementation of this Act.

SEC. 16. *Transitory Provision.* - In order to ensure the sustainability and integrity of the watershed areas and water resources, 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 instruments that allow exploitation and utilization of resources within the protected area until the management plan shall have been put into effect.

SEC. 17. *Separability Clause.* If any provision or part of this Act is declared unconstitutional or invalid, the remaining parts or provisions not affected shall remain in full force and effect.

SEC. 18. *Repealing Clause.* - All laws, executive orders, presidential decrees, rules and regulations or parts thereof contrary to or inconsistent with any provisions of this Act is hereby repealed, amended or modified accordingly.

SEC. 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved