

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

NINETEENTH CONGRESS
First Regular Session



House Bill No. 1405

Introduced by **HON. FERNANDO T. CABREDO**

EXPLANATORY NOTE


Mt. Masaraga in the Province of Albay, specifically in the third district, is known to be endowed with rich biological diversity of flora and fauna, and a critical watershed for the Bicol River Basin and supports agricultural productivity, sustainable tourism, protection from natural calamities such as typhoons and volcanic eruptions, clean and sustainable source of water, and supports economic growth. Rafflesia, which is considered as the world's largest flower, can also be found in this bountiful mountain.

However, this is not included in the Expanded National Integrated Protected Areas System Act (ENIPAS) of 2018. Mt. Masaraga Protected Landscape (MMPL) Act of 2021 will protect Mt. Masaraga from future exploitations and devastations such as kaingin, illegal logging, hunting, land grabbing, and irresponsible trekking, and to preserve the unspoiled beauty of the mountain and the rich biodiversity of flora and fauna.

This act also has a wider coverage than the existing Mt. Masaraga Watershed Forest Reserve (MMWFR). MMWFR main objective is to maintain the usefulness of Mt. Masaraga, as a source of water for irrigation and domestic use and other forestry purposes only.

MMPL covers 840 hectares, comprising barangays from the Municipalities of Oas and Polangui and the Cities of Ligao and Tabaco. Mt. Masaraga has an elevation of 1,328 meters above sea level and is located Northwest of Mayon Volcano. Its terrain is generally steep and rugged, and 60% of the area is susceptible to landslides.

In order to conserve, protect, and sustain our common future, thus the immediate passage of this bill is earnestly sought.


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

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

SECTION 1. *Title.* – This Act shall be known as the “*Mt. Masaraga Protected Landscape Act of 2021*”.

SECTION 2. *Declaration of Policy.* – Considering the diversity of the unique biological resources of the country and their aesthetic, educational, sociocultural, economic and ecological importance, it is hereby declared the policy of the State to ensure their protection and conservation.

In doing so, the State shall ensure the full implementation of this Act, the mobilization of resources for the institutional mechanisms herein established, and the full scientific and technical support needed for the conservation of biodiversity and the integrity of the ecosystems, socio-cultural practices.

SECTION 3. *Scope and Coverage.* – The boundaries of the Mt. Masaraga Protected Landscape, which falls under the category of Protected Landscape as defined herein, within the Municipalities of Polangui and Oas and Cities of Ligao and Tabaco in the Province of Albay, are as follows:

LINE	BEARING	DISTANCE (M.)
CBM-11	S 23 ° 42’ 25” E	630.514
1 - 2	S 83 ° 05’ 20” W	694.833

2 - 3	S 80 ° 02' 58" W	604.821
3 - 4	S 76 ° 33' 05" W	494.314
4 - 5	N 59 ° 55' 53" W	229.453
5 - 6	N 76 ° 25' 46" W	311.792
6 - 7	N 53 ° 14' 02" W	238.608
7 - 8	N 28 ° 27' 37" W	479.319
8 - 9	N 14 ° 57' 31" E	267.003
9 - 10	N 64 ° 14' 48" W	217.535
10 - 11	N 34 ° 47' 21" W	227.781
11 - 12	N 44 ° 04' 23" W	430.302
12 - 13	N 08 ° 06' 56" E	550.965
13 - 14	N 42 ° 52' 44" E	319.770
14 - 15	N 28 ° 41' 18" W	404.041
15 - 16	N 58 ° 15' 59" W	351.917
16 - 17	N 25 ° 08' 47" W	375.082
17 - 18	S 58 ° 28' 59" E	621.379
18 - 19	N 32 ° 05' 33" E	348.024
19 - 20	N 08 ° 25' 37" E	272.801
20 - 21	N 44 ° 59' 60" E	254.422
21 - 22	N 60 ° 01' 13" E	292.486
22 - 23	S 46 ° 58' 53" E	548.430
23 - 24	S 40 ° 41' 09" E	1,717.299
24 - 25	N 53 ° 14' 00" E	223.026
25 - 26	S 47 ° 15' 53" E	1,912.698
26 - 27	S 06 ° 49' 01" E	233.823
27 - 1	S 57 ° 57' 45" W	847.692

The Department of Environment and Natural Resources (DENR), with the assistance from other government agencies, if necessary, shall delineate and demarcate on the ground the boundaries of the protected area. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SECTION. 4. Definition of Terms. – For purposes of this Act, the following terms shall be defined as follows:

“(a) Biological diversity or biodiversity refers to the variability among 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; (n)

“(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; (n)

“(c) 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; (4[c] a)

“(d) By-products or Derivatives refer to parts taken, or substances extracted from wildlife, in raw or in processed form; (n)

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

“(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; (n)

“(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; (n)

“(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; (n)

“(i) Ecosystem goods and services refer 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; (n)

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

“(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; (n)

“(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; (n)

“(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)

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

“(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; (n)

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

“(q) Invasive alien species refer 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; (n)

“(r) 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; (n)

“(s) 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; (n)

“(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; (4[a])

“(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; (4[e] a)

“(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; (n)

“(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; (n)

“(y) Protected area refers to identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation; (4[b] a)

“(z) Protected area occupants refer to persons who are residing, utilizing, and cultivating areas within the protected area. These include private owners, IPs, tenured migrants and informal settlers; (n)

“(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; (n)

“(bb) Protected landscape and/or seascapes refer to areas of national significances 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; (4[i] a)

“(cc) Protected species refer to plants or animals declared protected under Philippines 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 (IUCN), or any plant or animal which the Department of Environment and Natural Resources (DENR), PAMB or any government agency may deem necessary for conservation and preservation in the protected area; (n)

“(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; (n)

“(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 resource utilization goals which are based upon appropriate information and planning; (4[j] a)

“(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 the revenues generated from the operation of individual protected area and earmarked to support the NIPAS;

“(gg) Strict Protection zone 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 preserve nature in its undisturbed state and to preserve ecologically representative examples of the natural environment to ensure their availability, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration; and shall be closed to all human activity except for scientific studies, environmental monitoring, education, and for the maintenance of genetic resources in a dynamic and evolutionary state may include habitats of threatened species;

“(hh) Tenured migrants refer 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; (4[l] a)

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

“(jj) Wetlands refer to a 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 tide, as well as human-made wetlands such as dams, reservoirs, rice paddies and wastewater treatment ponds and lagoons; (n)

“(kk) Wildlife refers to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred, fed, or propagated; and (n)

SECTION 5. *Land and Sea Classification.* – All lands comprising the Mt. Masaraga Protected Landscape shall fall under the classification of National Park as provided for under the 1987 Philippine Constitution.

SECTION 6. *Buffer Zone.* – When necessary, the DENR Secretary, upon the recommendation of the PAMB, may designate areas surrounding the protected areas as buffer zones for the purpose of providing extra layer of protection where restrictions may be applied: Provided, That, in cases where the designated buffer zone would cover private lands, the owners thereof shall be required to design their development with due consideration to the protected area management plan.” (a)

SECTION 7. *Management Plan.* – Within one (1) year from the establishment of the protected area, there shall be a management plan formulated for each protected area that shall serve as the basic long-term framework plan for the management of the protected area 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 Rights 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.” (a)

SECTION 8. *Management of the Mt. Masaraga Protected Landscape.* The management and administration of the protected area shall be vested with the Protected Area Management Board (PAMB): and placed under the control and administration of the DENR through the Biodiversity Management Bureau (BMB) through National Integrated Protected Areas System (NIPAS)

SECTION 9. Protected Area Management Board (PAMB). – Within three (3) months after the effectivity of this Act, a PAMB shall be created for each of the protected areas designated as initial component, established by presidential proclamation, and declared by law. The Board shall be composed of the following:

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

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

“(c) A Senator of the Republic of the Philippines who is 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; (n)

“(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; (n)

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

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

“(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); (a)

“(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 the protected area management; (a)

“(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); (a)

“(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 to the protected area management; and (n)

“(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. (n)

“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. (n)

“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. (n)

“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 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.

“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’. (n)

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. 9-A.** 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 the 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 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 government authorities;

“(j) Monitor and assess the performance of the Protected Area Superintendent (PASU) and other 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.” (n)

“SECTION. 9-B. 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 (Salary Grade 24) position who shall supervise the day to day 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 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 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 the protected area;

“(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 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 PAMB, approval of the annual work and financial plans of the protected area based on 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.” (n)

SECTION 10. *Environmental Impact Assessment (EIA).* – Considering that protected areas are environmentally critical areas, the proponent of development projects and activities with potentially significant adverse impacts as determined by the Environmental Management Bureau (EMB), whether or not these projects or activities are included in the management plan, shall secure an Environmental Compliance Certificate (ECC) in accordance with the Philippine Environment Impact Statement (EIS) System: Provided, That for development projects and activities that are not environmentally critical, an initial environmental examination (IEE) shall be undertaken instead of a full-blown EIA. No project or activity may be undertaken by any project proponent without prior clearance from the PAMB. The DENR shall require the submission of the PAMB clearance, among others, before issuing an ECC to a project proponent.

“No actual implementation of such activities shall be allowed without the required ECC under the Philippine EIA System. Violations of environmental laws, rules and regulations, including those under the EIA System, shall be penalized accordingly.”

SECTION. 11. *Energy Resources.* – Consistent with the policies declared in Section 2 hereof, the exploration for energy resources may be allowed in protected areas only for the purpose of gathering data and information and only if such activity is carried out with the least damage to surrounding areas.

“Surveys for nonrenewable energy projects shall be conducted only in accordance with a program approved by the DENR, and the result of such surveys shall be made available to

the public and submitted to the President who shall make the appropriate recommendations to Congress. The development and operation of nonrenewable energy projects are prohibited in strict protection zone.

“Renewable energy projects may be allowed within the protected area by the PAMB with the concurrence of the DENR Secretary: Provided, That renewable energy projects, which shall be located outside the strict protection zones, shall undergo the EIA as provided by law, and shall adopt reduced impact technologies so as not to be detrimental to ecosystem functions, biodiversity, cultural practices and traditions: Provided, That sufficient bond shall be remitted by the proponent to the DENR. The amount of which will be based on damage estimation upon decommissioning and projected cause of rehabilitation. It shall be released to the depositor upon the satisfactory decommissioning of all equipment, structures and improvements and the rehabilitation of the site according to the zones and objectives of the management plan as attended to by the PAMB.” (a)

SECTION. 12. *Areas Under the Management of Other Departments and Government Instrumentalities.* – Should there be protected areas, or portions thereof, under the jurisdiction of government instrumentalities other than DENR, such jurisdiction shall remain in the said department or government instrumentality: Provided, That the DENR shall retain its oversight function over such protected areas, and the concerned agency shall provide annual reports on the management of said areas focusing on the conservation of the biodiversity therein.

SECTION. 13. *Integrated Protected Area Fund (IPAF).* - There is hereby established a trust fund to be known as Integrated Protected Area Fund (IPAF) for purposes of financing the projects and sustaining the operation of protected areas and the System. Income generated from the operation and management of the protected area shall accrue to the IPAF. 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 disbursements out of such deposits shall be used solely for the protection, maintenance, administration, and management of the protected area 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 protected area 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.” (a)

SECTION 14. *Tax Exemption.* – All grants, bequests and endowments, donations and contributions made to the protected area fund to be used actually, directly, and exclusively by the protected area, 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. 15. *Field Officers.* – All officials, technical personnel and forest guards employed in the integrated protected area service or all persons deputized by the DENR, upon recommendation of the Management Board shall be considered as field officers and shall have the authority to investigate and search premises and buildings and make arrests in accordance with the rules on criminal procedure for the violation of laws and regulations relating to protected areas. Persons arrested shall be brought to the nearest police precinct for investigation.

Nothing herein mentioned shall be construed as preventing regular enforcers and police officers from arresting any person in the act of violating said laws and regulations.

SECTION. 16. *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 protected areas. The special prosecutor 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. 17. *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 protected areas:

“(a) Poaching, killing, destroying, disturbing of any wildlife including in private lands within the protected areas; (n)

“(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 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 nonprotected species in multiple-use zones by tenured migrants and IPs; (20[a] a)

“(c) Cutting, gathering, removing or collecting timber within the protected area 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 the protected area any timber, forest products, wildlife, or by-products, derived therefrom which are ascertained to have been taken from the protected area other than exotic species, the culling of which has been authorized under an appropriate permit; (20[a] a)

“(e) Using any fishing or harvesting gear and practices or any of their variations that destroys coral reefs, seagrass beds or other marine life and their associated habitats or terrestrial habitat as may be determined by the DA or the DENR: Provided, That mere possession of such gears within the protected areas shall be prima facie evidence of their use; (n)

“(f) Dumping, throwing, using or causing to be dumped into or placed in the protected area of any toxic chemical, noxious or poisonous substance or nonbiodegradable material, untreated sewage or animal waste products 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 Wastes Control Act of 1990’ detrimental to the protected area or to the plants and animals or inhabitants therein; (20[b] a)

“(g) Operating any motorized conveyance within the protected area 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; (20[c] a)

“(h) Altering, removing, destroying or defacing boundary marks or signs; (20[i])

“(i) Engaging in ‘kaingin’ or in any manner, causing forest fires inside the protected area;

“(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; (20[d] a)

“(k) Damaging and leaving roads and trails in damaged condition; (20[e])

“(l) Littering or depositing refuse or debris on the ground or in bodies of water; (20[h])

“(m) Possessing or using blasting caps or explosives anywhere within the protected area; (n)

“(n) Occupying or dwelling in any public land within the protected area without clearance from the PAMB; (20[f] a)

“(o) Constructing, erecting, or maintaining any kind of structure, fence or enclosure, conducting any business enterprise within the protected area 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; (20[g] a)

“(p) Undertaking mineral exploration or extraction within the protected area; (20[f] (a)

“(q) Engaging in commercial or large-scale quarrying within the protected area; (n)

“(r) Establishing or introducing exotic species, including GMOs or invasive alien species within the protected area; (n)

“(s) Conducting bioprospecting within the protected area 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 nonpermitted 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; (n)

“(t) Prospecting, hunting or otherwise locating hidden treasures within the protected area; (n)

“(u) Purchasing or selling, mortgaging or leasing lands or other portions of the protected area which are covered by any tenurial instrument; and (n)

“(v) 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.” (n)

SECTION 18. Penalties. – Violations under this Act shall be subject to the following penalties:

“(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 (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 herein; (a)

“(b) 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 (6) years, or both, shall be imposed upon any person who violates paragraphs (f) to (n) of Section 20 herein; (a)

“(c) A fine of not less than One million pesos (P1,000,000) but not more than Five million pesos (P5,000,000) or imprisonment from six (6) years but not more than twelve (12) years, or both, shall be imposed upon any person who violates paragraphs (o) to (v) of Section 20 herein; (a)

“(d) A fine of Fifty thousand pesos (P50,000) 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 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; (a)

“(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 such damages, 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 protected area: Provided, That in cases of emergency, the DENR Secretary may order the immediate exit or departure of the offender from the protected area. The DENR Secretary may call on other enforcement agencies to assist in executing the order to vacate. (a)

“An emergency occurs when there is a demonstrated impending threat to human life and biodiversity or to species found within the ecosystem of the protected area. (n)

“All minerals, timber or species collected or removed from the protected area, 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. (a)

“The conveyances, vessels, equipment, paraphernalia, implements, gears, 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, Conveyances and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of Procedure 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 damage 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 preponderance of evidence. (n)

“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. (a)

“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. (n)

“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. (n)

“The conviction of a public officer or 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.” (n)

SECTION. 19. *Existing Rights.* – All property and private rights within the protected area 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 contracts, or agreements entered into by government for the utilization of natural resources within protected areas shall review, amended or terminated in order to assure that it will be consistent with this Act.

The renewal of permits, contracts, and agreements shall be subject to the provisions of this Act. If the permits, contracts, and 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 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 or 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 LGUs and communities within the protected area 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 protected areas and recommend to proper authorities measures to ensure the protection of their well-being. Municipalities and cities with existing townships and town centers within the protected area 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 protected areas to keep human habitation and environmental conservation in harmony.” (n)

SECTION. 20. *Tenured Migrants and Other Protected Area 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, and issuances of permits for resource use within the protected area 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 protected

area occupants who are not qualified as tenured migrants shall be resettled outside the protected area.

“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) hereof, the DENR Regional Director shall submit to the BMB within two (2) years from the passage of this Act, the final list of tenured migrants, which shall be the basis for tenured migrant recognition and issuance of tenurial instruments. Within the two (2)-year period, the DENR Regional 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.” (n)

SECTION. 21. *Existing Facilities Within the Protected Area.* – 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 DENR Regional Director shall submit the inventory of 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 protected area until its eventual relocation. If the conditions are violated, the owner of the facility shall be made liable pursuant to Section 21(d) hereof.

“Existing facilities allowed to remain within the protected area 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 shoreline and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the use of such easement for their continued operations. Wharves shall be kept accessible to the public.” (n)

SECTION. 22. *Special Uses Within Protected Areas.* – Consistent with Section 2 hereof, special uses may be allowed within protected areas except in strict protection zones and strict nature reserves. 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 satisfactory rehabilitation according to the zones and objectives of the management plan as attested to by the PAMB.”

SECTION. 23. *Local Government Units (LGUs).* – The LGUs within the protected area shall participate in its management through representation in the PAMB as provided for in this Act. Said LGUs may appropriate portions of their share from the annual internal revenue allotment and other income for use of the protected area: Provided, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the IPAF.

“The LGUs shall continue to impose and collect other fees not enumerated under Section 16 hereof 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 declaration 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 the protected area.

“LGUs with territory inside protected areas shall align their CLUPs, local development plans, disaster risk reduction management plans and other required 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. 24. *Reporting Responsibility.* – The PASU, through the PAMB, shall submit an annual accomplishment report of the protected area to the Secretary of the DENR through the BMB. A report on the conditions and benefits of the biological resources and ecosystem services of the protected area shall also be submitted by the PASU, through channels, to the Secretary of the DENR every five (5) years. Consequently, the BMB shall likewise prepare a 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. 25. *Appropriations.* – The Secretary of the DENR shall immediately include in the DENR’s program the implementation of this Act, the funding of least two (2) million pesos shall be included in the annual General Appropriations Act annually.

SECTION 26. *Construction and Interpretation.* – The provisions of this Act shall be construed liberally in favor of the protection and rehabilitation of the protected area and the conservation and restoration of its 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 protected areas, 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 27. *Subsequent Site-Specific Legislation.* – Upon the generation of site-specific requirements for new legislation, the PAMB, through the DENR, shall endorse to Congress for its consideration and enactment site-specific proposals to appropriately respond to the distinct and particular needs and conservation requirements of the protected areas in each locality. Protected areas that may be later established or declared pursuant to this Act shall likewise undergo the same requirements of site-specific legislation.”

SECTION 28. *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 29. *Transitory Provision.* – In order to enhance 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 other instruments that allow utilization of resources within the protected area 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 protected area shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan and approved by the PAMB.”

SECTION 30. *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 31. *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 32. *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,

