

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Constitution Hills, Quezon City  
**NINETEENTH CONGRESS**  
First Regular Session  
**HOUSE BILL NO. 8573**



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Introduced By: **REP. ALAN 1 B. ECLEO**

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### **EXPLANATORY NOTE**

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.<sup>1</sup> In view of this State policy, the Congress of the Philippines has enacted An Act Providing for the Establishment and Management of National Integrated Protected Areas System (NIPAS), Defining Its Scope And Coverage.

The NIPAS Act of 1992 recognizes "the profound impact of man's activities on all components of the natural environment particularly the effect of increasing population, resource exploitation and industrial advancement."<sup>2</sup> As such, the Law "established a National Integrated Protected Areas System (NIPAS), which shall encompass outstandingly remarkable areas and biologically important public lands that are habitats of rare and endangered species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, all of which shall be designated as 'protected areas.'"<sup>3</sup>

This duty to conserve the environment for the enjoyment of the present generation and generations to come must always be considered in light of the State policy to promote the rational exploration, development, utilization and conservation of its resources. Since 1939, when Dinagat Islands were declared as a mineral reservation area by Proclamation 391, s. 1939 on March 13, 1939, by President Manuel L. Quezon, mining has been an integral part of the local economy. At present, 10,356.57 hectares of the 103,634-hectare total land area of the Province is covered by mining tenements.

However, beyond its mineral deposits, the Province of Dinagat Islands is teeming with biodiversity and natural resources, from the forest ecosystems and arable lands to its many rivers and coastal areas. While we recognize the role of mining and mining companies in providing jobs, raw materials for industry, and other economic benefits to the Province, it is important to ensure that critical areas which have their own social, economic and health benefits to offer are protected for the benefit of our citizens.

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<sup>1</sup> Sec. 6, Article II, Constitution of the Philippines

<sup>2</sup> Sec. 2 (par. 1), Republic Act 7586

<sup>3</sup> Sec. 2, (par. 2), RA 7586

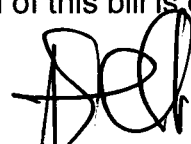
At present, many farmers and prospective small business owners are prevented from owning land in the Province because of its status as a mineral reservation. Moreover, due to unintended effects of manmade activities, the deterioration of watersheds and river ecosystems have adversely affected its fisheries sector, as well as factored into the lack of potable water and sufficient irrigation in the Province.

From 2014 to 2016, the Province of Dinagat Islands through its provincial and municipal governments, with the help of the Department of Environment and Natural Resources, members of civil society and other local stakeholders conducted a series of consultations and studies under the Dinagat Islands Conservation Program (DICT). The goal of the DICT is precisely to address local environmental problems, and ensure that a balance will be struck between the responsibility to protect the environment and natural resources and the duty to utilize them responsibly to pursue sustainable development.

Results of the DICT point to the need to reclassify and rationalize land use in the Province, as well as the declaration of critical conservation sites as conservation areas under the NIPAS. Among the watersheds which have been primarily recommended as conservation sites under the NIPAS Act are the subject areas of this Bill: Cuarinta, Imelda, Matin-ao - Manoligao, Mt. Redondo - Mt. Cabinliw, Navarro, Palhi, Panamoan, Paragua, and Sambunotan.

It is in light of these recommendations, and the commitment to realize the promise to protect the rights of and ensure prosperity among all citizens of the Province that the Office of the Representative of the Lone District of Dinagat Islands hereby initiates this important piece of legislation. With this bill, we are declaring the said conservation areas as part of the NIPAS and according to them the regulatory mechanisms to ensure their protection.

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



**ALAN B. ECLEO**

*Representative, Lone District of Dinagat Islands*

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
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**AN ACT DECLARING CERTAIN WATERSHED FOREST RESERVES,  
LANDSCAPES AND SEASCAPES, AND NATURAL PARKS WITHIN THE  
PROVINCE OF DINAGAT ISLANDS AS PROTECTED AREAS PURSUANT TO  
REPUBLIC ACT 7568, AS AMENDED BY REPUBLIC ACT 11038, PROVIDING  
FOR ITS MANAGEMENT AND ADMINISTRATION, AND APPROPRIATING  
FUNDS THEREFOR.**

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

**ARTICLE I**

**INTRODUCTORY PROVISIONS**

**SECTION 1. *Title.*** This Act shall be known as “The Dinagat Islands Protected Areas Conservation Act of 2023”.

**SECTION 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 native plants and animals within these watershed forest reserves, landscapes and seascapes, and natural parks in the Province of Dinagat Islands through its establishment as a component of the National Integrated Protected Areas (NIPAS) in accordance with Republic Act 7568 or the National Integrated Protected Areas Act of 1992, as amended by Republic Act 11038, especially their crucial role and significance as watersheds for water generation and supply purposes; its associated biological diversity and other natural, ecological and physical processes and values; its communities and their culture and way of life insofar as these are in harmony with nature and the biophysical and ecological systems of these areas.

The State shall likewise promote the participation of local communities and the local government units in the protection, preservation and management of these watershed forest reserves, landscapes and seascapes, and natural parks and protect the way of life of the people living in and around these protected areas.

**SECTION 3. *Land Classification.*** All lands of the public domain comprising these watershed forest reserves, protected seascape and landscape, and natural parks

identified under this Act shall fall under the classification of National Park as provided for in Section 4 of Article XII of the Philippine Constitution.

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

- a. "*Biological diversity*" or "*biodiversity*" shall refer 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. "*Biological resources*" shall include genetic resources, organisms or parts thereof, population or any other biotic component of ecosystems with actual or potential use or value for humanity.
- c. "*Buffer zones*" shall 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.
- d. "*By-products or derivatives*" shall mean any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.
- e. "*Collection or collecting*" shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives.
- f. "*Conservation*" shall mean preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat.
- g. "*Consultation*" shall refer to the meeting or dialogue with concerned or affected individuals and groups within and outside the protected area designed to identify and resolve issues and problems affecting them in relation to the protection, conservation and sustainable development of the protected areas.
- h. "*Endemic species*" shall refer to species or subspecies which are naturally occurring and found only within specific areas in the country.
- i. "*Exotic species*" shall refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time.
- j. "*Exploration*" shall refer to 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 thereof and the feasibility of mining them for profit.
- k. "*Exploitation*" shall refer to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose, whether commercial or otherwise.
- l. "*General Management Plan*" shall refer to the basic long-term framework plan for the management of the protected area and shall serve as guide in the preparation of the annual operations plan and budget.

- m. "*Habitat*" shall refer to a place or type of environment where a species or subspecies naturally occurs or has naturally established its population.
- n. "*Integrated Protected Areas Fund (IPAF)*" shall refer to a trust fund established for purposes of financing projects within a protected area.
- o. "*Introduction*" shall mean bringing species into the wild that are outside its natural habitat.
- p. "*Kaingin*" shall refer to the slash-and-burn of vegetation to clear land for agricultural purposes.
- q. "*Management manual*" shall refer 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.
- r. "*National Integrated Protected Areas System (NIPAS)*" shall refer to the classification and administration of all designated 4 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.
- s. "*NIPAS Act*" refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations.
- t. "*Non-Government Organization (NGO)*" shall refer to an agency, institution, a foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.
- u. "*Nonrenewable resources*" shall refer to those resources within the protected area, the natural replenishment rate of which is not known.
- v. "*People's Organization (PO)*" shall refer to a group of organized migrant communities and/or interested indigenous peoples which may be an association, cooperative, federation or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.
- w. "*Protected area (PA)*" shall refer 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.
- x. "*Protected Area Management Board (PAMB)*" shall refer 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.

- y. "*Protected landscape/seascape*" shall refer to an area of national significance which is 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 the area.
- z. "*Protected Area Superintendent (PASu)*" shall refer to the chief operating officer of the Department of Environment and Natural Resources (DENR) for these protected areas.
- aa. "*Secretary*" shall refer to the Secretary of the DENR.
- bb. "*Special-use zones*" shall refer to areas containing existing installations of national and local significance, such as telecommunication facilities, irrigation canals, water supply infrastructure or electric power lines.
- cc. "*Sustainable*" shall refer to the use of components of biological diversity in a way and at a rate that does not lead to the long - term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of the present and future generations.
- dd. "*Strict protection zones*" shall refer to natural areas with high biodiversity value which shall be closed to all human activity except for scientific studies and ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- ee. "*Tenured migrants*" shall refer to any person who has actually and continuously occupied an area for five years prior to the designation of the same as a PA in accordance with the provisions of Republic Act No. 7586 or the NIPAS Act and are solely dependent therein for subsistence.
- ff. "*Zones*" shall refer to the divisions within the Protected Area consisting of levels of protection and permitted use of natural resources such as strict protection zone, sustainable-use zone, restoration zone, multiple-use zone and special-use zone, as provided under existing rules and regulations of the NIPAS.

**ARTICLE II**  
**SCOPE AND COVERAGE**

**SECTION 5. Scope and Coverage.** Pursuant to and in accordance with R.A. 7568, as amended by R.A. 11038, the following watershed forest reserves, landscapes and seascapes, and natural parks are hereby declared as Natural Parks and Protected Areas, covering parcels of lands situated in the Province of Dinagat Islands, more particularly described as follows:

1. Cuarinta Watershed                      Situated within the political boundary of the Municipality of San Jose, Province of Dinagat Islands, comprising an area of 383.90 hectares, more or less.

The boundaries of **CUARINTA WATERSHED** situated within the political jurisdiction of the Municipality of San Jose, Province of Dinagat Islands, comprising an area of **383.90 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being S 75°19'58" E, 1,835.75 M from SRN 29 of PRS 92            (10°01'35.972" lat., 125°35'17.601" long.):

LINE	BEARING	DISTANCE (m)
1-2	N 32°49'48" E	184.46
2-3	N 58°29'49" E	181.80
3-4	S 88°38'5" E	420.12
4-5	N 85°46'11" E	193.87
5-6	S 71°31'15" E	534.20
6-7	S 48°48'46"E	265.76
7-8	S 47°31'16" E	165.09
8-9	S 30°31'54" E	213.07
9-10	S 6°28'54" E	221.42
10-11	S 19°39'19" W	222.99
11-12	S 51°35'0" W	185.07
12-13	S 83°55'44" W	236.33
13-14	S 37°18'19" W	264.01
14-15	S 12°0'36" E	240.26
15-16	S 32°37'14" W	148.41
16-17	S 5°2'38" W	170.66

17-18	S 22°15'2" W	118.85
18-19	S 32°48'3" W	267.68
19-20	S 43°59'47" W	201.56
20-21	S 9°40'9" W	201.96
21-22	S 25°8'21" W	426.29
22-23	S 7°25'58" W	115.98
23-24	S 11°10'25" E	223.59
24-25	S 13°6'44" W	111.29
25-26	S 39°15'26" W	132.42
26-27	S 70°19'24" W	89.51
27-28	S 81°39'51" W	203.92
28-29	N 3°12'1" E	251.27
29-30	N 13°18'24" W	104.28
30-31	N 30°51'35" W	120.87
31-32	N 35°8'3" W	111.22
32-33	N 14°18'1" E	177.30
33-34	N 32°28'16" E	131.77
34-35	N 14°53'12" E	129.29
35-36	N 4°45'44" W	120.42
36-37	N 33°31'58" W	133.50
37-38	N 14°7'37" E	199.76
38-39	N 33°10'38" W	310.65
39-40	N 8°44'41" W	131.53
40-41	N 28°48'34" W	114.13
41-42	N 15°15'14" W	228.04
42-43	N 6°20'14" W	257.51
43-44	N 6°46'59" E	240.76
44-45	N 13°24'9" W	93.61
45-46	N 2°7'16" E	91.02

46-47	N 19°14'56" E	267.97
47-1	N 0°0'5" E	345.00

2. Imelda Watershed                      Situated within the political jurisdiction of the Municipality of Tubajon, Province of Dinagat Islands, comprising an area of 1,403.37 hectares, more or less.

The boundaries of **IMELDA WATERSHED** situated within the political jurisdiction of the Municipality of Tubajon, comprising an area of **1,403.37 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being S 69°5'27" W, 4,250.20 M from SRN 18 of PRS 92            (10°18'33.514" lat., 125°35'05.751" long.):

LINE	BEARING	DISTANCE (m)
1-2	S 1°10'14" W	322.46
2-3	S 25°11'40" E	260.54
3-4	S 52°49'28" E	286.96
4-5	S 52°32'38" E	524.46
5-6	S 44°5'6" E	256.43
6-7	S 9°8'20" W	377.40
7-8	S 59°14'47" E	333.91
8-9	S 17°56'24" E	364.33
9-10	S 7°42'49" E	526.41
10-11	S 37°8'49" W	563.07
11-12	S 49°31'57" W	142.95
12-13	N 88°52'57" W	382.15
13-14	S 50°30'44" W	242.72
14-15	S 67°1'46" W	97.01
15-16	N 86°15'20" W	269.23
16-17	N 38°26'48" W	192.21

17-18	N 20°26'53" W	255.56
18-19	N 50°37'23" W	269.44
19-20	N 67°1'55" W	306.99
20-21	N 39°29'0" W	478.35
21-22	N 12°34'13" W	125.54
22-23	N 14°43'30" W	215.61
23-24	N 2°22'13" E	54.00
24-25	N 1°14'55" E	225.16
25-26	N 9°59'3" W	273.81
26-27	N 51°5'39" W	353.67
27-28	N 25°53'28" E	514.56
28-29	N 45°10'22" W	324.50
29-30	S 89°32'54" W	685.01
30-31	S 6°45'44" W	511.58
31-32	N 26°47'32" W	1,543.69
32-33	N 13°27'20" E	950.11
33-34	N 44°0'8" W	954.39
34-35	N 3°50'41" W	461.94
35-36	N 33°3'59" E	605.43
36-37	S 80°32'29" E	95.22
37-38	S 52°56'21" E	588.02
38-39	S 85°46'58" E	538.46
39-40	N 85°39'0" E	306.03
40-41	S 41°46'13" E	326.67
41-42	S 65°58'12" E	279.86
42-43	S 64°45'35" E	382.37
43-44	S 0°15'32" W	361.68
44-45	S 27°15'40" E	235.96
45-46	S 33°53'55" E	300.67

46-47	S 64°23'20" E	376.68
47-48	S 42°25'0" E	318.08
48-49	S 28°37'20" E	153.91
49-50	S 32°35'17" E	130.06
50-51	S 1°0'56" W	285.47
51-52	S 7°40'38" E	132.31
52-53	S 7°40'38" E	316.72
53-1	S 58°41'10" E	201.73

3. **Matin-ao – Manoligao Watershed**      Situated within the political jurisdictions of three (3) municipalities, namely, San Jose, Cagdianao, and Basilisa, Province of Dinagat Islands, comprising an area of 2,462.68 hectares, more or less.

The boundaries of **MATIN-AO – MANOLIGAO WATERSHED** situated within the political boundaries of the Municipalities of San Jose, Cagdianao, and Basilisa, Province of Dinagat Islands, comprising an area of **2,462.68 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being N 88°37'07" E, 4,218.59 M from SRN 29 of PRS 92 (10°01'35.972" lat., 125°35'17.601" long.):

<b>LINE</b>	<b>BEARING</b>	<b>DISTANCE (m)</b>
1-2	N 20°9'53" E	682.23
2-3	N 9°11'29" W	1,210.44
3-4	N 25°31'37" W	763.91
4-5	N 80°21'32" W	421.35
5-6	N 0°0'0" E	371.81
6-7	N 51°18'46" E	264.59
7-8	N 9°52'8" E	964.31
8-9	N 83°30'44" E	388.63
9-10	N 56°55'42" E	456.45
10-11	N 14°23'35" E	273.30
11-12	N 90°0'0" E	743.62
12-13	S 82°52'30" E	749.41
13-14	S 84°45'41" E	342.01
14-15	S 69°0'14" E	431.70
15-16	S 45°51'8" E	328.67
16-17	S 31°14'43" E	925.45
17-181	S 68°7'23" E	1,266.71
18-19	N 84°9'0" E	993.74

19-20	S 61°16'46" E	1,167.74
20-21	S 18°26'6" E	293.94
21-22	S 0°0'0" W	743.62
22-23	S 90°0'0" W	92.95
23-24	S 36°52'12" W	464.76
24-25	S 33°41'24" W	335.14
25-26	S 82°48'47" W	249.59
26-27	S 26°37'56" W	277.02
27-28	S 66°48'5" W	707.90
28-29	S 84°23'2" W	849.35
29-30	N 85°24'22" W	822.39
30-31	S 48°15'22" W	446.73
31-32	N 46°10'21" W	395.29
32-33	S 77°41'0" W	308.07
33-34	N 66°18'14" W	277.06
34-35	N 87°47'6" W	169.05
35-36	S 62°43'31" W	540.25
36-37	S 45°0'33" W	598.47
37-38	S 76°29'32" W	352.05
38-39	S 46°29'20" W	137.16
39-40	N 80°50'43" W	581.54
40-1	N 21°51'44" W	608.95

4. Mt. Redondo – Mt. Canbinliw Watershed

Situated within the political jurisdiction of the Municipality of Loreto, Province of Dinagat Islands, comprising an area of 3,668.64 hectares, more or less.

The boundaries of **MT. REDONDO – MT. CANBINLIW WATERSHED** situated within the political boundary of the Municipality of Loreto, Province of Dinagat Islands, comprising an area of **3,668.64 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being S 24°21'12" E, 955.37 M from SRN 86 of PRS 92 (10°24'54.906" lat., 125°36'39.074" long.):

LINE	BEARING	DISTANCE (m)
1-2	S 44°59'55" E	127.28
2-3	S 86°0'28" E	431.05
3-4	S 77°51'16" E	404.05
4-5	S 68°22'4" E	311.97
5-6	S 41°59'9" E	201.81
6-7	S 41°27'59" E	286.93
7-8	S 85°36'0" E	195.58
8-9	N 62°6'15" E	96.18
9-10	S 89°59'55" E	190.00
10-11	S 42°2'32" E	754.08
11-12	S 37°52'25" E	171.03
12-13	S 61°33'21" E	136.48
13-14	S 16°4'20" E	307.01
14-15	S 1°42'40" W	335.15
15-16	N 82°19'14" E	735.59
16-17	S 56°20'27" E	866.10
17-18	S 49°46'14" E	1,197.48
18-19	S 43°31'47" E	547.42

19-20	S 8°20'9" W	629.75
20-21	S 33°4'12" W	493.25
21-22	S 8°50'42" E	666.15
22-23	S 15°32'36" W	696.18
23-24	S 56°11'7" W	998.38
24-25	S 51°12'6" W	1,013.41
25-26	S 69°42'15" W	617.81
26-27	N 75°56'17" W	585.50
27-28	S 86°38'6" W	85.15
28-29	S 72°10'34" W	431.02
29-30	S 44°17'33" W	479.27
30-31	S 28°22'55" W	254.64
31-32	N 78°4'48" W	39.30
32-33	N 46°54'37" W	317.88
33-3	N 78°14'23" W	684.64
34-35	S 82°15'55" W	483.49
35-36	N 19°49'52" W	100.27
36-37	N 4°0'46" W	285.71
37-38	N 20°33'17" W	85.44
38-39	N 46°41'0" W	240.52
39-40	N 81°1'33" W	96.18
40-41	N 48°42'50" W	272.81
41-42	N 29°3'12" W	102.96
42-43	N 0°0'5" E	125.00
43-44	N 46°28'3" W	137.93
44-45	N 4°23'50" W	65.19
45-46	N 50°11'35" W	39.05
46-47	N 0°0'5" E	95.00
47-48	N 26°33'49" W	78.26

48-49	N 0°0'5" E	50.00
49-50	N 63°26'1" W	100.62
50-51	N 44°5'21" W	222.77
51-52	N 20°33'17" W	42.72
52-53	S 86°59'19" W	190.27
53-54	N 43°21'43" W	123.80
54-55	N 79°22'44" W	81.40
55-56	N 43°43'32" W	159.14
56-57	N 82°52'25" W	40.31
57-58	N 43°49'46" W	173.28
58-59	N 1°47'29" E	160.08
59-60	N 40°36'0" W	184.39
60-61	N 3°34'40" E	80.16
61-62	N 43°18'49" E	110.19
62-63	N 50°6'35" W	284.63
63-64	N 16°39'29" W	131.82
64-65	S 73°30'38" W	31.49
65-66	N 55°36'2" W	218.94
66-67	N 6°45'16" E	136.53
67-68	N 43°50'35" E	133.64
68-69	N 25°30'11" E	293.87
69-70	N 59°59'47" E	88.11
70-71	N 48°14'28" E	187.69
71-72	S 69°37'20" E	186.68
72-73	S 86°23'51" E	716.42
73-74	S 74°3'12" E	218.41
74-75	S 89°59'55" E	310.00
75-76	N 48°7'25" E	194.75
76-77	N 74°28'38" E	186.82

77-78	S 89°59'55" E	165.00
78-79	N 26°33'49" W	78.26
79-80	N 14°28'8" W	160.08
80-81	N 0°0'5" E	230.00
81-82	N 24°1'31" W	454.37
82-83	N 5°26'30" E	210.95
83-84	N 44°41'32" W	661.16
84-85	N 71°33'49" W	126.49
85-86	N 30°22'40" W	168.08
86-87	S 75°57'54" W	247.39
87-88	N 64°54'41" W	129.94
88-89	N 7°6'59" W	250.81
89-90	N 12°31'54" E	452.51
90-91	N 23°49'49" E	291.31
91-92	N 18°22'59" W	306.71
92-93	N 9°16'40" E	386.40
93-94	N 30°33'45" W	358.96
94-95	N 1°36'22" E	351.19
95-96	N 35°41'56" E	202.86
96-97	N 76°5'56" E	208.73
97-98	S 85°3'19" E	113.14
98-99	S 60°8'16" E	40.34
99-100	S 71°47'27" E	405.99
100-1	S 84°59'8" E	286.10

#### 5. Navarro Watershed

Situated within the political jurisdiction of the Municipality of Tubajon, Province of Dinagat Islands, comprising an area of 1,577.96 hectares, more or less.

The boundaries of **NAVARRO WATERSHED** situated within the political jurisdiction of the Municipality of Tubajon, Province of Dinagat Islands, comprising of an area of **1,577.96 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being S 9°6'12" W, 505.92 M from SRN 18 of PRS 92 (10°18'33.514" lat., 125°35'05.751" long.):

<b>LINE</b>	<b>BEARING</b>	<b>DISTANCE (m)</b>
1-2	S 60°18'15" E	428.87
2-3	S 9°41'16" E	385.61
3-4	S 9°28'18" W	121.56
4-5	S 54°9'36" W	223.29
5-6	S 1°23'1" E	264.63
6-7	S 5°39'3" E	218.38
7-8	S 35°22'19" W	144.13
8-9	S 17°31'41" W	517.88
9-10	S 8°55'40" E	116.40
10-11	S 89°13'45" E	226.20
11-12	S 52°39'0" E	344.29
12-13	S 7°52'35" W	260.43
13-14	S 81°12'54" W	345.68
14-15	S 5°15'9" E	473.62
15-16	S 9°25'53" W	215.76
16-17	S 9°33'24" E	414.48
17-18	S 21°27'29" W	80.80
18-19	N 76°2'8" W	118.78
19-20	S 44°9'38" W	168.50
20-21	S 48°33'42" W	215.80
21-22	S 69°39'58" W	230.38
22-23	N 74°16'34" W	136.60
23-24	N 47°24'23" W	93.07
24-25	N 81°19'27" W	331.89

25-26	N 53°3'2" W	303.05
26-27	N 87°55'16" W	214.86
27-28	N 66°11'1" W	297.18
28-29	N 86°40'25" W	343.48
29-30	S 72°2'47" W	242.78
30-31	S 87°59'34" W	324.45
31-32	N 7°42'49" W	526.63
32-33	N 17°56'24" W	364.33
33-34	N 59°14'47" W	333.91
34-35	N 9°8'20" E	377.40
35-36	N 44°5'6" W	256.43
36-37	N 52°38'35" W	811.42
37-38	N 25°11'40" W	260.54
38-39	N 1°10'14" E	322.46
39-40	N 58°41'10" W	201.73
40-41	N 7°40'38" W	449.03
41-42	N 1°0'56" E	285.47
42-43	N 32°35'17" W	130.06
43-44	N 28°37'20" W	153.91
44-45	N 70°30'36" E	133.76
45-46	N 51°7'18" E	207.55
46-47	N 65°52'32" E	190.26
47-48	N 53°6'15" E	285.75
48-49	N 67°5'17" E	194.36
49-50	S 8°21'17" E	214.64
50-51	N 39°46'10" E	188.52
51-52	S 84°32'29" E	472.15
52-53	N 7°32'20" E	272.88
53-54	N 52°9'51" E	167.47

54-55	N 35°14'42" E	203.66
55-56	N 69°48'41" E	305.17
56-57	N 87°35'24" E	234.93
57-58	N 67°55'51" E	0.30
58-59	S 52°14'39" E	462.70
59-60	S 56°45'18" E	0.13
60-61	S 2°42'54" E	130.97
61-62	S 55°2'5" W	266.50
62-63	S 11°5'19" W	191.68
63-64	S 37°43'23" E	163.32
64-65	S 23°1'14" E	0.12
65-66	S 53°52'49" E	273.96
66-67	S 20°41'10" E	314.68
67-68	S 1°10'17" W	84.68
68-69	S 1°8'36" W	0.06
69-70	N 60°55'47" E	232.96
70-71	N 46°51'32" E	309.84
71-72	S 44°55'17" E	142.74
72-73	S 11°23'35" E	278.76
73-74	S 27°15'50" W	0.29
74-75	S 68°17'59" E	122.62
75-76	S 67°54'57" E	0.41
76-1	N 68°16'30" E	573.92

#### 6. Palhi Watershed

Situated within the political jurisdictions of two (2) municipalities, namely, Libjo and Tubajon, Province of Dinagat islands, comprising an area of 899.28 hectares, more or less.

The boundaries of **PALHI WATERSHED** situated within the political boundaries of the Municipalities of Libjo and Tubajon, Province of Dinagat islands, comprising an area of **899.28 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being N 86°38'15" E, 7,841.45 M from SRN 22 of PRS 92 (10°11'09.831" lat., 125°33'28.999" long.):

<b>LINE</b>	<b>BEARING</b>	<b>DISTANCE (m)</b>
1-2	N 14°22'47" W	201.31
2-3	N 23°54'33" E	530.52
3-4	N 12°2'39" E	383.44
4-5	N 34°41'48" E	395.29
5-6	N 21°48'11" E	134.63
6-7	N 22°18'17" W	210.78
7-8	N 40°51'14" W	244.59
8-9	N 38°39'30" W	192.10
9-10	N 33°4'38" W	134.55
10-11	N 31°10'45" E	248.09
11-12	N 13°42'31" E	211.01
12-13	N 11°18'42" E	152.97
13-14	N 23°33'14" E	212.72
14-15	N 51°20'30" E	224.11
15-16	N 77°16'33" E	476.71
16-1	N 86°11'21" E	375.84
17-18	S 61°39'55" E	159.13
18-19	S 40°46'11" E	370.00
19-20	S 79°9'20" E	288.47
20-21	S 72°57'38" E	324.23
21-22	S 88°18'49" E	170.08
22-23	S 43°24'50" E	427.97
23-24	S 63°18'2" E	229.67
24-25	S 24°18'32" E	300.78

25-26	S 37°12'3" E	162.73
26-27	S 9°55'55" W	125.61
27-28	S 22°31'36" E	178.17
28-29	S 86°45'52" E	114.44
29-30	S 16°17'15" E	213.21
30-31	S 34°35'6" W	167.61
31-32	S 3°18'36" W	131.73
32-33	S 11°59'7" E	77.05
33-34	S 37°2'49" W	163.55
34-35	S 59°41'10" W	396.35
35-36	S 39°52'7" W	263.14
36-37	N 85°0'10" W	63.30
37-38	S 28°43'58" W	626.10
38-39	S 3°5'33" E	122.55
39-40	N 80°30'3" W	106.10
40-41	N 28°31'0" W	196.53
41-42	N 61°45'39" W	81.09
42-43	S 85°45'11" W	232.15
43-44	S 43°24'15" W	286.36
44-45	S 11°56'45" W	56.25
45-46	S 61°59'56" W	358.41
46-47	S 24°26'44" W	102.30
47-48	S 34°2'17" W	145.60
48-49	S 42°11'58" W	179.01
49-50	S 70°38'12" W	69.85
50-51	N 85°23'1" W	68.02
51-52	N 41°20'32" W	275.40
52-53	N 69°2'33" W	119.85
53-54	N 58°32'22" W	220.54

54-55	S 56°44'14" W	130.85
55-56	N 88°53'40" W	44.73
56-57	N 32°58'4" W	220.51
57-58	N 50°11'34" W	117.16
58-1	N 39°17'16" W	284.26

7. Panamaon Watershed Situated within the political jurisdiction of the Municipality of Loreto, Province of Dinagat Islands, comprising an area of 255.84 hectares, more or less.

The boundaries of **PANAMAON WATERSHED** situated within the political boundary of the Municipality of Loreto, Province of Dinagat Islands, comprising an area of **255.84 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being N 19°26'20" E, 74.09 M from SRN 86 of PRS 92 (10°24'54.906" lat., 125°36'39.074" long.):

LINE	BEARING	DISTANCE (m)
1-2	N 50°52'2" W	82.88
2-3	N 11°24'10" W	79.46
3-4	N 43°2'32" E	95.52
4-5	N 8°6'31" E	34.10
5-6	N 12°13'57" W	93.48
6-7	N 45°2'21" E	227.87
7-8	N 72°32'55" E	572.18
8-9	N 62°44'35" E	108.55
9-10	N 10°48'38" E	34.22

10-11	N 51°57'50" E	92.52
11-12	N 82°13'10" E	93.43
12-13	N 47°7'4" E	94.71
13-14	N 88°49'9" E	248.03
14-15	N 61°8'16" E	154.73
15-16	S 74°46'39" E	76.60
16-17	N 82°19'52" E	80.34
17-18	N 55°59'0" E	161.59
18-19	N 31°49'36" E	79.10
19-20	N 74°58'52" E	71.61
20-21	N 46°17'32" E	149.66
21-22	N 71°52'18" E	15.46
22-23	S 64°6'2" E	171.41
23-24	S 77°48'30" E	181.88
24-25	S 49°16'39" E	160.93
25-26	S 15°45'47" E	106.42
26-27	S 2°16'17" W	178.86
27-28	S 19°19'7" W	61.27
28-29	S 37°28'52" E	41.21
29-30	S 40°56'14" W	53.52
30-31	S 4°24'8" W	145.35
31-32	S 39°8'30" W	47.62
32-33	S 23°3'26" W	195.20
33-34	S 41°53'28" W	77.42
34-35	S 9°3'10" W	53.79
35-36	S 8°29'4" E	376.39
36-37	S 19°42'26" W	186.09
37-38	S 41°27'39" W	105.96
38-39	S 87°42'37" W	144.12

39-40	S 68°52'43" W	89.46
40-41	N 89°22'54" W	277.23
41-42	N 64°10'18" W	141.81
42-43	N 46°4'42" W	177.09
43-44	N 72°25'50" W	31.27
44-45	N 44°31'23" W	468.74
45-46	N 79°0'56" W	84.96
46-47	S 59°53'11" W	49.83
47-48	S 86°20'31" W	75.35
48-49	S 48°31'32" W	53.13
49-50	S 80°25'23" W	539.73
50-51	N 63°8'41" W	97.97
51-52	N 46°25'43" W	137.28
52-1	N 79°11'23" W	31.69

8. Paragua Watershed                      Situated within the political jurisdictions of two (2) municipalities, namely, Libjo and Tubajon, Province of Dinagat Islands, comprising an area of 2,535.25 hectares, more or less.

The boundaries of **PARAGUA WATERSHED** situated within the political boundaries of the Municipalities of Libjo and Tubajon, Province of Dinagat Islands, comprising an area of **2,535.25 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being N 6°4'20" E, 287.44 M from SRN 22 of PRS 92            (10°11'09.831" lat., 125°33'28.999" long.):

LINE	BEARING	DISTANCE (m)
1-2	S 54°22'58" W	412.10
2-3	N 82°10'10" W	403.77
3-4	N 76°11'1" W	314.09
4-5	N 44°59'55" W	205.06
5-6	N 6°42'40" E	342.35

6-7	N 33°50'2" W	547.78
7-8	N 21°47'38" E	726.86
8-9	N 71°10'20" E	465.05
9-10	N 30°10'30" E	248.70
10-11	N 5°7'52" E	309.90
11-12	N 9°46'53" E	219.54
12-13	N 21°48'10" E	296.19
13-14	N 73°33'10" E	547.41
14-15	N 1°50'56" E	465.25
15-16	N 48°34'40" E	340.08
16-17	N 68°27'28" W	204.27
17-18	N 48°56'38" W	205.55
18-19	N 4°45'54" E	180.63
19-20	N 25°25'42" E	337.72
20-21	N 39°48'25" E	234.31
21-22	N 44°59'55" W	304.06
22-23	S 88°56'26" W	270.05
23-24	N 84°14'10" W	547.78
24-25	N 4°10'18" E	481.28
25-26	N 40°50'30" E	389.94
26-27	N 0°0'5" E	515.01
27-28	N 37°19'21" E	635.03
28-29	N 77°51'1" E	1,144.96
29-30	N 84°2'36" E	905.61
30-31	S 50°8'6" E	631.87
31-32	N 84°20'31" E	557.73
32-33	N 73°29'49" E	422.41
33-34	S 79°11'5" E	453.05
34-35	N 37°27'43" E	485.03

35-36	N 8°31'59" E	165.31
36-37	S 49°50'34" E	628.04
37-38	S 42°42'29" E	265.38
38-39	S 8°59'27" E	444.89
39-40	S 24°57'36" W	410.37
40-41	S 81°27'38" W	549.49
41-42	S 44°46'13" W	692.92
42-43	S 19°12'19" W	471.23
43-44	S 65°13'34" W	1,145.44
44-45	S 32°3'14" W	970.04
45-46	S 46°22'51" E	496.99
46-47	S 2°46'8" E	310.37
47-48	S 41°9'33" E	1,055.97
48-49	S 46°44'13" W	466.91
49-50	S 82°56'57" W	488.70
50-51	S 56°18'41" W	468.73
51-52	S 2°51'40" E	600.76
52-53	S 18°44'34" W	295.68
53-54	S 20°44'29" E	188.10
54-55	S 10°0'46" W	268.18
55-56	S 52°10'50" W	454.84
56-57	S 72°42'19" W	485.13
57-58	N 78°50'6" W	521.92
58-1	N 46°19'46" W	864.74

9. Sambunotan Watershed Situated within the political jurisdiction of the Municipality of Tubajon, Province of Dinagat islands, comprising an area of 2,819.65 hectares, more or less.

The boundaries of **SAMBUNOTAN WATERSHED** situated within the Municipality of Tubajon, Province of Dinagat islands, comprising an area of **2,819.65 hectares**, more or less, are particularly described as follows:

Beginning at a point marked "1" on plan, being S 9°6'12" W, 505.92 M from SRN 18 of PRS 92 (10°18'33.514" lat., 125°35'05.751" long.):

LINE	BEARING	DISTANCE (m)
1-2	S 68°16'30" W	573.92
2-3	N 67°54'57" W	0.41
3-4	N 68°17'59" W	122.62
4-5	N 27°15'50" E	0.29
5-6	N 11°24'32" W	278.69
6-7	N 38°53'36" E	0.10
7-8	N 44°54'6" W	142.59
8-9	N 62°45'31" W	0.16
9-10	S 46°51'32" W	309.84
10-11	N 62°46'11" W	0.07
11-12	S 60°54'56" W	232.92
12-13	N 1°8'36" E	0.06
13-14	N 1°10'17" E	84.68
14-15	N 20°41'10" W	314.68
15-16	N 53°52'49" W	273.96
16-17	N 23°1'14" W	0.12
17-18	N 37°43'23" W	163.32
18-19	N 11°5'19" E	191.68
19-20	N 54°58'9" E	266.76

20-21	N 2°44'24" W	130.58
21-22	N 56°45'18" W	0.13
22-23	N 52°14'39" W	462.70
23-24	S 67°55'51" W	0.30
24-25	N 23°8'17" E	588.63
25-26	N 53°58'44" W	152.03
26-27	N 5°11'12" W	606.09
27-28	N 9°43'0" E	392.70
28-29	N 33°13'3" W	512.91
29-30	N 25°46'41" E	685.53
30-31	N 42°19'31" E	243.35
31-32	N 8°2'41" E	200.84
32-33	N 10°35'3" E	440.55
33-34	N 60°14'46" E	384.17
34-35	S 87°47'3" E	351.06
35-36	S 85°20'15" E	79.50
36-37	N 57°10'14" E	167.30
37-38	S 89°21'4" E	89.62
38-39	N 52°10'23" E	196.01
39-40	S 64°5'33" E	641.38
40-41	S 47°46'7" E	136.96
41-42	S 9°42'25" E	276.10
42-43	S 33°32'56" W	67.74
43-44	S 35°23'15" E	366.44
44-45	S 47°58'58" E	326.20
45-46	S 5°51'47" E	156.80
46-47	S 47°10'36" E	302.58
47-48	S 3°51'9" E	144.76
48-49	S 51°27'57" E	663.26

49-50	S 88°59'37" E	254.05
50-51	N 53°38'46" E	186.54
51-52	N 25°23'45" E	184.59
52-53	N 65°36'23" E	159.05
53-54	S 88°23'44" E	524.59
54-55	N 40°34'42" E	314.37
55-56	N 42°6'14" E	207.99
56-57	N 82°15'55" E	483.49
57-58	S 78°14'23" E	684.64
58-59	S 46°54'37" E	317.88
59-60	S 18°35'30" E	88.85
60-61	S 11°8'38" E	357.19
61-62	S 20°10'8" W	214.11
62-63	S 9°41'43" E	623.05
63-64	S 1°43'6" E	337.02
64-65	S 82°22'26" W	406.15
65-66	S 29°52'11" W	287.47
66-67	S 22°31'34" W	395.69
67-68	S 29°25'9" W	257.18
68-69	S 31°22'3" E	678.71
69-70	S 1°53'45" W	299.50
70-71	S 21°50'45" W	339.59
71-72	S 67°19'7" W	463.40
72-73	S 78°11'39" W	419.86
73-74	S 54°51'57" W	556.09
74-75	S 32°10'16" W	493.49
75-76	S 28°22'14" W	304.85
76-77	S 36°58'20" W	330.47
77-78	S 41°50'43" W	302.98

78-79	S 54°23'37" W	232.43
79-80	N 56°38'47" W	366.10
80-81	N 43°46'34" W	408.02
81-82	N 24°2'28" E	294.96
82-83	N 14°27'9" W	337.44
83-84	N 53°40'21" W	454.03
84-85	S 84°56'5" W	243.72
85-86	N 48°48'40" W	275.51
86-87	N 9°41'16" W	385.61
87-1	N 60°18'15" W	428.87

The technical descriptions provided in this Act shall be subject to ground survey and verification to be conducted by the DENR within ninety (90) days after the effectivity of this Act. Once surveyed and verified on the ground, and incorporating necessary corrections including changes recommended by the PAMB which are supported by sound technical and scientific basis, the Department of Environment and Natural Resources (DENR) shall mark on the ground the boundaries set forth in this Act, which shall not be modified except by an act of Congress.

Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archaeological 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 6. *Buffer Zones.*** Buffer zones surrounding these Protected Areas shall be established pursuant to the NIPAS Act for the purpose of providing an extra peripheral layer of protection around these areas, in which restrictions can apply and communities can assist in repelling threats to these Protected Areas. Such buffer zones shall be managed according to the management plan as herein provided.

### ARTICLE III

#### PROTECTED AREA MANAGEMENT

**SECTION 7. *Management.*** The management and administration of these Protected Areas shall be vested with the Protected Area Management Board (PAMB). The PAMB shall be responsible for the planning, resource protection and general administration of these protected areas in accordance with the approved Management Plan.

**SECTION 8. *Management Plan.*** Within one (1) year from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided in the NIPAS Act, there shall be a Management Plan to be prepared by the Office of the Protected Area Superintendent (PASu) in coordination with the appropriate offices of

the DENR, the local communities, local government units (LGUs), nongovernment and people's organizations, existing operators and experts with socioeconomic, anthropological and ecological experience in the area, which shall serve as the basic long-term framework plan in the management of these protected areas and guide in the preparation of its annual operations plan and budget. It shall contain, among others, the following:

- a. The category of each Protected Area;
- b. Period of applicability of the plan;
- c. Key management issues such as, but not limited to, issuance of tenurial instruments; issuance, screening and approval of all development and land-use activities within the protected areas and its buffer zones; and adequate protection and restoration of endangered species and fragile ecosystems;
- d. Goals and objectives of management in support of Section 2 hereof;
- e. Site management strategies including, but not limited to, establishment of clear and simplified guidelines on activities, consistent with the NIPAS Act and this Act, that shall be allowed within the zones;
- f. Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable use management, infrastructure development and maintenance, fire prevention and pest control;
- g. Zoning plans illustrating the boundaries, classification and management of specific zones and other activities allowed or prohibited for each zone;
- h. Mechanisms for the protection of tenured migrants in the exercise of their rights;
- i. Visitor management programs;
- j. Sustainable and nondestructive livelihood activities; and
- k. Other relevant conservation matters.

The Management Plan shall be reviewed and approved by the PAMB and certified by the Secretary of Environment and Natural Resources. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department of Environment and Natural Resources: *Provided, however,* That the Secretary may revise and modify the protection and conservation plan, after consultation with the PAMB, prior to certification to ensure conformity with the applicable laws, rules and regulations.

## **ARTICLE IV**

### **INSTITUTIONAL MECHANISMS**

**SECTION 9. *Protected Areas Management Board.*** A Protected Areas Management Board (PAMB) is hereby created which shall serve as the highest policy making body and shall have jurisdiction, power and authority over these Protected Areas for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- a. The Regional Executive Director (RED) of DENR Region XIII as Chairperson;
- b. The Provincial Planning and Development Officer of the Province of Dinagat islands, sitting as *ex officio* member;
- c. One (1) representative from the Sangguniang Panlalawigan to be elected among themselves;
- d. The Municipal Mayors of the Municipalities of San Jose, Basilisa, Cagdianao, Dinagat, Libjo, Loreto and Tubajon, or their duly designated representatives;
- e. The barangay captains with territory inside and adjacent to the Protected Area, or their duly designated representatives;
- f. The Regional Director of the Department of Agriculture Region XIII or his authorized representative;
- g. The General Manager of each water district, or their duly designated representative;
- h. At least two (2) representatives from local People's Organizations with stakes in the Protected Areas, chosen from among themselves;
- i. At least three (3) representatives from the local NGOs with stakes in the Protected Areas, chosen from among themselves; and
- j. One (1) representative from government agencies involved in the management of these Protected Areas.
- k. Other stakeholders who can potentially assist and contribute in the protection, preservation, and conservation of these Protected Areas.

In the selection of representatives from POs and NGOs, the following criteria shall be primarily considered:

1. Active involvement in the ecological conservation, preservation, rehabilitation and protection of these Protected Areas;
2. Great potential in community organizing and other developmental works;
3. Favorable track record in community work; and
4. Duly accredited by the concerned LGU and the DENR.

**SECTION 10. Terms of Office of the PAMB Members.** Each member of the PAMB shall serve for a term of five (5) years and shall be considered to represent his or her sector and deemed to carry the vote of such sector in all matters. In the case of members who are government officials, their appointment shall be coterminous with their term of office.

The members of the PAMB shall be appointed by the Secretary of Environment and Natural Resources in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the PAMB shall be nominated from the current members of the interim PAMB.

The members of the PAMB shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in meetings of the PAMB or in connection with other official business authorized by a resolution of the PAMB, subject to existing rules and regulations.

**SECTION 11. *Removal from Office.*** A PAMB member may be removed, for cause and upon majority vote, on the following grounds: (a) More than three (3) consecutive unexcused absences in regular PAMB en banc meetings; (b) Commission of any of the prohibited acts as provided in this Act, the NIPAS Act or other rules and regulations governing protected areas and protected species; 18 (c) Graft and corruption; and (d) Conviction of any criminal offense.

**SECTION 12. *Powers and Functions of the PAMB.*** The PAMB shall decide by majority vote and shall exercise the following powers and functions:

- a. Issue rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth, including the imposition of fines and issuance of cease and desist orders, whenever justified;
- b. Establish criteria and set fees for the regulation, control and issuance of permits for the activities regulated by this Act or the approved Management Plan;
- c. Recommend and approve the establishment and delineation of zones;
- d. Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;
- e. Review, approve and adopt the Management Plan;
- f. Control and supervise the Office of the PASu;
- g. Request assistance from any government agency, office, board, private or public person for the enforcement of the laws, rules and regulations adopted pursuant to this Act;
- h. Accept donations, approve proposals for funding and budget allocation and exercise accountability over all funds that may accrue to the PA;
- i. Retain legal counsel, either on a permanent or temporary basis, to provide legal assistance to the PAMB and the PASu staff whenever they are sued in connection with the performance of their duties under this Act;
- j. Initiate and file suits against persons or entities whose business or activities are detrimental to these Protected Areas.

The Secretary, through the RED, shall exercise authority over the PAMB to ensure that it exercises its authority within the scope of its powers and functions. In case of conflict between administrative orders of national application issued by the DENR pursuant to the NIPAS Act and the rules and regulations issued by the PAMB, the PAMB shall notify the Secretary who shall resolve such conflict.

**SECTION 13. *The Protected Area Superintendent Office.*** There is hereby established an Office of the Protected Area Superintendent (PASu) within the DENR Region XIII office who shall be in charge of the management, protection and

administration of these Protected Areas. The PASu shall be supported by the existing personnel of the Department of Environment and Natural Resources and shall serve as the chief operating officer of these protected areas. The Pasu shall be directly accountable to the Regional Executive Director of DENR XIII and the PAMB.

**SECTION 14. Powers and Functions of the PASu.** The PASu shall have full responsibility for the protection of land, water, wildlife and other natural physical and biological resources within these Protected Areas. As such, the PASu shall have the following powers and functions in addition to those provided under the NIPAS Act and its implementing rules and regulations:

1. Prepare the management and successor plans as herein provided;
2. Serve as the Secretariat for the PAMB with duty to provide the PAMB with all the information necessary for it to make appropriate decisions for the implementation of this Act;
3. Hire and supervise the necessary personnel to support operations as the budget allocated in this Act by the PAMB and by the DENR may allow;
4. Establish a productive partnership with the local community, including groups interested in the achievement of the herein goals and objectives, in the planning, protection and management of the protected area;
5. Develop and implement park information, education and visitor programs;
6. Enforce the laws, rules and regulations relevant to the protected area and its buffer zones and assist in the prosecution of offenses;
7. Monitor all activities within the protected area and its buffer zones to ensure compliance with the management plan;
8. Prepare an annual accomplishment report on all activities undertaken in the Protected Areas for PAMB review and submission to the DENR Secretary; and
9. Perform such other functions as the PAMB may assign.

The PASu shall be supported by a sufficient number of personnel who shall be performing day-to-day management, protection and administration of these Protected Areas. The PASu may, as necessary, delegate authority granted in this Section to his staff.

## **ARTICLE V**

### **TENURED MIGRANTS**

**SECTION 15. Tenured Migrants and Transient Farmers.** Tenured migrants shall be eligible to become stewards of portions of lands within the allowed and designated zones from which they may derive subsistence. The PAMB shall identify, verify and review all tenure instruments, land claims and permits for resource use and recommend the issuance of the appropriate tenure instrument consistent with the land classification, allowed resource use and zoning provided in the management plan.

Nothing in this Act shall be construed to mean any diminution of accrued rights earned by tenured migrants. However, tenured migrants occupying areas which may be

designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development shall be transferred to multiple-use zones or buffer zones, to be accomplished through just and humane means.

To effectively provide a social fence to prevent encroachment into the Protected Area, the tenurial instruments to be issued pursuant to this Act must be community-based, limited solely to multiple-use zones, promote clustering, and comply with the zoning and Management Plan, as provided herein. In no case shall the tenurial instruments or the rights and interests therein be transferred, sold, leased, encumbered, or made as a collateral, security or joint venture capital, otherwise it shall be void: *Provided*, That said rights can only be transferred to direct descendants. Any violation of the terms and conditions of the tenurial instrument or any provision of this Act or abandonment by a tenured migrant shall constitute sufficient ground for the revocation of his/her tenurial right.

In the event of termination of a tenure instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Other occupants who do not qualify as tenured migrants shall be resettled outside the Protected Area as determined by the PAMB. The PAMB shall determine, plan and implement a definite schedule for resettling them outside of the Protected Area following the procedures set forth by existing law.

All private rights within the protected area shall be protected in accordance with existing laws.

## ARTICLE VI

### PROHIBITED ACTS AND PENALTIES

**SECTION 16. *Prohibited Acts and Penalties.*** – The following are the applicable prohibitions and penalties, in addition to the prohibited acts as provided in the NIPAS Act and its pertinent rules and regulations:

1. The penalties in Articles 309 and 310 of the Revised Penal Code, depending on the value of the resources involved in connection with the prohibited act, shall be imposed upon any person who:
  - a. Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within particularly identified regulated or prohibited zones within the PA including private lands without the necessary permit, authorization or exemption: *Provided*, That such permits shall only be given for scientific research purposes only;
  - b. Cuts, gathers, removes or collects timber or any forest products, within particularly identified regulated or prohibited areas or zones within the PA including private lands without the necessary permit, authorization or exemption *Provided*, That such permits shall only be given for scientific research purposes only;
  - c. Possesses or transports, within or outside the PA any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna, or by-

product derived therefrom which is ascertained to have been taken from the Protected Area;

- d. Undertakes mineral exploration, extraction, drilling or prospecting within the PA;
  - e. Engages in quarrying of sand, gravel, guano, limestone or any material within the PA;
  - f. Hunts, collects, removes or destroys any endangered or protected species, except when collection or removal is for scientific research and exempted from the prohibition by the PAMB;
  - g. Conducts bioprospecting within the PA without prior PAMB approval in accordance with existing guidelines; or
  - h. Establishes or introduces exotic species within the PA which are detrimental to endemic species or without prior PAMB approval.
2. A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00) and/or imprisonment from one year but not more than six years shall be imposed upon any person who:
- a. Violates any rules and regulations in the Management Plan or by the PAMB or agreements reached before the PAMB in the exercise of adjudicative functions;
  - b. Erects any structure on land or on water for any purpose outside the management plan: *Provided*, That large-scale private infrastructure and other projects such as medium to high density residential subdivisions, medium to large commercial and industrial establishments, golf courses, heavily mechanized commercial and nontraditional farming, and other activities that cause increased in-migration, pollution and resource degradation are absolutely prohibited;
  - c. Possesses a chainsaw, hacksaw and other mechanized equipment within the PA without a permit;
  - d. Throws, dumps or causes to be dumped into the PA any non-biodegradable material or waste whether liquid, solid or gas;
  - e. Uses, dumps, places or causes to be placed into the PA toxic chemicals, including pesticides and other hazardous substances, unless the same is expressly allowed in the protection and conservation plan;
  - f. Prospects, hunts or otherwise locates hidden treasures within the PA;
  - g. Informally occupies or dwells in any land within the PA without clearance from the PAMB;
  - h. Possesses or uses blasting caps or explosives anywhere within the PA;

- i. Destroys, excavates, vandalizes or, in any manner, damages any natural formation on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic value;
- j. Alters, removes or destroys boundary marks or signs;
- k. Engages in kaingin or, in any manner, causing forest fires inside the PA;  
or
- l. Purchases or sells, mortgages or leases lands or other portions of the PA which are covered by any tenurial instrument.

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

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

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject however to due process and substantial evidence requirements. When legal action is however filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the PA Fund. Procedure for the sale thereof shall be promulgated by the PAMB. 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 PASu Office for release in its natural habitat, subject to existing regulations.

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

Conviction for any offense under this Act of a public officer or officer of the law shall carry the accessory penalty of perpetual disqualification from public office.

**SECTION 17. *Special Prosecutor and Retained Counsel.*** Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be assigned. The special prosecutor shall coordinate with the CCPL-PAMB and the PASu in the performance of his/ her duties and assist in the training of wardens and rangers in arrest and criminal procedures.

The CCPL-PAMB may retain the services of a counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the CCPL-PAMB, the PASu and the staff, or any person assisting in the protection, conservation and sustainable

development of the PA, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

## ARTICLE VII

### DINAGAT ISLANDS PROTECTED AREA FUND

**SECTION 18. *Dinagat Islands Protected Area Fund.*** A trust fund is hereby established to be known as the Dinagat Islands Protected Area Fund for purposes of financing projects of these Protected Areas. Seventy-five percent (75%) of the income generated from the operations or the management of these Protected Areas shall accrue to the fund. The remaining twenty-five percent (25%) shall go to the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

Income shall be derived from visitor/tourist fee, fees from permitted sale and export of flora and fauna and other resources from these Protected Areas, proceeds from the registration and lease of multiple-use areas, including tourism concessions, fees, proceeds and contributions from industries and facilities directly benefiting from these Protected Areas, and such other fees and income derived from the operation of these Protected Areas.

The PAMB may impose and charge reasonable fees such as, but not limited to, water users fee for water extracted by commercial water extractors/distributors sourced and generated from the PA. Such fee structure may change as the PAMB may see fit.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the 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 endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits and rentals of LGU facilities: *Provided*, That the LGUs shall not impose property tax and issue tax declaration for areas or properties located within the PA. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the PA.

## ARTICLE VIII

### APPROPRIATIONS, TRANSITORY AND MISCELLANEOUS PROVISIONS

**SECTION 19. *Appropriations.*** The Secretary of Environment and Natural Resources shall immediately include in the Department's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

**SECTION 20. *Construction.*** The provisions of this Act shall be construed liberally in favor of achieving biodiversity, conservation, environmental protection and sustainable development, taking into account the needs and interests of qualified tenured migrants, for present and future Filipino generations.

**SECTION 21. *Supplementary Application of NIPAS and ENIPAS Act.*** The provisions of Republic Act No. 7586, or the "National Integrated Protected Areas System Act of 1992", as amended by Republic Act No. 11038, or the "Expanded National Integrated Protected Areas System Act of 2018" shall have supplementary application to this Act.

**SECTION 22. *Implementing Rules and Regulations, Consultation with Local Government Units and Concerned National Agencies.*** Within ninety (90) days from the effectivity of this Act, the Secretary of the DENR shall, in consultation with local governments of the Municipalities of Basilisa, Cagdianao, Libjo, Loreto, San Jose, and Tubajon, the provincial government of Dinagat Islands, and concerned national government agencies, issue the corresponding rules and regulations for the effective implementation of this Act.

**SECTION 23. *Transitory Provisions.*** In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within these Protected Areas until the Management Plan shall have been put into effect.

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

**SECTION 24. *Separability Clause.*** If any provision of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

**SECTION 25. *Repealing Clause.*** All laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

**SECTION 26. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation readily available in the area and around the scope specified hereunder. It shall likewise be posted in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area.

*Approved.*