

THIRTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

5 JUN 20 P1:55

SENATE

RECEIVED BY: 

S.B. NO. 2059

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

"Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realize that we cannot eat money."

So goes the Cree Indian saying. Conservation of the earth's biological diversity is steadily being recognized as the most fundamental of all environmental issues, and its preservation as the most important challenge of the 21st century.

Our own Philippine ecosystem is the "hottest" among the bio-diversity "hotspots" because it has the most number of species per square kilometer of territory, but unfortunately, the rate of habitat destruction in our country is also one of the highest in the world.

In 1996, the National Biodiversity Strategy and Action Plan (NBSAP) was formulated to address biodiversity protection. One of the strategies is the establishment of Protected Areas (PA), globally considered as one of the most effective strategy for preserving and conserving biological diversity.

As a strategic preventive and conservation measure, this bill seeks to provide for the establishment of the Casecnan Protected Landscape (CPL) as a protected area, which is part of the Sierra Madre Mountain Range, the Caraballo Mountain and Mamparang Mountains. The CPL is home to various wildlife resources, some of which are unique and endangered species like the Philippine Eagle, Hornbill, Kingfisher, Philippine deer, cloud rat and wild pig.

The CPL area has undergone several proclamations: **Republic Act 573** (30 June 1975) which proclaimed the entire province of Nueva Vizcaya as a watershed; **Proclamation No. 1498** (11 September 1975) which proclaimed the Conwap Valley as Resettlement Project under DAR covering the barangays of La Conwap and Yabbi of Nagtipunan, Quirino; the barangays of Gino-diayan, Guinguin and Binuangan of Dupax Del Norte, Nueva Vizcaya; **Proclamation No. 36** (11 August 1987) which created the Casecnan River Watershed Forest Reserve which covers the provinces of Nueva Vizcaya, and part of the provinces of Quirino and Aurora and recently, **Proclamation No. 289** (23 April 2000), which declared the Casecnan River Watershed Forest Reserve as Casecnan Protected Landscape.

This imperative piece of legislation would supplement Republic Act No. 7586 or the National Integrated Protected Areas System Act and would also be a noteworthy compliance with our country's international commitments. Furthermore, its passage will be a major leap towards the sustainable development and management of our national ecological treasures, as the bill seeks to respond and balance the objectives of biodiversity and the needs of the upland and lowland residents in and around the protected and buffer areas.

With this, I urge my colleagues to rally for the immediate passage of the bill.


EDGARDO J. ANGARA
Senator

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AN ACT TO ESTABLISH THE CASECNAN PROTECTED LANDSCAPE LOCATED WITHIN THE MUNICIPALITIES OF DUPAX DEL NORTE, DUPAX DEL SUR AND ALFONSO CASTAÑEDA, PROVINCE OF NUEVA VIZCAYA, MUNICIPALITY OF NAGTIPUNAN, PROVINCE OF QUIRINO AND MUNICIPALITIES OF MARIA AURORA AND DIPACULAO, PROVINCE OF AURORA AS A PROTECTED AREA AND FOR OTHER PURPOSES.

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES.

1 **SECTION 1. Short Title.** This Act shall be known as the ***“The Casecnan***
2 ***Protected Landscape (CPL) Act of 2005.”***
3
4

5 **Section 2. Declaration of Policy.** Recognizing the importance of the
6 Casecnan River which supports major irrigation project and hydroelectric power
7 pant as well as the domestic water requirements of the communities within and
8 nearby the area, the valuable ecosystems such as the remaining forests, grasslands,
9 agricultural lands, wetlands and riverine ecosystem, cultural and economic
10 significance to the country, the State declares the policy to ensure the protection,
11 preservation and rehabilitation of the Casecnan Protected Landscape, its
12 communities, their culture and way of life as they are in harmony with nature and
13 not detrimental to the ecological features and biodiversity of the area.
14

15 Thus, the State shall ensure the management of the CPL through holistic and
16 participatory approach toward biodiversity conservation and sustainable
17 development, to promote and protect the interest of the inhabitants and recognize
18 the customary laws consistent with Republic Act No. 7586 or the National
19 Integrated Protected Areas System (NIPAS) Act of 1992 and Republic Act No. 8371
20 or the Indigenous People Rights Act (IPRA) of 1997, and such other international
21 conventions to which the Philippines is a signatory.
22

1
2 **Sec. 3. Category.** The area is characterized with various human, economic
3 and ecological interactions which has potential for recreational and tourism
4 activities. Based on the protected area suitability assessment undertaken in the area,
5 CPL is categorized as a protected landscape.

6
7 Significant features sustaining the said category are rivers and creeks that
8 drain to the major rivers, the Cagayan and Casecan, which was diverted to support
9 irrigation and generate hydro-power electricity. Likewise, the CPL's three important
10 mountains, namely: Sierra Madre, Caraballo and Mamparang are unique and have
11 rich biodiversity.

12
13
14 **Sec. 4. Definitions.** For purposes of this Act:

- 15
16 (a) **"Biodiversity"** shall refer to the variety and variability among all living
17 organisms and the ecological complexes in which they occur;
18
19 (b) **"Buffer zone"** shall refer to identifies areas outside the boundaries of and
20 immediately adjacent to the CPL pursuant to the management plan;
21
22 (c) **"Collection"** shall refer to the act of gathering, harvesting or catching
23 wildlife, or the taking of any of its parts, derivatives or by-products;
24
25 (d) **"Commercial"** shall refer to market sales in volume or value in excess of that
26 required to maintain a basic subsistence for workers and their dependents;
27
28 (e) **"Consultation"** shall refer to a meeting or dialogue with the concerned or
29 affected individuals, agencies and organizations within and outside the CPL
30 designed to identify and resolve issues and problems affecting them in
31 relation to the protection, conservation and sustainable development of the
32 CPL;
33
34 (f) **"Cultural Zone"** shall refer to areas with significant cultural, religious,
35 spiritual or anthropological values where traditional rights exist and
36 ceremonies and/or cultural practices take place;
37
38 (g) **"Department of Environment and Natural Resources (DENR)"** refers to the
39 government agency created pursuant to Executive Order No. 192;
40
41 (h) **"Endangered species"** shall refer to species or subspecies of plants or animals
42 whose populations are in danger of extinction and whose survival is unlikely
43 if the casual factors continue operating;
44
45 (i) **"Endemic species"** shall refer to species or subspecies of plants or animals
46 which have limited distribution, often within the geographic limits of the
47 State;
48
49 (j) **"Exotic species"** shall refer to species or subspecies that do not naturally
50 occur within the biogeographic region of the CPL at present or in historical
51 time;
52
53 (k) **"Exploration"** shall refer to searching or prospecting for mineral resources, as
54 defined by law, by geological, geo-chemical or geo-physical surveys, remote

- 1 sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other
2 means for the purpose of determining the existence, extent, quantity and
3 quality thereof and the feasibility of mining them for profit;
4
- 5 (l) **“Exploitation”** shall refer to any mode of use, extraction, development,
6 utilization or disposition of resources, for whatever purpose, whether
7 commercial or otherwise;
8
- 9 (m) **“General Management Plan (GMP)”** is the basic long-term framework plan in
10 the management of the protected area and as guide in the preparation of the
11 annual operations plans and budget;
12
- 13 (n) **“General Management Plan and Strategy (GMPS)”** is the guide in the
14 formulation site specific management plans including buffer zones;
15
- 16 (o) **“Habitat Management Zone”** shall refer to areas with significant habitat and
17 species values where management practices are required periodically to
18 maintain specific non-climax habitat types or conditions required by rare,
19 threatened or endangered species;
20
- 21 (p) **“Indigenous Peoples”** shall refer to people sharing common bonds of
22 language, customs, traditions and other distinctive cultural traits and who
23 have since time immemorial occupied, proceeds and utilized the resources
24 of CPL;
25
- 26 (q) **“Indigenous species”** shall refer to native Philippine species and/or
27 subspecies with an existing or historical natural occurrence and distribution
28 within the CPL and its buffer zones;
29
- 30 (r) **“IPRA”** shall refer to Republic Act No. 8371 or the Indigenous Peoples Right
31 Act and its pertinent rules and regulations;
32
- 33 (s) **“Integrated Protected Area Fund (IPAF)”** is a trust fund established for the
34 purpose of financing projects of the system;
35
- 36 (t) **“Large-scale infrastructure projects”** shall refer to major port facilities, major
37 highways, tall edifices, major dams and the like;
38
- 39 (u) **“Management Manual”** is an individual management plan, continuing basic
40 background information, filed inventory of the resources area, assessment of
41 assets and limitations regional interrelationships objectives for managing the
42 area, appropriate division of the area into management zones, boundaries
43 and design of the management programs;
44
- 45 (v) **“Multiple Use Zone”** refers to areas where settlement, traditional and/or
46 sustainable land use, including agriculture, agro-forestry, extraction activities
47 and other income-generating or livelihood activities, may be allowed as
48 prescribed in the management plan. Land tenure may be granted to tenures
49 residents whether indigenous peoples or migrants;
50
- 51 (w) **“NIPAS Act”** shall refer to Republic Act No. 7586 or the National Integrated
52 Protected Areas System Act of 1992 and its pertinent rules and regulations;
53

- 1 (x) **“Non-government organization (NGO)”** shall refer to any duly registered
2 civic, development, conservation or philanthropic, non-stock, non-profit
3 organization, and multi-sectoral in character;
4
- 5 (y) **“Non-renewable resources”** shall refer to those resources within the CPL and
6 its buffer zones, the natural replenishment rate of which is not known;
7
- 8 (z) **“Protected Area Superintendent (PASu)”** is the chief operating DENR officer
9 of the CPL;
10
- 11 (aa) **“Protected Area Management Board (PAMB)”** shall refer to the site-based
12 decision making body responsible in the planning, regulation, resources
13 protection and general administration of the area in accordance with the
14 general management plan;
15
- 16 (bb) **“People’s Organization (PO)”** shall refer to any organized group of people
17 residing within the CPL and its buffer zones formed to advance the interests
18 of the sector they represent which does not necessarily have by-laws;
19
- 20 (cc) **“Protected Area (PA)”** shall refer to identified portions of land and water set
21 aside by reason of their unique physical and biological significance,
22 managed to enhance biological diversity and protected against destructive
23 human exploitation, and unless the context otherwise provides shall refer to
24 the CPL;
25
- 26 (dd) **“Protected Landscape”** shall refer to areas of national significance which are
27 characterized by the harmonious interaction of man and land while
28 providing opportunities for public enjoyment through recreation and tourism
29 within the normal lifestyle and economic activity of the area;
30
- 31 (ee) **“Protected species”** shall refer to any plant or animal that is declared
32 ‘protected’ under Philippine laws, rules and regulations. These also include
33 all plants and animals listed under Convention of International Trade of
34 Endangered Species (CITES) and all its Annexes, the Bonn Convention on
35 Migratory Animals, those specified under the red-list categories of the
36 International Union for the Conservation of nature (IUCN), and those species
37 which may not be considered threatened elsewhere but are in danger of
38 extinction within the CPL as determined by the PAMB;
39
- 40 (ff) **“Quarrying”** shall refer to the process of extracting, removing and disposing
41 quarry resources, as defined by law, found on or underneath the surface of
42 private or public land;
43
- 44 (gg) **“Recreational zones”** shall refer to areas of high recreational, tourism,
45 educational or environmental awareness values where sustainable eco-
46 tourism, recreational, conservation, education or public awareness activities
47 may be allowed as prescribed in the management plan;
48
- 49 (hh) **“Special Use Zone”** shall refer to areas containing existing installation of
50 national significance, such as telecommunication facilities, irrigation canals
51 and power lines. These installations may be retained subject to mutual
52 agreements among concerned parties provided such installations will not
53 violate any of the prohibitions contained in Section 20 of NIPAS Act;
54

- 1 (ii) **“Strict Protection Zone”** shall refer to areas with high biodiversity value
2 which shall be closed to all human activity except for scientific studies and/or
3 ceremonial or religious use by indigenous communities;
4
- 5 (jj) **“Sustainable use zone”** shall refer to the use of components of biological
6 diversity in a way and at a rate that does not lead to the decline of the
7 species used and not causing permanent or long-term diminishment or
8 qualitative degradation of biological species, ecological functions or of other
9 resources extracted or disturbed, thereby maintaining its potential to meet the
10 needs and aspirations of the present and future Filipino generations;
11
- 12 (kk) **“Tenured migrants”** shall refer to any person within, who has actually and
13 continuously occupied an area of the CPL for five (5) years prior to June 29,
14 1994 and are solely dependent therein for subsistence;
15
- 16 (ll) **“Traditional”** shall refer to using no power machinery resource in extraction
17 process and consistent with historically customary techniques of production;
18
- 19 (mm) **“Wildlife”** shall refer to wild forms and varieties of flora and fauna,
20 including captive-bred or propagated individuals, parts, derivatives and by-
21 products thereof;
22
- 23 (nn) **“Zones”** shall refer to the divisions within the CPL established into levels of
24 protection and permitted use of natural resources such as strict protection
25 zone, sustainable use zone, restoration zone, habitat management zone,
26 multiple-use zone, cultural zone, recreational zone and special use zone, as
27 provided under existing rules and regulations and appropriate land uses.
28
29

30 **Sec. 5. Scope.** Pursuant to and in accordance with the NIPAS Act, the
31 Casecnan Protected Landscape (CPL) is hereby declared and established as a
32 protected area and part of the National Integrated Protected Area Systems under the
33 category of protected landscape as defined herein. This expands the protected area
34 to include forest cover and a buffer zone of not more than one (1) kilometer along
35 the boundaries subject to actual geo-physical situation, private rights and without
36 prejudice to the rights of the indigenous peoples as provided in the Republic Act
37 No. 8371.
38

39 The protected area boundaries shall be as follows:
40

41 Beginning at corner “1,” a point located N 42° 15’ E, about 1,925.0 meters
42 from the junction of Casecnan River and Tayabong River and with a 121°27’03”
43 Longitude and 16°02’52” Latitude in the Province of Quirino;
44

45	Thence	S 68° 00’ E,	324.10 meters	to point 1;
46	Thence	Due East	449.00 meters	to point 2;
47	Thence	S 41°13’E	695.80 meters	to point 3;
48	Thence	N 81°24’E,	499.30 meters	to point 4;
49	Thence	N 84°57’E,	848.70 meters	to point 5;
50	Thence	N 54°43’E,	551.10 meters	to point 6;
51	Thence	N 84°57’E,	823.70 meters	to point 7;
52	Thence	N 12°52’E,	302.60 meters	to point 8;
53	Thence	N 52°42’E,	200.50 meters	to point 9;
54	Thence	S 71°38’E,	249.40 meters	to point 10;

1	Thence	N 40 ⁰ 12'E,	452.10 meters	to point 11;
2	Thence	S 89 ⁰ 30'E,	449.00 meters	to point 12;
3	Thence	S 33 ⁰ 12E,	198.60 meters	to point 13;
4	Thence	S 88 ⁰ 31'E,	274.60 meters	to point 14;
5	Thence	S 17 ⁰ 07'E,	991.40 meters	to point 15;
6	Thence	S 81 ⁰ 04'E,	399.30 meters	to point 16;
7	Thence	S 48 ⁰ 13'E	348.20 meters	to point 17;
8	Thence	S 72 ⁰ 23'E,	499.00 meters	to point 18;
9	Thence	S 17 ⁰ 38'E,	1,487.20 meters	to point 19;
10	Thence	S 56 ⁰ 27'E,	622.50 meters	to point 20;
11	Thence	S 19 ⁰ 08'E,	421.40 meters	to point 21;
12	Thence	S 43 ⁰ 19'E	995.80 meters	to point 22;
13	Thence	S 37 ⁰ 28'E,	1,192.30 meters	to point 23;
14	Thence	S 35 ⁰ 12'E,	620.80 meters	to point 24;
15	Thence	S 47 ⁰ 18'E,	671.50 meters	to point 25;
16	Thence	S 40 ⁰ 28'E,	447.30 meters	to point 26;
17	Thence	S 02 ⁰ 16'W,	1,136.40 meters	to point 27;
18	Thence	S 29 ⁰ 46'W,	1,241.80 meters	to point 28;
19	Thence	S 18 ⁰ 41'W,	942.30 meters	to point 29;
20	Thence	S 40 ⁰ 48'W,	1,194.40 meters	to point 30;
21	Thence	S 80 ⁰ 06'W,	1,001.30 meters	to point 31;
22	Thence	S 60 ⁰ 01'W,	1,198.60 meters	to point 32;
23	Thence	S 42 ⁰ 49'W,	1,045.50 meters	to point 33;
24	Thence	S 21 ⁰ 58'W,	694.60 meters	to point 34;
25	Thence	N 81 ⁰ 56'W,	1,602.80 meters	to point 35;
26	Thence	S 14 ⁰ 09'W,	669.20 meters	to point 36;
27	Thence	S 09 ⁰ 04'E,	1,065.30 meters	to point 37;
28	Thence	S 26 ⁰ 25'W,	819.20 meters	to point 38;
29	Thence	S 72 ⁰ 11'W,	650.40 meters	to point 39;
30	Thence	S 82 ⁰ 05'W,	350.50 meters	to point 40;
31	Thence	S 56 ⁰ 32'W,	399.30 meters	to point 41;
32	Thence	S 35 ⁰ 18'W,	1,491.50 meters	to point 42;
33	Thence	S 71 ⁰ 11'W,	1,800.80 meters	to point 43;
34	Thence	N 66 ⁰ 51'W,	802.20 meters	to point 44;
35	Thence	N 78 ⁰ 25'W,	751.40 meters	to point 45;
36	Thence	N 37 ⁰ 47'W,	1,912.10 meters	to point 46;
37	Thence	N 82 ⁰ 12'W,	701.20 meters	to point 47;
38	Thence	S 50 ⁰ 48'W,	872.60 meters	to point 48;
39	Thence	S 77 ⁰ 38'W,	2,327.50 meters	to point 49;
40	Thence	S 67 ⁰ 13'W,	1,549.90 meters	to point 50;
41	Thence	S 23 ⁰ 13'W,	570.60 meters	to point 51;
42	Thence	S 05 ⁰ 03'W,	1,213.80 meters	to point 52;
43	Thence	S 46 ⁰ 19'W,	622.70 meters	to point 53;
44	Thence	S 75 ⁰ 09'W,	1,651.40 meters	to point 54;
45	Thence	S 51 ⁰ 48'W,	1,471.20 meters	to point 55;
46	Thence	N 71 ⁰ 52'W,	1,453.40 meters	to point 56;
47	Thence	N 83 ⁰ 57'W,	926.60 meters	to point 57;
48	Thence	S 80 ⁰ 21'W,	700.90 meters	to point 58;
49	Thence	N 18 ⁰ 07'W,	1,008.50 meters	to point 59;
50	Thence	N 53 ⁰ 48'W,	1,305.50 meters	to point 60;
51	Thence	N 86 ⁰ 13'W,	901.50 meters	to point 61;
52	Thence	N 34 ⁰ 48'W,	1,409.40 meters	to point 62;
53	Thence	N 25 ⁰ 05'W,	1,461.40 meters	to point 63;
54	Thence	N 74 ⁰ 53'W,	1,177.50 meters	to point 64;

1	Thence	N 47°47'W,	2,010.10 meters	to point 65;
2	Thence	N 24°35'W,	1,234.70 meters	to point 66;
3	Thence	N 64°50'W,	476.40 meters	to point 67;
4	Thence	N 37°47'W,	427.70 meters	to point 68;
5	Thence	N 42°47'W,	452.60 meters	to point 69;
6	Thence	N 75°54'W,	501.00 meters	to point 70;
7	Thence	S 74°40'W,	600.50 meters	to point 71;
8	Thence	N 02°59'W,	1,665.20 meters	to point 72;
9	Thence	Due North,	1,690.00 meters	to point 73;
10	Thence	N 36°47'W,	1,207.80 meters	to point 74;
11	Thence	N 75°43'W,	1,327.70 meters	to point 75;
12	Thence	N 42°17'W,	905.20 meters	to point 76;
13	Thence	N 22°51'W,	428.40 meters	to point 77;
14	Thence	Due North,	529.80 meters	to point 78;
15	Thence	N 46°47'W,	904.60 meters	to point 79;
16	Thence	N 30°34'W,	1,561.20 meters	to point 80;
17	Thence	N 34°48'W,	1,711.40 meters	to point 81;
18	Thence	N 03°43'W,	756.90 meters	to point 82;
19	Thence	N 27°49'W,	881.60 meters	to point 83;
20	Thence	N 10°53'W,	1,261.10 meters	to point 84;
21	Thence	N 26°49'W,	554.20 meters	to point 85;
22	Thence	N 09°54'W,	756.70 meters	to point 86;
23	Thence	N 31°43'W,	578.60 meters	to point 87;
24	Thence	N 52°02'W,	351.60 meters	to point 88;
25	Thence	N 77°55'W,	776.50 meters	to point 89;
26	Thence	N 37°17'W,	1,232.90 meters	to point 90;
27	Thence	S 43°47'W,	1,256.90 meters	to point 91;
28	Thence	N 40°02'W,	1,006.10 meters	to point 92;
29	Thence	N 87°59'W,	2,353.80 meters	to point 93;
30	Thence	N 53°48'W,	527.20 meters	to point 94;
31	Thence	Due West	801.30 meters	to point 95;
32	Thence	N 49°47'W,	653.10 meters	to point 96;
33	Thence	N 05°26'E,	577.30 meters	to point 97;
34	Thence	Due North,	454.20 meters	to point 98;
35	Thence	N 17°49'E,	478.90 meters	to point 99;
36	Thence	N 09°56'W,	782.00 meters	to point 100;
37	Thence	N 36°47'W,	1,333.60 meters	to point 101;
38	Thence	Due North,	428.90 meters	to point 102;
39	Thence	N 35°42'E,	930.10 meters	to point 103;
40	Thence	N 27°45'E,	654.50 meters	to point 104;
41	Thence	N 47°27'E,	1,379.60 meters	to point 105;
42	Thence	Due North,	353.20 meters	to point 106;
43	Thence	N 28°44'E,	1,006.70 meters	to point 107;
44	Thence	N 28°14'E,	453.00 meters	to point 108;
45	Thence	N 75°51'E,	674.30 meters	to point 109;
46	Thence	N 55°43'E,	1,152.10 meters	to point 110;
47	Thence	N 37°12'E,	402.10 meters	to point 111;
48	Thence	S 88°29'E,	848.60 meters	to point 112;
49	Thence	S 68°24'E,	473.70 meters	to point 113;
50	Thence	N 85°57'W,	349.50 meters	to point 114;
51	Thence	N 56°43'E,	1,277.10 meters	to point 115;
52	Thence	N 38°42'W,	854.20 meters	to point 116;
53	Thence	N 23°46'E,	1,259.30 meters	to point 117;
54	Thence	N 06°57'W,	782.10 meters	to point 118;

1	Thence	N 18°49'E,	705.50 meters	to point 119;
2	Thence	N 64°46'E,	775.30 meters	to point 120;
3	Thence	N 08°39'E,	630.60 meters	to point 121;
4	Thence	N 03°58'W,	504.60 meters	to point 122;
5	Thence	N 14°51'E,	655.50 meters	to point 123;
6	Thence	N 13°09'W,	554.90 meters	to point 124;
7	Thence	N 35°42'E,	477.60 meters	to point 125;
8	Thence	N 81°55'E,	674.10 meters	to point 126;
9	Thence	S 47°13'E,	994.10 meters	to point 127;
10	Thence	N 82°04'E,	349.40 meters	to point 128;
11	Thence	N 59°44'E,	775.90 meters	to point 129;
12	Thence	S 88°59'E,	1,048.30 meters	to point 130;
13	Thence	N 264°45'E,	1,183.20 meters	to point 131;
14	Thence	N 43°41'E,	702.80 meters	to point 132;
15	Thence	S 55°57'E,	572.70 meters	to point 133;
16	Thence	S 12°51'E,	669.00 meters	to point 134;
17	Thence	S 32°57'E,	695.10 meters	to point 135;
18	Thence	S 59°12'E,	1,693.80 meters	to point 136;
19	Thence	S 80°34E,	424.20 meters	to point 137;
20	Thence	N 78°53'E,	724.10 meters	to point 138;
21	Thence	S 79°05'E,	823.50 meters	to point 139;
22	Thence	S 21°10'E,	620.10 meters	to point 140;
23	Thence	S 64°10'E,	847.40 meters	to point 141;
24	Thence	S 26°10'E,	818.60 meters	to point 142;
25	Thence	S 04°48'W,	941.30 meters	to point 143;
26	Thence	S 12°38'W,	991.30 meters	to point 144;
27	Thence	S 02°01'E,	792.60 meters	to point 145;
28	Thence	S 25°10'E,	396.90 meters	to point 146;
29	Thence	S 06°04'W,	371.60 meters	to point 147;
30	Thence	S 46°43'E,	497.40 meters	to point 148;
31	Thence	S 09°44'E,	693.70 meters	to point 149;
32	Thence	S 31°42'E,	620.50 meters	to point 150;
33	Thence	S 18°38'E,	718.90 meters	to point 151;
34	Thence	S 23°13'W,	297.70 meters	to point 152;
35	Thence	N 79°56W,	1,001.80 meters	to point 153;
36	Thence	N 66°51'W,	1,228.10 meters	to point 154;
37	Thence	N 22°21'W,	1,083.40 meters	to point 155;
38	Thence	N 78°25'W,	325.60 meters	to point 156;
39	Thence	S 04°02'E,	544.90 meters	to point 157;
40	Thence	S 09°06'W,	396.40 meters	to point 158;
41	Thence	S 17°53'°E,	818.00 meters	to point 159;
42	Thence	S 03°02'W,	544.90 meters	to point 160;
43	Thence	S 47°19'W,	956.7Q meters	to point 161;
44	Thence	Due South,	371.50 meters	to point 162;
45	Thence	S 32°12'E,	695.00 meters	to point 163;
46	Thence	S42°13'E,	1,391.90 meters	to point 164;
47	Thence	S 66°10'E,	423.80 meters	to point 165;
48	Thence	S 05°48'E,	619.20 meters	to point 166;
49	Thence	S 19°42'W,	868.00 meters	to point 167;
50	Thence	Due South,	619.20 meters	to point 168;
51	Thence	S 10°35'E,	729.80 meters	to point 169;
52	Thence	S 43°43'E,	348.00 meters	to point 170;
53	Thence	S 84°18'E,	374.40 meters	to point 171;
54	Thence	S 48°43'E,	373.10 meters	to point 172;

1	Thence	S 15°25'W,	1,561.60 meters	to point 173;
2	Thence	S 18°08'E,	941.90 meters	to point 174;
3	Thence	S 51°13'E,	472.80 meters	to point 175;
4	Thence	S 81°04'E,	324.40 meters	to point 176;
5	Thence	S 42°13'E,	646.20 meters	to point 177;
6	Thence	S 14°16'E,	1,065.60 meters	to point 178;
7	Thence	S 06°48'E,	1,015.60 meters	to point 179;
8	Thence	S 32°12'E,	422.00 meters	to point 180;
9	Thence	S 67°09'E,	1,097.00 meters	to point 181;
10	Thence	Due East,	274.60 meters	to point 182;
11	Thence	N 44°11'E,	251.00 meters	to point 183;
12	Thence	N 21°17'E,	806.20 meters	to point 184;
13	Thence	N14°51'E,	605.10 meters	to point 185;
14	Thence	N 36°27'E,	980.20 meters	to point 186;
15	Thence	N 36°42'E,	527.80 meters	to point 187;
16	Thence	S 69°39'E,	922.70 meters	to point 188;
17	Thence	N 81°55'E,	474.30 meters	to point 189;
18	Thence	N 56°43'E,	676.10 meters	to point 190;
19	Thence	N 44°41'E,	853.30 meters	to point 191;
20	Thence	N 65°31'E,	550.10 meters	to point 192;
21	Thence	S 72°08'E,	648.50 meters	to point 193;
22	Thence	N 84°57'E,	698.90 meters	to point 194;
23	Thence	S 84°03'E,	599.00 meters	to point 195;
24	Thence	S 44°13'E,	422.60 meters	to point 196;
25	Thence	S 14°36'E,	817.80 meters	to point 197;
26	Thence	S 59°12'E,	697.50 meters	to point 198;
27	Thence	S 32°12'E,	992.90 meters	to point 199;
28	Thence	S 77°06'E,	449.12 meters	to point 200;
29	Thence	N 55°43'E,	450.80 meters	to point 201;
30	Thence	N 80°09'E,	599.20 meters	to point 202;
31	Thence	S 87°01'E,	574.10 meters	to point 203;
32	Thence	N 66°47'E,	1225.10 meters	to point 204;
33	Thence	N 82°10'E,	1,897.30 meters	to point 205;
34	Thence	N 32°58'E,	628.70 meters	to point 206;
35	Thence	S 73°52'E,	449.00 meters	to point 207;
36	Thence	N 84°57'E,	748.90 meters	to point 208;
37	Thence	S 56°12'E,	796.80 meters	to point 209;
38	Thence	S 31°12'E,	521.20 meters	to point 210;
39	Thence	S 04°02'E,	569.70 meters	to point of
40	Beginning;			

41

42 comprising an approximate total area of Eighty Eight Thousand Eight
43 Hundred forty six and 80/100 (88,846.80) hectares subject to actual survey.

44

45 All existing land-use and resource use permits within the CPL and its buffer
46 zones as provided herein, shall be reviewed and shall not be renewed upon the
47 expiration, unless in conformity with the management plan as provided herein and
48 upon recommendation of the PAMB to the DENR Secretary for approval. Extractive
49 resource use within the CPL shall not include sustainable and traditional extraction
50 by indigenous and tenured migrants.

51

52

53 **Sec 6. Buzzer Zones.** Buffer zones shall be established for the purpose of
54 providing an extra layer of protection around the protected area in which

1 restrictions can apply but where sustainable resource management strategies
2 involving local communities and the private sectors can assist in repelling threats to
3 the protected area. Such buffer zones shall be managed according to the
4 management plan as herein provided.

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7
8 **ARTICLE II.**

9
10 **THE PROTECTED AREA MANAGEMENT BOARD**

11
12
13 **Sec. 7. Control and Supervision.** The CPL, being mostly of a forest zone is
14 within the jurisdiction of the DENR. Other government agencies implementing
15 developmental projects and other basic services are the Local Government Unit,
16 Department of Agriculture, Department of Education, National Irrigation
17 Administration and Department of Health and other government agencies.

18
19 Presently, the Casecanan Protected Landscape is being managed by DENR
20 through two CENROs of Region 2, namely: CENRO Dupax, which has the largest
21 coverage, and CENRO Nagtipuhan, and Maria Aurora of Region 4.

22
23
24 **Sec. 8. Protected Area Management Board (PAMB).** The management and
25 administration of the CPL shall be vested with the DENR through the PAMB. There
26 is hereby created a Protected Area Management Board (PAMB) which shall be the
27 sole policy-making and governing body of the CPL and its buffer zones.

28
29 In addition to the powers enumerated under Section 18 of the NIPAS Act, the
30 PAMB shall decide by a majority vote and shall have the following powers and
31 functions:

- 32
33 (a) Issue rules and regulations in accordance with the management plan to
34 prohibit and regulate acts that may be prejudicial to the CPL and its buffer
35 zones pursuant to the policy declarations herein set forth;
36
37 (b) Recommend to the DENR the issuance of land and resource extractive
38 permits and all other environment and natural resources use permits
39 within the CPL and its buffer zones in accordance with the management
40 plan and existing laws and regulations;
41
42 (c) Establish criteria and set fees for the issuance of permits for the activities
43 regulated by this Act or the management plan. The PAMB shall issue
44 resources-use permits not related to resource extraction taking into
45 consideration the ecological and sustainability factors based on the
46 policies provided on Section 2 of this Act and its management plan;
47
48 (d) Adopt rules of procedures for the conduct of business, including the
49 creation of committees to which the PAMB's powers may be delegated;
50
51 (e) Recommend to the Regional Executive Director (RED) the deputation of
52 individuals for the enforcement of the laws, rules and regulations
53 governing conduct within the CPL and its buffer zones, and prescribe the
54 necessary qualifications therefore;

- 1
2 (f) Accept donations, approve proposals for funding, budget allocations and
3 exercise accountability over all funds that may accrue to the CPL;
4
5 (g) Coordinate with the appropriate agencies of the government; and
6
7 (h) Retain legal counsel to defend cases against the PAMB and the Office of
8 PASu whenever they are used in connection with the performance of
9 their duties under this Act.
10

11 The DENR, through the RED, shall ensure that the PAMB shall act within the
12 scope of its powers and functions. In case of conflict between administrative orders
13 issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the
14 PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its
15 application within the CPL.
16

17 The PAMB shall be composed of the following:
18

- 19 (a) The RED of the DENR Region 2 as Chairperson;
20 (b) The Chief of the Protected Area and Wildlife Division (PAWD) or the
21 Regional Technical Director of Protected Areas and Wildlife should this
22 position be created, as Vice-Chair;
23 (c) The Provincial Environment and Natural Resources Officer (PENRO) of
24 Nueva Viscaya;
25 (d) The Mayor of Dupax del Norte, Dupax del Sur, Alfonso Castañeda,
26 Nagtipuhan and Maria Aurora who may appoint a regular duly
27 authorized representative whenever he/she cannot personally attend any
28 of the PAMB meetings;
29 (e) The Provincial Planning and Development Officer (PPDO) of Nueva
30 Vizcaya and Quirino;
31 (f) Barangay Captains of the eighteen (18) barangays within the CPL,
32 namely: Belance, Macabenga, Oyao and Binuangan of Dupax del Norte;
33 Sanguit, Ganao, Kimbutan, Kinabuan, Biruk, Talbec, and Abaca of Dupax
34 del Sur; Lipuga, Pelaway and Cawayan of Alfonso Castañeda; Matmad
35 and La Conwap of Nagtipuhan; Bayanihan of Ma. Aurora and Ditate of
36 Dipaculao;
37 (g) One (1) Representative from the municipal government of Dupax del
38 Norte, Dupax del Sur, Alfonso Castañeda, Nagtipuhan, Ma. Aurora and
39 Dipaculao;
40 (h) One (1) representative from the Sangguniang Kabataan to be chosen from
41 among the chairpersons of each of the barangays covered by the CPL;
42 (i) Three (3) representatives from NGOs operating within the CPL, chosen
43 from among themselves;
44 (j) Four (4) representatives from POs from within the CPL, chosen from
45 among themselves;
46 (k) Two (2) OCC/IP representatives, chosen directly from among the
47 ICCs/IPs; and
48 (l) One (1) representative from the women's sector to be chosen from among
49 the accredited women's organizations.
50
51

52 **Sec 9. Terms of Office.** Except for government officials who shall serve ex
53 officio, each PAMB member shall serve for a term of five (5) years: *Provided*, That
54 he / she remains connected with the sector he / she is supposed to represent.

1 *Provided, further,* That representatives of the local government units shall only serve
2 *ex-officio.* Whenever a vacancy occurs during the term of a member who does not
3 represent the government, a new member shall be chosen in the same manner as
4 the original selection process; *Provided, finally,,* That he / she shall only serve for
5 the remaining term of the vacancy.
6
7

8 **Sec 10. Removal from Office.** A PAMB member may be removed, for cause
9 and upon majority vote, on the following grounds:
10

- 11 (a) More than three (3) consecutive unexcused absences in regular PAMB
12 *en banc* meetings;
- 13 (b) Commission of any of the prohibited acts as provided in this Act, the
14 NIPAS Act or other rules and regulations governing protected areas
15 and protected species;
- 16 (c) Graft and Corruption; and
- 17 (d) Conviction of any criminal offense.
18
19

20 **ARTICLE III.**

21 **ADMINISTRATION, MANAGEMENT PLAN AND ZONING**

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23
24
25 **Sec 11. Management Plan.** Within one (1) year from the effectivity of this Act
26 and in consonance with the General Management Planning Strategy as provided for
27 in the NIPAS Act, the office of the PASu shall prepare a site specific management
28 plan and management manual, in coordination with the local communities, IPs,
29 LGUs, NGOs, OGAs, and individual experts needed.
30

31 The PAMB shall review and approve the management plan and the DENR
32 Secretary shall certify that it conforms to all laws, rules and regulations issued by the
33 DENR. The management plan shall not be revised nor modified without prior
34 consultation with the PAMB.
35

36 The plan shall contain, among others, the following:
37

- 38 (a) A period of applicability for twenty-five (25) years subject to periodic
39 review every three (3) years;
- 40 (b) Management goals and objectives supporting Section 2 hereof;
- 41 (c) Key management issues such as but not limited to issuance of tenurial
42 instruments, screening, approval and issuance of all developmental and
43 land-use activities within the CPL and its buffer zones, and adequate
44 restoration, maintenance and protection of wildlife species and fragile
45 ecosystems;
- 46 (d) Site Management Strategy consistent with the NIPAS Act and this Act
47 shall be allowed within the zones. Strategies shall include but not
48 limited to clear and simplified guidelines on activities;
- 49 (e) Major management activities such as but not limited to law
50 enforcement, habitat and wildlife resources management, sustainable
51 use management, infrastructure development and maintenance, fire,
52 pest and disease prevention and control;
- 53 (f) Management zones of the area and its buffer zones in consonance with
54 its appropriate use and in consultation with the primary communities,

1 local government units and other stakeholders. Zoning shall give prime
2 consideration to the preservation and conservation of the biodiversity
3 and with due respect to the traditional areas used by the Indigenous
4 Cultural Communities provided such use is not adverse to the features
5 of the area. The zoning shall also take into account the tenural and
6 livelihood concerns of the other communities.

- 7 (g) Mechanisms for the protection of the rights of the occupants therein;
- 8 (h) Regulations for the sustainable use of abundant or common species of
9 flora and fauna and their habitats;
- 10 (i) Sustainable livelihood activities; and
- 11 (j) Visitor management programs.

12
13
14 Before the expiration of the management plan, the Office of the PASu shall
15 prepare the successor plan in accordance with the general management planning
16 strategy as provided in the NIPAS Act and likewise publish notices in a newspaper
17 of local circulation and posting of such notices in the provincial, municipal,
18 barangay halls and in three (3) other conspicuous areas frequented by the public.
19 The successor plan shall be made available for public review/study at the Office of
20 the PASu and DENR Provincial Offices.

21
22
23 **Sec 12. Integration of the Management Plan into Local Government**
24 **Development Plans.** – Local government units (LGUs) shall participate in the
25 management of the CPL and its buffer zones through their representation in the
26 PAMB. To ensure that the future development plans takes place in accordance with
27 this Act, the provisions herein shall be incorporated into the barangay, municipal
28 and provincial development plans as part of the environmental concerns. LGUs
29 shall likewise ensure that their ordinances pertaining to the environment are
30 consistent with this Act and the management plan, as herein provided.

31
32 **Section 13. Zoning** – Zones shall be established within the CPL and its buffer
33 zones giving primary consideration to the preservation and conservation of all life
34 forms while according respect to the traditional areas used and recognized by ICCs /
35 IPs. Zoning shall also take into account the tenural and livelihood concerns of other
36 communities and must ensure the efficient protection of habitats, fragile ecosystems
37 and unique areas.

38
39 All primary (old growth) forests within the CPL, including portions which
40 have been previously declared as alienable and disposable, shall be classified as
41 strict protection zones and shall be free from all forms of logging or exploitation,
42 whether commercial or otherwise. Strict protection zones shall also be established
43 where necessary for the preservation of the biodiversity including, but not limited
44 to, the survival of rare and endangered species.

45
46 Multiple-use zones shall be validated on the ground, demarcated on maps,
47 and in the field with the assistance of communities and agencies concerned.

48
49
50 **ARTICLE V**
51

ANCESTRAL LAND AND DOMAINS

1
2
3
4 **Sec. 14. Indigenous Peoples Rights.** The rights of ICCs / IPs in the CPL to
5 their lands shall be fully recognized. Traditional property regimes exercised by the
6 ICCs/IPs in accordance with their customary laws shall govern the relationship of all
7 individuals within their communities with respect to all land and other resources
8 found within the ancestral lands and domains traditionally used by them.
9

10 The provisions of this Act shall be construed liberally in favor of the ICCs/IPs
11 in accordance with the preservation and conservation objectives of the CPL and its
12 resources. Nothing herein shall be construed to impair or diminish prior and
13 existing rights currently enjoyed by the IPs/ICCs as provided by existing laws.
14
15

16 **Sec. 15. Tenured Migrants.** Whenever practicable, tenure migrant
17 communities of more than five (5) households occupying contiguous lots shall be
18 provided tenurial rights over their current habitation sites. However, if despite the
19 foregoing, these areas are subsequently identified as crucial for conservation,
20 tenured migrants shall, after due consultation, be offered alternative sites within the
21 appropriate zones or buffer zones with preference over non-tenured migrants;
22 *Provided,* That provisions for their transfer shall be undertaken using humanitarian
23 considerations including payment of compensation, providing tenure to alternative
24 land and facilities of equivalent standard, and other measures to reach agreement
25 with the affected tenured migrants.
26

27 In all other cases, the grant to tenurial rights must take into account the need
28 to promote clustering and to avoid unnecessary displacement. In areas where
29 tenurial instruments are granted, appropriate use zones shall be established for the
30 purpose of maintaining non-commercial livelihood activities.
31

32 Lands used as home lots or farm lots shall preferably be held by individual
33 household. Land currently used on a communal basis shall not be held individually.
34

35 Tenurial instruments shall not be issued solely on the basis of tax declaration
36 receipts but must be supported by indisputable evidence of permanent land-use
37 from five (5) years before 10 March 1997, such as:
38

- 39 (a) Cultivated trees at their fruit-bearing stage;
40 (b) Physical structures in the area indicating prolonged occupancy;
41 (c) Certification from the barangay captain or any two (2) respected
42 members of the nearest community attesting to occupancy; and
43 (d) Other relevant data (e.g. previous census reports) that may be
44 accepted by the PAMB.
45

46 Existing land title instruments shall be reviewed by the PASu and endorsed
47 by the PAMB to the DENR Regional Office for validation or reversion.
48

49 All persons who fail to qualify as tenured migrants including transient
50 farmers shall be allowed to gather and collect whatever they have planted within
51 five (5) years from the effectivity of this Act. Any transfer of non-tenured migrants
52 from the CPL shall be undertaken using humanitarian considerations, endorsed by
53 the PAMB to the DENR Regional Office for validation or reversion.
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ARTICLE V.

UTILIZATION OF RESOURCES AND FACILITIES

Sec. 16. Existing Facilities Within the CPL. Within ninety (90) days from the effectivity of this Act, all existing commercial facilities within the CPL or its buffer zones with a total capitalization more than Fifty Thousand Pesos (P50,000.00) shall submit to the PAMB through the PASu the following information:

- a. Potential for disturbance of protected species and their habitat, reproductive cycle, nesting and feeding grounds and migratory paths;
- b. Noise levels at all stages of operation;
- c. Emissions and effluent at all stages of operation;
- d. Energy requirements and sources of energy; and
- e. Requirements of water supply and sources of water.

Based on these submissions, the PAMB with the assistance of the DENR, shall determine whether the existence of such facility/ies and its future plans and operations will be detrimental to the CPL and its buffer zones.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe further conditions for the operation of the facility to ensure that it does not contradict the management objectives of the CPL. If any such conditions are violated, a fine to be determined by the PAMB and based on fines imposed the existing rules and regulations.

Existing facilities allowed to remain within the CPL or its buffer zones shall be charged a fee by the PAMB in consonance with the existing laws, rules and regulations and recent scientific studies.

Sec. 17. Utilization of Non-renewable Resources. Except for protected species or whenever detrimental to the ecosystem, the use of resources derived from the CPL by tenured migrants and ICCs/IPs for their domestic needs or for their subsistence shall not be restricted; Provided, however, That livelihood activities requiring the use of these resources shall be allowed when it is sustainable and consistent with the management plan, and after prior PAMB approval. Only non-timber protected area resources can be used for livelihood purposes.

The PAMB is authorized to impose regulatory measures such as hunting oratoriums, closed hunting seasons and other restrictions on the use of resources within the CPL and its buffer zones to ensure the sustainability of species and ecosystems; Provided, That these will not pose a threat to the food security of the ICCs/IPs or other tenured migrants directly dependent therein for their subsistence; Provided further, That these restrictions shall be made upon due consultation with the ICCs/IPs and tenured migrants.

Any exploration, exploitation or utilization of non-renewable resources within the CPL for commercial purposes or by non-tenured migrants or non-ICCs/IPs may be allowed, provided that it shall be endorsed by the PAMB to the concerned government agency and shall undergo the Environmental Impact Statement (EIS) System.

1 Energy projects within the CPL shall be allowed only through an act of
2 Congress except energy from wind, sun, waves and water sources; *Provided*, That in
3 all instances, the primary beneficiaries shall be residents of the CPL and its buffer
4 zones; *Provided further*, That it shall undergo the Environmental Impact Assessment
5 (EIA) and provided by law and; *Provided finally*, That the PAMB has endorsed the
6 project.

7
8 Commercial exploitation of water resources within the CPL shall require
9 prior PAMB approval, must be in accordance with the management plan, and
10 should undergo the EIA System.

11 12 13 **ARTICLE VI**

14 15 **PROHIBITED ACTS AND PENALTIES**

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18 **Sec. 18. *Prohibited Acts.*** The following acts shall be prohibited within the
19 CPL and its buffer zones, in addition to the prohibited acts as provided in the NIPAS
20 Act of 1992 and its pertinent rules and regulations.

- 21
22 a. Hunting, collecting, catching, capture, wounding, killing, destroying or
23 possessing anywhere within the CPL or its buffer zones any protected
24 plant or animal species or their by-products or derivatives without prior
25 PAMB approval;
- 26 b. Hunting, collecting, catching, capture, wounding, killing or
27 destroying anywhere within the CPL or its buffer zones any other species
28 of plant or animal or their by-products or derivatives the trade of which is
29 regulated by the PAMB, without prior approval PAMB approval;
- 30 c. Bio-prospecting without obtaining prior PAMB approval and the prior
31 informed consent of ICC/IPs in accordance with existing guidelines;
- 32 d. Transporting within or outside the CPL or its buffer zones any protected
33 species of plant or animal or their by-products or derivatives from the CPL
34 and its buffer zones without the necessary transport permit from the
35 PAMB;
- 36 e. The deliberate disturbance of protected species or their inhabitants,
37 reproductive cycle, roosting and feeding grounds, and migratory paths;
- 38 f. Cutting, gathering, collecting or removal of timber or other forest
39 products without prior permit from the DENR; *Provided*, That any permit
40 issued shall be valid for only one (1) year at a time and given only to: (i)
41 tenured migrants within sustainable, monitored and controlled quotas;
42 and (ii) for scientific purposes necessary for protected area management
43 in accordance with existing guidelines;
- 44 g. Establishment or introduction of exotic species within the CPL with
45 allelopathic effect or those detrimental to endemic species, or without
46 prior PAMB approval;
- 47 h. Exploration, exploitation or extraction, drilling or prospecting for minerals
48 or resources, or engages in quarrying within the CPL or its buffer zones
49 without the necessary permit;
- 50 i. Destroying, excavating, vandalizing or in any manner damaging any
51 natural formations, burial or religious/spiritual sites, artifacts, objects
52 belonging to ICCs/IPs and other objects of natural and scenic value;
- 53 j. Possession or use of blasting caps, explosives or cyanide anywhere within
54 the CPL or its buffer zones;

- 1 k. Possession or use of chainsaws and band saws without a prior permit
 2 from the PAMB; Provided, That permits may only be issued for multiple-
 3 use and buffer zones;
- 4 l. Use of motorized equipment anywhere within the strict protection zone
 5 of the CPL without a prior permit from the PAMB;
 6
- 7 m. Construction or maintenance of any kind of road, edifice, facility or any
 8 infrastructure project within the CPL without a prior permit from PAM;
 9 *Provided*, That no PAMB permit can be issued unless:
- 10
- 11 i. The PAMB has been fully informed of the project or undertaking
 12 and its environmental consequences through consultative
 13 process;
- 14 ii. All other legal requirements have been complied with; and
- 15 iii. The project is consistent with the nature of the CPL as a
 16 protected area.
 17
- 18 n. Occupation of any portion of land inside the CPL without a permit from
 19 PAMB. Clearing, construction of residence or any introduction of
 20 improvements shall constitute *prima facie* evidence of occupation or
 21 settlement;
- 22 o. Alteration, removal, destruction of boundary marks or signs;
- 23 p. Engaging fishing anywhere within the CPL without prior permit from the
 24 PAMB;
- 25 q. Commercial fishing anywhere within the CPL without prior permit from
 26 the PAMB;
- 27 r. Introduction, disposal, dumping or causing to be dumped into the CPL or
 28 its buffer zones any waste material, including but not limited to, non-
 29 biodegradable, toxic, nuclear, hazardous and other prohibited
 30 substances; and
- 31 s. Violation of any rules and regulations provided in the management plan
 32 or any resolution reached by the PAMB in the exercise of its adjudicative
 33 functions.
 34
 35

36 **Sec. 19. Penalties.** Whoever violates this Act or any rules and regulations
 37 issued by the Department pursuant to this Act or whoever is found guilty by a
 38 competent court of justice of any offenses in the herein prohibited acts shall have
 39 the following penalties:

- 40
- 41 a. Fine of not less than Five Thousand Pesos (P5,000.00) but not more than
 42 Five Hundred Thousand Pesos (P500,000.00) exclusive of the value of
 43 the thing damaged or imprisonment of not less than one (1) year but not
 44 more than six (6) years or both as determined by the Court.
- 45 b. If the area requires rehabilitation or restoration as determined by the
 46 Court, the offender shall also be required to restore or compensate for the
 47 restoration of the damage.
- 48 c. The Court shall order the eviction of the offender from the CPL or its
 49 buffer zones, and the for feature in favor of the government of all
 50 minerals, timber or any species collected or removed including
 51 equipment, devices, weapons or any other instruments used in the
 52 commission of the offense or any construction or improvements made
 53 thereon by the offender. Pending the outcome of the case, any resource

1 confiscated shall be immediately turned over to the PAMB for proper
2 disposal and the proceeds thereof deposited in a trust fund.

3
4 However, in no case shall any confiscated or rescued protected
5 animal species be sold or in any manner deposited disposed off but shall
6 be immediately turned over to the PASu Office for release in its natural
7 habitat. Valuation of the damage to the CPL and its buffer zones shall take
8 into account biodiversity and conservation considerations as well as
9 aesthetic, socio- economic values, and rehabilitation and restoration costs.

10
11 d. If the offender is an association or corporation, the president or manager
12 shall be directly responsible for the act of his employees and laborers.

13
14 e. The DENR may impose additional administrative fines and penalties
15 consistent with this Act, Caves and Cave Resources Management and
16 Protection Act and the Wildlife Resources Conservation and Protection
17 Act.

18
19
20 **Sec. 20. Special Prosecutor.** Within thirty (30) days from the effectivity of this
21 Act, the Department of Justice (DOJ) shall designate a special prosecutor to whom
22 all cases of violation of protected area laws, rules and regulations within the CPL
23 and its buffer zones shall be assigned. The special prosecutor shall coordinate with
24 the PAMB and the PASu in the performance of his/her duties assist in the training of
25 wardens and rangers in arresting and filing criminal procedures.

26
27 The PAMB may appoint a private prosecutor on a case-to-case basis to assist
28 the public prosecutor in the enforcement of protected area laws.

29
30
31 **Sec. 21. Exemptions.** Members of ICCs/IPs who commit any of the
32 abovementioned acts in the exercise of their customary laws, traditional rights, and
33 traditional cultural spiritual practices without having been adequately informed of
34 restricting rule and regulations for the CPL by the PMAB shall be exempt.

35
36 Except for protected species, the certified customs and traditional practices of
37 ICCs/IPs when sustainable and carried out with traditional tools and equipment are
38 also allowable activities over which the above prohibitions shall not apply.

39
40 All activities contained in the management plan and such other measures as
41 are necessary for protection, preservation and protected area management as
42 certified by the PAMB and the DENR Secretary and those undertaken by the PASu
43 or those deputized by the PAMB and the DENR Secretary and those undertaken by
44 the PASu or those deputized by the PAMB shall likewise be exempted .

45
46
47
48 **ARTICLE VII.**

49
50 **PROCEEDS, FEES AND APPROPRIATIONS**

51
52
53 **Sec. 22. Integrated Protected Areas Fund (IPAF).** There is hereby established
54 a trust fund to be known as the Integrated Protected Areas Fund (IPAF) for purposes

1 of financing projects of the system. All incomes generated from the operation of the
2 system or management of wild flora and fauna as well as the caves within the CPL
3 shall accrue to the fund. These income shall be derived from fees from permitted
4 sale and except of flora and fauna and other resources from the protected area and
5 its buffer zones other than protected species as may be set by the DENR and the
6 PAMB, proceeds from lease of multiple-use areas, contributions from industries and
7 facilities directly benefiting from the protected area and such other fees and incomes
8 derived from the operation of the protected area, including fines from violators
9 found guilty of the herein prohibited acts as may be promulgated by the appropriate
10 Court of Justice.

11
12 The fund may be augmented by grants, donations, endowment from various
13 sources, domestic or foreign for purposes related to their functions: *Provided*, That
14 the fund shall be deposited as a special account in the national treasury and
15 disbursements therefrom shall be made solely for the protection, maintenance,
16 administration and management of the system, and duly approved projects
17 endorsed by the PAMB in accordance with existing accounting and budgeting rules
18 and regulations; *Provided further*, That no amount shall be disbursed for the
19 operating expenses of the Department and other concerned agencies.

20
21 A PA sub-fund shall be established as special trust fund for the use of CPL
22 under the control and discretion of the PAMB. The 75% of the total IPAF shall
23 accrue to Sub-Fund.

24
25 ALL IPAF collections/revenues generated shall be exempted from being
26 deposited to the national treasury.

27
28
29 **Sec. 23. Appropriations.** The Secretary of the DENR shall include in its
30 program the funding for the implementation of this Act including the creation of PA
31 positions, the funding of which shall be charged against the appropriations
32 authorized in the annual General Appropriations Act which may greatly increase
33 from the current allotment and augmented by the IPAF constituted under this Act.

34
35
36 **Sec. 24. Reporting Responsibility.** There shall be an office of the Protected
37 Area Superintendent (PASu) within the DENR to be headed by the PASu who shall
38 serve as the chief operating DENR officer of the entire CPL and its buffer zones. The
39 PASu and his/her staff shall be visible within the protected area and establish an
40 office, or if necessary, sub-offices within the CPL and its buffer zones in order to
41 implement this Act.

42
43 The PASu shall have full responsibility for the protection of land, water,
44 wildlife and other resources within the CPL. As such, he/she shall have the
45 following duties and responsibilities in addition to those provided under existing
46 laws and regulations:

- 47 (a) Prepare the management plan and its successor plans as herein
48 provided;
49 (b) Serve as secretariat to the PAMB with the duty to provide the PAMB
50 with all the information necessary to make appropriate decisions for
51 the implementation of this Act;
52 (c) Hire and supervise the necessary personnel to support operations as the
53 budget may allow;

- 1 (d) Establish a productive partnership with local communities, including
2 groups supporting the achievements of the goals and objectives of
3 this Act;
4 (e) Develop and implement park information, education and visitor
5 programs;
6 (f) Enforce the laws, rules and regulations and PAMB resolutions relevant to
7 the protected area and its buffer zones, and assist in the prosecution of
8 offenses.
9 (g) Monitor all activities within the CPL and its buffer zones in conformity
10 with the management plan; and
11 (h) Prepare accomplishment reports on the activities undertaken in the
12 area for submission to the Secretary.
13

14
15 **ARTICLE VIII.**

16 **TRANSITORY AND MISCELLANEOUS PROVISIONS**
17

18 **Section 25. Construction.** – The provisions of this Act shall be construed
19 liberally in favor of tenured migrants and ICCs / IPs and in consideration of the
20 protection and conservation of biodiversity. The NIPAS Act shall have suppletory
21 effect in the implementation of this Act.
22

23 **Section 26. Transitory Provisions.** – In order to ensure the sustainability and
24 recovery of biodiversity and to develop sustainable livelihood opportunities for
25 tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,
26 permits, clearances, compliance documents or any other instrument that allows
27 exploitations of resources within the CPL until the management plan shall have
28 been put into effect.

29 Pending the organization of anew PAMB in accordance with this Act, the
30 incumbent PAMB member shall continue to hold office until a new PAMB has been
31 convened.
32

33 **Section 27. Implementing Rules and Regulations.** – Within ninety (90) days
34 after the effectivity of this Act, the Department of Environment and Natural
35 Resources shall, in consultation with the concerned PAMBS, government agencies
36 and non-government organization, promulgate the necessary rules and regulations
37 to effectively implement the provisions of this Act.
38

39 **Section 28. Separability Clause.** – If any part, or section of this Act is
40 declared unconstitutional, the remainder hereof shall remain in full force and effect.

41 **Section 29. Repealing Clause.** – All laws, decrees, proclamation, rules and
42 regulations inconsistent with the provisions of this Act are hereby repealed or
43 modified accordingly.

44 **Section 30. Effectivity Clause.** – This Act shall take fifteen (15) days after its
45 complete publication in the Official Gazette or two (2) newspapers of national
46 circulation, whichever comes first.

47 *Approved,*