

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

5 JUN -8 P4:04

SENATE

RECEIVED BY:                     

Senate Bill No. 2046

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Introduced by Senator Companera Pia S. Cayetano

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### EXPLANATORY NOTE

This bill seeks to declare the Aliwagwag Falls in the Municipality of Cateel, Province of Davao Oriental, and its outlying areas within the radius of ten thousand (10,000) square kilometers, a forest reserve.

The Aliwagwag Falls is an impressive spectacle of nature because of its beauty and the massive volume of water that cascades down its tremendous height. Aside from being one of the highest waterfalls in the country, it is capable of generating hydroelectric power, a vast source of potential energy which may be harnessed to serve the energy needs of the people within the vicinity. Estimates place its power generating capacity at approximately eighty (80) megawatts. Since the province of Davao Oriental consumes only five (5) megawatts of electricity, the catchment area of Aliwagwag Falls would include most, if not all, of the Provinces of Region XI.

Lately, however, there were confirmed reports that certain lumber and logging concessionaires with proper connections in the higher officialdom had been able to secure commercial timber licenses from the Department of Environment and Natural Resources to exploit the forested areas near the source of Aliwagwag Falls. This is highly alarming, for indiscriminate commercial exploitation would surely cause the denudation and devastation of the forest and timber areas in close proximity to the Falls.

This bill, therefore, seeks to declare the Aliwagwag Falls as a forest reserve in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance and preserve its source of water supply.

In view of the foregoing, the passage of this measure is earnestly urged.

*Pia S. Cayetano*  
SENATOR COMPANERA PIA S. CAYETANO

THIRTEENTH CONGRESS OF THE )  
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SENATE  
Senate Bill No. **2046**

Introduced by Senator Companera Pia S. Cayetano

AN ACT  
ESTABLISHING THE ALIWAGWAG FALLS LOCATED IN THE MUNICIPALITIES  
OF BOSTON AND CATEE, PROVINCE OF DAVAO ORIENTAL AND THE  
MUNICIPALITY OF COMPOSTELA, COMPOSTELA PROVINCE AS A PROTECTED  
AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND ITS  
PERIPHERAL AREAS AS BUFFER ZONE, APPROPRIATING FUNDS THEREFOR,  
AND FOR OTHER PURPOSES

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

**SECTION 1. Title.** – This Act shall be known as the “Aliwagwag” Falls Protected  
Landscape Act of 2005.”

**SEC. 2. Declaration of Policy.** – Considering its unique aesthetic features, rich  
biodiversity , and critical role as a water catchment area which is tributary to the watershed of  
Cateel River, it is hereby declared the policy of the State to protect and conserve the Aliwagwag  
Falls, its resources, and communities of people therein and their way of life, in accord with the  
rhythm and harmony of nature. In so doing, the State shall ensure the protection of bio-diversity,  
promote sustainable and participatory development, advance and protect the interests of  
legitimate inhabitants and honor customary laws.

**SEC. 3. Scope.** – The Aliwagwag Falls Protected Landscape situated in the  
Municipalities of Boston and Cateel, Davao Oriental and the Municipality of Compostela, in the  
Province of Compostela Valley, which shall be withdrawn from sale, settlement, lease or other  
modes of disposition, subject to existing rights, is more particularly described as follows:

“Beginning at a point marked “1” on the map and on the ground being identical to corner 8 of  
former TLA No. 201 of Eastcoast Development Enterprise;

Thence,	S. 50°33” E.,	361.1 meters	to corner 2;
Thence,	S. 58°33” E.,	546.9 meters	to corner 3;
Thence,	S. 58°33” E.,	515.9 meters	to corner 4;
Thence,	S. 58°33” E.,	361.1 meters	to corner 5;
Thence,	S. 23°50” W.,	402.6 meters	to corner 6;
Thence,	S. 23°50” W.,	432.8 meters	to corner 7;
Thence,	S. 23°50” W.,	352.3 meters	to corner 8;
Thence,	S. 23°50” W.,	352.3 meters	to corner 9;

1	Thence,	S. 23°50" W.,	352.3 meters	to corner 10;
2	Thence,	S. 23°50" W.,	422.7 meters	to corner 11;
3	Thence,	S. 23°50" W.,	523.4 meters	to corner 12;
4	Thence,	S. 23°50" W.,	533.4 meters	to corner 13;
5	Thence,	S. 23°50" W.,	402.6 meters	to corner 14;
6	Thence,	S. 23°50" W.,	402.6 meters	to corner 15;
7	Thence,	S. 45°37" E.,	256.7 meters	to corner 16;
8	Thence,	S. 45°37" E.,	380.0 meters	to corner 17;
9	Thence,	S. 45°37" E.,	308.1 meters	to corner 18;
10	Thence,	S. 45°37" E.,	359.4 meters	to corner 19;
11	Thence,	S. 45°37" E.,	359.4 meters	to corner 20;
12	Thence,	S. 45°37" E.,	359.4 meters	to corner 21;
13	Thence,	S. 45°37" E.,	410.8 meters	to corner 22;
14	Thence,	S. 45°37" E.,	359.4 meters	to corner 23;
15	Thence,	S. 18°22" E.,	529.4 meters	to corner 24;
16	Thence,	S. 45°26" W.,	444.3 meters	to corner 25;
17	Thence,	S. 37°29" W.,	348.2 meters	to corner 26;
18	Thence,	S. 19°59" W.,	403.7 meters	to corner 27;
19	Thence,	S. 32°34" W.,	399.7 meters	to corner 28;
20	Thence,	S. 25°45" W.,	301.5 meters	to corner 29;
21	Thence,	S. 72°06" W.,	290.0 meters	to corner 30;
22	Thence,	S. 57°36" W.,	244.2 meters	to corner 31;
23	Thence,	N. 71°37" W.,	433.9 meters	to corner 32;
24	Thence,	S. 32°34" W.,	349.8 meters	to corner 33;
25	Thence,	S. 32°34" W.,	349.8 meters	to corner 34;
26	Thence,	S. 32°34" W.,	299.8 meters	to corner 35;
27	Thence,	S. 22°52" W.,	402.9 meters	to corner 36;

1	Thence,	S. 34°32" W.,	448.9 meters	to corner 37;
2	Thence,	S. 26°44" W.,	421.8 meters	to corner 38;
3	Thence,	S. 39°28" W.,	528.2 meters	to corner 39;
4	Thence,	N. 35°23" W.,	244.1 meters	to corner 40;
5	Thence,	N. 90°00" W.,	327.1 meters	to corner 41;
6	Thence,	S. 37°29" W.,	298.5 meters	to corner 42;
7	Thence,	S. 59°39" W.,	243.7 meters	to corner 43;
8	Thence,	S. 79° 47" W.,	336.9 meters	to corner 44;
9	Thence,	N. 57° 25" W.,	348.6 meters	to corner 45;
10	Thence,	N. 60° 27" W.,	290.2 meters	to corner 46;
11	Thence,	N. 61° 43" W.,	350.4 meters	to corner 47;
12	Thence,	S. 61° 43" W.,	340.7 meters	to corner 48;
13	Thence,	N. 66° 32" W.,	241.4 meters	to corner 49;
14	Thence,	N. 80° 48" W.,	433.2 meters	to corner 50;
15	Thence,	N. 70° 01" W.,	367.8 meters	to corner 51;
16	Thence,	N. 73° 29" W.,	221.7 meters	to corner 52;
17	Thence,	N. 15° 47" E.,	276.6 meters	to corner 53;
18	Thence,	N. 52° 29" E.,	355.9 meters	to corner 54;
19	Thence,	N. 52° 29" E.,	244.1 meters	to corner 55;
20	Thence,	N. 29° 17" E.,	159.1 meters	to corner 56;
21	Thence,	N. 51° 22" W.,	242.6 meters	to corner 57;
22	Thence,	N. 84° 53" W.,	365.6 meters	to corner 58;
23	Thence,	N. 40° 21" W.,	438.6 meters	to corner 59;
24	Thence,	N. 19° 35" W.,	441.7 meters	to corner 60;
25	Thence,	N. 57° 25" W.,	242.1 meters	to corner 61;
26	Thence,	S. 65° 51" W.,	223.2 meters	to corner 62;
27	Thence,	N. 18° 36" W.,	274.9 meters	to corner 63;

1	Thence,	N. 63° 29" W.,	579.8 meters	to corner 64;
2	Thence,	N. 60° 27" W.,	425.6 meters	to corner 65;
3	Thence,	N. 56° 24" W.,	339.0 meters	to corner 66;
4	Thence,	N. 61° 27" W.,	386.8 meters	to corner 67;
5	Thence,	N. 82° 50" W.,	240.6 meters	to corner 68;
6	Thence,	N. 59° 26" W.,	338.7 meters	to corner 69;
7	Thence,	N. 58° 25" W.,	484.0 meters	to corner 70;
8	Thence,	N. 06° 51" W.,	373.8 meters	to corner 71;
9	Thence,	N. 06° 51" W.,	491.9 meters	to corner 72;
10	Thence,	N. 06° 51" W.,	541.1 meters	to corner 73;
11	Thence,	N. 31° 25" W.,	342.3 meters	to corner 74;
12	Thence,	N. 31° 25" W.,	322.7 meters	to corner 75;
13	Thence,	N. 31° 25" W.,	391.2 meters	to corner 76;
14	Thence,	N. 15° 40" W.,	393.0 meters	to corner 77;
15	Thence,	N. 15° 40" W.,	393.0 meters	to corner 78;
16	Thence,	N. 15° 40" W.,	393.0 meters	to corner 79;
17	Thence,	N. 66° 32" W.,	366.9 meters	to corner 80;
18	Thence	N. 17° 37" W.,	422.3 meters	to corner 81;
19	Thence,	N. 17° 37" W.,	294.6 meters	to corner 82;
20	Thence,	N. 17° 37" W.,	422.3 meters	to corner 83;
21	Thence,	N. 40° 30" E.,	321.9 meters	to corner 84;
22	Thence,	N. 16° 38" W.,	392.9 meters	to corner 85;
23	Thence,	N. 16° 38" W.,	491.1 meters	to corner 86;
24	Thence,	N. 16° 38" W.,	491.1 meters	to corner 87;
25	Thence,	N. 44° 31" E.,	484.6 meters	to corner 88;
26	Thence,	N. 44° 31" E.,	504.8 meters	to corner 89;
27	Thence,	N. 44° 31" E.,	504.8 meters	to corner 90;

1	Thence,	N. 24° 39" W.,	441.1 meters	to corner 91;
2	Thence,	N. 07° 49" W.,	491.8 meters	to corner 92;
3	Thence,	N. 33° 23" E.,	479.8 meters	to corner 93;
4	Thence,	N. 33° 23" E.,	499.8 meters	to corner 94;
5	Thence,	N. 33° 23" E.,	569.6 meters	to corner 95;
6	Thence,	N. 66° 09" E.,	668.6 meters	to corner 96;
7	Thence,	N. 88° 03" E.,	519.0 meters	to corner 97;
8	Thence,	N. 78° 36" E.,	414.3 meters	to corner 98;
9	Thence,	N. 78° 36" E.,	435.0 meters	to corner 99;
10	Thence,	N. 45° 37" E.,	287.6 meters	to corner 100;
11	Thence,	N. 61° 31" E.,	258.2 meters	to corner 101;
12	Thence,	S. 33° 33" W.,	319.5 meters	to corner 102;
13	Thence,	S. 70° 24" E.,	331.3 meters	to corner 103;
14	Thence,	S. 70° 24" E.,	362.4 meters	to corner 104;
15	Thence,	S. 70° 24" E.,	363.4 meters	to corner 105;
16	Thence,	S. 70° 24" E.,	393.5 meters	to corner 106;
17	Thence,	S. 70° 24" E.,	517.7 meters	to corner 107;
18	Thence,	S. 70° 24" E.,	362.4 meters	to corner 108;
19	Thence,	S. 48° 37" E.,	359.8 meters	to corner 109;
20	Thence,	S. 81° 11" E.,	394.2 meters	to corner 110;
21	Thence,	S. 81° 11" E.,	363.1 meters	to corner 111;
22	Thence,	S. 81° 11" E.,	373.5 meters	to corner 112;
23	Thence,	S. 81° 11" E.,	415.0 meters	to corner 113;
24	Thence,	S. 81° 11" E.,	290.5 meters	to corner 114;
25	Thence,	S. 81° 11" E.,	435.7 meters	to corner 115;
26	Thence,	S. 81° 11" E.,	363.1 meters	to corner 116;
27	Thence,	S. 81° 11" E.,	332.0 meters	to corner 117;

1           Thence,       S. 81° 11" E.,       352.7 meters       to corner 118;  
2           Thence,       S. 81° 11" W.,       363.1 meters       to the point of beginning  
3   containing an approximate area of Ten thousand four hundred ninety one and 33/100 (10,491.33)  
4   hectares."

5           Any modification of this technical description due to factors such as changing ecological  
6   situations, new scientific or archeological findings, or discovery of traditional boundaries not  
7   previously taken into account shall be made through an Act of Congress after full consultation  
8   with the affected public and concerned government agencies.

9           **SEC. 4. Buffer Zone.** – The Aliwagwag Falls Protected Landscape shall be surrounded  
10   by a buffer zone, which shall also be withdrawn from sale, settlement, lease or other modes of  
11   disposition, subject to existing rights, and given special development control. Such buffer zone is  
12   hereunder described as:

13           "Bounded on the west and north directions by the remaining portion of the TLA  
14   No. 43 of PICOP Resources Inc., on the east by the remaining portion of TLA No. 201 of  
15   Eastcoast Development Enterprises, on the east southeast by the remaining portion of  
16   TLA No. 096 of Valderrama Lumber Manufacturers, Inc. and on the south by the road  
17   which connects the Municipalities of Compostela, Compostela Valley Province and  
18   Cateel, Davao Oriental."

19           Beginning at a point marked "1" on the map and on the ground being identical to  
20   corner 1 of the protected landscape and identical to corner 8 of former TLA No. 201 of  
21   Eastcoast Development Enterprises;

22	Thence	N 81° 00' W	350.0 meters	to corner 2;
23	Thence	N 81° 00' W	340.0 meters	to corner 3;
24	Thence	N 81° 00' W	320.0 meters	to corner 4;
25	Thence	N 81° 00' W	350.0 meters	to corner 5;
26	Thence	N 81° 00' W	420.0 meters	to corner 6;
27	Thence	N 81° 00' W	280.0 meters	to corner 7;
28	Thence	N 81° 00' W	400.0 meters	to corner 8;
29	Thence	N 81° 00' W	360.0 meters	to corner 9;
30	Thence	N 81° 00' W	350.0 meters	to corner 10
31	Thence	N 81° 00' W	380.0 meters	to corner 11;
32	Thence	N 48° 00' W	350.0 meters	to corner 12;
33	Thence	N 70° 00' W	350.0 meters	to corner 13;
34	Thence	N 70° 00' W	500.0 meters	to corner 14;
35	Thence	N 70° 00' W	380.0 meters	to corner 15;

1	Thence	N 70° 00' W	350.0 meters	to corner 16;
2	Thence	N 70° 00' W	350.0 meters	to corner 17;
3	Thence	N 70° 00' W	320.0 meters	to corner 18;
4	Thence	N 35° 00' E	320.0 meters	to corner 19;
5	Thence	N 61° 00' W	250.0 meters	to corner 20;
6	Thence	N 45° 00' W	280.0 meters	to corner 21;
7	Thence	S 78° 00' W	420.0 meters	to corner 22;
8	Thence	S 78° 00' W	400.0 meters	to corner 23;
9	Thence	N 88° 00' W	500.0 meters	to corner 24;
10	Thence	S 65° 00' W	650.0 meters	to corner 25;
11	Thence	S 32° 00' W	570.0 meters	to corner 26;
12	Thence	S 32° 00' W	500.0 meters	to corner 27;
13	Thence	S 32° 00' W	480.0 meters	to corner 28;
14	Thence	S 08° 00' E	500.0 meters	to corner 29;
15	Thence	S 25° 00' F	450.0 meters	to corner 30;
16	Thence	S 43° 00' W	500.0 meters	to corner 31;
17	Thence	S 43° 00' W	500.0 meters	to corner 32;
18	Thence	S 43° 00' W	480.0 meters	to corner 33;
19	Thence	S 17° 00' E	500.0 meters	to corner 34;
20	Thence	S 17° 00' E	500.0 meters	to corner 35;
21	Thence	S 39° 00' W	320.0 meters	to corner 36;
22	Thence	S 18° 00' E	430.0 meters	to corner 37;
23	Thence	S 18° 00' F	300.0 meters	to corner 38;
24	Thence	S 18° 00' E	430.0 meters	to corner 39;
25	Thence	S 67° 00' F	380.0 meters	to corner 40;
26	Thence	S 16° 00' E	400.0 meters	to corner 41;
27	Thence	S 16° 00' E	400.0 meters	to corner 42;
28	Thence	S 16° 00' E	400.0 meters	to corner 43;
29	Thence	S 32° 00' E	400.0 meters	to corner 44;
30	Thence	S 32° 00' F	330.0 meters	to corner 45;
31	Thence	S 32° 00' F	350.0 meters	to corner 46;
32	Thence	S 07° 00' E	550.0 meters	to corner 47;
33	Thence	S 07° 00' E	500.0 meters	to corner 48;
34	Thence	S 07° 00' F	380.0 meters	to corner 49;
35	Thence	S 59° 00' F	500.0 meters	to corner 50;
36	Thence	S 60° 00' E	350.0 meters	to corner 51;



1	Thence	S 83° 00' E	250.0 meters	to corner 52;
2	Thence	S 62° 00' E	400.0 meters	to corner 53;
3	Thence	S 57° 00' F	350.0 meters	to corner 54;
4	Thence	S 61° 00' E	440.0 meters	to corner 55;
5	Thence	S 64° 00' F	600.0 meters	to corner 56;
6	Thence	S 19° 00' E	280.0 meters	to corner 57;
7	Thence	N 67° 00' E	230.0 meters	to corner 58;
8	Thence	S 58° 00' E	250.0 meters	to corner 59;
9	Thence	S 20° 00' E	340.0 meters	to corner 60;
10	Thence	S 41° 00' E	450.0 meters	to corner 61;
11	Thence	S 85° 00' E	380.0 meters	to corner 62;
12	Thence	S 52° 00' E	250.0 meters	to corner 63;
13	Thence	S 28° 00' W	160.0 meters	to corner 64;
14	Thence	S 51° 00' W	240.0 meters	to corner 65;
15	Thence	S 51° 00' W	350.0 meters	to corner 66;
16	Thence	S 15° 00' W	280.0 meters	to corner 67;
17	Thence	Foll. the road gen.	220.0 meters	to corner 68;
18		In N-Westerly dir. abt.		
19	Thence	N 02° 00' E	260.0 meters	to corner 69;
20	Thence	N 57° 00' E	280.0 meters	to corner 70;
21	Thence	N 57° 00' E	350.0 meters	to corner 71;
22	Thence	Foll, the road gen	300.0 meters	to corner 72;
23		In N-Easterly dir. abt.		
24	Thence	Foll, the road gen.	500.0 meters	to corner 73;
25		In N-Westerly dir. abt.		
26	Thence	Foll, the road gen.	620.0 meters	to corner 74;
27		In N-Westerly dir. abt.		
28	Thence	Foll, the road gen.	250.0 meters	to corner 75;
29		In N-Westerly dir. abt.		
30	Thence	Foll, the road gen.	275.0 meters	to corner 76;
31		In S-Westerly dir. abt.		
32	Thence	Foll, the road gen.	180.0 meters	to corner 77;
33		S-Westerly dir. abt.		
34	Thence	Foll, the road gen.	460.0 meters	to corner 78;
35		N-Westerly dir. abt.		
36	Thence	Foll, the road gen.	600.0 meters	to corner 79;

1		N-Westerly dir. abt.		
2	Thence	Foll, the road gen.	300.0 meters	to corner 80;
3		In N-Westerly dir. abt.		
4	Thence	Foll, the road gen.	130.0 meters	to corner 81;
5		S-Westerly dir. abt.		
6	Thence	Foll, the road gen.	350.0 meters	to corner 82;
7		Westerly dir. abt.		
8	Thence	Foll, the road gen.	400.0 meters	to corner 83;
9		in N-Westerly dir. abt.		
10	Thence	Foll, the road gen.	250.0 meters	to corner 84;
11		in S-Westerly dir. abt.		
12	Thence	Foll the road gen.	550.0 meters	to corner 85;
13		S-Westerly dir. abt.		
14	Thence	N 63° 00' W	350.0 meters	to corner 86;
15	Thence	N 03° 00' W	500.0 meters	to corner 87;
16	Thence	N 03° 00' W	500.0 meters	to corner 88;
17	Thence	N 03° 00' W	500.0 meters	to corner 89;
18	Thence	N 28° 30' W	350.0 meters	to corner 90;
19	Thence	N 28° 30' W	375.0 meters	to corner 91;
20	Thence	N 28° 30' W	330.0 meters	to corner 92;
21	Thence	N 11° 00' W	500.0 meters	to corner 93;
22	Thence	N 11° 00' W	500.0 meters	to corner 94;
23	Thence	N 61° 00' W	400.0 meters	to corner 95;
24	Thence	N 13° 00' W	500.0 meters	to corner 96;
25	Thence	N 13° 00' W	500.0 meters	to corner 97;
26	Thence	N 13° 00' W	350.0 meters	to corner 98;
27	Thence	N 33° 00' E	300.0 meters	to corner 99;
28	Thence	N 14° 00' W	400.0 meters	to corner 100;
29	Thence	N 14° 00' W	480.0 meters	to corner 101;
30	Thence	N 14° 00' W	500.0 meters	to corner 102;
31	Thence	N 37° 00' E	500.0 meters	to corner 103;
32	Thence	N 37° 00' E	500.0 meters	to corner 104;
33	Thence	N 37° 00' E	500.0 meters	to corner 105;
34	Thence	N 24° 00' W	330.0 meters	to corner 106;
35	Thence	N 05° 00' W	320.0 meters	to corner 107;
36	Thence	N 05° 00' W	350.0 meters	to corner 108;

1	Thence	N 26° 00' E	400.0 meters	to corner 109;
2	Thence	N 26° 00' E	400.0 meters	to corner 110;
3	Thence	N 26° 00' E	400.0 meters	to corner 111;
4	Thence	N 26° 00' E	500.0 meters	to corner 112;
5	Thence	N 60° 00' E	350.0 meters	to corner 113;
6	Thence	S 85° 00' E	480.0 meters	to corner 115;
7	Thence	N 74° 00' E	500.0 meters	to corner 116;
8	Thence	N 74° 00' E	500.0 meters	to corner 117;
9	Thence	S 30° 00' E	300.0 meters	to corner 118;
10	Thence	S 27° 00' W	350.0 meters	to corner 119;
11	Thence	S 69° 00' E	360.0 meters	to corner 120;
12	Thence	S 69° 00' E	500.0 meters	to corner 121;
13	Thence	S 69° 00' E	500.0 meters	to corner 122;
14	Thence	S 69° 00' E	500.0 meters	to corner 123;
15	Thence	S 69° 00' E	400.0 meters	to corner 124;
16	Thence	S 69° 00' F	350.0 meters	to corner 125;
17	Thence	S 41° 00' E	210.0 meters	to corner 126;
18	Thence	S 80° 00' E	500.0 meters	to corner 127;
19	Thence	N 80° 00' E	500.0 meters	to corner 128;
20	Thence	S 80° 00' E	500.0 meters	to corner 129;
21	Thence	S 80° 00' E	500.0 meters	to corner 130;
22	Thence	S 80° 00' E	500.0 meters	to corner 131;
23	Thence	S 80° 00' E	500.0 meters	to corner 132;
24	Thence	S 80° 00' E	500.0 meters	to corner 133;
25	Thence	S 80° 00' E	500.0 meters	to corner 134;
26	Thence	S 54° 00' E	500.0 meters	to corner 135;
27	Thence	S 54° 00' E	500.0 meters	to corner 136;
28	Thence	S 54° 00' W	650.0 meters	to corner 137;
29	Thence	S 20° 00' W	500.0 meters	to corner 138;
30	Thence	S 20° 00' W	500.0 meters	to corner 139;
31	Thence	S 20° 00' W	500.0 meters	to corner 140;
32	Thence	S 20° 00' W	500.0 meters	to corner 141;
33	Thence	S 20° 00' W	500.0 meters	to corner 142;
34	Thence	S 20° 00' W	550.0 meters	to corner 143;
35	Thence	S 20° 00' W	550.0 meters	to corner 144;
36	Thence	Foll. Aliwagwag	450.0 meters	to corner 145;

1		Cr. Downstream		
2		in SE dir. abt.		
3	Thence	Foll. Aliwagwag	450.0 meters	to corner 146;
4		Cr. Downstream		
5		in SE dir. abt.		
6	Thence	Foll. Aiiwagwag	410.0 meters	to corner 147;
7		Cr. Downstream		
8		in S.E. dir. abt.		
9	Thence	Foll. Aliwagwag	420.0 meters	to corner 148;
10		Cr. Downstream		
11		in S.E. dir. abt.		
12	Thence	Foll. Aiiwagwag	550.0 meters	to corner 149;
13		Cr. Downstream		
14		in S.F. dir. abt.		
15	Thence	Foll. Cateel	230.0 meters	to corner 150;
16		R. Upstream		
17		in S.W. dir. abt.		
18	Thence	Foll. Aliwagwag	500.0 meters	to corner 151;
19		Cr. Upstream in N.W.		
20		dir. abt.		
21	Thence	Foll. Aliwagwag	500.0 meters	to corner 152;
22		Cr. Upstream in N.W.		
23		dir. abt.		
24	Thence	Foll. Aliwagwag	450.0 meters	to corner 153;
25		Cr. Upstream		
26		in N.W. dir. abt.		
27	Thence	Foll. Aliwagwag	450.0 meters	to corner 154;
28		Cr. Upstream		
29		in N.W. dir. Abt.		
30	Thence	S 20° 00' W	350.0 meters	to corner 155;
31	Thence	S 38° 00' E	500.0 meters	to corner 157;
32	Thence	S 38° 00' E	500.0 meters	to corner 158;
33	Thence	S 38° 00' E	500.0 meters	to corner 159;
34	Thence	S 38° 00' E	500.0 meters	to corner 160;
35	Thence	Foll, the road gen.	650.0 meters	to corner 161;
36		In S-Westerly dir. abt.		

1	Thence	N 18° 00' W	520.0 meters	to corner 162;
2	Thence	N 45° 00' W	350.0 meters	to corner 163;
3	Thence	N 45° 00' W	400.0 meters	to corner 164;
4	Thence	N 45° 00' W	350.0 meters	to corner 165;
5	Thence	N 45° 00' W	350.0 meters	to corner 166;
6	Thence	N 45° 00' W	300.0 meters	to corner 167;
7	Thence	N 45° 00' W	300.0 meters	to corner 168
8	Thence	N 45° 00' W	370.0 meters	to corner 169;
9	Thence	N 45° 00' W	250.0 meters	to corner 170;
10	Thence	N 25° 00' E	400.0 meters	to corner 171;
11	Thence	N 25° 00' E	400.0 meters	to corner 172;
12	Thence	N 25° 00' E	530.0 meters	to corner 173;
13	Thence	N 25° 00' E	520.0 meters	to corner 174;
14	Thence	N 25° 00' E	420.0 meters	to corner 175;
15	Thence	N 25° 00' F	350.0 meters	to corner 176;
16	Thence	N 25° 00' E	350.0 meters	to corner 177;
17	Thence	N 25° 00' E	350.0 meters	to corner 178;
18	Thence	N 25° 00' E	430.0 meters	to corner 179;
19	Thence	N 25° 00' E	400.0 meters	to corner 180;
20	Thence	N 58° 00' W	350.0 meters	to corner 181;
21	Thence	N 58° 00' W	500.0 meters	to corner 182;
22	Thence	N 58° 00' W	530.0 meters	to corner 183;
23	Thence	N 58° 00' W	350.0 meters	to the point of
24	Beginning, containing an approximate area of four hundred twenty one (421.0)			
25	hectares, more or less."			

26 Such buffer zones are established for the purpose of providing an extra layer around the  
27 protected area in which restrictions can apply and communities can assist in repelling threats to  
28 the area. Such buffer zone shall be managed according to the management plan herein provided.

29 **SEC. 5. Definition of Terms.** – The following terms are hereby defined for the purpose  
30 of this Act:

31 a) "*Ancestral Domain*" refers to all lands and natural resources occupied or possessed  
32 by indigenous cultural communities, by themselves or through their ancestors,  
33 communally or individually, in accordance with their customs and traditions since  
34 time immemorial, continuously to the present except when interrupted by war, *force*  
35 *majeure*, or displacement by force, deceit or stealth. It includes all adjacent areas

generally belonging to them and which are necessary to ensure their economic, social and cultural welfare.

- b) "*Biodiversity*" refers to the variety of life in all its forms.
- c) "*Buffer Zone*" are identified areas outside the boundaries of and immediately adjacent to designated areas that need special development control in order to avoid or minimize harm to the protected area.
- d) "*Indigenous Cultural Communities*" shall refer to Filipino tribes who have continuously lived as communities on communally bounded and defined land since time immemorial and have succeeded in preserving, maintaining and sharing common bonds of language, customs, traditions and other distinctive cultural traits.
- e) "*Industrial Forest Management Agreement (IFMA)*" refers to a production-sharing contract entered into by and between the Department of Environment and Natural Resources (DENR) and a qualified person, whether natural or juridical, wherein the former grants to the latter the exclusive right and responsibility to invest in, develop, manage, and protect a defined area of the production forestland, including the establishment, management and utilization of industrial forest plantation, consistent with the principle of sustainable development primarily to supply the raw material requirements of wood-based processing and energy-related industries and wherein both parties share in the benefits therefrom.
- f) "*National Integrated Protected Area System*" refers to the classification of all designated protected areas pursuant to Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, to maintain essential ecological processes and life-support systems, to protect genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent as possible.
- g) "*Non-renewable Resources*" shall refer to those resources found within the Aliwagwag Fall Protected Landscape and its buffer zones, the natural replenishment rate of which is either not known or takes more than twenty-five (25) years.
- h) "*Protected Areas*" refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- i) "*Protected Landscape*" is 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.

- 1 j) "*Protected Species*" shall refer to any species listed under the Convention of  
2 International Trade of Endangered Species (CITES), or any plant or animal that shall  
3 be declared as protected under Philippine laws, rules and regulations issued by the  
4 DENR or the Protected Area Management Board (PAMB) or through the  
5 management plan herein provided.
- 6 k) "*Non-government Organization (NGO)*" shall refer to any civic, development or  
7 philanthropic organization which is multi-sectoral in character.
- 8 l) "*People's Organizations (PO)*" shall refer to any grouping of people formed to  
9 advance the interests of the sector represented, provided that such sector is  
10 marginalized, poor, or disempowered.
- 11 m) "*Public Consultation*" refers to a meeting or dialogue with the concerned or affected  
12 individuals within and outside the protected area designed to identify and resolve  
13 issues and problems affecting them.
- 14 n) "*Timber License Agreement (TLA)*" refers to a privilege granted by the State to a  
15 person to utilize forest resources within a forestland with the right of possession and  
16 occupation thereof to the exclusion of others except the Government, but with the  
17 corresponding obligation to develop, protect, and rehabilitate the same in accordance  
18 with the terms and conditions set forth in the said agreement.

19 **SEC. 6. *Management Plan.*** - The Protected Area Superintendent (PASu) shall prepare  
20 a management plan in coordination with the appropriate offices of the DENR, NGOs, POs,  
21 concerned private sector, and local communities and tribal experts who have experience in the  
22 particular cultures in the area. The Management Plan shall be reviewed, approved and adopted  
23 by the Protected Area Management Board and certified to by the Secretary. Such certification is  
24 mandatory in order to determine if the plan conforms to all laws, rules and regulations of  
25 national application issued by the DENR: *Provided, That, the Management Plan shall not be*  
26 *revised nor modified without prior consultation with the PAMB.*

27 Within one year from the effectivity of this Act, a management plan shall be put into  
28 effect following the General Management Planning Strategy provided for under the NIPAS Act  
29 and according to the procedure herein set forth. It shall contain, among others, the following:

- 30 a) Period of applicability of the plan;  
31 b) Key management issues;  
32 c) Goals and objectives of management in support of Section 2 hereof;  
33 d) Site management strategy;  
34 e) Major management activities such as, but not limited to enforcement of laws, habitat  
35 and wildlife management, sustainable use management, infrastructure development  
36 and maintenance, fire and pest control, etc.;

1 f) Zoning; and

2 g) Visitor management programs.

3 The PASu shall prepare all successor plans. Two (2) years before the expiration of the  
4 period of applicability of the plan in effect, the PASu shall cause the publication of notices for  
5 comments and suggestions on the next successor plan in a newspaper of local circulation and the  
6 posting of such notices in the provincial, municipal and barangay halls and in three other areas  
7 frequented by the public. Public hearings may be conducted on the successor plan upon the  
8 written request of any interested party. The proposed plan shall be made available for public  
9 perusal at the Office of the PASu upon the approval of the PAMB.

10 The zoning of the protected area shall give primary consideration to the traditional zones  
11 used and recognized by the indigenous cultural communities, and, whenever applicable, those  
12 that have been sustainably used in the development of TLA No. 43, TLA No. 47, and IFMA No.  
13 28 and by tenured migrant communities for an appreciable length of time unless such uses are  
14 deemed detrimental to biodiversity and the protection of the natural characteristics of the  
15 Aliwagwag Fall Protected Landscape.

16 The plan shall be in a language understandable in the area, plainly written and available  
17 for perusal to the general public at the PASu office.

18 **SEC. 7. Institutional Mechanism.** – The following administrative and policy making  
19 mechanisms shall be observed:

20 **(A) The Protected Area Management Board.** – The PAMB shall be the policy making  
21 body of the protected area. It shall be composed of:

- 22 (1) The Regional executive Director of DENR Region XI, as chairman;
- 23 (2) The Barangay Captains or their authorized representatives with territory inside  
24 the protected area;
- 25 (3) One (1) NGO/PO representative concerned with protected area management  
26 chosen from among the three (3) municipalities with territory inside the  
27 protected area and duly accredited with the municipality being represented;
- 28 (4) The Regional Director of the Department of Agriculture or his authorized  
29 representative;
- 30 (5) The Provincial Officer of the National Commission on Indigenous Peoples  
31 (NCIP);
- 32 (6) The Mayors or their authorized representatives of the towns with territory  
33 inside the protected area;
- 34 (7) The Provincial Manager of the Land Bank of the Philippines (LBP);
- 35 (8) One (1) representative of the owners and operators of existing facilities to be  
36 chosen from among themselves;



(9) The Provincial Planning and Development Officers of the Provinces of Davao Oriental and Compostela Valley, sitting as *ex officio* members, to be endorsed by their respective Governors;

(10) One (1) representative each from the Sangguniang Panlalawigan of Davao Oriental and the Sangguniang Panlalawigan of Compostela Valley to be elected from among themselves;

(11) One (1) representative from each indigenous cultural community within the protected area chosen through customary practices;

(12) One (1) representative each from the holders of TLA No. 43, TLA No. 47, and IFMA No. 28, until their expiration;

Every member of the PAMB shall serve for a term of five (5) years and shall be considered to represent and carry the vote of his or her sector in all matters. PAMB members who represent government officials or agencies shall serve according to the term of office of their principals, unless sooner terminated by such official/s.

The PAMB of the Aliwagwag Falls Protected Landscape shall have the following powers and functions:

(a) Issue all rules and regulations to implement the provisions of this Act and promote the policy declaration herein set forth;

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

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

(d) Approve the management plan and oversee the office of the PASu;

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

(f) Accept donations, approve proposals for funding and budget allocations, and exercise accountability over all funds that may accrue to the Aliwagwag Falls Protected Landscape;

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

(h) 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.

The DENR Secretary shall exercise authority over the PAMN to ensure that it is acting 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

1 regulations issued by the PAMB, the PAMB shall notify the DENR Secretary who shall resolve  
2 such conflict.

3 **(B) *The Protected Area Superintendent (PASu).*** – A PASu, who is an employee of the  
4 DENR, shall be appointed and shall serve as the chief operating officer of the  
5 Aliwagwag Falls Protected Landscape. The PASu shall have the following powers  
6 and functions:

- 7 (1) Prepare the management and successor plans as herein provided;
- 8 (2) Provide a secretariat for the PAMB to supply it with information necessary to  
9 make appropriate decisions;
- 10 (3) Hire and supervise the necessary personnel to support operations as the budget  
11 made available by the PAMB may allow;
- 12 (4) Establish a productive partnership with the local community, private sector,  
13 including groups interested in the achievement of the goals and objectives of  
14 the protected area, and in the planning, protection and management thereof;
- 15 (5) Develop and implement a park information, education and visitor program;
- 16 (6) Enforce the laws, rules and regulations relevant to the protected area and  
17 assist in the prosecution of offenses thereof;
- 18 (7) Monitor all activities within the protected area for conformity with the  
19 management plan; and
- 20 (8) Perform such other functions as the PAMB may assign.

21 **SEC. 8. *Ancestral Lands and Domains.*** – For the purpose of this Act, the following  
22 shall govern ancestral lands and domains in the protected area:

- 23 a) The rights of the indigenous peoples to the ancestral domains are hereby fully  
24 recognized. Traditional property regimes exercised by the indigenous cultural  
25 communities in accordance with their customary laws shall govern the relationship of  
26 all individuals within their communities with respect to all land and resource found  
27 within ancestral lands.
- 28 b) The following presumptions shall govern, unless proven to be contrary to documented  
29 or oral custom by clear and convincing evidence in the proper administrative or  
30 judicial proceeding providing due hearing to all parties concerned:
  - 31 i. All lands currently occupied by indigenous cultural communities since time  
32 immemorial shall be presumed to be ancestral lands.
  - 33 ii. Rights and obligations within ancestral lands are presumed to be governed by  
34 customary law.
  - 35 iii. Rights and obligations within ancestral lands governed by customary laws are  
36 presumed to be held collectively by the community.

iv. Rights and obligations within ancestral lands proven to be held by individuals under customary laws are presumed to be held in trust by such individuals for the whole community.

v. The continued practice of traditional and sustainable living shall be sufficient consideration for the State in place of the payment of taxes on ancestral domains. Real property taxes, however, shall accrue when there is a determination by the PAMB upon a petition by an interested party, that the properties are commercially used and not in conformity with traditional and sustainable natural resource management practices.

Owing to differences in cultural and social worldview, the provisions of this Act shall be construed liberally in favor of indigenous cultural communities and their members.

**SEC. 9. *Tenured Migrants and Transient Farmers.*** – Tenured migrants are those members of households that have actually and continuously occupied the area within the Aliwagwag Falls Protected Landscape since July 1, 1987 and are substantially dependent on the protected area for their livelihood. For purposes of official documentation of rights and extent of occupation in the protected area, the tenured migrant household shall be issued a tenure instrument over such areas as have been occupied or cultivated since July 1, 1987. Tenured migrants may occupy and use the area specified in the instrument for a term of twenty-five (25) years renewable for the same period. The holder of the instrument upon the laps of this period may negotiate for a new instrument and his occupancy shall be evaluated by the PAMB for purposes of such renewal.

If despite consideration paid to current practices, areas occupied by tenured migrants are designated as zones where no occupation or other activities are allowed, a provision for their transfer to multiple use zones or buffer zones shall be accomplished using humanitarian considerations.

Persons who have been cultivating land within the protected area since July 1, 1987 are considered to be occupying such lands and shall be entitled to a tenure instrument restricted to cultivation, provided that this right can only be transferred to direct descendants.

Tenured migrant instruments may be canceled for violation of the terms and conditions specified therein, upon the holder's repeated refusal to comply with the management plan or the regulations set by the PAMB, or by voluntary surrender of rights. Upon cancellation of a tenured migrant instrument, 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 transient or tenured migrant.

Tenured migrant instruments are transferable only to direct descendants but are not visible to numerous heirs.

1       **SEC. 10. *Prohibited Acts.*** – The following shall be the prohibitions and penalties  
2 applicable to the protected area:

3           A. The penalties in Article 309 and 310 of the revised Penal Code depending on  
4 the value of the resources take, damaged or destroyed shall be imposed upon  
5 any person who:

- 6           1. Hunts, destroys, traps, disturbs or possesses anywhere within the  
7 Aliwagwag Falls Protected Landscape of any wild plants or animals or  
8 products derived therefrom without a permit from the PAMB provided  
9 that such permits shall only be given for scientific purposes necessary for  
10 protected area management;
- 11          2. Cuts, gathers, collects or removes timber or forest products without  
12 permit, provided that such permits shall only be given for scientific  
13 purposes necessary for protected area management;
- 14          3. Possesses outside the protected area any wild plants or animals or products  
15 derived therefrom which came from the protected area;
- 16          4. Explores or extracts, drills or engaged in prospecting for minerals within  
17 the Aliwagwag Falls Protected Landscape;
- 18          5. Constructs or maintains any kind of road, structure, fence or enclosure  
19 without a permit from the PAMB, provided that structures within ancestral  
20 domains used by indigenous cultural communities need not need under a  
21 permit from the PAMB;
- 22          6. Alters, mutilates, excavates, removes, destroys or defaces boundary marks  
23 or signs, natural formations, burial grounds, religious sites, artifacts,  
24 objects belonging to indigenous cultural communities and other objects of  
25 natural and scenic value or affixing marks or signs on trees;

26       Valuation of the damage shall take into account bio-diversity and conservation  
27 considerations as well as aesthetic and scenic value. The commission of these acts likewise  
28 carries the penalty of eviction from the protected area and the forfeiture of all transportation,  
29 structures and building materials, equipment, devices, weapons used for the commission of the  
30 offense as well as the protected area resources caught in te possession of the accused.

31       The local government unit responsible for the imposition of the penalties herein and the  
32 arrest and confiscation of the materials shall have a fifty percent (50%) share in the disposition  
33 thereof while the rest shall accrue to the PAMB.

34       B. A fine of not less than One hundred thousand pesos (P100,000.00) nor more than  
35 Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than  
36 one (1) year and not more than five (5) years shall be imposed upon:

1. Any person or persons responsible for grazing and or causing livestock to be grazed or raising poultry within the protected area without permit from the PAMB.
2. Any public officer or officer of the law, who, in dereliction of the duties of his office, shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

A person who induces another or conspires to commit any of the acts in this section or suffer his workers to commit any of such acts shall be liable in the same manner as the one actually performing the act.

All activities contained in the management plans and such other measures as are necessary for protection, preservation, and protected area management as certified by the PAMB and the DENR Secretary and undertaken by the PASu or those deputized by PAMB shall not be covered by the above. The certified customs and traditional practices of the indigenous cultural communities are also allowable activities over which the above prohibitions shall not apply.

C. A fine of not less than One thousand pesos (P1,000.00) but not more than One hundred thousand pesos (P100,000.00) and/or imprisonment of not less than one (1) year nor more than five (5) years and the restoration and rehabilitation of the damage shall be imposed upon any person who commits any of the following acts:

1. Violating any rules and regulations in the management plan or agreements reached before the PAMB in the exercise of its adjudicative functions;
2. Dumping, burning, or disposing of any waste products, vegetation or materials within the protected area to the detriment of the inhabitants, plants or animals therein;
3. Using motorized equipment without a permit except motorized vehicles in areas where the national highway, provincial road or other public thoroughfare traverse the park, provided that such thoroughfares were legally constructed;
4. Occupying any portion of land inside the Aliwagwag Fall Protected Landscape without a permit from the PAMB: *Provided*, That occupation shall be of such a nature as to last more than ten days in a particular portion of the protected area; and

5. Entering the protected area without a permit from the PAMB.

**SEC. 11. *Contracts Over Lands.*** – The purchase, sale, encumbrance, mortgage, usufruct or lease of lands within the protected area to persons outside the protected area not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PSMB: Provided, That verification and validation by the PAMB shall depend on the subsisting rights to enter into such contract due to vested rights, customary practices or individual ownership prior to the establishment of the area as a protected area.

**SEC. 12. *Special Prosecutors.*** – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules, and regulations in the protected area shall be assigned. Such special prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB may appoint a special private prosecutor on a case to case basis to assist the public prosecutor in the enforcement of protected area laws.

**SEC. 13. *Local Government Units.*** – Local government units (LGUs) shall participate in the management of the Aliwagwag Falls Protected Landscape through representation in the PAMB. The LGUs shall retain their ordinance-making powers over the territory covered under this Act but with due consideration to the protected area management objectives. If a conflict between the LGUs and the protected area management objectives remains unresolved within the PAMB, it shall be resolved through mediation between the Secretaries of the DENR and the Department of Interior and Local Government.

**SEC. 14. *Integrated Protected Areas Funds.*** – The following shall constitute part of the Integrated Protected Areas Fund (IPAF) and shall be subject to its rules as provided for under the NIPAS Act, from the moment they accrue:

1. Proceeds from the special land use and resource utilization and real property taxes from commercially used ancestral domains, as may be set by the PAMB;
2. Fees extracted from permitted collection of wild flora and fauna and other resources within the protected area as may be set by the DENR and PAMB;
3. Fees from industries and facilities directly benefiting from the protected area;
4. Fines and fees, including protected area entry and visitor's fees, as may be imposed and collected from the operation of the operated area;

1                   5. Contributions, donations, endowments and grants from any legal  
2                   source intended from the operation of the protected area.

3           The LGUs shall continue to impose and collect all other fees not enumerated herein  
4           which they have traditionally collected such as business permits, property taxes and rentals of  
5           local government unit facilities. Furthermore, local government units may charge add-ons to fees  
6           imposed by the PAMB provided that such add-ons shall be determined based on the contribution  
7           of the local government unit in the maintenance and protection of the protected area.

8           **SEC. 15. *Existing Facilities within the PA.*** – Within thirty (30) days from the  
9           effectivity of this Act, all commercial facilities existing within the boundaries of the protected  
10          area with a total capitalization exceeding One hundred thousand pesos (P100,000.00) shall  
11          submit to the PAMB through the PASu the initial environmental examination and the  
12          environment compliance certificate, the waste cycle, fuel requirements and transportation of fuel  
13          within the PA, personnel and expected personnel traffic within the park, project life cycle, and  
14          exit or repair plans for degraded structure, studies on the effects of operation on wildlife, the  
15          development plans and mitigating measures against adverse environmental impact and such  
16          other relevant information as may affect protected area management.

17          Based on its admission, the PAMB with the help of the DENR, shall determine whether  
18          the existence of such facility and its future plan and operation will be detrimental to the protected  
19          area. Failure to submit the required information shall constitute a violation of this Act. The  
20          PAMB may prescribe conditions for the operation of the facility to ensure that it does not  
21          contradict protected area management objectives. If any of such conditions are violated, a fine of  
22          Five thousand pesos (P5,000.00) for every day of violation shall be imposed and the operation of  
23          the facility shall be ordered to cease. Upon reaching a total fine of Five hundred thousand pesos  
24          (P500,000.00), the PAMB, through the PASu and deputizing other government entities, shall  
25          cause the demolition of the facility at the cost of its owners.

26          Existing facilities allowed to remain within the protected area may be charged a  
27          reasonable fee by the PAMB which shall be embodied in a Memorandum of Agreement to be  
28          entered into by the PAMB and the owner of the facility. All incomes derived from such fees shall  
29          accrue to the IPAF.

30          **SEC. 16. *Utilization of Non-Renewable Resources.*** – Any exploration for, exploitation,  
31          or utilization of non-renewable resources within the protected area shall not be allowed. Energy  
32          projects, whether renewable or otherwise, shall be permitted only through an Act of Congress:  
33          *Provided, That* exploitation or exploration of renewable energy up to three (3) megawatts  
34          capacity shall be exempt from such requirement.

1       **SEC. 17. *Appropriation.*** – The Secretary of the department of Environment and Natural  
2 Resources shall include in its program the implementation of this Act, the funding of which shall  
3 be included in the annual General Appropriations Act.

4       **SEC. 18. *Construction In Favor of Tenured Migrants and Indigenous Communities.*** –  
5 The provisions of this Act shall be construed liberally in favor of tenured migrants and  
6 indigenous cultural communities and with due consideration to the protection of bio-diversity.  
7 The NIPAS Act shall have suppletory effect in the implementation of this Act.

8       **SEC. 19. *Transitory Provisions.*** – All persons who will not qualify as tenured migrants,  
9 transient farmers, or those who have no ancestral domains within the protected area shall be  
10 allowed to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all crops  
11 planted by such unqualified persons shall be confiscated and the proceeds thereof shall accrue of  
12 the IPAF.

13       The holders of TLA No. 43, TLA No. 47, and IFMA No. 28 shall continue to operate in  
14 their respective areas within the terms of these agreements: *Provided*, That they shall be allowed  
15 to harvest only within sustainably managed residual forests and all planted species located within  
16 the multiple-use zones pursuant to the zoning plan to be adopted for the Aliwagwag Falls  
17 Protected Landscape.

18       **SEC. 20. *Separability Clause.*** – If any part or section of this Act is declared by the  
19 courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

20       **SEC. 21. *Repealing Clause.*** – For purposes of the establishment of the Aliwagwag Falls  
21 Protected Landscape, all laws, rules and regulations inconsistent herewith are modified  
22 accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded for the  
23 entire area covered by this Act.

24       **SEC. 22. *Effectivity Clause.*** – This Act shall be translated in Filipino, Cebuano and  
25 Kamayo or the language of the indigenous communities residing within the Aliwagwag Falls  
26 Protected Landscape and its buffer zones and surrounding areas. It shall be published once every  
27 week for three consecutive weeks in a newspaper of general circulation readily available in the  
28 areas in and around the scope specified herein. It shall likewise be posted for three weeks in the  
29 appropriate language in a conspicuous place in the provincial, municipal, and barangay halls  
30 within the area as well as in three other places frequented by the public. Fifteen (15) days after  
31 the last publication, this Act shall have full force and effect.

Approved,