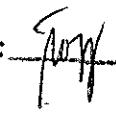


FOURTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

7 JUN 30 P2:50

SENATE
Senate Bill No. 175

RECEIVED BY: 

Introduced by Sen. M.A. Madrigal

EXPLANATORY NOTE

Balinsasayao Twin Lakes Natural Park is a thick forested area in the uplands of Negros Oriental. It covers eight thousand (8000) hectares and located in the municipalities of Valencia, Sibulan, and San Jose. It has a unique feature of two upland lakes adjacent to each other.

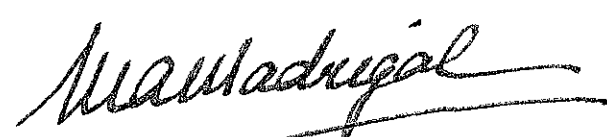
The Balinsasayao Twin Lakes Natural Park serves as sanctuary to several rare and endangered wildlife. Particularly, it is home to barebacked fruit bat which was thought to be extinct as no sighting had been reported since 1964 until it was sighted herein in the year 2004.

It was included in the Palinpinon Geothermal Energy Reservation under the jurisdiction of the PNOC.

Due To its biodiversity and ecological significance, the Balinsasayao Twin Lakes Natural Park was declared a protected area on 21 November 2000 through Presidential Proclamation No. 414.

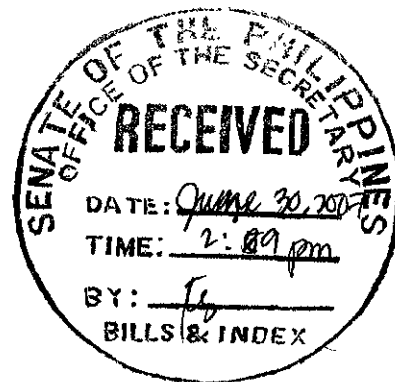
In line with the State's policy of securing for the Filipino people of present and future generations the perpetual existence of all native plants and animals, it is incumbent upon the Congress to enact a law to provide for the management, protection, sustainable development and rehabilitation of the Balinsasayao Twin Lakes Natural Park. This shall be established within the framework of the National Integrated Protected Area System (NIPAS) Act, or Republic Act of 7586, while considering the welfare and recognizing the rights of all the communities living therein especially the indigenous peoples.

Passage of this Bill is thus urgent before the treasures of Balinsasayao Twin Lakes are lost to the Philippines and the world.


M.A. MADRIGAL

FOURTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
FIRST REGULAR SESSION)

SENATE
S. B. No. 175



Introduced by Sen. M.A. Madrigal

**AN ACT
DECLARING THE BALINSASAYAO TWIN LAKES LOCATED IN THE
MUNICIPALITIES OF SIBULAN AND SAN JOSE, PROVINCE OF NEGROS
ORIENTAL AS A PROTECTED AREA UNDER THE CATEGORY OF
NATURAL PARK AND FOR OTHER PURPOSES**

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

**CHAPTER I
GENERAL PROVISIONS**

Section 1. *Title.* - This Act shall be known as the "Balinsasayao Twin Lakes Natural Park Act".

Sec. 2. *Declaration of Policy.*- Considering the aesthetic, socio-cultural and ecological importance to the Province of Negros Oriental of the area where the Balinsasayao Twin Lakes are located, it is hereby declared the policy of the State to ensure its protection and conservation as a natural park including its communities of people insofar as they are in harmony with nature. The protection and conservation of the Balinsasayao Twin Lakes Natural Park shall be pursued through sustainable and participatory management and shall advance and protect the interests of legitimate inhabitants and entities with prior rights in the area.

Sec. 3. *Definition of Terms.*

(a) "Biodiversity" shall refer to the variety and variability among all living organisms and the ecological complex in which they occur.

(b) "Buffer zones" shall refer to identified areas outside the boundaries of the designated protected area that need special development and control in order to provide an extra layer around the protected area where restrictions may apply, and managed according to the Management Plan and applicable rules and regulations issued as provided for in this Act and related statutes.

(c) "Department" shall refer to the Department of Environment and Natural Resources (DENR).

(d) "Ecosystem" shall refer to the community of plants and animals, their physical environment and the interactions between them.

(e) "Environmental Impact Assessment" shall refer to the Environment, Impact Assessment System established under Presidential Decree No. 1586.

(f) "Exotic species" shall refer to species or subspecies that do not naturally occur within the country or within the biogeographic region of the Philippines in which the protected area is situated.

(g) "Management Plan" shall refer to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Balinsasayao Twin Lakes Natural Park in order to attain the objectives of this Act as stated in Section 2 hereof.

(h) "Natural park" shall refer to a relatively large area not materially altered by human activity, where extractive resource *uses* are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use.

(i) "Protected area (PA)" shall refer 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.

(j) "Secretary" shall refer to the Secretary of the DENR.

(k) "Tenured migrants" shall refer to individuals and households who have actually and continuously, occupied public lands which are not alienable and disposable within the PA before June 1, 1987 and are substantially dependent on the PA for their livelihood.

(1) "Timber" shall refer to wood having an average diameter of at least fifteen (15) centimeters and a length of at least one and a half (1.5) meters, or wood regardless of size, sawn or hewn on two or more sides usually referred to as fitch, and all mangrove.

Sec. 4. *Scope.* - The Balinsasayao Twin Lakes Natural Park shall cover certain parcels of land situated in the municipalities of Sibulan and San, Jose, Province of Negros Oriental. Its boundaries, subject to ground demarcation, are as follows:

Beginning a corner marked "1" on the map being identical to MBM

No. 14, Project No. 15, AandDLCMap225;

Thence	N 71°25' W	282.40 m.	to corner 2;
Thence	N 72° 27' W	705.70 m.	to corner 3;
Thence	S 20° 52' W	337.90 m.	to corner 4;
Thence	S 74° 41' W	491.00 m.	to corner 5;
Thence	S 46° 19' W	1,376.00m.	to corner 6;
Thence	S 70°50' W	400.00 m.	to corner 7;
Thence	N71° 25' W	756.50m.	to corner 8'.
Thence	S 32° 11' W	875.00m.	to corner 9;
Thence	S 58° 12' W	1,190.40 m.	to corner 10;
Thence	N 64° 15' W	8,092.30 m.	to corner 11;
Thence	DUE W	670.28 m.	to corner 12;
Thence	N 39° 30' E	5,954.47m.	to corner 13;
Thence	S 80°21' E	4,173.80 m.	to corner 14;
Thence	N 45°43' E	4,166.40 m.	to corner 15;
Thence	DUE S	226.00 m.	to corner 16;
Thence	S 45° 19' W	785.70 m.	to corner 17;
Thence	S25°47'E	193.20m.	to corner 18;
Thence	N 50°45' E	303.60 m.	to corner 19;
Thence	S 47° 01' E	489.10 m.	to corner 20;
Thence	S 20° 40' E	289.20 m.	to corner 21;
Thence	N 18°36' E	481.70 m.	to corner 22;
Thence	N 40° 44' E	510.00 m;	to corner 23;
Thence	DUE E	208.00 m.	to corner 24;
Thence	N 35° 46' E	409.60 m.	to corner 25;
Thence	S70°39'E	346.80 m.	to corner 26;
Thence	825°47' E	289.90 m.	to corner 27;
Thence	N 48° 44' E	283.80 m.	to corner 28;
Thence	S 60° 53' E	690.30 m.	to corner 29;
Thence	S31° 10'W	310.90 m.	to corner 30;
Thence	S 65° 59' W	299.10 m.	to corner 31;
Thence	S 41° 19'W	587.40 m.	to corner 32;
Thence	S 20° 52' E	289.60 m.	to corner 33;
Thence	N 85° 10' E	278.60 m.	to corner 34;
Thence	DUE S	240.00 m.	to corner 35;
Thence	S 31°55' E	213.20 m.	to corner 36;
Thence	S 33°57' E	436.70 m.	to corner 37;
Thence	S 77°34'W	882.60 m.	to corner 38;
Thence	S15°31'E	298.30 m	to corner 39;
Thence	N 61° 58'E	301.30 m.	to corner 40;
Thence	N 48°44' E	293.40 m.	to corner 41;
Thence	S 10°22' E	240.30m.	to corner 42;
Thence	S.50° 00' E	588.40 m.	to corner 43;
Thence	S 20° 32' W	190.00m.	to corner 44;
Thence	DUE S	288.00 m.	to corner 45;
Thence	S 60° 53' E	345.10 m.	to corner 46;
Thence	N 64° 47' E	398.00 m.	to corner 47;

Thence	S 85° 31' E	280.70 m.	to corner 48;
Thence	S30°04' E	387.50 m.	to corner 49;
Thence	S 31° 10' W	291.50 m.	to corner 50;
Thence	S 08°10'E0	230.50 m.	to corner 51;
Thence	DUE E	346.20m.	to corner 52;
Thence	S 15°40' W	173.30m.	to-corner 53;
Thence	S31°10'W	242.90 m.	to corner 54;
Thence	S 61° 07' W	215.70om.	to corner 55;
Thence	N 79°39' W	201.30 m.	to corner 56;
Thence	S 32°11' W	272.20 m.	to corner 57;
Thence	S 15°31' E	481.10 m.	to comer 58;
Thence	S 31° 10' W	291.50 m	to corner 59;
Thence	S 78° 32' W	280.90 m.	to corner 60;
Thence	N 27°12' W	371.70 m.	to corner 61;
Thence	N 41° 19' W	195.80'm.	to corner 62;
Thence	S 20°40' E	366.40 m.	to comer 63;
Thence	S 64°16' W	221..10 m.	to corner 64;
Thence	S 14°29'E	154.00m.	to corner 65;
Thence	S 16°36' E	192.60m.	to corner. 66;
Thence	S 61°07' W	447.40 m.	to corner 67;
Thence	S 20°52' W	202.70 m.	to corner 68;
Thence	S20°40'E	570.70 m.	to corner 69;
Thence	S41°01' E	370.30 m.	to corner 70;
Thence	S31°10 W	291.50 m.	to corner 1,

the point of beginning, containing an area of eight thousand sixteen and five hundredths (8,016.05) hectares: more or less.

The above boundaries and scope of the Balinsasayao Twin Lakes Natural Park shall not be amended except by an act of Congress.

SEC.5. *Management Plan* - Within one year, from the effectivity of this Act and in accordance with the General Management Planning Strategy as provided for in the National Integrated Protected Areas System (NIP AS) Act, there shall be a management plan to be prepared by the Office of the Protected Area Superintendent (PASu) in coordination with the local communities, local government units (LGUs), appropriate offices of the DENR, non-government organizations (NGOs) and people's organizations (pas), existing operators in the park and experts With socioeconomic, anthropological and ecological experience in the area. It shall contain, among others, the following:

- (a) Period of applicability of the plan, preferably at least five years;
- (b) Key management issues;
- (c) Goals and objectives of management in support of Section 2 of this Act;
- (d) Site management strategy;

(e) Major management activities such as, but not limited to, enforcement of laws, biodiversity conservation, habitat and wildlife management, sustainable use management; infrastructure development and maintenance, fire and pest control;

(f) Establishment and delineation of management zones and the regulated and/or prohibited activities therein, such as, but not limited to, multipurpose-use zones, buffer zones, recreational zones, strict protection zones and other special zones which can provide effective management of the. PA and promote sustainable development of all legitimate stakeholders. To avoid relocation, primary consideration shall be accorded to the traditional zones used which have been proven sustainable and in consonance with the biodiversity and protection of the natural characteristics of the PA; and

(g) Visitor management programs. The Management Plan shall be consistent with the nature of the Balinsasayao Twin Lakes as a PA under the category a natural park. It shall be reviewed and approved by the Protected Area Management Board (PAMB) and certified to by the Secretary that it conforms to all laws and the rules and regulations issued therefor by the DENR. The Management Plan shall not be revised nor modified except by prior consultation with the PAMB and in accordance with the procedure herein set forth. If any part or section of the Management Plan is inconsistent with existing laws, the Secretary shall certify to the other provisions of the plan that are consistent with the laws. Unless the Secretary accepts or adopts such inconsistent provisions, he/she shall notify the PAMB of the provisions that need modification or revision. One year before the expiration of the initial Management Plan, there shall be a subsequent plan to be prepared by the Office of the PASu in the same manner as the procedure and principles herein set forth and in accordance with the General Management Planning Strategy as provided in the NIPAS Act. In the same period, the Office of the PASu shall cause the publication of notices for comments and suggestions on the proposed plan in a newspaper of local circulation and the actual posting of such notices in conspicuous places within the LGUs in the Balinsasayao Twin Lakes Natural Park. The proposed new Management Plan shall be made available for public perusal in all agencies, offices and organizations duly represented the PAMB.

In the event that no subsequent plan is adopted upon the expiration of the initial Management Plan, the latter shall remain in force subject to interim modifications that may be adopted by the PAMB.

Sec. 6. The Protected Area Management Board (PAME).- There shall be a PAMB, which shall serve as the highest policy-making body of the Balinsasayao Twin Lakes Natural Park. It shall be composed of the following:

(a) The Regional Executive Director (RED) Of the DENR-Region VII who shall sit as the PAMB chairperson;

(b) The Provincial Governor of Negros Oriental as the PAMB co-chairperson;

(c) The provincial planning and development officer or his/her permanent representative;

(d) The municipal mayors of Sibulan and San Jose or their respective permanent representatives;

(e) All barangay captains within the Balinsasayao Twin Lakes Natural Park;

(f) Two representatives from the POs and the NGOs accredited by the municipalities of Sibulan and San Jose chosen from among themselves in an election duly called by the DENR-Region VII for the purpose; and

(g) Representatives from national government agencies operating within the PA which can potentially contribute to the area's management; and

(h) Other stakeholders who can potentially assist and contribute in the protection, preservation and conservation of the Balinsasayao Twin Lakes Natural Park.

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

(1) Active involvement in the ecological conservation, preservation, rehabilitation and protection of the PA;

(2) Great potential in community organizing and other development works;

(3) Favorable track record in community; and

(4) Duly accredited by the LGU concerned and the DENR.

Sec.7. Term of Office of that PAMB Members.- Every member of the PAMB shall serve for a term of five years: *Provided,* That he/she continues to be officially connected with the organization or office being represented. If a vacancy occurs, a new member shall be chosen in accordance with the original selection process but the successor shall only serve the remaining term. In the case of elected officials, they shall serve the PAMB for the duration of their term office.

Sec.8. Powers and Functions of the PAMB. - The PAMB of the Balinsasayao Twin Lakes Natural Park, being the highest policy-making body, shall have the following powers and functions:

(a) Decide and approve matters relating to proposals, work and action plans, guidelines and policies, and other activities for the management of the PA;

(b) Review, approve and adopt the management plans and development programs and their respective implementing rules and regulations;

(c) Recommend and approve the establishment and delineation of zones;

(d) Establish supplemental criteria and guidelines for park fees for activities regulated by this Act or the Management Plan subject to the DENR's approval pursuant to Section 10(f) of the NIPAS Act;

(e) Ensure the effective implementation of development activities within the PA;

(f) . Adopt rules and procedures in the conduct of business, roles and responsibilities, and discipline of its board members, including the creation of standing committees;

(g) Evaluate the performance and activities of the Office of the PASu;

(h) Accept donations, approve proposals for funding and budget allocation, and exercise accountability over all funds that may accrue;

(i) Evaluate and recommend compliance to all existing requirements set by the DENR particularly in the issuance of the Environmental Compliance Certificate;

(g) Recognize the rights and privileges of indigenous communities under the provisions of this Act and other applicable laws;

(k) Request assistance from any government agency, office, board and private or public person to achieve the objectives of this Act;

(l) Monitor and evaluate the performance of PA personnel, NGOs and the communities in biodiversity conservational and sociocultural and economic development, and report its assessment to the DENR; and

(m) Participate in the selection and designation process of the DENR in the appointment of the PASu.

The DENR, through the RED, shall ensure that, the PAMB acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and issuances and resolutions issued by the PAMB, the DENR Secretary shall decide whether to apply the Department's administrative order or withdraw its application in the PA.

Sec.9. *Office of the Protected Area Superintendent (PASu).* -There is hereby established the Office of the PASu in charge of the management, protection and

administration of the PA. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief, operating officer of the Balinsasayao Twin Lakes Natural Park or the PA and shall be accountable to the RED of the DENR-Region VII and the PAMB. The PASu shall have the following powers and functions:

(a) Administrative

(1) Serve as the chief administrative officer of the PA for the purpose of implementing the Management Plan as detailed in the annual work program;

(2) Establish a productive partnership with the local community;

(3) Plan the protection and management of the PA;

(4) *Ensure the performance and high morale of his staff;*

(5) Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the PA;

(6) Develop and implement a park information, education and visitor program;

(7) Develop and implement a natural history documentation program and oversee researches that may be conducted within the area;

(8) Integrate the roles of the NGO and the DENR staff in the operation of the area; and

(9) Document the processes involved in the establishment and management of the PA, with particular reference to the development of *relationships with cultural communities, tenured migrants, buffer zone residents and other in establishment effective protection of the area.*

(b) Regulatory,

(1) Act as peace officer for the purpose of maintaining peace and order within the PA. As peace officer, he shall exercise police supervision therein and may arrest any person found in any place within PAs who is committing, has committed or is about to commit an offense which is prohibited in this Act;

(2) Enforce rules and regulations established to protect the area and preserve the area from trespass, damage, injury and illegal occupancy;

(3) Require; when necessary, any person entering or passing through or any part of the PA under his jurisdiction, to give the following information: name address the proposed duration of stay inside the PA and the portion which

he intends to visit or has visited and such other information of similar nature as may be referred to him;

(4) Summarily remove or eject from the area persons who have rendered themselves obnoxious by disorderly conduct or bad behavior or who have violated any of the regulations on the PA;

(5) Require persons cutting and/or gathering forest products or hunting or fishing within the PA to produce, upon demand, authority or permit to do so;

(6) Seize and confiscate timber or other forest products, game birds, animals and fish, including instruments, tools and conveyances used inside the PA by unlicensed persons, or if licensed, in violation of PA laws, rules and regulations, and to report them in accordance with the present rules, regulations and guidelines issued by the Secretary concerning confiscation, seizure and disposition of illegally cut, gathered, transported forest products and other natural resources and confiscated wildlife; and

(7) Perform such other powers and duties as may from time to time be prescribed by higher authorities.

All DENR employees detailed with the PA at the time of the effectivity of this Act shall be accorded preference to for impact of the Office of the PASu.

CHAPTER III TENURED MIGRANTS

SEC.10, *Tenured/red Migrants*. - Tenured migrants shall be eligible to become stewards of portions of lands within the allowed and designated zones. The PAMB shall identify, verify and subject to Section 56 of Republic Act No, 8371 or the Indigenous People's Rights Act (IPRA) of 1997, review all tenure instrument, land claims and issuance of permits for resource use within the PA and recommend the issuance of the appropriate tenure instrument consistent with the land classification, proper and allowed use of resources found therein, and zoning provided in the management or successor plans. Farmers who have been cultivating land within the PA are considered to be occupying such lands and shall be entitled to a tenure instrument limited to cultivation and residence: *Provided*, That the rights under such can only be transferred to direct descendants.

Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants: If areas occupied by tenured migrants are designated as zones in which no occupation or other activities are allowed, they shall be transferred to multiple-use zones or buffer zones to be accomplished through just and human means.

In the event of termination of it tenure instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate

the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Sec.11. *Existing Rights.* - All prior and property and private rights within the PA and ancestral domains already existing and/or vested upon the effectivity of this Act shall be protected and respected in accordance with existing laws.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

SEC.12. Prohibited Acts and Penalties.-

(a) The Penalties and qualifications prescribed in Articles 309 and 310 of the Revised Penal Code depending on the value of the resources involved in connection with the prohibited act shall be imposed upon any person who:

(1) Hunts, takes, destroys, disturbs or possesses any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derive therefrom, or any from off extraction or use of resources within particularly identified regulated or prohibited areas or zones in the PA including private lands, without the necessary PA permit, authorization or exemption, issued or promulgated by the PAMB;

(2) Cuts, gathers, removes or collects timber or any forest products within particularly identified prohibited areas or zones in the PA area including private lands, without the necessary PA permit, authorization or exemption, as issued or promulgated by the PAMB;

(3) Cuts, destroys any tree or shrubs or other erosion-preventing plants, or builds or introduces any structure that would cause erosion in/riparian areas of the PA pursuant to Section 16 of Presidential Decree No. 70S, as amended, or the Revised Forestry Reform Code;

(4) Possesses outside the PA any timber, forest products, wild terrestrial or aquatic plants, animals, flora or fauna so prohibited by the PAMB or products derived therefrom which are ascertained to have been taken from the PA. It shall be presumed to have been taken from the PA if the subject plant, animals, flora or fauna is found in possession or control of persons who traveled to the PA within seventy-two (72) hours before the time of their arrest; or

(5) Hunts, collects, removes or destroys endangered or protected species, except when collection or removal is for scientific research and is so exempted from this prohibition by the PAMB.

(b) A fine ranging from One hundred thousand pesos (P100,000.00) to Five hundred thousand pesos (P500,000.00), imprisonment ranging from five years to ten (10) years, or both fine and imprisonment at the discretion of the court, and the restoration and rehabilitation of the damage or, when appropriate, the ejection therefrom shall be imposed upon any person who:

(1) Occupies, settles or possesses any portion of the PA, introduces improvements, agricultural or otherwise, or performs "kaingin" therein not sanctioned by law or without the proper permit and authority as required by the PAMB;

(2) Sells, buys or offers to sell or buy any real property or rights "within particularly identified regulated areas or zones in the PA;

(3) Occupies or possesses any portion of lands within the PA by using force, intimidation, threat, deceit or by taking advantage of the absence or tolerance of the rightful possessor, occupant or claimant;

(4) Uses explosives, noxious substances or electricity for fishing within the PA. The possession of explosives noxious or poisonous substances, electro fishing devices and paraphernalia, or fish caught through explosives, noxious or poisonous substances or electricity within and nearby fishing areas or fishing boats shall constitute *prima facie* evidence that the possessor thereof committed the act herein prohibited;

(5) Destroys, damages,' mutilates, defaces or commits any act of vandalism on any object of natural beauty, object of anthropological or cultural importance, or non-renewable resource within the PA;

(6) Throws, discharges or dumps within the protected zone any substance that is deleterious or potentially deleterious to the ecosystem or to the plants, animals or inhabitants in the protected and buffer areas, or committing same activities within the buffer zone without appropriate permit or authority;

(7) Alters, removes, destroys or defaces any boundary' markers, monuments or interpretative signs relating to the PA;

(8) Causes damage to road, trails and pathways;

(9) Engages in any degree or form location/exploration, quarrying or extraction of mineral;

(10) Obstruct; or hinders the enforcement of this Act, its related laws, rules and regulations.

(c) A fine ranging from Five thousand pesos (P5,000.00) to One hundred thousand pesos (P100,000.00)r, imprisonment ranging from one year to six years, or both fine and imprisonment at the discretion of the court shall be imposed upon any person who:

(1) Violates any rules and regulations promulgated by the PAMB or its duly authorized delegate or any agreement or commitment reached before the PAMB;

(2) Deals any product illegally derived from the PA such as, but not limited to, selling, buying, offering to sell or buy any timber, forest product, natural growing or wild terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom or any resource from within particularly identified regulated or prohibited areas or zones in the PA without the necessary permit, authorization or exemption for the utilization, and/or extraction thereof as provided by this Act and other existing laws, rules and regulations;

(3) Uses any equipment which facilitates extraction of resources, regardless, of such intention or purpose within the PA without the necessary PA permit or authorization;

(4) Leaves debris, refuse or garbage in exposed or unsanitary condition any Where within the PA; or

(5) Enters any portion of the PA for purposes of mountain climbing, camping, spelunking, study, research or recreational visit without the necessary permit or authorization.

Administrative procedures for the investigation and validation of the violation shall be prepared by the PAMB in coordination with the appropriate offices of the DENR.

If the act is committed by a corporation, organization, partnership or association, the penalty shall be imposed on the chief executive officer and/or board of trustees of the corporation, organization or managing partner of the partnership or association. Valuation of the damage shall take into account biodiversity and conservation considerations as well' as aesthetic and scenic value. Valuation by the DENR or the concerned, government agency shall be presumed correct unless proven otherwise.

Any person who shall induct or conspire with another person or persons to commit any of the acts prohibited in this Act or caused any person to commit any of the same shall be liable in the same manner as the one actually performing the act.

Sec.13. *Administrative, Confiscation and Fine.* - Administrative proceedings for violation of the foregoing prohibited acts shall proceed independently and without prejudice to judicial action. The PAMB through the Office of the PASu is hereby empowered to impose an administrative fine ranging from Five thousand pesos (P5,000.00) to One hundred fifty thousand pesos (P150,000.00) and/or the cancellation of permit or license issued. Decisions of the Office of the PASu may be appealed within thirty (30) days from the receipt of the decision to the PAMB Executive Committee. The decision of the PAMB Executive Committee is appealable to the DENR Secretary within a period of sixty (60) days from the receipt of the decision.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be subject to immediate administrative confiscation by the Office of the PASu upon apprehension without prejudice to criminal action: Once the proper criminal action is filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools and similar devices shall be in *custodia legis* but shall continue to be subject to administrative confiscation and may only be released by the trial court to the owner pending trial upon consultation with the PASu and with proper consideration of the pending, administrative proceedings and the potential forfeiture of the said objects.

Administrative fines collected and the proceeds of the sale of all objects administratively judicially confiscated or forfeited pursuant hereto shall accrue to the Balinsasayao Twin Lakes Natural Park Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

Sec.14. *Special Prosecutor*, - Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be assigned. 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 shall periodically submit an evaluation of the performance of the designated special prosecutor to the DOJ.

SEC. 15. *Special Counsel*. - The PAMB may retain the services of a competent lawyer to prosecute or assist in the prosecution of cases, defend the members of the PAMB, the PASu and staff or any person assisting in the protection, conservation and sustainable development of the PA against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

CHAPTER V BALINSASAYAO TWIN LAKES NA RURAL PARK FUNDS

SEC. 16. *Balinsasayao Twin Lakes Natural Park Fund*. - There is hereby established a trust fund to be known as the Balinsasayao Twin Lakes Natural Park Fund for purposes of financing projects of the PA. All income generated from the operation of the system or management of wild flora and fauna in the PA shall accrue to the fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the PA, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the PA, and such other fees and income derived from the operation of the PA.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign; for purposes related to their functions: *Provided*, That the fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection,

maintenance, administration and management of the Balinsasayao Twin Lakes Natural Park and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations: *Provided, further,* That the fund shall not be used to cover personal services expenditures.

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

CHAPTER VI
EXISTING FACILITIES, UTILIZATION OF NON-RENEWABLE RESOURCES, ENVIRONMENTAL IMPACT ASSESSMENT AND PARTNERSHIP AMONG GOVERNMENT, NONGOVERNMENT AND PEOPLE'S ORGANIZATIONS

SEC.17. *Existing Facilities within the PA.* - Existing facilities within the PA shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. Within thirty (30) days from the effectivity of this Act, unless extended by the PAMB, all commercial facilities existing within the boundaries of the PA with a total capitalization exceeding One hundred thousand pesos (P100,000.00) shall submit to the PAMB, through the PASu, the following information:

- (a) Environmental Impact Assessment and/or Environmental Management Plan;
- (b) Environmental Compliance Certificate, if any; and
- (c) Developmental Plan, if any.

Failure to submit the required information shall constitute a violation of this Act. Based on its submission, the PAMB with the assistance of the DENR shall assess such facility and its future plan and operation vis-à-vis the objectives of this Act. The PAMB may prescribe, conditions for the operation of the facility to ensure that it does not contradict PA management objectives, If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed. If the fine reaches the total amount of Five hundred thousand pesos (P500,000.00) regardless of duration, the PAMB, through the PASu and deputizing other government entities, shall cause the cessation of operations and demolition of the facility at the cost of its owners.

The removal of existing facilities which provide basic services and amenities to the public shall require the concurrence of the LGU.

Existing facilities allowed to remain within the PA may be charged a reasonable fee, subject to the DENR approval pursuant to Section 10(f) of the NIPAS Act by the PAMB based on the extent of its impact on the environment and biodiversity.

SEC. 18. *Utilization of Non-renewable Resources.* - Any exploration, exploitation or utilization of non-renewable resources within the PA shall not be allowed.

Sec.19. *Environmental Impact Assessment System.* - Existing laws, rules and regulations relating to Environmental Impact Assessment shall be applicable to projects and activities intended in the PA. The issuance of the Environmental Compliance Certificate or its exemption shall be coordinated with the PAMB.

Sec.20. *Partnership Among Government, NGOs and POs.* - For the purpose of attaining the objectives of this Act, all government agencies, NGOs, POs and their personnel shall continuously foster and develop a strong and true partnership.

All NGOs, POs and private entities implementing any park conservation, protection and development program must be accredited by the LGUs and the Department.

CHAPTER VII APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

SEC. 21. *Appropriations.* - The Secretary shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 22. *Construction.* - The provisions of this Act shall be construed liberally in favor of tenured migrants and indigenous cultural communities with due consideration to the protection of biodiversity. The NIPAS Act shall have suppletory effect in the implementation of this Act.

SEC. 23. *Repealing Clause.* - For the purpose of this Act, Sections 11, 15, 20 and 21 of Republic Act No. 7586 or the NIPAS Act are hereby modified. All other laws, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly. The prohibition and penalties under the NIPAS Act are hereby superseded for the entire area covered by this Act.

SEC. 24. *Separability Clause.* - If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SEC. 25. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a national newspaper of general circulation readily available in the area. It shall be translated in English and

Filipino and shall likewise be posted for three weeks in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three other places frequented by the public.

Approved,