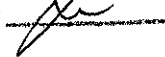


FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUL -4 12:32

SENATE

RECEIVED BY: 

Senate Bill No. 1071

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Agusan Marsh Wildlife Sanctuary in Agusan Del Sur as a protected area.

The Agusan Marsh Wildlife Sanctuary, with a total area of 40,868 hectares, is the biggest marsh land in the Philippines. A refuge of migrant birds from Northern Asia during winter season, the Agusan Marsh Wildlife Sanctuary also provides an abode for the threatened populations of crocodile species namely the Philippine crocodile and the Philippine Saltwater crocodile. Also found in the area are no less than 31 species of flowering plants, 127 species of birds, 41 species of reptiles, 10 species of mammals, 14 amphibians, 16 freshwater fish species belonging to 10 families and 65 species of butterflies, of which 3 are relatively rare. The Agusan River, which runs through the marsh, is the third longest river in the Philippines. The marsh is also called home by indigenous people, the Manobos, who live deep inside the marsh in floating houses.

Recognizing the value of the area, it was proclaimed as the Agusan Marsh Wildlife Sanctuary by virtue of Presidential Proclamation No. 913 on October 31 1996.

This bill, therefore, seeks to declare the Agusan Marsh Wildlife Sanctuary as a protected area in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

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


SENATOR COMPAÑERA PIA S. CAYETANO

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

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7 JUL -4 P2:12

SENATE

Senate Bill No. 1071

RECEIVED BY: 

Introduced by Senator Pia S. Cayetano

AN ACT

ESTABLISHING THE AGUSAN MARSH WITHIN THE MUNICIPALITIES OF SAN FRANCISCO, BUNAWAN, VERUELA, LORETO AND LAPAZ IN THE PROVINCE OF AGUSAN DEL SUR AS A WILDLIFE SANCTUARY PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES PURSUANT TO R.A. 7586

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

1 SECTION 1. *Title.* – This Act shall be known as the “Agusan Marsh Wildlife Sanctuary
2 Act of 2007”.

3 SEC. 2. *Land Classification.* – All lands of the public domain comprising the Agusan
4 Marsh Wildlife Sanctuary shall fall under the classification of National Park as provided for in
5 the Philippine Constitution.

6 SEC. 3. *Scope and Coverage.* – The Agusan Marsh Wildlife Sanctuary located in the
7 Municipalities of Talacogon, San Francisco, Rosario, Bunawan, Loreto and Lapaz, all in the
8 Province of Agusan del Sur and covers a total area of forty thousand eight hundred sixty-
9 eight (40,868) hectares, more particularly described as follows:

CORNER	LONGITUDE	LATITUDE
1	125° 49'04.79"	8° 23'42.52"
2	125° 48'12.00"	8° 25'04.99"
3	125° 47'45.61"	8° 25'27.43"
4	125° 46'53.11"	8° 25'26.43"
5	125° 46'05.20"	8° 25'00.65"
6	125° 44'49.47"	8° 24'26.12"
7	125° 45'43.53"	8° 28'35.42"
8	125° 46'23.31"	8° 28'24.47"
9	125° 46'35.47"	8° 27'47.25"
10	125° 47'14.00"	8° 26'14.00"
11	125° 48'16.02"	8° 26'04.35"
12	125° 48'35.62"	8° 25'20.29"
13	125° 52'15.30"	8° 27'07.15"
14	125° 52'12.24"	8° 27'30.98"

1	15	125° 54'03.83"	8° 28'38.32"
2	16	125° 48'12.00"	8° 29'04.84"
3	17	125° 54'56.89"	8° 29'00.92"
4	18	125° 55'32.73"	8° 28'18.88"
5	19	125° 55'42.83"	8° 26'46.73"
6	20	125° 56'25.83"	8° 26'49.89"
7	21	125° 56'45.39"	8° 25'42.12"
8	22	125° 55'52.45"	8° 24'59.17"
9	23	125° 55'06.62"	8° 24'26.48"
10	24	125° 54'44.48"	8° 23'45.67"
11	25	125° 54'49.22"	8° 23'37.35"
12	26	125° 56'56.36"	8° 22'58.64"
13	27	125° 57'40.79"	8° 22'04.75"
14	28	125° 57'16.33"	8° 21'28.91"
15	29	125° 56'36.83"	8° 21'19.18"
16	30	125° 56'58.78"	8° 20'35.91"
17	31	125° 58'33.34"	8° 16'13.41"
18	32	125° 56'13.01"	8° 14'44.96"
19	33	125° 55'27.53"	8° 13'52.44"
20	34	125° 55'22.90"	8° 12'55.75"
21	35	125° 55'25.98"	8° 12'18.40"
22	36	125° 54'59.50"	8° 12'11.61"
23	37	125° 55'05.08"	8° 12'01.15"
24	38	125° 55'06.25"	8° 11'35.18"
25	39	125° 56'42.60"	8° 09'45.79"
26	40	125° 55'17.88"	8° 09'41.73"
27	41	125° 55'20.34"	8° 08'55.13"
28	42	125° 56'51.60"	8° 08'50.51"
29	43	125° 57'08.70"	8° 08'43.18"
30	44	125° 56'07.40"	8° 08'12.90"
31	45	125° 55'40.71"	8° 08'09.85"
32	46	125° 54'53.29"	8° 08'36.84"
33	47	125° 55'02.79"	8° 08'49.79"
34	48	125° 54'59.01"	8° 09'09.17"
35	49	125° 54'46.68"	8° 09'11.63"
36	50	125° 54'45.83"	8° 08'59.76"
37	51	125° 54'34.49"	8° 08'33.42"
38	52	125° 54'26.59"	8° 08'10.15"

1	53	125° 54'14.53"	8° 07'52.51"
2	54	125° 54'26.17"	8° 07'46.37"
3	55	125° 54'22.61"	8° 07'32.20"
4	56	125° 54'18.04"	8° 07'26.21"
5	57	125° 52'50.11"	8° 07'20.68"
6	58	125° 53'10.52"	8° 07'31.73"
7	59	125° 53'20.71"	8° 07'46.84"
8	60	125° 53'11.80"	8° 08'09.03"
9	61	125° 53'18.25"	8° 08'48.88"
10	62	125° 53'22.14"	8° 09'29.74"
11	63	125° 53'34.51"	8° 09'30.33"
12	64	125° 53'34.10"	8° 09'49.88"
13	65	125° 53'39.04"	8° 10'14.43"
14	66	125° 53'41.65"	8° 10'28.27"
15	67	125° 53'34.33"	8° 10'54.15"
16	68	125° 52'52.16"	8° 10'27.71"
17	69	125° 52'32.21"	8° 10'31.70"
18	70	125° 52'22.57"	8° 10'38.02"
19	71	125° 52'09.78"	8° 11'12.20"
20	72	125° 52'22.84"	8° 11'12.06"
21	73	125° 52'16.37"	8° 11'16.37"
22	74	125° 52'04.64"	8° 11'36.52"
23	75	125° 52'03.40"	8° 12'03.88"
24	76	125° 52'06.67"	8° 12'14.26"
25	77	125° 51'47.48"	8° 12'46.53"
26	78	125° 51'17.87"	8° 12'56.01"
27	79	125° 51'20.56"	8° 15'00.30"
28	80	125° 51'04.98"	8° 15'03.84"
29	81	125° 50'32.40"	8° 15'45.76"
30	82	125° 50'18.71"	8° 16'11.78"
31	83	125° 50'19.09"	8° 16'37.70"
32	84	125° 51'14.98"	8° 16'59.06"
33	85	125° 52'17.17"	8° 17'29.35"
34	86	125° 52'56.66"	8° 17'38.54"
35	87	125° 53'53.33"	8° 18'05.11"
36	88	125° 53'52.01"	8° 18'46.58"
37	89	125° 53'20.80"	8° 19'14.36"
38	90	125° 52'38.47"	8° 19'13.76"

1	91	125° 51'29.53"	8° 18'17.95"
2	92	125° 50'55.06"	8° 17'52.19"
3	93	125° 49'54.07"	8° 17'58.93"
4	94	125° 49'40.42"	8° 18'07.45"
5	95	125° 49'37.33"	8° 19'13.68"
6	96	125° 48'30.19"	8° 20'26.87"

7 The technical descriptions provided in this Act will be subject to ground survey and
8 verification to be conducted by the Department of Environment and Natural Resources within
9 ninety (90) days after the effectivity of this Act. Any modification of the coverage of this Act to
10 due to factors such as changing ecological situations, new scientific or archaeological
11 findings, or discovery of traditional boundaries shall be made through an act of Congress,
12 after full consultation with the affected public and concerned government agencies.

13 Considering the character of Agusan Marsh Wildlife Sanctuary as a catch basin, this
14 section shall not preclude the Protected Area Management Board (PAMB), created in
15 Section 6 herein, or the Department of Environment and Natural Resources (DENR) from
16 taking appropriate action outside the Agusan Marsh Wildlife Sanctuary to prevent any
17 adverse effects thereto such as, but not limited to, wastes from industries and run-offs from
18 all areas that feed into the Agusan Marsh Wildlife Sanctuary.

19 *SEC. 4. Definition of Terms.* – For purposes of this Act, the following terms are defined
20 as follows:

21 (a) "Ancestral domains/ancestral lands" refers to all areas generally belonging to
22 indigenous cultural communities comprising lands, inland waters and natural resources
23 therein, held under a claim of ownership, occupied or possessed by indigenous cultural
24 communities, by themselves or through their ancestors, communally or individually since time
25 immemorial, continuously to the present except when interrupted by war, *force majeure* or
26 displacement by force, deceit, stealth or as a consequence of government projects or any
27 other voluntary dealings entered into by government and private individuals or corporations,
28 and which are necessary to ensure their economic, social and cultural welfare. It shall
29 include ancestral lands, forests, pasture, residential, agricultural and other lands individually
30 owned whether alienable and disposable or otherwise, hunting grounds, burial grounds,
31 worship areas, bodies of water, mineral and other natural resources, and lands which may no
32 longer be exclusively occupied by indigenous cultural communities but from which they
33 traditionally had access to for their subsistence and traditional activities, particularly the home
34 ranges of indigenous cultural communities who are still nomadic and/or shifting cultivators.

35 (b) "Biodiversity" refers to the variety and variability among all living organisms and the
36 ecological complex in which they occur.

1 (c) "Biological resources" includes genetic resources, organisms or parts thereof,
2 population, or any other biotic component of ecosystems with actual or potential use or value
3 for humanity.

4 (d) "Bioprospecting" means the research, collection and utilization of biological and
5 genetic resources for purposes of applying the knowledge derived therefrom solely for
6 commercial purposes.

7 (e) "Buffer Zone" is the identified area outside the boundaries of and immediately
8 adjacent to designated Agusan Marsh Wildlife Sanctuary that need special development
9 control in order to avoid or minimize harm to the Agusan Marsh Wildlife Sanctuary.

10 (f) "By-product or derivatives" means any part taken or substance extracted from wildlife,
11 in raw or in processed form. This includes stuffed animals and herbarium specimens.

12 (g) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-products
13 or derivatives.

14 (h) "Conservation" means preservation and sustainable utilization of wildlife, and/or
15 maintenance, restoration and enhancement of the habitat.

16 (i) "Ecosystem" means the dynamic complex of plant, animal and micro-organism
17 communities and their non-living environment interacting as a functional unit.

18 (j) "Endangered species" refers to species or subspecies of flora and fauna that is not
19 critically endangered but whose survival in the wild is unlikely if the causal factors continue
20 operating.

21 (k) "Endemic species" means species or subspecies of flora and fauna which is naturally
22 occurring and found only within specific areas in the country.

23 (l) "Exotic species" means species or subspecies of flora and fauna which do not
24 naturally occur within the protected area at present or in historical time.

25 (m) "Habitat" means a place or type of environment where a species or subspecies
26 naturally occurs or has naturally established its population.

27 (n) "Hunting" refers to collection of wild fauna for food and/or recreational purposes with
28 the use of weapons such as guns, bow and arrow, spear and the like.

29 (o) "Indigenous cultural communities or Indigenous People (ICCs/ IPs)" refers to a group
30 of people or homogenous societies identified by self-ascription and ascription by others, who
31 have continuously lived as organized community on communally bounded and defined
32 territory, and who have, under claims of ownership since time immemorial, occupied,
33 possessed and utilized such territories, sharing common bonds of language, customs,
34 traditions and other distinctive cultural traits, or who have, through resistance to political,
35 social and cultural inroads of colonization, non-indigenous religions and cultures, became
36 historically differentiated from the majority of Filipinos. IPs shall likewise include peoples who
37 are regarded as indigenous on account of their descent from the populations which inhabited
38 the Country, at the time of conquest or colonization, or at the time of inroads of non-

1 indigenous religions and cultures, or the establishment of present state boundaries, who
2 retain some or all of their own social, economic, cultural and political institutions, but who
3 may have been displaced from their traditional domains or who may have resettled outside
4 their ancestral domains.

5 (p) "Management plan" refers to the fundamental plan, strategy and/or scheme which
6 shall guide all activities relating to the Agusan Marsh Wildlife Sanctuary in order to attain the
7 objectives of this Act.

8 (q) "Mineral" refers to all naturally occurring inorganic substance in solid, gas, liquid, or
9 any intermediate state including energy materials such as coal, petroleum, natural gas,
10 radioactive materials, and geothermal energy.

11 (r) "Multiple- Use Zone" refers to an area where settlement, traditional and/or
12 sustainable land use, including agriculture, agro-forestry, extraction activities and other
13 income generating or livelihood activities, may be allowed to the extent prescribed in the
14 IPAP/PAMP.

15 (s) "National Integrated Protected Areas System" is the classification and administration
16 of all designated protected areas to maintain essential ecological processes and life-support
17 systems, to preserve genetic diversity, to ensure sustainable use of resources found therein,
18 and to maintain their natural conditions to the greatest extent possible.

19 (t) "National Park" refers to the land of the public domain classified as such in the 1987
20 Constitution which include all areas under the National Integrated Protected Areas System
21 (NIPAS) pursuant to R.A. 7586 primarily designated for the conservation of native plants and
22 animals, their associated habitats and cultural diversity.

23 (u) "Nongovernmental organizations (NGOs)" refers to an agency, institution, foundation
24 or a group of persons whose purpose is to assist peoples organizations/associations in
25 various ways including, but not limited to, organizing, education, training, research and/or
26 resource accessing.

27 (v) "People's organizations (POs)" refers to a group organized migrant communities and
28 or interested indigenous peoples which may be an association, cooperative, federation,
29 aggrupation of individuals or groups with an identifiable structure of decision-making and
30 accountability, established to undertake collective action to address community concerns and
31 needs in relation to the Agusan Marsh Wildlife Sanctuary.

32 (w) "Protected Area" refers to the identified portions of land and/or water set aside by
33 reason of their unique physical and biological significance, managed to enhance biological
34 diversity and protected against destructive human exploitation.

35 (x) "Protected Area Management Board" refers to a multi-sectoral policy-making body for
36 protected areas created in accordance with RA 7586 or the NIPAS Act of 1992.

37 (y) "Quarrying" means the process of extracting, removing and disposing quarry
38 resources found on or underneath the surface of private or public land.

1 (z) "Strict protection zone" is a natural area with high biodiversity value which shall be
2 closed to all human activity except for scientific studies and/or ceremonial or religious use by
3 the indigenous cultural communities/indigenous peoples; may include habitats of threatened
4 species, or degraded areas that have been designated for restoration and subsequent
5 protection, even if these areas are still in various stages of regeneration.

6 (aa) "Sustainable use" means the use of components of biological diversity in a way and
7 rate that does not lead to the long-term decline of biological diversity, thereby maintaining its
8 potential to meet the needs and aspirations of present and future generations.

9 (bb) "Tenured Migrants" refers to forest occupants who have actually and continuously
10 occupied a portion of the Agusan Marsh Wildlife Sanctuary and is solely dependent therein
11 for subsistence. An Agusan Marsh Wildlife Sanctuary occupant is understood to be "solely
12 dependent for subsistence" when everything indispensable for survival for the household,
13 including food, clothing, shelter and health, comes only from the utilization of resources from
14 the Agusan Marsh Wildlife Sanctuary.

15 (cc) "Threatened Species" is a general term to denote species or subspecies of flora
16 and fauna considered as critically endangered, endangered, vulnerable or other accepted
17 categories of wildlife whose population is at risk of extinction.

18 (dd) "Wildlife" means wild forms and varieties of flora and fauna, in all developmental
19 stages, including those which are in captivity or are being bred or propagated.

20 (ee) "Wildlife Sanctuary" comprises an area which assures the natural conditions
21 necessary to protect nationally significant species, groups of species, biotic communities or
22 physical features of the environment where these may require specific human manipulation
23 for their perpetuation.

24 *SEC. 5. The Agusan Marsh Wildlife Sanctuary Management Board.* – There is hereby
25 created a PAMB which shall have jurisdiction, power and authority over the Agusan Marsh
26 Wildlife Sanctuary for all matters that may affect biodiversity conservation, protection and
27 sustainable development. It shall be composed of:

28 (a) The Regional Executive Director (RED) of the DENR CARAGA-XIII as chairperson;

29 (b) The Provincial Planning and Development Officer (PPDO) of Agusan del Sur;

30 (c) The Mayors of Municipalities of Talacogon, San Francisco, Rosario, Bunawan, Loreto
31 and Lapaz in the Province of Agusan del Sur, or their duly designated representatives;

32 (d) One representative from each barangay covering the Agusan Marsh Wildlife
33 Sanctuary;

34 (e) One representative from each department or national government agency directly
35 involved in the protected area or has long term projects or permanent facility located therein;

36 (f) One representative from each tribal community in each of the municipalities
37 comprising the selected by and among themselves according to customary rights;

1 (g) At least three (3) representatives from the local NGOs with stakes in the Agusan
2 Marsh Wildlife Sanctuary chosen from among themselves; and

3 (h) At least two (2) representatives from local POs with stakes in the Agusan Marsh
4 Wildlife Sanctuary chosen among themselves; and

5 (g) One representatives from government agencies involved in the Agusan Marsh
6 Wildlife Sanctuary.

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

11 The members of the PAMB shall be appointed by the Secretary of the DENR in
12 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
13 members of the PAMB shall be nominated from the current members of the interim PAMB of
14 the Agusan Marsh Wildlife Sanctuary. Their nominations shall be conducted in a joint
15 meeting of the current members of the interim PAMB duly called for the purpose: *Provided,*
16 That the members shall include a number of women.

17 In the selection of representatives from POs and NGOs preference shall be accorded to
18 those organizations that are involved in the conservation, protection and development of the
19 Agusan Marsh Wildlife Sanctuary. Representation shall be by institution shall aim to achieve
20 in representation by geographic location or areas. The representatives from the local
21 government units (LGUs) and national agencies in the PAMB shall include among their duty
22 the appraisal of their respective constituents, office or sector of PAMB approved or other
23 relevant policies, rules, regulations, programs and projects and ensuring that the provisions
24 of this Act are observed, complied with, and used as reference and framework in their
25 respective plans, policies, programs and projects. Failure to comply with the foregoing shall
26 subject such representative to disciplinary action as the PAMB may provide.

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

31 **SEC. 6. Powers and Functions of the PAMB.** – The PAMB of the Agusan Marsh Wildlife
32 Sanctuary shall have the following powers and functions in addition to those provided under
33 RA 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

34 (a) Issue rules and regulations to prohibit acts that may be prejudicial to the Agusan
35 Marsh Wildlife Sanctuary and to the declaration of policy set forth under the NIPAS;

36 (b) Issue rules and regulations for the resolution of conflicts through appropriate and
37 effective means;

1 (c) Adopt rules and procedures in the conduct of business, including the creation of
2 committees to which its powers may be delegated;

3 (d) Approve management plans and oversee the Office of PASu;

4 (e) Establish criteria and set fees for the issuance of permits for the activities regulated
5 by this Act, or the management plan;

6 (f) Recommend the deputization of appropriate individuals for the enforcement of the
7 laws, rules and regulations governing the conduct or management of the Agusan Marsh
8 Wildlife Sanctuary;

9 (g) Approve fees and charges in accordance with DAO 51, Series of 2000 and raise
10 funds for the Agusan Marsh Wildlife Sanctuary;

11 (h) Manage the allocation of the Agusan Marsh Wildlife Sanctuary Fund, and other funds
12 for the Agusan Marsh Wildlife Sanctuary, ensure their proper administration and render
13 accounting; and

14 (i) Recommend appropriate policy changes to the DENR and other government
15 authorities.

16 The DENR, through the Regional Executive Director (RED), shall ensure that the PAMB
17 acts within the scope of its powers and functions. In case of conflict between administrative
18 orders issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the
19 PAMB, such conflict shall be referred by PAMB to the DENR Secretary who shall decide
20 whether to apply the rule or withdraw its application from the Agusan Marsh Wildlife
21 Sanctuary.

22 *SEC. 7. Protected Area Superintendent (PASu) Office.* – The Protected Area
23 Superintendent (PASu) Office is hereby created within the DENR regional office to be
24 headed by the PASu who shall serve as the chief operating DENR officer of the entire
25 Agusan Marsh Wildlife Sanctuary. The PASu shall report directly to the RED of the DENR-
26 Region CARAGA XIII and shall be accountable to the PAMB. The PASu and the PASu staff
27 shall reside within the Agusan Marsh Wildlife Sanctuary and establish an office and sub-
28 offices within the Agusan Marsh Wildlife Sanctuary in order to implement this Act.

29 The PASu shall have full responsibility for the protection of land, water, wildlife and
30 other natural physical and biological resources within the Agusan Marsh Wildlife Sanctuary.
31 As such, the PASu shall have the following duties and responsibilities in addition to those
32 provided under existing laws and regulations:

33 (a) Establish, operate and maintain a database management system as decision
34 support tool;

35 (b) Prepare the management plans as herein defined;

36 (c) Provide a secretariat for the PAMB and supply the PAMB with all the information
37 necessary to make appropriate decisions for the implementation of this Act;

1 (d) Enforce the laws, rules and regulations relevant to the Agusan Marsh Wildlife
2 Sanctuary, institute and file legal action independently or in collaboration with other
3 government agencies or organizations and assist in the prosecution of offenses committed in
4 violation of this Act;

5 (e) Monitor all activities within the Agusan Marsh Wildlife Sanctuary to ensure its
6 conformity with the management plan;

7 (f) Recommend the issuance of permits based on terms, conditions and criteria
8 established by the PAMB; and

9 (g) Perform such other functions as the PAMB may assign.

10 The PASu shall be supported by sufficient number of personnel who shall be performing
11 day to day management, protection and administration of the Agusan Marsh Wildlife
12 Sanctuary. Upon the recommendation of the PAMB, the DENR Regional Director shall
13 deputize local community leaders and environment and natural resource officers.

14 SEC. 8. *Agusan Marsh Wildlife Sanctuary Fund.* – There is hereby established a trust
15 fund to be known as the Agusan Marsh Wildlife Sanctuary Fund for purposes of financing
16 projects of the Agusan Marsh Wildlife Sanctuary. Seventy-five percent (75%) of the income
17 generated from the operation of the Sanctuary and/or management of wild flora and fauna in
18 the Sanctuary shall accrue to the Fund. The remaining twenty-five percent (25%) shall go to
19 the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

20 Income shall be derived from visitor/tourist fees, fees from permitted sale and export of
21 flora and fauna and other resources from the Agusan Marsh Wildlife Sanctuary, proceeds
22 from registration and lease of multiple-use areas, including tourism concessions,
23 contributions from industries and facilities directly benefiting from the Sanctuary; and such
24 other fees and income derived from the operation of the Sanctuary.

25 The Agusan Marsh Wildlife Sanctuary Fund may be augmented by grants, donations,
26 endowment from various sources, domestic or foreign, for purposes related to their functions:
27 *Provided*, That disbursements therefrom shall be made solely for the protection,
28 maintenance, administration and management of the system, and duly approved projects
29 endorsed by the PAMB in accordance with existing accounting and budgeting rules and
30 regulations: *Provided, further*, That the Fund shall not be used to cover personal services
31 expenditures.

32 The LGUs shall continue to impose and collect all other fees not enumerated herein
33 which they have traditionally collected, such as business permits, and rentals of LGUs'
34 facilities. *Provided*, that the LGUs shall not impose property tax and issue tax declaration for
35 areas or properties located in Timberland areas or areas previously classified as National
36 Parks. *Provided*, That such add-ons shall be determined based on the contribution of the
37 LGUs in the maintenance and protection of the Agusan Marsh Wildlife Sanctuary.

1 SEC. 9. *Indigenous People's Rights.* – Ancestral domain and other customary rights
2 and interests of indigenous communities within the Agusan Marsh Wildlife Sanctuary shall be
3 accorded due recognition. The preservation of ancestral domain and customary rights shall
4 be considered as one of the management objectives. The maintenance, management and
5 development of ancestral domains which are found to be necessary for protected areas will
6 be pursuant to Section 58 of Republic Act No. 8371, otherwise known as the "The Indigenous
7 Peoples Rights Act of 1997 (IPRA)".

8 The identification, delineation and recognition of ancestral domain claims within the
9 Agusan Marsh Wildlife Sanctuary shall be conducted by the National Commission on
10 Indigenous Peoples (NCIP) pursuant to its provisions, the IPRA, and its implementing rules
11 and regulations, in coordination with the PAMB.

12 SEC. 10. *Utilization of Resources.* – Any exploitation of or utilization of nonrenewable
13 resources within the Agusan Marsh Wildlife Sanctuary shall not be allowed. Energy projects
14 within the Agusan Marsh Wildlife Sanctuary shall be allowed only through an act of Congress
15 except energy from wind, sun, and water sources and not more than one (1) megawatt
16 capacity for mini-hydro power: *Provided*, that these renewable energy projects are
17 established outside the strict protection zone, adopt reduced impact technologies, and
18 undergo the Environmental Impact Assessment (EIA) system as provided by law and:
19 *Provided, Further*, that the PAMB endorsement has been obtained.

20 SEC. 11. *Tenured Migrants and Other Agusan Marsh Wildlife Sanctuary Occupants*–
21 Tenured migrants shall be eligible to become stewards of portions of lands within allowable
22 zones.

23 The PAMB shall identify, verify and review all tenurial instruments, land claims and
24 issuances of permits for resource use within the Agusan Marsh Wildlife Sanctuary and
25 recommend the issuance of the appropriate tenurial instrument consistent with the zoning
26 provided in the management plan and its successor plans.

27 Should areas occupied by tenured migrants be designated as zones in which no
28 occupation or other activities are allowed pursuant to the attainment of sustainable
29 development, provision for their transfer of said tenured migrants to multiple use zones or
30 buffer zones shall be accomplished through just and humane means.

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

34 Other Agusan Marsh Wildlife Sanctuary occupants who do not qualify as tenured
35 migrants shall be resettled outside the Agusan Marsh Wildlife Sanctuary as determined by
36 the PAMB. The PAMB shall determine, plan and implement a definite schedule for resettling
37 them outside of the Agusan Marsh Wildlife Sanctuary following the procedures set forth by
38 existing law.

1 SEC. 12. *Existing Facilities Within the Agusan Marsh Wildlife Sanctuary.* – Within sixty
2 (60) days from the effectivity of this Act, existing facilities such as roads, buildings, water
3 systems, transmission lines, communication facilities, heavy equipments, and irrigation
4 facilities existing within the boundaries of the Agusan Marsh Wildlife Sanctuary shall submit
5 project description to the PAMB through the PASu.

6 The PAMB, with the assistance of the DENR, shall determine whether the existence of
7 such facility and its future plan and operations will be detrimental to the Agusan Marsh
8 Wildlife Sanctuary or whether conditions for its operation shall be imposed. If any such
9 conditions are violated, the owner of the facility shall be liable to pay a fine of Five thousand
10 pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand
11 pesos (P500,000.00), the PAMB through the PASu and deputizing other government entities,
12 shall cause the cessation and demolition of the facility at the cost of its owner.

13 Existing facilities allowed to remain within the Agusan Marsh Wildlife Sanctuary may be
14 charged a reasonable royalty by the PAMB. All income from such royalty shall accrue to the
15 Agusan Marsh Wildlife Sanctuary Fund.

16 SEC. 13. *Prohibited Acts and Penalties.* – The following shall be the prohibitions and
17 penalties applicable to the Agusan Marsh Wildlife Sanctuary, in addition to the prohibited acts
18 as provided in the NIPAS Act and its pertinent rules and regulations:

19 (a) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on the
20 value of the resources involved in connection with the prohibited act, shall be imposed upon
21 any person who:

22 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants,
23 animals, flora or fauna, sand, rocks or by- products derived therefrom, within particularly
24 *identified regulated or prohibited areas zones in the Agusan Marsh Wildlife Sanctuary*
25 including private lands, without the necessary permit, authorization or exemption. *Provided,*
26 that hunting of animals shall be absolutely prohibited except for scientific research and/ or
27 traditions of hunting by the IPs/ ICCs;

28 (2) Cuts, gathers, removes or collects timber or any forest products, within particularly
29 identified regulated or prohibited areas or zones in the Agusan Marsh Wildlife Sanctuary
30 including private lands, without the necessary permit, authorization or exemption;

31 (3) Possesses or transports, within or outside the Agusan Marsh Wildlife Sanctuary any
32 timber, forest products, wild terrestrial or aquatic plants, animals, or by- product derived
33 therefrom which is ascertained to have been taken from the Agusan Marsh Wildlife
34 Sanctuary;

35 (4) Undertakes mineral exploration or extraction within the Agusan Marsh Wildlife
36 Sanctuary;

37 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within the
38 Agusan Marsh Wildlife Sanctuary; or

1 (6) Hunts, collects, removes or destroys any endangered or protected species, except
2 when collection or removal is for scientific research and exempted from the prohibition by the
3 PAMB;

4 (7) Conducts bioprospecting within the Agusan Marsh Wildlife Sanctuary without the
5 necessary permit; or

6 (8) Establishes or introduces any exotic species, within the Agusan Marsh Wildlife
7 Sanctuary, which are detrimental to endemic species and the ecosystem therein.

8 (b) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five hundred
9 thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not more than six
10 (6) shall be imposed upon any person who:

11 (1) Violates any rules and regulations in the management plan or by the PAMB or
12 agreements reached before the PAMB in the exercise of adjudicative functions;

13 (2) Erects any structure on land or on water for any purposes outside the management
14 plan, duly allowed by the PAMB: *Provided*, That large-scale private infrastructure and other
15 projects such as medium to high density residential subdivisions, medium to large
16 commercial and industrial establishments, golf-courses, heavily mechanized commercial and
17 non-traditional farming, and other activities that cause increased in-migration, pollution and
18 resource degradation are absolutely prohibited;

19 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
20 without a Agusan Marsh Wildlife Sanctuary permit;

21 (4) Throws, dumps or causes to be dumped into the Agusan Marsh Wildlife Sanctuary
22 any non-biodegradable material or waste whether liquid, solid or gas;

23 (5) Uses, dumps, places or causes to be placed into the Agusan Marsh Wildlife
24 Sanctuary toxic chemicals, including pesticides and other hazardous substances, unless the
25 same is expressly allowed in the management plan;

26 (6) Prospects, hunts or otherwise locate hidden treasures within the Agusan Marsh
27 Wildlife Sanctuary;

28 (7) Informally occupies or dwells in any land within the Agusan Marsh Wildlife
29 Sanctuary without clearance from the PAMB;

30 (8) Possesses or uses blasting caps or explosives anywhere within the Agusan Marsh
31 Wildlife Sanctuary;

32 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural formation
33 on land, religious, spiritual, historical sites, artifacts and other objects of natural or scenic
34 value;

35 (10) Alters, removes, or destroys any boundary markers; or

36 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Agusan Marsh
37 Wildlife Sanctuary.

38 Valuation of the damage for this Act shall take into account biodiversity and

1 conservation considerations as well as aesthetic and scenic value. Valuation assessed by the
2 DENR or the concerned government agency shall be presumed correct unless otherwise
3 proven by preponderant evidence.

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

7 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and
8 similar devices shall be subject to immediate and administrative confiscation, independent of
9 the judicial proceedings by the PASu Office upon apprehension, subject however to due
10 process and substantial evidence requirements. When legal action is however filed in the
11 regular courts, the said conveyances, vessels, equipments, paraphernalia, implements,
12 gears, tools and similar devices, independent of the administrative proceedings, shall not be
13 released until after judgment has been rendered. Proceeds of the sale of all objects
14 administratively or judicially confiscated pursuant hereto shall accrue to the Agusan Marsh
15 Wildlife Sanctuary Fund. Procedure for the sale thereof shall be promulgated by the PAMB.
16 However, in no case shall any confiscated or rescued protected animal species be sold or in
17 any manner disposed of but shall be immediately turned over to the PASu Office for release
18 in its natural habitat, subject to existing regulations. However, in no case shall any
19 confiscated or rescued protected animal species be sold or in any manner disposed of but
20 shall be immediately turned over to the PASU Office for release in its natural habitat, subject
21 to existing regulations.

22 The penalties specified in this Section will be in addition to the penalties contained in RA
23 9072 (National Caves and Cave Resources Management and Protection Act), RA 9147
24 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

27 **SEC. 14. *Special Prosecutor and Retained Counsel.*** – Within thirty (30) days from the
28 effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to
29 whom all cases of violation of laws, rules and regulations in the Agusan Marsh Wildlife
30 Sanctuary shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and
31 the PASu in the performance of his/her duties and assist in the training of wardens and
32 rangers in arrest and criminal procedures. The PAMB may retain the services of a counsel to
33 prosecute and/or assist in the prosecution of cases under the direct control and supervision
34 of the regular or special prosecutor and to defend the members of the PAMB, the PASu and
35 the staff, or any person assisting in the protection, conservation and sustainable
36 development of the Agusan Marsh Wildlife Sanctuary, against any legal action related to their
37 powers, functions and responsibilities as provided in this Act or as delegated or tasked by the
38 PAMB.

1 SEC. 15 . *Transitory Provision*- In order to ensure the recovery and restoration of
2 biological diversity and to develop sustainable livelihood opportunities for tenured migrants,
3 the DENR shall henceforth cease to issue concessions, licenses, permits, clearances,
4 compliance documents or any other instrument that allows exploitation and utilization of
5 resources within the Agusan Marsh Wildlife Sanctuary until the management plan shall have
6 been put into effect.

7 All existing land use and resource use permits within the Agusan Marsh Wildlife
8 Sanctuary shall be reviewed and shall not be reviewed upon their expiration unless
9 consistent with the management plan and approved by the PAMB.

10 SEC. 16. *Reporting Responsibility*. – The PASu, through the PAMB, shall submit an
11 annual accomplishment report to the Secretary of the DENR on the activities undertaken in
12 the Agusan Marsh Wildlife Sanctuary.

13 SEC. 17. *Appropriations*. – The Secretary shall immediately include in the DENR's
14 program the implementation of this Act, the funding of which shall be included in the annual
15 General Appropriations Act.

16 SEC. 18. *Construction and Suppletory Application of Existing Laws*. The provisions of
17 this Act shall be construed liberally in favor of achieving biodiversity conservation, protection
18 and sustainable development Provisions of Republic Act No. 7586, otherwise known as the
19 National Integrated Protected Areas Management Act of 1992 and existing forestry laws, and
20 their corresponding rules and regulations not inconsistent hereto shall have the suppletory
21 effect in the implementation of this Act.

22 SEC. 19. *Repealing Clause*. –All laws, decrees, proclamations, rules and regulations
23 inconsistent with this Act are hereby repealed or modified accordingly.

24 SEC. 20. *Separability Clause*. – If, for any reason, any part or section of this Act is
25 declared unconstitutional or invalid, such other parts not affected thereby shall remain in full
26 force and effect.

27 SEC. 21. *Effectivity Clause*. This Act shall take effect fifteen (15) days after its complete
28 publication in the *Official Gazette* or in a national newspaper of general circulation available
29 in the Agusan Marsh Wildlife Sanctuary.

30 Approved,