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2015 22 25

13th Congress)
Republic of the Philippines)
Third Regular Session)

SENATE

SB **2519**

Introduced by Senator Aquilino Q. Pimentel, Jr.

EXPLANATORY NOTE

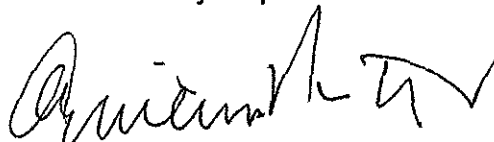
This is a counter-part bill of House Bill 5839 sponsored by Representative Danilo P. Lagbas of the First District of Misamis Oriental.

This bill proposes the creation of the Mt. Balatukan Range Natural Park. Under this measure, Mt. Balatukan Range is hereby established as a protected area under the category of natural park, to be known as the Mt. Balatukan Range Natural Park, and the areas within its peripheral areas as its buffer zone. Such protected area and buffer zone shall become part of the National Integrated Protected Area System (NIPAS). The Mt. Balatukan Range Natural Park shall cover lands of the public domain located in the city of Gingoog and the Municipalities of Claveria, Medina, and Balingasag, all within the Province of Misamis Oriental.

Protected Area Management Board, which shall be the policy-making body of the protected area, is hereby created under this measure. There shall likewise be a Protected Area Superintendent (PASu) within the DENR, who shall serve as the chief operating officer of the Mt. Balatukan Range Natural Park.

There is hereby established the Protected Area Fund for the Mt. Balatukan Range Natural Park as a special trust fund and shall be disbursed solely for the protection, maintenance, administration and management of the protected area. At least seventy-five percent (75%) of the funds collected shall form part of Mt. Balatukan Range Natural Park, which shall be solely disbursed for its use and shall be exempted from being deposited in the National Treasury.

The immediate passage of this bill is earnestly requested.

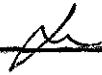

AQUILINO Q. PIMENTEL, JR.

SECRETARY

1 13th Congress)
2 Republic of the Philippines)
3 Third Regular Session)

NOV 22 95

SENATE
SB **2519**

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Introduced by Senator Aquilino Q. Pimentel, Jr.

AN ACT
ESTABLISHING THE MT. BALATUKAN RANGE LOCATED IN THE CITY OF GINGOOG AND IN THE MUNICIPALITIES OF CLAVERIA, MEDINA, AND BALINGASAG, ALL IN THE PROVINCE OF MISAMIS ORIENTAL, AS A PROTECTED AREA AND ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

8 **SECTION 1. Title.**— This Act shall be known as the “Mt. Balatukan Range
9 Natural Park Act.”

10 **SECTION 2. Declaration of Policy.**— Cognizant of the profound impact of
11 man’s activities on all components of the natural environment particularly the
12 effect of increasing population, resource exploitation and industrial advancement,
13 and recognizing the critical importance of protecting and maintaining Mt.
14 Balatukan Range’s unique biological resources, its ecological and aesthetic
15 importance to sustain human life and development, as well as plant and animal
16 life, it is hereby declared the policy of the state to ensure its protection and
17 conservation and preserve and promote the culture and way of life of the
18 communities therein in accord with the rhythm and harmony of nature. In so
19 doing, the state shall ensure the protection and conservation of its biological
20 diversity, promote sustainable and participatory development, and honor and
21 protect the interests of its legitimate inhabitants and their customary laws.

22
23 **SECTION 3. Category.**— Given the physical, natural features, and socio-
24 cultural and economic importance that contribute to its valuable role as life
25 support system for the people living within it, the Mt. Balatukan Range is hereby
26 established as a protected area under the category of natural park, to be known
27 as the Mt. Balatukan Range Natural Park, and the areas within its peripheral
28 areas as its buffer zone. Such protected area and buffer zone shall become part
29 of the National Integrated Protected Area System (NIPAS), subject to such right
30 as are provided for in this Act.

31 **SECTION 4. Scope and Coverage.**— The Mt. Balatukan Range Natural
32 Park shall cover lands of the public domain located in the city of Gingoog and the
33 Municipalities of Claveria, Medina, and Balingasag, all within the Province of
34 Misamis Oriental. It shall have the following boundaries: Beginning at a corner

1 marked "1" which is located at 124°57'21" E and 8°47'35" N near the junction at
2 Kihangad River and a branch creek S 75°22'45" E, 950.79 m.

3	Thence	N 76°48' W	1,683.50 m	to corner 2
4	Thence	N 81°36' W	1,620.90 m	to corner 3
5	Thence	N 30°20' W	2,253.40 m	to corner 4
6	Thence	N 62°05' W	1,667.00 m	to corner 5
7	Thence	N 34°40' E	2,012.90 m	to corner 6
8	Thence	N 23°26' E	1,253.60 m	to corner 7
9	Thence	N 89°01' E	2,227.20 m	to corner 8
10	Thence	S 84°30' E	933.50 m	to corner 9
11	Thence	S 85°28' E	1,791.40 m	to corner 10
12	Thence	S 70°38' E	1,889.60 m	to corner 11
13	Thence	N 87°44' E	647.80 m	to corner 12
14	Thence	S 18°42' E	356.00 m	to corner 13
15	Thence	S 15°45' W	397.20 m	to corner 14
16	Thence	S 03°03' E	1,274.60 m	to corner 15
17	Thence	S 18°39' E	1,790.40 m	to corner 16
18	Thence	S 71°27' E	1,348.60 m	to corner 17
19	Thence	N 69°30' E	696.20 m	to corner 18
20	Thence	S 78°47' E	748.20 m	to corner 19
21	Thence	S 84°32' E	647.80 m	to corner 20
22	Thence	S 08°17' E	662.50 m	to corner 21
23	Thence	S 36°59' E	2,238.10 m	to corner 22
24	Thence	S 39°43' E	1,335.30 m	to corner 23
25	Thence	S 39°37' E	931.80 m	to corner 24
26	Thence	S 35°20' W	407.80 m	to corner 25
27	Thence	S 71°44' W	1,266.90 m	to corner 26
28	Thence	S 40°40' W	2,381.90 m	to corner 27
29	Thence	N 65°10' W	1,070.00 m	to corner 28
30	Thence	N 49°50' W	1,800.00 m	to corner 29
31	Thence	N 76°00' W	1,450.00 m	to corner 30
32	Thence	N 58°12' W	2,847.17 m	to corner 31
33	Thence	N 76°25' W	1,234.54 m	to corner 32
34	Thence	N 10°20' E	1,920.00 m	to corner 1, the

35 point of beginning, containing an area of Eight Thousand Four Twenty-Four
36 (8,424) hectares, more or less subject to actual ground survey.

37 The Buffer zone of the Mt. Balatukan Range Natural Park begins at corner
38 "1" which is located at 124°57'00" E and 8°47'22" N, near the junction of
39 Kihangad River and a branch creek N 66°48'05" W, 456.94 meters,

40	Thence	N 82°16' W	3,266.70 m	to corner 2
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1	Thence	N 31°13' W	2,428.20 m	to corner 3
2	Thence	N 60°04' W	1,820.10 m	to corner 4
3	Thence	N 33°28' E	2,178.00 m	to corner 5
4	Thence	N 26°45' E	1,428.50 m	to corner 6
5	Thence	N 86°02' E	1,725.70 m	to corner 7
6	Thence	N 69°53' E	1,962.40 m	to corner 8
7	Thence	S 64°44' E	2,046.20 m	to corner 9
8	Thence	S 86°49' E	721.80 m	to corner 10
9	Thence	S 59°11' E	1,212.20 m	to corner 11
10	Thence	Due East	720.70 m	to corner 12
11	Thence	S 31°51' E	872.60 m	to corner 13
12	Thence	S 07°35' W	303.20 m	to corner 14
13	Thence	S 27°42' W	429.90 m	to corner 15
14	Thence	S 03°01' W	1,143.60 m	to corner 16
15	Thence	S 18°02' E	1,609.20 m	to corner 17
16	Thence	S 78°25' E	899.10 m	to corner 18
17	Thence	N 31°49' E	318.70 m	to corner 19
18	Thence	S 77°57' E	1,248.60 m	to corner 20
19	Thence	S 82°30' E	1,114.20 m	to corner 21
20	Thence	S 04°45' W	965.00 m	to corner 22
21	Thence	S 34°37' E	2,361.40 m	to corner 23
22	Thence	S 31°14' E	1,157.00 m	to corner 24
23	Thence	S 37°20' E	1,483.50 m	to corner 25
24	Thence	S 56°48' W	692.70 m	to corner 26
25	Thence	S 15°17' E	341.40 m	to corner 27
26	Thence	S 71°25' W	1,139.60 m	to corner 28
27	Thence	S 31°28' E	420.10 m	to corner 29
28	Thence	S 34°50' W	84.30 m	to corner 30
29	Thence	S 24°55' E	94.20 m	to corner 31
30	Thence	S 71°14' W	1,440.70 m	to corner 32
31	Thence	N 61°59' W	1,840.70 m	to corner 33
32	Thence	N 50°32' W	1,713.10 m	to corner 34
33	Thence	N 71°06' W	1,313.60 m	to corner 35
34	Thence	N 52°44' W	2,890.06 m	to corner 36
35	Thence	N 73°02' W	1,885.14 m	to corner 37
36	Thence	N 19°31' E	1,420.60 m	to corner 1, the
37	point of beginning, containing an area of One Thousand Two Hundred Twenty-			
38	Two (1,222) hectares, more or less subject to actual ground survey and			
39	delineation.			

1 **SECTION 5. Definition of Terms.-** The following terms are hereby defined
2 for the purpose of this Act:

3 a. "Ancestral Domain" refers to all lands and natural resources occupied
4 or possessed by Indigenous Cultural Communities, by themselves or through
5 their ancestors, communally or individually, in accordance with their customs and
6 traditions since time immemorial, continuously to the present except when
7 interrupted by war, force *majeure*, or displacement by force, deceit or stealth. It
8 includes all adjacent areas generally belonging to them and which are necessary
9 to ensure their economic, social and cultural welfare.

10 b. "Indigenous Cultural Communities (ICC)" refers to a group of people
11 sharing common bonds of language, customs and tradition and other distinct
12 cultural traits, as further defined under Republic Act No. 8371 or the Indigenous
13 People Rights Act (IPRA) of 1997.

14 c. "National Integrated Protected Area System (NIPAS)" refers to the
15 classification and inclusion of all designated protected areas into one system
16 pursuant to Republic Act 7586 or the National Integrated Area System (NIPAS)
17 Act of 1992 to maintain essential ecological processes and life support systems,
18 to preserve genetic diversity, to ensure sustainable use of resources found
19 therein, and to maintain their natural conditions to the greatest extent possible.

20 d. "Non-renewable resources" shall refer to those resources found within
21 the protected area, the natural replenishment rate of which either not known or
22 takes more than twenty-five (25) years.

23 e. "Buffer Zone" refers to specific areas outside the boundaries of and
24 immediately adjacent to designated areas that need special development control
25 in order to avoid or minimize harm to the protected area.

26 f. "Protected Area" refers to the identified portions of land and water, set
27 aside by reasons of their unique physical and biological significance, managed to
28 enhance biological diversity, and protected against destructive human
29 exploitation.

30 g. "Natural Park" refers to the relatively large area not materially altered
31 by human activity where extractive resource uses are not allowed, and
32 maintained to protect outstanding natural and scenic uses of national or
33 international significance for scientific, educational and recreational use.

34 h. "Tenured migrants" refer to occupants within the protected area who
35 have actually and continuously occupied such area for five (5) years before the
36 designation of the same as protected area and are solely dependent therein for
37 subsistence.

38 i. "Biodiversity" refers to the variety of life in all its forms found on earth.

39 j. "Protected Area Management Board (PAMB)" refers to a multi-sectoral
40 body tasked to adopt policies, promulgate rules and regulations, and undertake

1 planning activities for the appropriate management strategy to ensure resource
2 protection and the general administration of the protected area.

3 k. "Private rights" refers to the right of individual persons to own, under
4 existing laws, and in the case of indigenous cultural communities, rights of
5 possession since time immemorial, which possession may include, places of
6 abode and worship, burial grounds and well-defined territories.

7 l. "Protected species" refers to any individual species of plants and
8 animals that is or shall be declared as protected under Philippine laws, rules and
9 regulations issued by the DENR, species listed as protected against trade,
10 hunting and harvest under international conventions to which the Philippines is or
11 will become a signatory such as, but not limited to, the Convention on
12 International Trade of Endangered Species (CITES). These include species,
13 which may be restricted for use under regulations issued by the Protected Area
14 Management Board (PAMB) or the DENR, and those particularly mentioned in
15 the management plan.

16 m. "Non-government organization (NGO)" refers to any civic,
17 developmental or philanthropic organization, which is multisectoral in character.

18 n. "People's Organization (PO)" refers to any grouping of people formed
19 to advance the interests of the sector being represented, provided such sector is
20 marginalized, poor or disempowered.

21 o. "Public Consultation" refers to a meeting or dialogue between or
22 among concerned or affected individuals within and outside the protected area
23 designed to identify and resolve issues and problems affecting them.

24 p. "Secretary" refers to the Secretary of the Department of Environment
25 and Natural Resources.

26 **SECTION 6. Institutional Mechanisms.-** The following administrative and
27 policy-making mechanisms shall apply:

28 (A) There shall be a Protected Area Management Board, which shall
29 be the policy-making body of the protected area. It shall be composed of:

- 30 (1) The Regional Executive Director of the DENR Region X,
31 who shall act as the Chairman;
- 32 (2) The Provincial Governor of Misamis Oriental as co-
33 chairman;
- 34 (3) The respective mayors of the municipalities and city with
35 territory inside the protected area or their authorized
36 representatives, members;
- 37 (4) One representative from each barangay with territory inside
38 the protected area or their authorized representatives, to be
39 appointed by the concerned barangay legislative councils,
40 members;

- 1 (5) One representative from each indigenous cultural community
2 within the protected area chosen using customary practices,
3 members;
- 4 (6) At least three representatives from local NGOs operating
5 within the protected area, chosen from among the
6 representatives of the organizations in an election duly
7 called for the purpose, members;
- 8 (7) A representative from each municipality and from the City of
9 Gingoog, representing people's organizations, chosen from
10 among themselves in an election duly called for the purpose,
11 members;
- 12 (8) Representatives from other national government agencies
13 with projects within the protected area, to be appointed by
14 the DENR Secretary upon the recommendation of the
15 concerned head of office, members; and
- 16 (9) The Provincial Planning and Development Officer and the
17 Provincial DILG Officer, sitting as *ex officio* members.

18 Each member of the PAMB shall serve for a term of five years, and shall
19 be considered to represent and carry the vote of such sector in all matters. In the
20 case of government officials, the tenure of their membership in the PAMB shall
21 be attached to the office held.

22 (B) The PAMB, by majority vote, shall approve or take necessary actions
23 on:

- 24 (1) Matters relating to planning, resource protection and general
25 administration of the area through the adoption of a
26 management plan;
- 27 (2) Proposals, work plans, action plans, and guidelines including
28 agreements and other related documents for the
29 management of the protected area in accordance with the
30 approved management plan;
- 31 (3) Delineation and demarcation of boundaries of the protected
32 area, management zones, buffer zones and ancestral
33 domains, and recognition of rights and privileges of
34 indigenous communities under the provisions of this Act and
35 the IPRA;
- 36 (4) Rules and regulations to promote development of programs
37 and projects on biodiversity conservation and sustainable
38 development consistent with consistent with the
39 management plan;

- 1 (5) Implementation of programs as prescribed in the
2 management plan;
- 3 (6) Control and regulation on the construction, operation and
4 maintenance of roads, trails, waterworks, sewerage, fire
5 protection and sanitation system and other public utilities
6 within the protected area;
- 7 (7) Monitoring and evaluating the performance of protected area
8 personnel and compliance of partners to the terms and
9 conditions of any undertaking, contract or agreement;
- 10 (8) Setting the criteria and fees for the issuance of permits for
11 activities regulated by this Act or the management plan;
- 12 (9) Donations, proposals for funding, budget allocations and
13 accountability over all funds that may accrue to the Mount
14 Balatukan Range Natural Park;
- 15 (10) Retaining legal council, either in a permanent or temporary
16 basis, to defend cases against the PAMB and personnel of
17 the Office of the Protected Area Superintendent (PASu)
18 whenever they are sued in connection with the performance
19 on their duties under this Act; and
- 20 (11) Identifying tenured migrants and recommending the
21 issuance of corresponding appropriate tenurial instruments.

22 The DENR, through the Regional Executive Director of DENR Region X,
23 or any duly authorized official shall exercise authority to oversee the PAMB to
24 ensure that it is acting within the scope of its powers and functions. In case of
25 conflict between administrative orders of national application issued by the DENR
26 pursuant to the NIPAS Act and the rules and regulations issued by the PAMB,
27 the Regional Executive Director shall notify the Secretary who shall decide
28 whether to apply the rule or withdraw its application in the Mt. Balatukan Range
29 Natural Park.

30 **SECTION 7. Protected Area Superintendent Office.**— There shall be a
31 Protected Area Superintendent (PASu) within the DENR, who shall serve as the
32 chief operating officer of the Mt. Balatukan Range Natural Park. The PASu shall
33 have the following duties and responsibilities:

34 a. Enforce rules and regulations to protect the area and its resources
35 from trespassers, damage, vandalism and illegal occupancy;

36 b. Seize and assume custody of apprehended items after issuance of
37 appropriate seizure receipts in accordance with DENR Administrative Order No.
38 97-32;

39 c. Upon prior clearance and approval of the PAMB, recommend to the
40 concerned Community Environment and Natural Resources Office (CENRO) the

1 disposal of confiscated cultural and natural resources such as artifacts, forests
2 products, wild flora and fauna, marine of fishery and mineral resources, except
3 those resources held under *custodia legis*; those that are the subject of donation;
4 those that must be deposited with appropriate government agency, and
5 resources that will be utilized for the infrastructure needs of the DENR;

6 d. Issue special-use permit for game fishing, camping and other short
7 term and low impact recreational activities to be undertaken for not more than
8 one week;

9 e. Recommend to the PAMB the zoning classification of certain areas in
10 accordance with the approved Management Manual;

11 f. Recommend to the Regional Executive Director of DENR Region X,
12 the issuance of cutting of permits for planted trees in multiple-use and buffer
13 zones for a volume up to five (5) cubic meters per applicant per year, for
14 traditional and subsistence use only: *Provided*, That the issuance of said permit
15 is in accordance with the management plan, *duly indorsed by the PAMB*, and
16 shall not adversely affect the ecological balance of the area;

17 g. Recommend to the Regional Executive Director of DENR Region X,
18 with the endorsement of the PAMB after determining the ecological implications,
19 the issuance of cutting permits only for planted trees in established buffer zones
20 for volume five (5) cubic meters but not to exceed twenty (20) cubic meters per
21 applicant per year for commercial purposes;

22 h. Recommend the issuance of certificate of origin, discharge and
23 transport permits, and other relevant permits for natural resources and other
24 products collected/gathered from the protected area in accordance with the
25 approved research agreements, gratuitous permits, and memorandum of
26 agreements approved by the PAMB and the DENR, where applicable;

27 i. Recommend the issuance or renewal of special use permits on public
28 infrastructure projects in designated multiple-use zones and established buffer
29 zones where no timber cutting is involved subject to the approved Management
30 Plan of the area: *Provided*, That the issuance of a special permit is subject to the
31 submission by the applicant of the required Environmental Compliance
32 Certificate (ECC) for the project: *Provided, further*, That special use permit shall
33 be renewed only upon determination by the appropriate DENR office that no
34 condition of the previous ECC for the project has been violated;

35 j. Assist the appropriate DENR office in the review of the Environmental
36 Impact Statement (EIS) for proposed projects to be implemented

37 k. Establish a productive partnership with the local community particularly
38 with the groups concerned in the planning, protection and management of the
39 protected area;

- 1 l. Integrate the roles of NGOs, other government agencies, and the
2 DENR in the operation of the protected area;
- 3 m. Coordinate the implementation of all relevant activities related to
4 tenured migrants and the ancestral domains claims, subject to the Indigenous
5 Peoples' Rights Act (IPRA) and related issuances;
- 6 n. Take the lead in the implementation of the Management Plan of the
7 protected area specifically in the implementation, monitoring and evaluation of
8 research studies, survey and inventory, information, education and
9 communication, ecotourism, restoration, rehabilitation and alternative livelihood
10 activities within the appropriate management zones and other projects of the
11 protected area and its buffer zone;
- 12 o. Take the lead in the implementation of various activities related to the
13 management of the protected area;
- 14 p. Evaluate the performance of staff based on the prescribed evaluation
15 system;
- 16 q. Recommend the designation of staff to perform functions other than
17 those inherent to their position;
- 18 r. Approve the application for leave of absence of the staff of the Office of
19 the PASu with or without commutation;
- 20 s. Approve local travel of the staff of the Office of the PASu outside the
21 protected area and/or established buffer zone not exceeding thirty (30) days;
- 22 t. Serve as head of the secretariat to the PAMB;
- 23 u. Submit reportorial requirements regularly to the concerned Provincial
24 Environment and Natural Resources Office (PENRO) and to the PAMB, and
25 observe and comply with the proper flow of PAO documents;
- 26 v. Collect and/or receive pertinent fees, charges, donations and other
27 income: *Provided*, That such fees, charges, donations and other income
28 collected shall be reported quarterly to the PAMB: *Provided, finally*, That a book
29 of accounts shall be maintained, which shall be certified by the accountant of the
30 DENR Region X, or the nearest PENRO in accordance with DENR Adm. Order
31 No. 96-22;
- 32 w. Recommend the approval of payrolls, contracts, disbursement
33 vouchers, request and issuance voucher, purchase orders and other expenses;
- 34 x. Prepare and recommend, for approval of the PAMB, the annual work
35 and financial plans of the protected area; and
- 36 y. Such other functions, which may be assigned by the PAMB.
- 37 The PASu shall be directly responsible to the PAMB and the Regional
38 Executive Director of DENR Region X.

1 **SECTION 8. Ancestral Lands and Domains.-** For the purpose of this Act,
2 the following shall govern over ancestral lands and domains in the protected
3 area:

4 (a) The rights of indigenous peoples to their ancestral domains are
5 hereby fully recognized. Traditional property regimes exercised by indigenous
6 cultural communities in accordance with their customary laws shall govern the
7 relationship of all individuals within their communities with respect to all land and
8 resources found within ancestral lands.

9 (b) The following presumptions shall govern, unless proven to be
10 contrary to documented or oral custom by clear and convincing evidence in the
11 proper administrative or judicial proceeding providing due process to all parties
12 concerned:

13 (i) All lands occupied by indigenous cultural communities since
14 time immemorial shall be presumed to be ancestral lands.
15 Rights and obligations within ancestral lands are presumed to
16 be governed by customary laws.

17 (ii) Rights and obligations within ancestral lands governed by
18 customary laws are presumed to be held collectively by the
19 community.

20 (iii) Rights and obligations within ancestral lands proven to be held
21 by individuals under customary law are presumed to be held in
22 trust by such individuals for the whole community.

23 (iv) The continued practice of traditional and sustainable living shall
24 be sufficient consideration for the State in place of the payment
25 of taxes on ancestral domains. Owing to differences in cultural
26 and social worldview, the provisions of this Act shall be liberally
27 construed in favor of indigenous cultural communities and their
28 members.

29 **SECTION 9. Tenured Migrants and Transient Farmers.-** Tenured
30 migrants are members of households that have actually and continuously
31 occupied the Mt. Balatukan Range Natural Park since June 1, 1987, basing the
32 data from the 1999 Survey and Registration of the Protected Area Occupants
33 (SRPAO) and are substantially dependent on the protected area for their
34 livelihood. For purposes of official documentation of rights and extent of
35 occupation within the protected area, a tenured migrant household shall be
36 issued a tenure instrument over such areas as have been occupied or cultivated
37 since June 1, 1987 or earlier. Tenured migrants may occupy and use the area
38 specified in the instrument of a term of twenty-five (25) years renewable for
39 another twenty-five (25) years. The holder of the instrument, upon the lapse of
40 this period, may negotiate for a new instrument and his occupancy shall be

1 evaluated by the PAMB for purposes of such renewal. If despite consideration
2 paid to current practices, areas occupied by tenured migrants are designated as
3 zones in which no occupation or other activities are allowed, a provision for their
4 transfer to multiple-use zones or buffer zones shall be accomplished using
5 humanitarian considerations. Persons who have been cultivating within the
6 protected area since June 1, 1987 are considered to be occupying such lands
7 and shall be entitled to a tenure instrument restricted to cultivation: *Provided,*
8 *That the rights under such can only be transferred to direct descendants.*
9 Tenured migrant instruments may be cancelled for violation of the terms and
10 conditions specified therein, upon the holder's repeated refusal to comply with
11 management plan or the regulations set by the PAMB, or upon voluntary
12 surrender of rights. Upon cancellation of a tenured migrant instrument, the PASu
13 shall take immediate steps to rehabilitate the area to return to its natural state
14 prior to the cultivation or other act by the transient or tenured migrant. Tenure
15 migrant instruments are transferable only to the nearest of kin: *Provided,* That if
16 the land is left idle for a minimum of five (5) years, the PAMB shall initiate
17 cancellation proceedings of the tenured migrant instrument.

18 **SECTION 10. Prohibited Acts.**~ The following shall be the prohibitions and
19 penalties applicable to the Mt. Balatukan Range Natural Park:

20 A. The penalties in article 309 and 310 of the Revised Penal Code and/or Section
21 21 of Republic Act No. 7586 depending on the value of the resources taken,
22 damaged or destroyed shall be imposed upon any person found guilty by
23 competent court of:

- 24 (i) Hunting, destroying, trapping, disturbing or possessing of any wild
25 plants or animals or products derived therefrom anywhere within
26 the Mt. Balatukan Range Natural Park without a permit from the
27 PAMB: *Provided,* That permit for these activities shall only be given
28 for scientific purposes necessary for protected area management;
- 29 (ii) Cutting, gathering, collection or removing timber or forest products
30 without permits: *Provided,* That such permits shall only be given for
31 scientific purposes necessary for protected area management;
- 32 (iii) Entry to the protected area or possessing outside the protected
33 area any wild plants or animals or products derived therefrom,
34 which came from the protected area without a permit issued by
35 PAMB;
- 36 (iv) Mineral exploration or extraction, drilling or prospecting for minerals
37 within Mt. Balatukan Range Natural Park;
- 38 (v) Constructing or maintaining any kind of road, structure, fence or
39 enclosure without a permit from the PAMB: *Provided,* That
40 structures within ancestral domains used by the indigenous cultural

1 communities need not be covered by a permit from the PAMB.
2 Valuation from the damage shall take into account biodiversity and
3 conservation consideration as well as aesthetic and scenic value.
4 The commission of these acts likewise shall carry the penalty of
5 eviction from the protected area and the forfeiture of all
6 transportation, structures and building materials, equipment,
7 devices and weapons used for the commission of the offense as
8 well as the protected area resources caught in the possession of
9 the accused. The local government unit responsible for the
10 imposition of the penalties herein and the arrest and confiscation of
11 the materials shall have a fifty per cent (50%) share in the proceeds
12 from the disposition thereof while the rest shall accrue to the
13 PAMB.

14 **SECTION 11. Validity of Contracts Over Lands within the Mt. Balatukan**
15 **Range Natural Park.**— The purchase, sale, encumbrance, mortgage, usufruct or
16 lease of lands within the protected area to persons outside the protected area not
17 otherwise qualified to hold lands therein shall be null and void *ab initio*.

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

26 **SECTION 13. Local Government Units.**— Local government units shall
27 participate in the management of the Mt. Balatukan Range Natural Park through
28 membership/representation in the PAMB as provided under Section 7A. The
29 LGUs shall retain their ordinance-making powers over their respective territories
30 covered under this Act but with due consideration to protected area management
31 objectives. If a conflict between the LGU and the protected area management
32 objectives remain unresolved within the PAMB, it shall be resolved through
33 meditation.

34 **SECTION 14. Establishment of the Protected Area Fund for the Mt.**
35 **Balatukan Range Natural Park.**— There is hereby established the Protected
36 Area Fund for the Mt. Balatukan Range Natural Park as a special trust fund and
37 shall be disbursed solely for the protection, maintenance, administration and
38 management of the protected area. At least seventy-five percent (75%) of the
39 funds collected shall form part of Mt. Balatukan Range Natural Park, which shall
40 be solely disbursed for its use and shall be exempted from being deposited in the

1 National Treasury. The protected area fund shall be available for disbursement
2 upon proper approval by the PAMB of the Mt. Balatukan Range Natural Park,
3 subject to the usual accounting and auditing rules and regulations. The following
4 shall constitute part of the Protected Area Fund for the Mt. Balatukan Range
5 Natural Park from the moment they accrue.

- 6 a. Proceeds from special land use and resource utilization from
7 commercially used ancestral domains, as may be set by the PAMB;
- 8 b. Fees derived from permitted collection of wild flora and fauna and
9 other resources within the protected area as may be set by the DENR
10 and the PAMB;
- 11 c. Fees from industries and facilities directly benefiting from the protected
12 area;
- 13 d. Fines and fees, including protected area entry and use as maybe
14 imposed and set by the PAMB;
- 15 e. Contributions, donations, endowments and grants from any legal
16 source intended for the operation of the protected area.

17 All donations, contributions, endowments and grants to the Mt. Balatukan
18 Range Natural Park shall accrue to the protected area fund. The local
19 government units concerned shall continue to impose and collect all other fees
20 not enumerated herein which they have usually collected such as, but not limited
21 to, business permits, property taxes and rentals of local government units
22 facilities. Furthermore, local government units may charge add-ons to fees
23 imposed by the PAMB: *Provided*, That such add-ons shall be determined based
24 on the contribution of the local government unit in the maintenance and
25 protection of the protected area.

26 **SECTION 15. Utilization of Nonrenewable Resources.-** Any exploration
27 for, exploitation or utilization of nonrenewable resources within the protected area
28 shall not be allowed. Energy projects, whether renewable or otherwise, shall be
29 permitted only through an Act of Congress.

30 **SECTION 16. Appropriations.-** To carry out the implementation of this
31 Act, an annual aggregate amount of six million pesos (P6,000,000.00) shall be
32 included in the annual General Appropriations Act and allocated for the use of
33 the Mt. Balatukan Range Natural Park.

34 **SECTION 17. Construction.-** The provisions of this Act shall be construed
35 liberally in favor of tenured migrants and indigenous cultural communities and
36 with due consideration to the protection of biodiversity. The NIPAS Act shall
37 have supplementary effect in the implementation of this Act.

38 **SECTION 18. Transitory Provision.-** All persons who do not qualify as
39 tenured migrants or transient farmers within the protected area shall be allowed
40 to harvest fruits or crops planted before the effectivity of this Act. Thereafter, all

1 crops planted by such unqualified persons shall be confiscated and the proceeds
2 thereof shall accrue to the protected area fund.

3 **SECTION 19. Repealing Clause.-** For the purpose of the Mt. Balatukan
4 Range Natural Park, all laws, rules and regulations inconsistent herewith are
5 modified accordingly. The prohibitions and penalties under the NIPAS Act, which
6 are not inconsistent herewith, shall likewise apply.

7 **SECTION 20. Separability Clause.-** If any part or section of this Act is
8 declared by the courts as unconstitutional, such declaration shall not affect the
9 other parts or section hereof.

10 **SECTION 21. Effectivity Clause.-** This Act shall take effect upon its
11 approval.

12 Approved.