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7 S. NO. 2537

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8  
9 (In substitution of S. No. 2046 and H. No. 4851)

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11  
12 Prepared jointly by the Committees on Environment and Natural Resources, Local Government and  
13 Finance, with Senator Cayetano and the members of the Committees as authors

14  
15  
16 AN ACT

17 ESTABLISHING THE ALIWAGWAG FALLS LOCATED IN THE MUNICIPALITIES  
18 OF BOSTON AND CATEEL, PROVINCE OF DAVAO ORIENTAL AND THE  
19 MUNICIPALITY OF COMPOSTELA, PROVINCE OF COMPOSTELA VALLEY AS A  
20 PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND  
21 ITS PERIPHERAL AREAS AS BUFFER ZONE, PROVIDING FOR ITS  
22 MANAGEMENT AND FOR OTHER PURPOSES

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

24 SECTION. 1. *Title.* – This Act shall be known as the “Aliwagwag Falls  
25 Protected Landscape (AFPL) Act of 2006”.

26 SEC. 2. *Land Classification.* – All lands of the public domain comprising  
27 Aliwagwag Falls Protected Landscape (AFPL) shall fall under the classification of  
28 National Park as provided for in the Philippine Constitution. *However,* Public Lands  
29 already classified as agricultural and alienable or disposable prior to the passage of this  
30 Act shall remain as such and may be disposed of pursuant to the provisions of  
31 Commonwealth Act No. 141 or the Public Land Act, as amended.

32 SEC. 3. *Declaration of Protected Area (PA); Scope and Boundaries.* – The  
33 Aliwagwag Falls Protected Landscape (AFPL) situated in the municipalities of Boston  
34 and Cateel, Province of Davao Oriental and the Municipality of Compostela, Province of  
35 Compostela Valley, which shall be withdrawn from sale, settlement, lease or other  
36 modes of disposition, subject to existing rights, is more particularly described as  
37 follows:

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

- 40 Thence S 58°33" E 361.1 meters to corner 2
- 41 Thence S 58°33" E 546.9 meters to corner 3
- 42 Thence S 58°33" E 515.9 meters to corner 4
- 43 Thence S 58°33" E 361.1 meters to corner 5
- 44 Thence S 23°50" W 402.6 meters to corner 6
- 45 Thence S 23°50" W 432.8 meters to corner 7
- 46 Thence S 23°50" W 352.3 meters to corner 8

1	Thence	S 23°50" W	352.3 meters to corner 9
2	Thence	S 23°50" W	352.3 meters to corner 10
3	Thence	S 23°50" W	422.7 meters to corner 11
4	Thence	S 23°50" W	523.4 meters to corner 12
5	Thence	S 23°50" W	533.4 meters to corner 13
6	Thence	S 23°50" W	402.6 meters to corner 14
7	Thence	S 23°50" W	402.6 meters to corner 15
8	Thence	S 45°37" E	256.7 meters to corner 16
9	Thence	S 45°37" E	380.0 meters to corner 17
10	Thence	S 45°37" E	308.1 meters to corner 18
11	Thence	S 45°37" E	359.4 meters to corner 19
12	Thence	S 45°37" E	359.4 meters to corner 20
13	Thence	S 45°37" E	359.4 meters to corner 21
14	Thence	S 45°37" E	410.8 meters to corner 22
15	Thence	S 45°37" E	359.4 meters to corner 23
16	Thence	S 18°22" E	529.4 meters to corner 24
17	Thence	S 45°26" W	444.3 meters to corner 25
18	Thence	S 37°29" W	348.2 meters to corner 26
19	Thence	S 19°59" W	403.7 meters to corner 27
20	Thence	S 32°34" W	399.7 meters to corner 28
21	Thence	S 25°45" W	301.5 meters to corner 29
22	Thence	S 72°06" W	290.0 meters to corner 30
23	Thence	S 57°36" W	244.2 meters to corner 31
24	Thence	N 71°37" W	433.9 meters to corner 32
25	Thence	S 32°34" W	349.8 meters to corner 33
26	Thence	S 32°34" W	349.8 meters to corner 34
27	Thence	S 32°34" W	299.8 meters to corner 35
28	Thence	S 22°52" W	402.9 meters to corner 36
29	Thence	S 34°32" W	448.0 meters to corner 37
30	Thence	S 26°44" W	421.8 meters to corner 38
31	Thence	S 39°28" W	258.2 meters to corner 39
32	Thence	N 35°23" W	244.1 meters to corner 40
33	Thence	Due West	327.1 meters to corner 41
34	Thence	S 37°29" W	298.5 meters to corner 42
35	Thence	S 59°39" W	243.7 meters to corner 43
36	Thence	S 79°47" W	336.9 meters to corner 44

1	Thence	N 57°25" W	348.6 meters to corner 45
2	Thence	N 60°27" W	290.2 meters to corner 46
3	Thence	N 61°43" W	350.4 meters to corner 47
4	Thence	S 61°43" W	340.7 meters to corner 48
5	Thence	N 66°32" W	241.4 meters to corner 49
6	Thence	N 80°48" W	433.2 meters to corner 50
7	Thence	N 70°01" W	367.8 meters to corner 51
8	Thence	N 73°29" W	221.7 meters to corner 52
9	Thence	N 15°47" E	276.6 meters to corner 53
10	Thence	N 52°29" E	355.9 meters to corner 54
11	Thence	N 52°29" E	244.1 meters to corner 55
12	Thence	N 29°17" E	159.1 meters to corner 56
13	Thence	N 51°22" W	242.6 meters to corner 57
14	Thence	N 84°53" W	365.6 meters to corner 58
15	Thence	N 40°21" W	438.6 meters to corner 59
16	Thence	N 19°35" W	441.7 meters to corner 60
17	Thence	N 57°25" W	242.1 meters to corner 61
18	Thence	S 65°51" W	223.2 meters to corner 62
19	Thence	N 18°36" W	274.9 meters to corner 63
20	Thence	N 63°29" W	579.8 meters to corner 64
21	Thence	N 61°27" W	425.6 meters to corner 65
22	Thence	N 56°24" W	339.0 meters to corner 66
23	Thence	N 61°27" W	386.8 meters to corner 67
24	Thence	N 82°50" W	240.6 meters to corner 68
25	Thence	N 59°26" W	338.7 meters to corner 69
26	Thence	N 58°25" W	484.0 meters to corner 70
27	Thence	N 06°51" W	373.8 meters to corner 71
28	Thence	N 06°51" W	491.9 meters to corner 72
29	Thence	N 06°51" W	541.1 meters to corner 73
30	Thence	N 31°25" W	342.3 meters to corner 74
31	Thence	N 31°25" W	322.7 meters to corner 75
32	Thence	N 31°25" W	391.2 meters to corner 76
33	Thence	N 15°40" W	393.0 meters to corner 77
34	Thence	N 15°40" W	393.0 meters to corner 78
35	Thence	N 15°40" W	393.0 meters to corner 79
36	Thence	N 66°32" W	366.9 meters to corner 80

1	Thence	N 17°37" W	422.3 meters to corner 81
2	Thence	N 17°37" W	294.6 meters to corner 82
3	Thence	N 17°37" W	422.3 meters to corner 83
4	Thence	N 40°30" E	321.9 meters to corner 84
5	Thence	N 16°38" W	392.9 meters to corner 85
6	Thence	N 16°38" W	491.1 meters to corner 86
7	Thence	N 16°38" W	491.1 meters to corner 87
8	Thence	N 44°31" E	484.6 meters to corner 88
9	Thence	N 44°31" E	504.8 meters to corner 89
10	Thence	N 44°31" E	504.8 meters to corner 90
11	Thence	N 24°30" W	441.1 meters to corner 91
12	Thence	N 07°49" W	491.8 meters to corner 92
13	Thence	N 33°23" E	479.8 meters to corner 93
14	Thence	N 33°23" E	499.8 meters to corner 94
15	Thence	N 33°23" E	569.7 meters to corner 95
16	Thence	N 66°09" E	668.6 meters to corner 96
17	Thence	S 88°03" E	519.0 meters to corner 97
18	Thence	N 78°36" E	414.3 meters to corner 98
19	Thence	N 78°36" E	435.0 meters to corner 99
20	Thence	S 45°37" E	287.6 meters to corner 100
21	Thence	S 61°31" E	258.2 meters to corner 101
22	Thence	S 33°33" W	319.5 meters to corner 102
23	Thence	S 70°24" E	331.3 meters to corner 103
24	Thence	S 70°24" E	362.4 meters to corner 104
25	Thence	S 70°24" E	362.4 meters to corner 105
26	Thence	S 70°24" E	392.4 meters to corner 106
27	Thence	S 70°24" E	517.7 meters to corner 107
28	Thence	S 70°24" E	362.4 meters to corner 108
29	Thence	S 48°37" E	359.8 meters to corner 109
30	Thence	S 81°11" E	394.2 meters to corner 110
31	Thence	S 81°11" E	363.1 meters to corner 111
32	Thence	S 81°11" E	373.5 meters to corner 112
33	Thence	S 81°11" E	415.0 meters to corner 113
34	Thence	S 81°11" E	290.5 meters to corner 114
35	Thence	S 81°11" E	435.7 meters to corner 115
36	Thence	S 81°11" E	363.1 meters to corner 116

1 Thence S 81°11" E 332.0 meters to corner 117  
2 Thence S 81°11" E 352.7 meters to corner 118  
3 Thence S 81°11" E 363.1 meters to the point of beginning, containing an  
4 approximate area of ten thousand four hundred ninety-one and 33/100 (10,491.33)  
5 hectares.

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

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

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

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

23 Thence N 81°00"W 350.0 meters to corner 2  
24 Thence N 81°00"W 340.0 meters to corner 3  
25 Thence N 81°00"W 320.0 meters to corner 4  
26 Thence N 81°00"W 350.0 meters to corner 5  
27 Thence N 81°00"W 420.0 meters to corner 6  
28 Thence N 81°00"W 280.0 meters to corner 7  
29 Thence N 81°00"W 400.0 meters to corner 8  
30 Thence N 81°00"W 360.0 meters to corner 9  
31 Thence N 81°00"W 350.0 meters to corner 10  
32 Thence N 81°00"W 380.0 meters to corner 11  
33 Thence N 48°00"W 350.0 meters to corner 12  
34 Thence N 70°00"W 350.0 meters to corner 13  
35 Thence N 70°00"W 500.0 meters to corner 14  
36 Thence N 70°00"W 380.0 meters to corner 15  
37 Thence N 70°00"W 350.0 meters to corner 16

1	Thence	N 70°00"W	350.0 meters to corner 17
2	Thence	N 70°00"W	320.0 meters to corner 18
3	Thence	N 35°00"E	320.0 meters to corner 19
4	Thence	N 61°00"W	250.0 meters to corner 20
5	Thence	N 45°00"W	280.0 meters to corner 21
6	Thence	S 78°00"W	420.0 meters to corner 22
7	Thence	S 78°00"W	400.0 meters to corner 23
8	Thence	N 88°00"W	500.0 meters to corner 24
9	Thence	S 65°00"W	650.0 meters to corner 25
10	Thence	S 32°00"W	570.0 meters to corner 26
11	Thence	S 32°00"W	500.0 meters to corner 27
12	Thence	S 32°00"W	480.0 meters to corner 28
13	Thence	S 08°00"E	500.0 meters to corner 29
14	Thence	S 25°00"E	450.0 meters to corner 30
15	Thence	S 43°00"W	500.0 meters to corner 31
16	Thence	S 43°00"W	500.0 meters to corner 32
17	Thence	S 43°00"W	480.0 meters to corner 33
18	Thence	S 17°00"E	500.0 meters to corner 34
19	Thence	S 17°00"E	500.0 meters to corner 35
20	Thence	S 17°00"E	400.0 meters to corner 36
21	Thence	S 39°00"W	320.0 meters to corner 37
22	Thence	S 18°00"E	430.0 meters to corner 38
23	Thence	S 18°00"E	300.0 meters to corner 39
24	Thence	S 18°00"E	430.0 meters to corner 40
25	Thence	S 67°00"E	380.0 meters to corner 41
26	Thence	S 16°00"E	400.0 meters to corner 42
27	Thence	S 16°00"E	400.0 meters to corner 43
28	Thence	S 16°00"E	400.0 meters to corner 44
29	Thence	S 32°00"E	400.0 meters to corner 45
30	Thence	S 32°00"E	330.0 meters to corner 46
31	Thence	S 32°00"E	350.0 meters to corner 47
32	Thence	S 07°00"E	550.0 meters to corner 48
33	Thence	S 07°00"E	500.0 meters to corner 49
34	Thence	S 07°00"E	380.0 meters to corner 50
35	Thence	S 59°00"E	500.0 meters to corner 51
36	Thence	S 60°00"E	350.0 meters to corner 52

1	Thence	S 83°00"E	250.0 meters to corner 53
2	Thence	S 62°00"E	400.0 meters to corner 54
3	Thence	S 57°00"E	350.0 meters to corner 55
4	Thence	S 61°00"E	440.0 meters to corner 56
5	Thence	S 64°00"E	600.0 meters to corner 57
6	Thence	S 19°00"E	280.0 meters to corner 58
7	Thence	N 67°00"E	230.0 meters to corner 59
8	Thence	S 58°00"E	250.0 meters to corner 60
9	Thence	S 20°00"E	340.0 meters to corner 61
10	Thence	S 41°00"E	450.0 meters to corner 62
11	Thence	S 85°00"E	380.0 meters to corner 63
12	Thence	S 52°00"E	250.0 meters to corner 64
13	Thence	S 28°00"W	160.0 meters to corner 65
14	Thence	S 51°00"W	240.0 meters to corner 66
15	Thence	S 51°00"W	350.0 meters to corner 67
16	Thence	S 15°00"W	280.0 meters to corner 68
17	Thence	Foll. The road gen. 220.0 meters to corner 69	
18		In N-Westerly dir. Abt.	
19	Thence	N 02°00"E	260.0 meters to corner 70
20	Thence	N 57°30"E	280.0 meters to corner 71
21	Thence	N 57°30"E	350.0 meters to corner 72
22	Thence	Foll. The road gen. 300.0 meters to corner 73	
23		In N-Easterly dir.abt.	
24	Thence	Foll. The road gen. 500.0 meters to corner 74	
25		In N-Westerly dir. Abt.	
26	Thence	Foll. The road gen. 620.0 meters to corner 75	
27		In N-Westerly dir. Abt.	
28	Thence	Foll. The road gen. 250.0 meters to corner 76	
29		In N-Westerly dir. Abt	
30	Thence	Foll. The road gen. 275.0 meters to corner 77	
31		In S-Westerly dir. Abt	
32	Thence	Foll. The road gen. 180.0 meters to corner 78	
33		S-Westerly dir. Abt.	
34	Thence	Foll. The road gen. 460.0 meters to corner 79	
35		N-Westerly dir. Abt.	
36	Thence	Foll. The road gen. 600.0 meters to corner 80	
37		N-Westerly dir.abt.	

1 Thence Foll. The road gen. 300.0 meters to corner 81  
2 In N-Westerly dir. Abt.  
3 Thence Foll. The road gen. 130.0 meters to corner 82  
4 S-Westerly dir. Abt.  
5 Thence Foll. The road gen. 350.0 meters to corner 83  
6 N-Westerly dir. Abt.  
7 Thence Foll. The road gen. 400.0 meters to corner 84  
8 In N-Westerly dir. Abt.  
9 Thence Foll. The road gen. 250.0 meters to corner 85  
10 In S-Westerly dir. Abt.  
11 Thence Foll. The road gen. 550.0 meters to corner 86  
12 S-Westerly dir. Abt.  
13 Thence N 63°00"W 350.0 meters to corner 87  
14 Thence N 03°00"W 500.0 meters to corner 88  
15 Thence N 03°00"W 500.0 meters to corner 89  
16 Thence N 03°00"W 500.0 meters to corner 90  
17 Thence N 28°30"W 350.0 meters to corner 91  
18 Thence N 28°30"W 375.0 meters to corner 92  
19 Thence N 28°30"W 330.0 meters to corner 93  
20 Thence N 11°00"W 500.0 meters to corner 94  
21 Thence N 11°00"W 500.0 meters to corner 95  
22 Thence N 61°00"W 400.0 meters to corner 96  
23 Thence N 13°00"W 500.0 meters to corner 97  
24 Thence N 13°00"W 500.0 meters to corner 98  
25 Thence N 13°00"W 350.0 meters to corner 99  
26 Thence N 33°00"E 300.0 meters to corner 100  
27 Thence N 14°00"W 400.0 meters to corner 101  
28 Thence N 14°00"W 480.0 meters to corner 102  
29 Thence N 14°00"W 500.0 meters to corner 103  
30 Thence N 37°00"E 500.0 meters to corner 104  
31 Thence N 37°00"E 500.0 meters to corner 105  
32 Thence N 37°00"E 500.0 meters to corner 106  
33 Thence N 24°00"W 330.0 meters to corner 107  
34 Thence N 05°00"W 320.0 meters to corner 108  
35 Thence N 05°00"W 350.0 meters to corner 109  
36 Thence N 26°00"E 400.0 meters to corner 110



1	Thence	N 26°00"E	400.0 meters to corner 111
2	Thence	N 26°00"E	400.0 meters to corner 112
3	Thence	N 26°00"E	500.0 meters to corner 113
4	Thence	N 60°00"E	350.0 meters to corner 114
5	Thence	N 60°00"E	380.0 meters to corner 115
6	Thence	S 85°00"E	480.0 meters to corner 116
7	Thence	N 74°30"E	500.0 meters to corner 117
8	Thence	N 74°30"E	500.0 meters to corner 118
9	Thence	S 30°00"E	300.0 meters to corner 119
10	Thence	S 27°00"W	350.0 meters to corner 120
11	Thence	S 69°00"E	500.0 meters to corner 121
12	Thence	S 69°00"E	500.0 meters to corner 122
13	Thence	S 69°00"E	500.0 meters to corner 123
14	Thence	S 69°00"E	400.0 meters to corner 124
15	Thence	S 69°00"E	350.0 meters to corner 125
16	Thence	S 41°00"E	210.0 meters to corner 126
17	Thence	S 80°00"E	500.0 meters to corner 127
18	Thence	S 80°00"E	500.0 meters to corner 128
19	Thence	S 80°00"E	500.0 meters to corner 129
20	Thence	S 80°00"E	500.0 meters to corner 130
21	Thence	S 80°00"E	500.0 meters to corner 131
22	Thence	S 80°00"E	500.0 meters to corner 132
23	Thence	S 80°00"E	500.0 meters to corner 133
24	Thence	S 80°00"E	500.0 meters to corner 134
25	Thence	S 54°00"E	500.0 meters to corner 135
26	Thence	S 54°00"E	500.0 meters to corner 136
27	Thence	S 54°00"E	650.0 meters to corner 137
28	Thence	S 20°00"W	500.0 meters to corner 138
29	Thence	S 20°00"W	500.0 meters to corner 139
30	Thence	S 20°00"W	500.0 meters to corner 140
31	Thence	S 20°00"W	500.0 meters to corner 141
32	Thence	S 20°00"W	500.0 meters to corner 142
33	Thence	S 20°00"W	550.0 meters to corner 143
34	Thence	S 20°00"W	550.0 meters to corner 144
35	Thence	Foll. Aliwagwag	450.0 meters to corner 145
36		Cr. Downstream in SE dir. Abt.	

1 Thence Foll. Aliwagwag 450.0 meters to corner 146  
2 Cr. Downstream in SE dir. Abt.

3 Thence Foll. Aliwagwag 410.0 meters to corner 147  
4 Cr. Downstream in SE dir. Abt.

5 Thence Foll. Aliwagwag 420.0 meters to corner 148  
6 Cr. Downstream in SE dir. Abt.

7 Thence Foll. Aliwagwag 550.0 meters to corner 149  
8 Cr. Downstream in SE dir. Abt.

9 Thence Foll. Cateel 230.0 meters to corner 150  
10 R. Upstream in SW dir. Abt.

11 Thence Foll. Aliwagwag 500.0 meters to corner 151  
12 Cr. Upstream in NW dir. Abt.

13 Thence Foll. Aliwagwag 500.0 meters to corner 152  
14 Cr. Upstream in NW dir. Abt.

15 Thence Foll. Aliwagwag 500.0 meters to corner 153  
16 Cr. Upstream in NW dir. Abt.

17 Thence Foll. Aliwagwag 670.0 meters to corner 154  
18 Cr. Upstream in NW dir. Abt.

19 Thence S 20°00"W 350.0 meters to corner 155

20 Thence S 38°00"E 500.0 meters to corner 156

21 Thence S 38°00"E 500.0 meters to corner 157

22 Thence S 38°00"E 500.0 meters to corner 158

23 Thence S 38°00"E 500.0 meters to corner 159

24 Thence S 38°00"E 500.0 meters to corner 160

25 Thence Foll. The road gen. 650.0 meters to corner 161  
26 In S-Westerly dir. Abt.

27 Thence N 18°00"W 520.0 meters to corner 162

28 Thence N 45°00"W 350.0 meters to corner 163

29 Thence N 45°00"W 400.0 meters to corner 164

30 Thence N 45°00"W 350.0 meters to corner 165

31 Thence N 45°00"W 350.0 meters to corner 166

32 Thence N 45°00"W 350.0 meters to corner 167

33 Thence N 45°00"W 300.0 meters to corner 168

34 Thence N 45°00"W 370.0 meters to corner 169

35 Thence N 45°00"W 250.0 meters to corner 170

36 Thence N 25°00"E 400.0 meters to corner 171

37 Thence N 25°00"E 400.0 meters to corner 172

1 Thence N 25°00"E 530.0 meters to corner 173  
2 Thence N 25°00"E 520.0 meters to corner 174  
3 Thence N 25°00"E 420.0 meters to corner 175  
4 Thence N 25°00"E 350.0 meters to corner 176  
5 Thence N 25°00"E 350.0 meters to corner 177  
6 Thence N 25°00"E 350.0 meters to corner 178  
7 Thence N 25°00"E 430.0 meters to corner 179  
8 Thence N 25°00"E 400.0 meters to corner 180  
9 Thence N 58°00"W 350.0 meters to corner 181  
10 Thence N 58°00"W 500.0 meters to corner 182  
11 Thence N 58°00"W 530.0 meters to corner 183  
12 Thence N 58°00"W 350.0 meters to the point of beginning, containing an

13 approximate area of four hundred twenty point six (420.6) hectares, more or less."

14 The buffer zone shall provide an extra layer around the protected area (PA) in  
15 which restrictions can apply and communities can assist in repelling threats to the area.  
16 The buffer zone shall be managed according to the management plan herein provided.

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

19 (a) "Ancestral domain" refers to all lands and natural resources occupied or  
20 possessed by indigenous cultural communities, by themselves or through their  
21 ancestors, communally or individually, in accordance with their customs and traditions  
22 since time immemorial, continuously to the present except when interrupted by war,  
23 *force majeure*, or displacement by force, deceit or stealth. It includes all adjacent areas  
24 generally belonging to them and which are necessary to ensure their economic, social  
25 and cultural welfare.

26 (b) "Biodiversity" refers to the variety of life in all its forms.

27 (c) "Buffer zone" refers to identified areas outside the boundaries of and  
28 immediately adjacent to the PA that need special development control in order to avoid  
29 or minimize harm to the PA.

30 (d) "Indigenous Cultural Communities" refers to Filipino tribes who have  
31 continuously lived as communities on communally bounded and defined land since time  
32 immemorial and have succeeded in preserving, maintaining and sharing common  
33 bonds of language, customs, traditions and other distinctive cultural traits.

34 (e) "National Integrated Protected Area System" refers to the classification of  
35 all designated PAs pursuant to Republic Act No. 7586 or the National Integrated  
36 Protected Areas System (NIPAS) Act of 1992, to maintain essential ecological  
37 processes and life-support systems, to protect genetic diversity, to ensure sustainable

1 use of resources found therein and to maintain their natural conditions to the greatest  
2 extent as possible.

3 (f) "Nonrenewable resources" refers to those resources found within the  
4 Aliwagwag Falls Protected Landscape and its buffer zones, the natural replenishment  
5 rate of which is either not known or takes more than twenty-five (25) years.

6 (g) "Protected areas (PAs)" refers to identified portions of land and water set aside  
7 by reason of their unique physical and biological significance, managed to enhance  
8 biological diversity and protected against destructive human exploitation.

9 (h) "Protected landscape" refers to an area of national significance which is  
10 characterized by the harmonious interaction of man and land while providing  
11 opportunities for public enjoyment through recreation and tourism within the normal  
12 lifestyle and economic activity of the area.

13 (i) "Nongovernment organization (NGO)" refers to any civic, development or  
14 philanthropic organization which is multi-sectoral in character.

15 (j) "People's organization (PO)" refers to any group of people formed to advance  
16 the interests of the sector represented, provided that such sector is marginalized, poor  
17 or disempowered.

18 SEC.5. *Management of the PA* – There shall be a PAMB which shall have sole  
19 jurisdiction, power and authority such as, but not limited to, policy-making and permit  
20 granting over the PA for all matters that may affect biodiversity conservation, protection  
21 and sustainable development. It shall be composed of:

22 (1) The Regional Executive Director (RED) of the DENR Region XI, as Chairman;

23 (2) The mayors of the towns and the Provincial Governors of the Provinces of  
24 Davao Oriental and Compostela Valley with territory inside the PA or their authorized  
25 representatives;

26 (3) The Regional Director of the Department of Agriculture (DA) or his  
27 authorized representative;

28 (4) One NGO/PO representative concerned with PA management chosen from  
29 among the three municipalities with territory inside the PA in a special election duly  
30 called by the DENR for the purpose: *Provided*, That the organizations are duly  
31 accredited with the municipality being represented;

32 (5) One representative of the owners and operators of existing facilities to be  
33 chosen by them from among themselves in an election duly called for the purpose by  
34 the DENR;

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

1 (7) One representative from each indigenous cultural community within the PA  
2 chosen through customary practices; and

3 (8) One representative each from the holders of TLA No. 43, TLA No. 47 and  
4 IFMA No. 28, until the expiration of such agreements unless substituted by similar  
5 agreements, in which case, the holders thereof shall also be entitled to representation  
6 in the PAMB.

7 Every member of the PAMB shall serve for a term of five years and shall be  
8 considered to represent his or her sector and deemed to carry the vote of such sector in  
9 all matters. In the case of members who are government officials, the term of office  
10 shall be attached to the office held.

11 In the selection of the representatives of POs and NGOs, preference shall be  
12 accorded to those organizations that are involved in the conservation, protection and  
13 development of the PA. Representation shall be by institution and shall aim to achieve  
14 balance in representation by geographic location or areas.

15 The representatives from the LGUs and national agencies in the PAMB shall  
16 include among their duty to appraise their respective constituents, office or sector, to  
17 ensure that the provisions of this Act is consistent with the Local Government Code of  
18 1991 (R. A. No. 7160), other relevant statutes and ordinances, and local and national  
19 development plans and projects. Failure to comply with the foregoing shall subject such  
20 representative to disciplinary action as the PAMB may provide.

21 *SEC. 6. Powers and Functions of the PAMB.* - The PAMB of the Aliwagwag  
22 Falls Protected Landscape shall have the following powers and functions:

23 (1) Decide matters relating to planning, resource protection and general  
24 administration of the area in accordance with the GMPS;

25 (2) Approve proposals, work plans, action plans and guidelines for the  
26 management of the PA;

27 (3) Delineate and demarcate the PA boundaries and buffer zones, including  
28 ancestral domains in coordination with the National Commission on Indigenous Peoples  
29 (NCIPs);

30 (4) Promulgate rules and regulations to promote development programs and  
31 projects on biodiversity conservation and sustainable development;

32 (5) Ensure the implementation of programs in order to provide employment to the  
33 people dwelling in and around the PA;

34 (6) Control and regulate the construction, operation and maintenance of roads,  
35 trails, water works, sewerage, fire protection and sanitation systems and other public  
36 utilities within the PA;

37 (7) Monitor and evaluate the performance of PA personnel, NGOs, and  
38 communities in providing for biodiversity conservation and sociocultural and economic

1 development and report their assessments to the NIPAS Policy and Program Steering  
2 Committee (NPPSC) and the Integrated Protected Areas Governing Board.

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

6 (9) Retain legal counsel, either on a permanent or temporary basis, to provide  
7 legal assistance to the PAMB and the PASu staff whenever they are sued in connection  
8 with the performance of their duties under this Act.

9 The DENR Secretary shall exercise authority over the PAMB to ensure that it is  
10 acting within the scope of its powers and functions. In case of conflict between  
11 administrative orders of national application issued by the DENR pursuant to the NIPAS  
12 Act and the rules and regulations issued by the PAMB, the PAMB shall notify the DENR  
13 Secretary who shall resolve such conflict.

14 *SEC. 7. Protected Area Superintendent (PASu) Office.* – There is hereby  
15 established a PASu's office in charge of the management, protection and administration  
16 of the PA. The PASu office shall be supported by the existing personnel of the DENR.  
17 The head of the office shall be the chief operating officer of the Aliwagwag Falls  
18 Protected Landscape or the PA and shall be accountable to the RED of the DENR-XI  
19 and the PAMB. The PASu shall have the following powers and functions:

20 (1) Serve as chief administrative officer of the PA for the purpose of implementing  
21 the management plan as detailed in the annual work program;

22 (2) Establish a productive partnership with the local community, private sector,  
23 including groups interested in the achievement of the goals and objectives of the PA,  
24 and in the planning, protection and management thereof;

25 (3) Develop and implement a natural history documentation program and to  
26 oversee research that may be conducted within the area;

27 (4) Integrate the roles of NGOs and the DENR staff in the administration and  
28 development of the area;

29 (5) Document the processes involved in the establishment and management of the  
30 PA, with particular reference to the development of relationships with cultural  
31 communities, tenured migrants, buffer zone residents and others for effective protection  
32 of the area;

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

34 (7) Act as peace officer for the purpose of maintaining peace and order within the  
35 PA, and shall exercise police supervision therein and may arrest any person found in  
36 any place within the PA who is committing, has committed, or is about to commit an  
37 offense against the provisions of this Act;

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

3 (9) Require, when necessary, any person entering or passing across through or  
4 any part of the PA under his jurisdiction, to give the following information: name,  
5 address, the proposed duration of stay inside the PA and the portion which he intends  
6 to visit or has visited and such other information of a similar nature as may be referred  
7 to him;

8 (10) Summarily remove or eject from the area, persons who have rendered  
9 themselves obnoxious by disorderly conduct or bad behavior or who have violated any  
10 of the regulations in the PA;

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

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

19 (13) Enforce the laws, rules and regulations relevant to the PA and assist in the  
20 prosecution of offenses thereof;

21 (14) Monitor all activities within the PA for conformity with the management plan;  
22 and

23 (15) Perform such other powers and duties as may from time to time be prescribed  
24 by the PAMB and higher authorities.

25 *SEC. 8. Ancestral Lands and Domains.* – For the purpose of this Act, the  
26 provisions of Republic Act No. 8371, otherwise known as “The Indigenous Peoples  
27 Rights Act of 1997,” shall govern over ancestral lands and domains within the PA. The  
28 provisions of this Act shall be construed liberally in favor of indigenous cultural  
29 communities and their members.

30 *SEC. 9. Tenured Migrants and Transient Farmers.* – Tenured migrants are  
31 members of households that have actually and continuously occupied certain areas  
32 within the Aliwagwag Falls Protected Landscape since July 1, 1987 and are  
33 substantially dependent on the PA for their livelihood. For purposes of official  
34 documentation of rights and extent of occupation in the PA, each tenured migrant  
35 household shall be issued a tenure instrument over such areas that have been  
36 occupied or cultivated since July 1, 1987. Tenured migrants may occupy and use the  
37 area specified in the instrument for a term of twenty-five (25) years renewable for the  
38 same period. The holder of the instrument upon the lapse of this period may negotiate

1 for a new instrument and his occupancy shall be evaluated by the PAMB for purposes  
2 of such renewal.

3 In the case of qualified tenured migrants who currently occupy areas that shall be  
4 designated as zones where no occupation or other activities are allowed, a provision for  
5 their transfer to multiple-use zones within the PA or to the buffer zone shall be  
6 accomplished using humanitarian considerations.

7 Persons who have been cultivating land within the PA since July 1, 1987 are  
8 considered to be occupying such lands and shall be entitled to a tenure instrument  
9 restricted to cultivation: *Provided*, That this right can only be transferred to direct  
10 descendants and that said tenure instruments shall not be divisible to numerous heirs.

11 Tenured migrant instruments may be cancelled for violation of the terms and  
12 conditions specified therein, upon the holder's repeated refusal to comply with the  
13 management plan or the regulation set by the PAMB, or by voluntary surrender of  
14 rights. Upon cancellation of a tenured migrant instrument, the PASu shall take  
15 immediate steps to rehabilitate the area in order to return it to its natural state prior to  
16 the cultivation or other act by the transient or tenured migrant.

17 SEC. 10. *Contracts Over Lands.* – The purchase, sale, encumbrance,  
18 mortgage, usufruct or lease of lands within the PA to persons outside the PA not  
19 otherwise qualified to hold lands therein shall be invalid unless verified and validated by  
20 the PAMB pursuant to subsisting rights to enter into such contract due to vested rights,  
21 customary practices or individual ownership prior to the establishment of the PA.

22 SEC. 11. *Prohibited Acts.* – The following shall be the prohibitions and  
23 penalties applicable to the PA:

24 (a) The penalties provided for in Articles 309 and 310 of the Revised Penal Code,  
25 depending on the value of the resources taken, damaged or destroyed, shall be  
26 imposed upon any person who:

27 (1) Hunts, destroys, traps, disturbs or possesses anywhere within the Aliwagwag  
28 Falls Protected Landscape any wild plants or animals or products derived therefrom  
29 without a permit from the PAMB: *Provided*, That such permits shall only be given for  
30 scientific purposes necessary for PA management;

31 (2) Cuts, gathers, collects or removes timber or forest products without permit,  
32 provided that such permits shall only be given for scientific purposes necessary for PA  
33 management;

34 (3) Possesses outside the PA any wild plants or animals or products derived  
35 therefrom which came from the PA;

36 (4) Explores or extracts, drills or engages in prospecting for minerals within the  
37 Aliwagwag Falls Protected Landscape;



1 (5) Constructs or maintains any kind of road, structure, fence or enclosure without  
2 a permit from the PAMB: *Provided*, That structures within ancestral domains used by  
3 indigenous cultural communities shall not need a permit from the PAMB; and

4 (6) Alters, mutilates, excavates, removes, destroys or defaces boundary marks or  
5 signs, natural formations, burial grounds, religious sites, artifacts, objects belonging to  
6 indigenous cultural communities and other objects of natural and scenic value or  
7 affixing marks or signs on trees.

8 (b) A fine of not less than One hundred thousand pesos (P100,000.00) nor more  
9 than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than  
10 one year and not more than five years shall be imposed upon:

11 (1) Any person or persons responsible for grazing and or causing livestock to be  
12 grazed or raising poultry within the PA without permit from the PAMB; and

13 (2) Any public officer or officer of the law who, in dereliction of the duties of his  
14 office, shall maliciously refrain from instituting prosecution for the punishment of  
15 violators of the law, or shall tolerate the commission of offenses. Conviction of this  
16 offense shall also carry the penalty of perpetual disqualification from public office.

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

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

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

30 (1) Violating any rules and regulations in the management plan or agreements  
31 reached before the PAMB in the exercise of its adjudicative functions;

32 (2) Dumping, burning, or disposing of any waste products, vegetation or materials  
33 within the PA to the detriment of the inhabitants, plants or animals therein;

34 (3) Using motorized equipment without a permit except motorized vehicles in  
35 areas where the national highway, provincial road or other public thoroughfare traverse  
36 the park: *Provided*, That such thoroughfares were legally constructed;

1 (4) Occupying any portion of land inside the Aliwagwag Falls Protected Landscape  
2 without a permit from the PAMB: *Provided*, That occupation shall be of such nature as  
3 to last more than ten (10) days in a particular portion of the PA; and

4 (5) Entering the PA without a permit from the PAMB.

5 Valuation of the damage shall take into account biodiversity and conservation  
6 considerations as well as aesthetic and scenic value. The commission of these acts  
7 likewise carries the penalty of eviction from the PA and the forfeiture of all  
8 transportation, structures and building materials, equipment, devices, weapons used for  
9 the commission of the offense, as well as the PA resources caught in the possession of  
10 the accused.

11 The LGU responsible for the imposition of the penalties herein and the arrest and  
12 confiscation of the materials shall have a fifty percent (50%) share in the disposition  
13 thereof while the rest shall accrue to the PAMB.

14 SEC. 12. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days  
15 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special  
16 prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall  
17 be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in  
18 the performance of his/her duties and assist in the training of wardens and rangers in  
19 arrest and criminal procedures. The PAMB may retain the services of a counsel to  
20 prosecute and/or assist in the prosecution of cases under the direct control and  
21 supervision of the regular or special prosecutor and to defend the members of the  
22 PAMB, the PASu and the staff, or any person assisting in the protection, conservation  
23 and sustainable development of the PA, against any legal action related to their  
24 powers, functions and responsibilities as provided in this Act or as delegated or tasked  
25 by the PAMB.

26 SEC. 13. *Aliwagwag Falls Protected Areas Fund.* – There is hereby  
27 established a trust fund to be known as the Aliwagwag Falls Protected Areas Fund for  
28 purposes of financing projects of the system. All income generated from the operation  
29 of the system or management of wild flora and fauna in the PA shall accrue to the  
30 Fund. These income shall be derived from fees from permitted sale and export of flora  
31 and fauna and other resources from the PA, proceeds from lease of multiple-use areas,  
32 contributions from industries and facilities directly benefiting from the PA, and such  
33 other fees and incomes derived from the operation of the PA.

34 The Fund may be augmented by grants, donations, endowment from various  
35 sources, domestic or foreign, for purposes related to their functions: *Provided*, That the  
36 Fund shall be deposited as a special account in the National Treasury and  
37 disbursements therefrom shall be made solely for the protection, maintenance,  
38 administration and management of the system, and duly approved projects endorsed

1 by the PAMB in accordance with existing accounting and budgeting rules and  
2 regulations: *Provided, further,* That the Fund shall not be used to cover personal  
3 services expenditures.

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

9 SEC. 14. *Existing Facilities Within the PA.* – Within sixty (60) days from the  
10 effectivity of this Act, major existing facilities such as roads, buildings, water systems,  
11 transmission lines, communication facilities, heavy equipment, and irrigation facilities  
12 existing within the boundaries of the PA shall submit project description to the PAMB  
13 through the PASu.

14 The PAMB, with the assistance of the DENR, shall determine whether the  
15 existence of such facility and its future plan and operations will be detrimental to the PA  
16 or whether conditions for its operation shall be imposed. If any such conditions are  
17 violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos  
18 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand  
19 pesos (P500,000.00), the PAMB through the PASu and deputizing other government  
20 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

21 Existing facilities allowed to remain within the PA may be charged a reasonable  
22 royalty by the DENR. All income from such royalty shall accrue to the Aliwagwag Falls  
23 Protected Landscape Fund.

24 SEC. 15. *Utilization of Resources.* – Any exploitation of or utilization of  
25 nonrenewable resources within the PA shall not be allowed. Energy projects, whether  
26 renewable or otherwise, shall be permitted only through an Act of Congress, *Provided,*  
27 that the exploitation of renewable energy up to three megawatts capacity shall be  
28 exempt from such requirement.

29 SEC. 16. *Appropriations.* – The Secretary of the DENR shall include in its  
30 program the implementation of this Act, the funding of which shall be included in the  
31 annual General Appropriations Act.

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

1           SEC. 18.       *Transitory Provisions.* – All persons who will not qualify as tenured  
2 migrants, transient farmers, or those who have no ancestral domains within the PA  
3 shall be allowed to harvest fruits or crops planted before the effectivity of this Act.  
4 Thereafter, all crops planted by such unqualified persons shall be confiscated and the  
5 proceeds thereof shall accrue to the IPAF.

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

11          SEC. 19. *Reporting Responsibility.* – The PASu, through the PAMB, shall submit  
12 an annual accomplishment report to the Secretary of the DENR on the activities  
13 undertaken in the PA.

14          SEC. 20. *Separability Clause.* – If any part or section of this Act is declared invalid  
15 or unconstitutional, the remaining provisions not affected thereby shall continue to be in  
16 full force and effect.

17          SEC. 21. *Repealing Clause.* – For purposes of the establishment of the Aliwagwag  
18 Falls Protected Landscape, all laws, rules and regulations inconsistent herewith are  
19 modified accordingly. The prohibitions and penalties under the NIPAS Act that are not  
20 enumerated in Section 11 hereof shall likewise apply for the entire area covered by this  
21 Act.

22          SEC. 22. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its  
23 complete publication in the *Official Gazette* or in a national newspaper of general  
24 circulation available in the PA. This Act shall be translated in a dialect known in the PA  
25 by the DENR within thirty (30) days from approval hereof and shall be posted for three  
26 consecutive weeks in conspicuous place in the provincial, municipal and barangay halls  
27 within the PA as well as in three other public places frequented by the public.

28          Approved