


THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

6 NOV 24 10:22

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 185

Submitted jointly by the Committees on Environment and Natural Resources, Justice and Human Rights, and Finance on 24 NOV 2006.

Re : Senate Bill No. 2530

Recommending ^{its} ~~their~~ approval in substitution of House Bill No. 4420.

Sponsors : Senators Cayetano, Enrile and Drilon.

MR. PRESIDENT:

The Committees on Environment and Natural Resources, Justice and Human Rights, and Finance to which was referred House Bill No. 4420, introduced by Representatives Singson and Banaag, entitled:

**“AN ACT
DECLARING THE LIDLIDDA-BANAYOYO LANDSCAPE IN THE PROVINCE OF
ILOCOS SUR AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT AND
FOR OTHER PURPOSES”**


have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2530, prepared by the Committees, entitled:


**“AN ACT
DECLARING THE LIDLIDDA-BANAYOYO LANDSCAPE IN THE PROVINCE OF
ILOCOS SUR AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT AND
FOR OTHER PURPOSES”**

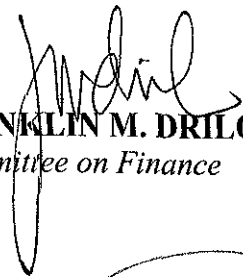
be approved in substitution of House Bill No. 4420, with Senator Cayetano and the members of the Committees as authors thereof.

Respectfully submitted:

Chairpersons:


“COMPAÑERA” PIA S. CAYETANO
Committee on Environment
and Natural Resources

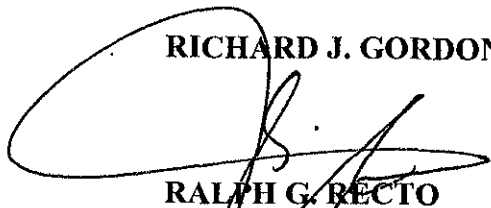

JUAN PONCE ENRILE
Committee on Justice and Human Rights

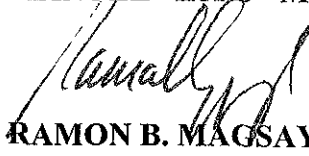

FRANKLIN M. DRILON
Committee on Finance

Members:


RAMON "BONG" REVILLA, JR.


MANUEL "LITO" M. LAPID


RICHARD J. GORDON


RAMON B. MAGSAYSAY, JR.


RALPH G. RECTO

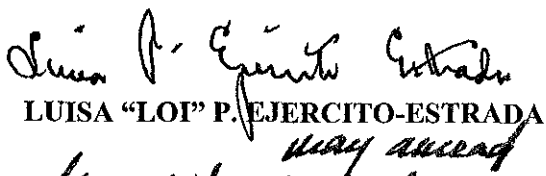

MAR ROXAS


RODOLFO G. BIAZON

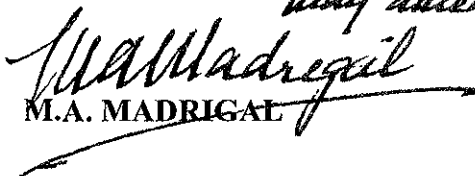

JOKER P. ARROYO


MIRIAM DEFENSOR SANTIAGO


EDGARDO J. ANGARA


LUISA "LOI" P. EJERCITO-ESTRADA


PANFILO M. LACSON


M.A. MADRIGAL


SERGIO OSMEÑA III

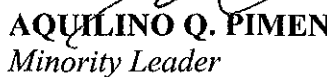
JINGGOY EJERCITO-ESTRADA


ALFREDO S. LIM

Ex-Officio members:


JUAN M. FLAVIER
President Pro-tempore

may amend:

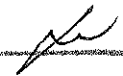

AQUILINO Q. PIMENTEL, JR.
Minority Leader


FRANCIS N. BANGILINAN
Majority Leader

HON. MANNY VILLAR
Senate President
Pasay City

6 NOV 24 10:22

SENATE

RECEIVED BY: 

S. No. 2530
(In substitution of H. No. 4420)

Prepared by the Committees on Environment and Natural Resources, Justice and Human Rights, and Finance, with Senator Cayetano and the members of the Committees as authors

AN ACT
DECLARING THE LIDLIDDA-BANAYOYO LANDSCAPE IN THE PROVINCE OF
ILOCOS SUR AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT,
AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This act shall be known as the “Lidlidda-Banayoyo
2 Protected Landscape Act of 2006.”

3 SEC. 2. *Land Classification.* – All lands of the public domain comprising the
4 Lidlidda-Banayoyo Protected Landscape shall fall under the classification of National
5 Park as provided for in the Philippine Constitution. *However,* Public Lands already
6 classified as agricultural and alienable or disposable prior to the passage of this Act
7 shall remain as such and may be disposed of pursuant to the provisions of
8 Commonwealth Act No. 141 or the Public Land Act, as amended.

9 SEC. 3. *Scope.* – The boundaries of the Lidlidda-Banayoyo Protected Landscape,
10 or PA, in the Province of Ilocos Sur are as follows:

11 Beginning at a point on Parcel I, being identical to corner 1 is N 88° W. about 500
12 m from Poblacion of Lidlidda, Ilocos Sur:

13 Thence S 18° 01' 48" W 289.686 m. to point 2;

14 Thence S 20° 00' 51" E 219.741 m. to point 3;

15 Thence S 00° 59' 29" E 169.797 m. to point 4;

16 Thence S 02° 59' 38" E 259.688 m. to point 5;

17 Thence S 51° 03' 33" W 219.863 m. to point 6;

18 Thence S 60° 03' 16" W 209.844 m. to point 7;

19 Thence S 10° 00' 08" E 179.783 m. to point 8;

20 Thence S 87° 04' 04" E 519.881 m. to point 9;

21 Thence S 44° 03' 15" W 229.829 m. to point 10;

1 Thence S 29° 01' 20" E 199.775 m. to point 11;
2 Thence S 13° 00' 21" E 219.736 m. to point 12;
3 Thence S 83° 04' 00" E 89.972 m. to point 13;
4 Thence N 49° 56' 29" E 200.128 m. to point 14;
5 Thence N 51° 56' 24" E 260.157 m. to point 15;
6 Thence S 32° 01' 41" E 219.758 m. to point 16;
7 Thence S 08° 01' 08" W 179.792 m. to point 17;
8 Thence S 60° 03' 16" E 139.896 m. to point 18;
9 Thence S 67° 04' 00" W 399.875 m. to point 19;
10 Thence S 70° 03' 39" E 489.723 m. to point 20;
11 Thence S 56° 03' 04" E 89.928 m. to point 21;
12 Thence S 48° 02' 40" E 699.355 m. to point 22;
13 Thence N 38° 56' 58" E 180.148 m. to point 23;
14 Thence N 47° 57' 20" W 580.535 m. to point 24;
15 Thence N 34° 57' 10" E 110.097 m. to point 25;
16 Thence N 47° 57' 20" W 120.111 m. to point 26;
17 Thence N 09° 58' 43" E 50.057 m. to point 27;
18 Thence N 56° 56' 14" E 330.168 m. to point 28;
19 Thence N 25° 58' 43" W 480.550 m. to point 29;
20 Thence N 67° 55' 58" E 190.056 m. to point 30;
21 Thence N 64° 56' 02" E 160.057 m. to point 31;
22 Thence S 59° 03' 13" E 399.697 m. to point 32;
23 Thence S 05° 59' 51" E 799.036 m. to point 33;
24 Thence S 26° 01' 17" E 379.565 m. to point 34;
25 Thence S 28° 01' 25" E 329.627 m. to point 35;
26 Thence S 40° 02' 11" E 319.673 m. to point 36;
27 Thence S 65° 03' 57" W 339.880 m. to point 37;
28 Thence S 79° 41' 08" W 2,688.765 m. to point 38;
29 Thence N 75° 33' 10" W 247.173 m. to point 39;
30 Thence N 37° 57' 55" W 490.511 m. to point 40;
31 Thence N 02° 59' 12" E 140.166 m. to point 41;
32 Thence N 31° 57' 20" E 160.148 m. to point 42;
33 Thence N 15° 58' 19" E 140.158 m. to point 43;
34 Thence N 31° 58' 18" W 240.264 m. to point 44;
35 Thence N 31° 58' 18" W 230.253 m. to point 45;
36 Thence N 16° 59' 21" W 150.179 m. to point 46;
37 Thence N 07° 58' 51" E 260.301 m. to point 47;
38 Thence S 78° 04' 07" W 209.982 m. to point 48;

1 Thence N 28° 58' 30" W 210.236 m. to point 49;
2 Thence N 68° 55' 57" E 70.019 m. to point 50;
3 Thence N 07° 00' 04" W 120.145 m. to point 51;
4 Thence N 24° 58' 47" W 280.323 m. to point 52;
5 Thence N 33° 58' 11" W 160.173 m. to point 53;
6 Thence S 85° 04' 02" E 299.919 m. to point 54;
7 Thence N 06° 00' 08" W 100.120 m. to point 55;
8 Thence N 69° 56' 20" W 180.102 m. to point 56;
9 Thence N 51° 57' 07" W 100.087 m. to point 57;
10 Thence S 79° 04' 08" W 169.989 m. to point 58;
11 Thence S 22° 02' 04" W 139.854 m. to point 59;
12 Thence S 79° 03' 35" E 189.926 m. to point 60;
13 Thence S 34° 01' 49" E 159.827 m. to point 61;
14 Thence S 22° 02' 04" W 89.906 m. to point 62;
15 Thence S 19° 00' 47" E 159.811 m. to point 63;
16 Thence S 15° 00' 30" E 169.797 m. to point 64;
17 Thence S 29° 01' 29" E 209.764 m. to point 65;
18 Thence S 17° 01' 44" E 289.683 m. to point 66;
19 Thence N 34° 58' 07" W 180.193 m. to point 67;
20 Thence N 12° 59' 38" W 140.168 m. to point 68;
21 Thence N 42° 57' 37" W 200.197 m. to point 69;
22 Thence N 46° 57' 23" W 330.309 m. to point 70;
23 Thence N 70° 56' 18" W 220.120 m. to point 71;
24 Thence S 66° 03' 58" W 139.953 m. to point 72;
25 Thence N 36° 57' 59" W 280.295 m. to point 73;
26 Thence S 67° 04' 00" W 219.931 m. to point 74;
27 Thence S 76° 04' 07" W 259.967 m. to point 75;
28 Thence N 81° 56' 01" W 100.033 m. to point 76;
29 Thence N 39° 56' 55" E 200.161 m. to point 77;
30 Thence N 70° 55' 56" E 300.069 m. to point 78;
31 Thence N 62° 56' 05" E 200.079 m. to point 79;
32 Thence N 81° 55' 51" E 300.000 m. to point 80;
33 Thence N 12° 58' 31" E 80.090 m. to point 81;
34 Thence N 38° 56' 58" E 220.181 m. to point 82;
35 Thence N 82° 55' 51" E 179.997 m. to point 83;
36 Thence N 19° 59' 08" W 130.153 m. to point 84;
37 Thence N 75° 55' 52" E 420.054 m. to point 85;
38 Thence S 77° 03' 52" E 139.940 m. to point 86 ;

1 Thence S 56° 03' 04" E 159.871 m. to point 87;
2 Thence S 00° 59' 29" E 149.821 m. to point 88;
3 Thence N 32° 57' 17" E 330.300 m. to point 89;
4 Thence N 11° 59' 42" W 220.264 m. to point 90;
5 Thence N 53° 57' 01" W 50.042 m. to point 91;
6 Thence S 20° 01' 56" W 209.776 m. to point 92;
7 Thence N 84° 55' 57" W 240.065 m. to point 93;
8 Thence N 32° 57' 17" E 200.182 m. to point 94;
9 Thence N 52° 56' 22" E 330.193 m. to point 95;
10 Thence N 49° 57' 13" W 60.054 m. to point 96;
11 Thence S 62° 03' 53" W 239.901 m. to point 97;
12 Thence N 04° 00' 17" W 190.228 m. to point 98;
13 Thence N 22° 57' 52" E 310.320 m. to point 99;
14 Thence S 72° 04' 04" W 79.983 m. to point 100;
15 Thence S 29° 02' 29" W 179.827 m. to point 101;
16 Thence S 02° 00' 43" W 279.668 m. to point 102;
17 Thence S 88° 04' 07" W 120.015 m. to point 103;
18 Thence N 09° 59' 51" W 180.217 m. to point 104;
19 Thence S 77° 04' 07" W 89.991 m. to point 105;
20 Thence S 03° 59' 42" E 379.543 m. to point 106;
21 Thence S 37° 02' 55" W 149.872 m. to point 107;
22 Thence S 74° 04' 06" W 339.943 m. to point 108;
23 Thence S 66° 03' 58" W 229.900 m. to point 109;
24 Thence S 38° 57' 52" W 290.300 m. to point 110;
25 Thence N 28° 57' 20" E 270.260 m. to point 111;
26 Thence N 41° 56' 49" E 300.233 m. to point 112;
27 Thence N 27° 57' 34" E 200.195 m. to point 113;
28 Thence N 23° 57' 48" E 340.347 m. to point 114;
29 Thence N 31° 57' 20" E 220.203 m. to point 115;
30 Thence N 73° 55' 53" E 280.047 m. to point 116;
31 Thence N 09° 58' 43" E 130.149 m. to point 117;
32 Thence N 19° 59' 08" W 190.140 m. to point 118;
33 Thence N 09° 58' 43" E 180.206 m. to point 119;
34 Thence N 59° 56' 44" E 130.096 m. to point 120;
35 Thence S 17° 01' 44" W 219.760 m. to point 121;
36 Thence S 48° 03' 26" W 229.845 m. to point 122;
37 Thence N 73° 56' 13" W 90.044 m. to point 123;
38 Thence N 33° 57' 13" E 240.215 m. to point 124;

1 Thence N 28° 57' 30" E 220.212 m. to point 125;
 2 Thence N 28° 57' 30" E 140.135 m. to point 126;
 3 Thence N 15° 58' 19" E 120.132 m. to point 127;
 4 Thence S 77° 03' 52" E 119.948 m. to point 128;
 5 Thence N 38° 56' 58" E 80.066 m. to point 129;
 6 Thence N 89° 55' 53" E 219.963 m. to point 130;
 7 Thence N 84° 55' 51" E 219.986 m. to point 131;
 8 Thence S 54° 02' 59" E 199.833 m. to point 132;
 9 Thence S 01° 59' 34" E 129.844 m. to point 133;
 10 Thence N 73° 55' 53" E 100.017 m. to point 134;
 11 Thence N 37° 57' 01" E 160.134 m. to point 135;
 12 Thence N 16° 59' 21" W 160.190 m. to point 136;
 13 Thence N 08° 58' 47" E 130.150 m. to point 137;
 14 Thence S 74° 03' 47" E 229.888 m. to point 138;
 15 Thence N 82° 55' 51" E 149.997 m. to point 139;
 16 Thence S 08° 00' 00" E 179.783 m. to point 140;
 17 Thence S 19° 00' 47" E 179.787 m. to point 141;
 18 Thence S 60° 03' 50" W 129.941 m. to point 142;
 19 Thence N 89° 55' 53" E 189.968 m. to point 143;
 20 Thence S 13° 00' 21" E 199.760 m. to point 144;
 21 Thence S 41° 03' 07" W 239.810 m. to point 145;
 22 Thence S 44° 03' 15" W 219.837 m. to point 146;
 23 Thence N 58° 56' 46" W 100.076 m. to point 147;
 24 Thence S 46° 03' 21" W 89.935 m. to point 148;
 25 Thence S 78° 03' 21" E 79.967 m. to point 149;
 26 Thence S 58° 03' 10" E 79.938 m. to point 150;
 27 Thence S 42° 02' 19" E 129.870 m. to point 151;
 28 Thence S 21° 00' 56" E 49.941 m. to point 152;
 29 Thence S 65° 03' 57" W 259.908 m. to point 153;
 30 Thence S 30° 01' 33" E 119.866 m. to point 1, the point of beginning,
 31 containing an area of One Thousand Seventy-Nine and 249/1000 (1,079.249)
 32 hectares, more or less as Parcel 1,
 33 Thence N 00° 30' 35" E 239.239 m. to point 2;
 34 Thence N 67° 21' 55" E 100.239 m. to point 3;
 35 Thence N 74° 18' 52" E 201.531 m. to point 4;
 36 Thence N 16° 33' 55" W 79.549 m. to point 5;
 37 Thence N 66° 22' 19" W 30.204 m. to point 6;
 38 Thence S 11° 27' 41" E 100.488 m. to point 7;

1 Thence S 17° 27' 36" W700.250 m. to point 8;
2 Thence S 12° 27' 23" E 582.260 m. to point 9;
3 Thence S 63° 36' 33" W1,629.275 m. to point 10;
4 Thence N 45° 29' 14" E 120.484 m. to point 11;
5 Thence N 30° 39' 24" W208.467 m. to point 12;
6 Thence N 58° 25' 22" E 251.462 m. to point 13;
7 Thence S 88° 49' 35" E 161.428 m. to point 14;
8 Thence N 04° 31' 15" E 159.593 m. to point 15;
9 Thence N 09° 31' 45" W189.113 m. to point 16;
10 Thence N 88° 11' 59" E 474.116 m. to point 17;
11 Thence N 56° 26' 03" E 412.290 m. to point 18;
12 Thence N 13° 32' 56" W208.902 m. to point 19;
13 Thence N 19° 34' 58" W278.313 m. to point 20;
14 Thence N 48° 28' 28" E 291.298 m. to point 1;
15 to the point of beginning, containing an area of Seventy-Eight and 1889/10000
16 (78.1889) hectares more or less, as Parcel II.

17 The PA contains a total aggregate area of approximately One Thousand One
18 Hundred Fifty-Seven and 4379/10000 (1,157.4379) hectares.

19 Any modification on this Act due to factors such as changing ecological situations,
20 new scientific or archaeological findings, or discovery of traditional boundaries not
21 previously taken into account shall be made through an Act of Congress after full
22 consultation with the affected public.

23 All lands inside the protected area shall be governed or managed as part of the
24 protected area and subject to the rules and regulations issued by the PAMB, except
25 titled private lands duly registered pursuant to Presidential Decree No. 1529, otherwise
26 known as the Property Registration Decree.

27 *SEC. 4. Definition of Terms. –*

28 (a) "Protected Area Management Board (PAMB)" refers to the management body
29 within the site, responsible for deciding the budgetary allocation, and decisions on
30 matters relating to planning, peripheral protection, and general administration of the
31 protected area in accordance with the General Management Plan.

32 (b) "General Management Planning Strategy" refers to the general guide in the
33 formulation of site specific management plans including buffer zones.

34 (c) "Protected Area Superintendent (PASu)" refers to the chief operating officer
35 of the Department of Environment and Natural Resources (DENR) in the protected
36 area under the supervision of the Protected Area Management Board (PAMB) and the
37 concerned DENR Regional Executive Director (RED).

1 (d) "Protected Landscape" refers to areas of national significance characterized
2 by the harmonious interaction of man and land while providing opportunities for
3 enjoyment through recreation and tourism within the normal lifestyle and economic
4 activity of these areas.

5 (e) "Non-government organization" refers to any civic, development, or
6 philanthropic organization which is multi-sectoral in character.

7 (f) "People's Organization" refers to organizations of members of the local
8 community whose purpose for establishment is to protect or advance the interest of
9 specific sectors, such as but not limited to farmers, fisherfolks, women, and the like.

10 SEC. 5. *Institutional Mechanism*. – The following administrative and policymaking
11 mechanisms shall apply.

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

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

16 (2) The Ilocos Sur Provincial Planning and Development Officer;

17 (3) One (1) representative from the municipal governments of Lidlidda and
18 Banayoyo to be appointed by their respective Sangguniang Bayan;

19 (4) One (1) representative from each barangay, with territory inside the PA, of the
20 two municipalities to be appointed by their respective Sangguniang Barangay;

21 (5) At least three (3) representatives from non-government organizations (NGO's)
22 and community organizations (CO's) including people's organizations (PO's), church,
23 or civic organizations based in or near the protected area and duly accredited by the
24 local government units concerned. The representatives of these organizations shall be
25 chosen from among the sectors or organizations being represented in an election
26 called for the purpose by the DENR in coordination with the local government units
27 concerned.

28 (6) One (1) representative from other national government agencies that involved
29 in protected area management for each municipality, to be appointed by the DENR
30 upon the recommendation of the most senior official of the agency concerned.

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

35 The PAMB for the Lidlidda-Banayoyo Protected Landscape shall have the
36 following powers and functions:

37 (1) Decide matters related to planning, resource protection, and general
38 administration of the area in accordance with the General Management Planning

1 Strategy (GMPS) adopted pursuant to the NIPAS Act;

2 (2) Approve proposals, work plans, action plans, and guidelines for the
3 management of the protected area in accordance with the approved Management
4 Plan;

5 (3) Promulgate rules and regulations to promote development programs and
6 projects on bio-diversity conservation and sustainable development as well as
7 developmental activities and such other related activities within the protected area
8 consistent with the approved Management Plan;

9 (4) Ensure the implementation of programs as prescribed in the Management
10 Plan in order to provide employment to the people dwelling in and around the
11 protected area;

12 (5) Monitor and evaluate the performance of protected area personnel, NGO's,
13 and the communities in providing for bio-diversity conservation and the socio-cultural
14 and economic development and report their assessment to the NIPAS Policy and
15 Program Steering Committee (NPPSC) and the IPAF Governing Board;

16 (6) Approve proposals for funding and budget allocation and exercise
17 responsibility over all funds that may accrue to the protected area donated for the
18 purpose of the above policy declaration.

19 The DENR, through the Regional Executive Director (RED), shall exercise the
20 authority to oversee the PAMB to ensure that it is acting within the scope of its powers
21 and functions. In case of a conflict between administrative orders for national
22 application issued by the DENR pursuant to the NIPAS Act and the rules and
23 regulations issued by the PAMB, the PAMB shall notify the DENR Secretary who shall
24 decide whether to apply the rule or withdraw if for purposes of the Lidlidda-Banayoyo
25 Protected Landscape. The decision of the DENR Secretary shall be guided by a
26 preference to local initiative and specific policies enacted by the PAMB. The decision
27 of the Secretary shall be appealable to the Regional Trial Court which has jurisdiction
28 over the protected area.

29 (B) Protected Area Superintendent (PASu) Office. – There is hereby established a
30 Protected Area Superintendent's Office in charge of the management, protection and
31 administration of the PA. The PASu shall be supported by the existing personnel of
32 the DENR. The head of office shall be the chief operating officer of the Lidlidda-
33 Banayoyo Protected Landscape and shall be accountable to the Regional Executive
34 Director of the DENR-1 and the PAMB. The PASu shall have the following powers and
35 functions:

36 (1) Prepare the management and successor plans as herein provided;

37 (2) Serve as the Secretariat for the PAMB with duty to provide the PAMB with all
38 information necessary for it to make appropriate decisions when necessary;

1 (3) Supervise the necessary personnel to support the operations of the Office;

2 (4) Establish a productive partnership with the local community, including groups
3 interested in the achievement of the herein goals and objectives, in the planning,
4 protection and management of the protected area;

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

6 (6) Enforce the laws and the rules and regulations relevant to the protected area
7 and assist in the prosecution of offenses;

8 (7) Monitor all activities within the protected area to ensure compliance with the
9 Management Plan; and

10 (8) Perform such other functions as the PAMB may assign.

11 The PASu may, as necessary, delegate authority granted in this Section to his
12 staff.

13 *SEC. 6. Prohibited Acts and Penalties. –*

14 (A) The penalties in Article 309, on theft, and 310, on qualified theft, of the
15 Revised Penal Code depending on the value of the resource taken, damaged or
16 destroyed shall be imposed upon any person who:

17 (1) Hunts, destroys, disturbs, or removes from the Lidlidda-Banayoyo Protected
18 Landscape any wild plants or animals without a permit from the PAMB;

19 (2) Conducts mineral exploration or extraction without a permit from the PAMB;
20 and

21 (3) Cut, remove, gather, or take timber or forest products from the forestlands
22 without an authorization from the PAMB.

23 Valuation of the damage shall take into account bio-diversity and conservation
24 consideration as well as aesthetic and scenic value.

25 (A) A fine of not less than Five thousand pesos (P5,000.00) but not more than Two
26 hundred fifty thousand pesos (P250,000.00) and/or imprisonment of not less than one
27 (1) year nor more than five (5) years and the restoration and rehabilitation of the
28 damage shall be imposed upon any person who:

29 (1) Alters the topography through digging, blasting, earth-filling activities, or
30 stonewalling without a permit from proper authorities as required under existing laws,
31 rules and regulations, and from the PAMB;

32 (2) Damages roads, trails or leaves them in a damaged condition or mutilates,
33 defaces, destroys or vandalizes any object of natural beauty or scenic value within the
34 protected area;

35 (3) Constructs or maintains any kind of structure without a permit from the PAMB
36 or without the requisite permits under existing laws such as but not limited to municipal
37 permits, public works requirements, and Environmental Clearance Certificates (ECC);
38 and

1 (4) Alters, removes, destroys or defaces boundary marks/monuments or signs in
2 the protected area.

3 (C) A fine of not less than Five thousand pesos (P5,000.00) nor more than One
4 hundred thousand pesos (P100,000.00) and/or imprisonment from one (1) year to
5 three (3) years shall be imposed upon any person who:

6 (1) Occupies lands classified as forestlands as herein defined without a legal
7 instrument for such occupation;

8 (2) Violates any rules and regulations in the management plan of the PAMB in its
9 exercise of adjudicative functions;

10 (3) Dumps any waste materials on land other than in areas identified as dumping
11 sites by the concerned local governments, or leaves exposed or in unsanitary condition
12 on land human wastes or refuse; and

13 (4) Possesses a chainsaw without a clearance from the PAMB, which shall
14 specify the legal uses for which it can be applied.

15 (D) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
16 hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1)
17 year and not more than five (5) years or both shall be imposed upon:

18 (1) Any person who shall induce another or conspire to commit any of the above
19 acts or suffer their workers to commit any of the above acts;

20 (2) Any public officer or officer of the law, who, in dereliction of the duties of his
21 office, shall maliciously refrain from prosecuting the violators of this Act, or shall
22 tolerate the commission of the offense. Conviction for this offense shall also carry the
23 penalty of perpetual disqualification from public office.

24 **SEC. 7. Lidlidda-Banayoyo Protected Area Fund, -** There is hereby established a
25 trust fund to be known as the Lidlidda-Banayoyo Protected Area Fund for purposes of
26 financing projects of the system. All income generated from the operation of the
27 system or management of wild flora and fauna in the PA shall accrue to the Fund.
28 These income shall be derived from visitors/tourists fee, fees from permitted sale and
29 export of flora and fauna and other resources from the PA, proceeds from registration
30 and lease of multiple-use areas including tourism concessions, contributions from
31 industries and facilities directly benefiting from the PA, and such other fees and other
32 income derived from the operation of the PA.

33 The Fund may be augmented by grants, donations, endowment from various
34 sources, domestic or foreign for purposes related to their functions:

35 *Provided,* That the Fund shall be deposited as a special account in the National
36 Treasury and disbursements therefrom shall be made solely for the protection,
37 maintenance, administration and management of the system, and duly approved
38 projects endorsed by the PAMB in accordance with existing accounting and budgeting

1 rules and regulations: *Provided, further,* That the Fund shall not be used to cover
2 personal services expenditures.

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

8 **SEC. 8. *Special Prosecutor and Retained Counsel.*** – Within thirty (30) days from
9 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
10 prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall
11 be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu
12 in the performance of his/her duties and assist in the training of wardens and rangers
13 in arrest and criminal procedures. The PAMB may retain the services of a counsel to
14 prosecute and/or assist in the prosecution of cases under the direct control and
15 supervision of the regular or special prosecutor and to defend the members of the
16 PAMB, the PASu and the staff, or any person assisting in the protection, conservation
17 and sustainable development of the PA, against any legal action related to their
18 powers, functions and responsibilities as provided in this Act or as delegated or tasked
19 by the PAMB.

20 **SEC. 9. *Utilization of Resources.*** – Any exploitation of or utilization of
21 nonrenewable resources within the PA shall not be allowed. Energy projects, whether
22 renewable or otherwise, shall be permitted only through an Act of Congress, *Provided,*
23 that the exploitation of renewable energy up to three megawatts capacity shall be
24 exempt from such requirement.

25 **SEC. 10. *Reporting Responsibility.*** – The PASu, through the PAMB, shall
26 submit an annual accomplishment report to the Secretary of the DENR on the activities
27 undertaken in the PA.

28 **SEC. 11. *Appropriations.*** – The Secretary of the DENR shall immediately
29 include in the Department's program the implementation of this Act, the funding of
30 which shall be included in the annual General Appropriations Act.

31 **SEC. 12. *Construction and Suppletory Application of Existing Laws.*** The
32 provisions of this Act shall be construed liberally in favor of achieving biodiversity
33 conservation, protection and sustainable development Provisions of Republic Act No.
34 7586, otherwise known as the National Integrated Protected Areas Management Act of
35 1992 and existing forestry laws, and their corresponding rules and regulations not
36 inconsistent hereto shall have the suppletory effect in the implementation of this Act..

37 **SEC. 13. *Repealing Clause.*** – For the purpose of the scope of this Act, the
38 provisions of the NIPAS Act are hereby repealed or modified accordingly. Within the

1 scope of the protected area as herein specified, the prohibitions and penalties under
2 the NIPAS Act are hereby superseded.

3 SEC. 14. *Separability Clause.* – If any part or section of this Act is declared
4 by the courts as unconstitutional, such declaration shall not affect the other parts or
5 sections hereof.

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

Approved,