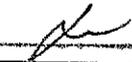


THIRTEENTH CONGRESS OF THE REPUBLIC }
OF THE PHILIPPINES }
Third Regular Session }

OFFICE OF THE SECRETARY

5 NOV 21 2006

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 194

Submitted jointly by the Committees on Environment and Natural Resources and Finance on
~~24 NOV 2006~~

Re : Senate Bill No. 2539

Recommending its approval in substitution of House Bill No. 5319.

Sponsors : Senators Cayetano and Drilon.

MR. PRESIDENT:

The Committees on Environment and Natural Resources and Finance to which was referred House Bill No. 5319, introduced by Representatives Macias, Banaag and Jaworski, entitled:

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

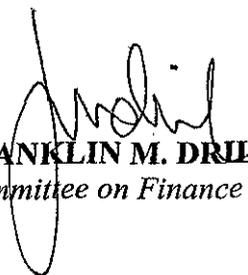
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, Senate Bill No. 2539, prepared by the Committees, entitled:

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

be approved in substitution of House Bill No. 5319, with Senator Cayetano and the members of the Committees as authors.

Respectfully submitted:

Chairpersons:


FRANKLIN M. DRILON
Committee on Finance


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

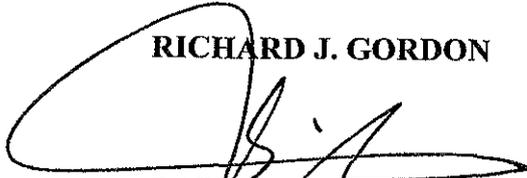
Members:



RAMON "BONG" REVILLA, JR.



MANUEL "LITO" M. LAPID



RICHARD J. GORDON



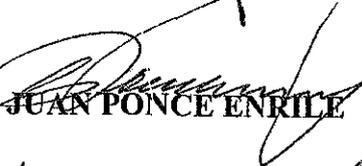
RAMON B. MAGSAYSAY, JR.

RALPH G. RECTO



MAR ROXAS

RODOLFO G. BIAZON



JUAN PONCE ENRILE



JOKER P. ARROYO



MIRIAM DEFENSOR SANTIAGO



EDGARDO J. ANGARA



LUISA "LOP" P. EJERCITO-ESTRADA



PANFIDO M. LACSON



M.A. MADRIGAL

SERGIO OSMEÑA III



ALFREDO S. LIM

Ex-Officio members:



JUAN M. FLAVIER
President Pro-tempore

may absent:


AQUILINO Q. PIMENTEL, JR.
Minority Leader

FRANCIS N. PANGILINAN
Majority Leader

HON. MANNY VILLAR
Senate President
Pasay City

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

SENATE
OFFICE OF THE SECRETARY

5 OCT 20 11 52

SENATE

RECEIVED BY: 

S. No. 2539
(In substitution of H. No. 5319)

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

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

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

CHAPTER I

INTRODUCTORY PROVISIONS

1 SECTION 1. *Title.* – This Act shall be known as the “Balinsasayao Twin Lakes
2 Natural Park Act of 2006”.

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

9 SEC. 3. *Definition of Terms.* –

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

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

17 (c) “Department” shall refer to the Department of Environment and Natural
18 Resources (DENR).

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

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

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

10 (g) "Protected area (PA)" shall refer to identified portions of land and water set
11 aside by reason of their unique physical and biological significance, managed to
12 enhance biological diversity and protected against destructive human exploitation.

13 (h) "Secretary" shall refer to the Secretary of the DENR.

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

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

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

24 Beginning at a corner marked "1" on the map being identical to MBM No. 14,
25 Project No. 15, A and D LC Map 225;

26	Thence N 71° 25' W 282.40 m.	to corner 2;	
27	Thence N 72° 27' W 705.70 m.	to corner	3;
28	Thence S 20° 52' W 337.90 m.	to corner	4;
29	Thence S 74° 41' W 491.00 m.	to corner	5;
30	Thence S 46° 19' W 1,376.00 m.	to corner	6;
31	Thence S 70° 50' W 400.00 m.	to corner	7;
32	Thence N 71° 25' W 756.50 m.	to corner	8;
33	Thence S 32° 11' W 875.00 m.	to corner	9;
34	Thence S 58° 12' W 1,190.40 m.	to corner	10;
35	Thence N 64° 15' W 8,092.30 m.	to corner	11;
36	Thence DUE W 670.28 m.	to corner	12;
37	Thence N 39° 30' E 5,954.47 m.	to corner	13;
38	Thence S 80° 21' E 4,173.80 m.	to corner	14;

1	Thence N 45° 43' E	4,166.40 m.	to corner	15;
2	Thence DUE S	226.00 m.	to corner	16;
3	Thence S 45° 19' W	785.70 m.	to corner	17;
4	Thence S 25° 47' E	193.20 m.	to corner	18;
5	Thence N 50° 45' E	303.60 m.	to corner	19;
6	Thence S 47° 01' E	489.10 m.	to corner	20;
7	Thence S 20° 40' E	289.20 m.	to corner	21;
8	Thence N 18° 36' E	481.70 m.	to corner	22;
9	Thence N 40° 44' E	510.00 m.	to corner	23;
10	Thence DUE E	208.00 m.	to corner	24;
11	Thence N 35° 46' E	409.60 m.	to corner	25;
12	Thence S 70° 39' E	346.80 m.	to corner	26;
13	Thence S 25° 47' E	289.90 m.	to corner	27;
14	Thence N 48° 44' E	283.80 m.	to corner	28;
15	Thence S 60° 53' E	690.30 m.	to corner	29;
16	Thence S 31° 10' W	310.90 m.	to corner	30;
17	Thence S 65° 59' W	299.10 m.	to corner	31;
18	Thence S 41° 19' W	587.40 m.	to corner	32;
19	Thence S 20° 52' E	289.60 m.	to corner	33;
20	Thence N 85° 10' E	278.60 m.	to corner	34;
21	Thence DUE S	240.00 m.	to corner	35;
22	Thence S 31° 55' E	213.20 m.	to corner	36;
23	Thence S 33° 57' E	436.70 m.	to corner	37;
24	Thence S 77° 34' W	882.60 m.	to corner	38;
25	Thence S 15° 31' E	298.30 m.	to corner	39;
26	Thence N 61° 58' E	301.30 m.	to corner	40;
27	Thence N 48° 44' E	293.40 m.	to corner	41;
28	Thence S 10° 22' E	240.30 m.	to corner	42;
29	Thence S 50° 00' E	588.40 m.	to corner	43;
30	Thence S 20° 32' W	190.00 m.	to corner	44;
31	Thence DUE S	288.00 m.	to corner	45;
32	Thence S 60° 53' E	345.10 m.	to corner	46;
33	Thence N 64° 47' E	398.00 m.	to corner	47;
34	Thence S 85° 31' E	280.70 m.	to corner	48;
35	Thence S 30° 04' E	387.50 m.	to corner	49;
36	Thence S 31° 10' W	291.50 m.	to corner	50;
37	Thence S 08° 10' E	230.50 m.	to corner	51;
38	Thence DUE E	346.20 m.	to corner	52;

1	Thence S 15° 40' W	173.30 m.	to corner	53;
2	Thence S 31° 10' W	242.90 m.	to corner	54;
3	Thence S 61° 07' W	218.70 m.	to corner	55;
4	Thence N 79° 39' W	201.30 m.	to corner	56;
5	Thence S 32° 11' W	272.20 m.	to corner	57;
6	Thence S 15° 31' E	481.10 m.	to corner	58;
7	Thence S 31° 10' W	291.50 m.	to corner	59;
8	Thence S 78° 32' W	280.90 m.	to corner	60;
9	Thence N 27° 12' W	371.70 m.	to corner	61;
10	Thence N 41° 19' W	195.80 m.	to corner	62;
11	Thence S 20° 40' E	366.40 m.	to corner	63;
12	Thence S 64° 16' W	221.10 m.	to corner	64;
13	Thence S 14° 29' E	154.00 m.	to corner	65;
14	Thence S 16° 36' E	192.60 m.	to corner	66;
15	Thence S 61° 07' W	447.40 m.	to corner	67;
16	Thence S 20° 52' W	202.70 m.	to corner	68;
17	Thence S 20° 40' E	570.50 m.	to corner	69;
18	Thence S 41° 01' E	370.30 m.	to corner	70;
19	Thence S 31° 10' W	291.50 m.	to corner	1, the point of beginning, containing
20	an area of eight thousand sixteen and five hundredths (8,016.05) hectares, more or			
21	less.			

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

24 CHAPTER II

25 PROTECTED AREA MANAGEMENT

26 SEC. 5. *The Protected Area Management Board (PAMB).* – There shall be a
27 PAMB which shall serve as the highest policy-making body of the Balinsasayao Twin
28 Lakes Natural Park. It shall be composed of the following:

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

31 (b) The provincial planning and development officer or his/her permanent
32 representative;

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

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

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

1 (f) Representatives from national government agencies operating within the PA
2 which can potentially contribute to the area's management as determined by DENR.

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

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

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

8 (3) Favorable track record in community work; and

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

10 SEC. 6. *Term of Office of the PAMB Members.* – Every member of the PAMB shall
11 serve for a term of five years and shall be considered to represent his or her sector and
12 deemed to carry the vote of such sector in all matters. In the case of members who are
13 government officials, the term of office shall be attached to the office held.

14 SEC. 7. *Powers and Functions of the PAMB.* – The PAMB of the Balinsasayao
15 Twin Lakes Natural Park, being the highest policy-making body, shall have the following
16 powers and functions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 *SEC. 8. Office of the Protected Area Superintendent (PASu).* – There is hereby
 12 established the Office of the PASu in charge of the management, protection and
 13 administration of the PA. The PASu shall be supported by the existing personnel of the
 14 DENR. The head of office shall be the chief operating officer of the Balinsasayao Twin
 15 Lakes Natural Park or the PA and shall be accountable to the RED of the DENR-
 16 Region VII and the PAMB.

17 The PASu shall have the following powers and functions:

18 (a) Administrative

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

21 (2) Establish a productive partnership with the local community, including groups,
 22 in the planning, protection and management of the PA;

23 (3) Ensure the performance and high morale of his staff;

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

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

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

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

30 and

31 (8) Document the processes involved in the establishment and management of
 32 the PA, with particular reference to the development of relationships with cultural
 33 communities, tenured migrants, buffer zone residents and others in establishing
 34 effective protection of the area.

35 (b) Regulatory

36 (1) Act as peace officer for the purpose of maintaining peace and order within the
 37 PA. As peace officer, he shall exercise police supervision therein and may arrest any

1 person found in any place within PAs who is committing, has committed or is about to
2 commit an offense which is prohibited in this Act;

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

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

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

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

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

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

22 All DENR employees detailed with the PA at the time of the effectivity of this Act
23 shall be accorded preference to form part of the Office of the PASu.

24 CHAPTER III

25 TENURED MIGRANTS

26 SEC. 9. *Tenured Migrants.* – Tenured migrants shall be eligible to become
27 stewards of portions of lands within the allowed and designated zones. The PAMB
28 shall identify, verify and, subject to Section 56 of Republic Act No. 8371 or the
29 Indigenous People's Rights Act (IPRA) of 1997, review all tenure instrument, land
30 claims and issuance of permits for resource use within the PA and recommend the
31 issuance of the appropriate tenure instrument consistent with the land classification,
32 proper and allowed use of resources found therein, and zoning provided in the
33 management or successor plans. Farmers who have been cultivating land within the
34 PA are considered to be occupying such lands and shall be entitled to a tenure
35 instrument limited to cultivation and residence: *Provided,* That the rights under such can
36 only be transferred to direct descendants.

37 Nothing herein shall be construed to mean any diminution of accrued rights earned
38 by tenured migrants. If areas occupied by tenured migrants are designated as zones in

1 which no occupation or other activities are allowed, they shall be transferred to multiple-
2 use zones or buffer zones to be accomplished through just and humane means.

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

7 **SEC. 10.** *Existing Rights.* – All prior and property and private rights within the
8 PA and ancestral domains already existing and/or vested upon the effectivity of this Act
9 shall be protected and respected in accordance with existing laws.

10 **CHAPTER IV**

11 **PROHIBITED ACTS AND PENALTIES**

12 **SEC. 11.** *Prohibited Acts and Penalties.* –

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

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

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

26 (3) Cuts, destroys any tree or shrubs or other erosion-preventing plants, or builds
27 or introduces any structure that would cause erosion in riparian areas of the PA;

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

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

37 (b) A fine ranging from One hundred thousand pesos (P100,000.00) to Five
38 hundred thousand pesos (P500,000.00), or imprisonment ranging from five years to ten

1 (10) years, or both fine and imprisonment at the discretion of the court, and the
2 restoration and rehabilitation of the damage or, when appropriate, the ejection
3 therefrom shall be imposed upon any person who:

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

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

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

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

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

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

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

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

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

29 (10) Obstructs or hinders the enforcement of this Act, its related laws, rules and
30 regulations.

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

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

36 (2) Deals any product illegally derived from the PA such as, but not limited to,
37 selling, buying, offering to sell or buy any timber, forest product, natural growing or wild
38 terrestrial or aquatic plants, animals, flora or fauna or products derived therefrom or any

1 resource from within particularly identified regulated or prohibited areas or zones in the
 2 PA without the necessary permit, authorization or exemption for the utilization, and/or
 3 extraction thereof as provided by this Act and other existing laws, rules and regulations;

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

7 (4) Leaves debris, refuse or garbage in exposed or unsanitary condition anywhere
 8 within the PA; or

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

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

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

20 Any person who shall induce or conspire with another person or persons to commit
 21 any of the acts prohibited in this Act or suffer their workers to commit any of the same
 22 shall be liable in the same manner as the one actually performing the act.

23 **SEC. 12. Administrative Confiscation and Fine.** – Administrative proceedings
 24 for violation of the foregoing prohibited acts shall proceed independently and without
 25 prejudice to judicial action. The PAMB through the Office of the PASu is hereby
 26 empowered to impose an administrative fine ranging from Five thousand pesos
 27 (P5,000.00) to One hundred fifty thousand pesos (P150,000.00) and/or the cancellation
 28 of permit or license issued. Decisions of the Office of the PASu may be appealed within
 29 thirty (30) days from the receipt of the decision to the PAMB Executive Committee. The
 30 decision of the PAMB Executive Committee is appealable to the DENR Secretary within
 31 a period of sixty (60) days from the receipt of the decision.

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

1 proper consideration of the pending administrative proceedings and the potential
2 forfeiture of the said objects.

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

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

19 **CHAPTER V**

20 **BALINSASAYAO TWIN LAKES NATURAL PARK FUNDS**

21 **SEC. 14.** *Balinsasayao Twin Lakes Natural Park Fund.* – There is hereby
22 established a trust fund to be known as the Balinsasayao Twin Lakes Natural Park
23 Fund for purposes of financing projects of the PA. All income generated from the
24 operation of the system or management of wild flora and fauna in the PA shall accrue
25 to the fund. These income shall be derived from fees from permitted sale and export of
26 flora and fauna and other resources from the PA, proceeds from lease of multiple-use
27 areas, contributions from industries and facilities directly benefiting from the PA, and
28 such other fees and income derived from the operation of the PA.

29 The fund may be augmented by grants, donations, endowment from various
30 sources, domestic or foreign, for purposes related to their functions: *Provided*, That
31 the fund shall be deposited as a special account in the National Treasury and
32 disbursements therefrom shall be made solely for the protection, maintenance,
33 administration and management of the Balinsasayao Twin Lakes Natural Park and duly
34 approved projects endorsed by the PAMB in accordance with existing accounting and
35 budgeting rules and regulations: *Provided, further*, That the fund shall not be used to
36 cover personal services expenditures.

37 The LGUs shall continue to impose and collect all other fees not enumerated
38 herein which they have traditionally collected, such as business permits, property tax

1 and rentals of LGU facilities. Furthermore, LGUs may charge add-ons to fees imposed
 2 by the PAMB: *Provided*, That such add-ons shall be determined based on the
 3 contribution of the LGUs in the maintenance and protection of the PA.

4 5 **CHAPTER VI**

6 **EXISTING FACILITIES AND UTILIZATION OF RESOURCES**

7 **SEC. 15.** *Existing Facilities Within the PA.* – Within sixty (60) days from the
 8 effectivity of this Act, major existing facilities such as roads, buildings, water systems,
 9 transmission lines, communication facilities, heavy equipment, and irrigation facilities
 10 existing within the boundaries of the PA shall submit project description to the PAMB
 11 through the PASu.

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

19 Existing facilities allowed to remain within the PA may be charged a reasonable
 20 royalty by the DENR. All income from such royalty shall accrue to the Mt. Hilong-Hilong
 21 Protected Area Fund.

22 **SEC. 16.** *Utilization of Resources.* – Any exploitation of or utilization of
 23 nonrenewable resources within the PA shall not be allowed. Energy projects, whether
 24 renewable or otherwise, shall be permitted only through an Act of Congress, *Provided*,
 25 that the exploitation of renewable energy up to three megawatts capacity shall be
 26 exempt from such requirement.

27 **CHAPTER VII**

28 **APPROPRIATION AND MISCELLANEOUS PROVISIONS**

29 **SEC. 17.** *Reporting Responsibility.* – The PASu, through the PAMB, shall
 30 submit an annual accomplishment report to the Secretary of the DENR on the activities
 31 undertaken in the PA.

32 **SEC. 18.** *Appropriations.* – The Secretary shall immediately include in the
 33 Department's program the implementation of this Act, the funding of which shall be
 34 included in the annual General Appropriations Act.

35 **SEC. 19.** *Construction and Suppletory Application of Existing Laws.* The
 36 provisions of this Act shall be construed liberally in favor of achieving biodiversity
 37 conservation, protection and sustainable development Provisions of Republic Act No.
 38 7586, otherwise known as the National Integrated Protected Areas Management Act of

1 1992 and existing forestry laws, and their corresponding rules and regulations not
2 inconsistent hereto shall have the suppletory effect in the implementation of this Act..

3 SEC. 20. *Separability Clause.* – If any part or section of this Act is declared
4 unconstitutional, such declaration shall not affect the other parts or sections hereof.

5 SEC. 21. *Repealing Clause.* – All other existing laws, rules and regulations
6 inconsistent with this Act are hereby repealed or modified accordingly.

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

Approved,