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Pimentel and

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

ESTABLISHING THE MT. BALATUKAN RANGE LOCATED IN THE CITY OF GINGOOG AND IN THE MUNICIPALITIES OF CLAVERIA, MEDINA, AND BALINGASAG, ALL IN THE PROVINCE OF MISAMIS ORIENTAL, AS A PROTECTED AREA, UNDER THE CATEGORY OF PROTECTED LANDSCAPE, 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. Title.** – This Act shall be known as the “Mt. Balatukan Range
2 Natural Park Act of 2007.”

3 **SEC. 2. Land Classification.** – All lands of the public domain comprising
4 the Mt. Balatukan Range Natural Park shall fall under the classification of
5 National Park as provided for in the Philippine Constitution.

6 **SEC. 3. Scope and Coverage.** – The Mt. Balatukan Range, which falls
7 under the category of Natural Park as defined therein, shall cover lands of the
8 public domain located in the City of Gingoog and the Municipalities of Claveria,
9 Medina, and Balingasag, all within the Province of Misamis Oriental. It shall have
10 the following boundaries: Beginning at a corner marked “1” which is located at
11 124°57’21” E and 8°47’35” N near the junction at Kihangad River and a branch
12 creek S 75°22’45” E, 950.79 m.

13	Thence	N 76°48’ W	1,683.50 m	to corner 2
14	Thence	N 81°36’ W	1,620.90 m	to corner 3
15	Thence	N 30°20’ W	2,253.40 m	to corner 4
16	Thence	N 62°05’ W	1,667.00 m	to corner 5
17	Thence	N 34°40’ E	2,012.90 m	to corner 6
18	Thence	N 23°26’ E	1,253.60 m	to corner 7
19	Thence	N 89°01’ E	2,227.20 m	to corner 8
20	Thence	S 84°30’ E	933.50 m	to corner 9

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

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

27 The Buffer zone of the Mt. Balatukan Range Natural Park begins at corner
28 "1" which is located at 124°57'00" E and 8°47'22" N, near the junction of
29 Kihangad River and a branch creek N 66°48'05" W, 456.94 meters,

30	Thence	N 82°16' W	3,266.70 m	to corner 2
31	Thence	N 31°13' W	2,428.20 m	to corner 3
32	Thence	N 60°04' W	1,820.10 m	to corner 4
33	Thence	N 33°28' E	2,178.00 m	to corner 5
34	Thence	N 26°45' E	1,428.50 m	to corner 6
35	Thence	N 86°02' E	1,725.70 m	to corner 7
36	Thence	N 69°53' E	1,962.40 m	to corner 8
37	Thence	S 64°44' E	2,046.20 m	to corner 9

1	Thence	S 86°49' E	721.80 m	to corner 10
2	Thence	S 59°11' E	1,212.20 m	to corner 11
3	Thence	Due East	720.70 m	to corner 12
4	Thence	S 31°51' E	872.60 m	to corner 13
5	Thence	S 07°35' W	303.20 m	to corner 14
6	Thence	S 27°42' W	429.90 m	to corner 15
7	Thence	S 03°01' W	1,143.60 m	to corner 16
8	Thence	S 18°02' E	1,609.20 m	to corner 17
9	Thence	S 78°25' E	899.10 m	to corner 18
10	Thence	N 31°49' E	318.70 m	to corner 19
11	Thence	S 77°57' E	1,248.60 m	to corner 20
12	Thence	S 82°30' E	1,114.20 m	to corner 21
13	Thence	S 04°45' W	965.00 m	to corner 22
14	Thence	S 34°37' E	2,361.40 m	to corner 23
15	Thence	S 31°14' E	1,157.00 m	to corner 24
16	Thence	S 37°20' E	1,483.50 m	to corner 25
17	Thence	S 56°48' W	692.70 m	to corner 26
18	Thence	S 15°17' E	341.40 m	to corner 27
19	Thence	S 71°25' W	1,139.60 m	to corner 28
20	Thence	S 31°28' E	420.10 m	to corner 29
21	Thence	S 34°50' W	84.30 m	to corner 30
22	Thence	S 24°55' E	94.20 m	to corner 31
23	Thence	S 71°14' W	1,440.70 m	to corner 32
24	Thence	N 61°59' W	1,840.70 m	to corner 33
25	Thence	N 50°32' W	1,713.10 m	to corner 34
26	Thence	N 71°06' W	1,313.60 m	to corner 35
27	Thence	N 52°44' W	2,890.06 m	to corner 36
28	Thence	N 73°02' W	1,885.14 m	to corner 37
29	Thence	N 19°31' E	1,420.60 m	to corner 1, the

30 point of beginning, containing an area of One Thousand Two Hundred Twenty-
31 Two (1,222) hectares, more or less, subject to actual ground survey and
32 delineation.

33 Any modification of the coverage of this Act due to such factors as
34 changing ecological situations, new scientific or archeological findings, or
35 discovery of traditional boundaries not previously taken into account shall be
36 made through an Act of Congress, after consultation with the affected public and
37 concerned government agencies.

1 **SEC. 4. Definition of Terms.** – The following terms are hereby defined for
2 the purpose of this Act:

3 a. “Ancestral Domain” refers to all areas generally belonging to ICCs/IPs
4 comprising lands, inland waters, coastal areas, and natural resources therein,
5 held under a claim of ownership, occupied or possessed by the ICCs/IPs, by
6 themselves or thru their ancestors, communally or individually since time
7 immemorial, continuously to the present except if interrupted by war, *force*
8 *majeure* or displacement by force, deceit, stealth or as a consequence of
9 government projects or any other voluntary dealings entered into by government
10 or public individuals/corporations, and which are necessary to ensure their
11 economic, social and cultural welfare. It shall include ancestral lands, forests,
12 pasture, residential, agricultural, and other lands individually owned whether
13 alienable and disposable or otherwise, hunting grounds, burial grounds, worship
14 areas, bodies of water, mineral and other natural resources, and lands which
15 may no longer be exclusively occupied by ICCs/IPs but from which they
16 traditionally had access to for their subsistence and traditional activities,
17 particularly the home ranges of ICCs/IPs who are still nomadic and/or shifting
18 cultivators.

19 b. “Biological resources” refers to genetic resources, organisms or parts
20 thereof, population, or any other biotic component of ecosystems with actual or
21 potential use or value for humanity.

22 c. “Buffer Zone” refers to the identified area outside the boundaries of and
23 immediately adjacent to the designated Mt. Balatukan Range Natural Park that
24 need special development control in order to avoid or minimize harm to the Mt.
25 Balatukan Range Natural Park.

26 d. “Collection or collecting” refers to the act of gathering or harvesting
27 wildlife, its by-products or derivatives.

28 e. “Conservation” refers to the preservation and sustainable utilization of
29 wildlife, and/or maintenance, restoration and enhancement of the habitat.

30 f. “Ecosystem” refers to the dynamic complex of plant, animal and micro-
31 organism communities and their non-living environment interacting as a
32 functional unit.

33 g. “Endangered species” refers to species or subspecies that is not
34 critically endangered but whose survival in the wild is unlikely if the causal factors
35 continue operating.

36 h. “Endemic species” refers to species or subspecies which is naturally
37 occurring and found only within specific areas in the country.

- 1 i. "Exotic species" refers to species or subspecies which do not naturally
2 occur within the Mt. Balatukan Range Natural Park at present or in historical
3 time.
- 4 j. "Habitat" refers to a place or type of environment where a species or
5 subspecies naturally occur or has naturally established its population.
- 6 k. "Hunting" refers to collection of wild fauna for food and/or recreational
7 purposes with the use of weapons such as guns, bow and arrow, spear and the
8 like.
- 9 l. "Indigenous Cultural Communities or Indigenous People (ICC/IPs)"
10 refers to a group of people or homogenous societies identified by self-ascription
11 and ascription by others, who have continuously lived as organized community
12 on communally bounded and defined territory, and who have, under claims of
13 ownership since time immemorial, occupied, possessed and utilized such
14 territories, sharing common bonds of language, customs, traditions and other
15 distinctive cultural traits, or who have, through resistance to political, social and
16 cultural inroads of colonization, non-indigenous religions and cultures, became
17 historically differentiated from the majority of Filipinos. IPs shall likewise include
18 peoples who are regarded as indigenous on account of their descent from the
19 populations which inhabited the Country, at the time of conquest or colonization,
20 or at the time of inroads of non-indigenous religions and cultures, or the
21 establishment of present state boundaries, who retain some or all of their own
22 social, economic, cultural and political institutions, but who may have been
23 displaced from their traditional domains or who may have resettled outside their
24 ancestral domains.
- 25 m. "Introduction" refers to bringing species into the wild that is outside its
26 natural habitat.
- 27 n. "Management plan" refers to the fundamental plan, strategy and/or
28 scheme which shall guide all activities relating to the Mt. Balatukan Range
29 Natural Park in order to attain the objectives of this Act.
- 30 o. "Mineral" refers to all naturally occurring inorganic substance in solid,
31 gas, liquid, or any intermediate state including energy materials such as coal,
32 petroleum, natural gas, radioactive materials, and geothermal energy.
- 33 p. "Multiple-Use Zone" refers to the area where settlement, traditional
34 and/or sustainable land use, including agriculture, agro-forestry, extraction
35 activities and other income generating or livelihood activities, may be allowed to
36 the extent prescribed in the management plan.

1 q. "National Integrated Protected Areas System (NIPAS)" refers to the
2 classification and administration of all designated protected areas to maintain
3 essential ecological processes and life-support systems, to preserve genetic
4 diversity, to ensure sustainable use of resources found therein, and to maintain
5 their natural conditions to the *greatest extent possible*;

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

11 s. "NIPAS Act" refers to the National Integrated Protected Areas System
12 Act of 1992 or Republic Act No. 7586, and its pertinent rules and regulations.

13 t. "Natural Park" refers to a relatively large area not materially altered by
14 human activity where extractive resource uses are not allowed and maintained to
15 protect outstanding natural and scenic areas of national or international
16 significance for scientific, education and recreational use.

17 u. "Non-governmental organization (NGO)" refers to an agency, institution,
18 a foundation or a group of persons whose purpose is to assists peoples
19 organizations/associations in various ways including, but not limited to,
20 organizing, education, training, research and/or resource accessing;

21 v. "Non-renewable resources" refers to those resources found within the
22 Mt. Balatukan Range Natural Park, the natural replenishment rate of which either
23 not known or takes more than twenty-five (25) years.

24 w. "People's Organization (PO)" refers to a group of organized migrant
25 communities and or interested indigenous peoples which may be an association,
26 cooperative, federation, or other legal entity, established to undertake collective
27 action to address community concerns and needs, and mutually share the
28 benefits of the endeavor;

29 x. "Protected Area" refers to the identified portions of land and/or water set
30 aside by reason of their unique physical and biological significance, managed to
31 enhance biological diversity and protected against destructive human
32 exploitation;

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

36 z. "Protected species" refers to any individual species of plants and
37 animals that is or shall be declared as protected under Philippine laws, rules and

1 regulations issued by the DENR, species listed as protected against trade,
2 hunting and harvest under international conventions to which the Philippines is or
3 will become a signatory such as, but not limited to, the Convention on
4 International Trade of Endangered Species (CITES). These include species,
5 which may be restricted for use under regulations issued by the Protected Area
6 Management Board (PAMB) or the DENR, and those particularly mentioned in
7 the management plan;

8 aa. "Sustainable use" refers to the use of components of biological
9 diversity in a way and rate that does not lead to the long-term decline of
10 biological diversity, thereby maintaining its potential to meet the needs and
11 aspirations of present and future generations; and

12 bb. "Tenured Migrants" refers to occupants who have actually and
13 continuously occupied a portion of the Mt. Balatukan Range Natural Park and is
14 solely dependent therein for subsistence. A Mt. Balatukan Range Natural Park
15 occupant is understood to be "solely dependent for subsistence" when everything
16 indispensable for survival for the household, including food, clothing, shelter and
17 health, comes only from the utilization of resources from the Mt. Balatukan
18 Range Natural Park.

19 **SEC. 5. Management of the Mt. Balatukan Range Natural Park. –**

20 There is hereby created a PAMB which shall have sole jurisdiction, power and
21 authority over the Mt. Balatukan Range Natural Park for all matters that may
22 affect biodiversity conservation, protection and sustainable development. It shall
23 be composed of:

24 (1) The Regional Executive Director (RED) of DENR Region X as
25 chairperson;

26 (2) The Provincial Planning and Development Officer (PPDO) of the
27 Province of Misamis Oriental;

28 (3) The City Mayor of Gingoog and the Municipal Mayors of Claveria,
29 Medina, and Balingasag in the Province of Misamis Oriental, or their duly
30 designated representatives;

31 (4) One representative from each barangay with territory inside the Mt.
32 Balatukan Range Natural Park;

33 (5) One representative from each indigenous cultural community residing
34 within the Mt. Balatukan Range Natural Park;

35 (6) One representative from each department or national government
36 agency directly involved in the Mt. Balatukan Range Natural Park or has long
37 term projects or permanent facility located therein;

1 (7) At least three (3) representatives from accredited NGOs operating within
2 the Mt. Balatukan Range Natural Park; and

3 (8) At least two (2) representatives from accredited POs operating within the
4 Mt. Balatukan Range Natural Park.

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

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

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

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

25 **SEC. 6. Powers and Functions of the PAMB.** – The PAMB of the Mt.
26 Balatukan Range Natural Park shall have the following powers and functions in
27 addition to those provided under RA 7586 or the NIPAS Act of 1992 and its
28 implementing rules and regulations:

29 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the
30 Mt. Balatukan Range Natural Park and to the declaration of policy set forth under
31 the NIPAS;

32 (2) Issue rules and regulations for the resolution of conflicts through
33 appropriate and effective means;

34 (3) Adopt rules and procedures in the conduct of business, including the
35 creation of committees to which its powers may be delegated;

36 (4) Approve the management plan and oversee the office of the Protected
37 Area Superintendent (PASu);

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

3 (6) Recommend the deputization of appropriate individuals for the
4 enforcement of the laws, rules and regulations governing the conduct or
5 management of the Mt. Balatukan Range Natural Park;

6 (7) Approve fees and charges in accordance with DAO 51, Series of 2000
7 and raise funds for the Mt. Balatukan Range Natural Park;

8 (8) Manage the allocation of the Mt. Balatukan Range Natural Park Fund,
9 and other funds for the Mt. Balatukan Range Natural Park, ensure their proper
10 administration and render accounting; and

11 (9) Recommend appropriate policy changes to the DENR and other
12 government authorities.

13 The DENR, through the Regional Executive Director of Region X, shall
14 exercise authority to oversee the PAMB to ensure that it is acting within the
15 scope of its powers and functions. In case of conflict between administrative
16 orders of national application issued by the DENR pursuant to the NIPAS Act and
17 the rules and regulations issued by the PAMB, the Regional Executive Director
18 shall notify the Secretary who shall decide whether to apply the rule or withdraw
19 its application in the Mt. Balatukan Range Natural Park.

20 **SEC. 7. Protected Area Superintendent (PASu) Office.** – There is hereby
21 established a PASu Office in charge of the management, protection and
22 administration of the Mt. Balatukan Range Natural Park. It will be headed by a
23 Protected Area Superintendent (PASu) and shall be supported by the existing
24 personnel of the DENR. The PASu shall be the chief operating officer of the Mt.
25 Balatukan Range Natural Park and shall be accountable to the RED of the
26 DENR-Region X and the PAMB. The PASu shall have the following duties and
27 responsibilities in addition to those provided under RA 7586 or the NIPAS Act of
28 1992 and its implementing rules and regulations:

29 (1) Prepare and execute the management plan for the Mt. Balatukan Range
30 Natural Park;

31 (2) Provide a secretariat for the PAMB and supply the PAMB with all the
32 information necessary to make appropriate decisions for the implementation of
33 this Act;

34 (3) Enforce the laws, rules and regulations relevant to the Mt. Balatukan
35 Range Natural Park and assist in the prosecution of offenses;

36 (4) Supervise all activities within the Mt. Balatukan Range Natural Park to
37 ensure its conformity with the management plan;

1 (5) Recommend the issuance of permits based on terms, conditions and
2 criteria established by the PAMB; and

3 (6) Perform such other functions as the PAMB may assign.

4 The PASu shall be supported by a sufficient number of personnel who shall
5 be performing day to day management, protection and administration of Mt.
6 Balatukan Range Natural Park. All position titles and items of the DENR
7 employees detailed with the Mt. Balatukan Range Natural Park at the time of the
8 effectivity of this Act shall be transferred to form part of the PASu Office.

9 **SEC. 8. *Indigenous People's Rights.*** – Ancestral domain and other
10 customary rights and interests of indigenous communities within the Mt.
11 Balatukan Range Natural Park shall be accorded due recognition. The
12 preservation of ancestral domain and customary rights shall be considered as
13 one of the management objectives. The maintenance, management and
14 development of ancestral domains which are found to be necessary for protected
15 areas will be pursuant to Section 58 of Republic Act No. 8371, otherwise known
16 as the “The Indigenous Peoples Rights Act of 1997 (IPRA)”.

17 The identification, delineation and recognition of ancestral domain claims
18 within the Mt. Balatukan Range Natural Park shall be conducted by the National
19 Commission on Indigenous Peoples (NCIP) pursuant to the provisions of the
20 IPRA, and its implementing rules and regulations, in coordination with the PAMB.

21 **SEC. 9. *Tenured Migrants and Other Mt. Balatukan Range Natural Park***
22 ***Occupants.*** – Tenured migrants shall be eligible to become stewards of portions
23 of lands within allowable zones. The PAMB shall identify, verify and review all
24 tenure instruments, land claims, and issuances of permits for resource use within
25 the Mt. Balatukan Range Natural Park and recommend the issuance of the
26 appropriate tenurial instrument consistent with the zoning provided in the
27 management plan and its successor plans.

28 Nothing herein shall be construed to mean any diminution of accrued rights
29 earned by tenured migrants. Should areas occupied by tenured migrants be
30 designated as zones in which no occupation or other activities are allowed
31 pursuant to the attainment of sustainable development, provision for the transfer
32 of said tenured migrants to multiple use zones or buffer zones shall be
33 accomplished through just and humane means.

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

1 Other Mt. Balatukan Range Natural Park occupants who do not qualify as
2 tenured migrants shall be resettled outside the Mt. Balatukan Range Natural Park
3 as determined by the PAMB. The PAMB shall determine, plan and implement a
4 definite schedule for resettling them outside of the Mt. Balatukan Range Natural
5 Park following the procedures set forth by existing law.

6 **SEC. 10. Existing Facilities Within the Mt. Balatukan Range Natural**
7 **Park.** – Within sixty (60) days from the effectivity of this Act, existing facilities
8 such as roads, buildings, water systems, transmission lines, communication
9 facilities, heavy equipment, and irrigation facilities existing within the boundaries
10 of the Mt. Balatukan Range Natural Park shall submit project description to the
11 PAMB 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
14 the Mt. Balatukan Range Natural Park or whether conditions for its operation
15 shall be imposed. If any such conditions are violated, the owner of the facility
16 shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every
17 violation. Upon reaching a total fine of Five hundred thousand pesos
18 (P500,000.00), the PAMB through the PASu and deputizing other government
19 entities, shall cause the cessation and demolition of the facility at the cost of its
20 owner.

21 Existing facilities allowed to remain within the Mt. Balatukan Range Natural
22 Park may be charged a reasonable royalty by the PAMB. All income from such
23 royalty shall accrue to the Mt. Balatukan Range Natural Park Fund.

24 **SEC. 11. Utilization of Resources.** – Any exploitation of or utilization of
25 nonrenewable resources within the Mt. Balatukan Range Natural Park shall not
26 be allowed. Energy projects within the Mt. Balatukan Range Natural Park shall be
27 allowed only through an act of Congress except energy from wind, sun, waves
28 and water sources and not more than three (3) megawatts capacity for mini-
29 hydro power. *Provided*, that in all instances, the primary beneficiaries shall be
30 residents of the Mt. Balatukan Range Natural Park and its buffer zones:
31 *Provided, Further*, that these renewable energy projects are outside the strict
32 protection zone, adopt reduced impact technologies, and undergo the
33 Environmental Impact Assessment (EIA) system as provided by law and:
34 *Provided, Finally*, that the PAMB has endorsed the project.

35 **SEC. 12. Special Prosecutor and Retained Counsel.** – Within thirty (30)
36 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint
37 a special prosecutor to whom all cases of violation of laws, rules and regulations

1 in the Mt. Balatukan Range Natural Park shall be assigned. Such Special
2 Prosecutor shall coordinate with the PAMB and the PASu in the performance of
3 his/her duties and assist in the training of wardens and rangers in arrest and
4 criminal procedures. The PAMB may retain the services of a counsel to
5 prosecute and/or assist in the prosecution of cases under the direct control and
6 supervision of the regular or special prosecutor and to defend the members of
7 the PAMB, the PASu and the staff, or any person assisting in the protection,
8 conservation and sustainable development of the Mt. Balatukan Range Natural
9 Park, against any legal action related to their powers, functions and
10 responsibilities as provided in this Act or as delegated or tasked by the PAMB.

11 **SEC. 13. Mt. Balatukan Range Natural Park Fund.** – There is hereby
12 established a trust fund to be known as the Mt. Balatukan Range Natural Park
13 Fund for purposes of financing projects of the Natural Park. Seventy-five percent
14 (75%) of the income generated from the operation of the Mt. Balatukan Range
15 Natural Park and/or management of wild flora and fauna in the Park shall accrue
16 to the Fund. The remaining twenty-five percent (25%) shall go to the Integrated
17 Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

18 Income shall be derived from visitor/tourist fees, fees from permitted sale
19 and export of flora and fauna and other resources from the Mt. Balatukan Range
20 Natural Park, proceeds from registration and lease of multiple-use areas,
21 including tourism concessions, contributions from industries and facilities directly
22 benefiting from the Mt. Balatukan Range Natural Park; and such other fees and
23 income derived from the operation of the Mt. Balatukan Range Natural Park

24 The Mt. Balatukan Range Natural Park Fund may be augmented by grants,
25 donations, endowment from various sources, domestic or foreign, for purposes
26 related to their functions: *Provided*, That the Fund shall be deposited as a special
27 account in the National Treasury and disbursements therefrom shall be made
28 solely for the protection, maintenance, administration and management of the
29 system, and duly approved projects endorsed by the PAMB in accordance with
30 existing accounting and budgeting rules and regulations: *Provided, further*, That
31 the Fund shall not be used to cover personal services expenditures.

32 The LGUs shall continue to impose and collect all other fees not
33 enumerated herein which they have traditionally collected, such as business
34 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may
35 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
36 shall be determined based on the contribution of the LGUs in the maintenance
37 and protection of the Mt. Balatukan Range Natural Park.

1 **SEC. 14. *Prohibited Acts and Penalties.*** – The following shall be the
2 prohibitions and penalties applicable to the Mt. Balatukan Range Natural Park:

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

6 (1) Hunts, takes, destroys, collects, disturbs or possesses any wild
7 terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products
8 derived therefrom, within particularly identified regulated or prohibited areas
9 zones in the Mt. Balatukan Range Natural Park including private lands without
10 the necessary permit, authorization or exemption;

11 (2) Cuts, gathers, removes or collects timber or any forest products, within
12 particularly identified regulated or prohibited areas or zones in the Mt. Balatukan
13 Range Natural Park including private lands without the necessary permit,
14 *authorization or exemption*;

15 (3) Possesses or transports, within or outside the Mt. Balatukan Range
16 Natural Park any timber, forest products, wild terrestrial or aquatic plants,
17 animals, or *by-product derived therefrom which is ascertained to have been*
18 taken from the Mt. Balatukan Range Natural Park;

19 (4) Undertakes mineral exploration or extraction within the Mt. Balatukan
20 Range Natural Park;

21 (5) Engages in quarrying of sand, gravel, guano, limestone or any material
22 within the Mt. Balatukan Range Natural Park;

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

26 (7) Conducts bioprospecting within the Mt. Balatukan Range Natural Park
27 without the necessary permit; or

28 (8) Establishes or introduces any exotic species, within the Mt. Balatukan
29 Range Natural Park, which are detrimental to endemic species and the
30 ecosystem therein.

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

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

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

8 (3) Possesses a chainsaw, hacksaw and other mechanized equipment
9 within the Mt. Balatukan Range Natural Park without a permit;

10 (4) Throws, dumps or causes to be dumped into the Mt. Balatukan Range
11 Natural Park any non-biodegradable material or waste whether liquid, solid or
12 gas;

13 (5) Uses, dumps, places or causes to be placed into the Mt. Balatukan
14 Range Natural Park toxic chemicals, including pesticides and other hazardous
15 substances, unless the same is expressly allowed in the protection and
16 conservation plan;

17 (6) Prospects, hunts or otherwise locate hidden treasures within the Mt.
18 Balatukan Range Natural Park;

19 (7) Informally occupies or dwells in any land within the Mt. Balatukan
20 Range Natural Park without clearance from the PAMB;

21 (8) Possesses or uses blasting caps or explosives anywhere within the Mt.
22 Balatukan Range Natural Park;

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

26 (10) Alters, removes or destroys boundary marks or signs; or

27 (11) Engages in *kaingin*, or, in any manner, causing forest fires inside the
28 Mt. Balatukan Range Natural Park.

29 Valuation of the damage for this Act shall take into account biodiversity and
30 conservation considerations as well as aesthetic and scenic value. Valuation
31 assessed by the DENR or the concerned government agency shall be presumed
32 correct unless otherwise proven by a preponderance of evidence.

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

36 All conveyances, vessels, equipment, paraphernalia, implements, gear,
37 tools and similar devices shall be subject to immediate and administrative

1 confiscation, independent of the judicial proceedings by the PASu Office upon
2 apprehension, subject however to due process and substantial evidence
3 requirements. When legal action is however filed in the regular courts, the said
4 conveyances, vessels, equipment, paraphernalia, implements, gear, tools and
5 similar devices, independent of the administrative proceedings, shall not be
6 released until after judgment has been rendered. Proceeds of the sale of all
7 objects administratively or judicially confiscated pursuant hereto shall accrue to
8 the Mt. Balatukan Range Natural Park Landscape Fund. Procedure for the sale
9 thereof shall be promulgated by the PAMB. However, in no case shall any
10 confiscated or rescued protected animal species be sold or in any manner
11 disposed of but shall be immediately turned over to the PASu Office for release
12 in its natural habitat, subject to existing regulations.

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

17 **SEC. 15. Reporting Responsibility.** – The PASu, through the PAMB,
18 shall submit an annual accomplishment report to the Secretary of the DENR on
19 the activities undertaken in the Mt. Balatukan Range Natural Park.

20 **SEC. 16. Appropriations.** – The Secretary shall immediately include in
21 the DENR's program the implementation of this Act, the funding of which shall be
22 included in the annual General Appropriations Act.

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

30 **SEC. 18. Transitory Provision.** – In order to ensure the sustainability and
31 integrity of the watersheds and water resources, the recovery and restoration of
32 biological diversity and to develop sustainable livelihood opportunities for tenured
33 migrants, the DENR shall henceforth cease to issue concessions, licenses,
34 permits, clearances, compliance documents or any other instrument that allows
35 exploitation and utilization of resources within the Mt. Balatukan Range Natural
36 Park until the management plan shall have been put into effect.

1 All existing land use and resource use permits within the Mt. Balatukan
2 Range Natural Park shall be reviewed and shall not be renewed upon their
3 expiration unless consistent with the management plan, as provided herein, and
4 upon approval by the Protected Area Management Board (PAMB).

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

9 **SEC. 20. Separability Clause.** – If any part or section of this Act is
10 declared by the courts as unconstitutional, such declaration shall not affect the
11 other parts or section hereof.

12 **SEC. 21. Effectivity Clause.** – This Act shall take effect fifteen (15) days
13 after its complete publication in the *Official Gazette* or in a national newspaper of
14 general circulation available in the Mt. Balatukan Range Natural Park.

15 Approved.