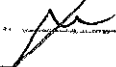


FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

8 OCT -8 21:50

S E N A T E

RECEIVED BY: 

COMMITTEE REPORT NO. 135

Submitted jointly by the Committee on Environment and Natural Resources and the Committee on Finance on OCT - 8 2008.

Re: S. No. 2671

Recommending its approval in substitution of SB No. 1073

Sponsor: **Senator Compañera Pia S. Cayetano**

MR. PRESIDENT:

The Committees on Environment and Natural Resources; and Finance, to which was referred S. B. No.1073, introduced by Senator Cayetano, (P.), entitled:


AN ACT  
ESTABLISHING THE BESSANG PASS NATURAL  
MONUMENT/LANDMARK IN THE MUNICIPALITY OF  
CERVANTES, ILOCOS AS A PROTECTED AREA 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 S. B. No. 2671, prepared by the Committees, entitled:

AN ACT  
ESTABLISHING THE BESSANG PASS NATURAL  
MONUMENT/LANDMARK IN THE MUNICIPALITY OF  
CERVANTES, ILOCOS SUR AS A PROTECTED AREA AND FOR  
OTHER PURPOSES

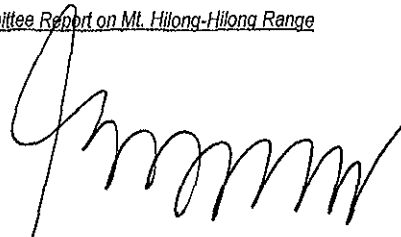
be approved in substitution of SB No. 1073 with Senators Cayetano, (P.) and Enrile as authors thereof.

Respectfully submitted:


  
JUAN RONCE ENRILE  
Chairman  
Committee on Finance  
Member, Ctte. on Environment  
and Natural Resources

  
COMPAÑERA PIA S. CAYETANO  
Chairperson  
Committee on Environment and Natural Resources  
Member, Committee on Finance

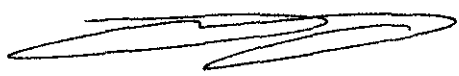
Vice Chairpersons:



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*Vice-Chair, Ctte. on Environment  
and Natural Resources  
Member, Ctte. on Finance*




**JUAN MIGUEL F. ZUBIRI**  
*Vice-Chair, Ctte. on Environment  
and Natural Resources  
Member, Ctte. on Finance*



**LOREN B. LEGARDA**  
*Vice-Chair, Ctte. on Environment  
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**MIRIAM DEFENSOR SANTIAGO**  
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**EDGARDO J. ANGARA**  
*Vice-Chair, Ctte. on Finance  
Member, Ctte. on Environment  
and Natural Resources*



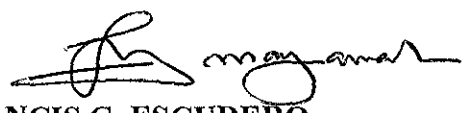
**JOKER P. ARROYO**  
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Members:




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*Member, Cttes. on Environment  
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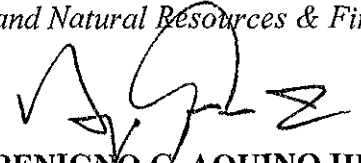
**RICHARD J. GORDON**  
*Member, Cttes. on Environment and  
and Natural Resources & Finance*



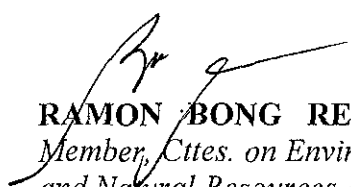
**FRANCIS G. ESCUDERO**  
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**MANUEL "LITO" M. LAPID**  
*Member, Cttes. on Environment  
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**BENIGNO C. AQUINO III**  
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**RAMON BONG REVILLA, JR.**  
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**RODOLFO G. BIAZON**  
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**PANFILO M. LACSON**  
*Member, Ctte. on Finance*

**ANTONIO "SONNY" F. TRILLANES IV**  
*Member, Cttes. on Environment  
and Natural Resources & Finance*



**MAR ROXAS**  
*Member, Ctte. on Finance*

with  
interpolations  
& amendments

*M.A. Madrigal*

M.A. MADRIGAL  
Member, Cttes. on Environment  
and Natural Resources & Finance

provided that ~~the~~ should a new  
monument be constructed it should  
be of natural materials  
(marble, stone)  
& not cement or  
any synthetic  
material - that  
a proper artist  
is consulted  
should a landmark be  
erected.

Ex-Officio Members:

*Jinggoy Estrada*  
JINGGOY EJERCITO ESTRADA  
Senate President Pro-Tempore

*Francis Pangilinan*  
FRANCIS N. PANGILINAN  
Majority Floor Leader

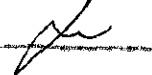
*Aquilino Q. Pimentel, Jr.*  
AQUILINO Q. PIMENTEL, JR.  
Minority Floor Leader

MANNY VILLAR  
Senate President  
Pasay City

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

8 OCT -8 P1:53

SENATE

RECEIVED BY: 

S. B. No. 2671

(In substitution of S.B. No. 1073)

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Prepared by the Committees on Environment and Natural Resources and Finance; with  
Senators Cayetano (P.) and Enrile as authors thereof

---

**AN ACT**  
**ESTABLISHING THE BESSANG PASS NATURAL MONUMENT/LANDMARK IN THE**  
**MUNICIPALITY OF CERVANTES, ILOCOS SUR AS A PROTECTED AREA 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 “Bessang Pass Natural  
2 Monument/Landmark (BPNML) Act of 2008.”

3       **SEC. 2. Declaration of Policy.** – Cognizant of the unique Biological Resources  
4 and the aesthetic, economic and ecological importance of BPNML, it is hereby declared  
5 the policy of the State to protect and preserve its natural Biodiversity and to promote the  
6 welfare of the human communities therein, their culture and way of life insofar as they  
7 are in harmony with nature. It shall further be the policy of the State to promote the  
8 BPNML, with the end view of fostering widespread awareness and concern for the  
9 same. Towards this end, the state shall undertake to carry out comprehensive and  
10 holistic promotions, training and information campaign programs for the benefit of the  
11 general public, in pursuance of the duty of the State to uphold the primacy of protecting,  
12 preserving and promoting these resources.

13       Finally, it shall be the policy of the State to encourage the participation of the  
14 private sector and the Local Government Units in the protection, preservation and  
15 promotion of the BPNML.

16       **SEC. 3. Definition of Terms.** – For purposes of this Act, the following terms  
17 shall be defined as follows:

18       (a) “Ancestral Domain” refers to all areas generally belonging to Indigenous  
19 Cultural Communities or Indigenous People (ICCs/IPs) comprising lands, inland waters,  
20 coastal areas, and natural resources therein, held under a claim of ownership, occupied  
21 or possessed by the ICCs/IPs, by themselves or thru their ancestors, communally or  
22 individually since time immemorial, continuously to the present except if interrupted by

1 war, *force majeure* or displacement by force, deceit, stealth or as a consequence of  
2 government projects or any other voluntary dealings entered into by government or  
3 public individuals/corporations, and which are necessary to ensure their economic,  
4 social and cultural welfare. It shall include ancestral lands, forests, pasture, residential,  
5 agricultural, and other lands individually owned whether alienable and disposable or  
6 otherwise, Hunting grounds, burial grounds, worship areas, bodies of water, Mineral and  
7 other natural resources, and lands which may no longer be exclusively occupied by  
8 ICCs/IPs but from which they traditionally had access to for their subsistence and  
9 traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic  
10 and/or shifting cultivators;

11 (b) "Biodiversity" refers to variety and variability among living organisms and the  
12 ecological complexes in which said organisms occur;

13 (c) "Biological Resources" include genetic resources, organisms or parts thereof,  
14 population, or any other biotic component of ecosystems with actual or potential use or  
15 value for humanity;

16 (d) "Bioprospecting" means the research, Collection and utilization of biological  
17 and genetic resources for purposes of applying the knowledge derived therefrom solely  
18 for commercial purposes;

19 (e) "Buffer Zone" refers to identified areas outside the boundaries of and  
20 immediately adjacent to designated BPNML pursuant to Section 8 of the NIPAS Act  
21 that need special development control in order to avoid or minimize harm to the  
22 BPNML;

23 (f) "By-products or Derivatives" mean any part taken or substance extracted from  
24 Wildlife, in raw or in processed form. This includes stuffed animals and herbarium  
25 specimens;

26 (g) "Collection or collecting" refers to the act of gathering or harvesting Wildlife, its  
27 By-products or Derivatives;

28 (h) "Conservation" means *preservation and sustainable utilization of Wildlife,*  
29 *and/or maintenance, restoration and enhancement of the Habitat;*

30 (i) "Endangered Species" refer to species or subspecies of flora and fauna that is  
31 not critically endangered but whose survival in the wild is unlikely if the causal factors  
32 continue operating;

33 (j) "Endemic Species" refer to species or subspecies of flora and fauna which is  
34 naturally occurring and found only within specific areas in the country;

35 (k) "Exotic Species" refer to species or subspecies of flora and fauna which do not  
36 naturally occur within the Protected Area at present or in historical time;

37 (l) "Habitat" means a place or type of environment where a species or subspecies  
38 naturally occurs or has naturally established its population;

1 (m) "Hunting" refers to Collection of wild fauna for food and/or recreational  
2 purposes with the use of weapons such as guns, bow and arrow, spear and the like;

3 (n) "Indigenous Cultural Communities or Indigenous People (ICC/ IPs)" refer to a  
4 group of people or homogenous societies identified by self-ascription and ascription by  
5 others, who have continuously lived as organized community on communally bounded  
6 and defined territory, and who have, under claims of ownership since time immemorial,  
7 occupied, possessed and utilized such territories, sharing common bonds of language,  
8 customs, traditions and other distinctive cultural traits, or who have, through resistance  
9 to political, social and cultural inroads of colonization, non-indigenous religions and  
10 cultures, became historically differentiated from the majority of Filipinos. IPs shall  
11 likewise include peoples who are regarded as indigenous on account of their descent  
12 from the populations which inhabited the Country, at the time of conquest or  
13 colonization, or at the time of inroads of non-indigenous religions and cultures, or the  
14 establishment of present state boundaries, who retain some or all of their own social,  
15 economic, cultural and political institutions, but who may have been displaced from their  
16 traditional domains or who may have resettled outside their Ancestral Domains;

17 (o) "Management Plan" refers to the fundamental plan, strategy and/or scheme  
18 which shall guide all activities relating to the BPNML in order to attain the objectives of  
19 this Act;

20 (p) "Mineral" refers to all naturally occurring inorganic substance in solid, gas,  
21 liquid, or any intermediate state including energy materials such as coal, petroleum,  
22 natural gas, radioactive materials, and geothermal energy;

23 (q) "Multiple-Use Zone" refers to an area where settlement, traditional and/or  
24 sustainable land use, including agriculture, agro-forestry, extraction activities and other  
25 income generating or livelihood activities, may be allowed to the extent prescribed in the  
26 Integrated Protected Area Plan (IPAP)/ Protected Area Management Plan (PAMP);

27 (r) "National Integrated Protected Areas System (NIPAS)" refers to the  
28 classification and administration of all designated Protected Areas to maintain essential  
29 ecological processes and life-support systems, to preserve genetic diversity, to ensure  
30 sustainable use of resources found therein, and to maintain their natural conditions to  
31 the greatest extent possible;

32 (s) "National Park" refers to the land of the public domain classified as such in the  
33 1987 Constitution which include all areas under the NIPAS pursuant to R.A. 7586  
34 primarily designated for the Conservation of native plants and animals, their associated  
35 Habitats and cultural diversity;

36 (t) "Natural Monument" refers to a relatively small area focused on protection of  
37 small features to protect or preserve nationally significant natural features on account of  
38 their special interest or unique characteristics;

1 (u) "Non-Government Organization (NGO)" refers to an agency, institution,  
2 foundation or a group of persons whose purpose is to assist peoples  
3 organizations/associations in various ways including, but not limited to, organizing,  
4 education, training, research and/or resource accessing;

5 (v) "People's Organization (PO)" refers to a group of organized migrant  
6 communities and or interested indigenous peoples which may be an association,  
7 cooperative, federation, or other legal entity, established to undertake collective action  
8 to address community concerns and needs, and mutually share the benefits of the  
9 endeavor;

10 (w) "Protected Area (PA)" refers to any 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 (x) "Protected Area Management Board (PAMB)" refers to a multi-sectoral policy-  
14 making body for Protected Areas created in accordance with RA 7586 or the NIPAS Act  
15 of 1992;

16 (y) "Protected Area Superintendent (PASu)" refers to the chief operating DENR  
17 officer in the BPNML;

18 (z) "Quarrying" means the process of extracting, removing and disposing quarry  
19 resources found on or underneath the surface of private or public land;

20 (aa) "Special Use Zone" refers to an area containing existing installations of  
21 national significance, such as telecommunication facilities, irrigation canals or electric  
22 power lines;

23 (bb) "Sustainable Use" means the use of components of biological diversity in a  
24 way and rate that does not lead to the long-term decline of biological diversity, thereby  
25 maintaining its potential to meet the needs and aspirations of present and future  
26 generations;

27 (cc) "Tenured Migrants" refers to forest occupants who have actually and  
28 continuously occupied a portion of the BPNML and is solely dependent therein for  
29 subsistence. A BPNML occupant is understood to be "solely dependent for  
30 subsistence" when everything indispensable for survival for the household, including  
31 food, clothing, shelter and health, comes only from the utilization of resources from the  
32 BPNML; and

33 (dd) "Wildlife" means wild forms and varieties of flora and fauna, in all  
34 developmental stages, including those which are in captivity or are being bred or  
35 propagated.

36 **SEC. 4. Scope and Coverage.** – Pursuant to R. A. No. 7586 otherwise known as  
37 the National Integrated Protected Areas System Act of 1992 (NIPAS Act), Bessang  
38 Pass which is located within the Municipality of Cervantes, Province of Ilocos Sur, is

1 hereby declared as permanent component of the NIPAS under the category of Natural  
2 Monument/Landmark. The boundaries of BPNML shall be as follows:

3 Beginning at a point mark "I" on the map being S 66° 00' W 3,300 meters from  
4 Corner 10, Project No. 13, Block 23 of A & D, LC Map No. 1276;

5  
6 Thence N 20°33'16" E 1,378.61 m to Corner 2;  
7 Thence N 69° 26' 03" E 748.68 m. to Corner 3;  
8 Thence S 78° 25' 37" E 1,638.91 m to Corner 4;  
9 Thence S 20° 56' 52" W 3,398.48 m to Corner 5;  
10 Thence N 61° 42' 05" W 948.03 m to Corner 6;  
11 Thence S 70° 33' 48" W 631.17 m to Corner 7;  
12 Thence N 46° 50' 14" W 535.10 m to Corner 8;  
13 Thence N 28° 01' 24" W 292.90 m to Corner 9;  
14 Thence N 64° 40' 35" W 352.89 m to Corner 10;  
15 Thence N 49° 26' 06" E 490.84 m to Corner 11;  
16 Thence N 64° 25' 41" E 659.42 m to Corner 12;  
17 Thence N 38° 54' 52" W 424.16 m to Corner 13;

18 the point of beginning containing an area of Six Hundred Ninety-Three and  
19 32/100 (693.32) hectares.

20  
21 The technical description provided in this Act shall be subject to ground survey  
22 and demarcation by the DENR upon the effectivity of this Act. Any modification of the  
23 coverage of this Act due to such factors as changing ecological situations, new scientific  
24 or archeological findings, or discovery of traditional boundaries not previously taken into  
25 account shall be made through an act of Congress, after consultation with the affected  
26 public and concerned government agencies.

27  
28 **SEC. 5. Establishment of Bessang Pass Natural Monument/Landmark**  
29 **Buffer Zone.** – There shall also be established Buffer Zone for the BPNML more  
30 particularly described as follows:

31  
32 Beginning at a point marked "I" on the map which is identical to Corner "I" of the  
33 Bessang Pass Natural Monument/ Landmark:

34  
35 Thence S 39° 25' 33" E 423.74 m to Corner 2;  
36 Thence S 64° 36' 26" W 594.36 m to Corner 3;  
37 Thence S 49° 28' 50" W 486.42 m to Corner 4;  
38 Thence S 65° 09' 42" E 353.94 m to Corner 5;  
39 Thence S 28° 30' 53" E 282.05 m to Corner 6;



1	Thence	S 47° 21' 05" E	535.22 m	to	Corner 7;
2	Thence	N 70° 20' 13" E	636.30 m	to	Corner 8;
3	Thence	S 62° 11' 41" E	950.43 m	to	Corner 9;
4	Thence	N 21° 09' 16" E	3,426.93 m	to	Corner 10;
5	Thence	S 78° 00' 50" E	505.80 m	to	Corner 11;
6	Thence	S 19° 50' 34" W	4,012.37 m	to	Corner 12;
7	Thence	N 61° 48' 02" W	1,255.92 m	to	Corner 13;
8	Thence	S 69° 39' 22" W	623.72 m	to	Corner 14;
9	Thence	N 46° 38' 29" W	910.10 m	to	Corner 15;
10	Thence	N 27° 28' 38" W	218.41 m	to	Corner 16;
11	Thence	N 64° 50' 04" W	355.95 m	to	Corner 17;
12	Thence	N 64° 50' 04" W	514.15 m	to	Corner 18;
13	Thence	N 50° 30' 41" E	1,178.64 m	to	Corner 19;
14	Thence	N 38° 33' 59" W	376.64 m	to	Corner 20;
15	Thence	N 21° 39' 12" E	952.02 m	to	Corner 21;
16	Thence	S 74° 03' 35" E	505.78 m	to	Corner 22;
17	Thence	S 20° 20' 38" W	838.32 m	to	Corner 23, the point
18					of beginning containing an containing an area of Four Hundred Twenty-Seven
19					and 79/100 (427.79) hectares subject to ground verification and demarcation by
20					the DENR upon the effectivity of the Act.

21 **SEC. 6. Land Classification.** – All lands of the public domain comprising the  
22 Bessang Pass Natural Monument/Landmark shall fall under the classification of  
23 National Park as provided for in the Philippine Constitution.

24 **SEC.7. Management of Bessang Pass Natural Monument/Landmark.** - There is  
25 hereby created a Management Board which shall have sole jurisdiction, power and  
26 authority over the BPNML for all matters that may affect Biodiversity Conservation,  
27 protection and sustainable development. It shall be composed of:

28 (1) The Regional Executive Director (RED) of the Department of Environment and  
29 Natural Resources Regional Office No.I (DENR I), as chairperson;

30 (2) The Provincial Planning and Development Officer (PPDO) of Ilocos Sur;

31 (3) The Mayor of the Municipality of Cervantes or his/her duly designated  
32 representative;

33 (4) One representative from each barangay covering the BPNML;

34 (5) At least three (3) representatives from the local Non-Government  
35 Organizations (NGOs) with stakes in the BPNML and preferably with track records  
36 related to the protection and management of the Protected Area, to be chosen from  
37 among themselves;

1 (6) At least two (2) representatives from local People's Organization (POs) with  
2 stakes in the BPNML and preferably with track records related to the protection and  
3 management of the Protected Area, chosen from among themselves;

4 (7) One representative from each tribal community within the BPNML; and

5 (8) One representative from government agencies involved in the BPNML  
6 management, as needed.

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

11 The members of the Management Board shall be appointed by the Secretary of the  
12 DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the  
13 initial members of the Management Board shall be nominated from the current  
14 members of the interim Management Board of the BPNML. *Provided*, that at least one-  
15 third (1/3) of the members shall be women. Representation shall be by institution and  
16 shall aim to achieve balance in representation by geographic location or areas.

17 The representatives from the Local Government Units (LGUs) and national  
18 agencies in the Management Board shall include among their duties, the duty to inform  
19 their respective constituents, office or sector of Management Board approved or other  
20 relevant policies, rules, regulations, programs and projects and, to ensure that the  
21 provisions of this Act, NIPAS Act and its Implementing Rules and Regulations are  
22 observed, complied with, and used as reference and framework in their respective  
23 plans, policies, programs and projects. Failure to comply with the foregoing shall subject  
24 such representative to disciplinary action as the Management Board may provide.

25 The members of the Management Board shall not receive any salary but shall be  
26 entitled to reimbursements for actual and necessary expenses incurred, either in their  
27 attendance in meeting of the Management Board or in connection with other official  
28 business authorized by a resolution of the Board, subject to existing rules and  
29 regulations.

30 **SEC. 8. Powers and Functions of the BPNML Management Board.** –The  
31 Management Board, which shall decide by consensus or majority vote, shall have the  
32 following roles and responsibilities in addition to the duties and functions provided under  
33 RA 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

34 (1) Issue all rules and regulations to prohibit acts that may be prejudicial to the  
35 BPNML and to the declaration of policy set forth under the NIPAS;

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

1 (3) Adopt rules and procedures in the conduct of business, including the creation  
2 of committees to whom its powers may be delegated;

3 (4) Approve the Management Plan and oversee the office of the PASu;

4 (5) Establish criteria and set fees for the issuance of permits for activities regulated  
5 by this Act or the Management Plan;

6 (6) Recommend the deputization of appropriate individuals, including local  
7 community leaders for the enforcement of this Act and other laws, rules and regulations  
8 governing conduct in the BPNML and its Buffer Zone;

9 (7) Approve fees and charges in accordance with existing policies and guidelines  
10 and raise funds for the BPNML;

11 (8) Report to the DENR, on a quarterly basis, the status of the implementation of  
12 this Act, with emphasis on the disbursement of funds appropriated for the execution of  
13 the various policies and programs hereunder, and on the status of cases for the  
14 prosecution of the violations of this Act;

15 (9) Formulate programs for the promotion, training and information dissemination  
16 pertaining to the BPNML and its significance as a vital natural resource of the country.

17 (10) Manage the allocation of the BPNML Fund, and other funds for the BPNML,  
18 ensure their proper administration and render accounting; and

19 (11) Recommend appropriate policy reforms to the DENR and other government  
20 authorities.

21 The DENR, through the RED, shall ensure that the Management Board acts within  
22 the scope of its powers and functions. In case of conflict between administrative orders  
23 issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the  
24 Management Board, such conflict shall be referred by the Management Board to the  
25 Secretary of the DENR who shall decide whether to apply the rule or withdraw its  
26 application from the BPNML. The decision of the Secretary shall be guided by a  
27 preference to local initiative and specific policies enacted by the Management Board.

28 **SEC. 9. *The Protected Area Superintendent (PASu) Office.*** – The PASU Office  
29 is hereby created within the DENR regional office to be headed by the PASu who shall  
30 serve as the chief operating DENR officer of the entire BPNML. The PASu shall be  
31 accountable to the Management Board.

32 The PASu shall have full responsibility for the protection of land, water, Wildlife  
33 and other natural physical and Biological Resources within the BPNML. As such, the  
34 PASu shall have the following duties and responsibilities in addition to those provided  
35 under the NIPAS Act and its implementing rules and regulations:

36 (1) Establish, operate and maintain a database management system as decision  
37 support tool;

38 (2) Initiate the preparation of the Management Plans as herein defined;

1 (3) Provide a secretariat for the Management Board and provide the Management  
2 Board with all the necessary and timely information to make appropriate decisions for  
3 the implementation of this Act;

4 (4) Enforce the laws, rules and regulations relevant to the BPNML, institute and file  
5 legal action independently or in collaboration with other government agencies or  
6 organizations and assist in the prosecution of offenses committed in violation of this  
7 Act;

8 (5) Monitor all activities within the BPNML to ensure its conformity with the  
9 Management Plan;

10 (6) Implement the promotion, training and information campaign programs as  
11 formulated by the Management Board;

12 (7) Report to the Management Board, on a quarterly basis, the status of the  
13 implementation of the various programs under this Act, such as, but not limited to, the  
14 database management system, the Management Plan of the BPNML, and the  
15 enforcement of the laws, rules and regulation relevant to the BPNML and the  
16 prosecution of the violations thereof;

17 (8) Recommend the issuance of permits based on terms, conditions and  
18 criteria established by the Management Board;

19 (9) Ensure the integration of the BPNML management policies, regulations,  
20 programs, and projects at all the concerned national and LGU levels; and

21 (10) Perform such other functions as the Management Board may delegate.

22 The PASu shall be supported by a sufficient number of personnel who shall be  
23 performing day to day management, protection and administration of BPNML. Upon the  
24 recommendation of the Management Board, the DENR RED shall deputize local  
25 community leaders and environment and natural resource officers.

26 **SEC.10. Existing Facilities Within the Bessang Pass Natural**  
27 **Monument/Landmark.** – Within sixty (60) days from the effectivity of this Act, major  
28 existing facilities such as roads, buildings, water systems, transmission lines,  
29 communication facilities, heavy equipment, and irrigation facilities existing within the  
30 boundaries of the BPNML shall submit project description to the Management Board  
31 through the PASu.

32 The Management Board, with the assistance of the DENR, shall determine  
33 whether the existence of such facility and its future plan and operations will be  
34 detrimental to the BPNML or whether conditions for its operation shall be imposed. If  
35 any such conditions are violated, the owner of the facility shall be liable to pay a fine of  
36 Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five  
37 hundred thousand pesos (P500,000.00), the Management Board through the PASu and  
38 deputizing other government entities, shall cause the cessation and demolition of the

1 facility at the cost of its owner.

2 Existing facilities allowed to remain within the BPNML may be charged a  
3 reasonable royalty by the DENR. All income from such royalty shall accrue to the  
4 BPNML Fund.

5 **SEC. 11. Bessang Pass Natural Monument/Landmark (BPNML) Fund.** – There  
6 is hereby established a revolving fund to be known as the BPNML Fund for purposes of  
7 financing projects of the BPNML. Income shall be derived from visitors/tourists fees,  
8 fees from permitted sale and export of flora and fauna and other resources from the  
9 BPNML, proceeds from registration and lease of multiple-use areas including tourism  
10 concessions, fees, proceeds, and contributions from industries and facilities directly  
11 benefiting from the BPNML, and such other fees and incomes derived from the  
12 operation of the BPNML. *Provided*, That the seventy-five (75%) percent shall be set  
13 aside and retained by the Management Board of BPNML which shall appropriate the  
14 same exclusively for the management and operation of the BPNML. *Provided, further*,  
15 that the remaining twenty-five (25%) shall be remitted to the Integrated Protected Areas  
16 Fund (IPAF) established in the NIPAS Act of 1992.

17 The BPNML fund may be augmented by grants, donations, endowment from  
18 various sources, domestic or foreign, for purposes related to their functions: *Provided*,  
19 That disbursements therefrom shall be made solely for the protection, maintenance,  
20 administration and management of the system, and duly approved projects endorsed by  
21 the Management Board in accordance with existing accounting and budgeting rules and  
22 regulations: *Provided, further*, That the fund shall not be used to cover personal  
23 services expenditures.

24 The LGUs shall continue to impose and collect all other fees not enumerated  
25 herein which they have traditionally collected, such as business permits, property tax  
26 and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to fees  
27 imposed by the Management Board: *Provided*, That such add-ons shall be determined  
28 based on the contribution of the LGUs in the maintenance and protection of the BPNML.

29 **SEC. 12. Tenured Migrants and Other Bessang Pass Natural**  
30 **Monument/Landmark Occupants.** –Tenured Migrants shall be eligible to become  
31 stewards of portions of lands within allowable zones of the BPNML. The Management  
32 Board shall identify, verify and review all tenurial instruments, land claims, and  
33 issuances of permits for resource use within the BPNML and recommended the  
34 issuance of the appropriate tenurial instruments or permits consistent with the zoning  
35 provided in the Management Plan and its successor plans.

36 Should areas occupied by Tenured Migrants be designated as zones in which no  
37 occupation or other activities are allowed pursuant to the attainment of sustainable  
38 development, provision for the transfer of said Tenured Migrants to Multiple-Use Zones

1 or Buffer Zones shall be accomplished through just and humane means.

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

6 Other BPNML occupants who do not qualify as Tenured Migrants shall be  
7 resettled outside the BPNML as determined by the Management Board. The  
8 Management Board shall determine, plan and implement a definite schedule for  
9 resettling them outside of the BPNML following the requirement and procedures set  
10 forth by existing laws, rules and regulation.

11 **SEC. 13. Indigenous People's Rights.** – Ancestral Domain and other customary  
12 rights and interests of indigenous communities within the BPNML shall be accorded due  
13 recognition. The preservation of Ancestral Domain and customary rights shall be  
14 considered as one of the management objectives of the BPNML. The maintenance,  
15 management and development of Ancestral Domains within the BPNML shall be  
16 pursuant to Section 58 of Republic Act No. 8371, otherwise known as the "The  
17 Indigenous Peoples Rights Act of 1997 (IPRA)".

18 The identification, delineation and recognition of Ancestral Domain claims within  
19 the BPNML shall be conducted by the National Commission on Indigenous Peoples  
20 (NCIP) pursuant to the provisions the IPRA, and its implementing rules and regulations,  
21 in close coordination and cooperation with the Management Board.

22 **SEC. 14. Prohibited Acts and Penalties.** – The following prohibitions and  
23 penalties shall be applicable to the BPNML, in addition to the prohibited acts as  
24 provided in the NIPAS Act and its pertinent rules and regulations:

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

28 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic  
29 plants or animals, flora or fauna, sand, rocks or By-products derived therefrom, within  
30 particularly identified regulated or prohibited areas zones in the BPNML including  
31 private lands without the necessary permit, authorization or exemption: *Provided*, That  
32 Hunting of animals shall be absolutely prohibited except for scientific research;

33 (2) Cuts, gathers, removes or collects timber or any forest products, within  
34 particularly identified regulated or prohibited areas or zones in the BPNML including  
35 private lands without the necessary permit, authorization or exemption;

36 (3) Possesses or transports, within or outside the BPNML any timber, forest  
37 products, wild terrestrial or aquatic plants, animals, flora or fauna, or by-product derived  
38 therefrom which is ascertained to have been taken from the BPNML;

1 (4) Undertakes Mineral exploration or extraction within the BPNML;

2 (5) Engages in Quarrying of sand, gravel, guano, limestone or any material within  
3 the BPNML;

4 (6) Hunts, collects, removes or destroys any endangered or protected species,  
5 except when Collection or removal is for scientific research and exempted from the  
6 prohibition by the Management Board;

7 (7) Conducts Bioprospecting within the BPNML without prior Management Board  
8 approval in accordance with existing guidelines; or

9 (8) Establishes or introduces Exotic Species within the BPNML which are  
10 detrimental to Endemic Species or without prior Management Board approval.

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

14 (1) Violates any rules and regulations in the Management Plan or by the  
15 Management Board or agreements reached before the Management Board in the  
16 exercise of adjudicative functions;

17 (2) Erects any structure on land or on water for any purposes outside the  
18 Management Plan: *Provided*, That large-scale private infrastructure and other projects  
19 such as medium to high density residential subdivisions, medium to large commercial  
20 and industrial establishments, golf-courses, heavily mechanized commercial and non-  
21 traditional farming, and other activities that cause increased in-migration, pollution and  
22 resource degradation are absolutely prohibited;

23 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the  
24 BPNML without a permit;

25 (4) Throws, dumps or causes to be dumped into the BPNML any non-  
26 biodegradable material or waste whether liquid, solid or gas;

27 (5) Uses, dumps, places or causes to be placed into the BPNML toxic chemicals,  
28 including pesticides and other hazardous substances, unless the same is expressly  
29 allowed in the Management Plan;

30 (6) Prospects, hunts or otherwise locates hidden treasures within the BPNML;

31 (7) Informally occupies or dwells in any land within the BPNML without clearance  
32 from the Management Board;

33 (8) Possesses or uses blasting caps or explosives anywhere within the BPNML;

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

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

38 (11) Engages in kaingin, or, in any manner, causing forest fires inside the BPNML;

1 or

2 (12) Purchases, or sells, mortgages or leases lands or other portions of the  
3 BPNML which are covered by any tenurial instrument.

4 Valuation of the damage for this Act shall take into account Biodiversity and  
5 Conservation considerations as well as aesthetic and scenic value. Valuation assessed  
6 by the DENR or the concerned government agency shall be presumed correct unless  
7 otherwise proven by preponderant evidence.

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

11 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools  
12 and similar devices shall be subject to immediate and administrative confiscation,  
13 independent of the judicial proceedings by the PASu Office upon apprehension, subject  
14 however to due process and substantial evidence requirements. When legal action is  
15 however filed in the regular courts, the said conveyances, vessels, equipments,  
16 paraphernalia, implements, gears, tools and similar devices, independent of the  
17 administrative proceedings, shall not be released until after judgment has been  
18 rendered. Proceeds of the sale of all objects administratively or judicially confiscated  
19 pursuant hereto shall accrue to the BPNML Fund. Procedure for the sale thereof shall  
20 be promulgated by the Management Board. However, in no case shall any confiscated  
21 or rescued protected animal species be sold or in any manner disposed of but shall be  
22 immediately turned over to the PASu office for release in its natural Habitat, subject to  
23 existing regulations.

24 The penalties specified in this Section shall be in addition to the penalties  
25 contained in R.A. 9072 (National Caves and Cave Resources Management and  
26 Protection Act), R.A. 9147 (Wildlife Resources Conservation and Protection Act), and  
27 other related laws.

28 Conviction for any offense under this Act, of a public officer or officer of the law  
29 shall carry the accessory penalty of perpetual disqualification from public office.

30 **SEC. 15. *Energy and Non-Renewable Resources.*** – Any exploitation of or  
31 utilization of Non-Renewable Resources within the BPNML shall not be allowed. Energy  
32 projects, within the BPNML shall be permitted only through an act of Congress except  
33 energy from wind, sun, and water sources and not more than one (1) megawatt capacity  
34 *for mini-hydro power: Provided, That these renewal energy projects are established*  
35 *outside the strict protection zone, adopt reduced impact technologies, and undergo the*  
36 *Environmental Impact Assessment (EIA) system as provided by law: Provided, Further,*  
37 *that the Management Board endorsement has been obtained.*



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

13           **SEC. 17. *Appropriations.*** – The Secretary of the DENR shall immediately include  
14 in the Department's program the implementation of this Act, the funding of which shall  
15 be provided in the annual General Appropriations Act.

16           **SEC. 18. *Reporting Responsibility.*** – The PASu, through the Management  
17 Board, shall submit an annual accomplishment report to the Secretary of the DENR on  
18 the activities undertaken in the BPNML.

19           **SEC. 19. *Construction and Suppletory Application of Existing Laws.*** - The  
20 provisions of this Act shall be construed liberally in favor of achieving Biodiversity  
21 Conservation and environmental protection and sustainable development. Provisions of  
22 Republic Act No. 7586, otherwise known as the NIPAS Act of 1992 and existing forestry  
23 laws, and their corresponding rules and regulations not inconsistent hereto shall have  
24 the suppletory effect in the implementation of this Act.

25           **SEC. 20. *Transitory Provision.*** – In order to ensure the recovery and restoration  
26 of biological diversity and to develop sustainable livelihood opportunities for Tenured  
27 Migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,  
28 clearances, compliance documents or any other instrument that allows exploitation and  
29 utilization of resources within the BPNML until the Management Plan shall have been  
30 put into effect.

31           All existing land use and resource use permits within the BPNML shall be  
32 reviewed and shall not be renewed upon their expiration unless consistent with the  
33 Management Plan and approved by the Management Board. Moreover, areas  
34 determined by Wildlife Habitat and potable water sources and reservoirs shall be  
35 declared protected and Special Use Zones, respectively, and their management and  
36 uses shall be consistent with the provision of the respective executive orders,  
37 presidential proclamations and amendments establishing them.

1           **SEC. 21. Separability Clause.** – If, for any reason, any part or section of this Act  
2 is declared unconstitutional or invalid, such other parts not affected thereby shall  
3 remain in full force and effect.

4           **SEC. 22. Repealing Clause.** –All laws, decrees, proclamations, rules and  
5 regulations inconsistent with the provisions of this Act are hereby repealed or modified  
6 accordingly.

7           **SEC. 23. Effectivity Clause.** This Act shall take effect fifteen (15) days after its  
8 complete publication in the *Official Gazette* or in a national newspaper of general  
9 circulation available in the BPNML.

10           Approved