

8 NOV 19 2011

SENATE

RECEIVED

Senate Bill No. 2895

Introduced by Senator Manny Villar

EXPLANATORY NOTE

This bill seeks to declare the Malabungot Wilderness Area in the Province of Camarines Sur as a protected area.

The Wilderness Area which covers lands of public domain and its surrounding waters is located in the Municipality of Garchitorena, Camarines Sur. It has a total area of more or less 120.62 hectares. Due to its biodiversity and ecological significance, the Malabungot Wilderness Area now known as the Malabungot Protected Landscape and Seascape, was declared a protected area under the category of Protected Landscape and Seascape, in 23 April 2000 through Presidential Proclamation No. 288.

In line with the policy of the State to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, it is incumbent upon Congress to enact a law to provide for the area's management, protection, conservation and sustainable development. It shall be established within the framework of R.A. 7586 or the National Integrated Protected Area System (NIPAS) Act of 1992.

Therefore, this bill seeks to declare the Malabungot Wilderness Area as a protected area in order to protect it from indiscriminate exploitation and to maintain and preserve its ecological balance.

In view of the foregoing, the passage of this bill is earnestly sought.

MANNY VILLAR

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SENATE

Senate Bill No. 2895

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AN ACT
ESTABLISHING THE MALABUNGOT WILDERNESS AREA SITUATED IN
THE MUNICIPALITY OF GARCHITORENA, IN THE PROVINCE OF
CAMARINES SUR, AS A PROTECTED AREA, PROVIDING FOR ITS
MANAGEMENT, AND FOR OTHER PURPOSES

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

SECTION 1. Title. - This Act shall be known as the "Malabungot Protected Landscape and Seascape Act of 2008."

SEC. 2. Land Classification. - All lands of the public domain comprising the Malabungot Protected Landscape and Seascape shall fall under the classification of National Park as provided for the Constitution.

SEC. 3. Scope and Coverage. - The Malabungot Wilderness Area, which falls under the category of protected landscape and seascape as defined therein, shall cover lands of public domain and its surrounding waters in the Municipality of Garchitorena in the Province of Camarines Sur. It shall have the following boundaries: Beginning at a point marked "1" on the map being identical to latitude 13°35'32.77" and longitude 123°35'0.00".

Thence	N 73° 01' W	312.70 m.	to corner 2;
Thence	N 15° 43' W	203.60 m.	to corner 3;
Thence	N 65° 43' W	369.40 m.	to corner 4;
Thence	N 45° 13' E	701.40 m.	to corner 5;
Thence	S 11° 53' E	347.60 m.	to corner 6;
Thence	S 59° 53' E	599.00 m.	to corner 7;
Thence	S 81° 15' E	866.40 m.	to corner 8;
Thence	S 52° 36' E	323.40 m.	to corner 9;
Thence	S 29° 03' W	863.10 m.	to corner 10;
Thence	N 31° 38' W	650.60 m.	to corner 11;
Thence	S 76° 52' W	229.60 m.	to corner 12;
Thence	N 75° 47' W	425.30 m.	to corner 13;
Thence	N 32° 18' W	214.80 m.	to corner 1; which is

the point of beginning containing an area of One Hundred Twenty and 62/100 (120.62), more or less hectares.

The technical descriptions provided in this Act will be subject to ground survey and verification to be conducted by the Department of Environment and Natural Resources (DENR).

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

SEC. 4. Definition of Terms. – For purposes of this Act, the following terms are defined as follows:

a. **“Biodiversity”** refers to variety and variability among living organisms and the ecological complexes in which said organisms occur.

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

c. **“Bioprospecting”** means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes.

d. **“Buffer Zone”** refers to the identified area outside the boundaries of *and immediately adjacent to the designated Malabungot Protected Landscape and Seascape* that needs special development control in order to avoid or minimize harm to the Malabungot Protected Landscape and Seascape.

e. **“By-products or derivatives”** refers to any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens.

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

g. **“Conservation”** refers to the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat.

h. **“Ecosystem”** refers to the dynamic complex of plant, animal and microorganism communities and their non-living environment interacting as a functional unit.

i. **“Endangered species”** refers to species or subspecies of flora and fauna that is not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating.

j. **“Endemic species”** refers to species or subspecies of flora and fauna which is naturally occurring and found only within specific areas in the country.

k. **“Exotic species”** refers to species or subspecies of flora and fauna which do not naturally occur within the Malabungot Protected Landscape and Seascape at present or in historical time.

l. **“Habitat”** refers to a place or type of environment where a species or subspecies naturally occur or has naturally established its population.

m. **“Hunting”** refers to collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like.

n. **“Management plan”** refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Malabugot Protected Landscape and Seascape in order to attain the objectives of this Act.

o. **“Mineral”** refers to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy.

p. **“Multiple-Use Zone”** refers to the area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan.

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

r. **“NIPAS Act”** refers to the National Integrated Protected Areas System Act (NIPAS) of 1992 or Republic Act No. 7586, and its Implementing Rules and Regulations.

s. **“Non-governmental organization (NGO)”** refers to an agency, institution, foundation or a group of persons whose purpose is to assist peoples organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing.

t. **“People’s Organization (PO)”** refers to a group of organized migrant communities and or interested indigenous peoples which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.

u. **“Protected Area”** refers to the identified portions of land and/or water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

v. **“Protected Area Management Board (PAMB)”** refers to a multi-sectoral policy-making body for protected areas created in accordance with RA 7586 or the NIPAS Act of 1992;

w. **“Protected landscape”** refers to an area of national significance which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.

x. **“Protected species”** refers to any individual species of plants and animals that is or shall be declared as protected under Philippine laws, rules and regulations issued by the DENR, species listed as protected against trade, hunting and harvest under international conventions to which the Philippines is or will become a signatory such as, but not limited to, the Convention on International Trade of Endangered Species (CITES). These include species, which may be restricted for use under regulations issued by the Protected Area Management Board (PAMB) or the DENR, and those particularly mentioned in the management plan.

y. **“Quarrying”** means the process of extracting, removing and disposing quarry resources found on or underneath the surface of private or public land;

z. **“Strict protection zone”** refers to a natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.

aa. **“Sustainable use”** refers to the use of components of biological diversity in a way and rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations; and quarry resources found on or underneath the surface of private or public land.

bb. **“Tenured Migrants”** refers to occupants who have actually and continuously occupied a portion of the protected area and is solely dependent therein for subsistence. A protected area occupant is understood to be “solely dependent for subsistence” when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from the utilization of resources from the Malabungot Protected Landscape and Seascape.

cc. **“Wildlife”** means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

SEC. 5. Management of the Chico Island Wildlife Sanctuary. – There is hereby created a PAMB which shall have jurisdiction, power and authority over the Malabungot Protected Landscape and Seascape for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- (1) The Regional Executive Director (RED) of DENR Region V as chairperson;
- (2) The Provincial Planning and Development Officer (PPDO) of the Province;
- (3) The Mayor of the Municipality of Garchitorena in the Province of Camarines Sur, or their duly designated representatives;
- (4) One representative from each barangay with territory inside the Malabungot Protected Landscape and Seascape;
- (6) One representative from each department or national government agency directly involved in the Malabungot Protected Landscape and Seascape or has long term projects or permanent facility located therein;
- (7) At least three (3) representatives from accredited NGOs operating within the Malabungot Protected Landscape and Seascape;
- (8) At least two (2) representatives from accredited POs operating within the within the Malabungot Protected Landscape and Seascape; and

(9) One representative from academic institutions directly involved in the conservation of the Malabungot Protected Landscape and Seascape.

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

The members of the PAMB shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act. As a transitory provision, the initial members of the PAMB shall be nominated from the current members of the interim PAMBs of the Malabungot Protected Landscape and Seascape. Their nominations shall be conducted in a joint meeting of the current members of the interim PAMBs duly called for the purpose: *Provided*, That at least one-third (1/3) of the members shall be women.

In the selection of the representatives of POs and NGOs, preference shall be accorded to those organizations that are involved in the conservation, protection and development of the Malabungot Protected Landscape and Seascape. Representation shall be by institution and shall aim to achieve balance in representation by geographic location or areas.

The representatives from the local government units (LGUs) and national agencies in the PAMB shall include among their duties to inform their respective constituents, office or sector, of PAMB approved or other relevant policies, rules, regulations, programs, and projects, and to ensure that the provisions of this Act are observed, complied with, and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such representative to disciplinary action as the PAMB may provide.

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

SEC. 6. Powers and Functions of the PAMB. - The PAMB of the Chico Island Wildlife Sanctuary shall have the following powers and functions in addition to those provided under RA 7586 or the NIPAS Act of 1992 and its Implementing Rules and Regulations:

- (1) Issue rules and regulations to prohibit acts that may be prejudicial to the Malabungot Protected Landscape and Seascape and to the declaration of policy set forth under the NIPAS;
- (2) Issue rules and regulations for the resolution of conflicts through appropriate and effective means;
- (3) Adopt rules and procedures in the conduct of business, including the creation of committees to which its powers may be delegated;
- (4) Approve the management plan and oversee the office of the Protected Area Superintendent (PASu);
- (5) Establish criteria and set fees for the issuance of permits for activities regulated by this Act or the management plan;

- (6) Recommend the deputization of appropriate individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the Malabungot Protected Landscape and Seascape;
- (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and raise funds for the Malabungot Protected Landscape and Seascape;
- (8) Manage the allocation of the Malabungot Protected Landscape and Seascape Fund, and other funds for the Malabungot Protected Landscape and Seascape, ensure their proper administration and render accounting;
- (9) Recommend appropriate policy changes to the DENR and other government authorities; and
- (10) Perform such other functions as the PAMB may delegate.

The DENR, through the Regional Executive Director of Region V, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and the resolutions issued by the PAMB, such conflict shall be referred by PAMB to the Secretary of the DENR-who shall decide whether to apply the rule or withdraw its application in the Malabungot Protected Landscape and Seascape.

SEC. 7. Protected Area Superintendent (PASu) Office. - There is hereby established a PASu Office in charge of the implementation of the projects, programs and policies for the management, protection and administration of the Malabungot Protected Landscape and Seascape. It will be headed by a Protected Area Superintendent (PASu) and shall be supported by the existing personnel of the DENR. The PASu shall be the chief operating officer of the Malabungot Protected Landscape and Seascape and shall be accountable to the RED of the DENR-Region V and the PAMB.

The PASu shall have full responsibility for the protection of land, water, wildlife and other natural physical and biological resources within the Malabungot Protected Landscape and Seascape. As such, the PASu shall have the following duties and responsibilities in addition to those provided under RA 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

- (1) Establish, operate and maintain a database management system as decision support tool;
- (2) Prepare the management plan for the Malabungot Protected Landscape and Seascape;
- (3) Provide a secretariat for the PAMB and supply the PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- (4) Enforce the laws, rules and regulations relevant to the Malabungot Protected Landscape and Seascape, institute and file legal action independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act:

- (5) Monitor all activities within the Malabungot Protected Landscape and Seascape to ensure its conformity with the management plan;
- (6) Recommend the issuance of permits based on terms, conditions and criteria established by the PAMB;
- (7) Ensure the integration of the Malabungot Protected Landscape and Seascape management policies, regulations, programs and projects at all the concerned national and LGU levels; and
- (8) Perform such other functions as the PAMB may assign.

The PASu shall be supported by a sufficient number of personnel who shall be performing day to day management, protection and administration of the Malabungot Protected Landscape and Seascape. Upon the recommendations of the PAMB, the DENR RED shall deputize local community leaders and

SEC. 8. Tenured Migrants and Other Malabungot Protected Landscape and Seascape Occupants. - Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones. The PAMB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the Malabungot Protected Landscape and Seascape and recommend the issuance of the appropriate tenurial instrument consistent with the zoning provided in the management plan and its successor plans.

Should areas occupied by tenured migrants be designated as zones in which no occupation or other activities are allowed pursuant to the attainment of sustainable development, provision for the transfer of said tenured migrants to multiple use zones or buffer zones shall be accomplished through just and humane means.

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

Other Malabungot Protected Landscape and Seascape occupants who do not qualify as tenured migrants shall be resettled outside the Malabungot Protected Landscape and Seascape as determined by the PAMB. The PAMB shall determine, plan and implement a definite schedule for resettling them outside of the Chico Island Wildlife Sanctuary following the procedures set forth by existing law.

SEC. 9. Existing Facilities Within the Malabungot Protected Landscape and Seascape. - Within sixty (60) days from the effectivity of this Act, existing facilities such as roads, buildings, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities existing within the boundaries of the Malabungot Protected Landscape and Seascape shall submit project description to the PAMB through the PASu.

The PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plan and operations will be detrimental to the Malabungot Protected Landscape and Seascape or whether conditions for its operation shall be imposed. If any such conditions are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand pesos

(P500,000.00), the PAMB through the PASu and deputizing other government entities, shall cause the cessation and demolition of the facility at the cost of its owner. Existing facilities allowed to remain within the Malabungot Protected Landscape and Seascape may be charged a reasonable royalty by the PAMB. All income from such royalty shall accrue to the Malabungot Protected Landscape and Seascape Fund.

SEC. 10. Utilization of Resources. - Any exploitation of or utilization of non-renewable resources within the Malabungot Protected Landscape and Seascape shall not be allowed. Energy projects within the Malabungot Protected Landscape and Seascape shall be allowed only through an act of Congress except energy from wind, sun, and water sources of not more than one (1) megawatt capacity for mini-hydro power. *Provided*, That these renewable energy projects are outside the strict protection zone, adopt reduced impact technologies, and undergo the Environmental Impact Assessment (EIA) system as provided by law and: *Provided, Further*, that the PAMB has endorsed the project.

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

SEC. 12. Malabungot Protected Landscape and Seascape. - There is hereby established a trust fund to be known as the Malabungot Protected Landscape and Seascape Fund for purposes of financing its projects. Seventy-five percent (75%) of the income generated from the operation of the Malabungot Protected Landscape and Seascape and/or management of wild flora and fauna in the landscape/seascape shall accrue to the Fund. The remaining twenty-five percent (25%) shall be deposited to the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.

Income shall be derived from visitor/tourist fees, fees from permitted sale and export of flora and fauna and other resources from the Malabungot Protected Landscape and Seascape, proceeds from registration and lease of multiple-use areas, including tourism concessions, fees, proceeds and contributions from industries and facilities directly benefiting from the Malabungot Protected Landscape and Seascape; and such other fees and income derived from the operation of the Malabungot Protected Landscape and Seascape.

The Malabungot Protected Landscape and Seascape Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That disbursements therefrom shall be made solely for the protection, maintenance, administration and management of the system, and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and

regulations: *Provided, Further,* That the Fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs' facilities. *Provided,* That the LGUs shall not impose property tax and issue tax declaration for areas or properties located in timberland areas or areas previously classified as national parks. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided,* That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the Malabungot Protected Landscape and Seascape.

SEC. 13. *Prohibited Acts and Penalties.* - The following shall be the prohibitions and penalties applicable to the Malabungot Protected Landscape and Seascape, in addition to the prohibited acts as provided in the NIPAS Act and its Implementing Rules and Regulations:

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

(1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within particularly identified regulated or prohibited areas zones in the Malabungot Protected Landscape and Seascape including private lands without the necessary permit, authorization or exemption: *Provided,* That the hunting of animals shall be absolutely prohibited except for scientific research;

(2) Cuts, gathers, removes or collects timber or any forest products, within particularly identified regulated or prohibited areas or zones in the Malabungot Protected Landscape and Seascape including private lands without the necessary permit, authorization or exemption;

(3) Possesses or transports, within or outside the Malabungot Protected Landscape and Seascape any timber, forest products, wild terrestrial or aquatic plants, animals, or by-product derived therefrom which is ascertained to have been taken from the Malabungot Protected Landscape and Seascape;

(4) Undertakes mineral exploration or extraction within the Malabungot Protected Landscape and Seascape;

(5) Engages in quarrying of sand, gravel, guano, limestone or any material;

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

(7) Conducts bioprospecting within the Malabungot Protected Landscape and Seascape without the necessary permit; or

(8) Establishes or introduces any exotic species within the Malabungot Protected Landscape and Seascape, which are detrimental to endemic species and the ecosystem therein.

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

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

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

(3) Possesses a chainsaw, hacksaw and other mechanized equipment within the Malabungot Protected Landscape and Seascape without a permit;

(4) Throws, dumps or causes to be dumped into the Malabungot Protected Landscape and Seascape any non-biodegradable material or waste whether liquid, solid or gas;

(5) Uses, dumps, places or causes to be placed into the Malabungot Protected Landscape and Seascape toxic chemicals, including pesticides and other hazardous substances, unless the same is expressly allowed in the management plan;

(6) Prospects, hunts or otherwise locates hidden treasures within the Malabungot Protected Landscape and Seascape;

(7) Informally occupies or dwells in any land within Malabungot Protected Landscape and Seascape without clearance from the PAMB;

(8) Possesses or uses blasting caps or explosives anywhere within the Malabungot Protected Landscape and Seascape;

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

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

(11) Engages in kaingin, or, in any manner, causing forest fires inside the Malabungot Protected Landscape and Seascape; or

(12) Purchases, or sells, mortgages or leases lands or other portions of the Malabungot Protected Landscape and Seascape which are covered by any tenurial instrument.

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

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

All conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices shall be subject to immediate and administrative confiscation, independent of the judicial proceedings by the PASu Office upon apprehension, subject however to due process and substantial evidence requirements. When legal action is however filed in the regular courts, the said conveyances, vessels, equipments, paraphernalia, implements, gears, tools and similar devices, independent of the administrative proceedings, shall not be released until after judgment has been rendered. Proceeds of the sale of all objects administratively or judicially confiscated pursuant hereto shall accrue to the Malabungot Protected Landscape and Seascape Fund. Procedure for the sale thereof shall be promulgated by the PAMB. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PASu Office for release in its natural habitat, subject to existing regulations.

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

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

SEC. 14. Reporting Responsibility. -The PASu, through the PAMB, shall submit an annual accomplishment report to the Secretary of the DENR on the activities undertaken in the Malabungot Protected Landscape and Seascape.

SEC. 15. Appropriations. -The Secretary of the DENR shall immediately include in the DENR's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 16. Construction and Suppletory Application of Existing Laws.
- The provisions of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development. Provisions of Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System Act of 1992 and existing forestry laws, and their corresponding rules and regulations not inconsistent hereto shall have the suppletory effect in the implementation of this Act.

SEC. 17. Transitory Provision. - In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses, permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the Malabungot Protected Landscape and Seascape until the management plan shall have been put into effect.

All existing land use and resource use permits within the Malabungot Protected Landscape and Seascape shall be reviewed and shall not be renewed upon their expiration unless consistent with the management plan, as provided herein, and upon approval by the PAMB.

SEC. 18. *Repealing Clause.* - All laws, decrees, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 19. *Separability Clause.* - If, for any reason, any part or section of this Act is declared unconstitutional or invalid, such other parts not affected thereby shall remain in full force and effect.

SEC. 20. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in a national newspaper of general circulation available in the Malabungot Protected Landscape and Seascape.

Approved.