

SENATE

10 JUL 27 P4 09

Senate Bill No. 2157

RECEIVED BY: 

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Balinsasayao Twin Lakes Natural Park in the municipalities of Valencia, Sibulan and San Jose in Negros Oriental as a protected area.

The Balinsasayao Twin Lakes Natural Park, which covers 8,016.05 hectares, is considered as the only remaining rainforest in the island of Negros. The Park hosts a significant number of threatened endemic wildlife species such as the Visayan spotted deer, Asian leopard cat, Flame-templed babbler, Writhed-billed hornbills and bare-backed bats. Lake Balinsasayao has also been recorded as one of the remaining habitat of the critically-endangered Philippine tube-nosed fruit bat, one of the few striped bats in the world.

Recognizing the value of the area, it was proclaimed as a protected area by virtue of Presidential Proclamation No. 414 on November 21 2000.

This bill, therefore, seeks to declare the Balinsasayao Twin Lakes Natural Park as a protected area in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance.

Given the importance of biodiversity, it is deemed crucial that we act on this now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.


SENATOR PIA S. CAYETANO

SENATE

10 JUL 27 P4 09

S. No. 2157

RECEIVED BY: 

Introduced by Senator Pia S. Cayetano

**AN ACT
ESTABLISHING THE BALINSASAYAO TWIN LAKES LOCATED IN THE
MUNICIPALITIES OF VALENCIA, SIBULAN AND SAN JOSE, PROVINCE OF
NEGROS ORIENTAL AS A PROTECTED AREA UNDER THE CATEGORY OF
NATURAL PARK, 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 “Balinsasayao Twin Lakes
2 Natural Park Act of 2010”.

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

6 SEC. 3. *Definition of Terms.* – For purposes of this Act, the following terms are
7 defined as follows:

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

10 (b) “Biological resources” shall include genetic resources, organisms or parts
11 thereof, population, or any other biotic component of ecosystems with actual or potential
12 use or value for humanity.

13 (c) “Bioprospecting” shall mean the research, collection and utilization of biological
14 and genetic resources for purposes of applying the knowledge derived therefrom solely
15 for commercial purposes.

16 (d) “Buffer zones” shall refer to identified areas outside the boundaries of the
17 designated Balinsasayao Twin Lakes Natural Park that need special development and
18 control in order to provide an extra layer around the Balinsasayao Twin Lakes Natural
19 Park where restrictions may apply, and managed according to the Management Plan
20 and applicable rules and regulations issued as provided for in this Act and related
21 statutes.

1 (e) "By-product or derivatives" shall mean any part taken or substance extracted
2 from wildlife, in raw or in processed form. This includes stuffed animals and herbarium
3 specimens.

4 (f) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-
5 products or derivatives.

6 (g) "Conservation" shall mean preservation and sustainable utilization of wildlife,
7 and/or maintenance, restoration and enhancement of the habitat.

8 (h) "Ecosystem" shall mean the dynamic complex of plant, animal and micro-
9 organism communities and their non-living environment interacting as a functional unit.

10 (i) "Endangered species" shall refer to species or subspecies that is not critically
11 endangered but whose survival in the wild is unlikely if the causal factors continue
12 operating.

13 (j) "Endemic species" shall mean species or subspecies of flora and fauna which is
14 naturally occurring and found only within specific areas in the country.

15 (k) "Exotic species" shall mean species or subspecies of flora and fauna which do
16 not naturally occur within the Balinsasayao Twin Lakes Natural Park at present or in
17 historical time.

18 (l) "Habitat" shall mean a place or type of environment where a species or
19 subspecies naturally occurs or has naturally established its population.

20 (m) "Hunting" shall refer to collection of wild fauna for food and/or recreational
21 purposes with the use of weapons such as guns, bow and arrow, spear and the like.

22 (n) "Management Plan" shall refer to the fundamental plan, strategy and/or scheme
23 which shall guide all activities relating to the Balinsasayao Twin Lakes Natural Park in
24 order to attain the objectives of this Act.

25 (o) "Mineral" shall refer to all naturally occurring inorganic substance in solid, gas,
26 liquid, or any intermediate state including energy materials such as coal, petroleum,
27 natural gas, radioactive materials, and geothermal energy.

28 (p) "Multiple-Use Zone" shall refer to an area where settlement, traditional and/or
29 sustainable land use, including agriculture, agro-forestry, extraction activities and other
30 income generating or livelihood activities, may be allowed to the extent prescribed in the
31 IPAP/PAMP.

32 (q) "National Integrated Protected Areas System" is the classification and
33 administration of all designated protected areas to maintain essential ecological
34 processes and life-support systems, to preserve genetic diversity, to ensure sustainable
35 use of resources found therein, and to maintain their natural conditions to the greatest
36 extent possible.

37 (r) "National Park" shall refer to the land of the public domain classified as such in
38 the 1987 Constitution which include all areas under the National Integrated Protected

1 Areas System (NIPAS) pursuant to R.A. 7586 primarily designated for the conservation
2 of native plants and animals, their associated habitats and cultural diversity.

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

7 (t) "Non-governmental organization (NGO)" shall refer to an agency, institution,
8 foundation or a group of persons whose purpose is to assist people's
9 organizations/associations in various ways including, but not limited to, organizing,
10 education, training, research and/or resource accessing.

11 (u) "People's Organization" shall refer to a group of organized migrant communities
12 and or interested indigenous peoples which may be an association, cooperative,
13 federation, or other legal entity, established to undertake collective action to address
14 community concerns and needs, and mutually share the benefits of the endeavor.

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

18 (w) "Protected Area Management Board" shall refer to a multi-sectoral policy-
19 making body for protected areas created in accordance with RA 7586 or the NIPAS Act
20 of 1992.

21 (x) "Quarrying" shall mean the process of extracting, removing and disposing quarry
22 resources found on or underneath the surface of private or public land.

23 (y) "Strict protection zone" shall refer to a natural area with high biodiversity value
24 which shall be closed to all human activity except for scientific studies and/or
25 ceremonial or religious use by the indigenous cultural communities/indigenous peoples;
26 may include habitats of threatened species, or degraded areas that have been
27 designated for restoration and subsequent protection, even if these areas are still in
28 various stages of regeneration.

29 (z) "Sustainable use" shall mean the use of components of biological diversity in a
30 way and rate that does not lead to the long-term decline of biological diversity, thereby
31 maintaining its potential to meet the needs and aspirations of present and future
32 generations.

33 (aa) "Tenured migrants" shall refer to forest occupants who have actually and
34 continuously occupied a portion of the Balinsasayao Twin Lakes Natural Park and is
35 solely dependent therein for subsistence. A Balinsasayao Twin Lakes Natural Park
36 occupant is understood to be "solely dependent for subsistence" when everything
37 indispensable for survival for the household, including food, clothing, shelter and health,

1 comes only from the utilization of resources from the Balinsasayao Twin Lakes Natural
2 Park.

3 (bb) "Threatened Species" shall refer to a general term to denote species or
4 subspecies of flora and fauna considered as critically endangered, endangered,
5 vulnerable or other accepted categories of wildlife whose population is at risk of
6 extinction.

7 (cc) "Wildlife" shall mean wild forms and varieties of flora and fauna, in all
8 developmental stages, including those which are in captivity or are being bred or
9 propagated.

10 SEC. 4. *Scope and Coverage.* – The Balinsasayao Twin Lakes Natural Park shall
11 cover certain parcels of land situated in the Municipalities of Valencia, Sibulan and San
12 Jose, Province of Negros Oriental. Its boundaries, subject to ground demarcation, are
13 as follows:

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

16	Thence N 71° 25' W	282.40 m.	to corner	2;
17	Thence N 72° 27' W	705.70 m.	to corner	3;
18	Thence S 20° 52' W	337.90 m.	to corner	4;
19	Thence S 74° 41' W	491.00 m.	to corner	5;
20	Thence S 46° 19' W	1,376.00 m.	to corner	6;
21	Thence S 70° 50' W	400.00 m.	to corner	7;
22	Thence N 71° 25' W	756.50 m.	to corner	8;
23	Thence S 32° 11' W	875.00 m.	to corner	9;
24	Thence S 58° 12' W	1,190.40 m.	to corner	10;
25	Thence N 64° 15' W	8,092.30 m.	to corner	11;
26	Thence DUE W	670.28 m.	to corner	12;
27	Thence N 39° 30' E	5,954.47 m.	to corner	13;
28	Thence S 80° 21' E	4,173.80 m.	to corner	14;
29	Thence N 45° 43' E	4,166.40 m.	to corner	15;
30	Thence DUE S	226.00 m.	to corner	16;
31	Thence S 45° 19' W	785.70 m.	to corner	17;
32	Thence S 25° 47' E	193.20 m.	to corner	18;
33	Thence N 50° 45' E	303.60 m.	to corner	19;
34	Thence S 47° 01' E	489.10 m.	to corner	20;
35	Thence S 20° 40' E	289.20 m.	to corner	21;
36	Thence N 18° 36' E	481.70 m.	to corner	22;
37	Thence N 40° 44' E	510.00 m.	to corner	23;
38	Thence DUE E	208.00 m.	to corner	24;

1	Thence N 35° 46' E	409.60 m.	to corner	25;
2	Thence S 70° 39' E	346.80 m.	to corner	26;
3	Thence S 25° 47' E	289.90 m.	to corner	27;
4	Thence N 48° 44' E	283.80 m.	to corner	28;
5	Thence S 60° 53' E	690.30 m.	to corner	29;
6	Thence S 31° 10' W	310.90 m.	to corner	30;
7	Thence S 65° 59' W	299.10 m.	to corner	31;
8	Thence S 41° 19' W	587.40 m.	to corner	32;
9	Thence S 20° 52' E	289.60 m.	to corner	33;
10	Thence S85°10'E	278.50 m.	to corner	34;
11	Thence DUE S	240.00 m.	to corner	35;
12	Thence S 31° 55' E	213.20 m.	to corner	36;
13	Thence S 33° 57' E	436.70 m.	to corner	37;
14	Thence S 77° 34' W	882.60 m.	to corner	38;
15	Thence S 15° 31' E	298.30 m.	to corner	39;
16	Thence N 61° 58' E	301.30 m.	to corner	40;
17	Thence N 48° 44' E	293.40 m.	to corner	41;
18	Thence S 10° 22' E	240.30 m.	to corner	42;
19	Thence S 50° 00' E	588.40 m.	to corner	43;
20	Thence S 20° 32' W	190.00 m.	to corner	44;
21	Thence DUE S	288.00 m.	to corner	45;
22	Thence S 60° 53' E	345.10 m.	to corner	46;
23	Thence N 64° 47' E	398.00 m.	to corner	47;
24	Thence S 85° 31' E	280.70 m.	to corner	48;
25	Thence S 30° 04' E	387.50 m.	to corner	49;
26	Thence S 31° 10' W	291.50 m.	to corner	50;
27	Thence S 08° 10' E	230.50 m.	to corner	51;
28	Thence DUE E	346.20 m.	to corner	52;
29	Thence S 15° 40' W	173.30 m.	to corner	53;
30	Thence S 31° 10' W	242.90 m.	to corner	54;
31	Thence S 61° 07' W	218.70 m.	to corner	55;
32	Thence N 79° 39' W	201.30 m.	to corner	56;
33	Thence S 32° 11' W	272.20 m.	to corner	57;
34	Thence S 15° 31' E	481.10 m.	to corner	58;
35	Thence S 31° 10' W	291.50 m.	to corner	59;
36	Thence S 78° 32' W	280.90 m.	to corner	60;
37	Thence N 27° 12' W	371.70 m.	to corner	61;
38	Thence S41°19'W	195.80 m.	to corner	62;

1 Thence S 20° 40' E 366.40 m. to corner 63;
 2 Thence S 64° 16' W 221.10 m. to corner 64;
 3 Thence S 14° 29' E 154.00 m. to corner 65;
 4 Thence S 16° 36' E 192.60 m. to corner 66;
 5 Thence S 61° 07' W 447.40 m. to corner 67;
 6 Thence S 20° 52' W 202.70 m. to corner 68;
 7 Thence S 20° 40' E 570.50 m. to corner 69;
 8 Thence S 41° 01' E 370.30 m. to corner 70;
 9 Thence S 31° 10' W 291.50 m. to corner1, the point of beginning, containing
 10 an area of eight thousand sixteen and five hundredths (8,016.05) hectares, more or
 11 less.

12 The technical descriptions provided in this Act will be subject to ground survey and
 13 verification to be conducted by the Department of Environment and Natural Resources
 14 (DENR). Any modification of the coverage of this Act due to such factors as changing
 15 ecological situations, new scientific or archeological findings, or discovery of traditional
 16 boundaries not previously taken into account shall be made through an act of Congress,
 17 after consultation with the affected public and concerned government agencies.

18 **SEC. 5. Management of the Balinsasayao Twin Lakes Natural Park** - There is
 19 hereby created a PAMB which shall have jurisdiction, power and authority over the
 20 Balinsasayao Twin Lakes Natural Park for all matters that may affect biodiversity
 21 conservation, protection and sustainable development. It shall be composed of:

22 (a) The Regional Executive Director (RED) of the DENR-Region VII, as the
 23 chairperson;

24 (b) The Provincial Planning and Development Officer (PPDO) of the Province of
 25 Negros Oriental;

26 (c) The Municipal Mayors of Valencia, Sibulan and San Jose in the Province of
 27 Negros Oriental, or their duly designated representatives;

28 (d) One representative from each barangay covering the Balinsasayao Twin Lakes
 29 Natural Park;

30 (e) One representative from each department or national government agency
 31 directly involved in the protected area or has long term projects or permanent facility
 32 located therein;

33 (f) At least three (3) representatives from accredited NGOs with stakes in the
 34 Balinsasayao Twin Lakes Natural Park, chosen from among themselves;

35 (g) At least two (2) representatives from local POs with stakes in the Balinsasayao
 36 Twin Lakes Natural Park, chosen from among themselves; and

37 (h) One representative from academic institutions directly involved in the
 38 conservation of the Balinsasayao Twin Lakes Natural Park.

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

5 The members of the PAMB shall be appointed by the Secretary of the DENR in
6 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
7 members of the PAMB shall be nominated from the current members of the interim
8 PAMB of the Balinsasayao Twin Lakes Natural Park. Their nominations shall be
9 conducted in a joint meeting of the current members of the interim PAMB duly called for
10 the purpose: *Provided*, That the members shall include a number of women.

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

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

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

27 **SEC. 6. Powers and Functions of the PAMB.** – The PAMB of the Balinsasayao
28 Twin Lakes Natural Park shall have the following powers and functions, in addition to
29 those provided under RA 7586 or the NIPAS Act of 1992 and its implementing rules and
30 regulations:

31 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the
32 Balinsasayao Twin Lakes Natural Park and to the declaration of policy set forth under
33 the NIPAS;

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

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

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

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

5 (6) Recommend the deputization of appropriate individuals for the
6 enforcement of the laws, rules and regulations governing the conduct or management of
7 the Balinsasayao Twin Lakes Natural Park;

8 (7) Approve fees and charges in accordance with DAO 51, Series of 2000
9 and raise funds for the Balinsasayao Twin Lakes Natural Park;

10 (8) Manage the allocation of the Balinsasayao Twin Lakes Natural Park Fund,
11 and other funds for the Balinsasayao Twin Lakes Natural Park, ensure their proper
12 administration and render accounting; and

13 (9) Recommend appropriate policy changes to the DENR and other
14 government authorities.

15 The DENR, through the RED, shall ensure that the PAMB acts within the scope of
16 its powers and functions. In case of conflict between administrative orders issued by
17 the DENR pursuant to the NIPAS Act and resolutions issued by the PAMB, such conflict
18 shall be referred by PAMB to the DENR Secretary who shall decide whether to apply
19 the rule or withdraw its application in the Balinsasayao Twin Lakes 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 administration
22 of the PASu and shall be supported by the existing personnel of the DENR. The PASu
23 shall be the Chief Operating Officer of the Balinsasayao Twin Lakes Natural Park and
24 shall be accountable to the RED of the DENR-Region VII and the PAMB. The PASu
25 shall have the following duties and responsibilities, in addition to those provided under
26 RA 7586 or the NIPAS Act of 1992 and its Implementing Rules and Regulations:

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

29 (2) Prepare the management plans as herein defined;

30 (3) Provide a Secretariat for the PAMB and supply the PAMB with all the
31 information necessary to make appropriate decisions for the implementation of this Act;

32 (4) Enforce the laws, rules and regulations relevant to the Balinsasayao Twin
33 Lakes Natural Park and institute and file legal action independently or in collaboration
34 with other government agencies or organizations and assist in the prosecution of
35 offenses committed in violation of this Act;

36 (5) Monitor all activities within the Balinsasayao Twin Lakes Natural Park to ensure
37 its conformity with the management plan;

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

3 (7) Ensure the integration of the Balinsasayao Twin Lakes Natural Park
4 management policies, regulations, programs and projects at all the concerned national
5 and Local Government Unit levels; and

6 (8) Perform such other functions as the PAMB may delegate.

7 The PASu shall be supported by a sufficient number of personnel, who shall be
8 performing day-to-day management, protection and administration of Balinsasayao
9 Twin Lakes Natural Park. Upon the recommendation of the PAMB, the DENR Regional
10 Director shall deputize local community leaders and environment and natural resource
11 officers.

12 *SEC. 8. Tenured Migrants and Other Balinsasayao Twin Lakes Natural Park*
13 *Occupants* – Tenured migrants shall be eligible to become stewards of portions of lands
14 within the allowable zones. The PAMB shall identify, verify and review all tenurial
15 instrument, land claims and issuance of permits for resource use within the
16 Balinsasayao Twin Lakes Natural Park and recommend the issuance of the appropriate
17 tenurial instrument consistent with the zoning provided in the management and its
18 successor plans.

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

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

26 *SEC. 9. Prohibited Acts and Penalties.* – The following prohibitions and penalties
27 are applicable to the Balinsasayao Twin Lakes Natural Park, in addition to the prohibited
28 acts as provided in the NIPAS Act and its pertinent rules and regulation:

29 (A) The penalties in Articles 309 and 310 of the Revised Penal Code, in addition to
30 the prohibited acts as provided in the NIPAS Act and its pertinent rules and regulations:

31 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or aquatic
32 plants or animals, flora or fauna, sand, rocks or by- products derived therefrom, within
33 particularly identified regulated or prohibited areas or zones in the Balinsasayao Twin
34 Lakes Natural Park including private lands without the necessary permit, authorization
35 or exemption: *Provided, That* hunting of animals shall be absolutely except for
36 prohibited for scientific research;

37 (2) Cuts, gathers, removes or collects timber or any forest products within
38 particularly identified prohibited areas or zones in the Balinsasayao Twin Lakes Natural

1 Park area including private lands, without the necessary permit, authorization or
2 exemption;

3 (3) Undertakes mineral exploration or extraction within the Balinsasayao Twin
4 Lakes Natural Park;

5 (4) Possesses or transports, within or outside the Balinsasayao Twin Lakes
6 Natural Park any timber, forest products, wild terrestrial or aquatic plants, animals, flora
7 or fauna or by-product derived therefrom which are ascertained to have been taken
8 from the Balinsasayao Twin Lakes Natural Park.

9 (5) Hunts, collects, removes or destroys endangered or protected species, except
10 when collection or removal is for scientific research and exempted from the prohibition
11 by the PAMB.

12 (6) Engages in quarrying of sand, gravel, guano, limestone or any material within
13 the Balinsasayao Twin Lakes Natural Park;

14 (7) Conducts bioprospecting within the Balinsasayao Twin Lakes Natural Park
15 without prior PAMB approval in accordance with existing guidelines; or

16 (8) Establishes or introduces exotic species within the Balinsasayao Twin Lakes
17 Natural Park which are detrimental to endemic species or without prior PAMB approval.

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

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

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

29 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
30 Balinsasayao Twin Lakes Natural Park without a permit;

31 (4) Throws, dumps or causes to be dumped into the Balinsasayao Twin Lakes
32 Natural Park any non-biodegradable material or waste whether liquid, solid or gas;

33 (5) Uses, dumps, places or causes to be placed into the Balinsasayao Twin Lakes
34 Natural Park toxic chemicals, including pesticides and other hazardous substances,
35 unless the same is expressly allowed in the protection and conservation plan;

36 (6) Prospects, hunts or otherwise locate hidden treasures within the Balinsasayao
37 Twin Lakes Natural Park;

1 (7) Informally occupies or dwells in any land within the Balinsasayao Twin Lakes
2 Natural Park without clearance from the PAMB;

3 (8) Possesses or uses blasting caps or explosives anywhere within the
4 Balinsasayao Twin Lakes Natural Park;

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

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

9 (11) Engages in kaingin, or, in any manner, causing forest fires inside the
10 Balinsasayao Twin Lakes Natural Park; or

11 (12) Purchases, or sells, mortgages or leases lands or other portions of the
12 Balinsasayao Twin Lakes Natural Park which are covered by any tenurial instrument.

13 Valuation of the damage shall take into account biodiversity and conservation
14 considerations, as well as aesthetic and scenic value. Valuation by the DENR or the
15 concerned government agency shall be presumed correct unless proven otherwise by
16 preponderant evidence.

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

20 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
21 and similar devices shall be subject to immediate and administrative confiscation,
22 independent of the judicial proceedings by the PASu Office upon apprehension, subject
23 however to due process and substantial evidence requirements. When legal action is
24 however filed in the regular courts, the said conveyances, vessels, equipments,
25 paraphernalia, implements, gears, tools and similar devices, independent of the
26 administrative proceedings, shall not be released until after judgment has been
27 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
28 pursuant hereto shall accrue to the Balinsasayao Twin Lakes Natural Park Fund.
29 Procedure for the sale thereof shall be promulgated by the PAMB. However, in no case
30 shall any confiscated or rescued protected animal species be sold or in any manner
31 disposed of but shall be immediately turned over to the PASu office for release in its
32 natural habitat, subject to existing regulations.

33 The penalties specified in this Section will be in addition to the penalties contained
34 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
35 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

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

14 SEC. 11. *Balinsasayao Twin Lakes Natural Park Fund.* – There is hereby
15 established a trust fund to be known as the *Balinsasayao Twin Lakes Natural Park Fund*
16 for purposes of financing projects of the Balinsasayao Twin Lakes Natural Park.
17 Seventy-five percent (75%) income generated from the operation of the Balinsasayao
18 Twin Lakes Natural Park or management of wild flora and fauna in the Balinsasayao
19 Twin Lakes Natural Park shall accrue to the fund. The remaining twenty-five percent
20 (25%) shall go to the Integrated Protected Areas Fund (IPAF) as established in the
21 NIPAS Act of 1992.

22 Income shall be derived from visitor/tourist fees, fees from permitted sale and
23 export of flora and fauna and other resources from the Balinsasayao Twin Lakes
24 Natural Park, proceeds from the registration and lease of multiple-use areas, including
25 tourism concessions, fees, proceeds, and contributions from industries and facilities
26 directly benefiting from the Balinsasayao Twin Lakes Natural Park, and such other fees
27 and income derived from the operation of the Balinsasayao Twin Lakes Natural Park.

28 The PAMB may impose and charge reasonable fees, such as but not limited to
29 water users fee for water extracted by commercial water extractors/distributors sourced
30 and generated from the protected area. Such fee structure may change as the PAMB
31 may see fit.

32 The fund may be augmented by grants, donations, endowment from various
33 sources, domestic or foreign for purposes related to their functions: *Provided*, That
34 disbursements therefrom shall be made solely for the protection, maintenance,
35 administration and management of the system, and duly approved projects endorsed
36 by the PAMB in accordance with existing accounting and budgeting rules and
37 regulations: *Provided, Further*, That the fund shall not be used to cover personal
38 services expenditures.

1 The LGUs shall continue to impose and collect all other fees not enumerated
2 herein which they have traditionally collected, such as business permits and rentals of
3 LGUs facilities: *Provided*, That the LGUs shall not impose property tax and issue tax
4 declaration for areas or properties located in timberland areas or areas previously
5 classified as national parks. Furthermore, LGUs may charge add-ons to fees imposed
6 by the PAMB: *Provided, Further*, That such add-ons shall be determined based on the
7 contribution of the LGUs in the maintenance and protection of the Balinsasayao Twin
8 Lakes Natural Park.

9 SEC. 12. *Existing Facilities Within the Balinsasayao Twin Lakes Natural*
10 *Park.* – Within sixty (60) days from the effectivity of this Act, major existing facilities such
11 as roads, buildings, water systems, transmission lines, communication facilities, heavy
12 equipment, and irrigation facilities existing within the boundaries of the Balinsasayao
13 Twin Lakes Natural Park shall submit project description to the PAMB through the
14 PASu.

15 The PAMB, with the assistance of the DENR, shall determine whether the
16 existence of such facility and its future plan and operations will be detrimental to the
17 Balinsasayao Twin Lakes Natural Park or whether conditions for its operation shall be
18 imposed. If any such conditions are violated, the owner of the facility shall be liable to
19 pay a fine of Five Thousand Pesos (P5,000.00) for every violation. Upon reaching a
20 total fine of Five Hundred Thousand Pesos (P500,000.00), the PAMB through the PASu
21 and deputizing other government entities, shall cause the cessation and demolition of
22 the facility at the cost of its owner.

23 Existing facilities allowed to remain within the Balinsasayao Twin Lakes Natural
24 Park may be charged a reasonable royalty by the DENR. All income from such royalty
25 shall accrue to the Balinsasayao Twin Lakes Natural Park Fund.

26 SEC. 13. *Utilization of Resources.* – Any exploitation of or utilization of
27 nonrenewable resources within the Balinsasayao Twin Lakes Natural Park shall not be
28 allowed. Energy projects within the Balinsasayao Twin Lakes Natural Park shall be
29 allowed only through an Act of Congress except energy from wind, sun and water
30 sources and not more than one (1) megawatt capacity for mini- hydro power. *Provided*,
31 That these renewable energy projects are established outside the strict protection zone,
32 adopt reduced impact technologies and undergo the Environmental Impact Assessment
33 (EIA) system as provided by law; *Provided Further*, That the PAMB endorsement has
34 been obtained.

35 SEC. 14. *Reporting Responsibility.* – The PASu, through the PAMB, shall
36 submit an annual accomplishment report to the Secretary of the DENR on the activities
37 undertaken in the Balinsasayao Twin Lakes Natural Park.

1 SEC. 15. *Appropriations.* – The Secretary shall immediately include in the
2 DENR’s program the implementation of this Act, the funding of which shall be included
3 in the annual General Appropriations Act.

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

10 SEC. 17. *Separability Clause.* – If, for any reason, any part or section of this
11 Act is declared unconstitutional or invalid, such other parts not affected thereby shall
12 remain in full force and effect.

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

15 SEC. 19. *Transitory Provision.* – In order to ensure the recovery and restoration of
16 biological diversity and to develop sustainable livelihood opportunities for tenured
17 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
18 clearances, compliance documents or any other instrument that allows exploitation and
19 utilization of resources within the Balinsasayao Twin Lakes Natural Park, until the
20 management plan shall have been put into effect.

21 All existing land use and resource use permits within the Balinsasayao Twin Lakes
22 Natural Park shall be reviewed and shall not be renewed upon their expiration, unless
23 consistent with the management plan and approved by the PAMB.

24 SEC. 20. *Effectivity Clause.* This Act shall take effect fifteen (15) days after
25 its complete publication in the *Official Gazette* or in a national newspaper of general
26 circulation available in the Balinsasayao Twin Lakes Natural Park.

Approved,