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SENATE

Senate Bill No. **2149**

Introduced by SENATOR PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Mt. Balatukan Range Natural Park in Misamis Oriental as a protected area.

The Mt. Balatukan Range Natural Park, which covers 8,423.569 hectares, bears a unique and lush biological and hydrological features. It holds substantial major rivers such as Maanas river, Maayam, Gatub, Magiskis, Samay, Agay-ayan, and Anahaw, Paytabian, Kihangad, Dumpilayan, Kiuneng, Samay and Hinupolan rivers. These major rivers play a vital role in the water supply throughout the area of Northern Mindanao particularly in the eastern part of Misamis Oriental. The Mt. Balatukan Range Natural Park also houses important fauna such as the Wild pig, Deer, Wild chicken, Wild dove, Pigeon, Wood pecker, Civet cat, Phil. deer, Tausi, Monkey, Owl; and flora such as the Almaciga, White lauan, Red lauan, Nato, Tanguile, Narig, Makaasim, Kalingag, Baliti, Apitong, Maltibig, Mayapis, Marang Banguhan, Bayanti, Gmelina, Baliti, Bayok, Almon, and Egim.

This bill, therefore, seeks to declare the Mt. Balatukan Range Natural Park as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance and preserve its source of water supply.

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

SB No. 2149

Introduced by Senator Pia S. Cayetano

AN ACT
ESTABLISHING THE MT. BALATUKAN RANGE LOCATED IN THE CITY OF GINGOOG AND IN THE MUNICIPALITIES OF CLAVERIA, MEDINA, AND BALINGASAG, ALL IN THE PROVINCE OF MISAMIS ORIENTAL, AS A PROTECTED AREA, UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** – This Act shall be known as the “Mt. Balatukan Range
2 Natural Park Act of 2010.”

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

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

13	Thence	N 76°48’ W	1,683.50 m	to corner 2
14	Thence	N 81°36’ W	1,620.90 m	to corner 3
15	Thence	N 30°20’ W	2,253.40 m	to corner 4
16	Thence	N 62°05’ W	1,667.00 m	to corner 5
17	Thence	N 34°40’ E	2,012.90 m	to corner 6
18	Thence	N 23°26’ E	1,253.60 m	to corner 7
19	Thence	N 89°01’ E	2,227.20 m	to corner 8
20	Thence	S 84°30’ E	933.50 m	to corner 9
21	Thence	S 85°28’ E	1,791.40 m	to corner 10

1	Thence	S 70°38' E	1,889.60 m	to corner 11
2	Thence	N 87°44' E	647.80 m	to corner 12
3	Thence	S 18°42' E	356.00 m	to corner 13
4	Thence	S 15°45' W	397.20 m	to corner 14
5	Thence	S 03°03' E	1,274.60 m	to corner 15
6	Thence	S 18°39' E	1,790.40 m	to corner 16
7	Thence	S 71°27' E	1,348.60 m	to corner 17
8	Thence	N 69°30' E	696.20 m	to corner 18
9	Thence	S 78°47' E	748.20 m	to corner 19
10	Thence	S 84°32' E	647.80 m	to corner 20
11	Thence	S 08°17' E	662.50 m	to corner 21
12	Thence	S 36°59' E	2,238.10 m	to corner 22
13	Thence	S 39°43' E	1,335.30 m	to corner 23
14	Thence	S 39°37' E	931.80 m	to corner 24
15	Thence	S 35°20' W	407.80 m	to corner 25
16	Thence	S 71°44' W	1,266.90 m	to corner 26
17	Thence	S 40°40' W	2,381.90 m	to corner 27
18	Thence	N 65°10' W	1,070.00 m	to corner 28
19	Thence	N 49°50' W	1,800.00 m	to corner 29
20	Thence	N 76°00' W	1,450.00 m	to corner 30
21	Thence	N 58°12' W	2,847.17 m	to corner 31
22	Thence	N 76°25' W	1,234.54 m	to corner 32
23	Thence	N 10°20' E	1,920.00 m	to corner 1, the
24	point of beginning, containing an area of Eight Thousand Four Hundred Twenty-			
25	Four (8,424) hectares, more or less, subject to actual ground survey.			
26	The Buffer zone of the Mt. Balatukan Range Natural Park begins at corner			
27	"1" which is located at 124°57'00" E and 8°47'22" N, near the junction of Kihangad			
28	River and a branch creek N 66°48'05" W, 456.94 meters,			
29	Thence	N 82°16' W	3,266.70 m	to corner 2
30	Thence	N 31°13' W	2,428.20 m	to corner 3
31	Thence	N 60°04' W	1,820.10 m	to corner 4
32	Thence	N 33°28' E	2,178.00 m	to corner 5
33	Thence	N 26°45' E	1,428.50 m	to corner 6
34	Thence	N 86°02' E	1,725.70 m	to corner 7
35	Thence	N 69°53' E	1,962.40 m	to corner 8
36	Thence	S 64°44' E	2,046.20 m	to corner 9
37	Thence	S 86°49' E	721.80 m	to corner 10

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

29 of beginning, containing an area of One Thousand Two Hundred Twenty-Two
30 (1,222) hectares, more or less, subject to actual ground survey and delineation to
31 be conducted by the DENR.

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

35 Any modification of the coverage of this Act due to such factors as changing
36 ecological situations, new scientific or archeological findings, or discovery of
37 traditional boundaries not previously taken into account shall be made through an

1 act of Congress, after consultation with the affected public and concerned
2 government agencies.

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

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

21 b. “Biodiversity” refers to variety and variability among living organisms and
22 the ecological complexes in which said organisms occur.

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

26 d. “Bioprospecting” means the research, collection and utilization of
27 biological and genetic resources for purposes of applying the knowledge derived
28 therefrom solely for commercial purposes.

29 e. “Buffer Zone” refers to the identified area outside the boundaries of and
30 immediately adjacent to the designated Mt. Balatukan Range Natural Park that
31 need special development control in order to avoid or minimize harm to the Mt.
32 Balatukan Range Natural Park.

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

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

1 h. "Conservation" refers to the sustainable utilization of wildlife, and/or
2 maintenance, restoration and enhancement of the habitat.

3 i. "Ecosystem" refers to the dynamic complex of plant, animal and micro-
4 organism communities and their non-living environment interacting as a functional
5 unit.

6 j. "Endangered species" refers to species or subspecies of flora and fauna
7 that is not critically endangered but whose survival in the wild is unlikely if the
8 causal factors continue operating.

9 k. "Endemic species" refers to species or subspecies of flora and fauna
10 which is naturally occurring and found only within specific areas in the country.

11 l. "Exotic species" refers to species or subspecies of flora and fauna which
12 do not naturally occur within the Mt. Balatukan Range Natural Park at present or
13 in historical time.

14 m. "Habitat" refers to a place or type of environment where a species or
15 subspecies naturally occur or has naturally established its population.

16 n. "Hunting" refers to collection of wild fauna for food and/or recreational
17 purposes with the use of weapons such as guns, bow and arrow, spear and the
18 like.

19 o. "Indigenous Cultural Communities or Indigenous People (ICC/IPs)"
20 refers to a group of people or homogenous societies identified by self-ascription
21 and ascription by others, who have continuously lived as organized community on
22 communally bounded and defined territory, and who have, under claims of
23 ownership since time immemorial, occupied, possessed and utilized such
24 territories, sharing common bonds of language, customs, traditions and other
25 distinctive cultural traits, or who have, through resistance to political, social and
26 cultural inroads of colonization, non-indigenous religions and cultures, became
27 historically differentiated from the majority of Filipinos. IPs shall likewise include
28 peoples who are regarded as indigenous on account of their descent from the
29 populations which inhabited the Country, at the time of conquest or colonization,
30 or at the time of inroads of non-indigenous religions and cultures, or the
31 establishment of present state boundaries, who retain some or all of their own
32 social, economic, cultural and political institutions, but who may have been
33 displaced from their traditional domains or who may have resettled outside their
34 ancestral domains.

35 p. "Management plan" refers to the fundamental plan, strategy and/or
36 scheme which shall guide all activities relating to the Mt. Balatukan Range Natural
37 Park in order to attain the objectives of this Act.

1 q. "Mineral" refers to all naturally occurring inorganic substance in solid,
2 gas, liquid, or any intermediate state including energy materials such as coal,
3 petroleum, natural gas, radioactive materials, and geothermal energy.

4 r. "Multiple-Use Zone" refers to the area where settlement, traditional
5 and/or sustainable land use, including agriculture, agro-forestry, extraction
6 activities and other income generating or livelihood activities, may be allowed to
7 the extent prescribed in the management plan.

8 s. "National Integrated Protected Areas System (NIPAS)" refers to the
9 classification and administration of all designated protected areas to maintain
10 essential ecological processes and life-support systems, to preserve genetic
11 diversity, to ensure sustainable use of resources found therein, and to maintain
12 their natural conditions to the greatest extent possible;

13 t. "National Park" refers to the land of the public domain classified as such
14 in the 1987 Constitution which include all areas under the National Integrated
15 Protected Areas System (NIPAS) pursuant to R.A. 7586 primarily designated for
16 the conservation of native plants and animals, their associated habitats and
17 cultural diversity.

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

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

24 w. "Non-governmental organization (NGO)" refers to an agency, institution,
25 foundation or a group of persons whose purpose is to assist peoples
26 organizations/associations in various ways including, but not limited to, organizing,
27 education, training, research and/or resource accessing;

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

33 y. "Protected Area" refers to the identified portions of land and/or water set
34 aside by reason of their unique physical and biological significance, managed to
35 enhance biological diversity and protected against destructive human exploitation;

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

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

13 bb. "Quarrying" means the process of extracting, removing and disposing
14 quarry resources found on or underneath the surface of private or public land.

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

21 dd. "Sustainable use" refers to the use of components of biological diversity
22 in a way and rate that does not lead to the long-term decline of biological diversity,
23 thereby maintaining its potential to meet the needs and aspirations of present and
24 future generations; and

25 ee. "Tenured Migrants" refers to occupants who have actually and
26 continuously occupied a portion of the Mt. Balatukan Range Natural Park and is
27 solely dependent therein for subsistence. A Mt. Balatukan Range Natural Park
28 occupant is understood to be "solely dependent for subsistence" when everything
29 indispensable for survival for the household, including food, clothing, shelter and
30 health, comes only from the utilization of resources from the Mt. Balatukan Range
31 Natural Park.

32 **SEC. 5. Management of the Mt. Balatukan Range Natural Park.** – There
33 is hereby created a PAMB which shall have jurisdiction, power and authority over
34 the Mt. Balatukan Range Natural Park for all matters that may affect biodiversity
35 conservation, protection and sustainable development. It shall be composed of:

36 (1) The Regional Executive Director (RED) of DENR Region X as
37 chairperson;

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

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

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

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

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

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

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

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

21 The members of the PAMB shall be appointed by the Secretary of the DENR
22 in conformity with the provisions of the NIPAS Act. As a transitory provision, the
23 initial members of the PAMB shall be nominated from the current members of the
24 interim PAMBs of the Mt. Balatukan Range Natural Park. Their nominations shall
25 be conducted in a joint meeting of the current members of the interim PAMBs duly
26 called for the purpose: *Provided, That* at least one- third (1/3) of the members
27 shall be women.

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

33 The representatives from the local government units (LGUs) and national
34 agencies in the PAMB shall include among their duties to inform their respective
35 constituents, office or sector, of PAMB approved or other relevant policies, rules,
36 regulations, programs, and projects, and to ensure that the provisions of this Act
37 are observed, complied with, and used as reference and framework in their

1 respective plans, policies, programs and projects. Failure to comply with the
2 foregoing shall subject such representative to disciplinary action as the PAMB
3 may provide.

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

8 **SEC. 6. Powers and Functions of the PAMB.** – The PAMB of the Mt.
9 Balatukan Range Natural Park shall have the following powers and functions in
10 addition to those provided under RA 7586 or the NIPAS Act of 1992 and its
11 Implementing Rules and Regulations:

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

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

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

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

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

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

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

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

31 (9) Recommend appropriate policy changes to the DENR and other
32 government authorities.

33 The DENR, through the Regional Executive Director of Region X, shall
34 ensure that the PAMB acts within the scope of its powers and functions. In case of
35 conflict between administrative orders issued by the DENR pursuant to the NIPAS
36 Act and the resolutions issued by the PAMB, such conflict shall be referred by

1 PAMB to the Secretary of the DENR_who shall decide whether to apply the rule or
2 withdraw its application in the Mt. Balatukan Range Natural Park.

3 **SEC. 7. Protected Area Superintendent (PASu) Office.** – There is hereby
4 established a PASu Office in charge of the implementation of the projects,
5 programs and policies for the management, protection and administration of the
6 Mt. Balatukan Range Natural Park. It will be headed by a Protected Area
7 Superintendent (PASu) and shall be supported by the existing personnel of the
8 DENR. The PASu shall be the chief operating officer of the Mt. Balatukan Range
9 Natural Park and shall be accountable to the RED of the DENR-Region X and the
10 PAMB.

11 The PASu shall have full responsibility for the protection of land, water,
12 wildlife and other natural physical and biological resources within Mt. Balatukan
13 Range Natural Park. As such, the PASu shall have the following duties and
14 responsibilities in addition to those provided under RA 7586 or the NIPAS Act of
15 1992 and its implementing rules and regulations:

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

18 (2) Prepare the management plan for the Mt. Balatukan Range Natural Park
19 as herein defined;

20 (3) Provide a secretariat for the PAMB and supply the PAMB with all the
21 information necessary to make appropriate decisions for the implementation of
22 this Act;

23 (4) Enforce the laws, rules and regulations relevant to the Mt. Balatukan
24 Range Natural Park, institute and file legal action independently or in collaboration
25 with other government agencies or organizations and assist in the prosecution of
26 offenses committed in violation of this Act;

27 (5) Monitor all activities within the Mt. Balatukan Range Natural Park to
28 ensure its conformity with the management plan;

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

31 (7) Ensure the integration of the Mt. Balatukan Range Natural Park
32 management policies, regulations, programs and projects at all the concerned
33 national and LGU levels; and

34 (8) Perform such other functions as the PAMB may assign.

35 The PASu shall be supported by a sufficient number of personnel who shall
36 be performing day to day management, protection and administration of Mt.
37 Balatukan Range Natural Park. Upon the recommendations of the PAMB, the

1 DENR RED shall deputize local community leaders and environment and natural
2 resource officers.

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

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

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

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

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

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

36 **SEC. 10. Existing Facilities Within the Mt. Balatukan Range Natural**
37 **Park.** – Within sixty (60) days from the effectivity of this Act, existing facilities such

1 as roads, buildings, water systems, transmission lines, communication facilities,
2 heavy equipment, and irrigation facilities existing within the boundaries of the Mt.
3 Balatukan Range Natural Park shall submit project description to the PAMB
4 through the PASu.

5 The PAMB, with the assistance of the DENR, shall determine whether the
6 existence of such facility and its future plan and operations will be detrimental to
7 the Mt. Balatukan Range Natural Park or whether conditions for its operation shall
8 be imposed. If any such conditions are violated, the owner of the facility shall be
9 liable to pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon
10 reaching a total fine of Five hundred thousand pesos (P500,000.00), the PAMB
11 through the PASu and deputizing other government entities, shall cause the
12 cessation and demolition of the facility at the cost of its owner.

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

16 **SEC. 11. Utilization of Resources.** – Any exploitation of or utilization of
17 nonrenewable resources within the Mt. Balatukan Range Natural Park shall not be
18 allowed. Energy projects within the Mt. Balatukan Range Natural Park shall be
19 allowed only through an act of Congress except energy from wind, sun, and water
20 sources of not more than one (1) megawatt capacity for mini-hydro power.
21 *Provided*, That these renewable energy projects are outside the strict protection
22 zone, adopt reduced impact technologies, and undergo the Environmental Impact
23 Assessment (EIA) system as provided by law and: *Provided, Further*, that the
24 PAMB has endorsed the project.

25 **SEC. 12. Special Prosecutor and Retained Counsel.** – Within thirty (30)
26 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint
27 a special prosecutor to whom all cases of violation of laws, rules and regulations
28 in the Mt. Balatukan Range Natural Park shall be assigned. Such Special
29 Prosecutor shall coordinate with the PAMB and the PASu in the performance of
30 his/her duties and assist in the training of wardens and rangers in arrest and
31 criminal procedures. The PAMB may retain the services of a counsel to prosecute
32 and/or assist in the prosecution of cases under the direct control and supervision
33 of the regular or special prosecutor and to defend the members of the PAMB, the
34 PASu and the staff, or any person assisting in the protection, conservation and
35 sustainable development of the Mt. Balatukan Range Natural Park, against any
36 legal action related to their powers, functions and responsibilities as provided in
37 this Act or as delegated or tasked by the PAMB.

1 **SEC. 13. Mt. Balatukan Range Natural Park Fund.** – There is hereby
2 established a trust fund to be known as the Mt. Balatukan Range Natural Park
3 Fund for purposes of financing projects of the Natural Park. Seventy-five percent
4 (75%) of the income generated from the operation of the Mt. Balatukan Range
5 Natural Park and/or management of wild flora and fauna in the Park shall accrue
6 to the Fund. *The remaining twenty-five percent (25%) shall be deposited to the*
7 *Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act of 1992.*

8 Income shall be derived from visitor/tourist fees, fees from permitted sale and
9 export of flora and fauna and other resources from the Mt. Balatukan Range
10 Natural Park, proceeds from registration and lease of multiple-use areas, including
11 tourism concessions, fees, proceeds and contributions from industries and
12 facilities directly benefiting from the Mt. Balatukan Range Natural Park; and such
13 other fees and income derived from the operation of the Mt. Balatukan Range
14 Natural Park

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

22 The LGUs shall continue to impose and collect all other fees not enumerated
23 herein which they have traditionally collected, such as business permits, property
24 tax and rentals of LGUs' facilities. *Provided, That the LGUs shall not impose*
25 *property tax and issue tax declaration for areas or properties located in timberland*
26 *areas or areas previously classified as national parks. Furthermore, LGUs may*
27 *charge add-ons to fees imposed by the PAMB: Provided, That such add-ons shall*
28 *be determined based on the contribution of the LGUs in the maintenance and*
29 *protection of the Mt. Balatukan Range Natural Park.*

30 **SEC. 14. Prohibited Acts and Penalties.** – The following shall be the
31 prohibitions and penalties applicable to the Mt. Balatukan Range Natural Park, in
32 addition to the prohibited acts as provided in the NIPAS Act and its Implementing
33 *Rules and Regulations:*

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

1 (1) Takes, destroys, collects, disturbs or possesses any wild terrestrial or
2 aquatic plants or animals, flora or fauna, sand, rocks or by-products derived
3 therefrom, within particularly identified regulated or prohibited areas zones in the
4 Mt. Balatukan Range Natural Park including private lands without the necessary
5 permit, authorization or exemption: *Provided*, That the hunting of animals shall be
6 absolutely prohibited except for scientific research and for traditional hunting by
7 the IPs/ICCs;

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

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

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

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

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

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

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

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

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

34 (2) Erects any structure on land or on water for any purposes outside the
35 management plan, duly allowed by the PAMB: *Provided*, That large-scale private
36 infrastructure and other projects such as medium to high density residential
37 subdivisions, medium to large commercial and industrial establishments, golf-

1 courses, heavily mechanized commercial and non-traditional farming, and other
2 activities that cause increased in-migration and resource degradation are
3 absolutely prohibited;

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

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

8 (5) Uses, dumps, places or causes to be placed into the Mt. Balatukan
9 Range Natural Park toxic chemicals, including pesticides and other hazardous
10 substances, unless the same is expressly allowed in the management plan;

11 (6) Prospects, hunts or otherwise locates hidden treasures within the Mt.
12 Balatukan Range Natural Park;

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

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

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

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

21 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Mt.
22 Balatukan Range Natural Park; or

23 (12) Purchases, or sells, mortgages or leases lands or other portions of the
24 Mt. Balatukan Range Natural Park which are covered by any tenurial instrument.

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

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

32 All conveyances, vessels, equipments, paraphernalia, implements, gears,
33 tools and similar devices shall be subject to immediate and administrative
34 confiscation, independent of the judicial proceedings by the PASu Office upon
35 apprehension, subject however to due process and substantial evidence
36 requirements. When legal action is however filed in the regular courts, the said
37 conveyances, vessels, equipments, paraphernalia, implements, gears, tools and

1 similar devices, independent of the administrative proceedings, shall not be
2 released until after judgment has been rendered. Proceeds of the sale of all
3 objects administratively or judicially confiscated pursuant hereto shall accrue to
4 the Mt. Balatukan Range Natural Park Landscape Fund. Procedure for the sale
5 thereof shall be promulgated by the PAMB. However, in no case shall any
6 confiscated or rescued protected animal species be sold or in any manner
7 disposed of but shall be immediately turned over to the PASu Office for release in
8 its natural habitat, subject to existing regulations.

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

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

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

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

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

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

36 All existing land use and resource use permits within the Mt. Balatukan
37 Range Natural Park shall be reviewed and shall not be renewed upon their

1 expiration unless consistent with the management plan, as provided herein, and
2 upon approval by the PAMB.

3 **SEC. 19. *Repealing Clause.*** –All laws, decrees, proclamations, rules and
4 regulations inconsistent with this Act are hereby repealed or modified accordingly.

5 **SEC. 20. *Separability Clause.*** – If, for any reason, any part or section of
6 this Act is declared unconstitutional or invalid, such other parts not affected
7 thereby shall remain in full force and effect.

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

11 Approved.