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SENATE

SENATE BILL NO. 3267

(In substitution of SBN 2144, taking into consideration HBN 4830)

Prepared jointly by the Committees on Environment and Natural Resources; and
Finance with Senators Cayetano (P.), Escudero and Drilon as authors

AN ACT
ESTABLISHING THE PASONANCA WATERSHED FOREST RESERVE IN THE CITY OF
ZAMBOANGA 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 the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1. Short Title.** – This Act shall be known as the “Pasonanca Natural Park
2 Act of 2012”.

3 **SEC. 2. Declaration of Policy.** – Considering the diversity of the unique biological
4 resources of the City of Zamboanga and its aesthetic, educational, sociocultural,
5 economic and ecological importance, it is hereby declared the policy of the State to
6 ensure its protection and conservation including the local communities therein and
7 their cultural and way of life insofar as they are in harmony with nature.

8 In so doing, the State shall ensure the full implementation of this Act, the
9 mobilization of resources for the institutional mechanisms herein established, and the
10 full scientific and technical support needed for the conservation of biodiversity and the
11 integrity of the ecosystems, culture and religious practices.

12 All lands comprising the Pasonanca Natural Park shall fall under the
13 classification of National Park as provided for in the Philippine Constitution.

1 **SEC. 3. Scope and Coverage.** – The boundaries of the Pasonanca Natural Park,
2 which falls under the category of Natural Park as defined herein, within the City of
3 Zamboanga, are as follows:

4	Corner	Bearing	Distance (meters)
5	1	N 36°44'00" W	670.00
6	2	N 36°44'00" W	233.86
7	3	N 36°44'00" W	272.74
8	4	N 36°04'00" W	1774.66
9	5	N 36°04'00" W	1074.66
10	6	N 74°15'00" W	1000.00
11	7	N 14°45'00" W	338.34
12	8	N 38°00'00" W	1920.00
13	9	N 61°00'00" W	460.00
14	10	N 22°00'00" W	300.00
15	11	N 13°00'00" W	180.00
16	12	N 14°00'00" E	280.00
17	13	N 50°00'00" E	220.00
18	14	N 63°00'00" E	240.00
19	15	N 80°00'00" E	220.00
20	16	N 17°00'00" W	220.00
21	17	N 53°00'00" W	290.00
22	18	N 27°00'00" W	260.00
23	19	N 11°00'00" E	220.00
24	20	N 49°00'00" E	240.00

1	21	N 25°00'00" E	280.00
2	22	N 08°00'00" W	260.00
3	23	N 22°00'00" E	680.00
4	24	N 17°00'00" W	24.00
5	25	N 36°00'00" E	210.00
6	26	N 05°00'00" E	240.00
7	27	N 12°00'00" E	220.00
8	28	N 40°00'00" W	140.00
9	29	N 26°00'00" W	240.00
10	30	N 54°00'00" W	290.00
11	31	N 02°00'00" W	260.00
12	32	N 11°00'00" E	300.00
13	33	N 12°00'00" W	360.00
14	34	N 20°00'00" W	360.00
15	35	N 30°00'00" W	420.00
16	36	N 29°00'00" W	1050.00
17	37	N 63°00'00" E	1870.00
18	38	N 00°00'00" E	50.00
19	39	N 62°00'00" E	200.00
20	40	N 56°00'00" E	180.00
21	41	N 39°00'00" E	140.00
22	42	N 32°00'00" E	240.00
23	43	N 10°00'00" E	230.00
24	44	N 72°00'00" E	160.00

1	45	N 70°00'00" E	280.00
2	46	N 09°14'00" E	2269.30
3	47	N 06°02'00" E	2567.50
4	48	N 15°37'00" W	2089.80
5	49	N 89°35'00" E	3119.80
6	50	N 44°06'00" E	2048.80
7	51	S 43°07'00" E	346.10
8	52	S 23°49'00" E	566.40
9	53	S 44°43'00" E	273.30
10	54	S 07°30'00" E	933.20
11	55	S 06°34'00" W	227.30
12	56	S 06°32'00" W	258.80
13	57	S 01°07'00" W	398.40
14	58	S 01°14'00" E	335.80
15	59	S 40°13'00" E	332.50
16	60	S 37°47'00" E	241.40
17	61	S 44°15'00" E	242.40
18	62	S 44°15'00" E	242.40
19	63	S 44°15'00" E	242.40
20	64	S 43°17'00" E	282.30
21	65	S 44°15'00" E	242.40
22	66	S 45°58'00" E	202.50
23	67	S 65°51'00" E	67.40
24	68	S 44°50'00" E	232.30

1	69	S 41°16'00" E	259.30
2	70	S 42°56'00" E	199.10
3	71	S 41°16'00" E	259.20
4	72	S 41°16'00" E	259.20
5	73	S 23°41'00" E	374.10
6	74	S 00°04'00" E	288.40
7	75	S 00°24'00" E	235.90
8	76	S 00°18'00" W	351.40
9	77	S 08°12'00" W	317.60
10	78	S 41°29'00" W	324.70
11	79	S 57°34'00" W	357.60
12	80	S 83°29'00" W	256.50
13	81	S 25°32'00" W	357.00
14	82	S 23°15'00" W	188.40
15	83	S 34°43'00" W	229.60
16	84	S 31°39'00" W	329.80
17	85	S 38°26'00" W	272.30
18	86	S 44°47'00" W	314.10
19	87	S 44°47'00" W	314.10
20	88	S 11°33'00" W	243.00
21	89	S 19°25'00" W	241.80
22	90	S 06°03'00" W	632.00
23	91	S 53°20'00" W	2308.20
24	92	S 58°29'00" E	788.60

1	93	S 74°28'00" E	815.20
2	94	S 12°58'00" E	1268.50
3	95	S 38°39'00" W	752.10
4	96	S 00°20'00" E	1509.50
5	97	S 02°00'00" E	880.00
6	98	S 48°15'00" W	230.00
7	99	S 43°20'00" E	50.00
8	100	S 50°15'00" W	970.00
9	101	S 31°30'00" W	240.00
10	102	S 02°45'00" E	250.00
11	103	S 72°05'00" E	380.00
12	104	S 15°00'00" E	850.00
13	105	N 16°00'00" W	250.00
14	106	N 35°20'00" W	170.00
15	107	N 12°15'00" W	260.00
16	108	N 56°45'00" W	390.00
17	109	N 79°30'00" W	370.00
18	110	S 19°45'00" W	345.00
19	111	S 24°30'00" W	270.00
20	112	S 04°30'00" W	350.00
21	113	S 04°30'00" W	360.00
22	114	S 04°30'00" E	235.00
23	115	S 19°00'00" E	425.00
24	116	S 00°00'00" W	140.00

1	117	S 23°45'00" W	1150.00
2	118	S 09°21'57" W	1695.37

3 the point of beginning containing an area of twelve thousand and 79/100 (12,000.79)
4 hectares.

5 The Department of Environment and Natural Resources (DENR) shall
6 appropriately mark on the ground the technical descriptions provided in this Act with
7 clearly visible markers and shall prepare appropriate maps therefor. Any modification
8 of the coverage of this Act due to such factors as changing ecological situations, new
9 scientific or archeological findings, or discovery of traditional boundaries not previously
10 taken into account shall be made through an act of Congress, after consultation with the
11 affected public and concerned government agencies.

12 **SEC. 4. Buffer Zones.** — Buffer zones surrounding the Pasonanca Natural Park are
13 hereby established with the following boundaries:

14 Buffer Zone 1

15	Corner	Bearing	Distance (meters)
16	2	N 69°23'00" W	670.00
17	3	S 76°25'00" W	233.86
18	4	N 49°35'00" W	272.74
19	5	S 69°36'00" W	1774.66
20	6	S 21°53'00" E	1074.66
21	7	S 62°56'00" W	1000.00
22	8	S 07°09'00" E	338.34
23	9	N 75°17'00" W	1920.00
24	10	S 43°18'00" W	460.00

1	11	S 20°06'00" E	300.00
2	12	S 82°15'00" W	180.00
3	13	S 61°05'00" W	280.00
4	14	N 41°53'00" W	220.00
5	15	S 34°05'00" W	240.00
6	16	N 59°31'00" W	220.00
7	17	N 23°19'00" E	220.00
8	18	N 75°35'00" W	290.00
9	19	N 04°05'00" W	260.00
10	20	N 28°08'00" E	220.00
11	21	N 49°35'00" W	240.00
12	22	N 06°07'00" W	280.00
13	23	N 47°05'00" E	260.00
14	24	S 89°34'00" E	680.00
15	25	N 23°19'00" E	24.00
16	26	N 58°32'00" W	210.00
17	27	N 68°40'00" E	240.00
18	28	N 07°45'00" E	220.00
19	29	S 65°59'00" W	140.00
20	30	N 32°52'00" W	240.00
21	31	N 57°10'00" E	290.00
22	32	N 06°06'00" E	260.00
23	33	N 74°36'00" W	300.00
24	34	N 18°26'00" E	360.00

1	35	N 56°47'00" W	360.00
2	36	N 85°52'00" E	420.00
3	37	N 02°14'00" E	1050.00
4	38	N 50°24'00" E	1870.00
5	39	N 81°45'00" E	50.00
6	40	N 42°05'00" E	200.00
7	41	S 87°11'00" E	180.00
8	42	S 22°00'00" W	140.00
9	43	S 08°00'00" E	240.00
10	44	S 25°00'00" W	230.00
11	45	N 23°49'00" W	566.40
12	46	N 37°07'00" E	346.10
13	47	S 27°00'00" E	2269.30
14	48	S 53°00'00" E	2567.50
15	49	S 17°00'00" E	2089.80
16	50	S 80°00'00" W	3119.80
17	51	S 63°00'00" W	2048.80
18	52	S 50°00'00" W	346.10
19	53	S 14°00'00" W	566.40
20	54	S 13°00'00" E	273.30
21	55	S 22°00'00" E	933.20
22	56	S 61°00'00" E	227.30
23	57	S 38°00'00" E	1920.00

1 the point of beginning containing an area of six hundred eighty-two and 58/100
2 (682.58) hectares.

3 Buffer Zone 2

4	Corner	Bearing	Distance (meters)
5	2	N 00°20'00" W	1509.50
6	3	N 38°39'00" E	752.10
7	4	N 12°58'00" W	1268.50
8	5	N 74°28'00" W	815.20
9	6	N 58°29'00" W	788.60
10	7	N 53°20'00" E	2308.20
11	8	N 06°03'00" E	632.00
12	9	N 19°25'00" E	241.80
13	10	N 11°33'00" E	243.00
14	11	N 44°47'00" E	314.10
15	12	N 44°47'00" E	314.10
16	13	N 38°26'00" E	272.30
17	14	N 31°39'00" E	324.80
18	15	N 34°43'00" E	229.60
19	16	N 23°15'00" E	188.40
20	17	N 25°32'00" E	357.00
21	18	N 83°29'00" E	256.50
22	19	N 57°34'00" E	357.60
23	20	N 41°29'00" E	324.70
24	21	N 08°12'00" E	317.60

1	22	N 00°18'00" E	351.40
2	23	N 00°24'00" W	235.90
3	24	N 00°24'00" W	288.40
4	25	N 23°41'00" W	374.10
5	26	N 41°16'00" W	259.20
6	27	N 41°16'00" W	259.20
7	28	N 42°56'00" W	199.10
8	29	N 41°16'00" W	259.30
9	30	N 44°50'00" W	232.30
10	31	N 65°51'00" W	67.40
11	32	N 45°58'00" W	202.50
12	33	N 44°15'00" W	242.40
13	34	N 43°17'00" W	282.30
14	35	N 44°15'00" W	242.40
15	36	N 44°15'00" W	242.40
16	37	N 44°15'00" W	242.40
17	38	N 37°47'00" W	241.40
18	39	N 40°13'00" W	332.50
19	40	N 01°14'00" W	335.80
20	41	N 01°07'00" E	398.40
21	42	N 06°32'00" E	258.80
22	43	N 06°34'00" E	227.30
23	44	N 07°30'00" W	933.20
24	45	N 44°43'00" W	273.30

1	46	N 43°07'00" W	346.10
2	47	N 23°49'00" W	566.40
3	48	N 44°05'00" E	2310.00
4	49	S 50°35'00" E	2220.00
5	50	S 17°00'00" E	680.00
6	51	S 52°50'00" W	640.00
7	52	S 19°32'00" E	960.00
8	53	S 40°05'00" W	568.00
9	54	SW direction	1380.00
10	55	S.W. & SE directions	12409.02
11	56	S 50°20'06" W	3171.210
12	57	S 07°50'00" W	980.00
13	58	S 60°00'00" W	400.00
14	59	S 15°00'00" E	600.00
15	60	S 26°00'00" E	890.00
16	61	S 35°00'00" E	500.00
17	62	S 21°00'00" W	340.00
18	63	S 80°00'00" W	260.00
19	64	S 75°00'00" W	210.00
20	65	S 73°25'00" W	180.00
21	66	S 55°00'00" W	118.00
22	67	S 85°30'00" W	194.00
23	68	S 29°00'00" W	405.00
24	69	S 64°30'00" W	360.00

1	70	S 21°00'00" W	550.00
2	71	S 11°00'00" E	220.00
3	72	S 56°15'00" E	380.00
4	73	S 05°30'00" W	400.00
5	74	N 88°00'00" W	460.00
6	75	N 86°00'00" W	290.00
7	76	N 18°00'00" W	368.00
8	77	N 67°00'00" W	230.00
9	78	N 55°00'00" W	200.00
10	79	S 86°10'00" W	264.00

11 the point of beginning containing an area of four thousand one hundred ninety-nine and
12 58/100 (4,199.58) hectares.

13 **SEC. 5. *Definition of Terms.*** – For purposes of this Act, the following terms are
14 defined as follows:

15 (a) "*Biodiversity*" refers to the variety and variability among living organisms
16 and the ecological complexes in which said organisms occur.

17 (b) "*Biological resources*" includes genetic resources, organisms or parts
18 thereof, population, or any other biotic component of ecosystems with actual or
19 potential use or value for humanity.

20 (c) "*Bioprospecting*" refers to the research, collection and utilization of
21 biological and genetic resources for purposes of applying the knowledge derived
22 therefrom solely for commercial purposes.

1 (d) *"Buffer Zones"* refer to the identified areas outside the boundaries of and
2 immediately adjacent to the Pasonanca Natural Park that need special development
3 control in order to avoid or minimize harm to the protected area.

4 (e) *"Collection"* or *"Collecting"* refers to the act of gathering or harvesting
5 wildlife, its by-products or derivatives.

6 (f) *"Conservation"* refers to the sustainable utilization of wildlife, and/or
7 maintenance, restoration and enhancement of the habitat.

8 (g) *"Consultation"* refers to the meeting or dialogue with concerned or affected
9 individual and groups within and outside the Pasonanca Natural Park designated to
10 identify and resolve issues and problems affecting them in relation to the protection,
11 conservation and sustainable development of the Pasonanca Natural Park.

12 (h) *"Ecosystem"* refers to the dynamic complex of plant, animal and
13 micro-organism communities and their non-living environment interacting as a
14 functional unit.

15 (i) *"Endangered Species"* refer to the species or subspecies that is not critically
16 endangered but whose survival in the wild is unlikely if the causal factors continue
17 operating.

18 (j) *"Endemic Species"* refer to the species or subspecies of flora and fauna
19 which are naturally occurring and found only within specific areas in the country.

20 (k) *"Exotic Species"* refer to the species or subspecies of flora and fauna which
21 do not naturally occur within the protected area at present or in historical time.

22 (l) *"Exploitation"* refers to any mode of use, extraction, development,
23 utilization or disposition of resources, for whatever purpose, whether commercial or
24 otherwise.

1 (m) "*Exploration*" refers to the searching or prospecting for mineral resources,
2 as defined by law, by geological, geo-chemical or geophysical surveys, remote sensing,
3 rest pitting, trenching, drilling, shaft sinking, tunneling or any other means for the
4 purpose of determining the existence, extent, quantity and quality thereof and the
5 feasibility of mining them for profit.

6 (n) "*Habitat*" refers to the place or type of environment where a species or
7 subspecies naturally occurs or has naturally established its population.

8 (o) "*Hunting*" refers to the collection of wild fauna for food and/or recreational
9 purposes with the use of weapons such as guns, bow and arrow, spear and the like.

10 (p) "*Management Plan*" refers to the fundamental plan, strategy and/or scheme
11 which shall guide all activities relating to the Pasonanca Natural Park in order to attain
12 the objectives of this Act.

13 (q) "*Mineral*" refers to all naturally occurring inorganic substance in solid, gas,
14 liquid, or any intermediate state including energy materials such as coal, petroleum,
15 natural gas, radioactive materials, and geothermal energy.

16 (r) "*Multiple-Use Zone*" refers to the area where settlement, traditional and/or
17 sustainable land use, including agriculture, agro-forestry, extraction activities and other
18 income generating or livelihood activities, may be allowed to the extent prescribed in
19 the management plan.

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

1 (t) "*NIPAS Act*" refers to the National Integrated Protected Areas System
2 (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and
3 regulations.

4 (u) "*National Park*" refers to the land of the public domain classified as such in
5 the 1987 Constitution which include all areas under the National Integrated Protected
6 Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the
7 conservation of native plants and animals, their associated habitats and cultural
8 diversity.

9 (v) "*Natural Park*" refers to a relatively large area not materially altered by
10 human activity where extractive resource uses are not allowed and maintained to
11 protect outstanding natural and scenic areas of national or international significance for
12 scientific, educational and recreational use.

13 (w) "*Nongovernment Organization (NGO)*" refers to the agency, institution,
14 foundation or a group of persons whose purpose is to assist people's
15 organizations/associations in various ways including, but not limited to, organizing,
16 education, training, research and/or resource accessing.

17 (x) "*People's Organization (PO)*" refers to the group of organized migrant
18 communities and/or interested indigenous peoples which may be an association,
19 cooperative, federation, or other legal entity, established to undertake collective action
20 to address community concerns and needs, and mutually share the benefits of the
21 endeavor.

22 (y) "*Pasonanca Natural Park Fund*" refers to the special trust fund to be
23 established for the purpose of financing projects in the Pasonanca Natural Park.

1 (z) "*Protected Area*" refers to the identified portions of land and/or water set
2 aside by reasons of their unique physical and biological significance, managed to
3 enhance biological diversity and protected against destructive human exploitation.

4 (aa) "*Protected Area Management Board (PAMB)*" refers to the multi-sectoral
5 policy-making body created in accordance with the NIPAS Act of 1992.

6 (bb) "*Protected Area Superintendent (PASu)*" refers to the chief operating DENR
7 officer of the protected area.

8 (cc) "*Quarrying*" refers to the process of extracting, removing and disposing
9 quarry resources found on or underneath the surface of private or public land.

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

16 (ee) "*Tenured migrant*" refers to forest occupants who have actually and
17 continuously occupied a portion of the protected area for at least five (5) years, and are
18 solely dependent therein for subsistence, as of the passage of this Act. A Pasonanca
19 Natural Park occupant is understood to be "solely dependent for subsistence" when
20 everything indispensable for survival for the household, including food, clothing, shelter
21 and health, comes only from the utilization of resources from the protected area.

22 (ff) "*Wildlife*" refers to the wild forms and varieties of flora and fauna, in all
23 developmental stages, including those which are in captivity or are being bred or
24 propagated.

1 **SEC. 6. Management Plan.** — There shall be a Management Plan promulgated for
2 the Pasonanca Natural Park that shall serve as the basic long-term framework plan in
3 the management of the protected area and guide in the preparation of its annual
4 operations plan and budget.

5 Within one (1) year from the effectivity of this Act, the Management Plan shall
6 have been put into effect following the general management planning strategy provided
7 for under the NIPAS Act and according to the procedure herein set forth. It shall contain,
8 among others, the following:

- 9 (a) The category of the protected area;
- 10 (b) Period of applicability of the plan;
- 11 (c) Key management issues;
- 12 (d) Goals and objectives of management in support of Section 2 hereof;
- 13 (e) Site management strategy;
- 14 (f) Major management activities such as, but not limited to, enforcement of
15 laws, habitat and wildlife management, sustainable-use management, infrastructure
16 development and maintenance, and fire and pest control;
- 17 (g) Zoning; and
- 18 (h) Visitor management programs.

19 The preparation of the Management Plan shall be facilitated by the Office of the
20 Protected Area Superintendent (PASu) in collaboration with the appropriate offices of
21 the department, local communities, indigenous cultural communities/indigenous
22 peoples (ICCs/IPs), NGOs, experts and other stakeholders within the Pasonanca Natural
23 Park. The Management Plan shall be approved by the majority of the PAMB and
24 endorsed to the Secretary through Protected Areas and Wildlife Bureau (PAWB). The

1 Management Plan is deemed accepted unless formal written disapproval from the
2 Secretary is received by the PAMB on the ground of inconsistency with existing laws
3 and related rules and regulations.

4 **SEC. 7. *Management of the Pasonanca Natural Park.*** – There is hereby created a
5 PAMB which shall have jurisdiction, power and authority over the Pasonanca Natural
6 Park for all matters that may affect biodiversity conservation, protection and
7 sustainable development. The composition of which shall be in accordance with the
8 pertinent provision of the NIPAS Act of 1992: *Provided, That* at least twenty percent
9 (20%) of the PAMB members shall be comprised of women pursuant to Republic Act
10 No. 9710 or the Magna Carta of Women and its implementing rules and regulations.

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

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

23 **SEC. 8. *Powers and Functions of the PAMB.*** – The PAMB of the Pasonanca Natural
24 Park, which shall decide by consensus or majority vote of the members present

1 constituting a quorum of majority of all the members, shall have the following powers
2 and functions in addition to those provided under the NIPAS Act of 1992 and its
3 implementing rules and regulations:

4 (a) Issue implementing rules and regulations consistent with the provisions of
5 this Act if the same is warranted for its effective implementation.

6 (b) Adopt rules of procedures in the conduct of its business with the power to
7 create committees for purposes of technical, manpower and other related assistance;

8 (c) Approve the management plan and oversee the office of the PASu;

9 (d) Establish reasonable criteria consistent with the provisions of this Act and
10 accordingly set and impose processing and research fees and other charges for the
11 issuance of permits, certifications and other papers for activities regulated by this Act or
12 the management plan, whose proceeds shall form part of the Pasonanca Natural Park;

13 (e) Recommend to the DENR for approval the deputization of persons or group
14 of persons pursuant to the NIPAS Act and its implementing rules and regulations for the
15 effective enforcement of the provisions of this Act and other laws, rules and regulations
16 governing the conduct or management of the Pasonanca Natural Park;

17 (f) Manage the Pasonanca Natural Park Fund, and other funds for the
18 Pasonanca Natural Park, ensure their proper administration and render accounting, all
19 subject to existing government auditing rules and regulations; and

20 (g) Recommend appropriate policy changes to the DENR and other
21 government authorities.

22 The DENR, through the RED, shall ensure that the PAMB acts within the scope of
23 its powers and functions. In case of conflict between administrative orders of national
24 application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by

1 the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply
2 the rule or withdraw its application in the Pasonanca Natural Park.

3 **SEC. 9. *The Protected Area Superintendent (PASu) Office.*** – There is hereby
4 established a PASu Office within the protected area to be in charge of the management,
5 protection and administration of the Pasonanca Natural Park. The PASu shall be
6 supported by the existing personnel of the DENR. The head of office shall be the chief
7 operating officer of the Pasonanca Natural Park and shall be directly accountable to the
8 PAMB.

9 The PASu shall have full responsibility for the protection of land, water, wildlife
10 and other natural physical and biological resources within the Pasonanca Natural Park.
11 As such, the PASu shall have the following duties and responsibilities in addition to
12 those provided under the NIPAS Act and its implementing rules and regulations:

13 (a) Establish, operate and maintain a database management system as decision
14 support tool;

15 (b) Prepare the management plans as herein defined;

16 (c) Provide a secretariat for the PAMB and supply the PAMB with all the
17 necessary information to make appropriate decisions for the implementation of this
18 Act;

19 (d) Enforce the laws, rules and regulations relevant to the Pasonanca Natural
20 Park, institute and file legal action independently or in collaboration with other
21 government agencies or organizations and assist in the prosecution of offenses
22 committed in violation of this Act;

23 (e) Monitor all activities within the Pasonanca Natural Park to ensure its
24 conformity with the management plan;

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

3 (g) Ensure the integration of the Pasonanca Natural Park management policies,
4 regulations, programs and projects at all the concerned national and local government
5 units level; and

6 (h) 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 the Pasonanca
9 Natural Park. Upon the recommendation of the PAMB, the DENR Regional Executive
10 Director shall deputize local community leaders and environment and natural resources
11 officers.

12 **SEC. 10. *Integrated Protected Area Fund of the Pasonanca Natural Park.*** - The
13 Integrated Protected Area Fund (IPAF) shall be established as a special trust fund and
14 shall be disbursed solely for the protection, maintenance, administration and
15 management of Pasonanca Natural Park and the System. At least seventy-five percent
16 (75%) of the funds collected shall form part of Pasonanca Natural Park Sub-fund which
17 shall be solely disbursed for its use. The Pasonanca Natural Park Sub-fund shall likewise
18 be exempted from being deposited in the National treasury and shall be made readily
19 available for disbursement upon proper approval of the PAMB and the DENR, subject to
20 the usual accounting and auditing rules and regulations.

21 The Pasonanca Natural Park Fund may be augmented by grants, donations,
22 endowment from various sources, domestic or foreign, for purposes related to their
23 functions: *Provided*, That disbursements therefrom shall be made solely for the
24 protection, maintenance, administration and management of the system, and duly

1 approved projects endorsed by the PAMB in accordance with existing accounting and
2 budgeting rules and regulations: *Provided, further,* That the Fund shall not be used to
3 cover personal services expenditures.

4 The LGUs shall continue to impose and collect all other fees not enumerated
5 herein which they have traditionally collected, such as business permits and rentals of
6 LGUs facilities: *Provided,* That the LGUs shall not impose property tax and issue new tax
7 declaration for areas covered by the Pasonanca Natural Park. Furthermore, LGUs may
8 charge add-ons to fees imposed by the PAMB: *Provided,* That such add-ons shall be
9 based on the contribution of the LGUs in the maintenance and protection of the
10 Pasonanca Natural Park.

11 **SEC. 11. Tenured Migrants and Other Pasonanca Natural Park Stakeholders.** –
12 Tenured migrants shall be eligible to become stewards of portions of lands within
13 allowable zones. The PAMB shall identify, verify and review all tenurial instruments,
14 land claims, and issuances of permits for resource use within the Pasonanca Natural
15 Park and recommend the issuance of the appropriate tenure instrument consistent with
16 the zoning provided in the Management Plan.

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

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

1 Within three (3) months from the passage of this Act, the PASu shall submit to the
2 PAMB the complete list of tenured migrants which list shall be final upon approval of
3 the PAMB.

4 **SEC. 12. Existing Facilities Within the Pasonanca Natural Park.** – Within sixty (60)
5 days from the effectivity of this Act, existing facilities such as roads, buildings, water
6 systems, transmission lines, communication facilities, heavy equipment, and irrigation
7 facilities existing within the boundaries of the Pasonanca Natural Park shall submit
8 project descriptions to the PAMB through the PASu.

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

17 *Existing facilities allowed to remain within the Pasonanca Natural Park may be*
18 *charged a reasonable royalty by the PAMB. All income from such royalty shall accrue to*
19 *the Pasonanca Natural Park Fund.*

20 **SEC. 13. Renewable and Nonrenewable Resources.** – Any exploration and
21 exploitation or utilization of nonrenewable resources including mining within the
22 Pasonanca Natural Park shall not be allowed. Renewable energy projects within the
23 Pasonanca Natural Park shall be permitted only through an act of Congress except
24 energy from wind, sun and water sources and not more than three (3) megawatt

1 capacity for mini-hydro power: *Provided*, That these renewable energy projects are
2 outside the strict protection zone, adopt reduced impact technologies, and undergo the
3 Environmental Impact Assessment (EIA) System as provided by law: *Provided, further*,
4 That the PAMB has endorsed the project.

5 **SEC. 14. *Local Government Units.*** – The local government units (LGUs) within the
6 Pasonanca Natural Park shall participate in its management through representation in
7 the PAMB as provided under Section 6 hereof. Said LGUs may appropriate portions of
8 their share from the annual internal revenue allotment and other income for use of the
9 Pasonanca Natural Park: *Provided*, That all funds directly coming from the LGUs shall be
10 exempted from the twenty-five percent (25%) remittance requirement for the central
11 Integrated Protected Areas Fund (IPAF).

12 **SEC. 15. *Prohibited Acts and Penalties.*** – The following shall be the prohibitions
13 and penalties applicable to the Pasonanca Natural Park, in addition to the prohibited
14 acts as provided in the NIPAS Act and its implementing rules and regulations:

15 (a) The penalties and qualifications prescribed in Articles 309 (Penalties) and
16 310 (Qualified Theft) of the Revised Penal Code, depending on the value of the
17 resources involved in connection with the prohibited act or a fine of at least triple the
18 value of the said resources, or both, shall be imposed upon any person who:

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

1 (2) Cuts, gathers, removes or collect timber or any forest products, within
2 particularly identified regulated or prohibited areas or zones in the Pasonanca Natural
3 Park including private lands without the necessary permit, authorization or exemption;

4 (3) Possesses or transports, within or outside the Pasonanca Natural Park any
5 timber, forest products, wild terrestrial or aquatic plants, animals, or by-products
6 derived therefrom which is ascertained to have been taken from the Pasonanca Natural
7 Park;

8 (4) Undertakes mineral exploration or extraction within the Pasonanca Natural
9 Park;

10 (5) Engages in quarrying of sand, gravel, guano, limestone or any material
11 within the Pasonanca Natural Park;

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

15 (7) Conducts bioprospecting within the Pasonanca Natural Park without prior
16 PAMB approval in accordance with existing guidelines;

17 (8) Engages in *kaingin* or, in any manner, causing forest fires inside the
18 Pasonanca Natural Park; or

19 (9) Establishes or introduces any exotic species, within the Pasonanca Natural
20 Park, which are detrimental to endemic species and the ecosystem therein.

21 (b) A fine of not less than Five thousand pesos (P5,000.00) but not more than
22 Five hundred thousand pesos (P500,000.00) or imprisonment from one (1) year but not
23 more than six (6) years, or both, shall be imposed upon any person who:

- 1 (1) Violates any rules and regulations in the management plan or by the PAMB
2 or agreements reached before the PAMB in the exercise of adjudicative functions;
- 3 (2) Erects any structure on land or on water for any purposes outside the
4 management plan, duly allowed by the PAMB: *Provided*, That large-scale private
5 infrastructure and other projects such as medium to high density residential
6 subdivisions, medium to large commercial and industrial establishments, golf courses,
7 heavily mechanized commercial and nontraditional farming, and other activities that
8 cause increased in-migration and resource degradation are absolutely prohibited;
- 9 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within
10 the Pasonanca Natural Park without a permit;
- 11 (4) Throws, dumps or causes to be dumped into the Pasonanca Natural Park
12 any non-biodegradable material or waste whether liquid, solid or gas;
- 13 (5) Uses, dumps, places or causes to be placed into the Pasonanca Natural Park
14 toxic chemicals and non-biodegradable products, including pesticides and other
15 hazardous substances, soaps and shampoos, and washing detergents, unless the same is
16 expressly allowed in the management plan;
- 17 (6) Prospects, hunts or otherwise locates hidden treasures within the
18 Pasonanca Natural Park;
- 19 (7) Informally occupies or dwells in any land within the Pasonanca Natural
20 Park without clearance from the PAMB;
- 21 (8) Possesses or uses blasting caps or explosives anywhere within the
22 Pasonanca Natural Park;

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

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

5 (11) Purchases or sells, mortgages or leases lands or other portions of the
6 Pasonanca Natural Park which are covered by any tenurial instrument.

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

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

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

1 immediately turned over to the PASu Office for release in its natural habitat, subject to
2 existing regulations.

3 The penalties specified in this section will be in addition to the penalties
4 contained in Republic Act No. 9072 (National Caves and Cave Resources Management
5 and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and
6 Protection Act), and other related laws.

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

9 **SEC. 16. *Reporting Responsibility.*** – The PASu, through the PAMB, shall submit an
10 annual accomplishment report to the Secretary of the DENR on the activities
11 undertaken in the Pasonanca Natural Park.

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

15 **SEC. 18. *Construction and Suppletory Application of Existing Laws.*** – The
16 provisions of this Act shall be construed liberally in favor of the protection and
17 rehabilitation of the Pasonanca Natural Park and the conservation and restoration of its
18 biological diversity, taking into account the needs and interests of qualified tenured
19 migrants, for present and future Filipino generations.

20 The NIPAS Act shall have suppletory effect in the implementation of this Act.

21 **SEC. 19. *Transitory Provision.*** – In order to ensure the recovery and restoration of
22 biological diversity and to develop sustainable livelihood opportunities for tenured
23 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
24 clearances, compliance documents or any other instrument that allows exploitation and

1 utilization of resources within the Pasonanca Natural Park until the Management Plan
2 shall have been put into effect.

3 All existing land-use and resource use permits within the Pasonanca Natural
4 Park shall be reviewed and shall not be renewed upon their expiration unless consistent
5 with the Management Plan and approved by the PAMB.

6 **SEC. 20. *Repealing Clause.*** – For the purpose of this Act, the provisions of the
7 NIPAS Act are hereby modified in accordance with the provisions herein. All other laws,
8 rules and regulations inconsistent with this Act are hereby repealed or modified
9 accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded
10 for the entire area covered by this Act.

11 **SEC. 21. *Separability Clause.*** – If any part or section of this Act is declared by the
12 courts as unconstitutional, such declaration shall not affect the other parts or sections
13 hereof.

14 **SEC. 22. *Effectivity Clause.*** – This Act shall take effect immediately after its
15 complete publication in the *Official Gazette* or in a national newspaper of general
16 circulation available in the Pasonanca Natural Park.

Approved,