

SENATE

SENATE BILL NO. 3269

(In substitution of SBN 2151, taking into consideration HBN 5462)

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 LIDLIDDA-BANAYOYO PROTECTED LANDSCAPE IN THE PROVINCE OF ILOCOS SUR 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 the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** *Short Title.* – This Act shall be known as the “Lidlidda-Banayoyo
2 Protected Landscape (LBPL) Act of 2012”.

3 **SEC. 2.** *Declaration of Policy.* – Considering the diversity of the unique biological
4 resources of the Province of Ilocos Sur 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 Lidlidda-Banayoyo Protected Landscape (LBPL) shall
13 fall under the classification of National Park as provided for in the Philippine
14 Constitution.

1 **SEC. 3. Scope and Coverage.** – The boundaries of the LBPL, which falls under the
2 category of Protected Landscape as defined herein, within the Province of Ilocos Sur, are
3 as follows:

4 Parcel I

5 Corner 1 is identical to corner 125 of Project No. 12 Block No. I, Alienable &
6 Disposable of LC Map No. 1254

7	Line	Bearing	Distance (Meters)
8	1-2	S 26°00'11" W	241.40
9	2-3	S 20°38'15" E	217.70
10	3-4	S 01°35'28" E	190.57
11	4-5	S 06°31'11" E	291.78
12	5-6	S 42°08'15" W	217.75
13	6-7	S 67°47'47" E	203.47
14	7-8	S 10°50'25" E	183.98
15	8-9	S 78°41'24" E	490.09
16	9-10	S 41°33'09" W	226.05
17	10-11	S 17°14'29" E	233.48
18	11-12	S 08°58'21" E	221.86
19	12-13	S 85°36'04" E	100.25
20	13-14	N 52°48'55" E	139.95
21	14-15	N 50°11'39" E	210.19
22	15-16	S 15°15'18" E	175.34
23	16-17	S 37°25'18" W	99.41
24	17-18	S 54°27'44" E	91.04
25	18-19	S 70°26'30" W	426.79

1	19-20	S 62°54'59" E	523.02
2	20-21	S 45°00'00" E	74.84
3	21-22	S 35°37'40" E	390.62
4	22-23	N 53°07'48" E	105.83
5	23-24	N 33°57'32" W	312.61
6	24-25	N 53°07'48" E	79.38
7	25-26	N 42°16'25" W	78.67
8	26-27	N 07°07'30" W	42.66
9	27-28	N 67°00'40" E	189.69
10	28-29	N 27°46'01" W	275.81
11	29-30	N 66°21'10" E	117.16
12	30-31	due East	116.42
13	31-32	S 62°10'33" E	215.40
14	32-33	Foll. river SE dir. up stream	387.70
15	33-34	S 20°41'43" E	254.55
16	34-35	S 21°26'51" E	159.19
17	35-36	S 31°25'07" E	228.50
18	36-37	S 58°43'02" W	307.27
19	37-38	S 61°14'32" W	2060.03
20	38-39	N 61°11'46" W	256.82
21	39-40	Foll. river NW dir. down stream	471.93
22	40-41	N 08°07'48" E	135.93
23	41-42	N 52°07'30" E	175.34
24	42-43	N 47°36'09" E	119.74
25	43-44	N 12°31'43" W	248.12

1	44-45	N 12°45'27" W	208.92
2	45-46	N 22°37'11" W	149.94
3	46-47	N 04°25'57" E	248.72
4	47-48	S 80°10'50" W	101.45
5	48-49	N 42°47'16" W	633.89
6	49-50	N 66°22'13" E	67.14
7	50-51	N 16°51'30" W	132.57
8	51-52	N 31°07'20" W	238.02
9	52-53	N 22°42'51" W	179.22
10	53-54	S 84°40'04" E	289.60
11	54-55	N 05°11'40" W	84.93
12	55-56	N 67°28'46" W	170.64
13	56-57	N 59°02'10" W	134.51
14	57-58	S 81°52'11" W	163.11
15	58-59	S 26°33'54" W	128.95
16	59-60	S 75°43'08" E	218.19
17	60-61	S 22°42'51" E	179.22
18	61-62	S 41°25'25" W	87.16
19	62-63	S 29°53'55" E	177.39
20	63-64	S 26°33'54" E	154.74
21	64-65	S 42°47'16" E	633.89
22	65-66	S 16°17'38" W	260.36
23	66-67	N 33°41'24" W	221.79
24	67-68	N 32°00'19" W	217.62
25	68-69	N 59°02'10" W	291.43

1	69-70	N 50°50'40" W	347.06
2	70-71	N 75°42'58" W	278.92
3	71-72	S 60°56'43" W	170.95
4	72-73	N 38°39'35" W	318.96
5	73-74	S 55°53'07" W	207.24
6	74-75	S 59°55'53" W	243.03
7	75-76	S 83°53'04" W	155.86
8	76-77	N 23°11'54" E	210.76
9	77-78	N 51°20'24" E	354.40
10	78-79	N 55°00'28" E	202.68
11	79-80	N 69°20'27" E	360.82
12	80-81	N 22°37'11" E	143.90
13	81-82	N 46°13'02" E	179.29
14	82-83	N 56°33'36" E	244.18
15	83-84	N 31°25'46" W	162.20
16	84-85	Foll. river NE dir. down stream	479.70
17	85-86	S 62°20'54" E	188.55
18	86-87	S 45°00'00" E	152.24
19	87-88	S 10°18'17" W	128.95
20	88-89	N 53°28'30" E	318.69
21	89-90	N05°34'19" E	217.99
22	90-91	N 59°02'10" W	92.57
23	91-92	S 32°00'19" W	199.69
24	92-93	N 75°00'17" W	306.78
25	93-94	N 57°31'43" E	206.99

1	94-95	N 70°05'46" E	326.42
2	95-96	N 52°07'29" W	60.33
3	96-97	S 79°22'49" W	258.43
4	97-98	N 09°55'34" E	214.88
5	98-99	N 33°10'42" E	328.77
6	99-100	N 77°00'19" W	70.60
7	100-101	S 43°52'36" W	190.87
8	101-102	S 19°10'44" W	257.72
9	102-103	S 84°17'21" W	106.36
10	103-104	N 07°41'45" W	197.57
11	104-105	S 76°51'57" W	163.01
12	105-106	S 05°07'02" E	355.96
13	106-107	S 28°29'06" W	300.90
14	107-108	S 64°50'32" W	372.37
15	108-109	S 61°01'56" W	354.27
16	109-110	N 45°00'00" W	219.17
17	110-111	N 26°33'54" E	334.16
18	111-112	N36°41'22" E	352.01
19	112-113	N 30°41'58" E	205.98
20	113-114	N 24°50'32" E	329.35
21	114-115	N 28°36'37" E	208.05
22	115-116	N 76°30'13" E	294.64
23	116-117	N 08°07'48" E	151.52
24	117-118	N 23°34'28" W	257.17
25	118-119	N 15°28'43" E	289.05

1	119-120	N 61°15'36" W	151.52
2	120-121	S 15°38'32" W	222.52
3	121-122	S 47°17'26" W	227.46
4	122-123	N 80°08'03" W	100.05
5	123-124	N 35°04'25" E	246.11
6	124-125	N 27°04'19" E	216.58
7	125-126	N 27°17'58" E	149.51
8	126-127	N 25°38'27" E	118.84
9	127-128	S 76°25'46" E	127.85
10	128-129	N 23°22'16" E	122.01
11	129-130	S 86°14'53" E	323.49
12	130-131	N 80°32'15" E	225.32
13	131-132	S 60°25'19" E	225.13
14	132-133	S 05°26'24" E	111.63
15	133-134	N 75°57'49" E	87.27
16	134-135	N 29°44'41" E	170.65
17	135-136	N 21°02'15" W	147.41
18	136-137	N 11°46'05" E	129.73
19	137-138	S 79°49'28" E	209.67
20	138-139	N 78°13'54" E	129.73
21	139-140	S 03°54'01" E	233.37
22	140-141	S 10°18'17" E	236.65
23	141-142	S 73°18'02" W	110.49
24	142-143	S 78°41'24" E	188.88
25	143-144	S 03°48'50" E	238.65

1	144-145	S 39°57'27" W	255.43
2	145-146	S 35°42'23" W	208.53
3	146-147	N 77°54'19" W	75.77
4	147-148	S 49°23'55" W	97.57
5	148-149	S 56°18'35" E	57.24
6	149-150	S 61°11'21" E	120.78
7	150-151	S 66°48'04" E	120.90
8	151-152	S 35°32'16" E	45.52
9	152-153	S 59°02'10" W	246.84
10	153-1	S 15°04'06" E	142.48

11 the point of beginning containing an area of nine hundred eighty-five and 40/100
12 (985.40) hectares.

13 Parcel II

14 Corner 1 is identical to corner 79 of Project No. 12 Block No. I, Alienable &
15 Disposable of LC Map No. 1254

16	Line	Bearing	Distance (Meters)
17	1-2	N 04°45'49" E	191.16
18	2-3	N 65°46'20" E	116.06
19	3-4	S 85°14'10" E	191.16
20	4-5	N 08°44'46" W	69.60
21	5-6	S 67°22'48" E	68.79
22	6-7	due South	63.50
23	7-8	S 23°50'19" W	746.30
24	8-9	S 04°59'42" E	220.49
25	9-10	S 61°47'11" W	1033.59

1	10-11	N 30°54'40" E	97.76
2	11-12	N 29°14'55" W	151.62
3	12-13	N 63°26'05" E	189.32
4	13-14	N 76°36'27" E	114.23
5	14-15	N 04°05'08" W	74.27
6	15-16	due North	111.13
7	16-17	N 86°38'00" E	270.34
8	17-18	N 48°07'19" E	206.10
9	18-19	N 04°23'55" W	137.99
10	19-20	due North	190.50
11	20-1	N 39°57'27" E	255.43

12 the point of beginning containing an area of forty-six and 09/100 (46.09) hectares.

13 The LBPL shall cover a total land area of one thousand thirty-one and 49/100
14 (1,031.49) hectares.

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

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

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

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

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

7 (d) "*Collection*" or "*Collecting*" refers to the act of gathering or harvesting
8 wildlife, its by-products or derivatives.

9 (e) "*Conservation*" refers to the sustainable utilization of wildlife, and/or
10 maintenance, restoration and enhancement of the habitat.

11 (f) "*Consultation*" refers to the meeting or dialogue with concerned or affected
12 individual and groups within and outside the LBPL designated to identify and resolve
13 issues and problems affecting them in relation to the protection, conservation and
14 sustainable development of the LBPL.

15 (g) "*Ecosystem*" refers to the dynamic complex of plant, animal and
16 micro-organism communities and their non-living environment interacting as a
17 functional unit.

18 (h) "*Endangered Species*" refer to the species or subspecies that is not critically
19 endangered but whose survival in the wild is unlikely if the causal factors continue
20 operating.

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

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

1 (k) "*Exploitation*" refers to any mode of use, extraction, development,
2 utilization or disposition of resources, for whatever purpose, whether commercial or
3 otherwise.

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

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

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

13 (o) "*LBPL Fund*" refers to the special trust fund to be established for the
14 purpose of financing projects in the LBPL.

15 (p) "*Management Plan*" refers to the fundamental plan, strategy and/or scheme
16 which shall guide all activities relating to the LBPL in order to attain the objectives of
17 this Act.

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

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

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

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

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

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

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

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

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

3 (z) "*Protected Area Superintendent (PASu)*" refers to the chief operating DENR
4 officer of the protected area.

5 (aa) "*Protected Landscape*" refers to the areas of national significance which are
6 characterized by the harmonious interaction of man and land while providing
7 opportunities for public enjoyment through recreation and tourism within the normal
8 lifestyle and economic activity of these areas.

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

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

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

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

1 **SEC. 5. Management Plan.** — There shall be a Management Plan promulgated for
2 the LBPL that shall serve as the basic long-term framework plan in the management of
3 the protected area and guide in the preparation of its annual operations plan and
4 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 LBPL. The
23 Management Plan shall be approved by the majority of the PAMB and endorsed to the
24 Secretary through Protected Areas and Wildlife Bureau (PAWB). The Management Plan
25 is deemed accepted unless formal written disapproval from the Secretary is received

1 by the PAMB on the ground of inconsistency with existing laws and related rules and
2 regulations.

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

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

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

22 **SEC. 7. *Powers and Functions of the PAMB.*** – The PAMB of the LBPL, which shall
23 decide by consensus or majority vote of the members present constituting a quorum of
24 majority of all the members, shall have the following powers and functions in addition

1 to those provided under the NIPAS Act of 1992 and its implementing rules and
2 regulations:

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

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

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

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

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

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

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

21 The DENR, through the RED, shall ensure that the PAMB acts within the scope of
22 its powers and functions. In case of conflict between administrative orders of national
23 application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by
24 the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply
25 the rule or withdraw its application in the LBPL.

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

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

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

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

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

16 (d) Enforce the laws, rules and regulations relevant to the LBPL, institute and
17 file legal action independently or in collaboration with other government agencies or
18 organizations and assist in the prosecution of offenses committed in violation of this
19 Act;

20 (e) Monitor all activities within the LBPL to ensure its conformity with the
21 management plan;

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

1 (g) Ensure the integration of the LBPL management policies, regulations,
2 programs and projects at all the concerned national and local government units level;
3 and

4 (h) Perform such other functions as the PAMB may delegate.

5 The PASu shall be supported by a sufficient number of personnel who shall be
6 performing day to day management, protection and administration of the LBPL. Upon
7 the recommendation of the PAMB, the DENR Regional Executive Director shall deputize
8 local community leaders and environment and natural resources officers.

9 **SEC. 9. *Integrated Protected Area Fund of the LBPL.*** – The Integrated Protected
10 Area Fund (IPAF) shall be established as a special trust fund and shall be disbursed
11 solely for the protection, maintenance, administration and management of LBPL and the
12 System. At least seventy-five percent (75%) of the funds collected shall form part of
13 LBPL Sub-fund which shall be solely disbursed for its use. The LBPL Sub-fund shall
14 likewise be exempted from being deposited in the National treasury and shall be made
15 readily available for disbursement upon proper approval of the PAMB and the DENR,
16 subject to the usual accounting and auditing rules and regulations.

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

24 The LGUs shall continue to impose and collect all other fees not enumerated
25 herein which they have traditionally collected, such as business permits and rentals of

1 LGUs facilities: *Provided*, That the LGUs shall not impose property tax and issue new tax
2 declaration for areas covered by the LBPL. Furthermore, LGUs may charge add-ons to
3 fees imposed by the PAMB: *Provided*, That such add-ons shall be based on the
4 contribution of the LGUs in the maintenance and protection of the LBPL.

5 **SEC. 10. *Tenured Migrants and Other LBPL Stakeholders.*** – Tenured migrants shall
6 be eligible to become stewards of portions of lands within allowable zones. The PAMB
7 shall identify, verify and review all tenurial instruments, land claims, and issuances of
8 permits for resource use within the LBPL and recommend the issuance of the
9 appropriate tenure instrument consistent with the zoning provided in the Management
10 Plan.

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

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

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

22 **SEC. 11. *Existing Facilities Within the LBPL.*** – Within sixty (60) days from the
23 effectivity of this Act, existing facilities such as roads, buildings, water systems,
24 transmission lines, communication facilities, heavy equipment, and irrigation facilities

1 existing within the boundaries of the LBPL shall submit project descriptions to the
2 PAMB through the PASu.

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

10 Existing facilities allowed to remain within the LBPL may be charged a reasonable
11 royalty by the PAMB. All income from such royalty shall accrue to the LBPL Fund.

12 **SEC. 12. Renewable and Nonrenewable Resources.** – Any exploration and
13 exploitation or utilization of nonrenewable resources including mining within the LBPL
14 shall not be allowed. Renewable energy projects within the LBPL shall be permitted
15 only through an act of Congress except energy from wind, sun and water sources and
16 not more than three (3) megawatt capacity for mini-hydro power: *Provided*, That these
17 renewable energy projects are outside the strict protection zone, adopt reduced impact
18 technologies, and undergo the Environmental Impact Assessment (EIA) System as
19 provided by law: *Provided, further*, That the PAMB has endorsed the project.

20 **SEC. 13. Local Government Units.** – The local government units (LGUs) within the
21 LBPL shall participate in its management through representation in the PAMB as
22 provided under Section 6 hereof. Said LGUs may appropriate portions of their share
23 from the annual internal revenue allotment and other income for use of the LBPL:
24 *Provided*, That all funds directly coming from the LGUs shall be exempted from the

1 twenty-five percent (25%) remittance requirement for the central Integrated Protected
2 Areas Fund (IPAF).

3 **SEC. 14. *Prohibited Acts and Penalties.*** – The following shall be the prohibitions
4 and penalties applicable to the LBPL, in addition to the prohibited acts as provided in
5 the NIPAS Act and its implementing rules and regulations:

6 (a) The penalties and qualifications prescribed in Articles 309 (Penalties) and
7 310 (Qualified Theft) of the Revised Penal Code, depending on the value of the
8 resources involved in connection with the prohibited act or a fine of at least triple the
9 value of the said resources, or both, shall be imposed upon any person who:

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

16 (2) Cuts, gathers, removes or collect timber or any forest products, within
17 particularly identified regulated or prohibited areas or zones in the LBPL including
18 private lands without the necessary permit, authorization or exemption;

19 (3) Possesses or transports, within or outside the LBPL any timber, forest
20 products, wild terrestrial or aquatic plants, animals, or by-products derived therefrom
21 which is ascertained to have been taken from the LBPL;

22 (4) Undertakes mineral exploration or extraction within the LBPL;

23 (5) Engages in quarrying of sand, gravel, guano, limestone or any material
24 within the LBPL;

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

4 (7) Conducts bioprospecting within the LBPL without prior PAMB approval in
5 accordance with existing guidelines;

6 (8) Engages in *kaingin* or, in any manner, causing forest fires inside the LBPL;
7 or

8 (9) Establishes or introduces any exotic species, within the LBPL, which are
9 detrimental to endemic species and the ecosystem therein.

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

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

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

21 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within
22 the LBPL without a permit;

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

1 (5) Uses, dumps, places or causes to be placed into the LBPL toxic chemicals
2 and non-biodegradable products, including pesticides and other hazardous substances,
3 soaps and shampoos, and washing detergents, unless the same is expressly allowed in
4 the management plan;

5 (6) Prospects, hunts or otherwise locates hidden treasures within the LBPL;

6 (7) Informally occupies or dwells in any land within the LBPL without
7 clearance from the PAMB;

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

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

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

13 (11) Purchases or sells, mortgages or leases lands or other portions of the LBPL
14 which are covered by any tenurial instrument.

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

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

22 All conveyances, vessels, equipments, paraphernalia, implements, gears, tools
23 and similar devices shall be subject to immediate and administrative confiscation,
24 independent of the judicial proceedings by the PASu Office upon apprehension, subject
25 however to due process and substantial evidence requirements. When legal action is

1 however, filed in the regular courts, the said conveyances, vessels, equipments,
2 paraphernalia, implements, gears, tools and similar devices, independent of the
3 administrative proceedings, shall not be released until after judgment has been
4 rendered. Proceeds of the sale of all objects administratively or judicially confiscated
5 pursuant hereto shall accrue to the LBPL Fund. Procedure for the sale thereof shall be
6 promulgated by the PAMB. However, in no case shall any confiscated or rescued
7 protected animal species be sold or in any manner disposed of but shall be immediately
8 turned over to the PASu Office for release in its natural habitat, subject to existing
9 regulations.

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

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

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

19 **SEC. 16. Appropriations.** – The Secretary of the DENR shall immediately include
20 in the 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.** – The
23 provisions of this Act shall be construed liberally in favor of the protection and
24 rehabilitation of the LBPL and the conservation and restoration of its biological

1 diversity, taking into account the needs and interests of qualified tenured migrants, for
2 present and future Filipino generations.

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

4 **SEC. 18. *Transitory Provision.*** –In order to ensure the recovery and restoration of
5 biological diversity and to develop sustainable livelihood opportunities for tenured
6 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
7 clearances, compliance documents or any other instrument that allows exploitation and
8 utilization of resources within the LBPL until the Management Plan shall have been put
9 into effect.

10 All existing land-use and resource use permits within the LBPL shall be reviewed
11 and shall not be renewed upon their expiration unless consistent with the Management
12 Plan and approved by the PAMB.

13 **SEC. 19. *Repealing Clause.*** – For the purpose of this Act, the provisions of the
14 NIPAS Act are hereby modified in accordance with the provisions herein. All other laws,
15 rules and regulations inconsistent with this Act are hereby repealed or modified
16 accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded
17 for the entire area covered by this Act.

18 **SEC. 20. *Separability Clause.*** – If any part or section of this Act is declared by the
19 courts as unconstitutional, such declaration shall not affect the other parts or sections
20 hereof.

21 **SEC. 21. *Effectivity Clause.*** – This Act shall take effect immediately after its
22 complete publication in the *Official Gazette* or in a national newspaper of general
23 circulation available in the LBPL.

Approved,