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SENATE

SENATE BILL NO. 3270

(In substitution of SBN 2158, taking into consideration HBN 4828)

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 ALIWAGWAG PROTECTED LANDSCAPE IN THE PROVINCES OF
DAVAO ORIENTAL AND COMPOSTELA VALLEY 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 “Aliwagwag Protected
2 Landscape (APL) Act of 2012”.

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

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

1 All lands comprising the Aliwagwag Protected Landscape (APL) shall fall under
2 the classification of National Park as provided for in the Philippine Constitution.

3 **SEC. 3. *Scope and Coverage.*** – The boundaries of the APL, which falls under the
4 category of Protected Landscape as defined herein, in the Provinces of Davao Oriental
5 and Compostela Valley, are as follows:

6 Corner 1 is equivalent to the tie point having a Latitude 7° 47' 19.59" N and
7 Longitude 126° 16' 43.08" E

8	Line	Bearing	Distance
9	1-2	S 58°52'39" E	347.90
10	2-3	S 55°48'15" E	529.91
11	3-4	S 56°07'45" E	494.05
12	4-5	S 57°03'02" E	361.60
13	5-6	S 15°36'39" W	396.75
14	6-7	S 16°33'25" W	433.81
15	7-8	S 18°26'05" W	355.39
16	8-9	S 22°57'49" W	360.07
17	9-10	S 17°14'29" W	341.25
18	10-11	S 17°15'56" W	435.45
19	11-12	S 18°43'50" W	516.22
20	12-13	S 18°37'17" W	545.53
21	13-14	S 21°38'39" W	380.87
22	14-15	S 15°23'43" W	402.16
23	15-16	S 36°23'03" E	265.24
24	16-17	S 39°08'10" E	369.48

1	17-18	S 39°48'20" E	307.22
2	18-19	S 40°42'39" E	318.77
3	19-20	S 37°15'59" E	324.80
4	20-21	S 40°10'45" E	330.97
5	21-22	S 39°36'38" E	423.05
6	22-23	S 39°03'11" E	383.51
7	23-24	S 16°38'06" E	480.91
8	24-25	S 41°07'17" W	469.94
9	25-26	S 33°27'11" W	377.16
10	26-27	S 12°15'53" W	396.79
11	27-28	S 27°36'46" W	412.20
12	28-29	S 19°08'01" W	291.44
13	29-30	S 69°26'38" W	288.07
14	30-31	S 52°59'50" W	242.75
15	31-32	N 72°47'02" W	417.68
16	32-33	S 29°38'18" W	374.98
17	33-34	S 29°21'27" W	309.47
18	34-35	S 26°06'50" W	319.16
19	35-36	S 19°23'52" W	422.98
20	36-37	S 29°07'26" W	450.28
21	37-38	S 22°11'25" W	461.23
22	38-39	S 32°34'26" W	240.06
23	39-40	N 28°23'34" W	236.34
24	40-41	S 88°03'30" W	331.73

1	41-42	S 34°07'42" W	305.48
2	42-43	S 56°18'35" W	243.13
3	43-44	N 80°41'24" W	347.35
4	44-45	N 57°00'41" W	381.86
5	45-46	N 67°22'48" W	292.20
6	46-47	S 63°26'05" W	351.82
7	47-48	S 56°18'35" W	344.43
8	48-49	N 67°17'08" W	261.94
9	49-50	N 79°57'02" W	450.84
10	50-51	S 65°16'57" W	389.72
11	51-52	N 77°09'51" W	227.65
12	52-53	N 02°23'09" E	269.96
13	53-54	N 45°00'00" E	381.45
14	54-55	N 44°59'59" E	238.41
15	55-56	N 16°51'30" E	193.76
16	56-57	N 41°25'25" W	254.80
17	57-58	N 89°11'35" W	399.01
18	58-59	N 38°46'27" W	439.67
19	59-60	N 10°37'10" W	365.90
20	60-61	N 57°20'20" W	260.31
21	61-62	S 64°43'20" W	223.71
22	62-63	N 15°49'09" W	350.43
23	63-64	N 62°48'43" W	578.03
24	64-65	N 59°53'55" W	448.17

1	65-66	N 53°18'36" W	357.39
2	66-67	N 64°55'57" W	384.62
3	67-68	N 88°40'04" W	241.69
4	68-69	N 61°01'56" W	359.68
5	69-70	N 54°09'44" W	499.07
6	70-71	N 03°19'04" W	388.38
7	71-72	N 04°39'37" W	518.69
8	72-73	N 04°51'52" W	530.12
9	73-74	N 29°08'53" W	334.57
10	74-75	N 27°53'50" W	324.27
11	75-76	N 26°12'40" W	407.12
12	76-77	N 16°35'53" W	304.91
13	77-78	N 11°58'34" W	379.12
14	78-79	N 11°00'12" W	412.17
15	79-80	N 66°28'03" W	380.00
16	80-81	N 14°44'36" W	441.60
17	81-82	N 13°32'09" W	312.11
18	82-83	N 13°17'05" W	415.71
19	83-84	N 29°27'30" E	348.50
20	84-85	N 16°09'52" W	403.69
21	85-86	N 12°27'29" W	494.91
22	86-87	N 12°56'47" W	501.63
23	87-88	N 38°52'03" E	483.55
24	88-89	N 38°36'40" E	517.77

1	89-90	N 38°33'30" E	495.84
2	90-91	N 25°01'00" W	465.08
3	91-92	N 04°26'50" W	507.26
4	92-93	N 22°12'12" E	594.79
5	93-94	N 26°51'29" E	491.30
6	94-95	N 28°15'50" E	593.33
7	95-96	N 60°26'00" E	671.90
8	96-97	S 84°29'40" E	468.56
9	97-98	N 70°51'06" E	428.28
10	98-99	N 76°19'43" E	427.95
11	99-100	S 38°48'40" E	331.73
12	100-101	S 57°25'33" E	240.06
13	101-102	S 27°22'39" W	354.37
14	102-103	S 67°42'51" E	370.45
15	103-104	S 70°33'35" E	354.56
16	104-105	S 68°31'23" E	368.35
17	105-106	S 71°33'54" E	373.16
18	106-107	S 69°08'43" E	505.11
19	107-108	S 68°50'19" E	373.59
20	108-109	S 42°30'37" E	365.90
21	109-110	S 87°30'37" E	388.10
22	110-111	S 79°12'56" E	360.38
23	111-112	S 80°41'24" E	347.35
24	112-113	S 81°22'21" E	412.06

1	113-114	S 79°22'49" E	274.43
2	114-115	S 80°25'32" E	472.99
3	115-116	S 80°41'24" E	347.35
4	116-117	S 80°02'57" E	325.19
5	117-118	S 80°41'24" E	347.35
6	118-1	S 82°24'19" E	340.14

7 the point of beginning containing an area of ten thousand eight hundred sixty-six and
8 45/100 (10,866.45) hectares.

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

16 **SEC. 4. Buffer Zone.** – The buffer zone surrounding the APL is hereby established
17 with the following boundaries:

18 Corner 1 is equivalent to the tie point having a Latitude 7° 47' 19.59" N and
19 Longitude 126° 16' 43.08" E

20	Line	Bearing	Distance
21	1-2	S 58°52'39" E	347.90
22	2-3	S 55°48'15" E	529.91
23	3-4	S 56°07'45" E	494.05
24	4-5	S 57°03'02" E	361.60

1	5-6	S 15°36'39" W	396.75
2	6-7	S 16°33'25" W	433.81
3	7-8	S 18°26'05" W	355.39
4	8-9	S 22°57'49" W	360.07
5	9-10	S 17°14'29" W	341.25
6	10-11	S 17°15'56" W	435.45
7	11-12	S 18°43'50" W	516.22
8	12-13	S 18°37'17" W	545.53
9	13-14	S 21°38'39" W	380.87
10	14-15	S 15°23'43" W	402.16
11	15-16	S 36°23'03" E	265.24
12	16-17	S 39°08'10" E	369.48
13	17-18	S 39°48'20" E	307.22
14	18-19	S 40°42'39" E	318.77
15	19-20	S 37°15'59" E	324.80
16	20-21	S 40°10'45" E	330.97
17	21-22	S 39°36'38" E	423.05
18	22-23	S 39°03'11" E	383.51
19	23-24	S 16°49'53" E	483.64
20	24-25	N 00°12'21" E	657.81
21	25-26	N 39°21'34" W	544.74
22	26-27	N 41°14'29" W	459.43
23	27-28	N 37°05'34" W	486.50
24	28-29	N 40°53'15" W	513.31

1	29-30	N 38°44'27" W	521.79
2	30-31	N 15°22'34" E	392.65
3	31-32	Foll. River dwn. stream gen. SE dir.	667.59
4	32-33	Foll. River dwn. stream gen. SE dir.	521.80
5	33-34	Foll. River dwn. stream gen. SE dir.	584.71
6	34-35	Foll. River dwn. stream gen. SE dir.	484.36
7	35-36	N 45°44'38" E	257.69
8	36-37	Foll. River up stream gen. NW dir.	543.10
9	37-38	Foll. River up stream gen. NW dir.	426.06
10	38-39	Foll. River up stream gen. NW dir.	576.48
11	39-40	Foll. River up stream gen. NW dir.	443.10
12	40-41	N 88°00'07" E	410.12
13	41-42	N 19°31'18" E	552.32
14	42-43	N 18°26'05" E	493.85
15	43-44	N 17°52'15" E	532.04
16	44-45	N 19°47'55" E	502.97
17	45-46	N 17°25'04" E	505.90
18	46-47	N 20°13'29" E	479.12
19	47-48	N 19°24'41" E.	526.85
20	48-49	N 53°12'46" W	655.91
21	49-50	N 54°54'59" W	485.78
22	50-51	N 54°42'23" W	516.03
23	51-52	N 80°21'07" W	480.03
24	52-53	N 82°17'54" W	536.29

1	53-54	N 80°59'53" W	490.94
2	54-55	N 81°09'02" W	540.95
3	55-56	N 78°41'24" W	424.32
4	56-57	N 78°41'24" W	538.56
5	57-58	N 81°23'22" W	513.08
6	58-59	N 82°49'41" W	487.11
7	59-60	N 37°48'56" W	271.45
8	60-61	N 68°35'13" W	350.67
9	61-62	N 71°21'11" W	410.42
10	62-63	N 72°10'51" W	470.67
11	63-64	N 67°39'33" W	505.22
12	64-65	N 69°36'18" W	532.69
13	65-66	N 26°33'54" E	386.47
14	66-67	N 60°03'15" W	339.83
15	67-68	N 36°32'13" W	330.63
16	68-69	S 74°10'03" W	445.80
17	69-70	S 77°14'32" W	521.78
18	70-71	N 84°37'56" W	479.00
19	71-72	S 58°30'54" W	392.21
20	72-73	S 58°05'59" W	369.46
21	73-74	S 25°20'46" W	471.03
22	74-75	S 28°52'20" W	391.08
23	75-76	S 26°09'28" W	402.94
24	76-77	S 26°01'46" W	459.49

1	77-78	S 08°22'27" E	637.32
2	78-79	S 21°39'21" E	351.26
3	79-80	S 40°52'20" W	440.20
4	80-81	S 37°39'20" W	513.43
5	81-82	S 37°21'50" W	519.48
6	82-83	S 13°17'54" E	542.66
7	83-84	S 14°12'57" E	495.26
8	84-85	S 14°09'05" E	386.20
9	85-86	S 32°09'51" W	366.75
10	86-87	S 18°13'01" E	266.19
11	87-88	S 13°21'05" E	519.75
12	88-89	S 13°56'44" E	491.38
13	89-90	S 63°37'52" E	417.96
14	90-91	S 10°25'42" E	530.47
15	91-92	S 11°29'59" E	473.60
16	92-93	S 28°57'03" E	343.83
17	93-94	S 29°14'55" E	366.83
18	94-95	S 26°23'12" E	368.01
19	95-96	S 01°11'59" E	489.17
20	96-97	S 03°47'10" E	523.49
21	97-98	S 02°41'01" E	492.16
22	98-99	S 57°42'12" E	934.49
23	99-100	N 85°54'51" E	251.57
24	100-101	S 67°08'52" E	389.00

1	101-102	S 43°57'30" E	348.59
2	102-103	N 84°59'12" E	146.51
3	103-104	S 50°08'23" E	343.58
4	104-105	S 64°56'10" E	568.16
5	105-106	S 16°21'20" E	491.01
6	106-107	N 42°19'28" E	193.94
7	107-108	N 72°58'46" E	131.21
8	108-109	S 63°13'16" E	153.44
9	109-110	S 01°48'31" W	243.37
10	110-111	S 38°41'43" E	643.02
11	111-112	N 89°02'13" E	304.74
12	112-113	S 62°14'29" E	219.91
13	113-114	S 30°15'23" W	142.29
14	114-115	S 56°57'35" W	375.70
15	115-116	S 47°39'46" W	311.75
16	116-117	DUE SOUTH	271.41
17	117-118	S 73°29'44" E	216.31
18	118-119	N 02°09'06" E	270.29
19	119-120	N 45°00'00" E	381.45
20	120-121	N 44°59'59" E	238.41
21	121-122	N 16°51'30" E	193.76
22	122-123	N 41°25'25" W	254.80
23	123-124	N 89°11'35" W	399.01
24	124-125	N 38°46'27" W	439.67

1	125-126	N 10°37'10" W	365.90
2	126-127	N 57°20'20" W	260.31
3	127-128	S 64°43'20" W	223.71
4	128-129	N 15°49'09" W	350.43
5	129-130	N 62°48'43" W	578.03
6	130-131	N 59°53'55" W	448.17
7	131-132	N 53°18'36" W	357.39
8	132-133	N 64°55'57" W	384.62
9	133-134	N 88°40'04" W	241.69
10	134-135	N 61°01'56" W	359.68
11	135-136	N 54°09'44" W	499.07
12	136-137	N 03°19'04" W	388.38
13	137-138	N 04°39'37" W	518.69
14	138-139	N 04°51'52" W	530.12
15	139-140	N 29°08'53" W	334.57
16	140-141	N 27°53'50" W	324.27
17	141-142	N 26°12'40" W	407.12
18	142-143	N 16°35'53" W	304.91
19	143-144	N 11°58'34" W	379.12
20	144-145	N 11°00'12" W	412.17
21	145-146	N 66°28'03" W	380.00
22	146-147	N 14°44'36" W	441.60
23	147-148	N 13°32'09" W	312.11
24	148-149	N 13°17'05" W	415.71

1	149-150	N 29°27'30" E	348.50
2	150-151	N 16°09'52" W	403.69
3	151-152	N 12°27'29" W	494.91
4	152-153	N 12°56'47" W	501.63
5	153-154	N 38°52'03" E	483.55
6	154-155	N 38°36'40" E	517.77
7	155-156	N 38°33'30" E	495.84
8	156-157	N 25°01'00" W	465.08
9	157-158	N 04°26'50" W	507.26
10	158-159	N 22°12'12" E	594.79
11	159-160	N 26°51'29" E	491.30
12	160-161	N 28°15'50" E	593.33
13	161-162	N 60°26'00" E	671.90
14	162-163	S 84°29'40" E	468.56
15	163-164	N 70°51'06" E	428.28
16	164-165	N 76°19'43" E	427.95
17	165-166	S 38°48'40" E	331.73
18	166-167	S 57°25'33" E	240.06
19	167-168	S 27°22'39" W	354.37
20	168-169	S 67°42'51" E	370.45
21	169-170	S 70°33'35" E	354.56
22	170-171	S 68°31'23" E	368.35
23	171-172	S 71°33'54" E	373.16
24	172-173	S 69°08'43" E	505.11

1	173-174	S 68°50'19" E	373.59
2	174-175	S 42°30'37" E	365.90
3	175-176	S 87°30'37" E	388.10
4	176-177	S 79°12'56" E	360.38
5	177-178	S 80°41'24" E	347.35
6	178-179	S 81°22'21" E	412.06
7	179-180	S 79°22'49" E	274.43
8	180-181	S 80°25'32" E	472.99
9	181-182	S 80°41'24" E	347.35
10	182-183	S 80°02'57" E	325.19
11	183-184	S 80°41'24" E	347.35
12	184-1	S 82°24'19" E	340.14

13 the point of beginning containing an area of six hundred thirty-eight and 66/100
14 (638.66) hectares.

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

17 (a) "*APL Fund*" refers to the special trust fund to be established for the purpose
18 of financing projects in the APL.

19 (b) "*Biodiversity*" refers to the variety and variability among living organisms
20 and the ecological complexes in which said organisms occur.

21 (c) "*Biological resources*" includes genetic resources, organisms or parts
22 thereof, population, or any other biotic component of ecosystems with actual or
23 potential use or value for humanity.

1 (d) "*Bioprospecting*" refers to the research, collection and utilization of
2 biological and genetic resources for purposes of applying the knowledge derived
3 therefrom solely for commercial purposes.

4 (e) "*Buffer Zone*" refers to the identified area outside the boundaries of and
5 immediately adjacent to APL that need special development control in order to avoid or
6 minimize harm to APL.

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

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

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

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

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

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

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

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

23 (t) "*National Integrated Protected Areas System (NIPAS)*" refers to the
24 classification and administration of all designated protected areas to maintain essential

1 ecological processes and life-support systems, to preserve genetic diversity, to ensure
2 sustainable use of resources found therein, and to maintain their natural conditions to
3 the greatest extent possible.

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

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

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

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

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

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

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

5 (bb) "*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 (cc) "*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 (dd) "*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 (ee) "*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. An APL 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.

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

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

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

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

22 The preparation of the Management Plan shall be facilitated by the Office of the
23 Protected Area Superintendent (PASu) in collaboration with the appropriate offices of
24 the department, local communities, indigenous cultural communities/indigenous

1 peoples (ICCs/IPs), NGOs, experts and other stakeholders within the APL. The
2 Management Plan shall be approved by the majority of the PAMB and endorsed to the
3 Secretary through Protected Areas and Wildlife Bureau (PAWB). The Management Plan
4 is deemed accepted unless formal written disapproval from the Secretary is received
5 by the PAMB on the ground of inconsistency with existing laws and related rules and
6 regulations.

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

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

22 The members of the PAMB shall not receive any salary but shall be entitled to
23 reimbursements for actual and necessary expenses incurred, either in their attendance

1 in meetings of the PAMB or in connection with other official business authorized by a
2 resolution of the PAMB, subject to existing rules and regulations.

3 **SEC. 8. Powers and Functions of the PAMB.** – The PAMB of the APL, which shall
4 decide by consensus or majority vote of the members present constituting a quorum of
5 majority of all the members, shall have the following powers and functions in addition
6 to those provided under the NIPAS Act of 1992 and its implementing rules and
7 regulations:

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

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

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

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

17 (e) Recommend to the DENR for approval the deputization of persons or group
18 of persons pursuant to the NIPAS Act and its implementing rules and regulations for the
19 effective enforcement of the provisions of this Act and other laws, rules and regulations
20 governing the conduct or management of the APL;

21 (f) Manage the APL Fund, and other funds for the APL, ensure their proper
22 administration and render accounting, all subject to existing government auditing rules
23 and regulations; and

1 (g) Recommend appropriate policy changes to the DENR and other
2 government authorities.

3 The DENR, through the RED, shall ensure that the PAMB acts within the scope of
4 its powers and functions. In case of conflict between administrative orders of national
5 application issued by the DENR pursuant to the NIPAS Act and the resolutions issued by
6 the PAMB, the PAMB shall notify the DENR Secretary who shall decide whether to apply
7 the rule or withdraw its application in the APL.

8 **SEC. 9. *The Protected Area Superintendent (PASu) Office.*** – There is hereby
9 established a PASu Office within the protected area to be in charge of the management,
10 protection and administration of the APL. The PASu shall be supported by the existing
11 personnel of the DENR. The head of office shall be the chief operating officer of the APL
12 and shall be directly accountable to the PAMB.

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

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

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

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

23 (d) Enforce the laws, rules and regulations relevant to the APL, institute and file
24 legal action independently or in collaboration with other government agencies or

1 organizations and assist in the prosecution of offenses committed in violation of this
2 Act;

3 (e) Monitor all activities within the APL to ensure its conformity with the
4 management plan;

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

7 (g) Ensure the integration of the APL management policies, regulations,
8 programs and projects at all the concerned national and local government units level;
9 and

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

11 The PASu shall be supported by a sufficient number of personnel who shall be
12 performing day to day management, protection and administration of the APL. Upon the
13 recommendation of the PAMB, the DENR Regional Executive Director shall deputize
14 local community leaders and environment and natural resources officers.

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

23 The APL Fund may be augmented by grants, donations, endowment from various
24 sources, domestic or foreign, for purposes related to their functions: *Provided, That*

1 disbursements therefrom shall be made solely for the protection, maintenance,
2 administration and management of the system, and duly approved projects endorsed by
3 the PAMB in accordance with existing accounting and budgeting rules and regulations:
4 *Provided, further,* That the Fund shall not be used to cover personal services
5 expenditures.

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

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

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

22 In the event of termination of a tenurial instrument for cause or by voluntary
23 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order

1 to return it to its natural state prior to the cultivation or other act by the tenured
2 migrant.

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

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

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

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

20 **SEC. 13. Renewable and Nonrenewable Resources.** – Any exploration and
21 exploitation or utilization of nonrenewable resources including mining within the APL
22 shall not be allowed. Renewable energy projects within the APL shall be permitted only
23 through an act of Congress except energy from wind, sun and water sources and not
24 more than three (3) megawatt capacity for mini-hydro power: *Provided*, That these

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

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

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

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

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

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

7 (4) Undertakes mineral exploration or extraction within the APL;

8 (5) Engages in quarrying of sand, gravel, guano, limestone or any material
9 within the APL;

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

13 (7) Conducts bioprospecting within the APL without prior PAMB approval in
14 accordance with existing guidelines;

15 (8) Engages in *kaingin* or, in any manner, causing forest fires inside the APL; or

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

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

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

23 (2) Erects any structure on land or on water for any purposes outside the
24 management plan, duly allowed by the PAMB: *Provided*, That large-scale private

1 infrastructure and other projects such as medium to high density residential
2 subdivisions, medium to large commercial and industrial establishments, golf courses,
3 heavily mechanized commercial and nontraditional farming, and other activities that
4 cause increased in-migration and resource degradation are absolutely prohibited;

5 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within
6 the APL without a permit;

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

9 (5) Uses, dumps, places or causes to be placed into the APL toxic chemicals and
10 non-biodegradable products, including pesticides and other hazardous substances,
11 soaps and shampoos, and washing detergents, unless the same is expressly allowed in
12 the management plan;

13 (6) Prospects, hunts or otherwise locates hidden treasures within the APL;

14 (7) Informally occupies or dwells in any land within the APL without clearance
15 from the PAMB;

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

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) Purchases or sells, mortgages or leases lands or other portions of the APL
22 which are covered by any tenurial instrument.

23 Valuation of the damage for this Act shall take into account biodiversity and
24 conservation considerations as well as aesthetic and scenic value. Valuation assessed by

1 the DENR or the concerned government agency shall be presumed correct unless
2 otherwise proven by preponderant evidence.

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

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

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

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

1 **SEC. 16. Reporting Responsibility.** – The PASu, through the PAMB, shall submit an
2 annual accomplishment report to the Secretary of the DENR on the activities
3 undertaken in the APL.

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

7 **SEC. 18. Construction and Suppletory Application of Existing Laws.** – The
8 provisions of this Act shall be construed liberally in favor of the protection and
9 rehabilitation of the APL and the conservation and restoration of its biological diversity,
10 taking into account the needs and interests of qualified tenured migrants, for present
11 and future Filipino generations.

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

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

19 All existing land-use and resource use permits within the APL shall be reviewed
20 and shall not be renewed upon their expiration unless consistent with the Management
21 Plan and approved by the PAMB.

22 **SEC. 20. Repealing Clause.** – For the purpose of this Act, the provisions of the
23 NIPAS Act are hereby modified in accordance with the provisions herein. All other laws,
24 rules and regulations inconsistent with this Act are hereby repealed or modified

1 accordingly. The prohibitions and penalties under the NIPAS Act are hereby superseded
2 for the entire area covered by this Act.

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

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

Approved,