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SENATE

SENATE BILL NO. 3272

(In substitution of Senate Bill No. 2143)

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

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**AN ACT**  
**ESTABLISHING THE BESSANG PASS NATURAL MONUMENT/LANDMARK IN THE**  
**MUNICIPALITY OF CERVANTES, PROVINCE OF ILOCOS SUR AS A PROTECTED AREA**  
**UNDER THE CATEGORY OF NATURAL MONUMENT, 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 “Bessang Pass Natural  
2 Monument/Landmark (BPNML) 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.

1 All lands comprising the Bessang Pass Natural Monument/Landmark (BPNML)  
2 shall fall under the classification of National Park as provided for in the Philippine  
3 Constitution.

4 **SEC. 3. Scope and Coverage.** – The boundaries of the BPNML, which falls under  
5 the category of Natural Monument as defined herein, within the Province of Ilocos Sur,  
6 are as follows:

7 Beginning at a point mark 1 on the map being N66°00'00"E, 3,300 meters from  
8 corner 10, Project No. 31, Block 23 of A&D, LC Map No. 1276

| 9  | Corner | Line  | Bearing       | Distance (meters) |
|----|--------|-------|---------------|-------------------|
| 10 | 1      | 1-2   | N 20°33'16" E | 1378.61           |
| 11 | 2      | 2-3   | N 69°26'03" E | 748.68            |
| 12 | 3      | 3-4   | S 78°25'37" E | 1638.91           |
| 13 | 4      | 4-5   | S 20°56'52" W | 3398.48           |
| 14 | 5      | 5-6   | N 61°42'04" W | 948.03            |
| 15 | 6      | 6-7   | S 70°33'48" W | 631.17            |
| 16 | 7      | 7-8   | N 46°50'14" W | 535.10            |
| 17 | 8      | 8-9   | N 28°01'24" W | 292.90            |
| 18 | 9      | 9-10  | N 64°40'34" W | 352.89            |
| 19 | 10     | 10-11 | N 49°26'06" E | 490.84            |
| 20 | 11     | 11-12 | N 64°25'41" E | 659.42            |
| 21 | 12     | 12-1  | N 38°54'51" W | 424.16            |

22 the point of beginning containing an area of five hundred eighty-one and 33/100  
23 (581.33) hectares.

1           **SEC. 4. Buffer Zone.** - Buffer zone surrounding the BPNML, containing an area of  
2 three hundred fifty-eight and 13/100 (358.13) hectares, is hereby established with the  
3 following boundaries:

4           Beginning at point marked 1 on the map which is identical to corner 1 of the  
5 Bessang Pass Natural Monument/Landmark:

| 6  | Corner | Line  | Bearing       | Distance (Meters) |
|----|--------|-------|---------------|-------------------|
| 7  | 1      | 1-2   | S 38°54'51" E | 424.16            |
| 8  | 2      | 2-3   | S 64°25'41" W | 659.42            |
| 9  | 3      | 3-4   | S 49°26'06" W | 490.84            |
| 10 | 4      | 4-5   | S 64°40'34" E | 352.89            |
| 11 | 5      | 5-6   | S 28°01'24" E | 292.90            |
| 12 | 6      | 6-7   | S 46°50'14" E | 535.10            |
| 13 | 7      | 7-8   | N 70°33'48" E | 631.17            |
| 14 | 8      | 8-9   | S 61°42'04" E | 948.03            |
| 15 | 9      | 9-10  | N 20°56'52" E | 3398.48           |
| 16 | 10     | 10-11 | S 78°03'13" E | 569.95            |
| 17 | 11     | 11-12 | S 19°50'34" W | 3908.94           |
| 18 | 12     | 12-13 | N 61°48'01" W | 1255.92           |
| 19 | 13     | 13-14 | S 69°39'21" W | 623.72            |
| 20 | 14     | 14-15 | N 46°38'28" W | 910.10            |
| 21 | 15     | 15-16 | N 27°28'38" W | 218.41            |
| 22 | 16     | 16-17 | N 64°50'04" W | 355.95            |
| 23 | 17     | 17-18 | N 64°50'03" W | 514.15            |

|   |    |       |               |         |
|---|----|-------|---------------|---------|
| 1 | 18 | 18-19 | N 50°30'14" E | 1178.64 |
| 2 | 19 | 19-20 | N 38°33'59" W | 376.64  |
| 3 | 20 | 20-21 | N 21°39'11" E | 952.02  |
| 4 | 21 | 21-22 | S 74°03'35" E | 505.78  |
| 5 | 22 | 22-1  | S 20°23'29" W | 838.06  |

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

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.

23       (d) "*BPNML Fund*" refers to the special trust fund to be established for the  
24 purpose of financing projects in the BPNML.

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

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

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

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

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

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

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

13          (r) "*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          (s) "*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          (t) "*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 (u) "*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 (v) "*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 (w) "*Natural Monument*" refers to a relatively small area focused on protection  
10 of small features to protect or preserve nationally significant natural features on  
11 account of their special interest or unique characteristics.

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

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

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

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

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

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

22           **SEC. 6. Management Plan.** — There shall be a Management Plan promulgated for  
23 the BPNML that shall serve as the basic long-term framework plan in the management



1 of the protected area and guide in the preparation of its annual operations plan and  
2 budget.

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

7 (a) The category of the protected area;

8 (b) Period of applicability of the plan;

9 (c) Key management issues;

10 (d) Goals and objectives of management in support of Section 2 hereof;

11 (e) Site management strategy;

12 (f) Major management activities such as, but not limited to, enforcement of  
13 laws, habitat and wildlife management, sustainable-use management, infrastructure  
14 development and maintenance, and fire and pest control;

15 (g) Zoning; and

16 (h) Visitor management programs.

17 The preparation of the Management Plan shall be facilitated by the Office of the  
18 Protected Area Superintendent (PASu) in collaboration with the appropriate offices of  
19 the department, local communities, indigenous cultural communities/indigenous  
20 peoples (ICCs/IPs), NGOs, experts and other stakeholders within the BPNML. The  
21 Management Plan shall be approved by the majority of the PAMB and endorsed to the  
22 Secretary through Protected Areas and Wildlife Bureau (PAWB). The Management Plan  
23 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. 7. *Management of the BPNML.*** – There is hereby created a PAMB which shall  
4 have jurisdiction, power and authority over the BPNML 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. 8. *Powers and Functions of the PAMB.*** – The PAMB of the BPNML, 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 BPNML;

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 BPNML;

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

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 BPNML.

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 BPNML. The PASu shall be supported by the  
6 existing personnel of the DENR. The head of office shall be the chief operating officer of  
7 the BPNML and shall be directly accountable to the PAMB.

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

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

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

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

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

22 (e) Monitor all activities within the BPNML to ensure its conformity with the  
23 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 BPNML management policies, regulations,  
4 programs and projects at all the concerned national and local government units level;  
5 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 BPNML. Upon  
9 the recommendation of the PAMB, the DENR Regional Executive Director shall deputize  
10 local community leaders and environment and natural resources officers.

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

19 The BPNML Fund may be augmented by grants, donations, endowment from  
20 various sources, domestic or foreign, for purposes related to their functions: *Provided,*  
21 That disbursements therefrom shall be made solely for the protection, maintenance,  
22 administration and management of the system, and duly approved projects endorsed by  
23 the PAMB in accordance with existing accounting and budgeting rules and regulations:

1 *Provided, further,* That the Fund shall not be used to cover personal services  
2 expenditures.

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

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

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

19 In the event of termination of a tenurial instrument for cause or by voluntary  
20 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order  
21 to return it to its natural state prior to the cultivation or other act by the tenured  
22 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 BPNML.** – Within sixty (60) days from the  
5 effectivity of this Act, existing facilities such as roads, buildings, water systems,  
6 transmission lines, communication facilities, heavy equipment, and irrigation facilities  
7 existing within the boundaries of the BPNML shall submit project descriptions to the  
8 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 BPNML or whether conditions for its operation shall be imposed. If any such conditions  
12 are violated, the owner of the facility shall be liable to pay a fine of Five thousand pesos  
13 (P5,000.00) for every violation. Upon reaching a total fine of Five hundred thousand  
14 pesos (P500,000.00), the PAMB through the PASu and deputizing other government  
15 entities, shall cause the cessation and demolition of the facility at the cost of its owner.

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

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

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

4 **SEC. 14. *Local Government Units.*** – The local government units (LGUs) within the  
5 BPNML 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 BPNML;  
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 BPNML, in addition to the prohibited acts as provided in  
13 the 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 BPNML  
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 BPNML including  
3 private lands without the necessary permit, authorization or exemption;

4           (3) Possesses or transports, within or outside the BPNML 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 BPNML;

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

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

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 BPNML without prior PAMB approval  
14 in accordance with existing guidelines;

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

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

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

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

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

7           (3) Possesses a chainsaw, hacksaw and other mechanized equipment within  
8 the BPNML without a permit;

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

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

15           (6) Prospects, hunts or otherwise locates hidden treasures within the BPNML;

16           (7) Informally occupies or dwells in any land within the BPNML without  
17 clearance from the PAMB;

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

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

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

23           (11) Purchases or sells, mortgages or leases lands or other portions of the  
24 BPNML which are covered by any tenurial instrument.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12           Approved,