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SENATE

SENATE BILL NO. 3273

(In substitution of SBN 2149 and 2417)

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

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AN ACT

**ESTABLISHING THE MT. BALATUKAN RANGE IN THE PROVINCE OF MISAMIS ORIENTAL AS A PROTECTED AREA UNDER THE CATEGORY OF NATURAL PARK, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES**

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

1           **SECTION 1. Short Title.** – This Act shall be known as the “Mt. Balatukan Range  
2 Natural Park (MBRNP) Act of 2012”.

3           **SEC. 2. Declaration of Policy.** – Considering the diversity of the unique biological  
4 resources of the Province of Misamis Oriental and its aesthetic, educational,  
5 sociocultural, economic and ecological importance, it is hereby declared the policy of  
6 the State to ensure its protection and conservation including the local communities  
7 therein and 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 Mt. Balatukan Range Natural Park (MBRNP) shall fall  
13 under the classification of National Park as provided for in the Philippine Constitution.

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

4           Beginning at a corner marked "1" which is located at 124°57'21" E and 8°47'35"  
5 N near the junction at Kihangad River and a branch creek S11°09'10"W, 484.41 meters

6	Corner	Bearing	Distance
7	2	N 80°38'56" W	1619.18
8	3	N 84°47'28" W	1738.78
9	4	N 29°33'23" W	2254.59
10	5	N 59°50'38" W	1571.13
11	6	N 28°34'36" E	1950.02
12	7	N 24°19'02" E	1254.54
13	8	S 89°45'04" E	2202.79
14	9	S 87°34'08" E	1015.00
15	10	S 87°15'46" E	1803.01
16	11	S 70°13'31" E	1908.73
17	12	S 87°38'01" E	579.29
18	13	S 29°07'26" E	383.30
19	14	S 18°39'28" W	388.75
20	15	S 01°22'44" W	1291.90
21	16	S 18°00'14" E	1710.10
22	17	S 73°08'29" E	1484.47
23	18	N 73°43'25" E	682.69
24	19	S 80°09'08" E	643.28

1	20	S 81°32'41" E	715.72
2	21	S 06°26'05" E	640.23
3	22	S 38°30'02" E	2285.97
4	23	S 43°40'27" E	1388.84
5	24	S 26°41'50" E	926.28
6	25	S 30°00'17" W	392.18
7	26	S 74°34'12" W	1168.62
8	27	S 38°36'14" W	2307.62
9	28	N 65°35'12" W	1111.03
10	29	N 52°28'43" W	1767.11
11	30	N 73°26'08" W	1459.73
12	31	N 58°45'41" W	2822.45
13	32	N 77°26'50" W	1254.54
14	1	N 09°44'44" E	1907.41

15 the point of beginning containing an area of eight thousand three hundred eighty-five  
16 and 52/100 (8,385.52) hectares.

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

1           **SEC. 4. Buffer Zone.** — The buffer zone surrounding the MBRNP is hereby  
2 established with the following boundaries:

3           Beginning at corner "1" which is located at 124°57'21" E and 8°47'35" N near the  
4 junction at Kihangad River and a branch creek S34°37'28"W, 1,062.87 meters

5	Corner	Bearing	Distance
6	2	N 82°46'24" W	3245.53
7	3	N 29°51'47" W	2452.33
8	4	N 61°35'55" W	1864.96
9	5	N 31°14'45" E	2196.66
10	6	N 25°07'36" E	1520.90
11	7	N 83°30'16" E	1738.88
12	8	N 68°22'36" E	1994.25
13	9	S 68°59'22" E	2246.36
14	10	S 79°43'11" E	769.50
15	11	S 65°18'50" E	1164.18
16	12	S 89°59'59" E	666.22
17	13	S 35°40'53" E	859.03
18	14	S 14°20'57" W	329.47
19	15	S 13°44'10" W	343.87
20	16	S 02°41'11" W	1148.12
21	17	S 20°49'11" E	1508.91
22	18	S 76°15'12" E	890.29
23	19	N 16°54'18" E	395.67
24	20	S 79°07'25" E	1298.23

1	21	S 87°05'56" E	1100.02
2	22	S 02°23'43" E	932.41
3	23	S 34°41'32" E	2324.72
4	24	S 32°16'16" E	1101.79
5	25	S 38°18'59" E	1499.56
6	26	S 57°51'45" W	683.77
7	27	S 11°55'14" E	341.40
8	28	S 75°49'39" W	1136.93
9	29	S 22°16'05" E	465.23
10	30	S 33°50'06" W	813.22
11	31	S 26°39'58" E	938.64
12	32	S 74°50'03" W	1461.27
13	33	N 62°16'38" W	1930.79
14	34	N 49°07'29" W	1769.52
15	35	N 74°03'16" W	1351.01
16	36	N 53°41'43" W	2933.73
17	37	N 73°11'20" W	1822.29
18	1	N 16°11'29" E	1484.09

19 the point of beginning containing an area of two thousand five hundred sixty-eight and  
20 70/100 (2,568.70) hectares.

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

23 (a) *"Biodiversity"* refers to the variety and variability among living organisms  
24 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) "*Buffer Zone*" refers to the identified area outside the boundaries of and  
8 immediately adjacent to the MBRNP that need special development control in order to  
9 avoid or minimize harm to the protected area.

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

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

14          (g) "*Consultation*" refers to the meeting or dialogue with concerned or affected  
15 individual and groups within and outside the MBRNP designated to identify and resolve  
16 issues and problems affecting them in relation to the protection, conservation and  
17 sustainable development of the MBRNP.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22          (x) "*Nongovernment Organization (NGO)*" refers to the agency, institution,  
23 foundation or a group of persons whose purpose is to assist people's

1 organizations/associations in various ways including, but not limited to, organizing,  
2 education, training, research and/or resource accessing.

3 (y) "*People's Organization (PO)*" refers to the group of organized migrant  
4 communities and/or interested indigenous peoples which may be an association,  
5 cooperative, federation, or other legal entity, established to undertake collective action  
6 to address community concerns and needs, and mutually share the benefits of the  
7 endeavor.

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

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

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

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

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

23 (ee) "*Tenured migrant*" refers to forest occupants who have actually and  
24 continuously occupied a portion of the protected area for at least five (5) years, and are

1 solely dependent therein for subsistence, as of the passage of this Act. A MBRNP  
2 occupant is understood to be "solely dependent for subsistence" when everything  
3 indispensable for survival for the household, including food, clothing, shelter and health,  
4 comes only from the utilization of resources from the protected area.

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

8 **SEC. 5. *Management Plan.*** — There shall be a Management Plan promulgated for  
9 the MBRNP that shall serve as the basic long-term framework plan in the management  
10 of the protected area and guide in the preparation of its annual operations plan and  
11 budget.

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

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

1 (h) Visitor management programs.

2 The preparation of the Management Plan shall be facilitated by the Office of the  
3 Protected Area Superintendent (PASu) in collaboration with the appropriate offices of  
4 the department, local communities, indigenous cultural communities/indigenous  
5 peoples (ICCs/IPs), NGOs, experts and other stakeholders within the MBRNP. The  
6 Management Plan shall be approved by the majority of the PAMB and endorsed to the  
7 Secretary through Protected Areas and Wildlife Bureau (PAWB). The Management Plan  
8 is deemed accepted unless formal written disapproval from the Secretary is received  
9 by the PAMB on the ground of inconsistency with existing laws and related rules and  
10 regulations.

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

18 The representatives from the local government units (LGUs) and national  
19 agencies in the PAMB shall include among their duties, the duty to inform their  
20 respective constituents, office or sector, of PAMB-approved or other relevant policies,  
21 rules, regulations, programs and projects and to ensure that the provisions of this Act,  
22 the NIPAS Act and its implementing rules and regulations are observed, complied with,  
23 and used as reference and framework in their respective plans, policies, programs and

1 projects. Failure to comply with the foregoing shall subject such representative to  
2 disciplinary action as the PAMB may provide.

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

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

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

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

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

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

21 (e) Recommend to the DENR for approval the deputization of persons or group  
22 of persons pursuant to the NIPAS Act and its implementing rules and regulations for the  
23 effective enforcement of the provisions of this Act and other laws, rules and regulations  
24 governing the conduct or management of the MBRNP;

1 (f) Manage the MBRNP Fund, and other funds for the MBRNP, ensure their  
2 proper administration and render accounting, all subject to existing government  
3 auditing rules and regulations; and

4 (g) Recommend appropriate policy changes to the DENR and other  
5 government authorities.

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

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

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

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

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

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

4 (d) Enforce the laws, rules and regulations relevant to the MBRNP, institute  
5 and file legal action independently or in collaboration with other government agencies  
6 or organizations and assist in the prosecution of offenses committed in violation of this  
7 Act;

8 (e) Monitor all activities within the MBRNP to ensure its conformity with the  
9 management plan;

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

12 (g) Ensure the integration of the MBRNP management policies, regulations,  
13 programs and projects at all the concerned national and local government units level;  
14 and

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

16 The PASu shall be supported by a sufficient number of personnel who shall be  
17 performing day to day management, protection and administration of the MBRNP. Upon  
18 the recommendation of the PAMB, the DENR Regional Executive Director shall deputize  
19 local community leaders and environment and natural resources officers.

20 **SEC. 9. Integrated Protected Area Fund of the MBRNP.** – The Integrated Protected  
21 Area Fund (IPAF) shall be established as a special trust fund and shall be disbursed  
22 solely for the protection, maintenance, administration and management of MBRNP and  
23 the System. At least seventy-five percent (75%) of the funds collected shall form part of  
24 MBRNP Sub-fund which shall be solely disbursed for its use. The MBRNP Sub-fund shall

1 likewise be exempted from being deposited in the National treasury and shall be made  
2 readily available for disbursement upon proper approval of the PAMB and the DENR,  
3 subject to the usual accounting and auditing rules and regulations.

4         The MBRNP Fund may be augmented by grants, donations, endowment from  
5 various sources, domestic or foreign, for purposes related to their functions: *Provided,*  
6 That disbursements therefrom shall be made solely for the protection, maintenance,  
7 administration and management of the system, and duly approved projects endorsed by  
8 the PAMB in accordance with existing accounting and budgeting rules and regulations:  
9 *Provided, further,* That the Fund shall not be used to cover personal services  
10 expenditures.

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

17         **SEC. 10. Tenured Migrants and Other MBRNP Stakeholders.** – Tenured migrants  
18 shall be eligible to become stewards of portions of lands within allowable zones. The  
19 PAMB shall identify, verify and review all tenorial instruments, land claims, and  
20 issuances of permits for resource use within the MBRNP and recommend the issuance  
21 of the appropriate tenure instrument consistent with the zoning provided in the  
22 Management Plan.

23         Should areas occupied by tenured migrants be designated as zones in which no  
24 occupation or other activities are allowed pursuant to the attainment of sustainable

1 development, provision for the transfer of said tenured migrants to multiple use zones  
2 or buffer zones shall be accomplished through just and humane means.

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

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

10 **SEC. 11.** *Existing Facilities Within the MBRNP.* – Within sixty (60) days from the  
11 effectivity of this Act, existing facilities such as roads, buildings, water systems,  
12 transmission lines, communication facilities, heavy equipment, and irrigation facilities  
13 existing within the boundaries of the MBRNP shall submit project descriptions to the  
14 PAMB through the PASu.

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

22 Existing facilities allowed to remain within the MBRNP may be charged a  
23 reasonable royalty by the PAMB. All income from such royalty shall accrue to the  
24 MBRNP Fund.

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

10           **SEC. 13. *Local Government Units.*** – The local government units (LGUs) within the  
11 MBRNP shall participate in its management through representation in the PAMB as  
12 provided under Section 6 hereof. Said LGUs may appropriate portions of their share  
13 from the annual internal revenue allotment and other income for use of the MBRNP:  
14 *Provided*, That all funds directly coming from the LGUs shall be exempted from the  
15 twenty-five percent (25%) remittance requirement for the central Integrated Protected  
16 Areas Fund (IPAF).

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

20           (a) The penalties and qualifications prescribed in Articles 309 (Penalties) and  
21 310 (Qualified Theft) of the Revised Penal Code, depending on the value of the  
22 resources involved in connection with the prohibited act or a fine of at least triple the  
23 value of the said resources, or both, shall be imposed upon any person who:

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

7           (2) Cuts, gathers, removes or collect timber or any forest products, within  
8 particularly identified regulated or prohibited areas or zones in the MBRNP including  
9 private lands without the necessary permit, authorization or exemption;

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

13          (4) Undertakes mineral exploration or extraction within the MBRNP;

14          (5) Engages in quarrying of sand, gravel, guano, limestone or any material  
15 within the MBRNP;

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

19          (7) Conducts bioprospecting within the MBRNP without prior PAMB approval  
20 in accordance with existing guidelines;

21          (8) Engages in *kaingin* or, in any manner, causing forest fires inside the  
22 MBRNP; or

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

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

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

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

12 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within  
13 the MBRNP without a permit;

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

16 (5) Uses, dumps, places or causes to be placed into the MBRNP toxic chemicals  
17 and non-biodegradable products, including pesticides and other hazardous substances,  
18 soaps and shampoos, and washing detergents, unless the same is expressly allowed in  
19 the management plan;

20 (6) Prospects, hunts or otherwise locates hidden treasures within the MBRNP;

21 (7) Informally occupies or dwells in any land within the MBRNP without  
22 clearance from the PAMB;

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

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

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

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

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

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

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

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

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

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

9 **SEC. 15. *Reporting Responsibility.*** – The PASu, through the PAMB, shall submit an  
10 annual accomplishment report to the Secretary of the DENR on the activities  
11 undertaken in the MBRNP.

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

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

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

21 **SEC. 18. *Transitory Provision.*** – In order to ensure the recovery and restoration of  
22 biological diversity and to develop sustainable livelihood opportunities for tenured  
23 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,  
24 clearances, compliance documents or any other instrument that allows exploitation and

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

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

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

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

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

Approved,