



## HOUSE OF REPRESENTATIVES

H. No. 5103

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BY REPRESENTATIVES HERNANDEZ, ACHARON, MATUGAS AND UNGAB, PER  
COMMITTEE REPORT NO. 462

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AN ACT DECLARING MT. MATUTUM LOCATED IN THE  
MUNICIPALITIES OF POLOMOLOK, TAMPAKAN AND TUPI,  
PROVINCE OF SOUTH COTABATO AND THE MUNICIPALITY  
OF MALUNGON, PROVINCE OF SARANGANI AS A  
PROTECTED AREA UNDER THE CATEGORY OF PROTECTED  
LANDSCAPE AND PROVIDING FOR ITS MANAGEMENT

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

1           SECTION 1. *Title* -- This Act shall be known as the "Mt. Matutum  
2   Protected Landscape (MMPL) Act".

3           SEC. 2. *Declaration of Policy.* -- The importance of Mt. Matutum as  
4   the host of diverse plant and animal species, including their educational,  
5   aesthetic and cultural and religious importance, behooves the State to  
6   undertake steps for its protection and preservation. It is therefore declared the  
7   policy of the State to ensure the protection and conservation of this mountain  
8   and its associated forest, biodiversity, cultural and religious importance. The  
9   State shall ensure the full implementation of this Act, the mobilization of  
10   resources for the institutional mechanisms herein established, and the full

1 scientific and technical support needed for the conservation of biodiversity and  
2 the integrity of the ecosystems, culture and religious practices.

3 SEC. 3. *Definition of Terms.* – As used in this Act:

4 (a) *Biodiversity* refers to the variety and variability among living  
5 organisms and the ecological complexes in which said organisms occur;

6 (b) *Biological resources* refer to genetic resources, organisms or parts  
7 thereof, population, or any other biotic component of ecosystems with actual  
8 or potential use or value for humanity;

9 (c) *Bioprospecting* refers to the research, collection and utilization of  
10 biological and genetic resources for purposes of applying the knowledge  
11 derived therefrom solely for commercial purposes;

12 (d) *By-products or derivatives* refer to any part taken or substance  
13 extracted from wildlife, in raw or in processed form. This includes stuffed  
14 animals and herbarium specimens;

15 (e) *Endangered species* refer to species and subspecies that are not  
16 critically endangered but whose survival in the wild is unlikely if the causal  
17 factors continue operating;

18 (f) *Endemic species* refer to species or subspecies of flora and fauna  
19 which are naturally occurring and found only within specific areas in the  
20 country;

21 (g) *Exotic species* refer to species or subspecies of flora and fauna  
22 which do not naturally occur within the protected area at present or in  
23 historical time;

24 (h) *Multiple-use zone* refers to an area where settlement, traditional  
25 and/or sustainable land use, including agriculture, agroforestry, extraction  
26 activities and other income generating or livelihood activities, may be allowed  
27 to the extent prescribed in the management plan;

1 (i) *Protected area* refers to identified portions of land and/or water set  
2 aside by reasons of their unique physical and biological significance, managed  
3 to enhance biological diversity and protected against destructive human  
4 exploitation;

5 (j) *Protected landscape* refers to an area of national significance,  
6 which is characterized by the harmonious interaction of man and land while  
7 providing opportunities for public enjoyment through recreation and tourism  
8 within the normal lifestyle and economic activity of the area;

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

12 (l) *Special use zone* refers to an area containing existing installations  
13 of national significance, such as telecommunications facilities, irrigation  
14 canals or electric power lines;

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

21 (n) *Tenure instrument* refers to a contract or permit issued to any  
22 person, natural or juridical; and

23 (o) *Tenured migrant* refers to any person who has actually and  
24 continuously occupied the protected area for at least five (5) years prior to its  
25 designation as a protected area in accordance with the provisions of Republic  
26 Act No. 7586, otherwise known as the "National Integrated Protected Areas  
27 System Act of 1992" or the NIPAS Act, and solely dependent of its resources  
28 for subsistence.

SEC. 4. *The Mt. Matutum Protected Landscape.* – Mt. Matutum and its environs, specifically the area located within the municipalities of Polomolok, Tampakan and Tupi, Province of South Cotabato and the Municipality of Malungon, Province of Sarangani, is hereby declared and categorized as a protected landscape under the NIPAS Act. The boundaries of the MMPL are more particularly described as follows:

Beginning at a point marked "1" which is S80°15'07"E, one thousand one hundred thirty-two and 21/100 (1,132.21) meters from PRS92 - CTS - 3354, Municipality of Tupi with geographic coordinates of 06°20'46.74" North and 124°59'32.91" East

LINE	BEARING	DISTANCE (meters)
1 - 2	N01°45'37"W	423.20
2 - 3	S81°57'37"W	357.51
3 - 4	N65°14'52"W	523.05
4 - 5	N24°46'30"W	214.77
5 - 6	N47°57'13"W	864.53
6 - 7	N80°28'39"E	471.50
7 - 8	N53°52'08"E	325.63
8 - 9	N58°22'52"E	329.98
9 - 10	N64°17'24"E	299.67
10 - 11	N60°42'59"E	462.04
11 - 12	N75°20'46"W	292.52
12 - 13	N22°16'33"W	269.08
13 - 14	N51°41'28"W	254.88
14 - 15	N39°53'36"W	333.66
15 - 16	N74°39'29"W	521.59
16 - 17	N60°27'12"W	214.95
17 - 18	N45°25'12"E	289.21

1	18 - 19	N58°39'34"E	182.65
2	19 - 20	N28°26'05"W	260.42
3	20 - 21	N37°03'05"W	189.20
4	21 - 22	N52°06'16"E	245.84
5	22 - 23	N81°58'11"E	243.39
6	23 - 24	N13°42'08"W	291.29
7	24 - 25	N70°04'27"E	255.28
8	25 - 26	S84°51'55"E	346.39
9	26 - 27	N62°49'08"E	249.56
10	27 - 28	N74°06'46"E	135.16
11	28 - 29	S68°34'28"E	254.59
12	29 - 30	N86°20'17"E	250.51
13	30 - 31	N10°20'20"W	451.33
14	31 - 32	S76°33'56"W	253.95
15	32 - 33	S73°23'16"W	188.88
16	33 - 34	N63°59'47"W	228.09
17	34 - 35	S52°46'28"W	193.40
18	35 - 36	S68°46'34"W	220.99
19	36 - 37	N82°04'02"W	246.36
20	37 - 38	N08°20'03"W	158.68
21	38 - 39	N67°39'52"E	139.46
22	39 - 40	N04°59'52"E	264.00
23	40 - 41	N36°03'16"E	463.85
24	41 - 42	N73°31'46"E	239.84
25	42 - 43	S88°07'47"E	490.26
26	43 - 44	N51°40'19"W	188.66
27	44 - 45	N48°42'30"W	153.06
28	45 - 46	N52°45'54"E	251.21

1	46 - 47	N61°51'30"E	195.06
2	47 - 48	N33°17'49"E	202.19
3	48 - 49	N47°33'10"E	222.25
4	49 - 50	N57°33'48"E	253.56
5	50 - 51	N49°08'18"E	382.13
6	51 - 52	N64°39'13"E	273.31
7	52 - 53	N32°37'09"E	267.13
8	53 - 54	N14°51'01"E	273.12
9	54 - 55	N56°54'10"E	294.84
10	55 - 56	N81°39'21"E	151.60
11	56 - 57	S83°39'35"E	226.38
12	57 - 58	N68°11'54"E	328.50
13	58 - 59	N54°16'04"E	171.23
14	59 - 60	N26°17'09"E	275.49
15	60 - 61	N18°23'45"E	465.80
16	61 - 62	N14°55'53"E	186.29
17	62 - 63	S75°57'49"E	214.40
18	63 - 64	S66°43'56"E	217.71
19	64 - 65	S86°17'58"E	201.42
20	65 - 66	N78°08'03"E	384.21
21	66 - 67	S86°20'17"E	250.51
22	67 - 68	S87°57'45"E	253.16
23	68 - 69	S73°09'45"E	238.21
24	69 - 70	N74°58'00"E	181.20
25	70 - 71	N42°04'30"E	194.00
26	71 - 72	N21°01'46"W	509.97
27	72 - 73	N63°16'45"E	164.58
28	73 - 74	N09°01'20"E	299.71

1	74 - 75	N23°11'54"E	198.01
2	75 - 76	S84°41'07"E	129.56
3	76 - 77	N50°13'37"E	225.09
4	77 - 78	N59°49'09"E	163.11
5	78 - 79	N56°02'07"E	173.62
6	79 - 80	N37°05'34"E	205.60
7	80 - 81	N57°59'40"E	188.68
8	81 - 82	S56°36'05"E	218.00
9	82 - 83	S84°10'25"E	147.76
10	83 - 84	S51°01'20"E	478.52
11	84 - 85	S63°58'54"E	421.74
12	85 - 86	S46°43'41"E	328.25
13	86 - 87	S46°15'16"W	290.69
14	87 - 88	S46°09'05"E	281.49
15	88 - 89	S50°38'40"E	244.43
16	89 - 90	N38°17'55"E	272.68
17	90 - 91	N58°24'39"E	204.27
18	91 - 92	S80°44'28"E	416.43
19	92 - 93	N65°56'42"E	377.81
20	93 - 94	N40°01'03"E	138.41
21	94 - 95	S25°17'55"E	343.99
22	95 - 96	S80°05'14"E	209.12
23	96 - 97	N61°06'04"E	285.56
24	97 - 98	S83°43'21"E	201.21
25	98 - 99	S63°02'36"E	196.33
26	99 - 100	S49°10'29"E	194.26
27	100 - 101	N73°52'31"E	219.64
28	101 - 102	S47°30'40"E	161.38

1	102 - 103	S33°23'18"E	210.79
2	103 - 104	S30°04'06"E	131.73
3	104 - 105	S47°48'56"E	172.74
4	105 - 106	S57°38'20"E	358.71
5	106 - 107	S23°08'13"E	366.48
6	107 - 108	S84°16'03"W	260.30
7	108 - 109	S62°13'48"W	233.94
8	109 - 110	S41°14'40"W	183.53
9	110 - 111	S63°58'13"W	239.27
10	111 - 112	S29°11'14"E	293.23
11	112 - 113	S11°39'01"E	297.12
12	113 - 114	S25°34'28"E	155.21
13	114 - 115	S82°58'37"E	139.04
14	115 - 116	S32°50'02"E	278.49
15	116 - 117	S14°10'01"E	318.69
16	117 - 118	S62°50'17"E	214.67
17	118 - 119	N75°24'53"E	202.53
18	119 - 120	S80°58'27"E	280.47
19	120 - 121	S66°35'31"E	251.72
20	121 - 122	S32°23'59"E	184.76
21	122 - 123	S55°40'11"E	297.89
22	123 - 124	S85°21'24"E	395.30
23	124 - 125	S68°16'52"E	772.86
24	125 - 126	S19°53'36"W	273.31
25	126 - 127	S36°24'26"E	421.21
26	127 - 128	S34°06'52"E	262.10
27	128 - 129	S13°11'13"E	245.47
28	129 - 130	S04°13'48"W	338.92



1	130 - 131	S56°15'25"E	300.65
2	131 - 132	S58°42'14"E.	325.34
3	132 - 133	S65°25'01"E	374.99
4	133 - 134	S48°44'19"E	357.85
5	134 - 135	S21°43'56"E	307.88
6	135 - 136	S30°45'59"E	299.10
7	136 - 137	S41°44'01"W	806.71
8	137 - 138	S51°23'13"W	190.69
9	138 - 139	S20°52'28"W	378.87
10	139 - 140	S08°47'37"W	183.15
11	140 - 141	S22°35'46"E	562.15
12	141 - 142	S27°23'55"E	215.13
13	142 - 143	S40°53'15"W	108.47
14	143 - 144	S04°11'31"E	191.51
15	144 - 145	S36°57'51"W	242.80
16	145 - 146	N70°58'27"W	276.08
17	146 - 147	S82°49'46"W	312.44
18	147 - 148	N80°41'24"W	432.70
19	148 - 149	S27°51'00"E	378.89
20	149 - 150	S53°00'53"W	497.00
21	150 - 151	S62°09'08"W	179.82
22	151 - 152	S14°23'36"W	349.99
23	152 - 153	S20°24'18"E	266.74
24	153 - 154	S04°00'15"W	200.49
25	154 - 155	S27°54'52"W	170.88
26	155 - 156	S35°38'23"W	260.86
27	156 - 157	S20°19'23"W	316.72
28	157 - 158	S50°55'53"W	218.96

1	158 - 159	N23°05'24"W	346.78
2	159 - 160	N72°34'55"W	374.16
3	160 - 161	S01°12'33"W	379.08
4	161 - 162	S20°05'29"E	360.97
5	162 - 163	S14°49'52"W	332.06
6	163 - 164	S04°08'40"W	345.90
7	164 - 165	S77°56'19"W	119.64
8	165 - 166	N88°26'41"W	221.08
9	166 - 167	S69°39'12"W	255.97
10	167 - 168	N77°07'00"W	192.85
11	168 - 169	S51°26'36"W	346.55
12	169 - 170	S44°34'20"W	189.51
13	170 - 171	S73°59'26"W	246.56
14	171 - 172	S73°26'02"W	164.84
15	172 - 173	S 69°14'36"W	234.20
16	173 - 174	N 04°53'06"E	117.43
17	174 - 175	N24°21'23"W	162.46
18	175 - 176	N13°57'29"W	178.26
19	176 - 177	N04°11'05"E	123.33
20	177 - 178	N01°53'17"W	182.10
21	178 - 179	N15°37'09"W	193.13
22	179 - 180	N86°15'25"W	321.69
23	180 - 181	N71°15'00"W	460.43
24	181 - 182	S10°24'45"W	237.92
25	182 - 183	S14°21'41"W	213.68
26	183 - 184	S31°47'14"W	250.59
27	184 - 185	S89°14'46"W	228.02
28	185 - 186	N54°19'11"W	327.47

1	186 - 187	N17°26'24"W	437.09
2	187 - 188	S60°49'38"W	235.93
3	188 - 189	S46°37'05"W	250.42
4	189 - 190	N72°20'26"W	537.32
5	190 - 191	N32°17'12"W	453.05
6	191 - 192	N14°23'30"E	273.59
7	192 - 193	S85°39' 01"W	448.29
8	193 - 194	S65°29'33"W	298.93
9	194 - 195	S55°47'03"W	634.88
10	195 - 196	S01°18'18"E	395.10
11	196 - 197	S09°56'26"W	393.91
12	197 - 198	N75°25'01"W	254.19
13	198 - 199	N68°37'45"W	222.28
14	199 - 200	N59°55'53"W	153.68
15	200 - 201	N51°20'24"W	275.33
16	201 - 202	S82°24'19"W	257.26
17	202 - 203	S09°20'51"W	246.27
18	203 - 204	S26°55'39"W	353.31
19	204 - 205	N84°19'32"W	313.54
20	205 - 206	S52°43'38"W	483.81
21	206 - 207	N09°48'21"W	328.80
22	207 - 208	N51°00'11"W	371.86
23	208 - 209	N70°20'46"E	267.59
24	209 - 210	N66°17'50"E	268.66
25	210 - 211	N33°21'29"W	287.34
26	211 - 212	N69°14'24"W	296.23
27	212 - 213	N76°12'01"W	117.39
28	213 - 214	N85°10'10"W	142.51

1	214 - 215	S65°51'16"W	158.90
2	215 - 216	N29°53'47"W	515.61
3	216 - 217	N48°24'59"W	474.61
4	217 - 218	N03°53'04"W	487.12
5	218 - 219	N42°07'52"E	324.97
6	219 - 220	N10°03'49"W	297.58
7	220 - 221	N41°50'10"W	281.86
8	221 - 222	N03°53'37"W	191.44
9	222 - 223	N71°25'54"W	408.25
10	223 - 224	N88°43'59"W	407.10
11	224 - 225	N84°54'01"W	382.51
12	225 - 226	N45°56'39"W	257.42
13	226 - 227	N88°11'11"W	379.19
14	227 - 228	S68°25'53"W	457.00
15	228 - 1	N73°25'08"W	371.45

16 All lands comprising the MMPL shall fall under the classification of  
 17 national park as provided for in the Philippine Constitution.

18 The Department of Environment and Natural Resources (DENR) shall  
 19 appropriately mark on the ground the technical descriptions provided in this  
 20 Act with clearly visible markers and shall prepare appropriate maps therefore.  
 21 Any modification of the MMPL boundaries described above due to such  
 22 factors as changing ecological situations, new scientific or archaeological  
 23 findings, or discovery of traditional boundaries not previously taken into  
 24 account shall be made through an act of Congress.

25 SEC. 5. *The Mt. Matutum Protected Landscape Management Board.* –  
 26 The MMPL Management Board is hereby created as the sole policy-making  
 27 body of the MMPL and shall have jurisdiction, power and authority for all

1 matters that may affect biodiversity conservation, protection and sustainable  
2 development. It shall be composed of the following:

3 (a) The Regional Executive Director (RED) of DENR Region XII as  
4 Chairperson and advisor on matters related to the management of the MMPL;

5 (b) The Provincial Planning and Development Coordinator (PPDC) of  
6 the provinces of South Cotabato and Sarangani;

7 (c) The representatives of the municipal mayors of the municipalities  
8 of Polomolok, Tampakan and Tupi, all in the Province of South Cotabato;

9 (d) The representative of the Municipal Mayor of Malungon, Province  
10 of Sarangani;

11 (e) One (1) representative from each of the barangays covering the  
12 MMPL;

13 (f) One (1) representative from each department or national  
14 government agency directly involved in the MMPL or has long-term projects  
15 or permanent facility located therein;

16 (g) At least one (1) representative from an accredited nongovernment  
17 organization (NGO) operating in the MMPL which has been existing for five  
18 (5) years with track record related to the protection and management of the  
19 MMPL;

20 (h) At least one (1) representative from an accredited people's  
21 organization (PO) operating in the MMPL which has been existing for five (5)  
22 years with track record related to the protection and management of the  
23 MMPL;

24 (i) One (1) representative from academic institutions directly involved  
25 in the protection and management of the MMPL; and

26 (j) One (1) representative from each tribal community within the  
27 MMPL, as certified and endorsed by the National Commission on Indigenous  
28 Peoples (NCIP).

Each member of the MMPL Management Board shall serve for a term of five (5) years. They shall be considered to represent their respective sector and deemed to carry the vote of the sector in all matters. In the case of members who are government officials, their appointment shall be coterminous with their term of office. The members of the MMPL Management Board shall be appointed by the Secretary of the DENR in conformity with the provisions of the NIPAS Act: *Provided, That* the MMPL Management Board shall include women as members. The representatives from the local government units (LGUs) and national agencies in the MMPL Management Board shall bear the duty to inform their respective constituents, office or sector, of the policies, rules, regulations, programs, and projects approved by the MMPL Management Board and other relevant issuances, and to ensure that the provisions of this Act, the NIPAS Act and its implementing rules and regulations are observed, complied with, and used as reference and framework in their respective plans, policies, programs and projects. Failure to comply with the foregoing shall subject such LGU representative to disciplinary action as the MMPL Management Board may provide.

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

SEC. 6. *Functions of the MMPL Management Board.* – The MMPL Management Board shall be vested with the following powers and functions in addition to those provided under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

(a) Issue rules and regulations to prohibit acts that may be prejudicial to the MMPL and to the declaration of policy set forth under the NIPAS;

1           (b) Issue rules and regulations for the resolution of conflicts through  
2 appropriate and effective means;

3           (c) Adopt rules and procedures in the conduct of business, including  
4 the creation of committees to which its powers may be delegated;

5           (d) Approve the management plan and oversee the Office of the  
6 Protected Area Superintendent (PASu);

7           (e) Establish criteria and set fees for the issuance of permits for  
8 activities regulated by this Act or the management plan;

9           (f) Recommend the deputization of appropriate individuals for the  
10 enforcement of the laws, rules and regulations governing the conduct or  
11 management of the MMPL;

12           (g) Approve fees and charges in accordance with existing guidelines  
13 and raise funds for the Mt. Matutum Protected Landscape Fund as herein  
14 established;

15           (h) Review applications for permits to operate within the MMPL or  
16 applications for the renewal of permits issued prior to the effectivity of this  
17 Act and, if meritorious and necessary, approve such applications and issue the  
18 corresponding permit thereto;

19           (i) Manage the allocation and disbursements of the Mt. Matutum  
20 Protected Landscape Fund, and other funds of the MMPL, and ensure the  
21 proper administration and render accounting thereof; and

22           (j) Recommend appropriate policy changes to the DENR and other  
23 government authorities.

24           The DENR, through the RED, shall ensure that the MMPL  
25 Management Board shall at all times act within the scope of its powers and  
26 functions. In case of a conflict between administrative orders of national  
27 application issued by the DENR pursuant to the NIPAS Act and the  
28 resolutions issued by the MMPL Management Board, the latter shall promptly

1 notify the DENR Secretary who shall decide whether to apply the rule or  
2 withdraw its application within the MMPL.

3 SEC. 7. *The Protected Area Superintendent (PASu).* – There shall be  
4 appointed a PASu who shall be the chief DENR operating officer of the  
5 MMPL and shall be directly accountable to the MMPL Management Board.  
6 The PASu shall have full responsibility for the protection of land, water,  
7 wildlife and other natural physical and biological resources within the MMPL.  
8 As such, the PASu shall have the following duties and responsibilities in  
9 addition to those provided under the NIPAS Act and its implementing rules  
10 and regulations:

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

13 (b) Prepare the management plan as herein defined;

14 (c) Provide a secretariat for the MMPL Management Board and supply  
15 the same with all the necessary information so it can decide appropriately on  
16 matters pertaining to the implementation of this Act;

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

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

23 (f) Recommend the issuance of permits based on terms, conditions and  
24 criteria established by the MMPL Management Board;

25 (g) Ensure the integration of the MMPL management policies,  
26 regulations, programs and projects at all the concerned national and LGU  
27 levels; and



1 (h) Perform such other functions as the MMPL Management Board  
2 may delegate.

3 The PASu shall be supported by a sufficient number of personnel who  
4 shall be performing day-to-day management, protection and administration of  
5 the MMPL. Upon the recommendation of the MMPL Management Board, the  
6 DENR RED shall deputize local community leaders and environment and  
7 natural resources officers.

8 SEC. 8. *Management Plan.* – There shall be a management plan  
9 promulgated for the MMPL that shall serve as the basic long-term framework  
10 plan in the management of the protected area and guide in the preparation of  
11 its annual operations plan and budget. Within one (1) year from the effectivity  
12 of this Act, the management plan shall have been put into effect following the  
13 general management planning strategy provided for under the NIPAS Act and  
14 according to the procedure herein set forth. It shall contain, among others, the  
15 following:

- 16 (a) Category of the protected area;
- 17 (b) Period of the applicability of the plan;
- 18 (c) Key management issues;
- 19 (d) Goals and objectives of management in support of Section 2  
20 hereof;
- 21 (e) Site management strategy;
- 22 (f) Major management activities such as enforcement of laws, habitat  
23 and wildlife management, sustainable-use management, infrastructure  
24 development and maintenance, and fire and pest control;
- 25 (g) Zoning; and
- 26 (h) Visitor management programs.

27 The management plan shall be prepared by the PASu in coordination  
28 with the DENR, local communities and NGOs. It shall be reviewed and

1 approved by the MMPL Management Board and certified by the Secretary of  
2 the DENR. Such certification shall be mandatory to ensure that the plan  
3 conforms to all laws and the applicable rules and regulations issued by the  
4 DENR: *Provided, however,* That the Secretary of the DENR may revise and  
5 modify the protection and conservation plan, after consultation with the  
6 MMPL Management Board created under Section 5 hereof, prior to  
7 certification to ensure conformity with applicable laws, rules and regulations.

8 One (1) year before the expiration of the period of the applicability of  
9 the plan in effect, the PASu shall cause the publication of notices for  
10 comments and suggestions on the successor plan in a newspaper of general  
11 circulation in the concerned municipalities. Notices shall also be posted in the  
12 respective provincial and municipal halls of the concerned provinces and  
13 municipalities as well as in the barangay halls bounding or immediately  
14 adjacent to the protected landscape. The proposed plan shall be made available  
15 to the public during the period for comment and a final plan shall likewise be  
16 made available for public perusal at the Office of the PASu upon the approval  
17 of the MMPL Management Board: *Provided,* That the plans shall be plainly  
18 written in a language understandable in the area.

19 SEC. 9. *Role of Local Government Units.* – The LGUs within the  
20 MMPL shall participate in its management through representation in the  
21 MMPL Management Board as provided under Section 5 hereof. Said LGUs  
22 may appropriate portions of their share from the annual internal revenue  
23 allotment and other income for use of the MMPL: *Provided,* That all funds  
24 directly coming from the LGUs shall be exempted from the twenty-five  
25 percent (25%) remittance requirement to the Integrated Protected Areas Fund  
26 (IPAF) as referred to in Section 10 of this Act.

27 SEC. 10. *MMPL Fund.* – There is hereby established a trust fund to be  
28 known as the MMPL Fund for purposes of financing projects of the MMPL.

1 All income generated from the operation and management of wild flora and  
2 fauna in the MMPL shall accrue to the MMPL Fund. These income shall be  
3 derived from fees from permitted sale and export of flora and fauna and other  
4 resources from the protected area; proceeds from lease of multiple-use areas;  
5 contributions from industries and facilities directly benefiting from the  
6 protected area; and such other fees and income derived from the operation of  
7 the protected area.

8 The MMPL Fund may be augmented by grants, donations, endowment  
9 from various sources, domestic or foreign, and such endowments shall be  
10 exempted from income or gift taxes, and all other taxes, charges or fees  
11 imposed by the government or any political subdivision or instrumentality  
12 thereof. Any donation or bequest made to the MMPL Fund shall be exempt  
13 from donor's tax and the same shall be considered as allowable deduction  
14 from the gross income of the donor, in accordance with the provisions of the  
15 National Internal Revenue Code of 1997, as amended.

16 The MMPL Management Board shall retain seventy-five percent (75%)  
17 of all revenues raised, to be deposited in any government bank within the  
18 locality; and that disbursements shall be made solely for the protection,  
19 maintenance, administration and management of the area and implementation  
20 of duly approved projects endorsed by the MMPL Management Board in  
21 accordance with existing accounting, budgeting and auditing rules and  
22 regulations; *Provided, That* the MMPL Fund shall not be used to cover  
23 personal services expenditures.

24 The remaining twenty-five percent (25%) of the revenues shall be  
25 deposited as a special account in the National Treasury as share in the IPAF  
26 created pursuant to Republic Act No. 7586.

27 The concerned LGUs shall continue to impose and collect all other fees  
28 not enumerated herein which they have traditionally collected, such as

1 business permits, property tax, and rental of LGU facilities. Furthermore, the  
 2 concerned LGUs may charge add-ons to fees imposed by the MMPL  
 3 Management Board: *Provided*, That such add-ons shall be determined based  
 4 on the contribution of the LGUs in the maintenance and protection of the  
 5 protected area.

6 SEC. 11. *Prohibited Acts and Penalties.* -- The following acts, in  
 7 addition to the prohibited acts enumerated in the NIPAS Act and its  
 8 implementing rules and regulations, shall be prohibited and are hereby  
 9 penalized as follows:

10 (a) The penalties and qualifications prescribed in Articles 309 and 310  
 11 of the Revised Penal Code, depending on the value of the resources involved  
 12 in connection with the prohibited act or a fine of at least triple the value of the  
 13 said resources, or both, shall be imposed upon any person who:

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

20 (2) Cuts, gathers, removes or collects timber or any forest products  
 21 within particularly identified regulated or prohibited areas or zones in the  
 22 MMPL including private lands without the necessary permit, authorization or  
 23 exemption;

24 (3) Possesses or transports, within or outside the MMPL, any timber,  
 25 forest products, wild terrestrial or aquatic plants, animals, or by-products  
 26 derived therefrom which are ascertained to have been taken from the MMPL;

27 (4) Undertakes mineral exploration or extraction within the MMPL;

1 (5) Engages in quarrying of sand, gravel, guano, limestone or any  
2 material within the MMPL;

3 (6) Hunts, collects, removes or destroys any endangered or protected  
4 species except when collection or removal is for scientific research and  
5 exempted from the prohibition by the MMPL Management Board;

6 (7) Conducts bioprospecting within the MMPL without prior MMPL  
7 Management Board approval in accordance with its existing guidelines;

8 (8) Engages in *kaingin* or slash-and-burn farming in any manner or  
9 causes forest fires inside the MMPL; or

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

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

16 (1) Violates rules and regulations in the management plan or issued by  
17 the MMPL Management Board, or the agreements reached by the MMPL  
18 Management Board in the exercise of adjudicative functions;

19 (2) Erects any structure on land or on water for any purpose outside the  
20 management plan duly approved by the MMPL Management Board: *Provided,*  
21 *That large-scale private infrastructure and other projects such as medium to*  
22 *high density residential subdivisions, medium to large commercial and*  
23 *industrial establishments, golf courses, heavily mechanized commercial and*  
24 *nontraditional farming, and other activities that cause increased in-migration*  
25 *and resource degradation shall be absolutely prohibited;*

26 (3) Possesses a chainsaw, hacksaw and other mechanized equipment  
27 within the MMPL without a permit;

1           (4) Throws, dumps or causes to be dumped into the MMPL any  
2 nonbiodegradable material or waste whether liquid, solid or gas;

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

7           (6) Prospects, hunts or otherwise locates hidden treasures within the  
8 MMPL;

9           (7) Informally occupies or dwells in any land within the MMPL  
10 without clearance from the MMPL Management Board;

11          (8) Possesses or uses blasting caps or explosives anywhere within the  
12 MMPL;

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

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

17          (11) Purchases or sells, mortgages or leases lands or other portions of  
18 the MMPL which are covered by any tenure instrument; or

19          (12) Violates any of the conditions imposed on the existing facility  
20 located within the MMPL for its continued operation: *Provided*, That the  
21 owner of such facility shall be liable to pay the fine of five thousand pesos  
22 (P5,000.00) for every violation: *Provided, further*, That upon reaching a total  
23 of five hundred thousand pesos (P500,000.00), the PASu, by deputizing any  
24 government entity, shall cause the cessation and demolition of the facility at  
25 the owner's cost.

26          Valuation of the damage resulting from the violation of the foregoing  
27 prohibitions shall take into account biodiversity and conservation  
28 considerations as well as aesthetic and scenic value. Valuation assessed by the

1 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  
4 illegal acts prohibited in this Act or suffer their workers to commit any of the  
5 same shall be liable in the same manner as the one actually performing the act.

6 All conveyances, vessels, equipment, paraphernalia, implements, gears,  
7 tools and similar devices used in the aforementioned illegal acts shall be  
8 subject to immediate and administrative confiscation, independent of the  
9 judicial proceedings conducted by the Office of the PASu upon apprehension,  
10 subject however to due process and substantial evidence requirements.  
11 However, when legal action is filed in the regular courts, the said conveyances,  
12 vessels, equipment, paraphernalia, implements, gears, tools and similar  
13 devices, independent of administrative proceedings, shall not be released until  
14 after judgment has been rendered. Proceeds of the sale of all objects  
15 administratively or judicially confiscated pursuant hereto shall accrue to the  
16 MMPL Fund. Procedure for the sale thereof shall be promulgated by the  
17 MMPL Management Board.

18 However, confiscated or rescued protected animal species shall in no  
19 case be sold or in any manner disposed of, but shall be immediately turned  
20 over to the PASu and released to its natural habitat, subject to existing  
21 regulations. The penalties specified in this section shall be imposed in addition  
22 to the penalties contained in Republic Act No. 9072 (National Caves and Cave  
23 Resources Management and Protection Act), Republic Act No. 9147 (Wildlife  
24 Resources Conservation and Protection Act), and other related laws.  
25 Conviction for any offense committed in violation of the provisions of this Act  
26 by a public officer or officer of the law shall carry the accessory penalty of  
27 perpetual disqualification from public office.

1           SEC. 12. *Tenured Migrants and Other MMPL Stakeholders.* –  
2   Tenured migrants shall be eligible to become stewards of portions of lands  
3   within allowable zones. The MMPL Management Board shall identify, verify  
4   and review all tenure instruments, land claims, and issuances of permits for  
5   resource use within the MMPL and recommend the issuance of the appropriate  
6   tenure instrument consistent with the zoning provided in the management plan.  
7   Should areas occupied by tenured migrants be designated as zones in which no  
8   occupation or other activities are allowed pursuant to the requirements of  
9   sustainable development, provisions for the transfer of said tenured migrants to  
10   multiple-use zones or buffer zones shall be made and carried out through just  
11   and humane means. In the event of termination of a tenure instrument for  
12   cause or by voluntary surrender of rights, the PASu shall take immediate steps  
13   to rehabilitate and return the area to its natural state prior to the cultivation or  
14   other act by the tenured migrant. Within three (3) months from the passage of  
15   this Act, the PASu shall submit the complete list of tenured migrants to the  
16   MMPL Management Board which shall approve the final list.

17           SEC. 13. *Inventory of Facilities Within the MMPL.* – The MMPL  
18   Management Board shall conduct an inventory of existing facilities within the  
19   protected area in accordance with the objectives of this Act.

20           SEC. 14. *Renewable and Nonrenewable Resources.* – Any exploration  
21   and exploitation or utilization of nonrenewable resources including mining  
22   within the MMPL shall not be allowed. Renewable energy projects within the  
23   MMPL shall be permitted only through an act of Congress except energy from  
24   wind, sun and water sources and not more than three (3)-megawatt capacity for  
25   mini-hydro power: *Provided,* That these renewable energy projects are outside  
26   the strict protection zone, adopt reduced impact technologies, and undergo the  
27   Environmental Impact Assessment (EIA) system as provided by law and:  
28   *Provided, further,* That the MMPL Management Board endorsed the project.



1           SEC. 15. *Special Prosecutor and Retained Counsel.* — Within thirty  
2   (30) days from the effectivity of this Act, the Department of Justice (DOJ)  
3   shall appoint a special prosecutor to whom all cases of violation of laws, rules  
4   and regulations in the MMPL shall be assigned. Such special prosecutor shall  
5   coordinate with the MMPL Management Board and the PASu in the  
6   performance of one's duties and assist in the training of wardens and rangers  
7   in arrest and criminal procedures. The MMPL Management Board may retain  
8   the services of counsel to prosecute and/or assist in the prosecution of cases  
9   under the direct control and supervision of the regular or special prosecutor,  
10   represent the MMPL Management Board, the PASu and the staff, or any  
11   person assisting in the protection, conservation and sustainable development of  
12   the MMPL, in any legal action related to decisions and acts lawfully  
13   undertaken pursuant to their powers, functions and responsibilities.

14           SEC. 16. *Reporting Responsibility.* — The PASu, through the MMPL  
15   Management Board, shall submit an annual accomplishment report to the  
16   Secretary of the DENR pertaining to the activities undertaken in the MMPL.

17           SEC. 17. *Construction and Suppletory Application of Existing Laws.*  
18   — The provisions of this Act shall be construed liberally in favor of the  
19   protection and rehabilitation of the MMPL and the conservation and  
20   restoration of its biological diversity for the benefit of present and future  
21   generations, taking into account the needs and interests of qualified tenured  
22   migrants. In the implementation of this Act, the provisions of the NIPAS Act  
23   may be applied in a suppletory manner.

24           SEC. 18. *Transitory Provision.* — In order to ensure the recovery and  
25   restoration of biological diversity and to develop sustainable livelihood  
26   opportunities for tenured migrants, the DENR shall henceforth cease to issue  
27   concessions, licenses, permits, clearances, compliance documents or any other

1 instrument that allows exploitation and utilization of resources within the  
2 MMPL until the management plan shall have been put into effect.

3 SEC. 19. *Appropriations* – The Secretary of the DENR shall  
4 immediately include in the DENR's program the implementation of this Act,  
5 the funding of which shall be included in the annual General Appropriations  
6 Act.

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

10 SEC. 21. *Repealing Clause*. – For the purpose of this Act, the  
11 provisions of Republic Act No. 7586 or the NIPAS Act are hereby modified in  
12 accordance with the provisions herein. All other laws, rules and regulations  
13 inconsistent with this Act are hereby repealed or modified accordingly.

14 SEC. 22. *Effectivity*. – This Act shall take effect fifteen (15) days  
15 after its publication in the *Official Gazette* or in a newspaper of general  
16 circulation readily available in and around the area specified herein. It shall  
17 likewise be posted in a conspicuous place at the municipal halls of  
18 Polomolok, Tampakan and Tupi, Province of South Cotabato and the  
19 municipal hall of Malungon, Province of Sarangani and in the barangay halls  
20 concerned where the protected area is located and in other places frequented  
21 by the public.

Approved,

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