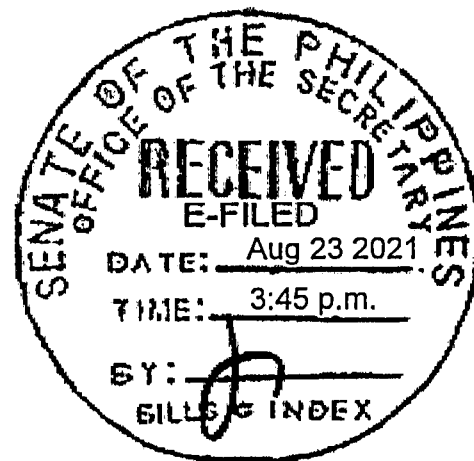


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE

S. No. 2362

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT

ESTABLISHING MT. BUSA-MAKIMA, LOCATED IN THE MUNICIPALITIES OF MAASIM, KIAMBA AND MAITUM, PROVINCE OF SARANGANI AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE PURSUANT TO REPUBLIC ACT NO. 7586, AS AMENDED BY REPUBLIC ACT NO. 11038, OTHERWISE KNOWN AS THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018, PROVIDING FOR ITS MANAGEMENT, FUNDS AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The Constitution provides that the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Consistent with this, Congress legislated Republic Act No. 7586, or the National Integrated Protected Areas System (NIPAS) Act, as amended by RA 11038 or the Expanded NIPAS Act of 2018. The law declares as policy the establishment of NIPAS which shall "encompass ecologically rich and unique areas and biologically important public lands that are habitats of rare and threatened species of plants and animals, biogeographic zones and related ecosystems, whether terrestrial, wetland or marine, which shall be designated as 'protected areas.'"

Mt. Busa, considered as the highest peak of Sarangani at 2,064 meters above sea level, spans across the municipalities of Maitum, Kiamba and Maasim in the province of Sarangani, and the towns of T'boli and Lake Sebu in South Cotabato. It covers a total area of more than 114,400 hectares, and its forest reserves and

watershed of Mt. Busa serve as the primary source of fresh water, food and basic materials, not only of the province but also of the adjacent communities. It sustains the Sarangani Bay Protected Seascapes and two major river systems (Pangi and Siguel rivers), enables a hydro powerplant and approximately 63 waterfalls which support the ecotourism industry in the area. Moreover, it plays a significant role in mitigating the effects of climate change, by sequestering large amounts of carbon and serving as a physical barrier to protect nearby communities from natural disasters such as flooding and landslides.

Aside from providing basic resources, livelihood opportunities, and protection to the municipalities, Mt. Busa is highly significant to the local indigenous peoples (IPs), who like their ancestors are dependent on Mt. Busa for a wide range of goods and services, and consider the mountain as an intangible heritage that is tied to their way of life, culture and traditions.

The Busa Mountain Range is a key biodiversity area and an extremely high conservation priority. It hosts one of the last remaining forests in southern Mindanao as it was also named as an important bird area for holding a significant number of globally threatened and restricted-range species¹. Recent studies and reports indicate that Mt. Busa is home to approximately 200 species of plants, 58 species of birds, 30 species of amphibians, 24 species of reptiles, and 12 species of mammals.

Moreover, Mt. Busa has been declared a local conservation area (LCA) by the provincial government of Sarangani through Resolution 2020-10-042 in March 2020².

Unfortunately, destructive human activities are threatening the rich biodiversity and ecosystem services in Mt. Busa. At present, only about 27% of Mt. Busa's forest cover remains.

¹ <https://philjournalsci.dost.gov.ph/publication/special-issues/biodiversity/104-vol-150-s1/1358-bird-observations-in-the-busa-mountain-range-sarangani-province-philippines>

² "Protecting Mount Busa's rich biodiversity." August 1, 2021.

<https://businessmirror.com.ph/2021/08/01/protecting-mount-busas-rich-biodiversity/>

This measure recognizes the importance of the Mt. Busa-MAKIMA as the host of diverse plant and animal species with all their educational, aesthetic, cultural and religious significance, and seeks to ensure the protection and conservation of this mountain and its associated forest, biodiversity, and the integrity of its ecosystems and associated cultural and religious practices.

This bill is the counterpart measure of House Bill No. 9055 authored by Sarangani Representative Rogelio D. Pacquiao.

In view of the foregoing, the passage of this bill is highly recommended.


RAMON BONG REVILLA, JR.

EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Third Regular Session)



SENATE
S. No. 2362

Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
ESTABLISHING MT. BUSA-MAKIMA, LOCATED IN THE MUNICIPALITIES OF MAASIM, KIAMBA AND MAITUM, PROVINCE OF SARANGANI AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE PURSUANT TO REPUBLIC ACT NO. 7586, AS AMENDED BY REPUBLIC ACT NO. 11038, OTHERWISE KNOWN AS THE EXPANDED NATIONAL INTEGRATED PROTECTED AREAS SYSTEM ACT OF 2018, PROVIDING FOR ITS MANAGEMENT, FUNDS AND FOR OTHER PURPOSES

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

1 Section 1. *Short Title.* - This Act shall be known as the "Mt. Busa-MAKIMA
2 (*MBMKMPL*) *Protected Landscape Act of 2021.*"

3 Sec. 2. *Declaration of Policy.* - The importance of the Mt. Busa-MAKIMA as the
4 host of diverse plant and animal species with all their educational, aesthetic, cultural
5 and religious significance behooves the State to undertake steps to ensure the
6 protection and conservation of this mountain and its associated forest, its biodiversity,
7 and the integrity of its ecosystems and associated cultural and religious practices.

8 Sec. 3. *Scope and Coverage.* - The Mt. Busa-MAKIMA Protected Landscape,
9 including its buffer zones, as well as its technical description shall be subject to actual
10 ground survey and demarcation, to be fully and finally determined by the Department
11 of Environment and Natural Resources (DENR).

12 The DENR shall likewise appropriately mark on the ground the technical
13 description of Mt. Busa-MAKIMA with clearly visible markers and shall prepare
14 appropriate maps therefor.

1 All lands comprising the MBMKMPL shall fall under the classification of National
2 Park as provided for in the Philippine Constitution, subject to prior right.

3 Sec. 4. *Definition of Terms.* – For purposes of this Act, the following terms shall
4 be defined as follows:

- 5 a) *Biological diversity or biodiversity* – refers to the variability among the living
6 organisms from all sources including, *inter alia*, terrestrial, marine and other
7 aquatic ecosystems and the ecological complexes of which they are part;
8 this includes diversity within species, between species and of ecosystems;
- 9 b) *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 c) *Buffer zones* – refers to identified areas outside the boundaries of and
13 immediately adjacent to designated protected areas that need special
14 development control in order to avoid or minimize harm to the protected
15 area;
- 16 d) *By-products or derivatives* – refers to parts taken or substances extracted
17 from wildlife, in raw or in processed form;
- 18 e) *Collecting* – refers to the act of gathering or harvesting wildlife and its by-
19 products or derivatives;
- 20 f) *Conveyance* – refers to every kind of vessel, including motorized or non-
21 motorized vehicles, non-displacement crafts and seaplanes that are used
22 or may be used as a means of transportation on land or water. It shall
23 include everything found therein except personal effects;
- 24 g) *Delineation* – refers to the actual ground survey of the boundaries of
25 protected areas and their buffer zones and management zones using the
26 global positioning system (GPS) or other applicable survey instruments and
27 technologies, with the intention of producing a map of the area;
- 28 h) *Demarcation* – refers to the establishment of the boundaries of protected
29 areas and their buffer zones using visible markers, monuments, buoys in
30 case of marine areas, and known natural features and landmarks, among
31 others, as a result of the actual ground delineation;

- 1 i) *Ecosystem goods and services* – refers to the multitude of material and
2 nonmaterial provisions and benefits from healthy ecosystems necessary for
3 human sustenance, well-being and survival, including support processes,
4 provisioning, and environment regulating services, and cultural resource
5 preservation services;
- 6 j) *Endemic species* – refers to the species or subspecies of flora and fauna
7 which are naturally occurring and found within specific areas in the country;
- 8 k) *Exotic species* – refers to the species or subspecies of flora and fauna which
9 do not naturally occur within the protected area at present or in historical
10 time;
- 11 l) *Exploration* – refers to the act of searching or prospecting for mineral
12 resources, as defined by law, by geological, geochemical or geophysical
13 surveys, remote sensing, test pitting, trenching, drilling, shaft sinking,
14 tunneling, or any other means, for the purpose of determining the
15 existence, extent, quantity, and quality of resources in an area, and the
16 feasibility of utilizing these resources for profit;
- 17 m) *Gear* – refers to any instrument or device and its accessories utilized in
18 taking, catching, gathering, killing, hunting, destroying, disturbing,
19 removing, or possessing resources within the protected area;
- 20 n) *Genetically modified organism (GMO)* – refers to any living organism that
21 possesses a novel combination of genetic material through the use of
22 modern biotechnology;
- 23 o) *Hunting* – refers to the killing or catching of wild fauna for food and
24 recreational purposes, with the use of weapons, such as guns, bow and
25 arrow, spears, traps and snares, and the like;
- 26 p) *Indigenous Cultural Community (ICC)/Indigenous People (IP)* – refers to a
27 group of people sharing common bonds of language, customs, traditions,
28 and other distinctive cultural traits, and who have, since time immemorial
29 occupied, possessed and utilized a territory;
- 30 q) *Integrated Protected Area Fund (IPAF)* – refers to the special account
31 established for the purpose of financing projects of the NIPAS and individual
32 protected areas;

- 1 r) *Invasive alien species* – refers to species introduced deliberately or
2 unintentionally outside their natural habitats where they have the ability to
3 establish themselves, invade, outcompete native species, and take over the
4 new environment;
- 5 s) *Kaingin* – refers to the slash-and-burn cultivation of vegetated land in a
6 protected area, whether occupied or not, shifting and permanent with little
7 or no provision to prevent soil erosion;
- 8 t) *Multiple-use zone* – refers to the area where settlement, traditional and
9 sustainable land use including agriculture, agroforestry, extraction
10 activities, and income generating or livelihood activities, may be allowed to
11 the extent prescribed in the protected area management plan;
- 12 u) *National Integrated Protected Areas System (NIPAS)* – refers to the
13 classification and administration of all designated protected areas to
14 maintain essential ecological processes and life-support systems, to
15 preserve genetic diversity, to ensure sustainable use of resources found
16 therein, and to maintain their natural conditions to the greatest extent
17 possible;
- 18 v) *National park* – refers to the lands of the public domain classified as such
19 in the Constitution which include all areas under the NIPAS pursuant to this
20 Act, primarily designated for the conservation of native plants and animals,
21 their associated habitats and cultural diversity;
- 22 w) *Occupying* – refers to a continuous stay of individuals or groups within a
23 protected area, whether residing or engaging in the cultivation of land or
24 fishing for more than twenty-four (24) hours;
- 25 x) *Poaching* – refers to gathering, collecting, or possessing products or natural
26 resources from the protected area by any individual person, corporation or
27 entity whether local or foreign; in the case of marine protected areas,
28 operating any foreign fishing vessels by any person, corporation or entity
29 without a permit;
- 30 y) *Protected area* – refers to identified portions of land/or water set aside by
31 reason of their unique physical and biological diversity and protected
32 against destructive human exploitation;

- 1 z) *Protected area occupants* – refers to persons who are residing, utilizing,
2 and cultivating areas within the protected area. These include private
3 owners, IPs, tenured migrants and informal settlers;
- 4 aa) *Protected area retained income account* – refers to the trust fund
5 maintained by any protected area and administered by the respective
6 Protected Area Management Boards (PAMB) created pursuant to this Act
7 representing the seventy-five percent (75%) of revenues generated from
8 the protected area to support its operation and management;
- 9 bb) *Protected landscapes* – refers to areas of national significance which are
10 characterized by the harmonious interaction of man and land while
11 providing opportunities for public enjoyment through recreation, tourism,
12 and other economic activities;
- 13 cc) *Protected species* – refers to plants or animals declared protected under
14 Philippine laws, rules and regulations. These shall include all species listed
15 under the Convention on International Trade in Endangered Species of Wild
16 Fauna and Flora and all its Annexes, the Convention on the Conservation
17 of Migratory Species (CMS), those specified under the red-list categories of
18 the International Union for Conservation of Nature and Natural Resources,
19 the DENR, PAMB, or any government agency that may deem it necessary
20 for conservation and preservation in the protected area;
- 21 dd) *Quarrying* – refers to the process of extracting, removing or disposing sand,
22 gravel, guano, limestone, and all other resources used as building and
23 construction materials that are found within the protected area;
- 24 ee) *Resource reserve* – refers to an extensive, relatively isolated and
25 uninhabited area which is difficult to access and is designated to protect
26 the natural resources of the area for future use and prevent or contain
27 development activities that could affect the resources, pending the
28 establishment of sustainable resources utilization goals which are based
29 upon appropriate information and planning;
- 30 ff) *Special Account in the General Fund* – refers to the trust fund deposited in
31 the National Treasury representing the twenty-five (25%) of revenues

1 generated from the operation of individual protected area and earmarked
2 to support the NIPAS;

3 gg) *Tenured migrants* – refers to protected area occupants who have been
4 actually, continuously and presently occupying a portion of the protected
5 area for five (5) years before the proclamation or law establishing the same
6 as a protected area, and are solely dependent therein for subsistence;

7 hh) *Threatened species* - refers to species or subspecies considered critically
8 endangered, vulnerable, or other accepted categories of wildlife whose
9 population is at risk of extinction;

10 ii) *Wildlife* – refers to the wild forms and varieties of flora and fauna, in all
11 developmental stages, including those which are in captivity or are being
12 bred, fed, or propagated; and

13 jj) *Wildlife sanctuary* – refers to an area which assures the natural conditions
14 necessary to protect nationally significant species, group of species, biotic
15 communities or physical features of the environment which may require
16 specific human manipulations for their perpetuation.

17 *Sec. 5. Management Plan.* – Within one (1) year from the effectivity of this Act,
18 a management plan shall have been formulated to serve as the basic long-term
19 framework plan for the management of the MBMKMPL and guide in the preparation
20 of its annual operations plan and budget.

21 The management plan shall, at the minimum, promote the adoption and
22 implementation of innovative management techniques including, when necessary,
23 zoning, buffer zone management, habitat conservation and rehabilitation, diversity
24 management, community organizing and development, socioeconomic and scientific
25 researches, site-specific policy development, climate change adaptation and
26 mitigation, disaster risk reduction and management, waste sewerage and septic
27 management, and gender and development, among others.

28 The plan shall be harmonized with the Ancestral Domain Sustainable
29 Development and Protection Plan (ADSDPP) required under Republic Act No. 8371, or
30 the “Indigenous Peoples’ Rights Act of 1997”, the respective Comprehensive Land Use
31 Plans (CLUPs) of local governments required under Republic Act No. 7160 or the “Local
32 Government Code of 1991,” and other local plans.

1 Sec. 6. *Protected Area Management Board (PAMB)*. – Within three (3) months
2 after the effectivity of this Act, a PAMB shall be created for MBMKMPL. The PAMB shall
3 be composed of the following:

- 4 a) DENR Regional Executive Director of DENR Region XII, as Chairperson;
- 5 b) Governor of Sarangani Province or a duly designated representative;
- 6 c) A Senator of the Republic of the Philippines who is a duly registered resident
7 of Region XII or a duly authorized representative, unless the Senator
8 declines membership in the PAMB;
- 9 d) The District Representative of Sarangani Province or a duly designated
10 representative, unless the District Representative declines membership in
11 the PAMB;
- 12 e) Mayors of Maitum, Kiamba and Maasim, Sarangani or their duly designated
13 representative/s;
- 14 f) Chairperson/s of the barangay/s covering the area of MBMKMPL;
- 15 g) Regional Directors of the following government agencies, namely: the
16 Department of Agriculture (DA), the National Economic and Development
17 Authority (NEDA), the Department of Science and Technology (DOST), the
18 Philippine National Police (PNP), the Department of National Defense
19 (DND), the National Commission on Indigenous Peoples (NCIP), and the
20 Department of Tourism (DOT);
- 21 h) The Provincial Planning Officer of Protected Area Management Board
22 (PAMB) in Sarangani;
- 23 i) Three (3) representatives from relevant non-government organizations
24 (NGOs) or people's organizations (Pos), duly accredited by both the DENR
25 and the provincial government. The NGO or PO represented should have
26 been in existence for at least five (5) years and with track record in or
27 related to protected area management;
- 28 j) At least one (1), but not more than three (3), representatives from all the
29 IPs/ICCs present in the area and recognized by the National Commission
30 on Indigenous Peoples (NCIP);

1 k) One (1) representative from an academic institution, preferably from a
2 university or college in Sarangani, with proven track record in or related to
3 the protected area management; and

4 l) One (1) representative from the private sector, preferably a resident of
5 Sarangani, who is distinguished in a profession or field of interest relevant
6 to the protected area management.

7 *Ex-officio* members or members of the PAMB by virtue of their elective or
8 appointive government positions as specified in the immediately preceding
9 subparagraphs (a), (b), (c), (d), (e), (f), (g) and (h), shall serve for the duration of
10 their respective terms of office in their respective elective or appointive government
11 positions.

12 On the other hand, the members of the PAMB specified under subparagraphs
13 (i), (j), (k) and (l) of this section shall be appointed by the DENR Secretary after the
14 conduct of a transparent and fair selection process. They shall each serve a term of
15 three (3) years and may be reappointed for another term.

16 The members of the PAMB shall serve without compensation, except for the
17 actual and necessary travelling and subsistence expenses incurred in the performance
18 of their duties, either in their attendance in meetings of the PAMB or in connection
19 with other official business authorized through a resolution of the PAMB, subject to
20 existing rules and regulations. Each member shall have the full capacity and
21 accountability for decisions binding to the member's sector.

22 Members of the management board shall be appointed in accordance with the
23 provisions of this Act: Provided, that the Regional Executive Director of the DENR
24 Region XII shall ensure that the relevant members of the PAMB are duly appointed by
25 the DENR Secretary: Provided, further, that at least forty percent (40%) of the PAMB
26 members shall be women, pursuant to Republic Act No. 9710 or "The Magna Carta of
27 Women."

28 A member of the PAMB may be removed for any of the following grounds:

29 1) More than three (3) consecutive unexcused absences from regular meetings
30 of the management board;

- 1 2) Commission of acts prejudicial to the management of protected areas as
- 2 embodied in Section 20 hereof and/or other existing rules and regulations
- 3 governing protected areas;
- 4 3) Disassociation from the office or organization being represented;
- 5 4) Termination of relationship with the office or organization being
- 6 represented; or
- 7 5) Conviction by final judgment of any criminal act.

8 *Sec. 7. Powers and Functions of the PAMB.* – The PAMB shall have the following
9 powers and functions:

- 10 a) Oversee the management of the protected area;
- 11 b) Approve policies, plans and programs, proposals, agreements, and other
- 12 related documents for the management of the protected areas;
- 13 c) Approve the management plan of the protected area and ensure its
- 14 harmonization and integration with the ADSDPP, land use plan and other
- 15 development plan, public or private, and its implementation;
- 16 d) Adopt a manual of operations to include rules of procedures in the conduct
- 17 of business, and the creation of committees and their respective terms of
- 18 reference;
- 19 e) Recommend the deputation of appropriate agencies and individuals for the
- 20 enforcement of the laws, rules and regulations governing the management
- 21 of protected area;
- 22 f) Allocate financial resources for the implementation of the management plan
- 23 and manage the Protected Area Retention Income Account and other funds
- 24 in accordance with the accounting and budgeting rules and regulations;
- 25 g) Set fees and charges in accordance with the existing guidelines;
- 26 h) Issue rules and regulations for the resolution of conflicts through
- 27 appropriate and effective means;
- 28 i) Recommend appropriate policy changes to the DENR and other governing
- 29 authorities;
- 30 j) Monitor and assess the performance of the protected area personnel and
- 31 compliance of partners with the terms and conditions of any undertaking,
- 32 contract or agreement;

- 1 k) Recommend from among a shortlist of qualified candidates, the designation
2 or appointment of the PASu; and
- 3 l) Assess the effectiveness of the management of the protected area;
4 Provided, that the members of the management board representing the
5 LGUs and national agencies in the PAMB shall inform their respective
6 constituents, offices or sectors, of PAMB-approved or other relevant
7 policies, rules, regulations, programs, and projects and shall ensure that
8 the provisions of this Act and its implementing rules and regulations are
9 complied with and used as reference and framework in their respective
10 plans, policies, programs and projects. Failure to comply with the foregoing
11 shall be the basis for disciplinary action against such member according to
12 administrative rules and regulations and such penalties as the PAMB may
13 provide: Provided, further, that the DENR, through the Regional Executive
14 Director, shall ensure that the PAMB acts within the scope of its powers
15 and functions. In case of conflict between the resolutions issued by the
16 PAMB and the existing administrative orders of national application, the
17 latter shall prevail.

18 *Sec. 8. The Protected Area Management Office (PAMO).* – There is hereby
19 established a Protected Area Management Office (PAMO) to be headed by a Protected
20 Area Superintendent (PASu) with a permanent plantilla position who shall supervise
21 the management, protection and administration of the protected area. A sufficient
22 number of support staff with permanent plantilla position shall be appointed by the
23 DENR to assist the PASu in the management of the protected area.

24 The PASu shall be primarily accountable to the PAMB and the DENR for the
25 management and operations of the MBMKMPL. Pursuant thereto, the PASu shall have
26 the following duties and responsibilities:

- 27 a) Lead the preparation of the management plan, in consultation with the
28 stakeholders, including the annual work and financial plans and ensure its
29 implementation;
- 30 b) Ensure the integration of the protected area management plans, programs,
31 projects and policies with relevant national and LGUs' plans and programs;

- 1 c) Provide secretariat services to the PAMB and its committees and ensure the
2 availability of relevant and timely information for decision-making;
- 3 d) Formulate and recommend to the PAMB proposed policies, rules,
4 regulations, and programs;
- 5 e) Establish, operate, and maintain a database management system which
6 shall be an important basis for decision-making;
- 7 f) Enforce the laws, rules and regulations relevant to the protected area,
8 commence and institute administrative and legal actions in collaboration
9 with other government agencies or organizations, and assist in the
10 prosecution of offenses committed in violation of this Act;
- 11 g) Monitor, evaluate and report the implementation of management activities
12 of MBMKMPL;
- 13 h) Request for and receive any technical assistance support or advice from any
14 agency or instrumentality of the government, as well as academic
15 institutions, NGOs, and the private sector, as may be necessary for the
16 effective management, protection and administration of MBMKMPL;
- 17 i) Issue permits and clearances for activities that implement the management
18 plan and other permitted activities in accordance with terms, conditions,
19 and criteria established by the PAMB: Provided, that all permits for
20 extraction activities, including collection for research purposes, shall also
21 continue to be issued by relevant authorities, subject to prior clearance from
22 the PAMB, through the PASu, in accordance with the specific acts to be
23 covered;
- 24 j) Collect and/or receive pertinent fees, charges, donations, and other income
25 for the protected area: Provided, that such fees, charges, donations, and
26 other income collected/received shall be reported regularly to the PAMB and
27 the DENR in accordance with existing guidelines;
- 28 k) Prepare and recommend to the management plan; and
- 29 l) Perform such other functions as the PAMB and the DENR may assign.

30 The PAMO may be augmented by the deputized local environment and natural
31 resources officers upon the recommendation of the PAMB and approval of the DENR.

1 *Sec. 9. Integrated Protected Area Fund (IPAF).* – There is hereby established
2 a trust fund to known as the Integrated Protected Area Fund (IPAF) for the purpose
3 of financing the projects and sustaining the operations of MBMKMPL. Income
4 generated from the operation and management of MBMKMPL shall accrue to the
5 MBMKMPL-IPAF. The income shall be derived from fees and charges from the use of
6 resources and facilities of MBMKMPL; contributions from industries and facilities
7 directly benefitting from the MBMKMPL; and such other fees and income derived from
8 the operation of the MBMKMPL.

9 The PAMB shall retain seventy-five percent (75%) of all revenues raised
10 through the above means, which shall be deposited in the Protected Area-Retained
11 Income Account (PA-RIA) in any authorized government depository bank within the
12 locality: Provided, that disbursement out of such deposits shall be used solely for the
13 protection, maintenance, administration, and management of the MBMKMPL and
14 implementation of duly approved projects of the PAMB.

15 Grants, donations, and endowments from various sources, domestic or foreign,
16 shall be deposited in full in a special account in the National Treasury to be used for
17 the purpose specified in the deeds and instruments covering them.

18 Voluntary or legislated payments for ecosystem goods and services, including
19 fines, penalties, and compensation for damages from MBMKMPL offenses shall accrue
20 fully to the PA-RIA and shall be managed by the PAMB.

21 The remaining twenty-five percent (25%) of revenues shall be deposited as a
22 special account in the General Fund in the National Treasury for purposes of financing
23 the projects of the System.

24 The use of the IPAF shall be in accordance with existing accounting, budgeting,
25 and auditing rules and regulations: Provided, further, that the IPAF shall not be used
26 to cover personal services expenditures.

27 The DENR shall submit to the Department of Budget and Management (DBM)
28 and the Department of Finance (DOF), quarterly reports on the financial and physical
29 accomplishments on the utilization of the IPAF and other documents as may be
30 required by the DBM, and shall furnish a copy of the same to the House Committee
31 on Appropriations and the Senate Committee on Finance.

1 Sec. 10. *Tax Exemptions.* – All grants, bequests, and endowments, donations
2 and contributions made to the protected area fund to be used actually, directly, and
3 exclusively by the MBMKMPL, shall be exempted from donor's tax and shall be
4 considered as allowable deduction from the gross income for the purpose of computing
5 the taxable income of the donor, in accordance with the provisions of the National
6 Internal Revenue Code of 1997, as amended.

7 Sec. 11. *Special Prosecutors and Retained Counsel.* – Within thirty (30) days
8 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint special
9 prosecutors to prosecute violations of laws, rules and regulations in MBMKMPL. The
10 special prosecutors shall coordinate with the PAMB and PASu in the performance of
11 duties and assist in the training of wardens and rangers in arrest and criminal
12 procedures. The PAMB may retain the services of counsel to prosecute and assist in
13 the prosecution of cases under the direct control and supervision of the regular or
14 special prosecutor. Said counsel shall also represent and defend the members of the
15 PAMB, PASu and the staff, or any DENR-deputized individual and volunteer, against
16 any legal action arising from the performance of their powers, functions and
17 responsibilities as provided in this Act.

18 Sec. 12. *Prohibited Acts.* – Except as may be allowed by the nature of their
19 categories and pursuant to rules and regulations governing the same, the following
20 acts are prohibited within MBMKMPL:

- 21 a) Poaching, killing, destroying, disturbing of any wildlife including in private
22 lands within the MBMKMPL;
- 23 b) Hunting, taking, collecting, or possessing of any wildlife, or by-products
24 derived therefrom, including in private lands within MBMKMPL without the
25 necessary permit, authorization or exemption; Provided, that the PASu as
26 authorized by the PAMB shall issue a permit, authorization or exemption
27 only for culling, scientific research, the exceptions provided under Section
28 27 (a) of Republic Act No. 9147 (Wildlife Resources Conservation and
29 Protection Act) or harvests of non-protected species in multiple-use zones
30 by tenured migrants and IPs;
- 31 c) Cutting, gathering, removing or collecting timber within MBMKMPL including
32 private lands therein, without the necessary permit, authorization,

- 1 certification of planted trees or exemption such as for culling exotic species;
2 except however, when such acts are done in accordance with the duly
3 recognized practices of the IPs/ICCs for subsistence purposes;
- 4 d) Possessing or transporting outside MBMKMPL any timber, forest products,
5 wildlife, or by-products therefrom which are ascertained to have been taken
6 from MBMKMPL other than exotic species, the culling of which has been
7 authorized under an appropriate permit;
- 8 e) Using any harvesting tool or any variations that destroy terrestrial habitat
9 as may be determined by the DA or the DENR; Provided that mere
10 possession of such tools within MBMKMPL shall be *prima facie* evidence of
11 their use;
- 12 f) Dumping, throwing using or causing to be dumped into or placed in
13 MBMKMPL of any toxic chemical, noxious or poisonous substance or non-
14 biodegradable material, untreated sewage or animal waste or products
15 whether in liquid, solid, or gas state, including pesticides and other
16 hazardous substances as defined under Republic Act No. 6969, otherwise
17 known as the "Toxic Substances and Hazardous and Nuclear Wastes Control
18 Act of 1990" detrimental to MBMKMPL, or to the plants and animals or
19 inhabitants therein;
- 20 g) Operating any motorized conveyance within MBMKMPL without permit from
21 the PAMB, except when the use of such motorized conveyance is the only
22 practical means of transportation of IPs/ICCs in accessing their ancestral
23 domain/land;
- 24 h) Altering, removing, destroying, or defacing boundary marks or signs within
25 MBMKMPL;
- 26 i) Engaging in *kaingin*, in any manner, causing forest fires inside MBMKMPL;
- 27 j) Mutilating, defacing, destroying, excavating, vanda izing, or in any manner
28 damaging any natural formation, religious, spiritual, historical sites, artifacts
29 and other objects of natural beauty, scenic value or objects of interest to
30 IPs/ICCs;
- 31 k) Damaging and leaving roads and trails in damaged condition;

- 1 l) Littering or depositing refuse or debris on the ground or in bodies of
2 water/river system;
- 3 m) Possessing or using blasting caps or explosives anywhere within the
4 MBMKMPL;
- 5 n) Occupying or dwelling in any public land within MBMKMPL without clearance
6 from the PAMB;
- 7 o) Constructing, erecting, or maintaining any kind of structure, fence, or
8 enclosure, conducting any business enterprise within the MBMKMPL without
9 prior clearance from the PAMB and permit from the DENR, or conducting
10 these activities in a manner that inconsistent with the management plan
11 duly approved by the PAMB;
- 12 p) Undertaking mineral exploration or extraction within the MBMKMPL;
- 13 q) Engaging in commercial or large-scale quarrying within MBMKMPL;
- 14 r) Establishing or introducing exotic species, including GMOs or invasive alien
15 species within MBMKMPL;
- 16 s) Conducting bioprospecting within MBMKMPL without prior PAMB clearance
17 in accordance with existing guidelines: Provided, that in addition to the
18 penalty provided herein, any commercial use of any substance derived from
19 non-permitted bioprospecting within a protected area will not be allowed
20 and all revenue earned from illegal commercialization thereof shall be
21 forfeited and deposited as part of the IPAF;
- 22 t) Prospecting, hunting or otherwise locating hidden treasure within
23 MBMKMPL;
- 24 u) Purchasing or selling, mortgaging or leasing lands or other portions of
25 MBMKMPL which are covered by any tenurial instrument; and
- 26 v) Constructing any permanent structure within the forty (40)-meter easement
27 from any natural body of water (river) or issuing a permit for such
28 construction pursuant to Article 51 of Presidential Decree No. 1067.

29 Sec. 13. *Penalties.* – Violation under this Act shall be subject to the following
30 penalties:

- 31 a) A fine of not less than Two hundred thousand pesos (Php 200,000.00) but
32 not more than One million pesos (Php 1,000,000.00) or imprisonment from

1 one (1) year but not more than six (6) years, or both, plus damages of triple
2 the value of the said resources, or both, shall be imposed upon any person
3 who violates paragraphs (a) to (e) of Section 20 of the NIPAS Act, as
4 amended;

5 b) A fine of not less than Two hundred thousand pesos (Php 200,000.00) but
6 not more than One million pesos (Php 1,000,000.00) or imprisonment from
7 one (1) year but not more than six (6) years, or both, shall be imposed upon
8 any person who violates paragraphs (f) to (p) of Section 20 of the NIPAS
9 Act, as amended;

10 c) A fine of Fifty Thousand pesos (Php 50,000.00) daily shall be imposed on
11 the owner of existing facilities within a protected area under Section 24 of
12 this Act, if the existence of the same its future plans and operations will be
13 detrimental to MBMKMPL. For every continuing violation, or if the violation
14 continues to be committed for thirty (30) days and upon reaching a total
15 fine of Five hundred thousand pesos (Php 500,000.00), the PAMB through
16 the PASu and other deputized government entities, shall cause the cessation
17 of operation and either forfeit in favor of the PAMO or demolish the facility
18 at the cost of its owner. If the facility is government-owned, the agency in
19 charge shall submit a plan for a substitute facility that complies with the
20 protected area standards and, within one (1) year, execute the approved
21 protected area management plan;

22 d) Administrative fines of not less than Fifty thousand pesos (Php 50,000.00),
23 but not exceeding Five million pesos (Php 5,000,000.00), shall be imposed
24 by the DENR Secretary for the violation of any rule, regulation, or provision
25 of any agreement reached with the PAMB: Provided, that if an area which
26 has sustained damage from any activity conducted therein requires
27 rehabilitation or restoration as determined by the court, the offender shall
28 be required to restore or pay compensation for damage, which payment
29 shall accrue to the IPAF.

30 On the basis of a court order, the DENR shall cause the eviction of an offender
31 from the MBMKMPL: Provided, that in cases of emergency, the DENR Secretary may
32 order the immediate exit or departure of the offender from MBMKMPL. The DENR

1 Secretary may call on other enforcement agencies to assist in executing the order to
2 vacate.

3 An *emergency* occurs when there is a demonstrated impending threat to human
4 life and biodiversity or to species found within the ecosystem of the MBMKMPL.

5 All minerals, timber or species collected or removed from the MBMKMPL,
6 including all equipment, devices, conveyances, and firearms used in connection
7 therewith, shall be forfeited in favour of the government, and any construction or
8 improvement made thereon by the offender shall be subject to confiscation by the
9 PAMO, subject to the application of due process.

10 The conveyance, equipment, paraphernalia, implements, tools and similar
11 devices used in the commission of the crime shall be dealt with in accordance with
12 Part 4, Rule 12 (Custody and Disposition of Seized Items, Equipment, Paraphernalia,
13 Conveyance and Instruments) of Administrative Matter No. 09-6-8-SC (Rules of
14 Procedures for Environmental Cases) issued by the Supreme Court. However, in no
15 case shall any confiscated or rescued protected animal species be sold or in any
16 manner disposed of but shall be immediately turned over to the PAMO for
17 rehabilitation and release to its natural habitat, subject to existing regulations.
18 Valuation of the damages shall take into account biodiversity and conservation
19 considerations as well as aesthetic and scenic value. The valuation and assessment by
20 the DENR, in coordination with other concerned government agencies, shall be
21 presumed regular, unless otherwise proven by the preponderance of evidence.

22 If the offender is an association or corporation, the president or manager, who
23 is proven to have participated in or have actual knowledge of any violation against the
24 provisions of this Act shall be directly liable for the act of the employees and laborers:
25 Provided, finally that the DENR may impose administrative fines and penalties
26 consistent with this Act.

27 Any person who shall induce another or conspire to commit any of the acts
28 prohibited in this Act, or force their workers to commit any of the same, shall be liable
29 as principal.

30 The penalties specified in this section, shall be in addition to the penalties
31 provided in Republic Act No. 9072 or the "National Caves and Cave Resources
32 Management and Protection Act," Republic Act No. 9147 or the "Wildlife Resources

1 Conservation and Protection Act," Republic Act No. 8550 or the "Philippine Fisheries
2 Code of 1998" and other related laws.

3 The conviction of a public officer of the law, whether from the LGU or any
4 national government agency, for any violation of the provisions of this Act shall carry
5 the accessory penalty of perpetual disqualification from public office.

6 Sec. 14. *Existing Rights.* – All property and private rights within the MBMKMPL
7 and its buffer zones already existing and/or vested upon the effectivity of this Act shall
8 be protected and respected in accordance with existing laws: Provided, that the
9 exercise of such property and private rights shall be harmonized, as far as practicable,
10 with the provisions of this Act. Notwithstanding this Act, all existing rights, contracts,
11 or agreements entered into by government for utilization of natural resources within
12 MBMKMPL shall continue to be recognized and governed by Philippine laws.

13 The renewal of permits, contracts, and agreements shall be subject to the
14 provisions of this Act. If the permits, contracts, agreements are not renewed, such
15 areas shall be rehabilitated or restored by the permit holders within the period
16 provided by the pertinent laws and shall revert to the national parks classification. As
17 such, all holders of permits, contracts, and agreements are required to prepare and
18 submit a rehabilitation plan to the PAMB: Provided, that upon renewal, a sufficient
19 bond shall be remitted by the proponent to the DENR to be released to the depository
20 bank in the event of damage by a closure of the establishment after satisfactory
21 rehabilitation according to the zones and objectives of the management plan as
22 attested to by the PAMB.

23 The occupation of the LGUs and communities within the MBMKMPL shall be
24 respected. Within ninety (90) days after the creation of the PAMB, the Board shall
25 assess the physical occupation of said LGUs and communities within MBMKMPL and
26 recommend to proper authorities measures to ensure the protection of their well-
27 being. Municipalities with existing townships and town centers within the MBMKMPL
28 shall continue to occupy such townships and town centers: Provided, that in the
29 development of their CLUPs and barangay development plans, due consideration shall
30 be given to the intended use for conservation and biodiversity as well as the objectives
31 for MBMKMPL to keep human habitation and environmental conservation in harmony.

1 Sec. 15. *Tenured Migrants and Other MBMKMPL.* – Tenured migrants shall be
2 eligible to become stewards of portions of lands within multiple-use zones. The PAMB
3 shall identify, verify, and review all tenurial instruments, land claims, issuances of
4 permits for resource use within the MBMKMPL and recommend the issuance of the
5 appropriate tenure instrument consistent with the zoning provided in the management
6 plan and the provisions of this Act.

7 Should areas occupied by tenured migrants be designated as zones in which
8 no occupation or other activities are allowed pursuant to the attainment of sustainable
9 development, the provision for the transfer of the tenured migrants to multiple-use
10 zones or buffer zones shall be accomplished through just and humane means:
11 Provided, that MBMKMPL occupants who are not qualified as tenured migrants shall
12 be resettled outside the MBMKMPL.

13 The rights of the tenured migrants may be transferred only to the spouse or
14 one of their direct descendants listed at the time of the survey. In the event of
15 termination of a tenurial instrument for cause or by voluntary surrender of rights, the
16 PASu shall take immediate steps to rehabilitate the area.

17 Following the protected area occupants survey required under Section 5 (c) (1)
18 of NIPAS Act, as amended, the DENR Regional Executive Director shall submit to the
19 Biodiversity Management Bureau (BMB) within two (2) years from the passage of this
20 Act, the final list of tenured migrants, which shall be the basis for tenured migrants
21 recognition and issuance of tenurial instruments. Within the two (2)-year period, the
22 DENR Regional Executive Director shall submit accomplishment report every six (6)
23 months.

24 The DENR through the BMB shall issue guidelines for the determination of the
25 reckoning period for the recognition of the tenured migrants.

26 Sec. 16. *Existing Facilities Within the MBMKMPL.* – Within sixty (60) days from
27 the effectivity of this Act, an inventory of all existing facilities such as roads, buildings
28 and structures, water systems, transmission lines, communication facilities, heavy
29 equipment, and irrigation facilities, among others, within MBMKMPL shall be
30 conducted.

1 The DENR Regional Executive Director shall submit the inventory of the facilities
2 with corresponding descriptions and an assessment report containing the appropriate
3 recommendations to the DENR Secretary through the BMB.

4 The PAMB, with the assistance of the DENR, may impose conditions for the
5 continuous operation of a facility found to be detrimental to the MBMKMPL until its
6 eventual relocation. If the conditions are violated, the owner of the facility shall be
7 made liable pursuant to Section 21 (d) of the NIPAS Act, as amended.

8 Existing facilities allowed to remain within the MBMKMPL shall be charged a
9 reasonable fee by the PAMB based on existing guidelines. Structures found within the
10 fort (40)-meter easement shall be demolished unless proven necessary to protect the
11 river and mitigate habitat destruction. The PAMB shall levy a reasonable fee for the
12 use of such easement for their continued operations.

13 *Sec. 17. Special Uses Within Protected Area.* – Consistent with Section 2 hereof,
14 special uses may be allowed with MBMKMPL except in strict protection zones. The
15 PAMB may recommend the issuance of tenurial instrument subject to compliance to
16 ECC and payment of corresponding user fee equivalent to five percent (5%) of the
17 zonal value of commercial land within the nearest barangay or municipality where the
18 project is located multiplied by the area of development plus one percent (1%) value
19 of improvement as premium: Provided, that the activity shall not be detrimental to
20 ecosystem functions and biodiversity, and cultural practices and traditions.

21 A sufficient bond shall be remitted by the proponent to the DENR to be released
22 to the depository bank in the event of damage by or closure of the establishment after
23 the satisfactory rehabilitation according to the zones and objectives of the
24 management plan as attested by the PAMB.

25 *SEC. 18. Local Government Units (LGUs).* - The LGUs within the MBMKMPL shall
26 participate in its management through representation in the PAMB as provided for in
27 this law. Said LGUs may appropriate portions of their share from the annual internal
28 revenue allotment and other income for use of the MBMKMPL: Provided, that all funds
29 directly coming from the LGUs shall be exempted from the twenty-five percent (25%)
30 remittance requirement for the IPAF under Section 16 of the NIPAS Act, as amended.

31 The LGUs shall continue to impose and collect other fees not enumerated under
32 Section 16 of the NIPAS Act, as amended which they have traditionally collected, such

1 as business permits and rentals of LGU facilities: Provided, that the LGUs shall not
2 impose property tax on properties owned by the government nor issue any tax
3 declaration for areas covered by the protected area. Furthermore, LGUs may charge
4 add-ons to fees imposed by the PAMB: Provided, that such add-ons shall be based on
5 the contribution of the LGUs in the maintenance and protection of MBMKMPL.

6 LGUs with territory inside MBMKMPL shall align their CLUPs, local development
7 plans, disaster risk reduction management plans and other required plans according
8 to the objectives specified herein and in the protected area management plans. Within
9 six (6) months from the approval of the protected area management plan, the PAMB
10 and the PASu shall collaborate with the LGU concerned in the formulation of the CLUP
11 and other local plans and in the enforcement thereof. The concerned LGU official shall
12 be held administratively and criminally liable for failure to enforce and/or implement
13 the provisions of this Act.

14 *Sec. 19. Reporting Responsibility.* – The PASu, through the PAMB, shall submit
15 an annual accomplishment report of MBMKMPL to the Secretary of DENR through the
16 BMB. A report on the conditions and benefits of the biological resources and ecosystem
17 services of MBMKMPL shall also be submitted by the PASu, through channels, to the
18 Secretary of the DENR every five (5) years. Consequently, the BMB shall include
19 MBMKMPL in its National State of Protected Areas (NSPAs) report every five (5) years
20 and shall submit the same to the President, the Senate of the Philippines, and the
21 House of Representatives.

22 *Sec. 20. Appropriations.* – The Secretary of the DENR shall immediately include
23 in the DENR's program the implementation of the Mt. Busa-MAKIMA Protected
24 Landscape (MBMKMPL) Act, the funding of which shall be included in the annual
25 General Appropriations Act of the DENR.

26 *Sec. 21. Construction and Interpretation.* – The provisions of this Act shall be
27 construed liberally in favor of the protection and rehabilitation of MBMKMPL and the
28 conservation and restoration of biological diversity taking into account the needs and
29 interests of qualified tenured migrants, vested rights, IPs and local communities, and
30 the benefits from ecosystem services and functions of MBMKMPL, for present and
31 future generations: Provided, that nothing in this Act shall be construed as a

1 diminution of local autonomy or in derogation of ancestral domain rights under the
2 Indigenous Peoples' Rights Act of 1997.

3 *Sec. 22. Joint Congressional Oversight Committee.* – To monitor and oversee
4 the implementation of this Act, a Joint Congressional Oversight Committee is hereby
5 created. It shall be composed of the Chairpersons of the Senate Committee on
6 Environment, Natural Resources and Climate Change and the House Committee on
7 Natural Resources as Chairperson and Co-Chairperson, respectively, and five (5)
8 members each from the Senate and the House of Representatives as members:
9 Provided, that two (2) of the five (5) members are nominated by the respective
10 minority leaders of the Senate and the House of Representatives.

11 *Sec. 23. Implementing Rules and Regulations.* – Within six (6) months from the
12 effectivity of this Act, the DENR shall prepare the IRR of this Act.

13 *Sec. 24. Transitory Provision.* – In order to enhance biological diversity and to
14 develop sustainable livelihood opportunities for tenured migrants, the DENR shall
15 henceforth cease to issue concessions, licenses, permits, clearances, compliance
16 documents or other instruments that allow utilization of resources within the
17 MBMKMPL until the management plan shall have been put into effect.

18 All existing land and resource use permits issued for purposes which are
19 authorized with the MBMKMPL shall be reviewed and shall not be renewed upon their
20 expiration unless consistent with the management plan and approved by the PAMB.

21 *Sec. 25. Separability Clause.* – If any provision or part hereof is held invalid or
22 unconstitutional, the remainder of the law or the provision or part not otherwise
23 affected shall remain valid and subsisting.

24 *Sec. 26. Repealing Clause.* – Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative order, rule, or regulation contrary to or
26 inconsistent with the provisions of this Act are hereby repealed, modified, or amended
27 accordingly.

28 *Sec. 27. Effectivity.* – This Act shall take effect fifteen (15) days after its
29 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,