

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

}
} 7 JUL -3 P5:30
}

SENATE

S. B. No. 868

RECEIVED BY: 

Introduced by SENATOR EDGARDO J. ANGARA

EXPLANATORY NOTE

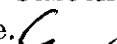
"Only when the last tree has died and the last river has been poisoned and the last fish has been caught will we realize that we cannot eat money."

So goes the Cree Indian saying. Conservation of the earth's biological diversity is steadily being recognized as the most fundamental of all environmental issues, and its preservation as the most important challenge of the 21st century.

Our own Philippine ecosystem is the "hottest" among the bio-diversity "hotspots" because it has the most number of species per square kilometer of territory, but unfortunately, the rate of habitat destruction in our country is also one of the highest in the world.


In 1996, the National Biodiversity Strategy and Action Plan (NBSAP) was formulated to address biodiversity protection. One of the strategies is the establishment of Protected Areas (PA), globally considered as one of the most effective strategy for preserving and conserving biological diversity.

As a strategic preventive and conservation measure, this bill seeks to provide for the establishment of the Casecnan Protected Landscape (CPL) as a protected area, which is part of the Sierra Madre Mountain Range, the Caraballo Mountain and Mamparang Mountains. The CPL is home to various wildlife resources, some of which are unique and endangered species like the Philippine Eagle, Hornbill, Kingfisher, Philippine deer, cloud rat and wild pig.

The CPL area has undergone several proclamations: *Republic Act 573 (30 June 1975)* which proclaimed the entire province of Nueva Vizcaya as a watershed; *Proclamation No. 1498 (11 September 1975)* which proclaimed the Conwap Valley as Resettlement Project under DAR covering the barangays of La Conwap and Yabbi of Nagtipunan, Quirino; the barangays of Gino-diayan, Guinguin and Binuangan of Dupax Del Norte, Nueva Vizcaya; *Proclamation No. 36 (11 August 1987)* which created the Casecnan River Watershed Forest Reserve which covers the provinces of Nueva Vizcaya, and part of the provinces of Quirino and Aurora and recently, *Proclamation No. 289 (23 April 2000)*, which declared the Casecnan River Watershed Forest Reserve as Casecnan Protected Landscape. 

This imperative piece of legislation would supplement Republic Act No. 7586 or the National Integrated Protected Areas System Act and would also be a noteworthy compliance with our country's international commitments. Furthermore, its passage will be a major leap towards the sustainable development and management of our national ecological treasures, as the bill seeks to respond and balance the objectives of biodiversity and the needs of the upland and lowland residents in and around the protected and buffer areas.

With this, I urge my colleagues to rally for the immediate passage of the bill.



EDGARDO J. ANGARA
Senator

FOURTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session

}
}
} 7 JUL -3 P5:31

SENATE

S. B. No. 868

RECEIVED BY: 

Introduced by SENATOR EDGARDO J. ANGARA

**AN ACT TO ESTABLISH THE CASECNAN PROTECTED
LANDSCAPE LOCATED WITHIN THE MUNICIPALITIES OF DUPAX
DEL NORTE, DUPAX DEL SUR AND ALFONSO CASTAÑEDA,
PROVINCE OF NUEVA VIZCAYA, MUNICIPALITY OF
NAGTIPUNAN, PROVINCE OF QUIRINO AND MUNICIPALITIES OF
MARIA AURORA AND DIPACULAO, PROVINCE OF AURORA AS A
PROTECTED AREA AND FOR OTHER PURPOSES.**

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

1 **SECTION 1. *Short Title.*** This Act shall be known as the *“The*
2 *Casecnan Protected Landscape (CPL) Act of 2007.”*

3
4 **SECTION 2. *Declaration of Policy.*** Recognizing the importance of
5 the Casecnan River which supports major irrigation project and hydroelectric
6 power pant as well as the domestic water requirements of the communities
7 within and nearby the area, the valuable ecosystems such as the remaining
8 forests, grasslands, agricultural lands, wetlands and riverine ecosystem,
9 cultural and economic significance to the country, the State declares the
10 policy to ensure the protection, preservation and rehabilitation of the
11 Casecnan Protected Landscape, its communities, their culture and way of life
12 as they are in harmony with nature and not detrimental to the ecological
13 features and biodiversity of the area.

14 Thus, the State shall ensure the management of the CPL through
15 holistic and participatory approach toward biodiversity conservation and
16 sustainable development, to promote and protect the interest of the
17 inhabitants and recognize the customary laws consistent with Republic Act

1 No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of
2 1992 and Republic Act No. 8371 or the Indigenous People Rights Act (IPRA)
3 of 1997, and such other international conventions to which the Philippines is
4 a signatory.

5
6 **SECTION 3. *Category.*** The area is characterized with various
7 human, economic and ecological interactions which has potential for
8 recreational and tourism activities. Based on the protected area suitability
9 assessment undertaken in the area, CPL is categorized as a protected
10 landscape.

11 Significant features sustaining the said category are rivers and creeks
12 that drain to the major rivers, the Cagayan and Casecnan, which was
13 diverted to support irrigation and generate hydro-power electricity. Likewise,
14 the CPL's three important mountains, namely: Sierra Madre, Caraballo and
15 Mamparang are unique and have rich biodiversity.

16
17 **SECTION 4. *Definitions.*** For purposes of this Act:

- 18 (a) ***"Biodiversity"*** shall refer to the variety and variability among all
19 living organisms and the ecological complexes in which they occur;
- 20 (b) ***"Buffer zone"*** shall refer to identifies areas outside the boundaries of
21 and immediately adjacent to the CPL pursuant to the management
22 plan;
- 23 (c) ***"Collection"*** shall refer to the act of gathering, harvesting or catching
24 wildlife, or the taking of any of its parts, derivatives or by-products;
- 25 (d) ***"Commercial"*** shall refer to market sales in volume or value in excess
26 of that required to maintain a basic subsistence for workers and their
27 dependents;
- 28 (e) ***"Consultation"*** shall refer to a meeting or dialogue with the
29 concerned or affected individuals, agencies and organizations within
30 and outside the CPL designed to identify and resolve issues and
31 problems affecting them in relation to the protection, conservation and
32 sustainable development of the CPL;
- 33 (f) ***"Cultural Zone"*** shall refer to areas with significant cultural,
34 religious, spiritual or anthropological values where traditional rights
35 exist and ceremonies and/or cultural practices take place;

- 1 (g) ***“Department of Environment and Natural Resources (DENR)”***
2 refers to the government agency created pursuant to Executive Order
3 No. 192;
- 4 (h) ***“Endangered species”*** shall refer to species or subspecies of plants or
5 animals whose populations are in danger of extinction and whose
6 survival is unlikely if the casual factors continue operating;
- 7 (i) ***“Endemic species”*** shall refer to species or subspecies of plants or
8 animals which have limited distribution, often within the geographic
9 limits of the State;
- 10 (j) ***“Exotic species”*** shall refer to species or subspecies that do not
11 naturally occur within the biogeographic region of the CPL at present
12 or in historical time;
- 13 (k) ***“Exploration”*** shall refer to searching or prospecting for mineral
14 resources, as defined by law, by geological, geo-chemical or geo-
15 physical surveys, remote sensing, test pitting, trenching, drilling, shaft
16 sinking, tunneling or any other means for the purpose of determining
17 the existence, extent, quantity and quality thereof and the feasibility of
18 mining them for profit;
- 19 (l) ***“Exploitation”*** shall refer to any mode of use, extraction,
20 development, utilization or disposition of resources, for whatever
21 purpose, whether commercial or otherwise;
- 22 (m) ***“General Management Plan (GMP)”*** is the basic long-term
23 framework plan in the management of the protected area and as guide
24 in the preparation of the annual operations plans and budget;
- 25 (n) ***“General Management Plan and Strategy (GMPS)”*** is the guide in
26 the formulation site specific management plans including buffer zones;
- 27 (o) ***“Habitat Management Zone”*** shall refer to areas with significant
28 habitat and species values where management practices are required
29 periodically to maintain specific non-climax habitat types or conditions
30 required by rare, threatened or endangered species;
- 31 (p) ***“Indigenous Peoples”*** shall refer to people sharing common bonds of
32 language, customs, traditions and other distinctive cultural traits and
33 who have since time immemorial occupied, proceeds and utilized the
34 resources of CPL;

- 1 (q) ***“Indigenous species”*** shall refer to native Philippine species and/or
2 subspecies with an existing or historical natural occurrence and
3 distribution within the CPL and its buffer zones;
- 4 (r) ***“IPRA”*** shall refer to Republic Act No. 8371 or the Indigenous Peoples
5 Right Act and its pertinent rules and regulations;
- 6 (s) ***“Integrated Protected Area Fund (IPAF)”*** is a trust fund
7 established for the purpose of financing projects of the system;
- 8 (t) ***“Large-scale infrastructure projects”*** shall refer to major port
9 facilities, major highways, tall edifices, major dams and the like;
- 10 (u) ***“Management Manual”*** is an individual management plan,
11 continuing basic background information, filed inventory of the
12 resources area, assessment of assets and limitations regional
13 interrelationships objectives for managing the area, appropriate
14 division of the area into management zones, boundaries and design of
15 the management programs;
- 16 (v) ***“Multiple Use Zone”*** refers to areas where settlement, traditional
17 and/or sustainable land use, including agriculture, agro-forestry,
18 extraction activities and other income-generating or livelihood
19 activities, may be allowed as prescribed in the management plan. Land
20 tenure may be granted to tenures residents whether indigenous
21 peoples or migrants;
- 22 (w) ***“NIPAS Act”*** shall refer to Republic Act No. 7586 or the National
23 Integrated Protected Areas System Act of 1992 and its pertinent rules
24 and regulations;
- 25 (x) ***“Non-government organization (NGO)”*** shall refer to any duly
26 registered civic, development, conservation or philanthropic, non-stock,
27 non-profit organization, and multi-sectoral in character;
- 28 (y) ***“Non-renewable resources”*** shall refer to those resources within the
29 CPL and its buffer zones, the natural replenishment rate of which is
30 not known;
- 31 (z) ***“Protected Area Superintendent (PASu)”*** is the chief operating
32 DENR officer of the CPL;
- 33 (aa) ***“Protected Area Management Board (PAMB)”*** shall refer to the
34 site-based decision making body responsible in the planning,
35 regulation, resources protection and general administration of the area
36 in accordance with the general management plan;

- 1 (bb) ***“People’s Organization (PO)”*** shall refer to any organized group of
2 people residing within the CPL and its buffer zones formed to advance
3 the interests of the sector they represent which does not necessarily
4 have by-laws;
- 5 (cc) ***“Protected Area (PA)”*** shall refer to identified portions of land and
6 water set aside by reason of their unique physical and biological
7 significance, managed to enhance biological diversity and protected
8 *against* destructive human exploitation, and unless the context
9 otherwise provides shall refer to the CPL;
- 10 (dd) ***“Protected Landscape”*** shall refer to areas of national significance
11 which are characterized by the harmonious interaction of man and
12 land while providing opportunities for public enjoyment through
13 recreation and tourism within the normal lifestyle and economic
14 activity of the area;
- 15 (ee) ***“Protected species”*** shall refer to any plant or animal that is declared
16 ‘protected’ under Philippine laws, rules and regulations. These also
17 include all plants and animals listed under Convention of International
18 Trade of Endangered Species (CITES) and all its Annexes, the Bonn
19 Convention on Migratory Animals, those specified under the red-list
20 categories of the International Union for the Conservation of nature
21 (IUCN), and those species which may not be considered threatened
22 elsewhere but are in danger of extinction within the CPL as
23 determined by the PAMB;
- 24 (ff) ***“Quarrying”*** shall refer to the process of extracting, removing and
25 disposing quarry resources, as defined by law, found on or underneath
26 the surface of private or public land;
- 27 (gg) ***“Recreational zones”*** shall refer to areas of high recreational,
28 tourism, educational or environmental awareness values where
29 sustainable eco-tourism, recreational, conservation, education or public
30 awareness activities may be allowed as prescribed in the management
31 plan;
- 32 (hh) ***“Special Use Zone”*** shall refer to areas containing existing
33 installation of national significance, such as telecommunication
34 facilities, irrigation canals and power lines. These installations may be
35 retained subject to mutual agreements among concerned parties

1 provided such installations will not violate any of the prohibitions
2 contained in Section 20 of NIPAS Act;

3 (ii) **“Strict Protection Zone”** shall refer to areas with high biodiversity
4 value which shall be closed to all human activity except for scientific
5 studies and/or ceremonial or religious use by indigenous communities;

6 (jj) **“Sustainable use zone”** shall refer to the use of components of
7 biological diversity in a way and at a rate that does not lead to the
8 decline of the species used and not causing permanent or long-term
9 diminishment or qualitative degradation of biological species,
10 ecological functions or of other resources extracted or disturbed,
11 thereby maintaining its potential to meet the needs and aspirations of
12 the present and future Filipino generations;

13 (kk) **“Tenured migrants”** shall refer to any person within, who has
14 actually and continuously occupied an area of the CPL for five (5) years
15 prior to June 29, 1994 and are solely dependent therein for
16 subsistence;

17 (ll) **“Traditional”** shall refer to using no power machinery resource in
18 extraction process and consistent with historically customary
19 techniques of production;

20 (mm) **“Wildlife”** shall refer to wild forms and varieties of flora and
21 fauna, including captive-bred or propagated individuals, parts,
22 derivatives and by-products thereof;

23 (nn) **“Zones”** shall refer to the divisions within the CPL established into
24 levels of protection and permitted use of natural resources such as
25 strict protection zone, sustainable use zone, restoration zone, habitat
26 management zone, multiple-use zone, cultural zone, recreational zone
27 and special use zone, as provided under existing rules and regulations
28 and appropriate land uses.

29
30 **Sec. 5. Scope.** Pursuant to and in accordance with the NIPAS Act, the
31 Casecnan Protected Landscape (CPL) is hereby declared and established as a
32 protected area and part of the National Integrated Protected Area Systems
33 under the category of protected landscape as defined herein. This expands the
34 protected area to include forest cover and a buffer zone of not more than one
35 (1) kilometer along the boundaries subject to actual geo-physical situation,

1 private rights and without prejudice to the rights of the indigenous peoples as
2 provided in the Republic Act No. 8371.

3 The protected area boundaries shall be as follows:

4 Beginning at corner "1," a point located N 42° 15' E, about 1,925.0
5 meters from the junction of Casecanan River and Tayabong River and with a
6 121°27'03" Longitude and 16°02'52" Latitude in the Province of Quirino;

7				
8	Thence	S 68° 00' E,	324.10 meters	to point 1;
9	Thence	Due East	449.00 meters	to point 2;
10	Thence	S 41°13'E	695.80 meters	to point 3;
11	Thence	N 81°24'E,	499.30 meters	to point 4;
12	Thence	N 84°57'E,	848.70 meters	to point 5;
13	Thence	N 54°43'E,	551.10 meters	to point 6;
14	Thence	N 84°57'E,	823.70 meters	to point 7;
15	Thence	N 12°52'E,	302.60 meters	to point 8;
16	Thence	N 52°42'E,	200.50 meters	to point 9;
17	Thence	S 71°38'E,	249.40 meters	to point 10;
18	Thence	N 40°12'E,	452.10 meters	to point 11;
19	Thence	S 89°30'E,	449.00 meters	to point 12;
20	Thence	S 33°12'E,	198.60 meters	to point 13;
21	Thence	S 88°31'E,	274.60 meters	to point 14;
22	Thence	S 17°07'E,	991.40 meters	to point 15;
23	Thence	S 81°04'E,	399.30 meters	to point 16;
24	Thence	S 48°13'E	348.20 meters	to point 17;
25	Thence	S 72°23'E,	499.00 meters	to point 18;
26	Thence	S 17°38'E,	1,487.20 meters	to point 19;
27	Thence	S 56°27'E,	622.50 meters	to point 20;
28	Thence	S 19°08'E,	421.40 meters	to point 21;
29	Thence	S 43°19'E	995.80 meters	to point 22;
30	Thence	S 37°28'E,	1,192.30 meters	to point 23;
31	Thence	S 35°12'E,	620.80 meters	to point 24;
32	Thence	S 47°18'E,	671.50 meters	to point 25;
33	Thence	S 40°28'E,	447.30 meters	to point 26;
34	Thence	S 02°16'W,	1,136.40 meters	to point 27;
35	Thence	S 29°46'W,	1,241.80 meters	to point 28;
36	Thence	S 18°41'W,	942.30 meters	to point 29;

1	Thence	S 40°48'W,	1,194.40 meters	to point 30;
2	Thence	S 80°06'W,	1,001.30 meters	to point 31;
3	Thence	S 60°01'W,	1,198.60 meters	to point 32;
4	Thence	S 42°49'W,	1,045.50 meters	to point 33;
5	Thence	S 21°58'W,	694.60 meters	to point 34;
6	Thence	N 81°56'W,	1,602.80 meters	to point 35;
7	Thence	S 14°09'W,	669.20 meters	to point 36;
8	Thence	S 09°04'E,	1,065.30 meters	to point 37;
9	Thence	S 26°25'W,	819.20 meters	to point 38;
10	Thence	S 72°11'W,	650.40 meters	to point 39;
11	Thence	S 82°05'W,	350.50 meters	to point 40;
12	Thence	S 56°32'W,	399.30 meters	to point 41;
13	Thence	S 35°18'W,	1,491.50 meters	to point 42;
14	Thence	S 71°11'W,	1,800.80 meters	to point 43;
15	Thence	N 66°51'W,	802.20 meters	to point 44;
16	Thence	N 78°25'W,	751.40 meters	to point 45;
17	Thence	N 37°47'W,	1,912.10 meters	to point 46;
18	Thence	N 82°12'W,	701.20 meters	to point 47;
19	Thence	S 50°48'W,	872.60 meters	to point 48;
20	Thence	S 77°38'W,	2,327.50 meters	to point 49;
21	Thence	S 67°13'W,	1,549.90 meters	to point 50;
22	Thence	S 23°13'W,	570.60 meters	to point 51;
23	Thence	S 05°03'W,	1,213.80 meters	to point 52;
24	Thence	S 46°19'W,	622.70 meters	to point 53;
25	Thence	S 75°09'W,	1,651.40 meters	to point 54;
26	Thence	S 51°48'W,	1,471.20 meters	to point 55;
27	Thence	N 71°52'W,	1,453.40 meters	to point 56;
28	Thence	N 83°57'W,	926.60 meters	to point 57;
29	Thence	S 80°21'W,	700.90 meters	to point 58;
30	Thence	N 18°07'W,	1,008.50 meters	to point 59;
31	Thence	N 53°48'W,	1,305.50 meters	to point 60;
32	Thence	N 86°13'W,	901.50 meters	to point 61;
33	Thence	N 34°48'W,	1,409.40 meters	to point 62;
34	Thence	N 25°05'W,	1,461.40 meters	to point 63;
35	Thence	N 74°53'W,	1,177.50 meters	to point 64;
36	Thence	N 47°47'W,	2,010.10 meters	to point 65;

1	Thence	N 24°35'W, 1,234.70 meters	to point 66;
2	Thence	N 64°50'W, 476.40 meters	to point 67;
3	Thence	N 37°47'W, 427.70 meters	to point 68;
4	Thence	N 42°47'W, 452.60 meters	to point 69;
5	Thence	N 75°54'W, 501.00 meters	to point 70;
6	Thence	S 74°40'W, 600.50 meters	to point 71;
7	Thence	N 02°59'W, 1,665.20 meters	to point 72;
8	Thence	Due North, 1,690.00 meters	to point 73;
9	Thence	N 36°47'W, 1,207.80 meters	to point 74;
10	Thence	N 75°43'W, 1,327.70 meters	to point 75;
11	Thence	N 42°17'W, 905.20 meters	to point 76;
12	Thence	N 22°51'W, 428.40 meters	to point 77;
13	Thence	Due North, 529.80 meters	to point 78;
14	Thence	N 46°47'W, 904.60 meters	to point 79;
15	Thence	N 30°34'W, 1,561.20 meters	to point 80;
16	Thence	N 34°48'W, 1,711.40 meters	to point 81;
17	Thence	N 03°43'W, 756.90 meters	to point 82;
18	Thence	N 27°49'W, 881.60 meters	to point 83;
19	Thence	N 10°53'W, 1,261.10 meters	to point 84;
20	Thence	N 26°49'W, 554.20 meters	to point 85;
21	Thence	N 09°54'W, 756.70 meters	to point 86;
22	Thence	N 31°43'W, 578.60 meters	to point 87;
23	Thence	N 52°02'W, 351.60 meters	to point 88;
24	Thence	N 77°55'W, 776.50 meters	to point 89;
25	Thence	N 37°17'W, 1,232.90 meters	to point 90;
26	Thence	S 43°47'W, 1,256.90 meters	to point 91;
27	Thence	N 40°02'W, 1,006.10 meters	to point 92;
28	Thence	N 87°59'W, 2,353.80 meters	to point 93;
29	Thence	N 53°48'W, 527.20 meters	to point 94;
30	Thence	Due West 801.30 meters	to point 95;
31	Thence	N 49°47'W, 653.10 meters	to point 96;
32	Thence	N 05°26'E, 577.30 meters	to point 97;
33	Thence	Due North, 454.20 meters	to point 98;
34	Thence	N 17°49'E, 478.90 meters	to point 99;
35	Thence	N 09°56'W, 782.00 meters	to point 100;
36	Thence	N 36°47'W, 1,333.60 meters	to point 101;

1	Thence	Due North,	428.90 meters	to point 102;
2	Thence	N 35°42'E,	930.10 meters	to point 103;
3	Thence	N 27°45'E,	654.50 meters	to point 104;
4	Thence	N 47°27'E,	1,379.60 meters	to point 105;
5	Thence	Due North,	353.20 meters	to point 106;
6	Thence	N 28°44'E,	1,006.70 meters	to point 107;
7	Thence	N 28°14'E,	453.00 meters	to point 108;
8	Thence	N 75°51'E,	674.30 meters	to point 109;
9	Thence	N 55°43'E,	1,152.10 meters	to point 110;
10	Thence	N 37°12'E,	402.10 meters	to point 111;
11	Thence	S 88°29'E,	848.60 meters	to point 112;
12	Thence	S 68°24'E,	473.70 meters	to point 113;
13	Thence	N 85°57'W,	349.50 meters	to point 114;
14	Thence	N 56°43'E,	1,277.10 meters	to point 115;
15	Thence	N 38°42'W,	854.20 meters	to point 116;
16	Thence	N 23°46'E,	1,259.30 meters	to point 117;
17	Thence	N 06°57'W,	782.10 meters	to point 118;
18	Thence	N 18°49'E,	705.50 meters	to point 119;
19	Thence	N 64°46'E,	775.30 meters	to point 120;
20	Thence	N 08°39'E,	630.60 meters	to point 121;
21	Thence	N 03°58'W,	504.60 meters	to point 122;
22	Thence	N 14°51'E,	655.50 meters	to point 123;
23	Thence	N 13°09'W,	554.90 meters	to point 124;
24	Thence	N 35°42'E,	477.60 meters	to point 125;
25	Thence	N 81°55'E,	674.10 meters	to point 126;
26	Thence	S 47°13'E,	994.10 meters	to point 127;
27	Thence	N 82°04'E,	349.40 meters	to point 128;
28	Thence	N 59°44'E,	775.90 meters	to point 129;
29	Thence	S 88°59'E,	1,048.30 meters	to point 130;
30	Thence	N 264°45'E,	1,183.20 meters	to point 131;
31	Thence	N 43°41'E,	702.80 meters	to point 132;
32	Thence	S 55°57'E,	572.70 meters	to point 133;
33	Thence	S 12°51'E,	669.00 meters	to point 134;
34	Thence	S 32°57'E,	695.10 meters	to point 135;
35	Thence	S 59°12'E,	1,693.80 meters	to point 136;
36	Thence	S 80°34'E,	424.20 meters	to point 137;

1	Thence	N 78°53'E,	724.10 meters	to	point	138;
2	Thence	S 79°05'E,	823.50 meters	to	point	139;
3	Thence	S 21°10'E,	620.10 meters	to	point	140;
4	Thence	S 64°10'E,	847.40 meters	to	point	141;
5	Thence	S 26°10'E,	818.60 meters	to	point	142;
6	Thence	S 04°48'W,	941.30 meters	to	point	143;
7	Thence	S 12°38'W,	991.30 meters	to	point	144;
8	Thence	S 02°01'E,	792.60 meters	to	point	145;
9	Thence	S 25°10'E,	396.90 meters	to	point	146;
10	Thence	S 06°04'W,	371.60 meters	to	point	147;
11	Thence	S 46°43'E,	497.40 meters	to	point	148;
12	Thence	S 09°44'E,	693.70 meters	to	point	149;
13	Thence	S 31°42'E,	620.50 meters	to	point	150;
14	Thence	S 18°38'E,	718.90 meters	to	point	151;
15	Thence	S 23°13'W,	297.70 meters	to	point	152;
16	Thence	N 79°56'W,	1,001.80 meters	to	point	153;
17	Thence	N 66°51'W,	1,228.10 meters	to	point	154;
18	Thence	N 22°21'W,	1,083.40 meters	to	point	155;
19	Thence	N 78°25'W,	325.60 meters	to	point	156;
20	Thence	S 04°02'E,	544.90 meters	to	point	157;
21	Thence	S 09°06'W,	396.40 meters	to	point	158;
22	Thence	S 17°53'E,	818.00 meters	to	point	159;
23	Thence	S 03°02'W,	544.90 meters	to	point	160;
24	Thence	S 47°19'W,	956.7Q meters	to	point	161;
25	Thence	Due South,	371.50 meters	to	point	162;
26	Thence	S 32°12'E,	695.00 meters	to	point	163;
27	Thence	S 42°13'E,	1,391.90 meters	to	point	164;
28	Thence	S 66°10'E,	423.80 meters	to	point	165;
29	Thence	S 05°48'E,	619.20 meters	to	point	166;
30	Thence	S 19°42'W,	868.00 meters	to	point	167;
31	Thence	Due South,	619.20 meters	to	point	168;
32	Thence	S 10°35'E,	729.80 meters	to	point	169;
33	Thence	S 43°43'E,	348.00 meters	to	point	170;
34	Thence	S 84°18'E,	374.40 meters	to	point	171;
35	Thence	S 48°43'E,	373.10 meters	to	point	172;
36	Thence	S 15°25'W,	1,561.60 meters	to	point	173;

1	Thence	S 18°08'E,	941.90 meters	to	point	174;
2	Thence	S 51°13'E,	472.80 meters	to	point	175;
3	Thence	S 81°04'E,	324.40 meters	to	point	176;
4	Thence	S 42°13'E,	646.20 meters	to	point	177;
5	Thence	S 14°16'E,	1,065.60 meters	to	point	178;
6	Thence	S 06°48'E,	1,015.60 meters	to	point	179;
7	Thence	S 32°12'E,	422.00 meters	to	point	180;
8	Thence	S 67°09'E,	1,097.00 meters	to	point	181;
9	Thence	Due East,	274.60 meters	to	point	182;
10	Thence	N 44°11'E,	251.00 meters	to	point	183;
11	Thence	N 21°17'E,	806.20 meters	to	point	184;
12	Thence	N14°51'E,	605.10 meters		to point	185;
13	Thence	N 36°27'E,	980.20 meters	to	point	186;
14	Thence	N 36°42'E,	527.80 meters	to	point	187;
15	Thence	S 69°39'E,	922.70 meters	to	point	188;
16	Thence	N 81°55'E,	474.30 meters	to	point	189;
17	Thence	N 56°43'E,	676.10 meters	to	point	190;
18	Thence	N 44°41'E,	853.30 meters	to	point	191;
19	Thence	N 65°31'E,	550.10 meters	to	point	192;
20	Thence	S 72°08'E,	648.50 meters	to	point	193;
21	Thence	N 84°57'E,	698.90 meters	to	point	194;
22	Thence	S 84°03'E,	599.00 meters	to	point	195;
23	Thence	S 44°13'E,	422.60 meters	to	point	196;
24	Thence	S 14°36'E,	817.80 meters	to	point	197;
25	Thence	S 59°12'E,	697.50 meters	to	point	198;
26	Thence	S 32°12'E,	992.90 meters	to	point	199;
27	Thence	S 77°06'E,	449.12 meters	to	point	200;
28	Thence	N 55°43'E,	450.80 meters	to	point	201;
29	Thence	N 80°09'E,	599.20 meters	to	point	202;
30	Thence	S 87°01'E,	574.10 meters	to	point	203;
31	Thence	N 66°47'E,	1225.10 meters	to	point	204;
32	Thence	N 82°10'E,	1,897.30 meters	to	point	205;
33	Thence	N 32°58'E,	628.70 meters	to	point	206;
34	Thence	S 73°52'E,	449.00 meters	to	point	207;
35	Thence	N 84°57'E,	748.90 meters	to	point	208;
36	Thence	S 56°12'E,	796.80 meters	to	point	209;

1 Thence S 31°12'E, 521.20 meters to point 210;
2 Thence S 04°02'E, 569.70 meters to point of
3 Beginning;

4 comprising an approximate total area of Eighty Eight Thousand Eight
5 Hundred forty six and 80/100 (88,846.80) hectares subject to actual survey.

6 All existing land-use and resource use permits within the CPL and its
7 buffer zones as provided herein, shall be reviewed and shall not be renewed
8 upon the expiration, unless in conformity with the management plan as
9 provided herein and upon recommendation of the PAMB to the DENR
10 Secretary for approval. Extractive resource use within the CPL shall not
11 include sustainable and traditional extraction by indigenous and tenured
12 migrants.

13

14 **SECTION 6. *Buzzer Zones.*** Buffer zones shall be established for the
15 purpose of providing an extra layer of protection around the protected area in
16 which restrictions can apply but where sustainable resource management
17 strategies involving local communities and the private sectors can assist in
18 repelling threats to the protected area. Such buffer zones shall be managed
19 according to the management plan as herein provided.

20

21

ARTICLE II.

22

THE PROTECTED AREA MANAGEMENT BOARD

23

24 **SECTION 7. *Control and Supervision.*** The CPL, being mostly of a
25 forest zone is within the jurisdiction of the DENR. Other government
26 agencies implementing developmental projects and other basic services are
27 the Local Government Unit, Department of Agriculture, Department of
28 Education, National Irrigation Administration and Department of Health
29 and other government agencies.

30 Presently, the Casecan Protected Landscape is being managed by
31 DENR through two CENROs of Region 2, namely: CENRO Dupax, which has
32 the largest coverage, and CENRO Nagtipuhan, and Maria Aurora of Region
33 4.

34

35 **SECTION 8. *Protected Area Management Board (PAMB).*** The
36 management and administration of the CPL shall be vested with the DENR

1 through the PAMB. There is hereby created a Protected Area Management
2 Board (PAMB) which shall be the sole policy-making and governing body of
3 the CPL and its buffer zones.

4 In addition to the powers enumerated under Section 18 of the NIPAS
5 Act, the PAMB shall decide by a majority vote and shall have the following
6 powers and functions:

7 (a) Issue rules and regulations in accordance with the management
8 plan to prohibit and regulate acts that may be prejudicial to the
9 CPL and its buffer zones pursuant to the policy declarations herein
10 set forth;

11 (b) Recommend to the DENR the issuance of land and resource
12 extractive permits and all other environment and natural resources
13 use permits within the CPL and its buffer zones in accordance with
14 the management plan and existing laws and regulations;

15 (c) Establish criteria and set fees for the issuance of permits for the
16 activities regulated by this Act or the management plan. The PAMB
17 shall issue resources-use permits not related to resource extraction
18 taking into consideration the ecological and sustainability factors
19 based on the policies provided on Section 2 of this Act and its
20 management plan;

21 (d) Adopt rules of procedures for the conduct of business, including the
22 creation of committees to which the PAMB's powers may be
23 delegated;

24 (e) Recommend to the Regional Executive Director (RED) the
25 deputation of individuals for the enforcement of the laws, rules and
26 regulations governing conduct within the CPL and its buffer zones,
27 and prescribe the necessary qualifications therefore;

28 (f) Accept donations, approve proposals for funding, budget allocations
29 and exercise accountability over all funds that may accrue to the
30 CPL;

31 (g) Coordinate with the appropriate agencies of the government; and

32 (h) Retain legal counsel to defend cases against the PAMB and the
33 Office of PASu whenever they are used in connection with the
34 performance of their duties under this Act.

35

1 The DENR, through the RED, shall ensure that the PAMB shall act
2 within the scope of its powers and functions. In case of conflict between
3 administrative orders issued by the DENR pursuant to the NIPAS Act and
4 the resolutions issued by the PAMB, the DENR Secretary shall decide
5 whether to apply the rule or withdraw its application within the CPL.

6 The PAMB shall be composed of the following:

- 7 (a) The RED of the DENR Region 2 as Chairperson;
- 8 (b) The Chief of the Protected Area and Wildlife Division (PAWD) or
9 the Regional Technical Director of Protected Areas and Wildlife
10 should this position be created, as Vice-Chair;
- 11 (c) The Provincial Environment and Natural Resources Officer
12 (PENRO) of Nueva Viscaya;
- 13 (d) The Mayor of Dupax del Norte, Dupax del Sur, Alfonso Castañeda,
14 Nagtipuhan and Maria Aurora who may appoint a regular duly
15 authorized representative whenever he/she cannot personally
16 attend any of the PAMB meetings;
- 17 (e) The Provincial Planning and Development Officer (PPDO) of Nueva
18 Vizcaya and Quirino;
- 19 (f) Barangay Captains of the eighteen (18) barangays within the CPL,
20 namely: Belance, Macabenga, Oyao and Binuangan of Dupax del
21 Norte; Sanguit, Ganao, Kimbutan, Kinabuan, Biruk, Talbec, and
22 Abaca of Dupax del Sur; Lipuga, Pelaway and Cawayan of Alfonso
23 Castañeda; Matmad and La Conwap of Nagtipuhan; Bayanihan of
24 Ma. Aurora and Ditate of Dipaculao;
- 25 (g) One (1) Representative from the municipal government of Dupax del
26 Norte, Dupax del Sur, Alfonso Castañeda, Nagtipuhan, Ma. Aurora
27 and Dipaculao;
- 28 (h) One (1) representative from the Sangguniang Kabataan to be
29 chosen from among the chairpersons of each of the barangays
30 covered by the CPL;
- 31 (i) Three (3) representatives from NGOs operating within the CPL,
32 chosen from among themselves;
- 33 (j) Four (4) representatives from POs from within the CPL, chosen
34 from among themselves;
- 35 (k) Two (2) OCC/IP representatives, chosen directly from among the
36 ICCs/IPs; and

1 (l) One (1) representative from the women's sector to be chosen from
2 among the accredited women's organizations.

3
4 **SECTION 9. *Terms of Office.*** Except for government officials who
5 shall serve *ex officio*, each PAMB member shall serve for a term of five (5)
6 years: *Provided*, That he / she remains connected with the sector he / she is
7 supposed to represent. *Provided, further*, That representatives of the local
8 government units shall only serve *ex-officio*. Whenever a vacancy occurs
9 during the term of a member who does not represent the government, a new
10 member shall be chosen in the same manner as the original selection process;
11 *Provided, finally*, That he / she shall only serve for the remaining term of the
12 vacancy.

13
14 **SECTION 10. *Removal from Office.*** A PAMB member may be
15 removed, for cause and upon majority vote, on the following grounds:

- 16 (a) More than three (3) consecutive unexcused absences in regular
17 PAMB *en banc* meetings;
- 18 (b) Commission of any of the prohibited acts as provided in this Act,
19 the NIPAS Act or other rules and regulations governing
20 protected areas and protected species;
- 21 (c) Graft and Corruption; and
- 22 (d) Conviction of any criminal offense.

23
24 **ARTICLE III.**

25 **ADMINISTRATION, MANAGEMENT PLAN AND ZONING**

26
27 **SECTION 11. *Management Plan.*** Within one (1) year from the
28 effectivity of this Act and in consonance with the General Management
29 Planning Strategy as provided for in the NIPAS Act, the office of the PASu
30 shall prepare a site specific management plan and management manual, in
31 coordination with the local communities, IPs, LGUs, NGOs, OGAs, and
32 individual experts needed.

33 The PAMB shall review and approve the management plan and the
34 DENR Secretary shall certify that it conforms to all laws, rules and
35 regulations issued by the DENR. The management plan shall not be revised
36 nor modified without prior consultation with the PAMB.

1 The plan shall contain, among others, the following:

- 2 (a) A period of applicability for twenty-five (25) years subject to
3 periodic review every three (3) years;
- 4 (b) Management goals and objectives supporting Section 2 hereof;
- 5 (c) Key management issues such as but not limited to issuance of
6 tenurial instruments, screening, approval and issuance of all
7 developmental and land-use activities within the CPL and its
8 buffer zones, and adequate restoration, maintenance and
9 protection of wildlife species and fragile ecosystems;
- 10 (d) Site Management Strategy consistent with the NIPAS Act and
11 this Act shall be allowed within the zones. Strategies shall include
12 but not limited to clear and simplified guidelines on activities;
- 13 (e) Major management activities such as but not limited to law
14 enforcement, habitat and wildlife resources management,
15 sustainable use management, infrastructure development and
16 maintenance, fire, pest and disease prevention and control;
- 17 (f) Management zones of the area and its buffer zones in consonance
18 with its appropriate use and in consultation with the primary
19 communities, local government units and other stakeholders.
20 Zoning shall give prime consideration to the preservation and
21 conservation of the biodiversity and with due respect to the
22 traditional areas used by the Indigenous Cultural Communities
23 provided such use is not adverse to the features of the area. The
24 zoning shall also take into account the tenural and livelihood
25 concerns of the other communities.
- 26 (g) Mechanisms for the protection of the rights of the occupants
27 therein;
- 28 (h) Regulations for the sustainable use of abundant or common
29 *species of flora and fauna* and their habitats;
- 30 (i) Sustainable livelihood activities; and
- 31 (j) Visitor management programs.

32 Before the expiration of the management plan, the Office of the PASu
33 shall prepare the successor plan in accordance with the general management
34 planning strategy as provided in the NIPAS Act and likewise publish notices
35 in a newspaper of local circulation and posting of such notices in the
36 provincial, municipal, barangay halls and in three (3) other conspicuous

1 areas frequented by the public. The successor plan shall be made available
2 for public review/study at the Office of the PASu and DENR Provincial
3 Offices.

4
5 **SECTION 12. *Integration of the Management Plan into Local***
6 ***Government Development Plans.*** – Local government units (LGUs) shall
7 participate in the management of the CPL and its buffer zones through their
8 representation in the PAMB. To ensure that the future development plans
9 takes place in accordance with this Act, the provisions herein shall be
10 incorporated into the barangay, municipal and provincial development plans
11 as part of the environmental concerns. LGUs shall likewise ensure that their
12 ordinances pertaining to the environment are consistent with this Act and
13 the management plan, as herein provided.

14
15 **SECTION 13. *Zoning*** – Zones shall be established within the CPL
16 and its buffer zones giving primary consideration to the preservation and
17 conservation of all life forms while according respect to the traditional areas
18 used and recognized by ICCs / IPs. Zoning shall also take into account the
19 tenurial and livelihood concerns of other communities and must ensure the
20 efficient protection of habitats, fragile ecosystems and unique areas.

21 All primary (old growth) forests within the CPL, including portions
22 which have been previously declared as alienable and disposable, shall be
23 classified as strict protection zones and shall be free from all forms of logging
24 or exploitation, whether commercial or otherwise. Strict protection zones
25 shall also be established where necessary for the preservation of the
26 biodiversity including, but not limited to, the survival of rare and endangered
27 species.

28 Multiple-use zones shall be validated on the ground, demarcated on
29 maps, and in the field with the assistance of communities and agencies
30 concerned.

31 **ARTICLE V**

32 **ANCESTRAL LAND AND DOMAINS**

33
34 **SECTION 14. *Indigenous Peoples Rights.*** The rights of ICCs / IPs
35 in the CPL to their lands shall be fully recognized. Traditional property

1 regimes exercised by the ICCs/IPs in accordance with their customary laws
2 shall govern the relationship of all individuals within their communities with
3 respect to all land and other resources found within the ancestral lands and
4 domains traditionally used by them.

5 The provisions of this Act shall be construed liberally in favor of the
6 ICCs/IPs in accordance with the preservation and conservation objectives of
7 the CPL and its resources. Nothing herein shall be construed to impair or
8 diminish prior and existing rights currently enjoyed by the IPs/ICCs as
9 provided by existing laws.

10
11 **SECTION 15. *Tenured Migrants.*** Whenever practicable, tenure
12 migrant communities of more than five (5) households occupying contiguous
13 lots shall be provided tenurial rights over their current habitation sites.
14 However, if despite the foregoing, these areas are subsequently identified as
15 crucial for conservation, tenured migrants shall, after due consultation, be
16 offered alternative sites within the appropriate zones or buffer zones with
17 preference over non-tenured migrants; *Provided*, That provisions for their
18 transfer shall be undertaken using humanitarian considerations including
19 payment of compensation, providing tenure to alternative land and facilities
20 of equivalent standard, and other measures to reach agreement with the
21 affected tenured migrants.

22 In all other cases, the grant to tenurial rights must take into account
23 the need to promote clustering and to avoid unnecessary displacement. In
24 areas where tenurial instruments are granted, appropriate use zones shall be
25 established for the purpose of maintaining non-commercial livelihood
26 activities.

27 Lands used as home lots or farm lots shall preferably be held by
28 individual household. Land currently used on a communal basis shall not be
29 held individually.

30 Tenurial instruments shall not be issued solely on the basis of tax
31 declaration receipts but must be supported by indisputable evidence of
32 permanent land-use from five (5) years before 10 March 1997, such as:

- 33 (a) Cultivated trees at their fruit-bearing stage;
34 (b) Physical structures in the area indicating prolonged occupancy;
35 (c) Certification from the barangay captain or any two (2) respected
36 members of the nearest community attesting to occupancy; and

1 (d) Other relevant data (e.g. previous census reports) that may be
2 accepted by the PAMB.

3 Existing land title instruments shall be reviewed by the PASu and
4 endorsed by the PAMB to the DENR Regional Office for validation or
5 reversion.

6 All persons who fail to qualify as tenured migrants including transient
7 farmers shall be allowed to gather and collect whatever they have planted
8 within five (5) years from the effectivity of this Act. Any transfer of non-
9 tenured migrants from the CPL shall be undertaken using humanitarian
10 considerations, endorsed by the PAMB to the DENR Regional Office for
11 validation or reversion.

12 13 ARTICLE V

14 UTILIZATION OF RESOURCES AND FACILITIES

15
16 SECTION 16. *Existing Facilities Within the CPL.* Within ninety
17 (90) days from the effectivity of this Act, all existing commercial facilities
18 within the CPL or its buffer zones with a total capitalization more than Fifty
19 Thousand Pesos (P50,000.00) shall submit to the PAMB through the PASu
20 the following information:

- 21 a. Potential for disturbance of protected species and their habitat,
22 reproductive cycle, nesting and feeding grounds and migratory
23 paths;
- 24 b. Noise levels at all stages of operation;
- 25 c. Emissions and effluent at all stages of operation;
- 26 d. Energy requirements and sources of energy; and
- 27 e. Requirements of water supply and sources of water.

28 Based on these submissions, the PAM6 with the assistance of the
29 DENR, shall determine whether the existence of such facility/ies and its
30 future plans and operations will be detrimental to the CPL and its buffer
31 zones.

32 Failure to submit the required information shall constitute a violation
33 of this Act. The PAMB may prescribe further conditions for the operation of
34 the facility to ensure that it does not contradict the management objectives of
35 the CPL. If any such conditions are violated, a fine to be determined by the
36 PAMB and based on fines imposed the existing rules and regulations.

1 Existing facilities allowed to remain within the CPL or its buffer zones
2 shall be charged a fee by the PAMB in consonance with the existing laws,
3 rules and regulations and recent scientific studies.

4
5 **SECTION 17. *Utilization of Non-renewable Resources.*** Except for
6 protected species or whenever detrimental to the ecosystem, the use of
7 resources derived from the CPL by tenured migrants and ICCs/IPs for their
8 domestic needs or for their subsistence shall not be restricted; Provided,
9 however, That livelihood activities requiring the use of these resources shall
10 be allowed when it is sustainable and consistent with the management plan,
11 and after prior PAMB approval. Only non-timber protected area resources
12 can be used for livelihood purposes.

13 The PAMB is authorized to impose regulatory measures such as
14 hunting oratoriums, closed hunting seasons and other restrictions on the use
15 of resources within the CPL and its buffer zones to ensure the sustainability
16 of species and ecosystems; *Provided*, That these will not pose a threat to the
17 food security of the ICCs/IPs or other tenured migrants directly dependent
18 therein for their subsistence; Provided further, That these restrictions shall
19 be made upon due consultation with the ICCs/IPs and tenured migrants.

20 Any exploration, exploitation or utilization of non-renewable resources
21 within the CPL for commercial purposes or by non-tenured migrants or non-
22 ICCs/IPs may be allowed, provided that it shall be endorsed by the PAMB to
23 the concerned government agency and shall undergo the Environmental
24 Impact Statement (EIS) System.

25 Energy projects within the CPL shall be allowed only through an act of
26 Congress except energy from wind, sun, waves and water sources; *Provided*,
27 That in all instances, the primary beneficiaries shall be residents of the CPL
28 and its buffer zones; Provided further, That it shall undergo the
29 Environmental Impact Assessment (EIA) and provided by law and; *Provided*
30 *finally*, That the PAMB has endorsed the project.

31 Commercial exploitation of water resources within the CPL shall
32 require prior PAMB approval, must be in accordance with the management
33 plan, and should undergo the EIA System.

1 ARTICLE VI
2 PROHIBITED ACTS AND PENALTIES
3

4 SECTION 18. *Prohibited Acts*. The following acts shall be prohibited
5 within the CPL and its buffer zones, in addition to the prohibited acts as
6 provided in the NIPAS Act of 1992 and its pertinent rules and regulations.

- 7 a. Hunting, collecting, catching, capture, wounding, killing, destroying
8 or possessing anywhere within the CPL or its buffer zones any
9 protected plant or animal species or their by-products or derivatives
10 without prior PAMB approval;
- 11 b. Hunting, collecting, catching, capture, wounding, killing or
12 destroying anywhere within the CPL or its buffer zones any other
13 species of plant or animal or their by-products or derivatives the
14 trade of which is regulated by the PAMB, without prior approval
15 PAMB approval;
- 16 c. Bio-prospecting without obtaining prior PAMB approval and the
17 prior informed consent of ICC/IPs in accordance with existing
18 guidelines;
- 19 d. Transporting within or outside the CPL or its buffer zones any
20 protected species of plant or animal or their by-products or
21 derivatives from the CPL and its buffer zones without the necessary
22 transport permit from the PAMB;
- 23 e. The deliberate disturbance of protected species or their inhabitants,
24 reproductive cycle, roosting and feeding grounds, and migratory
25 paths;
- 26 f. Cutting, gathering, collecting or removal of timber or other forest
27 products without prior permit from the DENR; Provided, That any
28 permit issued shall be valid for only one (1) year at a time and given
29 only to: (i) tenured migrants within sustainable, monitored and
30 controlled quotas; and (ii) for scientific purposes necessary for
31 protected area management in accordance with existing guidelines;
- 32 g. Establishment or introduction of exotic species within the CPL with
33 allelopathic effect or those detrimental to endemic species, or
34 without prior PAMB approval;

- 1 h. Exploration, exploitation or extraction, drilling or prospecting for
2 minerals or resources, or engages in quarrying within the CPL or
3 its buffer zones without the necessary permit;
- 4 i. Destroying, excavating, vandalizing or in any manner damaging
5 any natural formations, burial or religious/spiritual sites, artifacts,
6 objects belonging to ICCs/IPs and other objects of natural and
7 scenic value;
- 8 j. Possession or use of blasting caps, explosives or cyanide anywhere
9 within the CPL or its buffer zones;
- 10 k. Possession or use of chainsaws and band saws without a prior
11 permit from the PAMB; Provided, That permits may only be issued
12 for multiple-use and buffer zones;
- 13 l. Use of motorized equipment anywhere within the strict protection
14 zone of the CPL without a prior permit from the PAMB;
- 15 m. Construction or maintenance of any kind of road, edifice, facility or
16 any infrastructure project within the CPL without a prior permit
17 from PAM; *Provided*, That no PAMB permit can be issued unless:
- 18 i. The PAMB has been fully informed of the project or
19 undertaking and its environmental consequences through
20 consultative process;
- 21 ii. All other legal requirements have been complied with; and
22 iii. The project is consistent with the nature of the CPL as a
23 protected area.
- 24 n. Occupation of any portion of land inside the CPL without a permit
25 from PAMB. Clearing, construction of residence or any introduction
26 of improvements shall constitute *prima facie* evidence of occupation
27 or settlement;
- 28 o. Alteration, removal, destruction of boundary marks or signs;
- 29 p. Engaging fishing anywhere within the CPL without prior permit
30 from the PAMB;
- 31 q. *Commercial fishing anywhere within the CPL without prior permit*
32 *from the PAMB;*
- 33 r. Introduction, disposal, dumping or causing to be dumped into the
34 CPL or its buffer zones any waste material, including but not
35 limited to, non-biodegradable, toxic, nuclear, hazardous and other
36 prohibited substances; and

- 1 s. Violation of any rules and regulations provided in the management
2 plan or any resolution reached by the PAMB in the exercise of its
3 adjudicative functions.
4

5 **SECTION 19. Penalties.** Whoever violates this Act or any rules and
6 regulations issued by the Department pursuant to this Act or whoever is
7 found guilty by a competent court of justice of any offenses in the herein
8 prohibited acts shall have the following penalties:

- 9 a. Fine of not less than Five Thousand Pesos (P5,000.00) but not more
10 than Five Hundred Thousand Pesos (P500,000.00) exclusive of the
11 value of the thing damaged or imprisonment of not less than one (1)
12 year but not more than six (6) years or both as determined by the
13 Court.
- 14 b. If the area requires rehabilitation or restoration as determined by
15 the Court, the offender shall also be required to restore or
16 compensate for the restoration of the damage.
- 17 c. The Court shall order the eviction of the offender from the CPL or
18 its buffer zones, and the for feature in favor of the government of all
19 minerals, timber or any species collected or removed including
20 equipment, devices, weapons or any other instruments used in the
21 commission of the offense or any construction or improvements
22 made thereon by the offender. Pending the outcome of the case, any
23 resource confiscated shall be immediately turned over to the PAMB
24 for proper disposal and the proceeds thereof deposited in a trust
25 fund.

26 However, in no case shall any confiscated or rescued
27 protected animal species be sold or in any manner deposited
28 disposed off but shall be immediately turned over to the PASu
29 Office for release in its natural habitat. Valuation of the damage to
30 the CPL and its buffer zones shall take into account biodiversity
31 and conservation considerations as well as aesthetic, socio-
32 economic values, and rehabilitation and restoration costs.

- 33 d. If the offender is an association or corporation, the president or
34 manager shall be directly responsible for the act of his employees
35 and laborers.

1 e. The DENR may impose additional administrative fines and
2 penalties consistent with this Act, Caves and Cave Resources
3 Management and Protection Act and the Wildlife Resources
4 Conservation and Protection Act.

5
6 **SECTION 20. *Special Prosecutor.*** Within thirty (30) days from the
7 effectivity of this Act, the Department of Justice (DOJ) shall designate a
8 special prosecutor to whom all cases of violation of protected area laws, rules
9 and regulations within the CPL and its buffer zones shall be assigned. The
10 special prosecutor shall coordinate with the PAMB and the PASu in the
11 performance of his/her duties assist in the training of wardens and rangers in
12 arresting and filing criminal procedures.

13 The PAMB may appoint a private prosecutor on a case-to-case basis to
14 assist the public prosecutor in the enforcement of protected area laws.

15
16 **SECTION 21. *Exemptions.*** Members of ICCs/IPs who commit any of
17 the abovementioned acts in the exercise of their customary laws, traditional
18 rights, and traditional cultural spiritual practices without having been
19 adequately informed of restricting rule and regulations for the CPL by the
20 PMAB shall be exempt.

21 Except for protected species, the certified customs and traditional
22 practices of ICCs/IPs when sustainable and carried out with traditional tools
23 and equipment are also allowable activities over which the above prohibitions
24 shall not apply.

25 All activities contained in the management plan and such other
26 measures as are necessary for protection, preservation and protected area
27 management as certified by the PAMB and the DENR Secretary and those
28 undertaken by the PASu or those deputized by the PAMB and the DENR
29 Secretary and those undertaken by the PASu or those deputized by the
30 PAMB shall likewise be exempted.

31
32 **ARTICLE VII.**

33 **PROCEEDS, FEES AND APPROPRIATIONS**

34
35 **SECTION 22. *Integrated Protected Areas Fund (IPAF).*** There is
36 hereby established a trust fund to be known as the Integrated Protected

1 Areas Fund (IPAF) for purposes of financing projects of the system. All
2 incomes generated from the operation of the system or management of wild
3 flora and fauna as well as the caves within the CPL shall accrue to the fund.
4 These income shall be derived from fees from permitted sale and except of
5 flora and fauna and other resources from the protected area and its buffer
6 zones other than protected species as may be set by the DENR and the
7 PAMB, proceeds from lease of multiple-use areas, contributions from
8 industries and facilities directly benefiting from the protected area and such
9 other fees and incomes derived from the operation of the protected area,
10 including fines from violators found guilty of the herein prohibited acts as
11 may be promulgated by the appropriate Court of Justice.

12 The fund may be augmented by grants, donations, endowment from
13 various sources, domestic or foreign for purposes related to their functions:
14 *Provided*, That the fund shall be deposited as a special account in the
15 national treasury and disbursements therefrom shall be made solely for the
16 protection, maintenance, administration and management of the system, and
17 duly approved projects endorsed by the PAMB in accordance with existing
18 accounting and budgeting rules and regulations; *Provided further*, That no
19 amount shall be disbursed for the operating expenses of the Department and
20 other concerned agencies.

21 A PA sub-fund shall be established as special trust fund for the use of
22 CPL under the control and discretion of the PAMB. The 75% of the total
23 IPAF shall accrue to Sub-Fund.

24 ALL IPAF collections/revenues generated shall be exempted from
25 being deposited to the national treasury.

26
27 **SECTION 23. Appropriations.** The Secretary of the DENR shall
28 include in its program the funding for the implementation of this Act
29 including the creation of PA positions, the funding of which shall be charged
30 against the appropriations authorized in the annual General Appropriations
31 Act which may greatly increase from the current allotment and augmented
32 by the IPAF constituted under this Act.

33
34 **SECTION 24. Reporting Responsibility.** There shall be an office of
35 the Protected Area Superintendent (PASu) within the DENR to be headed by
36 the PASu who shall serve as the chief operating DENR officer of the entire

1 CPL and its buffer zones. The PASu and his/her staff shall be visible within
2 the protected area and establish an office, or if necessary, sub-offices within
3 the CPL and its buffer zones in order to implement this Act.

4 The PASu shall have full responsibility for the protection of land,
5 water, wildlife and other resources within the CPL. As such, he/she shall
6 have the following duties and responsibilities in addition to those provided
7 under existing laws and regulations:

8 (a) Prepare the management plan and its successor plans as herein
9 provided;

10 (b) Serve as secretariat to the PAMB with the duty to provide the
11 PAMB with all the information necessary to make appropriate
12 decisions for the implementation of this Act;

13 (c) Hire and supervise the necessary personnel to support operations
14 as the budget may allow;

15 (d) Establish a productive partnership with local communities,
16 including groups supporting the achievements of the goals and
17 objectives of this Act;

18 (e) Develop and implement park information, education and visitor
19 programs;

20 (f) Enforce the laws, rules and regulations and PAMB resolutions
21 relevant to the protected area and its buffer zones, and assist in the
22 prosecution of offenses.

23 (g) Monitor all activities within the CPL and its buffer zones in
24 conformity with the management plan; and

25 (h) Prepare accomplishment reports on the activities undertaken in the
26 area for submission to the Secretary.

27
28 **ARTICLE VIII.**

29 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

30 **SECTION 25. Construction.** – The provisions of this Act shall be
31 construed liberally in favor of tenured migrants and ICCs / IPs and in
32 consideration of the protection and conservation of biodiversity. The NIPAS
33 Act shall have suppletory effect in the implementation of this Act.

1 **SECTION 26. *Transitory Provisions.*** – In order to ensure the
2 sustainability and recovery of biodiversity and to develop sustainable
3 livelihood opportunities for tenured migrants, the DENR shall henceforth
4 cease to issue concessions, licenses, permits, clearances, compliance
5 documents or any other instrument that allows exploitations of resources
6 within the CPL until the management plan shall have been put into effect.

7 Pending the organization of anew PAMB in accordance with this Act,
8 the incumbent PAMB member shall continue to hold office until a new PAMB
9 has been convened.

10
11 **SECTION 27. *Implementing Rules and Regulations.*** – Within
12 ninety (90) days after the effectivity of this Act, the Department of
13 Environment and Natural Resources shall, in consultation with the
14 concerned PAMBS, government agencies and non-government organization,
15 promulgate the necessary rules and regulations to effectively implement the
16 provisions of this Act.

17
18 **SECTION 28. *Separability Clause.*** – If any part, or section of this
19 Act is declared unconstitutional, the remainder hereof shall remain in full
20 force and effect.

21
22 **SECTION 29. *Repealing Clause.*** – All laws, decrees, proclamation,
23 rules and regulations inconsistent with the provisions of this Act are hereby
24 repealed or modified accordingly.

25
26 **SECTION 30. *Effectivity Clause.*** – This Act shall take fifteen (15)
27 days after its complete publication in the Official Gazette or two (2)
28 newspapers of national circulation, whichever comes first.

29
30 *Approved,*