

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

7 JUL -4 P2:34

SENATE

RECEIVED BY: 

Senate Bill No. 1073

Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Bessang Pass Natural Monument / Landmark in the Municipality of Cervantes, Ilocos Sur as a protected area.

The Bessang Pass Natural Monument / Landmark, which covers 1,121.1083 hectares, bears a unique and lush biological and hydrological features. Naturally growing in this area is a pine forest as well as a mossy type forest. The Bessang Creek and Matukbo River which provides fresh water year round is located within this area. The park is, similarly, home to a diverse wildlife of 29 species of birds and five mammals and reptiles represented by a monitor lizard and different species of snakes.

Recognizing the value of this are, the Bessang Pass Natural Monument/Landmark was established by virtue of Presidential Proclamation No. 55, dated August 10, 1954 and later affirmed through Presidential Proclamation No. 284 dated April 23, 2000.

This bill, therefore, seeks to declare the Bessang Pass Natural Monument / Landmark as protected in order to protect it from indiscriminate exploitation and to be able to maintain its ecological balance and preserve its source of water supply.

Given the importance of biodiversity, it is deemed crucial that we act on these now to ensure that our children and the succeeding generations will inherit a living earth with all of its bountiful natural resources and vibrant wildlife.

In view of the foregoing, the passage of this measure is earnestly urged.


SENATOR COMPAÑERA PIA S. CAYETANO

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AN ACT
ESTABLISHING THE BESSANG PASS NATURAL MONUMENT/LANDMARK IN THE
MUNICIPALITY OF CERVANTES, ILOCOS SUR AS A PROTECTED AREA AND
FOR OTHER PURPOSES

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

1 **SECTION. 1. Title.** – This Act shall be known as the “Bessang Pass Natural
 2 Monument/Landmark Act of 2007.”

3 **SEC. 2. Land Classification.** – All lands of the public domain comprising the
 4 Bessang Pass Natural Monument/Landmark shall fall under the classification of
 5 National Park as provided for in the Philippine Constitution.

6 **SEC.3. Scope and Coverage.** – Pursuant to and in accordance with the NIPAS
 7 Act, the Bessang Pass is hereby declared into one protected area and a permanent
 8 component of the NIPAS under the category of National Park. The boundaries of
 9 Bessang Pass, which falls under the category of Natural Monument/Landmark and is
 10 located within the Municipality of Cervantes, Province of Ilocos Sur are as follows:

11 PARCEL 1. Beginning at point mark “I” on the map, being S 66 deg. 00 min,
 12 W, 3,300 meters from corner 10, Project No. 13, block 23 of A & D, LC Map No. 1276:

13	Point	2	N 20° 33' 16" E	1,378.610 m.
14	Point	3	N 69° 26' 03" E	748.684 m.
15	Point	4	S 78° 25' 37" E	1,638.908 m.
16	Point	5	S 20° 56' 52" W	3,398.480 m.
17	Point	6	N 61° 42' 05" W	948.030 m.
18	Point	7	S 70° 33' 48" W	631.166 m.
19	Point	8	N 46° 50' 14" W	535.089 m.
20	Point	9	N 28° 01' 24" W	292.903 m.
21	Point	10	N 64° 40' 35" W	352.890 m.
22	Point	11	N 49° 26' 06" E	490.845 m.
23	Point	12	N 64° 25' 41" E	659.415 m.
24	Point	1	N 38° 54' 52" W	424.160 m.

1 containing an area of six hundred ninety-three and 3166/10000 (693.3166) hectares, as
2 PA.

3 PARCEL 2. Parcel 2 constitutes the buffer zone whose boundary begins at the
4 corner marked "I" on the map identical to corner "I" of Bessang Pass Natural
5 Monument/Landmark:

6	Point	2	S 39° 25' 33" E	423.735 m.
7	Point	3	S 64° 36' 26" W	594.361 m.
8	Point	4	S 49° 28' 50" W	486.421 m.
9	Point	5	S 65° 09' 42" E	353.941 m.
10	Point	6	S 28° 30' 53" E	282.047 m.
11	Point	7	S 47° 21' 05" E	535.216 m.
12	Point	8	N 70° 20' 13" E	636.297 m.
13	Point	9	S 62° 11' 41" E	950.432 m.
14	Point	10	N 21° 09' 16" E	3,426.934 m.
15	Point	11	S 78° 00' 50" E	505.805 m.
16	Point	12	S 19° 50' 34" W	4,012.372 m.
17	Point	13	N 61° 48' 02" W	1,255.922 m.
18	Point	14	S 69° 39' 22" W	623.725 m.
19	Point	15	N 46° 38' 29" W	910.980 m.
20	Point	16	N 27° 28' 38" W	218.409 m.
21	Point	17	N 64° 50' 04" W	355.949 m.
22	Point	18	N 64° 50' 04" W	514.149 m.
23	Point	19	N 50° 30' 41" E	1,178.639 m.
24	Point	20	N 38° 33' 59" W	376.642 m.
25	Point	21	N 21° 39' 12" E	952.021 m.
26	Point	22	S 74° 03' 35" E	505.782 m.
27	Point	1	S 20° 20' 38" W	838.323 m.

28 containing an area of four hundred twenty-seven and 7917/10000 (427.7917) hectares,
29 as buffer zone.

30 Parcels 1 and 2 shall have a total aggregate area of one thousand one hundred
31 twenty-one and 1083/10000 (1,121.1083) hectares.

32 The technical descriptions provided in this Act will be subject to ground survey and
33 verification to be conducted by the DENR within ninety (90) days after the effectivity of
34 this Act. Any modification of the coverage of this Act due to such factors as changing
35 ecological situations, new scientific or archeological findings, or discovery of traditional
36 boundaries not previously taken into account shall be made through an act of Congress,
37 after consultation with the affected public and concerned government agencies.

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

3 (a) “Ancestral Domain” refers to all areas generally belonging to Indigenous
4 Cultural Communities or Indigenous People (ICCs/IPs) comprising lands, inland waters,
5 coastal areas, and natural resources therein, held under a claim of ownership, occupied
6 or possessed by the ICCs/IPs, by themselves or thru their ancestors, communally or
7 individually since time immemorial, continuously to the present except if interrupted by
8 war, *force majeure* or displacement by force, deceit, stealth or as a consequence of
9 government projects or any other voluntary dealings entered into by government or
10 public individuals/corporations, and which are necessary to ensure their economic,
11 social and cultural welfare. It shall include ancestral lands, forests, pasture, residential,
12 agricultural, and other lands individually owned whether alienable and disposable or
13 otherwise, hunting grounds, burial grounds, worship areas, bodies of water, mineral and
14 other natural resources, and lands which may no longer be exclusively occupied by
15 ICCs/IPs but from which they traditionally had access to for their subsistence and
16 traditional activities, particularly the home ranges of ICCs/IPs who are still nomadic
17 and/or shifting cultivators.

18 (b) “Biodiversity” refers to variety and variability among living organisms and the
19 ecological complexes in which said organisms occur.

20 (c) “Biological resources” includes genetic resources, organisms or parts thereof,
21 population, or any other biotic component of ecosystems with actual or potential use or
22 value for humanity.

23 (d) “Bioprospecting” means the research, collection and utilization of biological and
24 genetic resources for purposes of applying the knowledge derived therefrom solely for
25 commercial purposes.

26 (e) “Buffer zone” refers to identified areas outside the boundaries of and
27 immediately adjacent to designated Bessang Pass Natural Monument/Landmark
28 pursuant to Section 8 of the NIPAS Act that need special development control in order
29 to avoid or minimize harm to the Bessang Pass Natural Monument/Landmark.

30 (f) By-product or derivatives means any part taken or substance extracted from
31 wildlife, in raw or in processed form. This includes stuffed animals and herbarium
32 specimens.

33 (g) “Collection or collecting” is the act of gathering or harvesting wildlife, its by-
34 products or derivatives.

35 (h) “Conservation” means preservation and sustainable utilization of wildlife, and/or
36 maintenance, restoration and enhancement of the habitat.

1 (i) "Endangered species" refers to species or subspecies of flora and fauna that is
2 not critically endangered but whose survival in the wild is unlikely if the causal factors
3 continue operating.

4 (j) "Endemic Species" means species or subspecies of flora and fauna which is
5 naturally occurring and found only within specific areas in the country.

6 (k) "Exotic species" means species or subspecies of flora and fauna which do not
7 naturally occur within the protected area at present or in historical time.

8 (l) "Habitat" means a place or type of environment where a species or subspecies
9 naturally occurs or has naturally established its population.

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

12 (n) "Indigenous Cultural Communities or Indigenous People (ICC/ IPs)" refers to a
13 group of people or homogenous societies identified by self-ascription and ascription by
14 others, who have continuously lived as organized community on communally bounded
15 and defined territory, and who have, under claims of ownership since time immemorial,
16 occupied, possessed and utilized such territories, sharing common bonds of language,
17 customs, traditions and other distinctive cultural traits, or who have, through resistance
18 to political, social and cultural inroads of colonization, non-indigenous religions and
19 cultures, became historically differentiated from the majority of Filipinos. IPs shall
20 likewise include peoples who are regarded as indigenous on account of their descent
21 from the populations which inhabited the Country, at the time of conquest or
22 colonization, or at the time of inroads of non-indigenous religions and cultures, or the
23 establishment of present state boundaries, who retain some or all of their own social,
24 economic, cultural and political institutions, but who may have been displaced from their
25 traditional domains or who may have resettled outside their ancestral domains.

26 (o) "Management plan" refers to the fundamental plan, strategy and/or scheme
27 which shall guide all activities relating to the Bessang Pass Natural
28 Monument/Landmark in order to attain the objectives of this Act.

29 (p) "Mineral" refers to all naturally occurring inorganic substance in solid, gas,
30 liquid, or any intermediate state including energy materials such as coal, petroleum,
31 natural gas, radioactive materials, and geothermal energy.

32 (q) "Multiple-Use Zone" refers to an area where settlement, traditional and/or
33 sustainable land use, including agriculture, agro-forestry, extraction activities and other
34 income generating or livelihood activities, may be allowed to the extent prescribed in the
35 IPAP/PAMP.

36 (r) "National Integrated Protected Areas System (NIPAS)" is the classification and
37 administration of all designated protected areas to maintain essential ecological
38 processes and life-support systems, to preserve genetic diversity, to ensure sustainable

1 use of resources found therein, and to maintain their natural conditions to the greatest
2 extent possible.

3 (s) "National Park" refers to the land of the public domain classified as such in the
4 1987 Constitution which include all areas under the NIPAS pursuant to R.A. 7586
5 primarily designated for the conservation of native plants and animals, their associated
6 habitats and cultural diversity.

7 (t) "Natural monument" refers to a relatively small area focused on protection of
8 small features to protect or preserve nationally significant natural.

9 (u) "Non-government organization (NGO)" refers to an agency, institution,
10 foundation or a group of persons whose purpose is to assist peoples
11 organizations/associations in various ways including, but not limited to, organizing,
12 education, training, research and/or resource accessing.

13 (v) "People's Organization (PO)" refers to a group of organized migrant
14 communities and or interested indigenous peoples which may be an association,
15 cooperative, federation, or other legal entity, established to undertake collective action
16 to address community concerns and needs, and mutually share the benefits of the
17 endeavor.

18 (w) "Protected area (PA)" refers to any identified portions of land and water set
19 aside by reason of their unique physical and biological significance, managed to
20 enhance biological diversity and protected against destructive human exploitation.

21 (x) "Protected Area Management Board (PAMB)" refers to a multi-sectoral policy-
22 making body for protected areas created in accordance with RA 7586 or the NIPAS Act
23 of 1992.

24 (y) "Protected Area Superintendent (PASu)" refers to the chief operating DENR
25 officer in the Bessang Pass Natural Monument/Landmark.

26 (z) "Quarrying" means the process of extracting, removing and disposing quarry
27 resources found on or underneath the surface of private or public land.

28 (aa) "Special use zone" is an area containing existing installations of national
29 significance, such as telecommunication facilities, irrigation canals or electric power
30 lines.

31 (bb) "Sustainable Use" means the use of components of biological diversity in a
32 way and rate that does not lead to the long-term decline of biological diversity, thereby
33 maintaining its potential to meet the needs and aspirations of present and future
34 generations.

35 (cc) "Tenured migrants" refers to forest occupants who have actually and
36 continuously occupied a portion of the Bessang Pass Natural Monument/Landmark and
37 is solely dependent therein for subsistence. A Bessang Pass Natural
38 Monument/Landmark occupant is understood to be "solely dependent for subsistence"

1 when everything indispensable for survival for the household, including food, clothing,
2 shelter and health, comes only from the utilization of resources from the Bessang Pass
3 Natural Monument/Landmark.

4 (dd) "Wildlife" means wild forms and varieties of flora and fauna, in all
5 developmental stages, including those which are in captivity or are being bred or
6 propagated.

7 **SEC.5. Management of Bessang Pass Natural Monument/Landmark.-** There is
8 hereby created a PAMB which shall have sole jurisdiction, power and authority over the
9 Bessang Pass Natural Monument/Landmark for all matters that may affect biodiversity
10 conservation, protection and sustainable development. It shall be composed of:

11 (1) The Regional Executive Director (RED) of the DENR I, as chairperson;
12 (2) The Provincial Planning and Development Officer (PPDO) of Ilocos Sur;
13 (3) The Mayor of the Municipality of Cervantes or his/her duly designated
14 representatives as members;

15 (4) One representative from each barangay covering the Bessang Pass Natural
16 Monument/Landmark;

17 (5) At least three (3) representatives from the local NGOs with stakes in the
18 Bessang Pass Natural Monument/ Landmark, chosen from among themselves;

19 (6) At least two (2) representatives from local POs with stakes in the Bessang
20 Pass Natural Monument/ Landmark, chosen from among themselves;

21 (7) One representative from each tribal community within the Bessang Pass
22 Natural Monument/ Landmark; and

23 (8) One representative from government agencies involved in the Bessang Pass
24 Natural Monument/ Landmark management.

25 Each member of the PAMB shall serve for a term of five (5) years and shall be
26 considered to represent his or her sector and deemed to carry the vote of such sector in
27 all matters. In the case of members who are government officials, their appointment
28 shall be co-terminus with their term of office.

29 The members of the PAMB shall be appointed by the Secretary of the DENR in
30 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
31 members of the PAMB shall be nominated from the current members of the interim
32 PAMBs of the Bessang Pass Natural Monument/Landmark. Their nominations shall be
33 conducted in a joint meeting of the current members of the interim PAMBs duly called
34 for the purpose: *Provided, further*, that at least one- third (1/3) of the members shall be
35 women.

36 In the selection of the representatives of POs and NGOs, preference shall be
37 accorded to those organizations that are involved in the conservation, protection and
38 development of the Bessang Pass Natural Monument/ Landmark. Representation shall

1 be by institution and shall aim to achieve balance in representation by geographic
2 location or areas.

3 The representatives from the Local Government Units (LGUs) and national
4 agencies in the PAMB shall include among their duties to inform their respective
5 constituents, office or sector of PAMB approved or other relevant policies, rules,
6 regulations, programs and projects and, to ensure that the provisions of this Act are
7 observed, complied with, and used as reference and framework in their respective
8 plans, policies, programs and projects. Failure to comply with the foregoing shall subject
9 such representative to disciplinary action as the PAMB may provide.

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

14 **SEC.6. Powers and Functions of the PAMB.** –The PAMB, which shall decide by
15 consensus or majority vote, shall have the following rules and regulations in addition to
16 the duties and functions provided under RA 7586 or the NIPAS Act of 1992 and its
17 implementing rules and regulations:

18 (1) Issue all rules and regulations to prohibit acts that may be prejudicial to the
19 *Bessang Pass Natural Monument/Landmark* and to the declaration of policy set forth
20 under the NIPAS;

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

23 (3) Adopt rules and procedures in the conduct of business, including the creation
24 of committees to whom its powers may be delegated;

25 (4) Approve the management plan and oversee the office of the PASu;

26 (5) Establish criteria and set fees for the issuance of permits for activities regulated
27 by this Act or the management plan;

28 (6) Recommend the deputization of appropriate individuals, including local
29 community leader for the enforcement of the laws, rules and regulations governing
30 conduct in the *Bessang Pass Natural Monument/Landmark* and its buffer zone;

31 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and
32 raise funds for the *Bessang Pass Natural Monument/Landmark*;

33 (8) Manage the allocation of the *Bessang Pass Natural Monument/Landmark*
34 Protected Area Fund, and other funds for the *Bessang Pass Natural*
35 *Monument/Landmark*, ensure their proper administration and render accounting; and

36 (9) Recommend appropriate policy changes to the DENR and other government
37 authorities.

1 The DENR, through the RED, shall ensure that the PAMB acts within the scope of
2 its powers and functions. In case of conflict between administrative orders issued by
3 the DENR pursuant to the NIPAS Act and the resolutions issued by the PAMB, such
4 conflict shall be referred by the PAMB to the Secretary of the DENR who shall decide
5 whether to apply the rule or withdraw its application from the Bessang Pass Natural
6 Monument/Landmark. The decision of the Secretary shall be guided by a preference to
7 local initiative and specific policies enacted by the PAMB.

8 **SEC.7. The Protected Area Superintendent (PASu) Office.** – The Protected
9 Area Superintendent (PASU) Office is hereby created within the DENR regional office
10 to be headed by the PASu who shall serve as the chief operating DENR officer of the
11 entire Bessang Pass Natural Monument/Landmark. The PASu shall report directly to
12 the RED of the DENR-Region I and shall be accountable to the PAMB. The PASu and
13 the PASu staff shall reside within the Bessang Pass Natural Monument/Landmark and
14 establish an office and sub-offices within the Bessang Pass Natural
15 Monument/Landmark in order to implement this Act.

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

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

23 (2) Prepare the management plans as herein defined;

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

26 (4) Enforce the laws, rules and regulations relevant to the Bessang Pass Natural
27 Monument/Landmark, institute and file legal action independently or in collaboration
28 with other government agencies or organizations and assist in the prosecution of
29 offenses committed in violation of this Act;

30 (5) Monitor all activities within the Bessang Pass Natural Monument/Landmark to
31 ensure its conformity with the management plan;

32 (6) Recommend the issuance of permits based on terms, conditions and criteria
33 established by the PAMB;

34 (7) Ensure the integration of the Bessang Pass Natural Monument/Landmark
35 management policies, regulations, programs, and projects at all the concerned national
36 and LGU levels; and

37 (8) Perform such other functions as the PAMB may delegate.

1 The PASu shall be supported by a sufficient number of personnel who shall be
2 performing day to day management, protection and administration of Bessang Pass
3 Natural Monument/Landmark. Upon the recommendation of the PAMB, the DENR RED
4 shall deputize local community leaders and environment and natural resource officers.

5 **SEC.8. Existing Facilities Within the Bessang Pass Natural**
6 **Monument/Landmark.** – Within sixty (60) days from the effectivity of this Act, major
7 existing facilities such as roads, buildings, water systems, transmission lines,
8 communication facilities, heavy equipment, and irrigation facilities existing within the
9 boundaries of the Bessang Pass Natural Monument/Landmark shall submit project
10 description to the PAMB through the PASu.

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

19 Existing facilities allowed to remain within the Bessang Pass Natural
20 Monument/Landmark may be charged a reasonable royalty by the DENR. All income
21 from such royalty shall accrue to the Bessang Pass Natural Monument/Landmark
22 Protected Area Fund.

23 **SEC.9. Bessang Pass Natural Monument/Landmark Protected Area Fund.** –
24 There is hereby established a trust fund to be known as the Bessang Pass Natural
25 Monument/Landmark Protected Area Fund for purposes of financing projects of the
26 Bessang Pass Natural Monument/Landmark. Seventy-five percent (75%) income
27 generated from the operation of the Bessang Pass Natural Monument/Landmark or
28 management of wild flora and fauna in the Bessang Pass Natural Monument/Landmark
29 shall go to the Integrated Protected Areas Fund (IPAF) as established in the NIPAS Act
30 of 1992.

31 Income shall be derived from visitors/tourists fees, fees from permitted sale and
32 export of flora and fauna and other resources from the Bessang Pass Natural
33 Monument/Landmark, proceeds from registration and lease of multiple-use areas
34 including tourism concessions, fees, proceeds, and contributions from industries and
35 facilities directly benefiting from the Bessang Pass Natural Monument/Landmark, and
36 such other fees and incomes derived from the operation of the Bessang Pass Natural
37 Monument/Landmark.

38 The Bessang Pass Natural Monument/Landmark fund may be augmented by

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

7 The LGUs shall continue to impose and collect all other fees not enumerated
 8 herein which they have traditionally collected, such as business permits, property tax
 9 and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to fees
 10 imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the
 11 contribution of the LGUs in the maintenance and protection of the Bessang Pass
 12 Natural Monument/Landmark.

13 **SEC.10. Tenured Migrants and Other Bessang Pass Natural**
 14 **Monument/Landmark Occupants.** –Tenured migrants shall be eligible to become
 15 stewards of portions of lands within allowable zones. The PAMB shall identify, verify
 16 and review all tenorial instruments, land claims, and issuances of permits for resource
 17 use within the Bessang Pass Natural Monument/Landmark and recommended the
 18 issuance of the appropriate tenorial instrument consistent with the zoning provided in
 19 the management plan and its successor plans.

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

24 In the event of termination of a tenorial instrument for cause or by voluntary
 25 surrender of rights, the PASu shall take immediate steps to rehabilitate the area in
 26 order to return it to its natural state prior to the cultivation or other act by the tenured
 27 migrant.

28 Other Bessang Pass Natural Monument/Landmark occupants who do not qualify
 29 as tenured migrants shall be resettled outside the Bessang Pass Natural
 30 Monument/Landmark as determined by the PAMB. The PAMB shall determine, plan
 31 and implement a definite schedule for resettling them outside of the Bessang Pass
 32 Natural Monument/Landmark following the procedures set forth by existing law.

33 **SEC.11. Indigenous People's Rights.** – Ancestral domain and other customary
 34 rights and interests of indigenous communities within the Bessang Pass Natural
 35 Monument/ Landmark shall be accorded due recognition. The preservation of ancestral
 36 domain and customary rights shall be considered as one of the management objectives.
 37 The maintenance, management and development of ancestral domains which are found
 38 to be necessary for protected areas will be pursuant to Section 58 of Republic Act No.

1 8371, otherwise known as the "The Indigenous Peoples Rights Act of 1997 (IPRA)".

2 The identification, delineation and recognition of ancestral domain claims within the
3 Bessang Pass Natural Monument/Landmark shall be conducted by the National
4 Commission on Indigenous Peoples (NCIP) pursuant to the provisions the IPRA, and its
5 implementing rules and regulations, in coordination with the PAMB.

6 **SEC.12. Prohibited Acts and Penalties.** – The following prohibitions and
7 penalties applicable to the Bessang Pass Natural Monument/Landmark, in addition to
8 the prohibited acts as provided in the NIPAS Act and its pertinent rules and regulations:

9 (A) The penalties in Articles 309 and 310 of the Revised Penal Code,
10 depending on the value of the resources involved in connection with the prohibited act,
11 shall be imposed upon any person who:

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

18 (2) Cuts, gathers, removes or collects timber or any forest products, within
19 particularly identified regulated or prohibited areas or zones in the Bessang Pass
20 Natural Monument/Landmark including private lands without the necessary permit,
21 authorization or exemption;

22 (3) Possesses or transports, within or outside the Bessang Pass Natural
23 Monument/Landmark any timber, forest products, wild terrestrial or aquatic plants,
24 animals, flora or fauna, or by-product derived therefrom which is ascertained to have
25 been taken from the Bessang Pass Natural Monument/Landmark;

26 (4) Undertakes mineral exploration or extraction within the Bessang Pass Natural
27 Monument/Landmark;

28 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within
29 the Bessang Pass Natural Monument/Landmark;

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

33 (7) Conducts bioprospecting within the Bessang Pass Natural
34 Monument/Landmark without prior PAMB approval in accordance with existing
35 guidelines; or

36 (8) Establishes or introduces exotic species within the Bessang Pass Natural
37 Monument/Landmark which are detrimental to endemic species or without prior PAMB
38 approval.

1 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
2 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not
3 more than six (6) years shall be imposed upon any person who:

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

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

12 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
13 Bessang Pass Natural Monument/Landmark without a permit;

14 (4) Throws, dumps or causes to be dumped into the Bessang Pass Natural
15 Monument/Landmark any non-biodegradable material or waste whether liquid, solid or
16 gas;

17 (5) Uses, dumps, places or causes to be placed into the Bessang Pass Natural
18 Monument/Landmark toxic chemicals, including pesticides and other hazardous
19 substances, unless the same is expressly allowed in the management plan;

20 (6) Prospects, hunts or otherwise locates hidden treasures within the Bessang
21 Pass Natural Monument/Landmark;

22 (7) Informally occupies or dwells in any land within the Bessang Pass Natural
23 Monument/Landmark without clearance from the PAMB;

24 (8) Posseses or uses blasting caps or explosives anywhere within the Bessang
25 Pass Natural Monument/Landmark;

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

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

30 (11) Engages in kaingin, or, in any manner, causing forest fires inside the Bessang
31 Pass Natural Monument/Landmark; or

32 (12) Purchases, or sells, mortgages or leases lands or other portions of the
33 Bessang Pass Natural Monument/Landmark which are covered by any tenurial
34 instrument.

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

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

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

17 The penalties specified in this Section will be in addition to the penalties contained
18 in RA 9072 (National Caves and Cave Resources Management and Protection Act), RA
19 9147 (Wildlife Resources Conservation and Protection Act), and other related laws.

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

22 **SEC.13. Special Prosecutor and Retained Counsel.** – Within thirty (30) days
23 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
24 prosecutor to whom all cases of violation of laws, rules and regulations in the Bessang
25 Pass Natural Monument/Landmark shall be assigned. Such Special Prosecutor shall
26 coordinate with the PAMB and the PASu in the performance of his/her duties and assist
27 in the training of wardens and rangers in arrest and criminal procedures. The PAMB
28 may retain the services of a counsel to prosecute and/or assist in the prosecution of
29 cases under the direct control and supervision of the regular or special prosecutor and
30 to defend the members of the PAMB, the PASu and the staff, or any person assisting in
31 the protection, conservation and sustainable development of the Bessang Pass Natural
32 Monument/Landmark, against any legal action related to their powers, functions and
33 responsibilities as provided in this Act or as delegated or tasked by the PAMB.

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

1 **SEC.15. Reporting Responsibility.** – The PASu, through the PAMB, shall submit
2 an annual accomplishment report to the Secretary of the DENR on the activities
3 undertaken in the Bessang Pass Natural Monument/Landmark.

4 **SEC.16. Construction and Suppletory Application of Existing Laws.** - The
5 provisions of this Act shall be construed liberally in favor of achieving biodiversity
6 conservation and environmental protection and sustainable development. Provisions of
7 Republic Act No. 7586, otherwise known as the NIPAS Act of 1992 and existing forestry
8 laws, and their corresponding rules and regulations not inconsistent hereto shall have
9 the suppletory effect in the implementation of this Act.

10 **SEC.17. Transitory Provision.** – In order to ensure the recovery and restoration
11 of biological diversity and to develop sustainable livelihood opportunities for tenured
12 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
13 clearances, compliance documents or any other instrument that allows exploitation and
14 utilization of resources within the Bessang Pass Natural Monument/Landmark until the
15 management plan shall have been put into effect.

16 All existing land use and resource use permits within the Bessang Pass Natural
17 Monument/Landmark shall be reviewed and shall not be renewed upon their expiration
18 unless consistent with the management plan and approved by the PAMB. Moreover,
19 areas determined by wildlife habitat and potable water sources and reservoirs shall be
20 declared protected and special use zones, respectively, and their management and
21 uses shall be consistent with the provision of the respective executive orders,
22 presidential proclamations and amendments establishing them.

23 **SEC.18. Separability Clause.** – If, for any reason, any part or section of this Act is
24 declared unconstitutional or invalid, such other parts not affected thereby shall remain
25 in full force and effect.

26 **SEC.19. Repealing Clause.** –All laws, decrees, proclamations, rules and
27 regulations inconsistent with the provisions of this Act are hereby repealed or modified
28 accordingly.

29 **SEC.20. Effectivity Clause.** This Act shall take effect fifteen (15) days after its
30 complete publication in the *Official Gazette* or in a national newspaper of general
31 circulation available in the Bessang Pass Natural Monument/Landmark.

32 Approved,