

SENATE

Senate Bill No. 1075



Introduced by SENATOR COMPAÑERA PIA S. CAYETANO

EXPLANATORY NOTE

This bill seeks to declare the Lidlidda-Banayoyo Protected Landscape in Ilocos Sur as a protected area.

The Lidlidda-Banayoyo Protected Landscape, which covers 1,157.4379 hectares, is composed of brushland and open grassland. The Lidlidda-Banayoyo Protected Landscape bears natural features suitable for recreational and educational purposes, as well as a watershed which provides the agricultural and household water requirements of the communities within the Municipalities of Lidlidda and Banayoyo in the Province of Ilocos Sur. This area also serves as a home for a variety of wildlife including all those categorized as indigenous forest tree species.

Recognizing the value of the area, the Lidlidda Spring Watershed Forest Reserve was established by virtue of Presidential Proclamation No. 79 on August 17, 1936. Later, the area was proclaimed as the Lidlidda-Banayoyo Protected Landscape by virtue of Presidential Proclamation No. 266 on April 23, 2000.

This bill, therefore, seeks to declare the Lidlidda-Banayoyo Protected Landscape 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

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

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SENATE

RECEIVED BY: S. No. 1075

Introduced by Senator Pia S. Cayetano

AN ACT
ESTABLISHING THE LIDLIDDA-BANAYOYO PROTECTED LANDSCAPE IN THE
MUNICIPALITIES OF LIDLIDDA AND BANAYOYO, PROVINCE OF ILOCOS SUR
AS A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT, 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 “Lidlidda-Banayoyo Protected
 2 Landscape Act of 2007.”

3 SEC. 2. *Land Classification.* – All lands of the public domain comprising the
 4 Lidlidda-Banayoyo Protected Landscape shall fall under the classification of National
 5 Park as provided for in the Philippine Constitution.

6 SEC. 3. *Scope and Coverage.* – The Lidlidda-Banayoyo Protected Landscape,
 7 located within the Municipalities of Lidlidda and Banayoyo in the Province of Ilocos Sur
 8 is hereby declared a protected area and categorized as a protected landscape. Its
 9 boundaries are as follows:

10 Beginning at a point on Parcel I, being identical to corner 1 is N 88° W. about 500
 11 m from Poblacion of Lidlidda, Ilocos Sur:

12 Thence S 18° 01' 48" W 289.686 m. to point 2;

13 Thence S 20° 00' 51" E 219.741 m. to point 3;

14 Thence S 00° 59' 29" E 169.797 m. to point 4;

15 Thence S 02° 59' 38" E 259.688 m. to point 5;

16 Thence S 51° 03' 33" W 219.863 m. to point 6;

17 Thence S 60° 03' 16" W 209.844 m. to point 7;

18 Thence S 10° 00' 08" E 179.783 m. to point 8;

19 Thence S 87° 04' 04" E 519.881 m. to point 9;

20 Thence S 44° 03' 15" W 229.829 m. to point 10;

21 Thence S 29° 01' 29" E 199.775 m. to point 11;

22 Thence S 13° 00' 21" E 219.736 m. to point 12;

1 Thence S 83° 04' 00" E 89.972 m. to point 13;
2 Thence N 49° 56' 29" E 200.128 m. to point 14;
3 Thence N 51° 56' 24" E 260.157 m. to point 15;
4 Thence S 32° 01' 41" E 219.758 m. to point 16;
5 Thence S 08° 01' 08" W 179.792 m. to point 17;
6 Thence S 60° 03' 16" E 139.896 m. to point 18;
7 Thence S 67° 04' 00" W 399.875 m. to point 19;
8 Thence S 70° 03' 39" E 489.723 m. to point 20;
9 Thence S 56° 03' 04" E 89.928 m. to point 21;
10 Thence S 48° 02' 40" E 699.355 m. to point 22;
11 Thence N 38° 56' 58" E 180.148 m. to point 23;
12 Thence N 47° 57' 20" W 580.535 m. to point 24;
13 Thence N 34° 57' 10" E 110.097 m. to point 25;
14 Thence N 47° 57' 20" W 120.111 m. to point 26;
15 Thence N 09° 58' 43" E 50.057 m. to point 27;
16 Thence N 56° 56' 14" E 330.168 m. to point 28;
17 Thence N 25° 58' 43" W 480.550 m. to point 29;
18 Thence N 67° 55' 58" E 190.056 m. to point 30;
19 Thence N 64° 56' 02" E 160.057 m. to point 31;
20 Thence S 59° 03' 13" E 399.697 m. to point 32;
21 Thence S 05° 59' 51" E 799.036 m. to point 33;
22 Thence S 26° 01' 17" E 379.565 m. to point 34;
23 Thence S 28° 01' 25" E 329.627 m. to point 35;
24 Thence S 40° 02' 11" E 319.673 m. to point 36;
25 Thence S 65° 03' 57" W 339.880 m. to point 37;
26 Thence S 79° 41' 08" W 2,688.765 m. to point 38;
27 Thence N 75° 33' 10" W 247.173 m. to point 39;
28 Thence N 37° 57' 55" W 490.511 m. to point 40;
29 Thence N 02° 59' 12" E 140.166 m. to point 41;
30 Thence N 31° 57' 20" E 160.148 m. to point 42;
31 Thence N 15° 58' 19" E 140.154 m. to point 43;
32 Thence N 31° 58' 18" W 240.264 m. to point 44;
33 Thence N 31° 58' 18" W 230.253 m. to point 45;
34 Thence N 16° 59' 21" W 150.179 m. to point 46;
35 Thence N 07° 58' 51" E 260.301 m. to point 47;
36 Thence S 78° 04' 07" W 209.982 m. to point 48;
37 Thence N 28° 58' 30" W 210.236 m. to point 49;
38 Thence N 68° 55' 57" E 70.019 m. to point 50;

1 Thence N 07° 00' 04" W120.145 m. to point 51;
2 Thence N 24° 58' 47" W280.323 m. to point 52;
3 Thence N 33° 58' 11" W160.173 m. to point 53;
4 Thence S 85° 04' 02" E 299.919 m. to point 54;
5 Thence N 06° 00' 08" W 100.120 m. to point 55;
6 Thence N 69° 56' 20" W180.102 m. to point 56;
7 Thence N 51° 57' 07" W100.087 m. to point 57;
8 Thence S 79° 04' 08" W169.989 m. to point 58;
9 Thence S 22° 02' 04" W139.854 m. to point 59;
10 Thence S 79° 03' 35" E 189.926 m. to point 60;
11 Thence S 34° 01' 49" E 159.827 m. to point 61;
12 Thence S 22° 02' 04" W 89.906 m. to point 62;
13 Thence S 19° 00' 47" E 159.811 m. to point 63;
14 Thence S 15° 00' 30"E 169.797 m. to point 64;
15 Thence S 29° 01' 29" E209.764 m. to point 65;
16 Thence S 17° 01' 44" E 289.683 m. to point 66;
17 Thence N 34° 58' 07" W180.193 m. to point 67;
18 Thence N 12° 59' 38" W140.168 m. to point 68;
19 Thence N 42° 57' 37" W200.197 m. to point 69;
20 Thence N 46° 57' 23" W330.309 m. to point 70;
21 Thence N 70° 56' 18" W220.120 m. to point 71;
22 Thence S 66° 03' 58" W139.953 m. to point 72;
23 Thence N 36° 57' 59" W280.295 m. to point 73;
24 Thence S 67° 04' 00" W219.931 m. to point 74;
25 Thence S 76° 04' 07" W259.967 m. to point 75;
26 Thence N 81° 56' 01" W100.033 m. to point 76;
27 Thence N 39° 56' 55" E 200.161 m. to point 77;
28 Thence N 70° 55' 56" E 300.069 m. to point 78;
29 Thence N 62° 56' 05" E 200.079 m. to point 79;
30 Thence N 81° 55' 51" E 300.000 m. to point 80;
31 Thence N 12° 58' 31" E 80.090 m. to point 81;
32 Thence N 38° 56' 58" E 220.181 m. to point 82;
33 Thence N 82° 55' 51" E 179.997 m. to point 83;
34 Thence N 19° 59' 08"W 130.153 m. to point 84;
35 Thence N 75° 55' 52" E 420.054 m. to point 85;
36 Thence S 77° 03' 52" E 139.940 m. to point 86 ;
37 Thence S 56° 03' 04" E 159.871 m. to point 87;
38 Thence S 00° 59' 29" E 149.821 m. to point 88;

1 Thence N 32° 57' 17" E 330.300 m. to point 89;
2 Thence N 11° 59' 42" W 220.264 m. to point 90;
3 Thence N 53° 57' 01" W 50.042 m. to point 91;
4 Thence S 20° 01' 56" W 209.776 m. to point 92;
5 Thence N 84° 55' 57" W 240.065 m. to point 93;
6 Thence N 32° 57' 17" E 200.182 m. to point 94;
7 Thence N 52° 56' 22" E 330.193 m. to point 95;
8 Thence N 49° 57' 13" W 60.054 m. to point 96;
9 Thence S 62° 03' 53" W 239.901 m. to point 97;
10 Thence N 04° 00' 17" W 190.228 m. to point 98;
11 Thence N 22° 57' 52" E 310.320 m. to point 99;
12 Thence S 72° 04' 04" W 79.983 m. to point 100;
13 Thence S 29° 02' 29" W 179.827 m. to point 101;
14 Thence S 02° 00' 43" W 279.668 m. to point 102;
15 Thence S 88° 04' 07" W 120.015 m. to point 103;
16 Thence N 09° 59' 51" W 180.217 m. to point 104;
17 Thence S 77° 04' 07" W 89.991 m. to point 105;
18 Thence S 03° 59' 42" E 379.543 m. to point 106;
19 Thence S 37° 02' 55" W 149.872 m. to point 107;
20 Thence S 74° 04' 06" W 339.943 m. to point 108;
21 Thence S 66° 03' 58" W 229.900 m. to point 109;
22 Thence S 38° 57' 52" W 290.300 m. to point 110;
23 Thence N 28° 57' 20" E 270.260 m. to point 111;
24 Thence N 41° 56' 49" E 300.233 m. to point 112;
25 Thence N 27° 57' 34" E 200.195 m. to point 113;
26 Thence N 23° 57' 48" E 340.347 m. to point 114;
27 Thence N 31° 57' 20" E 220.203 m. to point 115;
28 Thence N 73° 55' 53" E 280.047 m. to point 116;
29 Thence N 09° 58' 43" E 130.149 m. to point 117;
30 Thence N 19° 59' 08" W 190.224 m. to point 118;
31 Thence N 09° 58' 43" E 180.206 m. to point 119;
32 Thence N 59° 56' 44" E 130.096 m. to point 120;
33 Thence S 17° 01' 44" W 219.760 m. to point 121;
34 Thence S 48° 03' 26" W 229.845 m. to point 122;
35 Thence N 73° 56' 13" W 90.044 m. to point 123;
36 Thence N 33° 57' 13" E 240.215 m. to point 124;
37 Thence N 28° 57' 30" E 220.212 m. to point 125;
38 Thence N 28° 57' 30" E 140.135 m. to point 126;

1 Thence N 15° 58' 19" E 120.132 m. to point 127;
 2 Thence S 77° 03' 52" E 119.948 m. to point 128;
 3 Thence N 38° 56' 58" E 80.066 m. to point 129;
 4 Thence N 89° 55' 53" E 219.963 m. to point 130;
 5 Thence N 84° 55' 51" E 219.986 m. to point 131;
 6 Thence S 54° 02' 59" E 199.833 m. to point 132;
 7 Thence S 01° 59' 34" E 129.844 m. to point 133;
 8 Thence N 73° 55' 53" E 100.017 m. to point 134;
 9 Thence N 37° 57' 01" E 160.134 m. to point 135;
 10 Thence N 16° 59' 21" W 160.190 m. to point 136;
 11 Thence N 08° 58' 47" E 130.150 m. to point 137;
 12 Thence S 74° 03' 47" E 229.888 m. to point 138;
 13 Thence N 82° 55' 51" E 149.997 m. to point 139;
 14 Thence S 08° 00' 00" E 179.783 m. to point 140;
 15 Thence S 19° 00' 47" E 179.787 m. to point 141;
 16 Thence S 60° 03' 50" W 129.941 m. to point 142;
 17 Thence N 89° 55' 53" E 189.968 m. to point 143;
 18 Thence S 13° 00' 21" E 199.760 m. to point 144;
 19 Thence S 41° 03' 07" W 239.810 m. to point 145;
 20 Thence S 44° 03' 15" W 219.837 m. to point 146;
 21 Thence N 58° 56' 46" W 100.076 m. to point 147;
 22 Thence S 46° 03' 21" W 89.936 m. to point 148;
 23 Thence S 78° 03' 53" E 79.967 m. to point 149;
 24 Thence S 58° 03' 10" E 79.938 m. to point 150;
 25 Thence S 42° 02' 19" E 129.870 m. to point 151;
 26 Thence S 21° 00' 56" E 49.941 m. to point 152;
 27 Thence S 65° 03' 57" W 259.908 m. to point 153;
 28 Thence S 30° 01' 33" E 119.866 m. to point 1, the point of beginning,
 29 containing an area of One Thousand Seventy-Nine and 249/1000 (1,079.249)
 30 hectares, more or less as Parcel 1,
 31 Thence N 00° 30' 35" E 239.239 m. to point 2;
 32 Thence N 67° 21' 55" E 100.693 m. to point 3;
 33 Thence N 74° 18' 52" E 201.531 m. to point 4;
 34 Thence N 16° 33' 55" W 79.549 m. to point 5;
 35 Thence N 66° 22' 19" W 30.204 m. to point 6;
 36 Thence S 11° 27' 41" E 100.488 m. to point 7;
 37 Thence S 17° 27' 36" W 700.250 m. to point 8;
 38 Thence S 12° 27' 23" E 582.260 m. to point 9;

1 Thence S 63° 36' 33" W1,629.275 m. to point 10;
 2 Thence N 45° 29' 14" E 120.484 m. to point 11;
 3 Thence N 30° 39' 24" W208.467 m. to point 12;
 4 Thence N 58° 25' 22" E 251.462 m. to point 13;
 5 Thence S 88° 49' 35" E 161.428 m. to point 14;
 6 Thence N 04° 31' 15" E 159.593 m. to point 15;
 7 Thence N 09° 31' 45" W189.113 m. to point 16;
 8 Thence N 88° 11' 59" E 474.116 m. to point 17;
 9 Thence N 56° 26' 03" E 412.290 m. to point 18;
 10 Thence N 13° 32' 56" W208.902 m. to point 19;
 11 Thence N 19° 34' 58" W278.313 m. to point 20;
 12 Thence N 48° 28' 28" E 291.298 m. to point 1;

13 to the point of beginning, containing an area of Seventy-Eight and 1889/10000
 14 (78.1889) hectares more or less, as Parcel II.

15 The Lidlidda-Banayoyo Protected Landscape contains a total aggregate area of
 16 approximately One Thousand One Hundred Fifty-Seven and 4379/10000 (1,157.4379)
 17 hectares.

18 The technical descriptions provided in this Act will be subject to ground survey
 19 and verification to be conducted by the Department of Environment and Natural
 20 Resources (DENR). Any modification on this Act due to factors such as changing
 21 ecological situations, new scientific or archaeological findings, or discovery of
 22 traditional boundaries not previously taken into account shall be made through an Act
 23 of Congress after full consultation with the affected public.

24 SEC. 4. *Definition of Terms.* – For the purposes of this Act, the following terms are
 25 defined as follows:

26 (a) "Biodiversity" refers to variety and variability among living organisms and the
 27 ecological complexes in which said organisms occur.

28 (b) "Biological resources" includes genetic resources, organisms or parts thereof,
 29 population, or any other biotic component of ecosystems with actual or potential use or
 30 value for humanity.

31 (c) "Bioprospecting" means the research, collection and utilization of biological
 32 and genetic resources for purposes of applying the knowledge derived therefrom solely
 33 for commercial purposes.

34 (d) "Buffer Zone" is the identified area outside the boundaries of Lidlidda-
 35 Banayoyo Protected Landscape and immediately adjacent to designated protected
 36 area that need special development control in order to avoid or minimize harm to the
 37 Lidlidda-Banayoyo Protected Landscape.

1 (e) "By-product or derivatives" means any part taken or substance extracted from
2 wildlife, in raw or in processed form. This includes stuffed animals and herbarium
3 specimens.

4 (f) "Collection or collecting" is the act of gathering or harvesting wildlife, its by-
5 products or derivatives.

6 (g) "Conservation" means sustainable utilization of wildlife, and/or maintenance,
7 restoration and enhancement of the habitat.

8 (h) "Endangered species" refers to species or subspecies of flora and fauna that is
9 not critically endangered but whose survival in the wild is unlikely if the causal factors
10 continue operating.

11 (i) "Endemic species" means species or subspecies of flora and fauna which is
12 naturally occurring and found only within specific areas in the country.

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

15 (k) "Habitat" means a place or type of environment where a species or subspecies
16 naturally occurs or has naturally established its population.

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

19 (m) "Management plan" refers to the fundamental plan, strategy and/or scheme
20 which shall guide all activities relating to the Lidlidda-Banayoyo Protected Landscape
21 in order to attain the objectives of this Act.

22 (n) "Mineral" refers to all naturally occurring inorganic substance in solid, gas,
23 liquid, or any intermediate state including energy materials such as coal, petroleum,
24 natural gas, radioactive materials, and geothermal energy;

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

29 (p) "National Integrated Protected Areas System (NIPAS)" is the classification and
30 administration of all designated protected areas to maintain essential ecological
31 processes and life-support systems, to preserve genetic diversity, to ensure
32 sustainable use of resources found therein, and to maintain their natural conditions to
33 the greatest extent possible.

34 (q) "National Park" refers to the land of the public domain classified as such in the
35 1987 Constitution which include all areas under the National Integrated Protected
36 Areas System (NIPAS) pursuant to R.A. 7586 primarily designated for the conservation
37 of native plants and animals, their associated habitats and cultural diversity.

1 (r) "NIPAS Act" refers to the National Integrated Protected Areas System Act
2 (NIPAS) of 1992 or Republic Act No. 7586, and its Implementing Rules and
3 Regulations.

4 (s) "Non-government organization (NGO)" refers to an agency, institution,
5 foundation or a group of persons whose purpose is to assist people's
6 organizations/associations in various ways including, but not limited to, organizing,
7 education, training, research and/or resource accessing.

8 (t) "People's organization" refers to a group of organized migrant communities and
9 or interested indigenous peoples which may be an association, cooperative, federation,
10 or other legal entity, established to undertake collective action to address community
11 concerns and needs, and mutually share the benefits of the endeavor.

12 (u) "Protected Area" refers to the identified portions of land and/or water set aside
13 by reason of their unique physical and biological significance, managed to enhance
14 biological diversity and protected against destructive human exploitation.

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

18 (w) "Protected Landscape" refers to areas of national significance characterized
19 by the harmonious interaction of man and land while providing opportunities for
20 enjoyment through recreation and tourism within the normal lifestyle and economic
21 activity of these areas.

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

24 (y) "Strict protection zone" is a natural area with high biodiversity value which shall
25 be closed to all human activity except for scientific studies and/or ceremonial or
26 religious use by the indigenous cultural communities/indigenous peoples; may include
27 habitats of threatened species, or degraded areas that have been designated for
28 restoration and subsequent protection, even if these areas are still in various stages of
29 regeneration.

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

34 (aa) "Tenured migrant" refers to occupants who have actually and continuously
35 occupied a portion of the Lidlidda-Banayoyo Protected Landscape and is solely
36 dependent therein for subsistence. A Lidlidda-Banayoyo Protected Landscape
37 occupant is understood to be "solely dependent for subsistence" when everything
38 indispensable for survival for the household, including food, clothing, shelter and

1 health, comes only from the utilization of resources from Lidlidda-Banayoyo Protected
2 Landscape.

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

6 SEC. 5. *Management of the Lidlidda-Banayoyo Protected Landscape.* – There is
7 hereby created a PAMB which shall have jurisdiction, power and authority over the
8 Lidlidda-Banayoyo Protected Landscape for all matters that may affect biodiversity
9 conservation, and sustainable development. It shall be composed of:

10 (1) The DENR Regional Executive Director (RED) of Region I, as the
11 Chairperson;

12 (2) The Ilocos Sur Provincial Planning and Development Officer;

13 (3) The Mayors of the Municipalities of Lidlidda and Banayoyo, or their duly
14 designated representatives;

15 (4) One (1) representative from each barangay, with territory inside the Lidlidda-
16 Banayoyo Protected Landscape;

17 (5) At least three (3) representatives from the local NGOs, chosen from among
18 themselves;

19 (6) At least two (2) representatives from the local POs with stakes in the Lidlidda-
20 Banayoyo Protected Landscape, chosen from among themselves; and

21 (7) One (1) representative from other national government agencies involved in
22 the Lidlidda-Banayoyo Protected Landscape management.

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

27 The members of the PAMB shall be appointed by the Secretary of the DENR in
28 conformity with the provisions of the NIPAS Act. As a transitory provision, the initial
29 members of the PAMB shall be nominated from the current members of the interim
30 PAMB of the Lidlidda-Banayoyo Protected Landscape. Their nominations shall be
31 conducted in a joint meeting of the current members of the interim PAMB duly called
32 for the purpose: *Provided, That* at least one- third (1/3) of the members shall be
33 women.

34 In the selection of the representatives of POs and NGOs, preference shall be
35 accorded to those organizations that are involved in the conservation, protection and
36 development of the Lidlidda-Banayoyo Protected Landscape. Representation shall be
37 by institution and shall aim to achieve balance in representation by geographic location
38 or areas.

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

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

12 SEC. 6. *Power and Functions of the PAMB.* - The PAMB for the Lidlidda-
13 Banayoyo Protected Landscape shall have the following powers and functions, in
14 addition to those provided under RA 7586 or the NIPAS Act of 1992 and its
15 Implementing Rules and Regulations:

16 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the
17 Lidlidda-Banayoyo Protected Landscape and to the declaration of policy set forth under
18 the NIPAS;

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

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

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

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

26 (6) Recommend the deputization of appropriate individuals, including local
27 community leaders, for the enforcement of the laws, rules and regulations governing
28 the conduct or management of the Lidlidda-Banayoyo Protected Landscape;

29 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and
30 raise funds for the Lidlidda-Banayoyo Protected Landscape;

31 (8) Manage the allocation of the Lidlidda-Banayoyo Protected Landscape Fund,
32 and other funds for the Lidlidda-Banayoyo Protected Landscape, ensure their proper
33 administration and render accounting; and

34 (9) Recommend appropriate policy changes to the DENR and other government
35 authorities.

36 The DENR, through the Regional Executive Director (RED), shall ensure that the
37 PAMB is acting within the scope of its powers and functions. In case of a conflict
38 between administrative orders issued by the DENR pursuant to the NIPAS Act and the

1 resolutions issued by the PAMB, the PAMB shall notify the DENR Secretary who shall
2 decide whether to apply the rule or withdraw its application from the Lidlidda-Banayoyo
3 Protected Landscape.

4 *Sec. 7. The Protected Area Superintendent (PASu) Office.* – The Protected Area
5 Superintendent (PASu) Office within the DENR Regional Office is hereby created to be
6 headed by the PASu who shall serve as the Chief Operating DENR Officer of the
7 entire Lidlidda-Banayoyo Protected Landscape. The PASu shall report directly to the
8 RED of the DENR-Region I and shall be accountable to the PAMB. The PASu and the
9 PASu staff shall reside within the Lidlidda-Banayoyo Protected Landscape and
10 establish an office and sub-offices within the Lidlidda-Banayoyo Protected Landscape
11 in order to implement this Act.

12 The PASu shall be in charge of the implementation of projects, programs and
13 policies for the management protection and administration of the Lidlidda-Banayoyo
14 Protected Landscape. The PASu shall have full responsibility for the protection of land,
15 water, wildlife and other natural physical and biological resources within the Lidlidda-
16 Banayoyo Protected Landscape. As such, the PASu shall have the following duties
17 and responsibilities in addition to those provided under the NIPAS Act and its
18 Implementing Rules and Regulations:

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

21 (2) Prepare the management plan as herein defined;

22 (3) Provide a Secretariat for the PAMB and supply the PAMB with all information
23 necessary for it to make appropriate decisions for the implementation of this Act;

24 (4) Enforce the laws and the rules and regulations relevant to the Lidlidda-
25 Banayoyo Protected Landscape and institute and file legal action independently or in
26 collaboration with other government agencies or organizations and assist in the
27 prosecution of offenses committed in violation of this Act;

28 (5) Monitor all activities within the Lidlidda-Banayoyo Protected Landscape to
29 ensure conformity with the management plan;

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

32 (7) Ensure the integration of the Lidlidda-Banayoyo Protected Landscape
33 management policies, regulations, programs and projects at all the concerned national
34 and Local Government Unit levels; and

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

36 The PASu shall be supported by sufficient number of personnel who shall be
37 performing day to day management, protection and administration of the Lidlidda-
38 Banayoyo Protected Landscape. Upon the recommendation of the PAMB, the DENR

1 Regional Director shall deputize local community leaders and environment and natural
2 resource officers.

3 *SEC. 8. Tenured Migrants and Other Lidlidda-Banayoyo Protected Landscape*
4 *Occupants.* –Tenured migrants shall be eligible to become stewards of portions of
5 lands within allowable zones. The PAMB shall identify, verify and review all tenurial
6 instruments, land claims, and issuances of permits for resource use within the Lidlidda-
7 Banayoyo Protected Landscape and recommend the issuance of the appropriate
8 tenurial instrument consistent with the zoning provided in the management plan and its
9 successor plans.

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

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

18 *SEC. 9. Prohibited Acts and Penalties.* – The following prohibitions and penalties
19 applicable to the Lidlidda-Banayoyo Protected Landscape, in addition to the prohibited
20 acts as provided in the NIPAS Act and its Implementing Rules and Regulations.

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

24 (1) Takes, destroys, collects, disturbs, or possesses any wild terrestrial or aquatic
25 plants or animals, flora or fauna, sand, rocks or by-products derived therefrom, within
26 particularly identified regulated or prohibited areas zones in the Lidlidda-Banayoyo
27 Protected Landscape including private lands without the necessary permit,
28 authorization or exemption: *Provided*, That hunting of animals shall be absolutely
29 prohibited except for scientific research;

30 (2) Cuts, gathers, removes or collects timber or any forest products, within
31 particularly identified regulated or prohibited areas or zones in the Lidlidda-Banayoyo
32 Protected Landscape including private lands without the necessary permit,
33 authorization or exemption;

34 (3) Possesses or transports, within or outside the Lidlidda-Banayoyo Protected
35 Landscape any timber, forest products, wild terrestrial or aquatic plants, animals, flora
36 or fauna, or by-product derived therefrom which is ascertained to have been taken from
37 the Lidlidda-Banayoyo Protected Landscape;

- 1 (4) Undertakes mineral exploration or extraction within the Lidlidda-Banayoyo
2 Protected Landscape;
- 3 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within
4 the Lidlidda-Banayoyo Protected Landscape;
- 5 (6) Hunts, collects, removes or destroys any endangered or protected species,
6 except when collection or removal is for scientific research and exempted from the
7 prohibition by the PAMB;
- 8 (7) Conducts bioprospecting within the Lidlidda-Banayoyo Protected Landscape
9 without prior PAMB approval in accordance with existing guidelines; or
- 10 (8) Establishes or introduces exotic species within the Lidlidda-Banayoyo
11 Protected Landscape which are detrimental to endemic species or without prior PAMB
12 approval.
- 13 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five
14 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not
15 more than six (6) years shall be imposed upon any person who:
- 16 (1) Violates any rules and regulations in the management plan or by the PAMB or
17 agreements reached before the PAMB in its exercise of adjudicative functions;
- 18 (2) Erects any structure on land or on water for any purposes outside the
19 management plan: *Provided*, That large-scale private infrastructure and other projects
20 such as medium to high density residential subdivisions, medium to large commercial
21 and industrial establishments, golf-courses, heavily mechanized commercial and non-
22 traditional farming, and other activities that cause increased in-migration, pollution and
23 resource degradation are absolutely prohibited;
- 24 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within the
25 Lidlidda-Banayoyo Protected Landscape without a permit;
- 26 (4) Throws, dumps or causes to be dumped into the Lidlidda-Banayoyo Protected
27 Landscape any non-biodegradable material or waste whether liquid, solid or gas;
- 28 (5) Uses, dumps, places or causes to be placed into the Lidlidda-Banayoyo
29 Protected Landscape toxic chemicals, including pesticides and other hazardous
30 substances, unless the same is expressly allowed in the management plan;
- 31 (6) Prospects, hunts or otherwise locates hidden treasures within the Lidlidda-
32 Banayoyo Protected Landscape;
- 33 (7) Informally occupies or dwells in any land within the Lidlidda-Banayoyo
34 Protected Landscape without clearance from the PAMB;
- 35 (8) Posseses or uses blasting caps or explosives anywhere within the Lidlidda-
36 Banayoyo Protected Landscape;
- 37 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural
38 formation on land, religious, spiritual, historical sites, artifacts and other objects of

1 natural or scenic value;

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

3 (11) Engages in kaingin, or, in any manner, causing forest fires inside the
4 *Lidlidda-Banayoyo Protected Landscape*; or

5 (12) Purchases, or sells, mortgages or leases lands or other portions of the
6 *Lidlidda-Banayoyo Protected Landscape* which are covered by any tenurial instrument.

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

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

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

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

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

32 SEC. 10. *Lidlidda-Banayoyo Protected Landscape Fund*, - There is hereby
33 established a trust fund to be known as the *Lidlidda-Banayoyo Protected Landscape*
34 Fund for purposes of financing projects of the *Lidlidda-Banayoyo Protected Landscape*.
35 Seventy-five percent (75%) income generated from the operation of the *Lidlidda-*
36 *Banayoyo Protected Landscape* or management of wild flora and fauna in the
37 protected area shall accrue to the fund. The remaining twenty-five percent (25%) shall
38 go to the *Integrated Protected Areas Fund (IPAF)* as established in the NIPAS Act of

1 1992.

2 Income shall be derived from visitors/tourists fees, fees from permitted sale and
3 export of flora and fauna and other resources from the Lidlidda-Banayoyo Protected
4 Landscape, proceeds from the registration and lease of multiple-use areas, including
5 tourism concessions, fees, proceeds, and contributions from industries and facilities
6 directly benefiting from the Lidlidda-Banayoyo Protected Landscape, and such other
7 fees and income derived from the operation of the Lidlidda-Banayoyo Protected
8 Landscape.

9 The PAMB may impose and charge reasonable fees, such as but not limited to
10 water users fee for water extracted by commercial water extractors/distributors
11 sourced and generated from the protected area. Such fee structure may change as the
12 PAMB may see fit.

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

20 The LGUs shall continue to impose and collect all other fees not enumerated
21 herein which they have traditionally collected, such as business permits, property tax
22 and rentals of LGUs facilities. *Provided, That* the LGUs shall not impose property tax
23 and issue tax declaration for areas or properties located in timberland areas or areas
24 previously classified as national parks. Furthermore, LGUs may charge add-ons to fees
25 imposed by the PAMB: *Provided, That* such add-ons shall be determined based on the
26 contribution of the LGUs in the maintenance and protection of the Lidlidda-Banayoyo
27 Protected Landscape.

28 SEC. 11. *Special Prosecutor and Retained Counsel.* – Within thirty (30)
29 days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a
30 special prosecutor to whom all cases of violation of laws, rules and regulations in the
31 Lidlidda-Banayoyo Protected Landscape shall be assigned. Such Special Prosecutor
32 shall coordinate with the PAMB and the PASu in the performance of his/her duties and
33 assist in the training of wardens and rangers in arrest and criminal procedures. The
34 PAMB may retain the services of a counsel to prosecute and/or assist in the
35 prosecution of cases under the direct control and supervision of the regular or special
36 prosecutor and to defend the members of the PAMB, the PASu and the staff, or any
37 person assisting in the protection, conservation and sustainable development of the
38 Lidlidda-Banayoyo Protected Landscape, against any legal action related to their

1 powers, functions and responsibilities as provided in this Act or as delegated or tasked
2 by the PAMB.

3 SEC. 12. *Utilization of Resources.* – Any exploitation of or utilization of
4 nonrenewable resources within the Lidlidda-Banayoyo Protected Landscape shall not
5 be allowed. Energy projects, within the Lidlidda-Banayoyo Protected Landscape shall
6 be allowed only through an Act of Congress except energy from wind, sun and water
7 sources of not more than one (1) megawatt capacity for mini-hydro power: *Provided,*
8 *That these renewable energy projects are established outside the strict protection*
9 *zone, adopt reduced impact technologies and undergo the environmental impact*
10 *assessment (EIA) system as provided by law and: Provided, Further, that the PAMB*
11 *endorsement has been obtained.*

12 SEC. 13. *Existing Facilities Within the Lidlidda-Banayoyo Protected Landscape.* –
13 *Within sixty (60) days from the effectivity of this Act, major existing facilities such as*
14 *roads, buildings, water systems, transmission lines, communication facilities, heavy*
15 *equipment, and irrigation facilities existing within the boundaries of the Lidlidda-*
16 *Banayoyo Protected Landscape shall submit project description to the PAMB through*
17 *the PASu.*

18 The PAMB, with the assistance of the DENR, shall determine whether the
19 existence of such facility and its future plan and operations will be detrimental to the
20 Lidlidda-Banayoyo Protected Landscape or whether conditions for its operation shall
21 be imposed. If any such conditions are violated, the owner of the facility shall be liable
22 to pay a fine of Five Thousand Pesos (P5,000.00) for every violation. Upon reaching a
23 total fine of Five Hundred Thousand Pesos (P500,000.00), the PAMB through the
24 PASu and deputizing other government entities, shall cause the cessation and
25 demolition of the facility at the cost of its owner.

26 Existing facilities allowed to remain within the Lidlidda-Banayoyo Protected
27 Landscape may be charged a reasonable royalty by the DENR. All income from such
28 royalty shall accrue to the Lidlidda-Banayoyo Protected Landscape Fund.

29 SEC. 14. *Reporting Responsibility.* – The PASu, through the PAMB, shall
30 submit an annual accomplishment report to the Secretary of the DENR on the activities
31 undertaken in the Lidlidda-Banayoyo Protected Landscape.

32 SEC. 15. *Appropriations.* – The Secretary of the DENR shall immediately
33 include in the Department's program the implementation of this Act, the funding of
34 which shall be included in the annual General Appropriations Act.

35 SEC. 16. *Construction and Suppletory Application of Existing Laws.* The
36 *provisions of this Act shall be construed liberally in favor of achieving biodiversity*
37 *conservation, protection and sustainable development Provisions of Republic Act No.*
38 *7586, otherwise known as the National Integrated Protected Areas Management Act of*

1 1992 and existing forestry laws, and their corresponding rules and regulations not
2 inconsistent hereto shall have the suppletory effect in the implementation of this Act.

3 SEC. 17. *Transitory Provision.* – In order to ensure the recovery and restoration
4 of biological diversity and to develop sustainable livelihood opportunities for tenured
5 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,
6 clearances, compliance documents or any other instrument that allows exploitation and
7 utilization of resources within the Lidlidda-Banayoyo Protected Landscape until the
8 management plan shall have been put into effect.

9 All existing land use and resource use permits within the Lidlidda-Banayoyo
10 Protected Landscape shall be reviewed and shall not be renewed upon their expiration
11 unless consistent with the management plan and approved by the PAMB.

12 SEC. 18. *Repealing Clause.* –All laws, decrees, proclamations, rules and
13 regulations inconsistent with the provisions of this Act are hereby repealed or modified
14 accordingly.

15 SEC. 19. *Separability Clause.* – If, for any reason, any part or section of this
16 Act is declared unconstitutional or invalid, such other parts not affected thereby remain
17 in full force and effect.

18 SEC. 20. *Effectivity Clause.* This Act shall take effect fifteen (15) days after
19 its complete publication in the *Official Gazette* or in a national newspaper of general
20 circulation available in the Lidlidda-Banayoyo Protected Landscape.

Approved,