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SENATE

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S. No. 2527

(In substitution of S. No. 2044)

*Prepared jointly by the Committees on Environment and Natural Resources and Finance, with Senator Cayetano and the members of the Committees as authors*

**AN ACT  
TO ESTABLISH THE MALAMPAYA SOUND SITUATED IN THE MUNICIPALITIES OF  
TAYTAY AND SAN VICENTE, PROVINCE OF PALAWAN, AS A PROTECTED AREA  
PURSUANT TO REPUBLIC ACT NO. 7586 (NIPAS ACT OF 1992) PROVIDING FOR  
ITS MANAGEMENT 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**

**SECTION 1.** Title. - This Act shall be known as the "Malampaya Sound Protected Landscape and Seascape Act of 2006".

**SEC. 2. Land Classification.** - All lands of the public domain comprising the Malampaya Sound Protected Landscape and Seascape shall fall under the classification of National Park as provided for in the Philippine Constitution. *However*, public lands already classified as agricultural and alienable or disposable prior to the passage of this Act shall remain as such and may be disposed of pursuant to the provisions of Commonwealth Act No. 141 or the Public Land Act, as amended.

**SEC. 3. Definition of Terms.** - For purposes of this Act:

(a) "Biodiversity" shall refer to the variety and variability among all living organisms and the ecological complex in which they are found;

(b) "Bioprospecting" shall refer to the research, collection and utilization of biological and genetic resources for the purpose of applying the knowledge derived therefrom to make or modify products or processes and their derivatives for scientific, agricultural, industrial and other applications;

(c) "By-product" shall refer to any part taken from wild species such as, but not limited to, hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, guano, root, trunk, branches, leaves, stems, flowers, and any other item produced out of utilizing wildlife or any of its parts;

1 (d) "CITES" shall refer to the Convention on International Trade of Endangered  
2 Species of wild flora and fauna including all its appendices referring to the lists of  
3 species differentially regulated therein;

4 (e) "Derivatives" shall refer to anything extracted from wild species such as, but  
5 not limited to, blood, oils, saliva, musk, resin, gum, seeds, spores, pollen and the like;

6 (f) "Endangered species" shall refer to species or subspecies whose population  
7 is in danger of extinction and whose survival is unlikely if the causal factors continue  
8 operating;

9 (g) "Endemic species" shall refer to species or subspecies often within the  
10 geographical limits of the State which has limited distribution;

11 (h) "Exotic species" shall refer to species or subspecies which is not naturally  
12 found within the biogeographic region of the MSPLAS;

13 (i) "Exploration" shall refer to searching or prospecting for mineral resources, as  
14 defined by law, by geological, geochemical or geophysical surveys, remote sensing,  
15 test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the  
16 purpose of determining the existence, extent, quantity and quality thereof and the  
17 feasibility of mining them for profit;

18 (j) "Exploitation" shall refer to any mode of use, extraction, development,  
19 utilization or disposition of resources, for whatever purpose, whether commercial or  
20 otherwise;

21 (k) "Habitat" shall refer to an area inhabited by wildlife in the natural state;

22 (l) "Indigenous cultural communities or indigenous peoples" shall refer to  
23 Indigenous cultural communities or indigenous peoples as defined in Republic Act No.  
24 8371 within the MSPLAS;

25 (m) "Indigenous species" shall refer to native Philippine species or subspecies  
26 with an existing or historical natural occurrence and distribution within the MSPLAS;

27 (n) "Large-scale infrastructure projects" shall refer to major port facilities, major  
28 highways, tall edifices, major dams and the like;

29 (o) "Multiple-use zones" shall refer to areas where settlement, traditional or  
30 sustainable land use, including agriculture, agro-forestry, extraction activities and  
31 other income generating or livelihood activities, may be allowed to the extent  
32 prescribed in the Management Plan;

33 (p) "Protected area" shall refer to identified portions of land and water set aside  
34 by reason of their unique physical and biological significance, managed to enhance  
35 biological diversity and protected against destructive human exploitation. Unless  
36 otherwise provided, it shall refer to the MSPLAS;

1 (q) "Protected landscape/seascape" shall refer to an area of national  
2 significance which is characterized by the harmonious interaction of man and land  
3 while providing opportunities for public enjoyment through recreation and tourism  
4 within the normal lifestyle and economic activity of the area;

5 (r) "Protected species" shall refer to any plant or animal declared protected  
6 under Philippine laws, rules and regulations. This shall also include plants and  
7 animals under CITES, the Bonn Convention on Migratory Species, species under the  
8 red-list categories of the International Union for the Conservation of Nature, and  
9 species which may not be considered threatened elsewhere but are in danger of  
10 extinction within the MSPLAS as determined by the Protected Area Management  
11 Board (PAMB);

12 (s) "Quarrying" shall refer to the process of extracting, removing and disposing  
13 quarry resources, as defined by law, found on or underneath the surface of private or  
14 public land;

15 (t) "Recreational zones" shall refer to areas of high recreational, tourism,  
16 educational or environmental awareness values where sustainable eco-tourism,  
17 recreational, conservation education or public awareness activities may be allowed as  
18 prescribed in the Management Plan;

19 (u) "Secretary" shall refer to the Secretary of the Department of Environment  
20 and Natural Resources;

21 (v) "Special use zones" shall refer to areas containing existing installations of  
22 national significance such as telecommunication facilities, irrigation canals or electric  
23 power lines;

24 (w) "Sustainable" shall refer to the use of components of biological diversity in a  
25 manner and at a rate that does not lead to the decline of the species used nor cause  
26 permanent or long-term diminishment or qualitative degradation of biological species,  
27 ecological functions or of other resources extracted or disturbed. It shall not pertain to  
28 the exploitation of non-renewable resources in commercial quantities which will  
29 significantly alter the ecosystem or contribute to the extinction of species;

30 (x) "Strict protection zones" shall refer to areas with high biodiversity value  
31 which shall be closed to all human activity except for scientific studies;

32 (y) "Tenured migrants" shall refer to individuals and households within the  
33 MSPLAS who have actually and continuously occupied such areas on or before July  
34 12, 1995 and are substantially dependent therein for subsistence;

1 (z) "Wildlife" shall refer to wild forms and varieties of flora and fauna, including  
 2 captive-bred or propagated individuals, parts, derivatives and by-products thereof;  
 3 and

4 (aa) "Management zones" shall refer to the divisions within the MSPLAS into levels  
 5 of protection and permitted use of natural resources, such as strict protection zone,  
 6 sustainable use zone, restoration zone, habitat management zone, multiple-use zone,  
 7 cultural zone, recreational zone and special use zone, as provided under existing rules  
 8 and regulations.

9 **SEC. 4. Declaration and Scope.** - Pursuant to and in accordance with Republic Act  
 10 No. 7586, the Malampaya Sound situated in the municipalities of Taytay and San Vicente,  
 11 Province of Palawan, is hereby declared and established as a protected area and part of  
 12 the National Integrated Protected Area System under the category of Protected  
 13 Landscape and Seascape as defined herein. It shall be referred to as the Malampaya  
 14 Sound Protected Landscape and Seascape (or MSPLAS) and its boundaries shall be as  
 15 follows:

16 Beginning at point marked "1" on DENR NIPAS Map No. - at S 7'33'4.11, E  
 17 3058.150 meters more or less, from BLLM No. 2 at 10°49'46.616 latitude and  
 18 119'31'0.383" longitude, Taytay Cadastre, Province of Palawan thence:

19		S	0 degrees	48'	55.11"	W	2,922.33 m	Meters to point 2
20	thence	S	1 degrees	26'	52.55"	E	1,283.91 m	Meters to point 3
21	thence	S	23 degrees	47'	14.00"	E	958.93 m	Meters to point 4
22	thence	S	26 degrees	4'	33.51"	W	1,595.34 m	Meters to point 5
23	thence	S	9 degrees	51'	17.19"	W	1,709.81 m	Meters to point 6
24	thence	S	25 degrees	25'	52.50"	W	14,086.64 m	Meters to point 7
25	thence	S	69 degrees	32'	46.33"	W	4,112.73 m	Meters to point 8
26	thence	S	12 degrees	54'	59.36"	W	5,346.46 m	Meters to point 9
27	thence	N	67 degrees	1'	45.59"	W	12,303.31 m	Meters to point 10
28	thence	S	75 degrees	22'	37.21"	W	3,839.52 m	Meters to point 11
29	thence	S	83 degrees	36'	35.47"	W	2,774.01 m	Meters to point 12
30	thence	N	35 degrees	52'	23.26"	W	2,322.42 m	Meters to point 13
31	thence	S	88 degrees	52'	25.40"	W	13,499.17 m	Meters to point 14
32	thence	N	45 degrees	2'	13.84"	W	16,060.90 m	Meters to point 15
33	thence	N	1 degrees	7'	46.58"	W	45,652.49 m	Meters to point 16
34	thence	N	88 degrees	48'	28.94"	W	8,174.64 m	Meters to point 17
35	thence	S	40 degrees	24'	25.31"	E	765.31 m	Meters to point 18
36	thence	S	54 degrees	2'	2.16"	E	9,789.75 m	Meters to point 19
37	thence	S	54 degrees	8'	3.55"	E	4,204.90 m	Meters to point 20
38	thence	S	88 degrees	13'	28.37"	E	1,621.76 m	Meters to point 21
39	thence	S	25 degrees	50'	12.73"	E	4,691.18 m	Meters to point 22
40	thence	S	69 degrees	32'	7.71"	W	290.91 m	Meters to point 23
41	thence	S	1 degrees	25'	16.98"	E	641.88 m	Meters to point 24
42	thence	S	25 degrees	49'	11.92"	E	306.17 m	Meters to point 25

1	thence	S	5 degrees	35'	53.02"	W	311.56 m	Meters to point 26
2	thence	S	19 degrees	3'	43.32"	E	513.75 m	Meters to point 27
3	thence	N	83 degrees	14'	10.37"	E	617.19 m	Meters to point 28
4	thence	N	36 degrees	50'	12.20"	E	848.35 m	Meters to point 29
5	thence	N	32 degrees	55'	37.15"	E	238.51 m	Meters to point 30
6	thence	N	13 degrees	6'	17.79"	W	249.50 m	Meters to point 31
7	thence	N	12 degrees	23'	49.11"	W	737.71 m	Meters to point 32
8	thence	N	4 degrees	18'	9.19"	W	487.98 m	Meters to point 33
9	thence	S	88 degrees	2'	2.45"	E	262.63 m	Meters to point 34
10	thence	S	63 degrees	36'	28.80"	E	220.56 m	Meters to point 35
11	thence	S	45 degrees	6'	20.49"	E	248.89 m	Meters to point 36
12	thence	S	10 degrees	56'	43.56"	E	360.12 m	Meters to point 37
13	thence	S	8 degrees	54'	8.28"	W	336.43 m	Meters to point 38
14	thence	S	63 degrees	36'	32.46"	W	196.06 m	Meters to point 39
15	thence	S	40 degrees	16'	5.54"	E	461.01 m	Meters to point 40
16	thence	N	88 degrees	10'	9.62"	E	459.36 m	Meters to point 41
17	thence	N	53 degrees	16'	49.29"	E	542.45 m	Meters to point 42
18	thence	S	75 degrees	20'	55.87"	E	339.75 m	Meters to point 43
19	thence	S	50 degrees	56'	33.58"	E	382.64 m	Meters to point 44
20	thence	N	87 degrees	7'	57.28"	E	262.65 m	Meters to point 45
21	thence	N	54 degrees	53'	46.89"	E	544.95 m	Meters to point 46
22	thence	N	40 degrees	44'	13.81"	E	514.67 m	Meters to point 47
23	thence	N	89 degrees	32'	41.50"	E	524.82 m	Meters to point 48
24	thence	S	40 degrees	8'	57.14"	E	1,438.08 m	Meters to point 49
25	thence	S	87 degrees	33'	39.53"	E	1,094.83 m	Meters to point 50
26	thence	S	88 degrees	15'	33.54"	E	1,728.93 m	Meters to point 51
27	thence	N	68 degrees	3'	15.86"	E	1,269.10 m	Meters to point 52
28	thence	S	4 degrees	13'	57.98"	E	166.35 m	Meters to point 53
29	thence	S	38 degrees	0'	27.16"	E	125.61 m	Meters to point 54
30	thence	N	89 degrees	32'	9.31"	E	131.21 m	Meters to point 55
31	thence	S	35 degrees	40'	43.60"	E	189.63 m	Meters to point 56
32	thence	S	58 degrees	9'	2.50"	E	103.51 m	Meters to point 57
33	thence	S	22 degrees	1'	51.31"	E	59.50 m	Meters to point 58
34	thence	S	37 degrees	51'	43.59"	E	70.53 m	Meters to point 59
35	thence	S	0 degrees	27'	51.60"	E	55.33 m	Meters to point 60
36	thence	S	22 degrees	1'	51.18"	E	59.50 m	Meters to point 61
37	thence	S	49 degrees	31'	29.86"	E	101.33 m	Meters to point 62
38	thence	S	5 degrees	10'	18.64"	E	133.24 m	Meters to point 63
39	thence	S	30 degrees	37'	56.25"	E	217.59 m	Meters to point 64
40	thence	S	22 degrees	1'	53.24"	E	59.50 m	Meters to point 65
41	thence	S	45 degrees	7'	23.35"	E	155.57 m	Meters to point 66
42	thence	S	22 degrees	1'	54.27"	E	118.99 m	Meters to point 67
43	thence	S	45 degrees	7'	24.61"	E	62.23 m	Meters to point 68
44	thence	S	27 degrees	51'	35.06"	E	138.28 m	Meters to point 69
45	thence	S	4 degrees	14'	34.38"	W	133.24 m	Meters to point 70
46	thence	S	24 degrees	17'	31.44"	W	182.79 m	Meters to point 71

1	thence	S	0 degrees	27'	51.72"	E	165.99 m	Meters to point 72
2	thence	S	30 degrees	11'	58.69"	E	64.32 m	Meters to point 73
3	thence	S	37 degrees	51'	49.26"	E	70.53 m	Meters to point 74
4	thence	S	15 degrees	18'	7.82"	W	80.49 m	Meters to point 75
5	thence	S	9 degrees	6'	30.45"	E	145.51 m	Meters to point 76
6	thence	S	22 degrees	29'	20.77"	E	168.25 m	Meters to point 77
7	thence	S	0 degrees	27'	49.87"	E	88.53 m	Meters to point 78
8	thence	S	15 degrees	48'	48.35"	E	206.56 m	Meters to point 79
9	thence	S	45 degrees	7'	26.05"	E	155.58 m	Meters to point 80
10	thence	S	17 degrees	50'	26.72"	E	695.72 m	Meters to point 81
11	thence	S	15 degrees	22'	54.42"	E	3,950.97 m	Meters to point 82
12	thence	S	24 degrees	46'	24.44"	E	4,517.09 m	Meters to point 83
13	thence	S	37 degrees	27'	1.79"	E	581.85 m	Meters to point 84
14	thence	S	34 degrees	51'	6.56"	E	348.64 m	Meters to point 85
15	thence	S	52 degrees	50'	33.88"	E	290.04 m	Meters to point 86
16	thence	S	67 degrees	23'	43.82"	E	225.91 m	Meters to point 87
17	thence	S	50 degrees	31'	51.87"	E	413.73 m	Meters to point 88
18	thence	S	45 degrees	8'	12.72"	E	326.77 m	Meters to point 89
19	thence	S	48 degrees	0'	4.47"	E	311.42 m	Meters to point 90
20	thence	S	46 degrees	24'	40.23"	E	350.11 m	Meters to point 91
21	thence	S	33 degrees	26'	28.33"	E	422.11 m	Meters to point 92
22	thence	S	28 degrees	29'	57.05"	E	7,660.05 m	Meters to point 1

23 containing an approximate area of two hundred thousand one hundred fifty-five (200,155)  
24 hectares, subject to actual ground survey.

25 All existing land-use and resource-use permits within the MSPLAS shall be  
26 reviewed and shall not be renewed upon their expiration unless consistent with the  
27 Management Plan as provided herein and upon approval by the PAMB. Extractive  
28 resource use within the MSPLAS shall not be deemed to include sustainable extraction  
29 by indigenous cultural communities or indigenous peoples and tenured migrants.

30 **SEC. 5. Management of the MSPLAS.** – The management and administration of  
31 the MSPLAS shall be vested with the PAMB. The management of zones to be  
32 established within the MSPLAS shall be consultative and participatory.

33 **SEC. 6. Zoning.** - Zones shall be established within the MSPLAS giving primary  
34 consideration to the preservation and conservation of all life forms while according  
35 respect to the traditional areas used and recognized by the indigenous cultural  
36 communities or indigenous peoples. Zoning shall also take into account the tenorial and  
37 livelihood concerns of other communities and must ensure the efficient protection of  
38 habitats, fragile ecosystems and unique areas.

39 All primary (old growth) forests within the MSPLAS, including portions which have  
40 been previously declared as alienable and disposable, shall be classified as strict  
41 protection zones and shall be free from all forms of logging or exploitation, whether  
42 commercial or otherwise. However, portions of primary forests may be classified as

1 sustainable use zones. Strict protection zones shall also be established where necessary  
2 for the preservation of biodiversity including, but not limited to, the survival of rare and  
3 endangered species.

4 The establishment and management of zones must involve the community  
5 concerned by undertaking such steps as dialogue, community-based management  
6 approach, land and resource-use mapping.

7 Multiple-use zones shall be validated on the ground, demarcated on maps and  
8 monumented in the field with the assistance of communities and agencies concerned.

## 9 **ARTICLE II**

### 10 **THE PROTECTED AREA MANAGEMENT BOARD**

11 **SEC. 7. *The Protected Area Management Board.*** - There is hereby created a  
12 Protected Area Management Board (PAMB) which shall be the sole policy-making and  
13 permit-granting body of the MSPLAS.

14 In addition to the powers enumerated in Republic act No. 7586, the PAMB shall  
15 decide by a majority vote and shall have the following powers and functions:

16 (a) Promulgate rules and regulations to promote development programs and  
17 projects on biodiversity conservation and sustainable development consistent with the  
18 Management Manual of the MSPLAS;

19 (b) Decide matters relating to planning, resource protection and general  
20 administration of the MSPLAS in accordance with the approved Management Plan;

21 (c) Approve proposals, work plans, action plans, and guidelines for management of  
22 the MSPLAS in accordance with the approved Management Plan;

23 (d) Delineate and demarcate MSPLAS boundaries and ancestral domains, and  
24 recognize the rights and privileges of indigenous cultural communities or indigenous  
25 peoples;

26 (e) Ensure the implementation of projects and programs as prescribed in the  
27 Management Plan;

28 (f) Control and regulate the construction, operation and maintenance of roads,  
29 trails, waterworks, sewerage, fire protection and sanitation systems and other public  
30 utilities within the MSPLAS;

31 (g) Issue land and resource-use permits and all the necessary permits within the  
32 MSPLAS in accordance with the Management Plan and consistent with the nature of the  
33 MSPLAS;

34 (h) Recommend criteria and set fees for the issuance of permits for the activities  
35 regulated by this Act or the Management Plan. The PAMB shall only issue permits taking  
36 into consideration ecological and sustainability factors based on the policies provided in  
37 this Act;

1 (i) Adopt rules and procedure for the conduct of business, including the creation of  
2 committees to which the PAMB powers may be delegated;

3 (j) Control and supervise the Office of the Protected Area Superintendent (PASu);

4 (k) Deputize, through the Protected Area Superintendent, individuals for the  
5 enforcement of the laws, rules and regulations governing conduct within the MSPLAS,  
6 and prescribe the necessary qualifications therefore;

7 (l) Accept donations, approve proposals for funding, budget allocations and  
8 exercise accountability over all funds that may accrue to the MSPLAS;

9 (m) Coordinate with the appropriate agencies of the government; and

10 (n) Retain legal counsel to defend cases against the PAMB and the Office of the  
11 Protected Area Superintendent whenever they are sued in connection with the  
12 performance of their duties under this Act.

13 The Department of Environment and Natural Resources, through the Regional  
14 Executive Director, shall ensure that the PAMB acts within the scope of its powers and  
15 functions. In case of conflict between administrative orders issued by the Department of  
16 Environment and Natural Resources pursuant to Republic Act No. 7586 and resolutions  
17 issued by the PAMB, the Secretary shall decide whether to apply the rule or withdraw its  
18 application to the MSPLAS.

19 **SEC. 8. Composition.** - The Board shall be composed of:

20 (a) The Regional Executive Director (RED) of DENR-Region IV, as chairperson;

21 (b) One (1) representative from the Palawan Council for Sustainable Development  
22 (PCSD) as member;

23 (c) The mayors of the municipalities of Taytay and San Vicente as members.

24 Each mayor may appoint a regular duly authorized representative whenever he/she  
25 cannot personally attend any of the PAMB meetings;

26 (d) The Barangay Captains of barangays whose territory, in whole or in part, is  
27 within the boundaries of the MSPLAS as members.

28 (e) The Provincial Planning and Development Officer of Palawan as member;

29 (f) The Provincial Tourism Officer of Palawan as member;

30 (g) Three (3) representatives from the non-governmental organizations operating  
31 within the MSPLAS, chosen from among themselves as members;

32 (h) Three (3) representatives from the people's organizations within the MSPLAS,  
33 chosen from among themselves, as members;

34 (i) Three (3) representatives from the indigenous cultural communities or  
35 indigenous peoples residing within the MSPLAS as member; and

36 (j) The Protected Area Superintendent as *ex officio* member.

37 In the selection of peoples' and non-government organizations' representatives,  
38 preference shall be accorded to those organizations involved in the conservation and



1 protection of the MSPLAS and engaged in the field of developmental work. The  
2 representation of peoples and non-government organizations shall be institutional and  
3 shall endeavor to achieve geographic balance.

4 In addition to actual and necessary traveling and subsistence expenses incurred in  
5 the performance of their duties, PAMB members shall be entitled to honorarium and  
6 insurance coverage in attending PAME or other PAMB committee meetings. These  
7 expenses shall be included in the budget for the MSPLAS.

8 **SEC. 9. *The Executive Committee.*** - There shall be an Executive Committee  
9 within the PAMB to which the PAMB may delegate some of its powers and functions.  
10 It shall be composed of:

11 (a) The Regional Executive director as chairperson;

12 (b) The representative from the Palawan Council for Sustainable Development  
13 (PCSD) as member;

14 (c) One (1) mayor to be chosen from among the mayors of the municipalities  
15 comprising the MSPLAS as member;

16 (d) One (1) Barangay Captain to be chosen from among the barangay captains  
17 of barangays whose territory, in whole or in part, is within the boundaries of the  
18 MSPLAS, as member;

19 (e) Either one (1) between the Provincial Planning and Development Officer or  
20 the Provincial Tourism Officer as designated by the Provincial Governor, as member;

21 (f) One of the representatives from the peoples' organizations as member;

22 (g) One of the representatives from the non-governmental organizations as  
23 member;

24 (h) One representative from the indigenous cultural communities or indigenous  
25 peoples; and

26 (i) The Protected Area Superintendent as ex officio member.

27 Membership in the Executive Committee shall be co-terminous with  
28 membership in the PAMB.

29 The PAMB may create other committees within the Board.

30 The PAMB en banc shall hold meetings at least twice a year. However, the  
31 Executive Committee may meet on a regular basis to discuss day-to-day affairs and  
32 other matters delegated by the PAMB.

33 **SEC. 10. *Terms of Office.*** - Every member of the PAMB shall serve for a term of  
34 five years and shall be considered to represent his or her sector and deemed to carry the  
35 vote of such sector in all matters. In the case of members who are government officials,  
36 the term of office shall be attached to the office held.

1           **SEC. 11. Removal from Office.** – A PAMB member may be removed for cause  
2 and upon majority vote on the following grounds:

3           (a) More than three (3) consecutive unexcused absences in regular PAMB en  
4 banc meetings;

5           (b) Commission of any of the prohibited acts provided in this Act, Republic Act  
6 No. 7586 or other rules and regulations governing protected areas and protected species;

7           (c) Graft and corruption; and

8           (d) Conviction of any criminal offense.

9           **SEC. 12. The Protected Area Superintendent Office.** - There shall be a Protected  
10 Area Superintendent (PASu) Office within the Department of Environment and Natural  
11 Resources to be headed by the Protected Area Superintendent who shall serve as Chief  
12 Operating DENR Officer of the entire MSPLAS. The Protected Area Superintendent and  
13 his/her staff shall reside within the protected area and establish office therein.

14           The Protected Area Superintendent shall have full responsibility for the protection  
15 of land, water, wildlife and other resources within the MSPLAS. As such, he/she shall  
16 have the following duties and responsibilities in addition to those provided under existing  
17 rules and regulations:

18           (a) Prepare the Management Plan as herein provided;

19           (b) Serve as Secretariat to the PAMB with the duty to provide the PAMB with all  
20 the information necessary to make appropriate decisions for the implementation of this  
21 Act;

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

24           (d) Establish a productive partnership with local communities including groups  
25 supporting the achievement of the goals and objectives of this Act;

26           (e) Develop and implement a MSPLAS information, education and visitor  
27 programs;

28           (f) Enforce the laws, rules and regulations and PAMB resolutions relevant to the  
29 MSPLAS, and assist in the prosecution of offenses;

30           (g) Monitor all activities within the MSPLAS in conformity with the Management  
31 Plan; and

32           (h) Perform such other function as the PAMB may assign.

33   **ARTICLE III**

34                               **ANCESTRAL LANDS AND DOMAINS AND TENURED MIGRANTS**

35           **SEC. 13. Tenured Migrants.** - Whenever practicable, tenured migrants shall be  
36 provided tenurial rights over their current habitation sites. However, if these areas are  
37 subsequently identified as crucial for conservation, tenured migrants shall, after due

1 consultation, be offered by the Department alternative sites within the appropriate zones  
2 with preference over non-tenured migrants. Provisions for their transfer shall be  
3 undertaken by the Department in coordination with PAMB and relevant government  
4 agencies using humanitarian considerations including payment of compensation,  
5 providing tenure to alternative land and facilities of equivalent standard, and other  
6 measures to reach agreement with the affected tenured migrants.

7 The grant of tenurial rights must take into account the need to promote clustering  
8 and to avoid unnecessary displacement. In areas where tenurial instruments are granted,  
9 appropriate use zones shall be established for the purpose of maintaining noncommercial  
10 livelihood activities.

11 Lands used as homelots or farmlots shall preferably be held by individual  
12 household. Lands currently used on a communal basis shall not be held individually.

13 Tenurial instruments shall not be issued solely on the basis of tax declaration  
14 receipts. The PAMB shall consider the following as evidence in support of tenured  
15 migrant status:

- 16 (a) Cultivated trees at their fruit-bearing stage;
- 17 (b) Physical structure in the area indicating prolonged occupancy;
- 18 (c) Certification from the Barangay Captain or any two (2) respected members of  
19 the nearest community attesting to occupancy; and
- 20 (d) Other relevant data (e.g. previous census reports) that may be accepted by the  
21 PAMB.

22 Existing land title instruments shall be reviewed by the Protected Area  
23 Superintendent and endorsed by the PAMB to the DENR Regional Office for validation or  
24 reversion.

25 All persons who fail to qualify as tenured migrants including transient farmers shall  
26 be allowed to gather and collect whatever they have planted within five (5) years from the  
27 effectivity of this Act. Any transfer of non-tenured migrants from the MSPLAS shall be  
28 undertaken using humanitarian considerations.

29 In the event of termination of a tenure instrument for cause or by voluntary  
30 surrender of rights, the Protected Area Superintendent shall take immediate steps to  
31 rehabilitate the area in order to return it to its natural state prior to the cultivation or other  
32 act by the tenured migrant.

33 **SEC. 14. Contract Involving Lands Within the MSPLAS.** - Any purchase, sale,  
34 encumbrance, mortgage, usufruct, or any form of disposition, alienation or transfer of  
35 rights involving lands within the MSPLAS shall be restricted among tenured migrants or  
36 indigenous cultural communities or indigenous peoples, otherwise, it shall be null and  
37 void *ab initio*.

1 Lease of lands to persons not otherwise qualified to hold lands within the MSPLAS  
2 may only take place in Multiple Use, Recreation and Special Use Zones: Provided, That  
3 the use thereof is consistent with Section 2 of this Act and in accordance with the  
4 Management Plan: Provided, further, That persons not otherwise prohibited to hold lands  
5 within the MSPLAS may enter into joint venture agreements with the government.

#### 6 ARTICLE IV

#### 7 UTILIZATION OF RESOURCES AND FACILITIES

8 **SEC. 15. *Utilization of Resources.*** - Any exploitation of or utilization of nonrenewable  
9 resources within the PA shall not be allowed. Energy projects, whether renewable or  
10 otherwise, shall be permitted only through an Act of Congress, *Provided*, that the  
11 exploitation of renewable energy up to three megawatts capacity shall be exempt from  
12 such requirement.

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

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

25 Existing facilities allowed to remain within the PA may be charged a reasonable  
26 royalty by the DENR. All income from such royalty shall accrue to the Mt. Hilong-Hilong  
27 Protected Area Fund.

#### 28 ARTICLE V

#### 29 PROHIBITED ACTS AND PENALTIES

30 **SEC. 17. *Prohibited Acts.*** - The following acts shall be prohibited within the  
31 MSPLAS without prejudice to the application of pertinent laws and regulations:

32 (a) Hunting, collecting, catching, capturing, wounding, killing, destroying or  
33 possessing anywhere within the MSPLAS any protected species of plant or animal or  
34 their by-products or derivatives without prior PAMB approval;

35 (b) Hunting, collecting, catching, capturing, wounding, killing or destroying  
36 anywhere within the MSPLAS any other species of plant and animal or their by-products  
37 or derivatives the trade of which is regulated by the PAMB;  
38

- 1 (c) Bioprospecting without prior PAM6 approval;
- 2 (d) The disturbance of protected species or their habitats, reproductive cycle,  
3 roosting and feeding grounds and migratory paths;
- 4 (e) Unauthorized cutting, gathering, collecting or removal of timber or other forest  
5 products: Provided, That any authorization issued shall only be valid for one (1) year at a  
6 time and given to (i) tenured migrants within sustainable, monitored and controlled  
7 quotas, and (ii) for scientific purposes necessary for protected area management in  
8 accordance with existing guidelines;
- 9 (f) Establishment or introduction of exotic species within the MSPLAS with  
10 allelopathic effect or those detrimental to endemic species, without prior PAMB approval;
- 11 (g) Exploration, exploitation or extraction, drilling or extracting for minerals or  
12 resources or engage in quarrying within the MSPLAS;
- 13 (h) Destroying, excavating, vandalizing or in any manner damaging any natural  
14 formation on land or sea, burial or religious/spiritual rites, artifacts, objects belonging to  
15 indigenous cultural communities or indigenous peoples and other objects of natural and  
16 scenic value;
- 17 (i) Unauthorized possession or use of blasting caps, explosives, or cyanide  
18 anywhere within the MSPLAS;
- 19 (j) Unauthorized possession or use of chain saws or band saws;
- 20 (k) Unauthorized use of motorized equipment anywhere within the Strict Protection  
21 Zone of the MSPLAS;
- 22 (l) Unauthorized construction or maintenance of any kind of road, edifice, facility or  
23 any infrastructure project within the MSPLAS;
- 24 (m) Unauthorized occupation of any portion of land inside the MSPLAS.  
25 Clearing, construction of residence or any introduction of improvements shall constitute  
26 prima facie evidence of occupation or settlement;
- 27 (n) Alteration, removal, willful destruction of boundary marks or interpretative  
28 signals;
- 29 (o) Engaging in *kaingin* or in any manner causing a forest fire inside the MSPLAS;
- 30 (p) Unauthorized fishing anywhere within the MSPLAS;
- 31 (q) Fishing within the MSPLAS using spear and submerged underwater breathing  
32 apparatus, trawling equipment or gillnets of more than 100 meters in total length or any  
33 other equipment prohibited under Republic Act No. 8550 or the Fisheries Code of 1998;
- 34 (r) Destruction or in any manner damaging coral reefs except in cases of  
35 emergency
- 36 (s) Introduction, disposal, dumping or causing to be dumped in the MSPLAS any  
37 waste material, including but not limited to, non-biodegradable, toxic, nuclear, hazardous  
38 and other prohibited substances; and

1 (t) Violation of any rules and regulations provided in the Management Plan or any  
2 resolution reached by the PAMB in the exercise of its adjudicative functions.

3 **SEC. 18. Penalties.** - (a) For any violation of the provisions of Section 20 hereof, a  
4 fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred  
5 thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not  
6 more than six (6) years shall be imposed.

7 (b) Any provision to the contrary notwithstanding, the commission of any unlawful  
8 act as provided under the immediately preceding section shall carry the penalty of  
9 imprisonment of six (6) years and one (1) day to twelve (12) years, and a minimum fine of  
10 One million pesos (P1,000,000.00) in case the species involved is listed under CITES  
11 Appendix I, Seven hundred fifty thousand pesos (P750,000.00) for the species listed  
12 under CITES Appendix 11, and Five hundred thousand pesos (P500,000.00) for all  
13 threatened species, in addition to the accessory penalties provided in the immediately  
14 succeeding paragraph.

15 (c) The commission of any of the foregoing acts shall likewise carry the accessory  
16 penalties of eviction from the MSPLAS, payment of damages for rehabilitation and  
17 restoration, and the forfeiture of all equipment, devices, weapons or any other instrument  
18 or tool used in the commission of the offense. Any resource found in the possession of  
19 the offender shall also be forfeited. Pending the outcome of the case, any resource  
20 confiscated shall be immediately turned over to the PAMB for proper disposal and the  
21 proceeds thereof deposited in a trust fund. In no case shall any confiscated or rescued  
22 protected animal species be sold or in any manner disposed of  
23 but shall be immediately turned over to the Protected Area Superintendent Office for  
24 release in its natural habitat. Valuation of the damage to the MSPLAS shall take into  
25 account biodiversity and conservation considerations as well as aesthetic, socio  
26 economic values and rehabilitation and restoration costs. Failure to comply with this  
27 provision shall constitute an offense under this sub-section.

28 (d) A fine of not less than One hundred twenty thousand pesos (P120,000.00) but  
29 not more than Six hundred thousand pesos (P600,000.00) and/or imprisonment of not  
30 less than one (1) year but not more than six (6) years shall be imposed upon forest  
31 rangers or deputized personnel of the PAMB who shall unjustifiably refuse or refrain from  
32 instituting prosecution or shall tolerate the commission of the above mentioned offenses.  
33 Conviction of this offense shall carry penalty of perpetual disqualification from public  
34 office.

35 (e) A fine of not less than One hundred pesos (P100.00) but not more than One  
36 thousand pesos (P1,000.00), or community service form one (1) day to one (1) week, or  
37 both, shall be imposed on anyone who enters into the Strict Protection Zone of the  
38 MSPLAS without prior PAMB permit.

1           **SEC. 19. *Special Prosecutor and Retained Counsel.*** – Within thirty (30) days from  
2 the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special  
3 prosecutor to whom all cases of violation of laws, rules and regulations in the PA shall be  
4 assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the  
5 performance of his/her duties and assist in the training of wardens and rangers in arrest  
6 and criminal procedures. The PAMB may retain the services of a counsel to prosecute  
7 and/or assist in the prosecution of cases under the direct control and supervision of the  
8 regular or special prosecutor and to defend the members of the PAMB, the PASu and the  
9 staff, or any person assisting in the protection, conservation and sustainable  
10 development of the PA, against any legal action related to their powers, functions and  
11 responsibilities as provided in this Act or as delegated or tasked by the PAMB.

## 12   **ARTICLE VI**

### 13   **PROCEEDS, FEES AND APPROPRIATIONS**

14           **SEC. 20. *Integrated Protected Area Fund.*** - The Integrated Protected Area Fund  
15 (IPAF) is hereby established for the purpose of promoting the sustained financing the  
16 System. The fund may receive revenues generated within protected areas, donor support  
17 and other funds as provided by law, and disburse the same to finance projects of the  
18 National Integrated Protected Area System.

19 IPAF income shall, among others, be derived from the following sources:

20           (a) Fees or taxes derived from permitted collection of flora and fauna and other  
21 resources within the MSPLAS other than protected species as may be set by the DENR  
22 and the PAMB;

23           (b) Proceeds from the lease of land and foreshore areas within multiple-use and  
24 recreational zones and permitted resource utilizations including commercially operated  
25 facilities within the MSPLAS;

26           (c) Fees, royalties and contributions from industries and facilities directly benefiting  
27 from resources originating from the MSPLAS;

28           (d) Fines and fees, including protected area entry and visitor's fees, as may be  
29 collected from the operation of the MSPLAS and set by the PAMB;

30           (e) Donations, endowments, grants and other gratuitous sums received from legal  
31 sources for the purposes of the management and conservation of the MSPLAS: Provided,  
32 That lawful onerous conditions attached to the donations shall be respected: Provided,  
33 further, That these conditions shall be subject to review by the DENR Secretary; and

34           (f) Such other revenues as may be derived from the operation of the protected  
35 areas.

36           Current sources of revenue of the local government units shall be excluded from  
37 the IPAF.

1 The PAMB shall have the power to disburse the IPAF. Twenty-five percent (25%)  
2 of the IPAF shall be for the use of the National Government for the support of the National  
3 integrated Protected Areas System: Provided, That twenty-five percent (25%) thereof,  
4 excluding item (e) above, shall be allocated to the local government units comprising  
5 the MSPLAS.

6 **SEC. 21 Appropriations.** - There is hereby appropriated the amount of Twenty  
7 million pesos (P20,000,000.00) for the first five (5) years from the effectivity of this Act to  
8 be included in the annual appropriations of the Department of Environment and Natural  
9 Resources. Thereafter, such sums as may be necessary for the implementation of this  
10 Act shall be sourced from the IPAF. It shall be included in the annual General  
11 Appropriations Act if not sufficient.

## 12 **ARTICLE VII**

### 13 **TRANSITORY AND MISCELLANEOUS PROVISIONS**

14 **SEC. 22. Reporting Responsibility.** – The PASu, through the PAMB, shall submit an  
15 annual accomplishment report to the Secretary of the DENR on the activities undertaken  
16 in the PA.

17 **SEC. 23. Construction and Suppletory Application of Existing Laws.** - The provisions  
18 of this Act shall be construed liberally in favor of achieving biodiversity conservation,  
19 protection and sustainable development. Provisions of Republic Act No. 7586, otherwise  
20 known as the National Integrated Protected Areas Management Act of 1992, and existing  
21 forestry laws, and their corresponding rules and regulations not inconsistent hereto shall  
22 have suppletory effect in the implementation of this Act.

23 **SEC. 24. Transitory Provisions.** - In order to ensure the sustainability and recovery  
24 of biodiversity and to develop sustainable livelihood opportunities for tenured migrants,  
25 the DENR shall henceforth cease to issue concessions, licenses, permits, clearances,  
26 compliance documents or any other instrument that allows exploitation of resources  
27 within the MSPLAS until the Management Plan shall have been put into effect.

28 Pending the organization of a new PAMB in accordance with this Act, the  
29 incumbent PAMB members shall continue to hold office until a new PAMB has been  
30 convened.

31 **SEC. 25. Separability Clause.** - If any part or section of this Act is declared  
32 unconstitutional or invalid, such other parts or sections not affected thereby shall remain  
33 in full force and effect.

34 **SEC. 26. Repealing Clause.** - All laws, decrees, proclamations, executive orders,  
35 rules and regulations inconsistent with any provisions of this Act shall be deemed  
36 repealed or modified accordingly.

37 **SEC. 27. Effectivity Clause.** - This Act: shall be translated in Filipino by the  
38 Department of Environment and Natural Resources within thirty (30) days from the date



1 of approval hereof. It shall be published once a week for three (3) consecutive weeks in a  
2 newspaper of general circulation readily available in the areas in and around the  
3 MSPLAS. It shall likewise be conspicuously posted simultaneously in the provincial,  
4 municipal and barangay halls within the MSPLAS as well as in three other places  
5 frequented by the public. Fifteen (15) days after the last publication and posting, this Act  
6 shall have full force and effect.

7           Approved,