

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Seventeenth Congress
First Regular Session

HOUSE BILL NO. 3167

HOUSE OF REPRESENTATIVES

RECEIVED

22 AUG 2016

DATE:

TIME:

3:40PM

BY:

JEV

REGISTRATION UNIT

BILLS AND INDEX SERVICE

INTRODUCED BY REPRESENTATIVE FERNANDO V. GONZALEZ

**“AN ACT
DECLARING THE MAYON VOLCANO NATURAL PARK IN THE PROVINCE OF
ALBAY AS A PROTECTED AREA AND PROVIDING FOR ITS MANAGEMENT”**

EXPLANATORY NOTE

Mayon Volcano Natural Park is a part of the State's National Integrated Protected Areas System. Cognizant of the economic, aesthetic and environmental values of the ecosystem of Mt. Mayon and its surrounding areas to the Province of Albay, particularly, a) its unique and almost perfect cone, b) its crucial watershed function with the presence of springs and major rivers that provide potable water to three (3) cities of Legazpi, Tabaco, and Ligao and five (5) municipalities of Malilipot, Sto. Domingo, Daraga, Camalig, Guinobatan, and c) the diversity of its flora and fauna with some endemic species such as the Tarictic Hornbill (*Penelopides panini*), Black-naped Oriole (*Oriolus chinensis*), Reticulated python (*Python Reticulatus*), Oriental Civet (*Viverra zangalunga*) and the famous pitcher plant (*Sarracenia alata*) and the different species of orchids, it is imperative that the protection, preservation and conservation of Mayon Volcano Natural Park and its surrounding areas be declared a national policy in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and international conventions to which the Philippines is a signatory.

Pursuant to the above policy, the NIPAS Act, and as provided herein, Mayon Volcano Natural Park and its surrounding vicinities with boundaries as described hereunder, is hereby declared and established a protected area under the category of a natural park to be known as the Mayon Volcano Natural Park (MVNP)

In view of the foregoing, immediate passage of this bill is earnestly requested.



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**“AN ACT
DECLARING THE MAYON VOLCANO NATURAL PARK IN THE PROVINCE OF
ALBAY AS A PROTECTED AREA AND PROVIDING FOR ITS MANAGEMENT”**

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

Article I

TITLE, POLICIES, OBJECTIVES, AND JURISDICTION

SECTION 1. *Short Title.*- This Act shall be known as the “Mayon Volcano Natural Park (MVNP) Act”.

SEC. 2. *Declaration of Policy* - It is hereby declared the policy of the State to ensure the protection and conservation of the Mayon Volcano as a protected area in order to preserve its biological diversity, the uniqueness of its landscape and its socio-cultural and economic significance to the people of the Province of Albay

SEC. 3. *Definition of Terms.* - As used in this Act:

- a. *Bioprospecting* refers to the research, collection and utilization of biological and genetic resources for the purpose of applying the knowledge derived therefrom for commercial and academic purposes;
- b. *Buffer Zones* refer to the identified areas outside the boundaries of and immediately adjacent to the MVNP pursuant to Section hereof that need special development control in order to avoid or minimize harm to the natural park;
- c. *By-products or derivatives* refer to any part or substance extracted from wildlife, in raw or in processed form. These include stuffed animals and herbarium specimens;
- d. *Collection or collecting* refer to the act of gathering or harvesting wildlife, its by-products or derivatives;

- e. *Chainsaw* refers to any portable power saw or similar cutting implement rendered operative by an electric or internal combustion engine or similar means that may be used but is not limited to felling of trees or cutting of timbers;
- f. *Exploitation* refers to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose whether commercial or otherwise;
- g. *Exotic species* refer to the species or sub-species that do not naturally occur within the MVNP at present or in historical time. It shall include the Genetically Modified Organisms (GMOs);
- h. *General Management Planning Strategy* refers to the guide in the formulation of the site-specific management plans, including buffer zones;
- i. *Littering* refers to the disposal of small amount of non-biodegradable solid waste materials such as, cigarette butts, candy wrappers, plastic bags bottles, glasses, in the MVNP which may cause or contribute to the deterioration of the resources or habitats in the MVNP;
- j. *Management Manual* refers to an individual management plan, basic background information, field inventory of the resources within the area, an assessment of assets and limitations, regional interrelationships, particular objectives for managing the area, appropriate division of the area into management zones, a review of the boundaries of the area and a design of the management programs;
- k. *Protected Area* refers to the identified portion of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation and unless the context otherwise provides, shall refer to the MVNP;
- l. *Protected Area Management Board (PAMB)* refers to the site based decision-making body responsible for planning, resource protection and general administration of the area in accordance with the approved management plan;
- m. *Protected Area Superintendent (PASu)* refers to the chief operating Department of Environment and Natural Resources (DENR) official at the Protected Area;
- n. *Resource User's Fee* refers to the amount exacted from the use of the resources, which is being paid annually (periodically);

SEC. 4. Establishment of MVNP. - The Mayon Volcano, located in the in the Cities of Tabaco, Legazpi and Ligao and in the Municipalities of Malilipot, Domingo, Daraga, Camalig and Guinobatan, Albay, island of Luzon is hereby declared a protected area under the category of Natural Park, and is more particularly described as follows:

Beginning at a point marked "1" on the Map, being N 37°22'04" W, 193.238 meters from PRS'92

Control Monument " ABY-53" with geographic coordinates of 13°13'40.5181"N and 123°43'56.2215"E

located at Brgy. Padang, Santo Domingo, Albay.

thence S34°59'59"W 628.62 meters to corner 2;
thence S88°59'59"W 900 meters to corner 3;
thence S83°0'0"W 1860 meters to corner 4;
thence S86°59'59"W 840 meters to corner 5;
thence N85°18'20"W 1045.95 meters to corner 6;
thence N43°5'12"W 1019.9 meters to corner 7;
thence N87°56'39"W 1539.66 meters to corner 8;
thence N4°50'31"W 152.66 meters to corner 9;
thence N45°32'36"W 1016.65 meters to corner 10;
thence N76°38'39"W 159.83 meters to corner 11;
thence N86°15'37"W 813.77 meters to corner 12;
thence N61°59'13"E 1166.29 meters to corner 13;
thence N16°47'54"E 18.31 meters to corner 14;
thence N44°26'36"W 24.09 meters to corner 15;
thence S67°35'2"W 204.06 meters to corner 16;
thence S74°47'0"W 161.15 meters to corner 17;
thence S64°7'59"W 236.56 meters to corner 18;
thence S56°37'59"W 265.71 meters to corner 19;
thence S80°2'0"W 112.4 meters to corner 20;
thence S83°9'59"W 57.01 meters to corner 21;
thence S67°2'0"W 104.24 meters to corner 22;
thence N35°22'0"E 46.82 meters to corner 23;
thence N61°8'59"E 104.48 meters to corner 24;
thence N9°20'0"W 21.33 meters to corner 25;
thence N49°30'0"E 474.27 meters to corner 26;
thence N33°38'59"W 52.46 meters to corner 27;
thence N35°18'0"E 39.47 meters to corner 28;
thence N52°45'59"E 23.17 meters to corner 29;
thence N3°20'59"E 25.82 meters to corner 30;
thence S62°32'59"E 149.88 meters to corner 31;
thence N68°0'59"E 49.56 meters to corner 32;
thence N60°8'0"E 214.01 meters to corner 33;
thence S80°58'49"E 50.63 meters to corner 34;
thence N39°10'36"E 237.61 meters to corner 35;
thence N29°43'0"W 23.7 meters to corner 36;
thence N88°20'59"W 110.6 meters to corner 37;
thence S52°0'59"W 73.71 meters to corner 38;
thence N68°40'0"W 126.31 meters to corner 39;
thence N9°33'59"W 44.84 meters to corner 40;
thence N39°50'59"W 76.99 meters to corner 41;
thence N67°9'0"E 27.9 meters to corner 42;
thence N34°21'58"E 16.97 meters to corner 43;
thence N32°51'59"W 52.62 meters to corner 44;
thence S71°48'10"W 133.58 meters to corner 45;
thence S61°32'24"W 127.86 meters to corner 46;

thence N54°42'13"W 21.18 meters to corner 47;
thence N31°40'40"W 19.63 meters to corner 48;
thence N55°59'0"W 59.81 meters to corner 49;
thence S75°25'0"W 251.4 meters to corner 50;
thence N47°14'0"W 25.4 meters to corner 51;
thence N40°29'0"W 22.42 meters to corner 52;
thence N84°30'0"W 49.29 meters to corner 53;
thence N61°17'59"W 56.01 meters to corner 54;
thence N45°49'0"W 106.23 meters to corner 55;
thence N43°31'59"W 43.97 meters to corner 56;
thence S77°37'0"W 64.5 meters to corner 57;
thence N9°24'0"W 81.55 meters to corner 58;
thence N46°57'59"W 90.24 meters to corner 59;
thence N20°18'0"W 80.79 meters to corner 60;
thence N77°15'1"E 30.42 meters to corner 61;
thence S77°26'0"E 111.12 meters to corner 62;
thence S80°41'0"E 103.8 meters to corner 63;
thence N59°19'59"E 64.56 meters to corner 64;
thence N84°53'0"E 206.43 meters to corner 65;
thence N29°20'59"W 129.02 meters to corner 66;
thence N40°8'0"E 12.6 meters to corner 67;
thence N53°11'0"E 50.34 meters to corner 68;
thence N1°30'59"W 21.23 meters to corner 69;
thence S60°44'0"E 92.62 meters to corner 70;
thence N72°0'59"E 150.61 meters to corner 71;
thence N21°13'0"W 124.34 meters to corner 72;
thence N49°10'59"W 273.48 meters to corner 73;
thence N13°53'2"W 18.08 meters to corner 74;
thence N84°57'0"W 496.02 meters to corner 75;
thence N80°47'0"W 88.03 meters to corner 76;
thence N59°10'55"E 11.4 meters to corner 77;
thence N10°8'59"E 41.68 meters to corner 78;
thence N84°54'59"E 108.05 meters to corner 79;
thence N77°4'2"E 366.19 meters to corner 80;
thence N68°52'27"E 171.27 meters to corner 81;
thence N78°33'51"E 230.85 meters to corner 82;
thence N52°17'1"E 88.97 meters to corner 83;
thence N20°56'44"W 40.02 meters to corner 84;
thence S71°24'46"W 78.15 meters to corner 85;
thence S67°24'21"W 106.72 meters to corner 86;
thence N57°54'59"W 291.73 meters to corner 87;
thence N39°40'0"W 172.18 meters to corner 88;
thence N53°4'59"W 36.64 meters to corner 89;
thence N49°35'0"W 310.75 meters to corner 90;
thence N11°53'0"W 51.36 meters to corner 91;
thence N46°17'0"E 44.36 meters to corner 92;
thence S53°26'59"E 58.38 meters to corner 93;
thence S42°55'0"E 175.36 meters to corner 94;
thence S54°14'0"E 118.25 meters to corner 95;
thence S72°36'59"E 113.35 meters to corner 96;

thence N53°38'0"E 80.46 meters to corner 97;
thence N86°58'0"E 205.15 meters to corner 98;
thence N43°17'59"E 13.34 meters to corner 99;
thence N13°32'59"W 55.5 meters to corner 100;
thence N0°28'59"W 25.23 meters to corner 101;
thence N52°45'52"W 423.73 meters to corner 102;
thence N73°35'30"W 83.21 meters to corner 103;
thence N41°12'59"W 101.34 meters to corner 104;
thence N77°2'59"E 52.84 meters to corner 105;
thence N17°27'59"E 227.43 meters to corner 106;
thence N63°35'9"W 279.48 meters to corner 107;
thence N7°35'40"W 80.08 meters to corner 108;
thence S72°57'43"E 68.63 meters to corner 109;
thence S69°35'35"E 427.97 meters to corner 110;
thence S70°49'16"E 25.77 meters to corner 111;
thence N54°36'11"E 86.85 meters to corner 112;
thence S82°19'59"E 29.77 meters to corner 113;
thence N80°9'59"E 30.25 meters to corner 114;
thence N78°28'0"E 57.51 meters to corner 115;
thence N88°42'59"E 37.02 meters to corner 116;
thence N53°33'59"E 27.58 meters to corner 117;
thence N88°36'0"E 110.03 meters to corner 118;
thence N70°31'59"E 100.92 meters to corner 119;
thence N34°15'59"E 36.43 meters to corner 120;
thence N77°0'0"E 40.38 meters to corner 121;
thence N5°16'3"E 9.14 meters to corner 122;
thence N12°27'59"E 51.8 meters to corner 123;
thence N5°34'9"W 12.27 meters to corner 124;
thence N5°21'0"W 14.78 meters to corner 125;
thence N1°38'0"W 116.16 meters to corner 126;
thence S79°5'59"E 208.06 meters to corner 127;
thence N58°45'0"E 140.62 meters to corner 128;
thence N43°40'59"E 60.19 meters to corner 129;
thence N20°34'0"E 146.46 meters to corner 130;
thence N68°25'0"W 356.6 meters to corner 131;
thence N34°25'59"E 157.76 meters to corner 132;
thence N66°23'1"E 18.37 meters to corner 133;
thence N22°31'0"W 112.01 meters to corner 134;
thence N38°57'59"W 32.98 meters to corner 135;
thence N4°46'59"E 41.07 meters to corner 136;
thence N21°56'0"W 74.98 meters to corner 137;
thence N78°29'59"W 56.8 meters to corner 138;
thence N24°41'0"W 218.67 meters to corner 139;
thence N49°46'0"W 120.31 meters to corner 140;
thence S74°29'0"E 172.52 meters to corner 141;
thence N84°48'1"E 14.56 meters to corner 142;
thence S69°20'0"E 425.68 meters to corner 143;
thence N89°30'0"E 218.38 meters to corner 144;
thence N7°59'59"W 55.17 meters to corner 145;
thence S58°36'0"E 21.19 meters to corner 146;

thence S40°48'0"E 24.61 meters to corner 147;
thence N23°53'1"E 20 meters to corner 148;
thence N55°59'59"E 30.48 meters to corner 149;
thence N43°49'0"E 303.83 meters to corner 150;
thence N9°29'59"E 79.46 meters to corner 151;
thence N4°26'0"W 61.32 meters to corner 152;
thence N31°4'48"E 359.09 meters to corner 153;
thence N41°10'48"E 115.61 meters to corner 154;
thence N83°32'58"E 42.28 meters to corner 155;
thence N46°21'24"E 145.59 meters to corner 156;
thence S25°55'59"E 80.97 meters to corner 157;
thence S32°13'59"E 72.64 meters to corner 158;
thence N54°27'59"E 43.34 meters to corner 159;
thence N55°35'59"E 320.26 meters to corner 160;
thence N76°15'59"E 69.75 meters to corner 161;
thence N60°5'59"E 51.25 meters to corner 162;
thence N44°57'0"E 385.3 meters to corner 163;
thence S10°52'0"E 153.54 meters to corner 164;
thence S72°49'0"E 32.62 meters to corner 165;
thence N72°54'0"E 45.29 meters to corner 166;
thence N78°25'58"E 25.03 meters to corner 167;
thence S55°57'59"E 150.21 meters to corner 168;
thence N76°24'59"E 70.93 meters to corner 169;
thence N89°42'0"E 81.39 meters to corner 170;
thence S48°22'59"E 136.53 meters to corner 171;
thence S57°4'59"E 27.98 meters to corner 172;
thence N66°51'0"E 62 meters to corner 173;
thence S49°50'0"E 47.8 meters to corner 174;
thence S46°32'59"E 80.97 meters to corner 175;
thence N45°49'0"E 670.26 meters to corner 176;
thence N69°53'59"E 114.4 meters to corner 177;
thence S81°21'57"E 9.59 meters to corner 178;
thence S80°48'0"E 81.14 meters to corner 179;
thence S26°6'59"E 615.12 meters to corner 180;
thence S22°4'59"W 92.72 meters to corner 181;
thence S53°40'0"E 159 meters to corner 182;
thence N88°27'15"E 86.33 meters to corner 183;
thence N75°50'0"E 65.07 meters to corner 184;
thence N25°6'50"E 357.53 meters to corner 185;
thence N11°32'53"E 45.61 meters to corner 186;
thence N78°41'24"E 32.04 meters to corner 187;
thence N73°18'2"E 31.08 meters to corner 188;
thence N89°14'46"E 25.14 meters to corner 189;
thence N54°58'7"E 58 meters to corner 190;
thence N14°50'43"E 113.59 meters to corner 191;
thence N14°54'43"E 204.48 meters to corner 192;
thence S40°44'29"E 51.48 meters to corner 193;
thence N74°30'30"E 418.99 meters to corner 194;
thence S88°9'29"E 395.71 meters to corner 195;
thence S28°4'21"E 194.57 meters to corner 196;

thence S6°5'41"W 377.29 meters to corner 197;
 thence S57°58'10"W 462.78 meters to corner 198;
 thence S52°6'16"E 312.64 meters to corner 199;
 thence S3°42'38"E 304.58 meters to corner 200;
 thence S43°41'44"E 256.8 meters to corner 201;
 thence S57°49'2"E 174.3 meters to corner 202;
 thence S25°52'36"W 189.4 meters to corner 203;
 thence S23°34'13"W 141.52 meters to corner 204;
 thence S49°23'55"W 234.49 meters to corner 205;
 thence S5°23'51"E 162.23 meters to corner 206;
 thence S80°24'46"E 335.98 meters to corner 207;
 thence S37°11'5"E 138.87 meters to corner 208;
 thence S26°24'39"E 211.57 meters to corner 209;
 thence S51°14'59"W 251.94 meters to corner 210;
 thence S52°57'27"E 168.89 meters to corner 211;
 thence S71°18'17"E 265.83 meters to corner 212;
 thence S70°28'10"E 178.79 meters to corner 213;
 thence S6°45'32"W 172.88 meters to corner 214;
 thence S36°11'13"E 234.78 meters to corner 215;
 thence S37°19'11"E 259.06 meters to corner 216;
 thence S88°21'48"E 267.17 meters to corner 217;
 thence S15°36'3"E 203.34 meters to corner 218;
 thence S8°59'6"E 150.64 meters to corner 219;
 thence S66°20'37"E 773.33 meters to corner 220;
 thence N80°55'8"E 314.24 meters to corner 221;
 thence N51°42'35"E 215.5 meters to corner 222;
 thence N89°42'51"E 254.98 meters to corner 223;
 thence S79°16'9"E 529.13 meters to corner 224;
 thence S83°23'29"E 634.44 meters to corner 225;
 thence S78°54'3"E 959.42 meters to corner 226;
 thence S49°10'44"W 579.24 meters to corner 227;
 thence S32°59'59"E 532.67 meters to corner 228;
 thence S23°0'0"E 575 meters to corner 229;
 thence S3°31'33"W 417.11 meters to corner 230;
 thence S53°17'31"W 786.13 meters to corner 231;
 thence S31°46'57"W 304.81 meters to corner 232;
 thence S31°46'57"W 171.42 meters to corner 233;
 thence S76°2'44"W 706.76 meters to corner 234;
 thence N71°39'46"W 490.63 meters to corner 1

the point of beginning containing an area of five thousand three hundred twenty-seven and 5/100 (5,327.15) hectares.

All lands of the public domain comprising the Mayon Volcano Natural Park (MVNP) and its buffer zones shall fall under the classification of Natural Park as provided for in the 1987 Philippine Constitution.

SEC. 5. Establishment of the Mayon Volcano Natural Park – PAMB or MVNP-PAMB.
 The MVNP-PAMB is hereby created and shall be composed of the following:

- a. DENR Regional Executive Director (RED) of Region V as Chairperson;
- b. The Governor of Albay as vice-chair and the Provincial Planning and Development Officer as his alternate;
- c. The municipal/city mayors of the municipality/city with territory within MVNP;
- d. The Barangay Captain with territory within MVNP;
- e. At least seven (7) representatives, from NGOs/POs/community-based organizations involved in the protected area protection and conservation initiatives in their areas of operations;
- f. One (1) representative from each department or national government agencies involved in protected area management specifically the Department of Agriculture (DA), Department of Agrarian Reform (DAR), department of Tourism (DOT), Department of Public Works and Highway (DPWH), Department of Science and Technology (DOST) and the Academe; and
- g. For continuity of business and proper representation of the entity member in the PAMB, a permanent alternate shall be appointed by each entity member in case the principal representative is not available.

The management and administration of MVNP shall be vested with the MVNP-PAMB. The MVNP-PAMB, in addition of powers and functions as enumerated in the NIPAS Act of 1992, shall include:

- a. authority to impose and collect resource user's fees and provide its disposition;
- b. designate collecting officers for funds generated for the MVNP and formulate procedures for the management and disbursement thereof;
- c. recommend the appointment of all staff of the Protected Area Office, including the PASu, to the RED of DENR Region V based on internal selection criteria;
- d. exact fines and fees for violations of this Act, guidelines, rules and regulations within MVNP;
- e. promulgate its procedural rules, which shall include discipline and removal of its officers and members;
- f. provide the necessary mechanisms to ensure the harmonization, complementation, consultation and participatory decision-making processes among the various stakeholders;
- g. as the sole authority, to enter into any contract or agreement concerning the MVNP as maybe necessary to carry out the purposes of this Act; and
- h. perform such other functions necessary for the fulfillment of the provisions of this Act and all other applicable laws, rules and regulations.

The MVNP-PAMB shall coordinate with the DENR regarding confiscation of materials or resources from the MVNP, which shall be disposed of in accordance with the guidelines of the DENR. A report on this subject shall be regularly rendered by the concerned officer of the DENR and the PASu to the MVNP-PAMB. The proceeds of the disposition of these materials or resources shall accrue to the MVNP-PAMB Trust Fund.

SEC. 6. *Jurisdiction over MVNP.*- The overall authority and jurisdiction over the MVNP shall be exercised by the PAMB, with oversight by the DENR. This jurisdiction and authority shall be exercised in harmony with the powers, rights and authorities of the Local Government Units (LGU) having territorial jurisdiction over MVNP: *Provided, however,* That in the issues of protection and conversation, the authority of the PAMB shall take precedence.

SEC. 7. *MVNP Buffer Zone.*- The PAMB may identify and recommend the establishment of a buffer zone, in consultation with the stakeholders.

The buffer zone shall be a component of the MVNP under the jurisdiction of the PAMB. Specific management prescription and land use management options shall be provided by the PAMB for the buffer zone. Such prescriptions and land use options shall be incorporated in the General Management Plan (GMP) and the LGU's Comprehensive Land Use Plans (CLUP) and corresponding ordinances be provided therein.

Article II

MANAGEMENT AND INSTITUTIONAL MECHANISMS

SEC. 8. *Term of Office of MVNP-PAMB Members.* - The Secretary of the DENR shall appoint the members of the MVNP-PAMB. Except for Local Government Official representative to the PAMB whose term of office shall be co-terminus with the elected term of office in the PAMB, the member shall serve for a term of five (5) years: *Provided,* That, the member remains connected with the sector represented.

The MVNP-PAMB shall issue the necessary guidelines for the selection and qualification of its members, and replacement process in case a vacancy occurs.

SEC. 9. *Incentives for MVNP-PAMB Members.*- In addition to actual and necessary traveling and subsistence allowance incurred in the performance of their duties, the PAMB members may be granted honoraria and other benefits in attending PAMB or other committee meetings. These expenses may be included in the appropriation of the MVNP Trust Fund.

SEC. 10. *The MVNP - Protected Area Office (MVNP-PAO).*- There shall be an MVNP-PAO, to be headed by PASu who shall serve as the Chief Operating Officer of the park. The DENR shall create necessary positions for the PAO Staff.

The PASu shall have full responsibility for the protection of land, water, wildlife and other resources within MVNP. As such, he shall have the following duties and responsibilities in addition to those under existing laws and regulations:

- a. Prepare the management plan and its subsequent plans as herein provided;
- b. Serve as a secretariat to the MVNP-PAMB with the duty to provide the MVNP-PAMB with all the information necessary to make appropriate decisions for the implementation of this Act;
- c. Recommend the hiring of the necessary personnel to support the operations of MVNP subject to the availability of funds;
- d. Develop and implement park information, education and visitor programs;
- e. Enforce the laws, rules and regulations and MVNP-PAMB resolutions relevant to the protected area and its buffer zones, and assist in the prosecution of offenses. Monitor all the activities within the MVNP and its buffer zones in conformity with the management plan; and
- g. Perform such other functions as the MVNP-PAMB may assign.

The PASu shall be directly accountable to the MVNP- PAMB and the RED. He shall however, provide necessary coordinative mechanisms to the Community Environment and Natural Resources Office (CENRO) and Provincial Environment and Natural Resources Office (PENRO).

SEC. 11. The General Management Plan (GMP).- There shall be a MVNP General Management Plan. The GMP shall articulate the over-all strategic direction for the protection and management of the MVNP. It shall also include all site-specific management strategies and activity targets for all management zones and for other sectoral concerns of the MVNP. The GMP shall be prepared by the MVNP-PAO in close collaboration with the MVNP-PAMB and other stakeholders of MVNP. The GMP shall cover a period of applicability for twenty-five (25) years, subject to periodic review every five (5) years or as the need arises.

The GMP shall be reviewed and approved by the PAMB. The GMP shall also be presented to all the Municipal/City LGUs within the MVNP and shall be indorsed by them for implementation and integration in their specific CLUPs and MDPS. All other stakeholders shall likewise be consulted in the process.

The GMP shall conform to all national environmental programs of the government, and shall be affirmed by the DENR Secretary.

SEC. 12. The Role of Local Government Units.- The Provincial Government of Albay and the Municipal/City LGUs in Albay with stakes in MVNP are hereby recognized as key partners in the protection and management of the MVNP. As such, they shall participate in the management of the MVNP through the MVNP-PAMB. The provisions of this Act shall be incorporated into the Municipal/City and Provincial plans as part of their environmental

concerns and shall ensure that local ordinances pertaining to environment are consistent with this Act and the GMP, as herein provided.

The LGU shall also allocate not less than 3% of their local development fund to finance conservation and development projects/activities in the MVNP protected area, within the homework of the GMP and approved by the MVNP-PAMB.

SEC. 13. *The Role of the DENR.*- The DENR shall provide the necessary coordinative and support umbrella in the management and protection of MVNP. With this, the DENR shall:

- a. initiate the institutionalization of MVNP-PAO;
- b. institute the capacity development process of the MVNP-PAMB
- c. provide personnel and funds for services and operations of the MVNP-PAO
- d. provide physical resource support to MVNP-PAO; and
- e. provide additional technical support, as may be required.

The DENR, through the RED of Region V, shall ensure that the MVNP-PAMB acts within the scope of its powers and functions.

SEC. 14. *MVNP Fund.* - There is hereby established a trust fund to be known as the MVNP Fund for purposes of financing projects of the MVNP. All income generated from the operation and management of wild flora and fauna in the MVNP shall accrue to the MVNP Fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the protected area; proceeds from lease of multiple-use areas; contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

The MVNP Fund may be augmented by grants, donations, endowment from various sources, domestic or foreign and such endowments shall be exempted from income or gift taxes, and all other taxes, charges or fees imposed by the government or any political subdivision or instrumentality thereof. Any donation or bequest made to the MVNP Fund shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

The MVNP-PAMB shall retain seventy-five percent (75%) of all revenues raised, to be deposited in any government bank within the locality; and that disbursements shall be made solely for the protection, maintenance, administration and management of the area and implementation of duly approved projects endorsed by the MVNP-PAMB in accordance with existing accounting, budgeting and auditing rules and regulations: *Provided*, That the MVNP Fund shall not be used to cover personal services expenditures.

The remaining 25% of the revenues shall be deposited as a special account in the National Treasury as share in the Integrated Protected Area Fund (IPAF) created pursuant to R. A. 7586.

The concerned LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax, and rental of LGU facilities. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons shall be determined based on the contribution of the LGUs in the maintenance and protection of the protected area.

Article III

UTILIZATION OF RESOURCES

SEC. 15. *Resource Use.*- No person or entity shall enter, enjoy or utilize any portion of the MVNP and the resources therein for whatever purpose without prior permission from the MVNP-PAMB or the PASu as herein provided. Tenured migrants if there is any may be allowed to cultivate, harvest and utilize resources in their designated multiple use zone, buffer zones and in other allowable zones as may be indicated in the GMP.

Bioprospecting and other biodiversity related researches shall be allowed only to MVNP-PAMB accredited research institutions. Stricter procedures in the conduct of such academic and commercial research activities shall be issued by the MVNP-PAMB within six months from the effectivity of this Act.

The derivation and utilization of resources within the MVNP shall be governed by the MVNP-GMP and shall be allowed only for the purpose of maintaining the ecological balance and integrity of the MVNP.

SEC. 16. *Utilization Permits and User's Fees.*- The MVNP-PAMB shall have the exclusive power to issue permits and impose conditions thereon, or impose and collect fees for the derivation and utilization of the resources within the MVNP: *Provided*, That the MVNP-PAMB may delegate to the PASu the authority to issue permits and to collect fees for temporary access to the MVNP, such as passage and visiting, subject to the limits as may be provided by the MVNP-PAMB: *Provided, further*, That entry into the MVNP for emergency reasons shall not be subject to the entrance or user's fees.

SEC. 17. *Water User's Fees.*- A water user's fee shall be collected from any water user where water is used for any of the following purposes: domestic use, industrial/commercial use, irrigation, recreation, or power generation in an amount which the MVNP-PAMB may determine after due consultation with the LGUs within the MVNP.

The MVNP-PAMB shall formulate the necessary rules and regulations for the effective implementation of this Section.

SEC. 18. *Energy and Non-renewable Resources.*- Any exploration, exploitation or utilization of non-renewable resources, such as minerals and fossil fuel such as oil, coal and natural gas within MVNP shall not be allowed. Energy projects shall be allowed only through an Act of Congress, except from sun and wind sources.

SEC. 19. *Environmental Impact Assessment (EIA).*- Any development activity within the MVNP, being Environmentally Critical Area (ECA) shall be required to undergo the Environmental Impact Assessment (EIA) system pursuant to PD 1586. The PAMB shall determine the developmental activities that would require Environmental Compliance Certificate (ECC) in consultation with the concerned agency.

Article IV

TENURED MIGRANTS

SEC. 20. *The Rights of the Tenured Migrants.*- The rights of the Tenured Migrants if there be any shall covered by an appropriate tenurial instruments issued by the DENR. Such tenurial instrument shall be issued to organized tenured migrant communities.

Article V

PROHIBITED ACTS AND PENALTIES

SEC. 21. *The following are the prohibited acts and their corresponding penalties:*

- a. Hunting, Collecting, Catching, Gathering, Capturing, Wounding, Killing, Destroying; or possessing anywhere within the MVNP or its buffer zones any species of plants and animals or their by-product or derivatives, or transporting of these plants and animal species without prior approval of the PAMB. The offender shall be penalized with a fine of not less than five thousand (Php. 5,000.00) pesos but not more than five hundred thousand (Php. 500,000.00) pesos and imprisonment of not less than six (6) years and one (1) day, but not more than twelve (12) years and forfeiture of all resources, equipment and conveyances used for violating this Section. The MVNP-PAMB shall also impose an administrative fine based on the market value of the resources, plus ten times the market value of the resources as environmental damages, and forfeiture of all resources, equipment and conveyances used for violating this Section.
- b. Bio-prospecting without obtaining prior MVNP-PAMB clearance and FPIC, and the appropriate DENR permit. Penalty shall be six (6) months and one (1) day to six (6) years of imprisonment, and fine of two hundred thousand (Php. 200,000.00) pesos to one million (Php. 1,000,000.00) pesos and forfeiture of the resources subject of the offense, together with the equipment and conveyance used. The PAMB shall also impose an administrative fine of five hundred thousand (Php. 500,000.00) pesos to two million (Php. 2,000,000.00) pesos and forfeiture of all resources, equipment and conveyances used for violating this

Section. Violation of the terms and conditions of any existing permits granted to institutions or individuals shall constitute the commission of this offense. In addition to the penalties herein provided, any permit granted to the offender shall be automatically cancelled.

- c. Acts of vandalism, such as mutilating, transporting, destroying, excavating or in any manner damaging any natural formation or object of natural beauty inside the MVNP. This shall also include the removal, destruction and alteration of boundary markers and signs. Fine of not less than twenty five thousand (Php. 25,000.00) pesos but not more than five hundred thousand (Php. 500,000.00) pesos, and/or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years and the restoration and rehabilitation of the damaged area. The MVNP-PAMB shall also separately impose on the offender, a fine equivalent to the value of rehabilitating or restoring the damaged area.
- d. Burning, clearing, kaingin within the MVNP or its buffer zones. Judicial fine of not less than ten times the value of the burned or cleared areas and imprisonment of one (1) year and one (1) day but not more than Six (6) years. The MVNP-PAMB shall also separately impose on the offender, an administrative fine equivalent to the value of rehabilitating or restoring the damaged area;
- e. The unreasonable disturbance of wildlife and other habitats, reproductive cycles, roosting and feeding grounds and migratory paths. Judicial fines and penalties shall be in accordance with the provision of Wildlife Act. The MVNP-PAMB shall also impose an administrative fine of not less than ten thousand (Php. 10,000.00) pesos but not more than fifty thousand (Php. 50,000.00) pesos;
- f. Exploration, exploitation or extracting, drilling, or prospecting for mineral resources, treasure hunting, or quarrying within the MVNP or its buffer zones. Judicial fine of not less than five hundred thousand (Php. 500, 000.00) pesos, but not more than five million (Php. 5,000,000.00) pesos and/or imprisonment of not less than six (6) months and one (1) day but not more than Six (6) years, and the restoration and rehabilitation of the damaged area, together with the confiscation of equipment, tools, vehicles and resources. The MVNP-PAMB shall also separately impose on the offender, a fine equivalent to the value of rehabilitating or restoring the damaged area;
- g. Possession or use of chainsaw, power saw and other motorized equipment anywhere within the MVNP or its buffer zones without prior permit from the MVNP-PAMB. Imprisonment of six (6) years and one (1) day to eight (8) years or a fine of thirty thousand (Php. 30, 000.00) pesos to fifty (Php. 50, 000.00) pesos shall be imposed to the offender in violation of this

Section.. The PAMB shall also confiscate the Chainsaw, power saw or other motorized equipment;

- h. Introduction of exotic species within MVNP. Fine of not less than five (Php.5, 000.00) pesos, but not more than five hundred thousand (Php.500, 000.00) pesos and/or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years. The MVNP-PAMB shall also confiscate the exotic species of fauna and flora. Should the Court or the MVNP-PAMB determine that these species are detrimental to the integrity of MVNP, they shall order the appropriate disposition of the same;
- i. Construction or maintaining any kind of road, edifice, or any kind of enclosure, structure, facility or any infrastructure projects, or operating business enterprise, within MVNP without prior permit from the PAMB. Fine of not less than five hundred thousand (Php.500,000.00) pesos, but not more than five million (Php. 5,000,000.00) and/or imprisonment of not less than six (6) months and one (1) day but not more than six (6) years, and demolition of the improvements which may be detrimental to the integrity of the MVNP shall be imposed. The Court shall forfeit in favor of the MVNP-PAMB all improvements, equipment and conveyances used in violation of this Section;
- j. Unauthorized entry except in emergency situations. The MVNP-PAMB shall impose an administrative fine of one thousand (Php.1, 000.00) pesos to thirty thousand (Php.30, 000.00) pesos as herein provided;
- k. Unauthorized occupation or cultivation of areas without MVNP-PAMB permit. The MVNP-PAMB shall impose an administrative fine of ten thousand (Php.10, 000.00) pesos to seven hundred thousand (Php.700, 000.00) pesos together with the forfeiture of all improvements, which may be detrimental to the integrity of the MVNP;
- l. Dumping of waste and littering within MVNP and its buffer zones. Dumping of waste shall be punishable by imprisonment of six (6) months and one (1) day but not more than six (6) years and a fine of five thousand. (Php.5,000.00) to two hundred fifty thousand (Php.250,000.00) pesos. The violator shall also order to clean up the waste and pay for the clean- up thereof; and
- m. For violation of any rules and regulations provided in the GMP or any resolutions approved by the MVNP-PAMB, an administrative fine of not less than five thousand (Php.5, 000.00) pesos but not more than fifty thousand (Php.50, 000.00) pesos shall be imposed.
- n. In all the above-mentioned provisions, should the offender be an association or corporation, the officers shall be directly responsible for the act of the employees and shall suffer the corresponding fines and penalties as herein provided. In case the offender is not a citizen of

the Philippines, he or she shall be immediately deported to his or her country of origin after serving his sentence and upon payment of all criminal and administrative fines. For cases involving foreigners, no plea-bargaining shall be allowed without the concurrence of the MVNP-PAMB, the DENR and any such person who have initiated the filing of the case as complainant.

SEC. 22. Rules and Regulations.- The MVNP-PAMB shall promulgate within three (3) months from the passage of this Act, the appropriate rules and regulations.

SEC. 23. Fines and Forfeitures.- All criminal fines and forfeitures that may be imposed by the Courts, and the administrative fines and forfeitures that may be imposed by the MVNP-PAMB under this Act, shall be given to the MVNP-PAMB and shall form part of the funds and assets of the MVNP.

Article VI

LAW ENFORCEMENT AND PROSECUTION

SEC. 24. Law Enforcement.- The DENR shall implement the provisions of this law and has the power to call upon other agencies for assistance.

The DENR upon the recommendation of the MVNP-PAMB shall deputize any group or persons in writing to enforce the provisions of this Act. Such deputization shall be in writing and signed by the DENR Secretary or the RED to be valid and effective.

SEC. 25. Inspection Powers.- The PASu and Law enforcers shall have the power to stop, board, search and inspect all vehicles and conveyances within MVNP for the purpose of enforcing the provisions of this Act, other laws, rules and regulations.

The PASu and other authorized law enforcers may enter premises or areas subject of a lease, permit or concession from the MVNP-PAMB or DENR for monitoring of compliance with environmental laws, rules and regulations. Any hindrance made to these inspections shall be considered a violation of these rules and shall subject the offender to the immediate closure of his enterprise pending full inspection as may be warranted.

SEC. 26. Special Prosecutors and Counsels.- The Department of Justice (DOJ), upon recommendation of the PAMB shall designate special prosecutor, either or both from among state and public prosecutors to do the preliminary investigation and prosecute violations of this Act, other laws, rules and regulations within the MVNP. The Special Prosecutor shall coordinate with MVNP-PAMB, PASu and staff of MVNP-PAO in the performance of duties and assist in the training of Forest Rangers in arrest and criminal procedures. The MVNP-PAMB shall periodically submit an evaluation of the performance of the designated special prosecutor to the DOJ.

The MVNP-PAMB may retain the services of a competent lawyer to prosecute and assist in the prosecution of cases under the direct control or supervision of the special prosecutor and to defend the

members of the MVNP-PAMB, PASu, staff of the MVNP-PAO, or persons assisting in the protection, conservation and development of the MVNP, against any legal action related to the powers, functions and responsibilities as provided in this Act. or as delegated or tasked by the MVNP-PAMB.

SEC. 27. *Citizen Suit.*- For purposes of enforcing the provision of this Act or its implementing rules and regulations, any citizen may file an appropriate civil, criminal or administrative action in the proper courts/bodies against:

- a. Any person who violates or fail to comply with the provision of this Act its implementing rules and regulations, or
- b. Those mandated to implement and enforce the provisions of this Act with respect to orders, rules and regulations issued inconsistent with this Act, and/or
- c. Any public officer who willfully or grossly neglects the performance of an act specifically enjoined as a duty by this Act or its implementing rules and regulations, or abuses his authority in the performance of this duty or in any manner improperly performs his duties under this Act or its implementing rules and regulations. Provided, however, that no suit can be filed until after thirty (30) days notice has been given to the public officer and the alleged violator concerned and no appropriate action has been taken thereon.

The Court shall exempt such action from the payment of filing fees, and statements, likewise, upon prima facie showing of the non-enforcement or violation complained of exempt the plaintiff from filing an injunction bond for the issuance of preliminary injunctions.

In the event that the citizen's suit should prevail, the Court shall award reasonable attorney's fees, moral damages and litigation costs to the plaintiff.

SEC. 28. *Suits and Strategic Legal Action against Public Participation (SSLAPP) and the Enforcement of this Act.*- Where a suit is brought against a person who filed an action as provided in Sections 26 and 27 of this Act, or against any person, institution or government agency implementing this Act, it shall be the duty of the investigating prosecutor or the Court, as the case maybe, to make a determination within a period of (30) days whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal resource of the person complained of in enforcing the provisions of this Act. Upon determination thereof, evidence warranting the same, the investigating prosecutor or the Court, as the case may be, shall dismiss the complaint.

In addition, the person who has brought the suit to harass, vex, exert undue pressure or stifle such legal recourse shall be liable for the payment of attorney's fees and damages in favor of the respondent.

This provision shall apply and benefit public officers who are sued for acts committed in their official capacity, there being no grave abuse of authority, and done in the course of enforcing this Act.

Article VII

TRANSITORY PROVISIONS

SEC. 29. Selection and Appointment of the New MVNP-PAMB Members-Representatives.-

The MVNP-PAMB existing and functioning as such prior to the effectivity of this Act (otherwise known as the "Proclamation PAMB"), shall continue to dispose of its powers and functions until the regular Mayon Volcano Natural Park Management Board (MVNPMB) has been constituted in accordance with the provisions of this Act.

Within one (1) month from the effectivity of this Act, the existing MVNP-PAMB shall draw up the guidelines in consultation with the agencies and sectors to be represented in the MVNPMB, for the selection of its representatives.

Within three (3) months from the effectivity of this Act, the members of the MVNPMB which shall be constituted in accordance with this Act, and shall have been appointed by the Secretary of the DENR.

SEC. 30. Continuation of the MVNP-Protected Area Office.- The present PAO shall continue to exist and function as such, subject to institutionalization in accordance with Section 11 hereof. Within three (3) months after the appointment of all its members, the MVNPMB, upon recommendation of the PAO, shall finalize an institutionalization plan for the PAO, and the criteria for selection of personnel to fill-up the items. Within two (2) months thereafter, a PASu shall be recommended by the MVNPMB and appointed by the RED.

SEC. 31. Continuation of all other Arrangements.- Except when otherwise provided by this Act, all arrangements, commitments and agreements prior to the effectivity of this Act shall continue to subsist until validity amended, revised, repealed or renewed or upon end of its term.

Article VIII

GENERAL PROVISIONS

SEC. 32. Appropriations.- For the purpose of this Act, there is hereby appropriated the amount of Twenty Million (Php.20,000,000.00) Pesos every year for the first five (5) years from the effectivity of this Act. After the said five years, the internally generated revenues from the MVNP shall support the operations for the MVNP, without prejudice to any additional appropriation in the General Appropriations Act, as Congress may deem appropriate.

The Budget of the MVNP-PAMB and the MVNP-PAO shall be included in the budget of the DENR beginning the fiscal year immediately following the effectivity of this Act until such time that the revenues derived from the MVNP shall have been sufficient to cover the same.

SEC. 33. Construction and Suppletory Application of Existing Laws.- The provision of this Act shall be construed liberally in favor of achieving biodiversity conservation, protection and sustainable development Provisions of Republic Act No. 7586 or the NIPAS Act 1992, existing

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

SEC. 34. *Separability Clause.*- If any part or Section of this Act is declared unconstitutional or otherwise invalid, such declaration shall not affect the other parts or Section hereof.

SEC. 35. *Repealing Clause.* - All laws, presidential decrees, executive orders, rules and regulations inconsistent with this Act shall be deemed repealed or modified accordingly.

SEC. 36. *Effectivity* -. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved