



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
First Regular Session

4171

H. B. No. _____



Introduced by Representative TEODORICO "NONONG" T. HARESCO, JR.

AN ACT
DECLARING THE NORTHWEST PANAY PENINSULA, LOCATED IN THE
MUNICIPALITIES OF NABAS, MALAY AND BURUANGA, PROVINCE OF
AKLAN, AND IN THE MUNICIPALITIES OF LIBERTAD AND PANDAN,
PROVINCE OF ANTIQUE, AS A PROTECTED AREA UNDER THE CATEGORY OF
NATURAL PARK, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER
PURPOSES

EXPLANATORY NOTE

Section 4, Article XII of the 1987 Constitution states that "*forest lands and national parks shall be conserved and may not be increased nor diminished, except by law.*" Moreover, the Department of Environment and Natural Resources (DENR) - Region VI has already expressed its strong proposition to delineate the specific protected areas in Western Visayas.

Western Visayas Region, which includes Panay and Negros Islands, is recognized as "one of the world's highest conservation priority areas, both in terms of number of endemic species and degrees of threat," according to the study made by the Philippine Biodiversity Conservation Foundation, Inc. Based on the said study, more than half of the critically endangered species listed in the Philippines can be found in Western Visayas and that it is undoubtedly the most threatened of the six main faunal regions of the Philippines, since it has the least remaining forest cover and the highest numbers of severely threatened endemic species and subspecies.

In accordance with the enactment of Republic Act Number 7586 or the National Integrated Protected Areas System Act (NIPAS) in 1992, DENR-Region VI has identified twelve (12) areas as initial components that may be legislated into NIPAS. Among the twelve (12) sites identified as initial components, three (3) were proclaimed following the procedures provided in the law. Two (2) of these were enacted in 2001, namely: the Sagay Marine Reserve (Republic Act No. 9106) in the City of Sagay, Province of Negros Occidental; and the Mt. Kanla-on Natural Park (Republic Act No. 9154) located in the

Cities of Bago, La Carlota, and San Carlos and in the Municipalities of La Castellana and Murcia, Province of Negros Occidental, and in the City of Canlaon and Municipality of Vallehermoso, Province of Negros Oriental.

Additional NIPAS sites proclaimed were Northwest Panay Peninsula found in Buruanga and Malay, Aklan Province; Pandan and Libertad, Antique Province; and North Negros Natural Park located in the Cities of Talisay, Victorias and Cadiz and in the Municipalities of Murcia, Don Salvador Benedicto and Calatrava, all in Negros Occidental.

Pursuant to the NIPAS Act, this bill aims to declare a tract of land of the public domain, situated within the Northwest Panay Peninsula, as a protected area under the category of a natural park.

Wherefore, the immediate passage of this bill is earnestly sought.



HON. TEODORICO "NONONG" T. HARESCO, JR.

Representative

2nd District, Province of Aklan

Introduced by Representative TEODORICO “NONONG” T. HARESCO, JR.

AN ACT
DECLARING THE NORTHWEST PANAY PENINSULA, LOCATED IN THE
MUNICIPALITIES OF NABAS, MALAY AND BURUANGA, PROVINCE OF
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NATURAL PARK, PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER
PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* – This Act shall be known as the “Northwest Panay Peninsula
Natural Park (NPPNP) Act.”

SEC. 2. *Declaration of Policy.* – In recognition of the richness of the biological resources,
both flora and fauna, that are native and distinct to Panay Island and the Panay-Negros
biographical region, as well as their aesthetic and ecological importance, it is hereby
declared the policy of the State to ensure the conservation, protection, management, and
rehabilitation of these areas.

The conservation and protection of biological and physical diversities to sustain human,
plant and animal life shall be pursued through sustainable and participatory
management among the national government, through the Department of Environment
and Natural Resources (DENR) and the Provincial Governments of Aklan and Antique,
the Local Government Units (LGUs) of the Municipalities of Nabas, Malay, and Buruanga
in the Province of Aklan, and the Municipalities of Libertad and Pandan in the Province
of Antique, the Non-Governmental Organizations (NGOs), People’s Organizations
(POs), local stakeholders, and the Indigenous Cultural Communities (ICCs), particularly
the Aetas, locally called as “Ati”.

SEC. 3. *Declaration as Protected Area.* – Pursuant to and in accordance with Republic
Act Number 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS
Act), a tract of land of the public domain situated within the Northwest Panay Peninsula
is hereby declared a protected area under the category of a natural park.

SEC. 4. *Scope and Coverage.* – The NPPNP shall cover a certain parcel of land located in
the municipalities of Nabas, Malay and Buruanga, Province of Aklan, and in the

municipalities of Libertad and Pandan, Province of Antique. Its boundaries are more particularly described as follows:

Beginning at a point marked "1" of the map, which is N. 82° 37' E., three thousand three hundred twenty-six and four tenth (3,326.4) meters; from BLLM No. 7, PSC-38 of Libertad, Antique:

Thence S. 74° 34' W.,	1,389.91 meters to corner 2;
Thence N. 74° 23' W.,	1,671.82 meters to corner 3;
Thence S. 64° 12' W.,	2,112.89 meters to corner 4;
Thence N. 54° 59' W.,	1,306.72 meters to corner 5;
Thence N. 47° 07' W.,	1,572.37 meters to corner 6;
Thence N. 36° 09' W.,	1,331.49 meters to corner 7;
Thence N. 43° 16' E.,	1,743.57 meters to corner 8;
Thence S. 40° 18' E.,	1,049.46 meters to corner 9;
Thence N. 11° 45' W.,	766.12 meters to corner 10;
Thence N. 07° 16' E.,	1,735.66 meters to corner 11;
Thence N. 30° 53' W.,	699.43 meters to corner 12;
Thence N. 31° 50' E.,	1,188.35 meters to corner 13;
Thence N. 87° 15' E.,	2,298.33 meters to corner 14;
Thence N. 15° 19' E.,	1,171.69 meters to corner 15;
Thence S. 84° 01' E.,	2,398.04 meters to corner 16;
Thence N. 87° 54' E.,	805.44 meters to corner 17;
Thence S. 48° 23' E.,	2,356.49 meters to corner 18;
Thence S. 50° 18' E.,	1,269.20 meters to corner 19;
Thence S. 58° 49' E.,	1,424.64 meters to corner 20;
Thence S. 78° 05' E.,	2,152.13 meters to corner 21;
Thence S. 51° 59' E.,	1,238.41 meters to corner 22;
Thence S. 30° 12' E.,	2,266.24 meters to corner 23;
Thence S. 05° 39' E.,	1,685.24 meters to corner 24;
Thence S. 22° 26' W.,	1,764.83 meters to corner 25;
Thence S. 53° 35' W.,	1,081.73 meters to corner 26;
Thence N. 86° 42' W.,	533.23 meters to corner 27;
Thence S. 10° 33' W.,	1,117.38 meters to corner 28;
Thence S. 79° 32' W.,	962.01 meters to corner 29;
Thence N. 57° 20' W.,	1,807.07 meters to corner 30;
Thence N. 64° 49' W.,	1,535.10 meters to corner 31;
Thence N. 74° 48' W.,	2,453.48 meters to corner 1.

the point of beginning, containing an approximate area of twelve thousand nine and twenty-nine hundredth (12,009.29) hectares, more or less, subject to actual ground survey.

Any modification of the coverage of this Act due to such factors as changing ecological situations or new scientific or archaeological findings not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SEC. 5. Land Classification. - All lands of the public domain within the coverage and scope of this Act shall fall under the classification of national park as provided for in the Philippine Constitution.

1 **SEC. 6. Establishment of Buffer Zones.** - Buffer zones shall be established along and
2 adjacent to the peripheral boundaries to serve as protective layer to the area and its
3 resources. The buffer zones shall also serve as a social fence against the entry of intruders
4 that bring destruction or conduct activities detrimental to the park. Prescriptions for the
5 management of buffer zones shall be included as components of the protected area
6 management plan. The DENR shall exercise the same authority over buffer zones in the
7 same manner as protected areas: *Provided, however, That, there shall be consultation with*
8 *the affected communities.*
9

10 The buffer zones shall be established by the DENR, in consultation with the affected
11 communities, after conducting a thorough study on their implications to the
12 development of the park and the surrounding communities.
13

14 **SEC. 7. Definition of Terms.** - For purposes of this Act, the following terms shall be
15 defined as follows:
16

- 17 a) **Bioprospecting** shall refer to any research activity or collection and utilization of
18 biological and genetic resources for purposes of applying the knowledge derived
19 therefrom solely for commercial purposes.
20
- 21 b) **Buffer zones** shall refer to areas that are outside the boundaries of and immediately
22 adjacent to designated protected areas, pursuant to Section 3 of this Act, that need
23 special development control in order to avoid or minimize encroachment and
24 harm to the protected area.
25
- 26 c) **By-products** or **derivatives** shall refer to any part taken or substance extracted
27 from wildlife, in raw or processed form, which include stuffed animals and
28 herbarium specimens.
29
- 30 d) **Cave** shall refer to any naturally occurring void, cavity, recess or system of
31 interconnected passages beneath the surface of the earth or within a cliff or ledge
32 and which is large enough to permit an individual to enter, whether or not the
33 entrance, located either on private or public land, is naturally formed or man-
34 made. It shall include any natural pit, sinkhole or other feature which is an
35 extension of the entrance. The term also includes cave resources but not any vug,
36 mine tunnel, aqueduct or other man-made excavation.
37
- 38 e) **Collection** or **collecting** shall refer to the act of gathering or harvesting wildlife, its
39 by-products or derivatives.
40
- 41 f) **Conservation** shall refer to any act or acts of preservation and sustainable
42 utilization of wildlife and/or maintenance, restoration and enhancement of
43 habitat.
44
- 45 g) **DENR** shall refer to the Department of Environment and Natural Resources, a
46 national government agency created under Executive Order No. 192 with
47 jurisdiction over forestlands and protected areas.
48
- 49 h) **GMPS** shall refer to the General Management Planning Strategy, which is a
50 document that serves as a guide in the formulation of site-specific development
51 plans, including plans for the buffer zone.
52

- 1 i) *Indigenous Cultural Community (ICC)* shall refer to a group of people sharing
2 common bonds of language, customs, traditions and other distinctive cultural
3 traits and who have, since time immemorial, occupied, possessed and utilized a
4 territory.
5
- 6 j) *IPAF* shall refer to the Integrated Protected Areas Fund, a special account in the
7 National Treasury established for the purpose of promoting the sustained
8 financing for the operations of the NIPAS. The IPAF may receive revenues
9 generated within the protected area or through donor support and such other
10 funds provided by law.
11
- 12 k) *LGU* shall refer to any local government unit, a political body created under
13 Republic Act No. 7160, otherwise known as the "Local Government Code of 1991,"
14 a body politic and corporate endowed with powers to be exercised by it in
15 conformity with law, and exercising powers as a political subdivision of the
16 national government and as a corporate entity representing the inhabitants of the
17 territory.
18
- 19 l) *National Park* shall refer to a tract of land of the public domain classified as such
20 pursuant to the 1987 Philippine Constitution.
21
- 22 m) *Natural Park* shall refer to a relatively large area not materially altered by human
23 activity where extractive resource uses are regulated and maintained to protect
24 outstanding natural and scenic areas of national or international significance for
25 scientific, educational and recreational use.
26
- 27 n) *NIPAS Act* shall refer to Republic Act No. 7586, entitled "An Act Providing for the
28 Establishment and Management of National Integrated Protected Areas System,
29 Defining its Scope and Coverage, and for Other Purposes," which mandates the
30 classification and administration of all designated protected areas in order to
31 maintain ecological processes and life support systems, to preserve genetic
32 diversity, to ensure sustainable use of resources found within the protected areas
33 and to maintain their natural conditions to the greatest extent possible.
34
- 35 o) *NGO* shall refer to any non-governmental organization or any civic,
36 developmental, environmental or philanthropic non-stock, non-profit
37 organization.
38
- 39 p) *NPBMC* shall refer to the Northwest Panay Biodiversity Management Council, a
40 multi-sectoral body organized in 1999 and was instrumental in the proclamation
41 of the NPPNP as a protected area.
42
- 43 q) *PAMB* shall refer to the Protected Area Management Board, a governing body
44 created for each protected area pursuant to the NIPAS Act, and tasked to oversee
45 all activities inside the protected area and its buffer zone.
46
- 47 r) *PASu* shall refer to the Protected Area Superintendent, the chief operating officer
48 of the DENR who is directly responsible to the PAMB and the concerned DENR
49 Regional Executive Director.
50
- 51 s) *Peninsula* shall refer to a strip of land projecting into water; a narrow piece of land
52 that juts out from the mainland into a sea or lake.
53

- 1 t) *PO* shall refer to any identified portion of land and water set aside by reason of
2 their unique physical and biological significance, managed to enhance biological
3 diversity and protected against destructive human exploitation.
4
5 u) *Protected Area* shall refer to any identified portion of land and water set aside by
6 reason of their unique physical and biological significance, managed to enhance
7 biological diversity and protected against destructive human exploitation.
8
9 v) *Secretary* shall refer to the Secretary of the DENR.
10
11 w) *Tenured migrant* shall refer to any person who has actually and continuously
12 occupied an area for five (5) years prior to its designation as part of a protected
13 area and is usually dependent on that area for subsistence.
14

15
16 **ARTICLE II**
17 **MANAGEMENT, MANAGEMENT PLAN AND ZONING**
18

19 **SEC. 8. *Management of the Northwest Panay Peninsula Natural Park*** - The
20 management and administration of the NPPNP shall be vested in the PAMB: *Provided,*
21 That, the processes and procedures in the management of zones to be established in the
22 area shall be consultative and participatory.
23

24 **SEC. 9. *Local Government Units (LGUs)***. - As members of the PAMB, the LGUs are
25 mandated to participate in the affairs and support the programs and projects of the
26 protected area. Specific co-management strategies, through the signing of memoranda of
27 agreement, may be adopted, at the discretion of the PAMB, to strengthen and empower
28 its partner POs, NGOs, ICCs and LGUs in all management schemes and undertakings or
29 the NPPNP.
30

31 There shall be an integration of objectives of the NPPNP with the development plans of
32 the two (2) provinces of Aklan and Antique. The respective LGUs shall ensure that local
33 ordinances on environmental protection and conservation and the allocation of funds for
34 environmental programs are consistent with this Act and the management plan.
35

36 **SEC. 10. *The Northwest Panay Biodiversity Management Council (NPBMC)***. - The
37 NPBMC shall continue to serve as the coordinating body among member LGUs to
38 strengthen policy direction and heighten the commitment of the communities within and
39 bordering the NPPNP.
40

41 The NPBMC shall work closely with the PAMB to reduce the pressure on the NPPNP
42 from the surrounding communities through development programs and other activities
43 geared towards the protection, conservation and sustainable use of the latter's resources.
44 The NPBMC may provide assistance to the PAMB.
45

46 **SEC. 11. *The General Management Planning Strategy (GMPS)***. - The GMPS for the
47 NPPNP shall be prepared to provide a long-term basic management framework, govern
48 all activities and serve as guide in the preparation of annual operations and budgetary
49 requirements.
50

51 The GMPS shall identify the allowable uses for each zone. Its preparation shall be
52 undertaken by the PAMB under the supervision of the DENR, in consultation with the
53 different stakeholders. In addition to the contributions from various technical experts on

1 biodiversity management, the PAMB shall solicit the assistance of NGOs and academic
2 institutions in the preparation of the GMPS, particularly in the areas of community-based
3 resource management and ICC concerns. The plan must be consistent with the objectives
4 of the NPPNP.

5
6 The GMPS shall contain information on the following:

- 7
8 (a) The period of applicability which shall be twenty-five (25) years subject to review
9 and modifications, whenever the PAMB deems it necessary;
10
11 (b) Key management issues;
12
13 (c) Goals and objectives of management in support of Section 2 of this Act;
14
15 (d) Site management strategies;
16
17 (e) Zoning, in accordance with Section II of this Act;
18
19 (f) Management programs, to include the enforcement of laws, habitat and wildlife
20 management, ecotourism, sustainable-use management, infrastructure
21 development and maintenance, fire prevention and pest control;
22
23 (g) Mechanisms for the protection of the identified core zone and tenured migrants;
24
25 (h) Sustainable and non-destructive livelihood activities;
26
27 (i) Regulations on the preservation and conservation of resources such as permits,
28 resource-use restrictions and the like; and
29
30 (j) Other information as may be deemed necessary.
31

32 The GMPS shall be reviewed and adopted by the PAMB and certified to by the Secretary
33 that it conforms to all laws, rules and regulations issued by the DENR. The revision or
34 modification of the GMPS shall be undertaken after consultation with the approval by
35 the PAMB.
36

37 **SEC. 12. Management Zones.** - Management zones shall be established within the
38 NPPNP, giving primary consideration to its protection and conservation. Zoning shall
39 take into account the tenorial and livelihood concerns of communities to ensure the
40 efficient protection of habitats, fragile ecosystem and unique areas, without
41 compromising the general welfare of the local inhabitants.
42

43 The establishment and management of zones shall involve the communities concerned
44 through dialogues, consultations and land resource-use mapping with the aid of
45 geographic information system and latest technologies. Such management zones shall
46 be delineated and established on the ground with the participation of communities, LGUs
47 and other stakeholders.
48

49 All zones that shall be established shall be indicated on maps for control point and
50 management purposes.
51

ARTICLE III
INSTITUTIONAL MECHANISMS, ROLES AND FUNCTIONS OF MANAGEMENT

SEC. 13. *Institutional Mechanisms, Roles and Functions of Management.* –

- (a) The PAMB shall be the highest policy-making body of the NPPNP. It shall be composed of the following:
- (1) The DENR Regional Executive Director (RED) for Region VI, as chairperson and adviser on matters related to the technical aspects of protected area management;
 - (2) The Governors of the Provinces of Aklan and Antique, or their duly authorized representatives, preferably the respective provincial planning and development officers (PPDO) or environment and natural resources officers;
 - (3) The Mayors of the Municipalities of Nabas, Malay and Buruanga, Province of Aklan, and the Municipalities of Libertad and Pandan, Province of Antique, or their duly authorized representatives;
 - (4) All Punong Barangays with territorial jurisdiction over the NPPNP, or their duly authorized representatives;
 - (5) Three (3) representatives from the NGOs based in the Provinces of Aklan and Antique, and at least seven (7) POs duly accredited by the DENR and LGUs with tangible projects within the NPPNP at the time of their membership in the PAMB. In the absence of accredited NGOs, any environmental NGO may be appointed by the Secretary to nominate its representative as PAMB member;
 - (6) A representative from the ICCs residing inside the NPPNP or within its buffer zones; and
 - (7) A representative each from other national government agencies involved in protected area management.
- (b) There shall be an Executive Committee (ExeCom) within the PAMB to whom may be delegated some of its powers and functions, to be composed of the Regional Technical Director for Protected Areas, Wildlife Zones and Coastal Management Service as Chairperson, and at least two (2) representatives each from the LGUs, the NGOs and the ICCs. The PAMB shall determine the scope and extent of the authority to be delegated to the ExeCom.
- (c) Except for government officials who shall serve in *ex officio* capacities, each PAMB member shall serve for a term of five (5) years without compensation: *Provided*, That, such government official remains connected with the office or agency being represented. The term of office of the NGO and the PO representatives in the PAMB shall be coterminous with the duration and existence of the organizations' projects in the protected area. Whenever a seat allotted for the NGOs becomes vacant, a new member shall be chosen in the same manner as the original selection process: *Provided, however*, That, the substitute shall only serve for the remaining term of the predecessor. In the case of elective government officials, their

1 membership in the PAMB shall be coterminous with their respective terms of
2 office.

3
4 (d) The PAMB *en banc* shall hold a regular meeting at least twice a year and the
5 ExeCom shall hold regular meetings at least once every four (4) months. For both
6 bodies, a quorum shall consist of a simple majority of the members. The
7 chairperson may call for a special meeting as deemed necessary.

8
9 (e) The members of the PAMB shall be entitled to reimbursement of actual traveling
10 and subsistence expenses incurred in attending the meetings of the PAMB or its
11 committees, subject to existing accounting and budgeting rules and regulations.
12 These expenses shall be included in the annual budgetary allocation for the
13 NPPNP.

14
15 **SEC. 14. Functions of the PAMB.** – The PAMB shall decide by a majority vote and shall
16 have the following powers and functions:

17
18 (a) Formulate rules and regulations pertaining to activities that are prejudicial to the
19 NPPNP;

20
21 (b) Issue necessary permits for all activities in accordance with the management plan
22 and pertinent laws and regulations on forest resources and environmental
23 protection;

24
25 (c) Decide on matters relating to planning, resource protection and general
26 administration in accordance with the GMPS;

27
28 (d) Approve proposals, work plans, action plans and guidelines for management in
29 accordance with the approved management plan;

30
31 (e) Promulgate rules and regulations to promote development programs and projects
32 on biodiversity conservation and sustainable development consistent with the
33 management manual;

34
35 (f) Ensure the implementation of programs, as prescribed in the management plan,
36 in order to provide employment to the people dwelling in and around the NPPNP;

37
38 (g) Control and regulate the construction, operation and maintenance of roads,
39 waterworks, sewerage, fire protection and sanitation systems and other public
40 utilities;

41
42 (h) Monitor and evaluate the performance of personnel, NGOs and the communities
43 in contributing to biodiversity conservation and socio-cultural and economic
44 development, and report its assessment to the NIPAS Policy and Program Steering
45 Committee and the IPAF governing board;

46
47 (i) Deputize, through the PASu, interested individuals for the enforcement of laws,
48 rules and regulations and prescribe the necessary qualification standards for
49 individuals or groups applying for deputation;

50
51 (j) Accept donations, approve proposals for funding and budget allocation, and
52 exercise accountability over all funds that may accrue to the NPPNP; and

- 1
2 (k) Create committees that may be needed for the effective implementation of
3 programs and projects.
4

5 The DENR, through the RED for Region VI, shall ensure that the PAMB exercises
6 authority within the scope of its powers and functions. In case of conflict between
7 issuances of the DENR pursuant to the NIPAS Act and the rules and regulations or
8 resolutions of the PAMB, the Secretary shall decide whether to apply the rule or
9 withdraw its application in the NPPNP.
10

11 **SEC. 15. The Protected Area Superintendent (PASu) Office.** - There is hereby established
12 a PASu office in charge of the management, protection, and administration of the
13 NPPNP. The PASu shall be supported by the existing personnel of the DENR. The PASu
14 shall be the Chief Operating Officer of the NPPNP and shall be accountable to the RED
15 of the DENR VI and the PAMB. The PASu shall have the following powers and functions:
16

- 17 (a) Prepare and recommend to the PAMB the approval of the annual work and
18 financial plans;
19
20 (b) Develop a management information system to ensure that relevant and updated
21 information are available for planning, monitoring and decision-making;
22
23 (c) Collect and/or receive pertinent fees, donations and other income for the
24 protected area;
25
26 (d) Initiate the preparation of the GMPS in coordination with other government
27 offices and sectors;
28
29 (e) Serve as head of the secretariat for the PAMB;
30
31 (f) Establish a productive partnership with the local community and stakeholders,
32 including groups who are interested in attaining the goals and objectives of the
33 NPPNP;
34
35 (g) Formulate and implement park information, education, communication and
36 visitor programs;
37
38 (h) Enforce laws, rules and regulations pursuant to existing environmental laws and
39 DENR orders to protect and preserve the NPPNP from trespass, damage, injury,
40 and illegal occupancy;
41
42 (i) Certify whether a proposed activity or project is allowable or not within the
43 management zones;
44
45 (j) Issue cutting permit for planted trees for a volume of up to five (5) cubic meters
46 per applicant per year for traditional and subsistence livelihood of
47 ICCs/indigenous peoples (IPs) and tenured migrants only: *Provided, That,*
48 *Protected Area Community-Based Resource Management Agreement*
49 *(PACBRMA) holders with affirmed community resource management plans shall*
50 *no longer be issued cutting permits: Provided, further, That, the total volume of*
51 *extraction does not exceed the limit set by the PAMB and the location of extraction*
52 *is within the appropriate site within the multiple-use zone;*
53

- (k) Issue certificates of origin and transport permits for natural resources and other products collected or gathered from the NPPNP in accordance with the resource-use instruments or agreements or gratuitous permits issued by the PAMB and/or the DENR;
- (l) Monitor all activities within the NPPNP and its buffer zones; and
- (m) Perform such other functions as the PAMB or the RED may assign.

ARTICLE IV ANCESTRAL LANDS / DOMAINS AND TENURED MIGRANTS

SEC. 16. *Ancestral Lands and Domains.* - The rights of the ICCs to their ancestral lands and domains shall be recognized subject to existing and prior rights.

Traditional property regimes exercised by the ICCs in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all lands and other resources found within their ancestral lands and domains.

The provisions of this Act shall be construed liberally in favor of the ICCs in accordance with the conservation objectives of the NPPNP that would not impair, diminish or derogate any prior or existing right currently enjoyed by the ICCs under existing laws.

SEC. 17. *Tenured Migrants.* - Tenured migrants are households that have actually and continuously occupied the NPPNP before April 25, 1997 and are solely dependent on the area for their livelihood. A tenured migrant shall be issued a tenurial instrument on the areas they have been occupying or cultivating, not to exceed a maximum of five (5) hectares per household. In consideration of current practices in areas occupied by tenured migrants, especially in strict protection zones where no occupation or other activities are allowed, a provision for their transfer to sustainable-use zones shall be accomplished through just and humane means.

To effectively provide a social fence to the NPPNP, a tenurial instrument to be issued pursuant to this Act must be limited solely to the sustainable-use zones in accordance with the general management plans and strategies. The tenurial instruments or the rights and interests arising out of such instruments shall not be transferred, sold, leased or used as collateral for a loan, otherwise it shall be void. The said rights can be transferred only to direct descendants.

A tenurial instrument shall cover a period of twenty-five (25) years, renewable for another twenty-five (25) years based on the performance evaluation and compliance with the terms and conditions stipulated in the said instrument.

Any violation of the terms and conditions the tenurial instrument or any provision of this Act or abandonment by a tenured migrant shall constitute a sufficient ground for the cancellation of the tenurial instrument.

Upon cancellation of a tenured migrant instrument for cause or by voluntary surrender of rights, the PAMB shall take immediate steps or strategies to develop, rehabilitate and maintain the area for protection, conservation and sustainable use.

ARTICLE V
ILLEGAL ACTS

SEC. 18. *Prohibited Acts.* – The following shall be the prohibitions and penalties within the NPPNP:

- (a) A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) or imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or both, at the discretion of the court, shall be imposed upon any person who:
 - (1) Hunts, collects, destroys, traps, disturbs or possesses anywhere within the NPPNP any wild plant or animal or product derived therefrom without prior PAMB permit;
 - (2) Possesses, without a permit from the PAMB, any wild plant or animal or product derived from such wild plant or animal within the NPPNP or in any of its management zones where the species is not endemic;
 - (3) Cuts, gathers, collects or removes timber other forest products, as well as undertakes any activity not compatible with the use of the respective zones within the NPPNP without prior PAMB permit: *Provided, That, any permit issued shall be valid for only one (1) month from the date of issue either to tenured migrants within sustainable, monitored and controlled quotas or for scientific purposes in accordance with existing guidelines and outside the strict protection zones;*
 - (4) Establishes or introduces exotic species that have allelopathic or detrimental effect to endemic species without prior PAMB permit; or
 - (5) Engages in kaingin or slash-and-bum farming or any activity that causes forest fire;
- (b) A fine of not less than Five thousand pesos (P5,000.00) but not more than Two hundred fifty thousand pesos (P250,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court, and the restoration and rehabilitation of the damage resulting from violations shall be imposed upon any person who:
 - (1) Violates the management plan or any resolution issued by the PAMB;
 - (2) Vandalizes, mutilates, transports, destroys, excavates or in any manner intentionally damages any natural formation or object of natural beauty inside the protected area, or the burial or religious sites including artifacts and 2 other objects belonging to the ICCs/IPs;
 - (3) Dumps, burns or otherwise disposes of any substance deleterious to the ecosystem, plants and animals or human inhabitants or committing the same in the buffer and multiple-use "areas without appropriate authority or permit;

- 1 (4) Uses or possesses a motorized equipment anywhere within the strict
2 protection zone without a prior permit from the PAMB;
- 3
- 4 (5) Uses or possesses chainsaws and band saws without prior PAMB permit:
5 *Provided, That, permits may only be issued for use within the multiple-use*
6 *zones;*
- 7
- 8 (6) Engages in grazing or raising of poultry and other livestock for commercial
9 purpose: *Provided, That, existing grazing or poultry and other livestock farms*
10 *shall be phased out within five (5) years after the effectivity of this Act;*
- 11
- 12 (7) Causes damage or leaves roads and trails in damaged condition;
- 13
- 14 (8) Occupies any tract of land without a prior PAMB permit. Any clearing,
15 construction of residence or introduction of improvements shall constitute
16 *prima facie* evidence of occupation or settlement;
- 17
- 18 (9) Alters, removes, destroys or defaces boundaries, marks or signs;
- 19
- 20 (10) Constructs and maintains a building, edifice or any kind of structure or
21 conducts any business enterprise without a prior PAMB permit;
- 22
- 23 (11) Enters the NPPNP without a prior PAMB permit for purposes of bird
24 watching, swimming, trekking, filming, camping, spelunking or caving, and
25 other similar activities;
- 26
- 27 (12) Conducts bioprospecting, research work or any study without a prior PAMB
28 permit or in violation of existing guidelines; or
- 29
- 30 (13) Engages in treasure hunting;
- 31
- 32 (c) A fine of not less than One hundred thousand pesos (₱100,000.00) but not more
33 than Five hundred thousand pesos (₱500,000.00) or imprisonment of not less than
34 six (6) months but not more than six (6) years, or both, at the discretion of the court,
35 shall be imposed upon any public officer or law enforcement officer, who, in
36 dereliction of the duties of his office, shall maliciously refrain from instituting
37 proper action for the punishment of violators of the law or shall tolerate the
38 commission of offenses. A conviction of this offense shall also carry the penalty of
39 perpetual disqualification from public office;
- 40
- 41 (d) In case the species involved in the violations enumerated under Section 18(a) are
42 protected species, the penalty to be imposed shall not be less than twelve (12) years
43 and one (1) day but not more than twenty (20) years and a fine of not less than Five
44 hundred thousand pesos (₱500,000.00) to One million pesos (₱1,000,000.00) in
45 addition to the accessory penalties provided in the immediately succeeding
46 paragraph. Furthermore, any citizen may institute the necessary charge against
47 the offender for the commission of the acts enumerated under Section 18(a)
48 involving protected species;
- 49
- 50 (e) A conviction under this section shall likewise carry the penalty of eviction from
51 the NPPNP, payment of damages for the rehabilitation and restoration and the
52 forfeiture of all equipment, device and weapons used in the commission of the
53 offense as well as the resources caught in the possession of the accused. In case the

1 offender is not a citizen of the Philippines, he/she shall be immediately deported
2 to his/her country of origin after service of his/her sentence. If the offender is an
3 association or corporation, the president or manager shall be directly responsible
4 for the act of the employees and laborers;

5
6 (f) The PASu or the duly deputized personnel may arrest even without a warrant any
7 person who has committed or is committing in one's presence any of the offenses.
8 defined in this section. The PASu may also seize and confiscate in favor of the
9 government the tools and equipment used in committing the offenses and the
10 resources caught in the possession of the offender and file the necessary charges
11 therefore: *Provided, That*, the DENR may impose administrative fines and penalties
12 in accordance with law; and

13
14 (g) In case of conviction, the penalty consisting of fines and damages shall directly
15 accrue to the IPAF for the protected area.

16
17 **SEC. 19. *Special Prosecutor.*** - Within thirty (30) days from the effectivity of this Act, the
18 Department of Justice shall designate a special prosecutor to whom all cases of violation
19 of laws, rules and regulations in the NPPNP shall be assigned. Such special prosecutor
20 shall coordinate with the PAMB and the PASu in the performance of one's duties and
21 assist in the training of wardens and rangers in arrest and criminal procedures.

22 23 24 **ARTICLE VI** 25 **PROCEEDS AND FEES** 26

27 **SEC. 20. *The Northwest Panay Peninsula Natural Park Protected Area Fund.*** - There is
28 hereby established a trust fund to be known as the Northwest Panay Peninsula Natural
29 Park Protected Area Fund for purposes of financing projects of the system. All income
30 generated from the operation of the system or the management of wild flora and fauna
31 in the NPPNP shall accrue to the fund. This income shall be derived from fees from
32 permitted sale and export of flora and fauna and other resources from the NPPNP,
33 proceeds from lease of multiple-use areas, contributions from industries and facilities
34 directly benefiting from the NPPNP and such other fees and income derived from the
35 operation of the NPPNP.

36
37 The fund may be augmented by grants, donations, and endowment from various sources,
38 whether domestic or foreign: *Provided, That*, the fund shall be deposited as a special
39 account in the National Treasury, and disbursements therefrom shall be made solely for
40 the protection, maintenance, administration, and management of the system and duly
41 approved projects endorsed by the PAMB in accordance with existing accounting and
42 budgeting rules and regulations: *Provided, further, That*, the fund shall not be used to
43 cover personal services expenditures.

44
45 The LGUs shall continue to impose and collect all other fees not enumerated herein which
46 they have traditionally collected, such as business permits, property tax and rentals of
47 LGUs' facilities. Furthermore, LGUs may charge add-ons to fees imposed by the PAMB:
48 *Provided, That*, such add-ons shall be determined based on the contribution of the LGUs
49 in the maintenance and protection of the NPPNP.
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**ARTICLE VII
EXISTING FACILITIES**

SEC. 21. *Existing Facilities.* - Within ninety (90) days from the effectivity of this Act, the PAMB shall be organized and a PASu shall be appointed who, within the same period, shall make an inventory of existing facilities within the boundaries of the NPPNP and submit the said inventory to the PAMB through a sworn statement containing the following information:

- 10 (a) List of infrastructure, machineries and facilities and their potential disturbances to
11 protected species and their habitat, reproductive cycles, nesting and feeding
12 grounds;
13
14 (b) Noise levels at all stages of operation;
15
16 (c) Energy requirements and sources of energy;
17
18 (d) Water supply requirements and sources of water;
19
20 (e) Volume of resources extracted from the protected area; and
21
22 (f) Future plans for the next five (5) years.

24 Based on the submitted documents, the PAMB, with technical assistance from the DENR,
25 shall determine whether the existence and operation of said infrastructure, machineries
26 and facilities and its future plans and operations would be detrimental to the NPPNP.

28 Existing laws, rules and regulations relating to the Environmental Impact Statement (EIS)
29 System shall be applicable to projects and activities intended in the NPPNP. The issuance
30 by the DENR of an Environmental Compliance Certificate (ECC) or its exemption for any
31 project or activity in the NPPNP shall be coordinated with the PAMB.

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**ARTICLE VIII
UTILIZATION OF RESOURCES**

37 **SEC. 22. *Utilization of Resources.*** - Livelihood activities requiring the use of resources
38 derived from the NPPNP shall be allowed only when it is found to be sustainable and
39 consistent with the GMPS and only upon prior PAMB approval. Only non-timber
40 products may be utilized for livelihood purposes, except trees planted in tenured areas.
41 No exploration, exploitation, or utilization of nonrenewable resources for commercial
42 purposes or by non-tenured migrants or non-ICCs shall be allowed. Energy generation
43 projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or
44 solar generators may be allowed at the discretion of the PAMB.

46 Commercial utilization of resources by tenured migrants and the ICCs shall be allowed
47 only upon prior PAMB approval and in accordance with the GMPS. Commercial
48 exploitation and utilization of water resources and other permitted resources and
49 establishment or installation of infrastructure such as, but not limited to, access roads,
50 telecommunication facilities, and the likes, within the NPPNP shall require PAMB
51 approval: *Provided, That, these are not in conflict with the GMPS and shall undergo the*
52 *EIS System.*

1 The utilization of non-tangible resources such as, but not limited to, aesthetic value,
2 filming, camping and trekking areas, caving adventures, researches on flora and fauna,
3 and other related activities shall require the approval of the PAMB pursuant to a
4 corresponding permitting system to be adopted. The PAMB shall establish a mechanism
5 that would streamline the processing of these permits in order to promote its viability to
6 enhance collection.

7
8 A permanent office, strategically situated within the NPPNP, shall be established for this
9 purpose, where the PASu or his duly authorized representative can judiciously act on
10 requests from respective parties with authority from the PAMB.

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13 **ARTICLE IX**
14 **TRANSITORY AND MISCELLANEOUS PROVISIONS**
15

16 **SEC. 23. Appropriations.** - The Secretary of the DENR shall immediately include in the
17 Department's program the implementation of this Act, the funding of which shall be
18 included in the annual General Appropriations Act.

19
20 **SEC. 24. Applicability.** - The provisions of this Act shall be construed liberally in favor
21 of tenured migrants and the ICC, with due consideration to the protection of biodiversity.
22 The NIPAS Act shall supplement the implementation of this Act.

23
24 **SEC. 25. Transitory Provisions.** - A new PAMB shall be convened and created within
25 three (3) months from the effectivity of this Act. During the same period, the DENR, in
26 coordination with the PAMB, the Committee on Natural Resources of the House of
27 Representatives, the Senate Committee on Environment and Natural Resources and the
28 concerned Congressional District Representatives shall undertake the preparation of the
29 implementing rules and regulations of this Act.

30
31 **SEC. 26. Separability Clause.** - If any provisions of this Act or the application of such
32 provision to any person or circumstances be declared unconstitutional, the remainder of
33 this Act or the application of such provision to other person or circumstances shall not be
34 affected by such declaration.

35
36 **SEC. 27. Repealing Clause.** - All laws, decrees, proclamations, executive orders, rules and
37 regulations or other issuances or parts thereof contrary to inconsistent with the
38 provisions of this Act are hereby repealed, amended or modified accordingly.

39
40 **SEC. 28. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
41 the Official or in a national newspaper of general circulation.

42
43 *Approved,*