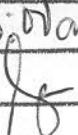


Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS

First Regular Session

House Bill No. 2145

RECEIVED	
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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

**EXPLANATORY NOTE**

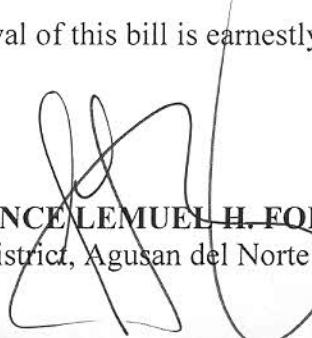
This bill seeks to conserve and protect the physical and biological diversity of Mt. Mayapay thru its declaration as a protected landscape. Mt. Mayapay is a prominent natural landmark in the Caraga Region. It is a magnificent mountain located east of Butuan City, probably the range's highest peak with an elevation of 2,214 feet above sea level, with a plateau formation that is the predominant feature of the city's backdrop. The mountain provides a panoramic view of the City of Butuan, and the surrounding areas of the Provinces of Agusan del Norte and Agusan del Sur, the City of Gingoog, the Butuan Bay, the Mindanao Sea, the Camiguin Island, the coastlines of the Provinces of Surigao del Norte and Bohol.

Mt. Mayapay, along with its peripheral areas, was a vital watershed in the environs of Butuan City and the Municipality of Buenavista, Agusan del Norte until it was abused by loggers and poachers. At present, the ecosystem of Mt. Mayapay has been invaded, assaulted and is now highly endangered, threatening to extinction whatever few remaining endemic flora and fauna thrive in the area. Moreover, experts have expressed alarm that if nothing is done to arrest its continuous degradation, landslides that may claim thousands of lives are not remote possibilities given the fact that the mountain lies along the fault line.

This bill ensures that the proper consultation of the stakeholders including the Indigenous Peoples (IP) shall be conducted in the protection, rehabilitation and conservation of Mt. Mayapay. The provisions of the IPRA Law shall be upheld and warrants that the rights of IPs concerned shall be protected and respected.

The people of City of Butuan and the Province of Agusan del Norte have come together and strongly voiced their concerns on the sad state of Mt. Mayapay and the real threat of a forthcoming destruction of lives and properties should its devastation continue. Various sectors have taken initiatives calling for the protection and conservation of this glorious mountain. However, activities contributing to its further deterioration have continued due to the lack of a law that ensures its protection, rehabilitation and conservation.

In view of the foregoing, the immediate approval of this bill is earnestly sought.

  
**LAWRENCE LEMUEL H. FORTUN**  
1<sup>st</sup> District, Agusan del Norte

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session  
House Bill No. 2145

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Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

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AN ACT  
DECLARING THE MT. MAYAPAY IN THE CITY OF BUTUAN AND THE  
MUNICIPALITY OF BUENAVISTA, AGUSAN DEL NORTE, AS A PROTECTED  
AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING  
FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

CHAPTER I

POLICIES AND OBJECTIVES

1       **SECTION 1. Title.** This act shall be known as the Mt. Mayapay Protected Landscape  
2 (MMPL) Act.

3  
4       **SECTION 2. Declaration of Policy.** In recognition of the richness of the biological  
5 resources, both flora and fauna, found in and unique to Mt. Mayapay, as well as the  
6 mountain's aesthetic and ecological importance, it is hereby declared the policy of the State  
7 to ensure the conservation, protection and management of Mt. Mayapay, its environment, the  
8 communities therein, their culture and way of life.

9  
10      The conservation and protection of biological and physical diversities to sustain  
11 human, plant and animal life in Mt. Mayapay shall be pursued through sustainable and  
12 participatory management among the national government, through the Department  
13 Environment and Natural Resources (DENR), the local government units (LGUs),  
14 nongovernmental organizations (NGOs), people's organizations (POs), indigenous peoples  
15 (IPs) and other stakeholders in the area.

16  
17      **SECTION 3. Declaration as Protected Area.** – In accordance with Republic Act  
18 No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS Act), Mt.  
19 Mayapay is hereby declared a protected area under the category of a landscape protected  
20 area.

21  
22      **SECTION 4. Scope and Coverage.** Subject to the provisions of the Presidential  
23 Proclamation issued by President Manuel L. Quezon declaring a Military Reservation  
24 Consisting of **TWO THOUSAND ONE HUNDRED THIRTY-NINE (2,139)** **HECTARES**, more or less in the area, the Mt. Mayapay Protected Landscape shall cover  
25 parcels of land located in the City of Butuan and the Municipality of Buenavista in the  
26 Province of Agusan del Norte, which contains an aggregate area of **FIFTEEN THOUSAND**

28 FIVE HUNDRED TWENTY-EIGHT (15,528) hectares and a core protected zone area of  
29 EIGHT THOUSAND FOUR HUNDRED FIFTY SIX (8,456) HECTARES, more or less.

30 Beginning at a point marked "1" on the map, which is located in the Province of  
31 Agusan Del Norte at  $08^{\circ} 48' 16.27''$  N,  $126^{\circ} 34' 14.93''$  E, thus:

thence	N	81	$^{\circ}$	41.96		W	,	2,829.99	m	to point	2	;
thence	N	32	$^{\circ}$	42.42		W	,	157.52	m	to point	3	;
thence	N	83	$^{\circ}$	7.33		W	,	711.21	m	to point	4	;
thence	N	87	$^{\circ}$	49.75		W	,	636.88	m	to point	5	;
thence	N	34	$^{\circ}$	4.96		W	,	269.45	m	to point	6	;
thence	N	58	$^{\circ}$	55.99		W	,	363.89	m	to point	7	;
thence	S	46	$^{\circ}$	44.20		W	,	216.30	m	to point	8	;
thence	S	56	$^{\circ}$	12.71		W	,	303.53	m	to point	9	;
thence	N	59	$^{\circ}$	29.27		W	,	126.49	m	to point	10	;
thence	S	50	$^{\circ}$	11.04		W	,	177.71	m	to point	11	;
thence	N	53	$^{\circ}$	0.75		W	,	284.92	m	to point	12	;
thence	N	46	$^{\circ}$	25.25		W	,	128.31	m	to point	13	;
thence	N	82	$^{\circ}$	13.98		W	,	184.92	m	to point	14	;
thence	S	37	$^{\circ}$	38.39		W	,	422.96	m	to point	15	;
thence	S	72	$^{\circ}$	30.98		W	,	324.42	m	to point	16	;
thence	S	35	$^{\circ}$	4.84		W	,	84.23	m	to point	17	;
thence	N	72	$^{\circ}$	17.47		W	,	3,478.82	m	to point	18	;
thence	N	59	$^{\circ}$	9.19		W	,	1,338.67	m	to point	19	;
thence	N	67	$^{\circ}$	26.04		W	,	2,136.46	m	to point	20	;
thence	S	61	$^{\circ}$	28.07		W	,	2,763.81	m	to point	21	;
thence	S	84	$^{\circ}$	7.44		W	,	3,004.67	m	to point	22	;
thence	N	39	$^{\circ}$	33.93		W	,	2,971.66	m	to point	23	;
thence	N	29	$^{\circ}$	1.55		W	,	119.59	m	to point	24	;
thence	N	37	$^{\circ}$	41.65		E	,	177.89	m	to point	25	;
thence	N	26	$^{\circ}$	33.90		W	,	128.76	m	to point	26	;
thence	S	61	$^{\circ}$	15.60		W	,	226.21	m	to point	27	;
thence	S	76	$^{\circ}$	42.08		W	,	361.60	m	to point	28	;
thence	N	14	$^{\circ}$	41.11		E	,	959.08	m	to point	29	;
thence	S	85	$^{\circ}$	30.91		E	,	327.31	m	to point	30	;
thence	S	7	$^{\circ}$	56.61		E	,	277.79	m	to point	31	;
thence	N	83	$^{\circ}$	0.09		E	,	572.66	m	to point	32	;
thence	S	83	$^{\circ}$	54.33		E	,	2,235.93	m	to point	33	;
thence	N	3	$^{\circ}$	49.80		E	,	480.72	m	to point	34	;
thence	N	53	$^{\circ}$	26.64		E	,	473.97	m	to point	35	;
thence	N	56	$^{\circ}$	37.19		E	,	406.84	m	to point	36	;
thence	N	35	$^{\circ}$	25.17		E	,	607.43	m	to point	37	;
thence	N	62	$^{\circ}$	48.19		E	,	737.84	m	to point	38	;
thence	N	11	$^{\circ}$	6.38		W	,	364.65	m	to point	39	;
thence	N	21	$^{\circ}$	4.39		E	,	217.91	m	to point	40	;
thence	N	47	$^{\circ}$	12.52		E	,	341.37	m	to point	41	;
thence	N	12	$^{\circ}$	36.05		W	,	224.51	m	to point	42	;
thence	N	21	$^{\circ}$	53.76		E	,	327.26	m	to point	43	;
thence	S	79	$^{\circ}$	36.48		E	,	208.48	m	to point	44	;
thence	N	43	$^{\circ}$	30.11		E	,	208.00	m	to point	45	;
thence	N	29	$^{\circ}$	47.78		E	,	152.18	m	to point	46	;
thence	N	76	$^{\circ}$	30.96		W	,	166.29	m	to point	47	;
thence	N	84	$^{\circ}$	57.99		W	,	227.72	m	to point	48	;
thence	N	75	$^{\circ}$	14.73		W	,	334.48	m	to point	49	;
thence	N	21	$^{\circ}$	29.55		W	,	345.16	m	to point	50	;
thence	N	38	$^{\circ}$	40.08		W	,	426.74	m	to point	51	;
thence	N	37	$^{\circ}$	3.90		W	,	292.67	m	to point	52	;
thence	N	62	$^{\circ}$	54.51		E	,	213.63	m	to point	53	;
thence	N	47	$^{\circ}$	46.32		E	,	245.10	m	to point	54	;
thence	N	13	$^{\circ}$	14.63		E	,	338.36	m	to point	55	;
thence	N	5	$^{\circ}$	37.92		E	,	308.07	m	to point	56	;
thence	N	7	$^{\circ}$	41.10		W	,	344.26	m	to point	57	;
thence	N	42	$^{\circ}$	39.38		W	,	354.29	m	to point	58	;
thence	N	11	$^{\circ}$	19.25		E	,	309.94	m	to point	59	;
thence	N	11	$^{\circ}$	16.26		E	,	311.24	m	to point	60	;
thence	N	67	$^{\circ}$	47.99		W	,	309.25	m	to point	61	;
thence	S	80	$^{\circ}$	18.74		W	,	310.44	m	to point	62	;
thence	S	54	$^{\circ}$	0.68		W	,	271.53	m	to point	63	;
thence	S	36	$^{\circ}$	23.62		W	,	204.98	m	to point	64	;

thence	N	87	°	14.54		W	,	230.88	m	to point	65	;
thence	N	24	°	50.04		E	,	183.44	m	to point	66	;
thence	N	27	°	50.68		W	,	298.42	m	to point	67	;
thence	N	21	°	37.00		E	,	278.87	m	to point	68	;
thence	N	62	°	39.29		W	,	217.66	m	to point	69	;
thence	N	39	°	13.12		W	,	238.95	m	to point	70	;
thence	N	54	°	26.96		E	,	174.20	m	to point	71	;
thence	N	84	°	9.85		E	,	325.54	m	to point	72	;
thence	N	54	°	19.34		E	,	336.41	m	to point	73	;
thence	S	86	°	7.99		E	,	279.71	m	to point	74	;
thence	N	11	°	10.82		W	,	116.81	m	to point	75	;
thence	N	62	°	6.34		W	,	312.35	m	to point	76	;
thence	N	27	°	13.40		E	,	221.37	m	to point	77	;
thence	N	25	°	58.92		W	,	156.07	m	to point	78	;
thence	S	35	°	1.22		W	,	274.32	m	to point	79	;
thence	S	88	°	16.85		W	,	377.42	m	to point	80	;
thence	N	40	°	22.17		W	,	335.22	m	to point	81	;
thence	S	53	°	0.84		W	,	212.62	m	to point	82	;
thence	N	55	°	12.68		W	,	264.75	m	to point	83	;
thence	N	56	°	50.24		W	,	116.96	m	to point	84	;
thence	N	0	°	30.31		E	,	1,118.54	m	to point	85	;
thence	N	0	°	27.34		W	,	232.91	m	to point	86	;
thence	S	82	°	25.10		E	,	327.75	m	to point	87	;
thence	S	37	°	52.40		E	,	349.22	m	to point	88	;
thence	S	89	°	16.04		E	,	572.28	m	to point	89	;
thence	N	87	°	46.44		E	,	538.23	m	to point	90	;
thence	N	33	°	25.54		E	,	215.98	m	to point	91	;
thence	S	68	°	39.20		E	,	162.63	m	to point	92	;
thence	N	87	°	12.13		E	,	1,743.06	m	to point	93	;
thence	N	68	°	1.22		E	,	218.82	m	to point	94	;
thence	S	67	°	22.42		E	,	253.67	m	to point	95	;
thence	N	39	°	34.53		E	,	210.75	m	to point	96	;
thence	N	3	°	26.61		E	,	537.85	m	to point	97	;
thence	S	79	°	26.81		E	,	616.60	m	to point	98	;
thence	S	79	°	13.04		E	,	173.73	m	to point	99	;
thence	S	70	°	10.41		E	,	1,050.00	m	to point	100	;
thence	S	21	°	47.56		E	,	1,158.45	m	to point	101	;
thence	N	17	°	5.96		E	,	223.43	m	to point	102	;
thence	N	53	°	44.98		E	,	644.57	m	to point	103	;
thence	N	48	°	23.79		E	,	862.80	m	to point	104	;
thence	S	78	°	30.99		E	,	547.14	m	to point	105	;
thence	S	55	°	18.82		E	,	193.34	m	to point	106	;
thence	S	52	°	16.05		E	,	348.83	m	to point	107	;
thence	S	7	°	2.17		W	,	383.30	m	to point	108	;
thence	S	75	°	1.02		E	,	234.63	m	to point	109	;
thence	S	43	°	15.07		E	,	318.99	m	to point	110	;
thence	S	10	°	40.32		W	,	273.07	m	to point	111	;
thence	S	76	°	57.54		E	,	240.64	m	to point	112	;
thence	S	33	°	39.50		E	,	334.18	m	to point	113	;
thence	S	75	°	22.82		E	,	214.53	m	to point	114	;
thence	S	35	°	44.95		W	,	273.75	m	to point	115	;
thence	S	61	°	29.33		E	,	238.82	m	to point	116	;
thence	S	79	°	20.43		E	,	418.10	m	to point	117	;
thence	S	56	°	8.30		E	,	127.41	m	to point	118	;
thence	S	84	°	55.96		E	,	365.46	m	to point	119	;
thence	S	59	°	52.33		E	,	595.78	m	to point	120	;
thence	S	54	°	33.94		E	,	469.06	m	to point	121	;
thence	S	13	°	54.24		W	,	267.89	m	to point	122	;
thence	S	74	°	21.15		E	,	424.58	m	to point	123	;
thence	S	37	°	29.57		E	,	319.25	m	to point	124	;
thence	S	60	°	39.65		E	,	202.39	m	to point	125	;
thence	S	60	°	7.64		E	,	268.97	m	to point	126	;
thence	S	56	°	10.25		E	,	228.25	m	to point	127	;
thence	S	76	°	33.58		E	,	154.14	m	to point	128	;
thence	S	2	°	31.90		W	,	291.40	m	to point	129	;
thence	S	44	°	33.90		W	,	678.95	m	to point	130	;
thence	S	38	°	10.08		W	,	353.48	m	to point	131	;
thence	S	37	°	57.71		W	,	409.90	m	to point	132	;
thence	N	64	°	1.65		E	,	506.61	m	to point	133	;

thence	N	66	°	40.99		E	,	358.48	m	to point	134	;
thence	S	58	°	5.68		E	,	192.82	m	to point	135	;
thence	S	34	°	7.17		E	,	268.37	m	to point	136	;
thence	S	22	°	46.02		E	,	171.72	m	to point	137	;
thence	S	59	°	48.45		E	,	222.06	m	to point	138	;
thence	S	46	°	19.34		W	,	1,304.80	m	to point	139	;
thence	S	79	°	8.08		W	,	354.80	m	to point	140	;
thence	S	67	°	43.67		W	,	329.84	m	to point	141	;
thence	S	27	°	19.24		E	,	149.44	m	to point	142	;
thence	N	81	°	48.17		E	,	302.16	m	to point	143	;
thence	S	19	°	14.48		W	,	154.96	m	to point	144	;
thence	S	62	°	3.71		W	,	230.39	m	to point	145	;
thence	S	13	°	44.67		E	,	236.79	m	to point	146	;
thence	S	2	°	26.52		W	,	278.64	m	to point	147	;
thence	S	34	°	28.06		E	,	85.64	m	to point	148	;
thence	S	39	°	27.69		E	,	96.21	m	to point	149	;
thence	S	87	°	45.43		E	,	298.91	m	to point	150	;
thence	S	45	°	9.90		E	,	258.14	m	to point	151	;
thence	S	13	°	52.98		W	,	149.12	m	to point	152	;
thence	S	7	°	9.44		W	,	342.79	m	to point	153	;
thence	S	33	°	56.65		E	,	234.36	m	to point	154	;
thence	S	28	°	40.78		W	,	286.12	m	to point	155	;
thence	S	32	°	46.50		W	,	245.47	m	to point	156	;
thence	S	80	°	12.14		W	,	264.63	m	to point	157	;
thence	S	79	°	31.38		W	,	492.67	m	to point	158	;
thence	N	80	°	32.14		W	,	239.95	m	to point	159	;
thence	N	71	°	8.82		W	,	222.31	m	to point	160	;
thence	N	77	°	35.96		W	,	503.48	m	to point	161	;
thence	N	27	°	55.91		E	,	224.37	m	to point	162	;
thence	N	42	°	4.77		E	,	319.35	m	to point	163	;
thence	N	1	°	1.82		E	,	182.52	m	to point	164	;
thence	N	74	°	15.13		E	,	159.57	m	to point	165	;
thence	N	28	°	42.11		E	,	242.23	m	to point	166	;
thence	S	85	°	49.56		W	,	204.39	m	to point	167	;
thence	S	82	°	32.78		W	,	213.16	m	to point	168	;
thence	S	71	°	22.48		W	,	180.66	m	to point	169	;
thence	N	48	°	51.83		W	,	230.35	m	to point	170	;
thence	N	14	°	0.27		W	,	265.96	m	to point	171	;
thence	S	60	°	59.15		W	,	99.31	m	to point	172	;
thence	S	0	°	6.70		E	,	368.37	m	to point	173	;
thence	N	56	°	34.55		W	,	305.85	m	to point	174	;
thence	N	44	°	47.85		W	,	309.50	m	to point	175	;
thence	N	88	°	1.52		W	,	373.64	m	to point	176	;
thence	N	42	°	51.81		W	,	468.70	m	to point	177	;
thence	N	35	°	48.41		W	,	188.74	m	to point	178	;
thence	S	88	°	15.47		W	,	261.46	m	to point	179	;
thence	N	82	°	33.15		W	,	141.31	m	to point	180	;
thence	N	80	°	11.03		W	,	244.33	m	to point	181	;
thence	N	78	°	4.05		W	,	137.99	m	to point	182	;
thence	S	53	°	40.18		W	,	245.79	m	to point	183	;
thence	S	42	°	51.14		W	,	238.75	m	to point	184	;
thence	S	50	°	49.04		W	,	194.60	m	to point	185	;
thence	S	6	°	37.57		W	,	158.75	m	to point	186	;
thence	S	11	°	47.98		W	,	291.04	m	to point	187	;
thence	S	1	°	24.93		W	,	231.60	m	to point	188	;
thence	S	12	°	31.79		W	,	238.40	m	to point	189	;
thence	S	7	°	27.05		W	,	230.98	m	to point	190	;
thence	S	7	°	49.57		W	,	326.11	m	to point	191	;
thence	S	27	°	18.82		W	,	363.03	m	to point	192	;
thence	N	82	°	13.29		E	,	238.06	m	to point	193	;
thence	N	85	°	2.93		E	,	211.11	m	to point	194	;
thence	S	87	°	11.58		E	,	252.65	m	to point	195	;
thence	N	88	°	37.94		E	,	296.00	m	to point	196	;
thence	N	88	°	38.98		E	,	249.00	m	to point	197	;
thence	N	88	°	37.65		E	,	243.49	m	to point	198	;
thence	N	88	°	39.01		E	,	262.43	m	to point	199	;
thence	N	88	°	37.85		E	,	257.36	m	to point	200	;
thence	N	88	°	37.84		E	,	250.98	m	to point	201	;
thence	N	88	°	37.61		E	,	250.10	m	to point	202	;

thence	N	89	$\circ$	51.08		E	,	241.59	m	to point	203	;
thence	N	89	$\circ$	3.59		E	,	274.18	m	to point	204	;
thence	N	89	$\circ$	4.54		E	,	258.88	m	to point	205	;
thence	N	89	$\circ$	3.37		E	,	249.97	m	to point	206	;
thence	N	89	$\circ$	3.18		E	,	248.76	m	to point	207	;
thence	N	89	$\circ$	4.45		E	,	270.44	m	to point	208	;
thence	S	64	$\circ$	51.72		E	,	136.36	m	to point	209	;
thence	S	71	$\circ$	16.27		E	,	132.80	m	to point	210	;
thence	S	53	$\circ$	40.22		E	,	214.88	m	to point	211	;
thence	N	76	$\circ$	18.11		E	,	190.81	m	to point	212	;
thence	S	45	$\circ$	24.72		W	,	112.69	m	to point	213	;
thence	S	63	$\circ$	38.15		E	,	88.99	m	to point	214	;
thence	S	77	$\circ$	59.53		E	,	96.92	m	to point	215	;
thence	N	67	$\circ$	14.89		E	,	102.95	m	to point	216	;
thence	S	7	$\circ$	16.81		E	,	128.40	m	to point	217	;
thence	S	2	$\circ$	3.88		W	,	192.94	m	to point	218	;
thence	S	16	$\circ$	11.67		E	,	194.36	m	to point	219	;
thence	S	58	$\circ$	50.40		W	,	116.57	m	to point	220	;
thence	N	70	$\circ$	24.75		W	,	167.47	m	to point	221	;
thence	S	53	$\circ$	15.68		W	,	135.16	m	to point	222	;
thence	N	72	$\circ$	54.53		W	,	288.49	m	to point	223	;
thence	S	59	$\circ$	13.05		W	,	210.17	m	to point	224	;
thence	S	4	$\circ$	52.32		W	,	150.13	m	to point	225	;
thence	S	85	$\circ$	25.52		W	,	139.39	m	to point	226	;
thence	S	29	$\circ$	55.39		E	,	163.43	m	to point	227	;
thence	S	49	$\circ$	14.20		W	,	159.37	m	to point	228	;
thence	N	86	$\circ$	58.60		W	,	167.49	m	to point	229	;
thence	S	35	$\circ$	31.59		E	,	159.67	m	to point	230	;
thence	S	41	$\circ$	47.27		E	,	247.98	m	to point	231	;
thence	N	1	$\circ$	44.01		W	,	98.29	m	to point	232	;
thence	N	59	$\circ$	4.44		E	,	114.76	m	to point	233	;
thence	N	0	$\circ$	24.66		E	,	158.25	m	to point	234	;
thence	N	33	$\circ$	14.72		E	,	149.64	m	to point	235	;
thence	N	85	$\circ$	28.60		E	,	122.71	m	to point	236	;
thence	N	8	$\circ$	51.50		E	,	104.82	m	to point	237	;
thence	N	69	$\circ$	6.92		E	,	93.54	m	to point	238	;
thence	N	79	$\circ$	59.97		E	,	153.72	m	to point	239	;
thence	S	57	$\circ$	31.51		E	,	215.55	m	to point	240	;
thence	S	0	$\circ$	33.75		E	,	179.81	m	to point	241	;
thence	N	56	$\circ$	24.73		E	,	156.01	m	to point	242	;
thence	N	37	$\circ$	10.78		E	,	158.87	m	to point	243	;
thence	N	37	$\circ$	48.48		E	,	175.15	m	to point	244	;
thence	N	9	$\circ$	39.14		E	,	186.88	m	to point	245	;
thence	N	2	$\circ$	23.51		E	,	172.49	m	to point	246	;
thence	N	7	$\circ$	51.18		E	,	174.31	m	to point	247	;
thence	N	36	$\circ$	29.44		E	,	130.03	m	to point	248	;
thence	N	81	$\circ$	14.86		E	,	187.90	m	to point	249	;
thence	N	42	$\circ$	57.67		E	,	95.56	m	to point	250	;
thence	S	86	$\circ$	6.46		E	,	75.61	m	to point	251	;
thence	S	54	$\circ$	36.11		E	,	443.55	m	to point	252	;
thence	S	69	$\circ$	15.36		E	,	255.36	m	to point	253	;
thence	S	54	$\circ$	34.43		E	,	204.42	m	to point	254	;
thence	N	62	$\circ$	1.51		E	,	201.92	m	to point	255	;
thence	S	84	$\circ$	29.10		E	,	192.54	m	to point	256	;
thence	N	87	$\circ$	43.84		E	,	219.37	m	to point	257	;
thence	N	11	$\circ$	0.72		W	,	182.73	m	to point	258	;
thence	N	2	$\circ$	12.09		W	,	243.79	m	to point	259	;
thence	S	85	$\circ$	31.90		E	,	203.81	m	to point	260	;
thence	N	0	$\circ$	29.81		W	,	297.33	m	to point	261	;
thence	N	3	$\circ$	20.90		E	,	84.39	m	to point	262	;
thence	N	78	$\circ$	33.68		E	,	189.41	m	to point	263	;
thence	N	2	$\circ$	37.87		W	,	177.41	m	to point	264	;
thence	N	2	$\circ$	47.39		E	,	212.23	m	to point	265	;
thence	N	76	$\circ$	57.24		E	,	468.25	m	to point	266	;
thence	N	48	$\circ$	1.35		E	,	310.93	m	to point	267	;
thence	S	86	$\circ$	55.40		E	,	1,565.03	m	to point	268	;
thence	S	58	$\circ$	25.84		E	,	605.36	m	to point	269	;
thence	S	59	$\circ$	47.59		E	,	554.74	m	to point	270	;
thence	S	15	$\circ$	16.14		E	,	1,897.53	m	to point	271	;

thence	S	66	°	58.32	'	W	,	613.94	m	to point	272	;
thence	S	6	°	3.99	'	E	,	213.84	m	to point	273	;
thence	S	36	°	23.47	'	E	,	225.68	m	to point	274	;
thence	S	9	°	32.04	'	E	,	230.78	m	to point	275	;
thence	S	14	°	56.94	'	E	,	226.03	m	to point	276	;
thence	S	1	°	40.10	'	E	,	212.96	m	to point	277	;
thence	S	6	°	33.68	'	W	,	260.86	m	to point	278	;
thence	S	37	°	9.73	'	E	,	268.68	m	to point	279	;
thence	S	14	°	31.29	'	W	,	280.11	m	to point	280	;
thence	N	89	°	21.90	'	E	,	264.08	m	to point	281	;
thence	S	0	°	58.37	'	E	,	250.99	m	to point	282	;
thence	S	4	°	33.89	'	W	,	367.99	m	to point	283	;
thence	S	36	°	13.94	'	W	,	394.49	m	to point	284	;
thence	S	0	°	4.78	'	E	,	240.80	m	to point	285	;
thence	S	38	°	56.18	'	W	,	184.98	m	to point of beginning		

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

**SECTION 5. Land Classification.** – All lands comprising the Mt. Mayapay Protected Landscape (MMPL) shall fall under the classification of a National Park as provided in the Philippine Constitution

**SECTION 6. Establishment of Buffer Zones.** - Buffer zones are hereby established along and adjacent to the peripheral boundaries to serve as protective layer to the area and its resources. The buffer zones shall also serve as a social fence against the entry of intruders that bring destruction or conduct activities detrimental to the park. Prescriptions for the management of buffer zones shall be included as components of the protected area management plan. The Department of Environment and Natural Resources shall exercise the same authority over buffer zones in the same manner as protected areas: Provided, however, that there shall be consultation with the affected communities.

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

**SECTION 7. Definition of Terms.** The following terms are hereby defined for the purposes of this Act:

- a. *Biodiversity* – shall refer to the variety and variability among living things, and the interconnectedness of all life forms in a particular environment;
- b. *Biological Resources* – include genetic resources, organisms or parts thereof, population, or any other biotic component of ecosystems with actual or potential use or value for humanity;
- c. *Bioprospecting* - means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
- d. *Buffer zones* – shall refer to areas that are outside the boundaries of and are immediately adjacent to designated protected areas, pursuant to Section 5 hereof, that need special development control in order to avoid or minimize encroachment and harm to the protected area;
- e. *By-products or Derivatives* means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens;
- f. *Collection or collecting* prefers to the act of gathering or harvesting wildlife, its by-products or derivatives;

- 74 g. *Conservation* – shall refer to any act or acts of preservation and sustainable  
75 utilization of wildlife and/or maintenance, restoration and enhancement of the  
76 habitat;
- 77 h. *DENR* – shall refer to the Department of Environment and Natural Resources, a  
78 national government agency created under Executive Order 192 with jurisdiction  
79 over forestlands and protected areas;
- 80 i. *Ecosystem* – means the dynamic complex of plant, animal and micro-organism  
81 communities and their non-living environment interacting as a functional unit;
- 82 j. *Endangered Species* – refer to species or subspecies that are not critically  
83 endangered but whose survival in the wild is unlikely if the causal factors  
84 continue operating;
- 85 k. *Exotic Species* – refer to species or subspecies of flora and fauna which do not  
86 naturally occur within the protected area at present or in historical time;
- 87 l. *Habitat* – means a place or type of environment where species or subspecies  
88 naturally occurs or has naturally established its population;
- 89 m. *Hunting* – refers to collection of wild fauna for food and/or recreational purposes  
90 and/or recreational purposes with the use of weapons such as guns, bow and  
91 arrow, spear and the like;
- 92 n. *Indigenous Cultural Communities/Indigenous Peoples* — shall refer to a group of  
93 people or homogenous societies identified by self-ascription and ascription by  
94 others, who have continuously lived as organized community on communally  
95 bounded and defined territory, and who have, under claims of ownership since  
96 time immemorial, occupied, possessed and utilized such territories, sharing  
97 common bonds of language, customs, traditions and other distinctive cultural  
98 traits, or who have, through resistance to political, social and cultural inroads of  
99 colonization, non-indigenous religions and cultures, became historically  
100 differentiated from the majority of Filipinos. ICCs/IPs shall likewise include  
101 peoples who are regarded as indigenous on account of their descent from the  
102 populations which inhabited the country, at the time of conquest or colonization,  
103 or at the time of inroads of non-indigenous religions and cultures, or the  
104 establishment of present state boundaries, who retain some or all of their own  
105 social, economic, cultural and political institutions, but who may have been  
106 displaced from their traditional domains or who may have resettled outside their  
107 ancestral domains;
- 108 o. *Management Board* – refers to the Management Board of the Mt. Mayapay  
109 Protected Landscape;
- 110 p. *Management Plan* – refers to the fundamental plan, strategy and/or scheme which  
111 shall guide all activities relating to the MMPL in order to attain the objectives of  
112 this Act;
- 113 q. *MMPL* – refers to the Mt. Mayapay Protected Landscape;
- 114 r. *MMPL Fund* – refers to the revolving fund to be established for the purpose of  
115 financing projects in the MMPL;
- 116 s. *Mineral* – refers to all naturally occurring inorganic substance in solid, gas, liquid,  
117 or nay intermediate state including energy materials such as coal, petroleum,  
118 natural gas, radioactive materials and geothermal energy;
- 119 t. *Multiple Use Zone* – refers to an area where settlement, traditional and/or  
120 sustainable land use, including agriculture, agro-forestry, extraction activities and  
121 other income generating or livelihood activities, may be allowed to the extent  
122 prescribed in the management plan;
- 123 u. *National Integrated Protected Areas System (NIPAS)* refers to the classification  
124 and administration of all designated protected areas to maintain essential  
125 ecological processes and life-support systems, to preserve genetic diversity, to  
126 ensure sustainable use of resources found therein, and to maintain their natural  
127 conditions to the greatest extent possible;
- 128 v. *NIPAS Act* – refers to the National Integrated Protected Areas System (NIPAS)  
129 Act of 1992 or Republic act NO. 7586, and its implementing rules and  
130 regulations;

- w. *National Park* – refers to the land of the public domain classified as such in the 1987 Constitution which includes all areas under the National Integrated protected Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitants and cultural diversity;
- x. *Nongovernmental Organization (NGO)* - shall refer to any nongovernmental organization or any civic, developmental, environmental or philanthropic non-stock, non-profit organization.
- y. *People's Organization (PO)* – refers to a group of organized migrant communities and/or interested indigenous people which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.
- z. *Protected Area* – refers to identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- aa. *Protected Area Management Board (PAMB)* - shall refer a governing body created for each protected area pursuant to the NIPAS Act, and tasked to oversee all activities inside the protected area and its buffer zone.
- bb. *Protected Area Superintendent (PASU)* – refers to the chief operating officer of the DENR who is directly responsible to the PAMB and the concerned DENR Regional Executive Director.
- cc. *Protected Landscape* – refers to an area of national significance, which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.
- dd. *Quarrying* - means the process of extracting, removing and disposing of quarry resources found on or underneath the surface of private or public land.
- ee. *Special Use Zone* - refers to an area containing existing installations of national significance, such as telecommunications facilities, irrigation canals or electric power lines.
- ff. *Strict Protection Zone* – refers to a natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.
- gg. *Tenured Migrants* – refer to forest occupants who have actually and continuously occupied a portion of the protected area for at least five (5) years, and are solely dependent therein for subsistence, as of the passage of this Act. A protected area occupant is understood to be “solely dependent for subsistence” when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from utilization of resources from the protected Area.
- hh. *Wildlife* – means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

## CHAPTER II

### PROTECTED AREA MANAGEMENT

**SECTION 8. Management Plan.** – There shall be a Management Plan promulgated for the MMPL that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget.

Within one (1) year from the effectivity of this Act, the Management Plan shall have been put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

- (a) The category of the protected area;

- 189 (b) Period of applicability of the plan;  
190 (c) Key management issues;  
191 (d) Goals and objectives of management in support of Section 2 hereof;  
192 (e) Site management strategy;  
193 (f) Major management activities such as, but not limited to, enforcement of laws,  
194 habitat and wildlife management, sustainable-use management, infrastructure  
195 development and maintenance, and fire and pest control;  
196 (g) Zoning; and  
197 (h) Visitor management programs.

199 The Management Plan shall be prepared by the Protected Area Superintendent  
200 (PASu) in coordination with the appropriate officers of the department, local communities  
201 and the NGOs. It shall be reviewed and approved by the PAMB and certified by the  
202 Secretary of the Department. Such certification shall be mandatory to ensure that the plan  
203 conforms to all laws and the applicable rules and regulations issued by the Department:  
204 *Provided, however,* that the Secretary may revise and modify the protection and  
205 conservation plan, after consultation with the PAMB, prior to certification to ensure  
206 conformity with applicable laws, rules and regulations.

207 A year before the expiration of the period of the applicability of the plan in effect, the  
208 PASu shall cause publication of notices for comments and suggestions on the successor plan  
209 in a newspaper of general circulation in the concerned city and municipal government units.  
210 Notices shall also be posted in the respective provincial, city and municipal halls of the  
211 concerned provinces, cities and municipalities as well as in the barangay halls bounding or  
212 immediately adjacent to the protected landscape. The proposed plan shall be made available  
213 to the public during the period for comment and a final plan shall likewise be made available  
214 for public perusal of the office of the PASu upon the approval of the PAMB: *Provided,* That  
215 the plans shall be plainly written in a language understandable in the area.

## 218 **SECTION 9. The Protected Area Management Board.**

- 219 A. The PAMB shall be the highest policy making body of the MMPL. It shall be  
220 composed of the following:  
221 1. The Regional Executive Director of DENR Region XIII who shall sit as PAMB  
222 chairperson;  
223 2. The Provincial Governor of Agusan del Norte or his duly authorized  
224 representative;  
225 3. The Mayor of Butuan City or his duly authorized representative;  
226 4. The Mayor of the Municipality of Buenavista, Agusan del Norte, or his duly  
227 authorized representative;  
228 5. A representative from among the Barangay Captains of each of the barangays  
229 within the protected area;  
230 6. Two (2) members from the Academe appointed by the Secretary;  
231 7. A representative from each of the IP group residing inside the MMPL or  
232 within its buffer zones; and  
233 8. Three (3) representatives from the NGOs and three (3) representatives from  
234 POs involved with protected area management, chosen among themselves.

235 In the selection of representatives from the POs and NGOs, the following criteria shall  
236 be primarily considered:

- 237 a) Active involvement in the ecological conservation, preservation, rehabilitation  
238 and protection of the protected area;  
239 b) Great potential in community organizing and other development work;  
240 c) Favorable track record in community work; and  
241 d) Duly accredited by the LGU concerned and by the DENR.

242 Any action, decision and policy made by the Mt. Mayapay PAMB shall be valid and  
243 subsisting unless overturned by the DENR Secretary for either being contrary to existing  
244 laws, rules and regulations or violative of the existing applicable Management Plan.

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248        There shall be an Executive Committee (ExeCom) within the PAMB to whom may  
249        be delegated some of its powers and functions, including the authority to rule on appeal the  
250        decisions of the Protected Area Superintendent referred to in Section 20 of this Act, to be  
251        composed of the Regional Technical Director of Protected Areas and Wildlife and Coastal  
252        Zone Management Service as chairperson, and at least two (2) representatives each from the  
253        LGUs, the NGOs, and the IPs. The PAMB shall determine the scope and extent of the  
254        authority to be delegated to the ExeCom.  
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256        The PAMB en banc shall hold a regular meeting at least once every three (3) months  
257        and the ExeCom shall hold regular meetings at least once a month. For both bodies, a  
258        quorum shall consist of a simple majority of the members. The chairperson may call for a  
259        special meeting as deemed necessary.  
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261        Every Member of the PAMB shall serve for a term of five (5) years provided that  
262        he/she remains a member or employee of the sector or office being represented. The term of  
263        office of the NGO and the PO representatives in the PAMB shall be coterminous with the  
264        duration and existence of the organization's projects in the protected area. Whenever a seat  
265        allotted for the NGOs or POs shall be vacant, a new member shall be chosen in the same  
266        manner as the original selection process, and shall serve only the unexpired term.  
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268        Except for government officials who shall serve as *ex officio* members of the PAMB,  
269        each member shall serve for a term of five (5) years without compensation.  
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271        The members of the PAMB shall be entitled to reimbursement of actual traveling and  
272        subsistence expenses incurred in attending the meetings of the PAMB or its committees,  
273        subject to existing accounting and budgeting rules and regulations. These expenses shall be  
274        included in the annual budgetary allocation  
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276        **SECTION 10. Powers and Functions.** The PAMB of the MMPL, which shall  
277        decided by consensus or majority vote of the members present constituting a quorum of all  
278        the members, shall have the following powers and functions in addition to those provided  
279        under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and  
280        regulations:

- 281        a. Review, approve and adopt the management plans and development programs  
282        and their respective implementing rules and regulations;
- 283        b. Decide and approve matters relating to proposals, work and action plans,  
284        guidelines and polices and other activities for the management of the  
285        protected area;
- 286        c. Recommend and approve the establishment and delineation of zones;
- 287        d. Establish supplemental criteria and guidelines for park fees for activities  
288        regulated by this Act or the management plan subject to the approval of  
289        DENR pursuant to Section 10(f) of the NIPAS Act;
- 290        e. Ensure effective implementation of development activities within the  
291        protected area;
- 292        f. Adopt rules and procedures in the conduct of business, roles, and  
293        responsibilities, and discipline of its board members, including the creation of  
294        standing committees;
- 295        g. Evaluate the performance and activities of the Office of the PASu;
- 296        h. Accept donations, approve proposals for funding and budget allocation and  
297        exercise accountability over all funds that may accrue;
- 298        i. Request assistance from any government agency, office, board, private or  
299        public person to achieve the objectives of this Act;
- 300        j. Monitor and evaluate the performance of protected area personnel, NGOs, and  
301        the communities in biodiversity conservation, socio-cultural and economic  
302        development, and report its assessment to the DENR; and
- 303        k. Participate in the selection and designation process of the DENR in the  
304        appointment of the Protected Area Superintendent;

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The DENR, through the Regional Executive Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between Administrative Orders issued by the DENR pursuant to the NIPAS Act and other laws, and resolutions issued by PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its application.

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**SECTION 11. Protected Area Superintendent (PASu) Office.** There is hereby established a PASu office in charge of the management, protection and administration of the MMPL. The office shall be headed by the Protected Area Superintendent who shall be the chief operating officer of the MMPL and shall be accountable to the RED of the DENR Region XIII (Caraga Region) and PAMB. The PASu shall be supported by existing personnel of the DENR. The PASu shall have the following administrative and regulatory powers and functions:

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- a. Prepare and recommend to the PAMB the approval of the annual work and financial plans;
- b. Establish a productive partnership with the local community and stakeholders, including groups who are interested in attaining the goals and objectives of the MMPL;
- c. Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area;
- d. Formulate and implement park information, education, communication and visitor programs;
- e. Develop a management information system to ensure that relevant and updated information are available for scientific research, planning, monitoring and decision-making;
- f. Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents and others in establishing effective protection of the area;
- g. Enforce laws, rules and regulations pursuant to existing environmental laws and DENR orders to protect and preserve the MMPL from trespass, damage, injury and illegal occupancy; and
- h. Perform such other functions as the PAMB or the RED may assign.

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The Office of the PASu shall be supported by a sufficient number of personnel who shall perform day-to-day management, protection, and administration of the protected area.

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All DENR employees detailed to the protected area at the time of effectivity of this Act shall be accorded preference to form part of the Protected Area Superintendent Office.

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**SECTION 12. Roles of Local Government Units and National Agencies on the Protected Area.** The LGUs and relevant national agencies shall be represented in the PAMB and shall have the following roles:

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- a. Apprise the respective constituents, offices, and other sectors on activities and programs for the protected area;
- b. Ensure consistency in the implementation of all activities in the protected area;
- c. Retain their ordinance-making powers over the protected area and shall consider the Management Plan and the rules and regulations adopted by the PAMB in their legislative agenda relating to biodiversity, conservation, protection, and sustainable development;
- d. In the formulation of their development plan, local government units shall consider the protected area management plan for Mt. Mayapay Protected Landscape to be prepared by the PAMB;

- 362                   e. Assist the PAMB in the implementation of the overall park fees, including but  
363                   not limited to the imposition, collection, and utilization of park fees,  
364                   enforcement of policies, rules and regulations and other similar park activities;  
365                   f. Accredit POS, NGOs, and other entities and groups involved in activities  
366                   within the protected area; and  
367                   g. Provide the PAMB with relevant information and data for the effective  
368                   management of the protected area.

369

370                   **SECTION 13. Collaboration among Government, Non-Government**  
371                   **Organizations and People's Organizations.** For the purpose of attaining the objectives of  
372                   this Act, all government agencies, NGOs, and POs and their personnel shall continuously  
373                   foster and develop a strong and true collaboration.

374

375                   All NGOs and POs and private entities implementing any park conservation, protection, and  
376                   development program must be accredited by the LGUs and the DENR.

377

### 378                   CHAPTER III

380                   **ANCESTRAL LAND/DOMAINS AND TENURED MIGRANTS**

382                   **SECTION 14. Ancestral Lands and Domains.** – The rights of the IPs to their  
383                   ancestral lands and domains shall be recognized subject to existing and prior rights in  
384                   accordance with the provisions of the Republic Act 8371.

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

390                   The IPs concerned shall be consulted and enjoined to participate in the planning and  
391                   implementation of the provisions of this Act.

393                   **SECTION 15. Tenured Migrants.** A tenured migrant shall be issued a tenurial  
394                   instrument and shall be eligible to become stewards of portions of lands within the allowed  
395                   and designated zones on the areas they have been occupying or cultivating not exceeding the  
396                   size to be determined by PAMB.

398                   The tenurial instrument shall cover a period of ten (10) years, subject to renewal  
399                   based on the performance evaluation and compliance of the terms and conditions stipulated  
400                   in the instrument.

402                   The PAMB shall identify, verify, review all tenurial instruments, land claims, and  
403                   issuance of permits for resource use within the protected area and recommend the issuance of  
404                   the appropriate tenurial instrument consistent with the land classification, proper and allowed  
405                   use of resources found therein, and zoning provided for in the Management Plan.

407                   Tenurial instruments issued prior to the effectivity of this Act shall be respected but  
408                   the renewal of the same shall be subject to the rules set forth by the PAMB in accordance  
409                   with the Management Plan.

411                   Farmers who have been cultivating land within the protected area are considered to be  
412                   occupying such lands and shall be entitled to a tenurial instrument limited to cultivation and  
413                   residence. Nothing herein shall be construed to mean any diminution of accrued rights  
414                   earned by tenured migrants.

416                   If tenured migrants occupy areas designated as zones where occupation or certain  
417                   activities are prohibited under this Act, they shall be transferred to multiple use zones or  
418                   buffer zones to be accomplished through just and humane means.

420        The tenurial instruments or the rights and interests arising therefrom shall not be  
421 transferred or otherwise conveyed to any person except direct descendants who shall qualify  
422 in accordance with the rules and regulations set by the PAMB. The same shall not be sold,  
423 leased or used as a security for a loan or any obligation.

424        In the event of termination of a tenurial instrument for cause or by voluntary  
425 surrender of rights, the PASu shall take immediate steps to rehabilitate the area consistent  
426 with the nature of Mt. Mayapay as a protected area under the category of a landscape  
427 protected area.

428        **SECTION 16. Existing Rights.** All prior property and private rights within the  
429 protected area already existing and/or vested prior to the effectivity of this Act, shall be  
430 protected and respected in accordance with existing laws. Lands subsequently classified as  
431 Alienable and Disposable shall be available for titling subject to existing rules and  
432 regulations.

433        Existing built-up Barangays and populated areas within the City of Butuan, and the  
434 Municipality of Buenavista, Agusan del Norte, and other existing built-up and populated  
435 areas within the MMPL shall be respected and recognized. The same shall be subject to such  
436 required processes which the DENR may conduct as a pre-requisite to the reclassification of  
437 the said areas into alienable and disposable lands in accordance with existing laws, rules, and  
438 regulations. All development and improvement in these areas shall be in accordance with the  
439 general Management Plan of MMPL.

440        Persons who have been cultivating lands with appropriate legal authority within the  
441 protected area for at least five (5) years prior to the effectivity of this Act who are primarily  
442 dependent thereon for subsistence may be entitled to the issuance of appropriate tenurial  
443 instruments subject to such rules and regulations set consistent with the MMPL Management  
444 Plan. However, if the lands have been idle for at least five (5) consecutive years, the PAMB  
445 shall have the right to assume control and management of the area.

446        These tenurial instruments or the rights and interests arising therefrom shall not be  
447 transferred or otherwise conveyed to any person except qualified direct descendants  
448 according to the rules and regulations set by the PAMB. Any sale, lease, or use of the  
449 instruments as security for any obligation shall likewise be void.

450        **SECTION 17. Cancellation of Tenurial Instruments.** Tenured migrant instruments  
451 may be cancelled for:

- 452        a. Violation of the terms and conditions specified therein;
- 453        b. The repeated refusal for at least two (2) instances of the holder of the tenurial  
454              instrument to comply with the Management Plan for the Mt. Mayapay Protected  
455              Landscape; or
- 456        c. By voluntary surrender of such rights;
- 457        d. Conviction by final judgment of any of the prohibited acts as defined of any  
458              Prohibited Acts provided for in Chapter IV of this Act.

459        Upon cancellation of a tenured migrant instrument, the Office of the PASu shall  
460 immediately undertake the necessary steps to rehabilitate the area consistent with the  
461 provisions of the Management Plan.

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## CHAPTER IV

### PROHIBITED ACTS AND PENALTIES

- Section 18. Prohibited Acts.** - The following shall be the prohibitions and penalties within the MMPL:
- (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 MMPL any wild plant or animal or product derived therefrom without prior PAMB permit;
    - (2) Possesses, without permit from the PAMB, any wild plant or animal or product derived from such wild plant or animal within the MMPL or in any of its management zones where the species is not endemic;
    - (3) Cuts, gathers, collects or removes timber or other forest products;
    - (4) Establishes or introduces exotic species that have allelopathic or detrimental effect to endemic species without prior PAMB permit;
    - (5) Engages in kaingin or slash-and-burn farming or any activity that causes forest fire;
    - (6) Engages in quarrying or the process of extracting, removing and disposing of quarry resources found on or underneath the MMPL; and
    - (7) Engages in the extraction, exploration, development, utilization or processing of mineral resource, minerals or rocks with economic value found on or underneath the MMPL.
  - (b) A fine of not less than Five Thousand Pesos (P5,000) but not more than Two Hundred Fifty Thousand Pesos (P250,000) 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 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;
    - (4) Uses or possesses a motorized equipment anywhere within the strict protection zone without a prior permit from the PAMB;
    - (5) Engages in grazing or raising of poultry and other livestock for commercial purposes: Provided, that existing grazing or poultry and other livestock farms shall be phased out within five (5) years after the effectiveness of this Act;
    - (6) Causes damage or leaves roads and trails in damaged condition;
    - (7) Occupies any tract of land without a prior PAMB permit. Any clearing, construction of residence or introduction of improvements shall constitute *prima facie* evidence of occupation or settlement;
    - (8) Alters, removes, destroys or defaces boundaries, marks or signs;
    - (9) Constructs and maintains a building, edifice or any kind of structure or conducts any business enterprise without prior PAMB permit;
    - (10) Enters the MMPL without a prior PAMB permit for purposes of bird watching, swimming, trekking, filming, camping, spelunking or caving and other similar activities;
    - (11) Conducts biorospecting, research work or any study without prior PAMB permit or in violation of existing guidelines; and engages in treasure hunting.

527 (c) A fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more  
528 than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than  
529 six (6) months but not more than six (6) years, or both, at the discretion of the court  
530 shall be imposed upon any public officer or law enforcement officer, who, in  
531 dereliction of the duties of his office, shall maliciously refrain from instituting proper  
532 action for the punishment of violators of the law or shall tolerate the commission of  
533 offenses. A conviction of this offense shall also carry the penalty of perpetual  
534 disqualification from public office.

535  
536 (d) In case the species involved in the violations enumerated under Section 17 (1) are  
537 protected species, the penalty to be imposed shall not be less than twelve (12) years  
538 and one (1) day but not more than twenty (20) years and a fine of not less than Five  
539 hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) in  
540 addition to the accessory penalties provided in the immediately succeeding paragraph.  
541 Furthermore, any citizen may institute the necessary charge against the offender for  
542 commission of the acts enumerated under Section 17(1) involving protected species.

543  
544 (e) A conviction under this section shall likewise carry the penalty of eviction from the  
545 MMPL, payment of damages for the rehabilitation and restoration and the forfeiture  
546 of all equipment, device and weapon/s used in the commission of the offense as well  
547 as the resources caught in the possession of the accused. In case the offender is not a  
548 Filipino citizen, he/she shall be immediately deported to his/her country of origin  
549 after service of his/her sentence. If the offender is an association or corporation, the  
550 president or manager shall be directly responsible for the act of the employees and  
551 laborers.

552  
553 **SECTION 19. Special Prosecutor.** Within thirty (30) days from the effectivity of  
554 this Act, the Department of Justice shall appoint a Special Prosecutor to whom all cases of  
555 violation of laws, rules, and regulations in the protected area shall be assigned. Such Special  
556 Prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her  
557 duties and assist in the training of wardens and rangers in arrest and criminal procedure. The  
558 PAMB shall periodically submit an evaluation of the performance of the designated Special  
559 Prosecutor to the Department of Justice.

560  
561 **SECTION 20. Administrative Confiscation and Fine.** Administrative proceedings  
562 for violation of Section 20 of Republic Act 7586 shall proceed independently and without  
563 prejudice to judicial action. The PAMB Executive Committee is hereby empowered to hear  
564 administrative proceedings and impose administrative fines ranging from Five Thousand  
565 Pesos (P5,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00). Decisions of the  
566 PAMB Execom may be appealed within thirty (30) days from the receipt of the decision to  
567 the DENR Secretary. Decisions on imposition of fines shall be executed pending appeal.

568  
569 All conveyances, vessels, equipment, paraphernalia, implements, gear, tools,  
570 instruments of the crime, and similar devices shall be subject to immediate administrative  
571 confiscation by the Office of the PASu upon apprehension without prejudice to criminal  
572 action. Once the proper criminal information is filed in the regular courts, the said  
573 conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of the  
574 crime and similar devices shall be in *custodia legis* but shall continue to be subject to  
575 administrative confiscation and may only be released by the trial court to the owner pending  
576 trial on a writ of replevin, upon consultation with the PASu and with proper consideration of  
577 the pending administrative proceedings and potential forfeiture of the said objects.

578  
579 Administrative fines collected and the proceeds of the sale on forfeiture of all objects  
580 administratively and judicially confiscated or forfeited pursuant hereto shall accrue to the Mt.  
581 Mayapay Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

583 The LGUs responsible for the arrest of violators and confiscation of instruments of the crime  
584 may claim a share in the disposition thereof while the rest shall accrue to the PAMB. The  
585 sharing scheme for this shall be agreed upon by LGUs and the PAMB.

586

587 In the case of criminal conviction, the penalty consisting of fines and damages shall  
588 directly accrue to the Mt. Mayapay Fund.

589

590 **SECTION 21. Special Counsel.** The PAMB may retain the services of a competent  
591 lawyer who may be deputized by the Secretary of Justice, to assist in the prosecution of cases  
592 or defend the members of the PAMB, the PASu and staff or any person assisting in the  
593 protection, conservation and sustainable development of the protected area against any legal  
594 action related to their powers, functions and representatives as provided in this Act or as  
595 delegated or tasked by the PAMB.

## 596

## 597 CHAPTER V

### 598

### 599 MT. MAYAPAY PROTECTED AREA FUND

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601 **SECTION 22. The Mt. Mayapay Protected Landscape Protected Fund.** There is  
602 hereby established a trust fund to be known as the Mt. Mayapay Protected Landscape Fund  
603 for purposes of financing projects of the System. All income generated from the operation of  
604 the system or the management of wild flora and fauna in the MMPL shall accrue to the fund.  
605 These income shall be derived from, but not limited to, the following:

- 606 a. Visitors/ Tourist fees;
- 607 b. Registration of structures/facilities;
- 608 c. Fees from the use of portions of the protected area and other facilities;
- 609 d. Donations and solicitations;
- 610 e. Contributions from industries and facilities directly benefiting from the protected  
611 area;
- 612 f. Such other fees and income derived from the conduct of permitted activities in  
613 particular zones of the protected area;
- 614 g. Fines, fees, and damages, other than those intended from rehabilitation, collected  
615 from violators; and
- 616 h. Proceeds from the sale of confiscated goods and materials.

617

618 The PAMB shall promulgate guidelines for the Mt. Mayapay Protected Area Fund  
619 within one (1) month form the approval of this Act, and determine an equitable sharing  
620 scheme with the LGUs concerned for the revenues derived from facilities or activities within  
621 the protected area.

622

623 The fund may be augmented by grants, donations, endowment from various sources,  
624 domestic or foreign. Provided, that the fund shall be deposited as a special account in the  
625 National Treasury and disbursements therefrom shall be made solely for the protection,  
626 maintenance, administration and management of the system and duly approved projects  
627 endorsed by the PAMB in accordance with existing accounting and budgeting rules and  
628 regulations; Provided, further, that the fund shall not be used to cover personal services  
629 expenditures.

630

631 The LGUs shall continue to impose and collect all other fees not enumerated herein  
632 which they have traditionally collected, such as business permits, property tax and rentals of  
633 LGUs facilities. Furthermore, LGUs may impose supplemental charges to the fees imposed  
634 by the PAMB; Provided, that such supplemental charges shall be determined based on the  
635 contribution of the LGUs in the maintenance and protection of the MMPL.

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## CHAPTER VI Existing Facilities

### SECTION 23. Existing Facilities and Environmental Impact Assessment Compliance within the Protected Area.

Within ninety (90) days from the effectivity of this Act, the appointed PASu shall make an inventory of existing facilities within the boundaries of the MMPL and submit the said inventory to the PAMB through a sworn statement containing the following information:

- (a) List of infrastructure, machineries and facilities and their potential disturbances to protected species and their habitat, reproductive cycles, nesting and feeding grounds;
- (b) Noise levels of all stages of operation;
- (c) Energy requirements and sources of energy;
- (d) Volume of resources extracted from the protected area; and
- (e) Future plans for the next five (5) years

The PAMB, with the technical assistance from the DENR, shall determine whether the existence and operation of said infrastructure, machineries and facilities and its future plans and operations would be detrimental to the MMPL.

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

## CHAPTER VII UTILIZATION OF RESOURCES

### SECTION 24. Utilization of Non-renewable Resources and Ban on Mining Activities.

Any exploration or utilization of non-renewable resources within the protected area shall not be allowed. No mining activities shall be allowed inside the MMPL.

**SECTION 25. Utilization of Energy Resources.** Any exploration or utilization of non-renewable resources for generation of energy within the protected area shall not be allowed. Energy generation projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

**SECTION 26. Utilization of Other Resources.** Livelihood activities requiring the use of resources derived from the MMPL shall be allowed only when it is found to be sustainable and consistent with the Management Plan and only upon prior PAMB approval.

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

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

**SECTION 27. Projects of Public Service Utilities.** All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services and other facilities which will promote public welfare, shall be implemented within areas designated/ approved by the PAMB and other appropriate government agencies.

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699   **CHAPTER VIII**  
700   **APPROPRIATIONS AND MISCELLANEOUS PROVISIONS**

702   **SECTION 28. Appropriations.** The Secretary of the DENR shall immediately  
703 include in the Department's program the implementation of this Act and the funding of  
704 which in the initial amount of Fifty Million Pesos (P50,000,000.00) shall be included in the  
705 annual General Appropriations Act.

706   **SEC. 29. Transitory Provisions.** – A new PAMB shall be convened and created  
707 within three (3) months from the effectivity of this Act. During the same period, the DENR,  
708 in coordination with the PAMB, the Committee on Natural Resources of the House of  
709 Representatives, the Senate Committee on Environment and Natural Resources and the  
710 concerned Congressional District Representatives shall undertake the preparation of the  
711 implementing rules and regulations of this Act.

713   **SECTION 30. Separability Clause.** If any part or section of this Act is declared  
714 unconstitutional, such declaration shall not affect the other parts or sections hereof.

716   **SECTION 31. Repealing Clause.** All laws, proclamations, rules and regulations,  
717 inconsistent with this Act are hereby repealed or modified accordingly.

720   **SECTION 32. Effectivity Clause.** This Act shall take effect fifteen (15) days after its  
721 complete publication in the Official Gazette or in at least two (2) national newspapers of  
722 general circulation, whichever comes earlier.

723   *Approved,*

724