

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 4007



Introduced by REP. CESAR V. SARMIENTO

EXPLANATORY NOTE

"Investing in forests is an insurance policy for the planet."

Thus said UN Secretary General Ban Ki Moon in his message for the International Day of Forests last 21 March 2016. He stressed that the protection of our forests is fundamental to our vision for a "shared people and planet."

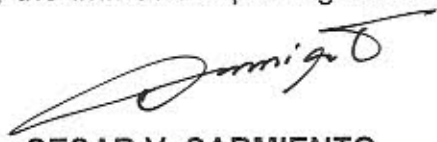
In addition, the United Nations Forum on Forests has outlined the worldwide benefits of our forests such as the 75% of the freshwater the world use every day, the natural and cheap carbon capture and storage systems that address climate change, the prevention of soil erosion and landslides, the guaranteed supply of food, water and products in times of natural calamities, the 1.6 billion people being directly sustained by the forests in terms of food and livelihoods and the clean air and forest products that everyone benefits from. Hence, the need to conserve our forests.

The Province of Catanduanes is known to be endowed with rich forests and biodiversity. The envisioned Catanduanes Natural Park (CNP), which is wider in coverage than the existing Catanduanes Watershed Forest Reserve, provides the Catandunganons and the whole country with the benefits mentioned above. In particular, it is the major source of water for domestic, agriculture, energy and industrial purposes for the whole Province. On the other hand, the abaca plants growing under the forest shades are responsible for making the Province the Abaca Capital of the World.

The CNP is also a Key Biodiversity Area. It is home to endemic species of flora such as the Philippine hardwoods which include the Apitong, the Red and White Lauans, Yakal and other Dipterocarps. There are also endemic species of fauna such as the Blue-headed Racket-tails, the Gray's Monitor Lizard, Tarictic Hornbills, Southern Luzon Cloud Rat, Philippine Serpent Eagles and others.

The CNP is considered the last frontier in the Bicol Region in terms of old-growth and natural forest. It is imperative therefore for the CNP to be declared as a national park pursuant to Republic Act No. 7856 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and the applicable international conventions to which the Philippines is a signatory.

To protect and sustain our common future, the immediate passage of this bill is earnestly sought.


CESAR V. SARMIENTO

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Introduced by Rep. CESAR V. SARMIENTO

**AN ACT ESTABLISHING THE CATANDUANES NATURAL PARK IN THE
PROVINCE OF CATANDUANES AS A PROTECTED AREA UNDER THE
CATEGORY OF NATURAL PARK, PROVIDING FOR ITS MANAGEMENT
AND FOR OTHER PURPOSES**

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

SECTION 1. Title. – This Act shall be known as the “*Catanduanes Natural Park
Act of 2016*”.

SECTION 2. Declaration of Policy. – Considering the diversity of the unique
biological resources of the country and their aesthetic, educational, sociocultural,
economic and ecological importance, it is hereby declared the policy of the State to
ensure their protection and conservation.

In doing so, the State shall ensure the full implementation of this Act, the
mobilization of resources for the institutional mechanisms herein established, and the
full scientific and technical support needed for the conservation of biodiversity and the
integrity of the ecosystems, culture and religious practices.

SECTION 3. Scope and Coverage. – The boundaries of the Catanduanes
Natural Park, which falls under the category of natural park as defined herein, within
the Municipalities of Virac, San Miguel, Viga, Panganiban, Bagamanoc, Pandan,
Caramoran, San Andres, Baras and Gigmoto in the Province of Catanduanes, are as
follows:

Beginning at a point marked “1” on the Map, being N 39°52'32" E, 2946.95
meters from PRS'92 Control Monument "CNS- 3069" with geographic coordinates
13°36'44.09224"N and 124°11'24.63499" E located in front of Hicming Elementary
School, Brgy. Hicming, Virac, Catanduanes.

thence	N 20°19'25" W	2857.93	meters to corner	2;
thence	N 56°46'12" W	2502.76	meters to corner	3;
thence	S 60°31'42" W	1373.35	meters to corner	4;
thence	S 81°58'16" W	1894.24	meters to corner	5;
thence	S 63°24'18" W	1292.86	meters to corner	6;
thence	S 29°40'53" E	793.05	meters to corner	7;
thence	S 83°06'54" E	706.34	meters to corner	8;
thence	S 12°11'40" E	547.60	meters to corner	9;
thence	S 68°07'04" E	1488.51	meters to corner	10;

thence	S 77°30'10" E	744.08	meters to corner	11;
thence	S 03°21'10" W	715.62	meters to corner	12;
thence	S 77°38'17" W	2166.49	meters to corner	13;
thence	N 39°39'55" W	2133.69	meters to corner	14;
thence	N 28°57'57" W	2142.18	meters to corner	15;
thence	N 85°57'11" W	1975.18	meters to corner	16;
thence	N 23°13'52" W	1582.82	meters to corner	17;
thence	N 27°31'04" E	2098.19	meters to corner	18;
thence	N 52°51'59" E	2518.85	meters to corner	19;
thence	N 38°42'51" E	1861.24	meters to corner	20;
thence	N 84°50'37" E	1241.50	meters to corner	21;
thence	N 28°42'47" E	1280.69	meters to corner	22;
thence	N 33°32'44" E	1398.08	meters to corner	23;
thence	N 05°08'35" E	1605.61	meters to corner	24;
thence	N 22°08'36" E	1507.68	meters to corner	25;
thence	N 21°05'52" W	1703.56	meters to corner	26;
thence	N 22°47'47" W	624.45	meters to corner	27;
thence	N 12°20'47" E	994.99	meters to corner	28;
thence	N 36°50'44" W	1975.65	meters to corner	29;
thence	N 30°44'43" W	1126.07	meters to corner	30;
thence	N 17°42'01" E	1646.45	meters to corner	31;
thence	N 08°25'37" W	1138.62	meters to corner	32;
thence	N 23°37'45" W	1311.36	meters to corner	33;
thence	N 02°56'08" E	1629.05	meters to corner	34;
thence	N 46°30'44" E	2357.05	meters to corner	35;
thence	N 48°56'48" E	2078.81	meters to corner	36;
thence	N 30°16'28" E	780.09	meters to corner	37;
thence	N 60°11'22" W	2067.37	meters to corner	38;
thence	N 28°35'29" E	2004.89	meters to corner	39;
thence	N 10°13'00" W	1458.14	meters to corner	40;
thence	N 09°37'30" W	1447.05	meters to corner	41;
thence	N 73°56'44" E	1206.76	meters to corner	42;
thence	N 60°19'26" E	1718.87	meters to corner	43;
thence	N 27°08'06" W	1500.00	meters to corner	44;
thence	S 65°05'42" E	1030.23	meters to corner	45;
thence	N 63°35'33" E	1250.58	meters to corner	46;
thence	N 29°11'03" W	1646.87	meters to corner	47;
thence	N 09°13'47" W	1014.31	meters to corner	48;
thence	N 52°38'48" W	1285.72	meters to corner	49;
thence	N 27°36'15" W	955.63	meters to corner	50;
thence	S 86°36'33" E	2285.53	meters to corner	51;
thence	S 89°19'48" E	2086.10	meters to corner	52;
thence	S 24°57'25" E	2009.12	meters to corner	53;
thence	S 37°11'43" E	1697.28	meters to corner	54;
thence	S 12°30'21" E	2273.21	meters to corner	55;
thence	S 10°43'06" W	2377.56	meters to corner	56;
thence	S 08°43'29" E	1740.22	meters to corner	57;
thence	S 31°55'03" E	1315.46	meters to corner	58;
thence	S 22°41'11" W	2206.44	meters to corner	59;
thence	S 08°20'38" E	632.43	meters to corner	60;

thence	S 25°51'58" E	611.96	meters to corner	61;
thence	S 51°53'10" E	878.49	meters to corner	62;
thence	S 07°56'08" W	2468.25	meters to corner	63;
thence	S 22°50'01" W	2063.98	meters to corner	64;
thence	S 16°41'57" W	696.84	meters to corner	65;
thence	S 04°24'21" W	2545.75	meters to corner	66;
thence	S 30°38'07" E	1800.07	meters to corner	67;
thence	N 89°21'35" E	1169.32	meters to corner	68;
thence	S 54°56'06" E	1218.80	meters to corner	69;
thence	N 80°21'19" E	1332.95	meters to corner	70;
thence	N 20°13'29" E	1472.99	meters to corner	71;
thence	N 06°27'31" E	2155.65	meters to corner	72;
thence	N 14°48'48" E	1011.65	meters to corner	73;
thence	N 79°32'14" E	1057.68	meters to corner	74;
thence	N 58°21'46" E	1560.02	meters to corner	75;
thence	S 41°50'21" E	2269.37	meters to corner	76;
thence	S 20°29'00" E	836.08	meters to corner	77;
thence	N 89°56'00" E	505.36	meters to corner	78;
thence	N 50°17'12" E	1922.86	meters to corner	79;
thence	N 09°24'51" W	1581.29	meters to corner	80;
thence	N 54°21'37" E	435.47	meters to corner	81;
thence	N 01°14'52" E	1193.38	meters to corner	82;
thence	S 68°21'35" E	1600.02	meters to corner	83;
thence	S 50°30'48" E	1487.18	meters to corner	84;
thence	S 10°43'49" W	1635.27	meters to corner	85;
thence	S 55°44'26" E	1977.28	meters to corner	86;
thence	S 14°34'28" W	530.46	meters to corner	87;
thence	S 85°09'56" W	1630.46	meters to corner	88;
thence	N 89°26'17" W	1648.99	meters to corner	89;
thence	S 56°38'38" W	3287.78	meters to corner	90;
thence	S 07°54'04" E	2248.4	meters to corner	91;
thence	S 53°37'52" E	2105.61	meters to corner	92;
thence	S 06°07'49" E	2194.93	meters to corner	93;
thence	N 73°33'32" E	1361.89	meters to corner	94;
thence	S 13°41'49" W	2310.68	meters to corner	95;
thence	S 58°26'49" W	2223.42	meters to corner	96;
thence	S 50°44'00" E	715.15	meters to corner	97;
thence	S 09°18'07" W	950.11	meters to corner	98;
thence	S 43°16'45" W	1332.30	meters to corner	99;
thence	N 57°54'46" W	1803.10	meters to corner	100;
thence	N 67°14'50" W	561.10	meters to corner	101;
thence	N 68°06'38" W	2247.26	meters to corner	102;
thence	N 18°00'14" W	679.92	meters to corner	103;
thence	N 58°53'49" W	1142.23	meters to corner	104;
thence	N 17°58'07" E	647.75	meters to corner	105;
thence	N 17°56'33" W	523.39	meters to corner	106;
thence	N 87°17'00" W	696.28	meters to corner	107;
thence	N 06°28'25" W	1365.34	meters to corner	108;
thence	N 02°57'54" E	1143.19	meters to corner	109;
thence	N 80°48'06" W	589.99	meters to corner	110;

thence	N 05°00'42" W	1475.37	meters to corner	111;
thence	S 58°16'08" W	983.60	meters to corner	112;
thence	S 30°05'39" W	1233.17	meters to corner	113;
thence	S 79°54'32" W	968.77	meters to corner	114;
thence	S 48°54'38" W	1801.71	meters to corner	115;
thence	N 23°15'33" W	1002.96	meters to corner	116;
thence	N 88°29'33" W	1229.02	meters to corner	117;
thence	S 18°43'54" W	1233.30	meters to corner	118;
thence	S 39°26'55" E	1329.36	meters to corner	119;
thence	S 02°27'46" W	1504.81	meters to corner	120;
thence	S 72°35'37" E	2478.56	meters to corner	121;
thence	S 10°54'25" E	1640.30	meters to corner	122;
thence	S 15°35'34" E	1082.53	meters to corner	123;
thence	S 86°12'19" E	793.86	meters to corner	124;
thence	S 11°10'35" E	1021.65	meters to corner	125;
thence	S 53°34'08" W	632.91	meters to corner	126;
thence	S 16°57'48" E	1343.64	meters to corner	127;
thence	S 42°24'23" W	821.01	meters to corner	128;
thence	S 49°17'50" E	1983.12	meters to corner	129;
thence	S 05°19'11" E	1002.55	meters to corner	130;
thence	S 61°23'22" W	1873.65	meters to corner	131;
thence	S 03°04'29" W	979.44	meters to corner	132;
thence	S 50°41'32" W	893.16	meters to corner	133;
thence	N 32°26'28" W	1182.82	meters to corner	134;
thence	S 89°20'15" W	2097.65	meters to corner	135;
thence	N 25°55'16" W	804.34	meters to corner	136;
thence	S 73°15'22" W	1432.18	meters to corner	1;

The CNP contains an area of **FORTY-EIGHT THOUSAND NINE HUNDRED TWENTY-FOUR (48,924.05)** hectares. The bearings and distances are based on UTM-GRID PRS 92 Datum.

The Department of Environment and Natural Resources (DENR), with the assistance from other government agencies, if necessary, shall delineate and demarcate on the ground the boundaries of the protected area. Any modification of the coverage of this Act due to such factors as changing ecological situations, new scientific or archeological findings, or discovery of traditional boundaries not previously taken into account shall be made through an act of Congress, after consultation with the affected public and concerned government agencies.

SECTION 4. *Land Classification.* – All lands comprising the CNP shall fall under the classification of National Park as provided for under the 1987 Philippine Constitution.

SECTION 5. *Buffer Zone.* – Buffer zones surrounding the CNP shall be established, when necessary, pursuant to Section 8 of the NIPAS Act for the purpose of providing an extra layer of protection around the area, where restrictions can apply and communities can assist in repealing threats to the protected area. Such buffer zones may include public or private lands. Management prescriptions for the buffer zones shall be included as a component of the Protected Area Management Plan. Rights over private lands within established buffer zones shall be recognized and respected consistent with the Management Plan.

SECTION 7. Definition of Terms. – For purposes of this Act, the following terms – are defined as follows:

- (a) "*Biodiversity*" shall refer to the variety and variability among living organisms and the ecological complexes in which said organisms occur;
- (b) "*Biological resources*" shall 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*" shall refer to 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 the identified areas outside the boundaries of and immediately adjacent to the designated protected area pursuant to Section 8 of the NIPAS Act that need special development control in order to avoid or minimize harm to the protected area;
- (e) "*Civil Society Organization (CSO)*" shall refer to the agency, institution, foundation or a group of persons whose purpose is to assist people's organizations/associations in various ways including, but not limited to, organizing, education, training, research and/or resource accessing;
- (f) "*Collection*" or "*Collecting*" shall refer to the act of gathering or harvesting wildlife, its by-products or derivatives;
- (g) "*Conservation*" shall refer to the sustainable utilization of wildlife, and/or maintenance, restoration and enhancement of the habitat;
- (h) "*Ecosystem*" shall refer to the dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (i) "*Endemic Species*" shall refer to the species or subspecies of flora and fauna which are naturally occurring and found only within specific areas in the country;
- (j) "*Exotic Species*" shall refer to the species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;
- (k) "*Exploitation*" shall refer to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose, whether commercial or otherwise;
- (l) "*Exploration*" shall refer to the searching or prospecting for mineral resources, as defined by law, by geological, geo-chemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the purpose of determining the existence, extent, quantity and quality thereof and the feasibility of mining them for profit;
- (m) "*Habitat*" shall refer to a place or type of environment where species or subspecies naturally occurs or has naturally established its population;
- (n) "*Hunting*" shall refer to the collection of wild fauna for food and/or recreational purposes with the use of weapons such as guns, bow and arrow, spear and the like;

(o) "*Management Plan*" shall refer to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the Catanduanes Natural Park in order to attain the objectives of this Act;

(p) "*Mineral*" shall refer to all naturally occurring inorganic substance in solid, gas, liquid, or any intermediate state excluding energy materials such as coal, petroleum, natural gas, radioactive materials, and geothermal energy;

(q) "*Multiple-Use Zone*" shall refer to the area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan;

(r) "*National Integrated Protected Areas System (NIPAS)*" shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

(s) "*NIPAS Act*" shall refer to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic Act No. 7586, and its implementing rules and regulations;

(t) "*National Park*" shall refer to the land of the public domain classified as such in the 1987 Constitution which include 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 habitats and cultural diversity.

(u) "*Natural Park*" shall refer to a relatively large area not materially altered by human activity where extractive resource uses are not allowed and maintained to protect outstanding and scenic areas of national or international significance for scientific, educational and recreational use;

(v) "*People's Organization (PO)*" shall refer to the group of organized migrant communities and/or interested indigenous peoples 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;

(w) "*Protected Area*" shall refer to the 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;

(x) "*Protected Area Management Board (PAMB)*" shall refer to the multi-sectoral policy-making body created in accordance with the NIPAS Act of 1992;

(y) "*Parks Operations Superintendent (POSu)*" shall refer to the chief operating DENR officer of the protected area;

(z) "*Strict Protection Zone*" shall refer to the 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;

(aa) "*Tenured migrants*" shall 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 the utilization of resources from the protected area.

(bb) "*Wildlife*" shall refer to the wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

SECTION 8. *Management of the CNP.* - The management and administration of the CNP shall be vested with the Protected Area Management Board (PAMB): Provided, That the management of zones to be established within the CNP shall be consultative and participatory.

SECTION 9. *Participation of Local Government Units.* - Local Government Units (LGUs) shall participate in the management of the CNP through representation in the PAMB. To allow the integration of the objectives of the CNP with the development plans for the Island Province of Catanduanes, the LGUs shall integrate and mainstream the Management Plan into their policies, programs and local development planning process and shall ensure that local ordinances relating to the environment including the allocation of funds for environmental programs are consistent with this Act and the Management Plan as herein provided.

SECTION 10. *Management Plan.* - In order to achieve the objectives of this Act, there shall be a Management Plan which shall provide a long-term basic framework on the management of the CNP, govern all activities within the CNP and serve as guide in the preparation of its annual operations and budget. The Management Plan shall identify the allowed uses for each zone and shall be consistent with the nature of the CNP as a protected area under the category of a natural park.

Within one (1) year from the effectivity of this Act, the POSu shall prepare the Management Plan in accordance with the General Management Planning Strategy as provided for in the NIPAS Act in coordination with the appropriate officers of the DENR, local communities, and experts who may offer their services. It shall contain, among others, the following:

(a) A period of applicability for twenty (20) years subject to periodic review or modification every five (5) years;

(b) Key management issues;

(c) Goals and objectives of management in support of Section 2 hereof;

(d) Site management strategies;

(e) Zoning in accordance with Section 11 hereof;

(f) Management programs to include enforcement of laws, habitat and wildlife management, ecotourism, sustainable use management, infrastructure development and maintenance, fire prevention and pest control;

(g) Mechanisms for protection tenured migrants in the exercise of their rights;

(h) Sustainable and non-destructive livelihood activities, with preference given to sustainable abaca farming; and

(i) Regulations in furtherance of the preservation and conservation objectives of the CNP as a protected area such as the issuance of permits, resource-use restrictions, among others.

The Management Plan shall be reviewed, updated and/or approved by the PAMB and endorsed, through the Biodiversity Management Bureau (BMB), to the DENR Secretary. The DENR Secretary shall issue a certification that the Management Plan conforms to all applicable laws and rules and regulations issued by the DENR. The Management Plan shall take effect after such certification or if no certification is issued after thirty (30) days from the date of receipt of the Management Plan by the DENR Secretary.

The Management Plan shall be periodically reviewed, modified and updated every five (5) years pursuant to the NIPAS Act. The Management Plan shall not be revised nor modified without prior consultation with the PAMB and must be in accordance with the procedure herein set forth. It shall also be distributed to the concerned government agencies, LGUs, CSOs, private sector and local communities, with the goal of proper coordination and uniform management of protected area. The BMB shall monitor the implementation of the Management Plan to ensure compliance and consistency with biodiversity conservation objectives.

A year before the expiration of the current Management Plan, the POSu shall cause the publication of notices for comments and suggestions on the successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls of the local government units comprising the CNP, and in three (3) other conspicuous areas frequented by the public within the CNP. Two public hearings on the same calendar year shall be conducted on the successor plan. The Management Plan shall be prepared in English, Filipino and Bicolano, plainly written, and available for public perusal at the office of the POSu.

Section 11. Zoning. - Zones shall be established within the CNP giving primary consideration to its protection and conservation. Zoning shall also take into account the tenurial and livelihood concerns of communities, especially the abaca farmers, to ensure the efficient protection of habitats, fragile ecosystems, and unique areas.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogue consultations, and land and resource-use mapping with the aid of Geographic Information System (GIS) and the latest technologies. Zones shall be demarcated on the ground and indicated on maps with the participation of communities, local government units, and other stockholders.

SECTION 12. Management of the Catanduanes Natural Park. – There is hereby created a PAMB which shall have jurisdiction, power and authority over the Catanduanes Natural Park for all matters that may affect biodiversity conservation, protection and sustainable development. It shall be composed of:

- (a) The Regional Director (RD) of DENR–Region 5, as Chairperson;
- (b) The Governor of the Province of Catanduanes or his/her duly-authorized regular representative;
- (c) The Provincial Planning and Development Coordinator (PPDC) of the Province of Catanduanes;

(d) The Mayors of the Municipalities of Virac, San Miguel, Viga, Panganiban, Bagamanoc, Pandan, Caramoran, San Andres, Baras and Gigmoto in the Province of Catanduanes or their duly-authorized regular representatives;

(e) The Punong Barangays of the barangays covering the Catanduanes Natural Park or their duly-authorized regular representatives;

(f) One representative from each department or national government agency directly involved in the Catanduanes Natural Park or has long term projects or permanent facility located therein;

(g) One representative from local CSOs operating in the Catanduanes Natural Park, which has been existing for five (5) years with track records related to the protection and management of the protected area; and

(h) One representative from the accredited people's organizations (POs), chosen among themselves; Provided, That the POs involved are operating in the Catanduanes Natural Park and have been existing for five (5) years with track records related to the protection and management of the protected area.

Except for government officials who shall serve *ex officio*, every PAMB member shall serve for a term of five (5) years; Provided, That he/she remains connected with the sector he/she is supposed to represent; Provided, further, That the term of office of an CSO or PO representative in the PAMB shall be coterminous with the duration or existence of the organization's projects within the CNP. Whenever a vacancy occurs during the term of a nongovernment PAMB member, a new member shall be chosen in the same manner as the original selection process: Provided, That he/she shall only serve for the remaining term.

The representatives from the local government units (LGUs) and national agencies to the PAMB shall inform their respective constituents or office of PAMB-approved or other relevant policies, rules, regulations, programs and projects. They shall ensure that the provisions of this Act, the NIPAS Act and its Implementing Rules and Regulations are observed, complied with, and used as reference and framework in their respective plans, policies, programs and projects.

The members of the PAMB shall not receive any salary but shall be entitled to reimbursements for actual and necessary expenses incurred, either in their attendance in meetings of the PAMB or in connection with other official business authorized by a resolution of the PAMB, subject to existing accounting and auditing rules and regulations. These expenses shall be included in the CNP budget.

SECTION 13. Powers and Functions of the PAMB. – The PAMB of the Catanduanes Natural Park, which shall decide by consensus or majority vote of the members present constituting a quorum of majority of all the members, shall have the following powers and functions in addition to those provided under the NIPAS Act of 1992 and its Implementing Rules and Regulations:

(a) Approve the Management Plan and Annual Work and Financial Plan, allocate resources and oversee the Office of the POSu;

(b) Issue all rules and regulations to prohibit and regulate the acts that may be prejudicial to the CNP;

(c) Adopt Rules of Procedures in the conduct of business, including the creation of committees to which its powers may be delegated;

(d) Manage the allocation of the Catanduanes Natural Park Retained/Retention Income Account, and other funds for the protected area, ensure their proper administration and render proper accounting procedures;

(e) Establish the criteria for the issuance of the necessary permits for the activities regulated by this Act or the Management Plan;

(f) Deputize, through the POSu, appropriate agencies and individuals for the enforcement of the laws, rules and regulations governing the conduct or management of the CNP;

(g) Approve reasonable fees and charges and raise funds for the protected area in accordance with existing DENR guidelines; and

(h) Recommend appropriate policy changes to the DENR and other national government agencies.

The DENR, through the Regional Director, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between the resolutions issued by the PAMB and the existing rules and regulations of national application, the latter shall prevail.

SECTION 14. *The Catanduanes Natural Park Management Office (CNPMO).* – There is hereby established a Protected Area Management Office in the Catanduanes Natural Park, to be headed by a Parks Operations Superintendent (POSu). The CNPMO shall have a complement staff, supported by field officers, who shall be performing the day-to-day management, protection and administration of the Catanduanes Natural Park. Upon recommendation of the PAMB, the DENR Regional Director shall deputize local community leaders and environment and natural resources officers. The CNPMO shall have the following itemized positions:

- a. Parks Operations Superintendent (POSu) (1)
- b. Assistant POSu (1)
- c. Senior Ecosystems Management Specialist (1)
- d. Ecosystems Management Specialist II (1)
- e. Ecosystems Management Specialist I (1)
- f. Biologist (1)
- g. Forester (2)
- h. Forest Ranger (13)
- i. Hydrologist (1)
- j. Economist (1)
- k. Community Development Officer (1)
- l. Project Evaluation Officer (1)
- m. GIS Specialist (1)
- n. Administrative Officer (1)
- o. Administrative Assistant II (1)
- p. Administrative Assistant I (1)
- q. Administrative Aide (1)
- r. Utility Worker (2)

SECTION 15. *Parks Operations Superintendent (POSu).* – The DENR shall appoint a POSu who shall be primarily accountable to the PAMB and the DENR for the implementation of the management plan and operations of the Catanduanes Natural Park. As such, the POSu shall have the following duties and responsibilities in addition to those provided under the NIPAS Act and its Implementing Rules and Regulations:

- (a) Prepare the Management Plan as herein defined;

(b) Prepare and recommend the rules and regulations of the Catanduanes Natural Park;

(c) Provide a secretariat for the PAMB and its committees and provide the PAMB with all the necessary information to make appropriate decisions for the implementation of this Act;

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

(e) Monitor all activities within the CNP to ensure its conformity with the Management Plan;

(f) Issue permits, including cutting permits when warranted, for activities that implement the Management Plan and other permitted activities in accordance with the terms, conditions and criteria established by the PAMB: Provided, that all extraction activities, including collection for research purposes shall continue to be issued by relevant government authorities in accordance with the specific Acts made for the purpose;

(g) Enforce the laws, rules and regulations relevant to the Catanduanes Natural Park, commence and institute legal actions independently or in collaboration with other government agencies or organizations and assist in the prosecution of offenses committed in violation of this Act;

(h) Request for and receive any technical assistance, support or advice from any agency or instrumentality of the government as well as academic institutions, CSOs and the private sector as may be necessary for the effective management, protection and administration of the CNP;

(i) Develop and implement a park information, education and visitor programs;

(j) Establish a productive partnership among stakeholders and ensure the integration of the CNP management policies, regulations, programs and projects to all the concerned national and Local Government Units; and

(k) Performs such other functions as the PAMB may delegate.

SECTION 16. *Integrated Protected Area Fund of the Catanduanes Natural Park.*

– The Integrated Protected Area Fund (IPAF) shall be established as a trust fund and shall be disbursed solely for the protection, maintenance, administration and management of Catanduanes Natural Park and the System. All incomes generated from the operation of the system or management of wild flora and fauna in the CNP shall accrue to the Fund. These income shall be derived from proceeds from fees from permitted sale and export of flora and fauna and other resources from the protected area and its buffer zones other than protected species as may be set by the DENR and the PAMB, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the protected area and such other fees and incomes derived from the operation of the protected area.

Seventy-five percent (75%) of the funds collected shall form part of the Catanduanes Natural Park Sub-fund which shall be solely disbursed for its use. The remaining twenty-five percent (25%) of the revenues shall be deposited as a special account in the National Treasury as share in the Integrated Protected Area Fund for purposes of financing the project of the System.

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

The concerned LGUs shall appropriate portions of their share from the annual internal revenue allotment and other income for use of the Catanduanes Natural Park: *Provided*, That all funds directly coming from the LGUs shall be exempted from the twenty-five percent (25%) remittance requirement for the Integrated Protected Areas Fund Special Account in the General Fund (IPAF-SAGF).

The concerned LGUs may also continue to impose and collect all other fees not enumerated herein but they have traditionally collected, such as business permits, property tax, and rental of LGU facilities: *Provided*, That the LGUs shall not impose property tax and issue new tax declaration for areas covered by the CNP: *Provided, further* That LGUs may charge additional fees to those imposed by the PAMB: *Provided, finally* That such additional fees shall be determined based on the contribution of the LGUs in the maintenance and protection of the protected area.

SECTION 17. Tax Exemption – All grants, bequests, endowments, donations made to the CNP Fund to be used actually, directly, and exclusively by the CNP shall be exempt from donor's tax and shall be considered as allowable deduction from the gross income of the donor for the purposes of computing the taxable income of the donor in accordance with the provisions of the National Internal Revenue Code of 1997, as amended.

SECTION 18. Tenured Migrants and Other Catanduanes Natural Park Occupants. – Tenured migrants shall be eligible to become stewards of portions of lands within allowable zones, with due preference given to abaca farmers. The PAMB shall identify, verify and review all tenurial instruments, land claims, and issuances of permits for resource use within the Catanduanes Natural Park and recommend the issuance of the appropriate tenurial instrument consistent with the zoning provided in the Management Plan.

In no case shall the tenurial instruments or the rights and interests therein be transferred, sold, leased, encumbered, or made as a collateral, security or joint venture capital, otherwise it shall be void.

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

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

Protected area occupants other than tenured migrants who had been occupying a portion of the protected area prior to the effectivity of this Act shall be resettled outside the protected area.

Within three (3) months from the passage of this Act, the POSu shall submit to the PAMB the final list of tenured migrants which shall become the official list upon approval of the Regional Director.

SECTION 19. *Existing Facilities Within the Catanduanes Natural Park.* – Within ninety (90) days from the effectivity of this Act, existing facilities such as roads, buildings and structures, water systems, transmission lines, communication facilities, heavy equipment, and irrigation facilities within the boundaries of the Catanduanes Natural Park shall be inventoried and the inventory with project descriptions shall be submitted to the PAMB through the POSu.

Within the said period, all commercial facilities existing within the boundaries of the CNP with a total capitalization of not less than One hundred thousand pesos (P100,000.00) shall submit to the PAMB, through the POSu, a sworn statement containing the following information, as may be applicable:

- (a) Potential for disbursement of protected species and other habitats, reproductive cycles, nesting and feeding grounds and migratory paths;
- (b) Noise levels at all stages of operation;
- (c) Emissions and effluent at all stages of operation;
- (d) Energy requirements and sources of energy;
- (e) Water supply requirements and sources of water;
- (f) Volume of resources extracted from the CNP; and
- (g) Future plans for the next five (5) years.

Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the CNP.

Failure to submit the required information shall constitute a violation of this Act and subject to applicable penalties imposed herein. The PAMB may prescribe further conditions for the operation of the facility to ensure that it does not contradict the management objectives of the CNP. Without prejudice to the filing of the necessary case, if any of such conditions is violated, an administrative fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed upon the owners of said facility but not to exceed a total of Five hundred thousand pesos (P500,000.00). At any time whenever necessary, the PAMB, through the POSu or other government entities, shall cause the cessation and demolition of the facility at the cost of its owners.

If the owner of the facility detrimental to the CNP is the government, the agency in charge shall submit a plan for a substitute facility that would not be detrimental to the CNP and undertake the building thereof within one year from the PAMB's decision to cease operations.

Existing facilities that rely heavily on resources within the CNP which are allowed to remain within the CNP may be charged reasonable fees or subject to reasonable conditions by the PAMB. All incomes derived from such fees shall accrue to the Catanduanes Natural Park Retention Income Account.

SECTION 20. *Renewable and Nonrenewable Resources.* – Energy projects within the Catanduanes Natural Park shall only be allowed through an act of Congress except for renewable energy projects which the PAMB may allow and with concurrence of the DENR Secretary: *Provided*, That these renewable energy projects located outside the strict protection zone (SPZ) shall adopt reduced impact technologies, undergo

Environmental Impact Assessment (EIA) and other requirements provided by law, and shall not be detrimental to ecosystem functions and biodiversity.

SECTION 21. *Special Prosecutor and Retained Counsel.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special prosecutor to prosecute all cases of violation of laws, rules and regulations in the Catanduanes Natural Park. Such special prosecutor shall coordinate with the PAMB and the POSu in the performance of duties and assist in the training of wardens and rangers in arrest and criminal procedures. The PAMB may retain the services of counsel to prosecute and/or assist in the prosecution of cases under the direct control and supervision of the regular or special prosecutor and to defend the members of the PAMB, the POSu and the staff, or any person assisting in the protection, conservation and sustainable development of the Catanduanes Natural Park, against any legal action related to their powers, functions and responsibilities as provided in this Act or as delegated or tasked by the PAMB.

SECTION 22. *Utilization of Resources.* – Except for protected species or whenever detrimental to the ecosystem, use of resources derived from the CNP by tenured migrants for their domestic needs or for their subsistence shall not be restricted.

Livelihood activities requiring the use of resources derived from the CNP shall be allowed only when sustainable consistent with the Management Plan and only upon prior PAMB approval. The DENR and other concerned agencies shall provide the necessary assistance so that sustainability is ensured while the tenured migrants continue with their livelihood activities.

No exploration, exploitation or utilization of non-renewable resources within the CNP for commercial purposes or by non-tenured migrants shall be allowed. Commercial utilization of resources by tenured migrants shall be allowed only upon prior PAMB approval and in accordance with the Management Plan.

Commercial exploitation of water resources within the CNP shall require prior PAMB approval, must be in accordance with the Management Plan.

SECTION 23. *Prohibited Acts and Penalties.* – The following shall be the prohibitions and penalties applicable within the CNP:

(a) A fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years shall be imposed upon any person who:

(1) Hunts, collects, destroys, kills, traps, disturbs or possesses anywhere within the CNP any wild plant or animal or product derived therefrom without prior PAMB permit.

(2) Possesses without a permit from PAMB any wild plant or animal or product derived therefrom outside the CNP or any zone of CNP where the specie is not endemic.

(3) Cuts, gathers, collects or removes timber or other forest products as well as undertakes any activity not compatible with the use of the respective zones within the CNP without prior PAMB permit.

(4) Establishes or introduces exotic species within the CNP with allelopathic effect or those detrimental to endemic species, or without prior PAMB permit.

(5) Engages in *kaingin* or in any activity that causes forest fire inside the CNP.

(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) and/or imprisonment of not less than six (6) months but no more than six (6) years and the restoration and rehabilitation of the damage 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 CNP.

(3) Dumps, burns or otherwise disposes of any substance deleterious to the ecosystem, plants and animals, or human inhabitants in the protected area or committing the same in buffer and multiple use areas without appropriate authority or permit.

(4) Uses or possesses a motorized equipment anywhere within the Strict Protection Zone of the CNP without a prior permit from the PAMB.

(5) Uses or possesses chainsaws and band saws without prior PAMB permit.

(6) Grazing or raising of poultry and other livestock for commercial purpose within the CNP without prior PAMB permit.

(7) Damaging or leaving roads and trails in damaged condition.

(8) Occupies any portion of land inside the CNP without a prior PAMB permit. Clearing, construction of residence or any introduction of improvements shall constitute *prima facie* evidence of occupation or settlement.

(9) Altering, removing, destroying or defacing boundaries, marks or signs.

(10) Constructs and maintains a building, edifice or any kind of structure or conducts any business enterprise within the CNP without prior PAMB permit.

(11) Enters the CNP without prior PAMB permit for purposes of trekking, mountain climbing, camping, spelunking, and the like.

(12) Conducts bio-prospecting within the CNP without prior PAMB permit in violation of existing guidelines.

(13) Engages in treasure hunting within the CNP.

(c) A fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than six (6) months but not more than six (6) years shall be imposed upon any public officer, or officer of law, who, in dereliction of the duties of his office shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

(d) A conviction under this Section shall likewise carry the penalty of eviction from the CNP, payment of damages for rehabilitation and restoration, and the forfeiture of all equipment, device weapon/s used in the commission of the offense as well as the protected area resources caught in the possession of the accused.

(e) Valuation of damages for this Act shall take into account biodiversity and conservation considerations as well as aesthetic and scenic value. Valuation assessed by the DENR or the concerned government agency shall be presumed correct unless otherwise proven by preponderant evidence.

(f) Any person who shall induce another or conspire to commit any of the illegal acts prohibited in this Act or suffer their workers to commit any of the same shall be liable in the same manner as the one actually performing the act. In case the offender is not a citizen of the Philippines, he/she shall be immediately deported to his/her country of origin after service of his/her sentence. If the offender is an association or corporation, the president or manager shall be directly responsible for the act of his/her employees and laborers.

(g) The POSu or his/her duly deputized personnel may arrest even without a warrant any person who has committed or is committing in his/her presence any of the offenses defined in this Section. He/she may also seize and confiscate in favor of the Government, the tools and equipment used in committing the offense and the resources caught in the possession of the offender and file the necessary charges therefor: Provided, That the DENR may impose administrative fines and penalties in accordance with law.

(h) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF as provided therein.

(i) The penalties specified in this section will be in addition to the penalties contained in Republic Act No. 9072 (National Caves and Cave Resources Management and Protection Act), Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act), P. D. 705 (Revised Forestry Code of the Philippines), and other related laws.

SECTION 24. *Reporting Responsibility.* – The POSu shall report and submit an annual accomplishment report to the PAMB and the DENR Secretary on the activities undertaken in the Catanduanes Natural Park.

In addition, a report on the conditions and benefits of the biological resources of the Catanduanes Natural Park shall be submitted by the POSu, through the PAMB, to the DENR Secretary every six (5) years.

SECTION 25. *Appropriations.* – The DENR Secretary shall include in its program the implementation of this Act, the funding of which shall be charged against the Integrated Protected Areas Fund authorized under Section 16 hereof and from the appropriations authorized under the annual General Appropriations Act.

SECTION 26. *Construction and Suppletory Application of Existing Laws.* – The provisions of this Act shall be construed liberally in favor of tenured migrants with due consideration to the protection of biodiversity. The NIPAS Act shall be suppletory in the implementation of this Act.

SECTION 27. *Transitory Provision.* – In order to ensure the recovery and restoration of biological diversity and to develop sustainable livelihood opportunities for tenured migrants, the DENR shall henceforth cease to issue concessions, licenses,

permits, clearances, compliance documents or any other instrument that allows exploitation and utilization of resources within the Catanduanes Natural Park until the Management Plan have been put into effect.

All existing land-use and resource use permits within the Catanduanes Natural Park shall be reviewed and shall not be renewed upon their expiration unless consistent with the Management Plan and approved by the PAMB.

SECTION 28. *Repealing Clause.* – All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 29. *Separability Clause.* – If any part or section of this Act is declared by the courts as unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 30. *Effectivity Clause.* – This Act shall be translated in Filipino and Bicolano and shall be published once every week for three (3) executive weeks in a newspaper of general circulation which is readily available in the areas in and around the CNP. This Act and its translations shall likewise be simultaneously posted in a conspicuous place in the provincial, municipal and barangay halls within the CNP area as well as in three (3) other places frequented by the public. Fifteen (15) days after the last publication and posting, this Act shall have full force and effect.

Approved,