

**EXCERPT FROM THE MINUTES OF THE 31<sup>st</sup> REGULAR SESSION OF THE 15<sup>TH</sup> SANGGUNIANG BAYAN OF MANOLO FORTICH, BUKIDNON WHICH WAS HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON AUGUST 27, 2008.**

**PRESENT:**

HON. HILARIO B. PAUSANOS, JR.	Presiding Officer
HON. EVELIO E. CORDOVEZ	Municipal Vice Mayor
HON. ALEX D. PAYANGGA	Majority Floor Leader
HON. MIGUEL D. DEMATA	Sangguniang Bayan Member
HON. VICTORIO G. DAGUNLAY	Sangguniang Bayan Member
HON. WARLEO A. GOAYAN	Sangguniang Bayan Member
HON. DIOSDADO N. DITONA	Sangguniang Bayan Member
HON. RONULFO D. GANAS	Sangguniang Bayan Member
HON. VISMINDA Q. DUMOTAN	Sangguniang Bayan Member
HON. LESTER REY L. ARAÑA	SK Federation Rep.

**ABSENT:**

HON. RAUL S. MIÑOZA	Liga ng mga Brgy. Rep.
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**RESOLUTION NO. 2008-100**  
(31<sup>st</sup> Regular Session)

**RESOLUTION ENACTING AN ORDINANCE STRICTLY IMPOSING THE BAN ON THE PURCHASE, SALE, LEASE AND USUFRUCT OF LANDS WITHIN THE MT. KITANGLAD RANGE NATURAL PARK AND BUFFERZONE AREAS AND THE ADJOINING TIMBERLAND AREAS.**

WHEREAS, this August Body recognizes the importance of Mt. Kitanglad's unique biological resources and its aesthetic, economical and ecological importance, it behooves the state to undertake steps for its protection and preservation;

WHEREAS, with the increasing population and the demand for more lands, MKRNP's buffer zone and its adjoining timberland areas is currently threatened with in-migration that resulted to conversion of existing land use into agricultural land;

WHEREAS, the entry of migrants to the national park and timberland areas is facilitated by some unscrupulous local people who disregarded the tribe's customary land ownership practices and the law that governs timberland and protected areas;

WHEREAS, the practice of selling of lands and the like have proliferated in the park and its periphery and remained unresolved inspite of criminal charges filed against those found violating the park's laws and policies;

WHEREAS, this August body has foreseen that the practice could be minimized if not totally eliminated if the local government units surrounding Mt. Kitanglad Protected Area will intervene by passing an ordinance relative thereto;



NOW THEREFORE, on motion of Hon. Diosdado Ditona and unanimously seconded by the members present, it was RESOLVED,

AS IT IS HEREBY RESOLVED, Enacting An Ordinance Strictly Imposing The Ban On The Purchase, Sale, Lease And Usufruct Of Lands Within The Mt. Kitanglad Range Natural Park And Bufferzone Areas And The Adjoining Timberland Areas, which is as follows;

**ORDINANCE NO. 2008-616**  
(31<sup>st</sup> Regular Session)

**AN ORDINANCE STRICTLY IMPOSING THE BAN ON THE PURCHASE, SALE, LEASE AND USUFRUCT OF LANDS WITHIN THE MT. KITANGLAD RANGE NATURAL PARK AND BUFFERZONE AREAS AND THE ADJOINING TIMBERLAND AREAS.**

BE IT ORDAINED by the Sangguniang Bayan of Manolo Fortich, Bukidnon in session that;

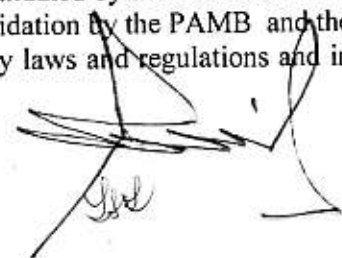
**SECTION 1. Definition of Terms.** When used in this Ordinance, the term:

- Protected area refers to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- Buffer zones are identified areas outside of the boundaries of and immediately adjacent to designated protected areas that need special development control in order to avoid or minimize harm to the protected area;
- Natural Park is a relatively large area not materially altered by human activity where attractive resource uses are not allowed and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational and recreational use.
- Biodiversity is the existence of plants and animals in a given area that supports their continuing interaction and diverse nature and characteristics;
- Protected Area Management Board, a multi-sectoral body, the local authority tasked to administer and supervise the park's policies and activities
- Usufruct is the use of land of the public domain temporarily by the government and/or private individual.
- Timberland refers to land of the public domain which have been the subject of the present system of land classification determined to be needed for forest purposes. Eventually, those land will be proclaimed as forest reserves by the President.

**SECTION 2. PROHIBITION.** It shall be unlawful for any person, natural or juridical to purchase, sell, lease, or usufruct wholly or partially any portion of land within the Mt. Kitanglad Range Natural Park and bufferzone areas and its adjoining timberland areas, however, Indigenous People dwelling in the said areas are allowed to dwell as per approval by agencies tasked to protect the area in consistent with the existing forest policies.

2. It shall be unlawful for any person natural or juridical to purchase and sell areas within the timberland of the Mt. Kitanglad Range.

3. The purchase, sale encumbrance, mortgage, usufruct or lease of lands within the Protected Area (PA) and its adjoining timberland areas to persons outside the PA not otherwise qualified to hold lands therein shall be invalid unless verified and validated by the PAMB and the CENRO concerned, respectively. Provided, that verification and validation by the PAMB and the CENRO concerned shall be in accordance with the existing forestry laws and regulations and in particular RA 8978 in the utilization of the said land.



SECTION 3. EXEMPTION. Usufruct of land by government and/or private individual for the purpose of research and other intention that will promote biodiversity , conservation and sustainable development of the protected area shall be allowed only upon approval by the Protected Area Management Board (PAMB) and/or concerned government authorities. Provided further, that such exemption shall carry with it Free and Prior Informed Consent (FPIC) to be secured from the concerned tribal community.

SECTION 4. PENALTY. Any person found violating the provision of this Ordinance shall be held liable and shall be penalized by a fine of not more than P 2,5000.00 and filing of a criminal case without prejudice for violation of the Mt. Kitanglad Act and/or PD 705.

Any public officer or officer of the law, who, in dereliction of the duties of his/her office, who shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of prohibited acts shall carry the penalty stipulated in this ordinance with prejudice to perpetual disqualification from public office.

Any person who shall induce another or conspire to commit any of the acts in this section shall be liable in the same manner as the one actually performing the act.

SECTION 4. REGULATORY BODY. A regulatory body shall be created by the Municipal Council of Manolo Fortich to recommend future policies, monitor and evaluate area development and recommend amendments to this Ordinance.

SECTION 5. REPEALING CLAUSE. The provision of existing Ordinances inconsistent herewith is/are hereby deemed repealed or amended.

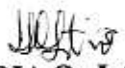
SECTION 6. EFFECTIVITY. This Ordinance shall take effect after a Barangay Assembly to be conducted with 15 days after approval.

This Ordinance was passed and approved on motion of Hon. Diosdado Ditona and unanimously seconded by the members present.

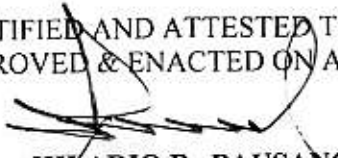
APPROVED: August 27, 2008. Without 3<sup>rd</sup> Reading.

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CERTIFIED CORRECT:

  
**LYDIA O. LASTIMOSA**  
Secretary to the Sanggunian

CERTIFIED AND ATTESTED TO HAVE BEEN  
APPROVED & ENACTED ON AUG. 27, 2008:

  
**HILARIO B. PAUSANOS, JR., M.D.**  
Presiding Officer  
Municipal Vice Mayor

APPROVED:

  
**ROGELIO N. QUIÑO**  
Municipal Mayor