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SENATE

SECRETARY OF THE SENATE *[Signature]*

SB No. 2616

(In substitution of S. No. 2520 and H. No. 5838)

*[Signature]* Pimentel and

Prepared jointly by the Committees on Environment and Natural Resources, and Finance, with Senator Pia Cayetano and the members of the Committees as authors

**AN ACT ESTABLISHING THE MIMBILISAN PROTECTED LANDSCAPE LOCATED IN THE MUNICIPALITIES OF BALINGOAN AND TALISAYAN, PROVINCE OF MISAMIS ORIENTAL 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:*

1           **SECTION 1. Title.**- This Act shall be known and cited as "The Mimbilisan  
2 Protected Landscape Act of 2007."

3           **SEC. 2. Land Classification.**- All lands of the public domain comprising the  
4 Mimbilisan Protected Landscape shall fall under the classification of Protected  
5 Landscape as provided for in the Philippine Constitution.

6           **SEC. 3. Scope and Coverage.**- The Mimbilisan, which falls under the category  
7 of Protected Landscape as defined therein, shall cover lands of the public domain  
8 located in the Municipalities of Balingoan and Talisayan, all within the Province of  
9 Misamis Oriental. *Provided, however,* That special uses, management and restrictions  
10 per component area shall be consistent with its previous classification, either as a  
11 protected landscape or as a watershed forest reserve It shall have the following  
12 boundaries: Tie Line: Point 1 or Corner 1 on the map is S 37<sup>0</sup> W, approximately 6,200  
13 meters from the MBM of the Municipality of Talisayan, Misamis Oriental.

LINE	BEARING	DISTANCE
1 - 2	S 55° 00' E	310.00 meters
2 - 3	N 73° 00' E	200.00 meters
3 - 4	S 52° 00' E	200.00 meters
4 - 5	S 08° 20' E	633.00 meters

1	5 – 6	S 55° 60' W	200.00 meters
2	6 – 7	S 60° 60' W	190.00 meters
3	7 – 8	N 68° 60' W	220.00 meters
4	8 – 9	S 68° 60' W	150.00 meters
5	9 – 10	N 09° 60' W	390.00 meters
6	10 – 11	N 09° 60' E	260.00 meters
7	11 – 12	N 34° 00' E	110.00 meters
8	12 – 13	N 62° 60' W	220.00 meters
9	13 – 14	N 19° 60' W	170.00 meters
10	14 – 15	N 70° 00' E	190.00 meters
11	15 – 1	S 86° 00' E	110.00 meters

12           The total area of the protected area is Six hundred sixty thousand square meters  
13 (660,000 sq.m.) or sixty-six (66) hectares, more or less, located within the territory of  
14 Barangay Mapua, Municipality of Balingoan, Province of Misamis Oriental.

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

20           **SEC. 4. Definition of Terms.** – The following terms are hereby defined as for the  
21 purpose of this Act:

22           a.       “Biodiversity “ shall refer to variety and variability among living organisms  
23 and the ecological complexes in which said organisms occur;

24           b.       “Biosprospecting” shall mean the research, collection and utilization of  
25 biological and genetic resources for purposes of applying the knowledge derived  
26 therefrom solely for commercial purposes;

27           c.       “Buffer Zone” shall refer to the identified area outside the boundaries of  
28 and immediately adjacent to *Mimbilisan Protected Landscape* that need special  
29 development control in order to avoid or minimize harm to the *Mimbilisan Protected*  
30 *Landscape*;

31           d.       “Collection or collecting” shall mean the act of gathering or harvesting  
32 *wildlife, its by-products or derivatives*;

- 1 e. "Conservation" shall mean preservation and sustainable utilization of  
2 wildlife, and/or maintenance, restoration and enhancement of the habitat;
- 3 f. "Ecosystem" shall mean the dynamic complex of plant, animal and micro-  
4 organism communities and their non-living environment interacting as a functional unit;
- 5 g. "Endangered species" shall refer to species or subspecies that is not  
6 critically endangered but whose survival in the wild is unlikely if the causal factors  
7 continue operating;
- 8 h. "Endemic species" shall mean species or subspecies which is naturally  
9 occurring and found only within specific areas in the country;
- 10 i. "General Management Planning Strategy" shall refer to a guide in the  
11 formulation of site specific management plans, including buffer zones;
- 12 j. "Habitat" shall mean a place or type of environment where a species or  
13 subspecies naturally occurs or has naturally established its population;
- 14 k. "Hunting" shall refer to collection of wild fauna for food and/or recreational  
15 purposes with the use of weapons such as guns, bow and arrow, spear and the like;
- 16 l. "Integrated Protected Area Fund" shall refer to a trust fund established for  
17 purposes of financing projects within a Mimbilisan Protected Landscape;
- 18 m. "Management Manual" shall refer to the individual management plan  
19 containing basic background information, field inventory of the resources, assessment  
20 of assets and limitations, regional interrelationships, particular objectives for managing  
21 the area, appropriate division into management zones, review of the boundaries, and  
22 design of the management programs of the area;
- 23 n. "Management plan" shall refer to the fundamental plan, strategy and/or  
24 scheme which shall guide all activities relating to the Mimbilisan Protected Landscape in  
25 order to attain the objectives of this Act;
- 26 o. "Mineral" shall refer to all naturally occurring inorganic substance in solid,  
27 gas, liquid, or any intermediate state including energy materials such as coal,  
28 petroleum, natural gas, radioactive materials, and geothermal energy;
- 29 p. "National Integrated Protected Areas System" shall refer to the  
30 classification and administration of all designated protected areas to maintain  
31 essential ecological processes and life-support systems, to preserve genetic diversity,

1 to ensure sustainable use of resources found therein, and to maintain their natural  
2 conditions to the greatest extent possible;

3 q. "Non-governmental organization (NGO)" shall mean the agency,  
4 institution, a foundation or a group of persons whose purpose is to assist peoples  
5 organizations/associations in various ways including, but not limited to, organizing,  
6 education, training, research and/or resource accessing;

7 r. "People's Organization" shall refer to a group of organized migrant  
8 communities and or interested indigenous peoples which may be an association,  
9 cooperative, federation, or other legal entity, established to undertake collective action  
10 to address community concerns and needs, and mutually share the benefits of the  
11 endeavor;

12 s. "Protected Area" shall refer to the identified portions of land and/or water  
13 set aside by reason of their unique physical and biological significance, managed to  
14 enhance biological diversity and protected against destructive human exploitation;

15 t. "Protected Area Management Board (PAMB)" shall refer to a multi-  
16 sectoral policy-making body for protected areas created in accordance with RA 7586 or  
17 the NIPAS Act of 1992.

18 u. "Protected Landscape/Seascape" shall refer to an area of national  
19 significance which are characterized by the harmonious interaction of man and land  
20 while providing opportunities for public enjoyment through recreation and tourism within  
21 the normal lifestyle and economic activity of these areas;

22 v. "Protected Area Superintendent" shall refer to the chief operating officer of  
23 the Department of Environment and Natural Resources (DENR) for the Mimbilisan  
24 Protected Landscape;

25 w. "Quarrying" shall mean the process of extracting, removing and disposing  
26 quarry resources found on or underneath the surface of private or public land.

27 x. "Secretary" shall refer to the Secretary of the Department of Environment  
28 and Natural Resources (DENR);

29 y. "Strict protection zone" shall refer to a natural area with high biodiversity  
30 value which shall be closed to all human activity except for scientific studies and/or  
31 ceremonial or religious use by the indigenous cultural communities/indigenous peoples;  
32 may include habitats of threatened species, or degraded areas that have been

1 designated for restoration and subsequent protection, even if these areas are still in  
2 various stages of regeneration;

3 z. "Sustainable use" shall mean the use of components of biological diversity  
4 in a way and rate that does not lead to the long-term decline of biological diversity,  
5 thereby maintaining its potential to meet the needs and aspirations of present and future  
6 generations; and

7 aa. "Tenured Migrants" shall refer to forest occupants who have actually and  
8 continuously occupied a portion of the Mimbilisan Protected Landscape and is solely  
9 dependent therein for subsistence. A Mimbilisan Protected Landscape occupant is  
10 understood to be "solely dependent for subsistence" when everything indispensable for  
11 survival for the household, including food, clothing, shelter and health, comes only from  
12 the utilization of resources from the Mimbilisan Protected Landscape.

13 **SEC. 5. Management of the Mimbilisan Protected Landscape.**- There is  
14 hereby created a PAMB which shall have sole jurisdiction, power and authority over the  
15 Mimbilisan Watershed for all matters that may affect biodiversity conservation,  
16 protection and sustainable development. It shall be composed of:

17 (1) The Regional Executive Director (RED) of DENR Region X as chairperson;

18 (2) The Provincial Planning and Development Officer (PPDO) of the Province of  
19 Misamis Oriental;

20 (3) The Municipal Mayors of Balingoan and Talisayan in the Province of Misamis  
21 Oriental, or their duly designated representatives;

22 (4) One representative from each Barangay whose boundary falls within the  
23 Mimbilisan Protected Landscape;

24 (5) One representative from each indigenous cultural community residing within the  
25 Mimbilisan Protected Landscape;

26 (6) One representative from each department or national government agency  
27 directly involved in the Mimbilisan Protected Landscape or has long term projects or  
28 permanent facility located therein;

29 (7) At least three (3) representatives from accredited NGOs operating in the  
30 Mimbilisan Protected Landscape; and

31 (8) At least two (2) representatives from accredited POs operating in the  
32 Mimbilisan Protected Landscape.

1 Each member of the PAMB shall serve for a term of five (5) years and shall be  
2 considered to represent his or her sector and deemed to carry the vote of such sector in  
3 all matters. In the case of members who are government officials, their appointment  
4 shall be co-terminus with their term of office.

5 In the selection of the representatives of POs and NGOs, preference shall be  
6 accorded to those organizations that are involved in the conservation, protection and  
7 development of the Mimbilisan Protected Landscape. Representation shall be by  
8 institution and shall aim to achieve balance in representation by geographic location or  
9 areas.

10 The representatives from the local government units (LGUs) and national agencies  
11 in the PAMB shall include among their duty to appraise their respective constituents,  
12 office or sector, to ensure that the provisions of this Act are consistent with the Local  
13 Government Code of 1991 (R. A. No. 7160), other relevant statutes and ordinances,  
14 and local and national development plans and projects. Failure to comply with the  
15 foregoing shall subject such representative to disciplinary action as the PAMB may  
16 provide.

17 The members of the Board shall not receive any salary but shall be entitled to  
18 reimbursements for actual and necessary expenses incurred, either in their attendance  
19 in meetings of the Board or in connection with other official business authorized by a  
20 resolution of the Board, subject to existing rules and regulations.

21 **SEC. 6. Powers and Functions of the PAMB.-** The PAMB of the Mimbilisan  
22 Protected Landscape shall have the following powers and functions in addition to those  
23 provided under RA 7586 or the NIPAS Act of 1992 and its implementing rules and  
24 regulations:

25 (1) Issue rules and regulations to prohibit acts that may be prejudicial to the  
26 Mimbilisan Protected Landscape and to the declaration of policy set forth under the  
27 NIPAS;

28 (2) Issue rules and regulations for the resolution of conflicts through appropriate  
29 and effective means;

30 (3) Adopt rules and procedures in the conduct of business, including the creation of  
31 committees to which its powers may be delegated;

32 (4) Approve the management plan and oversee the office of the Protected Area  
33 Superintendent (PASu);

1 (5) Establish criteria and set fees for the issuance of permits for activities regulated  
2 by this Act or the management plan;

3 (6) Recommend the deputization of appropriate individuals for the enforcement of  
4 the laws, rules and regulations governing the conduct or management of the Mimbilisan  
5 Protected Landscape;

6 (7) Approve fees and charges in accordance with DAO 51, Series of 2000 and  
7 raise funds for the Mimbilisan Protected Landscape;

8 (8) Manage the allocation of the Mimbilisan Protected Landscape Fund, and other  
9 funds for the Mimbilisan Protected Landscape, ensure their proper administration and  
10 render accounting; and

11 (9) Recommend appropriate policy changes to the DENR and other government  
12 authorities.

13 The DENR, through the Regional Executive Director (RED) of Region X, shall  
14 exercise authority to oversee the PAMB to ensure that it is acting within the scope of its  
15 powers and functions. In case of a conflict between administrative orders of national  
16 application issued by the DENR pursuant to the NIPAS Act and the rules and  
17 regulations issued by the PAMB, the RED shall notify the Secretary who shall decide  
18 whether to apply the rule or withdraw its application in the Mimbilisan Protected  
19 Landscape.

20 **SEC. 7. Protected Area Superintendent (PASu) Office.-** There is hereby  
21 established a PASu Office in charge of the management, protection and administration  
22 of the Mimbilisan Protected Landscape. It will be headed by a Protected Area  
23 Superintendent (PASu) and shall be supported by the existing personnel of the DENR.  
24 The PASu shall be the chief operating officer of the Mimbilisan Protected Landscape  
25 and shall be accountable to the RED of the DENR-Region X and the PAMB. The PASu  
26 shall have the following duties and responsibilities in addition to those provided under  
27 RA 7586 or the NIPAS Act of 1992 and its implementing rules and regulations:

28 (1) Prepare and execute the management plan for the Mimbilisan Protected  
29 Landscape;

30 (2) Provide a secretariat for the PAMB and supply the PAMB with all the  
31 information necessary to make appropriate decisions for the implementation of this Act;

32 (3) Enforce the laws, rules and regulations relevant to the Mimbilisan Protected  
33 Landscape and assist in the prosecution of offenses;

1 (4) Supervise all activities within the Mimbilisan Protected Landscape to ensure its  
2 conformity with the management plan;

3 (5) Recommend the issuance of permits based on terms, conditions and criteria  
4 established by the PAMB; and

5 (6) Perform such other functions as the PAMB may assign.

6 The PASu shall be supported by a sufficient number of personnel who shall be  
7 performing day to day management, protection and administration of Mimbilisan  
8 Protected Landscape. All position titles and items of the DENR employees detailed with  
9 the Mimbilisan Protected Landscape at the time of the effectivity of this Act shall be  
10 transferred to form part of the PASu Office.

11 **SEC. 8. Indigenous People's Rights.**- Ancestral domain and other customary  
12 rights and interests of indigenous communities within the Mimbilisan Protected  
13 Landscape shall be accorded due recognition. The preservation of ancestral domain  
14 and customary rights shall be considered as one of the management objectives. The  
15 maintenance, management and development of ancestral domains which are found to  
16 be necessary for protected areas will be pursuant to Section 58 of Republic Act No.  
17 8371, otherwise known as the "The Indigenous Peoples Rights Act of 1997 (IPRA)".

18 The identification, delineation and recognition of ancestral domain claims within  
19 the Mimbilisan Protected Landscape shall be conducted by the National Commission on  
20 Indigenous Peoples (NCIP) pursuant to the provisions of the IPRA, and its implementing  
21 rules and regulations, in coordination with the PAMB.

22 **SEC. 9. Tenured Migrants and Other Mimbilisan Protected Landscape**  
23 **Occupants.** – Tenured migrants shall be eligible to become stewards of portions of  
24 lands within allowable zones. The PAMB shall identify, verify and review all tenure  
25 instruments, land claims, and issuances of permits for resource use within the  
26 Mimbilisan Protected Landscape and recommend the issuance of the appropriate  
27 tenurial instrument consistent with the zoning provided in the management plan and its  
28 successor plans.

29 Nothing herein shall be construed to mean any diminution of accrued rights  
30 earned by tenured migrants. Should areas occupied by tenured migrants be designated  
31 as zones in which no occupation or other activities are allowed pursuant to the  
32 attainment of sustainable development, provision for the transfer of said tenured  
33 migrants to multiple use zones or buffer zones shall be accomplished through just and  
34 humane means.



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

4 Other Mimbilisan Protected Landscape occupants who do not qualify as tenured  
5 migrants shall be resettled outside the Mimbilisan Protected Landscape as determined  
6 by the PAMB. The PAMB shall determine, plan and implement a definite schedule for  
7 resettling them outside of the Mimbilisan Protected Landscape following the procedures  
8 set forth by existing law.

9 **SEC. 10. Existing Facilities Within the Mimbilisan Protected Landscape.-**

10 Within sixty (60) days from the effectivity of this Act, existing facilities such as roads,  
11 buildings, water systems, transmission lines, communication facilities, heavy equipment,  
12 and irrigation facilities existing within the boundaries of the Mimbilisan Protected  
13 Landscape shall submit project description to the PAMB through the PASu.

14 The PAMB, with the assistance of the DENR, shall determine whether the  
15 existence of such facility and its future plan and operations will be detrimental to the  
16 Mimbilisan Protected Landscape or whether conditions for its operation shall be  
17 imposed. If any such conditions are violated, the owner of the facility shall be liable to  
18 pay a fine of Five thousand pesos (P5,000.00) for every violation. Upon reaching a total  
19 fine of Five hundred thousand pesos (P500,000.00), the PAMB through the PASu and  
20 deputizing other government entities, shall cause the cessation and demolition of the  
21 facility at the cost of its owner.

22 Existing facilities allowed to remain within the Mimbilisan Protected Landscape  
23 may be charged a reasonable royalty by the PAMB. All income from such royalty shall  
24 accrue to the Mimbilisan Protected Landscape Fund.

25 **SEC. 11. Utilization of Nonrenewable Resources.-** Any exploitation of or  
26 utilization of nonrenewable resources within the Mimbilisan Protected Landscape shall  
27 not be allowed. Energy projects within the Mimbilisan Protected Landscape shall be  
28 allowed only through an act of Congress except energy from wind, sun, waves and  
29 water sources and not more than three (3) megawatts capacity for mini-hydro power.  
30 *Provided, that in all instances, the primary beneficiaries shall be residents of the*  
31 *Mimbilisan Protected Landscape and its buffer zones: Provided, Further, that these*  
32 *renewable energy projects are outside the strict protection zone, adopt reduced impact*  
33 *technologies, and undergo the Environmental Impact Assessment (EIA) system as*  
34 *provided by law and: Provided, Finally, that the PAMB has endorsed the project.*

35 **SEC. 12. Special Prosecutor and Retained Counsel.** – Within thirty (30) days  
36 from the effectivity of this Act, the Department of Justice (DOJ) shall appoint a special

1 prosecutor to whom all cases of violation of laws, rules and regulations in the Mimbilisan  
2 Protected Landscape shall be assigned. Such Special Prosecutor shall coordinate with  
3 the PAMB and the PASu in the performance of his/her duties and assist in the training  
4 of wardens and rangers in arrest and criminal procedures. The PAMB may retain the  
5 services of a counsel to prosecute and/or assist in the prosecution of cases under the  
6 direct control and supervision of the regular or special prosecutor and to defend the  
7 members of the PAMB, the PASu and the staff, or any person assisting in the  
8 protection, conservation and sustainable development of the Mimbilisan Protected  
9 Landscape, against any legal action related to their powers, functions and  
10 responsibilities as provided in this Act or as delegated or tasked by the PAMB.

11 **SEC. 13. Mimbilisan Protected Area Fund.-** There is hereby established a  
12 trust fund to be known as the Mimbilisan Protected Landscape Fund for purposes of  
13 financing projects of the protected landscape. Seventy-five percent (75%) of the income  
14 generated from the operation of the protected landscape and/or management of wild  
15 flora and fauna in the protected landscape shall accrue to the Fund. The remaining  
16 twenty-five percent (25%) shall go to the Integrated Protected Areas Fund (IPAF) as  
17 established in the NIPAS Act of 1992.

18 Income shall be derived from visitor/tourist fees, fees from permitted sale and  
19 export of flora and fauna and other resources from the Mimbilisan Protected Landscape,  
20 proceeds from registration and lease of multiple-use areas, including tourism  
21 concessions, contributions from industries and facilities directly benefiting from the  
22 Mimbilisan Protected Landscape; and such other fees and income derived from the  
23 operation of the Mimbilisan Protected Landscape.

24 The Mimbilisan Protected Landscape Fund may be augmented by grants,  
25 donations, endowment from various sources, domestic or foreign, for purposes related  
26 to their functions: *Provided*, That the Fund shall be deposited as a special account in  
27 the National Treasury and disbursements therefrom shall be made solely for the  
28 protection, maintenance, administration and management of the system, and duly  
29 approved projects endorsed by the PAMB in accordance with existing accounting and  
30 budgeting rules and regulations: *Provided, further*, That the Fund shall not be used to  
31 cover personal services expenditures.

32 The LGUs shall continue to impose and collect all other fees not enumerated  
33 herein which they have traditionally collected, such as business permits, property tax  
34 and rentals of LGUs' facilities. Furthermore, LGUs may charge add-ons to fees imposed  
35 by the PAMB: *Provided*, That such add-ons shall be determined based on the

1 contribution of the LGUs in the maintenance and protection of the Mimbilisan Protected  
2 Landscape.

3 **SEC. 14. *Prohibited Acts and Penalties.***- The following shall be the  
4 prohibitions and penalties applicable to the Mimbilisan Protected Landscape:

5 (A) The penalties in Articles 309 and 310 of the Revised Penal Code, depending on  
6 the value of the resources involved in connection with the prohibited act, shall be  
7 imposed upon any person who:

8 (1) Hunts, takes, destroys, collects, disturbs or possesses any wild terrestrial or  
9 aquatic plants or animals, flora or fauna, sand, rocks or by-products derived therefrom,  
10 within particularly identified regulated or prohibited areas zones in the Mimbilisan  
11 Protected Landscape including private lands without a the necessary permit,  
12 authorization or exemption;

13 (2) Cuts, gathers, removes or collects timber or any forest products, within  
14 particularly identified regulated or prohibited areas or zones in the Mimbilisan Protected  
15 Landscape including private lands without the necessary permit, authorization or  
16 exemption;

17 (3) Possesses or transports, within or outside the Mimbilisan Protected  
18 Landscape any timber, forest products, wild terrestrial or aquatic plants, animals, or by-  
19 product derived therefrom which is ascertained to have been taken from the Mimbilisan  
20 Protected Landscape;

21 (4) Undertakes mineral exploration or extraction within the Mimbilisan Protected  
22 Landscape;

23 (5) Engages in quarrying of sand, gravel, guano, limestone or any material within  
24 the Mimbilisan Protected Landscape;

25 (6) Hunts, collects, removes or destroys any endangered or protected species,  
26 except when collection or removal is for scientific research and exempted from the  
27 prohibition by the PAMB;

28 (7) Conducts bioprospecting within the Mimbilisan Protected Landscape without  
29 the necessary permit; or

30 (8) Establishes or introduces any exotic species, within the Mimbilisan Protected  
31 Landscape, which are detrimental to endemic species and the ecosystem therein.

1 (B) A fine of not less than Five thousand pesos (P5,000.00) nor more than Five  
2 hundred thousand pesos (P500,000.00) and/or imprisonment from one (1) year but not  
3 more than six (6) years shall be imposed upon any person who:

4 (1) Violates any rules and regulations in the management plan or by the PAMB  
5 or agreements reached before the PAMB in the exercise of adjudicative functions;

6 (2) Erects any structure on land or on water for any purposes outside the  
7 management plan, duly allowed by the PAMB: *Provided*, That large-scale private  
8 infrastructure and other projects such as medium to high density residential  
9 subdivisions, medium to large commercial and industrial establishments, golf-courses,  
10 heavily mechanized commercial and non-traditional farming, and other activities that  
11 cause increased in-migration and resource degradation are absolutely prohibited;

12 (3) Possesses a chainsaw, hacksaw and other mechanized equipment within  
13 the Mimbilisan Protected Landscape without a permit;

14 (4) Throws, dumps or causes to be dumped into the Mimbilisan Protected  
15 Landscape any non-biodegradable material or waste whether liquid, solid or gas;

16 (5) Uses, dumps, places or causes to be placed into the Mimbilisan Protected  
17 Landscape toxic chemicals, including pesticides and other hazardous substances,  
18 unless the same is expressly allowed in the protection and conservation plan;

19 (6) Prospects, hunts or otherwise locate hidden treasures within the Mimbilisan  
20 Protected Landscape;

21 (7) Informally occupies or dwells in any land within the Mimbilisan Protected  
22 Landscape without clearance from the PAMB;

23 (8) Possesses or uses blasting caps or explosives anywhere within the  
24 Mimbilisan Protected Landscape;

25 (9) Destroys, excavates, vandalizes or, in any manner, damages any natural  
26 formation on land, religious, spiritual, historical sites, artifacts and other objects of  
27 natural or scenic value;

28 (10) Alters, removes or destroys boundary marks or signs; or

29 (11) Engages in *kaingin*, or, in any manner, causing forest fires inside the  
30 Mimbilisan Protected Landscape.

31 Valuation of the damage for this Act shall take into account biodiversity and  
32 conservation considerations as well as aesthetic and scenic value. Valuation assessed  
33 by the DENR or the concerned government agency shall be presumed correct unless  
34 otherwise proven by preponderant evidence.

1 Any person who shall induce another or conspire to commit any of the illegal acts  
2 prohibited in this Act or suffer their workers to commit any of the same shall be liable in  
3 the same manner as the one actually performing the act.

4 All conveyances, vessels, equipment, paraphernalia, implements, gear, tools and  
5 similar devices shall be subject to immediate and administrative confiscation,  
6 independent of the judicial proceedings by the PASu Office upon apprehension, subject  
7 however to due process and substantial evidence requirements. When legal action is  
8 however filed in the regular courts, the said conveyances, vessels, equipment,  
9 paraphernalia, implements, gear, tools and similar devices, independent of the  
10 administrative proceedings, shall not be released until after judgment has been  
11 rendered. Proceeds of the sale of all objects administratively or judicially confiscated  
12 pursuant hereto shall accrue to the Mimbilisan Protected Landscape Fund. Procedure  
13 for the sale thereof shall be promulgated by the PAMB. However, in no case shall any  
14 confiscated or rescued protected animal species be sold or in any manner disposed of  
15 but shall be immediately turned over to the PASu Office for release in its natural habitat,  
16 subject to existing regulations.

17 The penalties specified in this Section will be in addition to the penalties  
18 contained in RA 9072 (National Caves and Cave Resources Management and  
19 Protection Act), RA 9147 (Wildlife Resources Conservation and Protection Act), and  
20 other related laws.

21 **SEC. 15. Reporting Responsibility.** – The PASu, through the PAMB, shall  
22 submit an annual accomplishment report to the Secretary of the DENR on the activities  
23 undertaken in the Mimbilisan Protected Landscape.

24 **SEC. 16. Appropriations.**– The Secretary of the Department of Environment  
25 and Natural Resources (DENR) shall immediately include in the Department's program  
26 the implementation of this Act, the funding of which shall be included in the annual  
27 General Appropriations Act.

28 **SEC. 17. Construction and Suppletory Application of Existing Laws.**– The  
29 provisions of this Act shall be construed liberally in favor of achieving biodiversity  
30 conservation, protection and sustainable development. Provisions of Republic Act No.  
31 7586, otherwise known as the National Integrated Protected Areas Management Act of  
32 1992 and existing forestry laws, and their corresponding rules and regulations not  
33 inconsistent hereto shall have the suppletory effect in the implementation of this Act.

1           **SEC. 18. *Transitory Provision.***— In order to ensure the sustainability and  
2 integrity of the watershed and water resources, the recovery and restoration of  
3 biological diversity, and to develop sustainable livelihood opportunities for tenured  
4 migrants, the DENR shall henceforth cease to issue concessions, licenses, permits,  
5 clearances, compliance documents, or any other instrument that allows exploitation and  
6 utilization of resources within the Mimbilisan Protected Landscape until the  
7 management plan shall have been put into effect.

8           **SEC. 19. *Repealing Clause.*** – For the purpose of the Mimbilisan Protected  
9 Landscape, all laws, rules and regulations inconsistent herewith are modified  
10 accordingly. The prohibitions and penalties under the NIPAS Act, which are not  
11 inconsistent herewith, shall likewise apply.

12           **SEC. 20. *Separability Clause.*** – If any part or section of this Act is declared by  
13 the courts as unconstitutional, such declaration shall not affect the other parts or section  
14 hereof.

15           **SEC. 21. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its  
16 complete publication in the *Official Gazette* or in a national newspaper of general  
17 circulation available in the Mimbilisan Protected Landscape.

18           Approved.

19