



HOUSE OF REPRESENTATIVES

H. No. 5795

BY REPRESENTATIVES MIRAFLORES, JAVIER, ARROYO (I.), CUA (J.) AND
LAGMAN, PER COMMITTEE REPORT NO. 1674

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

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

ARTICLE I

POLICIES AND OBJECTIVES

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

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

1 The conservation and protection of biological and physical diversities to
 2 sustain human, plant and animal life shall be pursued through sustainable and
 3 participatory management among the national government, through the
 4 Department of Environment and Natural Resources (DENR), the provincial
 5 governments of Aklan and Antique, the local government units (LGUs) of the
 6 municipalities of Nabas, Malay and Buruanga, Province of Aklan and the
 7 LGUs of the municipalities of Libertad and Pandan, Province of Antique, the
 8 nongovernment organizations (NGOs), people's organizations (POs),
 9 stakeholders and the indigenous cultural communities, particularly the Aetas,
 10 locally called "Ati".

11 SEC. 3. *Declaration as Protected Area.* – Pursuant to and in
 12 accordance with Republic Act No. 7586 or the National Integrated Protected
 13 Areas System Act of 1992 (NIPAS Act), the Northwest Panay Peninsula is
 14 hereby declared a protected area under the category of a natural park.

15 SEC. 4. *Scope and Coverage.* – The Northwest Panay Peninsula Natural
 16 Park shall cover certain parcels of land located in the municipalities of Nabas,
 17 Malay and Buruanga, Province of Aklan and in the municipalities of Libertad
 18 and Pandan, Province of Antique. Its boundaries are more particularly
 19 described as follows:

20 The natural park begins at BLLM No. 7, PSC-08, Libertad,
 21 Antique to corner "1", North 82° 37' East, three thousand three hundred
 22 twenty-six point four (3,326.4) meters;

23	Thence	S. 74° 34' W.,	1,389.91 meters	to corner 2;
24	Thence	N. 74° 23' W.,	1,671.82 meters	to corner 3;
25	Thence	S. 64° 12' W.,	2,112.89 meters	to corner 4;
26	Thence	N. 54° 59' W.,	1,306.72 meters	to corner 5;
27	Thence	N. 47° 07' W.,	1,572.37 meters	to corner 6;
28	Thence	N. 36° 09' W.,	1,331.49 meters	to corner 7;

1	Thence	N. 43° 16' E.,	1,743.57 meters	to corner 8;
2	Thence	N. 40° 18' E.,	1,049.46 meters	to corner 9;
3	Thence	N. 11° 45' W.,	766.12 meters	to corner 10;
4	Thence	N. 07° 16' E.,	1,735.66 meters	to corner 11;
5	Thence	N. 30° 53' W.,	669.43 meters	to corner 12;
6	Thence	N. 31° 50' E.,	1,188.35 meters	to corner 13;
7	Thence	N. 87° 15' E.,	2,298.33 meters	to corner 14;
8	Thence	N. 15° 19' E.,	1,171.69 meters	to corner 15;
9	Thence	S. 84° 01' E.,	2,398.04 meters	to corner 16;
10	Thence	N. 87° 54' E.,	805.44 meters	to corner 17;
11	Thence	S. 48° 23' E.,	2,356.49 meters	to corner 18;
12	Thence	S. 50° 18' E.,	1,269.20 meters	to corner 19;
13	Thence	S. 58° 49' E.,	1,424.64 meters	to corner 20;
14	Thence	S. 78° 05' E.,	2,152.13 meters	to corner 21;
15	Thence	S. 51° 59' E.,	1,238.41 meters	to corner 22;
16	Thence	S. 30° 12' E.,	2,266.24 meters	to corner 23;
17	Thence	S. 05° 39' E.,	1,685.24 meters	to corner 24;
18	Thence	S. 22° 26' W.,	1,764.83 meters	to corner 25;
19	Thence	S. 53° 35' W.,	1,081.73 meters	to corner 26;
20	Thence	N. 86° 42' W.,	533.23 meters	to corner 27;
21	Thence	S. 10° 33' W.,	1,117.38 meters	to corner 28;
22	Thence	S. 79° 32' W.,	962.01 meters	to corner 29;
23	Thence	N. 57° 20' W.,	1,807.07 meters	to corner 30;
24	Thence	N. 64° 49' W.,	1,535.10 meters	to corner 31;
25	Thence	N. 74° 48' W.,	2,453.48 meters	to corner 1, the
26	point of beginning, containing an approximate area of twelve thousand nine			
27	and twenty-nine hundredth (12,009.29) hectares, more or less, subject to			
28	actual ground survey.			

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

5 SEC. 5. *Establishment of Buffer Zones.* – Buffer zones shall be
6 established along and adjacent to the peripheral boundaries to serve as
7 protective layer to the area and its resources. The buffer zones shall also serve
8 as a social fence against the entry of intruders that bring destruction or conduct
9 activities detrimental to the park. The buffer zones shall be established by the
10 DENR, in consultation with the affected communities, after conducting a
11 thorough study on their implications to the development of the park and the
12 surrounding communities.

13 SEC. 6. *Land Classification.* – All lands of the public domain within
14 the coverage and scope of this Act, including the buffer zone that shall be
15 established pursuant to Section 5, shall fall under the classification of national
16 park as provided for in the Philippine Constitution: *Provided, however,* That
17 lands already declared by law as agricultural land or classified as alienable or
18 disposable land prior to the effectivity of this Act shall retain their present
19 classification and may be disposed of pursuant to the provisions of
20 Commonwealth Act No. 141 or the Public Land Act, as amended, and other
21 public land laws.

22 SEC. 7. *Definition of Terms.* – For purposes of this Act, the following
23 terms shall be defined as follows:

24 (a) “Bioprospecting” refers to any research activity or collection and
25 utilization of biological and genetic resources for purposes of applying the
26 knowledge derived therefrom solely for commercial purposes.

27 (b) “Buffer zones” refers to areas that are outside the boundaries of and
28 are immediately adjacent to designated protected areas, pursuant to Section 3,

1 that need special development control in order to avoid or minimize
2 encroachment and harm to the protected area.

3 (c) "By-products or derivatives" refers to any part taken or substance
4 extracted from wildlife, in raw or processed form, which include stuffed
5 animals and herbarium specimens.

6 (d) "Cave" refers to any naturally occurring void, cavity, recess or
7 system of interconnected passages beneath the surface of the earth or within a
8 cliff or ledge and which is large enough to permit an individual to enter,
9 whether or not the entrance, located either on private or public land, is naturally
10 formed or man-made. It shall include any natural pit, sinkhole or other feature
11 which is an extension of the entrance. The term also includes cave resources
12 but not any vug, mine tunnel, aqueduct or other man-made excavation.

13 (e) "Collection or collecting" refers to the act of gathering or
14 harvesting wildlife, its by-products or derivatives.

15 (f) "Conservation" refers to any act or acts of preservation and
16 sustainable utilization of wildlife and/or maintenance, restoration and
17 enhancement of the habitat.

18 (g) "DENR" refers to the Department of Environment and Natural
19 Resources, a national government agency created under Executive Order
20 No. 192 with jurisdiction over forest lands and protected areas.

21 (h) "GMPS" refers to the General Management Planning Strategy,
22 which is a document that serves as a guide in the formulation of site-specific
23 development plans, including plans for the buffer zone.

24 (i) "Indigenous cultural community (ICC)" refers to a group of people
25 sharing common bounds of language, customs, traditions and other distinctive
26 cultural traits and who have, since time immemorial, occupied, possessed and
27 utilized a territory.

1 (j) "IPAF" refers to the Integrated Protected Area Fund, a special
2 account in the National Treasury established for the purpose of promoting the
3 sustained financing for the operations of the NIPAS. The IPAF may receive
4 revenues generated within the protected area or through donor support and such
5 other funds provided by law.

6 (k) "LGU" refers to any local government unit, a political body created
7 under the Local Government Code of 1991 or Republic Act No. 7160, a body
8 politic and corporate endowed with powers to be exercised by it in conformity
9 with law, and exercising powers as a political subdivision of the national
10 government and as a corporate entity representing the inhabitants of the
11 territory.

12 (l) "Natural park" refers to a relatively large area not materially altered
13 by human activity where extractive resource uses are regulated and maintained
14 to protect outstanding natural and scenic areas of national or international
15 significance for scientific, educational and recreational use.

16 (m) "NIPAS Act" refers to Republic Act No. 7586, entitled "An Act
17 Providing for the Establishment and Management of National Integrated
18 Protected Areas System, Defining its Scope and Coverage, and for Other
19 Purposes", which mandates the classification and administration of all
20 designated protected areas in order to maintain ecological processes and life
21 support systems, to preserve genetic diversity, to ensure sustainable use of
22 resources found and to maintain their natural conditions to the greatest extent
23 possible.

24 (n) "NGO" refers to any nongovernment organization or any civic,
25 developmental, environmental or philanthropic nonstock, nonprofit
26 organization.

27 (o) "NPBMC" refers to the Northwest Panay Biodiversity Management
28 Council, a multi-sectoral body organized in 1999 and was instrumental in the

1 proclamation of the Northwest Panay Peninsula Natural Park as a protected
2 area.

3 (p) "PAMB" refers to the Protected Area Management Board, a
4 governing body created for each protected area pursuant to the NIPAS Act, and
5 is tasked to oversee all activities inside the protected area and its buffer zone.

6 (q) "PASu" refers to the Protected Area Superintendent, the chief
7 operating officer of the DENR who is directly responsible to the PAMB and the
8 concerned DENR Regional Executive Director.

9 (r) "Peninsula" refers to a strip of land projecting into water; a narrow
10 piece of land that juts out from the mainland into a sea or lake.

11 (s) "PO" refers to any locally based people's organization or to any
12 group of people formed to advance the interests of the sector they represent.

13 (t) "Protected area" refers to the identified portion of land and water
14 set aside by reason of their unique physical and biological significance,
15 managed to enhance biological diversity and protected against destructive
16 human exploitation.

17 (u) "Tenured migrant" refers to any person who has actually and
18 continuously occupied an area for five (5) years prior to its designation as part
19 of a protected area and is usually dependent on that area for subsistence.

20 ARTICLE II

21 MANAGEMENT, MANAGEMENT PLAN AND ZONING

22 SEC. 7. *Management of the Northwest Panay Peninsula Natural Park.*

23 – The management and administration of the protected area shall be vested in
24 the PAMB: *Provided*, That the management of zones to be established in the
25 area shall be consultative and participatory.

26 SEC. 8. *Local Government Units (LGUs).* – As members of the PAMB,
27 the LGUs are mandated to participate in the affairs and support the programs
28 and projects of the protected area.

1 Specific co-management strategies, through the signing of memoranda
2 of agreement, may be adopted, at the discretion of the PAMB, to strengthen
3 and empower its partner POs, NGOs, ICCs and LGUs in all management
4 schemes and undertakings of the protected area.

5 There shall be an integration of objectives of the protected area with the
6 development plans of the two (2) provinces of Aklan and Antique.
7 The respective LGUs shall ensure that local ordinances on environmental
8 protection and conservation and the allocation of funds for environmental
9 programs are consistent with this Act and the management plan.

10 SEC. 9. *The Northwest Panay Biodiversity Management Council*
11 *(NPBMC)*. – The NPBMC shall continue to serve as the coordinating body
12 among member LGUs to strengthen policy direction and heighten the
13 commitment of the communities within and bordering the protected area.

14 The NPBMC shall work closely with the PAMB to reduce the pressure
15 on the protected area from the surrounding communities through development
16 programs and other activities geared towards the protection, conservation and
17 sustainable use of the resources in the protected area. The NPBMC may
18 provide assistance to the PAMB.

19 SEC. 10. *The General Management Planning Strategy (GMPS)*. – The
20 GMPS for the protected area shall be prepared to provide a long-term basic
21 management framework, govern all activities and serve as guide in the
22 preparation of annual operations and budgetary requirements.

23 The GMPS shall identify the allowable uses for each zone. Its
24 preparation shall be undertaken by the PAMB, under the supervision of the
25 DENR, in consultation with the different stakeholders. In addition to
26 contributions from various technical experts on biodiversity management, the
27 PAMB shall solicit the assistance of NGOs and academic institutions in the
28 preparation of the GMPS, particularly in the areas of community-based

1 resource management and ICC concerns. The plan must be consistent with the
2 objectives of the protected area.

3 The GMPS shall contain information on the following:

4 (a) The period of applicability must be twenty-five (25) years subject
5 to review and modifications, whenever the PAMB deems it necessary;

6 (b) Key management issues;

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

8 (d) Site management strategies;

9 (e) Zoning, in accordance with Section 11;

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

13 (g) Mechanisms for the protection of the identified core zone and
14 tenured migrants;

15 (h) Sustainable and non-destructive livelihood activities;

16 (i) Regulations on the preservation and conservation of the protected
17 area such as permits, resource-use restrictions and the like; and

18 (j) Other information as may be deemed necessary.

19 The GMPS shall be reviewed and adopted by the PAMB and certified to
20 by the DENR Secretary that it conforms to all laws, rules and regulations
21 issued by the DENR. The revision or modification of the GMPS shall be
22 undertaken upon consultation with and approval by the PAMB.

23 The GMPS shall be prepared in English, but shall be translated in a
24 dialect commonly understood among the majority of the residents. It shall be
25 made available for public perusal at the Office of the PASu.

26 SEC. 11. *Management Zones.* – Management zones shall be
27 established within the protected area, giving primary consideration to its
28 protection and conservation. Zoning shall take into account the tenurial and

1 livelihood concerns of communities to ensure the efficient protection of
2 habitats, fragile ecosystem and unique areas, without compromising the general
3 welfare of the local inhabitants.

4 The establishment and management of zones shall involve the
5 communities concerned through dialogues, consultations and land resource-use
6 mapping with the aid of geographic information system and latest technologies.
7 Zones shall be delineated and established on the ground with the participation
8 of communities, LGUs and other stakeholders.

9 All zones that shall be established shall be indicated on maps for control
10 point and management purposes.

11 ARTICLE III

12 INSTITUTIONAL MECHANISMS, 13 ROLES AND FUNCTIONS OF MANAGEMENT

14 SEC. 12. *Institutional Mechanisms, Roles and Functions of*
15 *Management.* --

16 (a) The PAMB shall be the highest policy-making body of the
17 protected area. It shall be composed of:

18 (1) the DENR Regional Executive Director (RED) for Region VI, as
19 chairperson and adviser on matters related to the technical aspects of protected
20 area management;

21 (2) the governors of the provinces of Aklan and Antique or their duly
22 authorized representatives, preferably the respective provincial planning and
23 development officers (PPDO) or environment and natural resources officers;

24 (3) the mayors of the municipalities of Nabas, Malay and Buruanga,
25 Province of Aklan and the municipalities of Libertad and Pandan, Province of
26 Antique, or their duly authorized representatives;

27 (4) all punong barangays with territorial jurisdiction over the protected
28 area or their respective duly authorized representatives;

1 (5) Three (3) representatives from the NGOs based in the provinces of
2 Aklan and Antique and at least seven (7) POs duly accredited by the DENR
3 and LGUs with tangible projects within the area at the time of their
4 membership in the PAMB. In the absence of accredited NGOs, any
5 environmental NGO may be appointed by the DENR Secretary to nominate its
6 representative as PAMB member;

7 (6) A representative from the ICCs residing inside the protected area
8 or within the buffer zone; and

9 (7) A representative from other national government agencies involved
10 in protected area management.

11 (b) There shall be an Executive Committee (ExeCom) within the
12 PAMB to whom the latter may delegate some of its powers and functions, to be
13 composed of the Regional Technical Director for Protected Areas, Wildlife
14 Zones and Coastal Management Service as chairperson, and at least two (2)
15 representatives each from the LGUs, the NGOs and the ICCs. The PAMB shall
16 determine the scope and extent of the authority to be delegated to the ExeCom.

17 (c) Except for government officials who shall serve as *ex officio*, every
18 PAMB member shall serve for a term of five (5) years without compensation:
19 *Provided*, That such government official remains connected with the office or
20 agency being represented. The term of office of the NGO and the PO
21 representatives in the PAMB shall be coterminus with the duration and
22 existence of the organizations' projects in the protected area. Whenever a seat
23 allotted for the NGOs becomes vacant, a new member shall be chosen in the
24 same manner as the original selection process: *Provided, further*, That the
25 substitute shall only serve for the remaining term of the predecessor. In the
26 case of elective government officials, their membership in the PAMB shall be
27 coterminus with their respective terms of office.

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

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

11 SEC. 13. *Functions of the PAMB.* – The PAMB shall decide by a
12 majority vote and shall have the following powers and functions:

13 (a) Formulate rules and regulations pertaining to activities that are
14 prejudicial to the protected area;

15 (b) Issue necessary permits for all activities in accordance with the
16 management plan and pertinent laws and regulations on forest resources and
17 environmental protection;

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

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

22 (e) Promulgate rules and regulations to promote development programs
23 and projects on biodiversity conservation and sustainable development
24 consistent with the management manual;

25 (f) Ensure the implementation of programs, as prescribed in the
26 management plan, in order to provide employment to the people dwelling in
27 and around the protected area;

1 (g) Control and regulate the construction, operation and maintenance of
2 roads, trails, waterworks, sewerage, fire protection and sanitation systems and
3 other public utilities;

4 (h) Monitor and evaluate the performance of personnel, NGOs and the
5 communities in contributing to biodiversity conservation and sociocultural and
6 economic development, and report its assessment to the NIPAS Policy and
7 Program Steering Committee and the IPAF governing Board;

8 (i) Deputize, through the PASu, interested individuals for the
9 enforcement of laws, rules and regulations and prescribe the necessary
10 qualification standards for individuals or groups applying for deputation;

11 (j) Accept donations, approve proposals for funding and budget
12 allocation, and exercise accountability over all funds that may accrue to the
13 protected area; and

14 (k) Create committees that may be needed for the effective
15 implementation of programs and projects.

16 The DENR, through the RED for Region VI, shall ensure that the
17 PAMB exercises authority within the scope of its powers and functions. In
18 case of conflict between issuances of the DENR pursuant to the NIPAS Act
19 and the rules and regulations or resolutions of the PAMB, the DENR Secretary
20 shall decide whether to apply the rule or withdraw its application in the
21 protected area.

22 SEC. 14. *The Protected Area Superintendent (PASu) Office.* – There is
23 hereby established a PASu office in charge of the management, protection and
24 administration of the protected area. The PASu shall be supported by the
25 existing personnel of the DENR. The head of office shall be the chief
26 operating officer of the Northwest Panay Peninsula Natural Park Protected
27 Area and shall be accountable to the RED of the DENR VI and the PAMB.
28 The PASu shall have the following powers and functions:

1 (a) Prepare and recommend to the PAMB the approval of the annual
2 work and financial plans of the protected area;

3 (b) Develop a management information system to ensure that relevant
4 and updated information are available for planning, monitoring and decision-
5 making;

6 (c) Collect and/or receive pertinent fees, donations and other income
7 for the protected area;

8 (d) Initiate and coordinate with other government offices and sectors
9 during the preparation of the GMPS;

10 (e) Serve as head of the secretariat for the PAMB;

11 (f) Establish a productive partnership with the local community and
12 stakeholders, including groups who are interested in attaining the goals and
13 objectives of the protected area;

14 (g) Formulate and implement park information, education,
15 communication and visitor programs;

16 (h) Enforce laws, rules and regulations pursuant to existing
17 environmental laws and DENR orders to protect and preserve the protected
18 area from trespass, damage, injury and illegal occupancy;

19 (i) Certify whether a proposed activity or project is allowable or not
20 within the management zones;

21 (j) Issue cutting permit for planted trees for a volume of up to five (5)
22 cubic meters per applicant per year for traditional and subsistence livelihood of
23 ICCs/indigenous peoples (IPs) and tenured migrants only: *Provided*, That
24 Protected Area Community Based Resource Management Agreement
25 (PACBRMA) holders with affirmed community resource management plans
26 shall *no longer* be issued cutting permits: *Provided, further*, That the total
27 volume of extraction does not exceed the limit set by the PAMB and the

1 location of extraction is within the appropriate site within the multiple-use
2 zone;

3 (k) Issue certificates of origin and transport permits for natural
4 resources and other products collected or gathered from the protected area in
5 accordance with the resource-use instruments or agreements or gratuitous
6 permits issued by the PAMB and/or the DENR;

7 (l) Monitor all activities within the protected area and its buffer zones:
8 and

9 (m) Perform such other functions as the PAMB or the RED may assign.

10 ARTICLE IV

11 ANCESTRAL LANDS/DOMAINS AND TENURED MIGRANTS

12 SEC. 15. *Ancestral Lands and Domains.* – The rights of the ICCs to
13 their ancestral lands and domains (if any) shall be recognized subject to
14 existing and prior rights.

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

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

23 SEC. 16. *Tenured Migrants.* – Tenured migrants are those households
24 who have actually and continuously occupied the protected area before April
25 25, 1997 and are solely dependent on the protected area for their livelihood.
26 A tenured migrant household shall be issued a tenurial instrument on the areas
27 they have been occupying or cultivating, not to exceed a maximum of five (5)
28 hectares per household. In consideration of current practices in areas occupied

1 by tenured migrants, especially in strict protection zones in which no
2 occupation or other activities are allowed, a provision for their transfer to
3 sustainable-use zones shall be accomplished through just and humane means.

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

11 Such PACBRMA shall be for a period of twenty-five (25) years and
12 renewable for another twenty-five (25) years based on the performance
13 evaluation and compliance with the terms and conditions stipulated in the
14 tenurial instrument.

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

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

22 ARTICLE V

23 ILLEGAL ACTS

24 SEC. 17. *Prohibited Acts.* – The following shall be the prohibitions and
25 penalties applicable within the protected area:

26 (a) A fine of not less than Five thousand pesos (P5,000.00) but not
27 more than Five hundred thousand pesos (P500,000.00) or imprisonment of not
28 less than six (6) years and one (1) day but not more than twelve (12) years, or

1 both, at the discretion of the court shall be imposed upon any person who:

2 (1) hunts, collects, destroys, traps, disturbs or possesses anywhere
3 within the protected area any wild plant or animal or product derived therefrom
4 without prior PAMB permit;

5 (2) possesses without a permit from the PAMB any wild plant or
6 animal or product derived therefrom within the protected area or in any of its
7 management zones where the species is not endemic;

8 (3) cuts, gathers, collects or removes timber or other forest products, as
9 well as undertakes any activity not compatible with the use of the respective
10 zones within the protected area without prior PAMB permit: *Provided*, That
11 any permit issued shall be valid for only one (1) month from the date of issue
12 either to tenured migrants within sustainable, monitored and controlled quotas
13 or for scientific purposes necessary for protected area management in
14 accordance with existing guidelines and outside the strict protection zones;

15 (4) establishes or introduces exotic species within the protected area
16 with allelopathic or detrimental effect to endemic species without prior PAMB
17 permit; and

18 (5) engages in kaingin or slash-and-burn farming or any activity that
19 causes forest fire inside the protected area;

20 (b) A fine of not less than Five thousand pesos (P5,000.00) but not
21 more than Two hundred fifty thousand pesos (P250,000.00) or imprisonment
22 of not less than six (6) months but not more than six (6) years, or both, at the
23 discretion of the court, and the restoration and rehabilitation of the damage
24 resulting from violations shall be imposed upon any person who:

25 (1) violates the management plan or any resolution issued by the
26 PAMB;

27 (2) vandalizes, mutilates, transports, destroys, excavates or in any
28 manner intentionally damages any natural formation or object of natural beauty

1 inside the protected area, or the burial or religious sites including artifacts and
2 other objects belonging to the ICCs/IPs;

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

7 (4) uses or possesses a motorized equipment anywhere within the strict
8 protection zone without a prior permit from the PAMB;

9 (5) uses or possesses chainsaws and band saws without prior PAMB
10 permit: *Provided*, That permits may only be issued to be used within the
11 multiple-use zones;

12 (6) engages in grazing or raising of poultry and other livestock for
13 commercial purpose within the protected area: *Provided*, That existing grazing
14 or poultry and other livestock farms within the protected area shall be phased
15 out within five (5) years after the effectivity of this Act;

16 (7) causes damage or leaves roads and trails in damaged condition;

17 (8) occupies any portion of land inside the protected area without a
18 prior PAMB permit. Any clearing, construction of residence or introduction of
19 improvements shall constitute *prima facie* evidence of occupation or
20 settlement;

21 (9) alters, removes, destroys or defaces boundaries, marks or signs;

22 (10) constructs and maintains a building, edifice or any kind of
23 structure or conducts any business enterprise within the protected area without
24 prior PAMB permit;

25 (11) enters the protected area without a prior PAMB permit for
26 purposes of bird watching, swimming, trekking, filming, camping, spelunking
27 or caving and other similar activities;

1 (12) conducts bioprospecting, research work or any study within the
2 protected area without prior PAMB permit or in violation of existing
3 guidelines; and

4 (13) engages in treasure hunting within the protected area;

5 (c) A fine of not less than One hundred thousand pesos (P100,000.00)
6 but not more than Five hundred thousand pesos (P500,000.00) or
7 imprisonment of not less than six (6) months but not more than six (6) years, or
8 both, at the discretion of the court shall be imposed upon any public officer or
9 law enforcement officer, who, in dereliction of the duties of his office, shall
10 maliciously refrain from instituting proper action for the punishment of
11 violators of the law or shall tolerate the commission of offenses. A conviction
12 of this offense shall also carry the penalty of perpetual disqualification from
13 public office;

14 (d) In case the species involved in the violations enumerated under
15 Section 17(a) are protected species, the penalty to be imposed shall not be less
16 than twelve (12) years and one (1) day but not more than twenty (20) years and
17 a fine of not less than Five hundred thousand pesos (P500,000.00) to One
18 million pesos (P1,000,000.00) in addition to the accessory penalties provided
19 in the immediately succeeding paragraph. Furthermore, any citizen may
20 institute the necessary charge against the offender for commission of the acts
21 enumerated under Section 17(a) involving protected species;

22 (e) A conviction under this section shall likewise carry the penalty of
23 eviction from the protected area, payment of damages for the rehabilitation and
24 the restoration and the forfeiture of all equipment, device and weapon/s used in
25 the commission of the offense as well as the protected area resources caught in
26 the possession of the accused. In case the offender is not a citizen of the
27 Philippines, he/she shall be immediately deported to his/her country of origin
28 after service of his/her sentence. If the offender is an association or

1 corporation, the president or manager shall be directly responsible for the act
2 of the employees and laborers;

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

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

12 SEC. 18. *Special Prosecutor.* – Within thirty (30) days from the
13 effectivity of this Act, the Department of Justice shall designate a special
14 prosecutor to whom all cases of violation of laws, rules and regulations in the
15 protected area shall be assigned. Such special prosecutor shall coordinate with
16 the PAMB and the PASu in the performance of his/her duties and assist in the
17 training of wardens and rangers in arrest and criminal procedures.

18 ARTICLE VII

19 PROCEEDS AND FEES

20 SEC. 19. *The Northwest Panay Peninsula Natural Park Protected*
21 *Areas Fund.* – There is hereby established a trust fund to be known as the
22 Northwest Panay Peninsula Natural Park Protected Areas Fund for purposes of
23 financing projects of the system. All income generated from the operation of
24 the system or the management of wild flora and fauna in the protected area
25 shall accrue to the fund. These income shall be derived from fees from
26 permitted sale and export of flora and fauna and other resources from the
27 protected area, proceeds from lease of multiple-use areas, contributions from

1 industries and facilities directly benefiting from the protected area, and such
2 other fees and income derived from the operation of the protected area.

3 The fund may be augmented by grants, donations, endowment from
4 various sources, domestic or foreign: *Provided*, That the fund shall be
5 deposited as a special account in the National Treasury and disbursements
6 therefrom shall be made solely for the protection, maintenance, administration
7 and management of the system, duly approved projects endorsed by the PAMB
8 in accordance with existing accounting and budgeting rules and regulations:
9 *Provided, further*, That the fund shall not be used to cover personal services
10 expenditures.

11 The LGUs shall continue to impose and collect all other fees not
12 enumerated herein which they have traditionally collected, such as business
13 permits, property tax and rentals of LGUs' facilities. Furthermore, LGUs may
14 charge add-ons to fees imposed by the PAMB: *Provided*, That such add-ons
15 shall be determined based on the contribution of the LGUs in the maintenance
16 and protection of the protected area.

17 ARTICLE VIII

18 EXISTING FACILITIES

19 SEC. 20. *Existing Facilities Within the Protected Area.* – Within ninety
20 (90) days from the effectivity of this Act, the PAMB shall be organized and a
21 PASu shall be appointed who, within the same period, shall make an inventory
22 of existing facilities within the boundaries of the protected area and submit the
23 said inventory to the PAMB through a sworn statement containing the
24 following information:

25 (a) List of infrastructure, machineries and facilities and their potential
26 disturbances to protected species and their habitat, reproductive cycles, nesting
27 and feeding grounds of wildlife resources;

28 (b) Noise levels at all stages of operation;

- 1 (c) Energy requirements and sources of energy;
- 2 (d) Water supply requirements and sources of water;
- 3 (e) Volume of resources extracted from the protected area; and
- 4 (f) Future plans for the next five (5) years.

5 Based on these documents submitted, the PAMB, with technical
6 assistance from the DENR, shall determine whether the existence and
7 operation of said infrastructure, machineries and facilities and future plans and
8 operations would be detrimental to the protected area.

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

14 ARTICLE IX

15 UTILIZATION OF RESOURCES

16 SEC. 21. *Utilization of Resources.* – Livelihood activities requiring the
17 use of resources derived from the protected area shall be allowed only when it
18 is found to be sustainable and consistent with the GMPS and only upon prior
19 PAMB approval. Only non-timber products can be utilized for livelihood
20 purposes, except trees planted in tenured areas. No exploration, exploitation or
21 utilization of non-renewable resources within the natural park for commercial
22 purposes or by non-tenured migrants or non-ICC shall be allowed. Energy
23 generation projects utilizing renewable resource such as, but not limited to,
24 hydroelectric, wind or solar generators may be allowed at the discretion of the
25 PAMB.

26 Commercial utilization of resources by tenured migrants and the ICCs
27 shall be allowed only upon prior PAMB approval and in accordance with the
28 GMPS. Commercial exploitation and utilization of water resources and other

1 permitted resources and establishment or installation of infrastructure such as,
2 but not limited to, access roads, telecommunication facilities, etc., within the
3 protected area shall require PAMB approval: *Provided*, That these are not in
4 conflict with the GMPS and shall go through the EIS System.

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

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

15 ARTICLE X

16 TRANSITION AND MISCELLANEOUS PROVISIONS

17 SEC. 22. *Appropriations.* – The Secretary of the DENR shall
18 immediately include in the Department's program the implementation of this
19 Act, the funding of which shall be included in the annual General
20 Appropriations Act.

21 SEC. 23. *Applicability.* – The provisions of this Act shall be construed
22 liberally in favor of tenured migrants and the ICC and with due consideration
23 to the protection of biodiversity. The NIPAS Act shall supplement the
24 implementation of this Act.

25 SEC. 24. *Separability.* – If any part or section of this Act is declared
26 unconstitutional, such declaration shall not affect the other parts or sections
27 hereof.

1 SEC. 25. *Transitory Provisions.* – A new PAMB shall be convened and
2 created within three (3) months from the effectivity of this Act. During the
3 same period, the DENR, in coordination with the PAMB, the Committee on
4 Natural Resources of the House of the Representatives, the Senate Committee
5 on Environment and Natural Resources and the concerned Congressional
6 District Representatives shall undertake the preparation of the implementing
7 rules and regulations of this Act.

8 SEC. 26. *Repealing Clause.* – All laws, proclamations, rules and
9 regulations inconsistent with this Act are hereby repealed or modified
10 accordingly.

11 SEC. 27. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
12 after its publication in the *Official Gazette* or in a national newspaper of
13 general circulation. It shall be translated in Filipino and in the dialect
14 commonly understood by the majority of the stakeholders, and shall likewise
15 be simultaneously printed in the appropriate language and posted in
16 conspicuous places in the provincial, municipal and barangay halls in the area,
17 as well as in places frequently visited by the public.

Approved,

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