

1 Department of Environment and Natural Resources (DENR) and the provincial
 2 governments of Aklan and Antique, the local government units (LGUs) of the
 3 municipalities of Nabas, Malay and Buruanga in the Province of Aklan and the
 4 municipalities of Libertad and Pandan in the Province of Antique, the
 5 nongovernmental organizations (NGOs), people's organizations (POs), local
 6 stakeholders and the indigenous cultural communities (ICCs), particularly the
 7 Aetas, locally called "Ati".

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

13 SEC. 4. *Scope and Coverage.* – The NPPNP shall cover a certain
 14 parcel of land located in the municipalities of Nabas, Malay and Buruanga,
 15 Province of Aklan and in the municipalities of Libertad and Pandan, Province
 16 of Antique. Its boundaries are more particularly described as follows:

17 Beginning at a point marked "1" of the map, which is N. 82° 37' E.,
 18 three thousand three hundred twenty-six and four tenth (3,326.4) meters; from
 19 BLLM No. 7, PSC-38 of Libertad, Antique;

20	Thence	S. 74° 34' W.,	1,389.91 meters to corner	2;
21	Thence	N. 74° 23' W.,	1,671.82 meters to corner	3;
22	Thence	S. 64° 12' W.,	2,112.89 meters to corner	4;
23	Thence	N. 54° 59' W.,	1,306.72 meters to corner	5;
24	Thence	N. 47° 07' W.,	1,572.37 meters to corner	6;
25	Thence	N. 36° 09' W.,	1,331.49 meters to corner	7;
26	Thence	N. 43° 16' E.,	1,743.57 meters to corner	8;
27	Thence	S. 40° 18' E.,	1,049.46 meters to corner	9;
28	Thence	N. 11° 45' W.,	766.12 meters to corner	10;

1	Thence	N. 07° 16' E.,	1,735.66 meters to corner 11;
2	Thence	N. 30° 53' W.,	699.43 meters to corner 12;
3	Thence	N. 31° 50' E.,	1,188.35 meters to corner 13;
4	Thence	N. 87° 15' E.,	2,298.33 meters to corner 14;
5	Thence	N. 15° 19' E.,	1,171.69 meters to corner 15
6	Thence	S. 84° 01' E.,	2,398.04 meters to corner 16;
7	Thence	N. 87° 54' E.,	805.44 meters to corner 17;
8	Thence	S. 48° 23' E.,	2,356.49 meters to corner 18;
9	Thence	S. 50° 18' E.,	1,269.20 meters to corner 19;
10	Thence	S. 58° 49' E.,	1,424.64 meters to corner 20;
11	Thence	S. 78° 05' E.,	2,152.13 meters to corner 21;
12	Thence	S. 51° 59' E.,	1,238.41 meters to corner 22;
13	Thence	S. 30° 12' E.,	2,266.24 meters to corner 23;
14	Thence	S. 05° 39' E.,	1,685.24 meters to corner 24;
15	Thence	S. 22° 26' W.,	1,764.83 meters to corner 25;
16	Thence	S. 53° 35' W.,	1,081.73 meters to corner 26;
17	Thence	N. 86° 42' W.,	533.23 meters to corner 27;
18	Thence	S. 10° 33' W.,	1,117.38 meters to corner 28;
19	Thence	S. 79° 32' W.,	962.01 meters to corner 29;
20	Thence	N. 57° 20' W.,	1,807.07 meters to corner 30;
21	Thence	N. 64° 49' W.,	1,535.10 meters to corner 31;
22	Thence	N. 74° 48' W.,	2,453.48 meters to corner 1,

23 the point of beginning, containing an approximate area of twelve thousand nine
 24 and twenty-nine hundredth (12,009.29) hectares, more or less, subject to actual
 25 ground survey.

26 Any modification of the coverage of this Act due to such factors as
 27 changing ecological situations or new scientific or archaeological findings not

1 previously taken into account shall be made through an act of Congress, after
2 consultation with the affected public and concerned government agencies.

3 SEC. 5. *Land Classification.* – All lands of the public domain within
4 the coverage and scope of this Act shall fall under the classification of national
5 park as provided for in the Philippine Constitution.

6 SEC. 6. *Establishment of Buffer Zones.* – Buffer zones shall be
7 established along and adjacent to the peripheral boundaries to serve as
8 protective layer to the area and its resources. The buffer zones shall also serve
9 as a social fence against the entry of intruders that bring destruction or conduct
10 activities detrimental to the park. Prescriptions for the management of buffer
11 zones shall be included as components of the protected area management plan.
12 The DENR shall exercise the same authority over buffer zones in the same
13 manner as protected areas: *Provided, however,* That there shall be
14 consultation with the affected communities.

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

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

20 (a) *Bioprospecting* shall refer to any research activity or collection and
21 utilization of biological and genetic resources for purposes of applying the
22 knowledge derived therefrom solely for commercial purposes.

23 (b) *Buffer zones* shall refer to areas that are outside the boundaries of
24 and are immediately adjacent to designated protected areas, pursuant to
25 Section 3 of this Act, that need special development control in order to avoid
26 or minimize encroachment and harm to the protected area.

1 (c) *By-products* or *derivatives* shall refer to any part taken or substance
2 extracted from wildlife, in raw or processed form, which include stuffed
3 animals and herbarium specimens.

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

12 (e) *Collection* or *collecting* shall refer to the act of gathering or
13 harvesting wildlife, its by-products or derivatives.

14 (f) *Conservation* shall refer to any act or acts of preservation and
15 sustainable utilization of wildlife and/or maintenance, restoration and
16 enhancement of the habitat.

17 (g) *DENR* shall refer to the Department of Environment and Natural
18 Resources, a national government agency created under Executive Order
19 No. 192 with jurisdiction over forestlands and protected areas.

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

23 (i) *Indigenous Cultural Community (ICC)* shall refer to a group of
24 people sharing common bonds of language, customs, traditions and other
25 distinctive cultural traits and who have, since time immemorial, occupied,
26 possessed and utilized a territory.

27 (j) *IPAF* shall refer to the Integrated Protected Areas Fund, a special
28 account in the National Treasury established for the purpose of promoting the

1 sustained financing for the operations of the NIPAS. The IPAF may receive
2 revenues generated within the protected area or through donor support and
3 such other funds provided by law.

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

10 (l) *National park* shall refer to a tract of land of the public domain
11 classified as such pursuant to the 1987 Philippine Constitution.

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

16 (n) *NIPAS Act* shall refer 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 within the protected areas and to maintain their natural
23 conditions to the greatest extent possible.

24 (o) *NGO* shall refer to any nongovernmental organization or any civic,
25 developmental, environmental or philanthropic nonstock, nonprofit
26 organization.

1 (p) *NPBMC* shall refer to the Northwest Panay Biodiversity
2 Management Council, a multi-sectoral body organized in 1999 and was
3 instrumental in the proclamation of the NPPNP as a protected area.

4 (q) *PAMB* shall refer to the Protected Area Management Board, a
5 governing body created for each protected area pursuant to the NIPAS Act,
6 and tasked to oversee all activities inside the protected area and its buffer zone.

7 (r) *PASu* shall refer to the Protected Area Superintendent, the chief
8 operating officer of the DENR who is directly responsible to the PAMB and
9 the concerned DENR Regional Executive Director.

10 (s) *Peninsula* shall refer to a strip of land projecting into water; a
11 narrow piece of land that juts out from the mainland into a sea or lake.

12 (t) *PO* shall refer to any locally based people's organization or to any
13 group of people formed to advance the interests of the sector they represent.

14 (u) *Protected area* shall refer to any identified portion of land and
15 water set aside by reason of their unique physical and biological significance,
16 managed to enhance biological diversity and protected against destructive
17 human exploitation.

18 (v) *Secretary* shall refer to the Secretary of the DENR.

19 (w) *Tenured migrant* shall refer to any person who has actually and
20 continuously occupied an area for five (5) years prior to its designation as part
21 of a protected area and is usually dependent on that area for subsistence.

22 ARTICLE II

23 MANAGEMENT, MANAGEMENT PLAN AND ZONING

24 SEC. 8. *Management of the Northwest Panay Peninsula Natural Park.*

25 – The management and administration of the NPPNP shall be vested in the
26 PAMB: *Provided*, That the processes and procedures in the management of
27 zones to be established in the area shall be consultative and participatory.

1 SEC. 9. *Local Government Units (LGUs)*. – As members of the
2 PAMB, the LGUs are mandated to participate in the affairs and support the
3 programs and projects of the protected area.

4 Specific comanagement strategies, through the signing of memoranda of
5 agreement, may be adopted, at the discretion of the PAMB, to strengthen and
6 empower its partner POs, NGOs, ICCs and LGUs in all management schemes
7 and undertakings of the NPPNP.

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

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

17 The NPBMC shall work closely with the PAMB to reduce the pressure
18 on the NPPNP from the surrounding communities through development
19 programs and other activities geared towards the protection, conservation and
20 sustainable use of the latter's resources. The NPBMC may provide assistance
21 to the PAMB.

22 SEC. 11. *The General Management Planning Strategy (GMPS)*. – The
23 GMPS for the NPPNP shall be prepared to provide a long-term basic
24 management framework, govern all activities and serve as guide in the
25 preparation of annual operations and budgetary requirements.

26 The GMPS shall identify the allowable uses for each zone. Its
27 preparation shall be undertaken by the PAMB under the supervision of the
28 DENR, in consultation with the different stakeholders. In addition to the

1 contributions from various technical experts on biodiversity management, the
2 PAMB shall solicit the assistance of NGOs and academic institutions in the
3 preparation of the GMPS, particularly in the areas of community-based
4 resource management and ICC concerns. The plan must be consistent with the
5 objectives of the NPPNP.

6 The GMPS shall contain *information on the following*:

7 (a) The period of applicability which shall be twenty-five (25) years
8 subject to review and modifications, whenever the PAMB deems it necessary;

9 (b) Key management issues;

10 (c) Goals and objectives of management in support of Section 2 of this
11 Act;

12 (d) Site management strategies;

13 (e) *Zoning, in accordance with Section 11 of this Act*;

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

17 (g) Mechanisms for the protection of the identified core zone and
18 tenured migrants;

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

20 (i) *Regulations on the preservation and conservation of resources such*
21 *as permits, resource-use restrictions and the like; and*

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

23 The GMPS shall be reviewed and adopted by the PAMB and certified to
24 by the Secretary that it conforms to all laws, rules and regulations issued by the
25 DENR. The revision or modification of the GMPS shall be undertaken after
26 consultation with the approval by the PAMB.

1 (3) The mayors of the municipalities of Nabas, Malay and Buruanga,
2 Province of Aklan and the municipalities of Libertad and Pandan, Province of
3 Antique, or their duly authorized representatives;

4 (4) All punong barangays with territorial jurisdiction over the NPPNP,
5 or their duly authorized representatives;

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

12 (6) A representative from the ICCs residing inside the NPPNP or
13 within its buffer zones; and

14 (7) A representative each from other national government agencies
15 involved in protected area management.

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

22 (c) Except for government officials who shall serve as *ex officio*, each
23 PAMB member shall serve for a term of five (5) years without compensation:
24 *Provided*, That such government official remains connected with the office or
25 agency being represented. The term of office of the NGO and the PO
26 representatives in the PAMB shall be coterminous with the duration and
27 existence of the organizations' projects in the protected area. Whenever a seat
28 allotted for the NGOs becomes vacant, a new member shall be chosen in the

1 same manner as the original selection process: *Provided, further,* That the
2 substitute shall only serve for the remaining term of the predecessor. In the
3 case of elective government officials, their membership in the PAMB shall be
4 coterminous with their respective terms of office.

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

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

14 SEC. 14. *Functions of the PAMB.* -- The PAMB shall decide by a
15 majority vote and shall have the following powers and functions:

16 (a) Formulate rules and regulations pertaining to activities that are
17 prejudicial to the NPPNP;

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

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

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

25 (e) Promulgate rules and regulations to promote development programs
26 and projects on biodiversity conservation and sustainable development
27 consistent with the management manual;

1 (f) Ensure the implementation of programs, as prescribed in the
2 *management plan*, in order to provide employment to the people dwelling in
3 and around the NPPNP;

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

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

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

14 (j) Accept donations, approve proposals for funding and budget
15 allocation, and exercise accountability over all funds that may accrue to the
16 NPPNP; and

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

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

24 SEC. 15. *The Protected Area Superintendent (PASu) Office.* – There
25 is hereby established a PASu office in charge of the management, protection
26 and administration of the NPPNP. The PASu shall be supported by the
27 existing personnel of the DENR. The PASu shall be the chief operating officer

1 of the NPPNP and shall be accountable to the RED of the DENR VI and the
2 PAMB. The PASu shall have the following powers and functions:

3 (a) Prepare and recommend to the PAMB the approval of the annual
4 work and financial plans;

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

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

10 (d) Initiate the preparation of the GMPS in coordination with other
11 government offices and sectors;

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

13 (f) Establish a productive partnership with the local community and
14 stakeholders, including groups who are interested in attaining the goals and
15 objectives of the NPPNP;

16 (g) Formulate and implement park information, education,
17 communication and visitor programs;

18 (h) Enforce laws, rules and regulations pursuant to existing
19 environmental laws and DENR orders to protect and preserve the NPPNP from
20 trespass, damage, injury and illegal occupancy;

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

23 (j) Issue cutting permit for planted trees for a volume of up to five (5)
24 cubic meters per applicant per year for traditional and subsistence livelihood of
25 ICCs/indigenous peoples (IPs) and tenured migrants only: *Provided*, That
26 Protected Area Community-Based Resource Management Agreement
27 (PACBRMA) holders with affirmed community resource management plans
28 shall no longer be issued cutting permits: *Provided, further*, That the total

1 volume of extraction does not exceed the limit set by the PAMB and the
2 location of extraction is within the appropriate site within the multiple-use
3 zone;

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

8 (l) Monitor all activities within the NPPNP and its buffer zones; 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. 16. *Ancestral Lands and Domains.* – The rights of the ICCs to
13 their ancestral lands and domains shall be recognized subject to existing and
14 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 NPPNP that would
21 not impair, diminish or derogate any prior or existing right currently enjoyed
22 by the ICCs under existing laws.

23 SEC. 17. *Tenured Migrants.* – Tenured migrants are households that
24 have actually and continuously occupied the NPPNP before April 25, 1997 and
25 are solely dependent on the area for their livelihood. A tenured migrant shall
26 be issued a tenurial instrument on the areas they have been occupying or
27 cultivating, not to exceed a maximum of five (5) hectares per household. In
28 consideration of current practices in areas occupied by tenured migrants,

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

4 To effectively provide a social fence to the NPPNP, 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 direct
10 descendants.

11 A tenurial instrument shall cover a period of twenty-five (25) years,
12 renewable for another twenty-five (25) years based on the performance
13 evaluation and compliance with the terms and conditions stipulated in the said
14 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. 18. *Prohibited Acts.* -- The following shall be the prohibitions
25 and penalties within the NPPNP:

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

1 less than six (6) years and one (1) day but not more than twelve (12) years, or
2 both, at the discretion of the court shall be imposed upon any person who:

3 (1) Hunts, collects, destroys, traps, disturbs or possesses anywhere
4 within the NPPNP any wild plant or animal or product derived therefrom
5 without prior PAMB permit;

6 (2) Possesses, without a permit from the PAMB, any wild plant or
7 animal or product derived from such wild plant or animal within the NPPNP or
8 in any of its management zones where the species is not endemic;

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

16 (4) Establishes or introduces exotic species that have allelopathic or
17 detrimental effect to endemic species without prior PAMB permit; or

18 (5) Engages in kaingin or slash-and-burn farming or any activity that
19 causes forest fire;

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 or committing the
5 same in the buffer and multiple-use areas without appropriate authority or
6 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 for use within the multiple-
11 use zones;

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

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

17 (8) Occupies any tract of land without a prior PAMB permit. Any
18 clearing, construction of residence or introduction of improvements shall
19 constitute *prima facie* evidence of occupation or settlement;

20 (9) Alters, removes, destroys or defaces boundaries, marks or signs;

21 (10) Constructs and maintains a building, edifice or any kind of structure
22 or conducts any business enterprise without a prior PAMB permit;

23 (11) Enters the NPPNP without a prior PAMB permit for purposes of
24 bird watching, swimming, trekking, filming, camping, spelunking or caving
25 and other similar activities;

26 (12) Conducts bioprospecting, research work or any study without a
27 prior PAMB permit or in violation of existing guidelines; or

28 (13) Engages in treasure hunting;

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

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

18 (e) A conviction under this section shall likewise carry the penalty of
19 eviction from the NPPNP, payment of damages for the rehabilitation and
20 restoration and the forfeiture of all equipment, device and weapon/s used in the
21 commission of the offense as well as the resources caught in the possession of
22 the accused. In case the offender is not a citizen of the Philippines, he/she
23 shall be immediately deported to his/her country of origin after service of
24 his/her sentence. If the offender is an association or corporation, the president
25 or manager shall be directly responsible for the act of the employees and
26 laborers;

27 (f) The PASu or the duly deputized personnel may arrest even without
28 a warrant any person who has committed or is committing in one's presence

1 any of the offenses defined in this section. The PASu may also seize and
2 confiscate in favor of the government the tools and equipment used in
3 committing the offenses and the resources caught in the possession of the
4 offender and file the necessary charges therefore: *Provided*, That the DENR
5 may impose administrative fines and penalties in accordance with law; and

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

8 *SEC. 19. Special Prosecutor.* – Within thirty (30) days from the
9 effectivity of this Act, the Department of Justice shall designate a special
10 prosecutor to whom all cases of violation of laws, rules and regulations in the
11 NPPNP shall be assigned. Such special prosecutor shall coordinate with the
12 PAMB and the PASu in the performance of one's duties and assist in the
13 training of wardens and rangers in arrest and criminal procedures.

14 ARTICLE VI

15 PROCEEDS AND FEES

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

26 The fund may be augmented by grants, donations, endowment from
27 various sources, domestic or foreign: *Provided*, That the fund shall be
28 deposited as a special account in the National Treasury and disbursements

1 therefrom shall be made solely for the protection, maintenance, administration
2 and management of the system and duly approved projects endorsed by the
3 PAMB in accordance with existing accounting and budgeting rules and
4 regulations: *Provided, further,* That the fund shall not be used to cover
5 personal services expenditures.

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

12 ARTICLE VII

13 EXISTING FACILITIES

14 SEC. 21. *Existing Facilities.* – Within ninety (90) days from
15 the effectivity of this Act, the PAMB shall be organized and a PASu shall be
16 appointed who, within the same period, shall make an inventory of existing
17 facilities within the boundaries of the NPPNP and submit the said inventory to
18 the PAMB through a sworn statement containing the following information:

19 (a) List of infrastructure, machineries and facilities and their potential
20 disturbances to protected species and their habitat, reproductive cycles, nesting
21 and feeding grounds;

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

23 (c) Energy requirements and sources of energy;

24 (d) Water supply requirements and sources of water;

25 (e) Volume of resources extracted from the protected area; and

26 (f) Future plans for the next five (5) years.

27 Based on the submitted documents, the PAMB, with technical assistance
28 from the DENR, shall determine whether the existence and operation of said

1 infrastructure, machineries and facilities and its future plans and operations
2 would be detrimental to the NPPNP.

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

8 ARTICLE VIII

9 UTILIZATION OF RESOURCES

10 SEC. 22. *Utilization of Resources.* – Livelihood activities requiring
11 the use of resources derived from the NPPNP shall be allowed only when it is
12 found to be sustainable and consistent with the GMPS and only upon prior
13 PAMB approval. Only non-timber products can be utilized for livelihood
14 purposes, except trees planted in tenured areas. No exploration, exploitation
15 or utilization of nonrenewable resources for commercial purposes or by
16 nontenured migrants or non-ICCs shall be allowed. Energy generation projects
17 utilizing renewable resource such as, but not limited to, hydroelectric, wind or
18 solar generators may be allowed at the discretion of the PAMB.

19 Commercial utilization of resources by tenured migrants and the ICCs
20 shall be allowed only upon prior PAMB approval and in accordance with the
21 GMPS. Commercial exploitation and utilization of water resources and other
22 permitted resources and establishment or installation of infrastructure such as,
23 but not limited to, access roads, telecommunication facilities, etc., within the
24 NPPNP shall require PAMB approval: *Provided*, That these are not in conflict
25 with the GMPS and shall undergo the EIS System.

26 The utilization of non-tangible resources such as, but not limited to,
27 aesthetic value, filming, camping and trekking areas, caving adventures,
28 researches on flora and fauna, and other related activities shall require the

1 approval of the PAMB pursuant to a corresponding permitting system to be
2 adopted. The PAMB shall establish a mechanism that would streamline the
3 processing of these permits in order to promote its viability to enhance revenue
4 collection.

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

9 ARTICLE IX

10 TRANSITORY AND MISCELLANEOUS PROVISIONS

11 SEC. 23. *Appropriations.* – The Secretary of the DENR shall
12 immediately include in the Department's program the implementation of this
13 Act, the funding of which shall be included in the annual General
14 Appropriations Act.

15 SEC. 24. *Applicability.* – The provisions of this Act shall be construed
16 liberally in favor of tenured migrants and the ICC, with due consideration to
17 the protection of biodiversity. The NIPAS Act shall supplement the
18 implementation of this Act.

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

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

1 SEC. 27. *Repealing Clause.* – All laws, proclamations, rules and
2 regulations inconsistent with this Act are hereby repealed or modified
3 accordingly.

4 SEC. 28. *Effectivity Clause.* – This Act shall take effect fifteen (15)
5 days after its publication in the *Official Gazette* or in a national newspaper of
6 general circulation.

Approved,

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