CONGRESS OF THE PHILIPPINES FOURTEENTH CONGRESS Third Regular Session

HOUSE OF REPRESENTATIVES

H. No. 6508

BY REPRESENTATIVES JALOSJOS, JALOSJOS-CARREON, ARROYO (I.) AND CUA (J.), PER COMMITTEE REPORT NO. 2143

AN ACT DECLARING THE MURCIELAGOS ISLANDS LOCATED IN MUNICIPALITY LABASON. PROVINCE THE OF ZAMBOANGA DEL NORTE AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE AND SEASCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

CHAPTER I

i	CHAPTER I
2	INTRODUCTORY PROVISIONS
3	SECTION 1. Title This Act shall be known as the "Murcielagos
4	Islands Protected Landscape and Seascape (MIPLS) Act of 2009".
5	SEC. 2. Declaration of Policy Considering the importance of the
6	Murcielagos Islands, with their unique biological resources and aesthetic,
7	ecological, economic and sociocultural significance, it is hereby declared the
8	policy of the State to secure their protection and conservation, including the
9	people and communities residing in these islands as well as their way of life.
10	For this reason, the State shall ensure the protection and conservation of its
11	biodiversity; advance, respect, and protect the customs and interests of its

legitimate inhabitants; and foster partnerships among government, nongovernment organizations (NGOs) and people's organizations (POs).

more or less.

SEC. 3. Scope. The MIPLS shall cover the islets of Bayangan and Bali-udyong, including the municipal waters thereof, located in the Municipality of Labason, Province of Zamboanga del Norte, containing a total area of more or less one hundred and point twenty (100.20) hectares, constituting the aggregate land and marine portion of the protected area, and an area of one hundred and point fifty-seven (100.57) hectares of marine portion, as buffer zone.

(a) The MIPLS begins at a point marked "1" on the map, which is N. 59°50' W. at 10,665.55 meters from BLLM No. 1, PLS-6;

12	Thence	N. 19°32' W.	272.90 m.	to corner 2;
13	Thence	N. 41°59' W.	247.10 m.	to corner 3;
14	Thence	N. 26°20' W.	108.60 m.	to corner 4;
15	Thence	-N. 53°22' E.	108.90 m.	to corner 5;
16	Thence	N. 71°09' E.	137.60 m.	to corner 6;
17	Thence	N. 89°09' E.	115.80 m.	to corner 7;
18	Thence	S. 80°33' E.	968.00 m.	to corner 8;
19	Thence	S. 56°08' E.	222.70 m.	to corner 9;
20	Thence	S. 43°30' E.	189.40 m.	to corner 10;
21	Thence	S. 10°16' E.	144.20 m.	to corner 11;
22	Thence	S. 38°32' W.	271.60 m.	to corner 12;
23	Thence	S. 61°06' W.	285.20 m.	to corner 13;
24	Thence	S. 85°36' W.	225.50 m.	to corner 14;
25	Thence	N, 75°59' W.	291.80 m.	to corner 15;
26	Thence	N. 62°00' W.	444.00 m.	to corner 1, the point of
27	beginning, containing	g an area of one	hundred point	twenty (100.20) hectares,

(b) The buffer zone of the MIPLS begins at a point marked "1" on the

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      map which is S. 10°00' W. and 410.00 meters from corner 1 of the MIPLS;
                            S. 48°01' W.
                                             680.20 m.
                 Thence
                                                          to corner 2:
 3
                 Thence
                            N. 02°02' W.
                                             817.02 m.
                                                          to corner 3:
 4
                            N. 61°59' E.
 5
                 Thence
                                             259.90 m.
                                                          to corner 4;
                            S. 84°60' E.
                                             679.70 m.
                 Thence
                                                          to corner 5;
 6
                 Thence
                            S. 61°59' E.
                                             743.70 m.
                                                          to corner 6:
 7
                 Thence
                            S. 79°60' E.
                                             519.80 m.
                                                          to corner 7;
 8
 9
                 Thence
                            S. 01°60° E.
                                             580.00 m.
                                                          to corner 8:
                            S. 43°01' W.
10
                 Thence
                                             740.20 m.
                                                          to corner 9:
11
                 Thence
                            N. 73°01' W.
                                             208.10 m.
                                                          to corner 10:
                 Thence
                            S. 76°00' W.
                                             460.20 m.
                                                         to corner 11:
12
                                                          to corner 1, the point of
                            N. 56°01' W.
                                             495.20 m.
13
                 Thence
14
      beginning, containing an area of one hundred and point fifty-seven (100.57)
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      hectares, more or less.
             The technical descriptions of the MIPLS and its buffer zone shall be
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      subject to actual ground survey.
             SEC. 4. Land Classification - All lands and waters comprising the
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      MIPLS shall fall under the classification of national park as provided for in the
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      Philippine Constitution.
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             SEC. 5. Definition of Terms. - For purposes of this Act, the following
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      terms are defined as follows:
             (a) "Biodiversity or biological diversity" shall refer to the variability
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      among living organisms, including genetic and structural differences, between
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      individuals and within and between species.
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(b) "Buffer zone" shall refer to identified areas outside the boundaries

of and immediately adjacent to designated protected areas pursuant to

Section 8 of Republic Act No. 7586, otherwise known as the National

Integrated Protected Areas System (NIPAS) Act of 1992, that need special development control in order to avoid or minimize harm to the protected area.

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- (c) "Conservation" shall refer to the optimum utilization and management of natural resources in order to meet the needs and aspirations of the present and the future.
- (d) "Environmental Impact Assessment (EIA)" shall refer to the various activities undertaken pursuant to the EIA System established under Presidential Decree No. 1586 or supervening legislation.
- (e) "Habitat management zone" shall refer to areas with significant habitat and species values where management practices are required periodically to maintain specific non-climax habitat types or conditions required by rare, threatened or endangered species. Human habitation and sustainable use may be allowed if they play a habitat management role.
- (f) "Integrated Protected Area Fund" shall refer to a trust fund established for purposes of financing projects of the NIPAS.
- (g) "Management plan" shall refer to the fundamental plan, strategy and/or scheme, which shall guide all activities relating to the MIPLS in order to attain the objectives of this Act.
- (h) "Multiple use zone" shall refer to areas where resettlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan and where land tenure may be granted to qualified residents.
- (i) "National Integrated Protected Areas System (NIPAS)" shall refer to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein and to maintain their natural conditions to the greatest extent possible.

(i) "PAMB" shall refer to the Protected Area Management Board.

- (k) "Protected area" shall refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.
- (1) "Protected Area Superintendent (PASu)" shall refer to the chief operating officer of the MIPLS under the Department of Environment and Natural Resources (DENR).
- (m) "Protected landscape and seascape" shall refer to areas of national significance, which are characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of these areas.
- (n) "Recreational zone" shall refer to an area identified in the management plan wherein recreational, tourism, educational or environmental conservation, education or public awareness activities may be undertaken.
- (o) "Restoration zone" shall refer to an area of degraded habitat or where the long-term goal will be to restore the natural habitat with its associated biodiversity and to re-zone the area to a more strict protection level. Exotic species shall not be used in the restoration process.
- (p) "Stakeholders" shall refer to individuals, communities, organizations or aggrupation of specific interest or sectors which have particular interest in the achievement of the objectives of this Act or have a history of dependence, access to, or use of resources within the protected area such as, but not limited to, the local government units (LGUs), indigenous cultural communities (ICCs), the DENR, and other concerned government agencies.

(q) "Strict protection zone" shall refer to an area with high biodiversity value, which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by indigenous communities.

- (r) "Special land use zone" shall refer to an area identified in the management plan where, upon the approval of the PAMB, tenured migrants and qualified communities may be allowed to collect and utilize natural resources using traditional sustainable methods that are not in conflict with biodiversity conservation requirements, and research, including the reintroduction of indigenous species, may be undertaken and visitors may be allowed limited use.
- (s) "Tenured migrant communities" shall refer to communities within protected areas, which have been actually and continuously occupying such areas for five (5) years before the designation of such areas as protected, and are solely dependent therein for subsistence.
- (t) "Trust fund" shall refer to an account maintained in any government depository bank for a specific purpose.

CHAPTER II

PROTECTED AREA MANAGEMENT

- SEC. 6. Management and Institutional Mechanism. The management and administration of the MIPLS shall be consultative and participatory. The sole policy-making body is vested with the PAMB, which shall be chaired by the DENR Regional Executive Director (RED). The PAMB may also create committees to which it may delegate specific functions.
- SEC. 7. Composition of the Protected Area Management Board (PAMB). The PAMB shall be composed of the following:
- (a) The RED of the DENR Region IX, ex officio, who shall sit as Chairperson and serve as adviser on matters related to the technical aspects of the management of the area;

1 (b) The municipal mayor of Labason or his/her duly designated 2 permanent representative:

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- (c) The provincial planning and development officer of the Province of Zamboanga del Norte;
- (d) The barangay chairman whose area of jurisdiction includes the MIPLS;
- (e) Representatives from nongovernment organizations (NGOs) and community organizations, including people's organizations (POs), and church or civic organizations, whose area are working or have interest in the protected area;
- (f) Representatives, if necessary, from the other national government agencies that may be involved in protected area management; and
- (g) Other stakeholders who can potentially assist and contribute in the protection and conservation of the park.

The representatives from POs and NGOs should have a record of active involvement in the ecological conservation, preservation, rehabilitation and protection of the park; community organizing and other development work; favorable track record in community work; and duly accredited by the LGU concerned and the DENR.

SEC. 8. Term of Office of the PAMB Members. — Every member of the PAMB shall be appointed by the DENR Secretary and shall serve for a term of five (5) years without compensation: Provided, That he/she remains connected with the institution being represented. Whenever a vacancy occurs during the term of a nongovernment PAMB member, a new member shall be chosen in the same manner as the original selection process: Provided, That he/she shall only serve for the remaining term.

The members of the Board shall not receive any compensation but shall be entitled to reasonable *per diem* in accordance with existing accounting and auditing rules and regulations.

SEC. 9. Duties and Functions of the PAMB. – The PAMB shall, by consensus or majority vote, approve or take necessary actions based on the approved management plan related to planning and resource protection; approve proposals, work/guidelines/action plans; conduct the delineation and demarcation activities of protected area boundaries, buffer zones, ancestral domains and recognition of rights and privileges; promulgate rules and regulations; ensure the implementation of programs; control and regulate the construction, operation and maintenance of roads, trails, waterworks, sewerage, fire protection and sanitation systems and other public utilities within the protected area; and monitor and evaluate the performance of protected area personnel, NGOs and communities involved in conservation and development.

The DENR, through the RED, shall ensure that the PAMB acts within the scope of its powers and functions. In case of conflict between administrative orders issued by the DENR pursuant to the NIPAS Act and the rules and regulations or resolutions issued by the PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its application.

SEC. 10. The Protected Area Superintendent (PASu) Office. – There is hereby established a protected area superintendent's office in charge of the management, protection and administration of the protected area. The PASu shall be supported by the existing personnel of the DENR. The head of office shall be the chief operating officer of the MIPLS and shall be accountable to the RED of the DENR-IX and the PAMB.

- SEC. 11. Management Plan. Within one (1) year from the effectivity of this Act, the PASu shall prepare a management plan in accordance with the General Management Planning Strategy (GMPS), in coordination with the appropriate offices of the DENR, local communities, the LGUs, the NGOs, other government agencies and those with expertise in socio-environmental, economics and ecological matters. The plan shall contain, among others, the following:
- (a) The preferred period of applicability, for at least ten (10) years, subject to periodic review as determined necessary by the Board;
- (b) The analysis of key management issues and problems considered as threats to conservation, management and maintenance and their impacts on the important features of the area;
- (c) Broad, long-term vision through a "vision statement", including guiding policies for management, sets of objectives, and specific statements on what management can achieve in the time frame of the plan;
 - (d) Site management strategies;

- (e) Zoning plan to delineate the boundaries, classification and management and other activities allowed or prohibited for each zone;
- (f) Management programs to include enforcement of laws, habitat and wildlife management, eco-tourism, sustainable use of resources, infrastructure development and maintenance, fire prevention and pest control;
- (g) Mechanisms for protection of tenured migrants in the exercise of their rights;
 - (h) Sustainable and non-destructive livelihood activities; and
- (i) Regulations in furtherance of the preservation and conservation objectives such as schemes in the issuance of permits and rules on the restrictions of resource use.

The management plan shall be reviewed and adopted by the PAMB and certified to by the DENR Secretary that it conforms to all laws, rules and regulations issued by the DENR. It shall not be revised nor modified without prior consultation with the PAMB and in accordance with the procedures herein set forth.

Before the expiration of the management plan, the office of the PASu shall prepare its successor plan in the same manner as the procedures and principles herein set forth and in accordance with the GMPS. One (1) year before the expiration of the current plan, the PASu shall cause the publication of notices for comments and suggestions on the successor plan in a newspaper of local circulation and the posting of such notices in the municipal and barangay halls comprising the MIPLS, and in three (3) other conspicuous areas frequented by the public within the protected area. A public hearing may be conducted on the successor plan upon the written request of any interested party. The proposed management plan shall be made available for public perusal at the office of the PASu.

The management plan shall be prepared in a language understandable in the area, plainly written and available for public perusal at the office of the PASu.

SEC. 12. Management Zoning. – Management zones shall be established in the MIPLS to provide protection for critical or representative habitats within which similar management emphasis is applied and comparable level of use permitted while different uses segregated. Each management zone shall be demarcated on the ground and indicated on the maps after undertaking such steps as community, land and resource use mapping and dialogues with the communities, the LGUs concerned and other stakeholders. Within each

1	Zone, the management prescriptions should be reasonably uniform but may
2	differ in type or intensity from those in other zones in order to accommodate
3	multiple objectives.
4	CHAPTER III
5	TENURED MIGRANTS
6	SEC. 13. Tenured Migrants Any person who has actually and
7	continuously occupied an area for five (5) years prior to the issuance of
8	Proclamation No. 281, establishing the MIPLS, dated April 23, 2000, and is
9	solely dependent on the area for subsistence shall be considered a tenured
10	migrant.
11	A tenured migrant shall be eligible to become a steward of a portion of
12	land within the sustainable use, multiple use or buffer zones from which he
13	may derive subsistence: Provided, however, That occupants who would not
14	qualify as tenured migrants shall be resettled outside the protected area.
15	The PAMB shall review all tenure instruments, land claims, permits
16	issued for resource use within the protected area, if any, and recommend the
17	issuance of appropriate tenure instruments pursuant to DENR Administrative
18	Order No. 2002-02 dated April 3, 2002, as amended.
19	SEC. 14. Existing Rights All property and private rights existing
20	prior to the effectivity of this Act shall be respected, subject to reasonable
21	regulation in accordance with existing laws and this Act.
22	CHAPTER IV
23	PROHIBITED ACTS AND PENALTIES
24	SEC. 15. Special Prosecutor Within thirty (30) days from the
25	effectivity of this Act, the Department of Justice (DOJ) shall appoint a special
26	prosecutor to whom all cases of violation of laws, rules and regulations in the

MIPLS shall be assigned. Such special prosecutor shall coordinate with the

PAMB and the PASu in the performance of his/her duties and assist in the

training of park personnel in conducting arrest and criminal procedure. The PAMB shall periodically submit an evaluation of the performance of the special prosecutor to the DOJ.

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- SEC. 16. *Prohibited Acts.* Except as may be allowed by the nature of their categories and pursuant to the rules and regulations governing the same, the following acts are prohibited within the MIPLS:
- (a) Hunting, destroying, disturbing or mere possession of any plant or animal and by-products derived therefrom without a permit from the PAMB;
- (b) Dumping of any waste product or introduction of activities detrimental to the protected area or to the plants and animals or inhabitants therein.
- (c) Use of any vehicle or equipment within prohibited areas without a permit from the PAMB;
- (d) Mutilating, defacing or destroying objects of natural beauty or objects of interests to cultural communities;
 - (e) Damaging and leaving roads and trails in a damaged condition;
 - (f) Squatting, mineral exploration or otherwise occupying any land;
- (g) Constructing or maintaining any kind of structure, fence or enclosure or conducting any business enterprise without a prior permit from the PAMB; and
- (h) Altering, removing or destroying or defacing boundary marks or signs.
 - SEC. 17. Penalties. Any person found guilty of any of the offenses enumerated above shall be fined the amount of not less than Five thousand pesos (P5,000.00) nor more than Five hundred thousand pesos (P500,000.00), exclusive of the value of the thing damaged, or imposed the penalty of imprisonment for not less than one (1) year but not more than six (6) years, or both fine and imprisonment as determined by the court: *Provided*, That if the

area requires rehabilitation or restoration as determined by the court, the offender shall also be required to restore or compensate for the restoration of the damage: *Provided, further*, That the court shall order the eviction of the offender from the area, the forfeiture in favor of the government of all mineral, timber or any species collected or removed including all equipment, devices and firearms used in connection therewith and any construction or improvement made thereon by the offender. If the offender is an association or corporation, the president or manager shall be deemed directly responsible for the act or acts of his/her employees and laborers: *Provided, finally*, That the DENR may impose administrative fines and penalties consistent with this Act.

11 CHAPTER V

PROTECTED AREA FUND

SEC. 18. The Murcielagos Islands Protected Landscape and Seascape (MIPLS) Fund. — There is hereby established a trust fund to be known as the MIPLS Fund for purposes of financing projects of the MIPLS. All income generated from the operation of the system or management of wild flora and fauna in the MIPLS shall accrue to the fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the protected area, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the protected area; and such other fees and income derived from the operation of the protected area.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign, for purposes related to their functions: *Provided*, That the fund shall be deposited as a special account in the national treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration, and management of the MIPLS, and duly approved projects endorsed by the PAMB, in accordance with existing

accounting and budgeting rules and regulations: *Provided, further*, That the fund shall not be used to cover personal services expenditures.

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

9 CHAPTER VI

EXISTING FACILITIES, UTILIZATION OF RESOURCES, ENVIRONMENTAL IMPACT ASSESSMENT AND PARTNERSHIPS

SEC. 19. Existing Facilities within the Protected Area. – Existing facilities, if any, within the MIPLS shall be inventoried and assessed by the PAMB in accordance with the objectives of this Act. Within thirty (30) days from the effectivity of this Act, unless extended by the PAMB, all commercial facilities existing within the boundaries of the protected area with a total capitalization of not less than One hundred thousand pesos (P100,000.00) shall submit to the PAMB, through the PASu, a sworn statement containing the following information:

- (a) Environmental impact assessment and/or environmental management plan;
 - (b) Environmental compliance certificate; and
 - (c) Development plan.

Failure to submit the required information shall constitute a violation of this Act. Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facilities and its future plans and operations are not detrimental to the objective of protecting and conserving the resources of the MIPLS.

The PAMB may prescribe conditions for the operation of the facilities to ensure harmony with the management objectives. If any of such conditions are violated, a fine shall be imposed based on existing policy. The PAMB, through the PASu or other deputized government entities, shall cause the cessation and demolition of the facility at the cost of its owners: *Provided*, That the removal of existing facilities, which provide basic services and amenities to the public, shall require the concurrence of the LGU consistent with the responsibility of the latter to its constituents.

Existing facilities remaining within the MIPLS may be charged reasonable fees by the PAMB subject to the DENR approval based on the extent of its impact on the environment and biodiversity. All income derived from such fees shall accrue to the MIPLS Fund.

SEC. 20. *Utilization of Nonrenewable Resources*. — Any exploration, exploitation or utilization of nonrenewable resources within the MIPLS shall not be allowed.

SEC. 21. Environmental Impact Assessment (EIA) System. – Existing laws, rules and regulations relating to the implementation of the EIA System shall be applicable to projects and activities intended in the MIPLS. The issuance of the environmental compliance certificate (ECC) or its exemptions shall be coordinated with the PAMB.

SEC. 22. Partnership Among Government, Nongovernment Organizations (NGOs) and People's Organizations (POs). – For the purpose of attaining the objectives of this Act, all government agencies, NGOs and POs and their personnel shall continuously foster and develop a strong and true partnership.

All NGOs, POs and private entities intending to implement any conservation, protection and development program within the MIPLS must be accredited by the concerned LGUs and the DENR.

SEC. 23. Roles of the Local Government Units (LGUs) and National Agencies in the Protected Area — The LGUs and relevant national agencies being represented in the PAMB shall perform the following:

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- (a) Apprise their respective constituents, office or sector on activities and programs;
 - (b) Ensure consistency in the implementation of all activities;
- (c) Retain their ordinance-making powers over the MIPLS and shall consider the management plan and the rules and regulations adopted by the PAMB in their legislative agenda relating to biodiversity, conservation, protection and sustainable development;
- (d) Consider the management plan for the MIPLS in the formulation of agency or sectoral development plans;
- (e) Assist the PAMB in the implementation of the overall park programs including, but not limited to, the imposition, collection and utilization of park fees, enforcement of policies, rules and regulations and other similar activities:
- (f) Accredit POs, NGOs and other entities and groups involved in the activities within the MIPLS; and
- (g) Provide the PAMB with relevant information and data for the effective management of the MIPLS.
- SEC. 24. Public Service Utilities and Projects All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services and similar activities which will promote public welfare, shall be implemented within areas designated and approved by the PAMB.

CHAPTER VII 1 2 TRANSITORY AND MISCELLANEOUS PROVISIONS 3 SEC. 25. Appropriations. - The Secretary of Environment and Natural Resources shall immediately include in the Department's program the 4 5 implementation of this Act, the funding of which shall be included in the 6 annual General Appropriations Act 7 SEC. 26. Implementing Rules and Regulations - Ninety (90) days after 8 the effectivity of this Act, the DENR, in consultation with the Senate 9 Committee on Environment and Natural Resources, the House of Representatives Committee on Natural Resources and the PAMB, shall 10 11 promulgate the necessary rules and regulations to effectively implement the 12 provisions of this Act. 13 SEC. 27. Construction. – The provisions of this Act shall be construed 14 liberally in favor of tenured migrants, with due consideration to the prior property rights of stakeholders, to sustainable development and the 15 16 conservation and protection of biodiversity. The provisions of Presidential 17 Decree No. 705, otherwise known as the Forestry Reform Code of the 18 Philippines, as amended; Republic Act No. 7586, otherwise known as the National Integrated Protected Areas System (NIPAS) Act of 1992; 19 20 Republic Act No. 8550, otherwise known as the Philippine Fisheries Code of 21 1998; Republic Act No. 9147, otherwise known as the Wildlife Resources 22 Conservation Act; Presidential Decree No. 979, otherwise known as the

Marine Pollution Decree of 1976; Republic Act No. 9072, otherwise known as

the National Caves and Cave Resources Management and Protection Act; and

their corresponding rules and regulations not inconsistent hereto shall have

suppletory effect in the implementation of this Act.

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1	SEC. 28. Separability Clause. If any provision of this Act is declared
2	unconstitutional, such declaration shall not affect the other parts or sections
3	hereof
4	SEC. 29. Repealing Clause - All other existing laws, rules and
5	regulations inconsistent with this Act are hereby repealed or modified
6	accordingly.
7	SEC. 30. Effectivity Clause - This Act shall take effect fifteen (15)
8	days after its publication in any newspaper of general circulation.
	Approved,