



HOUSE OF REPRESENTATIVES

H. No. 5462

BY REPRESENTATIVES SINGSON (E.), MATUGAS AND ABAYA, PER COMMITTEE
REPORT NO. 1501

AN ACT ESTABLISHING THE LIDLIDDA-BANAYOYO PROTECTED
LANDSCAPE LOCATED IN THE PROVINCE OF ILOCOS SUR AS
A PROTECTED AREA, PROVIDING FOR ITS MANAGEMENT
AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the
2 “Lidlidda-Banayoyo Protected Landscape (LBPL) Act of 2011”.

3 SEC. 2. *Declaration of Policy.* – It is the policy of the State to
4 regulate the utilization of wild flora and fauna consistent with sustainable
5 development and biological diversity conservation. For this purpose, the State
6 shall protect certain lands of the public domain more particularly known as the
7 Lidlidda-Banayoyo area, which supports a variety of wildlife, especially
8 indigenous forest tree species, possesses natural features suitable for
9 recreational and educational purposes and, as a watershed, provides the
10 agricultural and household water requirements of the communities within the
11 municipalities of Lidlidda and Banayoyo, both located in the Province of
12 Ilocos Sur.

1 SEC. 3. *Scope and Coverage.* – The boundaries of the LBPL shall be
2 as follows:

3 Parcel I – Corner 1 is identical to corner 125 of Project No. 12
4 Block No. I, Alienable and Disposable of LC Map No. 1254

5	<u>LINE</u>	<u>BEARING</u>	<u>DISTANCE (meters)</u>
6	1-2	S. 26° 00' 11" W.	241.40
7	2-3	S. 20° 38' 15" E.	217.70
8	3-4	S. 01° 35' 28" E.	190.57
9	4-5	S. 06° 31' 11" E.	291.78
10	5-6	S. 42° 08' 15" W.	217.75
11	6-7	S. 67° 47' 47" E.	203.47
12	7-8	S. 10° 50' 25" E.	183.98
13	8-9	S. 78° 41' 24" E.	490.09
14	9-10	S. 41° 33' 09" W.	226.05
15	10-11	S. 17° 14' 29" E.	233.48
16	11-12	S. 08° 58' 21" E.	221.86
17	12-13	S. 85° 36' 04" E.	100.25
18	13-14	N. 52° 48' 55" E.	139.95
19	14-15	N. 50° 11' 39" E.	210.19
20	15-16	S. 15° 15' 18" E.	175.34
21	16-17	S. 37° 25' 18" W.	99.41
22	17-18	S. 54° 27' 44" E.	91.04
23	18-19	S. 70° 26' 30" W.	426.79
24	19-20	S. 62° 54' 59" E.	523.02
25	20-21	S. 45° 00' 00" E.	74.84
26	21-22	S. 35° 37' 40" E.	390.62
27	22-23	N. 53° 07' 48" E.	105.83

1	23-24	N. 33° 57' 32" W.	312.61
2	24-25	N. 53° 07' 48" E.	79.38
3	25-26	N. 42° 16' 25" W.	78.67
4	26-27	N. 07° 07' 30" W.	42.66
5	27-28	N. 67° 00' 40" E.	189.69
6	28-29	N. 27° 46' 01" W.	275.81
7	29-30	N. 66° 21' 10" E.	117.16
8	30-31	Due East	116.42
9	31-32	S. 62° 10' 33" E.	215.40
10	32-33	Foll. river SE dir. up stream	387.70
11	33-34	S. 20° 41' 43" E.	254.55
12	34-35	S. 21° 26' 51" E.	159.19
13	35-36	S. 31° 25' 07" E.	228.50
14	36-37	S. 58° 43' 02" W.	307.27
15	37-38	S. 61° 14' 32" W.	2060.03
16	38-39	N. 61° 11' 46" W.	256.82
17	39-40	Foll. river NW dir. down stream	471.93
18	40-41	N. 08° 07' 48" E.	135.93
19	41-42	N. 52° 07' 30" E.	175.34
20	42-43	N. 47° 36' 09" E.	119.74
21	43-44	N. 12° 31' 43" W.	248.12
22	44-45	N. 12° 45' 27" W.	208.92
23	45-46	N. 22° 37' 11" W.	149.94
24	46-47	N. 04° 25' 57" E.	248.72
25	47-48	S. 80° 10' 50" W.	101.45
26	48-49	N. 42° 47' 16" W.	633.89
27	49-50	N. 66° 22' 13" E.	67.14

1	50-51	N. 16° 51' 30" W.	132.57
2	51-52	N. 31° 07' 20" W.	238.02
3	52-53	N. 22° 42' 51" W.	179.22
4	53-54	S. 84° 40' 04" E.	289.60
5	54-55	N. 05° 11' 40" W.	84.93
6	55-56	N. 67° 28' 46" W.	170.64
7	56-57	N. 59° 02' 10" W.	134.51
8	57-58	S. 81° 52' 11" W.	163.11
9	58-59	S. 26° 33' 54" W.	128.95
10	59-60	S. 75° 43' 08" E.	218.19
11	60-61	S. 22° 42' 51" E.	179.22
12	61-62	S. 41° 25' 25" W.	87.16
13	62-63	S. 29° 53' 55" E.	177.39
14	63-64	S. 26° 33' 54" E.	154.74
15	64-65	S. 42° 47' 16" E.	633.89
16	65-66	S. 16° 17' 38" W.	260.36
17	66-67	N. 33° 41' 24" W.	221.79
18	67-68	N. 32° 00' 19" W.	217.62
19	68-69	N. 59° 02' 10" W.	291.43
20	69-70	N. 50° 50' 40" W.	347.06
21	70-71	N. 75° 42' 58" W.	278.92
22	71-72	S. 60° 56' 43" W.	170.95
23	72-73	N. 38° 39' 35" W.	318.96
24	73-74	S. 55° 53' 07" W.	207.24
25	74-75	S. 59° 55' 53" W.	243.03
26	75-76	S. 83° 53' 04" W.	155.86
27	76-77	N. 23° 11' 54" E.	210.76

1	77-78	N. 51° 20' 24" E.	354.40
2	78-79	N. 55° 00' 28" E.	202.68
3	79-80	N. 69° 20' 27" E.	360.82
4	80-81	N. 22° 37' 11" E.	143.90
5	81-82	N. 46° 13' 02" E.	179.29
6	82-83	N. 56° 33' 36" E.	244.18
7	83-84	N. 31° 25' 46" W.	162.20
8	84-85	Foll. river NE dir. down stream	479.70
9	85-86	S. 62° 20' 54" E.	188.55
10	86-87	S. 45° 00' 00" E.	152.24
11	87-88	S. 10° 18' 17" W.	128.95
12	88-89	N. 53° 28' 30" E.	318.69
13	89-90	N. 05° 34' 19" E.	217.99
14	90-91	N. 59° 02' 10" W.	92.57
15	91-92	S. 32° 00' 19" W.	199.69
16	92-93	N. 75° 00' 17" W.	306.78
17	93-94	N. 57° 31' 43" E.	206.99
18	94-95	N. 70° 05' 46" E.	326.42
19	95-96	N. 52° 07' 29" W.	60.33
20	96-97	S. 79° 22' 49" W.	258.43
21	97-98	N. 09° 55' 34" E.	214.88
22	98-99	N. 33° 10' 42" E.	328.77
23	99-100	N. 77° 00' 19" W.	70.60
24	100-101	S. 43° 52' 36" W.	190.87
25	101-102	S. 19° 10' 44" W.	257.72
26	102-103	S. 84° 17' 21" W.	106.36
27	103-104	N. 07° 41' 45" W.	197.57

1	104-105	S. 76° 51' 57" W.	163.01
2	105-106	S. 05° 07' 02" E.	355.96
3	106-107	S. 28° 29' 06" W.	300.90
4	107-108	S. 64° 50' 32" W.	372.37
5	108-109	S. 61° 01' 56" W.	354.27
6	109-110	N. 45° 00' 00" W.	219.17
7	110-111	N. 26° 33' 54" E.	334.16
8	111-112	N. 36° 41' 22" E.	352.01
9	112-113	N. 30° 41' 58" E.	205.98
10	113-114	N. 24° 50' 32" E.	329.35
11	114-115	N. 28° 36' 37" E.	208.05
12	115-116	N. 76° 30' 13" E.	294.64
13	116-117	N. 08° 07' 48" E.	151.52
14	117-118	N. 23° 34' 28" W.	257.17
15	118-119	N. 15° 28' 43" E.	289.05
16	119-120	N. 61° 15' 36" W.	151.52
17	120-121	S. 15° 38' 32" W.	222.52
18	121-122	S. 47° 17' 26" W.	227.46
19	122-123	N. 80° 08' 03" W.	100.05
20	123-124	N. 35° 04' 25" E.	246.11
21	124-125	N. 27° 04' 19" E.	216.58
22	125-126	N. 27° 17' 58" E.	149.51
23	126-127	N. 25° 38' 27" E.	118.84
24	127-128	S. 76° 25' 46" E.	127.85
25	128-129	N. 23° 22' 16" E.	122.01
26	129-130	S. 86° 14' 53" E.	323.49
27	130-131	N. 80° 32' 15" E.	225.32

1	131-132	S. 60° 25' 19" E.	225.13
2	132-133	S. 05° 26' 24" E.	111.63
3	133-134	N. 75° 57' 49" E.	87.27
4	134-135	N. 29° 44' 41" E.	170.65
5	135-136	N. 21° 02' 15" W.	147.41
6	136-137	N. 11° 46' 05" E.	129.73
7	137-138	S. 79° 49' 28" E.	209.67
8	138-139	N. 78° 13' 54" E.	129.73
9	139-140	S. 03° 54' 01" E.	233.37
10	140-141	S. 10° 18' 17" E.	236.65
11	141-142	S. 73° 18' 02" W.	110.49
12	142-143	S. 78° 41' 24" E.	188.88
13	143-144	S. 03° 48' 50" E.	238.65
14	144-145	S. 39° 57' 27" W.	255.43
15	145-146	S. 35° 42' 23" W.	208.53
16	146-147	N. 77° 54' 19" W.	75.77
17	147-148	S. 49° 23' 55" W.	97.57
18	148-149	S. 56° 18' 35" E.	57.24
19	149-150	S. 61° 11' 21" E.	120.78
20	150-151	S. 66° 48' 04" E.	120.90
21	151-152	S. 35° 32' 16" E.	45.52
22	152-153	S. 59° 02' 10" W.	246.84
23	153-154	S. 15° 04' 06" E.	142.48
24	Parcel II -- Corner 1 is identical to corner 79 of Project No. 12		
25	Block No. I, Alienable and Disposable of LC Map No. 1254		
26	<u>LINE</u>	<u>BEARING</u>	<u>DISTANCE (meters)</u>
27	1-2	N. 04° 45' 49" E.	191.16

1	2-3	N. 65° 46' 20" E.	116.06
2	3-4	S. 85° 14' 10" E.	191.16
3	4-5	N. 08° 44' 46" W.	69.60
4	5-6	S. 67° 22' 48" E.	68.79
5	6-7	Due South	63.50
6	7-8	S. 23° 50' 19" W.	746.30
7	8-9	S. 04° 59' 42" E.	220.49
8	9-10	S. 61° 47' 11" W.	1033.59
9	10-11	N. 30° 54' 40" E.	97.76
10	11-12	N. 29° 14' 55" W.	151.62
11	12-13	N. 63° 26' 05" E.	189.32
12	13-14	N. 76° 36' 27" E.	114.23
13	14-15	N. 04° 05' 08" W.	74.27
14	15-16	Due North	111.13
15	16-17	N. 86° 38' 00" E.	270.34
16	17-18	N. 48° 07' 19" E.	206.10
17	18-19	N. 04° 23' 55" W.	137.99
18	19-20	Due North	190.50
19	20-1	N. 39° 57' 27" E.	255.43

20 Any modification of this Act due to factors such as changing ecological
21 conditions, new scientific or archaeological findings or discovery of traditional
22 boundaries not previously taken into account shall be made through an act of
23 Congress after full consultation with the affected public.

24 SEC. 4. *Land Classification.* – All lands of the public domain
25 comprising the LBPL shall fall under the classification of national park as
26 provided for in the 1987 Philippine Constitution: *Provided,* That public lands
27 already classified as agricultural lands open to disposition for productive

1 purposes prior to the passage of this Act shall remain as such and may be
2 disposed of pursuant to existing laws.

3 SEC. 5. *Definition of Terms.* – As used in this Act, the following
4 terms shall mean:

5 (a) *Forest lands* shall refer to all lands of the public domain within the
6 LBPL that have not been classified as agricultural lands open to disposition
7 and all unclassified lands of the public domain;

8 (b) *General Management Plan* shall refer to the basic long-term
9 framework plan in the management of a protected area and serves as guide in
10 the preparation of the annual operations plan and budget for all protected
11 areas;

12 (c) *General Management Planning Strategy (GMPS)* shall refer to the
13 general guidelines in the formulation of site-specific management plans
14 including buffer zones;

15 (d) *Nongovernment organization (NGO)* shall refer to any civic,
16 development or philanthropic organization which is multisectoral in character;

17 (e) *People's organizations (POs)* shall refer to organizations of
18 members of the local community whose purpose is to protect or advance the
19 interest of specific sectors such as, but not limited to, farmers, fisherfolk,
20 women and the like;

21 (f) *Protected Area Management Board (PAMB)* shall refer to the
22 management body within the site, responsible for the planning and
23 management of its expenditure program and decisions on matters relating to
24 planning, peripheral protection and general administration of the protected area
25 in accordance with the general management plan;

26 (g) *Protected Area Superintendent (PASu)* shall refer to the chief
27 operating officer of the Department of Environment and Natural Resources

1 (DENR) in the protected area under the supervision of the PAMB and the
2 concerned DENR Regional Executive Director (RED);

3 (h) *Protected landscape* shall refer to areas of national significance
4 characterized by the harmonious interaction of man and land while providing
5 opportunities for enjoyment through recreation and tourism within the normal
6 lifestyle and economic activity of these areas;

7 (i) *Protected species* shall refer to existing individuals of species listed
8 under the Convention on International Trade of Endangered Species (CITES),
9 or plants or animals that are declared protected under Philippine laws, rules
10 and regulations issued by the DENR or the PAMB, or the management plan
11 herein provided for; and

12 (j) *Tenured migrant* shall refer to any person who has actually and
13 continuously occupied the protected area for five (5) years prior to its
14 designation as a protected area in accordance with the provisions of Republic
15 Act No. 7586, otherwise known as the National Integrated Protected Areas
16 System Act of 1992 or the NIPAS Act, and is solely dependent therein for
17 subsistence.

18 SEC. 6. *Management Plan.* – The PASu shall prepare the
19 management plan in consultation with the appropriate offices of the DENR and
20 local experts including, but not limited to, POs, NGOs and other government
21 agencies. The management plan shall be reviewed, approved and adopted by
22 the PAMB and certified to by the Secretary of the DENR. Such certification
23 shall declare that the management plan conforms to all laws, rules and
24 regulations of national application issued by the DENR. The management plan
25 shall not be revised nor modified without prior consultation with the PAMB.

26 The PASu, in coordination with all concerned offices, shall prepare all
27 successor plans one (1) year before the expiration of the current plan. The

1 PASu shall cause the publication of notices for comments and suggestions on
2 the next successor plan in a newspaper of local circulation and the posting of
3 such notices in the provincial, municipal and barangay halls and in three (3)
4 other areas frequented by the public. Public hearings may be conducted on the
5 successor plan upon the written request of any interested party. A final plan
6 shall be made available for public comment at the Office of the PASu upon its
7 approval by the PAMB.

8 Within one (1) year from the effectivity of this Act, the management
9 plan shall have been put into effect following the GMPS, as provided under
10 Republic Act No. 7586 or the NIPAS Act and according to the procedure
11 herein set forth.

12 SEC. 7. *Institutional Mechanisms* – The following administrative and
13 policy-making mechanisms shall apply:

14 (a) The PAMB shall be the policy-making body of the LBPL. It shall
15 be composed of:

16 (1) The Regional Executive Director (RED) for DENR Region I, who
17 shall act as the chairperson;

18 (2) The Ilocos Sur Provincial Planning and Development Coordinator;

19 (3) One (1) representative each from the municipal governments of
20 Lidlidda and Banayoyo, to be appointed by their respective sangguniang
21 bayan;

22 (4) One (1) representative from each barangay with territory inside the
23 protected area, to be appointed by their respective barangay councils;

24 (5) At least three (3) representatives from NGOs and community
25 organizations (COs), including POs, church or civic organizations and the
26 academe based in or near the LBPL and duly accredited by the municipal
27 government units concerned. The representatives of these organizations shall

1 be chosen from among the sectors or organizations being represented in an
2 election called for the purpose by the DENR in coordination with the local
3 government units (LGUs) concerned; and

4 (6) A representative each from other national government agencies
5 involved in protected area management, to be appointed by the DENR
6 Secretary upon the recommendation of the head of office of the concerned
7 agencies.

8 Except for any government official who shall serve in *ex officio*
9 capacity, every member of the PAMB shall be appointed by the DENR
10 Secretary and shall serve for a term of five (5) years without compensation:
11 *Provided*, That the person remains connected with the organization being
12 represented. In the case of members who are government officials, their
13 appointment shall be coterminus with their term of office. Whenever a
14 vacancy occurs during the term of a nongovernment PAMB member, a new
15 member shall be chosen in the same manner as the original selection process:
16 *Provided*, That the person shall only serve for the remaining term.

17 The members of the PAMB shall be entitled to reimbursement of actual
18 and necessary traveling and subsistence expenses incurred in attending
19 meetings of the PAMB or any of its committees, subject to government
20 accounting, auditing and budgeting rules and regulations, and subject further to
21 the availability of funds and to the Work and Financial Plan (WFP) required in
22 accessing the Integrated Protected Area Fund (IPAF).

23 (b) The PAMB shall exercise the following powers and functions:

24 (1) Decide matters related to planning, resource protection and general
25 administration of the area in accordance with the GMPS adopted pursuant to
26 the NIPAS Act;

1 (2) Approve proposals, work plans, action plans and guidelines for the
2 management of the LBPL in accordance with the approved management plan;

3 (3) Promulgate rules and regulations to promote and implement
4 development programs and projects on biodiversity conservation and
5 sustainable development as well as developmental and other related activities
6 within the area, consistent with the approved management plan;

7 (4) Ensure the implementation of programs, as prescribed in the
8 management plan, in order to provide employment to the people dwelling in
9 and around the area;

10 (5) Monitor and evaluate the performance of protected area personnel,
11 NGOs and communities in providing for biodiversity conservation and
12 promoting sociocultural development and economic development of the people
13 and report their assessment to the NIPAS Policy and Program Steering
14 Committee (NPPSC) and the IPAF Governing Board created pursuant to the
15 NIPAS Act; and

16 (6) Approve proposals for funding and budget allocation and exercise
17 responsibility over all funds that may accrue to the protected area donated for
18 the purpose of the above policy declaration.

19 The DENR, through the RED for Region I, shall exercise the authority
20 to oversee the PAMB to ensure that it is acting within the scope of its powers
21 and functions. In case of a conflict between administrative orders for national
22 application issued by the DENR pursuant to the NIPAS Act and the rules and
23 regulations issued by the PAMB, the PAMB shall notify the DENR Secretary
24 who shall decide whether to apply the rule or withdraw it for purposes of the
25 LBPL. The decision of the DENR Secretary shall be guided by a preference to
26 local initiative and specific policies enacted by the PAMB. The decision of

1 the Secretary shall be appealable to the Regional Trial Court exercising
2 jurisdiction over the protected area.

3 (c) Protected Area Superintendent (PASu) Office. – There is hereby
4 established a Protected Area Superintendent’s Office in charge of the
5 management, protection and administration of the LBPL. The PASu shall be
6 supported by the existing personnel of the DENR. The head of office shall be
7 the chief operating officer of the LBPL and shall be accountable to the DENR
8 RED for Region I and the PAMB. The PASu shall have the following powers
9 and functions:

10 (1) Prepare the management and successor plans as herein provided;

11 (2) Serve as the secretariat for the PAMB with duty to provide the
12 PAMB with all information necessary for it to make appropriate decisions
13 when necessary;

14 (3) Supervise the necessary personnel to support the operations of the
15 office;

16 (4) Establish a productive partnership with the local community,
17 including groups interested in the achievement of the herein goals and
18 objectives, in the planning, protection and management of the protected area;

19 (5) Develop and implement a park information, education and visitor
20 program;

21 (6) Enforce the laws and the rules and regulations relevant to the
22 protected area and assist in the prosecution of offenses;

23 (7) Monitor all activities within the protected area to ensure
24 compliance with the management plan; and

25 (8) Perform such other functions as the PAMB may assign.

26 SEC. 8. *Indigenous Peoples’ Rights.* – The rights of the indigenous
27 communities to their ancestral domains and other customary rights and interest

1 within the LBPL shall be accorded due recognition. The preservation and
2 protection of ancestral domains and customary rights shall be considered as
3 one of the management objectives.

4 The PASu Office shall identify the location of indigenous cultural
5 communities within or near the site, which is identifiable by the tribal leaders.

6 The evaluation of ancestral domain claims within the LBPL shall be
7 conducted by the National Commission on Indigenous Peoples (NCIP)
8 pursuant to the provisions of Republic Act No. 8371, otherwise known as
9 “The Indigenous Peoples Rights Act of 1997” or the IPRA Law, and its
10 implementing rules and regulations, in coordination with the PAMB.

11 *SEC. 9. Prohibited Acts and Penalties.* – The following are the
12 prohibited acts and penalties applicable in the LBPL:

13 (a) The penalties in Article 309, on theft and Article 310, on qualified
14 theft, of the Revised Penal Code, depending on the value of the resource taken,
15 damaged or destroyed, shall be imposed upon any person who:

16 (1) Hunts, destroys, disturbs or removes from the LBPL any wild plant
17 or animal without a permit from the PAMB;

18 (2) Conducts mineral exploration or extraction without a permit from
19 the PAMB; and

20 (3) Cuts, removes, gathers or takes timber or forest products from the
21 forest lands without an authorization from the PAMB.

22 Valuation of the damage shall take into account biodiversity and
23 conservation consideration as well as aesthetic and scenic value.

24 (b) A fine of not less than Five thousand pesos (P5,000.00) but not
25 more than Two hundred fifty thousand pesos (P250,000.00) and/or
26 imprisonment of not less than one (1) year nor more than five (5) years and the

1 restoration and rehabilitation of the damaged area shall be imposed upon any
2 person who:

3 (1) Alters the topography through digging, blasting, earth-filling
4 activities or stonewalling without a permit from proper authorities as required
5 under existing laws, rules and regulations, and from the PAMB;

6 (2) Damages roads, trails or leaves them in a damaged condition or
7 mutilates, defaces, destroys or vandalizes any object of natural beauty or scenic
8 value within the protected area;

9 (3) Constructs or maintains any kind of structure without a permit from
10 the PAMB or without the requisite permits under existing laws such as, but not
11 limited to, municipal permits, public works requirements and Environmental
12 Compliance Certificates (ECC); and

13 (4) Alters, removes, destroys or defaces boundary marks/monuments or
14 signs in the protected area.

15 (c) A fine of not less than Five thousand pesos (P5,000.00) nor more
16 than One hundred thousand pesos (P100,000.00) and/or imprisonment from
17 one (1) year to three (3) years shall be imposed upon any person who:

18 (1) Occupies lands classified as forestlands as herein defined without a
19 legal instrument for such occupation;

20 (2) Violates any of the rules and regulations in the management plan of
21 the PAMB in its exercise of adjudicative functions;

22 (3) Dumps any waste materials on land other than in areas identified as
23 dumping sites by the concerned local governments, or leaves exposed or in
24 unsanitary condition on land, human wastes or refuse; and

25 (4) Possesses a chainsaw without authority from the PAMB, which
26 shall specify the legal uses for which it can be applied.

1 (d) A fine of not less than Five thousand pesos (P5,000.00) nor more
2 than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not
3 less than one (1) year nor more than five (5) years, or both, shall be imposed
4 upon:

5 (1) Any person who shall induce another or conspire to commit any of
6 the above acts or suffer their workers to commit any of the above acts; and

7 (2) Any public officer or officer of the law, who, in dereliction of the
8 duties of his office, shall maliciously refrain from prosecuting the violators of
9 this Act, or shall tolerate the commission of the offense. Conviction for this
10 offense shall also carry the penalty of perpetual disqualification from public
11 office.

12 SEC. 10. *Special Prosecutor.* – Within thirty (30) days from the
13 effectivity of this Act, the Department of Justice shall appoint a special
14 prosecutor to whom all cases of violations of laws and rules and regulations in
15 the LBPL shall be assigned. Such special prosecutor shall coordinate with the
16 PAMB and the PASu in the performance of the person's duties and assist in
17 the training of wardens and rangers in arrest and criminal procedures.

18 SEC. 11. *Lidlidda-Banayoyo Protected Areas Fund.* – There is hereby
19 established a trust fund to be known as the Lidlidda-Banayoyo Protected Areas
20 Fund for purposes of financing projects of the system. All income generated
21 from the operation of the system or management of wild flora and fauna in the
22 LBPL shall accrue to the Fund. These income shall be derived from
23 visitors/tourists fee, fees from permitted sale and export of flora and fauna and
24 other resources from the protected area, proceeds from registration and lease of
25 multiple-use areas including tourism concessions, contributions from industries
26 and facilities directly benefiting from the protected area, and such other fees
27 and other income derived from the operation of the protected area.

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

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

15 SEC. 12. *Utilization of Energy and Nonrenewable Resources.* – The
16 LBPL may be subjected to exploration for the purpose of gathering
17 information on energy and only if such activity is carried out with the least
18 damage to surrounding areas. Surveys shall be conducted only in accordance
19 with a program approved by the DENR, and the results of such surveys shall
20 be made available to the public and submitted to the President for
21 recommendation to Congress. Any exploitation and utilization of energy
22 resources found within the LBPL shall be allowed only through an act of
23 Congress.

24 SEC. 13. *Appropriations.* – The Secretary of Environment and Natural
25 Resources shall immediately include in the Department's program the
26 implementation of this Act, the funding of which shall be included in the
27 annual General Appropriations Act.

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

4 SEC. 15. *Repealing Clause.* – For the purpose of this Act, the
5 provisions of the NIPAS Act are hereby repealed or modified accordingly.
6 Within the scope of the LBPL as herein specified, the prohibitions and
7 penalties under the NIPAS Act are hereby superseded.

8 SEC. 16. *Effectivity Clause.* – This Act shall take effect fifteen (15)
9 days after its publication in the *Official Gazette* or in two (2) newspapers of
10 general circulation.

Approved,

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