



HOUSE OF REPRESENTATIVES

H. No. 6512

BY REPRESENTATIVES TAÑADA, MATUGAS AND ABAYA, PER COMMITTEE
REPORT NO. 2379

AN ACT ESTABLISHING THE MAULAWIN SPRING IN THE MUNICIPALITY OF GUINAYANGAN, PROVINCE OF QUEZON AS A PROTECTED AREA UNDER THE CATEGORY OF PROTECTED LANDSCAPE, PROVIDING FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “Maulawin Spring
2 Protected Landscape (MSPL) Act of 2012”.

3 SEC. 2. *Declaration of Policy.* – Pursuant to Republic Act No. 7586,
4 otherwise known as the “National Integrated Protected Areas System Act of
5 1992”, it is hereby declared the policy of the State to conserve and preserve the
6 aggregates of wild flora and fauna, culture and indigenous knowledge,
7 historical artifacts and sites, ensure the continuity of endangered, threatened
8 and rare species towards the end of conserving, protecting and preserving, and
9 preserving the scenic, cultural, historical and archaeological features of
10 Maulawin Spring Protected Landscape (MSPL) and its surroundings and other

1 forest ecosystems found therein, and providing thereof for the benefit and
2 enjoyment of its people and humankind.

3 The classified area comprising the MSPL shall be within the
4 classification under the 1987 Philippine Constitution. Public lands classified
5 as agricultural, alienable and disposable upon the passage of this Act shall
6 remain as such and may be disposed of under the law.

7 SEC. 3. *Scope and Coverage.* – The boundaries of the MSPL, which
8 fall under the category of protected landscape as defined herein, within the
9 Municipality of Guinayangan, Province of Quezon, are as follows:

10 TECHNICAL DESCRIPTION

11 Beginning at a point marked "1" which is N. 61° 32' 21" W., 2348.96
12 meters from the Poblacion of Guinayangan, Tayabas with geographic
13 coordinates of 13° 53' 54.96" North 122° 27' 11.08" East

| 14 | LINE | BEARING | DISTANCE (meters) |
|----|-------|-------------------|-------------------|
| 15 | 1-2 | S. 18° 54' 00" E. | 291.10 m. |
| 16 | 2-3 | S. 57° 55' 00" W. | 260.60 m. |
| 17 | 3-4 | S. 66° 45' 59" W. | 190.40 m. |
| 18 | 4-5 | S. 77° 57' 59" W. | 410.70 m. |
| 19 | 5-6 | S. 50° 54' 59" W. | 320.80 m. |
| 20 | 6-7 | S. 49° 45' 00" W. | 320.90 m. |
| 21 | 7-8 | N. 66° 08' 00" W. | 390.20 m. |
| 22 | 8-9 | N. 29° 39' 00" W. | 234.30 m. |
| 23 | 9-10 | N. 38° 39' 59" W. | 399.10 m. |
| 24 | 10-11 | N. 43° 09' 59" W. | 159.70 m. |
| 25 | 11-12 | N. 62° 03' 59" E. | 149.70 m. |
| 26 | 12-13 | N. 26° 03' 59" E. | 234.10 m. |
| 27 | 13-14 | N. 70° 02' 59" E. | 219.60 m. |
| 28 | 14-15 | N. 88° 59' 59" E. | 269.60 m. |

| | | | |
|---|-------|-------------------|-----------|
| 1 | 15-16 | S. 54° 50' 59" E. | 200.10 m. |
| 2 | 16-17 | S. 80° 27' 00" E. | 199.70 m. |
| 3 | 17-18 | N. 19° 33' 00" E. | 139.40 m. |
| 4 | 18-19 | N. 65° 04' 00" E. | 199.60 m. |
| 5 | 19-20 | N. 85° 01' 00" E. | 149.80 m. |
| 6 | 20-21 | S. 89° 00' 00" E. | 119.80 m. |
| 7 | 21-22 | S. 40° 50' 00" E. | 160.30 m. |
| 8 | 22-23 | S. 46° 49' 59" E. | 200.30 m. |
| 9 | 23-1 | N. 85° 58' 29" E. | 209.73 m. |

10 The MSPL shall cover a total land area of one hundred forty-nine and
11 8/1000 (149.008) hectares.

12 The Department of Environment and Natural Resources (DENR) shall
13 appropriately mark on the ground the technical descriptions provided in this
14 Act with clearly visible markers and shall prepare appropriate maps thereof.

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

20 SEC. 4. *Land Classification.* – All lands comprising the MSPL shall
21 fall under the classification of National Park as provided for in the 1987
22 Philippine Constitution.

23 SEC. 5. *Definition of Terms.* – For purposes of this Act, the following
24 terms are defined as follows:

25 (a) *Biodiversity* shall refer to variety and variability among living
26 organisms and the ecological complexes in which said organisms occur.

27 (b) *Conservation* shall refer to the sustainable utilization of wildlife,
28 and/or maintenance, restoration and enhancement of the habitat.

1 (c) *Department of Environment and Natural Resources (DENR)* shall
2 refer to the national government agency tasked of regulating the use of natural
3 resources and administering the programs of environmental management.

4 (d) *Endangered species* shall refer to the wildlife species that are in
5 danger of extinction and whose survival is unlikely if the causal factor is not
6 reversed.

7 (e) *Exotic species* shall refer to species or subspecies of flora and fauna
8 which do not naturally occur within the protected area at present or in
9 historical time.

10 (f) *Forestlands* shall refer to the lands of the public domain which have
11 been classified as such, under the land classification program of the DENR.

12 (g) *Habitat* shall refer to a place or type of environment where species
13 or subspecies naturally occur or have naturally established their population.

14 (h) *Management Board* shall refer to the Management Board of the
15 MSPL.

16 (i) *Management plan* shall refer to the fundamental plan, strategy
17 and/or scheme which shall guide all activities relating to the MSPL in order to
18 attain the objectives of this Act.

19 (j) *National Integrated Protected Areas System (NIPAS)* shall refer to
20 the classification and administration of all designated protected areas to
21 maintain essential ecological processes and life-support systems, to preserve
22 genetic diversity, to ensure sustainable use of resources found therein, and to
23 maintain their natural conditions to the greatest extent possible.

24 (k) *National park* shall refer to the land of the public domain classified
25 as such in the 1987 Constitution which includes all areas under the NIPAS
26 pursuant to Republic Act No. 7586 primarily designated for the conservation
27 of native plants and animals, their associated habitats and cultural diversity.

1 (l) *Nongovernmental organization (NGO)* shall refer to an agency,
2 institution, foundation or a group of persons whose purpose is to assist
3 people's organizations/associations in various ways including, but not limited
4 to, organizing, education, training, research and/or resource accessing.

5 (m) *Provincial Environment and Natural Resources Office (PENRO)*
6 shall refer to the local office of the DENR at the provincial level.

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

12 (o) *Protected area* shall refer to identified portions of land and/or water
13 set aside by reasons of their unique physical and biological significance,
14 managed to enhance biological diversity and protected against destructive
15 human exploitation.

16 (p) *Protected Area Management Board (PAMB)* shall refer to a
17 multisectoral policy-making body created in accordance with Republic Act No.
18 7586 or the NIPAS Act of 1992.

19 (q) *Protected Area Superintendent (PASu)* shall refer to the chief
20 operating DENR officer of the MSPL.

21 (r) *Protected landscape* shall refer to an area of national significance,
22 which is characterized by the harmonious interaction of man and land while
23 providing opportunities for public enjoyment through recreation and tourism
24 within the normal lifestyle and economic activity of the area.

25 (s) *Protected species* shall refer to plants or animals declared protected
26 under Philippine laws and international conventions, including species listed
27 under the Convention on International Trade of Endangered Species (CITES)
28 and all its Annexes, the Bonn Convention on Migratory Species, the Red-list

1 Categories of the World Conservation Union (IUCN), or plants or animals
2 which the PAMB may deem critical for the conservation and preservation of
3 the MSPL.

4 (t) *Tenured migrants* shall refer to forest occupants who have actually
5 and continuously occupied a portion of the protected area for at least five (5)
6 years, and are solely dependent therein for subsistence, as of the passage of this
7 Act. A protected area occupant is understood to be "solely dependent for
8 subsistence" when everything indispensable for survival for the household,
9 including food, clothing, shelter and health, comes only from the utilization of
10 resources from the protected area.

11 SEC. 6. *Management Plan.* – There shall be a management plan
12 promulgated for the MSPL that shall serve as the basic long-term framework
13 plan in the management of the protected area and guide in the preparation of its
14 annual operations plan and budget.

15 Within one (1) year from the effectivity of this Act, the management
16 plan shall have been put into effect following the general management planning
17 strategy provided for under the NIPAS Act and according to the procedure
18 herein set forth. It shall contain, among others, the following:

- 19 (a) The category of the protected area;
20 (b) Period of applicability of the plan;
21 (c) Key management issues;
22 (d) Goals and objectives of management in support of Section 2 hereof;
23 (e) Site management strategy;
24 (f) Major management activities such as, but not limited to,
25 enforcement of laws, habitat and wildlife management, sustainable use
26 management, infrastructure development and maintenance, and fire and pest
27 control;
28 (g) Zoning; and

1 (h) Visitor management programs.

2 The management plan shall be prepared by the Protected Area
3 Superintendent (PASu) in coordination with the appropriate offices of the
4 Department, local communities and the NGOs. It shall be reviewed and
5 approved by the PAMB and certified by the Secretary of the Department. Such
6 certification shall be mandatory to ensure that the plan conforms to all laws
7 and the applicable rules and regulations issued by the Department: *Provided,*
8 That the Secretary may revise and modify the protection and conservation plan,
9 after consultation with the PAMB, prior to certification to ensure conformity
10 with applicable laws, rules and regulations.

11 A year before the expiration of the period of the applicability of the plan
12 in effect, the PASu shall cause publication of notices for comments and
13 suggestions on the successor plan in a newspaper of general circulation in the
14 concerned municipalities. Notices shall also be posted in the respective
15 provincial and municipal halls of the concerned provinces and municipalities
16 as well as in the barangay halls bounding or immediately adjacent to the
17 protected landscape. The proposed plan shall be made available to the public
18 during the period for comment and a final plan shall likewise be made
19 available for public perusal at the office of the PASu upon the approval of the
20 PAMB: *Provided,* That the plans shall be plainly written in a language
21 understandable in the area.

22 *SEC. 7. Management of the Maulawin Spring Protected Landscape*
23 *(MSPL).* – There is hereby created a PAMB which shall have jurisdiction,
24 power and authority over the MSPL for all matters that may affect biodiversity
25 conservation, protection and sustainable development. It shall be composed
26 of:

27 (a) The Regional Executive Director (RED) of the DENR-Region
28 IV-A, as the Chairman;

1 (b) The Provincial Planning and Development Coordinator of Quezon
2 Province;

3 (c) One (1) representative from the municipal government of
4 Guinayangan, Province of Quezon which shall be appointed by their local chief
5 executive;

6 (d) One (1) representative from each barangay with territory within the
7 protected area which shall be appointed by their respective sangguniang
8 barangays;

9 (e) At least three (3) representatives from local NGOs and community
10 organizations, including people's organizations, cooperatives, church or civic
11 organizations to be chosen among themselves in meeting called for the
12 purpose; and

13 (f) One (1) representative from other government agencies that may be
14 involved in protected area management depending on the needs of the
15 protected area.

16 Each member of the PAMB shall serve for a term of five (5) years and
17 shall be considered to represent one's sector and deemed to carry the vote of
18 such sector in all matters. In the case of members who are government
19 officials, their appointment shall be coterminous with their terms of office.

20 The members of the PAMB shall be appointed by the Secretary of the
21 DENR in conformity with the provisions of the NIPAS Act. As a transitory
22 provision, the initial members of the PAMB shall be nominated from the
23 current members of the interim PAMB of the MSPL: *Provided*, That the
24 PAMB shall include women as members.

25 The representatives from the local government units (LGUs) and
26 national agencies in the PAMB shall include among their duties, the duty to
27 inform their respective constituents, office or sector of the PAMB approved or
28 other relevant policies, rules, regulations, programs and projects, and to ensure

1 that the provisions of this Act, the NIPAS Act and its implementing rules and
2 regulations are observed, complied with, and used as reference and framework
3 in their respective plans, policies, programs and projects. Failure to comply
4 with the foregoing shall subject such representative to disciplinary action as the
5 PAMB may provide.

6 The members of the PAMB shall not receive any salary but shall be
7 entitled to reimbursements for actual and necessary expenses incurred, either in
8 their attendance in meetings of the PAMB or in connection with other official
9 business authorized by a resolution of the PAMB, subject to existing rules and
10 regulations.

11 *SEC. 8. Powers and Functions of the PAMB.* – The PAMB of the
12 MSPL, which shall decide by consensus or majority vote of the members
13 present constituting a quorum of majority of all the members, shall have the
14 following powers and functions in addition to those provided under Republic
15 Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and
16 regulations:

17 (a) Issue all rules and regulations to prohibit acts that may be
18 prejudicial to the protected area and the policy declaration herein set forth as
19 well as established criteria and set fees for the issuance of permits for activities
20 regulated by this Act or the management plan;

21 (b) Issue rules and regulations for the resolution of conflicts through
22 appropriate, sensitive and effective means;

23 (c) Adopt rules and procedures in the conduct of business, including
24 the creation of committees to which its powers may be delegated;

25 (d) Approve the management plan and oversee the office of the PASu;

26 (e) Establish criteria and set fees for the issuance of permits for
27 activities regulated by this Act or the management plan;

1 (f) Recommend the deputization of appropriate individuals for the
2 enforcement of the laws, rules and regulations governing the conduct or
3 management of the MSPL;

4 (g) Approve fees and charges in accordance with existing policies and
5 guidelines and raise funds for the MSPL;

6 (h) Manage the allocation of the MSPL Fund, and other funds for the
7 MSPL, ensure their proper administration and render accounting; and

8 (i) Recommend appropriate policy reforms to the DENR and other
9 government authorities.

10 . The DENR, through the RED, shall ensure that the PAMB acts within
11 the scope of its powers and functions. In case of a conflict between
12 administrative orders of national application issued by the DENR pursuant to
13 the NIPAS Act and the resolutions issued by the PAMB, the PAMB shall
14 notify the DENR Secretary who shall decide whether to apply the rule or
15 withdraw its application in the MSPL.

16 SEC. 9. *The Protected Area Superintendent (PASu) Office.* -- There is
17 hereby established a PASu Office within the DENR Regional Office to be in
18 charge of the management, protection and administration of the MSPL. The
19 PASu shall be supported by the existing personnel of the DENR. The head of
20 office shall be the chief operating officer of the MSPL and shall be directly
21 accountable to the RED of the DENR-Region IV-A and the PAMB.

22 The PASu shall have full responsibility for the protection of land, water,
23 wildlife and other natural physical and biological resources within the MSPL.
24 As such, the PASu shall have the following duties and responsibilities in
25 addition to those provided under the NIPAS Act and its implementing rules
26 and regulations:

27 (a) Establish, operate and maintain a database management system as a
28 decision support tool;

- 1 (b) Prepare the management and development plans as herein defined;
- 2 (c) Provide a secretariat for the PAMB and supply the PAMB with all
3 the necessary information to make appropriate decisions for the
4 implementation of this Act;
- 5 (d) Enforce the laws, rules and regulations relevant to the MSPL,
6 institute and file legal action independently or in collaboration with other
7 government agencies or organizations and assist in the prosecution of offenses
8 committed in violation of this Act;
- 9 (e) Monitor all activities within the MSPL to ensure its conformity with
10 the management plan;
- 11 (f) Recommend the issuance of permits based on terms, conditions and
12 criteria established by the PAMB;
- 13 (g) Ensure the integration of the MSPL management policies,
14 regulations, programs and projects at all the concerned national and local
15 government unit levels; and
- 16 (h) Perform such other functions as the PAMB may delegate.

17 The PASu shall be supported by a sufficient number of personnel who
18 shall be performing day-to-day management, protection and administration of
19 the MSPL. Upon the recommendation of the PAMB, the DENR-RED shall
20 deputize local community leaders and environment and natural resources
21 officers.

22 SEC. 10. *Tenured Migrants.* – Tenured migrants are those who
23 have actually occupied the forestlands within the protected area since
24 June 30, 1987 and are substantially dependent on such areas for their
25 livelihood. For purposes of official documentation of rights and extent of
26 occupation within the protected area, tenured migrants shall be issued a
27 tenurial instrument over such areas as have been occupied or cultivated since
28 June 30, 1987.

1 Should areas occupied by tenured migrants be designated as zones in
2 which no occupation or other activities are allowed pursuant to the attainment
3 of sustainable development, provision for the transfer of said tenured migrants
4 to multiple-use zones or buffer zones shall be accomplished through just and
5 humane means.

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

10 Within three (3) months from the passage of this Act, the PASu shall
11 submit to the PAMB the complete list of tenured migrants which list shall be
12 final upon approval of the PAMB.

13 SEC. 11. *Prohibited Acts and Penalties.* – The following shall be the
14 prohibitions and penalties applicable to the MSPL, in addition to the
15 prohibited acts as provided in the NIPAS Act and its implementing rules and
16 regulations:

17 (a) The penalties in Article 309 or 310 of the Revised Penal Code
18 depending on the resources taken, damaged or destroyed shall be imposed
19 upon any person who:

20 (1) Hunts, destroys, disturbs or removes from the MSPL any wild
21 plants or animal products derived therefrom without a permit from the PAMB;

22 (2) Conducts mineral explorations or extraction within the protected
23 landscape as defined herein;

24 (3) Conducts quarry operation for aggregates, sand and other quarry
25 materials without a permit from the PAMB or without other permits required
26 under existing laws;

1 (4) Engages in fishing with the use of explosives, noxious substances,
2 electricity or drift nets with mesh below three (3) centimeters between the
3 knots when stretched;

4 (5) Cuts, removes, gathers, takes timber or forest products from the
5 forestlands without authorization,

6 (6) Pollutes the bodies, air and land areas in any way of the protected
7 areas; and

8 (7) Establishes infrastructure and other man-made projects without
9 authorization and clearances from the PAMB and other government agencies
10 involved in the granting of clearances.

11 Valuation of any damage wrought by any of these illegal acts shall take
12 into account biodiversity and conservation considerations as well as aesthetic
13 and scenic value.

14 (b) A fine of not less than Five thousand pesos (P5,000.00) but not
15 more than Two hundred fifty thousand pesos (P250,000.00) and/or
16 imprisonment of not less than one (1) year or more than five (5) years and the
17 restoration and rehabilitation of the damage shall be imposed upon any person
18 who:

19 (1) Alters topography through digging, blasting, earth-filling activities
20 or stone-walling without a permit from all proper authorities as required under
21 existing laws, rules and regulations and from the PAMB;

22 (2) Damages roads, trails or leaves them in a damaged condition or
23 mutilates, defaces, destroys or vandalizes any object of natural or scenic value
24 within the protected landscape;

25 (3) Constructs or maintains any kind of structure without a permit from
26 the PAMB or without other requisite permits under existing laws such as, but
27 not limited to, municipal permits, public works requirements and
28 Environmental Compliance Certificate (ECC); and

1 (4) Alters, removes, destroys or defaces boundary works, buoys or
2 signs in the protected landscape put up by the PAMB;

3 (c) A fine of not less than Five thousand pesos (P5,000.00) but not
4 more than One hundred thousand pesos (P100,000.00) and/or imprisonment
5 from one (1) year to three (3) years shall be imposed upon any person who:

6 (1) Occupies lands classified as Strict Protected Zone as herein
7 defined without a legal instrument for such occupation;

8 (2) Violates any rules and regulations in the management plan of the
9 PAMB or agreements reached before the PAMB in its exercise of adjudicative
10 functions;

11 (3) Dumps any waste materials on land or any bodies of water
12 e.g. river, other than in areas identified as dumping sites by the concerned local
13 governments, or leaves exposed or in unsanitary condition on land or any
14 bodies of water e.g. river, human waste or refuse;

15 (4) Kills or injures any protected species or fails to release it when
16 accidentally caught or found beached;

17 (5) Knowingly brings/introduces into the protected landscape any
18 exotic species or substances which may pose a hazard to public health,
19 protected species habitat or population or scenery;

20 (6) Brings out of the protected landscape live species without
21 certification of toxic and hazardous substances testing; and

22 (7) Possesses instrument/equipment without clearance from the PAMB,
23 shall specify for the legal uses for which it can be applied.

24 (d) A fine of not less than Five thousand pesos (P5,000.00) but not
25 more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of
26 not less than one (1) year but not more than five (5) years shall be imposed
27 upon:

1 (1) Any person who shall induce another or conspire to commit any of
2 the above acts or suffer their workers to commit any of the above acts shall be
3 liable in the manner as the one actually performing the act; and

4 (2) Any public officer, or officer of law, who, in dereliction of his
5 duties shall maliciously disregard instituting persecution procedures for the
6 punishment of violators of the law, or shall tolerate commission of the offense,
7 or shall also carry the penalty of perpetual disqualification from public office.

8 SEC. 12. *Special Prosecutor and Retained Counsel.* -- Within thirty
9 (30) days from the effectivity of this Act, the Department of Justice (DOJ)
10 shall appoint a special prosecutor to whom cases of violation of laws, rules and
11 regulations in the MSPL shall be assigned. Such special prosecutor shall
12 coordinate with the PAMB and the PASu in the performance of his/her duties
13 and assist in the training of wardens and rangers in arrest and criminal
14 procedures.

15 The PAMB may retain the services of counsel to prosecute and/or assist
16 in the prosecution of cases under the direct control and supervision of the
17 regular or special prosecutor and to defend the members of the PAMB, the
18 PASu and the staff, or any person assisting in the protection, conservation and
19 sustainable development of the MSPL, against any legal action related to their
20 powers, functions and responsibilities as provided in this Act or as delegated or
21 tasked by the PAMB.

22 SEC. 13. *Local Government Units (LGUs).* -- The LGUs within the
23 MSPL shall participate in its management through its representation in the
24 PAMB as provided under Section 7 hereof. Said LGUs may appropriate
25 portions of their share from the annual internal revenue allotment and other
26 income for use of the MSPL: *Provided,* That all funds directly coming from
27 the LGUs shall be exempted from the twenty-five percent (25%) remittance
28 requirement for the central Integrated Protected Areas Fund (IPAF).

1 SEC. 14. *MSPL Fund.* – There is hereby established a revolving fund
2 to be known as the MSPL Fund for purposes of financing projects in the
3 MSPL.

4 Income shall be derived from fees from visitors/tourists, fees from
5 permitted sale and export of flora and fauna and other resources from the
6 MSPL, proceeds from the registration and lease of multiple-use areas,
7 including tourism concessions, fees, proceeds and contributions from industries
8 and facilities directly benefiting the MSPL, and such other fees and income
9 derived from the operation of the MSPL: *Provided,* That the seventy-five
10 percent (75%) of such income shall be set aside and retained by the PAMB
11 which shall appropriate the same exclusively for the management and
12 operation of the MSPL: *Provided, further,* That the remaining twenty-five
13 percent (25%) shall be remitted to the central IPAF.

14 The MSPL Fund may be augmented by grants, donations, endowment
15 from various sources, domestic or foreign, for purposes related to their
16 functions: *Provided,* That disbursements therefrom shall be made solely for
17 the protection, maintenance, administration and management of the system,
18 and duly approved projects endorsed by the PAMB in accordance with existing
19 accounting and budgeting rules and regulations: *Provided, further,* That the
20 Fund shall not be used to cover personal services expenditures.

21 The LGUs shall continue to impose and collect all other fees not
22 enumerated herein which they have traditionally collected, such as business
23 permits and rentals of the LGUs facilities: *Provided,* That the LGUs shall not
24 impose property tax and issue new tax declaration for areas covered by the
25 MSPL. Furthermore, LGUs may charge add-ons to fees imposed by the
26 PAMB: *Provided, further,* That such add-ons shall be based on the
27 contribution of the LGUs in the maintenance and protection of the MSPL.

1 SEC. 15. *Existing Facilities within the Protected Landscape.* – Within
2 one hundred twenty (120) days from the effectivity of this Act, existing
3 facilities such as roads, buildings, water systems and other facilities existing
4 within the boundaries of the protected landscape shall submit project
5 description to the PAMB through the PASu.

6 Based on its submission, the PAMB, with the help of the DENR, shall
7 determine whether or not the existence of such facility and its future plan and
8 operation will be detrimental to the protected landscape or whether or not
9 conditions for its operations shall be imposed. If any of such conditions are
10 violated, the facility shall be liable to pay a fine of Five thousand pesos
11 (P5,000.00) for every day of violation. Upon reaching a total fine of Five
12 hundred thousand pesos (P500,000.00), the PAMB, through the PASu and
13 deputizing other government entities, shall cause the cessation and demolition
14 of the facility at the cost of its owners.

15 Existing facilities allowed to remain within the protected area may be
16 charged a reasonable royalty by the DENR. All incomes from such royalty
17 shall accrue to the IPAF.

18 SEC. 16. *Utilization of Energy and Nonrenewable Resources.* – Any
19 exploitation and utilization of energy resources found within the NIPAS areas
20 should be allowed only through a law passed by Congress. Furthermore,
21 protected areas except Strict Nature Reserve and Natural Parks may be
22 subjected to exploration, only for the purpose of gathering information on
23 energy resources: *Provided,* That such activity is carried out with the least
24 damage to surrounding areas. The energy survey shall be conducted only in
25 accordance with a program by the DENR. In no case shall an exemption from
26 the EIA system made for energy and nonrenewable resources exploitation
27 projects within the protected area.

1 SEC. 17. *Reporting Responsibility.* -- The PASu, through the PAMB,
2 shall submit an annual accomplishment report to the Secretary of the DENR on
3 the activities undertaken in the MSPL.

4 SEC. 18. *Appropriations.* -- The Secretary of the DENR shall
5 immediately include in the Department's program the implementation of this
6 Act, the funding of which shall be included in the annual General
7 Appropriations Act.

8 SEC. 19. *Construction and Suppletory Application of Existing Laws.* --
9 The provisions of this Act shall be construed liberally in favor of the protection
10 and rehabilitation of the MSPL and the conservation and restoration of its
11 biological diversity, taking into account the needs and interests of qualified
12 tenured migrants, for present and future Filipino generations.

13 The NIPAS Act shall have suppletory effect in the implementation of
14 this Act.

15 SEC. 20. *Transitory Provision.* -- In order to ensure the recovery and
16 restoration of biological diversity and to develop sustainable livelihood
17 opportunities for tenured migrants, the DENR shall henceforth cease to issue
18 concessions, licenses, permits, clearances, compliance documents or any other
19 instrument that allows exploitation and utilization of resources within the
20 MSPL until the management plan shall have been put into effect.

21 All existing land use and resource-use permits within the MSPL shall be
22 reviewed and shall not be renewed upon their expiration unless consistent with
23 the management plan and approved by the PAMB.

24 SEC. 21. *Repealing Clause.* -- For the purpose of the scope of this Act,
25 the provisions of the NIPAS Act are hereby modified in accordance with the
26 provisions herein. All other laws, rules and regulations inconsistent with this
27 Act are hereby repealed or modified accordingly. Within the scope of the

1 protected landscape as herein specified, the penalties under the NIPAS Act are
2 hereby superseded.

3 SEC. 22. *Separability Clause.* – If any part or section of this Act is
4 declared by the courts as unconstitutional, such declaration shall not affect the
5 other parts or sections hereof.

6 SEC. 23. *Effectivity Clause.* – This Act shall take effect fifteen (15)
7 days after its complete publication in the *Official Gazette* or in a national
8 newspaper of general circulation available in the MSPL.

Approved,

O