



HOUSE OF REPRESENTATIVES

H. No. 5839

BY REPRESENTATIVES LAGBAS, BANAAG, SALCEDA, CAGAS, VELOSO,
VIRADOR, FIGUEROA, MALANYAON AND MAGSAYSAY (M.), PER
COMMITTEE REPORT NO. 1993

AN ACT DECLARING THE MT. BALATUKAN RANGE LOCATED IN
THE CITY OF GINGOOG AND IN THE MUNICIPALITIES OF
CLAVERIA, MEDINA AND BALINGASAG, ALL IN THE
PROVINCE OF MISAMIS ORIENTAL, AS A PROTECTED AREA
AND ITS PERIPHERAL AREAS AS BUFFER ZONE, 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 “Mt. Balatukan
2 Range Natural Park Act”.

3 SEC. 2. *Declaration of Policy.* – Cognizant of the profound impact of
4 man’s activities on all components of the natural environment particularly the
5 effect of increasing population, resource exploitation and industrial
6 advancement, and recognizing the critical importance of protecting and
7 maintaining Mt. Balatukan Range’s unique biological resources, its ecological
8 and aesthetic importance to sustain human life and development, as well as
9 plant and animal life, it is hereby declared the policy of the State to ensure its

1 protection and conservation, and preserve and promote the culture and way of
 2 life of the communities therein in accord with the rhythm and harmony of
 3 nature. As such, the State shall ensure the protection and conservation of its
 4 biological diversity, promote sustainable and participatory development, and
 5 honor and protect the interests of its legitimate inhabitants and their customary
 6 laws.

7 SEC. 3. *Category.* – Given the physical and natural features, and
 8 sociocultural and economic importance that contribute to its valuable role as
 9 life support system for the people living within it, the Mt. Balatukan Range is
 10 hereby declared as a protected area under the category of natural park to be
 11 known as the Mt. Balatukan Range Natural Park, and the areas within its
 12 peripheral areas as its buffer zone. Such protected area and buffer zone shall
 13 become part of the National Integrated Protected Areas System (NIPAS),
 14 subject to such rights as are provided for in this Act.

15 SEC. 4. *Scope and Coverage.* – The Mt. Balatukan Range Natural Park
 16 shall cover lands of the public domain located in the City of Gingoog and the
 17 municipalities of Claveria, Medina and Balingasag, all within the Province of
 18 Misamis Oriental. It shall have the following boundaries:

19 Beginning at a corner marked “1” which is located at $124^{\circ}57'21''$ E and
 20 $8^{\circ}47'35''$ N near the junction at Kihangad River and a branch creek
 21 S $75^{\circ}22'45''$ E, 950.79 m.:

22	Thence	N $76^{\circ}48'$ W	1,683.50 m	to corner 2
23	Thence	N $81^{\circ}36'$ W	1,620.90 m	to corner 3
24	Thence	N $30^{\circ}20'$ W	2,253.40 m	to corner 4
25	Thence	N $62^{\circ}05'$ W	1,667.00 m	to corner 5
26	Thence	N $34^{\circ}40'$ E	2,012.90 m	to corner 6
27	Thence	N $23^{\circ}26'$ E	1,253.60 m	to corner 7
28	Thence	N $89^{\circ}01'$ E	2,227.20 m	to corner 8

1	Thence	S 84°30' E	933.50 m	to corner 9
2	Thence	S 85°28' E	1,791.40 m	to corner 10
3	Thence	S 70°38' E	1,889.60 m	to corner 11
4	Thence	N 87°44' E	647.80 m	to corner 12
5	Thence	S 18°42' E	356.00 m	to corner 13
6	Thence	S 15°45' W	397.20 m	to corner 14
7	Thence	S 03°03' E	1,274.60 m	to corner 15
8	Thence	S 18°39' E	1,790.40 m	to corner 16
9	Thence	S 71°27' E	1,348.60 m	to corner 17
10	Thence	N 69°30' E	696.20 m	to corner 18
11	Thence	S 78°47' E	748.20 m	to corner 19
12	Thence	S 84°32' E	647.80 m	to corner 20
13	Thence	S 08°17' E	662.50 m	to corner 21
14	Thence	S 36°59' E	2,238.10 m	to corner 22
15	Thence	S 39°43' E	1,335.30 m	to corner 23
16	Thence	S 39°37' E	931.80 m	to corner 24
17	Thence	S 35°20' W	407.80 m	to corner 25
18	Thence	S 71°44' W	1,266.90 m	to corner 26
19	Thence	S 40°40' W	2,381.90 m	to corner 27
20	Thence	N 65°10' W	1,070.00 m	to corner 28
21	Thence	N 49°50' W	1,800.00 m	to corner 29
22	Thence	N 76°00' W	1,450.00 m	to corner 30
23	Thence	N 58°12' W	2,847.17 m	to corner 31
24	Thence	N 76°25' W	1,234.54 m	to corner 32
25	Thence	N 10°20' E	1,920.00 m	to corner 1, the point of
26	beginning, containing an area of eight thousand four hundred twenty-four			
27	(8,424) hectares, more or less, subject to actual ground survey.			

1 The buffer zone of the Mt. Balatukan Range Natural Park begins at
 2 corner "1" which is located at 124°57'00" E and 8°47'22" N, near the junction
 3 of Kihangad River and a branch creek N 66°48'05" W, 456.94 m.:

4	Thence	N 82°16' W	3,266.70 m	to corner 2
5	Thence	N 31°13' W	2,428.20 m	to corner 3
6	Thence	N 60°04' W	1,820.10 m	to corner 4
7	Thence	N 33°28' E	2,178.00 m	to corner 5
8	Thence	N 26°45' E	1,428.50 m	to corner 6
9	Thence	N 86°02' E	1,725.70 m	to corner 7
10	Thence	N 69°53' E	1,962.40 m	to corner 8
11	Thence	S 64°44' E	2,046.20 m	to corner 9
12	Thence	S 86°49' E	721.80 m	to corner 10
13	Thence	S 59°11' E	1,212.20 m	to corner 11
14	Thence	Due east	720.70 m	to corner 12
15	Thence	S 31°51' E	872.60 m	to corner 13
16	Thence	S 07°35' W	303.20 m	to corner 14
17	Thence	S 27°42' W	429.90 m	to corner 15
18	Thence	S 03°01' W	1,143.60 m	to corner 16
19	Thence	S 18°02' E	1,609.20 m	to corner 17
20	Thence	S 78°25' E	899.10 m	to corner 18
21	Thence	N 31°49' E	318.70 m	to corner 19
22	Thence	S 77°57' E	1,248.60 m	to corner 20
23	Thence	S 82°30' E	1,114.20 m	to corner 21
24	Thence	S 04°45' W	965.00 m	to corner 22
25	Thence	S 34°37' E	2,361.40 m	to corner 23
26	Thence	S 31°14' E	1,157.00 m	to corner 24
27	Thence	S 37°20' E	1,483.50 m	to corner 25
28	Thence	S 56°48' W	692.70 m	to corner 26

1	Thence	S 15°17' E	341.40 m	to corner 27
2	Thence	S 71°25' W	1,139.60 m	to corner 28
3	Thence	S 31°28' E	420.10 m	to corner 29
4	Thence	S 34°50' W	84.30 m	to corner 30
5	Thence	S 24°55' E	94.20 m	to corner 31
6	Thence	S 71°14' W	1,440.70 m	to corner 32
7	Thence	N 61°59' W	1,840.70 m	to corner 33
8	Thence	N 50°32' W	1,713.10 m	to corner 34
9	Thence	N 71°06' W	1,313.60 m	to corner 35
10	Thence	N 52°44' W	2,890.06 m	to corner 36
11	Thence	N 73°02' W	1,885.14 m	to corner 37
12	Thence	N 19°31' E	1,420.60 m	to corner 1, the point of

13 beginning, containing an area of one thousand two hundred twenty-two (1,222)
 14 hectares, more or less, subject to actual ground survey and delineation.

15 SEC. 5. *Definition of Terms.* – The following terms are hereby defined
 16 for the purpose of this Act:

17 (a) “Ancestral domain” refers to all lands and natural resources
 18 occupied or possessed by indigenous cultural communities, by themselves or
 19 through their ancestors, communally or individually, in accordance with their
 20 customs and traditions since time immemorial, continuously to the present,
 21 except when interrupted by war, *force majeure*, or displacement by force,
 22 deceit or stealth. It includes all adjacent areas generally belonging to them and
 23 which are necessary to ensure their economic, social and cultural welfare.

24 (b) “Indigenous cultural communities (ICC)” refers to a group of
 25 people sharing common bonds of language, customs and tradition and other
 26 distinct cultural traits, as further defined under Republic Act No. 8371 or the
 27 Indigenous People’s Rights Act (IPRA) of 1997.

1 (c) "National Integrated Protected Areas System (NIPAS)" refers to the
2 classification and inclusion of all designated protected areas into one system,
3 pursuant to Republic Act No. 7586 or the *National Integrated Protected Areas*
4 *System (NIPAS) Act of 1992*, to maintain essential ecological processes and
5 life support systems, to preserve genetic diversity, to ensure sustainable use of
6 resources found therein and to maintain their natural conditions to the greatest
7 extent possible.

8 (d) "Nonrenewable resources" shall refer to those resources found
9 within the protected area, the natural replenishment rate of which is either not
10 known or takes more than twenty-five (25) years.

11 (e) "Buffer zone" refers to specific areas outside the boundaries of and
12 immediately adjacent to designated areas that need special development
13 control in order to avoid or minimize harm to the protected area.

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

18 (g) "Natural park" refers to the relatively large area not materially
19 altered by human activity where extractive resource uses are not allowed, and
20 maintained to protect outstanding natural and scenic uses of national or
21 international significance for scientific, educational and recreational use.

22 (h) "Tenured migrants" refers to occupants within the protected area
23 who have actually and continuously occupied such area for five years before
24 the designation of the same as protected area and are solely dependent therein
25 for subsistence.

26 (i) "Biodiversity" refers to the variety of life in all its forms found on
27 earth.

1 (j) "Protected Area Management Board, (PAMB)" refers to a
2 multisectoral body tasked to adopt policies, promulgate rules and regulations,
3 and undertake planning activities for the appropriate management strategy to
4 ensure resource protection and the general administration of the protected area.

5 (k) "Private rights" refers to the right of individual persons to own,
6 under existing laws, and in the case of indigenous cultural communities, rights
7 of possession since time immemorial, which possession may include places of
8 abode and worship, burial grounds and well-defined territories.

9 (l) "Protected species" refers to any individual species of plants and
10 animals that is or shall be declared as protected under Philippine laws, rules
11 and regulations issued by the Department of Environment and Natural
12 Resources (DENR), species listed as protected against trade, hunting and
13 harvest under international conventions to which the Philippines is or will
14 become a signatory, such as, but not limited to, the Convention on
15 International Trade of Endangered Species (CITES). These include species
16 which may be restricted for use under regulations issued by the PAMB or the
17 DENR, and those particularly mentioned in the management plan.

18 (m) "Nongovernment organization (NGO)" refers to any civic,
19 developmental or philanthropic organization which is multisectoral in
20 character.

21 (n) "People's organization (PO)" refers to any grouping of people
22 formed to advance the interests of the sector being represented: *Provided,*
23 That such sector is marginalized, poor or disempowered.

24 (o) "Public consultation" refers to a meeting or dialogue between or
25 among concerned or affected individuals within and outside the protected area
26 designed to identify and resolve issues and problems affecting them.

27 (p) "Secretary" refers to the Secretary of the DENR.

1 SEC. 6. *Institutional Mechanisms.* – The following administrative and
2 policy-making mechanisms shall apply:

3 (a) There shall be a PAMB which shall be the policy-making body of
4 the protected area. It shall be composed of:

5 (1) The Regional Executive Director (RED) of the DENR-Region X,
6 who shall act as chairman;

7 (2) The provincial governor of Misamis Oriental as cochairman;

8 (3) The respective mayors of the municipalities and city with territory
9 inside the protected area or their authorized representatives, as members;

10 (4) One representative from each barangay with territory inside the
11 protected area or their authorized representatives, to be appointed by the
12 concerned barangay legislative councils, as members;

13 (5) One representative from each indigenous cultural community within
14 the protected area chosen using customary practices, as members;

15 (6) At least three representatives from local NGOs operating within the
16 protected area, chosen from among the representatives of the organizations in
17 an election duly called for the purpose, as members;

18 (7) A representative from each municipality and from the City of
19 Gingoog, representing people's organizations, chosen from among themselves
20 in an election duly called for the purpose, as members;

21 (8) Representatives from other national government agencies with
22 projects within the protected area, to be appointed by the DENR Secretary
23 upon the recommendation of the concerned head of office, as members; and

24 (9) The provincial planning and development officer and the provincial
25 Department of the Interior and Local Government (DILG) officer, sitting as *ex*
26 *officio* members.

27 Each member of the PAMB shall serve for a term of five years and shall
28 be considered to represent and carry the vote of such sector in all matters. In

1 the case of government officials, the tenure of their membership in the PAMB
2 shall be attached to the office held.

3 (b) The PAMB, by majority vote, shall approve or take necessary
4 actions on:

5 (1) Matters relating to planning, resource protection and general
6 administration of the area through the adoption of a management plan;

7 (2) Proposals, work plans, action plans and guidelines including
8 agreements and other related documents for the management of the protected
9 area in accordance with the approved management plan;

10 (3) Delineation and demarcation of boundaries of the protected area,
11 management zones, buffer zones and ancestral domains, and recognition of
12 rights and privileges of indigenous communities under the provisions of this
13 Act and the IPRA;

14 (4) Rules and regulations to promote development of programs and
15 projects on biodiversity conservation and sustainable development consistent
16 with the management plan;

17 (5) Implementation of programs as prescribed in the management
18 plan;

19 (6) Control and regulation on the construction, operation and
20 maintenance of roads, trails, waterworks, sewerage, fire protection and
21 sanitation system and other public utilities within the protected area;

22 (7) Monitoring and evaluating the performance of protected area
23 personnel and compliance of partners to the terms and conditions of any
24 undertaking, contract or agreement;

25 (8) Setting the criteria and fees for the issuance of permits for
26 activities regulated by this Act or the management plan;

1 (9) Donations, proposals for funding, budget allocations and
2 accountability over all funds that may accrue to the Mt. Balatukan Range
3 Natural Park;

4 (10) Retaining legal counsel, either in a permanent or temporary basis,
5 to defend cases against the PAMB and personnel of the office of the Protected
6 Area Superintendent (PASu) whenever they are sued in connection with the
7 performance of their duties under this Act; and

8 (11) Identifying tenured migrants and recommending the issuance of
9 corresponding appropriate tenurial instruments.

10 The DENR, through the RED of the DENR-Region X or any duly
11 authorized official, shall exercise authority to oversee the PAMB to ensure that
12 it is acting within the scope of its powers and functions. In case of conflict
13 between administrative orders of national application issued by the DENR
14 pursuant to the NIPAS Act and the rules and regulations issued by the PAMB,
15 the RED shall notify the Secretary who shall decide whether to apply the rule
16 or withdraw its application in the Mt. Balatukan Range Natural Park.

17 *SEC. 7. The Protected Area Superintendent (PASu) Office.* – There is
18 hereby established a protected area superintendent's office in charge of the
19 management, protection and administration of the Mt. Balatukan Range
20 Natural Park. The PASu shall be supported by the existing personnel of the
21 DENR. The head of office shall be the chief operating officer of the
22 Mt. Balatukan Range or the protected area and shall be accountable to the
23 RED of the DENR-Region X and the PAMB. The PASu shall have the
24 following powers and functions:

25 (a) Enforce rules and regulations to protect the area and its resources
26 from trespassers, damage, vandalism and illegal occupancy;

1 (b) Seize and assume custody of apprehended items after issuance of
2 appropriate seizure receipts in accordance with DENR Administrative Order
3 No. 97-32;

4 (c) Upon prior clearance and approval of the PAMB, recommend to
5 the concerned Community Environment and Natural Resources Office
6 (CENRO) the disposal of confiscated cultural and natural resources such as
7 artifacts, forests products, wild flora and fauna, marine fishery and mineral
8 resources; except those resources held under *custodia legis*, those that are the
9 subject of donation, those that must be deposited with appropriate government
10 agency, and resources that will be utilized for the infrastructure needs of the
11 DENR;

12 (d) Issue special-use permit for game fishing, camping and other
13 short-term and low-impact recreational activities to be undertaken for not more
14 than one week;

15 (e) Recommend to the PAMB the zoning classification of certain areas
16 in accordance with the approved management manual;

17 (f) Recommend to the RED of the DENR-Region X the issuance of
18 cutting permits for planted trees in multiple-use and buffer zones for a volume
19 up to five cubic meters per applicant per year, for traditional and subsistence
20 use only: *Provided*, That the issuance of said permits is in accordance with the
21 management plan, duly endorsed by the PAMB, and shall not adversely affect
22 the ecological balance of the area;

23 (g) Recommend to the RED of the DENR-Region X, with the
24 endorsement of the PAMB after determining the ecological implications, the
25 issuance of cutting permits only for planted trees in established buffer zones
26 for volume of five cubic meters but not to exceed twenty (20) cubic meters per
27 applicant per year for commercial purposes;

1 (h) Recommend the issuance of certificate of origin, discharge and
2 transport permits, and other relevant permits for natural resources and other
3 products collected/gathered from the protected area in accordance with the
4 approved research agreements, gratuitous permits and memorandum of
5 agreements approved by the PAMB and the DENR, where applicable;

6 (i) Recommend the issuance or renewal of special-use permits on
7 public infrastructure projects in designated multiple-use zones and established
8 buffer zones where no timber cutting is involved, subject to the approved
9 management plan of the area: *Provided*, That the issuance of a special permit
10 is subject to the submission by the applicant of the required Environmental
11 Compliance Certificate (ECC) for the project: *Provided, further*, That
12 special-use permit shall be renewed only upon determination by the
13 appropriate DENR office that no condition of the previous ECC for the project
14 has been violated;

15 (j) Assist the appropriate DENR office in the review of the
16 Environmental Impact Statement (EIS) for proposed projects to be
17 implemented;

18 (k) Establish a productive partnership with the local community
19 particularly with the groups concerned in the planning, protection and
20 management of the protected area;

21 (l) Integrate the roles of the NGOs, other government agencies and the
22 DENR in the operation of the protected area;

23 (m) Coordinate the implementation of all relevant activities related to
24 tenured migrants and the ancestral domains claims, subject to the IPRA and
25 related issuances;

26 (n) Take the lead in the implementation of the management plan of the
27 protected area specifically in the implementation, monitoring and evaluation of
28 research studies, survey and inventory, information, education and

1 communication, eco-tourism, restoration, rehabilitation and alternative
2 livelihood activities within the appropriate management zones and other
3 projects of the protected area and its buffer zone;

4 (o) Take the lead in the implementation of various activities related to
5 the management of the protected area;

6 (p) Evaluate the performance of staff based on the prescribed
7 evaluation system;

8 (q) Recommend the designation of staff to perform functions other than
9 those inherent to their position;

10 (r) Approve the application for leave of absence of the staff of the
11 office of the PASu with or without commutation;

12 (s) Approve local travel of the staff of the office of the PASu outside
13 the protected area and/or established buffer zone not exceeding thirty (30)
14 days;

15 (t) Serve as head of the secretariat to the PAMB;

16 (u) Submit reportorial requirements regularly to the concerned
17 Provincial Environment and Natural Resources Office (PENRO) and to the
18 PAMB, and observe and comply with the proper flow of PAO documents;

19 (v) Collect and/or receive pertinent fees, charges, donations and other
20 income: *Provided*, That such fees, charges, donations and other income
21 collected shall be reported quarterly to the PAMB: *Provided, further*, That a
22 book of accounts shall be maintained, which shall be certified by the
23 accountant of the DENR-Region X or the nearest PENRO in accordance with
24 DENR Administrative Order No. 96-22;

25 (w) Recommend the approval of payrolls, contracts, disbursement
26 vouchers, request and issuance vouchers, purchase orders and other expenses;

27 (x) Prepare and recommend, for approval of the PAMB, the annual
28 work and financial plans of the protected area; and

1 (y) Such other functions which may be assigned by the PAMB.

2 The PASu shall be directly responsible to the PAMB and the RED of
3 the DENR-Region X.

4 *SEC. 8. Ancestral Lands and Domains.* – For the purpose of this Act,
5 the following shall govern over ancestral lands and domains in the protected
6 area:

7 (a) The rights of indigenous peoples to their ancestral domains are
8 hereby fully recognized. Traditional property regimes exercised by indigenous
9 cultural communities in accordance with their customary laws shall govern the
10 relationship of all individuals within their communities with respect to all land
11 and resources found within ancestral lands.

12 (b) The following presumptions shall govern unless proven to be
13 contrary to documented or oral custom by clear and convincing evidence in the
14 proper administrative or judicial proceeding providing due hearing to all
15 parties concerned:

16 (1) All lands occupied by indigenous cultural communities since time
17 immemorial shall be presumed to be ancestral lands. Rights and obligations
18 within ancestral lands are presumed to be governed by customary laws;

19 (2) Rights and obligations within ancestral lands governed by
20 customary laws are presumed to be held collectively by the community;

21 (3) Rights and obligations within ancestral lands proven to be held by
22 individuals under customary law are presumed to be held in trust by such
23 individuals for the whole community; and

24 (4) The continued practice of traditional and sustainable living shall be
25 sufficient consideration for the State in place of the payment of taxes on
26 ancestral domains. Owing to differences in cultural and social worldview, the
27 provisions of this Act shall be liberally construed in favor of indigenous
28 cultural communities and their members.

1 SEC. 9. *Tenured Migrants and Transient Farmers.* – Tenured migrants
2 are members of households that have actually and continuously occupied the
3 Mt. Balatukan Range Natural Park since June 1, 1987, basing the data from the
4 1999 Survey and Registration of the Protected Area Occupants (SRPAO) and
5 are substantially dependent on the protected area for their livelihood. For
6 purposes of official documentation of rights and extent of occupation within
7 the protected area, a tenured migrant household shall be issued a tenure
8 instrument over such areas as have been occupied or cultivated since June 1,
9 1987 or earlier. Tenured migrants may occupy and use the area specified in
10 the instrument of a term of twenty-five (25) years renewable for another
11 twenty-five (25) years. The holder of the instrument, upon the lapse of this
12 period, may negotiate for a new instrument and his occupancy shall be
13 evaluated by the PAMB for purposes of such renewal. If despite consideration
14 paid to current practices, areas occupied by tenured migrants are designated as
15 zones in which no occupation or other activities are allowed, a provision for
16 their transfer to multiple-use zones or buffer zones shall be accomplished using
17 humanitarian considerations. Persons who have been cultivating within the
18 protected area since June 1, 1987 are considered to be occupying such lands
19 and shall be entitled to a tenure instrument restricted to cultivation: *Provided,*
20 That the rights under such can only be transferred to direct descendants.
21 Tenured migrant instruments may be cancelled for violation of the terms and
22 conditions specified therein, upon the holder's repeated refusal to comply with
23 the management plan or the regulations set by the PAMB, or upon voluntary
24 surrender of rights. Upon cancellation of a tenured migrant instrument, the
25 PASu shall take immediate steps to rehabilitate the area to return to its natural
26 state prior to the cultivation or other act by the transient or tenured migrant.
27 Tenured migrant instruments are transferable only to the nearest of kin:

1 *Provided*, That if the land is left idle for a minimum of five years, the PAMB
2 shall initiate cancellation proceedings of the tenured migrant instrument.

3 SEC. 10. *Prohibited Acts.* -- The following shall be the prohibitions and
4 penalties applicable to the Mt. Balatukan Range Natural Park:

5 (a) The penalties in Article 309 and Article 310 of the Revised Penal
6 Code and/or Section 21 of Republic Act No. 7586, depending on the value of
7 *the resources taken, damaged or destroyed, shall be imposed upon any person*
8 *found guilty by competent court of:*

9 (1) Hunting, destroying, trapping, disturbing or possessing of any wild
10 plants or animals or products derived therefrom anywhere within the
11 Mt. Balatukan Range Natural Park without a permit from the PAMB:
12 *Provided*, That permit for these activities shall only be given for scientific
13 purposes necessary for protected area management;

14 (2) Cutting, gathering, collecting or removing timber or forest
15 products without permits: *Provided*, That such permits shall only be given for
16 scientific purposes necessary for protected area management;

17 (3) Entry to the protected area or possessing outside the protected area
18 any wild plants or animals or products derived therefrom, which came from the
19 protected area without a permit issued by the PAMB;

20 (4) Mineral exploration or extraction, drilling or prospecting for
21 minerals within the Mt. Balatukan Range Natural Park; and

22 (5) Constructing or maintaining any kind of road, structure, fence or
23 enclosure without a permit from the PAMB: *Provided*, That structures within
24 ancestral domains used by the indigenous cultural communities need not be
25 covered by a permit from the PAMB. Valuation from the damage shall take
26 *into account biodiversity and conservation consideration as well as aesthetic*
27 *and scenic value.* The commission of these acts likewise shall carry the penalty
28 of eviction from the protected area and the forfeiture of all transportation,

1 structures and building materials, equipment, devices and weapons used for the
2 commission of the offense as well as the protected area resources caught in the
3 possession of the accused. The local government unit responsible for the
4 imposition of the penalties herein and the arrest and confiscation of the
5 materials shall have a fifty percent (50%) share in the proceeds from the
6 disposition thereof while the rest shall accrue to the PAMB.

7 SEC. 11. *Validity of Contracts over Lands within the Mt. Balatukan*
8 *Range Natural Park.* – The purchase, sale, encumbrance, mortgage, usufruct or
9 lease of lands within the protected area to persons outside the protected area
10 not otherwise qualified to hold lands therein shall be null and void *ab initio*.

11 SEC. 12. *Special Prosecutors.* – Within thirty (30) days from the
12 effectivity of this Act, the Department of Justice (DOJ) shall designate a
13 special prosecutor to whom all cases of violation of laws, rules and regulations
14 in the protected area shall be assigned. Such special prosecutor shall
15 coordinate with the PAMB and the PASu in the performance of his/her duties
16 and assist in the training of wardens and rangers in arrest and criminal
17 procedure. The PAMB may appoint a special private prosecutor on a case-to-
18 case basis to assist the public prosecutor in the enforcement of protected area
19 laws.

20 SEC. 13. *Local Government Units (LGUs).* – The LGUs shall
21 participate in the management of the Mt. Balatukan Range Natural Park
22 through representation in the PAMB as provided under Section 6(a). The
23 LGUs shall retain their ordinance-making powers over their respective
24 territories covered under this Act but with due consideration to protected area
25 management objectives. If a conflict between the LGU and the protected area
26 management objectives remain unresolved within the PAMB, it shall be
27 resolved through meditation.

1 SEC. 14. *The Mt. Balatukan Protected Area Fund (MBPAF)*. – There is
2 hereby established a trust fund to be known as the Mt. Balatukan Protected
3 Area Fund for purposes of financing projects of the system. All income
4 generated from the operation of the system or management of wild flora and
5 fauna in the protected area shall accrue to the fund. These income shall be
6 derived from visitors/tourists fee, fees from permitted sale and export of flora
7 and fauna and other resources from the protected area, proceeds from the
8 registration and lease of multiple-use areas, including tourism concessions,
9 contributions from industries and facilities directly benefiting from the
10 protected area, and such other fees and income derived from the operation of
11 the protected area.

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

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

26 SEC. 15. *Utilization of Nonrenewable Resources*. – Any exploration
27 for, exploitation or utilization of nonrenewable resources within the protected

1 area shall not be allowed. Energy projects, whether renewable or otherwise,
2 shall be permitted only through an act of Congress.

3 SEC. 16. *Appropriations.* – The Secretary of the DENR shall
4 immediately include in the Department's program the implementation of this
5 Act, the funding of which shall be included in the annual General
6 Appropriations Act.

7 SEC. 17. *Construction.* – The provisions of this Act shall be construed
8 liberally in favor of tenured migrants and indigenous cultural communities, and
9 with due consideration to the protection of biodiversity. The NIPAS Act shall
10 have supplementary effect in the implementation of this Act.

11 SEC. 18. *Transitory Provision.* – All persons who do not qualify as
12 tenured migrants or transient farmers within the protected area shall be allowed
13 to harvest fruits or crops planted before the effectivity of this Act. Thereafter,
14 all crops planted by such unqualified persons shall be confiscated and the
15 proceeds thereof shall accrue to the protected area fund.

16 SEC. 19. *Separability Clause.* – If any part or section of this Act is
17 declared by the courts as unconstitutional, such declaration shall not affect the
18 other parts or sections hereof.

19 SEC. 20. *Repealing Clause.* – The prohibitions and penalties under the
20 NIPAS Act, which are not inconsistent herewith, shall continue to apply.
21 For the purpose of the Mt. Balatukan Range Natural Park, all laws, rules and
22 regulations inconsistent herewith are modified accordingly.

23 SEC. 21. *Effectivity Clause.* – This Act shall take effect upon its
24 approval.

Approved,