Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 2267

Introduced by Rep. LAWRENCE LEMUEL H. FORTUN

EXPLANATORY NOTE

Mt. Mayapay is a prominent natural landmark in Caraga Region. It is a magnificent mountain located east of Butuan City, probably its range’s highest peak with an elevation of 2,214 feet above sea level, with a plateau formation that graces as the predominant feature of the city’s backdrop. The mountain provides a panoramic view of the City of Butuan, and the surrounding areas of the provinces of Agusan del Norte and Agusan del Sur, the City of Gingoog, the Butuan Bay, the Mindanao Sea, the Camiguin Island, and the coastlines of the provinces of Surigao del Norte and Bohol.

Mt. Mayapay, along with its peripheral areas, was a vital watershed in the environs of Butuan City and the Municipality of Buenavista, Agusan del Norte until it was abused by loggers and poachers. At present, the ecosystem of Mt. Mayapay continues to be invaded and assaulted, and is now highly endangered and threatening to extinction whatever few remaining endemic flora and fauna that thrive in the area. Moreover, experts have expressed alarm that if nothing is done to arrest its continuous degradation, landslides that could claim thousands of lives are not remote given the fact that the mountain lies along a fault line.

The people of the City of Butuan and the Province of Agusan del Norte have come together to strongly voice out their concerns on the sad state of Mt. Mayapay and the real threat of the destruction of lives and properties should its devastation continue. Various sectors have taken initiatives calling for the protection and conservation of this glorious mountain. However, activities contributing to its further deterioration have continued due to the lack of a policy that ensures its protection, rehabilitation, and conservation.

In this light, this bill seeks to conserve and protect the physical integrity and biological diversity of Mt. Mayapay through its declaration as a protected landscape. It shall ensure sustainable and participatory management through proper consultations with various stakeholders including the Indigenous Peoples (IP) residing in the area. The provisions of the IPRA Law shall be upheld with the rights of IPs to be protected and respected.

In view of the foregoing, the immediate approval of this bill is earnestly sought.

LAWRENCE LEMUEL H. FORTUN
1st District, Agusan del Norte
AN ACT
DECLARING THE MT. MAYAPAY IN THE CITY OF BUTUAN AND THE
MUNICIPALITY OF BUENAVIDIA, AGUSAN DEL NORTE, 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:

CHAPTER I
POLICIES AND OBJECTIVES

SECTION 1. Title. This act shall be known as the Mt. Mayapay Protected Landscape
(MMPL) Act.

SECTION 2. Declaration of Policy. In recognition of the richness of the biological
resources, both flora and fauna, found in and unique to Mt. Mayapay, as well as the
mountain’s aesthetic and ecological importance, it is hereby declared the policy of the State
to ensure the conservation, protection and management of Mt. Mayapay, its environment, the
communities therein, and their culture and way of life.

The conservation and protection of biological and physical diversities to sustain
human, plant, and animal life in Mt. Mayapay shall be pursued through sustainable and
participatory management among the national government, through the Department
Environment and Natural Resources (DENR), the local government units (LGUs),
nongovernmental organizations (NGOs), people’s organizations (POs), indigenous peoples
(IPs), and other stakeholders in the area.

SECTION 3. Declaration as Protected Area. – In accordance with Republic Act
No. 7586 or the National Integrated Protected Areas System Act of 1992 (NIPAS Act), Mt.
Mayapay is hereby declared a protected area under the category of a protected landscape
area.

SECTION 4. Scope and Coverage. Subject to the provisions of the Presidential
Proclamation issued by President Manuel L. Quezon declaring a Military Reservation
Consisting of TWO THOUSAND ONE HUNDRED THIRTY-NINE (2,139)
HECTARES, more or less in the area, the Mt. Mayapay Protected Landscape shall cover
parcels of land located in the City of Butuan and the Municipality of Buenavista in the
Province of Agusan del Norte, which contains an aggregate area of FIFTEEN THOUSAND
FIVE HUNDRED TWENTY-EIGHT (15,528) hectares and a core protected zone area of
EIGHT THOUSAND FOUR HUNDRED FIFTY-SIX (8,456) HECTARES, more or less.
Beginning at a point marked "1" on the map, which is located in the Province of Agusan Del Norte at 08° 48' 16.27" N, 126° 34' 14.93" E, thus:

thence N  81°  41.96'  W,  2,829.99  m to point 2;
thence N  32°  42.42'  W,  157.52  m to point 3;
thence N  83°  7.33'  W,  711.21  m to point 4;
thence N  87°  49.75'  W,  636.88  m to point 5;
thence N  34°  4.96'  W,  269.45  m to point 6;
thence N  58°  55.99'  W,  363.89  m to point 7;
thence S  46°  44.20'  W,  216.30  m to point 8;
thence S  56°  12.71'  W,  303.53  m to point 9;
thence N  59°  29.27'  W,  126.49  m to point 10;
thence S  50°  11.04'  W,  177.71  m to point 11;
thence N  53°  0.75'  W,  284.92  m to point 12;
thence N  46°  25.25'  W,  128.31  m to point 13;
thence N  82°  13.98'  W,  184.92  m to point 14;
thence S  37°  38.39'  W,  422.96  m to point 15;
thence S  72°  30.98'  W,  324.42  m to point 16;
thence S  35°  4.84'  W,  84.23  m to point 17;
thence N  72°  17.47'  W,  3,478.82  m to point 18;
thence N  59°  9.19'  W,  1,338.67  m to point 19;
thence N  67°  26.04'  W,  2,136.46  m to point 20;
thence S  61°  28.07'  W,  2,763.81  m to point 21;
thence S  84°  7.44'  W,  3,004.67  m to point 22;
thence N  39°  33.93'  W,  2,971.66  m to point 23;
thence N  29°  1.55'  W,  119.59  m to point 24;
thence N  37°  41.65'  E,  177.89  m to point 25;
thence N  26°  33.90'  W,  128.76  m to point 26;
thence S  61°  15.60'  W,  226.21  m to point 27;
thence S  76°  42.08'  W,  361.60  m to point 28;
thence N  14°  41.11'  E,  959.08  m to point 29;
thence S  85°  30.91'  E,  327.31  m to point 30;
thence S  7°  56.61'  E,  277.79  m to point 31;
thence N  83°  0.09'  E,  572.66  m to point 32;
thence S  83°  54.33'  E,  2,235.93  m to point 33;
thence N  3°  49.80'  E,  480.72  m to point 34;
thence N  53°  26.64'  E,  473.97  m to point 35;
thence N  56°  37.19'  E,  406.84  m to point 36;
thence N  35°  25.17'  E,  607.43  m to point 37;
thence N  62°  48.19'  E,  737.84  m to point 38;
thence N  11°  6.38'  W,  364.65  m to point 39;
thence N  21°  4.39'  E,  217.91  m to point 40;
thence N  47°  12.52'  E,  341.37  m to point 41;
thence N  12°  36.05'  W,  224.51  m to point 42;
thence N  21°  53.76'  E,  327.26  m to point 43;
thence S  79°  36.48'  E,  208.48  m to point 44;
thence N  43°  30.11'  E,  208.00  m to point 45;
thence N  29°  47.78'  E,  152.18  m to point 46;
thence N  76°  30.96'  W,  166.29  m to point 47;
thence N  84°  57.99'  W,  227.72  m to point 48;
thence N  75°  14.73'  W,  334.48  m to point 49;
thence N  21°  29.55'  W,  345.16  m to point 50;
thence N  38°  40.08'  W,  426.74  m to point 51;
thence N  37°  3.90'  W,  292.67  m to point 52;
thence N  62°  54.51'  E,  213.63  m to point 53;
thence N  47°  46.32'  E,  245.10  m to point 54;
thence N  13°  14.63'  E,  338.36  m to point 55;
thence N  5°  37.92'  E,  308.07  m to point 56;
thence N  7°  41.10'  W,  344.26  m to point 57;
thence N  42°  39.38'  W,  354.29  m to point 58;
thence N  11°  19.25'  E,  309.94  m to point 59;
thence N  11°  16.26'  E,  311.24  m to point 60;
thence N  67°  47.99'  W,  309.25  m to point 61;
thence S  80°  18.74'  W,  310.44  m to point 62;
thence S  54°  0.68'  W,  271.53  m to point 63;
thence S  36°  23.62'  W,  204.98  m to point 64;
thence N  87°  14.54'  W,  230.88  m to point 65;
thence N  24°  50.04'  E,  183.44  m to point 66;
thence N  27°  50.68'  W,  298.42  m to point 67;
thence N  21°  37.00'  E,  278.87  m to point 68;
| thence S |  59° 48.45 | E | 222.06 m | to point 138 |
| thence S |  46° 19.34 | W | 1,304.80 m | to point 139 |
| thence S |  79°  8.08 | W | 354.80 m | to point 140 |
| thence S |  67° 43.67 | W | 1,289.40 m | to point 141 |
| thence S |  27° 19.24 | E | 149.44 m | to point 142 |
| thence N |  81° 48.17 | E | 302.16 m | to point 143 |
| thence S |  19° 14.48 | W | 154.96 m | to point 144 |
| thence S |  62°  3.71 | W | 230.39 m | to point 145 |
| thence S |  13° 44.67 | E | 236.79 m | to point 146 |
| thence S |  2° 26.52 | W | 278.64 m | to point 147 |
| thence S |  34° 28.06 | E | 85.64 m | to point 148 |
| thence S |  39° 27.69 | E | 96.21 m | to point 149 |
| thence S |  87° 45.43 | E | 298.91 m | to point 150 |
| thence S |  45°  9.90 | E | 258.14 m | to point 151 |
| thence S |  13° 52.98 | W | 149.12 m | to point 152 |
| thence S |  7°  9.44 | W | 342.79 m | to point 153 |
| thence S |  33° 56.65 | E | 234.36 m | to point 154 |
| thence S |  28° 40.78 | W | 286.12 m | to point 155 |
| thence S |  32° 46.50 | W | 245.47 m | to point 156 |
| thence S |  80° 12.14 | W | 264.63 m | to point 157 |
| thence S |  79° 31.38 | W | 492.67 m | to point 158 |
| thence N |  80° 32.14 | W | 239.95 m | to point 159 |
| thence N |  71°  8.82 | W | 222.31 m | to point 160 |
| thence N |  77° 35.96 | W | 503.48 m | to point 161 |
| thence N |  27° 55.91 | E | 224.37 m | to point 162 |
| thence N |  42°  4.77 | E | 319.35 m | to point 163 |
| thence N |  74° 15.13 | E | 382.52 m | to point 164 |
| thence N |  88° 42.11 | E | 242.23 m | to point 166 |
| thence S |  85° 49.56 | W | 204.39 m | to point 167 |
| thence S |  82° 32.78 | W | 213.16 m | to point 168 |
| thence S |  71° 22.48 | W | 180.66 m | to point 169 |
| thence N |  48° 51.83 | W | 230.35 m | to point 170 |
| thence N |  14°  0.27 | W | 265.96 m | to point 171 |
| thence S |  60° 59.15 | W | 99.31 m | to point 172 |
| thence S |  0°  6.70 | E | 368.37 m | to point 173 |
| thence N |  56° 34.55 | W | 305.85 m | to point 174 |
| thence N |  44° 47.83 | W | 309.50 m | to point 175 |
| thence N |  88°  1.52 | W | 373.64 m | to point 176 |
| thence N |  42° 51.81 | W | 468.70 m | to point 177 |
| thence N |  35° 48.41 | W | 188.74 m | to point 178 |
| thence S |  88° 15.47 | W | 261.46 m | to point 179 |
| thence N |  82° 33.15 | W | 141.31 m | to point 180 |
| thence N |  80° 11.03 | W | 244.33 m | to point 181 |
| thence N |  78°  4.05 | W | 137.99 m | to point 182 |
| thence S |  53° 40.18 | W | 245.79 m | to point 183 |
| thence S |  42° 51.14 | W | 238.75 m | to point 184 |
| thence S |  50° 49.04 | W | 194.60 m | to point 185 |
| thence S |  6° 37.57 | W | 158.75 m | to point 186 |
| thence S |  11° 47.98 | W | 291.04 m | to point 187 |
| thence S |  1° 24.93 | W | 231.60 m | to point 188 |
| thence S |  12° 31.79 | W | 238.40 m | to point 189 |
| thence S |  7° 27.05 | W | 230.98 m | to point 190 |
| thence S |  7° 49.57 | W | 326.11 m | to point 191 |
| thence S |  27° 18.82 | W | 363.03 m | to point 192 |
| thence N |  82° 13.29 | E | 238.06 m | to point 193 |
| thence N |  85°  2.93 | E | 211.11 m | to point 194 |
| thence S |  87° 11.58 | E | 252.65 m | to point 195 |
| thence N |  88° 37.94 | E | 296.00 m | to point 196 |
| thence N |  88° 38.98 | E | 249.00 m | to point 197 |
| thence N |  88° 37.65 | E | 243.49 m | to point 198 |
| thence N |  88° 39.01 | E | 262.43 m | to point 199 |
| thence N |  88° 37.85 | E | 257.36 m | to point 200 |
| thence N |  88° 37.84 | E | 250.98 m | to point 201 |
| thence N |  88° 37.61 | E | 250.10 m | to point 202 |
| thence N |  89°  5.10 | E | 241.59 m | to point 203 |
| thence N |  89°  3.59 | E | 274.18 m | to point 204 |
| thence N |  89°  4.54 | E | 258.88 m | to point 205 |
| thence N |  89°  3.37 | E | 249.97 m | to point 206 |
thence N 89° 03.18' E, 248.76 m to point 207.
thence N 89° 04.45' E, 270.44 m to point 208.
thence S 64° 51.72' E, 136.36 m to point 209.
thence S 71° 16.27' E, 132.80 m to point 210.
thence S 53° 20.22' E, 214.88 m to point 211.
thence N 76° 18.11' E, 190.81 m to point 212.
thence S 45° 24.72' W, 112.69 m to point 213.
thence S 63° 38.15' E, 88.99 m to point 214.
thence S 77° 59.53' E, 96.92 m to point 215.
thence N 67° 14.89' E, 102.95 m to point 216.
thence S 7° 16.81' E, 128.40 m to point 217.
thence S 2° 3.88' W, 192.94 m to point 218.
thence S 16° 11.67' E, 194.36 m to point 219.
thence S 58° 50.40' W, 116.57 m to point 220.
thence N 70° 24.75' W, 167.47 m to point 221.
thence S 53° 15.68' W, 135.16 m to point 222.
thence N 72° 54.53' W, 288.49 m to point 223.
thence S 59° 13.05' W, 210.17 m to point 224.
thence S 4° 52.32' W, 150.13 m to point 225.
thence S 85° 25.52' W, 139.39 m to point 226.
thence S 29° 55.39' E, 163.43 m to point 227.
thence S 49° 14.20' W, 159.37 m to point 228.
thence N 86° 58.60' W, 167.49 m to point 229.
thence S 35° 31.59' E, 159.67 m to point 230.
thence S 41° 47.27' W, 247.98 m to point 231.
thence N 1° 44.01' W, 98.29 m to point 232.
thence N 59° 44.44' E, 114.76 m to point 233.
thence N 2° 24.66' W, 158.25 m to point 234.
thence S 33° 14.72' E, 149.64 m to point 235.
thence N 85° 28.60' E, 122.71 m to point 236.
thence N 8° 51.50' E, 104.82 m to point 237.
thence N 69° 6.92' E, 93.54 m to point 238.
thence N 79° 59.97' E, 153.72 m to point 239.
thence S 57° 31.51' E, 215.55 m to point 240.
thence S 0° 33.75' E, 179.81 m to point 241.
thence N 56° 24.73' E, 156.01 m to point 242.
thence N 37° 10.78' E, 158.87 m to point 243.
thence N 37° 48.48' E, 175.15 m to point 244.
thence N 9° 39.14' E, 186.88 m to point 245.
thence N 2° 23.51' E, 172.49 m to point 246.
thence N 7° 51.18' E, 174.31 m to point 247.
thence N 36° 29.44' E, 130.03 m to point 248.
thence N 81° 14.86' E, 187.90 m to point 249.
thence N 42° 57.67' E, 95.56 m to point 250.
thence S 86° 6.46' E, 75.61 m to point 251.
thence S 54° 36.11' E, 443.55 m to point 252.
thence S 69° 15.36' E, 255.36 m to point 253.
thence S 54° 34.43' E, 204.42 m to point 254.
thence N 62° 1.51' E, 201.92 m to point 255.
thence S 84° 29.10' E, 192.54 m to point 256.
thence S 87° 43.84' E, 219.37 m to point 257.
thence N 11° 0.72' W, 182.73 m to point 258.
thence N 2° 12.09' W, 243.79 m to point 259.
thence S 85° 31.90' E, 203.81 m to point 260.
thence N 0° 29.81' W, 297.33 m to point 261.
thence N 3° 20.90' E, 84.39 m to point 262.
thence N 78° 33.68' E, 189.41 m to point 263.
thence N 2° 37.87' W, 177.41 m to point 264.
thence N 2° 47.39' E, 212.23 m to point 265.
thence N 76° 57.24' E, 468.25 m to point 266.
thence N 48° 1.35' E, 310.93 m to point 267.
thence S 86° 55.40' E, 1,565.03 m to point 268.
thence S 58° 25.84' E, 605.26 m to point 269.
thence S 59° 47.59' E, 554.74 m to point 270.
thence S 15° 16.14' E, 1,897.53 m to point 271.
thence S 66° 58.32' W, 613.94 m to point 272.
thence S 6° 3.99' E, 213.84 m to point 273.
thence S 36° 23.47' W, 225.68 m to point 274.
thence S 9° 32.04' E, 230.78 m to point 275.
thence S 14 ° 56.94' E, 226.03 m to point 276;
thence S 1 ° 40.10' E, 212.96 m to point 277;
thence S 6 ° 33.68' W, 260.86 m to point 278;
thence S 37 ° 9.73' E, 268.68 m to point 279;
thence S 14 ° 31.29' W, 280.11 m to point 280;
thence N 89 ° 21.90' E, 264.08 m to point 281;
thence S 0 ° 58.37' E, 250.99 m to point 282;
thence S 4 ° 33.89' W, 367.99 m to point 283;
thence S 36 ° 13.94' W, 394.49 m to point 284;
thence S 0 ° 4.78' E, 240.80 m to point 285;
thence S 38 ° 56.18' W, 184.98 m to point of beginning

Any modification of the coverage of this Act due to such factors as changing ecological situations or new scientific or archeological findings not previously taken into account shall be made through an Act of Congress, after consultation with the affected public and concerned government agencies.

SECTION 5. Land Classification. — All lands comprising the Mt. Mayapay Protected Landscape (MMPL) shall fall under the classification of a National Park as provided in the Philippine Constitution.

SECTION 6. Establishment of Buffer Zones. — Buffer zones are hereby established along and adjacent to the peripheral boundaries to serve as protective layer to the area and its resources. The buffer zones shall also serve as a social fence against the entry of intruders that bring destruction or conduct activities detrimental to the park. Prescriptions for the management of buffer zones shall be included as components of the protected area management plan. The Department of Environment and Natural Resources shall exercise the same authority over buffer zones in the same manner as protected areas: Provided, however, that there shall be consultation with the affected communities.

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

SECTION 7. Definition of Terms. The following terms are hereby defined for the purposes of this Act:

a. Biodiversity — shall refer to the variety and variability among living things, and the interconnectedness of all life forms in a particular environment;
b. Biological Resources — include genetic resources, organisms or parts thereof, population, or any other biotic component of ecosystems with actual or potential use or value for humanity;
c. Bioprospecting - means the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes;
d. Buffer zones — shall refer to areas that are outside the boundaries of and are immediately adjacent to designated protected areas, pursuant to Section 5 hereof, that need special development control in order to avoid or minimize encroachment and harm to the protected area;
e. By-products or Derivatives means any part taken or substance extracted from wildlife, in raw or in processed form. This includes stuffed animals and herbarium specimens;
f. Collection or collecting prefers to the act of gathering or harvesting wildlife, its by-products or derivatives;
g. Conservation — shall refer to any act or acts of preservation and sustainable utilization of wildlife and/or maintenance, restoration and enhancement of the habitat;
h. **DENR** – shall refer to the Department of Environment and Natural Resources, a national government agency created under Executive Order 192 with jurisdiction over forestslands and protected areas;

i. **Ecosystem** – means the dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit;

j. **Endangered Species** – refer to species or subspecies that are not critically endangered but whose survival in the wild is unlikely if the causal factors continue operating;

k. **Exotic Species** – refer to species or subspecies of flora and fauna which do not naturally occur within the protected area at present or in historical time;

l. **Habitat** – means a place or type of environment where species or subspecies naturally occurs or has naturally established its population;

m. **Hunting** – refers to collection of wild fauna for food and/or recreational purposes and/or recreational purposes with the use of weapons such as guns, bow and arrow, appear and the like;

n. **Indigenous Cultural Communities/Indigenous Peoples** — shall refer to a group of people or homogenous societies identified by self-ascertainment and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICCs/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;

o. **Management Board** – refers to the Management Board of the Mt. Mayapay Protected Landscape;

p. **Management Plan** – refers to the fundamental plan, strategy and/or scheme which shall guide all activities relating to the MMPL in order to attain the objectives of this Act;

q. **MMPL** – refers to the Mt. Mayapay Protected Landscape;

r. **MMPL Fund** – refers to the revolving fund to be established for the purpose of financing projects in the MMPL;

s. **Mineral** – refers to all naturally occurring inorganic substance in solid, gas, liquid, or nay intermediate state including energy materials such as coal, petroleum, natural gas, radioactive materials and geothermal energy;

t. **Multiple Use Zone** – refers to an area where settlement, traditional and/or sustainable land use, including agriculture, agro-forestry, extraction activities and other income generating or livelihood activities, may be allowed to the extent prescribed in the management plan;

u. **National Integrated Protected Areas System (NIPAS)** – refers to the classification and administration of all designated protected areas to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible;

v. **NIPAS Act** – refers to the National Integrated Protected Areas System (NIPAS) Act of 1992 or Republic act No. 7586, and its implementing rules and regulations;

w. **National Park** – refers to the land of the public domain classified as such in the 1987 Constitution which includes all areas under the National Integrated protected Areas System (NIPAS) pursuant to Republic Act No. 7586 primarily designated for the conservation of native plants and animals, their associated habitants and cultural diversity;
x. **Nongovernmental Organization (NGO)** – shall refer to any nongovernmental organization or any civic, developmental, environmental or philanthropic non-stock, non-profit organization.

y. **People’s Organization (PO)** – refers to a group of organized migrant communities and/or interested indigenous people which may be an association, cooperative, federation, or other legal entity, established to undertake collective action to address community concerns and needs, and mutually share the benefits of the endeavor.

z. **Protected Area** – refers to identified portions of land and/or water set aside by reasons of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation.

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

bb. **Protected Area Superintendent (PASU)** – refers to the chief operating officer of the DENR who is directly responsible to the PAMB and the concerned DENR Regional Executive Director.

c. **Protected Landscape** – refers to an area of national significance, which is characterized by the harmonious interaction of man and land while providing opportunities for public enjoyment through recreation and tourism within the normal lifestyle and economic activity of the area.

dd. **Quarrying** – means the process of extracting, removing and disposing of quarry resources found on or underneath the surface of private or public land.

ee. **Special Use Zone** – refers to an area containing existing installations of national significance, such as telecommunications facilities, irrigation canals, or electric power lines.

ff. **Strict Protection Zone** – refers to a natural area with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious sue by the indigenous cultural communities/indigenous peoples; may include habitats of threatened species, or degraded areas that have been designated for restoration and subsequent protection, even if these areas are still in various stages of regeneration.

gg. **Tenured Migrants** – refer to forest occupants who have actually and continuously occupied a portion of the protected area for at least five (5) years, and are solely dependent therein for subsistence, as of the passage of this Act. A protected area occupant is understood to be “solely dependent for subsistence” when everything indispensable for survival for the household, including food, clothing, shelter and health, comes only from utilization of resources from the protected Area.

hh. **Wildlife** – means wild forms and varieties of flora and fauna, in all developmental stages, including those which are in captivity or are being bred or propagated.

**CHAPTER II**

**PROTECTED AREA MANAGEMENT**

**SECTION 8. Management Plan.** – There shall be a Management Plan promulgated for the MMPL that shall serve as the basic long-term framework plan in the management of the protected area and guide in the preparation of its annual operations plan and budget. Within one (1) year from the effectivity of this Act, the Management Plan shall have be put into effect following the general management planning strategy provided for under the NIPAS Act and according to the procedure herein set forth. It shall contain, among others, the following:

(a) The category of the protected area;

(b) Period of applicability of the plan;

(c) Key management issues;

(d) Goals and objectives of management in support of Section 2 hereof;

(e) Site management strategy;
(f) Major management activities such as, but not limited to, enforcement of laws, habitat and wildlife management, sustainable-use management, infrastructure development and maintenance, and fire and pest control;

(g) Zoning; and

(h) Visitor management programs.

The Management Plan shall be prepared by the Protected Area Superintendent (PASu) in coordination with the appropriate officers of the department, local communities, and the NGOs. It shall be reviewed and approved by the PAMB and certified by the Secretary of the Department. Such certification shall be mandatory to ensure that the plan conforms to all laws and the applicable rules and regulations issued by the Department: Provided, however, that the Secretary may revise and modify the protection and conservation plan, after consultation with the PAMB, prior to certification to ensure conformity with applicable laws, rules, and regulations.

A year before the expiration of the period of the applicability of the plan in effect, the PASu shall cause publication of notices for comments and suggestions on the successor plan in a newspaper of general circulation in the concerned city and municipal government units. Notices shall also be posted in the respective provincial, city, and municipal halls of the concerned provinces, cities and municipalities as well as in the barangay halls bounding or immediately adjacent to the protected landscape. The proposed plan shall be made available to the public during the period for comment and a final plan shall likewise be made available for public perusal of the office of the PASu upon the approval of the PAMB: Provided, that the plans shall be plainly written in a language understandable in the area.

SECTION 9. The Protected Area Management Board.

A. The PAMB shall be the highest policy making body of the MMPL. It shall be composed of the following:

1. The Regional Executive Director of DENR Region XIII who shall sit as PAMB Chairperson;

2. The Provincial Governor of Agusan del Norte or his duly authorized representative;

3. The Mayor of Butuan City or his duly authorized representative;

4. The Mayor of the Municipality of Buenavista, Agusan del Norte, or his duly authorized representative;

5. A representative from among the Barangay Captains of each of the barangays within the protected area;

6. Two (2) members from the Academe appointed by the Secretary;

7. A representative from each of the IP group residing inside the MMPL or within its buffer zones; and,

8. Three (3) representatives from the NGOs and three (3) representatives from POs involved with protected area management, chosen among themselves.

In the selection of representatives from the POs and NGOs, the following criteria shall be primarily considered:

a) Active involvement in the ecological conservation, preservation, rehabilitation and protection of the protected area;

b) Great potential in community organizing and other development work;

c) Favorable track record in community work; and

d) Duly accredited by the LGU concerned and by the DENR.

Any action, decision, and policy made by the Mt. Mayapay PAMB shall be valid and subsisting unless overturned by the DENR Secretary for either being contrary to existing laws, rules, and regulations or violative of the existing applicable Management Plan.

There shall be an Executive Committee (ExeCom) within the PAMB to whom may be delegated some of its powers and functions, including the authority to rule on appeal the decisions of the Protected Area Superintendent referred to in Section 20 of this Act, to be
composed of the Regional Technical Director of Protected Areas and Wildlife and Coastal
Zone Management Service as chairperson, and at least two (2) representatives each from the
LGUs, the NGOs, and the IPs. The PAMB shall determine the scope and extent of the
authority to be delegated to the ExeCom.

The PAMB en banc shall hold a regular meeting at least once every three (3) months
and the ExeCom shall hold regular meetings at least once a month. For both bodies, a
quorum shall consist of a simple majority of the members. The chairperson may call for a
special meeting as deemed necessary.

Every Member of the PAMB shall serve for a term of five (5) years provided that
he/she remains a member or employee of the sector or office being represented. The term of
office of the NGO and the PO representatives in the PAMB shall be coterminous with the
duration and existence of the organization’s projects in the protected area. Whenever a seat
allotted for the NGOs or POs shall be vacant, a new member shall be chosen in the same
manner as the original selection process, and shall serve only the unexpired term.

Except for government officials who shall serve as ex officio members of the PAMB,
each member shall serve for a term of five (5) years without compensation.

The members of the PAMB shall be entitled to reimbursement of actual traveling and
subsistence expenses incurred in attending the meetings of the PAMB or its committees,
subject to existing accounting and budgeting rules and regulations. These expenses shall be
included in the annual budgetary allocation.

SECTION 10. Powers and Functions. The PAMB of the MMPL, which shall be
decided by consensus or majority vote of the members present constituting a quorum of all
the members, shall have the following powers and functions in addition to those provided
under Republic Act No. 7586 or the NIPAS Act of 1992 and its implementing rules and
regulations:

a. Review, approve, and adopt the management plans and development
programs and their respective implementing rules and regulations;
b. Decide and approve matters relating to proposals, work and action plans,
guidelines and polices, and other activities for the management of the
protected area;
c. Recommend and approve the establishment and delineation of zones;
d. Establish supplemental criteria and guidelines for park fees for activities
regulated by this Act or the management plan subject to the approval of
DENR pursuant to Section 10(f) of the NIPAS Act;
e. Ensure effective implementation of development activities within the
protected area;
f. Adopt rules and procedures in the conduct of business, roles, and
responsibilities, and discipline of its board members, including the creation of
standing committees;
g. Evaluate the performance and activities of the Office of the PASu;
h. Accept donations, approve proposals for funding and budget allocation, and
exercise accountability over all funds that may accrue;
i. Request assistance from any government agency, office, board, private or
public person to achieve the objectives of this Act;
j. Monitor and evaluate the performance of protected area personnel, NGOs, and
the communities in biodiversity conservation, socio-cultural, and economic
development, and report its assessment to the DENR; and
k. Participate in the selection and designation process of the DENR in the
appointment of the Protected Area Superintendent;

The DENR, through the Regional Executive Director, shall ensure that the PAMB
acts within the scope of its powers and functions. In case of conflict between Administrative
Orders issued by the DENR pursuant to the NIPAS Act and other laws, and resolutions
issued by PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its application.

SECTION 11. Protected Area Superintendent (PASu) Office. There is hereby established a PASu office in charge of the management, protection, and administration of the MMPL. The office shall be headed by the Protected Area Superintendent who shall be the chief operating officer of the MMPL and shall be accountable to the RED of the DENR Region XIII (Caraga Region) and PAMB. The PASu shall be supported by existing personnel of the DENR. The PASu shall have the following administrative and regulatory powers and functions:

a. Prepare and recommend to the PAMB the approval of the annual work and financial plans;

b. Establish a productive partnership with the local community and stakeholders, including groups who are interested in attaining the goals and objectives of the MMPL;

c. Ensure the proper utilization of annual budget allocations and the proper disposition of fees and other funds generated within the protected area;

d. Formulate and implement park information, education, communication, and visitor programs;

e. Develop a management information system to ensure that relevant and updated information are available for scientific research, planning, monitoring, and decision-making;

f. Document the processes involved in the establishment and management of the protected area, with particular reference to the development of relationships with cultural communities, tenured migrants, buffer zone residents, and others in establishing effective protection of the area;

g. Enforce laws, rules, and regulations pursuant to existing environmental laws and DENR orders to protect and preserve the MMPL from trespass, damage, injury, and illegal occupancy; and,

h. Perform such other functions as the PAMB or the RED may assign.

The Office of the PASu shall be supported by a sufficient number of personnel who shall perform day-to-day management, protection, and administration of the protected area.

All DENR employees detailed to the protected area at the time of effectivity of this Act shall be accorded preference to form part of the Protected Area Superintendent Office.

SECTION 12. Roles of Local Government Units and National Agencies on the Protected Area. The LGUs and relevant national agencies shall be represented in the PAMB and shall have the following roles:

a. Apprise the respective constituents, offices, and other sectors on activities and programs for the protected area;

b. Ensure consistency in the implementation of all activities in the protected area;

c. Retain their ordinance-making powers over the protected area and shall consider the Management Plan and the rules and regulations adopted by the PAMB in their legislative agenda relating to biodiversity, conservation, protection, and sustainable development;

d. In the formulation of their development plan, local government units shall consider the protected area management plan for Mt. Mayapay Protected Landscape to be prepared by the PAMB;

e. Assist the PAMB in the implementation of the overall park fees, including, but not limited to, the imposition, collection, and utilization of park fees, enforcement of policies, rules and regulations, and other similar park activities;
f. Accredit POS, NGOs, and other entities and groups involved in activities within the protected area; and,
g. Provide the PAMB with relevant information and data for the effective management of the protected area.

SECTION 13. Collaboration among Government, Non-Government Organizations, and People’s Organizations. – For the purpose of attaining the objectives of this Act, all government agencies, NGOs, and POs and their personnel shall continuously foster and develop a strong and true collaboration.

All NGOs and POs and private entities implementing any park conservation, protection, and development program must be accredited by the LGUs and the DENR.

CHAPTER III
ANCESTRAL LAND/DOMAINS AND TENURED MIGRANTS

SECTION 14. Ancestral Lands and Domains. – The rights of the IPs to their ancestral lands and domains shall be recognized subject to existing and prior rights in accordance with the provisions of the Republic Act 8371.

Traditional property regimes exercised by the IPs in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all lands and other resources found within their ancestral lands and domains.

The IPs concerned shall be consulted and enjoined to participate in the planning and implementation of the provisions of this Act.

SECTION 15. Tenured Migrants. – A tenured migrant shall be issued a tenurial instrument and shall be eligible to become stewards of portions of lands within the allowed and designated zones on the areas they have been occupying or cultivating not exceeding the size to be determined by PAMB.

The tenurial instrument shall cover a period of ten (10) years, subject to renewal based on the performance evaluation and compliance of the terms and conditions stipulated in the instrument.

The PAMB shall identify, verify, review all tenurial instruments, land claims, and issuance of permits for resource use within the protected area and recommend the issuance of the appropriate tenurial instrument consistent with the land classification, proper and allowed use of resources found therein, and zoning provided for in the Management Plan.

Tenurial instruments issued prior to the effectivity of this Act shall be respected but the renewal of the same shall be subject to the rules set forth by the PAMB in accordance with the Management Plan.

Farmers who have been cultivating land within the protected area are considered to be occupying such lands and shall be entitled to a tenurial instrument limited to cultivation and residence. Nothing herein shall be construed to mean any diminution of accrued rights earned by tenured migrants.

If tenured migrants occupy areas designated as zones where occupation or certain activities are prohibited under this Act, they shall be transferred to multiple use zones or buffer zones to be accomplished through just and humane means.

The tenurial instruments or the rights and interests arising therefrom shall not be transferred or otherwise conveyed to any person except direct descendants who shall qualify in accordance with the rules and regulations set by the PAMB. The same shall not be sold, leased or used as a security for a loan or any obligation.
In the event of termination of a tenurial instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area consistent with the nature of Mt. Mayapay as a protected area under the category of a protected landscape area.

SECTION 16. Existing Rights. – All prior property and private rights within the protected area already existing and/or vested prior to the effectivity of this Act, shall be protected and respected in accordance with existing laws. Lands subsequently classified as Alienable and Disposable shall be available for titling subject to existing rules and regulations.

Existing built-up Barangays and populated areas within the City of Butuan, and the Municipality of Buenavista, Agusan del Norte, and other existing built-up and populated areas within the MMPL shall be respected and recognized. The same shall be subject to such required processes which the DENR may conduct as a pre-requisite to the reclassification of the said areas into alienable and disposable lands in accordance with existing laws, rules, and regulations. All development and improvement in these areas shall be in accordance with the general Management Plan of MMPL.

Persons who have been cultivating lands with appropriate legal authority within the protected area for at least five (5) years prior to the effectivity of this Act who are primarily dependent thereon for subsistence may be entitled to the issuance of appropriate tenurial instruments subject to such rules and regulations set consistent with the MMPL Management Plan. However, if the lands have been idle for at least five (5) consecutive years, the PAMB shall have the right to assume control and management of the area.

These tenurial instruments or the rights and interests arising therefrom shall not be transferred or otherwise conveyed to any person except qualified direct descendants according to the rules and regulations set by the PAMB. Any sale, lease, or use of the instruments as security for any obligation shall likewise be void.

SECTION 17. Cancellation of Tenurial Instruments. Tenured migrant instruments may be cancelled for:

a. Violation of the terms and conditions specified therein;
b. The repeated refusal for at least two (2) instances of the holder of the tenurial instrument to comply with the Management Plan for the Mt. Mayapay Protected Landscape; or
c. By voluntary surrender of such rights;
d. Conviction by final judgment of any of the prohibited acts as defined of any Prohibited Acts provided for in Chapter IV of this Act.

Upon cancellation of a tenured migrant instrument, the Office of the PASu shall immediately undertake the necessary steps to rehabilitate the area consistent with the provisions of the Management Plan.

CHAPTER IV PROHIBITED ACTS AND PENALTIES

Section 18. Prohibited Acts. - The following shall be the prohibitions and penalties within the MMPL:

(a) A fine of not less than Five Thousand Pesos (P5,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years, or both, at the discretion of the court shall be imposed upon any person who:
(1) Hunts, collects, destroys, traps, disturbs or possesses anywhere within the MMPL any wild plant or animal or product derived therefrom without prior PAMB permit;

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

(3) Cuts, gathers, collects, or removes timber or other forest products;

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

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

(6) Engages in quarrying or the process of extracting, removing, and disposing of quarry resources found on or underneath the MMPL; and

(7) Engages in the extraction, exploration, development, utilization or processing of mineral resource, minerals, or rocks with economic value found on or underneath the MMPL.

(b) A fine of not less than Five Thousand Pesos (P5,000) but not more than Two Hundred Fifty Thousand Pesos (P250,000) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court, and the rehabilitation of the damage resulting from violations shall be imposed upon any person who:

(1) Violates the Management Plan or any resolution issued by the PAMB;

(2) Vandalizes, mutilates, transports, destroys, excavates, or in any manner intentionally damages any natural formation or object of natural beauty inside the protected area, or the burial or religious sites including artifacts and other objects belonging to the ICCs/IPs;

(3) Dumps, burns, or otherwise disposes of any substance deleterious to the ecosystem plants and animals or human inhabitants or committing the same in the buffer and multiple-use areas without appropriate authority or permit;

(4) Uses or possesses a motorized equipment anywhere within the strict protection zone without a prior permit from the PAMB;

(5) Engages in grazing or raising of poultry and other livestock for commercial purposes: Provided, that existing grazing or poultry and other livestock farms shall be phased out within five (5) years after the effectivity of this Act;

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

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

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

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

(10) Enters the MMPL without a prior PAMB permit for purposes of bird watching, swimming, trekking, filming, camping, spelunking, or caving and other similar activities;

(11) Conducts bioprospecting, research work, or any study without prior PAMB permit or in violation of existing guidelines; and engages in treasure hunting.

(c) A fine of not less than One Hundred Thousand Pesos (P100,000.00) but not more than Five Hundred Thousand Pesos (P500,000.00) or imprisonment of not less than six (6) months but not more than six (6) years, or both, at the discretion of the court shall be imposed upon any public officer or law enforcement officer, who, in dereliction of the duties of his office, shall maliciously refrain from instituting proper action for the punishment of violators of the law or shall tolerate the commission of offenses. A conviction of this offense shall also carry the penalty of perpetual disqualification from public office.
(d) In case the species involved in the violations enumerated under Section 17 (1) are protected species, the penalty to be imposed shall not be less than twelve (12) years and one (1) day but not more than twenty (20) years and a fine of not less than Five hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) in addition to the accessory penalties provided in the immediately succeeding paragraph. Furthermore, any citizen may institute the necessary charge against the offender for commission of the acts enumerated under Section 17(1) involving protected species.

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

SECTION 19. Special Prosecutor. Within thirty (30) days from the effectivity of this Act, the Department of Justice shall appoint a Special Prosecutor to whom all cases of violation of laws, rules, and regulations in the protected area shall be assigned. Such Special Prosecutor shall coordinate with the PAMB and the PASu in the performance of his/her duties and assist in the training of wardens and rangers in arrest and criminal procedure. The PAMB shall periodically submit an evaluation of the performance of the designated Special Prosecutor to the Department of Justice.

SECTION 20. Administrative Confiscation and Fine. Administrative proceedings for violation of Section 20 of Republic Act 7586 shall proceed independently and without prejudice to judicial action. The PAMB Executive Committee is hereby empowered to hear administrative proceedings and impose administrative fines ranging from Five Thousand Pesos (P5,000.00) to One Hundred Fifty Thousand Pesos (P150,000.00). Decisions of the PAMB Execom may be appealed within thirty (30) days from the receipt of the decision to the DENR Secretary. Decisions on imposition of fines shall be executed pending appeal.

All conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of the crime, and similar devices shall be subject to immediate administrative confiscation by the Office of the PASu upon apprehension without prejudice to criminal action. Once the proper criminal information is filed in the regular courts, the said conveyances, vessels, equipment, paraphernalia, implements, gear, tools, instruments of the crime, and similar devices shall be in custodia legis but shall continue to be subject to administrative confiscation and may only be released by the trial court to the owner pending trial on a writ of replevin, upon consultation with the PASu and with proper consideration of the pending administrative proceedings and potential forfeiture of the said objects.

Administrative fines collected and the proceeds of the sale on forfeiture of all objects administratively and judicially confiscated or forfeited pursuant hereto shall accrue to the Mt. Mayapay Fund. The procedure for the sale thereof shall be promulgated by the PAMB.

The LGUs responsible for the arrest of violators and confiscation of instruments of the crime may claim a share in the disposition thereof while the rest shall accrue to the PAMB. The sharing scheme for this shall be agreed upon by LGUs and the PAMB.

In the case of criminal conviction, the penalty consisting of fines and damages shall directly accrue to the Mt. Mayapay Fund.

SECTION 21. Special Counsel. The PAMB may retain the services of a competent lawyer who may be deputized by the Secretary of Justice, to assist in the prosecution of cases or defend the members of the PAMB, the PASu and staff or any person assisting in the protection, conservation, and sustainable development of the protected area against any legal
action related to their powers, functions, and representatives as provided in this Act or as delegated or tasked by the PAMB.

CHAPTER V
MT. MAYAPAY PROTECTED AREA FUND

SECTION 22. The Mt. Mayapay Protected Landscape Protected Fund. There is hereby established a trust fund to be known as the Mt. Mayapay Protected Landscape Fund for purposes of financing projects of the System. All income generated from the operation of the system or the management of wild flora and fauna in the MMPL shall accrue to the fund. These incomes shall be derived from, but not limited to, the following:

a. Visitors/ Tourist fees;
b. Registration of structures/facilities;
c. Fees from the use of portions of the protected area and other facilities;
d. Donations and solicitations;
e. Contributions from industries and facilities directly benefiting from the protected area;
f. Such other fees and income derived from the conduct of permitted activities in particular zones of the protected area;
g. Fines, fees, and damages, other than those intended from rehabilitation, collected from violators; and
h. Proceeds from the sale of confiscated goods and materials.

The PAMB shall promulgate guidelines for the Mt. Mayapay Protected Area Fund within one (1) month form the approval of this Act, and determine an equitable sharing scheme with the LGUs concerned for the revenues derived from facilities or activities within the protected area.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign. Provided, that the fund shall be deposited as a special account in the National Treasury and disbursements therefrom shall be made solely for the protection, maintenance, administration, and management of the system and duly approved projects endorsed by the PAMB in accordance with existing accounting and budgeting rules and regulations; Provided, further, that the fund shall not be used to cover personal services expenditures.

The LGUs shall continue to impose and collect all other fees not enumerated herein which they have traditionally collected, such as business permits, property tax and rentals of LGUs facilities. Furthermore, LGUs may impose supplemental charges to the fees imposed by the PAMB; Provided, that such supplemental charges shall be determined based on the contribution of the LGUs in the maintenance and protection of the MMPL.

CHAPTER VI
EXISTING FACILITIES

SECTION 23. Existing Facilities and Environmental Impact Assessment

Compliance within the Protected Area.

Within ninety (90) days from the effectivity of this Act, the appointed PASu shall make an inventory of existing facilities within the boundaries of the MMPL and submit the said inventory to the PAMB through a sworn statement containing the following information:

(a) List of infrastructure, machineries and facilities and their potential disturbances to protected species and their habitat, reproductive cycles, nesting and feeding grounds;
(b) Noise levels of all stages of operation;
(c) Energy requirements and sources of energy;
(d) Volume of resources extracted from the protected area; and,
(e) Future plans for the next five (5) years
The PAMB, with the technical assistance from the DENR, shall determine whether the existence and operation of said infrastructure, machineries and facilities and its future plans and operations would be detrimental to the MMPL.

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

CHAPTER VII
UTILIZATION OF RESOURCES

SECTION 24. Utilization of Non-renewable Resources and Ban on Mining Activities. Any exploration or utilization of non-renewable resources within the protected area shall not be allowed. No mining activities shall be allowed inside the MMPL.

SECTION 25. Utilization of Energy Resources. Any exploration or utilization of non-renewable resources for generation of energy within the protected area shall not be allowed. Energy generation projects utilizing renewable resource such as, but not limited to, hydroelectric, wind or solar generators may be allowed at the discretion of the PAMB.

SECTION 26. Utilization of Other Resources. Livelihood activities requiring the use of resources derived from the MMPL shall be allowed only when it is found to be sustainable and consistent with the Management Plan and only upon prior PAMB approval.

The utilization of non-tangible resources such as, but not limited to, aesthetic value, filming, camping and trekking areas, researches on flora and fauna, and other related activities shall require the approval of the PAMB pursuant to a corresponding permit system to be adopted. The PAMB shall establish a mechanism that would streamline the processing of these permits in order to promote its viability to enhance revenue collection.

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

SECTION 27. Projects of Public Service Utilities. All existing and future development projects of public service utilities involving water services, communication facilities, power and energy generation, public security, health and education services, and other facilities which will promote public welfare, shall be implemented within areas designated/approved by the PAMB and other appropriate government agencies.

CHAPTER VIII
APPROPRIATIONS AND MISCELLANEOUS PROVISIONS

SECTION 28. Appropriations. The Secretary of the DENR shall immediately include in the Department's program the implementation of this Act and the funding of which in the initial amount of Fifty Million Pesos (P50,000,000.00) shall be included in the annual General Appropriations Act.

SECTION. 29. Transitory Provisions. A new PAMB shall be convened and created within three (3) months from the effectivity of this Act. During the same period, the DENR, in coordination with the PAMB, the Committee on Natural Resources of the House of Representatives, the Senate Committee on Environment and Natural Resources, and the concerned Congressional District Representatives shall undertake the preparation of the implementing rules and regulations of this Act.
SECTION 30. Separability Clause. If any part or section of this Act is declared unconstitutional, such declaration shall not affect the other parts or sections hereof.

SECTION 31. Repealing Clause. All laws, proclamations, rules and regulations, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 32. Effectivity Clause. This Act shall take effect fifteen (15) days after it complete publication in the Official Gazette or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved.