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H. No. 12309
S. No. 1237

Republic of the Philippines
Congress of the Philippines
Metro Manila

Eleventh Congress

Third Regular Session



Began and held in Metro Manila, on Monday, the twenty-fourth day
of July, two thousand.

[REPUBLIC ACT NO. 9125]

AN ACT ESTABLISHING THE NORTHERN SIERRA MADRE
MOUNTAIN RANGE WITHIN THE PROVINCE OF
ISABELA AS A PROTECTED AREA AND ITS
PERIPHERAL AREAS AS BUFFER ZONES, PROVIDING
FOR ITS MANAGEMENT AND FOR OTHER PURPOSES

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. *Title.* - This Act shall be known as the "Northern
Sierra Madre Natural Park (NSMNP) Act of 2001."

SEC. 2. *Declaration of Policy.* - Considering the unique
biological and ecological importance of the Northern Sierra Madre

as the widest remaining tropical rainforest in the Island of Luzon; owing to its rich and diverse ecosystems spanning from coral reefs and seagrass beds to mangroves and beach forests, ultramafic forests, forests over limestone, lowland dipterocarps to montane forests; recognizing its status as home to a variety of endemic species of plants and animals such as the rare Philippine Eagle, cloud rat and jade vine, and threatened and endangered species like the pawikan and estuarine crocodile; and because of its aesthetic, historical, cultural and economic importance to the country, it is hereby declared the policy of the State to secure the protection, preservation and rehabilitation of the Northern Sierra Madre Mountain Range within the Province of Isabela, its communities, their culture and their way of life insofar as they are in harmony with nature and do not alter the ecological systems and the magnitude of biological diversity of the area. In so doing, the State shall ensure the protection and conservation of biodiversity of the NSMNP through sustainable and participatory development, to advance and protect the interests of its legitimate inhabitants and honor customary laws in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 and Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997, as well as international conventions to which the Philippines is a signatory.

Sec. 3. Definitions. -

(a) "Biodiversity" shall refer to the variety and variability among all living organisms and the ecological complexes in which they occur.

(b) "Bioprospecting" shall refer to the research, collection and utilization of biological and genetic resources, for purposes of applying the knowledge derived therefrom to make or modify products or processes and their derivatives for scientific, agricultural, industrial and other applications.

(c) "Buffer zone" shall refer to identified areas outside the boundaries of and immediately adjacent to the NSMNP pursuant to Section 5 hereof that need special development control in order to avoid or minimize harm to the protected area.

(d) "By-product" shall refer to any part taken from wild species such as, but not limited to, hides, antlers, feathers, fur, teeth, claws, internal organs, eggs, guano, roots, trunk, branches,

leaves, stems, flowers and any other item produced out of or utilizing wildlife or any of its parts.

(e) "CITES" shall refer to the Convention on International Trade of Endangered Species of wild flora and fauna including all its appendices referring to the lists of species differentially regulated therein.

(f) "Collection" shall refer to the act of gathering, harvesting or catching wildlife, or the taking of any of its parts, derivatives or by-products.

(g) "Commercial" shall refer to market sale in volume or value in excess of that required to maintain a basic subsistence for workers and their dependents.

(h) "Consultation" shall refer to a meeting or dialogue with the concerned or affected individuals, agencies and organizations within and outside the NSMNP designed to identify and resolve issues and problems affecting them in relation to the protection, conservation and sustainable development of the NSMNP.

(i) "DENR" shall refer to the Department of Environment and Natural Resources.

(j) "Derivatives" shall refer to anything extracted from wild species such as, but not limited to, blood, oils, saliva, muske, resin, gum, seeds, spores, pollen and the like.

(k) "Endangered species" shall refer to species or subspecies whose populations are in danger of extinction and whose survival is unlikely if the causal factors continue operating.

(l) "Endemic species" shall refer to species or subspecies which has limited distribution, often within the geographical limits of the State.

(m) "Exotic species" shall refer to species or subspecies which do not naturally occur within the biogeographic region of the NSMNP at present or in historical time.

(n) "Exploration" shall refer to searching or prospecting for mineral resources, as defined by law, by geological, geochemical or geophysical surveys, remote sensing, test pitting, trenching, drilling, shaft sinking, tunneling or any other means for the

purpose of determining the existence, extent, quantity and quality thereof and the feasibility of mining them for profit.

(o) "Exploitation" shall refer to any mode of use, extraction, development, utilization or disposition of resources, for whatever purpose, whether commercial or otherwise.

(p) "Habitat" shall refer to an area inhabited by wildlife in the natural state.

(q) "ICCs/IPs" shall refer to Indigenous Cultural Communities/Indigenous Peoples as defined in the IPRA, specifically the Agtas, Paranan and Kalinga within the NSMNP.

(r) "Indigenous species" shall refer to native Philippine species and/or subspecies with an existing or historical natural occurrence and distribution within the NSMNP and its buffer zones.

(s) "IPRA" shall refer to the Indigenous Peoples Rights Act or Republic Act No. 8371 and its pertinent rules and regulations.

(t) "Kaingin" shall refer to the slash and burn of vegetation to clear land for agricultural purposes.

(u) "Large-scale infrastructure projects" shall refer to major port facilities, major highways, tall edifices, major dams, and the like.

(v) "Multiple-use zone" shall refer to areas where settlement, traditional and/or sustainable land use, including agriculture, agroforestry, extraction activities and other income generating or livelihood activities may be allowed to the extent prescribed in the management plan.

(w) "Natural park" shall refer to a relatively large area not materially altered by human activity where extractive resource use and large-scale infrastructure projects are not allowed in its strict protection zones and maintained to protect outstanding natural and scenic areas of national or international significance for educational, scientific and recreational use.

(x) "NIPAS Act" shall refer to the National Integrated Protected Areas System Act of 1992 or Republic Act No. 7586, and its pertinent rules and regulations.

(y) "Nongovernment organization (NGO)" shall refer to any civic, development, conservation or philanthropic, non-stock, non-profit organization, duly registered, having by-laws, a democratically elected representation and multi-sectoral in character.

(z) "Non-renewable resources" shall refer to those resources within the NSMNP and its buffer zones, the natural replenishment rate of which is not known.

(aa) "PASu" shall refer to the Protected Area Superintendent.

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

(cc) "People's organization (PO)" shall refer to any organized group of people residing within the NSMNP and its buffer zones formed to advance the interests of the sector they represent.

(dd) "Protected area" shall refer to identified portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation, and unless the context otherwise provides, shall refer to the NSMNP.

(ee) "Protected species" shall refer to any plant or animal that is declared 'protected' under Philippine laws, rules and regulations. This shall also include all plants and animals listed under CITES, the Bonn Convention on Migratory Animals, those specified under the red-list categories of the International Union for the Conservation of Nature (IUCN), and those species which may not be considered threatened elsewhere but are in danger of extinction within the NSMNP as determined by the PAMB.

(ff) "Quarrying" shall refer to the process of extracting, removing and disposing quarry resources, as defined by law, found on or underneath the surface of private or public land.

(gg) "Recreation zones" shall refer to areas of high recreational, tourism, educational or environmental awareness values where sustainable eco-tourism, recreational, conservation, education or public awareness activities may be allowed as prescribed in the management plan.

(hh) "Special use zones" shall refer to areas containing existing installations of national significance such as telecommunication facilities, irrigation canals or electric power lines.

(ii) "Sustainable use" shall refer to the use of components of biological diversity in a way and at a rate that does not lead to the decline of the species used and not causing permanent or long-term diminishment or qualitative degradation of biological species, ecological functions or of other resources extracted or disturbed, thereby maintaining its potential to meet the needs and aspirations of the present and future Filipino generations.

(jj) "Strict protection zones" shall refer to areas with high biodiversity value which shall be closed to all human activity except for scientific studies and/or ceremonial or religious use by ICCs/IPs.

(kk) "Tenured migrants" shall refer to individuals and households within the NSMNP who have actually and continuously occupied such areas for five (5) years prior to March 10, 1997 and are substantially dependent therein for subsistence.

(ll) "Traditional" shall refer to using no power machinery resource in extraction process and consistent with historically customary techniques of production.

(mm) "Wildlife" shall refer to wild forms and varieties of flora and fauna, including captive-bred or propagated individuals, parts, derivatives and by-products thereof.

(nn) "Zones" shall refer to the divisions within the NSMNP into levels of protection and permitted use of natural resources such as strict protection zone, sustainable use zone, restoration zone, habitat management zone, multiple-use zone, cultural zone, recreational zone and special use zone, as provided under existing rules and regulations.

SEC. 4. Declaration and Scope. - Pursuant to and in accordance with the NIPAS Act, the Northern Sierra Madre Mountain Range within the Province of Isabela is hereby declared and established as a protected area and part of the National Integrated Protected Areas System under the category of a natural park as defined herein. It shall be referred to as the Northern

Sierra Madre Natural Park (NSMNP) and its boundaries shall be as follows:

Beginning at a point marked 1 on the map which is a point located at the boundary of the provinces of Isabela and Cagayan,

POINT	LONGITUDE	LATITUDE
1	122 - 11'23"	17 - 32'23"
2	122 - 11'15"	17 - 31'16"
3	122 - 10'14"	17 - 29'43"
4	122 - 10'35"	17 - 28'26"
5	122 - 11'22"	17 - 28'44"
6	122 - 12'19"	17 - 28'02"
7	122 - 12'27"	17 - 25'51"
8	122 - 11'37"	17 - 26'21"
9	122 - 10'18"	17 - 26'57"
10	122 - 09'21"	17 - 28'38"
11	122 - 08'58"	17 - 30'32"
12	122 - 07'47"	17 - 32'01"
13	122 - 05'10"	17 - 32'21"
14	122 - 02'21"	17 - 32'21"
15	122 - 59'31"	17 - 32'20"
16	121 - 59'21"	17 - 30'31"
17	121 - 59'39"	17 - 28'41"
18	122 - 00'45"	17 - 26'47"
19	122 - 00'19"	17 - 24'28"
20	121 - 59'55"	17 - 22'27"
21	122 - 00'08"	17 - 20'26"
22	122 - 00'58"	17 - 19'01"
23	122 - 03'16"	17 - 18'13"
24	122 - 02'24"	17 - 16'25"
25	122 - 02'44"	17 - 14'15"
26	122 - 03'06"	17 - 12'39"

by the PAMB. Extractive resource-use within the NSMNP shall not be deemed to include sustainable extraction by indigenous cultural communities or indigenous peoples and tenured migrants.

SEC. 5. *Buffer Zones.* – Buffer zones of not more than one (1) kilometer wide from the boundaries of the NSMNP, except those bordering the Province of Cagayan, are hereby established. The municipal water boundary stretch along the boundary of the protected area is likewise hereby established as a buffer zone.

The buffer zones are established for the purpose of providing an extra layer of protection around the protected area in which restrictions can apply but where sustainable resource management strategies involving local communities and the private sector can assist in repelling threats to the protected area. Such buffer zones shall be managed according to the management plan as herein provided.

ARTICLE II

MANAGEMENT, MANAGEMENT PLAN AND ZONING

SEC. 6. *Management of the NSMNP and its Buffer Zones.*
– The management and administration of the NSMNP and its buffer zones shall be vested with the PAMB, as herein provided. The management of zones to be established within the NSMNP shall be consultative and participatory.

SEC. 7. *Management Plan.* – Within one (1) year from the effectivity of this Act and in accordance with the general management planning strategy as provided for in the NIPAS Act, there shall be a management plan to be prepared by the office of the PASu in coordination with the local communities, ICCs/IPs and experts with socioeconomic, anthropological and ecological experience in the area. It shall contain, among others:

(a) A period of applicability for twenty-five (25) years subject to periodic review every three (3) years;

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

(c) Key management issues such as, but not limited to, issuance of tenurial instruments; issuance, screening and approval of all development and land-use activities within the NSMNP and

its buffer zones; and adequate protection and restoration of endangered species and fragile ecosystems;

(d) Site management strategy including, but not limited to, establishment of clear and simplified guidelines on activities, consistent with the NIPAS Act and this Act, that shall be allowed within the zones;

(e) Major management activities such as, but not limited to, enforcement of laws, habitats and wildlife management, sustainable use management, infrastructure development and maintenance, fire prevention and pest and disease control;

(f) Zoning in accordance with Section 9 hereof;

(g) Mechanisms for the protection of the occupants therein in the exercise of their rights;

(h) Regulations for sustainable, ecologically sound use of non-protected species of flora and fauna and their habitats; harvesting, hunting and trapping with respect to the protection of fragile habitats, wild animal breeding seasons, roosting and feeding sites; and

(i) Sustainable livelihood activities.

The management plan shall be consistent with the nature of the NSMNP as a protected area under the category of a natural park. It shall be reviewed and approved by the PAMB and certified to by the DENR Secretary that it conforms to all laws and rules and regulations issued by the DENR. The management plan shall not be revised nor modified except by prior consultation with the PAMB and in accordance with the procedure herein set forth.

Before the expiration of the initial management plan, there shall be a successor plan to be prepared by the office of the PASu in the same manner as the procedure and principles herein set forth and in accordance with the general management planning strategy as provided in the NIPAS Act. A year before the expiration of the management plan, the PASu shall cause the publication of notices for comments and suggestions on the successor plan in a newspaper of local circulation and the posting of such notices in the provincial, municipal and barangay halls and in three (3) other conspicuous areas frequented by the public. The successor plan

to the management plan shall be made available for public perusal at the office and sub-offices of the PASu and the DENR provincial office.

SEC. 8. *Integration of the Management Plan into Local Government Development Plans.* - Local government units shall participate in the management of the NSMNP and its buffer zones through their representation in the PAMB. To ensure that the future development of the Province of Isabela and Region II takes place in accordance with this Act, the provisions herein shall be incorporated into the barangay, municipal and provincial development plans of Isabela and the regional development plan of Region II as part of the environmental concerns of the province and the region. Local government units shall likewise ensure that their ordinances pertaining to the environment are consistent with this Act and the management plan, as herein provided.

SEC. 9. *Zoning.* - Zones shall be established within the NSMNP and its buffer zones giving primary consideration to the preservation and conservation of all life forms while according respect to the traditional areas used and recognized by ICCs/IPs. Zoning shall also take into account the tenurial and livelihood concerns of other communities and must ensure the efficient protection of habitats, fragile ecosystems and unique areas.

All primary (old growth) forests within the NSMNP, including portions which have been previously declared as alienable and disposable, shall be classified as strict protection zones and shall be free from all forms of logging or exploitation, whether commercial or otherwise. However, portions of primary forests may be classified as sustainable use zones. Strict protection zones shall also be established where necessary for the preservation of biodiversity including, but not limited to, the survival of rare and endangered species.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogue, community-based management approach, and land and resource-use mapping.

Multiple-use zones shall be validated on the ground, demarcated on maps, and monumented in the field with the assistance of communities and agencies concerned.

ARTICLE III

THE PROTECTED AREA MANAGEMENT BOARD

SEC. 10. *The Protected Area Management Board.* - There is hereby created a Protected Area Management Board (PAMB) which shall be the sole policy-making and permit-granting body of the NSMNP and its buffer zones.

In addition to the powers enumerated in the NIPAS Act, the PAMB shall decide by a majority vote and shall have the following powers and functions:

(a) Issue rules and regulations in accordance with the management plan to prohibit and regulate acts that may be prejudicial to the NSMNP and its buffer zones pursuant to the policy declarations herein set forth;

(b) Issue land and resource-use permits and all the necessary permits within the NSMNP and its buffer zones in accordance with the management plan and consistent with the nature of the NSMNP as a natural park. This authority may be delegated by the PAMB to the PASu upon prior determination of the conditions and qualifications necessary for the issuance thereof;

(c) Establish criteria and set fees for the issuance of permits for the activities regulated by this Act or the management plan. The PAMB shall only issue permits taking into consideration ecological and sustainability factors based on the policies provided in Sections 2 and 9 of this Act;

(d) Adopt rules of procedure for the conduct of business, including the creation of committees to which the PAMB's powers may be delegated;

(e) Control and supervise the office of the PASu;

(f) Deputize, through the PASu, individuals for the enforcement of the laws, rules and regulations governing conduct within the NSMNP and its buffer zones, and prescribe the necessary qualifications thereof;

(g) Accept donations, approve proposals for funding, budget allocations and exercise accountability over all funds that may accrue to the NSMNP;

(h) Coordinate with the appropriate agencies of the government; and

(i) Retain legal counsel to defend cases against the PAMB and the office of the PASu whenever they are sued in connection with the performance of their duties under this Act.

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

SEC. 11. *Composition.* - The PAMB shall be composed of:

(a) The RED of the DENR Region II as chairperson;

(b) The provincial environment and natural resources officer (PENRO) of Isabela;

(c) All the mayors of the coastal or eastern municipalities of Maconacon, Divilacan, Palanan and Dinapigue and the western municipalities of San Mariano, Ilagan, Tumauni, Cabagan and San Pablo. Each mayor may appoint a regular duly authorized representative whenever he/she cannot personally attend any of the PAMB meetings;

(d) The provincial planning and development officer of Isabela;

(e) All the chairpersons of the association of barangay captains for the coastal or eastern municipalities of Maconacon, Divilacan and Palanan, except Dinapigue; and one (1) barangay captain to be chosen from among the heads of each barangay within the NSMNP from the western municipalities of San Mariano, Ilagan, Tumauni, Cabagan and San Pablo;

(f) One (1) representative from the sangguniang kabataan to be chosen from among the chairpersons of each of the municipalities within the NSMNP;

(g) Three (3) representatives from NGOs operating within the NSMNP, chosen from among themselves;

(h) Four (4) representatives from POs from within the NSMNP, chosen from among themselves;

(i) Twelve (12) ICC/IP representatives, eight (8) directly from the coastal or eastern municipalities comprised of three (3) ICC/IP representatives from Palanan, two (2) each from Maconacon and Divilacan, and one (1) from Dinapigue; and four (4) from the western municipalities of San Mariano, Ilagan, Tamsuini, Cabagan and San Pablo, chosen directly from among the ICCs/ IPE; and

(j) One (1) representative from the women's sector to be chosen from among the accredited women's organizations.

In addition to actual and necessary travelling and subsistence expenses incurred in the performance of their duties, PAMB members shall be entitled to honorarium and insurance coverage in attending PAMB or other PAMB committee meetings. These expenses shall be included in the budget for the NSMNP.

SEC. 12. *The Executive Committee.* - There shall be an executive committee (Execom) within the PAMB to whom the PAMB may delegate some of its powers and functions. It shall be composed of:

(a) The RED of the DENR Region II as chair, or the RTD-EMPAS as his representative;

(b) One (1) of the NGO representatives as vice chair;

(c) One (1) of the ICC/IP representatives;

(d) One (1) of the PO representatives;

(e) The representative from the women's sector;

(f) One (1) mayor from the eastern municipalities and one (1) mayor from the western municipalities; or their respective representatives; and

(g) One (1) barangay captain from the coastal or eastern municipalities, and the barangay captain representing the western municipalities.

The PAMB may create other committees within the Board.

The PAMB *en banc* shall hold regular meetings at least twice a year. However, the Execom may meet on a more regular basis to discuss regular day-to-day affairs and other matters delegated by the PAMB.

SEC. 13. *Terms of Office.* - Except for government officials who shall serve *ex officio*, each PAMB member shall serve for a term of five (5) years: *Provided*, That he/she remains connected with the sector he/she is supposed to represent. Whenever a vacancy occurs during the term of a member who does not represent the government, a new member shall be chosen in the same manner as the original selection process: *Provided*, That he/she shall only serve for the remaining term.

SEC. 14. *Removal from Office.* - A PAMB member may be removed, for cause and upon majority vote, on the following grounds:

- (a) More than three (3) consecutive unexcused absences in regular PAMB *en banc* meetings;
- (b) Commission of any of the prohibited acts as provided in this Act, the NIPAS Act or other rules and regulations governing protected areas and protected species;
- (c) Graft and corruption; and
- (d) Conviction of any criminal offense.

SEC. 15. *The Office of the PASu.* - There shall be an office of the Protected Area Superintendent (PASu) within the DENR to be headed by the PASu who shall serve as the chief operating DENR officer of the entire NSMNP and its buffer zones. The PASu and his/her staff shall reside within the protected area and establish an office, or if necessary, sub-offices within the NSMNP and its buffer zones in order to implement this Act.

The PASu shall have full responsibility for the protection of land, water, wildlife and other resources within the NSMNP. As such, he shall have the following duties and responsibilities in addition to those provided under existing laws and regulations:

- (a) Prepare the management plan and its successor plans as herein provided;

Act. Any transfer of non-tenured migrants from the NSMNP shall be undertaken using humanitarian considerations.

SEC. 18. *Contracts Involving Lands within the NSMNP and its Buffer Zones.* – Any purchase, sale, encumbrance, mortgage, usufruct, or any form of disposition, alienation or transfer of rights involving lands within the NSMNP shall be restricted solely among tenured migrants and ICCs/IPs; otherwise, it shall be void.

Lease of lands within the NSMNP to persons not otherwise qualified to hold lands may only take place in multiple-use zones, recreation and special use zones: *Provided*, That the use thereof is consistent with Section 2 of this Act and in accordance with the management plan.

ARTICLE V

UTILIZATION OF RESOURCES AND FACILITIES

SEC. 19. *Utilization of Resources.* – Except for protected species or whenever detrimental to the ecosystem, the use of resources derived from the NSMNP by tenured migrants and ICCs/IPs for their domestic needs or for their subsistence shall not be restricted: *Provided, however*, That livelihood activities requiring the use of these resources shall be allowed only when sustainable, consistent with the management plan, and after prior PAMB approval. Only non-timber forest products can be used for livelihood purposes.

The PAMB is authorized to impose regulatory measures such as hunting moratoriums, closed hunting seasons and other restrictions on the use of resources within the NSMNP and its buffer zones to ensure the sustainability of species and ecosystems: *Provided*, That these will not pose a threat to the food security of the ICCs/IPs or other tenured migrants directly dependent therein for their subsistence: *Provided, further*, That these restrictions shall be made upon due consultation with the ICCs/IPs and tenured migrants.

Any exploration, exploitation or utilization of non-renewable resources within the NSMNP for commercial purposes or by non-tenured migrants or non-ICCs/IPs shall not be allowed.

Energy projects within the NSMNP shall be allowed only through an act of Congress except energy from wind, sun, waves and water sources: *Provided*, That in all instances, the primary beneficiaries shall be residents of the NSMNP and its buffer zones: *Provided, further*, That it shall undergo the Environmental Impact Assessment (EIA) system as provided by law and: *Provided, finally*, That the PAMB has endorsed the project.

Commercial exploitation of water resources within the NSMNP shall require prior PAMB approval, must be in accordance with the management plan, and should undergo the EIA system.

SEC. 20. *Existing Facilities within the NSMNP.* - Within ninety (90) days from the effectivity of this Act, all existing commercial facilities within the NSMNP or its buffer zones with a total capitalization in excess of Fifty thousand pesos (P50,000.00) shall submit to the PAMB through the PASu the following information:

- (a) Potential for disturbance of protected species and their habitat, reproductive cycle, nesting and feeding grounds and migratory paths;
- (b) Noise levels at all stages of operation;
- (c) Emissions and effluent at all stages of operation;
- (d) Energy requirements and sources of energy; and
- (e) Requirements of water supply and sources of water.

Based on these submissions, the PAMB with the assistance of the DENR, shall determine whether the existence of such facilities and its future plans and operations will be detrimental to the NSMNP and its buffer zones.

Failure to submit the required information shall constitute a violation of this Act. The PAMB may prescribe further conditions for the operation of the facility to ensure that it does not contradict the management objectives of the NSMNP. If any of such conditions are violated, a fine of Five thousand pesos (P5,000.00) for every day of violation shall be imposed upon the owners of said facility but not to exceed a total of Four hundred fifty thousand pesos (P450,000.00). At anytime whenever necessary, the PAMB

through the PASu or other government entities shall cause the cessation and demolition of the facility at the cost of its owners.

Existing facilities allowed to remain within the NSMNP or its buffer zones shall be charged a fee by the PAMB, which shall not be more than two percent (2%) of the annual gross income of the facility.

ARTICLE VI

PROHIBITED ACTS AND PENALTIES

SEC. 21. *Prohibited Acts.* - The following acts shall be prohibited within the NSMNP and its buffer zones, in addition to the prohibited acts as provided in the NIPAS Act and its pertinent rules and regulations:

(1) Hunting, collecting, catching, capture, wounding, killing, destroying or possessing anywhere within the NSMNP or its buffer zones any protected species of plant or animal or their by-products or derivatives without prior PAMB approval;

(2) Hunting, collecting, catching, capture, wounding, killing or destroying anywhere within the NSMNP or its buffer zones any other species of plant or animal or their by-products or derivatives the trade of which is regulated by the PAMB, without prior PAMB approval;

(3) Bioprospecting without obtaining prior PAMB approval and the prior and informed consent of ICCs/IPs in accordance with existing guidelines;

(4) Transporting within or outside the NSMNP or its buffer zones any protected species of plant or animal or their by-products or derivatives from the NSMNP and its buffer zones without the necessary transport permit from the PAMB;

(5) The deliberate disturbance of protected species or their habitats, reproductive cycle, roosting and feeding grounds, and migratory paths;

(6) Cutting, gathering, collecting or removal of timber or other forest products without prior PAMB permit: *Provided*, That any permit issued shall be valid for only one (1) year at a time and

given only to: (i) tenured migrants within sustainable, monitored and controlled quotas, and (ii) for scientific purposes necessary for protected area management in accordance with existing guidelines;

(7) Establishment or introduction of exotic species within the NSMNP with allelopathic effect or those detrimental to endemic species, or without prior PAMB approval;

(8) Exploration, exploitation or extraction, drilling or prospecting for minerals or resources, or engages in quarrying within the NSMNP or its buffer zones;

(9) Destroying, excavating, vandalizing or in any manner damaging any natural formation on land or sea, burial or religious/spiritual sites, artifacts, objects belonging to ICCs/IPs and other objects of natural and scenic value;

(10) Possession or use of blasting caps, explosives or cyanide anywhere within the NSMNP or its buffer zones;

(11) Possession or use of chainsaws and band saws without a prior permit from the PAMB: *Provided*, That permits may only be issued for multiple-use and buffer zones;

(12) Use of motorized equipment anywhere within the strict protection zone of the NSMNP without a prior permit from the PAMB;

(13) Construction or maintains any kind of road, edifice, facility or any infrastructure project within the NSMNP without a prior permit from the PAMB: *Provided*, That no PAMB permit can be issued unless;

(i) the PAMB has been fully informed of the project or undertaking and its environmental consequences through consultative process;

(ii) all other legal requirements have been complied with; and

(iii) the project is consistent with the nature of the NSMNP as a protected area natural park.

(14) Occupation of any portion of land inside the NSMNP without a permit from the PAMB. Clearing, construction of

residence or any introduction of improvements shall constitute *prima facie* evidence of occupation or settlement;

(15) Alteration, removal, destruction of boundary marks or signs;

(16) Engaging in kaingin or in any manner causing a forest fire inside the NSMNP or its buffer zones;

(17) Fishing anywhere within the NSMNP without prior permit from the PAMB;

(18) Fishing within the NSMNP using spear and submerged underwater breathing apparatus, trawling equipment or gillnets of more than one hundred meters (100 m.) in total length or any other equipment prohibited under Republic Act No. 8550 or the Fisheries Code of 1998;

(19) Destruction or in any manner damaging coral reefs except in cases of emergency;

(20) Introduction, disposal, dumping or causing to be dumped into the NSMNP or its buffer zones any waste material, including but not limited to, non-biodegradable, toxic, nuclear, hazardous and other prohibited substances; and

(21) Violation of any rules and regulations provided in the management plan or any resolution reached by the PAMB in the exercise of its adjudicative functions.

SEC. 22. *Penalties.* - (a) For any violation of the provisions of Section 21 hereof, a fine of not less than Five thousand pesos (P5,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years shall be imposed.

(b) Any provision to the contrary notwithstanding, commission of any unlawful act as provided under Section 22(a) herein shall carry the penalty of imprisonment of six (6) years and one (1) day to twelve (12) years, and a minimum fine of One million pesos (P1,000,000.00) in case the species involved is listed under CITES Appendix I, Seven hundred fifty thousand pesos (P750,000.00) for species listed under CITES Appendix II, and Five hundred thousand pesos (P500,000.00) for all threatened

species, in addition to the accessory penalties provided in the immediately succeeding paragraph.

(c) Commission of any of the foregoing acts shall likewise carry the accessory penalties of eviction from the NSMNP or its buffer zones, payment of damages for rehabilitation and restoration, and the forfeiture of all equipment, devices, weapons or any other instrument or tool used in the commission of the offense. Any resource found in the possession of the offender shall also be forfeited. Pending the outcome of the case, any resource confiscated shall be immediately turned over to the PAMB for proper disposal and the proceeds thereof deposited in a trust fund. However, in no case shall any confiscated or rescued protected animal species be sold or in any manner disposed of but shall be immediately turned over to the PASu office for release in its natural habitat. Valuation of the damage to the NSMNP and its buffer zones shall take into account biodiversity and conservation considerations as well as aesthetic, socioeconomic values, and rehabilitation and restoration costs. Failure to comply with this provision shall constitute an offense under this subsection.

(d) A fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00) and/or imprisonment of not less than one (1) year but not more than six (6) years shall be imposed upon any public officer or officer of the law who shall unjustifiably refuse or refrain from instituting prosecution or shall tolerate the commission of the abovementioned offenses. Conviction of this offense shall carry the accessory penalty of perpetual disqualification from public office.

(e) A fine of not less than One hundred pesos (P100.00) but not more than One thousand pesos (P1,000.00), or community service from one (1) day to one (1) week, or both, shall be imposed on anyone who enters into the strict protection zone of the NSMNP without prior PAMB permit.

SEC. 23. *Exemptions.* – Members of ICCs/IPs who commit any of the abovementioned acts in the exercise of their customary laws, traditional rights, and traditional cultural spiritual practices without having been adequately informed of restricting rules and regulations for the NSMNP by the PAMB shall be exempt.

Except for protected species, the certified customs and traditional practices of ICCs/IPs when sustainable and carried

out with traditional tools and equipment are also allowable activities over which the above prohibitions shall not apply.

All activities contained in the management plan and such other measures as are necessary for protection, preservation and protected area management as certified by the PAMB and the DENR Secretary and those undertaken by the PASu or those deputized by the PAMB shall likewise be exempt.

SEC. 24. *Special Prosecutor.* - Within thirty (30) days from the effectivity of this Act, the Department of Justice (DOJ) shall designate a special prosecutor to whom all cases of violation of protected area laws, rules and regulations within the NSMNP and its buffer zones shall be assigned. The 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 may appoint a private prosecutor on a case-to-case basis to assist the public prosecutor in the enforcement of protected area laws.

ARTICLE VII

PROCEEDS, FEES AND APPROPRIATIONS

SEC. 25. *Integrated Protected Areas Fund (IPAF).* - There is hereby established a trust fund to be known as the Integrated Protected Areas Fund (IPAF) for purposes of financing projects of the system. All incomes generated from the operation of the system or management of wild flora and fauna in the NSMNP shall accrue to the fund. These income shall be derived from fees from permitted sale and export of flora and fauna and other resources from the protected area and its buffer zones other than protected species as may be set by the DENR and the PAMB, proceeds from lease of multiple-use areas, contributions from industries and facilities directly benefiting from the protected area and such other fees and incomes derived from the operation of the protected area.

The fund may be augmented by grants, donations, endowment from various sources, domestic or foreign for purposes related to their functions: *Provided*, That the fund shall be deposited as a special account in the national treasury and