

REPUBLIC OF THE PHILIPPINES }
CONGRESS OF THE PHILIPPINES }
 Third Regular Session

H. No. 12880
S. No. 2248

REPUBLIC ACT NO. 9154

AN ACT ESTABLISHING MT. KANLA-ON LOCATED IN THE CITIES OF BAGO, LA CARLOTA, AND SAN CARLOS AND IN THE MUNICIPALITIES OF LA CASTELLANA AND MURCIA, ALL IN THE PROVINCE OF NEGROS OCCIDENTAL, AND IN THE CITY OF CANLAON AND MUNICIPALITY OF VALLEHERMOSO, BOTH IN THE PROVINCE OF NEGROS ORIENTAL, AS A PROTECTED AREA AND A PERIPHERAL AREA AS BUFFER ZONE PROVIDING FOR ITS MANAGEMENT, AND FOR OTHER PURPOSES

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

ARTICLE I

TITLE, POLICIES AND OBJECTIVES

SECTION 1. *Title.* – This Act shall be known as the Mt. Kanla-on Natural Park (MKNP) Act of 2001.

SEC. 2. *Statement of Policy.* – Considering the diversity of Mt. Kanla-on's biological resources and its aesthetic, socio-cultural, economic and ecological importance to the Island of Negros, it is hereby declared the policy of the State to ensure its protection and conservation including its communities of people and their culture and way of life insofar as they are in harmony with nature. The protection and conservation of MKNP shall be pursued through sustainable and participatory development, advancing and protecting the interests of its legitimate inhabitants, and honoring customary laws in accordance with Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992, Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997, and international conventions to which the Philippines is a signatory.

SEC. 3. *Definition of Terms.* – The following terms are hereby defined for purposes of this Act:

(a) "Bioprospecting" shall refer to the research, collection, and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom for scientific and/or commercial purposes.

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

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

(d) "Exotic Species" shall refer to species or subspecies that do not naturally occur within the biogeographic region of the MKNP at present or in historical time.

(e) "Indigenous Cultural Communities/Indigenous Peoples (ICCs/IPs)" shall refer to the indigenous peoples as defined in the IPRA, specifically, the Atis and Bukidnons of the MKNP.

(f) "Natural Park" is a relatively large area not materially altered by human activity, where extractive resource uses are not allowed, and maintained to protect outstanding natural and scenic areas of national or international significance for scientific, educational, and recreational use.

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

(h) "Non-Renewable Resources" shall refer to those resources found within the MKNP, the natural replenishment rate of which is not known.

(i) "PAMB" shall refer to the Protected Area Management Board, as provided herein.

(j) "PASu" shall refer to the Protected Area Superintendent, as provided herein.

(k) "People's Organization (PO)" shall refer to any group of people formed to advance the interests of the sector they represent.

(l) "Protected Species" shall refer to any plant or animal declared protected under Philippine laws. These shall include all species listed under the Convention of International Trade of Endangered Species (CITES) and all its Annexes, the Bonn Convention on Migratory Animals, those specified under the red-list categories of the International Union for the Conservation of Nature (IUCN), or any plant or animal which the PAMB may deem necessary for conservation and preservation in the MKNP.

(m) "Tenured Migrant" shall refer to any person who has actually and continuously occupied an area for five (5) years prior to its designation as part of a protected area and is solely dependent on that area for subsistence.

SEC. 4. *Declaration and Scope.* – Pursuant to and in accordance with the NIPAS Act, Mt. Kanla-on in the Island of Negros is hereby declared and established as a protected area under the category of a natural park.

The boundaries of the Mt. Kanla-on Natural Park are hereby described as follows:

Beginning at a point marked "1" on the map which is marked on plan N.P. or P.B.M. No. 4 between Negros Occidental and Negros Oriental under Pontevedra Cadastre No. 60, B.L. Case No. 2 of Negros Oriental;

Thence, S 61° 40' W	277.22 m to point 2;
Thence, S 61° 40' W	2,199.89 m to point 3;
Thence, N 19° 37' E	49.42 m to point 4;

Thence, N 09° 02' E	84.76 m to point 5;
Thence, N 20° 15' E	194.68 m to point 6;
Thence, N 17° 00' E	67.10 m to point 7;
Thence, N 24° 16' E	141.43 m to point 8;
Thence, N 01° 45' W	144.13 m to point 9;
Thence, N 33° 32' E	63.25 m to point 10, an old corner;
Thence, N 74° 15' E	102.25 m to point 11;
Thence, N 08° 16' E	147.10 m to point 12;
Thence, N 74° 16' E	157.88 m to point 13;
Thence, N 17° 04' E	112.39 m to point 14;
Thence, S 68° 37' E	45.40 m to point 15;
Thence, N 31° 51' E	283.07 m to point 16;
Thence, N 35° 52' E	133.47 m to point 17;
Thence, N 53° 28' E	60.50 m to point 18;
Thence, N 20° 46' E	231.62 m to point 19;
Thence, N 27° 51' E	134.43 m to point 20;
Thence, N 23° 18' E	93.26 m to point 21;
Thence, N 34° 12' E	205.86 m to point 22;
Thence, N 07° 37' W	50.05 m to point 23;
Thence, N 02° 57' E	231.63 m to point 24;
Thence, N 84° 47' E	144.74 m to point 25;
Thence, N 04° 29' E	177.03 m to point 26;
Thence, N 50° 59' E	52.86 m to point 27;
Thence, S 01° 37' W	193.01 m to point 28;
Thence, S 26° 57' W	116.23 m to point 29;
Thence, S 10° 17' W	96.45 m to point 30;

Thence, S 89° 12' E	110.45 m to point 31;
Thence, N 76° 12' E	90.83 m to point 32, an old corner;
Thence, N 87° 15' E	40.76 m to point 33, an old corner;
Thence, S 35° 56' E	28.39 m to point 34;
Thence, N 00° 02' E	77.39 m to point 35;
Thence, N 22° 17' W	456.63 m to point 36;
Thence, N 83° 24' W	37.01 m to point 37;
Thence, S 66° 45' W	80.83 m to point 38;
Thence, S 55° 18' W	276.92 m to point 39;
Thence, S 48° 43' W	70.25 m to point 40;
Thence, S 76° 13' W	393.06 m to point 41;
Thence, N 69° 12' W	101.39 m to point 42;
Thence, S 26° 49' W	224.42 m to point 43;
Thence, S 65° 17' W	129.26 m to point 44;
Thence, N 82° 49' W	127.98 m to point 45;
Thence, S 03° 11' E	311.03 m to point 46;
Thence, S 40° 02' W	93.85 m to point 47;
Thence, S 61° 24' W	351.83 m to point 48;
Thence, S 35° 58' W	240.39 m to point 49;
Thence, S 18° 24' W	154.32 m to point 50;
Thence, S 45° 06' W	37.47 m to point 51, an old corner;
Thence, N 85° 12' W	34.27 m to point 52, an old corner;
Thence, N 65° 50' W	45.67 m to point 53, P.L.S./B.L. on a rock;

Thence, N 46° 39' W	1,513.80 m to point 54;
Thence, N 20° 08' W	466.66 m to point 55;
Thence, S 58° 21' W	328.30 m to point 56;
Thence, N 49° 44' W	646.11 m to point 57, P.L.S./B.L. on a rock;
Thence, N 41° 34' E	167.92 m to point 58;
Thence, N 18° 58' E	131.50 m to point 59;
Thence, N 09° 04' W	85.69 m to point 60;
Thence, N 54° 15' E	164.47 m to point 61;
Thence, N 61° 56' W	161.18 m to point 62, P.L.S./B.L.;
Thence, N 35° 16' E	556.61 m to point 63, P.L.S./B.L.;
Thence, S 84° 33' W	141.22 m to point 64, P.L.S./B.L.;
Thence, S 58° 26' W	388.04 m to point 65;
Thence, N 67° 46' W	42.33 m to point 66;
Thence, N 09° 35' E	49.11 m to point 67;
Thence, N 00° 30' W	49.72 m to point 68;
Thence, N 35° 07' E	56.31 m to point 69;
Thence, N 22° 11' E	199.35 m to point 70;
Thence, N 02° 09' E	65.80 m to point 71;
Thence, N 31° 51' E	95.29 m to point 72;
Thence, N 00° 58' W	36.28 m to point 73;
Thence, N 59° 17' W	412.90 m to point 74;
Thence, N 82° 46' W	216.49 m to point 75;
Thence, N 18° 49' E	121.00 m to point 76;
Thence, N 86° 30' W	46.96 m to point 77;

Thence, S 59° 01' W	251.07 m to point 78, intersection;
Thence, S 40° 00' W	102.02 m to point 79;
Thence, S 50° 00' W	142.03 m to point 80;
Thence, S 63° 18' W	156.21 m to point 81;
Thence, S 79° 10' W	47.06 m to point 82;
Thence, S 54° 02' W	165.97 m to point 83;
Thence, S 09° 27' W	83.97 m to point 84;
Thence, S 14° 28' W	215.62 m to point 85;
Thence, S 03° 34' E	353.99 m to point 86;
Thence, S 52° 01' W	280.62 m to point 87;
Thence, S 26° 26' W	194.94 m to point 88;
Thence, S 14° 09' W	38.04 m to point 89;
Thence, N 13° 52' W	35.36 m to point 90;
Thence, N 17° 37' E	430.38 m to point 91;
Thence, N 05° 28' E	323.85 m to point 92;
Thence, N 18° 56' W	75.56 m to point 93;
Thence, N 03° 41' E	133.04 m to point 94;
Thence, N 47° 08' E	361.26 m to point 95, B.L. on a concrete monument;
Thence, N 31° 03' W	6.69 m to point 96;
Thence, S 78° 39' W	335.40 m to point 97, B.L. on a concrete monument;
Thence, S 24° 54' W	288.30 m to point 98;
Thence, S 41° 23' W	655.76 m to point 99, a monument;
Thence, S 42° 55' W	161.60 m to point 100;
Thence, N 67° 40' W	178.90 m to point 101;

Thence, S 82° 04' W	84.26 m to point 102;
Thence, N 30° 12' W	21.27 m to point 103;
Thence, N 47° 23' E	99.14 m to point 104;
Thence, N 81° 03' W	610.92 m to point 105, P.L.S./B.L. on a rock;
Thence, N 18° 01' E	290.52 m to point 106, P.L.S./B.L. on a rock;
Thence, N 60° 39' E	1,066.10 m to point 107, a monument;
Thence, S 69° 40' E	369.00 m to point 108, P.L.S./B.L.;
Thence, N 48° 52' E	480.61 m to point 109, a monument;
Thence, N 67° 52' W	371.08 m to point 110, a monument;
Thence, N 58° 06' E	89.57 m to point 111, P.L.S./B.L.;
Thence, S 72° 25' W	781.45 m to point 112;
Thence, N 29° 39' W	832.51 m to point 113;
Thence, N 64° 57' W	440.33 m to point 114, a monument;
Thence, N 14° 53' W	529.75 m to point 115, a monument;
Thence, S 43° 33' W	274.46 m to point 116;
Thence, N 85° 57' W	596.27 m to point 117, a monument;
Thence, N 79° 10' W	39.72 m to point 118;
Thence, N 45° 44' W	106.41 m to point 119, a monument;
Thence, N 06° 22' W	17.95 m to point 120;

Thence, S 83° 53' W	629.50 m to point 121;
Thence, S 82° 52' W	178.78 m to point 122, M.B.M. #12;
Thence, S 71° 45' W	276.41 m to point 123;
Thence, N 72° 33' W	157.83 m to point 124;
Thence, N 50° 31' E	177.10 m to point 125, P.L.S./B.L.;
Thence, S 87° 59' E	275.20 m to point 126;
Thence, N 28° 05' E	321.56 m to point 127, P.L.S./B.L.;
Thence, N 53° 46' E	412.63 m to point 128;
Thence, N 61° 22' E	360.08 m to point 129, P.L.S./B.L. on a rock;
Thence, S 74° 14' E	435.24 m to point 130;
Thence, N 54° 21' E	407.58 m to point 131;
Thence, N 86° 40' W	494.60 m to point 132, P.L.S./B.L.;
Thence, S 60° 00' W	295.94 m to point 133, P.L.S./B.L. on a rock;
Thence, N 16° 20' W	328.07 m to point 134;
Thence, N 16° 20' W	347.45 m to point 135, P.L.S./B.L.;
Thence, N 58° 17' E	463.52 m to point 136;
Thence, N 41° 33' E	277.58 m to point 137;
Thence, N 15° 03' E	383.90 m to point 138, P.L.S./B.L.;
Thence, N 89° 26' W	341.78 m to point 139;
Thence, N 76° 17' W	218.04 m to point 140, P.L.S./B.L.;

Thence, N 88° 04' W	154.69 m to point 141, P.L.S./B.L.;
Thence, S 47° 18' W	222.00 m to point 142, P.L.S./B.L. on a rock;
Thence, S 15° 35' W	122.42 m to point 143, P.L.S./B.L.;
Thence, N 29° 33' W	1,059.37 m to point 144;
Thence, N 17° 48' W	39.99 m to point 145, South of Najalin River;
Thence, N 00° 43' W	82.18 m to point 146;
Thence, N 61° 17' E	159.24 m to point 147;
Thence, S 71° 05' E	171.91 m to point 148;
Thence, N 81° 58' E	179.76 m to point 149;
Thence, N 54° 14' E	33.76 m to point 150;
Thence, N 52° 34' E	267.29 m to point 151;
Thence, N 65° 26' E	294.80 m to point 152;
Thence, S 75° 55' E	290.31 m to point 153;
Thence, S 29° 06' E	75.65 m to point 154;
Thence, N 88° 26' E	172.74 m to point 155;
Thence, N 12° 59' W	381.95 m to point 156;
Thence, N 11° 40' W	59.33 m to point 157;
Thence, N 44° 41' E	5.19 m to point 158;
Thence, S 83° 12' E	36.24 m to point 159;
Thence, N 62° 30' E	105.59 m to point 160;
Thence, N 62° 07' E	49.17 m to point 161;
Thence, N 80° 35' E	21.51 m to point 162;
Thence, N 88° 20' E	82.34 m to point 163;
Thence, N 79° 35' E	19.78 m to point 164;

Thence, N 03° 45' E	9.32 m to point 165;
Thence, N 06° 24' E	129.80 m to point 166;
Thence, N 21° 24' W	39.08 m to point 167;
Thence, N 42° 02' W	487.60 m to point 168;
Thence, N 65° 20' E	172.12 m to point 169;
Thence, N 39° 33' E	24.97 m to point 170;
Thence, N 87° 50' E	16.61 m to point 171, P.L.S./B.L.;
Thence, N 30° 24' E	383.11 m to point 172;
Thence, S 63° 17' W	156.97 m to point 173, P.L.S./B.L.;
Thence, N 41° 11' W	422.41 m to point 174;
Thence, N 11° 40' W	128.84 m to point 175;
Thence, S 85° 40' W	215.22 m to point 176, P.L.S./B.L.;
Thence, N 27° 46' E	177.88 m to point 177, P.L.S./B.L.;
Thence, N 67° 26' W	110.96 m to point 178;
Thence, N 40° 20' E	274.86 m to point 179;
Thence, N 45° 23' E	59.65 m to point 180;
Thence, S 49° 25' E	67.93 m to point 181;
Thence, N 62° 08' E	78.54 m to point 182, a rock;
Thence, S 70° 32' E	30.30 m to point 183, P.L.S./B.L.;
Thence, S 50° 31' E	112.83 m to point 184;
Thence, S 82° 32' E	102.49 m to point 185, P.L.S./B.L.;

Thence, S 60° 48' E	97.35 m to point 186, a rock;
Thence, N 45° 43' E	179.43 m to point 187;
Thence, N 81° 36' E	67.21 m to point 188;
Thence, N 72° 50' E	212.30 m to point 189, a rock;
Thence, S 03° 43' W	11.57 m to point 190;
Thence, S 43° 36' E	142.76 m to point 191, P.L.S./B.L.;
Thence, S 76° 00' E	409.15 m to point 192, P.L.S./B.L.;
Thence, S 85° 19' E	661.85 m to point 193;
Thence, S 85° 19' E	95.00 m to point 194;
Thence, S 81° 24' E	312.72 m to point 195, P.L.S./B.L.;
Thence, N 06° 18' E	179.93 m to point 196, P.L.S./B.L.;
Thence, N 38° 19' W	482.93 m to point 197;
Thence, S 21° 42' E	387.25 m to point 198;
Thence, N 82° 54' W	706.42 m to point 199;
Thence, N 27° 19' E	320.54 m to point 200;
Thence, N 27° 19' E	220.00 m to point 201;
Thence, N 63° 16' W	211.33 m to point 202;
Thence, N 41° 29' W	31.17 m to point 203;
Thence, N 53° 14' E	298.28 m to point 204;
Thence, N 62° 03' E	424.43 m to point 205;
Thence, N 05° 12' E	572.38 m to point 206;
Thence, N 10° 17' E	42.99 m to point 207;

Thence, N 22° 25' E	373.82 m to point 208;
Thence, N 75° 47' E	244.19 m to point 209;
Thence, N 18° 33' E	38.03 m to point 210;
Thence, N 56° 48' W	459.05 m to point 211;
Thence, N 44° 55' W	76.51 m to point 212;
Thence, N 13° 12' W	107.36 m to point 213;
Thence, N 43° 30' E	143.37 m to point 214;
Thence, N 76° 53' E	14.59 m to point 215;
Thence, N 66° 29' E	783.04 m to point 216;
Thence, S 71° 26' 59" E	888.69 m to point 217;
Thence, N 18° 30' 00.110" W	579.07 m to point 218;
Thence, N 87° 28' 58" E	410.05 m to point 219;
Thence, N 27° 37' 59" E	1,051.62 m to point 220;
Thence, S 60° 16' 01" E	673.44 m to point 221;
Thence, N 29° 08' 59" E	751.54 m to point 222;
Thence, N 60° 51' 01" W	599.55 m to point 223;
Thence, S 57° 18' 06" W	878.88 m to point 224;
Thence, N 21° 23' 0" E	53.15 m to point 225;
Thence, N 26° 49' W	53.32 m to point 226;
Thence, N 81° 56' W	141.88 m to point 227;
Thence, S 82° 20' W	65.65 m to point 228;
Thence, S 80° 48' W	32.98 m to point 229;
Thence, N 68° 01' W	74.48 m to point 230;
Thence, N 48° 39' W	99.47 m to point 231;
Thence, N 40° 53' W	97.88 m to point 232;
Thence, N 73° 54' W	52.72 m to point 233;

Thence, N 16° 54' W	18.04 m to point 234;
Thence, N 06° 09' W	79.11 m to point 235;
Thence, N 25° 21' W	71.92 m to point 236;
Thence, N 29° 51' W	36.05 m to point 237;
Thence, N 60° 19' W	61.60 m to point 238;
Thence, N 46° 26' W	23.38 m to point 239;
Thence, N 56° 47' W	41.81 m to point 240;
Thence, N 63° 56' W	26.84 m to point 241;
Thence, N 35° 46' W	74.34 m to point 242;
Thence, N 62° 52' W	45.00 m to point 243;
Thence, N 57° 13' W	20.00 m to point 244;
Thence, S 12° 12' W	10.31 m to point 245;
Thence, S 37° 45' W	49.22 m to point 246;
Thence, S 13° 57' W	57.94 m to point 247;
Thence, S 04° 11' E	37.95 m to point 248;
Thence, N 22° 48' W	64.32 m to point 249;
Thence, N 16° 53' W	76.16 m to point 250;
Thence, N 07° 27' W	89.53 m to point 251;
Thence, S 52° 25' W	574.10 m to point 252;
Thence, N 40° 26' W	160.62 m to point 253;
Thence, N 36° 17' E	535.68 m to point 254;
Thence, S 72° 00' W	83.32 m to point 255;
Thence, N 44° 09' W	52.90 m to point 256;
Thence, S 71° 01' W	113.26 m to point 257;
Thence, N 22° 09' W	75.72 m to point 258;
Thence, N 37° 17' W	142.28 m to point 259;

Thence, S 82° 53' W	90.96 m to point 260;
Thence, N 36° 36' W	83.41 m to point 261;
Thence, N 74° 12' W	128.09 m to point 262;
Thence, N 23° 21' W	76.11 m to point 263;
Thence, N 64° 59' W	70.85 m to point 264;
Thence, N 31° 22' W	128.03 m to point 265;
Thence, N 05° 04' W	27.98 m to point 266;
Thence, N 31° 40' W	163.02 m to point 267;
Thence, N 51° 42' W	62.55 m to point 268;
Thence, N 40° 55' W	136.12 m to point 269;
Thence, N 25° 24' E	16.42 m to point 270;
Thence, N 80° 15' W	53.15 m to point 271;
Thence, S 81° 14' W	120.87 m to point 272;
Thence, N 40° 40' W	44.24 m to point 273;
Thence, N 59° 40' W	75.62 m to point 274;
Thence, S 67° 47' W	24.40 m to point 275;
Thence, N 82° 44' W	50.73 m to point 276;
Thence, N 26° 30' W	45.71 m to point 277;
Thence, N 68° 13' W	54.28 m to point 278;
Thence, S 46° 36' W	61.98 m to point 279;
Thence, S 55° 44' W	40.58 m to point 280;
Thence, S 88° 22' W	52.72 m to point 281;
Thence, N 46° 45' W	89.71 m to point 282;
Thence, S 49° 14' W	90.10 m to point 283;
Thence, N 57° 07' W	68.15 m to point 284;
Thence, S 52° 18' W	18.54 m to point 285;

Thence, S 34° 02' W	54.45 m to point 286;
Thence, S 79° 08' W	62.01 m to point 287;
Thence, N 85° 30' W	157.04 m to point 288;
Thence, N 54° 33' W	98.18 m to point 289;
Thence, S 45° 33' W	40.41 m to point 290;
Thence, S 71° 20' W	44.20 m to point 291;
Thence, N 80° 44' W	55.92 m to point 292;
Thence, N 18° 10' E	77.89 m to point 293;
Thence, N 49° 00' E	52.52 m to point 294;
Thence, N 23° 00' E	41.06 m to point 295;
Thence, N 01° 47' W	28.83 m to point 296;
Thence, N 27° 26' W	56.84 m to point 297;
Thence, N 49° 31' W	40.40 m to point 298;
Thence, N 05° 09' W	65.10 m to point 299;
Thence, N 43° 07' W	65.22 m to point 300;
Thence, N 33° 15' W	56.52 m to point 301;
Thence, N 25° 55' W	41.54 m to point 302;
Thence, S 48° 23' W	79.17 m to point 303;
Thence, S 89° 38' W	38.18 m to point 304;
Thence, N 22° 14' W	24.89 m to point 305;
Thence, N 60° 37' E	185.48 m to point 306;
Thence, S 86° 40' E	358.03 m to point 307;
Thence, N 76° 47' E	1,062.80 m to point 308;
Thence, S 63° 25' E	1,492.83 m to point 309;
Thence, N 11° 41' E	305.44 m to point 310;
Thence, S 34° 24' E	33.24 m to point 311;

Thence, S 55° 32' E	84.54 m to point 312;
Thence, S 16° 04' E	40.37 m to point 313;
Thence, S 46° 29' E	81.81 m to point 314;
Thence, S 60° 04' E	92.76 m to point 315;
Thence, S 06° 07' E	71.84 m to point 316;
Thence, S 07° 14' E	131.42 m to point 317;
Thence, S 49° 55' W	56.84 m to point 318;
Thence, S 17° 42' E	88.09 m to point 319;
Thence, S 34° 29' E	123.84 m to point 320;
Thence, S 64° 05' E	187.32 m to point 321;
Thence, N 75° 49' E	221.64 m to point 322;
Thence, S 75° 58' E	29.06 m to point 323;
Thence, S 75° 56' E	75.00 m to point 324;
Thence, S 73° 52' E	99.94 m to point 325;
Thence, S 14° 24' E	82.34 m to point 326;
Thence, S 25° 22' E	68.65 m to point 327;
Thence, S 23° 08' W	45.12 m to point 328;
Thence, S 53° 05' E	75.14 m to point 329;
Thence, S 69° 55' E	89.86 m to point 330;
Thence, S 84° 41' E	152.13 m to point 331;
Thence, S 40° 39' W	206.90 m to point 332;
Thence, N 59° 26' E	224.48 m to point 333;
Thence, N 54° 24' W	110.65 m to point 334;
Thence, N 29° 59' W	168.88 m to point 335;
Thence, N 57° 51' E	40.38 m to point 336;
Thence, N 13° 41' E	33.15 m to point 337;

Thence, N 01° 00' W	26.52 m to point 338;
Thence, N 15° 03' W	16.53 m to point 339;
Thence, N 24° 58' W	10.85 m to point 340;
Thence, N 24° 58' W	10.00 m to point 341;
Thence, N 02° 11' W	47.81 m to point 342;
Thence, N 12° 05' W	36.03 m to point 343;
Thence, N 42° 43' W	42.37 m to point 344;
Thence, N 28° 14' W	45.13 m to point 345;
Thence, N 50° 27' W	46.14 m to point 346;
Thence, N 18° 34' W	27.99 m to point 347;
Thence, N 23° 02' W	23.82 m to point 348;
Thence, N 52° 36' W	17.74 m to point 349;
Thence, N 72° 55' W	27.78 m to point 350;
Thence, N 36° 17' W	30.16 m to point 351;
Thence, N 55° 14' W	62.33 m to point 352;
Thence, N 15° 29' W	25.00 m to point 353;
Thence, N 27° 27' W	47.57 m to point 354;
Thence, N 53° 45' W	88.70 m to point 355;
Thence, N 05° 40' W	46.02 m to point 356;
Thence, N 51° 00' W	46.76 m to point 357;
Thence, N 12° 25' W	77.07 m to point 358;
Thence, N 41° 49' W	30.62 m to point 359;
Thence, N 15° 36' E	44.00 m to point 360;
Thence, N 23° 49' W	79.29 m to point 361;
Thence, N 33° 47' W	48.94 m to point 362;
Thence, N 15° 07' W	57.16 m to point 363;

Thence, N 16° 26' E	42.16 m to point 364;
Thence, N 25° 39' W	47.89 m to point 365;
Thence, N 42° 14' E	37.41 m to point 366;
Thence, N 00° 17' W	21.66 m to point 367;
Thence, N 47° 39' E	31.70 m to point 368;
Thence, N 88° 50' E	13.26 m to point 369;
Thence, S 78° 38' E	303.42 m to point 370;
Thence, N 46° 36' E	185.07 m to point 371;
Thence, N 49° 06' E	163.19 m to point 372;
Thence, N 73° 46' E	34.45 m to point 373;
Thence, N 25° 21' E	147.97 m to point 374;
Thence, N 19° 31' E	394.78 m to point 375;
Thence, N 67° 22' W	466.71 m to point 376;
Thence, N 87° 36' W	141.88 m to point 377;
Thence, S 75° 32' W	18.49 m to point 378;
Thence, N 32° 07' W	81.79 m to point 379;
Thence, S 78° 59' W	47.00 m to point 380;
Thence, N 44° 52' W	37.43 m to point 381;
Thence, N 23° 16' W	58.06 m to point 382;
Thence, N 38° 04' W	65.54 m to point 383;
Thence, N 60° 03' W	46.42 m to point 384;
Thence, N 30° 15' W	19.95 m to point 385;
Thence, N 29° 08' E	35.18 m to point 386;
Thence, N 10° 08' E	41.83 m to point 387;
Thence, N 58° 04' W	39.48 m to point 388;
Thence, N 59° 25' W	32.48 m to point 389;

Thence, N 82° 26' E	382.30 m to point 390;
Thence, N 82° 26' E	242.00 m to point 391;
Thence, N 38° 33' E	866.76 m to point 392;
Thence, N 64° 13' E	29.53 m to point 393;
Thence, S 46° 56' E	45.14 m to point 394;
Thence, S 07° 28' E	64.35 m to point 395;
Thence, S 11° 54' E	85.23 m to point 396;
Thence, S 45° 34' E	85.13 m to point 397;
Thence, S 36° 48' E	235.38 m to point 398;
Thence, S 83° 15' E	66.10 m to point 399;
Thence, S 11° 58' E	75.02 m to point 400;
Thence, S 48° 21' E	57.51 m to point 401;
Thence, S 76° 38' E	211.24 m to point 402;
Thence, N 60° 06' E	228.22 m to point 403;
Thence, N 53° 27' E	93.78 m to point 404;
Thence, N 30° 13' W	35.60 m to point 405;
Thence, N 04° 02' E	246.29 m to point 406;
Thence, Due West,	117.32 m to point 407;
Thence, N 22° 29' W	90.88 m to point 408;
Thence, N 00° 39' E	43.98 m to point 409;
Thence, N 07° 27' E	183.76 m to point 410;
Thence, S 65° 47' E	15.80 m to point 411;
Thence, N 51° 04' W	29.44 m to point 412;
Thence, N 14° 53' E	100.90 m to point 413;
Thence, N 33° 16' E	145.92 m to point 414;
Thence, N 14° 13' E	60.02 m to point 415;

Thence, N 36° 13' E	114.80 m to point 416;
Thence, N 22° 52' W	195.33 m to point 417;
Thence, N 21° 51' E	136.62 m to point 418;
Thence, N 72° 46' E	52.00 m to point 419;
Thence, N 13° 59' W	2,165.35 m to point 420;
Thence, N 68° 04' E	103.20 m to point 421;
Thence, S 56° 09' E	89.90 m to point 422;
Thence, S 45° 08' E	90.78 m to point 423;
Thence, S 77° 53' E	39.47 m to point 424;
Thence, N 79° 11' E	229.41 m to point 425;
Thence, N 72° 45' E	232.40 m to point 426;
Thence, N 62° 03' E	188.02 m to point 427;
Thence, N 83° 43' E	410.38 m to point 428;
Thence, N 18° 53' W	83.05 m to point 429;
Thence, N 12° 39' E	423.74 m to point 430;
Thence, S 54° 21' E	77.10 m to point 431;
Thence, N 37° 45' E	173.24 m to point 432, a monument P.L.S./B.L.;
Thence, S 67° 13' E	141.34 m to point 433, a monument P.L.S./B.L.;
Thence, S 32° 35' E	393.63 m to point 434;
Thence, S 17° 15' E	258.40 m to point 435;
Thence, S 82° 09' E	61.19 m to point 436;
Thence, N 79° 59' E	103.20 m to point 437;
Thence, N 56° 29' E	202.02 m to point 438;
Thence, S 67° 31' E	287.80 m to point 439;
Thence, S 16° 03' E	251.10 m to point 440;

Thence, S 38° 38' E	145.14 m to point 441;
Thence, N 85° 25' E	303.58 m to point 442;
Thence, S 56° 49' E	322.22 m to point 443;
Thence, N 86° 19' E	141.17 m to point 444;
Thence, N 27° 31' E	84.16 m to point 445;
Thence, N 79° 21' E	432.26 m to point 446;
Thence, S 41° 52' E	726.22 m to point 447;
Thence, S 44° 30' E	69.15 m to point 448;
Thence, S 73° 59' E	546.59 m to point 449;
Thence, S 47° 11' E	190.22 m to point 450;
Thence, S 74° 08' E	373.59 m to point 451;
Thence, N 71° 36' E	333.89 m to point 452;
Thence, S 51° 26' E	342.17 m to point 453;
Thence, S 29° 48' E	84.26 m to point 454;
Thence, S 84° 27' E	19.50 m to point 455;
Thence, S 66° 39' E	144.25 m to point 456;
Thence, S 34° 22' E	24.11 m to point 457;
Thence, S 42° 28' E	396.70 m to point 458;
Thence, S 73° 24' E	97.59 m to point 459;
Thence, N 89° 40' E	276.16 m to point 460;
Thence, S 14° 57' E	247.08 m to point 461;
Thence, S 37° 22' W	176.34 m to point 462;
Thence, S 27° 53' W	144.99 m to point 463;
Thence, N 60° 30' E	152.79 m to point 464;
Thence, N 89° 07' E	271.35 m to point 465, P.L.S./B.L. on a big rock;
Thence, S 72° 22' E	89.07 m to point 466;

Thence, S 84° 00' E	638.13 m to point 467, a monument;
Thence, N 39° 00' W	8.74 m to point 468, a monument;
Thence, S 45° 09' E	149.32 m to point 469;
Thence, N 04° 54' W	312.58 m to point 470;
Thence, N 49° 12' E	31.73 m to point 471, "X" mark on a rock;
Thence, N 29° 32' E	38.40 m to point 472;
Thence, N 54° 37' E	265.82 m to point 473;
Thence, S 70° 57' E	15.71 m to point 474;
Thence, S 80° 51' E	233.18 m to point 475;
Thence, S 25° 29' E	342.09 m to point 476, a monument;
Thence, S 44° 12' E	368.42 m to point 477, a monument;
Thence, S 44° 35' E	9.69 m to point 478, a monument;
Thence, S 48° 39' E	370.93 m to point 479, a monument;
Thence, N 63° 22' E	645.23 m to point 480;
Thence, N 72° 23' E	225.24 m to point 481;
Thence, N 69° 17' E	151.20 m to point 482, a monument;
Thence, S 87° 28' E	9.97 m to point 483;
Thence, N 84° 29' E	71.83 m to point 484;
Thence, S 64° 30' E	125.85 m to point 485;
Thence, S 69° 26' W	62.20 m to point 486;
Thence, S 73° 01' E	442.53 m to point 487;

Thence, S 00° 16' W	126.46 m to point 488, a monument;
Thence, S 35° 51' W	58.20 m to point 489;
Thence, S 17° 27' W	319.46 m to point 490;
Thence, S 32° 41' E	77.60 m to point 491;
Thence, S 57° 36' E	234.27 m to point 492;
Thence, N 81° 30' E	89.61 m to point 493;
Thence, S 89° 01' E	202.15 m to point 494, P.L.S./B.L. on a big rock;
Thence, S 81° 33' E	257.16 m to point 495;
Thence, S 30° 35' E	199.29 m to point 496, a monument;
Thence, S 38° 02' E	221.79 m to point 497;
Thence, S 84° 32' E	108.44 m to point 498;
Thence, S 78° 52' E	147.21 m to point 499;
Thence, S 47° 56' E	121.53 m to point 500;
Thence, S 28° 03' E	113.21 m to point 501;
Thence, S 66° 00' E	344.84 m to point 502;
Thence, S 66° 56' E	121.55 m to point 503;
Thence, S 09° 32' E	92.35 m to point 504, a monument M.C./F.Z. No. 2;
Thence, S 87° 33' W	97.00 m to point 505;
Thence, S 87° 33' W	1,858.22 m to point 506, a monument M.C./F.Z. No. 3;
Thence, S 00° 31' W	6,149.50 m to point 507; a monument M.C./F.Z. No. 4;
Thence, S 34° 20' W	48.98 m to point 508, a point along Lairanan River;

Thence, Due West upstream	620.00 m to point 509, of Lairanan River;
Thence, Due West upstream	1,000.00 m to point 510, of Lairanan River;
Thence, S 11° 00' E	300.00 m to point 511;
Thence, S 11° 00' W	238.00 m to point 512;
Thence, S 08° 00' W	450.00 m to point 513;
Thence, S 30° 00' W	350.00 m to point 514;
Thence, S 26° 08' W	238.00 m to point 515;
Thence, Southwest upstream of Magalao Creek	425.00 m to point 516;
Thence, S 67° 00' E	600.00 m to point 517;
Thence, S 30° 00' W	938.00 m to point 518;
Thence, S 76° 00' W	275.00 m to point 519;
Thence, S 20° 00' W	350.00 m to point 520;
Thence, S 02° 00' E	600.00 m to point 521;
Thence, S 43° 00' W	370.00 m to point 522;
Thence, S 21° 00' W	500.00 m to point 523;
Thence, S 33° 00' W	400.00 m to point 524;
Thence, S 14° 00' W	550.00 m to point 525;
Thence, S 34° 00' E	138.00 m to point 526;
Thence, N 63° 43' W	115.41 m to point 527;
Thence, N 61° 25' W	197.81 m to point 528;
Thence, N 60° 08' W	68.27 m to point 529;
Thence, N 44° 50' W	119.40 m to point 530;
Thence, S 69° 26' W	78.88 m to point 531;
Thence, N 74° 47' W	71.81 m to point 532;

Thence, S 67° 00' E	50.90 m to point 533;
Thence, N 60° 48' W	121.49 m to point 534;
Thence, N 68° 04' W	110.36 m to point 535;
Thence, N 22° 22' W	71.58 m to point 536;
Thence, S 86° 59' W	24.88 m to point 537;
Thence, S 18° 33' W	874.54 m to point 538;
Thence, S 36° 15' W	13.90 m to point 539; A creek;
Thence, S 41° 24' E	50.35 m to point 540; A creek;
Thence, S 31° 21' E	45.57 m to point 541; A creek;
Thence, S 12° 56' E	33.02 m to point 542; A creek;
Thence, S 22° 20' E	61.90 m to point 543; A creek;
Thence, S 54° 56' E	19.52 m to point 544; A creek;
Thence, S 05° 57' W	45.79 m to point 545; A creek;
Thence, S 02° 32' W	30.60 m to point 546; A creek;
Thence, S 18° 09' E	22.23 m to point 547; A creek;
Thence, S 21° 39' W	34.61 m to point 548;
Thence, S 42° 03' E	35.97 m to point 549;
Thence, S 33° 45' E	57.38 m to point 550;
Thence, S 15° 16' W	20.89 m to point 551;
Thence, S 42° 26' E	52.11 m to point 552;
Thence, S 57° 45' E	152.90 m to point 553;
Thence, N 49° 48' E	57.00 m to point 554;
Thence, N 64° 05' E	54.45 m to point 555;
Thence, S 25° 32' E	80.56 m to point 556;
Thence, S 57° 48' E	61.10 m to point 557;
Thence, S 55° 11' E	63.91 m to point 558;

Thence, S 64° 21' W	1,251.09 m to point 559, M.C./F.Z.;
Thence, S 30° 37' W	2,933.47 m to point 560, M.C./F.Z.No. 8;
Thence, S 36° 59' E	1,322.30 m to point 561;
Thence, S 61° 35' W	3,380.85 m to point 1, the point of beginning at plan NP or P.B.M. No. 4 between Negros Occidental and Negros Oriental recorded in Pontevedra Cadastre No. 60, B.L. Case No.2, Negros Oriental, containing an approximate total land area of 24,388 hectares.

SEC. 5. *Establishment of a Buffer Zone.* – An area for the exploration, development, and utilization of geothermal energy resources as well as other exploration activities is hereby established as the buffer zone with the following technical description:

Beginning at a point marked "1" on plan, being S 66° 25' 43.616" E, 2591.09 meters from PBM No. 29, Bago City;

Thence, N 00° 10' 00.061" E	256.43 meters to point 2;
Thence, S 87° 26' 00.162" E	515.04 meters to point 3;
Thence, N 17° 09' 59.953" W	177.00 meters to point 4;
Thence, N 21° 05' 00.265" E	263.15 meters to point 5;
Thence, N 65° 20' 59.849" W	392.21 meters to point 6;
Thence, N 48° 20' 59.842" E	57.37 meters to point 7;
Thence, N 33° 07' 00.409" E	240.19 meters to point 8;
Thence, S 21° 32' 59.909" E	173.62 meters to point 9;
Thence, N 56° 38' 59.926" E	157.30 meters to point 10;
Thence, N 32° 51' 59.773" W	52.80 meters to point 11;
Thence, N 71° 59' 59.632" E	100.00 meters to point 12;
Thence, N 71° 20' 00.116" E	243.76 meters to point 13;

Thence, N 13° 36' 59.826" W	156.11 meters to point 14;
Thence, N 58° 32' 52.757" E	9.68 meters to point 15;
Thence, S 88° 55' 58.078" E	47.57 meters to point 16;
Thence, S 75° 03' 03.400" E	35.99 meters to point 17;
Thence, S 63° 08' 01.688" E	63.90 meters to point 18;
Thence, N 80° 52' 00.810" E	137.48 meters to point 19;
Thence, N 73° 59' 00.477" E	92.71 meters to point 20;
Thence, N 36° 49' 58.981" E	56.60 meters to point 21;
Thence, N 21° 22' 59.083" E	17.32 meters to point 22;
Thence, N 57° 18' 05.766" E	878.88 meters to point 23;
Thence, S 60° 51' 00.585" E	599.55 meters to point 24;
Thence, S 29° 08' 58.590" W	751.54 meters to point 25;
Thence, N 60° 16' 00.976" W	673.44 meters to point 26;
Thence, S 27° 37' 59.013" W	1,051.62 meters to point 27;
Thence, S 87° 28' 57.536" W	410.05 meters to point 28;
Thence, S 18° 30' 00.110" E	579.07 meters to point 29;
Thence, N 71° 26' 59.347" W	888.69 meters to the point of beginning; containing an area of one hundred sixty- nine (169) hectares, more or less.

Any geothermal exploration for or development of energy or mineral resources within the MKNP shall not be allowed except by an Act of Congress. Moreover, permits for geothermal activities shall be pursuant to relevant forestry and environmental regulations: *Provided*, That areas within the buffer zone which shall not be used directly for the development and utilization of geothermal energy shall remain under the control and jurisdiction of the PAMB.

The proponent of the geothermal project shall contribute to the Integrated Protected Area Fund (IPAF) to be established by the DENR pursuant to the NIPAS Act and pertinent DENR rules

and regulations. Moreover, the PAMB of the MKNP shall be represented in the multi-partite environmental monitoring committee for the geothermal operation undertaken within the buffer zone subject to Presidential Decree No. 1586 or the Environmental Impact Statement System, DENR Administrative Order 96-37, Series of 1996 (Strengthening the Implementation of the Environmental Impact Statement System), and pertinent DENR rules and regulations.

ARTICLE II

MANAGEMENT, MANAGEMENT PLAN, AND ZONING

SEC. 6. *Management of the MKNP.* – The management and administration of the MKNP shall be vested with the PAMB: *Provided,* That the management of zones to be established within the MKNP shall be consultative and participatory.

SEC. 7. *Local Government Units.* – Local government units shall participate in the management of the MKNP through representation in the PAMB. To allow the integration of the objectives of the MKNP with the development plans for the Island of Negros, the local government units shall ensure that local ordinances relating to the environment including the allocation of funds for environmental programs are consistent with this Act and the Management Plan as herein provided.

SEC. 8. *Management Plan.* – In order to achieve the objectives of this Act, there shall be a Management Plan which shall provide a long-term basic framework on the management of the MKNP, govern all activities within the MKNP, and serve as guide in the preparation of its annual operations and budget. The Management Plan shall identify the allowed uses for each zone. For specialized uses such as academic and scientific purposes, consultations shall be conducted by a committee of four (4) PAMB representatives and four (4) representatives from concerned LGUs: *Provided,* That the PAMB representatives shall not come from any of the involved LGUs. The Management Plan shall be consistent with the nature of the MKNP as a protected area under the category of a natural park.

Within one (1) year from the effectivity of this Act, the PASu shall prepare the Management Plan in accordance with the General Management Planning Strategy as provided for in the NIPAS Act in coordination with the appropriate offices of the DENR, local communities, and experts who may offer their services. It shall contain, among others, the following:

(a) A period of applicability for thirty (30) years subject to periodic review every five (5) years;

(b) Key management issues;

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

(d) Site management strategies;

(e) Zoning in accordance with Section 9 hereof;

(f) Management programs to include enforcement of laws, habitat and wildlife management, ecotourism, sustainable use management, infrastructure development and maintenance, fire prevention and pest control;

(g) Mechanisms for protection of ICCs/IPs and tenured migrants in the exercise of their rights;

(h) Sustainable and non-destructive livelihood activities;

(i) Regulations in furtherance of the preservation and conservation objectives of the MKNP as a protected area such as the issuance of permits, resource-use restrictions, among others;

The Management Plan shall be reviewed and adopted by the PAMB and certified to by the DENR Secretary that it conforms to all laws, rules, and regulations issued by the DENR. The Management Plan shall not be revised nor modified without prior consultation with the PAMB and must be in accordance with the procedure herein set forth.

The Management Plan shall be periodically reviewed and shall be updated every five (5) years pursuant to the NIPAS Act.

A year before the expiration of the current 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 of the local government units comprising the MKNP, and in three (3) other conspicuous areas frequented by the public within the MKNP. Two public hearings on the same calendar year shall be conducted on the successor plan. The proposed Management Plan shall be made available for public perusal at the Office of the PASu.

The Management Plan shall be prepared in English, Tagalog, Ilonggo, and Cebuano, plainly written, and available for public perusal at the office of the PASu.

SEC. 9. *Zoning.* – Zones shall be established within the MKNP giving primary consideration to its protection and conservation. Zoning shall also take into account the tenurial and livelihood concerns of communities to ensure the efficient protection of habitats, fragile ecosystems, and unique areas.

The establishment and management of zones must involve the community concerned by undertaking such steps as dialogue consultations, and land and resource-use mapping with the aid of Geographic Information System (GIS) and the latest technologies. Zones shall be demarcated on the ground and indicated on maps with the participation of communities, local government units, and other stakeholders.

ARTICLE III
*INSTITUTIONAL MECHANISMS, ROLES,
AND FUNCTIONS OF MANAGEMENT*

SEC. 10. *Institutional Mechanisms.* – (A) The PAMB shall be the policy-making body of the MKNP. It shall be composed of:

(1) The Regional Executive Directors (RED) of DENR Regions VI and VII, with the RED of Region VI as PAMB chair;

(2) The Governors of Negros Occidental and Negros Oriental, or their respective duly authorized regular representatives;

(3) The mayors of municipalities and cities with territory within the MKNP, or their respective duly authorized regular representatives;

(4) All barangay captains of barangays with territory within MKNP, or their respective duly authorized regular representatives;

(5) Three (3) representatives from NGOs based in Negros Occidental which are accredited with the DENR and the LGU and with tangible projects at the time of their membership in the PAMB;

(6) A PO representative chosen from among themselves for each municipality and city with territory within the MKNP: *Provided*, That the POs are accredited with the DENR and the LGU and with tangible projects at the time of their membership in the PAMB;

(7) The Provincial Planning and Development Officers (PPDO) of Negros Occidental and Negros Oriental;

(8) An ICC/IP representative for each tribal community within the MKNP; and

(9) A duly authorized representative with environmental expertise of the Philippine National Oil Company Energy Development Corporation (PNOC EDC).

(B) 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:

(1) The RED of DENR Region VI as chairman;

(2) The Governors of Negros Occidental and Negros Oriental, or their respective duly authorized, regular representatives;

(3) Two (2) mayor representatives, to be chosen from among themselves, or their respective duly authorized, regular representatives;

(4) Two (2) barangay captain representatives, one each from Negros Occidental and Negros Oriental, to be chosen from among themselves; or their respective duly authorized, regular representatives;

(5) One (1) from the NGO representatives;

(6) One (1) from the PO representatives;

(7) One (1) from the ICC/IP representatives; and

(8) One (1) from the PNOC EDC.

(C) Except for government officials who shall serve *ex officio*, every 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: *Provided, further*, That the term of office of an NGO/PO representative in the PAMB shall be coterminous with the duration or existence of the organization's projects within the MKNP. Whenever a vacancy occurs during the term of a nongovernment PAMB member, 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.

(D) The PAMB *en banc* shall hold regular meetings at least once a year. The PAMB Execom shall hold regular meetings at least once every trimester. Special meetings may be called upon proper notice as the need arises.

(E) PAMB members shall be entitled to reimbursement of actual travelling 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 MKNP budget.

SEC. 11. *Functions of the PAMB.* – The PAMB shall decide by a majority vote and shall have the following powers and functions:

(a) Issue all rules and regulations to prohibit and regulate acts that may be prejudicial to the MKNP pursuant to the policy declarations herein set forth;

(b) Issue all necessary permits within the MKNP in accordance with the Management Plan and pertinent laws and DENR forestry and environmental rules and regulations;

(c) Recommend to the DENR Secretary the criteria on fees for the issuance of permits for activities regulated by this Act or the Management Plan;

(d) Evaluate and approve project or program proposals to be implemented within the MKNP;

(e) Adopt rules of procedure for the conduct of business, including the creation of committees to whom its powers may be delegated;

(f) Approve the Management Plan and oversee the Office of the PASu;

(g) Deputize through the PASu, interested individuals for the enforcement of the laws, rules and regulations governing conduct within the MKNP and prescribe the necessary qualifications therefor;

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

(i) Coordinate with appropriate agencies of the government, such as the regulation of flight patterns of aircraft going over the area in terms of altitudinal limits and emissions; and

(j) Retain legal counsel, either on a permanent or temporary basis, to defend cases against the PAMB, the PASu staff and deputized individuals whenever they are sued in connection with the performance of their duties under this Act, and to assist in other PAMB legal matters.

The DENR, through the RED of Region VI, 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 rules and regulations or resolutions issued by the PAMB, the DENR Secretary shall decide whether to apply the rule or withdraw its application from the MKNP.

SEC. 12. *The Office of the PASu.* – There shall be an Office of the Protected Area Superintendent within the DENR to be headed by the PASu who shall serve as the Chief Operating Officer of the MKNP. The PASu shall possess the qualifications required for appointment to the position of Provincial Environment and Natural Resources Officer (PENRO) in the DENR. The PASu shall be directly accountable to the PAMB and the RED of Region VI. The PASu shall have the following powers and functions:

(a) Prepare the Management Plan as herein provided;

(b) Serve as head of the Secretariat for the PAMB with the duty to provide the PAMB with all the information necessary for it to make appropriate decisions;

(c) Hire and supervise the necessary personnel to support operations which shall be included in the annual budget of the DENR;

(d) Establish a productive partnership with the local community, including groups interested in the achievement of

the goals and objectives of the MKNP, and in the planning, protection and management thereof;

(e) Develop and implement a park information, education and visitor programs;

(f) Enforce laws, rules and regulations relevant to the MKNP and assist in the prosecution of offenses;

(g) Monitor all activities within the MKNP for conformity with the Management Plan; and

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

ARTICLE IV

ANCESTRAL LANDS / DOMAINS AND TENURED MIGRANTS

SEC. 13. *Ancestral Lands and Domains.* – The rights of ICCs/IPs in the MKNP to their ancestral lands and domains shall be recognized subject to existing and prior property rights. Traditional property regimes exercised by ICCs/IPs in accordance with their customary laws shall govern the relationship of all individuals within their communities with respect to all land and other resources found within their ancestral lands and domains.

The provisions of this Act shall be construed liberally in favor of the ICCs/IPs in accordance with the preservation and conservation objectives of the MKNP. Nothing herein shall be construed to impair, diminish or derogate any prior or existing right currently enjoyed by ICCs/IPs under existing laws.

SEC. 14. *Tenured Migrants and Transient Farmers.* – Tenured migrants are those members of households that have actually and continuously occupied the MKNP since June 1, 1987 and are solely dependent on the MKNP for their livelihood. For purposes of official documentation of rights and extent of occupation within the MKNP, the tenured migrant household shall be issued a tenurial instrument over such areas as have been occupied or cultivated but not to exceed a maximum of three (3) hectares. If despite consideration paid to current practices, areas occupied by

tenured migrants are designated as zones in which no occupation or other activities are allowed, provisions for their transfer to multiple-use zones shall be accomplished using humanitarian considerations.

To effectively provide a social fence to prevent encroachment into the MKNP, the tenurial instruments to be issued pursuant to this Act must be community-based, limited solely to multiple-use zones, promote clustering, and comply with the zoning and Management Plan, as provided herein.

In no case shall the tenurial instruments or the rights and interests therein be transferred, sold, leased, encumbered, or made as a collateral, security or joint venture capital, otherwise it shall be void: *Provided*, That said rights can only be transferred to direct descendants.

Any violation of the terms and conditions of the tenurial instrument or any provision of this Act or abandonment by a tenured migrant shall constitute sufficient ground for the revocation of his/her tenurial right.

Upon cancellation of a tenured migrant instrument for cause or by voluntary surrender of rights, the PASu shall take immediate steps to rehabilitate the area in order to return it to its natural state prior to the cultivation or other act by the tenured migrant.

Occupants who do not qualify as tenured migrants but have been occupying areas of the park prior to the enactment of this Act shall be relocated to the multiple-use areas or available alienable and disposable (A and D) lands of the public domain that are proximal to their original abode. Occupants who shall be relocated within the multiple-use zones shall qualify for usufruct use while those relocated to A and D areas may apply for ownership titles. Park occupants shall be given priority in the government's relocation programs.

ARTICLE V
PROHIBITED ACTS

SEC. 15. *Prohibited Acts.* – The following shall be the prohibitions and penalties applicable within the MKNP:

(A) A fine of not less than Five thousand pesos (P5,000) but not more than Five hundred thousand pesos (P500,000) and imprisonment of not less than six (6) years and one (1) day but not more than twelve (12) years shall be imposed upon any person who:

(1) Hunts, collects, destroys, traps, disturbs or possesses anywhere within the MKNP any wild plant or animal or product derived therefrom without prior PAMB permit.

(2) Possesses without a permit from PAMB any wild plant or animal or product derived therefrom outside the MKNP or any zone of MKNP where the specie is not endemic.

(3) Cuts, gathers, collects or removes timber or other forest products as well as undertakes any activity not compatible with the use of the respective zones within the MKNP without prior PAMB permit: *Provided*, That any permit issued shall be valid for only one (1) month from the date of issue either to tenured migrants within sustainable monitored and controlled quotas or for scientific purposes necessary for protected area management in accordance with existing guidelines, and outside the strict protection zones.

(4) Establishes or introduces exotic species within the MKNP with allelopathic effect or those detrimental to endemic species, or without prior PAMB permit.

(5) Engages in kaingin or in any activity that causes forest fire inside the MKNP.

(B) A fine of not less than Five thousand pesos (P5,000) but not more than Two hundred fifty thousand pesos (P250,000) and/or imprisonment of not less than six (6) months but not more

than six (6) years and the restoration and rehabilitation of the damage 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 MKNP, or the burial or religious sites including artifacts and other objects belonging to ICCs/IPs.

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

(4) Uses or possesses a motorized equipment anywhere within the Strict Protection Zone of the MKNP without a prior permit from the PAMB.

(5) Uses or possesses chainsaws and band saws without prior PAMB permit: *Provided*, That permits may only be issued for multiple-use zones.

(6) Grazing or raising of poultry and other livestock for commercial purpose within the MKNP: *Provided*, That existing grazing or poultry and other livestock farms within the MKNP shall be phased out within five (5) years.

(7) Damaging or leaving roads and trails in damaged condition.

(8) Occupies any portion of land inside the MKNP without a prior PAMB permit. Clearing, construction of residence or any introduction of improvements shall constitute *prima facie* evidence of occupation or settlement.

(9) Altering, removing, destroying or defacing boundaries, marks or signs.

(10) Constructs and maintains a building, edifice or any kind of structure or conducts any business enterprise within the MKNP without prior PAMB permit.

(11) Enters the MKNP without prior PAMB permit for purposes of trekking, mountain climbing, camping, spelunking, and the like.

(12) Conducts bioprospecting within the MKNP without prior PAMB permit in violation of existing guidelines.

(13) Engages in treasure hunting within the MKNP.

(C) A fine of not less than One hundred thousand pesos (P100,000) but not more than Five hundred thousand pesos (P500,000) and/or imprisonment of not less than six (6) months but not more than six (6) years shall be imposed upon any public officer, or officer of law, who, in dereliction of the duties of his office shall maliciously refrain from instituting prosecution for the punishment of violators of the law, or shall tolerate the commission of offenses. Conviction of this offense shall also carry the penalty of perpetual disqualification from public office.

(D) Any provision to the contrary notwithstanding, the commission of any unlawful act enumerated under Section 15(A) herein shall carry the penalty of imprisonment of not 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) to One million pesos (P1,000,000) in addition to the accessory penalties provided in the immediately succeeding paragraph, in case the species involved is a protected species as defined herein. Furthermore, any citizen may institute the necessary charge against the offender for commission of the acts enumerated under Section 15(A) involving protected species.

(E) A conviction under this Section shall likewise carry the penalty of eviction from the MKNP, payment of damages for rehabilitation and restoration, and the forfeiture of all equipment, device weapon/s used in the commission of the offense as well as the protected area resources caught in the possession of the accused.

In case the offender is not a citizen of the Philippines, 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 his/her employees and laborers.

(F) The PASu or his/her duly deputized personnel may arrest even without a warrant any person who has committed or is committing in his/her presence any of the offenses defined in this Section. He/she may also seize and confiscate in favor of the Government, the tools and equipment used in committing the offense and the resources caught in the possession of the offender and file the necessary charges therefor: *Provided*, That the DENR may impose administrative fines and penalties in accordance with law.

(G) In case of conviction, the penalty consisting of fines and damages shall directly accrue to the IPAF as provided herein.

SEC. 16. *Special Prosecutors.* – Within thirty (30) days from the effectivity of this Act, the Department of Justice shall designate a special prosecutor to whom all cases of violation of laws, rules and regulations in the MKNP 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.

ARTICLE VI *PROCEEDS AND FEES*

SEC. 17. *Integrated Protected Areas Fund.* – 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 MKNP shall accrue to the Fund. These income shall be derived from proceeds 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, endowments 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 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 no amount shall be disbursed for the operating expenses of the Department and other concerned agencies.

Current sources of revenue of the local government units shall be excluded from the IPAF.

The PAMB shall have the power to disburse the IPAF. Twenty-five per cent (25%) of the IPAF shall be for the use of the national government for the support of the National Integrated Protected Areas System: *Provided*, That twenty-five per cent (25%) thereof shall be allocated to the local government units comprising the MKNP.

ARTICLE VII *EXISTING FACILITIES*

SEC. 18. *Existing Facilities within the MKNP.* – Within ninety (90) days from the effectivity of this Act, all commercial facilities existing within the boundaries of the MKNP with a total capitalization of not less than One hundred thousand pesos (P100,000) shall submit to the PAMB through the PASu a sworn statement containing the following information:

(a) Potential for disturbance of protected species and their habitats, reproductive cycles, 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;
- (e) Water supply requirements and sources of water;
- (f) Volume of resources extracted from the MKNP;
- (g) Future plans for the next five (5) years.

Based on these submissions, the PAMB, with the assistance of the DENR, shall determine whether the existence of such facility and its future plan and operation will be detrimental to the MKNP.

Failure to submit the required information shall constitute a violation of this Act and subject to the penalties imposed under Section 15(B) hereof. The PAMB may prescribe further conditions for the operation of the facility to ensure that it does not contradict the management objectives of the MKNP. Without prejudice to the filing of the necessary case under Section 15(B)(1) hereof, if any of such conditions are violated, an administrative fine of Five thousand pesos (P5,000) for every day of violation shall be imposed upon the owners of said facility but not to exceed a total of Five hundred thousand pesos (P500,000). 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 that rely heavily on resources within the MKNP which are allowed to remain within the MKNP may be charged reasonable fees or subject to reasonable conditions by the PAMB. All incomes derived from such fees shall accrue to the IPAF.

ARTICLE VIII *UTILIZATION OF RESOURCES*

SEC. 19. *Utilization of Resources.* – Except for protected species or whenever detrimental to the ecosystem, use of resources

derived from the MKNP by tenured migrants and ICCs/IPs for their domestic needs or for their subsistence shall not be restricted.

Livelihood activities requiring the use of resources derived from the MKNP shall be allowed only when sustainable consistent with the Management Plan and only upon prior PAMB approval. Only non-timber products can be used for livelihood purposes.

No exploration, exploitation or utilization of non-renewable resources within the MKNP for commercial purposes or by non-tenured migrants or non-ICCs/IPs shall be allowed. Commercial utilization of resources by tenured migrants and ICCs/IPs shall be allowed only upon prior PAMB approval and in accordance with the Management Plan.

Commercial exploitation of water resources within the MKNP shall require prior PAMB approval, must be in accordance with the Management Plan and should undergo the Environmental Impact Statement (EIS) System.

ARTICLE IX

TRANSITORY AND MISCELLANEOUS PROVISIONS

SEC. 20. *Appropriations.* – The Secretary of the DENR shall include in its program the implementation of this Act, the funding of which shall be charged against the Integrated Protected Areas Fund authorized under Section 17 hereof and from the appropriations authorized under the annual General Appropriations Act.

SEC. 21. *Construction.* – The provisions of this Act shall be construed liberally in favor of tenured migrants and ICCs/IPs and with due consideration to the protection of biodiversity. The NIPAS Act shall be suppletory in the implementation of this Act.

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

SEC. 23. *Transitory Provisions.* – Pending the organization of a new PAMB in accordance with this Act, the incumbent PAMB

members shall continue to hold office until a new PAMB has been convened within three (3) months from the effectivity of this Act. The current staff comprising the PASu Office shall be retained in the Office of the PASu created herein.

Within three (3) months from the effectivity of this Act, 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 district representatives or their representatives shall undertake the preparation of the Implementing Rules and Regulations of this Act.

SEC. 24. Repealing Clause. – All laws, proclamations, rules and regulations inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 25. Effectivity Clause. – This Act shall be translated in English, Filipino, Cebuano, and Ilonggo and shall be published once every week for three (3) consecutive weeks in a newspaper of general circulation which is readily available in the areas in and around the MKNP. This Act shall likewise be simultaneously posted in the appropriate language in a conspicuous place in the provincial, municipal and barangay halls within the area as well as in three (3) other places frequented by the public. Fifteen (15) days after the last publication and posting, this Act shall have full force and effect.

Lapsed into law on August 11, 2001 without the President's signature, pursuant to Sec. 27(1), Article VI of the Constitution.